



## DEVELOPMENT COMMITTEE

1<sup>st</sup> July 2022

Report of the Corporate Director of Place

Classification: Unrestricted

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### Application for Planning Permission

[click here for case file](#)

<b>Reference</b>	PA/21/02120
<b>Site</b>	Mooring at West India Dock North, Hertsmere Road, London
<b>Ward</b>	Canary Wharf
<b>Proposal</b>	Proposed mooring of barge, with an attached floating garden, providing a spa facility comprising an open-air heated pool, sauna, plunge, treatment rooms, alcohol free cafe and wellness facilities.
<b>Summary Recommendation</b>	Grant planning permission with conditions and planning obligations
<b>Applicant</b>	Blue Mind Spa
<b>Architect/agent</b>	A Jestyn Coke Chartered Surveyors
<b>Case Officer</b>	Kitty Eyre
<b>Key dates</b>	<ul style="list-style-type: none"><li>- Application registered as valid on 23/09/2021</li><li>- The first round of public consultation began on 20/10/2021 and finished on 16/12/2021</li><li>- Second round of consultation began on 16/06/2022 and finished on 30/06/2022</li></ul>

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### EXECUTIVE SUMMARY

This application is for a proposed mooring at West India Quay, providing a spa facility which includes an open-air pool, sauna, plunge pool and treatment rooms, as well as a café. The mooring would be in the form of a refurbished Dutch barge vessel.

The proposal would result in a loss of some water space in North Dock. However, the use would be water-related on the grounds that it has been specifically designed to enhance enjoyment of water space, and hence is acceptable from a policy perspective. The café and spa use are considered to contribute to the function and vitality of the area.

The character and appearance of the proposed development is in keeping with the former industrial nature of the dock and will add visual interest to the locale. It is considered that the proposal, by virtue of its scale and the fact that it would not involve any interventions to the fabric of the adjacent Grade I listed dock wall, would not cause harm to the setting of the dock or any nearby heritage assets.

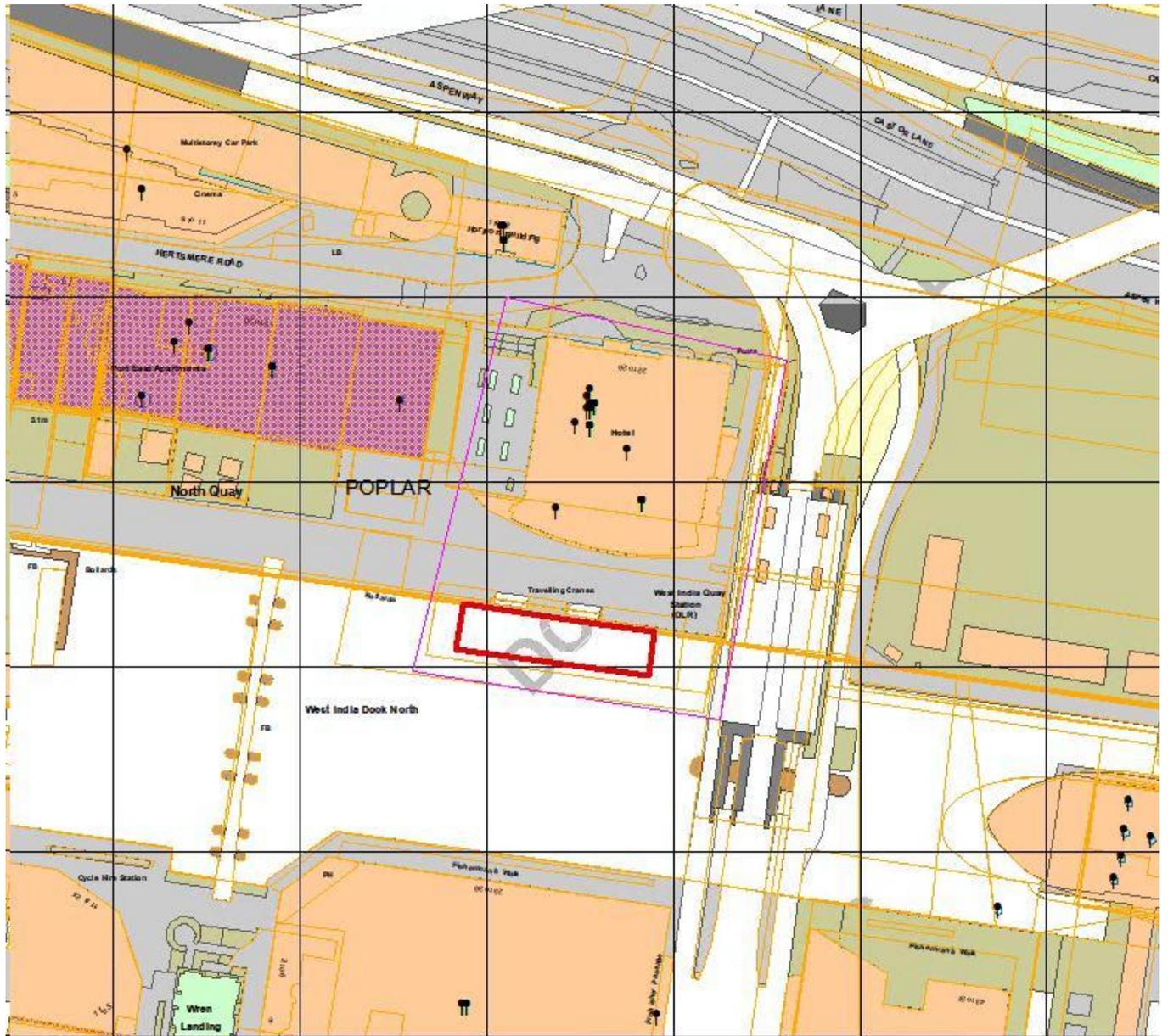
The proposed development would not result in unacceptable amenity impacts on neighbouring occupiers. The proposed barge would site over 20 metres from the nearest residential dwellings, meaning there would be no opportunities for overlooking or loss of privacy to habitable rooms. There would be no daylight and sunlight issues associated with the development, nor would the development result in an undue sense of enclosure, nor a

loss of outlook for occupiers of nearby residential units. The noise generated by the proposal would not have unacceptable impacts on neighbouring residents' amenity.

The development would provide policy compliant cycle storage and is wheelchair accessible. In addition, officers consider that the proposal would act to protect and enhance biodiversity.

This application has been considered against the Council's approved planning policies contained in the London Borough of the Tower Hamlets Local Plan 2031 (January 2020) as well as the London Plan (2021), the National Planning Policy Framework and all other material considerations.

Officers recommend the proposed development be granted planning permission, subject to conditions and subject to a legal agreement.



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

## Planning Applications Site Map PA/21/02120

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



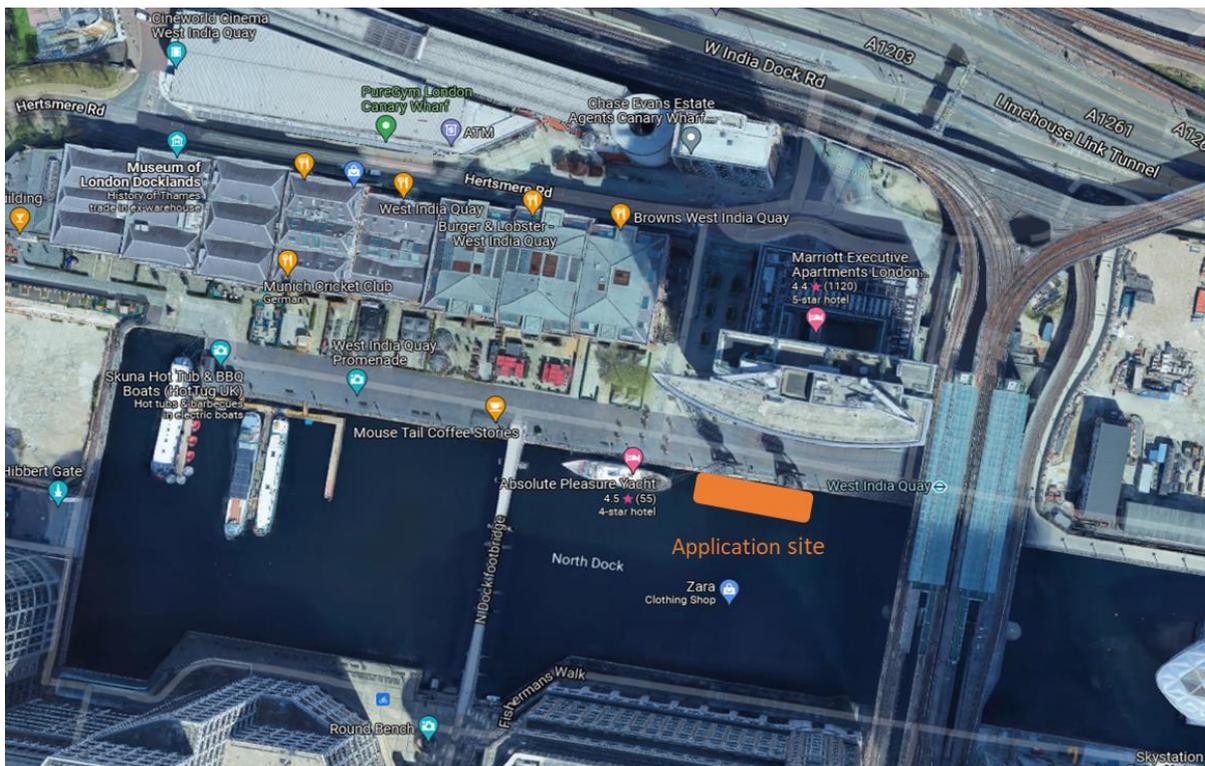
**London Borough  
of Tower Hamlets**

Scale: 50m grid squares

Date: 04 July 2022

## 1. SITE AND SURROUNDINGS

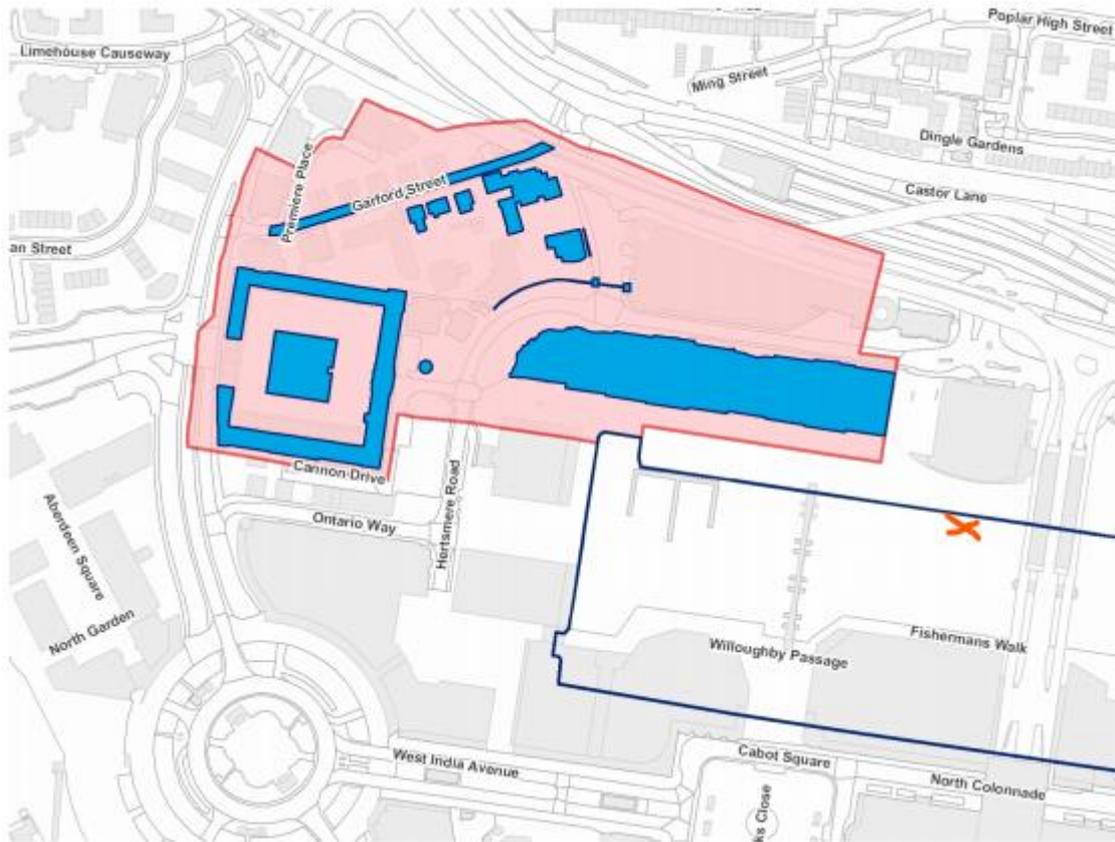
- 1.1 The application site measures approx. 938m<sup>2</sup> and is located at West India Dock North, adjacent to the two travelling cranes, on the North Quay. The site is rectangular in shape and comprises part of the dock itself and a stretch of adjoining quayside. Directly to the north lies the Marriott Hotel and Executive Apartments at 1 West India Quay. Immediately to the west of the site within the dock, lies the 'Absolute Pleasure Yacht' which is a moored boat that operates as a hotel with private function space. The application site is shown in context in Figure 1 below.
- 1.2 The site is located within the Isle of Dogs Activity Area and the Isle of Dogs and South Poplar Opportunity Area. There is a large concentration of food and beverage establishments either side of the North Dock, particularly within the historic West India Quay warehouses and within Crossrail Place. There are also some residential units in close proximity to the site, with the nearest residential premises found within the upper levels (13<sup>th</sup> floor upward) of the Marriott Hotel building and above the restaurants to the northwest of the site.
- 1.3 The site has a PTAL (Public Transport Accessibility Level) of 4, which is 'good' on a scale of 0-6b; with 0 being the least accessible. West India Quay DLR station is located approximately 50 metres to the east of the site and a number of bus routes are served by bus stops along North Colonnade and West India Avenue.



**Figure 1 – Surrounding Context**

- 1.4 The North Dock forms part of London's Blue-Ribbon Network and is protected, under Local Plan policies, as a Water Space. The site is also designated as a Site of Importance for Nature Conservation (SINC) (Millwall and West India Docks), an area of deficiency of access to nature and sits within Flood Zone 3.
- 1.5 The site is adjacent to the Grade I listed Quay Walls, Copings, Buttresses to Import and Export Dock and nearby the Grade I listed warehouse at western end of the north quay (now Museum of London Docklands). The site is nearby the West India Docks Conservation Area to the northwest and immediately adjacent to the historic dockside cranes which served the West India Quay warehouses. Though not statutory or locally listed, the cranes contribute historic value and significance, particularly in views of the dock and towards the West India

Docks Conservation Area and listed assets within. The relevant heritage assets adjacent to the site are shown in Figure 2 below.



**Figure 2 – West India Docks Conservation Area (proposal site marked with a cross)**

## 2. PROPOSAL

- 2.1 The proposal is for full planning permission for a new permanent commercial mooring adjacent to the north quay, for a Dutch barge vessel and an associated floating deck. The chosen vessel is a cargo barge built in 1961, complete with functional crane on its bow. The proposal is hereafter referred to as 'the barge'. The barge would lie 4 metres from the pleasure boat to the west. The barge would provide an open-air naturally filtered and heated lido, roof terrace, sauna, hot and cold plunge pools, changing facilities, W/C's, treatment rooms, flexible spaces, and a café. In addition, a floating habitat and water level visitor deck is proposed along the south side of the vessel. No events, gigs or talks are planned to take place on the site; it will not operate as an events venue. The maximum capacity of the barge would be 110 people. The facility is intended to be operated as the 'Blue Mind Spa', an alcohol-free venue.
- 2.2 The barge would operate on three levels: the upper deck, the main deck, and the lower deck. The upper deck would have a sunbathing deck and outdoor seating for the café at its eastern (stern) end, with a further sun terrace at its western (bow) end. The main deck would house a large external pool with a partial roof cover, reception, indoor cafe seating and a sauna room along with hot and cold tubs under a pergola style roof. On the lower level there would be the back of house areas, spa treatment rooms, flexible meeting/yoga rooms and changing facilities.
- 2.3 On the dock (southern) side, a floating pontoon would be attached to the main vessel. This floating pontoon would include a 2-metre-wide deck and a floating biodiverse reed bed area. On the quayside there would be a detachable ramped walkway of 1.7 metres wide. The barge would be accessed from the quayside via 2 gangways, leading onto a walkway down to barge level. The easterly gangway would provide the main visitor entrance while the westerly gangway would be used for egress and staff entrance, with adjoining waste store. The gangways would stand on the dock wall but would not be fixed to it. The walkway structure would be lightweight aluminium and would have rubber buffers on it to protect the

dock wall. When the boat is not in use the gangways would be lifted up to vertical position. The existing quayside guard rails would be altered at the gangway entrance points, to allow for gated access to the gangways.

- 2.4 The facades of the barge would principally be glazing and wood, with glazed balustrades at the upper deck level. The pergola structure, which is attached to the deck, would be wooden and there would be a wooden floating deck. The ramp leading from the quayside onto the ramp would have timber decking and steel supports. The main material for the internal divisions and finishes would be timber. Figure 3 below provides a CGI of the proposed barge, illustrating the materiality and size of the boat relative to the nearby standing cranes.
- 2.5 The barge itself would be approximately 62 metres long and 6.5 metres wide. With the addition of the floating garden, the structure would be 63.7 metres in length and 4.6 metres in width. The barge would be moored parallel to and offset from the quayside. The main structure of the barge would sit approximately 3 metre above the listed wall.
- 2.6 The barge would operate on a pre-booked basis only. The intention is to offer access through memberships and through pay as you go public access. The proposed opening hours for the internal space is between 07:00 and 23:00 on Monday to Saturday and between 07:00 and 21:00 on Sundays. The external spaces would only be accessible, with the exception of access and egress, between 07:00 and 21:00.



**Figure 3 – CGI of the proposed barge**

### **3. RELEVANT PLANNING HISTORY**

#### **Planning Applications**

- 3.1 PA/02/01098 – mooring of the SS Robin and use as a photographic gallery (class D1) and ancillary café/bar, retail shop and function room – permitted (13/01/2003)

#### **Pre-application advice**

- 3.2 PF/18/00072 – advice requested in relation to a proposal for a fully serviced high-end cuisine boat restaurant. The advice given stipulated that the proposed use is acceptable in this location, but additional clarification is needed to demonstrate how the restaurant can be serviced without an adverse impact on the open space value of the quay side, on the heritage value of the dock wall, on air quality and on biodiversity value of the dock.

#### **Neighbouring Site Planning Application – West India Dock North**

- 3.3 PA/00/01631 - Erection of a 3-storey floating restaurant constructed on pontoons floating on the dock connected by two-foot bridges – permitted (08/01/2001)

### **4. PUBLICITY AND ENGAGEMENT**

- 4.1 On the 25<sup>th</sup> of November 2021, the Council sent out consultation letters to 213 nearby owners and occupiers. An advert was posted in the press and a Site Notice was displayed outside the site. Following the submission of a noise impact assessment commissioned by the applicant, a second round of consultation was undertaken whereby the Council sent out consultation letters to 213 nearby owners and occupiers and a Site Notice was displayed outside of the site.

- 4.2 In response to the initial round of consultation, 78 letters of representation have been received. 24 of these are in support of the proposal and 54 are in objection. In response to the second round of consultation 7 letters of objection were received.

- 4.3 22 out of the 24 representations in support were from people living or working in the borough. All the representations in objection were from people living or working in the borough.

- 4.4 The objections received highlighted the issues summarised below and unless otherwise stated, objections will be addressed in the body of the report:

- The proposal would create noise and anti-social behaviour issues
- The opening hours are too long
- The proposal would have a negative impact on people's health as they would no longer be able to open their windows.
- It is detrimental to the heritage of the area
- There would be a detrimental impact on biodiversity
- There would be a negative visual impact
- The proposal would bring additional traffic to the area and create parking issues
- The proposal lacks sufficient security
- The location is too close to residential dwellings
- There would be a loss of open water space
- There is no need for a spa

## **Support**

- 4.5 The representations received in support set out that the applicant is competent and hardworking, a spa would be a positive addition to the area, the proposal would provide a unique opportunity to enjoy the waterways and would be positive for people's health. In addition, some letters of support set out that the proposal would help to attract tourism to the area and would reduce anti-social behaviour in the area. A final reason expressed for supporting the scheme is that the barge is well designed.

## **5. CONSULTATION RESPONSES**

### **Internal Consultees**

#### **LBTH Biodiversity**

- 5.1 No objections. It has been recommended that a condition is attached requiring the applicant to provide full details of the biodiversity enhancements that would be delivered prior to commencement of works.

#### **LBTH Environmental Health (Air Quality)**

- 5.2 No objections. A condition should be attached requiring an Air Quality Neutral assessment to be submitted and approved by the council prior to the commencement of works.

#### **LBTH Environmental Health (Noise and Vibration)**

- 5.3 No objections. Conditions should be secured in relation to a noise impact assessment for the operational use of the barge and in relation to the noise from Plant and mechanical works, and for restrictions on demolition and construction activities.

#### **LBTH Transportation and Highways**

- 5.4 No objections. The proposals would pose no negative impact on the public highway and would meet policy requirements in terms of the cycle parking provision.

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

- 5.5 No objections. A condition should be attached requiring a delivery and service plan to be agreed with the council prior to commencement.

### **External Consultees**

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

- 5.6 No objections. The design of the vessel would not cause any harm to the setting of the dock or the adjacent Grade I listed bonded warehouses. The applicant should liaise with the Trust prior to the commencement of operation of the vessel.

#### **Environment Agency**

- 5.7 No objections. Satisfied that the developer has assessed the risk from a breach in the Thames tidal flood defences and that no proposed sleeping accommodation would be below the modelled tidal breach flood level.

## **6. RELEVANT PLANNING POLICIES AND DOCUMENTS**

- 6.1 Legislation requires that decisions on planning applications must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise.

- 6.2 In this case the Development Plan comprises:
- The London Plan (2021) (**LP**)
  - Tower Hamlets Local Plan 2031 (2020) (**TH**)
  - The Isle of Dogs Neighbourhood Plan (2021) (**NP**)

6.3 The key development plan policies relevant to the proposal are:

Land use: **LP** – SI16, SI17 **TH** – S.TC1, D.TC5, S.OWS2, D.OWS4  
(Loss of water space, retail space)

Design and heritage: **LP** – HC1, D4, **TP** - S.DH1, D.DH2, S.DH3

Amenity: **TH** – D.DH8, D.ES9, **NP** – CC2, CC3

Biodiversity: **TH** – D.ES3

Waste: **TH** – D.MW3  
(Waste capacity and collection)

Transport: **LP** – T5, **TH** – D.TR3  
(Car and cycle parking)

6.4 Other policy and guidance documents relevant to the proposal are:

- National Planning Policy Framework (2021)
- National Planning Practice Guidance (updated 2019)
- LBTH Planning Obligations SPD (2021)
- LBTH IoD and SP Opportunity Area Planning Framework (2019)
- LBTH Water Space Study (2017)
- LBTH Local Biodiversity Action Plan 2019- 2024 (2019)

## 7. PLANNING ASSESSMENT

7.1 The key issues raised by the proposed development are:

- i. Land Use
- ii. Design & Heritage
- iii. Neighbour Amenity
- iv. Biodiversity
- v. Transport
- vi. Waste

### Land Use

#### Loss of water space

7.2 London Plan Policy SI 17-part D sets out that development proposals into the waterways, including permanently moored vessels, should generally only be supported for water-related uses or to support enhancements of water-related uses. The supporting text adds that while generally, development into waterways should only be permitted for water related uses, ancillary uses, such as bars and restaurants, can improve access to the waterways and related public realm. Ancillary uses can also add to the diversity, vibrancy, and regeneration of waterways, in particular basins and docks. The supporting text of this policy also sets out that development proposals should not contribute to there being a continuous line of moored craft.

7.3 Policy D.OWS4 of the Local Plan requires development within or adjacent to the borough's water spaces to demonstrate that a) it will not result in the loss or covering of water space unless it is a water-related or water-dependent use and b) it will not compromise the sustainability of the water space for water-related uses. Local Plan policy D.OWS4 defines 'water dependent uses' as those that can only be conducted on, in or adjacent to the water.

Water related uses are those that provide infrastructure to support water dependent uses, such as walkways and slipways and moorings (including visitor moorings) and their support infrastructure. The supporting text states that other ancillary uses may be appropriate where they are designed to enhance public access, use or enjoyment of the water and will have a positive contribution to the character of the water space.

- 7.4 This proposal would result in the loss of 735m<sup>2</sup> of water space, due to the barge taking up space within North Dock. However, the use is considered to be water-related on the grounds that it has been specifically designed to enhance enjoyment of water space. The swimming pool and café have been positioned on the waterfront side to allow visitors to look out onto and enjoy the water space. The floating deck would allow people to interact with the water almost at water level. This is particularly pertinent here, in an area currently deficient in its access to nature. In addition, the proposal is considered to make a positive contribution to the character of the water space, by activating and adding vibrancy to the dock and providing a new viewpoint from which visitors can enjoy the water. In this way, the proposal would contribute towards the vibrancy and diversity of the dock, in line with London Plan policy SI 17 and Local Plan policy D.OWS4.
- 7.5 As part of this proposal, the barge would be located next to another barge, but there are no other permanent mooring boats in the immediate vicinity (between North Dock Footbridge and West India Quay DLR bridge). Therefore, it is considered that this proposal would not lead to an overconcentration of boats in the dock, and it would not lead to the development of a continuous line of moored craft, as required by Policy S17 of the London Plan. In addition, given the low-lying nature of the barge and its location tight against the dock wall, the proposal would not have an undue impact on navigation or the openness of the dock, nor would it lead to any undue loss of views to, or across, the waterway.

#### Principle of spa boat

- 7.6 Policy D.TC5 of the Local Plan sets out that cafes, restaurants and drinking establishments will be supported within the Central Activities Zone, Canary Wharf Major Centre, Tower Hamlets Activity Areas, District Centres and Neighbourhood Centres provided that it can be demonstrated that the overall vitality and viability of the town centre would be enhanced.
- 7.7 Policy S.TC1 sets out that Tower Hamlets Activity Areas should act as areas of transition between the scale, activity and character of the Central Activities Zone and Canary Wharf Major Centre and the surrounding areas, support a mix of uses which make a positive contribution to health and well-being and promote active uses at ground floor level.
- 7.8 The application site is located within a Tower Hamlets Activity Area, the 'Canary Wharf Activity Centre'. The proposed barge on the application site would encompass a café and a spa.
- 7.9 Given that the site is located within the Canary Wharf Activity Area, the principle of a café in this location is accepted. The proposed barge would be located on the West India Quay Promenade, which is already home to several other cafes and restaurants. Therefore, the café on the barge would complement the other uses in the area, contributing to its vibrancy and diversity.
- 7.10 The spa is a sui generis use under the use class order. There is no specific policy regarding where such a use should be located within the borough. However, a spa is a use that meets many of the requirements for development in Tower Hamlets Activity Areas, as set out in Policy S.TC1. Firstly, a spa would likely attract visitors, contributing to a level of activity appropriate to an Activity Area. Secondly, such a use would likely contribute to the health and well-being of some of those living in the wider area, as they would be in closer reach of the spa facility including the pool for exercise. Finally, the proposed barge would be at ground floor level and would create activity at this level.

#### Conclusion

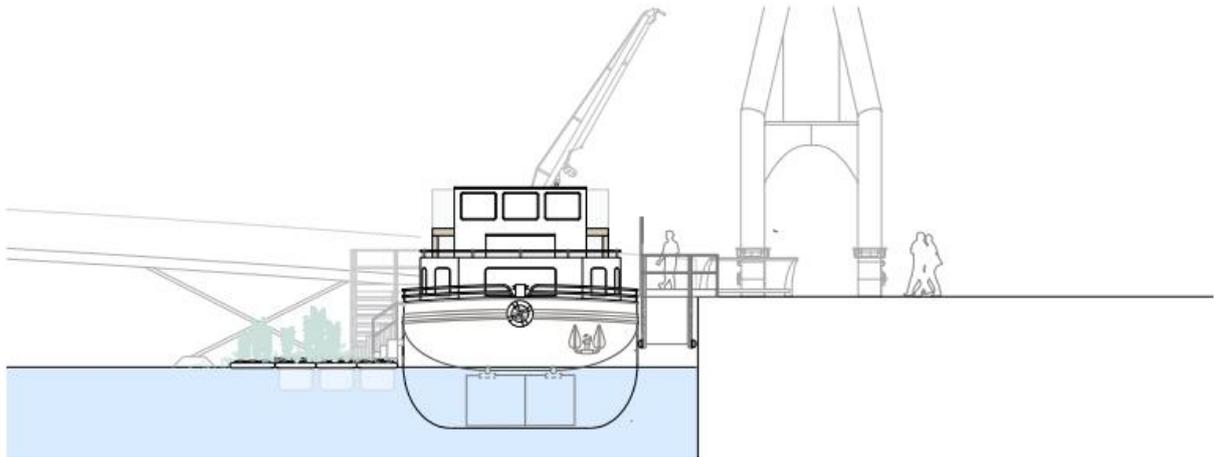
- 7.11 In conclusion, the loss of water space is acceptable on the grounds that the barge, which would enhance access to and enjoyment of the dock, is a suitable water related use. The

use of the barge as a café and spa is supported given that the site is located within a Tower Hamlets Activity Area.

## **Design & Heritage**

- 7.12 Development Plan policies require high-quality designed schemes that reflect local context and character and provide attractive, safe, and accessible places that safeguard and where possible enhance the setting of heritage assets.
- 7.13 Tower Hamlets Local Plan policy S.DH1 outlines the key elements of high-quality design so that the proposed development is sustainable, accessible, attractive, durable and well-integrated into their surroundings.
- 7.14 Policy S.DH3 of the Tower Hamlets Local Plan ensures proposals preserve, or where appropriate, enhance the boroughs heritage assets. The policy seeks to ensure that new development is of high quality, sustainable, accessible, attractive durable and well-integrated in its surroundings. A key objective for the council is to maintain the maritime character of the dock and the quayside, as well as to maximise activation of the dockside and to provide opportunities for interaction with the dock water.
- 7.15 In relation to the impact of the proposal on the affected heritage assets, it is the case that the barge would sit within a body of open water and would partially limit views of the Grade I listed Quay Wall and coping, in long views from the southern quay of the North Dock. It would obscure from view 62 metres of the listed wall, which equates to a very small portion of the whole wall, and there are other vessels and pontoons on the North Dock which obscure the wall in a similar way. No interventions are proposed to the fabric of the wall itself; the quayside walkway will sit against the listed wall but will not be attached to it. In addition, rubber buffers would be attached to the underside of the walkway, which would act to protect the dock wall. Therefore, it is considered that the impact on the wall's overall significance would be minimal, and no heritage harm has been identified. The barge would be visible in long views of the Grade I listed warehouses, from east of the site, but given its size and discrete appearance, there would be no harm to the setting of this building, nor to the setting of the adjoining conservation area.
- 7.16 The proposed design of the barge is such that it would sit low in the water, with only approximately 3 metres of the structure above the water level (as illustrated in Figure 6 and Figure 7 below), ensuring that views over the barge and across the dock would be retained. The barge would be visible in long views from the path that skirts the southern and western perimeter of the North Dock and would be visible in shorter views from the path and public spaces to the north of the North Dock and from the dock itself. However, given that the barge would sit relatively low in the water and is only 65 metres in length, it would be possible to get views around it of the walls. The barge would partially obstruct views to the historic dockside cranes from the south, but because it would sit low in the water, the majority of the crane would still be visible, and the cranes would remain a prominent site in long and short views. Given the above, it can be concluded that the barge would not significantly disrupt views of the water or the cranes and as such the unique character of the Dock would be maintained.
- 7.17 The proposal makes use of a formerly commercial barge, which is in keeping with the former industrial nature of the dock, whilst also adding visual interest. The materials proposed are of high quality, using predominately internal timber finishes and features. The demountable pergolas and glazed balustrade are in keeping with the contemporary approach to the design.
- 7.18 Since the proposals were originally submitted, amendments have been made to reduce the size of the deck on the floating pontoon, giving up more space to the floating garden. The floating garden on the pontoon would provide visual interest to the barge and location. In addition, the location of the floating garden between the barge and the water would ensure a smoother transition from the barge to the natural setting of the water.
- 7.19 In conclusion, the proposals to refurbish and repurpose a Dutch barge vessel for use a spa will provide visual interest to the character of the area and would act to preserve and





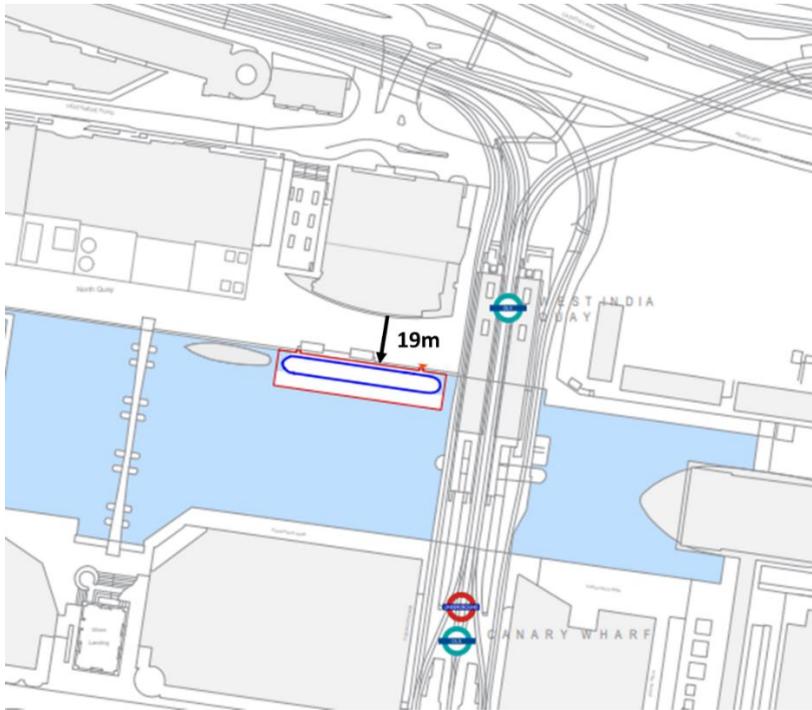
**Figure 7 – Rear elevation**

### **Neighbour Amenity**

- 7.20 Development Plan policies seek to protect neighbour amenity safeguarding privacy, not creating allowing unacceptable levels of noise and ensuring acceptable daylight and sunlight conditions.

#### Privacy & Outlook, daylight, and sunlight

- 7.21 The closest residential accommodation, the apartments within the Marriott Executive Apartments at 26 Hertsmere Road, is located approx. 20 metres north of the proposed site of the barge. The relationship between the application site and the Marriott Executive Apartments is shown in Figure 8 below.
- 7.22 The proposed barge would sit low in the water, with the highest point only 3 metres above the quayside wall. The residential properties in closest proximity to the site are located at higher storeys (13 storeys and above). This means that there are no opportunities for overlooking or loss of privacy to habitable rooms.
- 7.23 In addition, the low height of the barge means that there would be no daylight and sunlight impacts on neighbouring residential properties associated with the development. In addition, the considerable distance between the proposed development and the apartments at the Marriott means that there will not be an undue sense of enclosure, nor a loss of outlook for occupiers of the residential units.



**Figure 8 – relationship between application site and neighbouring residential units**

### Noise & Vibration

- 7.24 Policy D.DH8 of the Tower Hamlets Local Plan also sets out that development must not create unacceptable levels of noise during the life of the development. Policy D.ES9 requires the submission of a noise report for potentially noise generating uses. Developments must mitigate and minimise impacts on neighbouring health and quality of life.
- 7.25 Concerns have been expressed by objectors neighbouring residents in relation to potential noise and disturbance associated with the proposal.
- 7.26 As part of the application, a noise impact assessment was provided by dBA Acoustics. The noise assessment identified that the nearest sensitive receptors are the residential dwellings above 13<sup>th</sup> floor within the Marriott Executive Apartments at 26 Hertsmere Road – noted to be around 50m from the development. The assessment has estimated the Total Spa Activity Noise Impact from the proposal. This consists of the noise from the pool activity and from customers speaking and was estimated at 46 dB. This level of noise is within the acceptable noise thresholds set out in the Tower Hamlets Local Plan for both daytime (lower than 55dB is acceptable) and evening time (lower than 50 dB is acceptable). At this level, the Local Plan deems that the neighbouring occupiers would not be subject to noise nuisance. This has been reviewed by officers in our Environmental Health Team who registered no objection to the proposal on the grounds of noise, subject to conditions.
- 7.27 To further reduce the noise levels, a condition would be levied requiring the applicant to implement the noise mitigation measure stipulated in the Noise Impact Assessment; this would involve applying an acoustically absorbent lining, or equivalent, to the underside of the sun deck to prevent noise from the pool reverberating off the sun deck roof. A further condition would be attached requiring that music or amplified noise is not audible outside of the premises.
- 2.7 Conditions would be levied restricting access to the internal spaces on the barge to between 07:00 and 23:00 on Monday to Saturday and between 07:00 and 21:00 on Sundays. An additional condition is recommended which would restrict the hours of use of the external / outdoor spaces to between 21:00 and 07:00, which will further act to limit noise disturbance.
- 7.28 The boat would provide for sedate activities. The number of people attending at any one time would be limited by the size of the space and a condition would be applied restricting the maximum capacity of the barge to 110 people at any one time. No events or parties are

proposed, which will further limit noise output. The area around the application site is already exposed to night-time activity in the form of the restaurants and bars at West India Quay, including areas of external seating. The noise output from the proposed development is not anticipated to contrast with this existing sound climate. In addition, the types of activities to be carried out within the barge are not anticipated to result in any increase in antisocial behaviour in the vicinity.

7.29 Given the above, it is judged that the proposal, in conjunction with the conditions specified above, would not result in unacceptable levels of noise during the life of the development.

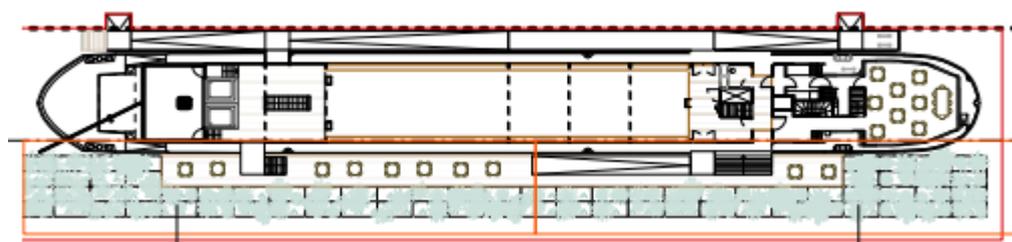
### **Biodiversity**

7.30 Policy D.ES3 of the Local Plan sets out that development is required to protect and enhance biodiversity.

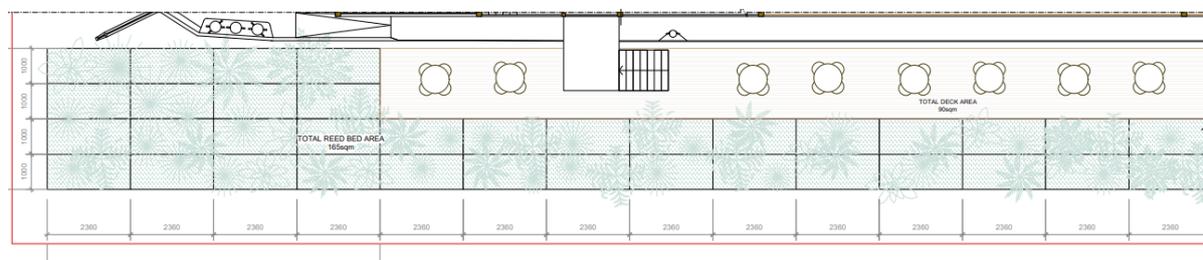
7.31 This site is located within a Site of Importance for Nature Conservation (SINC). Policy D.ES3 requires any adverse impact on the SINC to be mitigated and seeks net biodiversity enhancement in line with the Local Biodiversity Action Plan (LBAP).

7.32 The councils Biodiversity Officer notes that the proposed mooring will have a minor adverse impact on the SINC through shading and removing an area of open water. However, the proposal would provide a 'floating garden' with 165 sqm of vegetated floating rafts, as illustrated in Figure 9 and Figure 10 below. These areas of vegetation have the potential to provide significant biodiversity gains to mitigate the harm caused to the SINC and contribute to LBAP targets. Full details of these biodiversity mitigation and enhancements would be required to be submitted and approved in writing by the local planning authority prior to the commencement of works. The details shall indicate that the vegetation would take the form of marginal and emergent species of native wetland vegetation and reed beds, which would provide the greatest level of biodiversity enhancement.

7.33 With the above condition in place, the proposal is considered to meet the requirements of Policy D.ES3 and would act to protect and enhance biodiversity.



**Figure 9 – floating garden in context**



**Figure 10 - floating garden detailed plan of west section**

### **Transport**

7.34 Development Plan policies promote sustainable modes of travel and limit car parking to essential user needs. They also seek to secure safe and appropriate servicing.

### Deliveries & Servicing

- 7.35 Waste and recycling will be removed from the vessel by a licenced operator. A site access plan has been provided showing how the waste collection vehicle will reach the site, and our transport and highways team have no objections.
- 7.36 Vehicular access to the application site is currently restricted to between 8am and midday, leaving a window of 8am to 10am to carry out the servicing of the vessel. A condition will be levied requiring a Delivery and Servicing plan to be agreed with the Council prior to commencement.

#### Car Parking and cycle parking

- 7.37 In line with Policy D.TR3 the proposed development would be required to provide 1 long-stay cycle parking space per 8 staff and 1 short-stay cycle parking space per 30 visitors. There is no car parking associated with the development, in effect promoting sustainable travel.
- 7.38 The proposal will provide four cycle storage spaces for visitors, in the form of two Sheffield cycle stands, located on the access ramp. There would also be two cycle storage spaces for staff, in the form of one Sheffield cycle stand, located on the vessel to the north of the wheelhouse.
- 7.39 These proposals would cater to 16 staff and no more than 110 visitors, which is considered to be adequate provision.

#### Travel Planning and trip generation

- 7.40 The application site is in an accessible location, with a PTAL rating of 4 (on a scale of 0 to 6b, where 0 is the worst). This means that the site can be easily accessed by public transport. Also, there is sufficient cycle parking in the surrounding area; in addition to the on-site cycle parking there is a cycle hire docking station located across the dock, 50 cycle parking spaces on Hertsmere Road, and cycle parking at West India Quay DLR station. Given the above, it is likely that most visitors to the barge will travel there by sustainable means.
- 7.41 Given the size of the proposed spa and café, it is unlikely that it will generate an increase in visitors sufficient to put additional pressure on the public transport system. In addition, it is likely that people will be travelling to the barge outside of peak commuting times, when there is more likely to be spare capacity on public transport systems.
- 7.42 The barge would be wheelchair accessible; there is a step free access route from the Cineworld car park on Hertsmere Road to the site and a wheelchair accessible ramp from the quayside onto the barge.

#### **Waste**

- 7.43 Space on the barge has been set aside for the separation and storage of general waste and recycling. As set out in paragraph 7.35, this waste will be collected by a licensed operator.
- 7.44 Details of the access route for the waste collection has been provided and waste officers have no objection.

#### **Air Quality**

- 7.45 Policy D.ES2 of the Tower Hamlets local Plan (2020) requires development to meet or exceed the 'air quality neutral' standard.
- 7.46 The Council's Air Quality Officer has assessed the application. There are no air quality concerns regarding the construction work for the proposed barge, subject to a condition limiting emissions and dust for the construction phase.
- 7.47 The site is not in an area of poor air quality and therefore Local Plan policy does not require an air quality impact assessment to be submitted and it is not expected that users of the proposed barge would not be exposed to poor air quality. However, it is unclear if the barge would be air quality neutral. Therefore, a condition is recommended, requiring an Air Quality

Neutral assessment to be submitted and approved by the council prior to the commencement of works, to ensure that the development meets or improves upon the maximum allowable emissions set by the GLA, for the size and use of the development.

### **Infrastructure Impact**

- 7.48 It is estimated that the proposed development would not be liable for Tower Hamlets Community Infrastructure Levy (CIL) payments or Mayor of London CIL.

### **Human Rights & Equalities**

- 7.49 The proposal does not raise any unique human rights or equalities implications. The balance between individual rights and the wider public interest has been carefully considered and officers consider it to be acceptable.
- 7.50 The application has gone through the appropriate level of consultation with the public. According to the planning statement, letters were sent out to the nearest residential addresses and a drop-in event was held at the adjacent Marriott Hotel.
- 7.51 The proposed development is wheelchair accessible, with ramp access from the quayside onto the barge.
- 7.52 Whilst the barge is not free, any paying customer can use the services, it is not limited to members.
- 7.53 The proposed development would not result in adverse impacts upon equality or social cohesion.

## **8. RECOMMENDATION**

- 8.1 **Conditional planning permission is GRANTED**, subject to conditions being agreed.
- 8.2 That the Corporate Director of Place is delegated the power to impose conditions and informatives.
- 8.3 Planning Conditions**
- 8.4 The Corporate Director of Place is delegated the power to impose conditions and informatives to address the following matters:

### Compliance

1. 3 years deadline for commencement of development.
2. Development in accordance with approved plans.
3. Hours of use - The premises would be closed between 23.00 and 07.00 and the use of the external / outdoor spaces would be prohibited between 21:00 and 07:00
4. Cycle parking – compliance
5. No amplified noise
6. Maximum capacity
7. Noise mitigation measures from Acoustic Assessment by dBA Acoustics

### Pre-commencement

The inclusion of the following pre-commencement conditions has been agreed in principle with the applicants, subject to detailed wording

8. Biodiversity mitigation and enhancement
9. Air quality neutral
10. Delivery and servicing plan
11. Construction Management Plan

Pre-occupation

12. Noise from plant

**8.5 Informatives**

1. Code of practice for works affecting the Canal & River Trust
2. The Canal & River Trust as Landowner

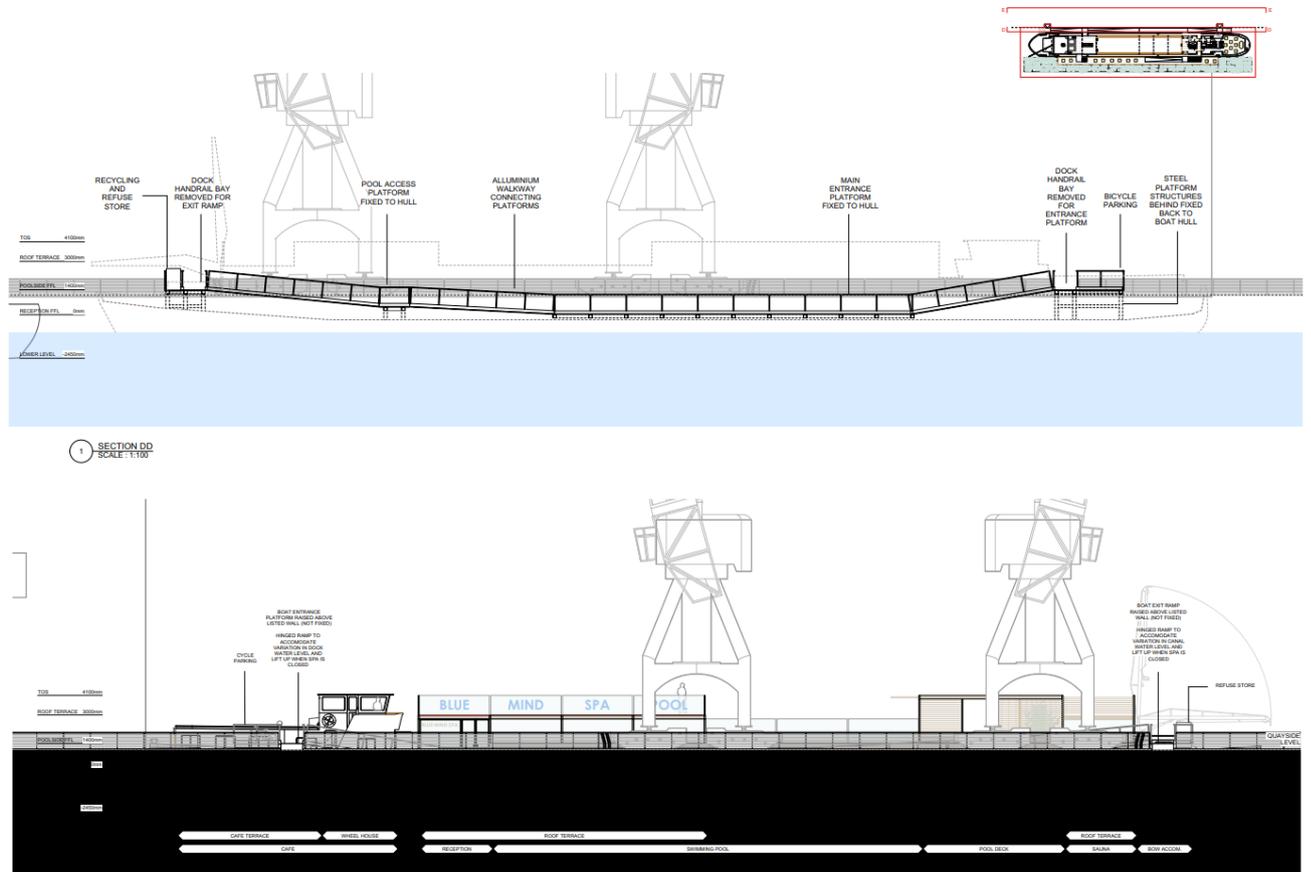
## **APPENDIX 1**

### **LIST OF APPLICATION PLANS AND DRAWINGS FOR APPROVAL**

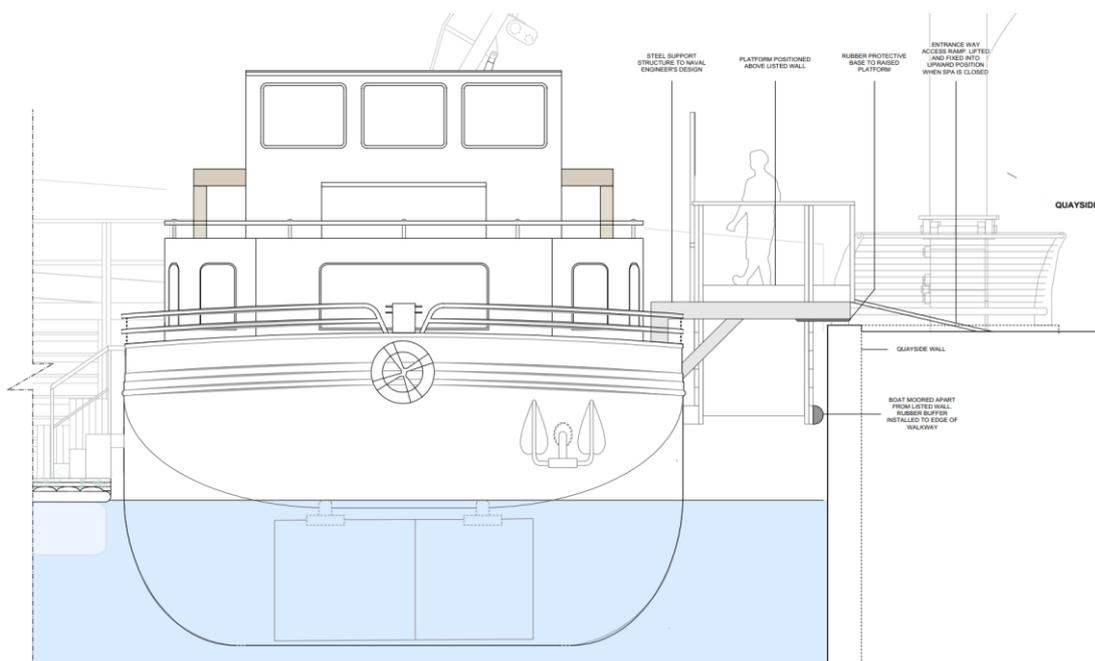
562-DRMM-SK-A-0001 P1 – Quayside listed wall elevations  
562-DRMM-SK-A-0002 P1 – Entrance platform section  
562-DRMM-SK-A-0003 P1 – Access walkway  
562-DRMM-ZZ-ZZ-ELE-A-3000-P2 – Elevations  
562-DRMM-ZZ-ZZ-PLA-A-100000 – Location plan  
562-DRMM-ZZ-ZZ-PLA-A-1020 P3 – Site access plan  
562-DRMM-ZZ-ZZ-PLA-A-2000 P3 – GA plans  
562-DRMM-ZZ-ZZ-PLA-A-200100 – Lower deck layout  
562-DRMM-ZZ-ZZ-PLA-A-2020 P3 – Spa access plan  
562-DRMM-ZZ-ZZ-PLA-A-5000 P2 – Floating gardens  
562-DRMM-ZZ-ZZ-SEC-A-4000 P2 – GA Sections  
562-DRMM-ZZ-ZZ-SEC-A-5001 P2 – Floating Garden – detail sections  
Design & Access Statement  
Flood Risk Assessment  
Planning Statement  
Noise Impact Assessment

## APPENDIX 2

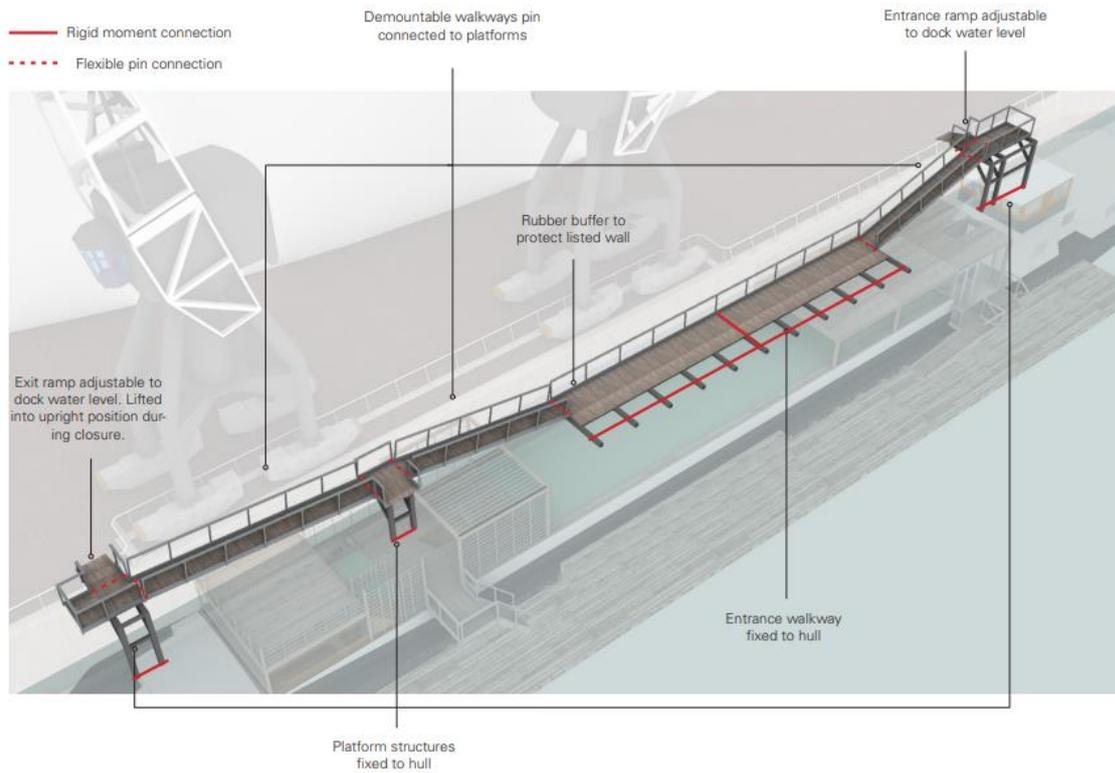
### SELECTION OF APPLICATION PLANS AND IMAGES



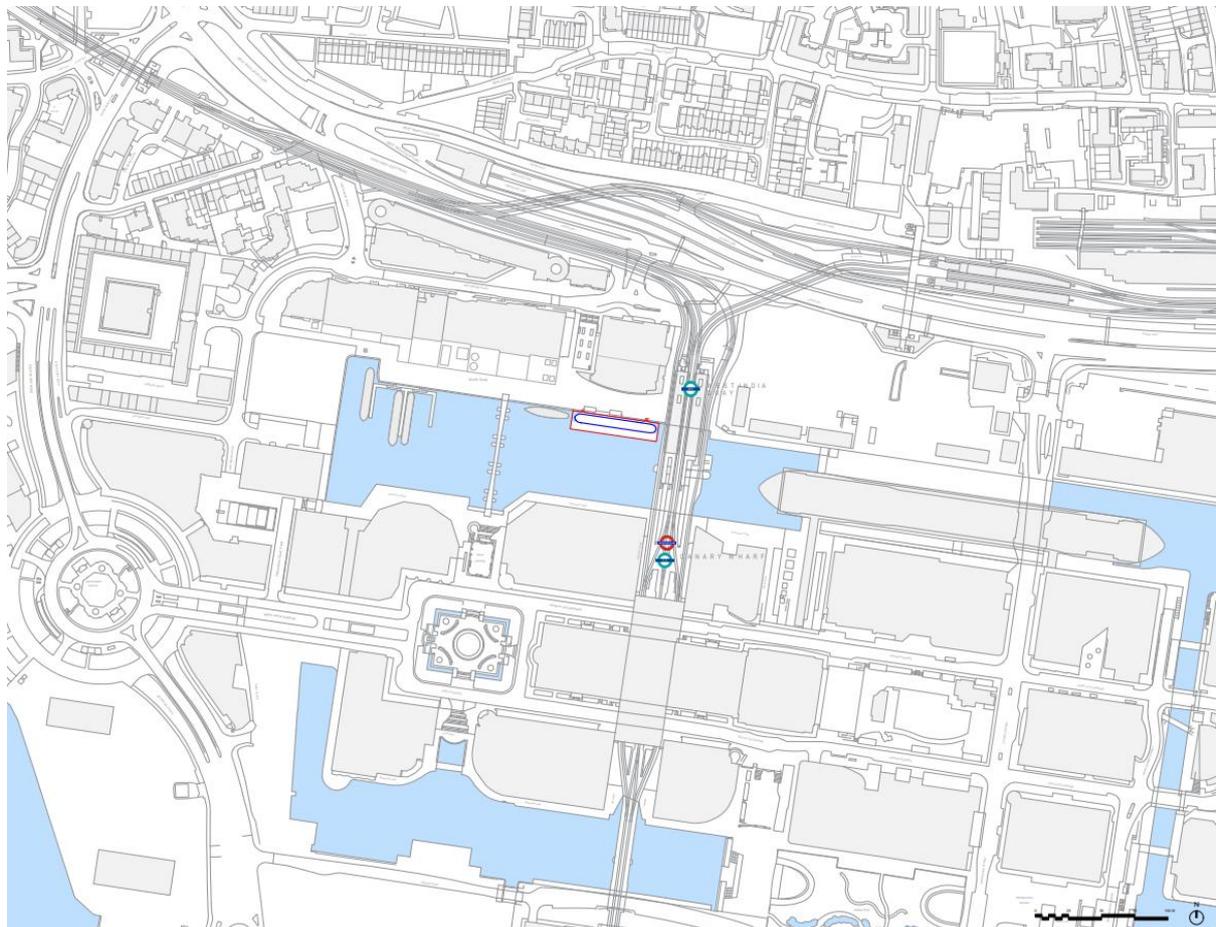
Section DD (top), Section EE (bottom)



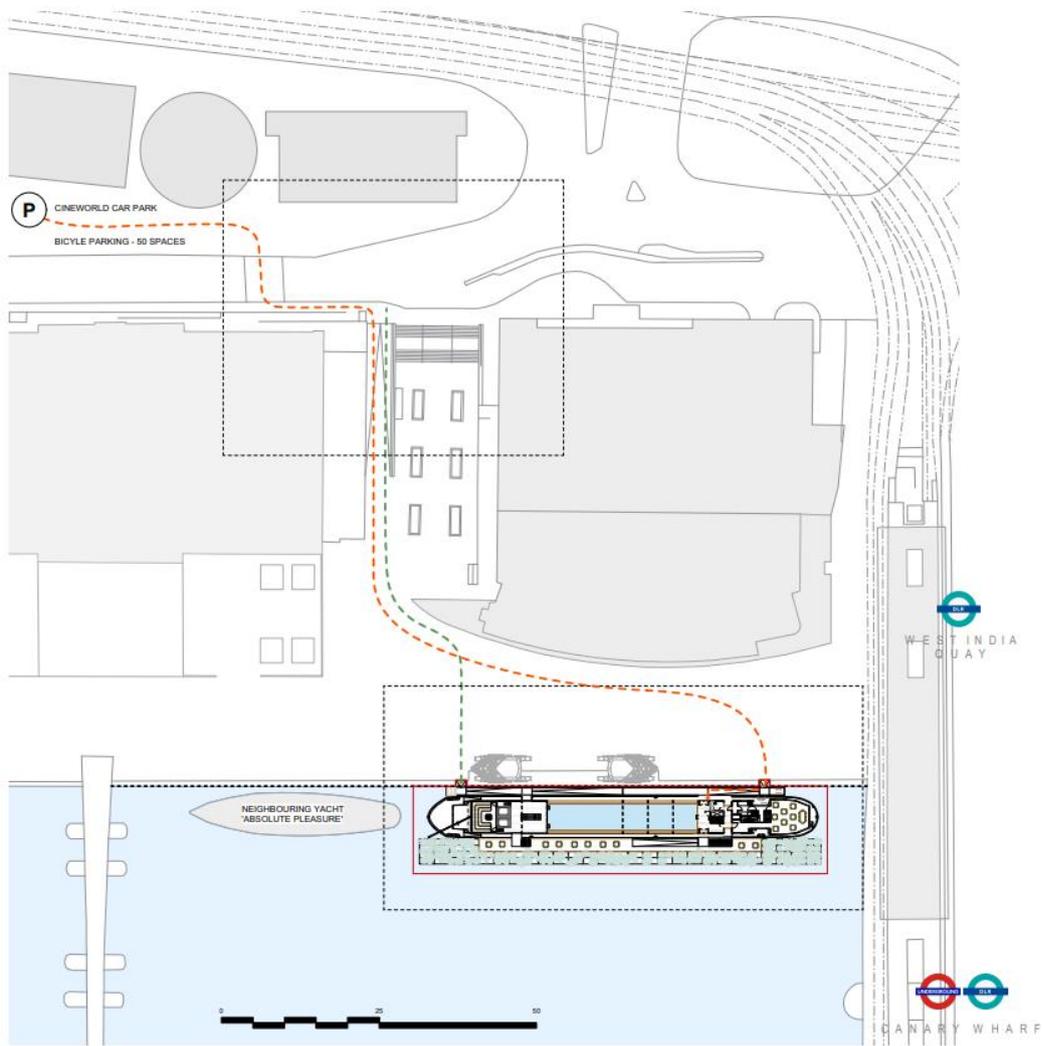
Section FF – entrance platform



**Access walkway – aerial perspective**

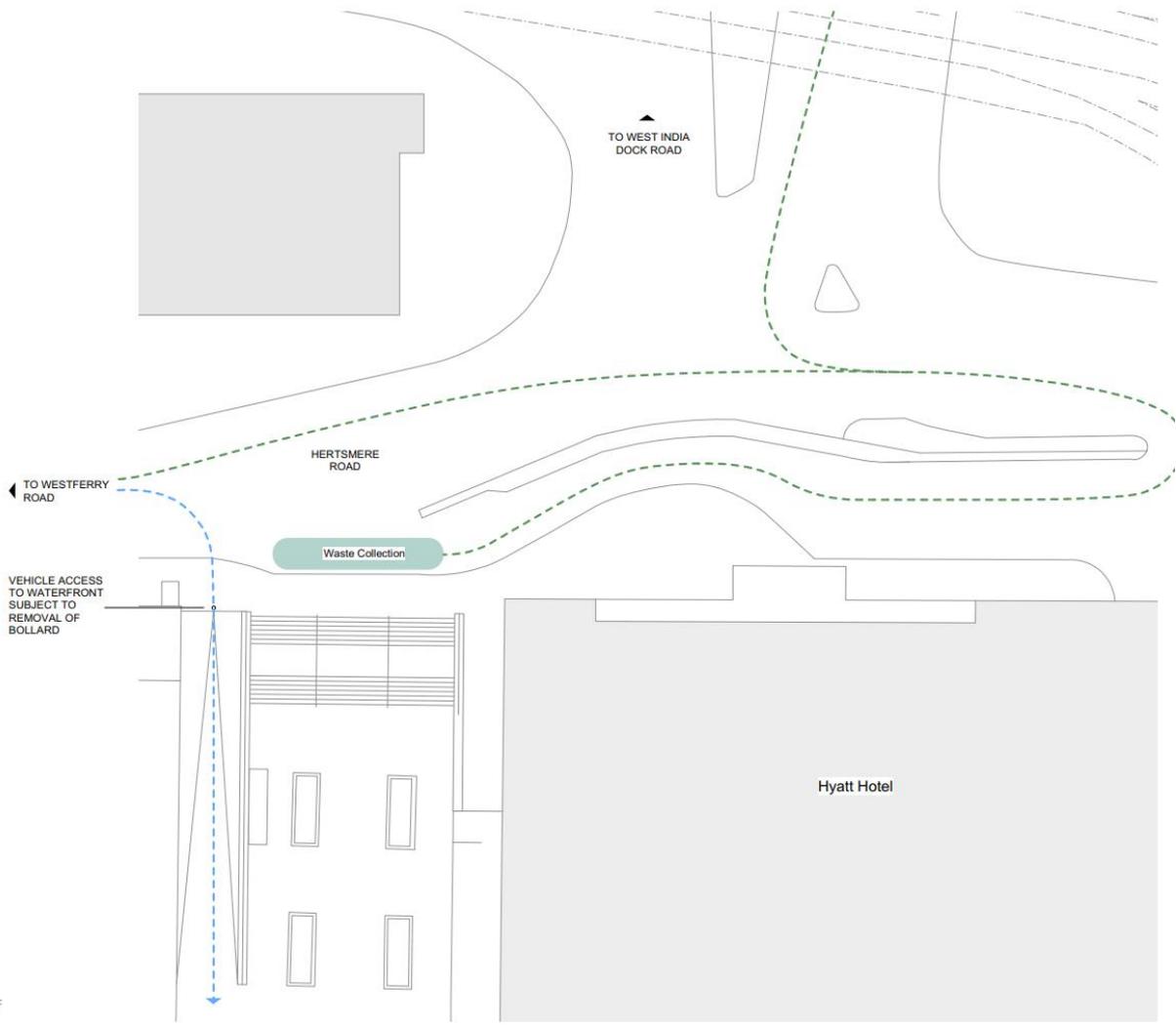


**Location Plan**



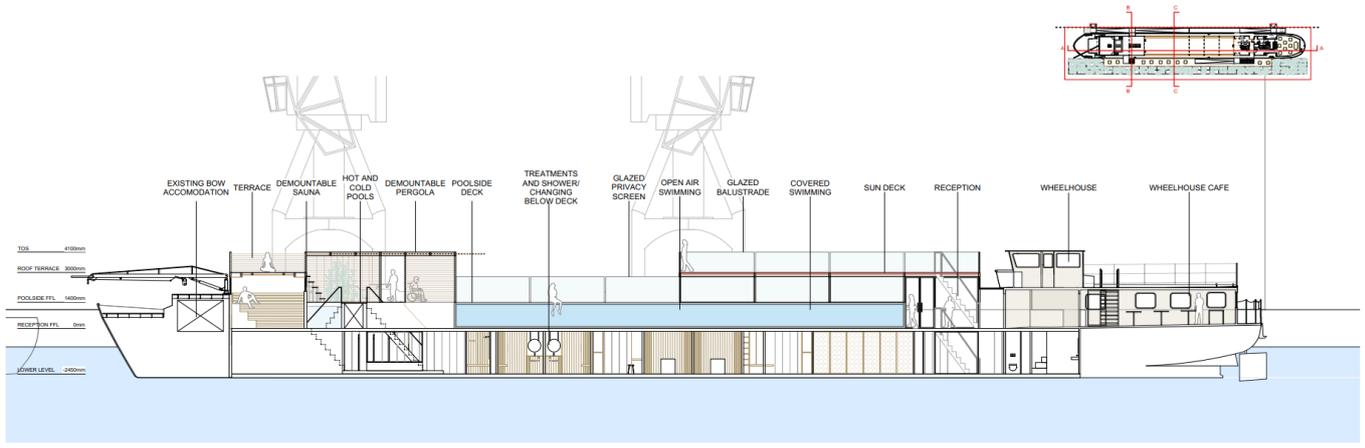
- SITE BOUNDARY
- - - ACCESSIBLE GUEST ROUTE
- - - DELIVERY/PICK UP ROUTE
- - - WASTE COLLECTION ROUTE

**Site access strategy plan**

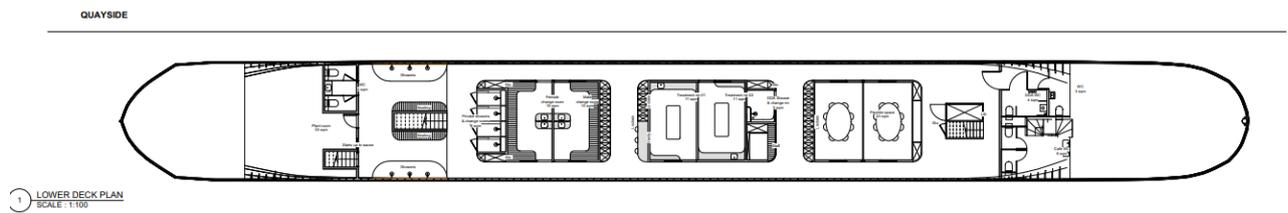
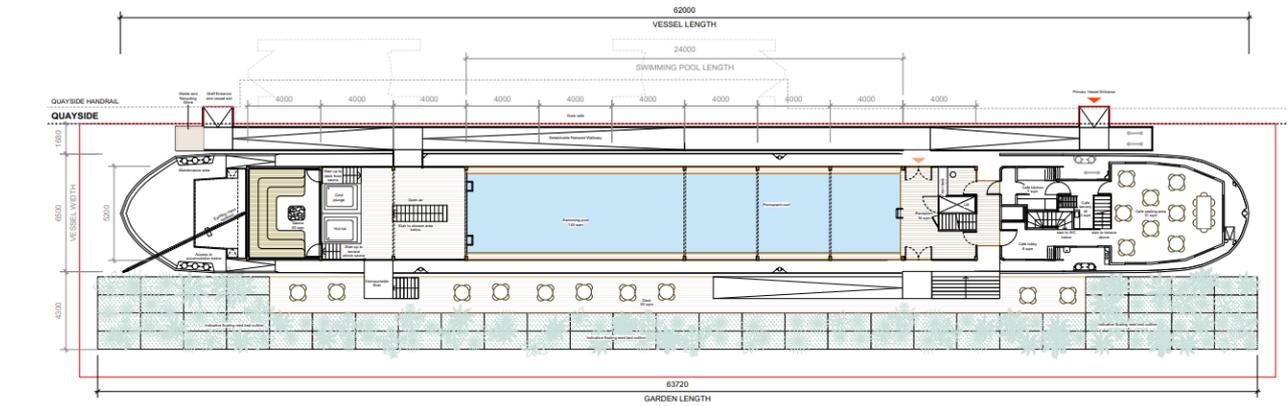
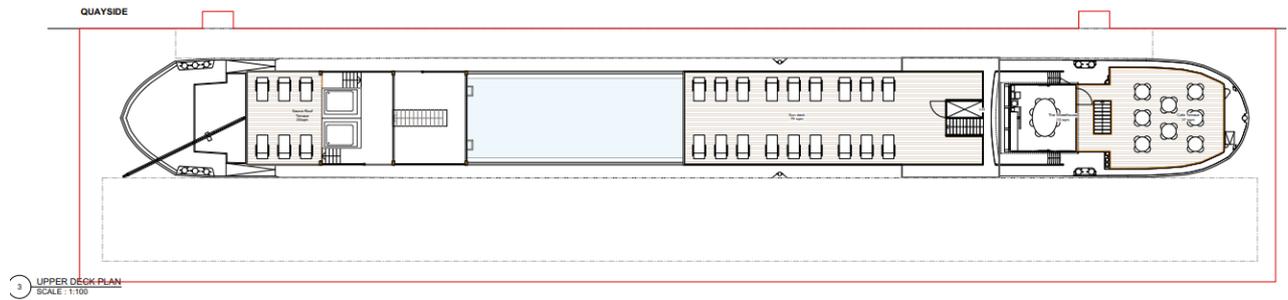


- SITE BOUNDARY
- - - ACCESSIBLE GUEST ROUTE
- - - DELIVERY/PICK UP ROUTE
- - - WASTE COLLECTION ROUTE

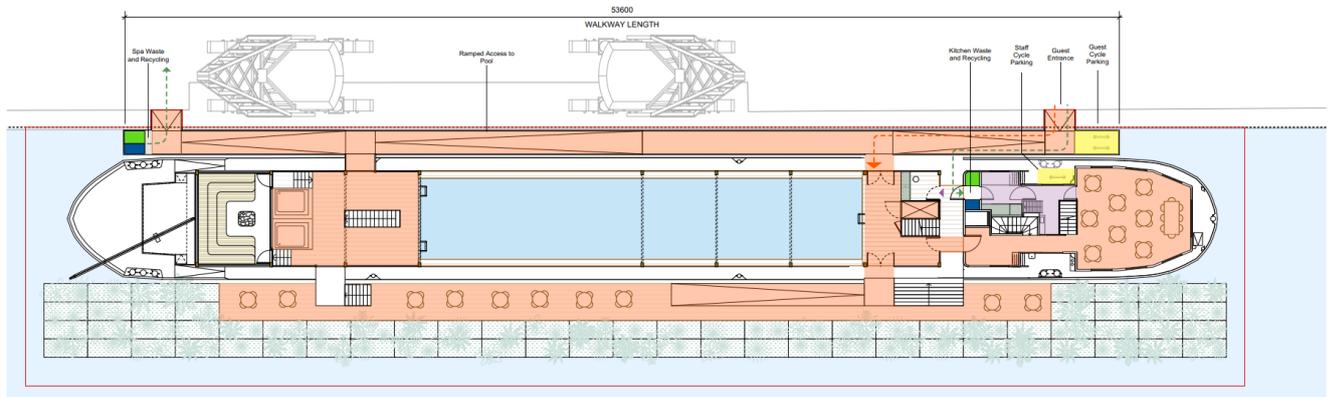
**Waste collection route**



**Section**



**Upper deck (top), main deck (middle), lower deck (bottom)**



- SITE BOUNDARY
- - - VISITOR ARRIVAL/EXIT ROUTE
- - - DELIVERY/PICK UP ROUTE
- - - WASTE COLLECTION ROUTE
- ▶ VISITOR ENTRANCE / EXIT
- ▶ STAFF ENTRANCE / EXIT
- ▶ WASTE COLLECTION
- RECYCLING
- GENERAL WASTE
- BICYCLE PARKING
- BOH - KITCHEN
- BOH - CLEANING
- BOH - STORAGE
- DDA ACESIBLE ZONE

***Main deck plan – accessibility, recycling, cycle parking***

