

Committee: Development	Date: 9 August 2017	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Place	Title: Applications for Planning Permission
Case Officer: Kevin Crilly	Ref No: PA/16/01978
	Ward: St Katharines and Wapping

1.0 APPLICATION DETAILS

Location: Brussels Wharf, Glamis Road, E1W 3TD

Existing Use: Leisure activities (D2 use)

Proposal: PA/16/00988

Development of 50 x 8.5m natural swimming pool and kid's pool incorporating a surfaced beach area and sun terrace, changing rooms, toilet, disabled facilities and kiosk (Use Class D2, A1-A3).

A café restaurant incorporating 1st floor viewing platform and integrated public toilet block and ground floor level (Use Class A3)

Ecological improvements to Shadwell Basin including new wet land park with improved fishing pitches

A new foot bridge and decked area (Science Deck). A new canoe polo court in Shadwell Basin

Drawings and documents: 519-PL-000 REV A, 519-PL-001 REV. B, 519-PL-010, 519-PL-010/1, 519-PL-011, 519-PL-012, 519-PL-013, 519-PL-014, 519-PL-015, 519-PL-016, 519-PL-017, 519-PL-020 REV A, 519-PL-021, 519-PL-022 REV A, 519-PL-023, 519-PL-024, 519-PL-025 REV A, 519-PL-026 REV A, 519-PL-027 REV A, 519-PL-030, 519-PL-031, 519-PL-032, 519-PL-033, 519-PL-040 REV A, 519-PL-41 REV A, 519-PL-042 REV A, 519-PL-043 REV A, 519-PL-050, 519-PL-051, 455-3 519-PL-000/1, 519-PL-001/1, Design and Access Statement rev. A - 6th March 2017

Applicant: Shadwell Basin Outdoor Activity Centre With The Turks Head Charity

Ownership: London Borough of Tower Hamlets

Historic Building: None. However the proposal lies within the setting of a Grade II* listed Wapping Hydraulic Power Station

Conservation Area: Wapping Wall Conservation Area

2.0 EXECUTIVE SUMMARY

- 2.1 This application is reported to the Development Committee as the proposal has attracted 39 letters in objection.
- 2.2 The Local Planning Authority has considered this application against the Council's adopted planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) in addition to the London Plan (2016) as well as the National Planning Policy Framework and all other material considerations.
- 2.2 The proposal involves the development of the Brussels Wharf site to incorporate an outdoor natural swimming pool and associated changing facilities, an ancillary restaurant and viewing platform, additional decking, walking bridge and terraced seating, and ecological improvements to the Shadwell Basin including a new wetland park with improved fishing pitches.
- 2.3 The proposed development would bring a number of benefits to the locality including the utilisation of an underused area of land for an enhanced, fully accessible leisure provision, biodiversity enhancements and public realm improvements. The design of the proposed buildings are also supported in terms of its layout, scale and appearance.
- 2.4 It would preserve the character and appearance of the Wapping Wall Conservation Area but would result in 'less than substantial harm' to the setting of the grade II* listed Pumping Station. This harm has been weighed against the public benefits identified above and the proposal has been considered in the context of paragraph 134 of the NPPF. Officers have concluded that the public benefits outweigh the identified harm and this view accords with that of Historic England.
- 2.4 The proposal would not adversely impact the amenity of surrounding neighbouring residents and building occupiers, and would also afford future occupiers a suitable level of amenity in accordance with policy SP10 (4) of the Core Strategy (2010) and policy DM25 of the Managing Development Document (2013) and is thus acceptable in amenity terms.
- 2.5 Subject to conditions, the proposal would not have an adverse impact upon the local highway network, would provide appropriate cycle parking arrangements, and would be serviced in an appropriate manner.
- 2.6 Officers accept that a large number of residents have expressed concerns about the potential impacts the proposed use would have on the operation of the highway and parking as well as anti-social behaviour levels within the surrounding area and the resultant increase that is perceived by the application. Officers are satisfied that subject to conditions the impact upon local residents can be suitably mitigated
- 2.7 In conclusion, officers consider that the benefits of the proposal, including the provision of a community swimming facility, the uplift in employment and its role in supporting the wider economy and the ecological improvements would outweigh any harm identified.

3.0 RECOMMENDATION

- 3.1 That the Committee resolve to GRANT planning permission subject to:
- 3.1 That the Corporate Director of place is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:
 1. Time Limit
 2. Approved Plans
 3. Construction management plan
 4. Further details and samples of all materials
 5. Hours of Operation
 6. No restaurant service on viewing terrace
 7. Landscape Management Plan
 8. Scheme of Lighting
 9. Heritage Interpretation Strategy
 10. Wetland Monitoring and Management Plan
 11. Contaminated Land Investigation
 12. Secure Accessible Car Parking Spaces
 13. Details of Cycle Facilities
 14. Travel Plan
 15. Servicing and Management Plan
 16. Scheme of Highway Improvements

4.0 PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application proposes the development of 50 x 8.5m natural swimming pool and 12m x 12m children's pool incorporating a surfaced beach area and sun terrace, changing rooms, toilet, disabled facilities and kiosk (Use Class D2 and A1). A ground floor café restaurant is proposed to the north east of the site with an external viewing terrace located at first floor.
- 4.2 A new footbridge and decked science area are proposed to the south west of the site as well as ecological improvements to the Shadwell Basin including a new wetland park with improved fishing pitches.



Figure 1: Photo of the existing site looking west



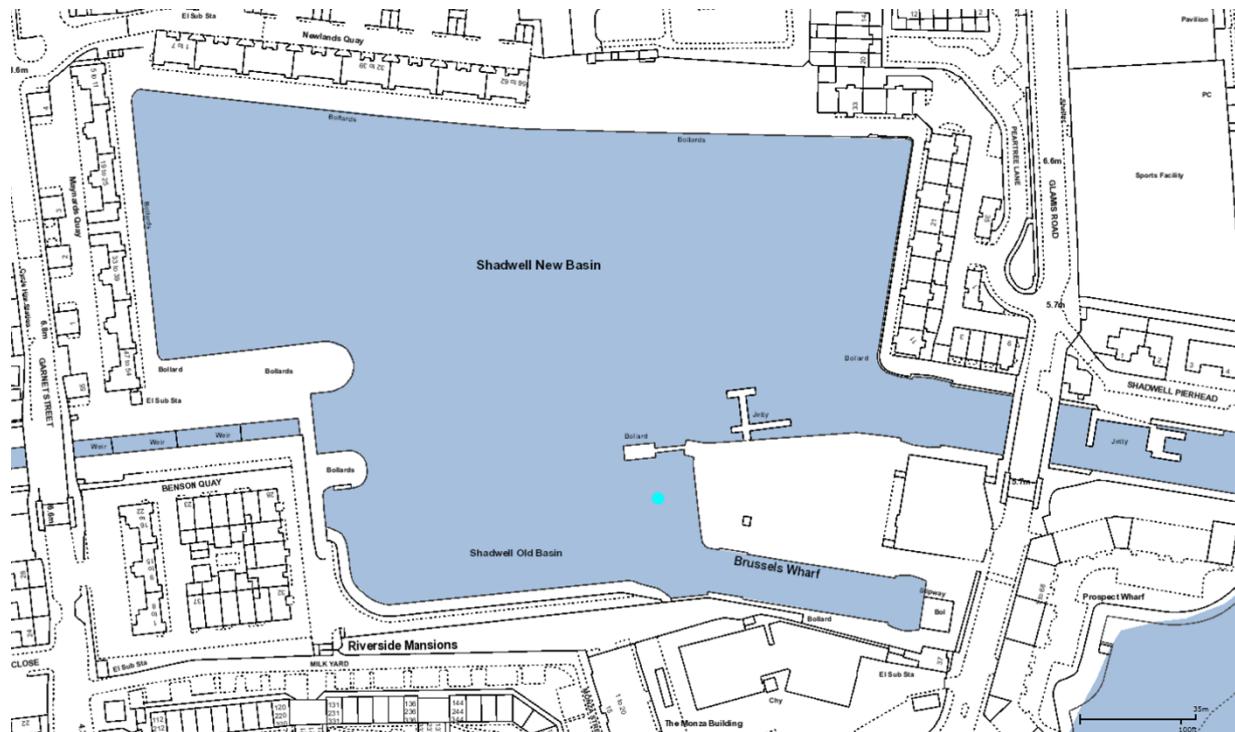
Figure 2: Artists impression of the proposed lido

Site and Surroundings

- 4.3 The site is located within the St Katharine's and Wapping Ward and is 85 metres north of the River Thames. The entire site boundary (9,165 sqm) consists of the 'Shadwell Old Basin' (*the body of water central to the site*), 'Brussels Wharf' (*located to the east end of the site*) and the 'Shadwell Basin Walkway' which starts from Shadwell Upper

Lock Canal and runs along the southern edge of the site terminating to the west, by the access entrance to Glamis Road.

- 4.4 The entire basin (both old and new) is designated 'Open Space' and a 'Site of Importance for Nature Conservation' (SINC). The site is located within a flood risk area (Flood Zone 3) and is a constituent of the Blue Ribbon Network.
- 4.5 The land is owned by the Tower Hamlets Council and is leased to 'Shadwell Pierhead' on a 50 year lease (beginning 12-03-1997 and ending 12-03-2047). The nearest town centre is 'Wapping Lane Neighbourhood centre' which is located 645 metres to the south west.
- 4.6 The basin is currently used for water activities by the Shadwell Basin Outdoor Activity Centre as well as fishing exclusively by the Shadwell Basin Fishing Club. The pedestrian walkways are predominantly used by residents living nearby, runners and other visitors to the area, particularly tourists.
- 4.7 The surrounding area consists primarily of residential uses, particularly on the west, north and eastern edges of Shadwell New Basin. Other land uses located further south and along Wapping Wall include A4 (Prospect of Whitby Public House) and some professional services. The construction of the Thames Tideway Tunnel is currently ongoing at a site 200 metres to the north east of Brussels Wharf.
- 4.8 The site is located within the Wapping Wall Conservation Area. The Grade II* listed Wapping Hydraulic Power Station is located directly south site as is the Grade II listed Prospect of Whitby Public House located at 57 Wapping Wall. Across Shadwell Basin on an elevated plateau is the rear of the Grade II* listed St Paul's Church which fronts The Highway.



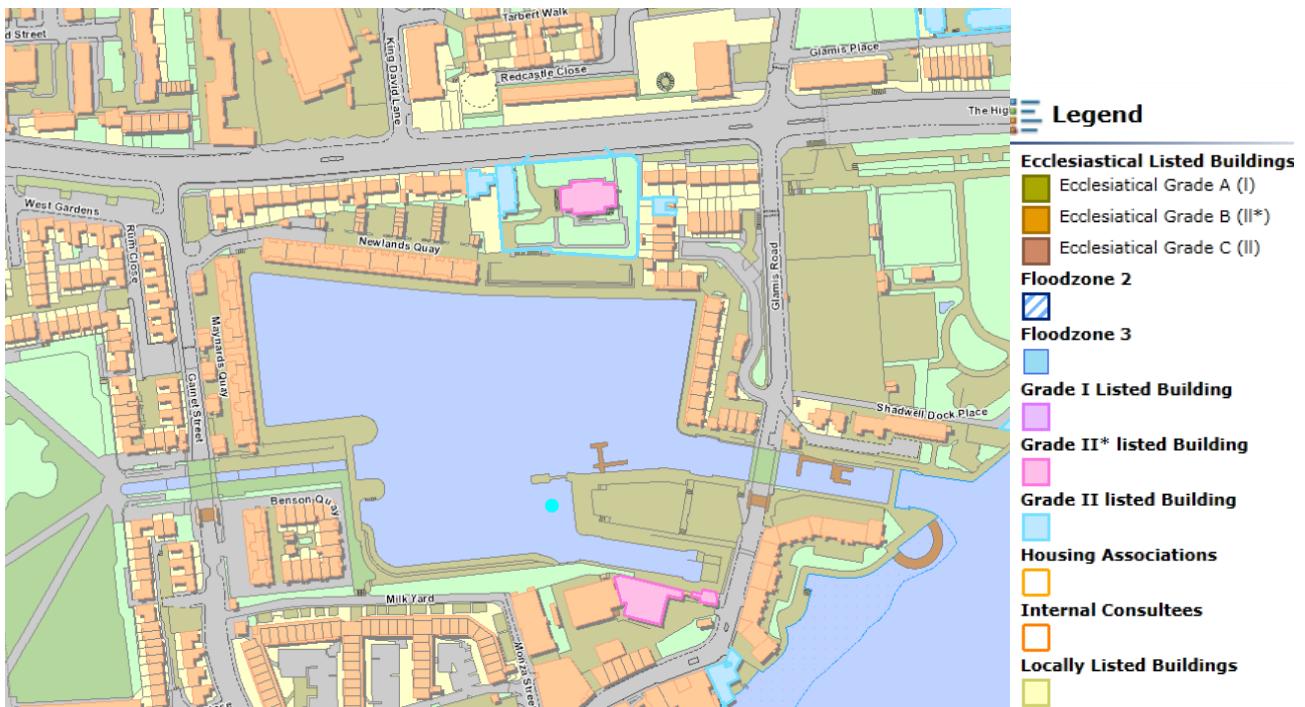


Fig. 3 Site with neighbouring listed building highlighted in pink

Planning History

- 4.9 PA-72-00771 -Use of the site as temporary lorry security park. (Refused – 29/12/1972)
- 4.10 PA-76-00660 - Use of water, land and public building for recreational and residential purposes for a period of 5 years. (Permitted – 15/03/1976)
- 4.11 PA-80-0091 -Erection of boat workshops and flammables store.(Permitted-14/08/1981)
- 4.12 WP-88-00230 - Pedestrian access ramp from Quay edge to Pontoons in Shadwell Basin. (Permitted – 30/11/1988)
- 4.13 PA-88-00713 -Installation of new entrance gates, floodlights, lighting columns and associated landscaping. (Permitted – 08/03/1988)
- 4.14 PA-88-00714 - Erection of park gates. (Permitted – 08/03/1988)
- 4.15 WP-95-00085 -Extension of use of watersports centre (D2) to include nursery school (D1) (Permitted – 21/06/1995)

5.0 POLICY FRAMEWORK

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The list below is not an exhaustive list of policies however; it contains some of the most relevant ones to the application:

5.3 Government Planning Policy

National Planning Policy Framework 2012
National Planning Practice Guidance (NPPG)

5.4 London Plan 2016

Policy 2.15: Town Centres
Policy 3.19: Sports Facilities
Policy 3.6: Children and Young People's Play and Informal Recreation Facilities
Policy 4.6: Support for Enhancement of Arts, Culture, Sport and Entertainment
Policy 4.7: Retail & Town Centre Development
Policy 5.1: Climate Change Mitigation
Policy 5.2: Minimising Carbon Dioxide Emissions
Policy 5.3: Sustainable Design and Construction
Policy 5.5: Decentralised Energy Networks
Policy 5.6: Decentralised Energy Networks in Development Proposals
Policy 5.7: Renewable Energy
Policy 5.10: Urban Greening
Policy 5.11: Green Roofs and Development Site Environ斯
Policy 5.12: Flood Risk Management
Policy 5.13: Sustainable Drainage
Policy 5.20: Aggregates
Policy 5.21: Contaminated Land
Policy 6.3: Assessing Effects of Development on Transport Capacity
Policy 6.9: Cycling
Policy 6.10: Walking
Policy 6.13 Parking
Policy 7.2: An Inclusive Environment
Policy 7.3: Designing Out Crime
Policy 7.4: Local Character
Policy 7.5: Public Realm
Policy 7.6: Architecture
Policy 7.8: Heritage Assets and Archaeology
Policy 7.18: Protecting Open Space and Addressing Deficiency
Policy 7.19: Biodiversity and Access to Nature
Policy 7.24: Blue Ribbon Network
Policy 7.27: Blue Ribbon Network: Supporting Infrastructure and Recreational Use
Policy 7.28: Restoration of the Blue Ribbon Network

5.5 Tower Hamlets Core Strategy 2010

Policy SP01: Refocusing on Our Town Centres
Policy SP03: Creating Healthy and Liveable Neighbourhoods
Policy SP04: Creating a Green and Blue Grid
Policy SP08: Making Connected Places
Policy SP09: Creating Attractive and Safe Streets and Spaces
Policy SP10: Creating Distinct and Durable Places
Policy SP11: Working towards a Zero-carbon Borough
Policy SP12: Delivering Placemaking

5.6 Managing Development Document 2013

Policy DM0: Delivery Sustainable Development
Policy DM1: Developments within the Town Centre Hierarchy

Policy DM2: Local Shops
Policy DM8: Community Infrastructure
Policy DM10: Delivering Open Space
Policy DM11: Living Buildings and Biodiversity
Policy DM12: Water Spaces
Policy DM13: Sustainable Drainage
Policy DM14: Managing Waste
Policy DM20: Supporting a Sustainable Transport Network
Policy DM22: Parking
Policy DM23: Streets and Public Realm
Policy DM24: Place-sensitive Design
Policy DM25: Amenity
Policy DM27: Heritage and the Historic Environment
Policy DM30: Contaminated land and development and storage of hazardous substances.

Other relevant policy/ guidance

Wapping Wall Conservation Area Appraisal (2009)

6.0 CONSULTATION RESPONSE

- 6.1 The views of the Directorate of Place are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 6.2 The following were consulted regarding the application:

LBTH Transportation & Highways

- 6.3 In principle there is no objection to the proposal from Highways (given that the applicant has worked with the Council's highways officers to provide requested information) subject to conditions. The proposal for the funding of a new Zebra cross on Glamis Road is supported in principle however the location still needs to be agreed in order to ensure the bridge is not impeded. The applicant's transport consultants have been pro-active in trying to ascertain transport mode usage from other lidos in London to show that car parking associated with the proposal should not have a significant impact on the adjacent highways. The applicant has committed to a travel plan which aims to reduce any reliance on vehicles and any advertising for the proposal shall encourage this.

LBTH Conservation and Design Officer

- 6.4 No objections subject to conditions requiring submission of material samples

LBTH Contaminated Land

- 6.5 No objection subject to a condition requiring the submission of a contaminated land report.

LBTH Asset Management

- 6.6 No comment

LBTH Energy Efficiency

6.7 No comment

LBTH Biodiversity

6.8 The proposals would lead to a small loss of area of the SINC (Site of Importance for Nature Conservation), as it would not be appropriate to include the new lido in the SINC. However, the proposals to create wetlands around the edges of the basin would be a very significant biodiversity enhancement, more than offsetting the small loss of area, and ensuring a big net gain of biodiversity. It will make a significant contribution to the Local Biodiversity Action Plan target to create new reed beds. Ongoing monitoring and management of the new wetland vegetation, in parallel with changes in salinity and water quality, will be essential to ensure the success of the enhancements. This is likely to require regular input from someone with expertise in aquatic ecosystems. A condition should require the production of a monitoring and management plan, including an indication of who will provide the necessary expert input.

LBTH Communities, Localities and Culture

6.9 No comment

LBTH Parks and Open Spaces

6.10 No comment

External Consultees

Crime Prevention Officer

6.11 No comment

Historic England

6.12 Although the development would result in some harm to the setting of the listed building and the docks the proposals present an opportunity to engage the public in this fascinating part of Wapping's history and we consider that this has the potential to be of much heritage-related public benefit.

Environment Agency

6.13 Raised no objections to the proposals subject to a number of conditions. Although the site is located within Flood Zone 3 and is protected to a very high standard by the Thames Tidal flood defences (up to a 1 in 1000 (0.1%) chance in any year), flood modelling showed that the site would be at risk if there was a breach in the defences or if the defences were to be overtopped. Safe refuge was identified by the EA within the higher floors of the development and a safe means of access and/or egress in the event of flooding has been identified.

Sport for England

6.14 Sport England would not support the application as it has not been demonstrated that there is a strategic need for the swimming facilities.

Transport for London

- 6.15 The site registers a Public Transport Accessibility Level (PTAL) of 4 on a scale of 1 to 6b which indicates a good level of accessibility.

The applicant proposes a car free development, except for 3 Blue Badge spaces, which is welcomed, but TfL request the applicant clarify how big they will be. Parking spaces designated for Blue Badge use should be 2.4metres wide, 4.8metres long with a zone 1.2 wide between spaces and at the rear.

The applicant intends to provide 46 cycle spaces, which is in excess of London plan standards and welcomed by TfL. TfL also support measure to provide more cycle spaces, should there be more demand. Cycle parking is located at the two entrances and the plans indicate that they will be accessible for all users and for all types of cycles. TfL therefore support the cycle parking arrangements proposed.

The applicant has forecast the amount of walking, cycling and pedestrian trips using TRAVL data. The applicant should note that TRAVL data is considered out of date and TfL recommend using TRICS. Furthermore TfL suggest the applicant clarify the amount of trips made by public transport, disseminated by mode. However, due to the nature of the development, TfL accept that the site will be busiest in between the AM and PM peak and therefore content that there will not be a material impact on the Transport Network.

Servicing will take place from a dedicated bay, next to the Blue Badge parking spaces, however this is unclear on the plans and TfL request the applicant clarify. the applicant should also clarify that a servicing vehicle can enter and exit the site in forward gear. TfL are content with the proposed refuse arrangements.

The applicant should produce a framework Construction Logistics Plan (CLP), secured by condition. The applicant has submitted a Travel Plan which TfL assessed using the ATTrBuTE testing system which the Travel Plan passed.

Greater London Archaeological Advisory Service

- 6.16 No comment

London Wildlife Trust

- 6.17 The development will result direct encroachments into the boundary of the current Shadwell Basin SINC, reducing it in size. However, the proposed habitat improvements clearly mitigate the loss of a small portion of the open water, and in effect result in a net gain for biodiversity if managed well. The development and delivery of a 10-year management plan should help to identify and address any problems that may arise from the use of the site. We have already indicated our willingness to assist the applicants in developing such a management plan if permission is granted.

7.0 LOCAL REPRESENTATION

- 7.1 A total of 669 planning notification letters were sent to nearby properties on 03-08-2016 as detailed on the attached site plan. 4 site notices were also displayed along the edges of the site on 16-08-2016 and the application was advertised in local press on 11-08-2016. A further consultation was undertaken on 29-03-2017.
- 7.2 The number of representations received in response to notification and publicity of the application is as follows:

No of individual responses: Objecting: 39
Supporting: 20

- 7.3 The following comments summarise the objection raised in relation to the proposal, the majority of these points will be addressed in the material considerations section of the report, however where issues are non-material to the determination of the application these are identified below

Business Plan

1. Objectors questioned whether the applicants had suitable prior experience in running an enterprise and questioned whether the project would be financially viable.

Noise and Nuisance

2. The lido would be open from 6.30 am to 10 pm Monday to Sunday and the Café/restaurant would be open 8 am to 11 pm Monday to Sunday. Objectors raised concerns to the opening hours citing noise/nuisance particularly to neighbouring residents. Objectors request that if the application is approved then the attachment of a condition preventing use as a venue for private functions or for music events is recommended.

Litter, anti-social behaviour and security

3. The increased number of visitors to the area would result in more litter being dropped. It is likely that trespassers may try to gain access to the pool when the facility is closed and that the pool may encourage unauthorised swimming outside the designated swimming area.

Congestion and Parking

4. Parking restrictions would be in force Monday to Friday from 8.30 am to 5.30 pm. The lido/café would therefore be open to 11 pm at a time when parking restrictions are not in force and therefore would increase on-street parking pressures. Demand for on-street parking would be further exacerbated by the lack of nearby public car parking facilities after 7pm. Tobacco Dock located 700 metres from the site is the nearest car parking facility. This facility is scheduled to close to the public at 7pm on non-event days.

Environmental Impacts

5. No Environmental Impact Assessment has been undertaken and light pollution impacts on wildlife or neighbouring residents has not been assessed.

Out of Centre Community Facility and A1/A3 Use (does not accord to Policy DM8, DM1)

6. The development would not take place within or on the edge of a designated town centre. No justification has been put forward for a new swimming pool particularly when St George's swimming pool is located 0.5 miles from the site. The new lido may also threaten the viability of the existing swimming pool.

Removal of 'Open Space'

7. A portion of 'open space' would become enclosed by the swimming pool and ancillary café/restaurant/facilities. The reduction in 'Open Space' for local people would be exacerbated by restricted access to King Edward Memorial Park due to the Thames Tideway tunnel project.

Change to the Character of the Area

8. The proposals would change the character of the area which is primarily residential. The proposed café/restaurant and changing facilities would obstruct views towards the Bascule Bridge and would not be in keeping with the surrounding buildings.

Officer's response

The majority of the concerns expressed above are considered within the 'Material Considerations' section of this report. It should be noted that the financial viability of the development is not a material consideration in determining this application.

- 7.4 The following comments summarise the issues raised in support of the proposal

Economic Development and Regeneration

1. The new facility would provide a focal point for the community and would increase natural surveillance and assist in preventing anti-social behaviour along the edge of the basin. The new facilities would provide employment and would attract spending into local shops and businesses. The re-use of the basin would allow residents and visitors the opportunity to experience and discover the area's heritage. The proposed new footbridge bridge and decking area would increase legibility and connectivity between Brussels Wharf and Wapping Woods, a route which is presently connected by a narrow footpath which does not provide step free access for wheelchair and pushchair users.

Bio-diversity Enhancements

2. The wetland park would improve bio-diversity within the basin and improve the quality of the water. The wetland park would provide a link between Wapping Woods and King Edward Memorial Park and provide an important habitat for wildlife.

Health, Well-being, Sport and Education

3. The proposals would revitalise the basin and surrounding paths by providing leisure facilities for the public as well as improve health and well-being and increase employment. The provision of a dedicated swimming area would reduce the incidents of people occasionally drowning in unauthorised parts of the basin. The purpose built facility would formalise and regulate the use of the basin for outdoor swimming which is already taking place. The provision of public toilets is welcomed by the community. The science deck and wetlands will help to engage children with nature and wildlife as well as promote sport and activity. The proposals would continue the historic tradition of outdoor bathing within the Thames as recorded from Victorian times.

8.0 MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main application has been assessed against all relevant policies under the following report headings:

1. Land Use
2. Design
3. Amenity
4. Environmental Considerations
5. Transportation
6. Conclusion

8.2.1 Land Use

- 8.2.2 Policy 7.18 Of the London Plan states that “*the loss of protected open spaces must be resisted unless equivalent or better quality provision is made within the local catchment area*”. Policy 7.28 states that “*development proposals should enhance the use of the Blue Ribbon Network*” and that “*development proposals should restore and enhance the Blue Ribbon Network by preventing development and structures into the water space unless it serves a water related purpose*”. Finally policy 7.30 states that “*development within or alongside London’s docks should protect and promote the vitality, attractiveness and historical interest of London’s remaining dock areas by promoting their use for mooring visiting cruise ships and other vessels and promoting their use for water recreation*”.
- 8.2.3 The Core Strategy’s vision for Wapping seeks to encourage leisure-based activities, in particular the “*better use and animation of Wapping Basin*”. The planning history shows that the use of the basin for leisure activities (D2) has been established since 1976. The leisure use was renewed and expanded in 1995 to include educational uses (D1). Although the latter permission expired in 1996 and no further extensions were applied for, the basin itself has been used by boats and other watercraft continuously for a period of more than 10 years, specifically by members of Shadwell Basin Outdoor Activity Centre. Since the existing D2 use is considered lawful only physical changes associated with the D2 use should be considered as part of this application.
- 8.2.4 It is acknowledged that Sports England in their consultation response whilst not objecting to the proposal were unable to support the application as it had not been demonstrated that there was a strategic need for such a facility within the borough.
- 8.2.5 It is officers view that the proposed lido would provide an increased swimming facility for the borough and particularly provision of a 50m length pool which is absent from the borough. This is in line with Sport England’s objective of increasing the provision of 50m training pools. Furthermore the Council’s Leisure Facilities Strategy 2008 – 2028 states that
- ‘A key objective of the Leisure Facilities Strategy is to help address gaps in the provision of swimming pools, sports halls and health and fitness stations now and in the future in order to satisfy demand from residents. A supply, demand and quality analysis has demonstrated that in broad terms, the following additional facilities will be required by 2018:*
- *1 to 2 additional swimming pools – needed primarily in the east and north east of the Borough’*
- 8.2.6 Whilst it is recognized that the location of the Lido in Shadwell Basin is to the south west of the borough and close to the long established St Georges Pool, the two swimming facilities clearly offer quite different and complimentary facilities. The proposed 50m Lido with disabled access and potential for use as a training facility will clearly complement the existing facility provided by St Georges 33m indoor pool.
- 8.2.7 In conclusion whilst it is not possible to demonstrate a strategic need for a facility such as that proposed within this part of the borough it is clear that there is a need within the borough as a whole for additional swimming facilities. The nature and characteristics of the proposal is such that it would offer an alternative to the existing swimming facilities providing features that are not currently catered for within the existing facilities within the borough.

Developing on ‘Open Space’

- 8.2.8 Brussels Wharf is designated ‘Open Space’ and policy SP04 of the Core Strategy seeks to safeguard ‘Open Space’ to ensure that development would result in no net loss. The policy also seeks to improve the quality and usability of existing ‘Open Space’ and promote open spaces as multi-functional spaces and able to cater for a range of activities, lifestyles, ages and needs. Policy DM10 of the Managing Development Document elaborates by stating that development on areas of ‘Open Space’ will only be allowed in exceptional circumstances. Exceptional circumstances include development that would provide essential facilities to ensure the function, use and enjoyment of the ‘Open Space’
- 8.2.9 The applicant proposes to insert a concrete shell within the existing old lock walls to form a natural swimming pool, including decking and a gravel beach. A section of the old basin is proposed to be partially filled in order to reduce its depth.
- 8.2.10 Two buildings are proposed, one along the eastern edge of the site adjacent to Glamis road to accommodate changing facilities and office space and to the northern boundary adjacent to the dockside to accommodate an ancillary restaurant. .
- 8.2.11 A proposed new footbridge will connect ‘Shadwell Basin Walkway’ to Brussels Wharf and would divert pedestrians away from a narrow stretch of pathway currently considered too narrow and obstructive (steps) to be accessible by all members of the public. The proposals also include a ‘science deck’ which would be designed to bring school pupils closer to the water’s edge, improvements to the fishing pitches and enhancements of the water quality through the introduction of reed beds and other oxygenating plant species. The proposals would improve access throughout the area by removing restrictive steps and would increase the amount of [useable] ‘Open Space’ by diversifying the range of activities that may be enjoyed within the basin itself.

Conclusion

- 8.2.12 In planning terms the principle of the development on ‘Open Space’ is considered acceptable and in accordance with policies SP04 and DM10. The development of the site would activate the open space and create an increased diversity of activities within the docks. The development would create increased access to the open space providing more step free access throughout the site. Additional biodiversity enhancements in the form of the new wetland park and ‘science deck’ would further improve the quality of open space and diversify the available activities.
- 8.2.13 Given the proposed bio-diversity enhancements that would result as part of the proposed wetlands area and the improvements to the open space the development within the open space is considered to improve the quality of the open space and would comply with policies SP04 of the Core Strategy and DM10 of the Managing Development Document.

Restaurant use

- 8.2.14 The Council’s policy SP01 of the Core Strategy (2010) with objectives SO4 and SO5 seek to ensure that the scale and type of development is proportionate to the town centre hierarchy and to promote mixed use at the edge of town centres and along main streets. The policy also seeks to ensure that town centres are active, well-used and safe during day and night and to encourage evening and night time economy uses that contribute to the vibrancy, inclusiveness and economic vitality.

- 8.2.15 Policy DM1 of the Managing Development Document (2013) expands on strategic policy SP01 and, to support the vitality and viability of town centres, specifically directs restaurants and drinking establishments to within the boundaries of designated town centres.
- 8.2.16 It is acknowledged that the proposed restaurant would be located outside of a town centre. However, following discussions with the applicant it was agreed to significantly reduce the scale of the proposed restaurant use as well as limiting the opening hours to reflect the lido opening times. It is now officer's view that, given the reduced scale and the reduced opening times, the restaurant would be considered ancillary to the D2 use. It is therefore likely to attract visitors who are frequenting the lido facilities and it reduces the potential for the restaurant to become a destination in itself. It is not envisaged that the ancillary restaurant would have a harmful impact of the vitality and viability of nearby town centres.

8.3 Design and Impact on the conservation area and setting listed building

- 8.3.1 Statutory tests for the assessment of planning applications affecting listed buildings or conservation areas and their settings are found in the Planning (Listed Building and Conservation Areas) Act under: section 72(1)1990 which states that "*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*"; and Section 66(1) which requires decision makers determining planning application that would affect a listed building or its setting to '*have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*'.
- 8.3.2 The approach taken by the Courts in the application of this legislation (which is echoed in the NPPF (as explained further below)) is that decision makers should give 'considerable weight and importance' to avoiding harm to listed buildings and their settings, and correspondingly to any harm to the character and appearance of conservation areas. Special regard and weight should first be given to assessing whether the proposal causes such harm and the desirability of avoiding that harm. And where such harm may arise then considerable weight and importance should be given to avoiding that harm in the carrying out the balancing of the benefits and impacts of the proposal.
- 8.3.3 The NPPF is the key policy document at national level, relevant to the formation of local plans and to the assessment of individual planning applications. The parts of this document relevant to 'Heritage, Design and Appearance' are Chapter 7 '*Requiring good design*' and Chapter 12 '*Conserving and Enhancing the Historic Environment*'.
- 8.3.4 Chapter 7 explains that the Government attaches great importance to the design of the built environment. It advises that it is important to plan for high quality and inclusive design, including individual buildings, public and private spaces and wider area development schemes. Planning decisions should not seek to impose architectural styles, stifle innovation or originality, but it is proper to promote or reinforce local distinctiveness.
- 8.3.5 Chapter 12 relates to the implications of a development for the historic environment and provides assessment principles. It also identifies the way in which any impacts should be considered, and how they should be balanced with the benefits of a scheme. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be

harmed or lost through alteration or destruction of the heritage asset or development within its setting.

- 8.3.6 Paragraphs 133 and 134 address the balancing of harm to designated heritage assets against public benefits. Proposals that would result in substantial harm or total loss of significance should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where less than substantial harm arises, this harm should be weighed against the public benefits of a proposal, including its retention in its optimum viable use.
- 8.3.7 Paragraph 126 of the NPPF states that in developing a positive strategy for the conservation and enjoyment of the historic environment local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;
 - the desirability of new development making a positive contribution to local character and distinctiveness; and
 - opportunities to draw on the contribution made by the historic environment made by the historic environment to the character of a place.
- 8.3.8 Policy 7.8 of the London Plan (2016) states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. Policy 7.9 of the London Plan (2016) states that the significance of heritage assets should be assessed when development is proposed and schemes designed so that the heritage significance is recognised both in their own right and as catalysts for regeneration.
- 8.3.9 Policy SP10(2) of the Council's adopted Core Strategy (2010) seeks to protect and enhance the Borough's Conservation Areas and Listed Buildings and their settings and encourages and supports development that preserves and enhances the heritage value of the immediate and surrounding environment and wider setting.
- 8.3.10 Policy DM27(1) of the Council's adopted Managing Development Document (2013) requires development to protect and enhance the Borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the Borough's distinctive 'Places'.
- 8.3.11 In this case the relevant designated heritage assets are the Wapping Wall Conservation Area and the setting of the neighbouring Grade II* listed Wapping Hydraulic Power Station.
- 8.3.12 The 2009 Wapping Wall Conservation Area appraisal identifies significant nearby views and landmarks
- *"The Wapping Hydraulic Pumping Station is a successful example of the creative recycling of historic buildings, a type of development still encouraged that preserves and interprets the area's character and cultural history"*
 - *"The Wapping Wall street corridor opens out as it curves around the boundary wall of Wapping Pumping Station onto Garnet Street. The view to the north is framed by the restored iron bascule bridge".*

- “The Shadwell Basin provides a clear space over which the historic church spires of St Paul’s and St George in the East can be viewed. This maintains a visual link between the riverfront and the neighbourhoods to the north”.
- 8.3.13 The proposals include the introduction of a single storey ‘L shaped’ building accommodating changing and shower facilities and a linear two storey building consisting of the café/restaurant, toilets and external viewing platform at first floor. These structures are located in the most sensitive part of the site in relative close to the boundary with the Wapping Hydraulic Pumping Station, the bascule bridge and the public highway running along Glamis Road.
- 8.3.14 Historic England have been consulted throughout the pre-application and application process. In their consultation response to this application. Historic England acknowledged *‘the opportunity that these proposals present in enlivening this important, yet somewhat underused, part of the Wapping Wall Conservation Area and raising the profile of this rare survival of the historical London Docks’*. Historic England raised some concerns with regards *‘the lido structures which...would create a sense of enclosure and separation of the old lock from its basin’* and furthermore that *‘the entrance building and changing facilities would block views of the old lock from Glamis Road, which...would diminish the dockside setting of the Grade II* Hydraulic Power Station.*
- 8.3.15 Historic England recognised that following discussions *‘efforts have been made to mitigate this impact by reducing part of the brick boundary wall to improve pedestrian sight lines, and by introducing more glazing into the lido structures.’* However it is considered that there would still be some harm albeit this harm would be reduced given the design changes proposed and referenced above. Historic England considered that *‘In accordance with Paragraph 134 of the National Planning Policy Framework, this harm must be weighed against any proposed public benefits in coming to a decision on the application...these proposals present an opportunity to engage the public in this fascinating part of Wapping’s history, and we consider that this has the potential to be of much heritage-related public benefit.’*
- 8.3.16 Historic England recommended a condition, were the application recommended for approval, requiring the submission of a heritage interpretation strategy to the Council for approval. This would help to demonstrate how the development of the site would engage visitors with the history and heritage of the dock which would be considered a heritage related benefit of the development.
- 8.3.17 Amendments to the proposal have been made following negotiations between the applicant and Officers in order to minimise the harm to local heritage assets. This has been achieved by reducing the height of the front boundary wall to the site to provide increased pedestrian visibility into the dock and by introducing more glazing into the lido building to reduce the harm to the setting of the neighbouring listed building. Officers are of the view that the public benefits of the proposed development, in terms creating a publicly accessible leisure facility, the improved inclusive access to the dockside, the improved activation of the open space and the improved public engagement with the history of the dock, which would be secured by the condition referenced in section 8.3.16, would outweigh the less than significant harm to the conservation area and the setting of the neighbouring Grade II* Hydraulic Power Station.

Design

- 8.3.18 The proposed single storey ‘L shaped’ building which would accommodate changing and shower facilities would be located adjacent to the existing boundary wall and Wapping Wall Road. The building would be lightweight timber framed and would project approximately 1.5m above the height of the existing wall. Given the lightweight nature of the building and the existing boundary wall the building would be an unobtrusive and sympathetic addition.
- 8.3.19 The proposed café–restaurant building and viewing terrace would be a more prominent addition given its height and location. Throughout the course of the application, the scale of this building has been reduced from a two storey building to a single storey building with viewing terrace which improves the relationship with the bridge. Metal cladding is proposed to this building which draws inspiration from the existing adjacent bascule bridge. The design of this building would sit comfortably beside the bridge and would be considered of an appropriate scale and design.
- 8.3.20 Details of all the external materials to be used on both buildings would be required by condition to ensure the development respects the surrounding context.

Accessibility

- 8.3.21 The development has been designed to provide step free access throughout the site with step free access to the walkway around the wharf and the wetland area. The Lido would also offer step free swimming facilities, with specific provision for disabled users, a feature which is not available at the nearby St Georges Pool.
- 8.3.22 The proposed inclusive access would be a substantial benefit and allow visitors of all mobilities to access and enjoy the open space, the wetlands and the lido and restaurant facilities.

8.4 Neighbouring Amenity

- 8.4.1 The Council’s Core Strategy policy SP10 (4) states that the Council will ensure that development protects amenity, and promotes well-being (including preventing loss of privacy and access to daylight and sunlight); and uses design and construction techniques to reduce the impact of noise and air pollution.
- 8.4.2 Policy DM25 of the Managing Development Document seeks to protect and where possible improve the amenity of surrounding residents including the amenity of the surrounding public realm. Development must not result in an unacceptable loss of privacy nor enable an unreasonable level of overlooking, an unacceptable loss of outlook, an unacceptable material deterioration of the sunlight and daylight conditions or result in the overshadowing of private amenity space. The council will also seek to ensure that the amenity of local residents, building occupiers and public realm users is protected from unacceptable levels of noise, vibration, artificial light and odours.
- 8.4.3 The proposed buildings would be 30m from the nearest residential building to the north on Peartree Lane and would be 13m, across Wapping Wall to residential properties within Prospect Wharf. These distances, combined with the single storey nature of the proposal would not raise any amenity concerns with regards daylight, sunlight, privacy and overlooking or sense of enclosure.

Lighting

- 8.4.4 The applicant is not proposing to install an extensive amount of lighting outside of the curtilage of the lido building. Given the existing street lighting to the public pathway there would be no requirement for further high level lighting and it is unlikely that there would be significant light spillage to the detriment of neighbouring amenity. Notwithstanding this, a condition has been recommended requiring a lighting strategy for the whole site is submitted to the Council for approval to ensure there would be no detrimental impact on the amenity of neighbouring residential premises

Noise and disturbance

- 8.4.5 It is proposed that the lido would be open to the public between 6.30am and 10pm with the last entry at 9.30pm, although these hours would vary depending on seasonal demand. Following discussions with the applicant the proposed hours of operation for restaurant have been reduced and it is proposed that this would be open between 8am to 10pm. The size of the restaurant has been reduced from the original submission and would now be located on the ground floor only with a maximum of 60 covers. The reduced scale and reduced hours of operation of the restaurant would help to limit the potential impact on neighbouring residents from noise and disturbance.
- 8.4.6 Whilst it is acknowledged that concerns have been raised by some residents that the development could result in an increase anti-social behaviour, it is officer's view that the extension and formalising of the D2 recreational use would in fact help to reduce the existing anti-social behaviour issues that have been referenced in a number of the public consultation responses. The formalising of the swimming facilities and the managed entry to the lido, as well as the activation of the space created by the ancillary restaurant would create natural surveillance during opening hours. The Lido would also be secured when not open with motion sensor lighting to the curtilage proposed to discouraging access outside of opening times. As detailed above, the final lighting strategy would be secured by condition.
- 8.4.7 Furthermore a condition requiring the submission of a noise impact assessment and a condition preventing the restaurant from serving customers on the viewing terrace would be recommended to ensure there would be no impact on neighbouring residents from noise and disturbance associated with the development

8.5 Environmental Considerations

- 8.5.1 Policy 2.18 of the London Plan (2016) states that "*development proposals should incorporate appropriate elements of green infrastructure that are integrated into the wider network including the Blue Ribbon Network*". Policy 7.19 states that "*development proposals should, wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity*".
- 8.5.2 The Council's Core Strategy policy SP03 states that development proposal should "*minimise and mitigate the impact of noise and air pollution*". SP04 states that the Council will "*promote and support new development that provides green roofs, green terraces and other measures to green the built environment*" and that "*all new development that has to be located in a high risk flood zone must demonstrate that it is safe [and] that all new development across the borough does not increase the risk and impact of flooding*".
- 8.5.3 The Council's Managing Development Document Policy DM11 states that "*development will be required to provide elements of a 'living building'"* and will be

required to deliver “*biodiversity enhancements in accordance with the Council’s Local Biodiversity Action Plan*”.

- 8.5.4 The Council’s biodiversity officer is content that the proposed habitat enhancements being proposed as part of this application, which include
- 8.5.5 Subject to further details of the biodiversity enhancements proposed being secured by condition, officers are therefore content that the proposal is acceptable in biodiversity terms as it accords with relevant planning policy.

8.6 Transport

- 8.6.1 According to paragraphs 32 and 35 of the NPPF local planning authorities should take account of whether safe and suitable access to the site can be achieved for all people; and whether development creates safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, and avoid street clutter.
- 8.6.2 Policy 6.3 of the London Plan states that development proposals should ensure that impacts on transport capacity and the transport network, at both corridor and local level are fully assessed. Development should not adversely affect safety on the transport network.
- 8.6.3 The Council’s Managing Development Document policy DM20 states that “*development will need to demonstrate it is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of the transport network or on any planned improvements and/or amendments to the transport network*”. Policy DM21 states that “*development that generates a significant number of vehicle trips for goods or materials during its construction and operational phases will need to demonstrate how movement by water and/or rail, the use of low emission vehicles, electric vehicles and bicycles has been prioritised*”. Policy DM22 states that “*in order to ensure suitable provision for cyclists, development will be required to meet, and preferably exceed, the minimum standards for cycle parking*”.

Car Parking

- 8.6.4 No car parking, other than three accessible spaces, is proposed on site. It is acknowledged that due to the opening hours, which extend past the controlled parking zone hours on the surrounding streets, there is a potential for on street parking to occur, particularly at weekends. The applicant has indicated that they are committed to implementing a transport strategy to encourage users of the site to travel using sustainable transport methods and encourage walking, cycling and public transport as the preferred alternatives to the car.
- 8.6.5 The transport consultants have been pro-active in trying to ascertain transport mode usage from other lidos in London to show that car parking associated with the proposal shouldn’t be a problem. Because of the nature of the proposal it is difficult to quantify the catchment area and mode of travel of visitors but based on information from other Lidos the majority of visitors appear to be local and travel by foot, cycle or use public transport. It is necessary to monitor potential car use and the applicant has committed to this via a travel plan. This will be the major tool, together with advertising, in reducing the potential for car use.
- 8.6.6 Were the application approved a condition is recommended requesting details of the layouts of the accessible parking space and that they are retained and maintained for the use of registered blue badge holders only, for the life of the development.

Furthermore a condition is recommended requiring the submission of a travel plan detailing the methods that will be employed to reduce car traffic and encourage sustainable forms of transport.

- 8.6.7 Subject to the conditions recommended it is officers view that the potential impacts on the highway can be mitigated and the development would not have an unacceptable impact on the is in accordance with policy SP09 of the Core Strategy, policy DM20 and DM22 of the Managing Development Document (2013).

Cycling and Pedestrian Access

- 8.6.8 With regards to pedestrian and cycle access the applicants are proposing adequate cycle facilities in terms of numbers of spaces for both short term and long term use and have identified areas of land which could be used for additional cycle facilities if required. The applicant will be required to provide changing and washing facilities for staff that choose to cycle and this will be secured through condition. The Travel Plan will also need to identify a trigger point for any additional cycle facilities. A further condition requiring the applicant to retain and maintain all cycle facilities for their intended use for the life of the development would also be recommended.

Refuse

- 8.6.9 Policy 5.17 of the London Plan requires all new developments to include suitable waste and recycling storage facilities. Policy SP05(1) of the Council's adopted Core Strategy (2010) and Policy DM14(2) of the Council's adopted Managing Development Document (2013) seek to implement the waste management hierarchy of reduce, reuse and recycle by ensuring that developments appropriately design and plan for waste storage and recycling facilities as a component element.
- 8.6.10 The application demonstrates that waste and recycling can be accommodated within the buildings. Further information is sought by condition to confirm the collection times and frequency and this will be a way of waste management strategy.

Servicing

- 8.6.11 With regards servicing it is proposed that this will all take place within the site boundary and a full service management plan will be required as a condition to any planning permission which may be granted. This servicing plan will also require details of the tracking of service vehicles within the site to ensure they can enter and exit in a forward gear so as not to impact upon pedestrian or highway safety.

Highway Improvements

- 8.6.12 The main building is proposed to be set back on Glamis Road creating a wider footway than existing and this is welcomed. It is also proposed that the applicant will fund a new Zebra crossing in Glamis Road through a S278 agreement and this is supported in principle, although the location still needs to be agreed so that the operation of the Glamis Road bridge is not impeded. The highways team have not identified that this would be necessary to make the development acceptable and as such it is not secured through the planning application, this is because the existing build out on the carriageway means that pedestrians crossing Wapping Wall from the Thames Path only have to traverse one half of the carriageway, ensuring that crossing at this point is not dangerous, Further discussions between the applicant and the highways team will occur through a separate process.

Human Rights Considerations

- 8.8.1 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:
- 8.8.2 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".
- 8.8.3 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.
- 8.8.4 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.
- 8.8.5 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.8.6 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.

9.0 EQUALITIES ACT CONSIDERATIONS

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.

The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.

The proposed development would create improved access to the site for people with disabilities and older people with mobility issues by providing step free access throughout the site and to the lido facilities. This is considered to be a benefit to the scheme.

With regard to gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.

10.0 FINANCIAL CONSIDERATIONS

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

9.1 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:

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

9.2 Section 70(4) defines “local finance consideration” as:

- 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
- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy

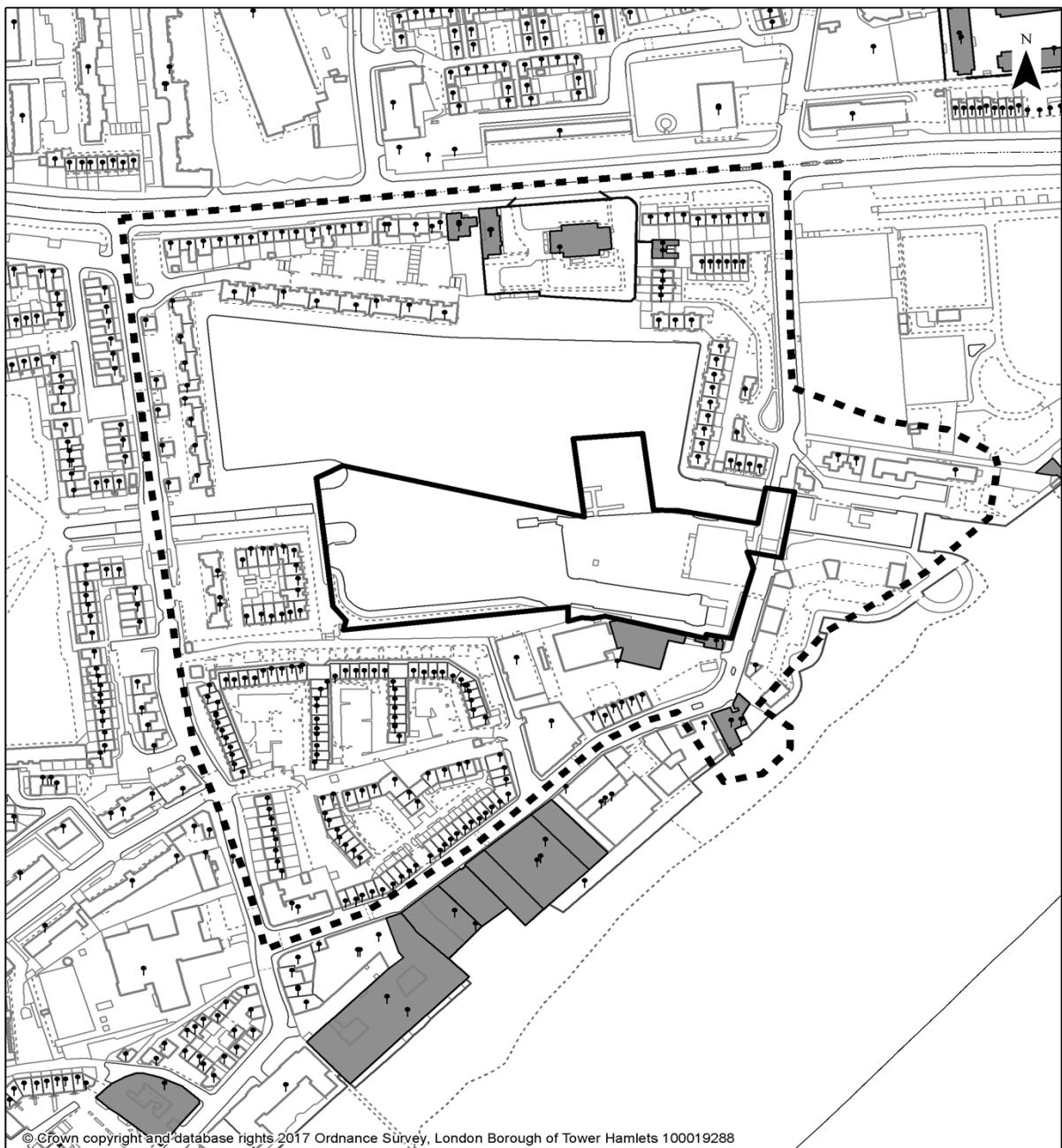
In this context “grants” might include New Homes Bonus. This is not applicable to this application.

9.3 As regards Community Infrastructure Levy considerations, Members are reminded that the London mayoral CIL became operational from 1 April 2012. Where the development will be used for charitable purposes this will be exempt from Mayoral CIL. In other cases a Mayoral CIL rate of £35 per square metre will be chargeable for all development (non-residential) over 100 sqm.

- 9.1 The Borough's Community Infrastructure Levy came into force from 1st April 2015. The proposal would not be liable for Borough CIL as proposed uses do not attract Borough CIL payments.

11.0 CONCLUSION

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



Scale @ 1:2,500
30 15 0 30 60 90 Meters

Planning Application Site Map PA/16/01978

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.



LONDON BOROUGH OF TOWER HAMLETS
Date: 28/07/2017

