

Committee: Strategic Development	Date: 26 October 2017	Classification: Unrestricted
--	---------------------------------	--

Report of: Directorate of Place	Title: Application for Planning Permission & Listed Building Consent Ref No: PA/17/00534 & PA/17/00536
Case Officer: Kevin Crilly	Ward: Blackwall and Cubitt Town

1.0 APPLICATION DETAILS

Location:	East India Dock Basin, Lower Lea Crossing, London
Existing Use:	Open Space – Lea Valley Park
Proposal:	Relocate the Historic vessel SS Robin from the Royal Victoria Docks to the East India Dock Basin. The vessel will occupy an elevated position on the east side of the Lock Entrance beside the River Thames.
Drawings:	Site Boundary and access points SS Robin Relocation Proposal: Existing SS Robin Relocation: Proposal SS Robin Section in Place on the Quayside SS Robin Deck Plan SS Robin Starboard Side USM SSR 007 USM SSR 010 USM SSR 011 USM SSR 012 Location Details SS Robin Proposed Location from Selected Viewpoints
Documents:	<ul style="list-style-type: none"> • Design & Access Statement • Heritage Statement
Applicant:	SS Robin Trust
Freeholder:	Lea Valley Park
Historic Assets:	Site is located on Grade II listed Blackwall Pier and Entrance Lock of the former East India Dock Basin. The vessel is on the National Register of Historic Vessels (NRHV) and is part of the National Historic Fleet (NHF)

2.0 EXECUTIVE SUMMARY

- 2.1 These applications have 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.
- 2.2 The proposal seeks to relocate the historic vessel SS Robin from its current location in the Royal Victoria Docks (London Borough of Newham) to the East India Dock Basin where it would occupy an elevated position on the east side of the Lock entrance beside the River Thames, within the Lee Valley Regional Park.
- 2.3 The SS Robin is of historic importance both nationally and globally. The ship is considered to be the world's oldest cargo steamer to retain original engines and machinery and the only surviving complete cargo steamer of a type which dominated British and Continental trade during the late 19th and early 20th century. The SS Robin was built in 1890 by MacKenzie, McAlpine & Co. of Orchard House Yard, Hercules Wharf, Blackwall, approximately 100 metres from the proposed location of the vessel.
- 2.4 The East India Dock Basin is the surviving area of an extensive East India Docks and has been preserved as a nature reserve and publicly accessible open space. It is designated as Metropolitan Open Land and forms part of the Lee Valley Regional Park, the basin itself is part of the Blue Ribbon Network.
- 2.5 The site does not fall within a conservation area, however the application site does comprise of development within the setting of the Grade II listed Blackwall Pier and Entrance Lock.
- 2.6 The loss of 1.3% of the existing Metropolitan Open Space from the East India Dock basin, and the provision of a historic vessel can be considered to be acceptable in this instance as the proposed development meets the relevant exceptions in policy for developing within metropolitan open space, does not adversely impact upon the ability of East India Dock Basin to continue to be used for recreation, and also provides additional cultural and historic interest within the Borough.
- 2.7 The proposal would encourage greater awareness of the history, environment and character of the southern section of the River Lea, which currently lacks focus or draw to encourage visitors.
- 2.8 The proposed location of the vessel is acceptable in terms of its layout, scale and appearance. Officers' are of the opinion that although the proposal would significantly impact upon the open character of East India Dock Basin, this impact and harm would be outweighed by the heritage benefits of locating the listed ship in this location providing historic and visual interest, and enhancing the experience for existing and future residents, workers and visitors to the area.
- 2.9 By virtue of the separation distance from residential neighbours, the proposal would not impact on the amenity of any surrounding neighbouring residents or building occupiers.
- 2.10 The proposal would not have an adverse impact upon the local highway network; as such the proposal is acceptable in transport and highways terms.

- 2.11 As such, 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 considerations which would indicate that it should be refused.

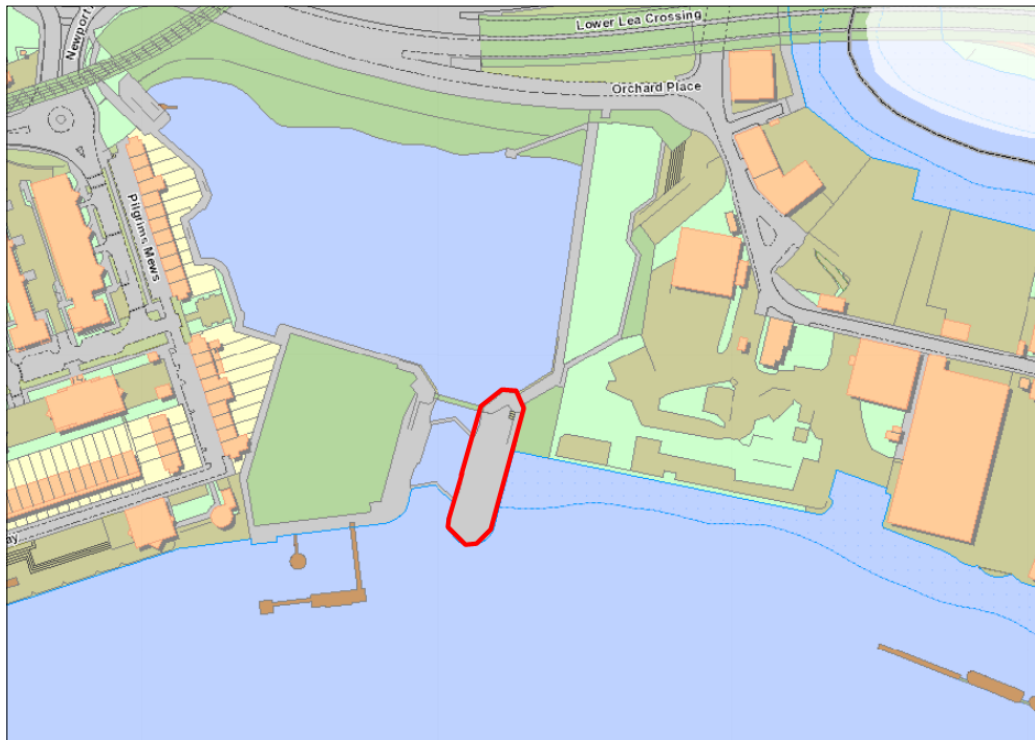
3.0 RECOMMENDATION

- 3.1 That the Committee resolve to GRANT planning permission and listed building consent subject to:
- a) That the Corporate Director of Place is delegated authority to issue the planning permission and listed building consents and impose conditions and informatives to secure 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) Construction environmental management plan – details of method of relocation and installation (pre-commencement)
 - 4) Details of the structures necessary to secure ship to the dock (pre-commencement)
 - 5) Details of proposed lighting (pre-commencement)
 - 6) Details of proposed signage (pre-commencement)
 - 7) Cleaning management plan (pre-commencement)
 - 8) Structural report/ Grade II listed Blackwall Pier and Entrance Lock (pre-commencement)
- 3.3 Conditions on listed building consent
- 1) Time limit (compliance)
 - 2) Development to be built in accordance with the approved plans (compliance)
 - 3) Historic interpretation boards
- 3.4 Any other conditions and informatives considered necessary by the Corporate Director of Place.

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1 The East India Dock Basin is the surviving area of an extensive East India Docks and has been preserved as a nature reserve and publicly accessible open space. It is designated as Metropolitan Open Land. It comprises the southern end of the Lee Valley Regional Park, the southern part of the site is bounded by the River Thames. The surviving entrance basin of the dock retains the Victorian lock entrance from the Thames. The east side of the lock is a prominent feature projecting into the river, providing a level platform which is also level with the east side of the basin.



Site plan showing the basin with the proposed location of the vessel in red.

- 4.2 The East India Dock Basin is part of the Blue Ribbon Network and the Green Grid and is accessible to the public during daylight hours, with gates access from Jamestown Way on the south-western side and from Orchard Place in the north-eastern corner. There are pedestrian bridges across the lock. The water area and the northern and western banks of the basin provide a haven for wildlife.
- 4.3 The Basin is bordered by the low rise residential development of Virginia Quay to the west and to the north by the elevated Lower Lea Crossing highway. Immediately to the east, the existing commercial site is a safeguarded wharf.
- 4.4 North of Orchard Place and further east, the north and south Leamouth residential developments are at an advanced stage of construction and will provide over 800 residential units. North of the Lower Lea Crossing highway, the City Island development is nearing completion, providing 1700 new households.
- 4.5 At the eastern end of Orchard Place, Trinity Buoy Wharf comprises of a thriving community of creative businesses, a school, arts campus and cafes.
- 4.6 The application site forms part of the Grade II listed Blackwall Pier and Entrance Lock of the former East India Dock Basin.

Background and Planning History

Application Site



Aerial photo illustrating the existing site and surrounds

4.7 The following planning history is available for the application site:

- Advertising Consent (PA/13/02376/NC) was permitted on 04/12/2013 which included the removal of existing and installation of a total of five signs comprising 3 x Wall Mounted entrance signs, 1 x post mounted square sign and 1 x post mounted directional sign.
- Full Planning Consent (PA/06/01375) was permitted on 28/09/2006 for the provision of pedestrian ramps, paths, gates and benches.

4.8 The immediate area surrounding the site is undergoing significant redevelopment. There are several notable planning applications that are relevant to the site and surrounding context.

Orchard Wharf

- PA/11/03824 – Cross-boundary hybrid planning application for erection of a concrete batching plant, cement storage terminal and aggregate storage facilities, together with associated structures and facilities, walkway and landscaping, jetty and ship to shore conveyor.
Refused -02/10/2012

Hercules Wharf

- PA/14/03594 - Demolition of existing buildings at Hercules Wharf, Union Wharf and Castle Wharf and erection of 16 blocks (A-M) ranging in height from three-storeys up to 30 storeys (100m) (plus basement) providing 834 residential units; Retail / Employment Space (Class A1 – A4, B1, D1); Management Offices (Class B1) and Education Space (Class D1); car parking spaces; bicycle parking spaces; hard and soft landscaping works including to Orchard Dry Dock and the repair and replacement of the river wall.
Granted – 22/09/2016

Proposal

- 4.9 The proposal seeks planning permission and listed building consent to relocate the historic vessel SS Robin from the current location in the Royal Victoria Docks to the East India Dock Basin where it would occupy an elevated position on the east side of the lock entrance beside the River Thames.
- 4.10 It is proposed to locate the SS Robin on the oval shaped eastern side of the lock. This structure is 75 meters long and 20 meters wide, and would accommodate the historic vessel which measures 43.5 meters long by 6.9 metres in width, leaving circulation space around all sides of the vessel.
- 4.11 The vessel would be supported on a cradle and chocks so that it is elevated 1.5 meters above the paving surface, clear of the existing historic bollards and capstan, and also avoiding the grills covering the old lock machinery pits. The cradles would be black-painted steel, while oak blocks would be at 6 meter intervals supporting the keel. The underside of the hull of the vessel would therefore be entirely exposed to public view, in a similar fashion to the Cutty Sark at Greenwich. This elevated position would also increase visibility of the vessel from the land and water.
- 4.12 The following image has been provided by the applicant to illustrate the proposal and its appearance from the Thames River.



Figure1: Proposed location of the SS Robin on the East India Dock Basin, Lock Entrance, viewed from the Thames River.



Figure 2: Aerial photo illustrating the proposed location of the SS Robin on the East India Dock Basin.

5.0 POLICY FRAMEWORK

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

Land Use Designations

- Metropolitan Open Land
- Lea Valley Regional Park
- Publicly Accessible Open Space
- Site of Important Nature Conservation
- Blue Ribbon Network
- Archaeological Priority Area

- 5.2 Appendix 2 provides a site plan showing these designations

- 5.3 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:

- 5.4 Government Planning Policy

National Planning Policy Framework 2012
National Planning Practice Guidance

- 5.5 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
- 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

5.6 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

5.7 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
- DM27 – Heritage and Historic Environment

5.8 **Supplementary Planning Guidance/Documents and Other Documents**

- Planning Obligations SPD (LBTH 2016)
- The Setting of Heritage Assets Good Practice Advice (Historic England 2015)
- Accessible London: Achieving an Inclusive Environment SPG (GLA 2014)
- London View Management Framework (GLA 2012)
- The Lee Valley Regional Park Authority's Park Plan (2000)

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. The responses are summarised below:

Historic England

6.3 No objection

Lee Valley Regional Park Authority

6.4 No objection subject to further details being submitted regarding the method of installation of the ship, the structural stability of the lock and ensuring there was sufficient space for pedestrians to circulate around the ship.

Canal & River Trust

6.5 No comment.

LBTH Transportation & Highways

6.6 No objection.

Thames Water (TW)

6.7 No comment.

Environment Agency (EA)

6.8 No comment.

London City Airport

6.9 No comment.

Greater London Archaeological Advisory Service

6.10 No objection.

Metropolitan Police

6.11 Concerns were raised with regards the potential for anti-social behaviour and vandalism of the SS Robin. This is discussed further within the material planning considerations.

Port of London Authority

6.12 It is understood that the vessel would occupy an elevated position on the east side of the lock entrance beside the River Thames. The proposed location for the vessel is in close proximity to the safeguarded Orchard Wharf. Policy 7.26 of the London Plan protects safeguarded wharves for waterborne cargo handling uses and requires

developments adjacent or opposite safeguarded wharves to be designed to minimise the potential for conflicts of use and disturbance.

- 6.13 Given the strong policy protection afforded to the safeguarded wharf and the strong policy protection afforded to conserving and enhancing the historic environment, the applicant must, prior to a decision being made on the application, undertake an assessment of the impact that the vessel would have on the wharf and its reactivation.
- 6.14 The Council would be aware from the appeal decision relating to a proposal to reactivate Orchard Wharf for waterborne cargo handling that the historic environment including the character of East India Dock Basin and the setting of listed structures were considerations. It therefore needs to be demonstrated through application PA/17/0534 that the siting of the grade 1 listed vessel would not have a detrimental impact on the wharf and its reactivation.
- 6.15 In the absence of this assessment the PLA objects to application PA/17/0534.
- 6.16 Should planning permission be granted for the development then conditions should require full details of all external lighting to be submitted and approved and full details of how the vessel would be lifted into position should also be submitted and approved.

Royal Borough of Greenwich

- 6.17 No comments received.

7.0 LOCAL REPRESENTATION

- 7.1 Public consultation took place in accordance with statutory requirements. This included a total of 27 letters sent to neighbours, a press advert published in East End Life and site notice displayed outside the application site. The number of representation received in response to notification and publicity of the proposal are as follows:

No of individual responses: Objecting: 0 Neutral: 0 Supporting: 1

The following comments were made:

- 7.2 *We strongly support prolonging the life of the vessel and her future potential. The proposal would also enhance the East India Dock Basin and its links to the Park."*

8.0 MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the Committee must consider are:
- Land Use
 - Setting, Design & Heritage
 - Amenity
 - Transport, Access and Servicing
 - Sustainability and Environmental Considerations
 - Planning Obligations

- 8.2 Other material issues addressed within the report include biodiversity as well as financial, health, human rights and equalities considerations.

Land Use

Policy context

- 8.3 Policy 7.17 of the London Plan states that the strongest protection should be given to London's Metropolitan Open Land (MOL) and inappropriate development refused, except in very special circumstances. Essential ancillary facilities for appropriate uses will only be acceptable where they maintain the openness of MOL.
- 8.4 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".
- 8.5 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".
- 8.6 Core Strategy Spatial Policy 04 provides the basis to deliver a network of open spaces across the borough through protecting and improving existing open space, creating new open space and improving access to and between open spaces. Policy DM10 sets out how new development will be required to contribute to delivering such a network of open spaces.
- 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 would improve the quality of the water space and provide increased opportunities for access, public use and interaction with the water space".
- 8.8 Policy 7.17 of the London Plan aims to designate land as MOL, boroughs need to establish that the land meets at least one of the following criteria:
- a. it contributes to the physical structure of London by being clearly distinguishable from the built up area.
 - b. it includes open air facilities, especially for leisure, recreation, sport, the arts and cultural activities, which serve either the whole or significant parts of London.
 - c. it contains features or landscapes (historic, recreational, biodiversity) of either national or metropolitan value.
 - d. it forms part of a Green Chain or a link in the network of green infrastructure and meets one of the above criteria.
- 8.9 The revised Park Development Framework Final Draft Area 1 Proposals (Prepared by the Lee Valley Regional Park Authority and adopted in January 2016) contain the following specific measures:
- Protect, enhance and improve the interpretation of listed heritage features and structures at East India Dock Basin as an integral part of its development as a visitor attraction/destination and gateway to the Regional Park. Further feasibility work to identify works to improve and preserve the heritage assets.
 - The development of sculpture/feature at the southern extent of the Regional Park adjacent to the Thames at East India Dock Basin, to complement a

similar feature at the northern extent of the park in Ware, to celebrate the entrance to the Regional Park.

- Events, exhibitions, performance art, filming and cultural activities to be supported and developed as an integral part of the visitor offer at Three Mills and East India Dock Basin catering for both local and national audiences and making use of existing buildings and the open spaces.

8.10 Policy DM10 of Tower Hamlet's Development Management Document 2013 states that:

- Development on areas of open space will only be allowed in exceptional circumstance where a) it provides essential facilities to ensure the function, use and enjoyment of the open space, or b) as part of a wider development proposal there is an increase of open space and a higher quality open space outcome is achieved.
- Development should not adversely impact on the public enjoyment of the Lee Valley Regional Park, its openness, ecological and heritage value. Development which affects the Park will be required to enhance recreational value, water-based habitats and pedestrian and cycle ways into and through the Park, especially where these aid connectivity between new and existing open spaces.
- The open spaces, waterways and recreational facilities of the Lee Valley Regional Park form an important part of the borough's green and blue grid networks and connect the borough with the wider Regional Park. The Park is a valuable resource for the borough with potential to contribute to creating healthy and liveable communities, particularly where links into this network can be enhanced and complemented by new open space delivered as part of development. The Regional Park Authority has a statutory duty to either provide directly or work with partners to provide facilities for sport, recreation, leisure, entertainment and nature conservation throughout the Park.

Loss of Existing Metropolitan Open Land (MOL)

- 8.11 It is proposed to relocate the restored historic vessel, SS Robin from its current pontoon in the Royal Docks to a prominent position on the oval shaped eastern side of the lock, within the East India Dock Basin. This structure is 75 meters long and 20 meters wide, and would accommodate the historic vessel which measures 43.5 meters long by 6.9 metres in width, leaving between 4 and 7 metres circulation space around all sides of the vessel.
- 8.12 The proposal would occupy approximately 300sqm of Metropolitan Open Land (MOL) within the East India Dock Basin. The East India Dock Basin, including the water occupies an area of 17,976sqm. Without water, the total MOL is 20,010sqm. In total, the proposal would result in a loss of 1.3% of MOL without including the water space or 0.7% including the water area.
- 8.13 The vessel would be supported on a cradle and chocks so that it is elevated 1.5 meters above the paving surface, with the underside of the hull of the vessel entirely exposed to public view, in a similar fashion to the Cutty Sark at Greenwich. This elevated position would also increase visibility of the vessel from the land and water. The vessel would essentially act as a large piece of sculpture within the metropolitan open space.
- 8.14 The loss of existing metropolitan open space can be considered to be acceptable in this instance as the proposed development meets the relevant exceptions in policy for

developing within metropolitan open space, does not adversely impact upon the ability of East India Dock Basin to continue to be used for recreation and leisure activities, and also provides an additional historic asset within the Borough.

- 8.15 In line with the aim of the Lea Valley Regional Park Authority's Park Plan, the proposal would serve to enhance and improve the interpretation of listed heritage features and structures at East India Dock Basin as an integral part of its development as a visitor attraction/destination and gateway to the Regional Park.
- 8.16 The proposal would also be in line with Policy 7.30, which seeks 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". The SS Robin was built in 1890 by MacKenzie, McAlpine & Co. of Orchard House Yard, Hercules Wharf, Blackwall, approximately 100 metres from the proposed location of the vessel. It is the only surviving intact example of a coastal cargo steamer in the world. Because of its rarity, it was acquired in 1974 by the Maritime Trust and designated as a Registered Historic Vessel as part of the National Historic Fleet (See appendix 3 for details of these designations).

Open Space

- 8.17 In line with Policy DM10 of Council's Managing Development Document, which allows development on areas of open space in exceptional circumstances where it provides essential facilities to ensure the function, use and enjoyment of the open space; it is considered that the proposal would promote the use of, and enhance the public enjoyment and use of, the Lee Valley Regional Park. The views from the site to the O2 Arena opposite also form an important attraction and lend an extra element of interest to the site.

Blue Ribbon Network and Protected Wharf

- 8.18 The proposed site forms part of the Blue Ribbon Network. Tower Hamlets policy requires development within these areas to promote and encourage public use of the open space and waterways whilst also protecting the water spaces and the areas surrounding the waterspace. It is considered that locating the vessel within the proposed site would have a positive impact, attracting visitors to the area without negatively impacting on the Blue Ribbon Network.
- 8.19 Officers acknowledge that the neighbouring site at Orchard Wharf is a protected wharf within the London Plan. It is recognised that the surrounding built context is undergoing significant change with a number of significant developments within the vicinity of the basin and that the development of Orchard Wharf will form part of this changing landscape when this site comes forward for development.
- 8.20 It is considered that any development on the adjacent wharf site could have a potential impact on the setting of the proposed vessel, and if planning and listed building consent is granted for this application, the vessel would form a material planning consideration in any future application on the wharf. However, officers would ultimately need weigh any potential heritage/townscape impact against the sites designation and as a wharf and the strong policy protection afforded to it. As such, officers do not consider this development would prejudice the ability of the wharf to come forward.

Setting, Design & Heritage

Character and appearance

- 8.21 The National Planning Policy Framework attaches great importance to the design of the built environment.
- 8.22 In accordance with paragraph 58 of the NPPF, new developments should:
- function well and add to the overall quality of the area,
 - establish a strong sense of place, creating attractive and comfortable places to live,
 - respond to local character and history, and reflect the identity of local surroundings and materials,
 - create safe and accessible environments, and
 - be visually attractive as a result of good architecture and appropriate landscaping.
- 8.23 Chapter 7 of the London Plan places an emphasis on robust design in new development.
- 8.24 The Placemaking policy SP12 seeks to improve, enhance and develop a network of sustainable, connected and well-designed neighbourhoods across the borough through retaining and respecting features that contribute to each neighbourhood's heritage, character and local distinctiveness.
- 8.25 Policies DM23 and DM24 of the MDD seek 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.
- 8.26 A key planning issue rests on the impact of the proposal on the character and appearance of the East India Dock Basin and the waterfront to the river. A number of local and more distant views have been tested and submitted as part of the Heritage, Townscape and Visual Impact Assessment.



Figure 1: Existing view from DLR



Figure 2: Proposed view from DLR



Figure 3: Proposed view from Lower Lea Crossing footpath



Figure 4: Proposed view from Virginia Quay



Figure 5: Proposed view from East Quay

- 8.27 In townscape terms, the historic vessel would fit comfortably in its proposed position. The dimensions of SS Robin are in proportion to the size of the existing platform provided by the eastern side of the Dock entrance. It would be a prominent feature on the river frontage, however would not detract from the existing quality of the nature reserve. It is acknowledged that, given the scale of the vessel at its proposed location the vessel would enclose the basin somewhat and limit views of the river from some viewpoints within the basin. However, it is officers view that, although there would be some resultant harm to the open character of the basin from locating the vessel in this location, this would be confined to this one particular location. The overall size of the basin would largely remain unaffected.
- 8.28 The East India Dock Basin has been well preserved and has enormous potential for greater public access to enjoy its wildlife and its vantage points. Despite the surviving lock and substantial area of water, there is limited evidence of its previous use of shipping or marine activity and at present it is little visited by the public.
- 8.29 The new location would be within 100m of where the SS Robin was originally built. It would enable the public to get up close and enjoy all-round views of the vessel. It would act as a new landmark from the river, from the Basin itself and from outside the Basin, including views from Lower Lea Crossing. Interpretation panels explaining the provenance and history of SS Robin, and its local connections with Blackwall would enhance the visitors' experience. It would provide a fitting addition to the termination of the southern end of the Lea Valley and the Lea Valley Regional Park, alongside the existing Lighthouse and Chain Store of Trinity Buoy Wharf, and enhance the character and appearance of Leamouth.
- 8.30 In line with Core Strategy policy SP02 and MDD policies DM1, DM24 and DM26, the design strategy for the proposed location of the vessel beside the lock overlooking the river reflects the transitional location of the site and responds to the immediate context; fitting in with the existing open landscape and historical context of the East India Dock Basin.

Heritage assets

- 8.31 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires decision makers determining planning applications that would affect a listed building or its setting to "have special regard to the desirability of

preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

- 8.32 Policy 7.8 of the London Plan states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. Policy 7.9 that the significance of heritage assets should be assessed when development is proposed and schemes designed so that the heritage significance is recognised both in their own right and as catalysts for regeneration.
- 8.33 LBTH Core Strategy Policy SO22 seeks to “protect, celebrate and improve access to our historical and heritage assets by placing these at the heart of reinventing the hamlets to enhance local distinctiveness, character and townscape views”. Core Strategy Policy SP10(2) of the Council's adopted Core Strategy (2010) seeks to protect and enhance the Borough's Conservation Areas and Listed Buildings and their settings and encourages and supports development that preserves and enhances the heritage value of the immediate and surrounding environment and wider setting.
- 8.34 MDD policy DM27 also relates to heritage and the historic environment and seeks 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'.
- 8.35 Paragraph 137 of the NPPF requires proposals 'to look for opportunities within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the relevance of the asset should be considered favourably.
- 8.36 In terms of the National Planning Policy Framework, it is considered that the proposal cause no harm to the designated heritage assets or their setting, but instead would enhance them whilst also generating public benefit.
- 8.37 The proposed new location of the SS Robin is a designated heritage asset, being part of the Blackwall Pier and Entrance Lock of the former East India Dock Basin, Listed Grade II in 1983, therefore the applicant has also submitted an application for listed building consent. Historic England's list entry description is as follows:
- 'c1803 origin with later enlargement, the entrance to Rennie and Walker's East India Dock Basin. Brick faced with ashlar copings to quays, partly timber fended. The lock has now been back filled up to later c19 iron plated lock gates but beyond them the quay walls have pairs of grooves cut in ashlar blocks probably for earlier set of gates. The quays and pier retain their complement of bollards and capstans.'*
- 8.38 Pevsner's Buildings of England London 5: East (2005) has the following entry:
- ' the East India Docks Entrance Basin is now a nature reserve....The Entrance Basin Lock is of 1897, a new cut south of the existing passage made by H.E & F.A James; gates by Thames Iron Works Company, gate machinery by W.G Armstrong Whitworth & Company.'*
- 8.39 The SS Robin would be located on cradles in an elevated position with the bottom of its hull 1.5 metres above ground so that the existing bollards and capstan on the pier are retained undisturbed. The ship would essentially act as a large piece of sculpture within the open space. The shape and size of the east side of the lock provide a

ready-made podium or plinth for the historic vessel, placed on a north-south axis with her bows facing the river.

- 8.40 In terms of the impact directly upon the Grade II listed entrance lock, a condition is recommended which requires a structural report to be submitted to the Council for approval, to ensure the vessel would not impact on the Grade II listed structure. Historic England have been consulted on the application and have raised no objections.
- 8.41 Furthermore, the proposed siting of the vessel would create an enhanced setting for the heritage asset allowing visitors to better understand and appreciate the maritime character and appearance of the basin and the riverside.

Secure by Design

- 8.42 Policy 7.3 of the London Plan and policy DM23 of the MDD seeks to ensure that Developments' are safe and secure.
- 8.43 The East India Dock Basin is only accessible to the public during daylight hours, with gates access from Jamestown Way on the south-western side and from Orchard Place in the north-eastern corner. Given that access to the site is only available during daylight hours, Officers' are satisfied that the proposal would provide a safe and secure environment in accordance with policy 7.3 of the London Plan and policy DM23 of the MDD.

Access

- 8.44 No public access would be available onto or into SS Robin, apart from any necessary maintenance.
- 8.45 Existing level access onto the lock would remain unaltered, retaining a generous paved area for pedestrians to walk around the vessel and to enjoy existing panoramic views of the river.

Design Conclusions

- 8.46 It is considered that the proposed development has been sensitively located and would protect the setting and special architectural and historic interest of the Grade II listed Blackwall Pier and Entrance Lock. It would provide a fitting addition to the termination of the southern end of the Lea Valley and the Lee Valley Regional Park, alongside the existing Lighthouse and Chain Store of Trinity Buoy Wharf, and enhance the character and appearance of Leamouth. As such, the proposals accord with Policy 7.8 of the London Plan, Policies SO22 and SP10(2) of the Council's adopted Core Strategy, Policy DM27 of the MDD and government guidance set out in Section 12 of the National Planning Policy Framework.
- 8.47 The proposed scheme would have an impact on the open character of the basin however the proposal would be successful in contributing to a high quality public realm and in establishing a complementary relationship with the adjoining heritage assets. Following the consideration of relevant London Plan and local plan policies, national guidance and other material considerations officers conclude that the proposal is sensitive to the heritage assets and offer public benefits which would outweigh any harm to the open character of the basin.

Amenity

Policy Context

- 8.48 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.
- 8.49 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)".
- 8.50 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".
- 8.51 The closest residential properties to the application site are along Jamestown Way, approximately 105m away.
- 8.52 Given the nature 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.
- 8.53 Overall, the proposal would give rise to no unacceptable impacts on the amenity of the adjoining residents and occupiers and as such the proposed scheme is considered to comply with the abovementioned policies.

Highways, transportation and servicing

- 8.54 The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and stipulates that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.
- 8.55 The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Strategic Objective SO20 of the Core Strategy states that the Council seeks to: "Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle." Policy SP09 provides detail on how the objective is to be met.
- 8.56 Policy DM20 of the Council's Managing Development Document reinforces the need to demonstrate that developments would be properly integrated with the transport network and would have no unacceptable impacts on the capacity and safety of that network. It highlights the need to minimise car travel and prioritise movement by walking, cycling and public transport. The policy requires development proposals to be supported by transport assessments and a travel plan.

- 8.57 East India DLR station is located 450 metres to the west of the site and serves the Bank, Woolwich Arsenal, Tower Gateway and Beckton lines. Canning Town Underground Station is approximately 870 metres north-east of the site and serves the Jubilee line.
- 8.58 The site is supported by bus routes, D3, 115, N15, N550 and N551 within a reasonable walking distance. The site is also served by the Mayor's Cycle Hire Scheme with the nearest docking stations located at East India DLR approximately 450m south of the site providing 51 spaces.
- 8.59 Apart from the works of installation, which would involve crane access, the proposal would not require vehicular access to the site, and is unlikely to result in any increase in traffic generation in the surrounding area.
- 8.60 LBTH Highways & Transportation have been consulted do not object to the principle of the proposal is this location.
- 8.61 It is expected that the ship will be transferred by water and craned onto the site. A condition is recommended, requiring a method statement regarding the relocation and installation of the vessel, to be submitted to Council for approval prior to works commencing.
- 8.62 As such, the proposal is consistent with Policy DM20 of the Managing Development Document 2013.

Servicing and Refuse Storage

- 8.63 Further to policy SP05 of the Core Strategy which requires provision of adequate waste storage facilities in all new development, policy DM14 of the Managing Development Document sets out the Council's general waste and recycling storage standards. The proposed capacity of the waste storage is in accordance with current waste policy.
- 8.64 The SS Robin would not generate waste. In its elevated position it would not trap litter or impede the existing arrangements for pavement cleansing and rubbish collection.
- 8.65 The proposal would not give rise to any unacceptable highway, transportation or servicing impacts. It is noted that neither the Council's Highways & Transportation Officer nor TfL raise an objection to the proposal.

Biodiversity

- 8.66 Policy 7.19 of the London Plan, policy SP04 of the Core Strategy and policy DM11 of the Managing Development Document seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve an overall increase in biodiversity.
- 8.67 Council's Biodiversity Officer has reviewed the proposal and raises no objection. Subject to the submission of a construction method statement, the proposal would not result in undue biodiversity impacts.

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.

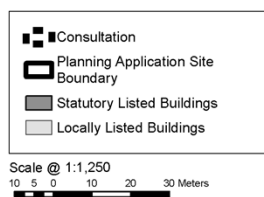
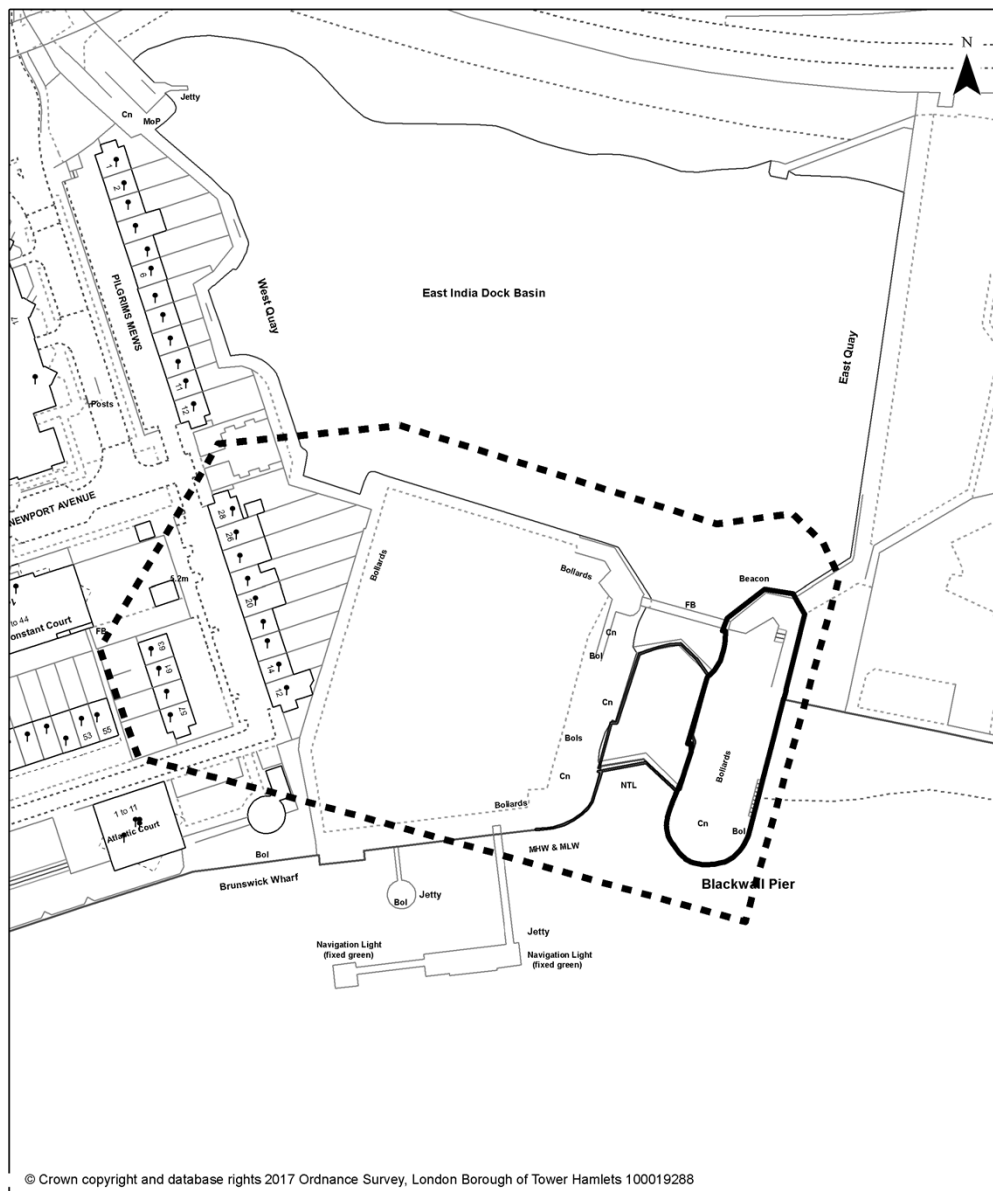
11.0 HUMAN RIGHTS CONSIDERATIONS

- 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.

Appendix 1- Site Consultation Area



**Planning Application Site Map
PA/17/00534 and PA/17/00536**

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

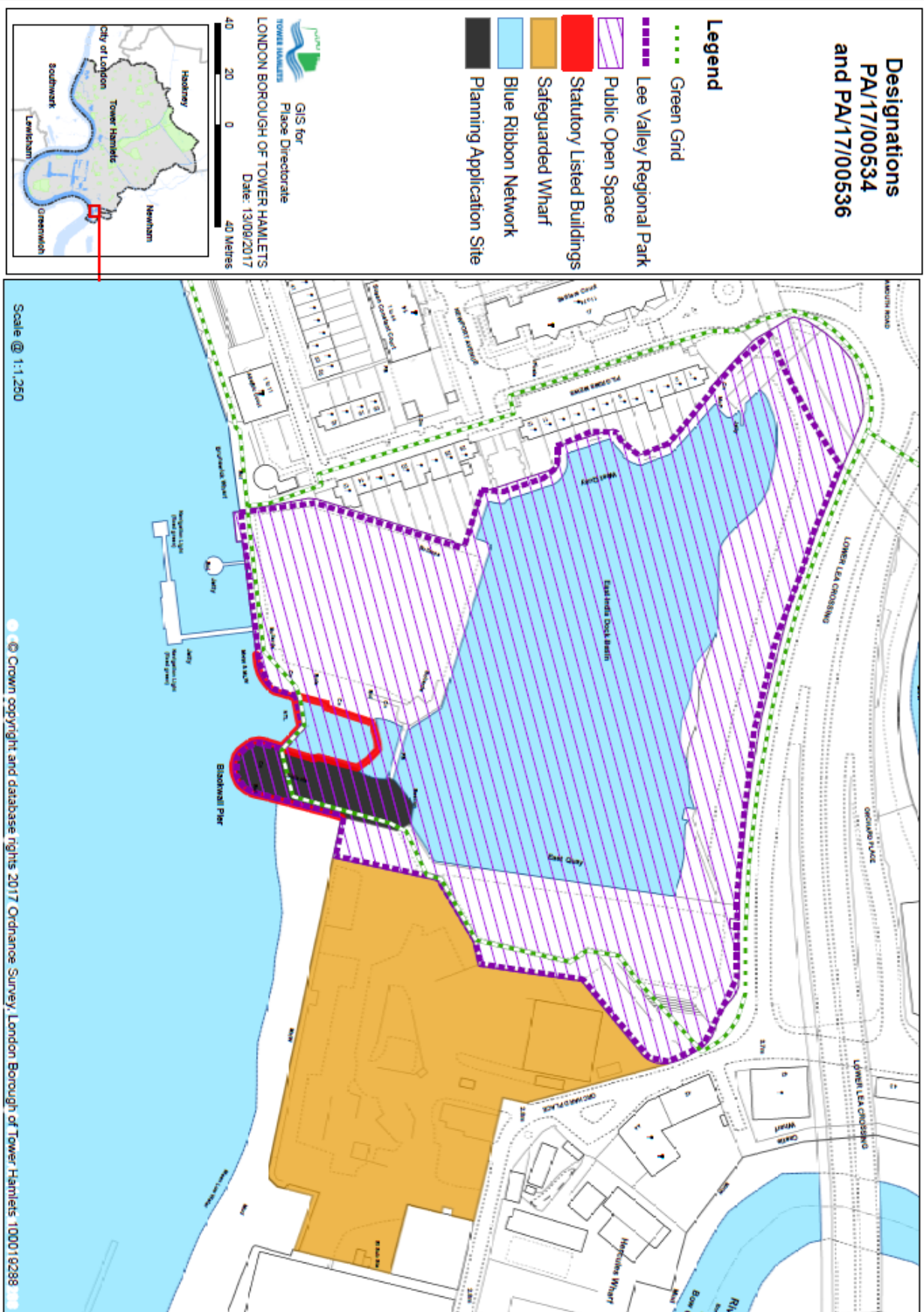


GIS for
Space Directorate

LONDON BOROUGH OF TOWER HAMLETS
Date: 13/09/2017



Appendix 2 – Selected land use designations



Appendix 3 – Listed Vessels Information

National Register of Historic Vessels (NRHV)

The Register provides an overview of the UK's extant historic vessels and can be used to identify and prioritise significant vessels that should be conserved, provide guidance to decision-makers on the allocation of funding, and give an early warning of ships 'at risk'. The database can also be a useful research tool, although confidential information about ownership is always kept secure.

The National Historic Fleet (NHF)

The National Register of Historic Vessels (NRHV) contains a sub-group of vessels - those which comprise The National Historic Fleet. There are currently some 200 vessels in the Fleet which are distinguished by:

- being of pre-eminent national or regional significance
- spanning the spectrum of UK maritime history
- illustrating changes in construction and technology
- meriting a higher priority for long term conservation.

<http://www.nationalhistoricships.org.uk>