

Committee: Development	Date: 10 th May 2017	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Place	Title: Application for Planning Permission
Case Officer: Chris Stacey-Kinchin	Ref No: PA/16/01798
	Ward: Canary Wharf

1.0 APPLICATION DETAILS

Location: Millwall Outer Dock Moorings, Selsdon Way, London

Existing Use: Water space (sui generis)

Proposal: Erection of a 16 berth residential mooring, including the installation of mooring pontoons and associated site infrastructure.

Drawings and documents: Location Plan, Rev B
Option N, SOL-3182-SC23-003
Option N Overview, SOL-3182-SC24-003
Option N Overview, SOL-3182-SC25-003
Option N Storage Area, SOL-3182-SC26-003
Typical Sections, SOL-3182-SK01-000
Typical Sections, SOL-3182-SK02-000
Storage Boxes, 106, P4
Primary Access Gate, 108, P3
Access & Servicing Arrangements, Dated March 2017
CGI Views of Proposal
Design & Access Statement
Ecological Assessment, Dated April 2016
Flood Risk Assessment
Millwall Docks Waterspace and Moorings Plan
Planning Statement with Design & Access Details
Servicing the Proposed Residential Mooring Scheme on Millwall Outer Dock
Statement of Community Involvement
Supporting Information Statement

Applicant: Canal and River Trust

Ownership: Canal and River Trust

Historic Building: N/A

Conservation Area: N/A

2.0 EXECUTIVE SUMMARY

- 2.1 This application is reported to the Development Committee as the proposal has attracted 5 letters in objection along with a petition in objection containing 36 signatories from nearby residents.
- 2.2 This application has been considered against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (2016) and the National Planning Policy Framework and all other material considerations.
- 2.3 The planning application is for the erection of a 16 berth residential mooring, including the installation of mooring pontoons and associated site infrastructure.
- 2.4 The loss of existing open water space, and the provision of residential moorings can be considered to be acceptable in this instance as the proposed development meets the relevant exceptions in policy for developing within water space, does not adversely impact upon the ability of Millwall Outer Dock to continue to be used for waterborne sport and leisure activities, and also provides additional residential accommodation within the Borough.
- 2.5 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 Millwall Outer Dock, features a high quality material palette, and also has been designed in accordance with Secure by Design principles.
- 2.6 The proposal would not adversely impact the amenity of surrounding neighbouring residents and building occupiers, and would also afford future occupiers a suitable level of amenity in accordance with policy SP10 (4) of the Core Strategy (2010) and policy DM25 of the Managing Development Document (2013) and is thus acceptable in amenity terms.
- 2.7 The proposal would not have an adverse impact upon the local highway network, would provide appropriate cycle parking arrangements, and would be serviced in an appropriate manner, as such the proposal is acceptable in transport and highways terms.
- 2.8 The proposed refuse strategy for the site is acceptable as the refuse store is located in a suitable location, is of a suitable size and it has been designed with the Council's waste management hierarchy of reduce, reuse and recycle in mind, in accordance with policy SP05 (1) of the Core Strategy (2010) and policy DM14 (2) of the Managing Development Document (2013).
- 2.9 The proposal is acceptable in air quality, biodiversity and flood risk terms and thus it is in accordance with the relevant policies of the London Plan, Core Strategy (2010) and Managing Development Document (2013) as set out within the policy context section of this chapter.

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 recommend the following conditions and informatives in relation to the following matters:

3.2 Conditions on planning permission

1. Time limit (*compliance*)
2. Development to be built in accordance with the approved plans (*compliance*)
3. Further details of the entrance gate, storage boxes and refuse enclosure, including full details and samples of proposed materials (*pre-commencement*)
4. Construction environmental management plan (*pre-commencement*)
5. Full details of biodiversity enhancements (*pre-commencement*)
6. Secure by design details (*pre-commencement*)
7. Feasibility of transporting goods by water (*pre-commencement*)
8. Site management plan (*pre-occupation*)
9. Details of proposed lighting (*pre-occupation*)
10. Further details of cycle storage (*pre-occupation*)
11. Permit free agreement (*pre-occupation*)
12. Refuse storage (*compliance*)
13. Size and number of boats (*compliance*)

4.0 PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The proposed development involves the erection of a 16 berth mooring for narrow boats and other similarly sized vessels, including the installation of an access bridge and deck, 8 finger mooring pontoons which are to be perpendicular to the access deck and dock edge, and associated infrastructure, such as cycle, refuse and general storage to support the proposed moorings.
- 4.2 The proposed mooring facility measures 62m in length and 18.28m in width at its widest point (inclusive of the finger pontoons, but exclusive of the access bridge) and features a clear zone of around 10m in width in the centre of the facility where no boats will be allowed to moor. The main access deck is offset from the existing dockside edge by approximately 6.5m.
- 4.3 Floating planters on the west side of the proposal in between the mooring structure and the dock edge, and on the southern side of the proposal adjacent to 3 Greenwich View Place are also proposed.

Site and Surroundings

- 4.4 The site has an area of approximately 0.23ha and is an unoccupied portion of water space situated within the North West corner of Millwall Outer Dock. The site is broadly rectangular in shape and is bordered to the north by the Glengall Bridge, bounded to the south by 3 Greenwich View Place, and bounded to the west by 1 & 2 Greenwich View Place. The site is located 'off-line' from the main navigation channel through the dock, by virtue of its location tucked away between existing buildings.
- 4.5 The western edge of the application site directly abuts the dock edge wall which provides a robust interface between the land and water featuring large coping stones and metal railings atop. Behind this is a 5 metre deep public walkway which runs past

the site, along with 3 large former crane structures which serve as a reminder of the former use of Millwall Outer Dock and are a positive feature of the area.

- 4.6 Millwall Outer Dock is a large expanse of water which is connected to both Millwall Inner Dock and South Dock, of which the latter has access to the River Thames via a lock adjacent to the Blue Bridge on the east side of the Isle of Dogs. Millwall Outer Dock also falls within the Millwall and West India Docks Site of Importance for Nature Conservation (SINC). The eastern side of Millwall Outer Dock (opposite to the application site) features a number of informal leisure moorings and the remainder of the dock is open and used by leisure craft, predominantly from the Docklands Sailing and Water sports Centre (DSWC).
- 4.7 The surrounding buildings are predominantly in use for either residential or office purposes, however the construction of a large data centre to the west of the site (in place of no's. 1, 2 and 4 Greenwich View Place) is currently in progress, and there is also a well-used public house (the Pepper St Ontiod) to the North West of the application site. The buildings which surround the site and Millwall Outer Dock range in size and character and range from 2/3 storey buildings through to high rise residential buildings (such as the Baltimore Tower).
- 4.8 The application site does not fall within a designated conservation area, and there are no statutory or locally listed buildings within the immediate context of the site. It should also be noted that the application site falls within flood zone 3.

Relevant Planning History

Application Site

- 4.9 None.

1 Greenwich View Place

- 4.10 PA/11/01481 – Upgrading of existing data centre building including alterations to existing louvres, installation of additional louvres, addition of doors, cladding of existing exit door, demolition of existing substation and re-construction to current EDF standards; new 2.5m high palisade boundary fence to rear. (Permission granted 03/08/2011)
- 4.11 PA/16/01026 – Demolition of existing data centre buildings and the erection of a single 3 storey data centre building landscaping, roof level plant and associated works; erection of an enclosed elevated pedestrian link. (Permission granted 31/10/2016)

2-4 Greenwich View Place

- 4.12 PA/12/02055 - Demolition of existing office buildings (B1) and the erection of a three storey data centre building (Class B8), landscaping roof level plant and associated works; erection of an enclosed elevated pedestrian link and retention of office building (Unit 3). (Permission granted 14/03/2013)
- 4.13 PA/16/00027 - Application for variation of condition 2 (compliance with plans) of planning application dated 07/10/2013, ref: PA/12/02055. (Permission granted 07/03/2016)

49-59 Millharbour, 2-4 Muirfield Crescent and 23-39 Pepper Street

- 4.14 PA/16/03518 - Demolition of existing buildings at 49-59 Millharbour, 2-4 Muirfield Crescent and 23-39 Pepper Street and the comprehensive mixed use redevelopment including two buildings ranging from 25 storeys (85.5m AOD) to 30 storeys (100.8m AOD) in height, comprising 316 residential units (Class C3), 1,778sqm (GIA) of flexible non-residential floor space (Classes A1, A3, A4 and D1), private and communal open spaces, car and cycle parking and associated landscaping and public realm works. The application is accompanied by an Environmental Statement. (Application currently under determination)

5.0 POLICY FRAMEWORK

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

- 5.2 For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. The following policies are relevant to the application:

5.3 Government Planning Policy

National Planning Policy Framework 2012
National Planning Practice Guidance

5.4 London Plan 2016

2.18 – Green infrastructure: the multi-functional network of green and open spaces
3.3 – Increasing housing supply
5.12 – Flood risk management
5.17 – Waste capacity
6.3 – Assessing effects of development on transport capacity
6.9 – Cycling
6.13 – Parking
6.14 – Freight
7.1 – Lifetime neighbourhoods
7.2 – An inclusive environment
7.3 – Designing out crime
7.4 – Local character
7.5 – Public realm
7.6 – Architecture
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
7.26 – Increasing the use of the blue ribbon network for freight transport
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 rivers and waterspaces

5.5 Core Strategy 2010

- 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
- SP12 – Delivering placemaking

5.6 **Managing Development Document 2013**

- DM3 – Delivering homes
- DM9 – Improving air quality
- DM10 – Delivering open space
- DM11 – Living buildings & biodiversity
- DM12 – Water spaces
- 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

5.7 **Supplementary Planning Documents**

None

6.0 **CONSULTATION RESPONSE**

6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

LBTH Biodiversity Officer

6.3 The application site is within the Millwall & West India Docks Site of Importance for Nature Conservation (SINC), and whilst the proposal would have an adverse impact upon the SINC, this could be more than offset by the proposed habitat enhancements (as part of this application) which include floating reed beds between the pontoon and dock wall and fish refuges beneath the pontoons. In the event that planning permission is granted such enhancements should be secured by condition.

Canal and River Trust

6.4 No comment.

Crime Prevention Officer

6.5 No objection subject to a pre-commencement 'Secure by Design' condition being imposed.

LBTH Design Officer

6.6 The proposal is broadly considered acceptable subject to further details being provided, including a less visually intrusive entrance gate.

Environment Agency

6.7 No objection.

LBTH Environmental Health – Contaminated Land

6.8 No objection.

Isle of Dogs Neighbourhood Planning Forum

6.9 No comments received.

LBTH SUDS Team

6.10 No objection.

Thames Water Authority

6.11 No comments received.

Transport for London

6.12 TFL request further details regarding the quantum of cycle parking spaces and details of how the site will be serviced.

LBTH Transport and Highways

6.13 The applicant is required to provide dedicated cycle parking for the proposal separate to the refuse store. A permit free agreement should be secured by condition and a condition requiring the applicant to explore the feasibility of using the waterways for transporting goods during the construction phase should also be secured.

LBTH Waste Policy and Development

6.14 No comments received.

7.0 LOCAL REPRESENTATION

7.1 A total of 93 letters were sent to neighbours and interested parties and a site notice was also displayed on site.

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

No of individual responses:	Objecting: 5 Supporting: 0
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No of petition responses:	Objecting: 1 containing 36 signatories Supporting: 0
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7.3 The following issues were raised in objection to the proposal:

- The proposal will restrict the ability to hold sailing activities in this part of Millwall Outer Dock and thus does not accord with relevant planning policy.
- The introduction of further permanently moored vessels could also increase the likelihood of accidental collisions between DSWC users and moored vessels within Millwall Outer Dock.
- The applicant's statement of community involvement is factually incorrect as objections to this proposal have previously been raised.
- The proposal is an over-development of the site and given the confined nature of the site there is the possibility that vessels manoeuvring in and out of the proposed moorings could collide with either other vessels entering the dock (via the Glengall Bridge) or the adjacent 3 Greenwich View Place building.
- There is a lack of information regarding refuse and recycling storage on site and how the proposed moorings would be serviced. The applicant does not have rights to service the development from the adjacent Greenwich View Place estate. It is also not considered acceptable that the proposed refuse store is to be sited in close proximity to the adjacent 3 Greenwich View Place building.
- The proposed permanent residential moorings would be incompatible with the 24 hour, 365 day a year commercial use of the adjacent properties at Greenwich View Place, and the presence of permanent residential moorings in this location could prejudice the operation of the adjacent commercial use.
- The design of the proposals have quite an industrial feel and is inappropriate in urban design terms and also undermines both the setting of the 3 adjacent cranes and the historic nature of the dock.
- The area of water between the proposed moorings and the dock wall could give potential for debris to collect which would have a detrimental impact on visual amenity and could cause odour.

8.0 MATERIAL PLANNING CONSIDERATIONS

8.1 This application has been assessed against all relevant policies under the following report headings:

1. Land Use
2. Design
3. Amenity
4. Highways and Transportation
5. Refuse
6. Environmental Considerations
7. Conclusion

Land Use

Policy Context

8.2 Policy 3.3 of the London Plan (2016) sets out the borough's housing targets until 2025, and states that Tower Hamlets is required to deliver a minimum of 3,931 new homes per year. Policy 7.18 states that *"the loss of protected open spaces must be resisted unless equivalent or better quality provision is made within the local*

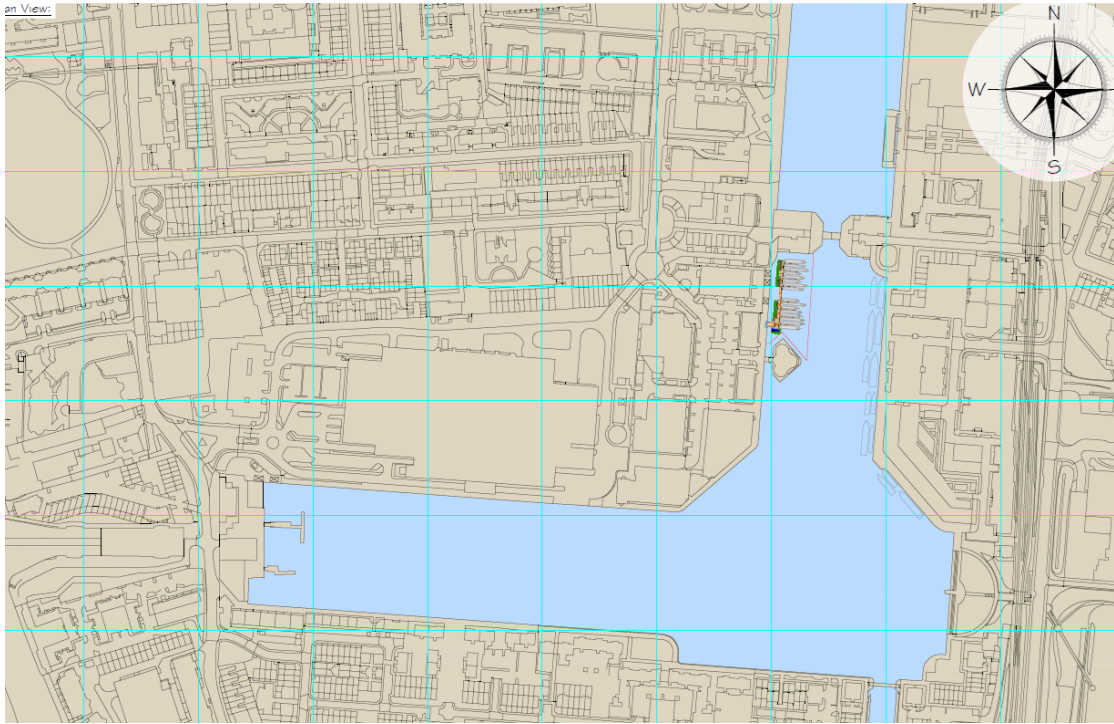
catchment area". Policy 7.27 states that "development proposals should enhance the use of the Blue Ribbon Network" and that "new mooring facilities should normally be off line from main navigation routes, i.e. in basins or docks". Policy 7.28 states that "development proposals should restore and enhance 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 within or alongside London's docks should protect and promote the vitality, attractiveness and historical interest of London's remaining dock areas by promoting their use for mooring visiting cruise ships and other vessels and promoting their use for water recreation".

- 8.3 The Council's Core Strategy Policy SP02 "seeks to deliver 43,275 new homes from 2010 to 2025 in line with housing targets set out in the London Plan" and "ensure new housing assists in the creation of sustainable places". Policy SP04 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".
- 8.4 The Council's Managing Development Document policy DM3 states that "development should provide a balance of housing types". Policy DM10 states that "development on areas of open space will only be allowed in exceptional circumstances where it provides essential facilities to ensure the function, use and enjoyment of the open space". 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".

Loss of Existing Open Water Space

- 8.5 The application site is an area of water space sited within the North West corner of Millwall Outer Dock which is classed as a sui generis use as it does not fall within any specific use class.
- 8.6 Whilst London Plan, Core Strategy and Managing Development Document policies 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 remaining dock areas and increase opportunities for interaction with the water space.
- 8.7 Officers consider that the proposed residential moorings do serve a water related purpose, i.e. they will moor water based vessels, and are also content that the proposal does not adversely impact upon the navigability of the dock due to the fact that the proposed moorings are located 'off line', i.e. outside of the main navigation channel which runs through the centre of Millwall Outer Dock. It is also considered that the proposed residential moorings will contribute towards to the diversity and vibrancy of Millwall Outer Dock and will also increase opportunities for interaction with the water space.
- 8.8 Millwall Outer Dock is currently used by a number of users for a variety of waterborne sport and leisure activities, and in order for the loss of existing open water space to be acceptable in this instance the proposed development should not adversely impact upon the ability for Millwall Outer Dock to continue to be used for waterborne sport and leisure activities. Given that the total surface area of the application site makes

up a very small percentage (1.9%) of the available water space across both Millwall Inner and Millwall Outer Docks, officers are content that the proposed development will not affect the ability of Millwall Outer Dock to continue to be used for waterborne sport and leisure activities, as the significant quantum of remaining open water space within Millwall Outer Dock will still provide opportunities for such activities.



The proposed mooring facility shown within the context of Millwall Outer Dock

Principle of Residential Moorings

- 8.9 The proposed development would result in the creation of 16 residential moorings which are intended to be long term moorings to be used as the occupant's sole or primary residence. Residential moorings do not fall within use class C3 (like other traditional residential properties) and instead are classed as a sui generis use as they do not fall within any specific use class.
- 8.10 As residential moorings do not fall within use class C3, the creation of new residential moorings cannot be counted towards the Borough's housing delivery targets, and affordable housing provision cannot be secured on such developments. In spite of the above however, the provision of such development does in reality meet a need and provides additional residential accommodation within the Borough and is thus in principle supported by officers.

Conclusion

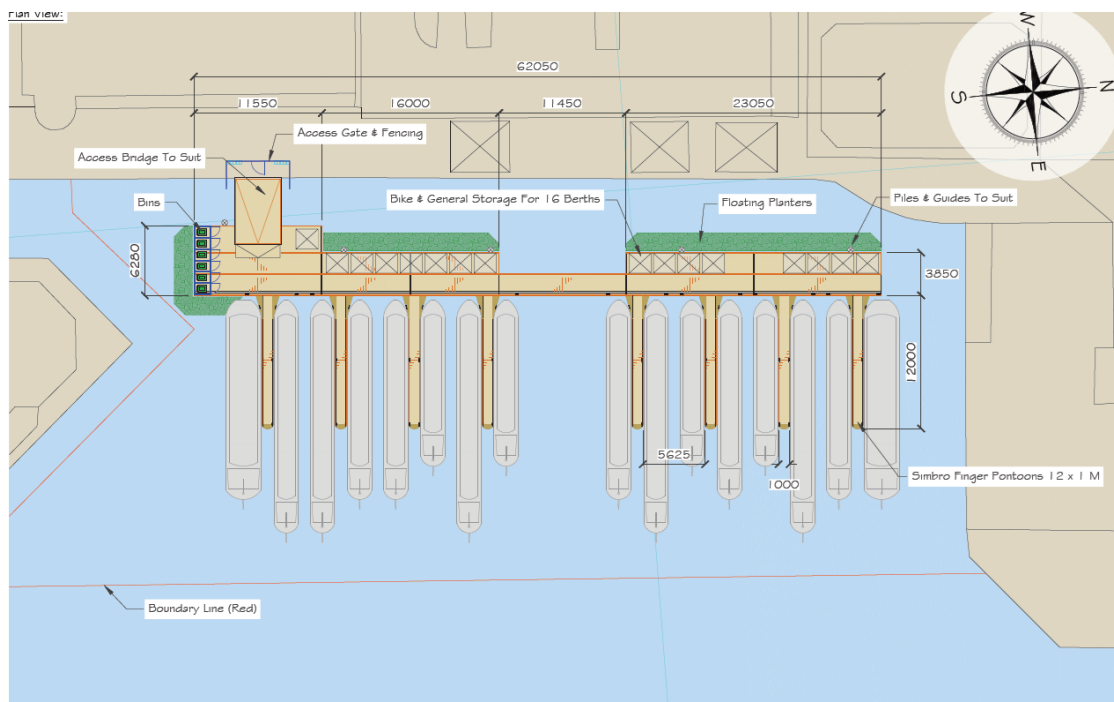
- 8.11 The loss of existing open water space, and the provision of residential moorings can be considered to be acceptable in this instance as the proposed development meets the relevant exceptions in policy for developing within water space, does not adversely impact upon the ability of Millwall Outer Dock to continue to be used for waterborne sport and leisure activities, and also provides additional residential accommodation within the Borough.

Design

Policy Context

- 8.12 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 7.2 seeks to ensure “the principles of inclusive design [...] have been integrated into the proposed development”. Policy 7.3 seeks to ensure that development reduces “the opportunities for criminal behaviour and contributes to a sense of security”. Policy 7.4 seeks to ensure that “buildings, streets and open spaces should provide a high quality design response that contributes to a positive relationship between the urban structure and natural landscape features”. Policy 7.5 seeks to ensure that “development should make the public realm comprehensible at a human scale”. Finally policy 7.6 seeks to ensure that “buildings and structures should be of the highest architectural quality”.
- 8.13 The Council’s Core Strategy policy SP10 seeks to “ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds”.
- 8.14 The Council’s Managing Development Document policy DM23 states that “development should be well-connected with the surrounding area and should be easily accessible for all people by: ensuring design of the public realm is integral to development proposals and takes into consideration the design of the surrounding public realm [and] incorporating the principles of inclusive design”. 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”.

Layout and Scale



Site plan of the proposed mooring facility

- 8.15 The overall layout and scale of the proposed development, which has been amended by the applicant during the application process, has been designed in a way so as not to appear overly dominant nor significantly impact upon the predominantly open character of Millwall Outer Dock. In order to achieve these objectives the applicant has incorporated notable breaks/gaps in the mooring facility at either end and in the centre of the proposal as well as between the back of the facility and the existing dock wall, and any structures on both the pontoon and the dockside path have been kept to a minimum, both in quantum and scale.
- 8.16 A number of visuals have been presented by the applicant which demonstrate that the measures employed (as outlined above) to reduce as far as possible the impact of the proposal on the openness of Millwall Outer Dock are successful in this respect.



View from the dockside path looking south



View from the dockside path looking north

- 8.17 The proposed storage boxes on the pontoon which also house secure cycle parking facilities for each boat, along with the proposed refuse store at the southern end of the pontoon are only 1.5m in height, and due to the fact that the pontoon itself sits at a lower level than the dockside path, sit below the eye line of passers-by and do not obstruct views of the open dock beyond. The 5 x 3m high pontoon guides which will secure the proposed pontoon in place have a diameter of less than 0.5m and as such have a minimal impact on the open character of Millwall Outer Dock. The only structure proposed on the dockside path is the single entrance gate to the proposed moorings which is located away from the 3 cranes in order to minimise any impact upon them. Whilst the scale and nature of this structure is dictated by its functionality, which is to ensure that the development is secure, the applicant has made notable amendments to the entrance gate (since the initial submission) and re-designed it in such a manner as to reduce its impact on the dockside as far as possible, by keeping its height and scale to a minimum (3m in width, 2.4m in height and 2.25m in depth) and cladding the structure in perforated panels (as opposed to solid panels). In order to ensure that the finished entrance gate is of the highest quality, further details, such as samples of the proposed perforated cladding, will be required by condition.
- 8.18 The proposed mooring facility has been designed to accommodate boats of up to a maximum of 4.5m in width and 25m in length, however it is envisaged by the applicant that the proposed moorings will be taken up predominantly by narrow boats which are typically 2.1m wide and 22m long, supplemented by a mixture of shorter cruiser style vessels, wide beam canal vessels and varying sizes of Dutch barges. In order to prevent the eventuality of any larger vessels occupying the proposed moorings, which could in turn create a navigation issue, a condition restricting the size of boat allowed to be moored in this facility to 4.5m in width and 25m in length will be imposed should planning permission be granted.

Appearance

- 8.19 The proposed pontoon deck and finger pontoons are to be finished in a sand coloured anti-slip composite material, whilst the entrance gate, storage boxes and refuse store are to be clad in a mixture of undulating perforated and solid anodized aluminium panels which will add a degree of visual interest to the proposal for passers-by. The applicant is also intending to use a variety of low level lighting techniques after dark, which will shine through the perforations in the storage units creating further visual interest for passers-by in the evening.
- 8.20 The proposed material palette for the scheme, which has an industrial feel to it, is appropriate and robust, and will also complement both the existing character and heritage of the Docklands. Further details and physical samples of the proposed material palette, including the exact design of the perforated anodized aluminium panels, and details of the proposed lighting strategy for the site will be required by condition, and be subject to further review, in the event that planning permission is granted.

Secure by Design

- 8.21 The proposed mooring facility only has one means of access from the public realm, which is through the main access gate towards the southern end of the site. This entrance gate is proposed to be 3m in height and 6.6m in width, and is proposed to be finished in a perforated cladding.

- 8.22 The Metropolitan Police's Secure by Design officer had no in principle objections to the proposal and requested a pre-commencement Secure by Design condition to be imposed in the event that planning permission is granted, in order to ensure that the proposal fully complies with the principles and practices of the Secure by Design scheme.

Conclusion

- 8.23 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 Millwall Outer Dock, features a high quality material palette, and also has been designed in accordance with Secure by Design principles. As such officers can conclude that the application is acceptable in design terms.

Amenity

Policy Context

- 8.24 According to paragraph 17 of the NPPF local planning authorities should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 8.25 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)"*.
- 8.26 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"*.

Impact on Neighbouring Amenity

- 8.27 The nearest residential properties to the site are located on the Glengall Bridge to the north, with the properties to the west (currently under construction) being used as a data centre, and the property to the south (3 Greenwich View Place) being used as a commercial office.
- 8.28 Given the nature and scale of the proposed development it is not considered that the proposal is likely to result in any notable adverse amenity implications for surrounding residents and building occupiers with respect to overlooking, outlook and daylight and sunlight. With respect to any adverse noise and odour implications generated by the development, such as from users (in reference to the former), and from the refuse store (in reference to the latter), a condition would be imposed to request a site management plan prior to the occupation of the mooring facility (in the event that planning permission is granted) to ensure that appropriate measures are put in place in order to minimise/negate any such impacts.

Amenity of Future Occupants

- 8.29 The surrounding area already features a number of residential properties and officers consider in principle that the application site is a suitable location for residential uses in terms of the level of amenity that future residents may be afforded. Whilst the exact nature of each individual residential boat to be moored on site is unknown, it is likely that future occupants will experience good levels of daylight and sunlight and

outlook, by virtue of the open setting of the site, and also will likely experience good levels of privacy due to the fact that the moorings themselves are notably offset from the dockside edge.

- 8.30 In terms of the level of noise generated within the immediately surrounding area, it is noted that a large data centre is currently under construction on the adjoining site at 1 and 2-4 Greenwich View Place, however conditions have been attached to the consents to ensure that any noise generated by said buildings does not exceed a level of 10dB below the lowest measured background noise from the nearest residential windows (likely to be within the Glengall Bridge which is in a similar proximity to the site of the data centre as the application site in question). Whilst canal boats / Dutch barges will not benefit from the same levels of noise insulation as traditional residential properties, it is still considered that the aforementioned conditions will ensure that any noise emitted from the adjoining site will not be at a level which would be incompatible with the proposed residential moorings.

Conclusion

- 8.31 The proposal would not significantly adversely impact the amenity of surrounding residents and building occupiers, and would also likely afford future occupiers of the proposed residential moorings a suitable level of amenity, 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 Transportation

Policy Context

- 8.32 Policy 6.3 of the London Plan (2016) states that *“development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Development should not adversely affect safety on the transport network”*. 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”*. Policy 6.13 states that *“in locations with high public transport accessibility, car-free developments should be promoted (while still providing for disabled people)”*. Finally policy 6.14 states that *“delivery and servicing plans [should be used] to minimise congestion impacts and improve safety [and that development proposals should] increase the use of the Blue Ribbon Network for freight transport”*.
- 8.33 The Council’s Core Strategy policy SP08 seeks to *“promote the sustainable transportation of freight by promoting and maximising the movement of freight by water and rail to take the load off the strategic road network”*. Policy SP09 seeks to *“ensure new development has no adverse impact on the safety and capacity of the road network [and promotes] car free developments and those schemes which minimise on-site and off-site car parking provision, particularly in areas with good access to public transport”*.
- 8.34 The Council’s Managing Development Document policy DM20 states that *“development will need to demonstrate it is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of the transport network or on any planned improvements and/or amendments to the transport network”*. Policy DM21 states that *“development that generates a significant number of vehicle trips for goods or materials during its construction and operational phases*

will need to demonstrate how movement by water and/or rail, the use of low emission vehicles, electric vehicles and bicycles has been prioritised". Policy DM22 states that "in order to ensure suitable provision for cyclists, development will be required to: meet, and preferably exceed, the minimum standards for cycle parking".

Highway Impact

- 8.35 In order to ensure that the proposed development does not have an adverse impact on the local highway network the proposed residential moorings will be required to be car free, and a condition requiring the applicant to enter into a legal agreement to secure the development as car free will be imposed in the event that planning permission is granted. As the development has good access to local walking and cycling routes and moderate access (PTAL 3) to the local public transport network, with Crossharbour DLR station being approximately a 5 minute walk from the site, it is envisaged that future residents have sufficient alternative options to private vehicular transport.
- 8.36 The applicant will also be required (by condition) to explore the feasibility of using the waterways for transporting goods during the construction phase of development, in order to reduce number of construction vehicles using the local highway network, and a construction management plan will also be conditioned to ensure that the construction process itself does not have any adverse impact on the local highway network or nearby pedestrian and cycle routes such as the dockside path.

Parking

- 8.37 In order to comply with the London Plan (2016) cycle parking standards a minimum of 16 cycle parking spaces are required to be provided for the proposed development, i.e. 1 space per mooring. The applicant has proposed to provide 1 dedicated cycle parking space per mooring within each of the 16 storage boxes on the access deck. These spaces will be under cover, secure and easily accessible, and further details of the proposed cycle parking will also be secured via condition. As such the proposal is acceptable in terms of parking provision as the development is to be car free and provides cycle parking in line with London Plan (2016) requirements.

Servicing

- 8.38 Due to the fact that the site has limited access which would preclude regular sized vehicles such as refuse lorries accessing the site, the applicant has proposed to establish an alternative means of servicing the site. Instead of Council refuse lorries collecting waste from site the applicant's facilities management company would collect waste from site twice weekly using a smaller vehicle which would access the site from Greenwich View Place. Similar arrangements to that being proposed on this site are already in place at other mooring facilities owned by the applicant and the applicant has also stated that both themselves and their contractors currently service refuse bins on the dockside walkway (adjacent to the application site) 3-5 times a week from Greenwich View Place.
- 8.39 Whilst access across Greenwich View Place to service this proposal has been disputed by an objector, the applicant has provided a copy of the 1991 head lease which states that the lessor must allow for the following:

"The right at all times and for all purposes to place and maintain (and remove) moorings pontoons jetties structures and equipment of any nature on along and in

the dock walls adjacent to the Demised Premises and to pass and repass with or without vehicles (subject to such vehicular rights to be available for the purposes of maintenance and repair only) to obtain access to such boats vessels plant machinery moorings pontoons jetties structures and equipment over that part or parts of the Demised Premises as is shown hatched orange on Plan A or over and along such other route (if any) across the Demised Premises that is of an equivalent size and shall be approved by the Lessor from time to time such approval not to be unreasonably withheld.”



Plan A (as referred to in the previous paragraph)

- 8.40 The applicant has also stated that in the unlikely event that a legal dispute does arise which precludes them access over Greenwich View Place, an alternative means of access via Muirfield Crescent/Pepper Street (to the north of the application site) could be established.
- 8.41 In light of the above officers are content that the proposed servicing strategy is acceptable and that the applicant has the necessary rights of way in place / alternative means of access to the application site. Further details of the servicing of the site will be requested via the site management plan which would form a condition of the consent.

Conclusion

- 8.42 The proposal would not have an adverse impact upon the local highway network, would provide appropriate cycle parking arrangements, and would be serviced in an appropriate manner, the proposal on balance is acceptable in transport and highways terms.

Refuse

Policy Context

- 8.43 Policy 5.17 of the London Plan (2016) states that development proposals should be *“minimising waste and achieving high reuse and recycling performance”*.
- 8.44 The Council’s Core Strategy policy SP05 (1) states that development should *“implement the waste management hierarchy of reduce, reuse and recycle”*.
- 8.45 The Council’s Managing Development Document policy DM14 (2) states that *“development should demonstrate how it will provide appropriate storage facilities for residual waste and recycling as a component element to implement the waste management hierarchy of reduce, reuse and recycle”*.

Assessment

- 8.46 In order for the proposed development to comply with LBTH waste standards the proposal should incorporate sufficient waste storage to accommodate up to 1600 litres of refuse and 960 litres of recyclables each week.
- 8.47 The applicant has proposed an enclosed refuse store at the southern end of the site on the pontoon structure which will accommodate 4 x 240 litre refuse bins and 2 x 240 litre recyclable bins meaning that 960 litres of refuse storage and 480 litres of recyclables storage is to be provided on site. The applicant has also stated that refuse collections for the proposed mooring will be twice weekly meaning that the refuse store effectively could cope with up to 1920 litres of refuse storage and 960 litres of recycling storage per week which is in excess of LBTH waste standards.
- 8.48 As the proposed refuse store will be enclosed and will be emptied on a twice weekly basis it is considered that any odours created by it are likely to be minimal and unlikely to have an adverse impact on adjoining occupiers. In order to ensure that all reasonable measures to reduce any odours from the proposed refuse store are employed by the applicant, further details of how the refuse store will be managed will be required as part of the site management plan which will be conditioned in the event that planning permission is granted.

Conclusion

- 8.49 The proposed refuse strategy for the site is acceptable as the refuse store is located in a suitable location, is of a suitable size and it has been designed with the Council’s waste management hierarchy of reduce, reuse and recycle in mind, in accordance with policy SP05 (1) of the Core Strategy (2010) and policy DM14 (2) of the Managing Development Document (2013).

Environmental Considerations

Policy Context

- 8.50 Policy 2.18 of the London Plan (2016) states that *“development proposals should incorporate appropriate elements of green infrastructure that are integrated into the wider network including the Blue Ribbon Network”*. Policy 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”*. Policy 7.14 states that *“development proposals should be at least ‘air quality neutral’ and not lead to further deterioration of existing poor air quality”*. Finally Policy 7.19 states that *“development proposals should, wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity”*.

- 8.51 The Council's Core Strategy policy SP03 states that development proposal should *"minimise and mitigate the impact of noise and air pollution"*. SP04 states that the Council will *"promote and support new development that provides green roofs, green terraces and other measures to green the built environment"* and that *"all new development that has to be located in a high risk flood zone must demonstrate that it is safe [and] that all new development across the borough does not increase the risk and impact of flooding"*.
- 8.52 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"*. Policy DM11 states that *"development will be required to provide elements of a 'living building'"* and will be required to deliver *"biodiversity enhancements in accordance with the Council's Local Biodiversity Action Plan"*.

Air Quality

- 8.53 In order to ensure that the proposed development prevents and/or reduces associated air pollution during the construction process the applicant will be required to submit a construction management plan which demonstrates that all reasonable measures to prevent and/or reduce associated air pollution during the construction process has been undertaken.
- 8.54 In the event that planning permission is granted, a condition would be imposed which will restrict future users to using only smokeless fuels in stoves and heaters on their boats and will also require the applicant prior to the first occupation of the development to submit a site management plan which will contain measures and management strategies to ensure that this restriction is fully adhered to. With the addition of this condition and the restrictions that it would apply to the development, officers are content that the proposed development would be acceptable in air quality terms.

Biodiversity

- 8.55 The application site sits within the Millwall & West India Docks Site of Importance for Nature Conservation (SINC), and as part of this application the applicant has provided an ecological assessment which assesses the existing ecological value of the site and also proposes a number of recommendations which could lead to the site having an enhanced ecological value.
- 8.56 The Council's biodiversity officer is content that the proposed habitat enhancements being proposed as part of this application, which include floating reed beds between the pontoon and the dockside edge along with fish refuges beneath the pontoons, would both offset any adverse impact upon the SINC caused by the proposal and also increase the biodiversity value of the site which is welcomed by officers.
- 8.57 Subject to further details of the biodiversity enhancements proposed being secured by condition, officers are therefore content that the proposal is acceptable in biodiversity terms as it accords with relevant planning policy.

Flood Risk

- 8.58 The application site falls within Flood Risk Zone 3 of the Environment Agency (EA) map, where the annual probability of fluvial flooding is classified as greater than 1 in 100 and the annual probability of tidal flooding is classified as greater than 1 in 200.

Whilst Flood Risk Zone 3 represents an area with the highest level of flood risk, it should be noted that this area is well protected by the Thames Barrier.

- 8.59 The application is supported by a flood risk assessment which outlines that the proposal has been designed to allow for rising water levels in the event of a flood, as the entire mooring structure, including the access bridge and the structures on the pontoons themselves would rise or fall with changing water levels. This arrangement means that moored boats do not become lopsided or have strained fixings in the event of water levels rising in a flood, meaning that users of the proposed facility will be able to safely evacuate the moorings structure to dry land where they can seek refuge.
- 8.60 The Environment Agency have reviewed the proposal and have concluded that they have no objection to the proposal in flood risk terms. Given their stance and the fact that suitable measures have been designed into the scheme to allow for safe refuge officers are content that the proposal is acceptable in flood risk terms.

Conclusion

- 8.61 The proposal is acceptable in air quality, biodiversity and flood risk terms and thus is considered to be in accordance with the relevant policies of the London Plan, Core Strategy (2010) and Managing Development Document (2013) as set out within the policy context section of this chapter.

9.0 FINANCIAL CONSIDERATIONS

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

- 9.1 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:
- The provisions of the development plan, so far as material to the application;
 - Any local finance considerations, so far as material to the application; and,
 - Any other material consideration.
- 9.2 Section 70(4) defines “local finance consideration” as:
- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
 - Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy
- 9.3 In this context “grants” might include New Homes Bonus. This is not applicable to this application.
- 9.4 As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 however as this proposal does include the creation of any new build floor space it is not liable for Mayoral CIL.
- 9.5 The Borough’s Community Infrastructure Levy came into force from 1st April 2015. The proposal would not be liable for Borough CIL as proposals for sui generis uses do not attract Borough CIL payments.

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, 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.

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".

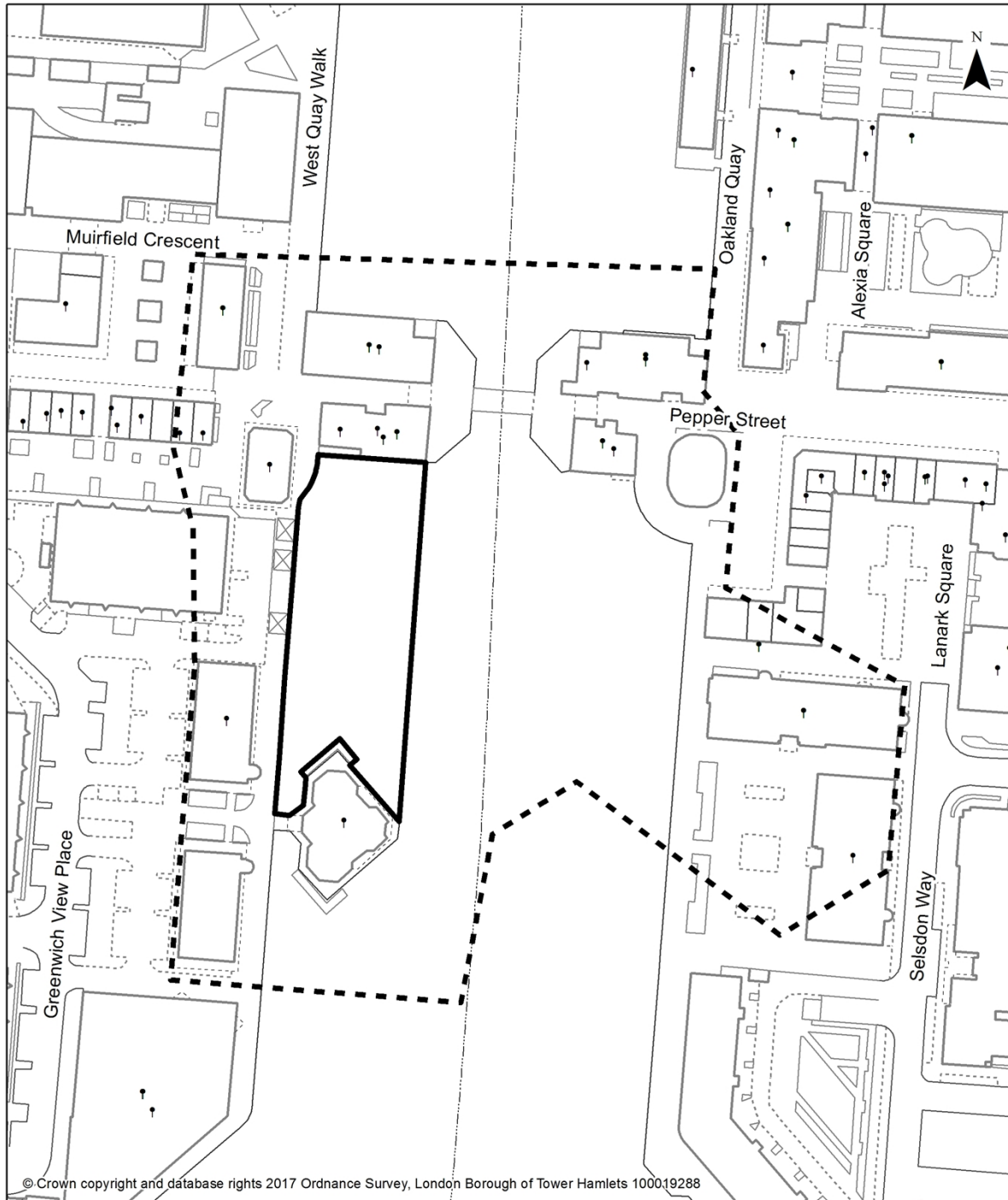
11.3 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

- 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.
- 11.6 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

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 SITE MAP



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- ↑ Land Parcel Address
- Consultation Area
- ▭ Planning Application Site Boundary
- Statutory Listed Buildings
- Locally Listed Buildings

Scale @ 1:1,250
 10 5 0 10 20 30 Meters

Planning Application Site Map PA/16/01798

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



GIS for
Place Directorate
LONDON BOROUGH OF TOWER HAMLETS
Date: 20/03/2017

