

Committee: Development	Date: 14 th November 2018	Classification: Unrestricted
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Report of: Director of Place	Title: Application for Planning Permission
Case Officer: Hoa Vong	Ref No: PA/17/03268
	Ward: Limehouse

1.0 APPLICATION DETAILS

Location: Limehouse Marina Limehouse Basin, The Highway, London, E14 8BT

Proposal: Construction of five pontoons to provide leisure moorings

Drawing and documents: Documents

Floodrisk Assessment; Flood Warning and Evacuation Plan; Planning Statement; Ecological Survey; Navigational Safety; Visitor Mooring Management Plan and Visitor Mooring Trial.

Plans and Drawings

LHV-001; LHV- 002 Rev A; LHV-003 Rev J; LH3-004; P208-LIM-03K Rev K; P208-LIM-05 Rev C; P208-LIM-07 Rev L; DF1aGA-01; P-C1-01 and Simbro Product Specification.

Applicant: British Waterways Marinas Limited (BWML)

Ownership: Canal and River Trust
East Thames Limited

Historic Building: N/A

Conservation Area: Narrow Street Conservation Area

2.0 EXECUTIVE SUMMARY

- 2.1. This report considers an application for construction of 5 pontoons adjacent to the south eastern boundary of the marina to provide berths for up to 10 leisure vessels.
- 2.2. The loss of existing open water space and the provision of leisure moorings can be considered to be acceptable in this instance as the proposed development meets the relevant policy exceptions for development within water space, does not adversely impact upon the navigability of the marina and provides additional water related activity and use within the borough.

- 2.3. The proposed design is acceptable in terms of layout, scale and appearance. The proposal would not unduly impact upon the open character of the marina and would be in keeping with the scale of the existing moorings in the basin.
- 2.4. The proposal would not harm the amenity of surrounding residents and building occupiers.
- 2.5. The proposal would provide appropriate cycle parking arrangements, and would be serviced in an appropriate manner. It would be acceptable in air quality, biodiversity and flood risk terms.
- 2.6. Subject to the recommended conditions, the proposal would constitute sustainable development in accordance with the National Planning Policy Framework. The application is in accordance with the provisions of the Development Plan and there are no other material planning considerations which would indicate that it should be refused.

3.0 RECOMMENDATION

- 3.1. That the Committee resolve to **GRANT** planning permission subject to:
 - (a) The Corporate Director of Place's delegated authority to impose the following conditions and informatives in relation to the following matters:

3.2. Conditions on planning permission

Compliance

1. Time limit
2. Development to be built in accordance with the approved plans
3. Refuse storage
4. Use class restriction
5. Size of boats

Pre-commencement

6. Construction environmental management plan
7. Full details of biodiversity enhancements
8. Full details and samples of proposed materials/finishes
9. Details of foul drainage methods/system

Pre-occupation

10. Details of proposed lighting
11. Site management plan
12. Details of electrical points

4.0 PROPOSAL AND SITE DESCRIPTION

Site and Surroundings

- 4.1. The application site is Limehouse Marina which is located to the south of Commercial Road, to the west of the junction with Branch Road, and to the east of the junction with Island Row. Access to the site by water is via the River Thames to the south, the Limehouse Cut from the east and the Regents Canal from the north.

- 4.2. The marina is well used and features c.150 moorings consisting of a mixture of residential, leisure and commercial moorings. The application site features no listed buildings, however it is located within the Narrow Street Conservation Area. The basin and the waterway networks are also classed as a site of importance for nature conservation (SINC) and form part of the Blue Ribbon Network (BRN).
- 4.3. The land immediately surrounding the Limehouse Basin is primarily in residential use, however there are some commercial uses within the adjacent buildings, primarily at ground floor level.

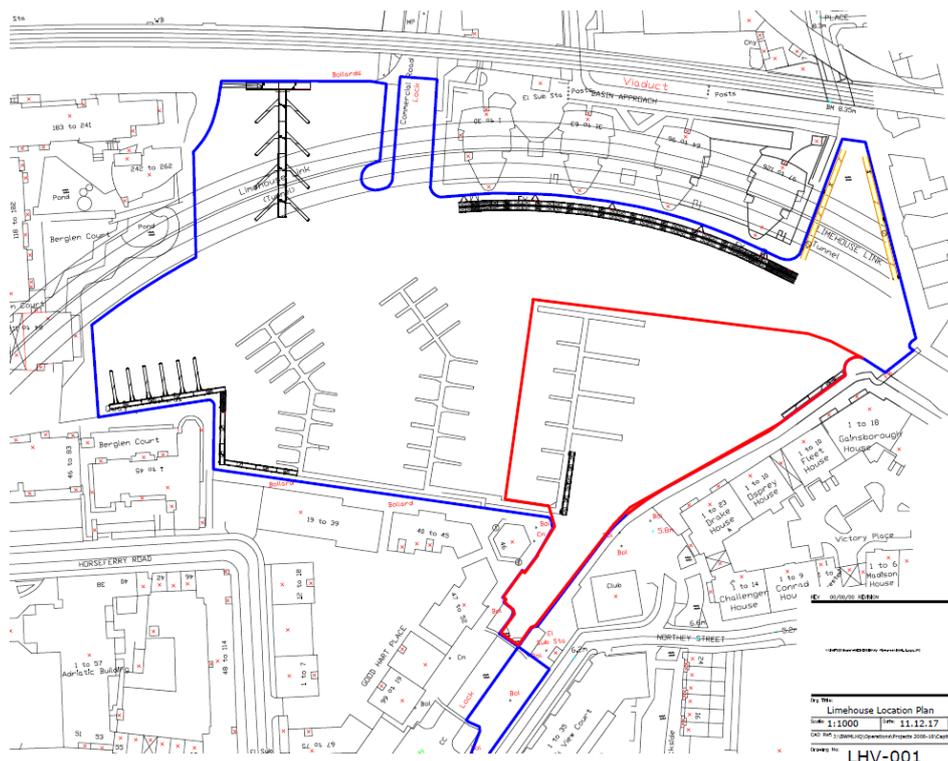


Fig.1 – Application Site

Proposal

- 4.4. The proposal is to install 5 pontoons at right angles to the dockside projecting up to 20m into the basin, adjacent to the south eastern boundary of the marina to provide berths for leisure customers.
- 4.5. The pontoon finger nearest the lock (4 berths) would be reserved for two visiting boats and 2 berths on the adjacent side would be reserved for Canal and River Trust visitors.
- 4.6. In total there would be the potential for 10 vessels of various sizes moored alongside 5 ‘floating finger’ pontoons and an area for 24 hour mooring. All berths however are being sought under ‘leisure’ uses in planning terms. Leisure boats would not be permitted to moor for more than 28 consecutive days.

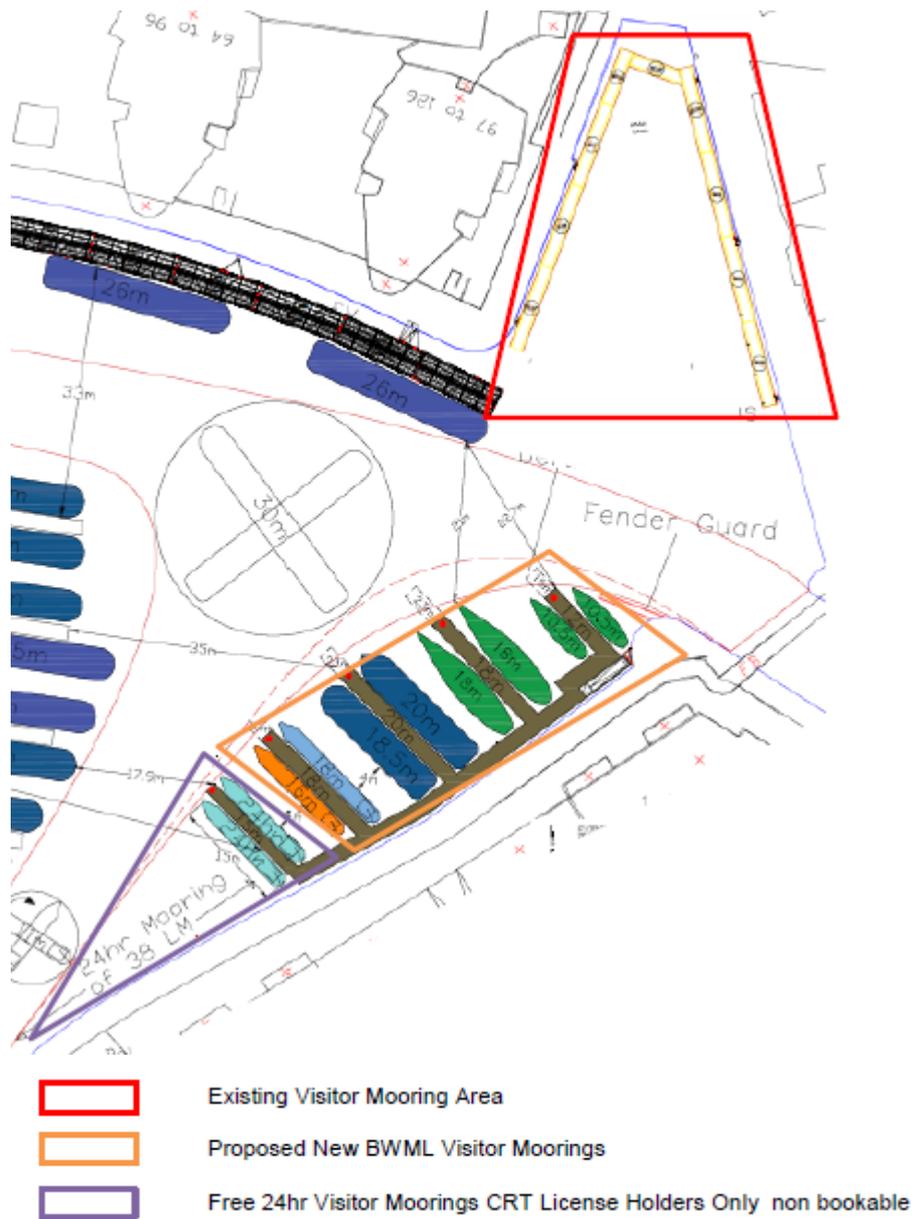


Fig.2 – Proposed Site Plan

- 4.7. The proposed finger berths would vary in length from 12 meters to 20 meters and can therefore hold the majority of craft which visit the marina.
- 4.8. It is also proposed to relocate the pump out station on Pontoon C from the southern to northern end of the pontoon as shown in the below plan.

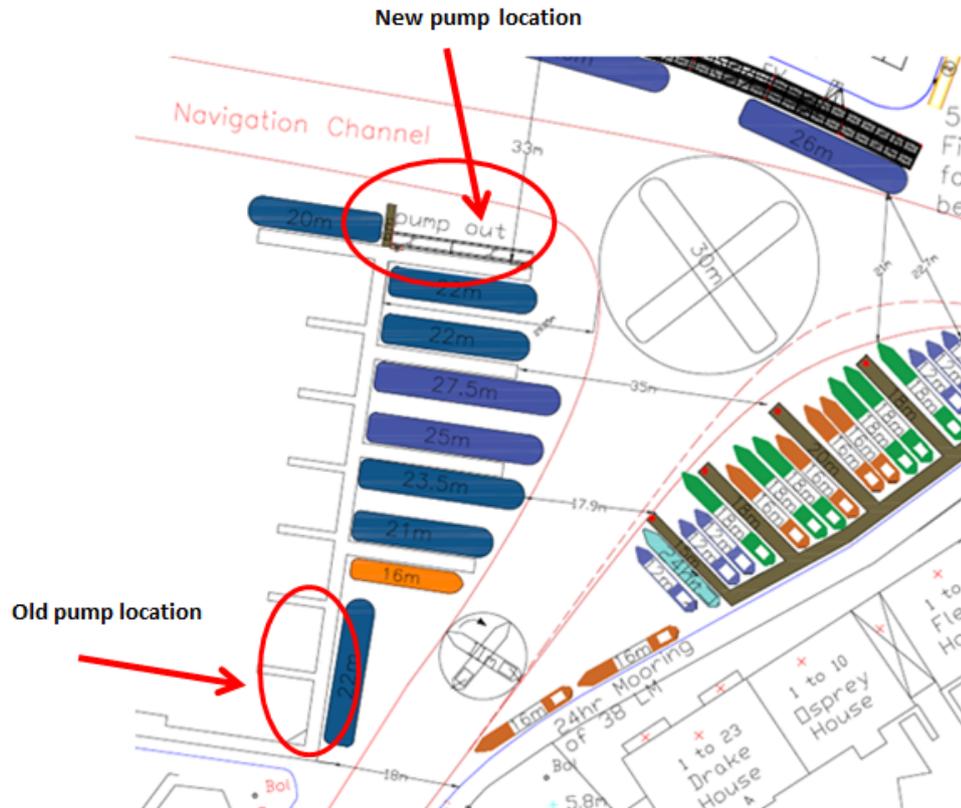


Fig. 3 Proposed pump location

Relevant Planning History

- 4.9. PA/11/00350 – Change of use of 22 (20%) leisure moorings to residential moorings at Limehouse Marina. (Permission granted 13/05/2011)
- 4.10. PA/11/00473 – Application for Lawful Development Certificate in respect of proposed installation of additional moorings for water taxis and leisure purposes. (Permission refused 24/05/2011)
- 4.11. PA/12/02023 – Change of use of 28 existing leisure and commercial moorings for residential use. (Permission granted 07/05/2013)
- 4.12. PA/15/00356 – Construction of 4 new floating pontoon ‘fingers’ for leisure use (to replace existing visitor moorings), relocation of existing pump-out, change of use of existing commercial moorings to provide 9 visitor moorings and construction of new access bridge. (Permission granted 12/05/2015)
- 4.13. PA/16/026430- Change of use of 25 existing moorings from leisure to residential use along with the construction of a new cycle and refuse store for the use of existing and future residents. (Permission granted 09/01/2017)

5.0 POLICY FRAMEWORK

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of the application must be made in accordance with the development plan unless material considerations indicate otherwise.

5.2. **Government Planning Policy**

National Planning Policy Framework (2018) (NPPF)
Planning Practice Guidance (PPG)

5.3. **London Plan 2016**

- 2.18 Green infrastructure: the multi-functional network of green and open spaces
- 5.12 Flood risk management
- 5.17 Waste capacity
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 7.2 An inclusive environment
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.14 Improving air quality
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.18 Protecting open space and addressing deficiency
- 7.19 Biodiversity and access to nature
- 7.24 Blue ribbon network
- 7.25 Increasing the use of the Blue Ribbon Network for passengers and tourism
- 7.27 Blue ribbon network: supporting infrastructure and recreational use
- 7.28 Restoration of the blue ribbon network
- 7.30 London's canals and other river and waterspaces

5.4. **Core Strategy 2010**

- SP03 Creating healthy and liveable neighbourhoods
- SP04 Creating a Green and Blue Grid
- SP05 Dealing with waste
- SP09 Creating Attractive and Safe Streets and Spaces
- SP10 Creating Distinct and Durable Places
- SP12 Delivering placemaking

5.5. **Managing Development Document April 2013**

- DM0 Delivering sustainable development
- DM9 Improving air quality
- DM10 Delivering open space
- DM11 Living buildings and biodiversity
- DM12 Water spaces
- DM14 Managing Waste
- DM20 Supporting a sustainable transport network
- DM22 Parking
- DM23 Streets and the public realm
- DM24 Place sensitive design
- DM25 Amenity
- DM27 Heritage and the historic environment

5.6. **Supplementary Planning Documents**

- 5.7. Narrow Street Conservation Area character appraisal and management guidelines (adopted 2009)
- 5.8. Public examination of the new Local Plan was completed on the 15th October. As the Local Plan has reached an advanced stage, decision makers can now attach more weight to its policies in the determination of planning applications. Nonetheless, the policies of the new Local Plan and of the new London Plan remain of limited weight.

6.0 CONSULTATION RESPONSE

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

INTERNAL RESPONSES

LBTH Biodiversity Officer

- 6.3. Requested that rafts, fish refuges and spawning brushes are provided.

LBTH SUDS Officer

- 6.4. No comments received.

LBTH Transport and Highways

- 6.5. The proposed development should be secured as car free. Additional cycle parking is required.

LBTH Waste Policy and Development

- 6.6. Further details regarding waste collection and trolleying distances.

EXTERNAL RESPONSES

Canal and River Trust

- 6.7. No comment

Royal Yachting Association

- 6.8. Object due to:

- Loss of mooring spaces which are used by boats in transit to and from the tidal river Thames, Regents Canal and River Lea.
- The finger pontoon at 15m is not of sufficient length to accommodate a full length narrowboat at 21m.
- Leisure moorings could potentially be converted to residential

Environment Agency

- 6.9. Acceptable in principle subject to conditions regarding a landscape management plan and a construction environmental management plan.

Cruising Association

- 6.10. Support, although a number of queries are raised regarding navigation.

St Pancras Cruising Club

- 6.11. Object- Navigation issues, loss of water space, loss of informal spaces.

Port of London Authority

- 6.12. Comment- Shorter term leisure moorings are encouraged.

7.0 LOCAL REPRESENTATION

- 7.1. Neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site by way of a site notice and advertised in the local press.

- 7.2. The number of representations received in response to notification and publicity of the application is as follows:

No of individual responses: 183	Objecting: 177
	Supporting: 3
	Comment: 3

- 7.3. The following issues were raised in objection to the proposal:

- Noise and air pollution generated from boat engines, generators and heating
- Adverse impact on local wildlife
- Odour from waste disposal and additional litter in the canal and towpaths
- Views of the water from existing properties will be obscured
- Adverse impact on the privacy of existing residents
- Noise, dust and pollution from construction works
- Additional pressure on local services
- Increase in anti-social behaviour
- Adverse impact upon local character and the Limehouse Cut conservation area
- Reduction in water space will discourage the use of the canal for water sports
- Adverse impact on local house prices
- Concerns surrounding the servicing of the proposed mooring facility

- Navigation

7.4. The following issues were raised in support of the proposal:

- Would enhance the leisure facilities
- Could free up residential moorings and possibly create more affordable housing options.

8.0 MATERIAL PLANNING CONSIDERATIONS

8.1. The main planning issues raised by the application that the committee must consider are:

- Land Use
- Design and Heritage
- Amenity Impact
- Highways and Servicing
- Navigation
- Environmental Considerations

Land Use

8.2. The application relates to an area of water space sited on the south eastern side of Limehouse Basin.

8.3. The London Plan (2016) provides guidance for development affecting the Blue Ribbon Network. Policy 7.25 states that opportunities for passenger and tourist river services should be increased.

8.4. Policy 7.27 states that *“development proposals should enhance the use of the Blue Ribbon Network”* and that *“new mooring facilities should normally be off line from main navigation routes”*.

8.5. Policy 7.28 states that *“development proposals should restore and enhance the Blue Ribbon Network by preventing development and structures into the water space unless it serves a water related purpose”*. Finally policy 7.30 states that *“development proposals along London’s canal network [...] should respect their local character and contribute to their accessibility and active water related uses”*.

8.6. Policy SP04 of the Core Strategy seeks to *“deliver a network of high quality, usable and accessible water spaces, through: protecting and safeguarding all existing water spaces from inappropriate development [and] ensuring residential and commercial moorings are in locations that do not negatively impact on waterspaces or navigation”*.

8.7. Policy DM12 states that *“development within or adjacent to the Blue Ribbon Network will be required to demonstrate that there is no adverse impact on the Blue Ribbon Network [and] will need to identify how it will improve the quality of the water space and provide increased opportunities for access, public use and interaction with the water space”*.

8.8. Whilst development plan policies view generally seek to protect water spaces from development, said policies do allow for the creation of development and structures within water spaces where they serve a water related purpose, do not adversely

impact upon navigability, and promote the vitality and attractiveness of London's canal network and increase opportunities for interaction with the water space.

- 8.9. Officers consider that the proposed leisure moorings would serve a water related purpose, and are also content that the proposal would not adversely impact upon navigability, with appropriate width navigation channels and turning circles.
- 8.10. It is also considered that the proposed moorings would make some contribution towards the diversity and vibrancy of the marina and would increase opportunities for interaction with the water space.
- 8.11. Whilst it is noted that the proposed development would result in more water coverage, in this instance, given that the existing character of Limehouse Basin is that of a busy marina with a large number of craft and existing pontoons, it is considered that the proposal would be in keeping with the local character.
- 8.12. In addition to this, navigation would not be adversely impacted and interaction with the water space in this location would be increased. Officers are therefore content that the proposed development meets the policy exceptions to justify the loss of open water space.
- 8.13. A condition would also be attached restricting the use of the moorings for leisure purposes only. This would require an application to be submitted in the event of a change of use to allow the Council to assess any impacts.

Design and Heritage

- 8.14. Policy 7.1 of the London Plan (2016) seeks to ensure that *“the design of new buildings and the spaces they create should help reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood”*. Policy 7.6 seeks to ensure that *“buildings and structures should be of the highest architectural quality”*. Finally policy 7.8 states that *“development affecting heritage assets and their settings should conserve their significance”*.
- 8.15. Policy SP12 seeks to enhance placemaking through *“ensuring development proposals recognise their role and function in helping to deliver the vision, priorities and principles for each place”*.
- 8.16. Policy DM24 states that *“development will be required to be designed to the highest quality standards, incorporating principles of good design, including: ensuring design is sensitive to and enhances the local character and setting of the development”*. Policy DM27 states that *“development will be required to protect and enhance the borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the borough's distinctive 'Places”*.
- 8.17. The proposed pontoon structure is 50m in length and features 5 platforms along its length measuring 20m- 12m deep, along with bridgehead measuring 5.6m in length and 1.2m in width.

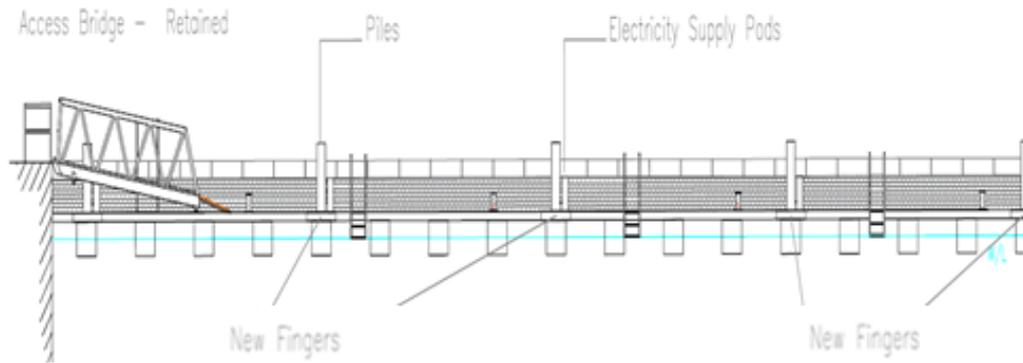


Fig.4 – Proposed Elevation

- 8.18. The overall layout and scale of the proposed development has been designed and positioned in a manner so as not to appear overly dominant nor significantly impact upon the character of the basin and Narrow Street conservation area.
- 8.19. In order to achieve these objectives the applicant has positioned the proposed mooring facility along the 'off line' side of the canal adjacent to an existing high wall, incorporated platforms at intervals along the pontoon to break up the massing of the overall mooring facility, and any structures on the pontoon have been kept to a minimum, both in quantum and scale.
- 8.20. This massing is considered to be acceptable and in keeping with the layout and massing of the existing pontoons in the basin.
- 8.21. In terms of materiality, the proposed pontoon deck would consist of hardwood decking, with aluminium cleats and concrete floats. The bridge would remain as existing.

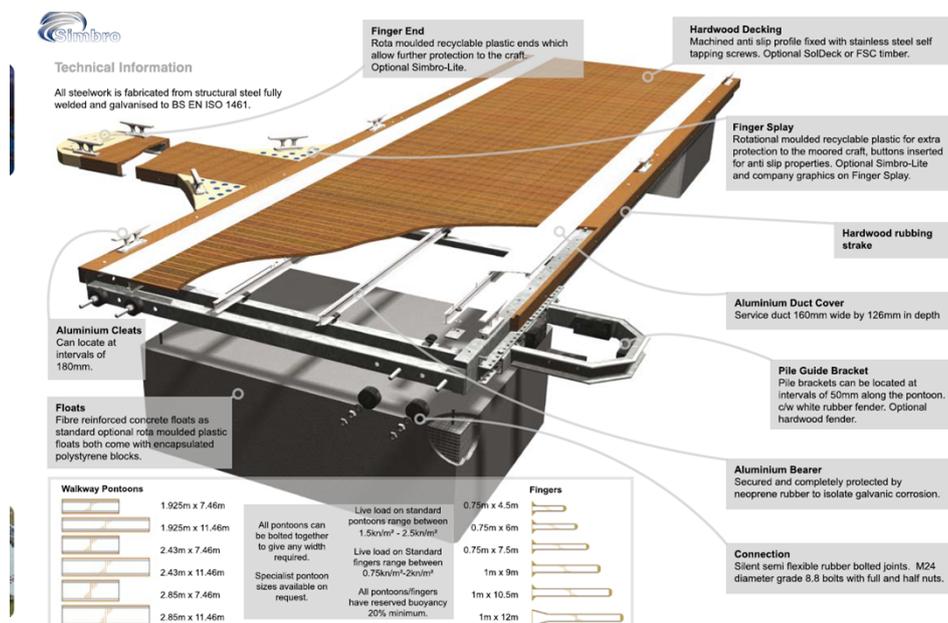


Fig.5 – Indicative Design

- 8.22. The proposed material palette for the scheme would complement the existing character of the Limehouse Basin and be very similar in appearance to the existing moorings. Further details and samples of the proposed material palette, piles,

electricity supply pods, along with details regarding the lighting of the mooring facility would be secured by condition.

- 8.23. A number of objections have also been raised regarding the impact of the proposal on the open character of the Limehouse Basin and in policy terms provision is made for the protection of the open character of water spaces.
- 8.24. Whilst it is noted that there would be increased coverage and loss of some open water space, in this case, the existing character of Limehouse Basin differs significantly from other water spaces in the borough such as the Millwall docks, which do benefit from a more open character and are used for recreational purposes.
- 8.25. This is due to the established use of the basin as a marina, presence of a number of moorings (c. 150), and also use as a major through route to and from the River Thames.
- 8.26. Consequently, as can be seen in Images 1 and 2 below, this had the effect of creating a denser environment which is an exception to the open character normally associated with the aforementioned polices and borough's other water spaces.
- 8.27. Because of this the potential for the site to be used for anything other than moorings (such as recreational purposes) is also limited. It should be noted however that there is a canoe rental facility based on the northern side of the basin, however the canoeist predominantly travel up Regents Canal and Limehouse Cut.



Image 1

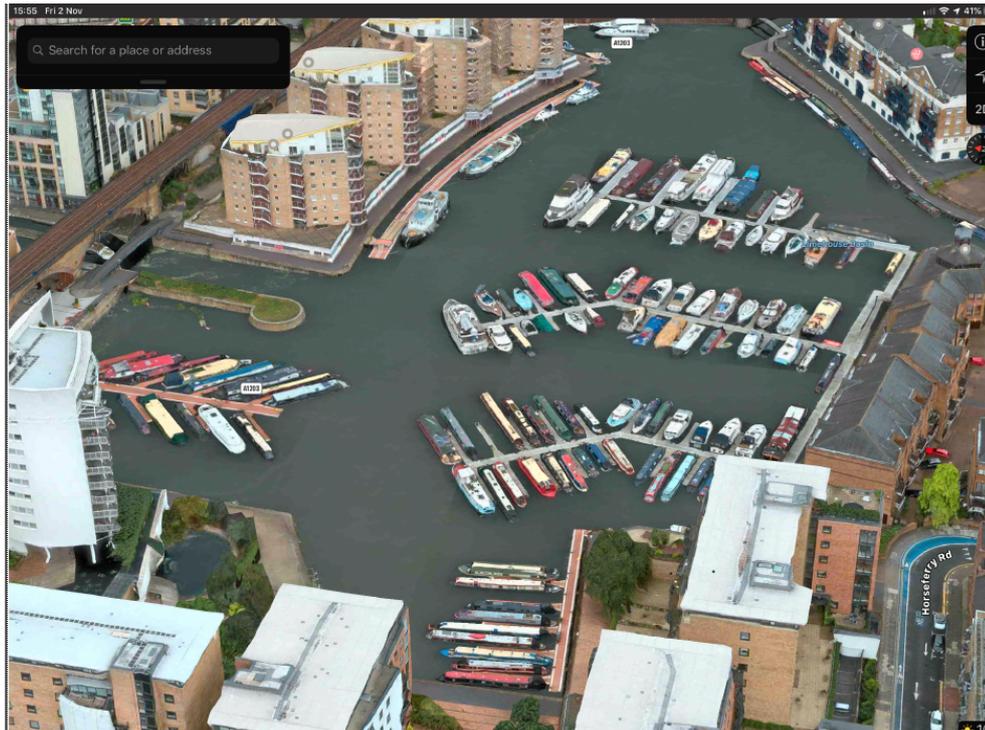


Image 2

- 8.28. The use of the basin as a marina to moor vessels is part of the local character which is typically denser, in comparison to other water spaces in the borough. Given that the proposed development would replicate the design and massing of the existing moorings, the visual appearance is considered to be acceptable.

Conclusion

- 8.29. The proposed design of the scheme is acceptable in terms of its layout, scale and appearance, as the proposal does not significantly impact upon the open character of the Limehouse Basin and Narrow Street Conservation Area and features a high quality material palette. As such officers can conclude that the application is acceptable in design terms and would preserve the character of the Narrow Street Conservation Area.

Impact on Neighbouring Amenity

- 8.30. Paragraph 17 of the NPPF states that local planning authorities should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 8.31. The Council's Core Strategy policy SP10 (4) seeks to ensure that development *"protects amenity, and promotes well-being (including preventing loss of privacy and access to daylight and sunlight)"*.
- 8.32. The Council's Managing Development Document policy DM25 states that *"development should seek to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm"*.
- 8.33. The nearest residential properties to the site are located adjacent to the canal side path (Drake House, Osprey House, Fleet House and Gainsborough House) and sit

11m from the proposed pontoon. In addition to this there are also changes in level between the canal side path and the pontoon deck of approximately 2m.

- 8.34. As a result of these separation distances, it is not considered that the proposal is likely to result in any notable adverse amenity implications for existing neighbouring residents and building occupiers with respect to overlooking and privacy, outlook, and daylight and sunlight.
- 8.35. With respect to any adverse noise and odour implications generated by the development, a condition would be imposed to request a site management plan prior to the occupation of the mooring facility to ensure that appropriate measures are put in place in order to minimise/negate any such impacts.
- 8.36. The applicant has already committed to providing 5 electrical points and a condition will be attached to the application which prohibits the burning of solid fuels on-board boats and the pontoon. A site management plan condition would seek further details of these commitments, amongst any other necessary measures to minimise/negate the amenity implications of the proposal.

Conclusion

- 8.37. The proposal would not adversely impact the amenity of surrounding residents and building occupiers. As such the proposed development can be seen to be in accordance with policy SP10 (4) of the Core Strategy (2010) and policy DM25 of the Managing Development Document (2013) and is thus acceptable in amenity terms.

Highways and Servicing

- 8.38. Policy 6.9 states that *“developments should: provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards [...] and the guidance set out in the London Cycle Design Standards”*.
- 8.39. The Council’s Core Strategy policy SP09 seeks to *“ensure new development has no adverse impact on the safety and capacity of the road network”*.
- 8.40. The Council’s Managing Development Document policy DM20 states that *“development will need to demonstrate it is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of the transport network”*.
- 8.41. The applicant proposes to utilise the existing cycling facilities within the basin. Given the short term nature of the moorings and the likelihood that most bicycles would be stored on board, this is considered to be acceptable.
- 8.42. The proposal would not have an adverse impact upon either the local highway or public transport network, would provide acceptable cycle parking arrangements, and would be serviced in an appropriate manner. As such the proposal is considered to be acceptable in highways and transportation terms.
- 8.43. Waste facilities are proposed within the existing refuse storage by the Limehouse ship lock as shown in the below photo. The bin store at this location contains 7 x 1100lt bins (2 of which are recycling), 2 x 660lt recycling bins and 3 x 660lt general waste. These are all emptied twice per week by a private waste contractor.



Fig.6 – Refuse Location and waste location

- 8.44. The existing refuse arrangement is sufficient to cater for the visiting boats which already use the application site on an informal basis. As such, it is considered that the existing level of storage would be sufficient to cater for the proposed additional moorings which would result in a similar number of visiting boats.
- 8.45. No objections are raised to the relocation of a pump out station on Pontoon C from the southern to northern end of the pontoon, and this would not impact navigation.

Navigation

- 8.46. Alongside the provision of temporary and permanent moorings, the Limehouse basin provides access into the Regents Canal, Limehouse Cut and River Thames.
- 8.47. Objections have been raised regarding the impact of the proposal on navigability within the basin as well as the current use of the application site for informal berthing spaces.
- 8.48. To this end the applicant has submitted details of the visitor mooring trial and a navigational safety document. These documents have been reviewed by an independent consultant appointed by the Council, who has concluded that the proposed development would not result in any significant harm to navigation within the basin.
- 8.49. The results of the navigation trials have resulted in a navigation channel as shown in fig. 6. Vessels would be restricted to within the innermost red line which denotes the edge of the navigable channel. It would not be safe for boats in a rafting formation to extend beyond this line, irrelevant of the opportunity for increased numbers.

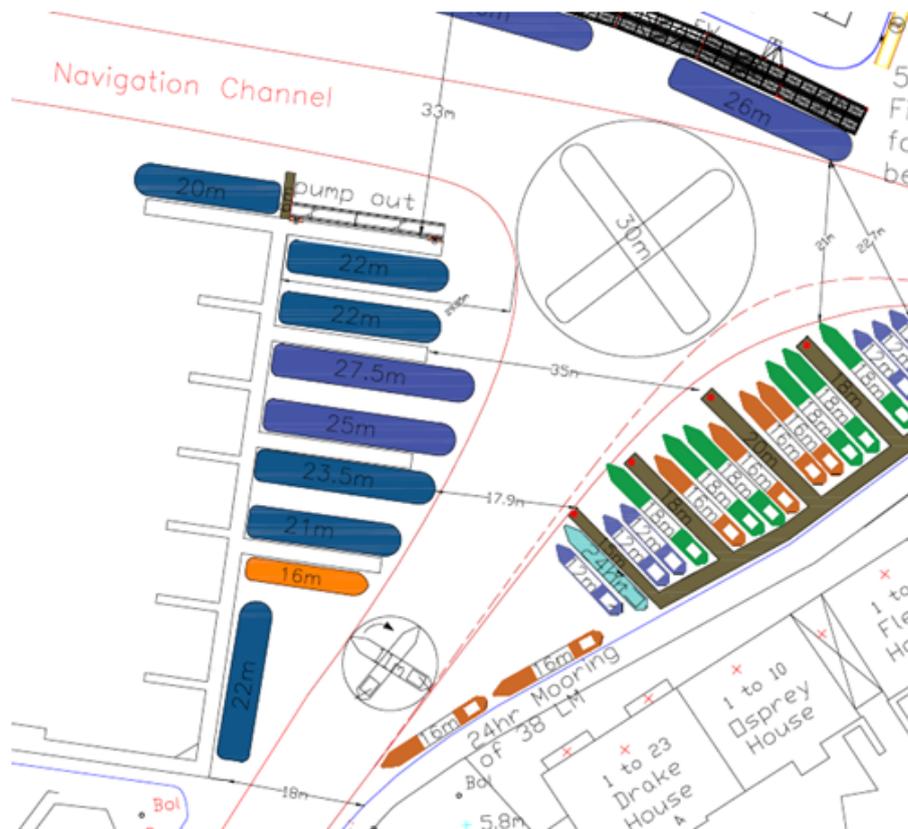


Fig. 7- Proposed Navigation channel width and turning circles

8.50. This plan also shows that boats of up to 30m in length would be able to navigate and turn within the marina which is similar to the existing scenario (26m) as shown below.

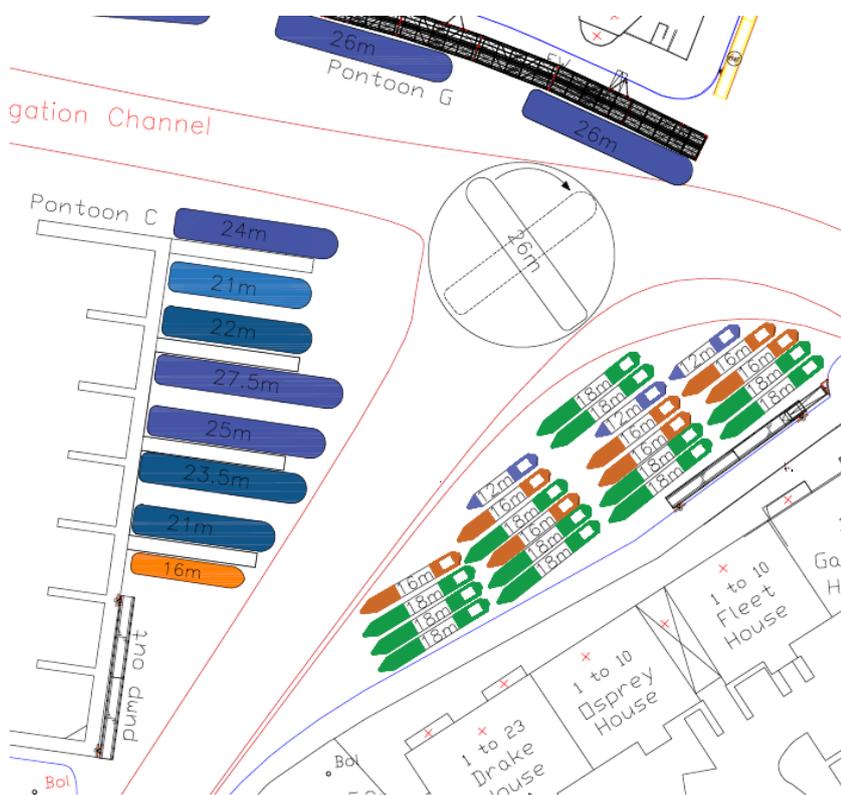


Fig. 8 Existing navigation channels and berthing capacity

- 8.51. The navigational safety document also explains in detail the procedures and safety precautions for vessels entering and leaving the basin. This includes pre-notification, use of CCTV and localised two way radios. These procedures would remain in place and are in accordance with guidance published by BWML (British waterways marinas Ltd), Canal & River Trust, Port of London Authority and Marine Police London.
- 8.52. It is therefore considered that the proposed development would not negatively impact on navigation within the Basin.
- 8.53. Objections have also been raised with regard to the impact of the proposal on existing mooring capacity.
- 8.54. The below plan shows how craft could be rafted up on rally days if the proposed moorings were 'block booked'. This shows that upwards of 20 boats could be accommodated, which is similar to the existing capacity (22) for rally days. An area for 24 hour visitor moorings is retained against the wall to the south of the new pontoons.
- 8.55. This is considered to be an acceptable re-provision given the safety implications of vessels mooring beside each other and the potential for vessels to impede navigation of the marina if allowed to moor unrestricted.
- 8.56. The proposed moorings have been designed to accommodate a maximum of 10 boats measuring a maximum of 20m in length. In order to prevent the eventuality of any larger vessels occupying the proposed moorings, which could create a navigation issue, a condition restricting the size of boat allowed to be moored in this facility to 20m in length would be imposed.
- 8.57. The liner area towards the lock is 38m which could accommodate any craft which is intending to transit the lock to/from the Thames. It should be noted that the lock's maximum dimension is 29.3 meters.
- 8.58. In conclusion it is considered that the proposed design would ensure safe navigation.

Environmental Considerations

Air Quality

- 8.59. The Council's Core Strategy policy SP03 states that development proposals should "minimise and *mitigate the impact of noise and air pollution*".
- 8.60. The Council's Managing Development Document policy DM9 states that "*minor development will be required to submit details outlining practices to prevent or reduce associated air pollution during construction or demolition*".
- 8.61. In order to ensure that the proposed development prevents and/or reduces air pollution during the construction process the applicant would be required to submit a construction environmental management plan to demonstrate that all reasonable measures to prevent and/or reduce associated air pollution during the construction process have been undertaken.

- 8.62. A condition would be imposed requesting the submission of a site management plan prior to the occupation of the mooring facility. This condition would require approval of further details of the proposed electrical points and would also restrict future users from burning solid fuels on-board the boats and the pontoon, and seek details of how such a restriction would be enforced and managed. With the addition of this condition and the restrictions that it would impose on future occupiers of the development, it is considered that the proposed development would be acceptable in air quality terms.

Biodiversity

- 8.63. Policy 7.19 of the London Plan (2016) states that “*development proposals should, wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity*”.
- 8.64. Policy DM11 states that *development will be required to deliver “biodiversity enhancements in accordance with the Council’s Local Biodiversity Action Plan”*.
- 8.65. The application site is a site of Importance for Nature Conservation (SINC), and as part of this application the applicant has provided both an ecological survey report and proposed a number of biodiversity enhancements.
- 8.66. In order that the proposed development provides a net biodiversity enhancement to the site and the wider SINC, the applicant has proposed to introduce additional fish refuges, rafts and spawning bushes underneath the pontoons. The Council’s biodiversity officer is supportive of such measures. Further details of these enhancements would be secured by condition

Flood Risk

- 8.67. Policy SP04 of the Core Strategy states that “*all new development that has to be located in a high risk flood zone must demonstrate that it is safe [and] that all new development across the borough does not increase the risk and impact of flooding*”.
- 8.68. Policy 5.12 of the London Plan states that “*development proposals must comply with the flood risk assessment and management requirements set out in the NPPF*”.
- 8.69. The application site lies within flood zones 2 and 3 and the applicant has submitted a flood risk assessment (FRA) with the application. The application site benefits from a pre-existing flood warning and evacuation plan (FWEP).
- 8.70. The Environment Agency has reviewed the submitted documentation and has no objections to the proposal. Given the nature of the proposal and the safety measures already in place, officers are content to support the proposal in flood risk terms.

9.0 FINANCIAL CONSIDERATIONS

- 9.1 Given that the proposals are for construction of mooring points and not buildings with new floor space, the development would not be liable for the Community Infrastructure Levy (CIL).

10.0 EQUALITIES ACT CONSIDERATIONS

10.1 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 and sex 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.

11.0 HUMAN RIGHTS CONSIDERATIONS

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

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

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and,
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

11.3 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

11.4 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.

11.5 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

12.0 CONCLUSION

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

13.0 Appendix

Photos



Plans and Drawings

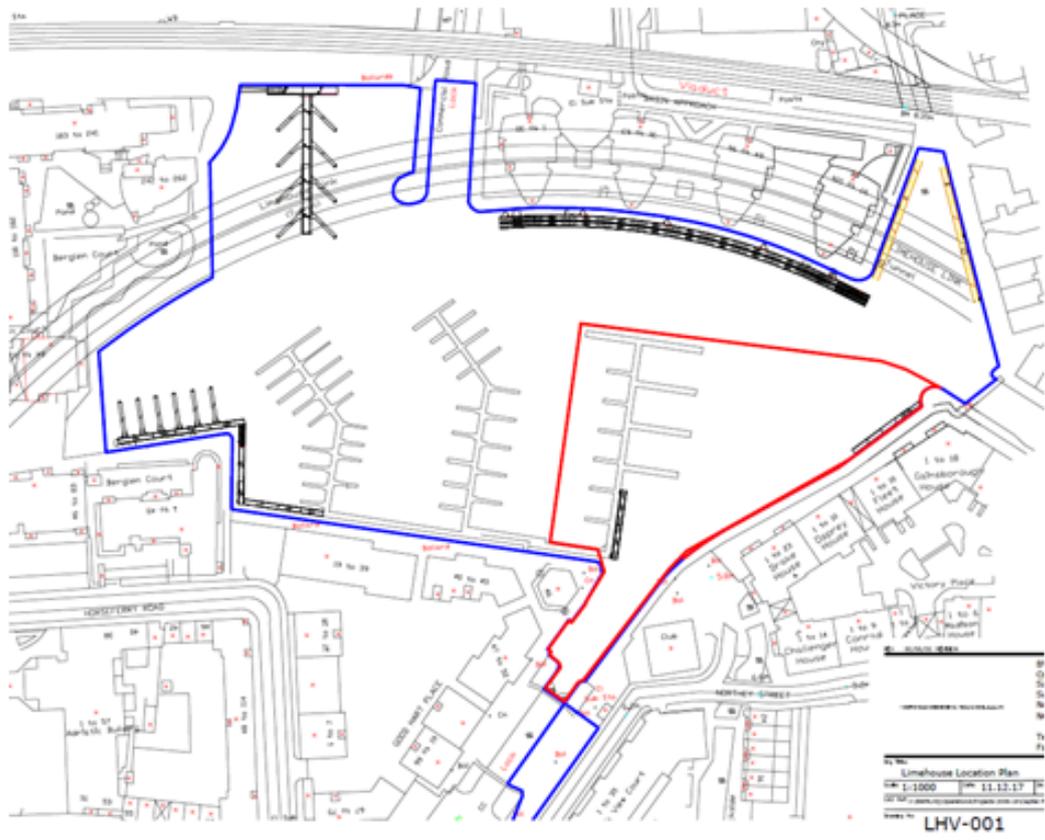


Fig.1 – Application Site

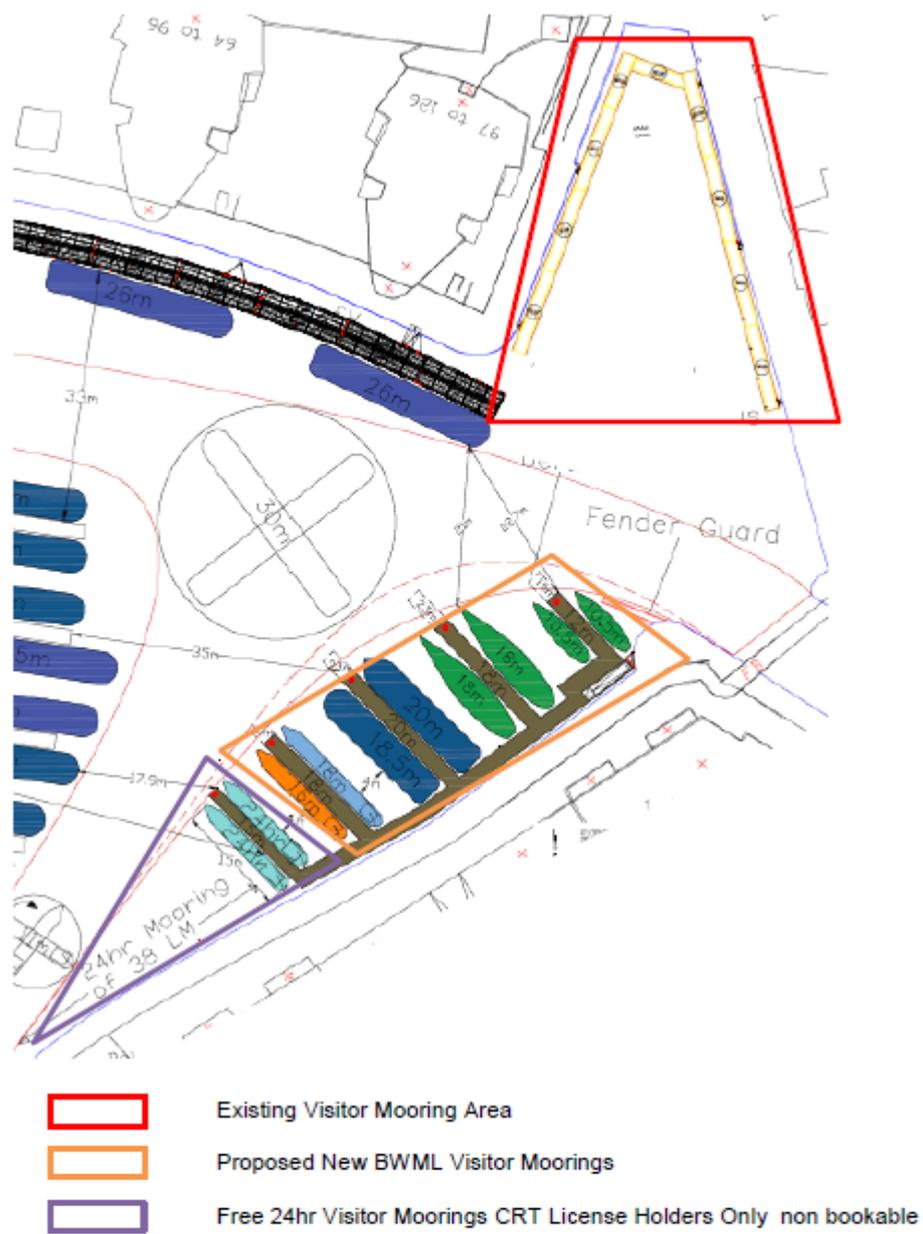


Fig.2 – Proposed Site Plan

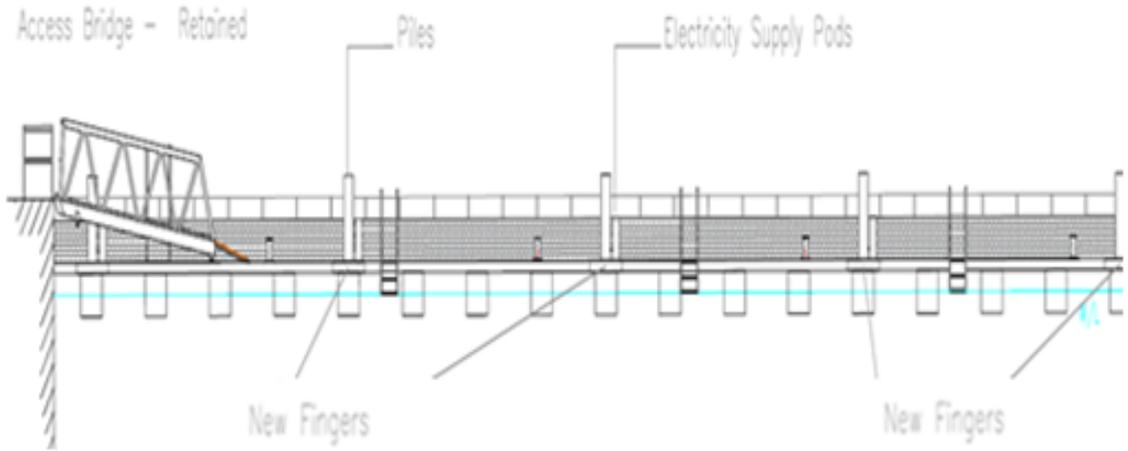


Fig.3 – Proposed Elevation

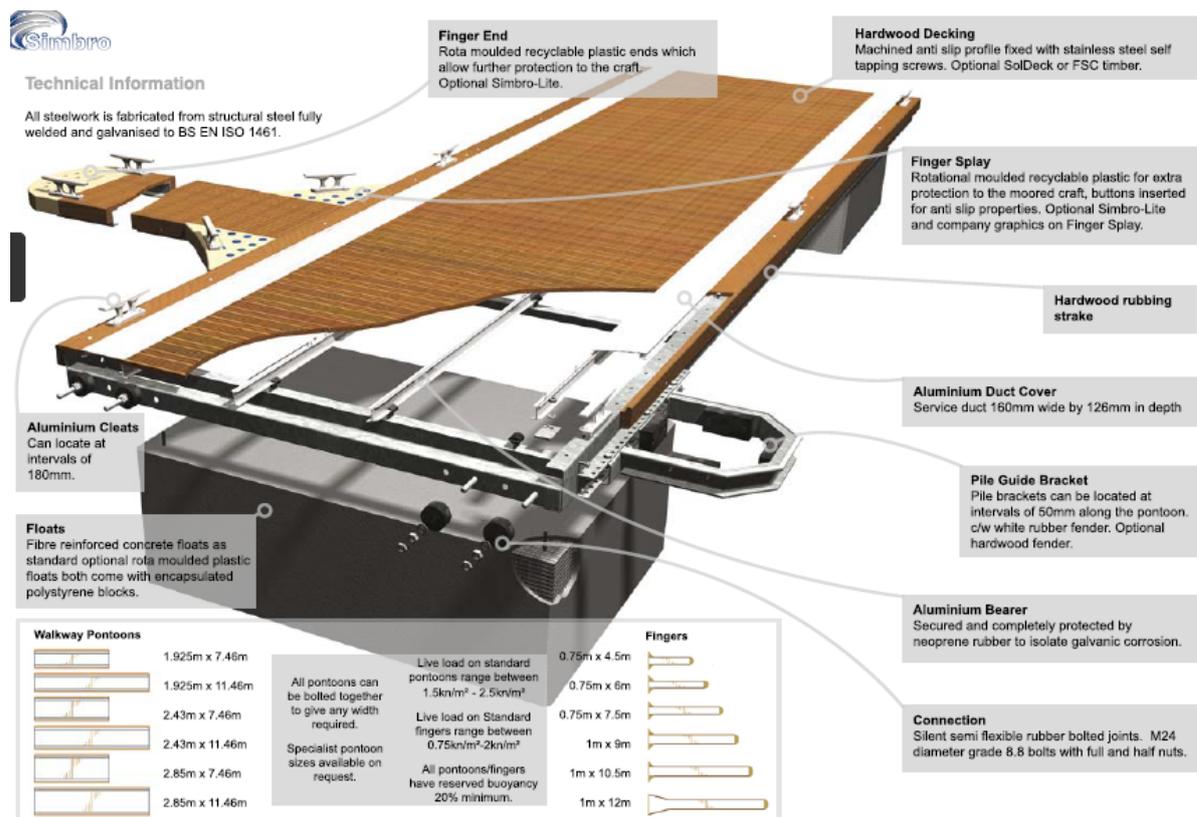


Fig.4 – Indicative Design



Fig.5 – Refuse Location and waste location

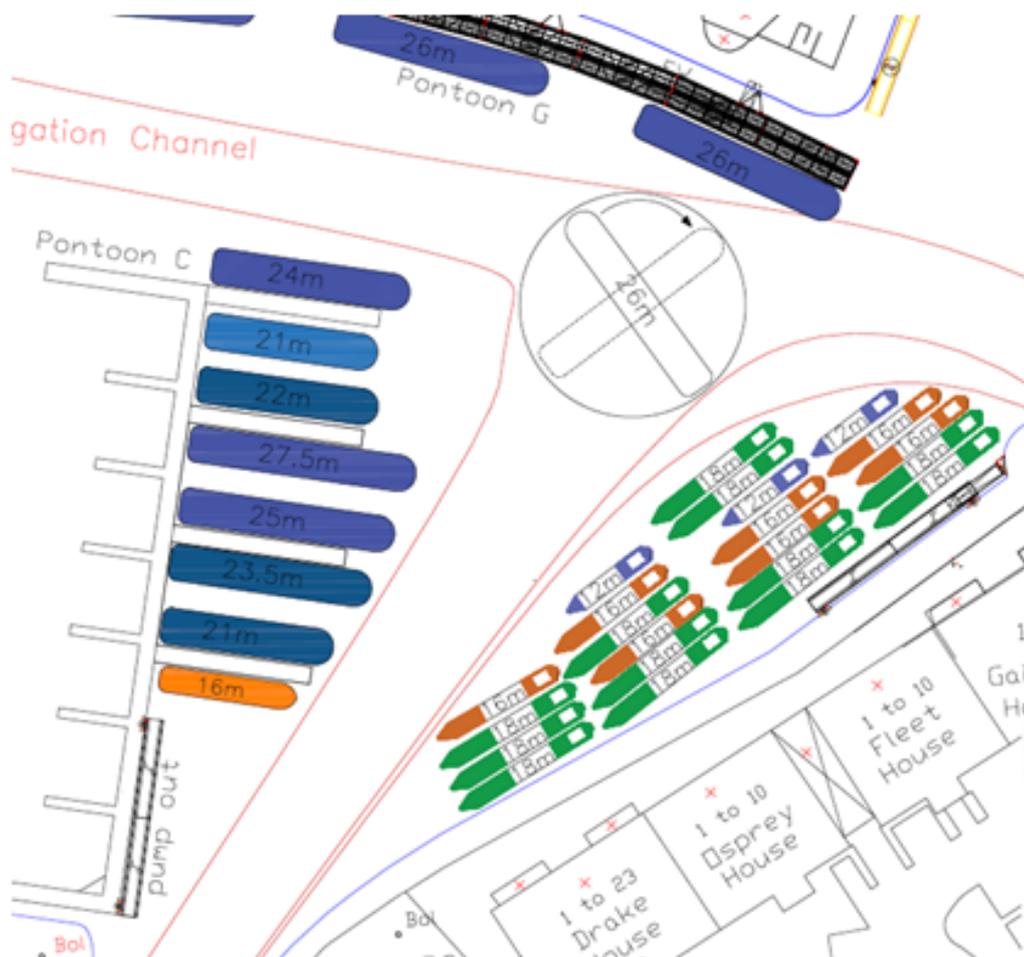


Fig. 6 Existing navigation channels and berthing capacity

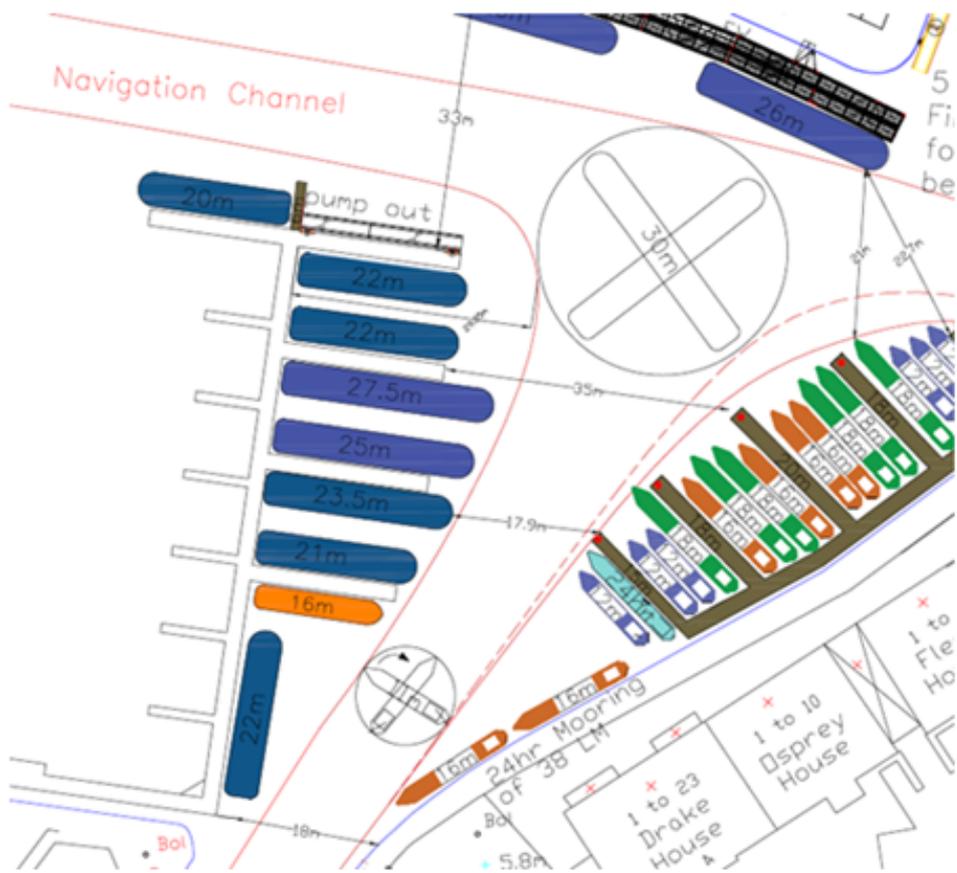
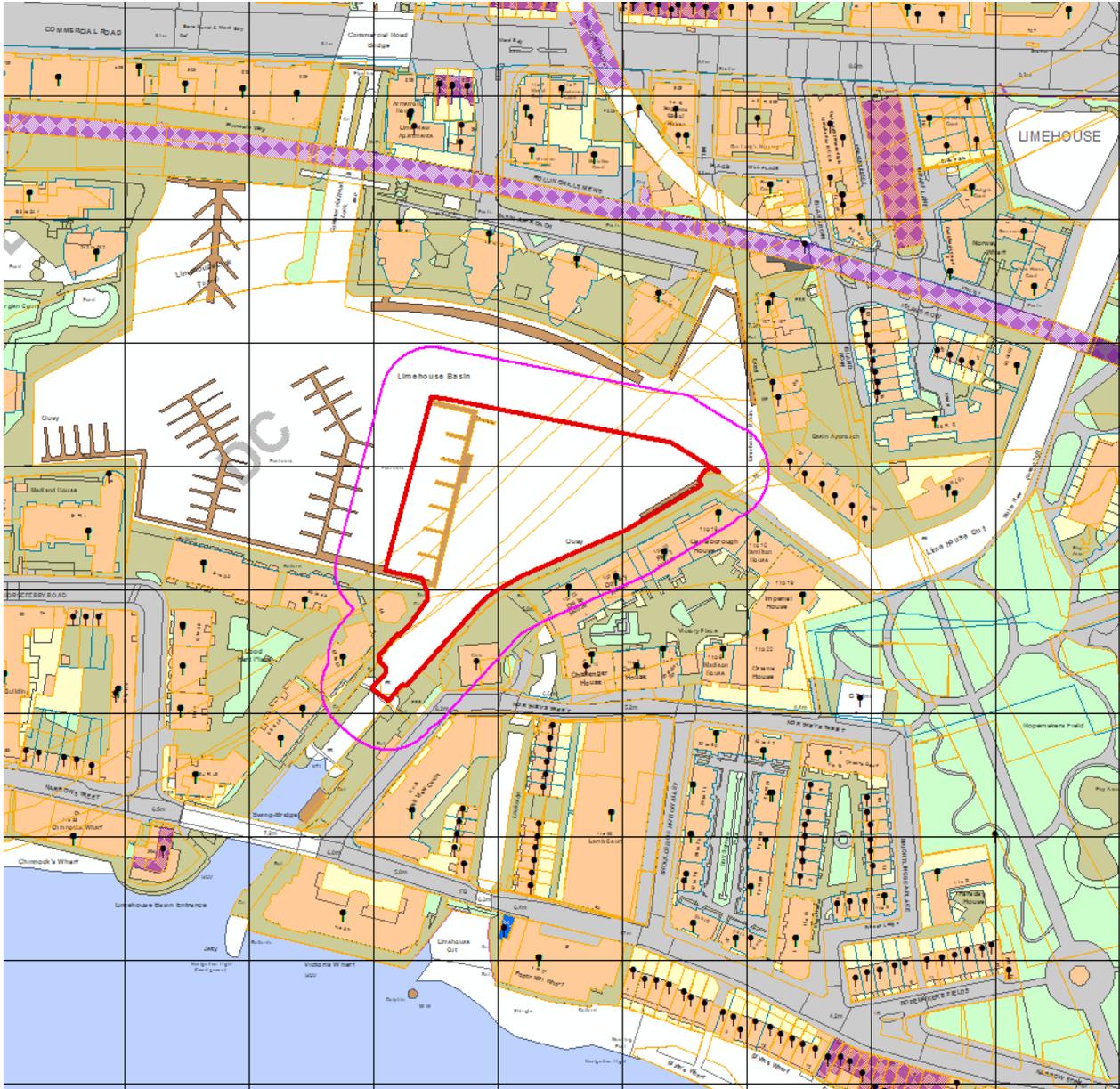


Fig. 7- Proposed Navigation channel width and turning circles

14.0 SITE MAP



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- Planning Application Site Boundary
- Other Planning Applications
- Consultation Area
- Land Parcel Address Point
- Locally Listed Buildings
- Statutory Listed Buildings

Planning Applications Site Map PA/17/03268

This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process



TOWER HAMLETS London
Borough of Tower
Hamlets

Scale : 50m grid squares

Date: 06 November 2018

