

<b>Committee:</b> Development	<b>Date:</b> 06 <sup>th</sup> December 2017	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Place	<b>Title:</b> Application for Planning Permission
<b>Case Officer:</b> Chris Stacey	<b>Ref No:</b> PA/17/01359
	<b>Ward:</b> Bromley South

## 1.0 APPLICATION DETAILS

<b>Location:</b>	North side of Limehouse Cut between Upper North Street, Watts Grove, London
<b>Existing Use:</b>	Water space (sui generis).
<b>Proposal:</b>	Erection of a pontoon for 10 residential moorings with ancillary cycle and refuse/recycling storage facilities.
<b>Drawing and documents:</b>	Letter Dated 29/08/2017 Letter Dated 03/10/2017 Revised Site Plan, Dated September 2017 INT13_016-001-01 Rev L, General Arrangement INT13_016-001-02 Rev L, General Arrangement INT13_016-001-03 Rev L, Section Through Navigation and Pontoons INT13_016-001-04 Rev L, Waste Storage Platform AW2GA-01, Atlantic Waterway Walkway DF1aGA-01, DF1a Concrete Float P-C1-01, Standard Cleat Extended Phase 1 Habitat Survey Report, Ref DFCP 4034 Rev A, Dated 11/05/2017 Planning, Flood Risk and Heritage Assessment, Dated May 2017 Scheme of Biodiversity Mitigation and Enhancements, Dated June 2017 Refuse Storage Facility
<b>Applicant:</b>	Poplar Harca
<b>Ownership:</b>	Canal and River Trust East Thames Limited
<b>Historic Building:</b>	N/A
<b>Conservation Area:</b>	Limehouse Cut

## 2.0 EXECUTIVE SUMMARY

- 2.1. The Council has considered the particular circumstances of this application against the Council's Development Plan policies contained in the London Borough

of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (MALP) 2016 and the National Planning Policy Framework and relevant supplementary planning documents.

- 2.2. This report considers an application for the erection of a pontoon for 10 residential moorings with ancillary cycle and refuse/recycling storage facilities on the north side of the Limehouse Cut between Upper North Street and Watts Grove.
- 2.3. 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 navigability of the Limehouse Cut nor its use for waterborne leisure activities, and also provides additional residential accommodation within the Borough.
- 2.4. The proposed design of the scheme is acceptable in terms of its layout, scale and appearance, as the proposal does not significantly impact upon the open character of the Limehouse Cut, features a high quality material palette, and also has been designed with Secure by Design principles in mind.
- 2.5. 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. As such the proposed development can be seen to be in accordance with relevant policy and is thus acceptable in amenity terms.
- 2.6. The proposal would not have an adverse impact upon either the local highway or public transport network, would provide appropriate cycle parking arrangements, and would be serviced in an appropriate manner. As such the proposal is considered to be acceptable in highways and transportation terms.
- 2.7. The proposed refuse strategy for the site has been designed to accord with the Council's waste management hierarchy of reduce, reuse and recycle, in accordance with relevant policy.
- 2.8. It is considered that the proposal is acceptable in air quality, biodiversity and flood risk terms and is thus considered to be in accordance with relevant policy. The scheme would be liable for neither the Mayor's nor the borough's community infrastructure levy.
- 2.9. Subject to the recommended conditions, the proposal would constitute sustainable development in accordance with the National Planning Policy Framework. The application is in accordance with the provisions of the Development Plan and there are no other material planning considerations which would indicate that it should be refused.

### **3.0 RECOMMENDATION**

- 3.1. That the Committee resolve to **GRANT** planning permission subject to:
  - (a) The Corporate Director of Place's delegated authority to 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. Servicing agreement with adjacent land owner (*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. Full details and samples of proposed materials/finishes (*pre-commencement*)
8. Details of the bridgehead and gate design (*pre-commencement*)
9. Details of foul drainage methods/system (*pre-commencement*)
10. Details of proposed lighting (*pre-occupation*)
11. Site management plan (*pre-occupation*)
12. Permit free agreement (*pre-occupation*)
13. Details of electrical points (*pre-occupation*)
14. Cycle parking (*compliance*)
15. Refuse storage (*compliance*)
16. Contaminated land (*compliance*)
17. Size and number of boats (*compliance*)

#### 4.0 PROPOSAL AND LOCATION DETAILS

##### Site and Surroundings

- 4.1. The site has an area of approximately 0.15ha and comprises of water space situated on the north side of the Limehouse Cut canal. The site is broadly rectangular in shape and is bordered to the north by Alphabet Square and Invicta Close along with Eagle Wharf, and to the south by Metropolitan Close, Locksons Wharf and Pioneer Close.



Fig.1 – Application Site

- 4.2. The site is located on the 'off-line' side of the canal, on the opposite side to the towpath outside of the 12m navigation channel, and sits directly beside the concrete canal wall which sits around 3.5m/4m above the water level. The towpath on the south side of the canal is publically accessible and is well used by both pedestrians and cyclists, whereas the path which runs atop the canal wall on the

north side of the canal is publically accessible and features lower footfall primarily generated by residents of the surrounding properties.

- 4.3. The Limehouse Cut canal is approximately 2 miles (3.2km) in length and runs between Bow Locks and the Limehouse Basin, of which the latter has access to the River Thames via the Limehouse Ship Lock at Narrow Street. The canal itself is designated as water space (a form of open space) and also falls within the London's Canals Site of Importance for Nature Conservation (SINC). Further along the canal (towards Limehouse Basin) a number of informal and formal leisure moorings are present, and the canal is also used by a variety of users for leisure activities.
- 4.4. The surrounding buildings are predominantly in use for residential purposes, with some buildings also being used for office/light industrial uses. The buildings which surround the site and the Limehouse Cut range in size and character and are predominantly 3-5 storeys in height, however it is noted that some larger scale buildings (both completed and under construction) exist to the south west of the application site, close to the Upper North Street bridge.
- 4.5. The application site falls within the Limehouse Cut 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 2.

### **Proposal**

- 4.6. The applicant is seeking planning permission for the construction of a 10 berth residential mooring for narrow boats (up to 15.5m in length), including the installation of an access bridge and deck, along with 3 pontoon platforms which will accommodate supporting infrastructure, including cycle and refuse storage.
- 4.7. The proposed mooring facility measures 188m in length and 5.5m in width at its widest point (inclusive of the pontoon platforms, but exclusive of the access bridge) and allows for the maintenance of a 12m wide clear channel for vessels along the Limehouse Cut. The main access deck is offset from the existing canal edge by approximately 1.6m.
- 4.8. Reed planting between the pontoon deck and the canal bank along the full length of the proposed mooring facility is also proposed.

### **Relevant Planning History**

#### Application Site

- 4.9. None.

#### Surrounding Sites

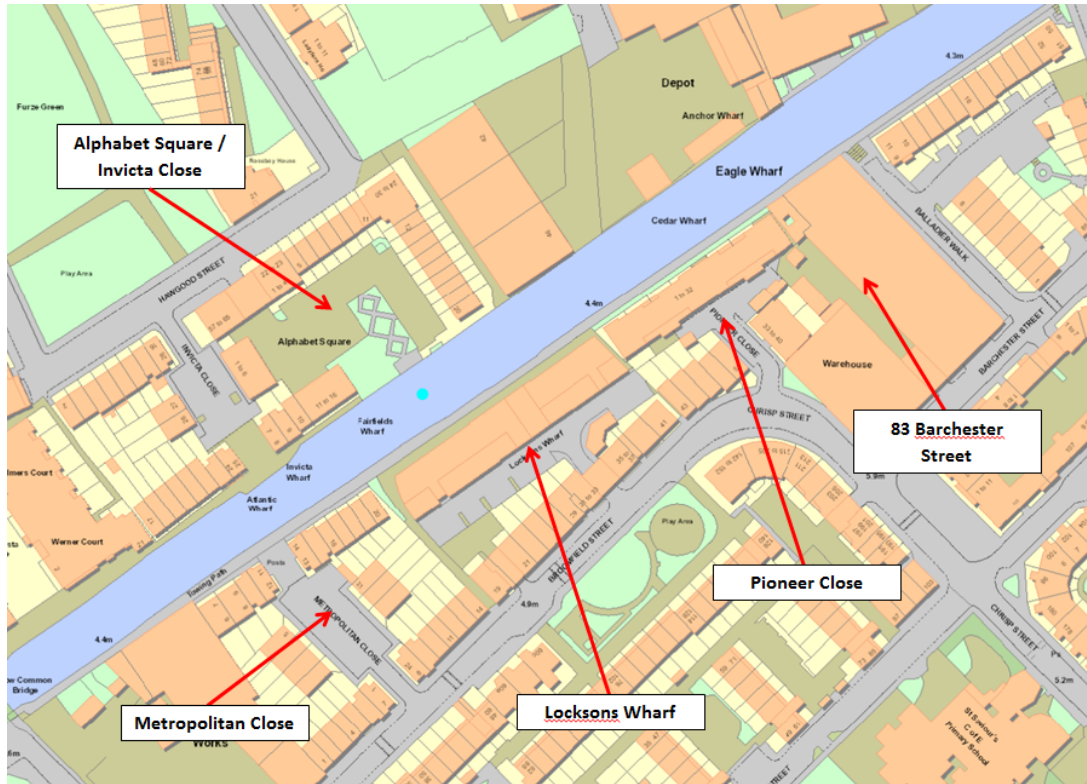


Fig.2 – Location of Surrounding Sites

*Alphabet Square / Invicta Close*

- 4.10. PA/88/00673 – Erection of industrial workshops with ancillary storage, office and/or residential space with the provision of three general industrial units. (Permission granted 15/11/1988)
- 4.11. PA/91/00144 – Retention and completion of development comprising 72 mixed business/residential units and 1605sqm of industrial/warehousing floor space. (Permission granted 17/08/1995)
- 4.12. PA/98/01578 – Erection of 36 residential units and 4 live/work units. (Permission granted 12/08/1999)
- 4.13. PA/00/00528 - Erection of security gates and fence at main entrance to square, plus fence with pedestrian gate at side entrance (Hawgood Street). (Permission granted 30/06/2000)

*Pioneer Close*

- 4.14. PA/03/01266 - Erection of 26 two bed flats, 14 three bed flats and 5 five bed houses with the formation of a new vehicular access to Broomfield Street and associated parking and hard and soft landscaping. (Permission granted 12/01/2005)

*Locksoms Wharf*

- 4.15. PA/01/01786 - Redevelopment by the erection of two 4 storey blocks and one 5 storey block, to provide 102 flats and maisonettes with associated car parking and landscaping together with the formation of new means of vehicular access to the

highway and a pedestrian access to Limehouse Cut. (Permission granted 13/08/2004)

*Metropolitan Close*

- 4.16. PL/97/00014 - Residential redevelopment comprising 22 No two storey houses with gardens and 16 No flats in three storey blocks with car parking and landscaping. (Permission granted 07/04/1998)

*83 Barchester Street*

- 4.17. PA/14/02607 - Demolition of existing warehouse building and ancillary structures and part demolition of 'saw-tooth' factory building (retaining three walls of facade). Construction of three buildings ranging from four to six storeys to provide 115 residential dwellings, basement, access and surface parking, landscaping and other incidental works to the application. (Permission granted 26/03/2015)

## **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.

- 5.2. The list below is not an exhaustive list of policies, it contains some of the most relevant policies to the application:

### **5.3. Government Planning Policy**

National Planning Policy Framework (March 2012) (NPPF)

National Planning Guidance Framework (March 2014) (NPPG)

### **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
- 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
- 7.8 Heritage assets and archaeology
- 7.14 Improving air quality
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.18 Protecting open space and addressing deficiency
- 7.19 Biodiversity and access to nature
- 7.24 Blue ribbon network
- 7.27 Blue ribbon network: supporting infrastructure and recreational use
- 7.28 Restoration of the blue ribbon network

7.30 London's canals and other river and waterspaces

#### 5.5. **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  
SP09 Creating Attractive and Safe Streets and Spaces  
SP10 Creating Distinct and Durable Places  
SP12 Delivering placemaking

#### 5.6. **Managing Development Document April 2013**

DM3 Delivering Homes  
DM9 Improving air quality  
DM10 Delivering open space  
DM11 Living buildings and biodiversity  
DM12 Water spaces  
DM14 Managing Waste  
DM20 Supporting a sustainable transport network  
DM22 Parking  
DM23 Streets and the public realm  
DM24 Place sensitive design  
DM25 Amenity  
DM27 Heritage and the historic environment

#### 5.7. **Supplementary Planning Documents**

Limehouse Cut Conservation Area character appraisal and management guidelines (adopted August 2011)

#### 5.8 **The Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits**

Statutory public consultation on the 'Regulation 19' version of the above emerging plan commenced on Monday 2nd October 2017 and will close on Monday 13th November 2017. Weighting of draft policies is guided by paragraph 216 of the National Planning Policy Framework and paragraph 19 of the Planning Practice Guidance (Local Plans). These provide that from the day of publication a new Local Plan may be given weight (unless material considerations indicate otherwise) according to the stage of preparation of the emerging local plan, the extent to which there are unresolved objections to the relevant policies, and the degree of consistency of the relevant policies in the draft plan to the policies in the NPPF. Accordingly as Local Plans progress through formal stages before adoption they accrue weight for the purposes of determining planning applications. As the Regulation 19 version has not been considered by an Inspector, its weight remains limited. Nonetheless, it can be used to help guide planning applications and weight can be ascribed to policies in accordance with the advice set out in paragraph 216 of the NPPF.

### 6.0 **CONSULTATION RESPONSE**

6.1. The views of the Directorate of Place are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

- 6.2. The following were consulted regarding the application:

#### INTERNAL RESPONSES

##### **LBTH Biodiversity Officer**

- 6.3. The revised proposals include reed planting between the pontoon and the canal bank which will increase the area of reed bed by 150sqm, along with fish refuges beneath the pontoon. These measures will ensure overall enhancements for biodiversity, contributing to objectives in the Local Biodiversity Action Plan (LBAP), and should be secured via condition.

##### **LBTH Environmental Health – Air Quality**

- 6.4. In order to ensure that the proposal does not generate adverse noise and pollution issues generated by the diesel engines of the narrow boats, a condition requiring the installation and use of electric charging points should be imposed.

##### **LBTH Environmental Health – Contaminated Land**

- 6.5. A compliance condition should be imposed which requires the submission of an investigation and risk assessment along with a remediation strategy and verification plan only in the event that contamination is found to be present at the site.

##### **LBTH SUDS Officer**

- 6.6. No comments received.

##### **LBTH Transport and Highways**

- 6.7. The proposed development should be secured as car free. Whilst the quantum of cycle parking spaces proposed is accepted, further details of the proposed cycle stands should be provided.

##### **LBTH Waste Policy and Development**

- 6.8. The applicant is required to clarify the breakdown of refuse/recycling being proposed along with confirmation that they have permission for Invicta Close to be used for waste collections. Both the trolleying distance from the bin holding area to the waste collection vehicle and the carrying distance for residents to the bin store areas should also be confirmed with the former being no more than 10m, and the latter being no more than 30m.

#### EXTERNAL RESPONSES

##### **Canal and River Trust**

- 6.9. In the event that planning permission is granted conditions requiring the submission of: a construction management plan; further details of infrastructure provision and bins and cycle storage; drainage details; lighting details, and; biodiversity mitigation/enhancement measures should be imposed.

##### **Crime Prevention Officer**



- 6.10. A condition should be imposed requiring the applicant to meet 'Secure by Design' accreditation for this development, along with an informative requiring the applicant to seek the advice of the Metropolitan Police's advice prior to seeking to discharge the aforementioned condition.

#### **Environment Agency**

- 6.11. No objections subject to conditions requiring the submission of: further details of the bridgehead design; lighting details, and; biodiversity mitigation/enhancement measures.

#### **Transport for London**

- 6.12. TFL has no objection to this application.

### **7.0 LOCAL REPRESENTATION**

- 7.1. A total of 482 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site by way of a site notice and advertised in the local press.

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

No of individual responses:	Objecting: 26
	Supporting: 2

No of petition responses:	Objecting: 0
	Supporting: 0

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

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

- Concerns surrounding the servicing of the proposed mooring facility

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

- The proposal will enhance the character of the canal
- Safety will be improved along the canal and it will deter loiterers

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

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

- Land Use
- Design
- Amenity
- Highways and Transportation
- Refuse
- Environmental Considerations
- 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"*. Policy 7.28 states that *"development proposals should restore and enhance the Blue Ribbon Network by preventing development and structures into the water space unless it serves a water related purpose"*. Finally policy 7.30 states that *"development proposals along London's canal network [...] should respect their local character and contribute to their accessibility and active water related uses"*.
- 8.3. 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 on the north side of the Limehouse Cut canal 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 canal network 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 canal due to the fact that the proposed moorings are located on the ‘off line’ side of the canal, i.e. outside of the main navigation channel which runs to the south of the proposal. It is also considered that the proposed residential moorings will contribute towards the diversity and vibrancy of the Limehouse Cut and will also increase opportunities for interaction with the water space.
- 8.8. Limehouse Cut is currently used by a number of users for a variety of waterborne 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 the Limehouse Cut to continue to be used for waterborne leisure activities. Given that the proposal only occupies a short stretch of the canal (188m) and sits on the ‘off line’ side of the canal and still allows for a 12m wide clear channel beside it, officers are content that the proposed development will not affect the ability of the Limehouse Cut to continue to be used for waterborne leisure activities.

#### Principle of Residential Moorings

- 8.9. The proposed development would result in the creation of 10 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 navigability of the Limehouse Cut nor its use for waterborne 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”*. Policy 7.6 seeks to ensure that *“buildings and structures should be of the highest architectural quality”*. Finally policy 7.8 states that *“development affecting heritage assets and their settings should conserve their significance”*.
- 8.13. 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”*. Policy SP12 seeks to enhance placemaking through *“ensuring development proposals recognise their role and function in helping to deliver the vision, priorities and principles for each place”*.
- 8.14. The Council's Managing Development Document policy DM23 states that *“development will be required to improve safety and security without compromising good design and inclusive environments”*. Policy DM24 states that *“development will be required to be designed to the highest quality standards, incorporating principles of good design, including: ensuring design is sensitive to and enhances the local character and setting of the development”*. Policy DM27 states that *“development will be required to protect and enhance the borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the borough's distinctive ‘Places’”*.

### Layout and Scale

- 8.15. The proposed pontoon structure is 188m in length and 2m in width and features 3 platforms along its length measuring 4m in length and 5.5m in width, along with a further platform close to the bridgehead measuring 5m in length and 3.5m in width. The bridgehead itself would measure 13m in length and 1.2m in width.
- 8.16. The overall layout and scale of the proposed development, which has been significantly amended by the applicant during the application process, has been designed and positioned in a manner so as not to appear overly dominant nor significantly impact upon the open character of the Limehouse Cut. In order to achieve these objectives the applicant has positioned the proposed mooring facility along the 'off line' side of the canal adjacent to an existing high wall, incorporated platforms at intervals along the pontoon to break up the massing of the overall

mooring facility, and any structures on the pontoon have been kept to a minimum, both in quantum and scale.

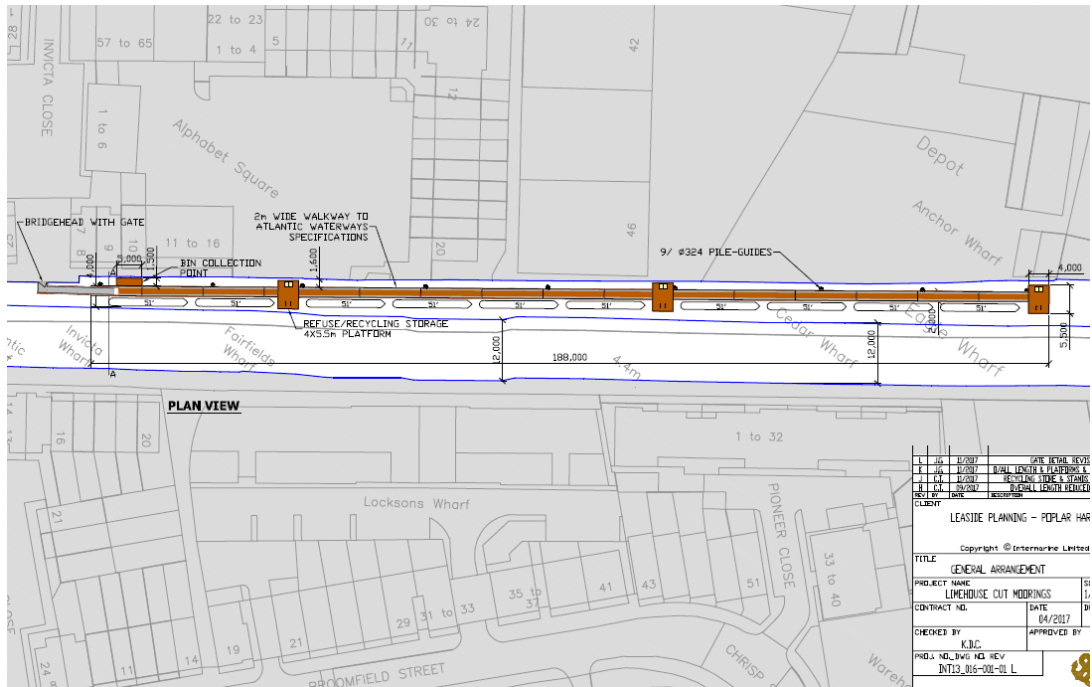


Fig.3 – Proposed Site Plan

- 8.17. 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 the Limehouse Cut are successful in this respect.



Fig.4 – CGI of Proposed Mooring Facility Looking North West



*Fig.5 – CGI of Proposed Mooring Facility Looking East*

- 8.18. The proposed refuse and recycling storage structures (of which there are 3 in total) are only 1.2m in height, and due to the fact that these structures sit directly in front of a 3.5m high concrete wall (when viewed from the towpath on the opposite side of the canal), it is not considered that these structures would have an adverse impact upon the open character of the Limehouse Cut. The 10 x 3.5m high pontoon guides which will secure the proposed pontoon in place have a diameter of less than 0.5m and would not extend higher than the adjacent concrete wall and as such will have a minimal impact on the open character of the Limehouse Cut. The only structure proposed on the adjacent path atop the canal wall is a 1.6m wide and 2.15m high metal entrance gate which is to be painted black to match the existing railings atop the canal wall.
- 8.19. The proposed mooring has been designed to accommodate a maximum of 10 boats measuring a maximum of 2.1m in width and 15.5m in length laid out 'nose to tail' along the length of the proposed mooring facility. 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 2.1m in width and 15.5m in length will be imposed should planning permission be granted.

#### Appearance

- 8.20. The proposed pontoon deck is to be finished in a sand coloured anti-slip hardwood material, whilst the refuse/recycling stores will be finished in timber to match the pontoon deck. The bridge, bridgehead and access gate are to be constructed out of metal and painted in black to match the existing railings atop the canal wall which is considered to be an appropriate approach in design terms. Extensive reed planting between the pontoon structure and the existing concrete wall will help to soften the visual appearance of the proposed mooring facility whilst also providing biodiversity benefits.
- 8.21. The proposed material palette for the scheme, which has a natural feel to it, is appropriate and robust, and will also complement the existing character of the Limehouse Cut canal. Further details and physical samples of the proposed material palette, including the pontoon deck and refuse/recycling store cladding,

along with details regarding the lighting of the mooring facility will be required by condition, and be subject to further review, in the event that planning permission is granted.

#### Heritage Considerations

- 8.22. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise of its planning functions, that the Council shall pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 8.23. Paragraph 129 of the NPPF requires the LPA to identify and assess the significance of any heritage asset that may be affected by a proposal and to take this assessment into account when considering the impact of the proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 132 goes on to provide that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 8.24. There are no statutory listed buildings that sit within close proximity to the application site which would be affected by the proposals. The application site does however sit within the Limehouse Cut conservation area. The character appraisal and management guidelines document for the conservation area promotes the introduction of additional waterside activity, the use of the Limehouse Cut by canal boats, and the siting of permanent moorings where possible. As such it is considered that the proposed development accords with the aspirations of the conservation area and can be seen to enhance the character of the Limehouse Cut conservation area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Secure by Design

- 8.25. The proposed mooring facility only has one means of access from the public realm, which is through the main access gate from Invicta Close at the western end of the site. This entrance gate is proposed to be 2.15m in height and 1.6m in width, and is proposed to be constructed out of metal and painted black to match the existing railings atop the canal wall.
- 8.26. 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

- 8.27. The proposed design of the scheme is acceptable in terms of its layout, scale and appearance, as the proposal does not significantly impact upon the open character of the Limehouse Cut, features a high quality material palette, and also has been designed with Secure by Design principles in mind. As such officers can conclude that the application is acceptable in design terms.

#### **Amenity**

### Policy Context

- 8.28. 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.
- 8.29. Policy 7.6 of the London Plan (2016) seeks to ensure that development does *“not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate”*.
- 8.30. 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)”*.
- 8.31. 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

- 8.32. The nearest residential properties to the site are located adjacent to the canal side path (no’s. 7-16 and 24-25 Invicta Close and no. 20 Alphabet Square) and sit 6m from the proposed pontoon. It should be noted however that given the variable levels between the canal side path and the pontoon deck, and the presence of the 3.5m high canal wall, it is not considered that the proposal is likely to result in any notable adverse amenity implications for existing neighbouring residents and building occupiers with respect to overlooking and privacy, outlook, and daylight and sunlight.
- 8.33. Access to the proposed pontoon from the canal side path via the bridgehead has been carefully considered to minimise any amenity impacts on existing neighbouring properties, with the location of this access point being centred between the 11m gap between no’s 7-8 and 24-25 Invicta Close.
- 8.34. 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. The applicant has already committed to providing 10 electrical points (one for each mooring) and incorporating within the lease a clause which prohibits the burning of solid fuels on-board boats and the pontoon, and the site management plan condition would seek further details of these commitments, amongst any other necessary measures to minimise/negate the amenity implications of the proposal.

### Amenity of Future Occupants

- 8.35. 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 relative openness 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 canal edge and towpath on the opposite side of the canal.

### Conclusion

- 8.36. The proposal would not adversely impact the amenity of surrounding residents and building occupiers (subject to necessary conditions), and would also likely afford future occupiers of the proposed residential moorings a suitable level of amenity. As such the proposed development can be seen to be in accordance with policy SP10 (4) of the Core Strategy (2010) and policy DM25 of the Managing Development Document (2013) and is thus acceptable in amenity terms.

### **Highways and Transportation**

#### Policy Context

- 8.37. 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)”*.
- 8.38. The Council’s Core Strategy policy SP09 seeks to *“ensure new development has no adverse impact on the safety and capacity of the road network”* and promote *“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”*.
- 8.39. 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”*. Policy DM22 states that *“where development is located in areas of good public transport accessibility and/or areas of existing on-street parking stress, the Council will require it to be permit-free”* and that *“development will be required to meet, and preferably exceed, the minimum standards for cycle parking”*.

#### Highway Impact

- 8.40. 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.
- 8.41. Whilst the development is considered to have poor access (PTAL 2) to the local public transport network, it is considered to have good access to local walking and cycling routes, and as such it is envisaged that future residents have sufficient alternative options to private vehicular transport. Given the scale of the proposed

development it is not considered that it will have an adverse impact upon the local public transport network.

#### Parking

- 8.42. In order to comply with the London Plan (2016) cycle parking standards a minimum of 10 cycle parking spaces are required to be provided for the proposed development, i.e. 1 space per mooring. The applicant has proposed to provide a total of 12 cycle parking spaces for the development which is in excess of the minimum requirements, and is welcomed.
- 8.43. All of these cycle parking spaces would be in the form of Sheffield type stands and would be located on the southern sides of the 3 proposed platform structures. Whilst the proposed cycle parking spaces can be considered secure, by virtue of them being located on a private pontoon which features secure access arrangements, as well as being easily accessible, it is noted that the proposed cycle parking spaces would not be under cover. Due however to the adverse impact on the open character of the Limehouse Cut which would be created by covered cycle parking spaces on the pontoon platforms, officers are of the opinion that uncovered cycle parking spaces in this instance are on balance more appropriate given the nature of this proposal.
- 8.44. A condition requiring the proposed cycle parking spaces to be in place prior to the occupation of the proposed mooring facility and retained for the lifetime of the development would be imposed in the event that planning permission were to be granted.

#### Servicing

- 8.45. Due to the fact that the site has limited access from the public highway network, due to its location on the canal, the applicant has proposed to establish an alternative means of servicing the site. Instead of Council refuse lorries collecting waste from site the applicant would use their private refuse collection contractor who would collect waste from the site once per week. The costs of such a service would then be incorporated into the service charge which would be payable by each boat owner.
- 8.46. Refuse vehicles servicing the site would do so from the adjacent Invicta Close which is a private access road owned and managed by East Thames Limited. In the absence of a formal agreement between the applicant and East Thames Limited to formalise such an arrangement (which would incur notable costs for the applicant prior to them having the certainty of planning permission for the proposal), the applicant has provided correspondence from East Thames Limited confirming an in principle acceptance of such an arrangement. In light of this correspondence and subject to a 'Grampian style' condition restricting the commencement of works prior to the Council receiving a copy of the formal agreement between the two parties to service the site in this manner, it is considered as though the site would be able to be serviced in an acceptable manner.
- 8.47. In order to ensure that future servicing operations do not adversely impact upon existing residents on Invicta Close further details of the servicing arrangements for the site would also be requested as part of the site management plan which would form a condition of the consent.

## Conclusion

- 8.48. The proposal would not have an adverse impact upon either the local highway or public transport network, would provide appropriate cycle parking arrangements, and would be serviced in an appropriate manner. As such the proposal is considered to be acceptable in highways and transportation terms.

## **Refuse**

### Policy Context

- 8.49. Policy 5.17 of the London Plan (2016) states that development proposals should be *“minimising waste and achieving high reuse and recycling performance”*.
- 8.50. The Council’s Core Strategy policy SP05 (1) states that development should *“implement the waste management hierarchy of reduce, reuse and recycle”*.
- 8.51. 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

- 8.52. The following table outlines LBTH’s minimum required waste storage requirements for this development along with the levels of waste storage being proposed:

<b>Waste Stream</b>	<b>Required Storage (litres)</b>	<b>Proposed Storage (litres)</b>
<b>Refuse</b>	700	1,080
<b>Dry Recyclables</b>	500	1,080
<b>Food Waste</b>	230	230

*Fig.6 – Required and Proposed Waste Provision*

- 8.53. For all three waste streams (refuse, dry recyclables and food waste) the levels of waste storage proposed either exceed or meet the minimum requirements which is welcomed.
- 8.54. Both refuse and dry recyclables waste provision will be provided for within three bin stores (one on each platform), each of which can accommodate 2 x 360l standard ‘wheelie bins’ (one for refuse and one for dry recyclables), whilst each mooring would be allocated an individual 23l food waste bin to be stored on each boat. On collection days (which would take place once per week) waste storage bins would be moved to the bin collection point at the bottom of the bridgehead access and then collected from Invicta Close by the applicant’s private waste contractor.
- 8.55. As all three of the proposed bin stores would be enclosed with waste being collected on a regular basis, it is considered that any odours created by waste are likely to be minimal and are unlikely to have an adverse impact upon surrounding residents and building occupiers. In order however to ensure that all reasonable measures to reduce any odours from the proposed bin stores are employed by the

applicant, further management details regarding the storage of refuse on site will be required as part of the site management plan which would be conditioned in the event that planning permission were to be granted.

## **Environmental Considerations**

### Policy Context

- 8.56. 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 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”*.
- 8.57. The Council’s Core Strategy policy SP03 states that development proposals should *“minimise and mitigate the impact of noise and air pollution”*. Policy 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”*.
- 8.58. 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

- 8.59. 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 environmental management plan which demonstrates that all reasonable measures to prevent and/or reduce associated air pollution during the construction process has been undertaken.
- 8.60. In the event that planning permission is granted, a condition would be imposed requesting the submission of a site management plan prior to the occupation of the mooring facility. This condition would seek further details of the proposed electrical points and would also restrict future users from burning solid fuels on-board boats and the pontoon, and seek details of how such a restriction would be enforced and managed. With the addition of this condition and the restrictions that it would impose on future occupiers of the development, it is considered that the proposed development would be acceptable in air quality terms.

### Biodiversity

- 8.61. The application site sits within the London’s Canals Site of Importance for Nature Conservation (SINC), and as part of this application the applicant has provided both a habitat survey report and a scheme of biodiversity mitigation and

enhancements which assess the existing ecological value of the site and also propose a number of measures in an attempt to increase the biodiversity value of the site.

- 8.62. The revised application site boundary (which has reduced in size since the initial submission of the application) contains two artificial rafts, neither of which are currently being used by nesting birds. As the applicant is proposing to retain and relocate these rafts within the site boundary, and the Council's biodiversity officer has confirmed that there is little vegetation within this section of the Limehouse Cut, the proposed development will not have any adverse impact on existing biodiversity nor the SINC.
- 8.63. In order that the proposed development provides a net biodiversity enhancement to the site and the wider SINC, the applicant has proposed to introduce additional reed beds between the proposed pontoon and the wall of the canal totalling 150sqm, along with fish refuges beneath the pontoons. The Council's biodiversity officer is supportive of such measures and has requested that further details of these enhancements be requested by condition in the event that planning permission were to be granted.

#### Flood Risk

- 8.64. The application site falls within Flood Risk Zone 2 of the Environment Agency (EA) map, where the annual probability of river flooding is classified as being between 1 in 100 and 1 in 1000, and the annual probability of sea flooding is classified as being between 1 in 200 and 1 in 1000. Whilst Flood Risk Zone 2 represents an area with a medium probability of flooding, it should be noted that this area is well protected by the Thames Barrier.
- 8.65. The application is supported by a flood risk assessment which outlines that a water compatible proposal (such as this) is acceptable within Flood Risk Zone 2, and that flood warning and evacuation information will be located on the pontoon in a visible location and also given to all future occupiers upon commencement of their lease. It should also be noted 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 pontoon structure to dry land where they can seek refuge.
- 8.66. The Environment Agency have reviewed the proposal and have concluded that they have no objection to the proposal in flood risk terms due to the fact that floating structures, such as those being proposed, offer safe access and egress routes to non-flooded areas. Given the EA's stance and the fact that suitable flood risk measures have been incorporated into the proposal to both inform future occupiers and allow them safe refuge, it is considered that the proposed development would be acceptable in flood risk terms.

#### Conclusion

- 8.67. 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 (2016), 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 Section 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 not 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 1<sup>st</sup> 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 and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2 In relation to this proposal, it should be noted that the proposed development is unlikely to be suitable for wheelchair users. The proposed residential

accommodation being proposed however falls outside of the C3 use class (under which a proportion of accessible homes would be required), would not count towards the Council's housing targets, and the very nature of houseboat living would also unlikely be either suitable or preferable to someone with such disabilities. Given the above and the small scale nature of this proposal, such an arrangement can thus be considered acceptable.

## **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.

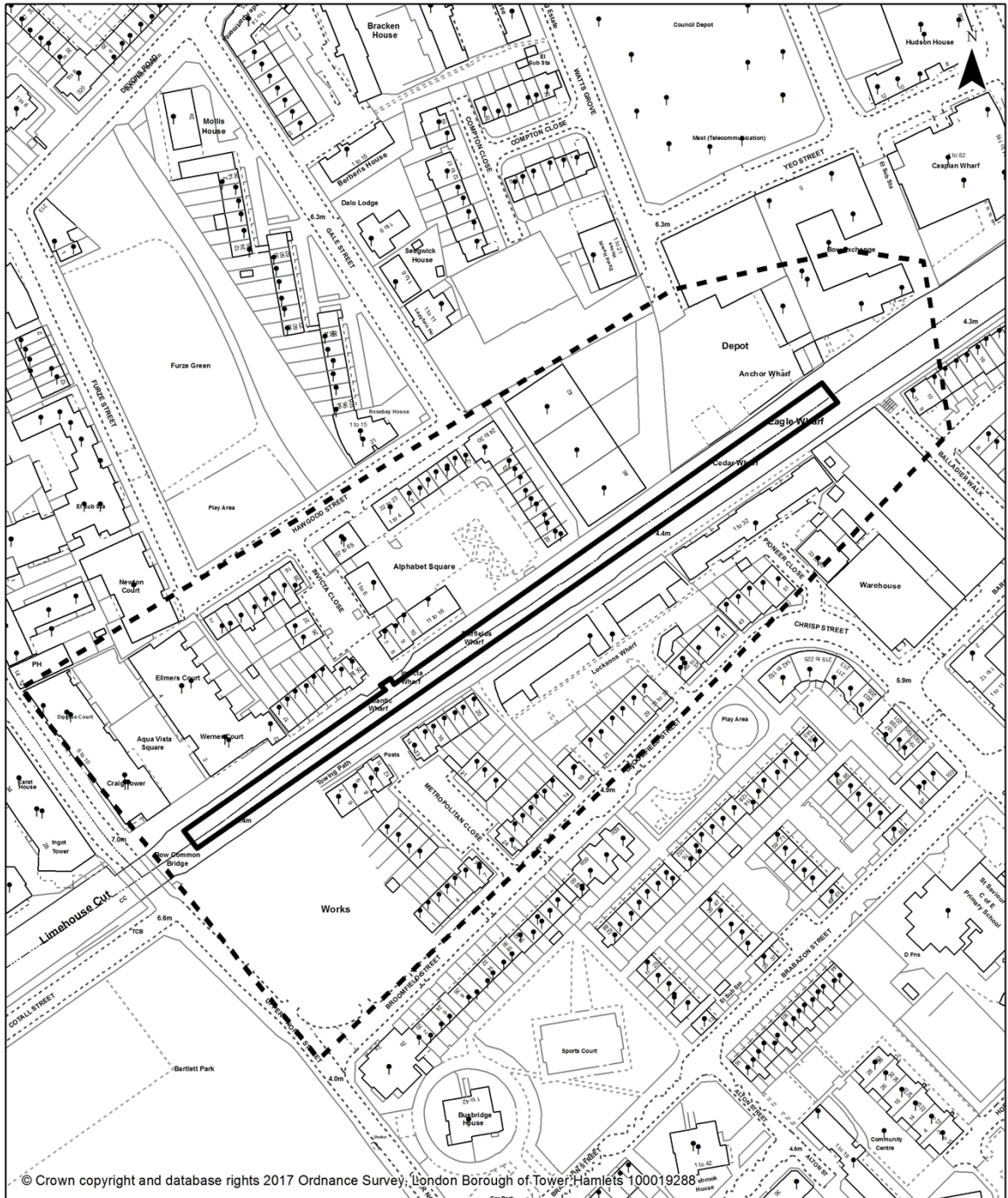
11.6 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

## **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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-  Consultation Area
-  Planning Application Site Boundary
-  Statutory Listed Buildings
-  Locally Listed Buildings

Scale @ 1:1,800  
 25 12.5 0 25 50 75 Meters

## Planning Application Site Map PA/17/01359

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: 20/11/2017

