

Committee: Development	Date: 9 October 2013	Classification: Unrestricted	Agenda Item Number: 6.3
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Report of: Director of Development and Renewal	Title: Application for Planning Permission
Case Officer: Kamlesh Harris / Piotr Lanoszka	Ref No: PA/13/01432
	Ward: East India and Lansbury

1. APPLICATION DETAILS

Location: Old Poplar Baths and rear ball court, East India Dock Road & Lawless Street, London E14 0EH

Existing Use: Disused baths and play facilities

Proposal: Demolition of existing garages and ball court and erection of 10 storey residential block to provide 60 affordable housing units; internal and external alterations and refurbishment to Poplar Baths to reinstate the main pool and create a new learner pool; demolition of chimney and associated ancillary works to provide indoor wet and dry sports and leisure facilities, roof top games area plus ancillary landscaping and vehicular parking.

Drawings and documents: List of Plans:

Poplar Baths Residential

1884-20-DR-0011_P01, 1884-20-DR-0101_P01
1884-20-DR-0109_P01, 1884-20-DR-0110A_P04
1884-20-DR-0111A_P01, 1884-20-DR-0112A_P01
1884-20-DR-0113_P01, 1884-20-DR-0119_P02
1884-20-DR-0120_P01, 1884-20-DR-0200_P01
1884-20-DR-0201_P01, 1884-20-DR-0600_P03
1884-20-DR-0601_P03, 1884-20-DR-0602_P04
1884-20-DR-0603_P03, 1884-20-DR-1106_P01
1884-20-DR-1107_P01, 1884-20-DR-1112_P01
1884-20-DR-1113_P01, 1884-20-DR-1117_P01

Poplar Baths

100_N_00_REV_A, 100_N_01_REV_A,
100_N_02_REV_A, 100_N_03_REV_A
100_N_04_REV_A, 100_N_05_REV_A
100_N_61_REV_A, 100_N_62_REV_A
100_N_63_REV_A, 100_N_64_REV_A
100/A/00 REV_T, 100/A/01 REV_Q

100/A/02 REV_P, 100/A/03 REV_J
100/A/04 REV_J, 100/A/05 REV_G
100/A/41 REV_E, 100/A/42 REV_E
100/A/43 REV_D, 100/A/44 REV_F
100/A/45 REV_B, 100/A/61 REV_G
100/A/62 REV_G, 100/A/63 REV_G
100/A/64 REV_E, 200/A/01 REV_F
and POP&PBR-500/A/01 Rev_A

Documents:

- Design & Access Statement
- Statement of Community Involvement
- Transport Statement
- Travel Plan
- Planning & Impact Statement
- Socio-economic and Regeneration Report
- Flood Risk Assessment
- Acoustic Assessment
- Ground Investigation
- Ecology Report
- Bat Survey
- Sustainability Report
- Daylight/Sunlight Assessment
- Construction Management Plan Statement
- Verified Views
- Energy Assessment
- Archaeology Assessment
- Heritage Statements.

Applicant: Guildmore Limited and London Borough of Tower Hamlets

Ownership: London Borough of Tower Hamlets

Historic Building: Grade II Listed

Conservation Area: n/a

2. EXECUTIVE SUMMARY

2.1 The report considers an application to comprehensively refurbish, alter and extend the Poplar Baths Grade II listed building and bring it back into use as an indoor leisure and swimming baths along with the erection of 60 affordable homes in a ten storey building to the rear.

2.2 There is a separate report dealing with a parallel listed building consent application for the works to the Baths.

- 2.3 The proposals are a Council lead initiative and the applications are submitted jointly by Tower Hamlets Council and its procured developer partner, Guildmore.
- 2.4 The refurbishment of the Baths to provide a new leisure facility for the borough is a long standing Strategic objective and is included in the Managing Development Document (2013) as a site allocation. The proposed works are considered appropriate in planning policy, design and heritage terms. Suitable access and servicing arrangements are proposed.
- 2.5 The residential development is proposed on a site currently occupied by an open-air games court and lock up garages. The loss of the existing open space would be mitigated through the provision of a new multi-use games court situated on the flat roof of part of the Poplar Baths building.
- 2.6 The residential scheme would provide a policy compliant mix of one, two, three and four bedroom homes for rent at Tower Hamlets preferred affordable rents.
- 2.7 The report explains that the proposals would be acceptable in terms of height, scale, design and appearance and would deliver good quality affordable homes in a sustainable location. There would be minimal impact on residential amenity – insufficient harm to warrant refusal.
- 2.8 The proposed flats would be served by private balconies and terraces that meet or exceed minimum London Plan SPG space requirements. Whilst there would be no on-site child play space, the applicant has agreed to an obligation to convert an area of hard standing adjacent to the site to provide a landscaped children’s play area for under 5’s.
- 2.9 In addition to the provision of a new public leisure facility and 100% affordable housing, the scheme would provide financial contributions, secured as planning obligations, towards education and health facilities and to improvements to local bus stops.
- 2.10 The application is recommended for approval subject to completion of a Section 106 agreement.

3. RECOMMENDATION

- 3.1. That the Development Committee resolve to **GRANT PLANNING PERMISSION** for application PA/13/01432 subject to:
- 3.2 A. 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:
 - £133,446 towards primary education
 - £124,067 towards secondary education
 - £27,487 towards primary healthcare
 - £15,000 towards local bus stop improvements

Total £300,000

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

- 100% affordable housing (Tower Hamlets preferred rents)
- Car free agreement
- Travel plan
- Free access to the rooftop MUGA, for residents of St Matthias estate
- Provision of child play space for under 5 year olds on land outside Storey House

3.4 That the Corporate Director, Development & Renewal and Assistant Chief Executive (Legal Services) is delegated authority to negotiate and approve 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 for Full Planning Permission – PA/13/01432

3.6 Compliance

1. Time Limit 3 years
2. Demolition to take place within 2 years (requirement for further bat survey)
3. Compliance with plans and documents
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. Hours of construction (08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays)
8. Ensure pedestrian access points are level or gently ramped
9. Hours of opening for the youth, sport and community centre including all ancillary facilities (07:00 until 22:00 Monday to Saturday, 08:00 Sundays and Bank Holidays)
10. DLR requirement – no structure must be installed within a distance of 5 meters from outer edge of the railway
11. Restrictions on use of sports hall for functions

3.7 Prior to commencement

12. Demolition/Construction Environmental Management Plan
13. Ground contamination – investigation and remediation
14. No impact piling shall take place until a piling method statement has been submitted and approved
15. Drainage details and mitigation of surface water run-off
16. Submission of details and samples of all facing materials
17. Approval of sound insulation measures in accordance with agreed standards
18. DLR requirement regarding detailed design and method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent),
19. Scheme of Highways Works (S.278)
20. Travel plan
21. Details of all external lighting and CCTV
22. Details of brown roofs and other ecological enhancement/mitigation measures
23. Landscaping and boundary treatment details
24. Submission of details of the wheelchair housing specification/standards to show at least 10% units are wheelchair adaptable

25. Details of cycle parking/storage
26. Details of external plant and ventilation, including noise attenuation measures
27. Archaeological investigation and historic buildings recording
28. Details of all Secure by Design measures
29. Details of rooftop PV array
30. Relocation of existing vehicular barrier on Poplar Baths Street

3.8 Prior to Occupation

31. Delivery and Servicing Plan
32. Waste Management Plan
33. Code for Sustainable Homes post completion assessment
34. BREEAM post completion assessment
35. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

3.9 Informative

1. Associated S106
2. Compliance with Environmental Health Legislation
3. Compliance with Building Regulations
4. Applicant to contact Thames Water with regards to water pressure and the water main crossing the development site.
5. Section 257 Agreement – stopping up of highway land.

4. **SITE AND SURROUNDINGS**

- 4.1 Poplar Baths is located to the south of East India Dock Road opposite Chrisp Street town centre and markets. The site is bounded by Poplar Bath Street to the west, Grove Villas to the east and Lawless Street to the south. Further to the east of the site is All Saints Docklands Light Railway station.
- 4.2 The building is listed as a building of special architectural and historic interest (Grade II). The most significant external elevation of the baths in heritage terms is the front elevation facing East India Dock Road. The rear and side elevations are less significant and are viewed mainly from the residential streets and estate access roads.
- 4.3 The site for the proposed residential development lies to the rear of the Grade II listed Poplar Baths building. This site is an outdoor ball court area and garages lying south of Lawless Street and north of Woodall Close. There are 17 garages lying on both sides of the ball court, north and south. To its west is the 7 storey Storey House, a residential block of flats and maisonettes. Woodall Close is made up of 5 two storey houses. The area immediately surrounding the application site to the south and west is mainly residential.
- 4.2 Further east is the Grade II listed All Saints Rectory and All Saints Church and Spire with its public gardens which lie within the All Saints Church Poplar Conservation Area. The iron railings are also Grade II listed. The application site lies within viewing distance of the church and rectory building; it is also surrounded by conservation areas to its north, east and west. However, no parts of the site fall within the conservation area.
- 4.3 The application site measures 0.5 hectares. The Poplar Baths building was originally a public bath/swimming pools which closed down in 1988. Later in the same year, full

planning permission was granted to change the use of the public swimming baths into a training centre for the construction industry training board. All existing buildings on site would be demolished to accommodate the new proposal.

- 4.4 The site has a PTAL (public transport accessibility) of 4, being of good accessibility (where level 6 is regarded as being excellent levels of accessibility). There is also a Barclays Cycle Hire station on the opposite side of East India Dock Road. Several bus routes serve the local area, namely numbers 15, 115, D6, D7, D8 and 227.
- 4.5 The nearest primary school to the site is Woolmore, about 500m to the east; to the west is Holy Family RC approximately 600m away; and to the north-west are the Mayflower and Bygrove primary schools. Poplar College is also close to the site on the west side. In addition to the public open space around the All Saints Church, there are several children's play areas scattered within walking distance of the application site, the closest being behind Storey House. Poplar Recreation Ground and St Matthias Church and gardens are further west.

5.0 RELEVANT PLANNING HISTORY

- 5.1 Current undetermined applications as follows:
- 5.2 PA/13/01441 (19 June 2013) – Application for listed building consent for internal and external alterations and refurbishment to Poplar Baths building including demolition of chimney and associated ancillary works (AMENDED PLANS - PROPOSED LEARNER POOL).
- 5.3 This listed building consent application (PA/13/01441) will be reported to the 09 October Development Committee with a recommendation that listed building consent should be granted subject to necessary conditions and that the application should be referred to the Secretary of State for determination as required by Regulation 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990.
- 5.4 PA/13/01586 (19 June 2013) – Application for listed building consent for the alterations to rear elevation, basement and ground floor to facilitate the creation of new electricity sub-station to serve the Poplar Baths.
- 5.5 This application (PA/13/01586) has already been reported to the Development Committee (12 September) with a recommendation that listed building consent should be granted subject to necessary conditions and that the application should be referred to the Secretary of State for determination as required by Regulation 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990. The Development Committee accepted the officer's recommendation and the application will now be referred to the Secretary of State for determination.
- 5.6 On 15 April 2013, an EIA Screening Opinion was issued which confirmed that an EIA submission was not required for the refurbishment of the Old Poplar Baths building and construction of a 10 storey residential development at rear. (LBTH Ref: PA/13/00570).
- 5.7 On 24 October 1988, full planning permission was granted for the change of use of public swimming baths into a training centre of the construction industry training board, installation of two windows to rear elevation at first floor level and provision of seven associated car parking spaces. LBTH ref: PA/88/00494.

6.0 DETAILS OF THE PROPOSED DEVELOPMENT

- 6.1 Full planning permission is sought for a mixed use development comprising external alterations and change of use of the baths to create new swimming pools, a learner pool, gym and associated sports facilities including a roof top multi use games area (MUGA) with enclosure. A café is proposed at ground floor and a landscaped area would be created on the forecourt of the building along East India Dock Road. Refurbishment of all windows with double glazed metal windows and installation of louvres in plant area.
- 6.2 The works to the listed building are also covered under a separate Listed Building Consent application (PA/13/01441). These include the complete internal and external refurbishment works and alterations to the Old Poplar Baths Grade II listed building to facilitate, repairs, restoration and refurbishment of the first class pool and hall, demolition of second class pool area; retention and relocation of the existing Vapour Baths and plunge pool would also be retained and relocated. The alterations works also comprise changing and toilet facilities together with landscaped forecourt and a new café at ground floor.
- 6.2 A residential 10 storey block is proposed at rear comprising 60 units to be designed to Lifetime Homes standards. All structures on site would be demolished. The residential units would be 100% affordable and the overall mix would consist of 18 one bedroom, 15 two bedroom, 18 three bedroom and 9 four bedroom units. All units would benefit from their own private amenity space in the form of balconies and at ground floor all four units would have private terraces. The upper floors balconies generally face east and west.
- 6.3 The proposal would also provide soft landscaping to the east along Grove Villas and at rear alongside Woodall Close. Refuse and recycling storage areas are proposed on the ground floor with access directly from Woodall Close. Cycle storage and parking spaces are provided in the basement. All floors would be served by a lift. Access to the basement would be via stairs and lift.
- 6.5 The residential proposal would be car free and existing permit holders would be allowed to keep/transfer their parking permits (for the 3 bed and above). A total of 4 disabled parking spaces are proposed at the back of the listed building.

7.0 POLICY FRAMEWORK

- 7.1 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:

7.2 Government Planning Policy

NPPF - National Planning Policy Framework

7.3 Spatial Development Strategy for Greater London - London Plan 2011

2.9 Inner London

3.1 Ensuring equal life chances for all

3.2 Improving health and addressing health inequalities

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
- 3.14 Existing Housing
- 3.16 Protection and enhancement of social infrastructure
- 3.19 Sports facilities
- 4.7 Retail and town centre development
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.8 Innovative energy technologies
- 5.11 Green Roofs and Development Site Environs
- 5.13 Sustainable drainage
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 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
- 7.8 Heritage and archaeology
- 7.18 Protecting Local Open Space
- 7.19 Biodiversity and access to nature
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

7.4 Tower Hamlets Adopted Core Strategy 2010

- SP01 Refocusing on our town centres
- 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 place making
- SP13 Planning Obligations

7.5 Managing Development Documents 2013

- DM0 Delivering sustainable development
- DM1 Development within the town centre hierarchy
- DM3 Delivering Homes
- DM4 Housing standards and amenity space

DM8 Community Infrastructure
DM10 Delivering Open Space
DM11 Living Buildings and biodiversity
DM13 Sustainable Drainage
DM14 Managing Waste
DM20 Supporting a Sustainable transport network
DM21 Sustainable transportation of freight
DM22 Parking
DM23 Streets and the public realm
DM24 Place sensitive design
DM25 Amenity
DM27 Heritage and the built environment
DM29 Achieving a zero-carbon borough and addressing climate change
DM30 Contaminated Land

7.6 Supplementary Planning Documents

Designing out Crime Parts 1 and 2
Planning Obligations SPD 2012
York Square Conservation Area Appraisal

7.7 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 The proposed development was amended and re-consultation on the amended plans was carried out. All initial and revised responses received are summarised below.

LBTH Housing Development & Private Sector

8.3 The application for the reuse of the baths is supported together with the proposed development delivering 100% affordable housing with all affordable rent based on POD rents. Given the size of the development, this is considered acceptable.

8.4 The bedroom size mix is fully policy compliant consisting of 30% 1 beds, 25% 2 beds and 45% of 3+ beds. All properties comply with Lifetime Homes. The Design and Access statement demonstrates that most of the homes will be delivered in line with the space standards set by the London Plan for the 1 bed units.

8.5 Wheelchair accessible units are welcome and the provision of 2 two bed, 3 three bed and 1 four bed units are in line with the needs of families waiting for fully accessible housing on the Common Housing Register. This contributes towards the 10% requirement for this type of housing as stated in the Managing Development Document. Furthermore, all units would be designed with separate kitchens and

living areas.

- 8.6 This proposal is made by the Council and the homes would be managed by Tower Hamlets Homes.

LBTH Environmental Health

- 8.7 The proposed development shall comply with the Tower Hamlets Construction Policy, the Control of Pollution Act 1974 and BS 5228: 2009 (Code of practice for noise and vibration control on construction sites) in order to ensure prevention of noise and dust nuisance and the infringement of the nuisance provisions set out in the Environmental Protection Act 1990. Building works to be carried out only during the following hours: 8am- 6pm Monday to Friday. 8am – 1pm Saturdays. No working allowed on Sundays and Public Holidays. Any piling methods and construction management plan should also be agreed.

- 8.8 Concerns were raised with regards to noise level and revision showing adequate glazing specification for all floors and facades were sought. The EH officer is now satisfied with the additional information subject to appropriate conditions on plants noise.

- 8.9 The site and surrounding area have been subjected to former industrial uses, which have the potential to contaminate the area. Therefore, a condition should be included to ensure a detailed remediation method statement is submitted prior to the commencement of the development.

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

LBTH Biodiversity Officer

- 8.10 If works do not begin by spring 2015, a further precautionary bat survey will be required immediately before demolition to ensure no bats are roosting.

- 8.11 To maximise the benefit to biodiversity, the trees should include native species as recommended in paragraph 5.11 of the Preliminary Ecological Appraisal, and the planter and herbaceous border should include a range of flowering plants to provide nectar through as much of the year as possible.

- 8.12 A living roof should be provided if possible.

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

Borough Conservation Officer

- 8.13 The proposed block of flats at the rear of Poplar Baths will be visible in views of the Baths and in views of other heritage assets including All Saints Church and the All Saints Church Poplar Conservation Area.

- 8.14 The Baths building has a very bold and distinctive architectural form. As seen from directly across East India Dock Road, the proposed flats would be barely visible rising slightly above the roofline of the existing First Class element. The impact is

considered to be very minor in terms of this important view. In other views where the Baths are seen against a backdrop of varied structures including (in some views), the taller structures of Canary Wharf, the impact of the proposed block is considered to be acceptable.

- 8.15 The proposed block is also considered to be acceptable in terms of its impact on the setting of the Grade II listed All Saints Church and in terms of the setting the All Saints Conservation Area.

(OFFICER COMMENT: The conservation matters are covered in Section 9 of this report)

LBTH Energy Efficiency Unit

- 8.16 Following receipt of clarifications from the applicant's energy consultant, the energy strategy is considered policy compliant. Initial assessment confirms that the proposed development would achieve Sustainable Homes Code 4, reducing CO2 emissions by more than 35%, and BREEAM Excellent at a score of at least 70. Relevant pre-assessments and post completion assessment should be conditioned to ensure that the above targets are met. A site-wide CHP system would be provided in accordance with the London Plan.

(OFFICER COMMENT: Suggested conditions have been included.)

LBTH Communities, Localities & Culture (Strategy)

- 8.17 The units proposed will result in an estimated 167 new residents within the development. A number of financial contributions are required to mitigate the impact of the proposed development based on the Planning Obligations SPD.

- 8.18 £21,017 is required towards Idea Stores, Libraries and Archives.
£69,462 is required towards Leisure Facilities.
£133,847 is required towards Public Open Space.
£2,502 is required towards Smarter Travel.
£181,506 is required towards public realm improvements.

(OFFICER'S COMMENT: Planning obligations are covered in section 10 of this report.)

LBTH Transportation & Highways

- 8.19 The proposed area of soft landscaping below the east facing balconies currently forms part of a public highway (Grove Villas). The Head of Transport & Highways accepts that in order to provide the balconies, without danger to users of the public highway, it is necessary to stop up the area of public highway identified for soft landscaping on the eastern side of the development. This would be permissible under S257 of the Town and Country Planning Act 1990 subject to details of lighting and landscaping being reserved by condition.
- 8.20 There needs to be adequate and safe coach parking to accommodate the vehicles bringing school parties to the Baths. The revisions locate a coach drop-off point half way down the Baths building on Poplar Bath Street. Whilst this may be acceptable in principle, coach parking in this location could create obstruction to access and the safe manoeuvring of the coach in order to exit in a forward gear onto East India Dock Road. Condition should require the applicant to submit & have approved a revised

location for the gate, supported by autotracking for a coach, before the development can be occupied.

- 8.21 Overall, Highways raise no objection subject to the following conditions being included:
- S278 scheme of highway improvements necessary to serve the development
 - Car free agreement with respect of the residential part of the development
 - Details of cycle parking and its retention in perpetuity
 - Details of lighting and landscaping adjoining public highways
 - Details of revised location for gate restricting access through St Matthias estate
 - All elements of the scheme to be required to promote only sustainable modes of transport in all marketing material
 - Construction Management Plan
 - Servicing Management Plan
 - Travel Plan

(OFFICER COMMENT: All of the above conditions have been included. Transport and access matters are addressed in section 10 of this report)

LBTH Waste Policy and Development

- 8.22 Following receipt of amended drawings the officer is now satisfied with the location of the bin stores and the auto-tracks for the refuse vehicles. Turning circles would also be achieved within the stipulated 20m.

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

LBTH Children Schools and Families (Education Development)

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

(OFFICER'S COMMENT: Planning obligations are covered in section 10 of this report.)

LBTH Enterprise & Employment

Construction Phase

- 8.24 The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. The council will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services.
- 8.25 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.

- 8.26 The Council will seek to secure a financial contribution of **£16,628** 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.

(OFFICER'S COMMENT: Planning obligations are covered in section 10 of this report.)

External consultation responses

Transport for London (TfL)

- 8.27 TfL raised no objection to the proposal however a number of conditions, planning obligations and or further details/revisions were asked for.

- 8.28 Conditions:

- Delivery and Servicing Plan including Parking Management Plan
- Construction Management Plan and Construction Logistics Plan
- Details of landscaping
- S278 scheme of highway works
- Travel Plan

- 8.29 Planning Obligations:

- Car Free
- Financial contribution of £45,000 towards upgrading of three bus stops in the vicinity

- 8.30 TfL also noted that the transport assessment submitted with the application should have considered the site as a vacant one for the purposes of the assessment because the facilities have been closed for a long period of time. Additionally, swept paths were asked for to demonstrate that vehicles entering/exiting the site would be able to access/leave Poplar Baths Street to/from East India Dock Road.

(OFFICER'S COMMENT: Requested conditions have been included. Transport and Access and Planning obligations are covered in section 10 of this report.)

Docklands Light Railway

- 8.31 The proposal is supported in principle. However, conditions should be attached to safeguard the DLR's infrastructure.

(OFFICER'S COMMENT – suggested conditions have been included as part of the recommendation to grant planning permission).

Environment Agency – No comments received

English Heritage Archaeology

- 8.32 The application site lies outside an area of archaeological potential but its size means it warrants archaeological impact consideration. Archaeological fieldwork is not needed; however, the presence of the Grade II baths would have an impact on local heritage matters, therefore appropriate recording and analysis is advisable.

- 8.33 A condition should be attached with regards to the safeguarding of any heritage assets of archaeological interest.

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

English Heritage

- 8.34 English Heritage advised that the planning application should be assessed in accordance with the council's own policies and on the basis of the authority's own conservation advice. Comments related to the listed building application/Grade II Poplar Baths building have been reported under PA/13/01441.

Metropolitan Police (Crime Prevention Officer)

- 8.35 Proposal should be delivered through a commitment to secured by design

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

9 LOCAL REPRESENTATION

Statutory Consultees

- 9.1 A total of 681 neighbouring properties within the area shown on the map appended to this report were notified about the full planning permission and listed building consent applications and invited to comment.
- 9.2 The applications have also been publicised in East End Life and on site. Re-consultation also took place following receipt of amended drawings
- 9.3 21 letters of representation have been received. 17 are in favour of the proposal and 4 objecting to it. It is noted that none of the objections relate to the works proposed for the Grade II listed Poplar Baths building.
- 9.4 The objections relate to the following matters:
- Loss of garages and parking spaces
 - Loss of existing ball park facility
 - New 10 storey block close to existing residential buildings; this would lead to overshadowing, loss of view, loss of light and privacy
 - Height and mass not in keeping with surrounding area;

(OFFICER COMMENT: The above issues are fully discussed in the Land Use, Design and Amenity sections of this report)

The letters of support on the whole had the same message:

- Affordable housing provision is welcome;
- The reuse of the Old Poplar Baths as a community and leisure facility is welcome.

Applicant's consultation

- 9.5 The applicant has provided details of consultation that was undertaken separately prior to the formal submission of the applications.
- 9.6 A press advert / editorial was published in the East End Life on Monday 6th May 2013 to provide background information about the schemes. A web-site has also been designed by Guildmore to promote the scheme, provide background information and updates for people to view and comment on the plans. poplarbathsanddamecolet.co.uk.
- 9.7 St Matthias Drop-in Session 8th May 2013 - 30+ people attended the drop-in session which had an exhibition of the proposals. 10 comment forms were completed. The majority of comments were favourable.
- 9.8 Public Exhibition – 13th and 14th May 2013 - 140+ people attended during the two days of the exhibition held at the Idea Store. A total of 95 comments forms were completed. Overall, the vast majority of respondents and those attending the exhibition welcomed the proposals for the regenerated Baths and provision of new affordable housing.
- 9.9 In particular, there was strong demand expressed for men and women only sessions. A learner pool would be helpful. It was considered that the project would help youth unemployment through the provision of apprenticeships. There was a preference for the new affordable flats to be car free.

10. MATERIAL PLANNING CONSIDERATIONS

Background information

- 10.1 The following background information is provided to help the committee understand the context of the application proposals.
- 10.2 This planning application has been submitted by Guildmore acting as developer for London Borough of Tower Hamlets (LBTH) in respect of Poplar Baths. This marks a key milestone in the Boroughs aspiration to transform Poplar Baths from a derelict building into a first class community asset, in conjunction with the construction of 60 much needed affordable housing units.
- 10.3 The Poplar Baths procurement is based on a Design, Build and Operate model. The Developer would subcontract the delivery of the Poplar Baths leisure facility to a Leisure Operator as part of their consortium. This operator would manage and maintain the facility for the duration of the contract, whilst the Developer would retain lifecycle and asset maintenance responsibility.
- 10.4 The residential units would be provided to LBTH under an internal repairing lease basis, with Tower Hamlets Homes managing and letting the units as LBTH's ALMO.
- 10.5 The Poplar Baths project is a local authority led initiative that would deliver some of the Council's strategic priorities and commitments. These include the provision of Affordable Homes and reopening of the Poplar Baths.
- 10.6 Tower Hamlets Council has procured this project through a European Union compliant competitive dialogue process. Initial invitations were sort through an OJEU notice, with respondent's completing Pre-Qualification Questionnaires. Upon

completion of PQQ's a number of successful bidders were invited to participate in competitive dialogue.

- 10.7 In July 2012 Cabinet permission was received to proceed into stage 2 of the procurement process. The successful completion of this process as ratified by Council in January 2013 has allowed the Council's developer to complete detailed design and this subsequent planning application on behalf of the Council.
- 10.8 In terms of the application to be considered by the Development Committee, the main planning issues raised are as follows:
1. Land Use
 2. Housing density, mix and quality
 3. Design and Heritage matters
 4. Amenity
 5. Transport and Highways
 6. Energy efficiency & Sustainability
 7. Contamination
 8. Section 106 Agreement
 9. Localism Act (amendment to S70 (2) of the TCPA 1990)
 10. Human Rights Considerations
 11. Equality Act Considerations

Land Use

- 10.9 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure; a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and an environmental role – protecting and enhancing the natural, built and historic environment. These economic, social and environmental goals should be sought jointly and simultaneously.
- 10.10 Paragraph 9 of the NPPF highlights that the pursuit of sustainable development includes widening the choice of high quality homes, improving the conditions in which people live and take leisure, and replacing poor design with better design. Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land that has previously been developed, promote mixed use development and to drive and support sustainable economic development through meeting the housing, business and other development needs of an area.
- 10.11 Policy 2.9 of the London Plan identifies the unique challenges and potential of inner London and specifies that boroughs should work to sustain its economic and demographic growth while addressing concentrations of deprivation and improving the quality of life and health for those living there.
- 10.12 The Core Strategy place-making policy SP12 identifies a vision to regenerate Poplar into 'a great place for families set around a vibrant Chrisp Steet and a revitalised Bartlett Park'. The vision places priority on comprehensive regeneration, new development and housing estate renewal. Higher densities are to be located in and around the town centres and adjoining transport nodes. The vision and the Managing

Development Document site allocation No 10 also specifically seek to bring Poplar Baths back into sport/leisure use.

- 10.13 The Poplar Baths part of the application site is located within the Chrisp Street District Town Centre while the residential site at rear is considered to fall within an edge of centre location. The site is occupied by disused public baths, 17 garages and an outdoor games court of circa 350sqm.

Principle of residential use

- 10.14 Delivering new housing is a key priority both locally and nationally. Through policy 3.3, the London Plan seeks to alleviate the current and projected housing shortage in the Capital through provision of an annual average of 32,210 of new homes over a ten year period. The minimum ten year target for Tower Hamlets is set at 28,850 with an annual monitoring target of 2,885. The need to address the pressing demand for new residential accommodation is embraced by the Council's strategic objectives SO7 and SO8 and policy SP02 of the Core Strategy. These policies and objectives place particular focus on delivering more affordable homes throughout the borough.
- 10.15 The Core Strategy objective SO5 and policy SP01 identify edge of town centre locations, such as the proposed site of the residential part of the development, as suitable for mixed use development with the proportion of residential accommodation increasing away from designated town centres.
- 10.16 Given the above and the predominant residential character of the site's environs, the principle of redevelopment of the site for housing purposes is considered desirable in policy terms subject to other land use considerations.

Re-provision of community/sport facilities

- 10.17 Housing growth should be accompanied by and underpinned by provision of social, recreational and cultural facilities and services to reflect the community's needs, promote social cohesion, increase the quality of life and support health, social and cultural wellbeing. In particular, paragraph 73 of the NPPF acknowledges the contribution that opportunities for sport and recreation can make to the health and wellbeing of communities. Accordingly, policies 3.16 and 3.19 of the London Plan support development proposals that increase or enhance the provision of sports and recreation facilities. There is a particular preference for multi-use public facilities.
- 10.18 These national and regional policies are reflected in the Council's Core Strategy policy SP03 and strategic objectives SO10 and SO11 which aim to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles and ensure the timely provision of infrastructure to support housing growth. In particular, policy SP03 seeks provision of high-quality, multi-use leisure centres in accessible locations.
- 10.19 The NPPF, policies 3.16 and 4.7 of the London Plan, objectives SO4 and SO5 and policy SP01 of the Core Strategy, and policy DM8 of the Managing Development Document seek to locate leisure, social and community facilities in accessible locations, in or at the edge of town centres or along main roads. This is in order to support the vitality and viability of local town centres and ensure easy access by foot, cycle or public transport.
- 10.20 The Managing Development Document policy DM8 requires protection of health, leisure, social and community facilities where they meet an identified local need and

the buildings are suitable for their use. Paragraph 74 of the NPPF specifies that existing open space, sports and recreational buildings and land should not be built on unless the development is for alternative sports and recreational provision or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quality and quantity.

- 10.21 The baths building has been vacant for approximately 20 years. Prior to closure in 1994, for a number of years, the building was used as a construction trading centre. The application proposes to return the building to its original leisure/sports use through a number of internal and external alterations. While the alterations would result in some increase in overall floorspace, the most significant improvement would happen to the provision of dedicated sports and recreation areas.
- 10.22 The original Poplar Baths building housed a large swimming pool - converted every winter into a hall, an all year smaller pool as well as some other ancillary facilities. While these have been infilled with concrete when the baths closed, it is useful to note that the pools measured 360sqm and 160sqm respectively, 520sqm in total. Following the proposed refurbishment and alterations the building is to house the following state-of-the-art sport and recreation facilities: a 312sqm Sport England Compliant swimming pool, a 90sqm learner pool, 300sqm gym, two fitness studios, a 630sqm Sport England 4 Court sports hall and a 594sqm rooftop multi-purpose games area. If the gym, fitness studios and other ancillary areas are discounted, the principal sport/recreation facilities on site add up to 1626sqm which is significantly in excess of the previous provision of 520sqm and easily mitigates for the loss of the poor quality outdoor games court of circa 350sqm.
- 10.23 As such, the proposal represents a strong quantitative and qualitative gain in provision of much needed sport and leisure facilities in an accessible town centre location. Officers consider that the proposed redevelopment of the baths would be highly desirable from the land use perspective and would fully accord with the abovementioned planning policies.

Development on open space

- 10.24 Outdoor sport facilities such as the 350sqm games court, which is located on the site of the residential part of the development, are defined as open space for the purpose of the Managing Development policy DM10 and Core Strategy policy SP04.
- 10.25 Core Strategy objective SO12 aims to create a high quality natural environment of green spaces that promote active and healthy lifestyles. Policy SP04 provides a basis for creation of a network of open spaces across the borough through protection and safeguarding of open space such that there is no net loss. Policy DM10 specifies that development on areas of open space will only be allowed in exceptional circumstances where a higher quality open space outcome is achieved as part of a wider redevelopment proposal. As mentioned above, paragraph 74 of the NPPF specifies that existing open space, sports and recreational buildings and land should not be built on unless the development is for alternative sports and recreational provision or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quality and quantity.
- 10.26 As the games court is considered to constitute local provision for the surrounding St Matthias estate, and in response to an objector questioning access arrangements, free access to the rooftop MUGA for residents of St Matthias Estate would be secured as a non-financial S106 contribution.

10.27 The 350sqm outdoor games court is to be replaced with a state-of-the-art 594sqm rooftop multi-purpose games area. There would also be an improved offer of other sports facilities within the baths building, such as two swimming pools, sports hall, gym and two fitness studios. The applicant would also make a contribution towards improvements to local open space / play space. In officers' view, on balance, these qualitative and quantitative improvements successfully mitigate for loss of this limited area of open space while facilitating development of a high number of much needed affordable housing units.

Inclusion of café use

10.28 Core Strategy policy SP01 and 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. Evening and night time uses such as cafes should not be over-concentrated where undue detrimental impact on amenity would result, of a balanced provision and complementary to the adjoining uses and activities. Policy DM1 of the Managing Development Document expands on the above strategic policy and, to support the vitality and viability of town centres, directs restaurants and cafes to town centres.

10.29 It is considered that provision of a small café on site, within the Chrisp Street District Town Centre, is appropriate and desirable from the policy perspective as it will reinforce the vitality and viability of the designated town centre. In any case, it would not be uncommon for a community or sport centre to house a publicly accessible café to supplement the leisure offer on site and the café use would be clearly ancillary to the principal use.

10.30 In conclusion, officers are confident that the mixed use development of the site to provide affordable residential accommodation and much improved sports and leisure offer would be highly desirable in land use terms as it would continue the physical, social and economic regeneration of Poplar, benefit the residents of the borough as a whole, constitute a sustainable and efficient use of a brownfield site, contribute significantly to meeting local housing need and aid creation of a healthy community in line with the broad objectives of planning policies at the national, regional and local levels.

Design and Heritage matters

10.31 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.

10.32 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.1 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 improve people's access to social and community infrastructure. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimisation of the potential of the site. Policy 7.8 seeks to identify London's heritage assets and historic environment so that the desirability of sustaining and enhancing their

significance and of utilising their positive role in place shaping can be taken into account. Furthermore, it adds that development should incorporate measures that identify, record, interpret, protect and where appropriate, preserve the site's archaeology.

- 10.33 Policy SP02 of the adopted 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 SP10 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. This policy also seeks to protect and enhance the borough's heritage assets, their setting and their significance.
- 10.34 The Managing Development Document deals with design in Policy DM24. It requires development to be designed to the highest quality so that they are sustainable, accessible, attractive, durable and well-integrated whilst taking into account the surrounding context. Policy DM27 of the MDD seeks to protect and enhance the borough's heritage assets, their setting and their significance. The policy provides criteria for the assessment of applications which affect heritage assets. Firstly, applications should seek to ensure that they do not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting. More importantly, it states that development should enhance or better reveal the significance of the asset or its setting.

Layout, height and scale

- 10.35 The entire application site comprises the Old Poplar Baths building together with the ball court at rear flanked by low level garages on both sides of the ball court. The surrounding area is interesting in its diverse uses and different architecture, being close to the busy East India Dock Road and opposite Chrisp Street town centre. The site is dominated by the Grade II listed Poplar Baths building. The All Saints and Poplar Church and Spire are visible on the east elevation and the backdrop of Canary Wharf is further south. The housing blocks within St. Matthias Estate are of various typologies ranging from 2 to 7 storeys in height.

Listed Poplar Baths building

- 10.36 Due to the use of the building as a construction training centre some 25 years ago, many significant heritage features have invariably been lost or covered up. However and despite the possible loss or damage, it is noted that the interior of this building holds the special interest in heritage terms and would be affected by the proposed works. On that basis, the full details of the internal works for the listed building are covered in detail under the accompanying listed building consent application PA/13/01441 (which will be reported to committee together with this current full planning permission). Externally the building has suffered the usual decay that a vacant and underused building would. In terms of height and scale, no significant changes are noted.
- 10.37 The layout of the baths would change as a result of the refurbishment and repair works. It is proposed to demolish the redundant chimney and water tanks and substantial parts of the former second class baths – the south and east section of the building. In its place would be a re-built modern section with the proposed outdoor MUGA in the south eastern corner of the roof. Therefore, substantial changes would occur to the east and part south elevations to accommodate this MUGA and the perimeter cladding and louvred fencing.

- 10.38 Whilst this would add a significant height to this elevation, it would still however be subordinate to the height of the roof of the first class pool (one of the more significant part of the listed building). The scale of the baths building would therefore remain comparable to its original form. The proposed external alterations to the south and east elevations would have a contemporary appearance but have been designed to be sympathetic to the listed building in general in terms of architectural form and materials. The Borough Conservation Officer and English Heritage support this proposal and state that the removal of the chimney stack and the other external changes would not significantly affect the architectural and historic importance of the listed baths building. Furthermore the setting of the adjoining Lansbury Conservation Area and All Saints Church Conservation would and would not be adversely affected.
- 10.39 In summary, in design and heritage terms, the internal and external alteration works to this Grade II listed building would be appropriate in terms of scale, height and use of materials. The works would be sympathetic to the architectural fabric of this listed building and would preserve the character, integrity and identity of the listed building in a manner that would support the proposed re-use of the building. This would be in line with the NPPF which advises that any minor harm to a heritage asset should be balanced against the public benefit which would arise.

Poplar Baths residential

- 10.40 The built form of the development comprises a 10 storey building on the existing ball court site to provide 60 units. At approximately 30m tall, the total height of the development is considerably higher than the height of some of the adjacent and surrounding residential buildings. Woodall Close is a two storey building and Storey House is seven storeys. The main focus of the area is the generous four storey Grade II Poplar Baths building at front. Whilst trying not to detract from the character and setting of this heritage asset, it is also considered that the new residential block should nonetheless be at scale that stands out and complement the Poplar Baths building and surrounding taller buildings along East India Dock Road and the backdrop of Canary Wharf.
- 10.41 The tall element of the proposed development must be considered in the context of the Managing Development Policy for building heights, DM26. 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 the local context. As stated above, the local context is extremely varied but does contain some tall buildings albeit not immediately in the vicinity of the application site. The other point to note is that besides height, scale, form, massing and footprint should also be considered. Storey House for example, at 7 storeys occupies a much larger footprint and form but is not necessarily high.
- 10.42 There is no prevailing building height in the surrounding area. The landscape is dotted with some large buildings and some taller ones. Hence officers are satisfied that there is scope for taller elements in the development; furthermore, the location of this tall block is at rear of the heritage asset, thereby conforming with policy DM26 which states that buildings should not adversely impact on heritage assets. The policy also states that new buildings should not impact on local views, amenity and microclimate. In addition to the detailed plans, the application also includes CGI views of the development along key public routes and from vantage points along East India Dock Road and Chrisp Street Market.

- 10.43 The proposed ten storey element would remain subservient to the robust bulk of the Poplar Baths building. Its tall and vertical rhythm would complement the listed building and act as a contrast in terms of form, massing and silhouette. Based on the information provided, officers are confident that the proposed taller element of the proposal would be of a high architectural quality, provide a positive contribution to the skyline and enhance east and west local views towards the two conservation areas.
- 10.44 The proposal would occupy the entire plot of land and would be built close to its boundary. The site constraints and clearly defined existing street movements provide the design approach for the tall building. The ground floor level would be raised to provide improved privacy for all low level units. The main entrance to the building is strategically placed on the north-west corner where the roads are wider and the area more opened. This layout would provide a building which seeks to bring a street presence in a dense urban area whilst complementing the Grade II listed building.
- 10.45 Despite being consistent in form and shape, the residential block is partly and sensitively set back from Woodall Close, achieving a separation distance of between 12 - 14.5m between the two. The separation is achieved by a 3m soft landscaped area and terrace areas. The end unit along the corner has just the terrace and soft landscaping. The site is also bounded by a 1.8m high railing in part of the south elevation and running all around the building on the east side and terminates on the north elevation. The soft landscaping follows the same perimeter. The tall building offers animation in terms of glazed entrances on the west side where an entrance canopy is also proposed.
- 10.46 In conclusion, officers are satisfied that the height of the proposed building would comply with the relevant criteria in the Managing Development Document policy DM26 and would also be appropriate in terms of meeting other policy objectives to optimise residential development and to provide much needed affordable housing. The proposed building would be appropriate in terms of design, mass and bulk and would appear subservient to the Poplar Baths building.

Architectural appearance and landscape

- 10.47 The new residential block would be constructed from traditional materials, predominantly brick which would also complement the Poplar Baths building. This would be in facing bricks of a reddish brown tinge. The proposal includes a flat roof. In general, the building elevation takes two main forms; on the east and west there is a horizontal language that reads well with the surrounding area; and on the north and south, the elevations appear more vertical and narrow, thus introducing its street presence. This is more pronounced in the north elevation where a central wall and glazing.
- 10.48 The building would be built with the same facing materials throughout with balconies clad in contrasting reflective metallic and glass finishes. The balconies and windows offer further articulation to the elevations of the building. Balconies are either inserted into the building as is the case for the north and south elevations; and protruding balconies are proposed on the east and west elevations. The windows are set within recesses and expressed in grid form. Use of wrap around corner windows gives the building a sympathetic form. The windows and wrap around windows would be finished in grey metal frames.
- 10.49 The projecting balconies would be designed within the site boundary. The cornice over the roof on the west/south/east elevations has been amended. At 1625mm, it was considered overly large and protruding and gave the entire building a top heavy

appearance. This has now been shrunk to approximately 1075mm which is acceptable and makes the building more uniform with the rest of the floors. The cornice on the north side was and remains at 900mm.

- 10.50 In conclusion, officers are satisfied that the external appearance of the buildings has been carefully considered and designed to complement each other and the different uses that they serve. The materials proposed would be high quality and the buildings 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 the York Square Conservation Area and the Grade I St Dunstan and All Saint Church and surrounding churchyard.

Exposing the Poplar Baths architectural and historic appearance and creation of new landscaped area

- 10.51 The proposal would facilitate the refurbishment of the listed baths building with a sympathetic and careful restoration work programme to bring back the building to its former glory and bring into use a community leisure facility including its original element of the swimming baths. It is the front elevation of this building that commands the most interest externally. The “Egyptian” style elevation with its double height entrance portico and reception would undergo various restoration, repair and refurbishment works. The special masoned stone cornices and window detailing would be repaired. The replacement of windows is considered necessary on this elevation and this would be sympathetically replaced with new thermally broken bronzed metal heritage windows.
- 10.52 The front elevation would be restored in the silver grey matching bricks which will be repaired and cleaned. The main entrance door would be as existing, from East India Dock Road. The original first class entrance door would be restored and retained together with the provision of a level access. A café is also proposed at ground floor level in the eastern corner. This would involve glazed doors opening on the forecourt with some seating areas. The other elevations are generally faced in red brick and are subservient to the front elevation. Interventions on these elevations would have less impact on the whole building. It is noted that some works on the south elevation have already been dealt with under a separate listed building consent application (PA/13/01581) which was reported to committee last month.
- 10.53 Further to the restoration works to the front elevation, the proposal consists of extensive landscape works to the forecourt. This would be a key factor to the success of the new baths/leisure centre. A large piazza is proposed with seating arrangements, hard and soft landscaping. The existing statue of Richard Green would be retained and a planted rectangle raised to 300mm would be created and would be designed for seating all around the base. Planting is also proposed in this area plus the removal of all railings to give the forecourt a more inviting and welcome entrance to the entire facility. Some accessible parking and bicycle parking would also be introduced on the western edge.
- 10.54 In terms of windows on all the other elevations, the proposal would seek to replace all existing single glazed, bronzed metal windows with new, thermally broken, double glazed, bronzed metal windows to match the Crittall windows. English Heritage welcomes this approach and officers would condition all replacement windows. However, concerns have been raised with regards to the manually operated external opening mechanisms, which is a subtle but noticeable feature of the east and west elevations. This would be difficult to safeguard in terms of original functionality;

however, in terms of appearance this would be preserved. A condition would be attached to secure this.

- 10.55 The external works proposed, at the front of the building facing East India Dock Road are welcome. The restoration and retention of the Grade II statue of Richard Green is also supported together with the seating areas around it. The whole ensemble would have a positive impact on the setting of the street scene, Chrisp Street Market and the Idea Store.

Impact on the significance of Designated Heritage Assets

- 10.56 Section 12 of the NPPF provides specific guidance on 'Conserving and Enhancing the Historic Environment'. Paragraph 131 specifically requires that in determining planning applications, local planning authorities take account of:

- *“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 viability; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.”*

- 10.57 Guidance at paragraph 132 states that any consideration of the harm or loss of a designated heritage asset or its setting requires clear and convincing justification as well as an assessment of the impact of the proposal on the significance of the designated heritage asset and establish if it would lead to substantial harm or loss (advice at paragraph 133). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (advice at paragraph 134).

Poplar Baths

- 10.58 The closest heritage asset to the application site is the Grade II Poplar Baths building. English Heritage have been fully involved in the development of the proposal and have welcomed the proposed repair and regeneration of this iconic and highly significant listed building. Together with the Borough Conservation Officers and Twentieth Century, they fully support this proposed restoration of the Grade II listed building and its special interior.

- 10.59 The current proposal would be fully in accordance with Policy 134 of the National Planning Policy Framework which states that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'.

- 10.60 The entire building would be subject to repair works, restoration and refurbishment. Whilst the building is listed, it is the front elevation which is of special interest externally and internally it is the first class pool and fenestration details together with the tiered seating arrangement. The first class baths interior would be restored and retained; the second class pool and hall would be removed and rebuilt with a much larger pool and other facilities. The exterior of the front elevation would be restored with insertion of new bricks to match the existing where necessary; thermally broken Crittal steel framed double glazed windows would be installed to match the existing single glazed Crittal windows. Key features of the First Class Pool Hall will be

restored as would finishes within the very distinctive Entrance Vestibule along with the reconstruction of the plunge pool (one of the buildings most distinctive features).

- 10.61 On the whole, the works to this building would facilitate its reuse together with the creation of a modern sports and leisure venue. Planning Officers in conjunction with the Conservation Design Officer have reviewed the revised proposed scheme which has been the subject of extensive negotiation and is now considered acceptable in principle. However, further details would be required to ensure that the work protects the special architectural and historic character of the building which would be secured through conditions.
- 10.62 The works to be carried out and the internal or external features that may be lost through this major refurbishment are mitigated by the end gain for the community and the borough as a whole. The building itself would be retained and would be restored. Subject to conditions to ensure high quality materials and finishes, the proposal would preserve the character, appearance and fabric of the Grade II Listed Building. The necessary alteration works would represent an acceptable level of intervention in the overall fabric of the listed Baths. No objections have been raised to the works by English Heritage or the Borough Conservation Officer.
- 10.63 The proposed works are therefore generally considered sympathetic and would preserve the character, fabric, integrity and identity of the listed building. The works would be appropriate to facilitate viable re-use of the heritage asset. This proposal therefore meets the requirements outlined in the National Planning Policy Framework (2012), Policy SP10 of the adopted Core Strategy (2010) and Policies DM24 and DM27 of the Managing Development Document (adopted April 2013).

Relationship of proposed housing to surrounding heritage assets

- 10.64 Further east is the Grade II listed All Saints Rectory and All Saints Church and Spire with its public gardens. The church lies within the All Saints Church Poplar Conservation Area. The application site lies within viewing distance of the church and rectory building; it is also surrounded by conservation areas to its north, east and west. In accordance with the Conservation Area character appraisal, the preservation of the historic setting of the church and public gardens of utmost importance and views of these should be maintained and protected where appropriate.
- 10.65 The proposed block of flats at the rear of Poplar Baths would be visible in views of the Baths and in views of other heritage assets including All Saints Church and the All Saints Church Poplar Conservation Area. In particular, the residential block would be highly visible from Newby Place and the backdrop of the church. This view is considered important and should be protected. The rectory partially obscures the new building but it is still largely there to be seen along Newby Place.
- 10.66 The Baths building has a very bold and distinctive architectural form. As seen from directly across East India Dock Road, the proposed block would be barely visible rising slightly above the roofline of the existing First Class element. The impact is considered to be very minor in terms of this important view. In terms of the long views eastwards, it is considered that the heritage asset and the new build are sufficiently far away from each other so as not to cause a negative impact on the setting of the heritage assets and surrounding areas. Furthermore, the views are flanked by modern blocks and structures already.
- 10.67 A viewing corridor has been created to the All Saints Church Spire comprising of progressive setback. Therefore, as the new build is seen against a backdrop of

varied structures including (in some views), the taller structures of Canary Wharf, the impact of the proposed block is considered to be acceptable. The proposed block is also considered to be acceptable in terms of its impact on the setting of the Grade II listed All Saints Church and in terms of the setting the All Saints Conservation Area.

- 10.68 Officers in conjunction with the Conservation Design Officer and Urban Design Officer have reviewed this proposal which has been the subject of extensive negotiation. Subject to conditions this proposal is considered acceptable in principle. Further details will be required to ensure that the new development protects the special architectural and historic character of the surrounding areas. The use of appropriate materials is of paramount importance, and the boundary treatments especially at the rear would be equally important. This will be secured by planning conditions.
- 10.69 As such, subject to conditions to ensure high quality materials and finishes, the proposal would preserve or enhance the setting and views to the Grade II Listed Church in accordance with Policy SP10 of the Council's adopted Core Strategy (2010), Policies DM24 and DM27 of the Managing Development Document (April 2013) and government guidance set out in the London Plan and Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek to ensure that development is well designed and it preserves or enhances the setting, character and appearance of heritage assets and the Borough's Conservation Areas.

Secured by design

- 10.70 The scheme would deliver significant benefits in terms of safety and security by providing active frontages to most of the public highways or public spaces adjoining the site. East India Dock Road would receive principal benefits due to the location of the main entrance and café areas. Grove Villas would benefit from passive surveillance from the café, gym and rooftop MUGA, while Lawless Street at rear would be overlooked from both the MUGA and the residential block. The location of the entrance to the residential block would also increase the amount of pedestrian activity on Grove Villas and Poplar Baths Street. The residential block would have windows in all elevations and thus enhance safety of all adjoining estate areas. All of the above would enhance safety and provide a deterrent to loitering and anti-social behaviour. No concealment points or poorly overlooked areas would be created.
- 10.71 Details of all Secured by Design measures as well as external lighting and CCTV would be conditioned.
- 10.72 Overall, the scheme would properly take into account secured by design requirements, for both the baths and residential buildings, improve safety and security and would not introduce undue risk of crime to future occupiers and users as a result of detailed design.
- 10.73 To conclude this section of the report, officers are satisfied that the scheme accords with the London Plan, the Core Strategy and the Managing Development Document policies which seek to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds.

Housing

- 10.74 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.

- 10.75 As mentioned in the Land Use section of this report, delivering new housing is a key priority both locally and nationally. Through policy 3.3, the London Plan seeks to alleviate the current and projected housing shortage in the Capital through provision of an annual average of 32,210 of new homes over a ten year period. The minimum ten year target for Tower Hamlets is set at 28,850 with an annual monitoring target of 2,885. The need to address the pressing demand for new residential accommodation is embraced by the Council’s strategic objectives SO7 and SO8 and policy SP02 of the Core Strategy. These policies and objectives place particular focus on delivering more affordable homes throughout the borough.

Affordable housing

- 10.76 In line with section 6 of the National Planning Policy Framework, the London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.8 seeks provision of a genuine choice of housing, including affordable family housing. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and specifies that there should be no segregation of London’s population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period.
- 10.77 The application is for a 100% affordable development of 60 Affordable Rent flats including a significant proportion of family units. This substantially exceeds the minimum on-site requirement of 35% affordable as specified by the Core Strategy policy SP02 and would make a significant contribution towards the Council’s overall strategic target for 50% of new homes across the borough to be affordable.
- 10.78 The application also follows the Council’s stated approach to provide Affordable Rent homes significantly below the national level of maximum 80% of private rent. All of the units will be managed by Tower Hamlets Homes and rented at levels determined to be genuinely affordable to local residents as assessed by the POD partnership. The one and two-bed properties are capped at 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 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. Furthermore, development of a 100% Affordable Rent scheme at POD level rents is also supported by the LBTH Housing Team.
- 10.79 Although the proposal is for all of the new flats to fall in the Affordable Rent tenure, it is considered that the London Plan and the Council’s objective of creating mixed and balanced communities and avoiding creation of mono-tenure areas would not be jeopardised in this instance as a significant number of Market Sector and Intermediate units is being delivered through the on-going regeneration of the adjoining estates and through private developments in the local area.

Dwelling sizes and mix

- 10.80 In line with section 6 of the National Planning Policy Framework and London Plan policy 3.8, the Council’s Core Strategy policy SP02 and policy DM3 of the Managing

Development Document require development to provide a mix of unit sizes in accordance with the most up-to-date housing needs assessment. The relevant targets and the breakdown of the proposed accommodation is shown in the table below.

10.81 Table 3: Proposed new build housing mix

	Affordable Rented		
Unit size	Units	%	Target %
Studio	0	0	0
1 bed	18	30	30%
2 bed	15	25	25%
3 bed	18	30	30%
4 bed	9	15	15%
Total	60	100	100

10.82 The proposed mix of units fully corresponds with the above policy requirements and includes an appropriately high proportion of family homes at 45% of all units.

Standard of accommodation

10.83 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document seek to ensure that all new housing is appropriately sized, high-quality and well-designed. Specific standards are provided by the Mayor of London Housing Supplementary Planning Guidance.

10.84 The internal space standards are set at 50sqm for 1 bed 2 person flats, 74sqm for 2 bed 4 person flats, 95sqm for 3 bed 6 person flats and 99sqm for 4 bed 7 person flats. All of the proposed 1 bed, 3 bed and 4 bed flats meet or exceed this target. It is noteworthy that the majority of 3 and 4 bedroom units are particularly generously sized which is welcome for Affordable Rented family units. In line with guidance, the detailed floor plans submitted with the application demonstrate that the proposed dwellings can accommodate the furniture, access and activity space requirements relating to the declared level of occupancy. Moreover, all of the units benefit from separate kitchens and living rooms and adequate dedicated storage areas.

10.85 The majority of units are to be dual aspect with only 15 single aspect one beds and 1 two bed property. The majority of the single aspect units would be south facing. None of the proposed single aspect properties are to be north facing. All of the three and four bedroom units are dual aspect. Overall, all of the proposed units would benefit from adequate day lighting and sun lighting.

10.86 All of the proposed units would benefit from adequate privacy and would not be subject to undue overlooking.

10.87 Overall, it is considered that the proposed layouts are well thought through and will provide a high standard of living accommodation and amenity to the future occupiers.

Wheelchair Accessible Housing and Lifetime Homes Standards

10.88 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.

- 10.89 6 wheelchair accessible homes are proposed. 2 x two bed, 3 x three bed and 4 x four bed. The LBTH Housing Team confirmed that this is in line with the needs of families waiting for fully accessible housing on the Common Housing Register. Three of the accessible homes would be located on the ground floor, two on the first floor and one on the second floor. The building would have two lifts in line with policy.
- 10.90 Overall, in compliance with the above policies, the scheme would be built to the Lifetime Homes Standards and provide 10% wheelchair accessible units with a good spread across dwelling sizes.

Private and communal amenity space

- 10.91 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require adequate provision of private and communal amenity space for all new homes.
- 10.92 The private amenity space standard is set at a minimum of 5sqm for 1-2 person dwellings with an extra 1sqm for each additional occupant. All of the upper storey flats would have adequately sized balconies none of which are in the northern elevation. All of the ground floor units benefit from private terraces which exceed the policy requirement. It is noted that while the policy compliant provision of private amenity space for the whole residential development would be at 447sqm, the development would provide 585sqm which would be 138sqm in excess of the standard and would have a marked positive impact on the quality of living accommodation.
- 10.93 For all developments of 10 units or more, 50sqm of communal amenity space plus 1sqm for every additional unit should be provided. As such, a minimum of 100sqm is normally required for a development of 60 flats. The development would however fail to provide any communal amenity space on site.
- 10.94 The intention of the above policies is to provide adequate open space to ensure an appropriate standard of living for the future residential occupiers and to provide opportunities for residents to lead healthy and active lifestyles. Supporting text to policy DM4 specifies that variations to the provision of adequate communal amenity space can be considered acceptable if there is adequate provision of publicly accessible space within 300m and that in such cases financial contributions will be sought towards the improvements of local open spaces through planning obligations.
- 10.95 There is a number of publicly accessible open spaces in the vicinity. Approximately 30m away, to the south of the adjoining Storey house is a green square of some 2000sqm, the All Saints Church Yard is located some 150m to the east, and the Poplar Recreation Ground and the St Matthias Church Gardens are located some 200-250m walking distance to the west.
- 10.96 Officers consider that while the footprint of the residential site is relatively small, at some 850sqm - including some private gardens and defensible space planting, the size of the site does not, in itself, make provision of an area of communal amenity space unfeasible. While this is noted, the proposed dwellings would be particularly spacious, well designed and all would benefit from particularly large private balconies. It is also noteworthy that the improved sport and leisure facilities at Poplar Baths would provide significant opportunities for residents to lead healthy and active lifestyles in accordance with the aforementioned policies.

10.97 On balance, as the site benefits from close proximity to adequate existing local open spaces, residents would have easy access to the refurbished Poplar Baths, a non-financial contribution to play space has been secured and the dwellings proposed would be well designed and particularly spacious, officers are satisfied that in this instance lack of provision of communal amenity space on site would be acceptable and would not lead to creation of a poor quality living environment for the future residents.

Child playspace

10.98 In addition to the private and communal amenity space requirements, policy 3.6 of the London Plan, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require provision of dedicated play space within new residential developments. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG on 'Shaping Neighbourhoods: Play and Informal Recreation' which sets a benchmark of 10sqm of useable child play space per child.

10.99 Using the LBTH child yield calculations, the development is anticipated to yield 63 children and accordingly the policy sets an overall benchmark of 630sqm of child play space to be provided. Play space for children under 5 should normally be provided on-site while older children can reasonably use spaces off-site, within a short walking or cycling distance.

10.100 It is anticipated that the development will yield 23 under 5s and accordingly 230sqm of dedicated play space should be provided. The proposal however does not incorporate any on-site play space.

10.101 While normally play space for under 5s would be provided on-site, the Mayor's SPG specifies that lack of on-site provision can be accepted if there are existing play facilities within a 100m walking distance of the site and financial contributions could secure their expansion to fully satisfy the needs of the development whilst continuing to meet the needs of the existing residents. The playground within the green space south of Storey House, 30m away from the residential site, would be particularly accessible.

10.102 Furthermore, an area of hard standing to the south of Storey House and adjoining the existing playground, as shown on the proposed ground floor plan, has been identified by the applicant as a possible location for under 5s playground facilities. The landscaping and erection of play equipment covering at least 230sqm area, in this location, would be secured through a non-financial planning obligation. As such, play space for under 5s would effectively be provided on site, in accordance with relevant policies.

10.103 For older children, the London Mayor's SPG sees 400m and 800m as an acceptable distance for young people to travel for recreation. This is subject to suitable walking or cycling routes without the need to cross major roads. In addition to the youth activities which will be on offer at the adjoining Poplar Baths, tennis courts and multi-use games area at the Poplar Recreation Ground is located some 200-250m walking distance, and the floodlit pitches of the Stoneyard Lane Leisure Centre are within 500m walking distance.

10.104 On balance, given the objectives to maximise delivery of affordable housing and the fact that a new area of playspace for under 5s would be secured through the S106 agreement, it is considered that the lack of on-site play space provision for older

children is acceptable in this instance as there are adequate opportunities for play, sport and leisure within a short walking distance of the application site.

Open space

- 10.105 Core Strategy objective SO12 aims to create a high quality natural environment of green spaces that promote active and healthy lifestyles. Policy SP04 provides a basis for creation of a network of open spaces across the borough through protection, improvement, and creation of open spaces. Managing Development policy DM10 states that development will be required to contribute to the delivery of an improved network of open spaces in accordance with the Council's Green Grid Strategy and Open Space Strategy.
- 10.106 The Core Strategy notes that to achieve the 1.2 hectare of open space per 1000 population standard the Council would need to provide 99 hectares of new open space, which would be difficult to achieve given the built up urban character of Tower Hamlets. The 1.2 hectare standard is therefore embedded as a monitoring standard to help justify local need.
- 10.107 To meet the above standard, based on a likely population yield of 167 new residents, the scheme would need to include 2004sqm of open space on top of any private gardens or communal amenity space provided, which in light of housing demand and the need to optimise the use of scarce development land would not be reasonable, or indeed physically possible, for a site measuring 0.11 hectares. It is considered that a planning obligation towards improvement of the area outside Storey House and development of an under 5s playground would help to mitigate the lack of on-site publicly accessible open space.

Residential density

- 10.108 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. Policy SP02 of the Core Strategy while reiterating the above adds that density levels of housing should correspond to the Council's town centre hierarchy and that higher densities should be promoted in locations in or close to designated town centres.
- 10.109 The proposed residential site abuts the Chrisp Street District Town Centre, benefits from an urban context and good public transport accessibility - PTAL score 4. In areas of PTAL 4 to 6 and urban setting, the density matrix associated with policy 3.4 of the London Plan supports densities of between 200 and 700 habitable rooms per hectare. The policy acknowledges that it is not appropriate to apply the matrix mechanistically to arrive at the optimum potential of a given site. Generally, development should maximise the housing output while avoiding any of the adverse symptoms of overdevelopment.
- 10.110 A high residential density, particularly one that exceeds the indicative density range in the London Plan, can be an indicator of overdevelopment. However, a high residential density does not, in itself, make a scheme undesirable in planning terms. Indeed it is not uncommon for housing schemes to exceed the density suggested by the matrix. For residential density to be considered too high for a given site or, in other words, amount to overdevelopment, the excessive density would need to manifest itself in ways that cause significant harm to interests of acknowledged importance, such as:

- inadequate access to sunlight and daylight for proposed or neighbouring homes;
- sub-standard dwellings (size and layouts);
- insufficient open space (private, communal and/or publicly accessible);
- unacceptable housing mix;
- unacceptable sense of enclosure or loss of outlook for neighbouring occupiers;
- unacceptable increase in traffic generation;
- detrimental impacts on local social and physical infrastructure; and
- detrimental impacts on visual amenity, views or character of surrounding area.

10.111 Section 1.3 of the Mayor of London Housing SPG provides further guidance on determining density in accordance with policy 3.4. The guidance acknowledges that small sites have specific opportunities and constraints with regards to density. When establishing the appropriate density for such sites, particular attention should be given to factors influencing the setting of a development site, including existing streetscapes, massing and design of the surrounding built environment. The document also acknowledges that small development sites may require little land for infrastructure such as access roads and it is appropriate for density to reflect this. Consideration should be given to allowing development of a site at a higher density if the infrastructure and amenity requirements can be appropriately met off-site. Exceptionally higher densities on individual development sites may be acceptable where they can be robustly justified by local circumstances. The SPG also notes that higher density housing can be particularly suitable for town centres and locations adjacent to transport hubs, and that account should be taken of planned future improvements to public transport accessibility and capacity, such as development of the Canary Wharf Crossrail Station.

10.112 The proposal, at 60 units, would represent a density of 1768 habitable rooms per hectare and would thus be at 2.5 times the density suggested by the London Plan. Such a density would not be uncommon for blocks of flats on small, effectively infill sites and would be comparable to the densities of both post war and contemporary developments within Chrisp Street town centre, on the northern side of East India Dock Road. As explained above it would not be appropriate to apply the density matrix mechanistically to arrive at what would be an appropriate density for the site – the Mayor of London Housing SPG defines optimising density as “developing land to the fullest amount consistent with all relevant planning objectives”.

10.113 The residential part of the proposal is considered to be satisfactory with regards to all but one of the possible manifestations of overdevelopment as listed above – this is to do with lack of communal open space provision within the site. As explained in the relevant sections above, officers consider that the site is in close proximity to a range of publicly accessible open spaces and leisure opportunities in the area and lack of on-site communal amenity space provision would not make the proposal unacceptable in planning terms. It is also noted that the proposed dwellings would be particularly spacious, well designed and would benefit from more than adequate private amenity space.

10.114 Overall, officers consider that the proposal would provide a significant amount of much needed good quality affordable homes at an appropriate mix, including a high proportion of family sized units, in what is a high quality scheme that positively responds to its surroundings. As such, taking account of the existing dense, urban context of the site, location abutting the Chrisp Street District Town Centre, the pending transport improvements and the planning obligation to mitigate the impact on nearby play space and open space, it is considered that the proposal optimises the

use of the site and that the site can reasonably accommodate the proposed density in line with the relevant local, regional and national policies.

Residential amenity

- 10.115 In line with the principles of the National Planning Policy Framework the Council's policies SP10 of the Core Strategy and DM25 of the Managing Development Document aim to safeguard and where possible improve the amenity of existing and future residents and building occupants as well as to protect the amenity of the surrounding public realm with regards to noise and light pollution, daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.
- 10.116 The residential properties nearest to the entrance to the Poplar Baths are located within the Chrisp Street town centre on the opposite side of East India Dock Road, some 40m to the north of the entrance area. Some 80m to the west of the entrance, adjoining the fire station, is Balsam House - a 4 storey block of flats. To the south of the baths and closest to the servicing and plant areas, some 20m away, is the 7 storey Storey House.
- 10.117 The residential part of the application site adjoins residential premises adjoins Storey House to the west - some 7m to the flank elevation, Nos 1-5 Woodall Close some 12m to the south and Abbot House 18m to the southwest.

Overlooking and privacy

- 10.118 Due to the lack of habitable room fenestration in the side elevation of the adjoining Storey House, no overlooking or privacy intrusion would occur to its occupiers. Residents of Abbot House would also not be affected as their habitable rooms face to the east and west, away from the application site. The terrace of 1-5 Woodall Close is located at a distance of only about 12m between windows of habitable rooms. 1-5 Woodall Close is a terrace of 5 two storey, dual aspect properties. A distance of 12m, while below the guideline of 18m as specified by the supporting text to policy DM25 of the Managing Development Document, would not be uncommon in the borough where similar distances between windows of habitable rooms normally exist for properties on either side of a small street. It is also noted that 1-5 Woodall Close have principal living rooms in their southern elevations, away from the application site. It is thus considered that no undue overlooking or privacy intrusion would occur to the residential occupiers of 1-5 Woodall Close.

Outlook and sense of enclosure

- 10.119 Due to the physical relationship between the site and the adjoining Storey House and Abbot House which all have habitable room windows facing away from the development site, the outlook of these adjoining residential properties would not be affected. Erection of a 10 storey building on site would however be likely to have some impact on the residents of 1-5 Woodall Close who could perceive it as overbearing. Woodall Close properties have south facing living rooms and north facing kitchens on ground floor and bedrooms on 1st floor. Nevertheless, as only the secondary, northern aspect of these properties would be affected, and bearing in mind the fact that only part of the outlook would be affected, it is considered that no unacceptable harm would occur to the amenity of these residential occupiers.

Daylight and sunlight

- 10.120 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. The primary method of assessment is through calculating the vertical sky component (VSC). BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 0.8 times its former value.
- 10.121 In order to better understand impact on daylighting conditions, should the VSC figure be reduced materially, the daylight distribution test (otherwise known as the no skyline test) calculates the area at working plane level inside a room that would have direct view of the sky. The resulting contour plans show where the light would fall within a room and a judgement may then be made on the combination of both the VSC and daylight distribution, as to whether the room would retain reasonable daylighting.
- 10.122 The applicant has submitted a Daylight and Sunlight Assessment prepared in line with the BRE methodology. The assessment demonstrates that only the easternmost maisonettes within Storey House and the northernmost ground floor maisonettes within Abbot House would be affected and only to a minor degree which would be likely to have no impact on the living conditions of the residential occupiers of these properties.
- 10.123 The daylighting to the north facing rooms of 1-5 Woodall Close would however be significantly affected with VSC results of 0.65-0.40 of the former value. The resultant VSC value for 1-5 Woodall Close would be on average at 16.39 which is not uncommon in inner city locations and would not be considered unacceptable for only some of the rooms in a dual aspect property. The most significant reduction would occur to Nos 2 and 3 Woodall Close where the resultant VSC value would be at 13 to 14. These are at the lower range of what would be considered satisfactory but not unacceptable daylighting within the borough. Half of the north-facing rooms to 1-5 Woodall Close would meet the BRE guidance whereas the rooms that do not would retain daylight distribution results ranging between 0.71 and 0.44 times their former value. It is again noted that the spaces affected within 1-5 Woodall Close would be kitchens on ground floor and bedrooms on 1st floor – such spaces are generally less sensitive to reductions in daylighting. Overall, the reductions to daylighting to the dual aspect properties at 1-5 Woodall Close, which benefit from south facing living rooms, are considered acceptable as they would not result in substandard living conditions to their existing occupiers.
- 10.124 Due to the spatial relationship between the application site and the adjoining properties, only the southern elevation of Storey House would be affected with regards to its sunlight. This would nevertheless be a minor impact to only a small number of bedrooms which would receive less early morning sunlight. The overall sunlighting conditions including winter sunlighting at Storey House would remain significantly above the BRE guidelines.

Noise and vibration

- 10.125 The site is located on a relatively busy road and, as such, the majority of background noise results from vehicular traffic. Some noise also occurs from operation of the adjoining DLR. The main sources of noise within the proposal are likely to arise from the use of the café, sports hall and the rooftop multi-use games area, from any comings and goings and from plant associated with the sports hall and swimming pools. Residents are likely to be particularly sensitive to disturbance during the evening and at weekends when they 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.

- 10.126 The LBTH Environmental Protection Team recommended planning conditions to ensure noise insulation to meet the "good" design standard of BS8233 in any bedroom or living room and appropriate noise insulation between the residential and community premises. Conditions are also recommended to restrict construction times and require submission of details of piling works and a general construction management plan to ensure that the temporary disturbance to adjoining residential occupiers is minimised.
- 10.127 The plant associated with the baths would be located within the southern part of the bath building, some 20m away from Storey House and at least 10m away from the proposed residential accommodation. Following revised clarifications the EP officer is satisfied with the glazing specification. However, conditions for plant noise usage should be attached to be discharged at a later date when the detailed design of the plant and any sound mitigation measures are confirmed.
- 10.128 Conditions are also recommended to control the opening times of the sport facility and cafe to 7am – 10pm, Mondays to Saturdays and 8am – 9pm on Sundays.
- 10.129 Overall, subject to conditions including sound insulation, plant specification and design, and appropriate opening and servicing hours, no undue disturbance to the amenity of adjoining occupiers and future residents would occur as a result of the proposed development.

Transport and Access

- 10.130 The National Planning Policy Framework emphasizes the role transport policies have to play in achieving 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 and consider the needs of people with disabilities.
- 10.131 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. 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.
- 10.132 Policy DM20 of the Council's Managing Development Document 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.

- 10.133 The site enjoys very good public transport accessibility with a PTAL rating of 4/5. The All Saints DLR Station is located immediately to the east of the site. There are several bus routes serving the local area. There is also a Barclays Cycle Hire station on the opposite side of East India Dock Road. Several bus routes serve the local area, namely numbers 15, 115, D6, D7, D8 and 227.
- 10.134 Given the high volume of sustainable travel connections in the vicinity of the site and the fact that the majority of users are likely to be local to the area, the development would not have a detrimental impact on highway and pedestrian safety or operation of the highway and public transport systems. In line with recommendation of the Council's Highways Officer, the Travel Plan submitted with the application would be secured through a condition. Subject to conditions, the LBTH Highways Officer raises no objection to the proposed development.

Cycle Parking

- 10.135 The London Plan policy 6.9 and policy DM22 of the Managing Development Document set minimum cycle parking standards for various types of development.
- 10.136 The Poplar Baths would benefit from 46 spaces for visitors – these are to be located outside the proposed entrance on East India Dock Road; and spaces for employees – these would be located in a secure, covered area accessed from Poplar Bath Street, full details would be reserved by condition. This provision was confirmed as adequate by the LBTH Transportations & Highways Team.
- 10.137 The residential development would benefit from 85 spaces for residents – these are to be located within the basement which is accessible by stairs and two lifts. The proposed provision meets cycle parking standards.

Car Parking

- 10.138 Policy DM22 refers to the parking standards set out in its appendix 2. These state that for residential use in locations with a PTAL of 5, parking for 1 and 2 bedroom units should be provided at a maximum of 0.1 spaces per unit and not exceed 0.2 spaces per unit for 3 bedroom homes or larger. Leisure centres or sports facilities should not provide any regular parking spaces.
- 10.139 In line with the above policies, the application proposes no regular car parking spaces for the baths which is expected to draw the majority of its users and visitors from residents local to the area. Two disabled bays would be provided for visitors to the baths. These are to be located at the front of the baths building.
- 10.140 Four disabled car parking spaces would be provided for the residential development. The 4 car parking spaces have been designed to be fully accessible to serve the occupiers of the wheelchair accessible dwellings. Furthermore, in accordance with policy, a car free agreement would be secured to 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).
- 10.141 The proposals would result in the loss of 17 existing lock up garages within the application site. The Council's Highways team have raised no objection to their loss. Furthermore, the applicant has confirmed that existing residents and users of the garages have been offered alternative arrangements elsewhere in the locality.

Servicing and refuse requirements

- 10.142 Policy DM14 of the Managing Development Document sets out the Council's requirements for adequate waste storage facilities to be provided in all developments.
- 10.143 A dedicated servicing, deliveries and refuse area is proposed for both the residential scheme and the Poplar Baths building at rear. The locations of the bin stores are acceptable and the auto-tracks for the waste collection vehicle are also acceptable.
- 10.144 Two dedicated refuse storage areas are proposed for the residential and swimming baths. The capacity of the proposed storage facilities complies with the relevant policy standards.
- 10.145 Full details of refuse storage, a waste management plan and a deliveries and servicing plan would be conditioned.
- 10.146 In order to prevent negative impacts on the capacity of the road network and to safeguard vehicular and pedestrian safety, there needs to be adequate and safe coach parking to accommodate the vehicles bringing school parties to the Baths. The revisions locate a coach drop-off point half way down the Baths building on Poplar Bath Street. This location is acceptable to the Council's Highways officer subject to relocation of the existing vehicular access gate on Poplar Baths Street to enable safe manoeuvring of coaches. A suitable condition would be imposed should permission be granted.
- 10.147 Overall, the proposal would not result in a negative impact on the boroughs transport network and would safeguard highway and pedestrian safety and encourage use of sustainable modes of transport in accordance with local, regional and national planning policies.

Sustainability, energy efficiency and climate change

Energy efficiency

- 10.148 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.
- 10.149 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 Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 10.150 The Managing Development Document 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.
- 10.151 According to initial assessments, the residential part of the development would achieve Sustainable Homes Code level 4 while the refurbished Poplar Baths would achieve BREEAM Excellent with a score of at least 70. Overall CO2 emissions would be reduced by more than 35%. Appropriate conditions would be imposed to ensure that the above targets are met.

10.152 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.

10.153 In accordance with the above policy a site-wide CHP system will provide energy to the baths and residents of the block.

10.154 The LBTH Energy and Sustainability Officer has confirmed that the Energy Strategy submitted with the application is acceptable and in line with policy.

Ecology and biodiversity

10.155 The application is supported by a Preliminary Ecological Appraisal, carried out in October 2012. Neither of the sites are formally designated nature conservation sites.

10.156 If works do not begin by spring 2015, a further precautionary bat survey will be required immediately before demolition to ensure no bats are roosting.

10.157 In terms of the landscaped area provided in front of Poplar Baths, it is advised that so as to maximise the benefit to biodiversity, any trees proposed should include native species as recommended in paragraph 5.11 of the Preliminary Ecological Appraisal, and the planter and herbaceous border should include a range of flowering plants to provide nectar through as much of the year as possible.

10.158 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 Policies with respect to biodiversity.

Health Considerations

10.159 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.

10.160 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.

10.161 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.

10.162 The application would facilitate the delivery of a swimming baths with indoor and outdoor sports facilities, gym and a roof top MUGA which would promote access to

high quality leisure, sport, play and recreation facilities. These factors will contribute to facilitating healthy and active lifestyles for the future occupiers of the development and existing residents nearby in particular the younger residents.

10.163 Furthermore, the applicant has agreed to a financial contribution to be pooled to allow for expenditure on health care provision within the Borough.

10.164 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

10.165 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.

10.166 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.

10.167 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.

10.168 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).

Financial contributions

10.169 The table below provides a summary of the financial contributions that would normally be sought in accordance with the standard methodology in the Council's adopted Planning Obligations SPD, plus any additional contributions sought by statutory consultees. All of the standard SPD requirements arise from the need to mitigate the impact of residential development. The request from TfL to improve local bus infrastructure arises from the impact of the leisure use as set out in the applicants Transport Assessment. The table also confirms the applicant's offer based on the financial circumstances of the scheme.

Standard heads of terms and third party requests	Requested contribution	Proposed contributions	Comments
Employment and enterprise - construction	£14,780	0	Commitments incorporated within development contract with the Council

Employment and training end user phase	£11,643	0	Commitments incorporated within development contract with the Council
Community facilities (Idea Stores & libraries)	£22,791	0	Community facility provided on site as part of the application
Leisure facilities	£69,046	0	Community facility provided on site as part of the application
Primary Education	£474,841	£133,446	Pro-rata % of combined Education and Health
Secondary Education	£441,464	£124,067	Pro-rata % of combined Education and Health
Healthcare	£97,806	£27,487	Pro-rata % of combined Education and Health
Sustainable transport	£2,502	0	Sum considered negligible by PCOP
Street scene / public realm	£614,508	0	Local area improvements included within planning application proposals and S278 agreement
Public open space	£142,302	0	Obligation in proposed legal agreement to provide off site child play space.
Bus infrastructure improvements	£45,000	£15,000	Contribution towards improvement of one local stop with other major developments to contribute to remaining.
S106 monitoring	£41,483	0	Monitoring arrangements in place for delivery of entire scheme.
TOTAL	£1,901,318	£300,000	

Reasons for recommended allocation

10.170 Planning policy states that planning obligations may be subject to development viability, considered on a case by case basis. In this case, it is important for the Committee to note that this mixed use development does not include any commercial elements and it would not be possible to carry out a conventional viability assessment. The proposals would not be viable under normal market conditions and can only be delivered through capital investment and subsidy from the local authority. However, the developer has ring fenced £300,000 to cover planning obligations deemed necessary to mitigate the impact of the development.

10.171 Advice from the Council's independent viability consultants confirms this position as follows:

1. The buildings do have an existing use value, which could be used as a benchmark for the purposes of viability negotiations.
2. However, the fact that both schemes contain a community use element (which will require long term revenue subsidy from the Council to survive) and affordable housing (which in all likelihood will cost more to build than its capital value when it is constructed) mean that the value of the proposed developments would

probably be lower than the existing use value. This means that on a viability basis, it could be demonstrated that the schemes cannot sustain any planning obligations.

3. Policy (e.g. London Plan) recognises that viability needs to take account of the likely availability of public subsidy and scheme viability
4. Essentially, in providing a community use and affordable housing, the scheme is delivering significant planning gain benefit by their very nature. The Planning Authority should decide whether the planning benefit of new affordable homes and community facilities outweighs the opportunity cost of the planning gain payments that would be generated on a policy compliant (35% affordable housing) scheme that are foregone as a result of the provision of 100% housing.

10.172 The table above confirms that if all standard Planning Obligations SPD contributions were sought plus an additional sum of £45,000 requested by Transport for London, the total would significantly exceed the maximum set aside within the scheme budget,

10.173 The proposals were considered by the Council's Planning Contributions Overview Panel (PCOP), who were asked to consider how the financial contributions should be apportioned and prioritised in order to mitigate the impacts of the proposed development in line with the priorities in the Council's adopted Planning Obligations SPD. PCOP came to the following conclusions:

- Education and health should be prioritised on a percentage pro-rata basis to the full SPD requirements ;
- There would be scope to accept a lower value health contribution given the scheme will include a new leisure facility and swimming baths which can contribute towards healthy and active lifestyles;
- The contract in place with the Council includes substantial commitments to local employment, training and apprenticeships at both the construction and operational phases of the development;
- There would be no requirement to mitigate the impact of the residential development on community facilities (indoor leisure, libraries and idea stores) given the scheme would deliver a substantial new leisure facility.
- The contact with the Council includes proposals to upgrade the quality of the public realm and street scene on East India Dock Road and between the proposed residential development and Grove Villas;
- The developer partner will bring forward proposals to upgrade concrete hard standing area adjacent to Storey House as a requirement of their contract and also secured through a non-financial planning obligation. An initial draft proposal shows works to the value of £80,000.
- The relatively low value of the contribution towards sustainable transport would negate the potential benefits of receiving this sum in terms of mitigating development impacts.

- A reduced contribution towards bus stop improvements should be considered in the light of potential future contributions that could be negotiated on other major scale development proposals within Chrisp Street Town Centre;
- There would be no requirement to secure a 2% monitoring charge to cover Section 106 monitoring given the delivery of the whole proposal would be monitored by the local authority.

Conclusions

10.174 In summary, taking into account the special circumstances of the case and the view of PCOP officers recommend the following contributions and obligations would be appropriate and sufficient to mitigate the impact of the development:

Financial contributions:

- £133,446 towards primary education
- £124,067 towards secondary education
- £27,487 towards primary healthcare
- £15,000 towards local bus stop improvements

Non-financial obligations:

- 100% affordable housing (Tower Hamlets preferred rents)
- Car free agreement
- Free access to the rooftop MUGA for residents of St Matthias estate
- Provision of child play space for under 5 year olds at land outside Storey House

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

10.175 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:

10.176 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.

10.177 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.

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

10.179 These issues are material planning considerations when determining planning applications or planning appeals.

10.180 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.

10.181 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 £106, 729 in the first year and a total payment £640, 376 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. The bonus is capable of being a material planning consideration

10.182 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

• Poplar Baths building, 5,218 sqm gross	£182,630
• Affordable Housing, 1,224 sqm circulation	£42,840
• Total	£225,470

Human Rights Considerations

10.183 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:-

10.184 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".

10.185 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.

- 10.186 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.
- 10.187 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.
- 10.188 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 10.189 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.
- 10.190 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 Considerations

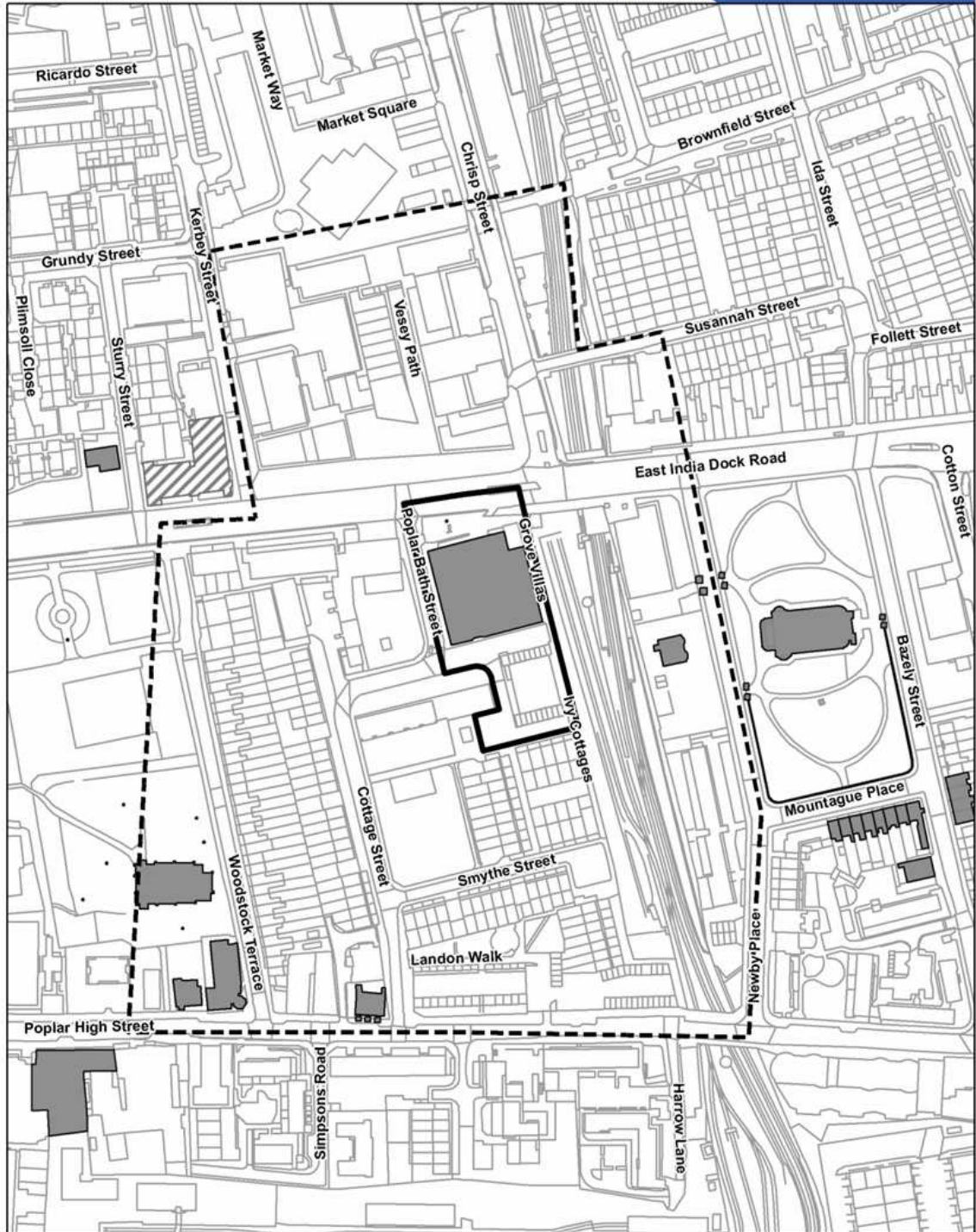
- 10.191 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due 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.
- 10.192 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.
- 10.193 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 10.194 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.

10.195 The contributions to affordable housing support community wellbeing and social cohesion.

11. CONCLUSION

11.1 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.

Planning Application Site Map
PA/13/01432



- Planning Application Site Boundary
- Locally Listed Buildings
- Consultation Area
- Statutory Listed Buildings

0 20 m



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

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