

Committee: Strategic Development	Date: 24 January 2013	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Paul Buckenham	Ref No: PA/12/02856 (Full Planning Application)
	Ward: Limehouse

1. APPLICATION DETAILS

Location: Land to the south of 52 Stainsby Road to the north of 88 Stainsby Road and at the western end of Cotall Street E14

Existing Use: Vacant land, open space and changing rooms

Proposal: Demolition of the existing single storey temporary shower rooms south of 52 Stainsby Road and the erection of two buildings of 5, 6 and 10 storeys, one on the corner of Stainsby Road/Cotall Street and the other on the corner of Stainsby Road/Lindfield Street comprising 150 new residential dwellings (43 x 1 bed, 64 x 2 bed, 37 x 3 bed, 4 x 4 bed and 2 x 5 bed), together with a 794 sq.m waterside centre (including associated boat storage) (Use Class D1) and café (Use Class A3), cycle parking, private amenity space and other associated works.

Drawing and documents: List of Plans:

2291-PL-001-P01; 2291-PL-002-P01; 2291-PL-005-P01; 2291-PL-006-P01;
2291-PL-100-P02; 2291-PL-101-P02; 2291-PL-102-P02; 2291-PL-103-P02;
2291-PL-104-P02; 2291-PL-105-P02; 2291-PL-106-P02; 2291-PL-107-P02;
2291-PL-108-P02; 2291-PL-109-P02; 2291-PL-110-P02; 2291-PL-120-P03;
2291-PL-121-P01; 2291-PL-122-P01; 2291-PL-123-P01; 2291-PL-124-P01;
2291-PL-125-P01; 2291-PL-126-P02; 2291-PL-127-P01; 2291-PL-128-P01;
2291-PL-129-P01; 2291-PL-130-P02; 2291-PL-131-P01; 2291-PL-140-P03;
2291-PL-141-P02; 2291-PL-142-P02; 2291-PL-143-P02; 2291-PL-144-P02;
2291-PL-145-P02; 2291-PL-146-P02; 2291-PL-147-P02; 2291-PL-148-P02;
2291-PL-149-P02; 2291-PL-150-P03; 2291-PL-151-P02; 2291-PL-200-P02;

2291-PL-210-P01; 2291-PL-211-P01; 2291-PL-212-P01; 2291-PL-220-P02;
2291-PL-221-P02; 2291-PL-222-P02; 2291-PL-300-P01; 2291-PL-310-P02;
2291-PL-007-P02; 2291-PL-008-P01; 2291-PL-009-P01; 2291-PL-010-P01
2291-PL-011-P01; 2291-PL-012-P01; 2291-PL-013-P01; 2291-PL-014-P01
2291-PL-320-P01; 2291-PL-321-P01; 2291-PL-322-P01; 2291-PL-323-P01
2291-PL-324-P01; 2291-PL-325-P01; 2291-PL-400-P01; 2291-PL-401-P01
2291-PL-402-P01; 2291-PL-403-P01.

- Design and Access Statement
- Planning and Impact Statement
- Statement of Community Involvement
- Land Quality Phase 1 Desk Top Study Report
- Noise Survey Report
- Arboriculture Impact Assessment
- Energy Statement
- Energy Statement Addendum Note 1
- Sustainability Statement
- Air Quality Assessment
- Sustainability Statement
- Sunlight and Daylight Report
- Preliminary Ecological Appraisal
- Wind Environment Assessment
- Transport Assessment
- TV and Radio Reception Study
- Viability Assessment

Applicant: Poplar HARCA

Ownership: London Borough of Tower Hamlets and East Thames Group

Historic Building: None

Conservation Area: None

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1. Officers have considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998, (Saved policies); associated Supplementary Planning Guidance, the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development DPD (Submission Version May 2012) as amended, the London Plan (2011) and the National Planning Policy Framework 2012, and have found that:

2.2 The principle of redeveloping the brownfield site to provide a mixed use proposal consisting of 150 residential units, a modern, purpose built waterside centre and a café together with the extension of the Bartlett Park would complement and enhance the surrounding area and the Limehouse Cut Canal. This proposal is acceptable in land use terms and is

consistent with adopted, national and local planning policies SCF1 of the Interim Planning Guidance (2007), SP01, SP02, SP03, SP08, SP09 and SP12 of the Adopted Core Strategy (2010) and Policies DM3, DM8, DM10, DM12, DM23, DM24 and DM25 of the Managing Development DPD (Submission Version May 2012) as modified.

- 2.3 The proposal makes efficient use of the site and provides an increase in the supply of housing and affordable housing at an acceptable density. As such, it accords with policies 3.3 and 3.4 of the London Plan (2011), Policy SP02 of the Adopted Core Strategy (2010), saved Policy DEV3 of the Unitary Development Plan (1998), Policy DM3 of the Managing Development DPD (Submission Version May 2012) as modified and Policy HSG1 of the Council's Interim Planning Guidance (2007) which seek the maximum intensity of use compatible with local context.
- 2.4 The scheme will result in a net gain of open space by the extension of the Bartlett Park. It will also provide replacement and additional facilities to ensure the function, use and enjoyment of the open space is maintained and enhanced in accordance with Policy DM10 of the Managing Development DPD (Submission Version May 2012) as modified and Policy SP04 of the adopted Core Strategy (2010).
- 2.5 The density of the scheme does not result in any of the significant adverse impacts typically associated with overdevelopment. This is therefore acceptable in terms of Policy 3.4 of the London Plan (2011), Policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), Policy SP02 of the Adopted Core Strategy (2010), Policies DM24 and DM25 of the Managing Development DPD (Submission Version May 2012) as modified and Policies HSG1, DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure development acknowledges site capacity and does not have a significant adverse impact on neighbouring amenity.
- 2.6 The proposed development responds sensitively and positively to the sites' constraints; it does not create unacceptable impacts on the surrounding environment or on social and physical infrastructure. Furthermore, the impacts of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure are not considered to be unduly detrimental and the benefits of the scheme are considered to outweigh any harm caused as a consequence of amenity impacts. As such, the proposal accords with Policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), Policy SP10 of the Adopted Core Strategy (2010), Policies DM24 and DM25 of the Managing Development DPD (Submission Version May 2012) as amended and Policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure development does not have an adverse impact on neighbouring amenity.
- 2.7 The proposed residential units would be designed to achieve good standards of accommodation and amenity. The new units would comply with the London Mayor's London Housing Design Guide (2012). All the new units would be built to "Lifetime Homes" standards and 10% would be easily adaptable for wheelchair bound users. As such, the proposal would accord with policy 3.8 of the London Plan (2011), policy SP02 of the Core Strategy and DM4 of the Managing Development DPD (submission version 2011) as modified.
- 2.8 On balance and in view of site constraints and proximity to Bartlett Park, the quantity and quality of housing amenity space, communal space, child play space and open space are acceptable given the urban nature of the site and broadly accords with Policy 3.6 of the London Plan (2011), Policies DEV1, DEV12 and HSG16 of the Council's Unitary Development Plan (1998), Policy SP02 of the Adopted Core Strategy (2010), Policy DM4 of the Managing Development DPD (Submission Version May 2012) as amended and Policies DEV2, DEV3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007)

which seek to improve amenity and liveability for residents.

- 2.9 The building height, scale, bulk, design and relationship of the proposed development with the surrounding local area including the Bartlett Park are acceptable and accord with, Policies 3.5 and 7.17 of the London Plan (2011), saved Policies DEV1, DEV2 of the Council's Unitary Development Plan (1998), Policies SP04 and SP10 of the Adopted Core Strategy 2010, Policies DM24 and DM27 of the Managing Development DPD (Submission Version May 2012) as amended and Policies DEV1, DEV2, DEV3, DEV4 and CON2 of the Council's Interim Planning Guidance (2007) which seek to ensure buildings are of a high quality design and are sensitive to the appearance and character of nearby Limehouse Cut Conservation Area and the setting of the nearby Grade II listed building (St Saviours Church).
- 2.10 The scheme would deliver improved and accessibility into Bartlett Park whilst being designed to provide a safe and secure environment for existing and future residents. The development accords with Policy DEV1 of the Council's Unitary Development Plan (1998), Policies SP09 and SP10 of the Adopted Core Strategy (2010), Policies DM23 and DM24 of the Managing Development DPD (Submission Version May 2012) as amended and Policy DEV4 of the Council's Interim Planning Guidance (2007), which require all developments to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
- 2.11 Transport matters, including disabled car parking, cycle parking, vehicular access and servicing, pedestrian access and inclusive design on balance would be acceptable and in view of the site constraints and the availability of on street car parking spaces in the vicinity of the site would be broadly in line with London Plan Policies 6.1, 6.9, 6.13, saved Policies T16, T18 and T19 of the Council's Unitary Development Plan (1998), Policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007), Policies SP08 and SP09 of the Adopted Core Strategy Development Plan Document (2010) and Policy DM22 of the Managing Development DPD (proposed submission May 2012) as amended, which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.12 Sustainability matters, including energy and climate change adaptability are, on balance, acceptable and accord with Policies 5.1-5.3 of the London Plan (2011), Policies SP04, SP05 and SP11 of the Adopted Core Strategy (2010), Policy DM29 of the Managing Development DPD (Submission Version May 2012) as amended and Policies DEV5 to DEV9 of the Council's Interim Planning Guidance (2007) which seek to promote sustainable development practices.
- 2.13 The proposed development will provide appropriate contributions towards the provision of affordable housing, health facilities, open space, transportation improvements, education facilities and employment opportunities for residents, in line with the NPPF, Policy DEV4 of the Council's Unitary Development Plan (1998), Policy IMP1 of the Council's Interim Planning Guidance (2007) and the Councils Planning Obligations SPD (Adopted 2012) which seek to secure contributions toward infrastructure and services required to facilitate proposed development subject to viability.

3. RECOMMENDATION

- 3.1. That the Strategic Development Committee resolve to **GRANT PLANNING PERMISSION** for application PA/12/02856 subject to:
- 3.2 A. Any direction by **The London Mayor**;

3.3 B. The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) within three months of the date of this resolution, to secure the following planning obligations:

• Contribution to training, employment and enterprise initiatives	£41,047
• Contribution to Idea Stores, libraries and archives	£41,814
• Contribution to Bartlett Park landscape master plan	£648,507
• Contribution to primary and secondary education	£754,744
• Contribution to primary health care	£75,000
• Contribution to sustainable transport projects	£4,905
• Standard monitoring charge (2%)	£26,718
Total	£1,592,735

Non Financial Obligations

- Provision of affordable housing (54% by habitable room) with appropriate triggers and controls over delivery
- Phasing of housing delivery linked across both sites
- Replacement of open space lost to the development (land at the junction of Stainsby Road and Lindfield Road) within a specified period
- Car free agreement
- Submission of a scheme and associated planning application for treatment of Cotall Street and access to the Limehouse Cut
- Commitments to employment, training and procurement of goods and services at construction and end user phases

3.4 That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement indicated above.

3.5 That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

3.6 Compliance

1. Time Limit 3 years
2. Compliance with plans and documents
3. 20% electric vehicle charging points on site
4. Compliance with Energy and Sustainability Strategy submitted
5. All residential accommodation to be completed to lifetimes homes standards
6. Refuse and Recycling to be implemented in accordance with approved plans
7. The scheme to meet the standards of Secure by Design
8. Hours of construction (08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays)
9. Ensure pedestrian access points are level or gently ramped.
10. Restrict use as a waterside centre unless otherwise agreed in writing
11. Works to be undertaken in compliance with Flood Risk Assessment

3.7 Prior to commencement

1. Ground contamination – investigation and remediation
2. No impact piling shall take place until a piling method statement has been submitted and approved
3. Drainage details and mitigation of surface water run-off
4. Submission of all facing materials and samples
5. Approval of sound insulation measures in accordance with agreed standards
6. Construction Environmental Management Plan
7. Scheme of Highways Works (S.278)
8. External lighting and CCTV details
9. Details of brown and green roofs and other ecological mitigation measures
10. Landscaping and boundary treatment details
11. Submission of details of the wheelchair housing specification/standards to show at least 10% units are wheelchair adaptable
12. Details of cycle storage
13. Details of on-site disabled parking bays
14. Details of external plant and ventilation, including noise attenuation measures
15. Details of external flues to café
16. Archaeological investigation and watching brief

3.8 Prior to Occupation

17. Delivery and Servicing Plan
18. Waste Management Plan
19. Code for Sustainable Homes post completion assessment
20. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

4. SITE AND SURROUNDINGS

- 4.1 The application relates to two sites located on the east side of Stainsby Road and Cotall Street. One site occupies a corner position with Stainsby Road and Lindfield Street; the other part fronts onto Cotall Street, occupying part of the site of the recently demolished 6 storey building known as 1-94 Cotall Street. The application site either forms part of or is immediately adjacent to Bartlett Park. Further east is the derelict Grade II listed St Saviours Church and the Bartlett Close residential development. The application site also lies south of the Limehouse Cut, with the Cotall Street blocks lying directly south of the canal offering a river view for future residents of these new blocks.
- 4.2 The Limehouse Cut is a 20 metre wide canal with a towpath along its southern boundary. The canal and towpath was designated as a conservation area in 2011. Whilst the site overlooks the canal, no parts of the application site fall within this conservation area.
- 4.3 The two sites collectively are 0.35 hectares in area. The Cotall Street site measures 0.22 hectares and all previous buildings have been demolished and the site is currently hoarded off. The area is currently being used as an unauthorised car parking area. The corner site at Stainsby Road (0.15 hectares in area) contains some single storey temporary buildings, used as changing/shower rooms in connection with sporting activities in the Park.
- 4.4 The area is predominantly residential in character with several existing 1950s blocks and some more recent taller developments to the west of Stainsby Road; namely

Abbotts Wharf and Vickery's Wharf. To the east of the road on the same side of the application site, is a row of residential buildings ranging from 4 to 6 storeys. The proposed development would be sited at either side of these residential buildings, creating a "book end" effect with two taller blocks at either end with similar building heights (5 and 6 storeys) in between. On the opposite side of Lindfield Street, at the same junction with Stainsby Road, is a ten storey block of flats known as Anglesey House. Close by, on the west side of Upper North Street and to the south of Lingfield Street is the more recent New Festival Quarter development which is a large mixed use/residential development ranging from 5, 6, 7, 9 and 14 storeys.

- 4.5 Whilst the application site has a strong link with the Limehouse Cut to the north, it also relates quite strongly to the rest of the surrounding area especially Bartlett Park. The park is approximately 5 hectares in area and is bounded by Upper North Street to the east and Lindfield Street to the south. Upper North Street is a primary road in this area with Stainsby Road, Cotall Street and Lindfield Street being narrower roads and less used by traffic.
- 4.6 The site has a PTAL (public transport accessibility) of 1b/2 being poorly accessible (where level 6 is regarded as being excellent levels of accessibility). However, public transport within this part of the Borough is improving and is served by three DLR stations, Langdon Park which is about 900m away and All Saints and Poplar are located 1179.2m/1km 179m and 1237.43/1km 237m away (respectively). There are bus routes along Upper North Street, East India Dock Road and Bow Common Lane.
- 4.7 There are a number of schools in the vicinity of the application site including nursery, primary and secondary stages. In addition to the Bartlett Park, there is also several children's play areas scattered within the residential blocks. The new Festival Quarter would boast a new community facility plus leisure uses too.

5.0 RELEVANT PLANNING HISTORY

The Application Site

- 5.1 On 24 December 2009, a decision was reached which confirmed that prior approval was not required for the proposed demolition of 1 to 94 Cotall Street (LBTH Ref: PA/09/02565).
- 5.2 On 26 June 2012, an EIA Screening Opinion was issued which confirmed that an EIA submission was not required for the construction of 150-160 dwellings, cafe and environmental works (LBTH Ref : PA/12/01186).

52 Stainsby Road – (adjacent to application site)

- 5.3 On 9 November 2000, planning permission was granted for the demolition of existing building and erection of a six storey building comprising eight, two bedroom flats, five, one bedroom flats and one penthouse with ancillary parking and garden (LBTH Ref: PA/00/01234).

Former site between 52 and 88 and site north of 88 Stainsby Road

- 5.4 On 4 December 2003, planning permission was granted for the demolition of existing garages and erection of a replacement four storey building to provide 46 residential flats (24 for shared ownership and 22 for rent) plus 9 off-street and 9 on-street parking spaces (LTH Ref: PA/02/00364).

Former Blessed John Roche Secondary School, Upper North Street (New Festival Quarter)

5.5 On 21 September 2010, planning permission was granted for the demolition of existing buildings and redevelopment of the site to provide: 490 residential units (Use Class C3) in six separate blocks ranging from 3-storey mews to buildings with maximum heights of 5, 6, 7, 9 and 14 storeys; a community centre (Use Class D1) retail floor space (Use Class A1), restaurant and cafe floor space (Use Class A3), crèche (Use Class D1) and leisure facilities (Use Class D2). The application also proposes 174 car parking spaces at a partially subterranean lower ground floor level, the formation of vehicular crossovers and entrances into the site together with associated hard and soft landscaping (LBTH Ref: PA/10/00161).

6.0 DETAILS OF THE PROPOSED DEVELOPMENT

6.1 Planning permission is sought for the demolition of existing single storey temporary changing/shower rooms south of 52 Stainsby Road and the erection of two buildings of 5, 6 and 10 storeys, one on the corner of Stainsby Road/Cotall Street and the other on the corner of Stainsby Road/Lindfield Street comprising 150 new residential dwellings together with a 794 sq.m waterside centre (including associated boat storage) (Use Class D1) and café (Use Class A3), cycle parking, private amenity space and other associated works.

6.2 The Stainsby Road/Cotall Street building would provide 66 new residential apartments and the Stainsby Road/Lindfield Street would provide 84 apartments. Both buildings would provide a mix of tenures and unit sizes.

6.3 The overall mix of the units would consist of 43 one bedroom, 64 two bedroom, 37 three bedroom, 4 four bedroom and 2 five bedroom units. The overall development would therefore provide 150 residential units with the following mix of tenures:

Private units for sale	75
Affordable rented units	52
Shared ownership units	23
Total	150

6.4 Amenity spaces within this development would consist of new open spaces and private amenity spaces. The proposal seeks to provide some open spaces at the ground floor of the Stainsby Road/Cotall Street building. This would open out into the park and consist of an area of 110 sqm located close to the proposed waterside centre and 81 sqm, beyond the café's terrace. Overall, the proposal would provide additional parkland, as the new building on Cotall Street would be smaller than the footprint of the previous building by 322sqm.

6.5 Each residential unit would have access to either a balcony, terrace and/or private gardens. Front and rear gardens are proposed for the ground floor units on both buildings.

6.6 Both buildings are mainly rectangular in shape and the blocks would be flat roofed. The buildings would be brick built and contrasting bricks are proposed; the ten storey and six storeys would be in a lighter coloured bricks and the smaller block would be in a darker colour. The architectural approach comprises a series of broad and

slender brick components with a strong vertical emphasis, some large recessed windows interspersed by slim vertical glazing and colour-glazed spandrels running between. The balconies/balustrades would be glazed.

- 6.7 The proposal would be car free and existing permit holders would be allowed to keep/transfer their parking permits. A total of 4 disabled parking spaces are proposed, three of which would be situated at the far end of the site, beyond the café open air sitting area with the other accessed off Lindfield Street. The proposed development would seek to create a total of 191 cycle spaces within the basement of the Stainsby Road/Cotall Street building.
- 6.8 Access to the proposed development would be via four common entrances, two each for the affordable rent/shared ownership apartments and the private sale/shared ownership apartments. All entrances would be at ground level and easily accessible. Lifts would be provided to access the upper floors. Ground floor units would be accessed off Cotall Street/Stainsby Road and would be provided with front gardens/defensible spaces. The core areas would also be equipped with wheelchair accessible lift cars. All entrances for non-residents would be controlled by an entry phone system and all units would be constructed to comply with Lifetime Homes standards.
- 6.9 The proposed development, as initially submitted has been amended in response to comments received as part of the consultation process. The application as initially submitted proposed only one on-site disabled persons' car parking bay and this has now been increased by a further three off street spaces. Furthermore, amendments have been received which would in effect pull the Stainsby Road/Lindfield Street north facing flank elevation 800mm away from the south facing flank elevation to 52 Stainsby Road. The implications of these changes are covered in Section 9 of this report.

7.0 POLICY FRAMEWORK

For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. The following policies are relevant to the application:

7.1 Government Planning Policy

NPPF - National Planning Policy Framework

7.2 Spatial Development Strategy for Greater London - London Plan 2011

3.3 Increasing Housing Supply

3.4 Optimising Housing Potential

3.5 Quality and Design of Housing Developments

3.6 Children and young people's play and informal recreation facilities

3.8 Housing Choice

3.9 Mixed and Balanced Community

3.10 Definition of Affordable Housing

3.11 Affordable Housing Targets

3.12 Negotiating Affordable Housing

3.13 Affordable Housing Thresholds

3.14 Existing Housing

5.2 Minimising Carbon Dioxide Emissions

5.3 Sustainable Design and Construction

5.7 Renewable Energy

5.11 Green Roofs and Development Site Environs

- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 6.1 Strategic Approach
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing Traffic Flow and Tackling Congestion
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing out crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.18 Protecting Local Open Space
- 7.24 Blue Ribbon Network
- 7.25 Increasing the Use of the Blue Ribbon Network
- 7.27 Blue Ribbon Network: Supporting Infrastructure and Recreational Use
- 7.28 Restoration of the Blue Ribbon Network
- 7.29 The River Thames
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

7.3 Tower Hamlets Adopted Core Strategy 2010

- SP02 Urban Living for Everyone
- SP03 Creating Healthy and Liveable Neighbourhoods
- SP04 Creating a Green and Blue Grid
- SP05 Dealing with waste
- SP08 Making connected Places
- SP09 Creating Attractive and Safe Streets and Spaces
- SP10 Creating Distinct and Durable Places
- SP11 Working towards a Zero Carbon Borough
- SP12 Delivering placemaking
- SP13 Planning Obligations

7.4 Managing Development DPD (Submission Version May 2012) and amendments

- DM3 Delivering Homes
- DM4 Housing standards and amenity space
- DM8 Community Infrastructure
- DM10 Delivering Open Space
- DM11 Living Buildings and biodiversity
- DM12 Water Spaces
- DM13 Sustainable Drainage
- DM14 Managing Waste
- DM20 Supporting a Sustainable transport network
- DM22 Parking
- DM23 Streets and the public realm
- DM24 Place sensitive design
- DM25 Amenity
- DM26 Building Heights
- DM29 Achieving a zero-carbon borough and addressing climate change
- DM30 Contaminated Land

7.5 Interim Planning Guidance for the purposes of Development Control (October 2007)

DEV1 Amenity
DEV2 Character and Design
DEV3 Accessibility and Inclusive Design
DEV4 Safety and Security
DEV5 Sustainable Design
DEV6 Energy Efficiency
DEV7 Water Quality and Conservation
DEV8 Sustainable Drainage
DEV9 Sustainable Construction Materials
DEV10 Disturbance from Noise Pollution
DEV11 Air Pollution and Air Quality
DEV12 Management of Demolition and Construction
DEV13 Landscaping and Tree Preservation
DEV14 Public Art
DEV15 Waste and Recyclables Storage
DEV16 Walking and Cycling Routes and Facilities
DEV17 Transport Assessments
DEV18 Travel Plans
DEV19 Parking for Motor Vehicles
DEV20 Capacity of Utility Infrastructure
DEV21 Flood Risk Management
DEV22 Contaminated Land
DEV27 Tall Buildings Assessment
HSG1 Determining Residential Density
HSG2 Housing Mix
HSG3 Affordable Housing
HSG5 Estate Regeneration Schemes
HSG7 Housing Amenity Space
HSG9 Accessible and Adaptable Homes
HSG10 Calculating Affordable Housing
SCF1 Social and Community Facilities

7.6 Unitary Development Plan 1998 (as saved September 2007)

DEV1 Design Requirements
DEV2 Environmental Requirements
DEV4 Planning Obligations
DEV9 Control of Minor Works
DEV12 Provision of Landscaping in Development
DEV17 Street Furniture
DEV42 Archaeological Remains
DEV43 Locally Important Archaeological Site or Remains
DEV44 Development of Archaeological Sites
DEV50 Noise
DEV51 Contaminated Soil
DEV55 Development and Waste Disposal
DEV56 Waste Recycling
DEV57 Development and Sites of Nature Conservation Importance
DEV65 Protecting Existing Walkways
DEV69 Water Resources
HSG7 Dwelling Mix and Type
HSG13 Internal Space Standards
HSG16 Housing Amenity Space
T10 Priorities for Strategic Management

T16 Traffic Priorities for New Development
T18 Pedestrians and the Road Network
T21 Pedestrians Needs in New Development
OS9 Children's Playspace
OSN Blue Ribbon Network
OS9 Children's Playspace
U2 Development in Areas at Risk from Flooding
SCF11 Meeting Places
U2Development in Areas at Risk from Flooding
U3Flood Protection Measures

7.7 Supplementary Planning Documents

Designing out Crime Parts 1 and 2
Planning Obligations SPD 2012

7.8 Tower Hamlets Community Plan

The following Community Plan objectives relate to the application:

- A Great Place to Live
- A Prosperous Community
- A Safe and Supportive Community
- A Healthy Community

8.0 CONSULTATION RESPONSE

8.1 The following were consulted with regard to the application. Responses are summarised below. Full representations are available to view on the case file. The views of officers within the Directorate of Development and Renewal are generally expressed within Section 9 of this report which addresses the various material planning considerations but where appropriate, comment is also made in response to specific issues raised as part of the consultation process.

8.2 As the proposed development was amended, in an attempt to address concerns raised as part of the initial consultation process, officers have determined that it was not necessary to carry out any re-consultation on the amended plans.

LBTH Housing Development & Private Sector

8.3 The application is generally supported with the proposed development delivering 55% affordable housing at E14 (Poplar) POD rents. This suitably maximises on site affordable housing. The tenure split within the affordable housing is 69%:31% in favour of rented. This generally meets the Council's target of a 70%:30% split, but does not meet with the target set by London Plan split of 60:40.

8.4 The applicant has stated that the scheme will be delivered in line with the space standards set out within the London Housing Design Guide.

8.5 Typical layout drawings have been provided of the unit types. The two bed units however which provide some two bed three person and some at two bed four person. The bedroom sizes within the two four person seem very tight to allow for two separate beds to be provided within layout shown in the design and access statement. We would suggest that these units come forward as two bed three persons to allow for a better outcome. All wheelchair units must be to Habinteg design code. The family sized affordable units should all provide a separate kitchen

and living area.

- 8.6 Communal amenity space should be provided within the footprint of the development this is provision of space is unclear from the current layout and design where the communal space will be provided.

LBTH Environmental Health

- 8.7 Environmental Health have raised no objections subject to the imposition of conditions to ensure that noise levels from plant is properly mitigated, hours of use of commercial uses are properly controlled and the properties are properly insulated in terms of potential noise sources to recognised standards.
- 8.8 They have requested that the Internal Floor Area comply with the minimum standards in the GLA's London Housing Design Guide. Sound insulation testing report[s] should be provided to Environmental Health to demonstrate compliance with Part E of the Building Regulations s - Resistance to the Passage of Sound. They have requested that a requirement for a high degree of noise insulation to meet the "good" design standard of BS8233 in any bedroom or living room and that the noise insulation between any residential and commercial premises should meet at least a Dntw 60 dB. Adequate acoustic ventilation should also be incorporated within the development and acoustic trickle vents should only be used with the express agreement of the Planning Authority in conjunction with the Environmental Health Department. Furthermore, they have requested that any electrical or mechanical plant should not increase the general background noise level LA(90)t (LA(90)t to be agreed with the Local Authority) at the times required to operate. I would suggest that standard construction hours are imposed and that any piling methods and construction management plan should be agreed.

Noise & Vibration

- 8.9 No objection as long as the noise insulation and ventilation incorporated meets an agreed high standard (see above). Conflicts of use may occur with the proposed A3 use and this should be appropriately sited in an area that will not conflict with any residential development.

(OFFICER COMMENT – suggested conditions have been included as part of the recommendation to grant planning permission to deal with the issues raised).

LBTH Biodiversity Officer

- 8.10 Some trees on the site have the potential to support roosting bats and therefore recommend further surveys for signs of bat roosts in any trees to be removed. As four trees are to be removed as part of the development and a fifth is recommended for removal by the arboriculture report, these five trees should be surveyed for signs of bat roosts before planning permission is granted. If signs of bat roosts are found, a detailed mitigation strategy will be required.
- 8.11 Removal of trees, shrubs and tall herbaceous vegetation should be undertaken outside the bird nesting season (i.e. not during March to August inclusive). If this is not possible, vegetation to be removed should be surveyed for nesting birds by a suitable qualified person immediately before removal. If any nests are found, they must be left undisturbed until the young birds have left the nest. This should be secured by condition.

- 8.12 The Design & Access Statement refers to living roofs, and the sustainability statement refers to exemplar planting for wildlife, provision of bird, bat and bee boxes and a long-term Ecological Management Plan. A condition should require details of ecological enhancements, including green roofs, landscaping and boxes for animals, to be submitted to and agreed by the Council before work commences, and then to be implemented as agreed.

(OFFICER COMMENT: Further surveys have been undertaken by the applicant to determine whether there is evidence that the trees have been used as bat roosts. There was no evidence to suggest that this was the case and this information has been passed onto the Biodiversity Officer who has accepted that no further survey work would be necessary).

LBTH Energy Efficiency Unit

- 8.13 The current proposals are for Code level 4 and BREEAM Very Good. Whilst this falls short of the policy target the applicant has demonstrated there are specific site constraints that minimise the ability to achieve an “Excellent” rating and in this specific instance only the achievement of “Very Good” is accepted.
- 8.14 The proposals falls short of DM29 requirements for reducing CO2 emissions by 35% against a 2010 Building Regulation baseline and the applicant should revisit the energy strategy to seek to achieve greater CO2 savings. The proposals now seek to achieve 30% reduction through the use of CHP and PV. However, this level is still below the 35% requirement of DM29.
- 8.15 The proposals are not in conformity with the requirements of London Plan policy 5.6 which seeks for developments to deliver a site wide solution. The explanatory text for policy 5.6 sets out that ‘the feasibility of CHP needs to be considered on a site-wide basis connecting different uses and/or group of buildings or an individual building’, and that all ‘CHP systems must be designed to run efficiently and be optimally sized to maximise carbon dioxide savings.’ The current proposals are for separate CHP’s to serve the different residential blocks and for a gas boiler to serve the waterside centre. They are effectively saying they cannot achieve greater emission reductions due to the finances involved with 1: linking the two buildings 2: increasing level of PV proposed.
- 8.16 Would ideally want to push for the two sites to be linked and a greater area of PV integrated to meet DM29 policy requirements, but if the scheme would then be unviable it is not worth pursuing these, as they have demonstrated the design has followed the energy hierarchy and the scheme exceeds the London Plan emission reduction targets.
- 8.17 The applicant is proposing PV for the roofs but this is not shown on the relevant roof plan. The applicant should submit full details of these systems, including, m2, peak output (kWp), location on roof plans and elevations to demonstrate that they are appropriate and deliverable.

(OFFICER COMMENT: These issues are covered in Section 9 of this report)

LBTH Parks and Open Spaces

- 8.18 To minimise disruption to the use of the football pitches in the park, Parks Service will require the continued provision of changing room facilities, currently located within the Stainsby Road site, during the construction phase of the proposed development.

The developer is expected to liaise with Parks Services to identify a suitable alternative location within the park until purpose built facilities are provided. It is expected that the relocation of the facilities and any costs incurred, will be borne by the developer.

- 8.19 The Landscape Improvement Plan currently being finalised seeks to increase accessibility to the park. To achieve higher levels of accessibility, particularly along the western boundary of the park along Stainsby Road, would welcome either the retention or improvement of the existing access or the creation of a new one at a suitable location. The retention or creation of an access point into the park along the western boundary will ensure a greater catchment area for the park and will also contribute to linking the park to the existing and proposed elements of the wider Green Grid. Improving accessibility will also contribute to achieving the objectives of Tower Hamlets Green Grid Strategy.
- 8.20 Parks Service welcomes the boundary design between the proposed development and the park, which has been designed in consultation with LBTH and the Park Masterplan consultants to complement the proposed improvement works to the park. Parks Services would expect the developer to work with Parks Service to ensure there is clarity around the maintenance and management of land where boundaries are not so distinct, particularly around the café piazza area and the vehicle turning head proposed towards the east of the Cotall Street development.
- 8.21 The Park Service requires clarity over the proposed implementation timetable, especially the occupation of the Stainsby Road plot and the release of the Cottall Street park extension plot. The Parks Service is currently in the process of planning implementation of the Bartlett Park Landscape Improvement Plan and will require this information to inform phasing.

(OFFICER COMMENT: The proposed developments to open up access into the park and the applicant and officers from Parks and Open Spaces have been working closely together to ensure that there is synergy between the two proposals. The timing of various works is not really a matter for the town planning process although the planning permission would need to ensure that replacement parkland is re-provided in a timely fashion. This would be controlled through the S.106 Agreement).

LBTH Communities, Localities & Culture (Strategy)

- 8.22 The units proposed will result in an estimated 327 new residents within the development. A combination of the non-residential floor space proposed on site will result in an estimated 28 new employees within the development. A number of financial contributions are required to mitigate the impact of the proposed development based on the Planning Obligations SPD.
- 8.23 £41,814 is required towards Idea Stores, Libraries and Archives.
£128,704 is required towards Leisure Facilities.
£266,295 is required towards Public Open Space.
£4,905 is required towards Smarter Travel.
£98,400 is required towards public realm improvements.
- 8.24 In light of the emerging Bartlett Park Landscape Improvement Plan, CLC proposes to combine the contributions for Public Realm improvements, leisure facilities and parks and open spaces, totalling £493,399. The Landscape Improvement Plan will provide mitigation against the impacts relating to these aspects and combining the sums is therefore considered to deliver greatest benefit. It is not proposed to integrate the

contributions for Idea Stores and Sustainable Transport as these will not be mitigated through the Landscape Improvement Plan.

(OFFICER COMMENT – these views have been factored into the consideration by the Planning Contributions Overview Panel and specific focus, in terms of S.106 financial obligations is recommended to be directed towards enhancing Bartlett Park.

LBTH Transportation & Highways

- 8.25 The highways and transportation issues associated with this case have been discussed at some length, dealing with the lack of on-site car parking, especially on site car parking spaces for disabled persons and potential over capacity of on street car parking facilities. At a final case meeting on 7th January Highways' parking issues and request for further information was discussed and agreed. This included a request for up-to-date census car ownership information (unfortunately this has not been received) and a further night-time parking survey, which has been received.

Parking Survey

- 8.26 The car parking study submitted by TPP Consulting indicates that on Cotall St, 41 spaces were available around midnight. It is understood that the Masterplan's intentions to turn Cotall St into part of Bartlett Park will not be carried through until after this development is up and running (if approved). Therefore it is accepted that although there are ASB issues associated with Cotall Street, which may account for such a large number of vacant spaces, through time and following the re-occupation of the area at the end of Stainsby Road, there could well be a reservoir of spaces on Cotall Street for about a year or more that current and new residents may use.
- 8.27 It is noted that 50% fewer vacant spaces were found in Stainsby Road for the January 2013 survey, compared with the Oct 2012 survey. The report states that at midnight 8 spaces rather than 16 were vacant, although this seems not to accord with the report for Stainsby Rd, which states there were only 6 vacant spaces. Although almost the same number of vacant spaces (28 against 29) were found in January in Lindfield Road compared with October, these figures seem reasonable.
- 8.28 The applicant argues that any impact from the lack of on-site parking will be off set by the comparative impacts from the 93 flats that previously occupied the site which didn't have any permit-free agreement. It is also understood that the previous site had no on-site parking. It is accepted that this would have a significant lessening impact, but this would not account for the permit transfers for eligible social renting-families which may account for 22 transferred permits.

Disabled Parking

- 8.29 There remains concern over the under-provision of convenient and accessible disabled parking for residents. Highways seek this on-site, so that residents do not have to compete with other blue-badge holding residents also in the area for spaces. On-street parking for disabled holders is not continuous and would also require a disabled driver to change spaces every few hours. For this and other reasons, Parking is against converting parking spaces on-street to meet the disabled parking needs of new, large developments. The applicant has increased the number of spaces for disabled residents (and indeed for the entire development) from one to 4 spaces since the meeting last week. This would still represent an under-provision for a development this size, considering that all the flats are wheelchair accessible. However, it is acknowledged that the site is limited and on further on site spaces

have been accommodated. With this in mind, the level of provision is considered acceptable.

- 8.30 Please add a condition to require the provision of a detailed parking plan, with dimensions, as the applicant has not supplied this.

S278/s106/ex-redline legal agreement.

- 8.31 An informative should be added that a S.278 Agreement will be required and needs to be signed before the development is occupied. Such works will include improvements to Stainsby Road and provision of appropriate signed in regard to where vehicles can turn at the north end of Stainsby St (in front of the Waterside Centre). I note that the disabled spaces will be outside the red-line of this development (but off the public highway). Therefore, the applicant will need to sign or demonstrate through the legal agreement or by condition that the on-site spaces will only be able to be used by disabled residents of both blocks and patrons of the Waterside Centre.
- 8.32 In view of the information supplied, LBTH Highways raises a concern rather than an objection (in other words, the development falls short of highways best practice and strict standards, but the impact on highways is not likely to be so significant that an objection is sustained).

(OFFICER COMMENT: these issues are addressed in Section 9 of this report and a number of issues are proposed to be captured/dealt with through either the S.106 Agreement or by way of conditions).

Car and cycle parking

- 8.33 The applicant has sought to clarify issues, in response to previous concerns in respect of the access convenience to the proposed basement bicycle store. Highways are disappointed that the storage will have neither level access to its basement cycle parking nor any Sheffield stands. The proposed 'runnel' to wheel bikes up and down stairs is particularly of concern and it is unprecedented in my experience to have so many spaces/units served by this arrangement. Both the runnel and the double-stacked stands, which did not have any mechanical assistance to haul bikes upwards (nor a second point for secure locking) are likely to be a strong discouragement to using this sustainable mode of transport.
- 8.34 In the southern block, the applicant has assured officers that Sheffield stands will be the design for all the cycle storage (which is ground floor). No visitor cycle parking for patrons or staff at the waterside centre/cafe has been demonstrated on a plan.
- 8.36 Should the Case Officer be minded to recommend this for approval, this will require a condition to submit details of cycle parking, including visitor parking. A further condition, requiring the retention and maintenance of the approved cycle storage for the purpose of cycle parking only, is also recommended.

OFFICER COMMENT: Details of cycle parking can suitably be controlled through the imposition of planning conditions. Whilst the use of Sheffield Stands is the Council's preferred storage arrangement, alternative systems have been found to be acceptable by the Planning Inspectorate on appeal, especially in respect of constrained sites.

LBTH Waste Policy and Development

- 8.37 Waste Management Plan is acceptable as described in Transport Statement and Design and Access Statement. Please ensure that the capacity of the bin store is according to LBTH-MD-DPD document.
- 8.38 Also ensure that the commercial units have their own separate bin storage area and the collections need to be arranged with a private contractor as Council will not be responsible for collecting waste for commercial units but frequency of collection can be determined based on the holding capacity and the amount of generated waste.

OFFICER COMMENT: These aspects will be secured through the approval of a Waste Management Strategy for the site – which would be controlled through the imposition of a planning condition.

LBTH Children Schools and Families (Education Development)

- 8.39 Standard contributions towards primary and secondary school places are requested in line with the Council's Planning Obligations SPD.

(OFFICER COMMENT: Educational contributions feature as part of the S106 Agreement).

LBTH Enterprise & Employment

Construction Phase

- 8.40 The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. We will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services.
- 8.41 To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be supplied by businesses in Tower Hamlets. We will support the developer in achieving this target through inter-alia identifying suitable companies through East London Business Place.
- 8.42 The Council will seek to secure a financial contribution of **£38,174** to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development.

Completed Development Phase

- 8.43 The Council seeks a monetary contribution of **£2,873** towards the training and development of unemployed residents in Tower Hamlets to access either jobs within the A3 and D2 uses at the end-phase or training within employment sectors in the final development.
- 8.44 Commitments should be made within the S106 agreement to an introduction with the Café and Waterside Centre operator prior to occupation, as well as a commitment to provide Skillsmatch with information on all non-technical job vacancies.
- 8.45 Monitoring for all obligations will be discussed and agreed with the developer prior to commencement of works.

OFFICER COMMENT: These requests/comments are addressed in Section 9 of this report which deals with S.106 Heads of Terms

External consultation responses

British Broadcasting Corporation (Reception Advice)

8.46 No comments received

Canal and River Trust

Café and Waterside Centre

8.47 Is supportive of the principle of these proposed uses, in conjunction with the residential uses above, which is hoped to provide some animation and passive surveillance of the canal-side and promote use of the Limehouse Cut for water-based recreation. There is some concern about how the operator would get access to the water, as the freeboard (the distance from the top of the water to the towpath coping) is high and not as indicated on page 37 of the Design and Access Statement. Some method of entry to the water will be required, or alternatively, we suggested in our response to the recent Bartlett Park consultation that the towpath could be lowered to reduce the freeboard, as it is under the adjacent road bridge.

(OFFICER COMMENT: The canal-side is outside the red line boundary and changes to the freeboard would have to form part of future Bartlett Park improvement works, linked to the establishment of the Waterside Centre. It is recommended that the S.106 Agreement requires the preparation and submission of a planning application for approval to determine how the canal-side public realm might be modified to ensure that the various uses operate collectively).

Biodiversity

8.48 It is noted that the Daylight and Sunlight Report does not consider the impact of overshadowing of the waterway or towpath. There could be potential adverse impact on waterway biodiversity, amenity of the canal and towpath for users. It is also requested that further details of any proposed lighting, which should not spill over the waterway environment, as this could adversely affect bats using it as a feeding corridor.

(OFFICE COMMENT: Details of proposed lighting would be required through the imposition of a planning condition).

Integration with Towpath

8.49 The previous relationship between the canal environment and the adjacent Cotall Street/Bartlett Park was quite segregated and was improved by the demolition of the block of flats. The proposed layout still allows for better integration with the towpath and waterway and we would support the development contributing towards these further works that were discussed with regard to the Bartlett Park Masterplan consultation, to include removal of the green railings and the introduction of wide steps down to the canal (similar to Granary Square, King's Cross).

(OFFICERS COMMENT: These views have been passed onto colleagues engaged in the Bartlett Park Masterplan)

- 8.50 If the Council is minded to grant planning permission, it is requested that the following conditions and informative be attached to the decision notice relating to the approval of a Risk Assessment and Method Statement for carrying out works adjacent to the Limehouse Cut, proposed landscaping in the vicinity of the canal and details of CCTV and lighting in the vicinity of the canal.

OFFICE COMMENT: Conditions have been imposed as appropriate but conditions can only relate to works within the application red line boundary. As advised above, works adjacent to the canal would form part of future works associated with the remodelling of Bartlett Park.

English Heritage Archaeology

- 8.51 No comments received

(OFFICER COMMENT: Notwithstanding the lack of comment, it would be advisable to impose an archaeological watching brief condition to any grant of planning permission)

Environment Agency

- 8.52 The Environment Agency has identified flood risk as the only constraint for the application site. The main issue is the management of surface water run-off and the need to ensure that drainage from the development does not increase flood risk either on site or elsewhere. It is recommended that surface water management good practice is adopted in this development. Furthermore, surface water runoff rates and volumes must be managed in accordance with the London Plan 2011 rather than the NPPF (which sets lower standards). Please refer to policy 5.13 of the London Plan 2011.

(OFFICER COMMENT: It is recommended that the development be managed in accordance with the submitted Flood Risk Assessment and this will be captured through use of a planning condition.

Greater London Authority

- 8.53 The application is generally acceptable in strategic planning terms, although resolution of issues summarised below will be required to ensure the proposals are in compliance with the London Plan.
- 8.54 Housing – The London Mayor accepts that former affordable housing at 1-94 Cotall Street has been re-provided elsewhere. The proposed scheme can be considered as net additional housing. The proposed provision of 50% affordable housing is supported in line with the London Plan, subject to demonstration that this is the maximum level that could be delivered.
- 8.55 Proposed housing mix, tenure split, residential standards and play space provision is acceptable. Clarification is sought with regard to density to ensure accordance with the London Plan.
- 8.56 The proposed reconfiguration of the open land (Bartlett Park) would help deliver quantitative and qualitative improvements to Bartlett Park and accord with London Plan.

- 8.57 Urban design - The proposed development is well designed and represents a suitable approach to dealing with urban infill plots. The GLA particularly welcomes the smaller Cotall Street footprint, compared to the previous building on site and the scale of the development responds well to that of neighbouring development and would not harm the character and appearance of the Limehouse Cut Conservation Area and the nearby Grade II listed church building. The development is therefore broadly supported in accordance with the London Plan policy 7.1.
- 8.58 Inclusive access - The approach to inclusive access is broadly supported however the applicant should seek to make an increased provision of disabled parking spaces in accordance with the principles of the London Plan policies 6.13 and 7.2.
- 8.59 Sustainable development – the proposed energy strategy is broadly supported in line with London Plan Policy 5.2. However, further information is sought with respect to district heating and combined heat and power to ensure accordance with London Plan policies. Planning conditions are also sought with respect to renewable energy technologies, green roof provision and sustainable urban drainage in accordance with London Plan policies 5.7, 5.10, 5.11 and 5.13. Further information is also sought with respect to the tree replacement strategy.
- 8.60 Transport - Clarification and commitments are sought with respect to car parking, cycling, travel planning, construction and deliveries to ensure accordance with London Plan polies 6.3, 6.9, 6.13 and 6.14 (see TfL comments).

(OFFICER COMMENTS: all these issues are addressed in Section of this report).

London Fire & Civil Defence Authority

- 8.61 No comments received

Metropolitan Police (Crime Prevention Officer)

- 8.62 Front door recesses should not exceed 600mm.
- 8.63 It is recommended that only one access/egress point is designed for the basement area of the building at Cotall Street and only one door is allowed for the boiler room of the same building. All doors within the basement area must be secured to a minimum of SBD standard.
- 8.64 If metal railings are to be used on the lower wall for the park side of the building, the gaps within the railings must be no more than 50mm. The CPO would prefer and recommend that a set of 2.4m high metal railings with no horizontal strengtheners are utilised.
- 8.66 The relationship between boundary treatment, canopies and windows above needs consideration to prevent opportunities to access upper windows through climbing.

(OFFICER OMMENT: These aspects are matter of detail and can be addressed through discharge of planning conditions relating to boundary treatment and approval of elevational details).

NHS Tower Hamlets

- 8.67 No comments received

National Grid

- 8.68 No comments received

Thames Water Utilities

Waste comments

- 8.69 It is the responsibility of the developer to make adequate provision for surface water drainage to ground, water courses or a suitable sewer. Where the developer proposes to discharge to a public sewer, prior approval is required from Thames Water is required to ensure that the water discharge from the site would not be detrimental to the existing sewerage system. Preferred option for the disposal of all surface water is by using SUDs in accordance with Policy 5.13 of the London Plan 2011.
- 8.70 Thames Water also requests that the developer incorporate protection to the property by installing a non-return valve or other suitable device to avoid the risk of backflow at a later date.
- 8.71 Further approval must be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or come within 3 metres of a public sewer.
- 8.72 Recommended that a fat trap is installed on all catering establishments. In line with best practice for the disposal of fats, oils and grease, it is also recommended that a contractor collects waste oil for the purposes of recycling for the production of bio diesel.

Water comments

- 8.73 An informative is recommended with regards to the minimum water pressure to be provided by Thames Water. The developer is advised to take this into account when the proposal is being designed and built.
- 8.74 No impact piling shall take place until a piling method statement has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Transport for London (TfL)

- 8.75 The car free approach is supported; taking into account the potential effect of the Permit Transfer Scheme, based on the results of the applicant's parking survey. Concern is raised about the availability of parking for people with disabilities (only one space proposed). Electric vehicle charging points should be secured through conditions and number should be increased if parking provision is revised. Proposed cycle parking provision would be two spaces less than the minimum standard for residential development set out in London Plan policy 6.9 and should be increased to meet the minimum standard. Proposal to provide two spaces each for the A3 and D2 use is supported.
- 8.76 TfL is of the view that the scheme is unlikely to generate significant additional trips on the highway or public transport network.

- 8.77 TfL welcomes submission of a draft travel plan and the council is advised to secure the final travel plan through the Section 106 agreement.
- 8.78 TfL welcomes provision of a pedestrian environment review system audit of as part of the transport statement. Continued engagement with the Council should determine whether any of the improvement identified could be secured as planning obligations.
- 8.79 Construction and deliveries - a delivery and servicing plan covering both sites should be submitted and secured within the Section 106 agreement in line with London Plan Policy 6.14.

Local Representation

- 8.80 Site notices were displayed on 19 November 2013. The proposal was also advertised in the press on the same date. A total of 1084 addresses were notified in writing. 26 letters of objection have been received from local residents and 1 letter of support has also been received. 1 letter queried about timescale for construction works
- 8.89 For completeness, all issues raised in objection or in support are summarised in this report. The full representations are available to view on the case file.
- 8.90 The objections relate to the following matters:
- proposed buildings are too high (and on the edge of the park)
 - proximity of two tall buildings will cause a massive noise tunnel detrimental to the environmental health of existing and future residents
 - proposal constitutes an over-development of the area
 - blocking/severe restrictions of views
 - blocking/severe restrictions of light
 - development would create overshadowing in parts of the park
 - reduction of park land and park spaces
 - no parking facilities are proposed and there would be an increase in parking issues
 - increased traffic overall due to the number of proposed units plus increase in leisure facilities/activities
 - decrease of wildlife in canal
 - direct overlooking on properties across Stainsby Road
 - loss of privacy
 - detrimental impact on the quality of living for existing residents
 - kitchen window for flats in 52 Stainsby Road would be completely blocked
 - loss of natural light through kitchen windows
 - no means of ventilation for the kitchens
 - loss of view from these windows
 - high rise buildings contradict the concept and planned upgrade for the park
 - construction/building works would severely disrupt and impact on existing residents lives and health in terms of noise and dust
 - overcrowding in terms of population
- 8.91 Further to the above, it is also noted that many of the residents/objectors made reference to the council's letter dated 16 July 2010 with regards to the design principles of any future development and priorities for the park.
- 8.92 One objector raised concerns with regards to existing residents of Stainsby Road who are either disabled or suffer from mental health problems. These residents

would suffer considerably (and more than other more abled residents) during building works from the impact of noise and dust.

Community Forum

- 8.93 A Community Forum was held on 21 November 2012 with regards to this proposed development. An exhibition was held followed by the meeting at 7pm, at the Lansbury Lodge Centre, 117 Ricardo Street. Representatives from the council, Poplar Harca, Leaside Planning, Jestico and Whiles Architects, East Thames Homes and Telford Homes hosted the forum.
- 8.94 20 residents attended the forum; only 14 signed the attendance sheet.
- 8.95 The purpose of the Community Forum was to engage with interested parties to discuss the application for planning permission for the redevelopment of vacant sites adjacent to Bartlett Park – known as the Cotall Street/Stainsby Road sites. Planning Application (LBTH Ref: PA/12/02856).
- 8.96 Many of the concerns and issues raised that evening have already been echoed by residents who have written in. These are detailed above. However, it is noted that residents present during the forum expressed serious concerns about parking stress and increased traffic. They were also unsure about the boat centre and café.
- 8.97 The response to third party representations in the assessment of the applications is included in Section 9 below - Material Planning Considerations.

9. MATERIAL PLANNING CONSIDERATIONS

Background

- 9.1 The regeneration of Cotall Street and Bartlett Park has been a long standing aspiration of the Council over the last 10 years and has been the subject of two Cabinet reports in December 2008 and March 2011.
- 9.2 The 2008 cabinet report agreed the demolition of 1-94 Cotall Street. It also set out key requirements for the development of the park which were
- the production of a coherent masterplan for the park,
 - extending the park northwards to the Limehouse Cut,
 - the stopping up of Cotall Street,
 - provision of new community facilities and
 - achieving a new mixed tenure residential development.
- 9.3 The Council committed to the regeneration of the Park through the demolition of Cotall Street by granting the block decant status back in the early 2000's. It was not considered possible to develop the community facilities before the Cotall Street block is demolished because of physical site constraints and the need to ensure no 'net loss of green space' through the process. The Cotall Street block was demolished in 2011 and the site has been boarded off.
- 9.4 The more recent 2011 cabinet report provided an update on progress for the redevelopment of the Park plus offered some revised key requirements. The revisions, consisted among others of the scaling back of the development to two sites on Stainsby Road and Cotall Street, separating out the arrangements for delivery of dwellings from park improvements, development of approximately 150 new homes

on the nominated sites and the transfer of undeveloped area into park usage to deliver the extension towards the Limehouse Cut.

- 9.5 Further feasibility studies were prepared to progress the transfer of land following the 2011 Cabinet report and the Council is preparing and has carried out consultation on a coherent masterplan for the park. It is noted that this masterplan would be independent of the proposal under consideration here; however, it would take into account this proposal and the new residential blocks.
- 9.6 The vision for regeneration of this area has been carried through into the adopted Core Strategy and in particular the place making principles for Poplar which includes proposals for the expansion and enhancement of Bartlett Park, connection of Bartlett Park to the Canal and focussing family housing around the Park.
- 9.7 The proposed development, subject of this application, is a key component in delivering the Core Strategy vision and supporting wider regeneration aims of the previous Cabinet reports.
- 9.8 In terms of the application to be considered by the Strategic Development Committee, the main planning issues raised are as follows:
- Land use
 - Housing density, mix and quality
 - Design
 - Residential amenity
 - Transport and access
 - Energy efficiency, climate change and sustainability
 - Planning obligations

Land Use

- 9.9 The NPPF (2012) sets out the Government's objectives on land use planning and sustainable development. Paragraph 7 requires the planning system to ensure a supply of housing in their areas that will provide sufficient homes to meet the needs of present and future generations. This paragraph also notes that there should be "accessible local services that reflect the community's needs and support its health, social and cultural well-being." Paragraph 9 highlights that the pursuit of sustainable development includes widening the choice of high quality homes, replacing poor design with better design and improving the conditions in which people live and work.
- 9.10 Paragraph 17 states that it is a core planning principle of the Government to reuse land that has previously been developed and to encourage the benefits that mixed-use developments can bring.
- 9.11 The London Plan highlights the need to plan for continued growth and states the need to ensure that "...the best use of land that is currently vacant or under-used, particularly in east London where the greatest potential exists" The London Mayor's objective is to ensure London is "A city that meets the challenges of economic and Londoners".
- 9.12 The Cotall Street and Stainsby Road sites are not given a specific designation in any of the Council's policy documents. The adopted Unitary Development Plan (1998) identifies the Stainsby Road site as land which has the potential to be incorporated into the Park. The UDP identifies Bartlett Park as a District Park which Policy OS1

safeguards as public open space. Policy OS7 states that the Council will not normally permit the loss of open space except where an equivalent or better recreational facility is provided as replacement open space.

- 9.13 Tower Hamlets Core Strategy (2010) in its Delivering Place making section highlights that new residential development is desirable in around Bartlett Park. It also notes the need to expand and improve the size of the park as a facility that supports housing growth in the local area. The Managing Development DPD (2012) does not identify the site specifically within its site allocations.
- 9.14 The Cotall Street site has until recently been used as residential land prior to the demolition of the residential block of 93 flats in 2010. Use of this site for residential purposes is acceptable, and indeed desirable in policy terms, given that it meets national, London wide and local policy aspirations to focus new residential development on previously developed sites.
- 9.15 The former residential block extended along most of the length of Cotall Street and screened the park from the canal side. It has been a long standing objective, confirmed through public consultation over the past 10 years, to extend the park northwards to the edge of the Limehouse Cut. Accordingly only xx% of the previous residential footprint area on this site is proposed for development.
- 9.16 The demolition of 1-94 Cotall Street has presented the opportunity for a land-swap arrangement whereby development of the Stainsby Road site (currently open space and changing facilities) and a portion of the previously developed Cotall Street site would facilitate an increase in open space and enable the park to connect with the canal.
- 9.17 The Council’s emerging masterplan for the enhancement of Bartlett Park is being progressed in accordance with these proposals and shows how Bartlett Park would be extended at the north eastern corner and combined with the closure of Cotall Street to traffic and public realm improvements would provide significant increase in the quality and quantity of open space in the park.
- 9.18 Core Strategy and Managing Development policies states that the Council will not normally permit the loss of open space except where an equivalent or better recreational facility is provided as replacement open space.
- 9.19 In terms of the effect on open space, the combined site areas of Stainsby Road and Cotall Street is 322 sqm less than the area occupied by the former residential block at 1-94 Cotall Street. Furthermore the scheme proposes to “gift” two areas of space, within the development site boundary of the Cotall Street block, to the park and also proposes an outdoor terrace area for the café. The diagram and table below shows the location of these spaces.

Table 1 – Net increase in public open space

Proposed open space elements	Area
Net reduction in site area	322 sqm.
Area 1 - rear of waterside centre (in site boundary)	110 sqm
Area 2 – adjacent to café terrace (in site boundary)	81 sqm
Area 3 – public realm changes to Cotall Street	1038 sqm
Café terrace	159 sqm
TOTAL	1710 sqm

- 9.20 Taken together with future proposals to close Cotall Street to traffic and extend the park across this space to provide a connection with the canal, the proposals would generate a net increase of 1710 sqm of open space.
- 9.21 In addition, the waterside centre supporting boating activities on the canal together with a cafe overlooking the park and canal (within the ground floor of the Cotall Street site), would comply with policies to provide enhanced recreational facilities to compliment the park and assist in integrating the park with the Canal. The waterside centre in particular would provide a rare opportunity for interaction with the water space through supervised leisure and learning activities. The provision of the centre is supported by the Canals and Rivers Trust, subject to further information about practical arrangements for access.
- 9.22 The Stainsby Road site includes two temporary buildings that provide changing and showering facilities for users of the sports pitches within Bartlett Park. In the longer term the Bartlett Park masterplan proposes to provide new permanent modern changing facilities within the boundary of the Park. If planning permission is granted and implemented for the development of the existing Stainsby Road site for housing, there may be a period where replacement temporary changing facilities would be required, prior to permanent facilities being developed. In accordance with comments from LBTH Parks and Open Spaces Service, the developer will be required to work with the Council and contribute towards the provision of temporary changing facilities as an obligation secured in the Section 106 Legal Agreement.
- 9.23 In terms of land use, the application would achieve the sustainable development of a brownfield site with a residential led mixed-use scheme that would make efficient use of land, contributing significantly to meeting local housing needs. The proposed development would align with the emerging landscape masterplan for Bartlett Park and together would lead to a quantitative and qualitative enhancement of local open space, leisure and recreation facilities contributing positively to the place making objectives of the Core Strategy.
- 9.24 In conclusion, officers are satisfied that the general principle of development of these sites for housing along with a café and leisure facility, including the principle of the land swap to ensure no net loss of open space would comply with land use planning policies at the national, London Plan and local levels and would therefore be acceptable.

Design

- 9.25 The NPPF highlights the importance the Government attaches to achieving good design. Paragraph 58 of the NPPF establishes a 'check-list' of the design objectives for new development.
- 9.26 Policy 7.1 of the London Plan provides guidance on building neighbourhoods and communities. It states that places should be designed so that their layout, tenure, and mix of uses interface with surrounding land and improving people's access to social and community infrastructure.
- 9.27 Policy SP02 of the Core Strategy (2010) states that the Council will ensure that new housing assists in the creation of sustainable places by optimising the use of land. Policy SP 10 sets out the basis for ensuring that new development promotes good design principles to create buildings, spaces and places that are of high quality,

sustainable, accessible, attractive, durable and well integrated with their surroundings.

- 9.28 Managing Development policy DM24 requires development to be designed to the highest quality taking into account the surrounding context. Policy DM26 provides further criteria for considering tall buildings.

Layout

- 9.29 The proposal echoes the existing building layouts on the south eastern side of Cotall Street and Stainsby Road in terms of plot depth and building footprints. The development would complement the existing 4 and 6 storey residential buildings along this frontage. It will reinforce Stainsby Road with a typical and traditional urban form of dwelling frontages.

- 9.30 Access points into the residential units are taken from the street frontage whilst park side access will also be incorporated for the waterside centre and cafe. This arrangement complements the footfall around the area and maximises the personal security of those using the site and the park. Terraces and balconies would overlook the park, the street and the canal adding to the vibrancy and security of these public areas.

- 9.31 There would be a clear distinction between public and private space, with small front gardens providing a degree of defensible space between the street edge and front doors into the maisonettes and cores to the flats. Secure private gardens would be provided for the larger family units at the rear of the development.

Height, mass and scale

- 9.32 The built form of the development comprises a pair of 5, 6 and 10 storey buildings on two linked sites. The total height of the development has been deliberately kept below the height of some of the adjacent and surrounding park side development and also relates well to many of the older residential blocks, which are typically between 5 and 6 storeys in height.

- 9.33 Both sites include a taller element up to 10 storeys located at the northern and southern ends of the sites, respectively. Whilst there are buildings nearby which are of equivalent or greater height (Anglesey House at 10 storeys and Abbots Wharf at 12 storeys), objections have been raised to the principle of tall buildings as part of the redevelopment by local residents. The tall elements of the proposed development must be considered in the context of the Managing Development Policy for building heights (DM26).

- 9.34 The starting point of policy DM26 is that outside of identified tall building clusters, building heights should be considered against the town centre hierarchy. The amended table to support policy DM26 indicates that outside of town centres. Building heights should respond to predominant local context. As stated above, the local context is extremely varied and does contain some tall buildings. There is no prevailing building height. Hence officers are satisfied that there is scope for taller elements in the development.

- 9.35 The second part of policy SM256 provides a list of criteria that tall buildings must satisfy in order to be acceptable. Not all of the criteria are directly relevant in spatial terms to development in this location; however officers have assessed the proposals carefully against the relevant criteria relating to design impact on local views, impact on heritage assets, amenity and microclimate. In addition to the detailed plans, the

application includes CGI views of the development along key public routes and from vantage points within Bartlett Park.

- 9.36 The proposed taller elements would act as “bookends” at either end of the proposed development sites. The tall element on the Stainsby Road site, would complement the height of Anglesey House on the corner of Lindfield Street, but would be less bulky and off set from the corner of Anglesey House, hence providing a focus for height at the Stainsby Road/Linfield Road junction. The park itself provides a setting to accommodate an increased in height that would be much harder to justify in urban design terms if the sites were surrounded on all sides by built development.
- 9.37 The proposed ten storey element on Cotall Street would complement the height of the tower element of Abbots Wharf but remain subservient in terms of overall height. Furthermore, the location of this taller element adjacent to the proposed extension of Bartlett Park provides a suitable setting for a tall element on this site. Based on the information provided, officers are confident that the proposed taller elements of the proposals would be of a high architectural quality, provide a positive contribution to the skyline and enhance local views across the park. The proposed development would be set back from the Limehouse Cut Conservation Area and would provide an appropriate backdrop to the views along the canal in terms of height and mass.
- 9.38 The overall mass of the tall buildings would be broken down by the rhythm of the finer grain architectural approach and the provision of entrances into the ground floor dwellings and in the case of Cotall Street, the entrances to the waterside centre and cafe ensure that the taller elements present a human scale at street level. The applicant’s microclimate (wind) assessment demonstrates that the tall buildings would not introduce problems of unacceptable turbulence at ground level and this finding has been independently verified by consultants appointed by the Council.
- 9.39 In conclusion, officers are satisfied that the height of the proposed buildings, would comply with the relevant criteria in Managing Development policy DM26 and would also be appropriate in terms of meeting other policy objectives to optimise residential development and to prevent encroachment of the building footprint onto adjacent open space.

Architectural appearance and landscape

- 9.40 Both buildings would be constructed from traditional materials, predominantly brick. Two contrasting tones are proposed – a high quality light coloured brick is proposed as the main material, with a contrasting dark coloured brick for elements of the ground, upper floors, mid and end sections that step in from the main elevations.
- 9.41 The windows are set within deep recesses and expressed in grid form. The use of coloured glazed spandrels would further enliven the elevations, allowing appropriately proportioned windows to reflect the position of units and the location of different rooms, creating visual interest whilst maintaining the robust approach to the grid form. The grid approach would also break down the perceived mass of the buildings when viewed from the Park or the Street.
- 9.42 Balconies would project from the main elevations, but are located away from corners to maintain a strong building form with clean lines and clear connection between the taller elements and the ground. None of the balconies would project over the public highway or extend beyond the site boundary.
- 9.43 External boundary treatment has been carefully considered with low brick walls defining the front garden areas and rear boundary treatment takes account of the

emerging Park Improvement Plan to ensure compatibility with landscape proposals adjacent to the site boundary. The proposed café terrace would be raised 1.2m above the external levels and surrounded by a 1.1m high balustrade, to ensure a clear delineation but allowing views across Bartlett park from the café and terrace.

- 9.44 In conclusion, officers are satisfied that the external appearance of the buildings has been carefully considered and designed to complements the existing buildings on Stainsby Road and Cotall Street including more recent developments such as Abbots Wharf. The materials proposed would be high quality and the buddings would create visual interest and relate well to the street at ground level. Overall the development would provide a positive enhancement to the street scene and the setting of Bartlett Park.

Secure by design

- 9.45 The scheme will deliver significant benefits in terms of safety and security by providing active frontages to the street and the park, delivering natural surveillance across the park and canal through over-looking from upper floors and by using decorative, perforated security grilles in preference to roller shutters when the café and waterside centre are closed at night.
- 9.46 Rear gardens are secured with boundary treatment up to 2.4 metres in height where they adjoin the park and defensible space is provided at the front of the development with 1 metre high boundary walls and low level planting to front gardens. Through further discussions with the Crime Prevention Officer (CPO) at pre-application stage, additional measures including CCTV and lighting have been incorporated.
- 9.47 The CPO has raised some further concerns with respect to potential to step from boundary walls, on to front floor canopies or climb up to first floor balconies and the security of the basement parking and plant rooms. The applicant amended the basement plans to provide only one means of access to the cycle parking and plant rooms and has committed to providing further details to ensure that that he potential for first floor access can be eliminated through consideration of the relationship between boundary treatment, canopy and balconies at the detailed design stage.
- 9.48 Overall officers are satisfied that the scheme properly takes into account secure by design measures, will improve safety and security in the location of the site and will not introduce undue risk of crime to future occupiers as a result of detailed design.
- 9.49 To conclude this section of the report, your officers are satisfied that the scheme accords with Chapter 7 of the London Plan (2011), saved policies DEV1, DEV2 and DEV3 of the Council's UDP (1998), Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23, DM24 and DM26 of the MD DPD (Submission Version May 2012) with Modifications which seek to ensure buildings and places are of a high quality of design and suitably located.

Housing

Residential density

- 9.50 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that "... housing applications should be considered in the context of the presumption in favour of sustainable development" Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

- 9.51 The London Plan (2011) seeks to introduce an annual average of 32,210 new homes across the Capital (Policy 3.3) with a minimum ten year target for Tower Hamlets of 28,850 to 2021 and an annual monitoring target of 2,885. Policy 3.4 of the London Plan seeks to optimise the density of development with consideration for local context and public transport capacity. The policy is supported by Table 3A.2 which links residential density to public transport accessibility and urban character.
- 9.52 Policy HSG1 of the Council's Interim Planning Guidance 2007) relates scale of development to the accessibility of the location to public transport and to shops and services.
- 9.53 Policy SP02 of the Core Strategy (2010) states that new residential development should optimise the use of their land and assist in the creation of sustainable places. It adds that dwelling densities should be related to town centre hierarchy and that development density should correspond with public transport accessibility.
- 9.54 The PTAL score for the site is 2 and as such, the site is ranked towards the lower end of the public transport accessibility scale. In areas of PTAL 2 within an urban area the Council's and London Plan policies (Policy 3.4 and Table 3A.2 density matrix) support densities of up to 450 habitable rooms per hectare (hrph). The London Plan acknowledges that the matrix is just one guide to appropriate density and proposals should also respect the local context and provide suitable standards of living for both existing and future residents.
- 9.55 The proposed development of the combined sites will achieve a density of 1371hrph. While the density is significantly higher than the guidance offered in Table 3A.2 of the London Plan, the policy is clear that development should maximise the highest possible intensity of use compatible with local context, good design and should optimise housing output. In this respect the London Plan states that it is not appropriate to apply the density guidance in Table 3.2 mechanically.
- 9.56 The sites lie adjacent to a large district park and many of the amenities and facilities necessary for future residents are within walking and cycling distance including numerous places of employment. Crisp Street Market (district centre) is within 600 metres of both sites and the nearest primary and secondary schools are within 500 and 750 metres respectively. The application proposes contributions towards increasing the capacity of local schools through a planning contribution, as set out in the Planning Obligations SPD. Notwithstanding the relatively low PTAL score, there are frequent bus services along Upper North Street and Langdon Park DLR station is 750 metres from the junction of Stainsby Road and Lindfield Street.
- 9.57 The proposed density of scheme has been raised in a number of objections from local residents. The Cotall Street site had previously accommodated a six storey residential block with 93 flats and 277 habitable rooms. The density of the previous block would have exceeded the upper level in London Plan Table 3A.2 at 791 habitable rooms per hectare. The development represents an uplift of 57 dwellings above the previous baseline.
- 9.58 Taking into account the context of the site as describe above, proposed development of the sites for a density above the London Plan guidelines is considered to be acceptable in principle subject to compliance with other relevant policies, assessment of the quality of the design and the impacts of the development to ensure that there are no symptoms of overdevelopment such as adverse impacts on residential

amenity, local environment or delivery of substandard housing. These matters are considered in detail in the following sections of the report.

Affordable housing

- 9.59 Section 6 of the NPPF states that "... housing applications should be considered in the context of the presumption in favour of sustainable development" (para. 49). It goes on to say that the Government seeks to boost significantly the supply of housing and that local planning authorities should assist them to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 9.60 The London Plan (2011) seeks to introduce an annual average of 32,210 new homes across London (Policy 3.3) with a minimum ten year target for Tower Hamlets of 28,850 to 2021 and an annual monitoring target of 2,885 Table 3.1 of the London Plan Housing SPG. Policy 3.12 of the London Plan states that in negotiating affordable housing on individual schemes, the boroughs should take into consideration development viability, the availability of public subsidy and the implications of phased development including provisions for re-appraising the viability of schemes prior to implementation. Overall, there is an emphasis on the need to "...encourage rather than restrain residential development." (para. 3.73).
- 9.61 Policy SP02 of Tower Hamlets Core Strategy (2010) and DM3 of the Managing Development DPD (2012) confirms the Council's approach to seek 35% to 50% affordable homes through a variety of sources, subject to viability, with a 70:30 split between social rented and intermediate tenures.
- 9.62 The proposed new development will provide a total of 150 units, 75 private (217 habitable rooms), 52 affordable rented homes (196 habitable rooms) and 23 intermediate tenure homes (67 habitable rooms). A detailed presentation of the mix is shown in Table 2 below.
- 9.63 The Cabinet reports (December 2008 & March 2011) state that the 93 units (277 habitable rooms) lost through demolition of 1-94 Cotall Street have not been replaced on a number of sites nearby. As such, the new homes provided on these sites are considered additional new supply. The GLA have also confirmed this approach in their Stage 1 consultation response.
- 9.64 The scheme would provide a social rent / intermediate housing mix of 70:30. Whilst the proposed mix would not meet the London Plan ratio of 60:40 it would accord with the TH Core Strategy. The GLA have not objected to the proposed tenure mix in their Stage 1 response.
- 9.65 The proposal achieves 54.8% affordable housing calculated by habitable room, or 50% by dwelling. This significantly exceeds the Council's policy minimum of 35% and meets the strategic target of 50%.

Table 2: Proposed residential tenure split and accommodation mix

Ownership	Type	Units	Hab rooms	%age			
Private	Studio	0	0	0.0			
	1 bed	23	46	30.7			
	2 bed	37	111	49.3			
	3 bed	15	60	20.0	Family Units	Total Family 28.7%	
	4 bed	0	0	0.0			
	5 bed	0	0	0.0	20.0%		
Total new sale		75	217	100.0	45.2%		
Affordable Rented	studio	0	0	0.0			
	1 bed	12	24	23.1			
	2 bed	18	54	34.6			
	3 bed	16	80	30.8	Family Units	Total Family 28.7%	
	4 bed	4	24	7.7			
	5 bed	2	14	3.8	42.3%		
	6 bed	0	0	0.0			
Total affordable rent		52	196	69.3%			
Intermediate	Studio	0	0	0.0			
	1 bed	8	16	34.8			
	2 bed	9	27	39.1			
	3 bed	6	24	26.1	Family Units	Total Family 28.7%	
	4 bed	0	0	0.0			
	5 bed	0	0	0.0	26.1%		
Total intermediate		23	67	30.7%			
Total new affordable		75	263		54.8%		
Total new build		150	480				

- 9.66 The application also follows the Council's stated approach in the Managing Development DPD (submission Version) (MDDPD) to provide affordable rent homes significantly below the Government's stated maximum 80% of private rent. The one and two-bed properties are capped at Tower Hamlets target affordable rents (POD rent) equivalent to 65% of private rent, the 3 and 4 bed units are capped at 45% of market rent whilst the 5 bed units would be below 40% of market rent. This fits well with the Council's approach to prioritise the larger family homes for social rent, or as in this case, as close as possible to social rent. No proposed rent would exceed £225 per week which will ensure that once the government's £500 per week benefit cap is implemented no family on benefits will pay more than 45% of net income in rent.
- 9.67 The Council's Housing Section have drawn attention to the Council's preferred approach to seek affordable housing at Social Target Rents - i.e. at the lower end of the rental spectrum and below the target affordable rents set out above.
- 9.68 The Inspector's report following the Examination in Public (EIP) into the MDDPD (dated December 2012) is a material consideration and makes specific comment on the Council's preferred approach to negotiating affordable housing and managing rent levels as set out in policy DM3.

- 9.69 The Inspector notes that the borough must be seen as part of the effective single housing market across London and therefore play its part in helping to meet wider strategic, not just local, housing needs. The Inspector concludes that the achievement of the objective to maximise affordable housing output would be negatively affected by the prioritisation of social rented housing, ahead of the new affordable rent type provision. Similarly, the implied introduction of maximum rents (via Table 2 in para 3.3) would also have the direct result of reducing the total number of new dwellings available for rent in new housing schemes, due to the viability implications for providers.
- 9.70 The applicant has provided a financial appraisal and development viability toolkit which confirms that as many new affordable homes have been included as possible and at rents as low as possible whilst maintaining the schemes' financial viability. Hence the applicant has sought to cap rental levels in line with the table in policy DM3 but at the same time has demonstrated through a financial appraisal and viability assessment that it is still possible to meet the strategic objective of delivering 50% affordable housing across the two sites. This has been achieved in part through detailed negotiations with the Council in its role as land owner and the applicant meeting the specific development objectives for the site in the 2008 and 2011 Cabinet reports.
- 9.71 Revising the rents further downwards, to achieve for example social target rents would inevitably affect the overall proportion of affordable housing that could be delivered through this scheme. It would lead to a situation whereby the combination of lower rents and less affordable housing would bring the proposals into direct conflict with the comments from the Inspector dealing with the MDDPD examination.
- 9.72 The Council has appointed independent consultant to carry out a review of the applicant's viability toolkit report. Their review concludes that the scheme as proposed is delivering the maximum amount of affordable housing given the assumptions that have been made about proposed rental levels, planning obligations and Community Infrastructure Levy.
- 9.73 In conclusion, whilst the EIP Inspector's report is clear that the Council should not be seeking to cap affordable rents, in this case it has been clearly demonstrated that rent capping below at a level below the maximum 80% of market rent would not be at the expense of maximising the overall delivery of affordable housing in line with the London Plan and TH Core Strategy. The proposed affordable housing offer is therefore considered to be in line with London Plan, Core Strategy and MDDPD policies. It is the maximum level that is viable in the scheme as proposed and would deliver housing with capped rent levels that would maximise affordability for Tower Hamlets residents.
- Dwelling sizes and mix
- 9.74 Policy SP02 of the Council's Core Strategy and Policy DM3 of the Managing Development DPD requires development to provide a mix of unit sizes and this is reflected in London Plan Policy 3.8 which also requires development to offer a range of housing choice. Policy DM3 of the Managing Development DPD specifies the particular mix of unit sizes required across different tenures in the Borough. These figures and the breakdown of the proposed accommodation is shown in Table 3 below.

Table 3: Proposed new build housing mix

Unit size	Total units	Affordable Housing						Market Housing		
		Affordable Rented			Intermediate			Private Sale		
		Units	%	Target %	Units	%	Target %	Units	%	Target %
Studio	0	0	0	0	0	0	0	0	0	0
1 bed	43	12	23	30	8	35	25	23	31	50
2 bed	64	18	34	25	9	39	50	37	49	30
3 bed	37	16	31	30	6	26	25	15		
4 bed	4	4	8	15	0	0	0	0	20	20
5 bed	2	2	4		0					
6 bed	0	0	0		0					
Total	150	52	100	100	23	100	100	75	100	100

9.75 The proposed mix generally corresponds with the Council's policy requirements, apart from a slight increase in the number of 2 bed dwellings and a reduction in the number of 1 bed dwellings in the private and affordable tenures. The level of family units achieved virtually matches the Council's policy requirement of 30% overall (the scheme achieves 29%), exceeds it slightly in the intermediate (26% actual/25% required) and is slightly below it in the affordable rent (42% actual/45% required).

Floor space and internal layout

9.76 All of the proposed residential units have been will be designed to achieve good standards of accommodation and amenity. The floor area of each of the residential units and individual room areas complies with the London Housing Design Guide (2010) and Policy DM4 of the Managing Development DPD.

9.77 All family accommodation in the affordable rent tenure (three, four and five bed dwellings) have been designed to include separate kitchen/dining and living areas.

9.78 Overall, 96 out of the 150 proposed dwellings have dual aspect. In terms of dwelling size, 100% of th3 three, four and five bedroom dwellings are dual aspect and 63% of the two bedroom dwellings are dual aspect. All of the remaining 54 single-aspect dwellings benefit from east or west facing orientation and 32 of these dwellings would enjoy views over the park.

9.79 Officers are satisfied that the proposed development would provide a high standard of living accommodation in terms of layout, floor space, aspect and orientation.

Wheelchair accessible and Lifetime homes

9.80 Policy 3.8 of the London Plan and Policy SP02 of the LBTH Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.

9.81 The proposed break down of the wheelchair accessible homes would be:

- Private sale - 7 wheelchair adaptable units - (7x2 bedroom)
- Shared ownership - 2 wheelchair adaptable units (1x1 bed, 1x2B)
- Affordable rent - 6 wheelchair units (3x2 bed 1x 3bed, 2x5ed)

9.82 Overall the scheme would provide a total of 15 wheelchair accessible units with a good spread across dwelling sizes and tenures. Any planning permission will be conditioned to ensure that the detailed design of units will accord with the above London Plan and LBTH requirements in terms of wheelchair accessibility and Lifetime Homes Standards.

Open space

- 9.83 This section of the report sets out an assessment of the application against the relevant policies and standards for the provision of private amenity space, shared amenity space, child play space and public open space.

Amenity space

- 9.84 Saved Policy HSG16 of the adopted UDP requires that all new housing developments should include an adequate provision of amenity space. The Council's new Core Strategy (2010) states in Policy SP02 that all new housing development will require provision of housing amenity space including private amenity space and communal space. It also requires sites providing family housing to provide adequate play space. Policy SP04 of the Core Strategy states that there should be no net loss of open space through development and that opportunities for new publicly accessible open space should be maximised.
- 9.85 Policy DM4 of the Managing Development DPD (2012) expands the guidance requiring all new housing to provide both private and communal space based on dwelling type and scale of development and that child play space should be provided based on child yields. The policy sets minimum private amenity space for individual units and states that the minimum communal space required should be calculated on the basis of 50sq.m. for the first 10 units, plus a further 1sq.m. for every additional unit thereafter. The calculation of play space should be based on 10 sq.m. per child, using Tower Hamlets estimates of likely child yield.
- 9.86 All new homes will have access to private amenity space in the form of either a balcony, roof terrace and/or private gardens. All units will meet the London Mayor's design standards for private open space (London Housing Design Guide which is referenced in the Council's Managing Development Policy DM4. Furthermore, 26 homes would exceed the minimum standards such that a total amount of private amenity space proposed would exceed the minimum recommended space requirements by 669 sq.m. The larger four and five bedroom family dwellings have been designed to be directly accessible from the street with small front gardens providing defensible space and with access to private rear gardens or terraces, facing Bartlett Park.

Communal amenity space

- 9.87 The Council's policy DM4 states that communal amenity space should be calculated on the basis of 50sq.m. for the first 10 dwellings plus a further 1sq.m. for each additional dwelling. As such, the scheme should provide 50 sq.m. for the first ten units and 140 sq.m. for the remainder making an overall requirement for communal amenity space of 190 sq.m.
- 9.88 The development does not propose communal amenity space but the additional 669 sqm of private open space provided in terraces and gardens would exceed this requirement. The supporting text to Policy DM4 states that variations to the provision of adequate communal amenity space will be considered where the Council accepts the provision of high quality, usable and publicly accessible open space within 300 metres of the site. The supporting text goes on to say that the Council will seek contributions towards the improvement of open space. As the application site overlooks Bartlett Park and the park itself is to be the subject of significant enhancements to the quality and usability of the open space. The application proposes a financial contribution towards delivery of the first phase of the park masterplan.

9.89 In conclusion, officers consider that the lack of communal amenity space provision would be acceptable in this instance and would be mitigated by the over provision of private amenity space and the proximity to the park. The proposals would therefore broadly comply with the objectives of policy DM4 with respect to minimum standards of private and communal amenity space.

Child play space

9.90 In accordance with Policy DM4 of the Council's Managing Development DPD, and using guidance produced in association with the London Plan Policy 3D.13, and SPG: Shaping Neighbourhoods: Play and Informal Recreation, it has been calculated that the scheme should provide a total of 767 sq.m. of children's play space. A breakdown of the figures identifying the amount of play space required for each of the age cohorts is provided below.

Type	Space Required	Space Provided	Over/Under
Play Space (0-4 years)	281	191	-90
Play Space (5-11 years)	327	0	-327
Play Space (12+ years)	159	0	-159
Totals	1862	1924	62

9.91 The scheme does not propose a dedicated child play space within either of the sites, partly due to the shape of the sites and the constraints of provision and also due to the proximity of the adjacent park and play facilities within close proximity of the sites, including the adventure play area at the Park's south eastern corner.

9.92 Door step play space for children under five years would be provided in terms of the small front garden areas for a number of the larger family dwellings. A total of 191 sqm is proposed. The London Plan SP reinforces the priority to provide child [play space on site wherever possible but also notes that in cases where development is not able to meet the overall requirements, account should be taken of proximity and accessibility of existing play space, including safe walking routes between the proposed development and the location of nearby play space. An assessment of provision against the SPG recommendations is set out below.

Type	Max walking distance	Assessment
Play Space (0-4 years)	100m	Bartlett Park adjacent and door step play facilities provided for larger family dwellings.
Play Space (5-11 years)	400m	Bartlett Park adjacent and play area on Upper North Street within 400m
Play Space (12+ years)	800m	Bartlett Park adjacent and play area on Upper North Street within 400m

- 9.93 On balance, given the objectives to maximise residential development and affordable housing and the location of the site adjacent to a district park which includes play facilities and is due to be enhanced with the provision of further opportunities for a range of children's play and recommendations space, the proposed development is on balance considered acceptable in this respect of play space provision and broadly complies with the Managing Development DPD policies , London Plan policies and the London Plan SPG .

Public open space

- 9.94 The Core Strategy has a Strategic Objective to create a green and blue grid of well connected, high quality green spaces and water spaces. The Core Strategy sets out the spatial policies for achieving this objective including protecting all existing open space and wherever possible creating new open spaces. The Core Strategy notes that to achieve the 1.2 hectare per 1000 population standards the Council would need to provide 99 hectares of new open space, which would be difficult to achieve given the physical constraints in Tower Hamlets. The 1.2 hectare standard is therefore embedded as a monitoring standards to help justify local need.
- 9.95 Managing Development policy DM10 states that development will be required to contribute to then delivery of an improved network of open spaces in accordance with the Green Grid Strategy and Open Space Strategy. Development on open space will only be allowed in exceptional circumstances including where "as part of a wider development proposal there is an increase in open space and a higher quality outcome is achieved."
- 9.96 To meet the 1.2 hectare per 1,000 population monitoring standard, the scheme would need to include 3924 sq.m. based on a likely population yield of 327 new residents. The combined development area of the two sites would be 322 sqm smaller than the overall site area of the former residential block at 1-94 Cotal Street, with the balance becoming part of the Park at the north east corner, Furthermore, within the site boundary, the scheme proposes a new café terrace (159 sqm), an area adjacent to the waterside centre (110 sqm) and a green space beyond the terrace, which will become part of the landscape proposals for Bartlett Park (81 sqm).
- 9.97 Overall the scheme would generate a 672 sq.m. of new publicly accessible open space. Whilst this is below the monitoring standard, delivery of the scheme combined with the implementation of the Park Masterplan, the closure of part of Cotal Street to traffic and the proposed public realm enhancements would provide a high quality environment that would visually link the green space to the canal and improve overall accessibility to Bartlett Park.
- 9.98 In conclusion, the proposed development combined with the implementation of the Park Masterplan would make a significant contribution to delivering the Core Strategy objective of creating a blue and green grid. It would also deliver the spatial policies of protecting, creating enhancing and connecting open space, through an overall increase in the quantity and enhancement to the quality of local open space. The proposed development would comply with Managing Development policy DM4, including meeting the test for allowing development on the existing changing room area and green space at Stainsby Road.

Residential amenity

- 9.99 Policy SP10 of the Core Strategy seeks to protect residential amenity and Policy DM25 of the MD DPD requires development to ensure it does not result in the loss of

privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook. These policies are further supported by policies DEV1 of the IPG and DEV2 of the UDP

Overlooking and privacy

- 9.100 The supporting text for Managing Development Policy DM25 states that a distance of 18 metres between windows of habitable rooms reduces inter-visibility to a degree acceptable to most people.
- 9.101 The nearest dwellings with habitable windows facing the proposed development are those on Cotall Street and Stainsby Road. The face to face distance separation between windows in the proposed dwellings and existing homes would meet or exceed the 18 metre guideline in all but two cases. There are two dwellings in the southern end of the Stainsby Road Block where the distance separation reduces to 16.5 metres. This results from the stepping forward of part of the building where three flats would be opposite two three storey houses at 23-25 Stainsby Road. The policy notes that the figure would be applied as a guideline only depending on the design and layout concerned. Setting this part of the building further back would have an adverse effect on amenity space proposed to the rear (east side).
- 9.102 A distance of less than 18 metres for facing elevations across a street in an urban environment is not uncommon and given that the development meets the 18 metre guideline in 98% of cases, the minor reduction on Stainsby Road is considered acceptable.
- 9.103 Officers are satisfied that the proposed development would not create unacceptable problems of overlooking or loss of privacy to existing residential occupiers and would therefore be in line with Core Strategy, Managing Development and saved UDP policies.

Daylight and sunlight

- 9.104 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011). Saved Policies DEV1 and DEV2 of Tower Hamlets UDP (1998), Core Strategy Policy SP10 and Policy DM25 of the draft Managing Development DPD (2012) seek to protect amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential developments.
- 9.105 For calculating daylight to neighbouring properties, affected by a proposed development, the primary assessment is the vertical sky component (VSC) together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment.
- 9.106 British Standard 8206 recommends Average Daylight Factor (ADF) values for new residential dwellings, these being:
- >2% for kitchens;
 - >1.5% for living rooms; and
 - >1% for bedrooms.
- 9.107 The application is supported by a Daylight and Sunlight Assessment (DSA) that states the amenity of existing and proposed residents has been a key consideration in the evolution of the design. The DSA shows that overall the levels of daylight and

sunlight received by the proposed dwellings is good for an urban environment and the impact of the development on neighbouring properties and the Park is minimal.

9.108 The applicant's daylight and sunlight assessment has been reviewed independently by consultants appointed by the Council. The review explains that the applicant's DSA conclusion is drawn from an aggregate overall position and to a certain extent masks the differential impacts on the dwellings affected. The independent review provides a more robust commentary on the effects of the development on individual neighbouring properties. The development has been assessed against the following neighbouring properties:

- Argent Court;
- 73-119 Abbots Wharf;
- 23-29 Dod Street;
- 1-35 Donne House;
- Dennison House (13-31 Stainsby Road)
- 14-16 Hind Grove
- Anglesey House.

9.109 The conclusions of the independent review commissioned by the Council are summarised below.

9.110 Argent Court - 3 rooms, one at ground, one at 1st and one at 3rd floor level, will experience a reduction in daylight that would fall below the minimum standard required for any habitable use.

9.111 73-119 Abbots Wharf – there will be a noticeable and material effect but the residual internal lighting conditions will remain above the New-Build design standards. The correct conclusion to be drawn in respect of Abbots Wharf is that the occupants within those flats will experience a material loss for their amenity but that the remaining amount of daylight (and sunlight) will remain adequate.

9.112 23-29 Dod Street - 2.11 We agree that there will be no material impact on the daylight and sunlight received within the flats within 23-29 Dod Street.

9.113 1-35 Donne House - 31 out of the 40 windows tested, even without the balconies taken into account, would experience losses in VSC in excess of the permissible margin of reduction and those losses will therefore be noticeable to the occupants of the flats. Three rooms will therefore experience a very significant loss of amenity.

9.114 Denison House (13-31 Stainsby Road) - all 22 of the windows that face onto the Application Site will experience significant losses of VSC. The loss of light will therefore be noticeable and material. The most severely affected windows are three ground floor kitchens, three ground floor bedrooms and one second floor bedroom. These rooms will therefore not only experience a material and significant loss of light, the residual level of amenity will be very poor.

9.115 14-16 Hind Grove, Stainsby Road - there will be no material impact on the daylight and sunlight received by this building.

9.116 Anglesey House - of the 10 windows tested, 5 will not meet the BRE recommendations but the residual VSC values that will be achieved will remain relatively high. There will be no material impact on the amenity enjoyed by the occupants.

- 9.117 In conclusion, the most severe impacts of the development in terms of effects on daylight and sunlight would be to the occupants of dwellings at Argent Court, 73- 119 Abbots Wharf, Dennison House and to a lesser extent Donne House.
- 9.118 In considering the effect of the proposed development on daylight and sunlight to neighbouring properties, the Committee should take into account the fact that both application sites are currently cleared and/or open space and that the former six storey block at 1-94 Cotall Street would have had a material impact on the daylight and sunlight at Abbots Wharf.
- 9.119 The block at 1-94 Cotall Street extended almost to the junction with upper north street and would have been prominent in views from Abbots Wharf. Whilst the proposed development is taller (5-10 storeys) it would occupy less than 50% of the site footprint and the remainder would be re-instated as open space. Furthermore the flats at Abbots Wharf are dual aspect with windows facing the development site and north-eastwards along Cotall Street. On balance, the effect on Abbots Wharf is considered acceptable in the context of the application of policy DM25 and the long standing intention to re-develop the site for housing.
- 9.120 In the case of Argent Court, Dennison House (13-31 Stainsby Road) and Donne House, these properties currently face open space and the single storey changing facilities. The applicant's supplementary report notes that any development above three storeys on this site would have a material effect on the daylight and sunlight received to front facing windows at Dennison House. The most severely affected rooms would be bedrooms and kitchens, but all of the affected dwellings are dual aspect, with rear habitable rooms facing to the west.
- 9.121 To overcome the effect on daylight and sunlight to the properties on Stainsby Road, the scheme would have to be re-designed with no development above three storeys on the Stainsby Road site. This would significantly affect the overall regeneration objectives of the proposal, delivering much reduced levels of new housing, a fundamentally different affordable housing offer and impacting on development viability. Furthermore, low rise development of this order would be out of character with the surroundings and would conflict with London Plan and Core Strategy policies to optimise development densities in housing development.

Relationship to 52 Stainsby Road

- 9.122 The proposed development as originally submitted proposed to build directly adjacent to the side wall of a six storey block of flats at 52 Stainsby Road. This elevation contains three circular windows positioned centrally at first, second and third floors, each approximately 0.8 metres in diameter. The first and third floor windows provide the only source of natural light to kitchens in these flats. The second floor window provides a secondary source of light to a living room – the main aspect being to Bartlett Park.
- 9.123 Objections have been received from occupiers of these flats referring to the effect of the development on outlook and light to their kitchen windows.
- 9.124 Officers note that the situation on the south facing side elevation is mirrored on the north facing elevation. Here a space of approximately 0.8 metres has been left between the development at 52 Stainsby Road and the more recent development of flats to the north on a site between 52 and 88 Stainsby Road.

- 9.125 The application has been amended to set the Stainsby Road block away from the boundary with 52 Stainsby Road by 0.8 metres, to mirror the situation to the north. The set-back provides an appropriate space to maintain some light to the two kitchen windows affected and to ensure space for ventilation and future maintenance.
- 9.126 Officers consider this approach would be acceptable in principle and mitigates the impact on the occupiers of 52 Stainsby Road.

Noise and vibration

- 9.127 The site is not located close to a main arterial road or existing noise emitting sources. Through traffic levels along Cotall Street would decrease following the implementation of the Park masterplan and closure of the northern part of the road to traffic. As identified in the comments from Environmental Health, the main sources of noise are likely to arise from the use of the café and waterside centre, particularly during the evening and at weekends when residents may be at home for longer periods of the day. Both uses are however compatible with a residential environment and would not be inappropriate as part of a mixed use development in this location, subject to control over opening hours, servicing hours and details of the location and type of any external ventilation or extraction plant and machinery.
- 9.128 An update to the applicant's noise assessment has been completed and submitted to the Council's Environmental Protection Team for review. Further comments have been provided by Environmental Protection confirming they are satisfied with the report and recommending planning conditions to ensure noise insulation to meet the "good" design standard of BS8233 in any bedroom or living room, appropriate noise insulation between any residential and commercial premises and adequate acoustic ventilation should also be incorporated within the development
- 9.129 Conditions are also recommended to restrict opening times of both facilities to 8am – 10pm, Mondays to Saturdays and 9am – 9pm on Sundays.
- 9.130 In conclusion, whilst officers note that there would be some impact on residential amenity arising from reductions in daylight and sunlight, this situation is not unusual in urban locations, particularly where there is a focus on delivering new homes and securing regeneration. There would be no other significant effects on residential amenity and therefore on balance, the proposals would comply with Core Strategy, Interim Planning Guidance, Unitary Development plan and Managing Development policies to safeguard residential amenity

Transport and access

- 9.131 The National Planning Policy Framework the Government states the government's view that transport policies have an important role to play in facilitating sustainable development and that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, incorporate facilities for charging plug-in and other ultra-low emission vehicles and consider the needs of people with disabilities by all modes of transport.
- 9.132 The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Policy 6.9 seeks the introduction of cycle parking spaces in new developments and the promotion of safe,

accessible and convenient walking routes. Strategic Objective SO20 of the Core Strategy states that the Council seeks to: “Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle.” Policy SP09 provides detail on how the objective is to be met, including emphasis that the Council will promote car free developments in areas of good access to public transport.

- 9.133 Policy DM20 of the Council’s new Managing Development DPD reinforces the need to demonstrate that development is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of that network. It highlights the need to minimise car travel and prioritise movement by walking, cycling and public transport. The policy requires development proposals to be supported by transport assessments and a travel plan.
- 9.134 Policy DM22 of the Managing Development DPD refers to the parking standards set out in its appendix 2. These state that for residential use in locations with a PTAL of 1 and 2, parking for 1 and 2 bedroom units should not exceed 0.4 spaces per unit and not exceed 0.5 spaces per unit for 3 bedroom homes or larger. Parking for a community use will have to be supported by a transport assessment and there should be no parking for a cafe.
- 9.135 Cycle parking for residential should be provided at one space per 1 and 2 bedroom unit and two spaces per 3 or more bedroom units.
- 9.136 The site has a PTAL of 2 and is approximately 900 metres from Langdon Park DLR station. The sites are within 500 metres of the bus routes along Upper North Street, East India Dock Road and Burdett Road. Whilst the PTAL score is relatively low, the sites are in reasonable proximity to a range of public transport facilities that can be conveniently reached on foot and cycle.
- 9.137 A Transport Assessment accompanies the application and notes that given the anticipated small increase in movements created by the development and the reasonable volume of sustainable travel connections in vicinity of the sites, it is considered that the development will not generate any noticeable impact upon the local highway network or public transport network. This conclusion is supported by TfL’s comments in the GLA Stage 1 response.

Vehicular parking

- 9.138 Based on the standards in Managing Development policy DM22, the residential element of the proposals should provide up to 0.4 spaces per unit for the non family (less than 3 bed units) and up to 0.5 spaces per unit for the units larger than 3 bed. The application has been amended to include a total of four spaces for people with disabilities but would not provide any general needs parking. The Applicant is prepared to sign a car free agreement that will prevent new residents from acquiring an on-street parking permit, apart from those transferring within the borough from another affordable family home under the Council’s Permit Transfer Scheme (PTS).
- 9.139 It is expected that the waterside centre and cafe will draw the majority of their users and visitors from residents local to the area. As such, the proposal does not provide vehicular parking for these facilities. The Managing Development parking standards would support zero provision for these uses.
- 9.140 The Council’s Transportation and Highways Section have raised significant concerns about the lack of on-site parking provision, given the low access to public transport and in particular the provision of only four disabled parking spaces, given that the

proposals would include up to 15 accessible homes. The general lack of parking provision and the impact on surrounding highways is a point that has also been raised by local residents objecting to the proposals.

9.141 The Transport Assessment includes a survey of on-street parking capacity in adjacent streets, undertaken at night time, after the existing controlled parking zone restrictions expire and carried out in October 2012. A further survey has been carried out in January 2013 at the request of officers, in order to validate the 2012 survey. The second survey shows that the surrounding streets have capacity for 135 parking spaces. In terms of the roads nearest to the application site, the following parking capacity was observed:

- Cotall Street - 41 spaces were available.
- Stainsby Road - 8 spaces were available.
- Lindfield Street - 28 spaces were available

9.142 A supplementary note to the Transport Assessment sets out the maximum parking demand arising from the development as a result of the PTS would be 22 spaces and a potential requirement for disabled parking spaces is likely to be up to 15 but in practice there would be some overlap with demand arising from the PTS.

9.143 The applicant has also referred to the previous situation whereby the 93 flats at 1-94 Cotall Street were not covered by a car-free agreement or any other form of parking restriction, did not include any off street parking within their curtilage and could have generated a significant demand for on-street parking over and above that which would be generated from a new development that includes a car free agreement.

9.144 The applicant has explored the possibility of a basement car park, but notes that the design and technical requirements would be extremely difficult to accommodate on relatively narrow sites and ultimately would affect development viability.

9.145 Officers consider that the constrained nature of the sites are such that provision of additional parking spaces on site would be detrimental to the overall objective of maximising the potential of the sites to deliver an optimal level of housing and good quality design. There is evidence to show that parking demand arising from the PTS could be accommodated on street close to the development and the targeting of the on-site parking [provision to disabled spaces is appropriate.

9.146 Officers are therefore able to recommend that the approach to dealing with car parking requirements is acceptable and in line with the overall strategic policies of the NPPF, London Plan and Core Strategy to minimise reliance on the car and promote sustainable forms of travel.

Cycle Parking

9.147 A total of 191 cycle spaces will be provided for the residential use. These will be accommodated insecure storage areas at basement and ground floor level within each of the buildings. Additional cycle parking spaces will be provided in the open areas adjacent to the cafe and waterside centre for visitors.

9.148 The Council's Transportation and Highways Section note that the amount of cycle parking would be in line with the Council's policies but have raised concern that the basement facilities in the Cotall Street block are not at grade and rely on cycle runnels along the stair cases to assist with access. All of the spaces in the Stainsby Road block would be at grade and hence on balance officer accept that appropriate cycle parking would be provided in line with eth Council's policies but that there is a

shortfall of two spaces with regard to London Plan policies. The applicant has confirmed that this additional provision can be accommodated within the scheme and an appropriate condition is recommended.

Servicing and refuse requirements

- 9.149 The applicant has provided an updated auto-track plan demonstrating safe manoeuvring would be possible for larger service and refuse vehicles in the proposed turning head adjacent to the Cotall Street building.
- 9.150 The capacity of the proposed refuse storage facilities serving the residential accommodation would comply with the standards set out in the Managing Development DPD. A condition requiring submission of a waste management plan to cover non-residential space (café and leisure facility) has been recommended.

Sustainability, energy efficiency and climate change

Energy efficiency

- 9.151 The National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.
- 9.152 At a strategic level, the climate change policies as set out in chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the emerging Managing Development DPD Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 9.153 The London Plan 2011 Policy 5.6 requires Major development proposals should select energy systems in accordance with the following hierarchy -
- Connection to existing heating or cooling networks
 - Site wide CHP network
 - Communal heating and cooling.
- 9.154 The Managing Development DPD policy 29 includes the target to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.
- 9.155 The current proposals are for Code level 4 and BREEAM Very Good. Whilst this falls short of the policy target the applicant has demonstrated there are specific site constraints that minimise the ability to achieve an excellent rating and in this specific instance only the achievement of Very Good is accepted.
- 9.156 The development will deliver energy savings through the use of renewable technologies including a combined heat and power centre in each block. Other improvement measures such as improved energy efficiency will complement the integrated approach to the sustainable energy objectives of the London Plan and London Borough of Tower Hamlets and reflect the aspirations of the regional and national policies
- 9.157 Concerns have been raised by the Council's Sustainability Team that the proposals do not go far enough in terms of reducing carbon dioxide emissions or meeting the requirements of Managing Development policy DM29. Specifically, further investigation into the feasibility of a site wide energy network, linking both sites has been requested.

- 9.158 The application has been amended to achieve 30% reduction through the use of a more efficient combined heat and power system, linking the residential and non-residential elements of the Cotall Street block and use of photo voltaic cells.
- 9.159 The applicant has stated that linking the two sites via a multi-site energy network would not be feasible due to the need for the distribution pipework to cross third party land and to maintain the network in perpetuity (Bartlett Park) and would also render the scheme's financially unviable, unless concessions are made with respect to other obligations (affordable housing and financial contributions).
- 9.160 The updated information has been reviewed by the Sustainability Team who confirm that the scheme is in compliance with the London Plan and accept that feasibility and viability issues will have to be taken into account in determining the acceptability of the scheme in energy efficiency terms.
- 9.161 In conclusion officers are satisfied that whilst the 30% reduction would still below the 35% requirement of policy DM29, the scheme would be in broad compliance with the London Plan's energy requirements. The proposals would meet the key objectives of national, London Plan and Tower Hamlets polices with regard to energy efficiency and climate change.

Ecology and biodiversity

- 9.162 The application is supported with a Preliminary Ecological Appraisal, carried out in October 2012. Neither of the sites are formally designated nature conservation sites. Cotall Street is a cleared site of a demolished residential block. Stainsby Road contains four trees that are proposed to be removed.
- 9.163 The trees to be removed from the Stainsby Road site have some potential to provide habitat for roosting birds and /or bats. A condition is recommended to ensure a survey is carried out prior to commencement of the development and to instigate appropriate mitigation measures if necessary.
- 9.164 The loss of the four trees would be outweighed by the potential to enhance the natural habitat within the Park and the application sites themselves through new native tree planting and appropriate landscaping.
- 9.165 Further biodiversity enhancements can be achieved through the development by including green and brown roofs and by including (as a minimum) native planting schemes and external and integrated wildlife boxes within the development proposal. Furthermore, the proposals to enlarge Bartlett park and provide a more direct link to the Limehouse Cut Canal, would create opportunities to link natural habitats within the park and the water space.
- 9.166 In conclusion, officers are satisfied that the scheme would provide appropriate biodiversity and ecological enhancements and subject to appropriate conditions, would comply with national, London Plan and Tower Hamlets Core Strategy and Managing Development Polices with respect to biodiversity.

Health Considerations

- 9.167 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the Borough.

- 9.168 Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles and enhance people's wider health and well-being.
- 9.169 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
 - Providing high-quality walking and cycling routes.
 - Providing excellent access to leisure and recreation facilities.
 - Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
 - Promoting and supporting local food-growing and urban agriculture.
- 9.170 The applicant has agreed to a financial contribution of £75,000 to be pooled to allow for expenditure on health care provision within the Borough.
- 9.171 The application will also help to facilitate the improvement and enlargement of Bartlett Park, both physically and through a financial contribution, to promote access to high quality public open space, leisure, sport, play and recreation facilities. The proposals include a new waterside facility to offer opportunities for participation in water based activities relating to the Canal. These factors will contribute to facilitating healthy and active lifestyles for the future occupiers of the development and existing residents nearby.
- 9.172 It is therefore considered that the financial contribution towards healthcare and new open space will meet the objectives of London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy which seek the provision of health facilities and opportunities for healthy and active lifestyles.

Planning obligations

- 9.173 Regulation 122 of the Community Infrastructure Levy Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they are necessary to make the development acceptable in planning terms, directly related to the development and are fairly and reasonably related in scale and kind to the development.
- 9.174 Policies 6A.5 of the London Plan (2008), saved policy DEV4 of the UDP (1998), policy IMP1 of the IPG (2007) and policy SP13 in the Core Strategy (2010) seek to negotiate planning obligations through their deliverance in kind or through financial contributions.
- 9.175 The Planning Obligations Supplementary Planning Document sets out Tower Hamlets priorities for planning obligations and the types of development for which obligations may be sought. Where obligations take the form of financial contributions, the SPD sets out relevant formula that will be applied to calculate the contribution or whether the contribution will be negotiated on a case by case basis.
- 9.176 The Planning Obligations SPD allows a degree of flexibility in negotiating obligations to take account of development viability, any special circumstances of the case and benefits that may be provided in kind (e.g. open space and public realm improvements).

9.177 If the priorities and standard calculations set out in the Planning Obligations SPD are applied to the proposed development the following contributions should be sought to mitigate the impact of the proposals.

Tower Hamlets SPD priority	Standard contribution
Employment training and enterprise	£41,047
Idea Stores	£41,814
Leisure	£128,704
Education	£754,744
Health	To be confirmed
Sustainable Transport	£4,905
Open Space	£266,295
Public realm	£98,400
Monitoring (2%)	£26,718
TOTAL	£ 1,362,627

9.178 The total requirement would be £1,362,627, excluding health. Tower Hamlets NHS have not yet responded to the Council's consultation letter.

9.179 The applicant has set aside a total of £1.9m to cover the Mayor of London CIL liability and planning obligations and have submitted a development viability toolkit report that demonstrates that the development could not afford further financial contributions. The estimated CIL liability is estimated to be in the region of £307,265. The applicant has factored this into their viability assessment to leave a total of £1,592,735 available towards financial contributions required as planning obligations to mitigate the impact of the development.

9.180 Officers have sought an independent review of development viability. The Council's advisors have confirmed that the total allocated towards planning obligations and CIL is the maximum that the development could afford without affecting the current affordable housing offer or adversely affecting development viability.

9.181 The Communities Localities and Culture Directorate has recommended that contributions towards open space, public realm and leisure be combined in this case and directed towards the proposed Bartlett Park Improvement Plan. This approach to combining contributions has been agreed by the Council's Planning Contributions Overview Panel (PCOP), however an additional contribution towards health care has been recommended

9.182 Notwithstanding the failure of NHS Tower Hamlets to respond to the consultation request, and in view of the need to prioritise the Bartlett park Improvements, a contribution of £75,000 is recommended to mitigate the impact of the population increase arising from the development on health facilities.

9.183 The total contributions required in line with SPD policies, including health would be £ 1,437,627.37 The applicant has offered a further £155,107 towards the Bartlett Park improvements, based on the difference between the SPD requirements and the total amount available in the applicant's budget for planning obligations and CIL.

9.184 Given the park improvements are a strategic priority for this area as set out in the Core Strategy and Open Space Strategy, officers consider that this approach to maximising the financial contributions that could be applied to delivering the first phase of the proposals would be acceptable, would comply with planning policy and meet the tests set out in national legislation.

9.185 In conclusion, the proposed planning contributions offered by the applicant and agreed by PCOP to mitigate the impact of the development are set out below.

Agreed scheme priority	Applicant's contribution
Employment, training and enterprise	£41,047
Libraries and Idea Stores	£41,814
Bartlett Park Improvements	£648,507
Education	£754,744
Healthcare	£75,000
Sustainable Transport	£4,905
Monitoring charge (2%)	£26,718
TOTAL	£ 1,592,735

9.186 In addition the following non-financial obligations would be secured:

- Provision of 50% affordable housing in accordance with details set out in application.
- Laying out of open space adjacent to Cotall Street (former residential site) to offset loss of open space at Stainsby Street;
- Commitments to employment and training at construction and end user phases;
- Provision of temporary changing facilities in Bartlett Park during course of construction;
- Provide proposals and to submit a planning application to show how public realm improvements/engineering works would facilitate access to the canal for the waterside centre.
- Car free agreement.

Localism Act (amendment to S70(2) of the TCPA 1990)

9.187 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:

9.188 In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to the application;
- b) Any local finance considerations, so far as material to the application; and
- c) Any other material consideration.

9.189 Section 70(4) defines "local finance consideration" as:

- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

9.190 In this context “grants” might include the New Homes Bonus.

9.191 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.

9.192 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides non-ring fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.

9.193 Using the DCLG’s New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £217,192 in the first year and a total payment £1,303,155 over 6 years. There is no policy or legislative requirement to discount the new homes bonus against the planning obligation contributions, and therefore this initiative does not affect the financial viability of the scheme.

9.194 With regard to Community Infrastructure Levy considerations, following the publication of the Inspector’s Report into the Examination in Public in respect of the London Mayor’s Community Infrastructure Levy, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and will be payable on this scheme. The likely CIL payment associated with this development would be in the region of £307,265.

Human Rights Considerations

9.195 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-

9.196 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person’s civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the

use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

- 9.197 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 9.198 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 9.199 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 9.200 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.201 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 9.202 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement to be entered into.

Equalities Act Considerations

- 9.203 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 9.204 The contributions towards various community assets/improvements and infrastructure improvements addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.

- 9.205 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 9.206 The community related uses and contributions (which will be accessible by all), such as the improved public open spaces, play areas and youth club, help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.
- 9.207 The contributions to affordable housing support community wellbeing and social cohesion.

10. CONCLUSION

- 10.1 All other relevant policies and considerations have been taken into account. Planning permission should be supported for the reasons set out in RECOMMENDATION section of this report.

