

<b>Committee:</b> Development Committee	<b>Date:</b> 30 November 2005	<b>Classification:</b> Unrestricted	<b>Report Number:</b> DC033/056	<b>Agenda Item Number:</b> 5.7
<b>Report of:</b> Director of Development and Renewal  <b>Case Officer:</b> Gillian Nicks		<b>Title:</b> Town Planning Application  <b>Location:</b> WEST INDIA PIER, CUBA STREET, LONDON, E14  <b>Ward:</b> Millwall (February 2002 onwards)		

## 1. SUMMARY

### 1.1 Registration Details

**Reference No:** PA/05/01322

**Date Received:** 04/08/2005

**Last Amended Date:** 06/09/2005

### 1.2 Application Details

**Existing Use:**

Disused pier

**Proposal:**

The installation of a pontoon to enable the mooring of a residential vessel, and the change of use of the pier to provide access.

**Applicant:**

Mark Andrew Williams

**Ownership:**

Sunset Moorings

**Historic Building:**

Not applicable

**Conservation Area:**

Not applicable

## 2. RECOMMENDATION:

2.1 That the Development Committee **grant** planning permission subject to the conditions and informatives outlined below:

- 1 Limited time period for one year
- 2 No houseboat – being a structure without means of propulsion, which rests on a floating raft or pontoon – shall be moored from a pier.
- 3 Only one vessel is to be moored at the site at any one time.
- 4 The vessel shall not be used as temporary sleeping accommodation or for holiday lets.
- 5 Reserved matters:
  - a. Any material alterations at the pier
  - b. Details of the means for storage and collection/disposal rubbish
  - c. Details sewage disposal.
- 6 There shall be no discharge of sewage to the river.

2.2 Informatives

- 1 Works to pier may require planning permission.
- 2 Prior consent from Environment Agency required for works within 16 metres of the tidal flood defence structure.
- 3 River works license from Port of London Authority required for all works in, on or over mean high water.

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

Brief Description of background papers:

Tick if copy supplied for register

Name and telephone no. of holder

Application, plans, London Plan. Adopted  
and Deposit Draft UDP

Gillian Nicks  
Development Control 0207.364-5338

### **3. BACKGROUND**

#### **Site and surroundings**

- 3.1 West India Pier is situated to the western side of the Isle of Dogs, at the end of Cuba Street which is used as access to the residential developments at Millennium Harbour. An access way or brow, from which access to the existing pier is provided, leads directly off the Thames Path.
- 3.2 The Docklands River Bus served the pier until 1993 when the lack of passenger numbers saw its closure with the operator going into liquidation. The pier has been out of use ever since, but Canary Wharf Pier, a five minute walk away, has since been opened operating a commuter river bus service. West India Pier has an extensive history. Originally constructed back in the mid-1870's it was replaced in the late 1940's after being destroyed by enemy fire during World War Two. The pier can be used for river bus services without planning permission.
- 3.3 The pier projects approximately 35 metres from the river wall. At present the pier is part enclosed, but much of the protective material used to provide shelter has worn down or been removed. A small structure is in place on the riverside that was used as the main entrance point for the riverbus. This has fallen into disrepair and in the long term the applicant proposes to refurbish it and remove railings and signage etc associated with its former use.
- 3.4 The surrounding area is predominately residential. To the pier's immediate eastern side are the residential developments of Anchorage point (9 storeys) and the Waterman building (10 storeys) within Millennium Harbour. Anchorage Point is approximately 10 metres away from the entrance to the pier, and the Waterman Building is approximately 12 metres away.
- 3.5 The Thames is tidal at this point.

#### **Relevant Planning History**

- 3.6 PA/02//1795 – 16 July 2003  
Planning permission refused for the repair and replacement of an existing pontoon and the permanent mooring of a 47-metre yacht to be used for a Yacht Club House.  
Reasons for refusal can be summarised as follows:
1. By virtue of its close proximity to residential properties a detrimental impact on the amenity of the adjoining properties contrary to DEV49 (8) of the LBTH UDP 1998.
  2. Permanent mooring of a yacht club/ restaurant boat would, by virtue of its size, mass and close proximity would have a detrimental impact on residential amenity and the setting of the waterside environment contrary to Policies DEV2 (1) and DEV49 (1) of the LBTH UDP 1998.
  3. Applicants failed to submit information to enable the Council to fully assess the scheme against adopted UDP policies including –
    - a. Transport assessment including details of disabled accessibility and servicing of the club to allow full assessment of the yacht club's impact on the area;
    - b. Detailed plans regarding design, location and extent of replacement pontoon and of the proposed mooring;
    - c. Details of proposal impact on hydrology of River Thames and potential impact on nature conservation area.
- 3.7 PA/00/1624  
The applicant was granted planning permission for residential mooring at Masthouse Pier/ Great Eastern Pier, Maritime Quay (to the Southeast side of the Isle of Dogs). The Development Committee approved the proposal subject to limited time period and car-free agreement.

#### **Proposal**

- 3.8 Application is now made for the change of use of the existing pier and the adjoining river bed from serving river buses to serve a permanently moored residential vessel. In order to

accommodate the vessel, the original pontoon would be brought out of storage and returned. This would result in the boat being moored 39 metres away from the river wall. Once moored, the vessel would protrude from the river wall by some 48 metres, free to rise and fall with the tide. At both low and high tide the depth of the river ensures that the vessel would float. A hinged ramp from the pontoon would allow access to the deck.

- 3.9 The vessel itself has been used in the past as a passenger ferry. It is not a houseboat. It has been converted to provide accommodation for a single family (4-berths). The vessel is 5.8 metres tall from bottom of mast to the waterline and 33.54 metres in length. Water, electricity and telephone services are to be provided from the existing lockable superstructure at the top of the pier. Black water will be collected in a holding tank and disposed of to a collection vessel rather than a connection to shore.

#### **4. PLANNING POLICY FRAMEWORK**

- 4.1 The relevant policy framework against, which the Committee is required to consider planning applications include the Government's regional planning guidance, the London Plan 2004, the Council's Community Plan and the adopted Unitary Development Plan (UDP) 1998.
- 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 and the London Plan 2004 comprise the statutory development plan, the UDP will be replaced by a more up to date set of plan documents which will make up the Local Development Framework (LDF) which has recently been published for public consultation.
- 4.4 The report takes account of the policies in Government advice, the London Plan 2004 and the statutory UDP 1998.
- 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) Flood Protection Areas
  - (2) Sites of Nature Conservation Importance
- 4.7 The following Unitary Development Plan **policies** are applicable to this application:
- (1) DEV1 and DEV2 – General Design and Environmental Requirements
  - (2) DEV4 – Planning Obligations
  - (3) DEV9 – Minor works
  - (4) DEV46 – Protection of waterway corridors
  - (5) DEV47 – Development affecting water areas
  - (6) DEV48 – Strategic Riverside walkways and New Development
  - (7) DEV49 – Moored vessels
  - (8) DEV50 – Noise
  - (9) DEV55 – Development and waste disposal
  - (10) DEV56 – Waste Recycling
  - (11) DEV57 – Development affecting nature conservation areas
  - (12) DEV62 – Development adversely affecting nature conservation areas
  - (13) DEV69 – Efficient use of water
  - (14) HSG1 – Provision for housing development
  - (15) HSG23 – Residential moorings
  - (16) T4 – River Bus Service
  - (17) T16 – Traffic priorities for new development

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

- (1) A better place for living safely
- (2) A better place for living well

## 5. **CONSULTATION**

5.1 The following were consulted regarding this application:

(1) **Environmental Health**

No objection to proposal

(2) **Cleansing Officer**

No representation received

(3) **Development Design and Conservation**

No objection unless London River Authority has any serious concerns – condition should be attached to ensure the upkeep of the moored vessel.

(4) **Environment Agency**

Object to proposal as contrary to the Environment Agency's Tidal Thames encroachment policy, and proposals for a non-river dependent use of the pier. Advises that the London Ecology Unit has designated river Thames Corridor as a Site of Metropolitan Importance. Should planning permission be granted, the applicant should be informed that prior written consent of Environment Agency is required for any proposed works affecting or within 16 metres of the tidal floor defence structure.

(5) **Port of London Authority**

The proposal would prejudice its potential reuse as a passenger pier. Residential moorings can result in wash complaints against commercial river traffic, leading to pressure to introduce speed restrictions on vessels navigating the Thames. Existing river traffic downstream of Wapping is generally free of speed restrictions and there is concern that the introduction of 'wash sensitive' uses might compromise viability of cargo and passenger services on the Thames.

(6) **London Borough of Southwark**

No representation received

(7) **Head of Highways Devpt**

No objection.

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

No objection.

(9) **London Rivers Association**

No representations received.

5.2 The proposal has been advertised on site and the following neighbours have been consulted:

2-85 Anchorage Point, 42 Cuba Street and 212-249 Waterman Building, 14 Westferry Road.

Responses from neighbours was as follows:

No. Responses: 140    In Favour: 1                      Against: 137                      Petition: 2

The petitions have 312 signatures.

5.3 The reasons for objection may be summarised as follows:

- (1) Pier should be returned to its former use for public transport purposes.
- (2) Potential noise from vessel.
- (3) Noise created by wash because proximity of boat to the riverside.
- (4) Potential egress problems for residents of Anchorage Point.
- (5) Lack of parking in area, Cuba Street very narrow road that results in damage to underground entrance at Anchorage Point which may be exacerbated by vehicles servicing boat.
- (6) Ample residential moorings within Isle of Dogs.
- (7) Allowing a single dwelling to encroach upon a shared resource favours one person to the detriment of many.
- (8) Pollution of the river due to waste discharge.
- (9) No details of means of refuse disposal.
- (10) Unsuitable mooring location because part of the tidal river.
- (11) Loss of privacy– direct overlooking into lower ground and ground apartments and loss of light.
- (12) Discharge/smells (petrol fumes and marsh gases) would exacerbate existing stench of Thames.
- (13) Use not river dependent.
- (14) In future may be more than one boat moored.
- (15) Impact on the habitat of river birds.
- (16) Detailed design of the pier, dolphins and mooring not acceptable.
- (17) Shipping would be disrupted with potential for collisions with other vessels.
- (18) Approval would encourage other boats to follow suit, which would downgrade the residential properties adjacent to the mooring.
- (19) Security to Anchorage Point would be compromised.
- (20) May change riverbed level.
- (21) Detrimental to the aspirations of riverside development and the achievements of the regeneration of Docklands in the last 20 years.
- (22) Possibility of short term lettings likely to generate parties.

5.4 Reasons for support can be summarised as follows:

1. Benefits would be gained for local environment from restoration of the pier from its current derelict state and be beneficial to the area as a whole.

5.5 24 comment slips have also been received suggesting alternative uses for the pier.

## **6. ANALYSIS**

### **Land Use**

6.1 The adopted (2004) London Plan Blue Ribbon Network (BRN) policy 4C.18 states:

*“new support facilities, infrastructure and activities that support use and enjoyment of the BRN should be encouraged, especially in areas of deficiency”.*

The policy advises that these activities include mooring sites (para 4.114). The PLA's website advises that there is a deficiency of residential moorings within Tower Hamlets. Consequently, it is considered that the proposal accords with the London Plan. The objection on the grounds that there are ample residential moorings elsewhere on the Isle of Dogs is considered unreasonable. Similar guidance is set out in the Government's RPG3: Annex B: Strategic Guidance for the Thames (1997) which states that “local planning authorities should evaluate the availability of, and potential demand for” facilities that include

mooring sites within their stretch of the river. Policy DEV49 of the Council's UDP supports proposals for residential moorings that are outside of areas of Metropolitan Open Land or the Lee Valley Regional Park. The site is not MOL or within the Regional Park.

- 6.2 The surrounding area is predominately residential, and the UDP notes that "moorings can provide a low cost housing option" (para 5.43).
- 6.3 UDP policy HSG23 says the Council will consider applications for temporary and permanent residential moorings providing they meet the policies for riverside development set out in policies DEV46 to DEV49.
- 6.4 The position of the vessel would have minimal impact on existing shipping. Shipping is directed to fairways towards the middle of the river and with the vessel being moored on the outer edge of the river, safety is considered to not be an issue and has not been raised by the PLA, the appropriate statutory authority.
- 6.5 Whilst the London Plan and policy T4 of the UDP seek to encourage the re-introduction of passenger services on the river including the protection of access to piers, previous commercial use at the pier has proved unsuccessful. Alternative locations have been brought forward (i.e. Canary Wharf Pier) for such uses and are capable of expansion. It is considered that the introduction of a residential mooring would not compromise the viability of cargo and/or passenger services on the Thames.

### **Design**

- 6.6 Planning permission is not required for the particular vessel itself. However, it is considered that the vessel is of a scale and design that is appropriate to the location. Further, it is newly renovated which complies with criterion 1 of UDP DEV49 that the vessel shall be in a good state of repair. Any permission can be conditioned to control the type of boat moored at the pier and a condition is recommended to preclude houseboats.
- 6.7 Further, the vessel is an old passenger boat. It is considered that the vessel would draw on the heritage of the pier and provide a focal point of visual interest that is absent at present.
- 6.8 The dolphins and pier are existing and the objections to the lack of detailed design are not understood. Nonetheless, it is recommended that the applicant be advised that alterations to the pier may require future planning permission.

### **Amenity**

#### Overlooking/ Loss of privacy and sunlight/daylight

- 6.9 The entrance to the pier is 10-12 metres away from the closest residential units. The vessel itself would be sited some 45 metres from neighbouring occupiers. In accordance with the UDP's guideline that recommends an 18-metre separation between habitable rooms and policies DEV2 and DEV49 criterion 8, it is considered that the proposed separation is adequate to maintain residential privacy.
- 6.10 Due to the distance that the vessel is to be positioned from Millennium Harbour, there would be minimal impact on existing sunlight and daylight levels to adjoining apartments and satisfactory conditions would ensue.

#### Noise

- 6.11 Objection has been raised on the ground of potential noise increases generated by a residential boat. The Thames is a 24/7 river – with night cruises, commercial shipping and the like making use of the waterway. At this point the river is sufficiently wide to ensure that there would be minimal reverberation of sound and in addition, any noise would be diffused by other background noise. Further, the Council has powers under environmental health legislation to serve abatement notices should noise (or any other nuisance) occur.
- 6.12 It is also considered that the introduction of a single residential vessel would not be detrimental due to the impact of noise from wash and backwash above existing noise levels

at the river wall, pier and dolphins.

- 6.13 Nevertheless, it is recommended that in the first instance only a limited period permission be granted to enable an assessment of the situation in twelve months time.

#### Visual Amenity

- 6.14 It is not the duty of the planning system to protect views except where the public interest would be adversely affected. In this case, the vessel would be moored a considerable distance away from residential property and the vessel would not materially impinge any public view of acknowledged importance. It is considered the vessel would be visually appropriate and that visual amenity would not be adversely affected. There is concern that the Thames should be a vibrant and active river and not just a water feature held by new waterfront dwellers.

#### Environment, conservation and bio-diversity

- 6.15 Objection has been raised regarding encroachment into the river and the effect on bio-diversity. However, the vessel will not reduce the storage volume of the river; change its flow; damage flood defences; result in the loss or damage of river habitats; reduce the river corridor in terms of open space; impact the river bed or pollute the wider environment. Specific concern has been raised that cormorants habitat the pier. It is considered that the proposal will have no detrimental impact upon the habitat patterns of these birds.

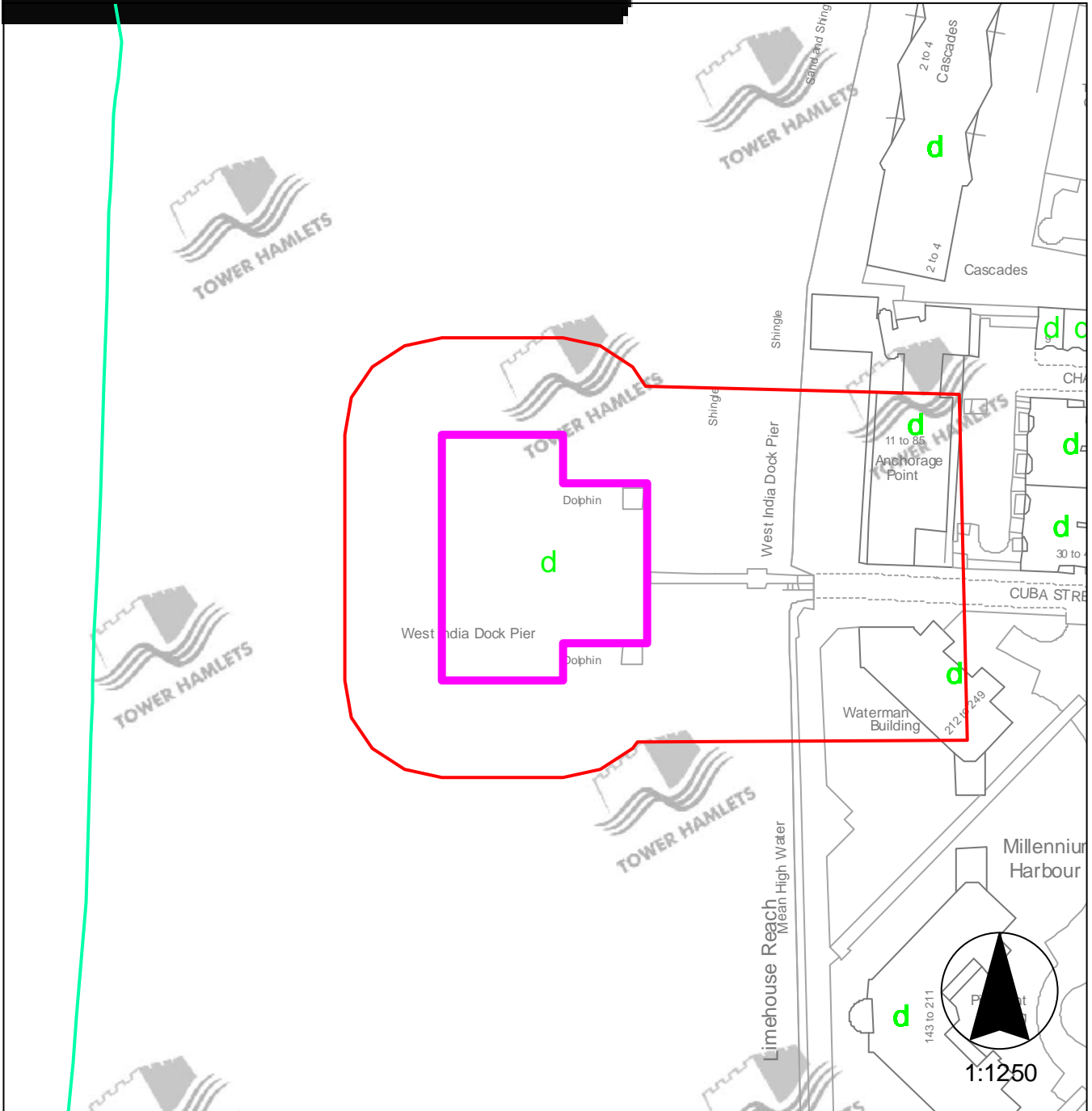
#### **Highways**

- 6.16 There is limited access to the site by road. Cuba Street is a dead end, has no on-street car parking, with double yellow parking prohibition. It is therefore not possible to service the boat from Cuba Street, and the development would not impede the access to residents at Millennium Harbour or the pedestrian right of way along the Thames Path.

### **7. SUMMARY**

- 7.1 Overall the proposal is considered to comply with Council policy for residential moorings and the GLA's policies for the Blue Ribbon Network. However, it is recommended that a limited period permission be granted in the first instance to enable further assessment of its impact on residential amenity at a later date.

# Site Map



### Legend



Planning Application Site Boundary



Consultation Area

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 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

## WEST INDIA PIER, CUBA STREET, LONDON, E14