

Committee: Development Committee	Date: 30 th November 2005	Classification: Unrestricted	Report Number: DC027/056	Agenda Item Number: 5.1
Report of: Director of Development and Renewal Case Officer: Scott Hudson		Title: Town Planning Application Location: MOORING IN MILLWALL CUTTING AND SOUTH DOCK, THAMES QUAY, MARSH WALL, LONDON, E14 Ward: Blackwall and Cubbit Town		

1. SUMMARY

1.1 Registration Details

Reference No: PA/05/01227

Date Received: 20/07/2005

Last Amended Date: 08/11/2005

1.2 Application Details

Existing Use:

Dock

Proposal:

Permanent mooring of a vessel for a hotel with ancillary mixed uses including business function rooms, restaurants, bars, health spa, retail units, together with pontoons and new vehicular access from Marsh Wall and new pedestrian swing bridge across Millwall Cutting.

Applicant:

Aquiva Developments

Ownership:

British Waterways

Historic Building:

N/A

Conservation Area:

N/A

2. RECOMMENDATION:

2.1 That the Development Committee **grant** planning permission subject to the recommended conditions and S106 legal agreement outlined below:

2.1.1 Time period.

2.1.2 Construction hours (8am-6pm Mon to Fri, 8am-1pm Sat, no Sundays or Public Holidays).

2.1.3 Approval of Highways details prior to commencement of works.

2.1.4 Detailed landscape plan prior to commencement of works.

2.1.5 British Waterways conditions detailing surfacing materials, pontoon details and the means of securing/mooring of the boat to the quay.

2.1.6 Environment Agency conditions requiring ecological mitigation plan, pontoon design details, UK native planting, external lighting details and no storage on dock.

2.1.7 Servicing arrangements by water vehicles.

2.1.8 Disabled/bicycle parking to be permanently retained.

2.1.9 Restriction of use for external public decks (for restaurants/bar areas).

2.1.10 Use class restrictions (C1 hotel and ancillary uses).

2.1.11 Plant & associated equipment noise restrictions.

2.1.12 Extract Duct Fumes restrictions

2.1.13 Refuse and recycling facilities in accordance with plans.

2.1.14 Crossrail Safeguarding conditions.

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

Brief Description of background paper:	Tick if copy supplied for register	Name and telephone no. of holder
Application case file, plans, supporting technical reports, UDP, PPGs.	√	Scott Hudson Development Control: -020 7364 5338

2.2 Section 106 Legal Agreement to secure the following:

2.2.1 Completion of a Management Plan to incorporate the following details;

- (i) Details of the day to day servicing arrangements for the vessel.
- (ii) Details of the proposed valet parking arrangements.
- (iii) Details of community liaison officer and a 24-hour liaison telephone number for local residents.
- (iv) Security details, including patrolling security staff to ensure visitors to the vessel do not disturb local residences and 24 hour manned security entrance.

2.2.2 **£100,000** financial contribution towards education and training initiatives within the Borough.

2.2.3 **£50,000** financial contribution towards a new pedestrian crossing on Marsh Wall.

2.2.4 **£30,000** financial contribution towards bus stops on Marsh Wall.

2.2.5 **£20,000** financial contribution towards the provision of cyclist and pedestrian facilities in the Isle of Dogs.

2.2.6 **£9,000** financial contribution to the London Docklands Angling Consortium.

3. **BACKGROUND**

Subject Site and Surrounds:

3.1 The subject site is located in the South Dock of West India Docks, alongside Thames Quay, E14. The area is accessed from Marsh Wall and adjacent to Mill Wall Cutting. The site is located within the Central Area Zone of the Adopted Unitary Development Plan and is partially contained within the Town and Shopping Areas within the 1st Deposit Draft Unitary Development Plan. The site area is under the ownership of British Waterways.

3.2 The proposed site location lies at the junction between Millwall Cutting and South Dock. Millwall Cutting is currently used as an essential navigation route for vessels between West India and Millwall Docks. The area currently provides deep water mooring for visiting vessels, which use the moorings on a temporary basis.

3.3 The site is located in a predominately commercial area. Immediately to the south of the site lies a seven-storey office building, known as Thames Quay. To the west of the site, across Millwall Cutting, is the Waterfront bar/restaurant. Meridian Place, a five storey residential development, is located further to the east of Thames Quay.

3.4 The area to the north of the dock consists of a number of redundant industrial and commercial warehouses. This area is covered by the Wood Wharf Master Plan, which was adopted as Supplementary Planning Guidance in 2004. This proposes a mixed-use development to create a new addition to Canary Wharf providing a range of employment floor space, retail, leisure and residential uses.

History

3.5 The Development Committee recommended the granting of permission (PA/99/0578) for the permanent mooring of a cruise ship and its use as a hotel on the 30 October 2000. This proposal consisted of a 250-cabin hotel with ancillary mix of uses including business facilities, restaurants, bars, health club and retail units. The vessel proposed was to be a converted historic cruise ship.

3.6 The consent issued by the Development Committee featured a S106 agreement which contained the following obligations:

- (i) Completion of a management plan which includes:
 - Serving arrangements;
 - Community liaison officer and 24 liaison telephone number;
 - Provision of security staff to patrol the dockside area; and
 - Provision of 24 hour manned entrance to be located at Marsh Wall.
- (ii) Local employment details.
- (ii) Work experience placements.
- (iii) Annual reporting of employees to the Council.

- (iv) A review of alternative berths on an annual basis.
- (v) Maintenance of vessel.
- (vi) Contribution towards the London Docklands Anglers Consortium.

3.7 The abovementioned S106 agreement is in draft form and to date has not been signed.

Proposal

3.8 The application is made jointly with British Waterways. The current application proposes a permanently moored purpose built yacht hotel, which includes ancillary uses of business conference facilities, function facilities, two restaurants, health spa and retail units. More specifically, the application consists of 5 decks plus bridge level to accommodate 181 luxury rooms to accommodate a total of 362 guests. The proposed ancillary uses would be open to the general public.

3.9 Access to the vessel would be gained through constructed pontoons attached to the existing dock walls. The pontoons would feature set down and pick up points and a turning circle together with 5 disabled car-parking spaces and bicycle parking. A viewing pier to the front of the vessel and a new pedestrian swing bridge over Mill Wall Cutting also form part of the application. In addition, a disabled access ramp and new vehicular access off Marsh Wall is also proposed.

3.10 The dimensions of the vessel would be as follows:

- Length: 170m
- Beam: 23.75m
- Height above waterline: 23m
- Height above ground level: 22m

3.11 Amended plans were received on 8 November 2005 in relation to the coach drop off points. The original proposal incorporated the coach drop off point located at West Ferry Circus and then a water taxi would take coach passengers to the vessel. However, as a result of concerns raised by the Highways team, this part of the application was amended and the coach drop off was relocated on site, accessed via Marsh Wall.

4. PLANNING POLICY FRAMEWORK

Comments of Chief Legal Officer

4.1 The relevant policy framework against which the Committee is required to consider planning applications includes the adopted London Plan 2004, the Council's Community Plan, the adopted Unitary Development Plan (UDP) 1998, the Draft UDP and Interim Planning Guidance Notes.

4.2 Decisions must be taken in accordance with sections 54A and 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 is particularly relevant, as it requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations.

4.3 Whilst the adopted UDP 1998 is the statutory development plan for the Borough, it will be replaced by a more up to date set of plan documents which will make up the Local Development Framework (LDF). The emerging policies in the Draft UDP and the Interim Planning Guidance will inform the LDF and, as the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.

4.4 The report takes account not only of the policies in statutory UDP 1998 but also the emerging plan, which reflect more closely current Council and London-wide policy and guidance.

4.5 In accordance with Article 22 of the General Development Order 1995 members are invited to agree the recommendations set out above which have been made on the basis of the analysis of the scheme set out in this report. This analysis has been undertaken on the

balance of the policies set out below and any other material considerations set out in the report.

4.6 The following Unitary Development Plan **proposals** are applicable to this application:

- (1) Central Area Zones
- (2) East West Crossrail
- (3) Flood Protection Areas
- (4) Sites of Nature Conservation Importance
- (5) Water Protection Areas

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

DEV1 Design
DEV2 Impact of new developments
DEV4 Planning Obligations
DEV5 Buildings in the Central Areas
DEV46 Protection of Water Corridors
DEV47 Development Affecting Water Areas
DEV48 Strategic Riverside Walkways and New Development
DEV49 Moored Vessels and Structures
DEV50 Noise
DEV57 Development Affecting Nature Conservation Areas
DEV58 Enhancement of Nature Conservation Areas
DEV61 Management of Nature Conservation Areas
CAZ4 Special Policy Areas
EMP1 New Employment Uses
EMP6 Employing Local People.
EMP9 Development in the Central Area Zones
T15 Location of New Development
T16 Traffic Priorities
T17 Planning Standards
ART7 Major Hotel Developments
ART8 Criteria for Major Hotel Developments
ART10 Encouraging Visitor Facilities.
U2 Development in Flooding Risk Areas
U3 Flood Protection Measures
U6 Consultation with the Environment Agency

4.8 The following New Unitary Development Plan 1st Deposit Draft **proposals** are applicable to this application:

- (1) Water Protection Area
- (2) Flood Protection Area
- (3) Nature Conservation Importance
- (4) Shopping/Town Centres (Partial)

4.9 The following New Unitary Development Plan 1st Deposit Draft **policies** are applicable to this application:

EMP1 Employment Opportunities
TC1 Network of Town Centres
TC6 Eating, Drinking and the Night Time Economy
TC7 New Development and the Sequential Approach
CC4 Hotel and Conference Centre Developments
TRN1 Transport and Development
TRN6 Parking and Servicing
TRN9 Linkages
TRN10 Pedestrian Permeability
UD1 Scale and Density
UD2 Architectural Quality
UD3 Ease of Access Through Design
UD4 Design and Access Statements

UD5 Safety and Security
UD8 Important Views
ENV1 Amenity
ENV2 Light Pollution
ENV3 Noise
ENV4 Plant Disturbance
ENV7 Air Pollution
ENV8 Energy Efficiency
ENV15 Protection of Biodiversity
ENV19 Protection of the Water Environment
ENV20 Flood Protection
ENV22 Waterside Walkways
ENV23 Moored Vessels and Structures
IOD1 Development Nodes
IOD3 Activity Nodes
IOD7 Waterfront
IOD8 Access

4.10 The following Community Plan **objectives** are applicable to this application:

- Living safely.
- Living well.

5. CONSULTATION

5.1 The following were consulted regarding this application:

(1) **Development Design and Conservation**

No objections subject to an approved landscape plan.

(2) **Planning Policy**

Objects in principle on the basis of loss of mooring space for other vessels. It is not considered to create an increase in the recreational or education uses for the waterfront.

(3) **Environmental Health**

No objections. The Corporation of London will enforce the food safety requirements.

(4) **Highways**

No objections subject to the following;

- Approval of highways details prior to commencement of development.
- S278 agreement to carry out off site highway works.
- S106 contributions towards pedestrian crossing at Marsh Wall, contribution towards bus stop on Marsh Wall, and cycle and pedestrian facilities in the Isle of Dogs.

(5) **Docklands Light Railway**

No objections subject to no conflict of works with the relocation of the South Quay DLR station.

(6) **Transport for London - Street Management**

No comments offered.

(7) **British Waterways**

No objections subject to conditions relating to materials, pontoon detail and details

of the mooring of the boat.

(8) **Environment Agency**

No objections subject to recommend conditions relating to ecological impacts, pontoon details, landscaping, and external lighting details and storage of materials.

(9) **Port of London Authority**

No comments offered.

(10) **London Fire Brigade**

No comments offered.

(11) **Crossrail**

No objections subject to recommended Informatives relating to the disturbance of the dock area associated with Crossrail works.

(12) **London Docklands Angling Consortium**

Objections raised concerning loss of quayside fishing areas, restricted access, increase in traffic, disturbance to local residents, low skilled employment opportunities, detract from the historic heritage of the area and loss of mooring space.

(13) **Cleansing Officer**

No comments offered.

(14) **Corporate Access Officer**

No objections subject to recommended conditions.

5.2 Responses from neighbours were as follows:

No. Responses: 31 In Favour: 0 Against: 31 Petition: 0

5.3 A number of objections were received from surrounding residents and business within the area. These objections are summarised, under common headings as follows:

Amenity;

- Overshadowing to adjoining residents.
- Sense of enclosure.
- Overlooking.
- Impact on Amenity to Dock area.
- Increase in noise from hotel and ancillary uses.
- Engine/generator and general plant noise.
- Pedestrian access to hotel would cause disturbance.
- Impact of fumes to nearby properties.

Design;

- Out of character with the area.

Land Use;

- Impact to public realm.
- Loss of civic amenity space.
- Proposal would cause other visiting vessels to berth directly in front of existing residential properties.
- Inappropriate location for proposal.

Traffic/Highways;

- Construction and traffic noise.
- Increase in traffic and congestion.
- No proposed heavy goods vehicle access proposed.
- Lack of car parking proposed

Others;

- Loss of views.
- Increase in pollution.
- Impact of Wood Wharf in delivery and servicing to the proposed vessel.
- Waste disposal.
- Security.
- Loss of mooring space.
- Reduce the narrow waters of the Quay.
- Loss of wildlife to the area.
- Loss of quayside fishing space.
- Insufficient energy efficiency.
- Loss of trees.
- Proposed services are exclusive for guests only.
- No community facilities proposed.
- Over supply of hotels within the area.
- Increase in anti-social behaviour.
- Loss of safety to pedestrians.

5.4 An assessment and response to the above mentioned concerns will be discussed within Section 6 of this report.

6. ANALYSIS

Use/Principle of Development.

- 6.1 The proposal seeks to approve the permanent mooring of a luxury hotel at South Dock, Thames Quay, off Marsh Wall. The proposed use and its location are not new concepts considered by the Council, as a previous application for an almost identical use (floating hotel) has been previously considered. The previous application was known as the "Chrome Castle" proposal and was approved by the Council on the 30 October 2000.
- 6.2 The site falls within the Central Area Zone (CAZ) of the Adopted UDP which seeks to encourage core activities of a scale and type compatible with fostering London's role as a financial, commercial, tourist and cultural centre. This policy identifies tourism and in particular hotel and conference centres as appropriate activities for the CAZ. Policy ART7 specifically refers to hotel developments, which gives favourable consideration to major hotel developments within the CAZ, and subject to the criteria outlined within policy ART8.
- 6.3 In addition the site is partly contained within the Shopping/Town Centre of Canary Wharf. The town centre policies of the Draft UDP (TC1 and TC2) has identified that they offer a range of activities, which include shopping, recreational and community facilities. Furthermore, the site is contained with the Isle of Dogs Area Action Framework (AAP) of the Draft UDP. Policy IOD5 identifies Canary Wharf as a major town centre and the Isle of Dogs as a new district centre. This policy supports and reinforces increased levels of leisure/tourist/entertainment uses to help create a vibrant commercial centre. Policy IOD7 covers the waterfront areas in the Isle of Dogs, and requires development to respect the existing character, the existing and provision of public walkways fronting the water and encourage active uses along the waterfront such as cafes, bars and public leisure facilities.
- 6.4 It is considered that the current proposal accords with the above mentioned policies. The provision of new, unique 5 star hotel facilities (with associated ancillary uses) is considered an appropriate use for both the CAZ and the district centres. The development would not have an adverse impact upon the ecology of the dock. Comments from the Environment Agency have supported the proposal subject to an approved ecology report. Furthermore,

the proposal also allows for the setting down/pickup and servicing areas within the site, and it would not have any detrimental impact on the local environment. The hotel is considered appropriate as it accords with the requirement of policy ART8

6.5 Comments received from the Council's Strategy team raised concerns to the principle of the development. The reason for concerns associated with the application was in relation to the loss of mooring space for other vessels and it was not considered to create an increase in the recreational or education uses for the waterfront.

6.6 The application is made on behalf of British Waterways, who have identified the site as being appropriate for a permanent mooring. The application has been designed in conjunction with British Waterways to ensure there is sufficient room within the dock for other visiting vessels (such as the north side, adjacent to Canary Wharf and the proposed Wood Wharf site). In addition there would be sufficient room next to the site to still allow for visiting vessels. Furthermore, the ancillary uses are considered to be for recreational purposes (which are open to the general public), and create active vibrant uses within this area of the dock. As a result, it is considered for reasons above, the principle of development to be appropriate in this instance.

Previous Application

6.7 As mentioned above, the site received approval for a similar floating hotel and was known as the Chrome Castle development. The Chrome Castle application featured a converted cruise ship and proposed a total of 250 rooms and similar ancillary uses.

6.8 The current proposal is of a lesser scale, in both size and appearance. The application features 69 less hotel rooms and is smaller in scale. In addition, the current proposed vessel would be located 16m from the quayside, compared with 11m for the Chrome Castle proposal. The table below highlights the difference in scale between the two proposals.

Principal Dimensions	Current Proposal (m)	Chrome Castle Proposal (m)
Length	170	175
Beam (width)	23.75	21.92
Height above Waterline	23	30
Height above Ground Level	22	29
Distance from Quayside	16	11

6.9 Moreover, the Council has previously considered the application and determined that the principle of development in this location to be appropriate. The Chrome Castle application features a S106 agreement in draft stages, which requires the signing of the agreement to issue the planning consent.

Amenity Issues and Consultation Responses

6.10 The consultation responses have been summarised in Section 5 of this report. A number of external consultees and organisations support the proposal.

6.11 However, there are a number of letters of objection from surrounding residents and businesses. In response to the concerns raised in the previous application and objections received, the proposal incorporates the following details to address the amenity concerns of the surrounding residents and businesses:

- Servicing arrangements to the north side of the vessel by silent electric (or similar) vessel.
- Water vessel servicing to occur during business hours.
- Rooms that feature external decks to have muting controls when external doors opened.
- Public areas (such as restaurants etc) to feature sound insulation measures (such as fixed double-glazing).
- Restriction of hours for public external decks.
- Provision of a detail management and security plan to deal with issues of on-going security and visitors arriving and leaving the vessel.
- Provision of security staff to ensure no disturbance to adjacent residents and

businesses.

- Location of public decks associated, as part of the restaurants is approximately 45m from the nearest residences.
- Vessel is “silent”, which features no engines. The vessel will be connected to the mains electricity supply.
- All plant rooms to be located below water level and to be sound proofed.
- Business conference and function rooms will be located within the bow of the vessel and completely sound proof.
- Provision of complementary water taxis to minimise the demand for vehicular traffic.
- Design of the new vessel is of a smaller scale than the previous Chrome Castle proposal.

6.12 A number of objections have made reference to the impact on views created by the proposal. However there are no protected view corridors affected by the development. Therefore the loss of views is not technically considered to be a material consideration. Furthermore, the current scheme is of a lesser scale in terms of height and bulk, particularly to the rear, adjacent to the nearest residential properties (Meridian Place). The design of the vessel features slopping, recessed upper levels by approximately 3m. The overall result is the upper level is approximately 34m from the rear of the boat and an additional 14m further from Meridian Place. As a result, allowing views across the top of each level, whereas the previous scheme further restricted views.

6.13 Consultation responses from the London Docklands Angling Consortium Ltd (LDAC) identified a number of concerns, particularly loss of quayside available to anglers. The application proposes a viewing pier and new swing bridge, which would provide additional areas for anglers. In addition, there is a gap between the dock and emergency exit pontoons, which would also leave existing angling space. It should be noted that it has been confirmed by British Waterways that the anglers do not have permits to park on the dockside. However, in accordance with the previous S106 agreement, the applicants have agreed to a contribution towards the LDAC to mitigate the impact of the vessel towards their anglers.

Traffic, Highways and Access

6.15 Discussions have been held between the applicants and the Council to address the access, highways and traffic concerns. The principle mode of transport to the vessel would be public transport and pedestrian access. South Quay DLR is close to the site and its relocation would place the station adjacent to the site. Canary Wharf station would be directly accessible via the dockside promenade, as a result of the proposed pedestrian swing bridge. In addition, the application proposes the use of complimentary water taxis to the vessel from Canary Wharf Station. As a result the application is considered to further utilising the docks and its pedestrian environment in accordance with policy DEV46 and DEV49 of the Adopted UDP and ENV22, ENV23 and IOD7 and IOD8 of the Draft UDP.

6.16 The application does not propose any parking with the exception of 5 disabled spaces and cycle parking located adjacent to the vessel. In addition, the application proposes a valet parking service whereby guest would utilise the set down/pickup turning circle adjacent to the vessel. Coaches would access the site via Marsh Wall and would have a direct drop off and turning circle contained within the curtilage of the site, in accordance with the Council policy ART8 of the Adopted UDP. Furthermore, the Council’s Highways team has raised no objections subject to recommended conditions relating to highway and pedestrian improvements and S106 contributions.

6.17 The pedestrian environment and access are improved as a result of the proposal. The proposal incorporates a new swing bridge crossing Millwall Cutting, allowing for a direct pedestrian route from Canary Wharf to the site and further east. Additional pontoons and viewing piers are also proposed which also allows for public access.

6.18 The vessel would feature ramped access from both the dockside and improved ramped access from Marsh Wall, allowing for improved disabled access to the vessel. Internal access to all floors can be gained via the lifts, allowing for unimpeded access. Conditions requiring rooms to be wheelchair compliant are recommended by the Council’s Access officer.

6.19 Refuse and waste management for the site would occur via existing systems and via a compacted, containerised on board collection system. This would then be collected from the north side of the vessel via the silent electric (or similar) servicing vessel. The applicants have indicated that the waste collection arrangements would occur during business hours. The servicing arrangements as noted above will form part of the overall management plan which the applicants have agreed to secure via a S106 agreement.

Other Issues

6.20 The proposal has the potential to create a large number of employment opportunities for the Borough, particularly in the service industry in accordance with policy EMP1 of the Draft UDP. The applicant has agreement to a contribution towards local employment initiatives and labour through Skillsmatch and Local Labour in Construction. This type of contribution together with the potential employment opportunities are welcomed and is considered to be a significant benefit for the Borough.

6.21 Concerns have been raised with respect to the design of the proposed vessel. The current application is of a contemporary 'yacht' design, where as the Chrome Castle proposal was refurbishment of an existing cruise liner. It is considered that the proposed design is not out of character for the contemporary style of Canary Wharf. The proposal is considered to be of a high quality, energy efficient design and one that is appropriate for the Canary Wharf dock area. Furthermore, the Council's Urban Design team supports the proposal subject to recommended conditions.

6.22 The freeholders of Meridian Place have objected on the grounds that vessels can not be moored next to or adjacent to their premises without their consents. Both British Waterways and the agents have confirmed that this is not the case. However, should planning permission be granted for the proposal, it is considered a legal matter between the two parties.

6.23 Other concern raised by objectors is that would insufficient room for clearance or manoeuvring around the proposed vessel in the dock. The proposal has been designed in accordance with British Waterways requirements. They previously advised that a permanent vessel of a larger size than currently proposed would not impact to vessel manoeuvres.

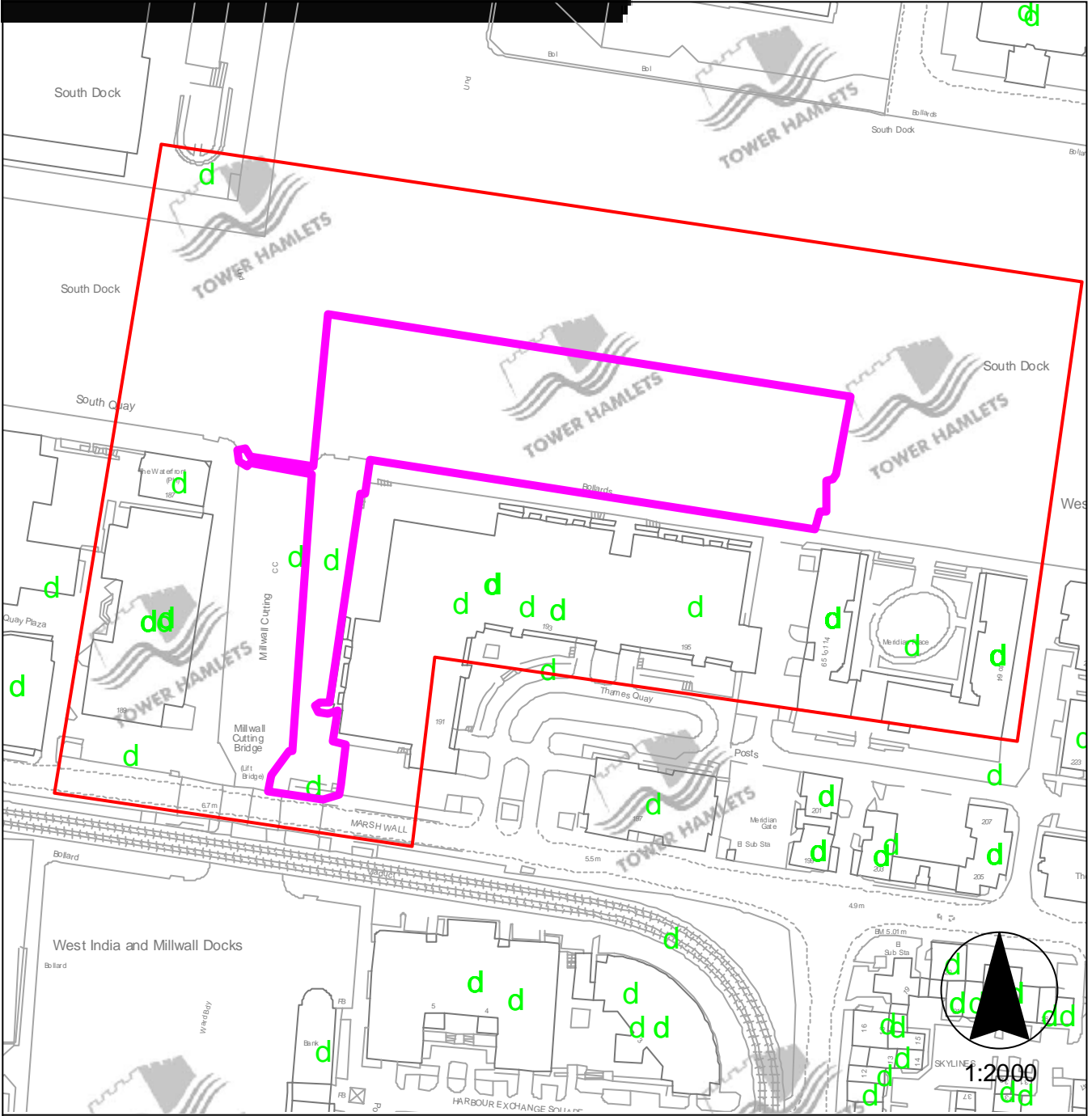
7. SUMMARY

7.1 The proposal is for a unique, floating 5 star hotel, which would provide an attractive development in the docks. The contemporary design is of a lesser scale than the previous Chrome Castle proposal, and is considered to be consistent with the contemporary character of Canary Wharf.

7.2 The applicants have been in discussion with residents, businesses and local organisations with regards to the impact of the proposal to the dock and surrounds. It is considered that, subject to conditions and S106 mitigation measures, it would not have a detrimental impact to local residents, businesses and adjacent area.

7.3 It is considered that the proposal accords with the policies outlined in both the Adopted and Draft UDP. Accordingly, it is recommended that the Development Committee grant planning consent, subject to the recommended conditions and a S106 legal agreement as detailed in Section 2 of this report.

Site Map



Legend

- Planning Application Site Boundary
- Consultation Area
- d Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright. London Borough of Tower Hamlets LA086568

MOORING IN MILLWALL CUTTING AND SOUTH DOCK, THAMES QUAY, MARSH WALL, LONDON, E14