

<b>Committee:</b> Development	<b>Date:</b>	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application
<b>Case Officer:</b> Rachel McConnell	<b>Ref No:</b> PA/08/01151
	<b>Ward:</b> Millwall (February 2002 onwards)

## 1. APPLICATION DETAILS

<b>Location:</b>	West India Dock Pier, Cuba Street, London
<b>Existing Use:</b>	Disused passenger pier
<b>Proposal:</b>	Change of use of pier to a residential mooring.
<b>Drawing Nos/Documents:</b>	05/08/01/1A, 05/08/01/2A, Existing structure sketch
<b>Applicant:</b>	Mark Williams
<b>Ownership:</b>	Sunset Moorings and PLA
<b>Historic Building:</b>	n/a
<b>Conservation Area:</b>	n/a

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

- The proposal will not harm the visual amenity and will preserve the character of the area. This is in accordance with policy DEV2 in the UDP, policies DEV1 in the Interim Planning Guidance 2007 and Policy 4B.1 in the London Plan which seek to ensure the local context and character of communities are retained.
- The proposal does not result in material harm to the amenity of residents in particular with regard to noise. The proposal therefore meets the criteria set out in Policies DEV2 & DEV50 in the Unitary Development Plan and Policies DEV1 and DEV10 in the Interim Planning Guidance 2007 which seek to ensure
- Subject to the consent being granted for a temporary period, the proposal would not preclude the future use of the pier for transportation purposes. This is in accordance with the criteria set out in Policies 4C.7, 4C.12 and 4C.13 in the London Plan which seek to ensure greater use and enjoyment of the Thames.
- The proposal would have no significant impact on the surrounding transport network. The proposal therefore complies with Policy T16 in the Unitary Development Plan and Policy CFR2 of the Interim Planning Guidance which seek to ensure that development proposals do not have an unacceptable impact on the transport system.

### **3. RECOMMENDATION**

- 3.1 That the Committee resolve to **GRANT** temporary planning permission and the Corporate Director Development and Renewal is given delegated power to impose conditions and informative(s) on the planning permission to secure the following

#### **Conditions**

- 3.2
1. Limit time period for 1 year
  2. Only one vessel to be moored at the site at any one time
  3. The vessel shall not be used for temporary sleeping accommodation or for holiday lets.
  4. No discharge of sewage into the river.
  5. Limit works to the vessel at the application site to minor maintenance only.
  6. Grampian condition to prevent residents from applying from parking permits.
  7. Any other informative(s) considered necessary by the Corporate Director Development & Renewal

#### **Informatives**

- 3.3
1. Works to pier may require planning permission
  2. River works license required from the PLA
  3. Any other informative(s) considered necessary by the Corporate Director Development & Renewal

### **4. PROPOSAL AND LOCATION DETAILS**

#### **Proposal**

- 4.1 Planning permission is sought for the change of use of the existing pier from passenger transportation (serving river buses) to a residential mooring, to enable a residential vessel to be permanently moored at West India Pier. In order to accommodate the vessel, the original pontoon would be brought out of storage and returned. Access to the moored vessel would be via the existing access ramp.
- 4.2 The vessel which is proposed to be moored at the pier has been used in the past as a passenger ferry. It has been converted to provide accommodation for a single family (4-berths). The vessel is 5.8 metres tall from bottom of mast to the waterline and 33.54 metres in length.

#### **Site and Surroundings**

- 4.3 West India Pier is situated to the western side of the Isle of Dogs, at the end of Cuba Street which is used as access to the residential developments at Millennium Harbour. An access way or brow, from which access to the existing pier is provided, leads directly off the Thames Path.
- 4.4 The Docklands River Bus served the pier until 1993 when the lack of passenger numbers saw its closure with the operator going into liquidation. The pier has been out of use ever since, but Canary Wharf Pier, a five minute walk away, has since been opened operating a commuter river bus service. West India Pier has an extensive history. Originally constructed back in the mid-1870's it was replaced in the late 1940's after being destroyed during World War Two. The pier can be used for river bus services without planning permission.

- 4.5 The pier projects approximately 35 metres from the river wall. At present the pier is part enclosed, but much of the protective material used to provide shelter has worn down or been removed. A small structure is in place on the riverside that was used as the main entrance point for the river bus.
- 4.6 The surrounding area is predominately residential. To the pier's immediate eastern side are the residential developments of Anchorage point (9 storeys) and the Waterman building (10 storeys) within Millennium Harbour. Anchorage Point is approximately 10 metres away from the entrance to the pier, and the Waterman Building is approximately 12 metres away. The Thames is tidal at this point.

### **Planning History**

- 4.7 The following planning decisions are relevant to the application:

PA/02/1795 Repair and replacement of an existing pontoon and the permanent mooring of a 47-metre yacht to be used for the purposes of a yacht club house – refused 16 July 2003. The application was refused for the following reasons:

1. The proposed mooring of a yacht club would, by virtue of its close proximity to residential properties, on board restaurant use, potential noise and visitors associated with such a use, have a detrimental impact on the amenity of the adjoining residential properties contrary to Policy DEV49 (8) of the Tower Hamlets UDP 1998.

2. The permanent mooring of a yacht club/ restaurant boat would, by virtue of its size, mass and close proximity to residential properties, have a detrimental impact on the amenity of adjoining residential properties and setting of the waterside environment contrary to Policies DEV2 (1) and DEV49 (1) of the Tower Hamlets UDP 1998.

3. The applicants have failed to submit the following information to enable the council to fully assess the scheme against the adopted UDP policies;

- a) Transport assessment including details of disabled accessibility and servicing of the club to allow full assessment of the yacht clubs impact on the area.
- b) Detailed plans regarding the design, location and extent of replacement pontoon and of the proposed mooring.
- c) Details of proposals impact on hydrology of River Thames and potential impact on Nature Conservation area.

PA/05/01322 The installation of a pontoon to enable the mooring of a residential vessel and the change of use of the pier to provide access – temporary consent granted for 1 year on 30 November 2005.

Temporary consent was granted to assess the impact of the development following a trial period of 1 year.

## **5. POLICY FRAMEWORK**

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

### **Unitary Development Plan 1998 (as saved September 2007)**

5.2	Proposals:	Flood Protection Areas
		Sites of Nature Conservation Importance
	Policies:	DEV1 General Design
		DEV2 Environmental Requirements
		DEV4 Planning Obligations
		DEV9 Minor Works
		DEV46 Protection of Waterway Corridors
		DEV48 Strategic Riverside walkways and New Development
		DEV49 Moored vessels
		DEV50 Noise
		DEV55 Development and Waste Disposal
		DEV56 Waste Recycling
		DEV57 Development affecting nature conservation areas
		DEV69 Efficient Use of Water
		HSG1 Provision for housing development
		HSG23 Residential Moorings
		T16 Traffic priorities for new development

### **Interim Planning Guidance for the purposes of Development Control**

5.3	Proposals:	Site of Importance for Nature Conservation
		Flood Risk Area
		Blue Ribbon Network -Tidal Water
		Public Open Space - waterfront
	Core Strategies:	CP19 New Housing Provision
		CP30 Improving the Quality and Quantity of Open Spaces
		CP33 Sites of Importance for Nature Conservation
		CP36 The Water Environment and Waterside Walkways
		CP39 Sustainable Waste Management
		CP40 A Sustainable Transport Network
		CP41 Integrating Development with Transport
	Policies:	DEV1 Amenity
		DEV2 Character and Design
		DEV7 Water Quality and Conservation
		DEV10 Disturbance and Noise Pollution
		DEV15 Waste and Recyclables Storage
		DEV19 Parking for Motor Vehicles
		OSN3 Blue Ribbon Network and Thames Policy Area

### **Spatial Development Strategy for Greater London (London Plan)**

5.4	3C.1	Integrating Transport and Development
	3C.3	Sustainable Transport in London
	4B.1	Design Principles for a Compact City
	4C.1	Strategic Importance of the Blue Ribbon Network
	4C.6	Sustainable growth priorities for the Blue Ribbon Network
	4C.7	Passenger and Tourism uses on the Blue Ribbon Network
	4C.12	Support Facilities and Activities in the Blue Ribbon Network
	4C.13	Moorings facilities on the Blue Ribbon Network
	4C.16	Importance of the Thames

### **Government Planning Policy Guidance/Statements**

5.5	PPS1	Delivering Sustainable Development
	PPG13	Transport
	PPG24	Planning and Noise

- Community Plan** The following Community Plan objectives relate to the application:
- 5.6                   A better place for living safely  
                          A better place for living well  
                          A better place for learning, achievement and leisure

## 6. CONSULTATION RESPONSE

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

The following were consulted regarding the application:

### **LBTH Environmental Health**

- 6.2 No objection.

### **LBTH Highways**

- 6.3 No objections. With regard to access from Cuba Street there are "No waiting at any time restrictions" which will prevent the applicant from parking on Cuba Street.

A section 106 agreement is required to prevent the applicant from applying for a parking permit in the surrounding area.

### **Port of London Authority (Statutory Consultee)**

- 6.4 – The PLA owns the river bed and foreshore to Mean High Water. The applicant has not served the relevant Notice on the PLA as Owner (OFFICER COMMENT: The correct ownership certificate has now been completed confirming that the applicant has served Notice on the PLA)
- Concerns raised under previous application about the potential effects of wash on commercial river traffic. Tests have been undertaken and whilst the Harbour Master still has residual concerns, the PLA makes no further representations.
- Conditions should be imposed to secure appropriate disposal of black and grey water and limit works to the vessel at the application site to minor maintenance only.

### **TFL (Statutory Consultee)**

- 6.5 No objection

### **The Inland Waterways Association (Statutory Consultee)**

- 6.6 No objection. Advise would not like to see the loss of a potential river bus pier.

### **British Waterways (Statutory Consultee)**

- 6.7 No objections. Would help meet the demand for moorings for London, and would be in accordance with Policy 4C.13 of the Consolidated London Plan 2008.

### **Environment Agency**

- 6.8 No objection to the development.
- Advise that prior written consent is required for any proposed works or structures either affecting or within 16 metres of the tidal flood defence structure.
  - Contents of the holding tank must be disposed to the fowl sewer or tanked away.

## 7. LOCAL REPRESENTATION

7.1 A total of 437 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. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 213      Objecting: 213      Supporting: 0

7.2 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

#### *Visual Amenity*

- The boat will be out of character – was previously a passenger ferry;
- Residential boats moored along the Thames are unsightly;
- Out of character in the area;
- Not in keeping with upmarket area;

#### *Amenity of Residents*

- Vessel large – could accommodate a lot of people;
- Increased pedestrian activity and drug traffic;
- Access will create noise and disturbance to residents;
- Noise disturbance from:
  - residents
  - swell of the Thames
  - wash caused by passing boats;
  - use of generators/water pumps
- Fumes – from petrol, carbon etc;
- Loss of light;

#### *Access and Servicing*

- No parking on Cuba Street ;
- Access not practical;
- Rubbish collection not possible due to no parking on Cuba Street;
- No facilities for storage and disposal of household rubbish;
- Concerns regarding monitoring of foul water disposed of in the Thames;
- Pedestrians accessing the pier would obstruct the walkway.

#### *Other Issues*

- Potential future change of use;
- Suspect may become an entertainment vessel;
- Creates a precedent for residential moorings;
- Security concerns due to the proximity to Anchorage Point;
- Impact on wildlife;
- Additional moorings will slow down transport/businesses using the Thames;
- Remove existing pier – unsightly and safety hazard;
- Planning permission being sought without a licence from the PLA;
- No information submitted to assess the hydrology – imposition of speed limit?;
- Potential damage to moored boat from wash generated by river craft;
- Maintenance of vessel – previous permission unrealistic due to condition relating to houseboat without means of propulsion which would not allow the vessel to be moved;

7.3 The following issues were raised in representations, but they are not material to the determination of the application:

- Loss of view (OFFICER COMMENT: Not a material planning consideration)
- Applicant refers to permanent address in Rotherhithe therefore does not intend to use boat as permanent residence (OFFICER COMMENT: The principle of the use for residential purposes is being applied for. The current address of the applicant is not a material planning consideration)

7.4 The following procedural issues were raised in representations, and are addressed below:

- Neighbourhood consultation prior to submission of the planning application not carried out (OFFICER COMMENT: The details of community consultation provided by the applicant refers to the previous planning application and not an independent consultation exercise)
- Information submitted regarding the proposed boat is insufficient (OFFICER COMMENT: The boat itself does not require planning permission. Sufficient information has been submitted detailing the size of the proposed vessel to fully assess the application)
- Applicant has requested live/work usage (OFFICER COMMENT: The planning application is for change of use to a residential mooring. The Applicant has confirmed that the only work will be on a computer which incidental to the use as residential)

## **8. MATERIAL PLANNING CONSIDERATIONS**

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

1. Principle of Use
2. Design
3. Amenity
4. Highways

8.2 Planning permission was granted in 2005 for the change the use of the pier to a residential mooring for a temporary period of 1 year (Reference: PA/05/1322). Temporary consent was granted to assess the impact of the development following a trial period of 1 year. This permission was not implemented and has now expired.

8.3 Since the previous approval for use of the pier as a residential mooring, the London Plan (February 2004) has been updated and now referred to as The London Plan: Spatial Development Strategy for Greater London (Consolidated with Alterations since 2004). The Local Development Framework Submission Document November 2006 (LDF) was withdrawn and has been adopted as Interim Planning Guidance. Selected policies have been 'saved' from the Unitary Development Plan 1998.

### **Principle of Use**

8.4 The most recent use of the pier was for passenger transportation. Policy 4C.7 the London Plan (Consolidated with Alterations since 2004) seeks to protect existing facilities for passenger and tourist traffic on the Blue Ribbon Network and promotes the use of the river to provide transport services.

8.5 Policy 4C.12 in the London Plan supports the provision of facilities for using and enjoying the Blue Ribbon Network (BRN), especially in areas of deficiency. The supporting text advises that activities considered vital to delivering greater use and enjoyment of the BRN include mooring sites. Policy 4C.13 in the London Plan relates specifically to mooring facilities and

states that new facilities maybe appropriate in areas of deficiency or to aid regeneration, where the impact on navigation, biodiversity and character is not harmful.

- 8.6 Policy HSG23 in the Unitary Development Plan advises that the Council will consider applications for temporary and permanent residential moorings providing other policy requirements are met.
- 8.7 Whilst it is acknowledged that the London Plan seeks to encourage the re-introduction of passenger services on the river including the protection of access to piers, the pier has not been used for passenger transport for 15 years. Given that that the policy position has not altered since the previous approval and that the pier is currently disused, it is considered that the change of use of the pier to a residential mooring for a temporary period would not compromise the future use for passenger services on the Thames. A temporary consent would provide an opportunity to reassess the situation and not preclude the future use of the pier for transportation purposes.
- 8.8 It is considered that a temporary consent for 1 year will provide sufficient time for the pier to be marketed for passenger transport to demonstrate whether there is demand for such provision. The onus will be on the applicant to demonstrate to the satisfaction of the Council that there is no demand in this locality to use the pier for passenger services before a permanent consent would be considered.
- 8.9 For the reasons above, it is considered that the proposal meets the criteria set out in Policies 4C.7, 4C.12 and 4C.13 in the London Plan which seek to ensure greater use and enjoyment of the Thames.

### **Design**

- 8.10 Policy DEV1 in the Unitary Development Plan and DEV 2 in the Interim Planning Guidance are concerned with the impact of the design of the development on the character of the Borough.
- 8.11 Planning permission is not required for the particular vessel itself. However, it is considered that the vessel proposed is of a scale and design that is appropriate to the location. The vessel has been recently renovated which complies with criterion 1 of Policy DEV49 in the Unitary Development Plan which states that the vessel shall be in a good state of repair. The proposed vessel is an old passenger boat. It is considered that the vessel would draw on the heritage of the pier and provide a focal point of visual interest that is absent at present. The dolphins and pier are existing therefore do not require planning permission.

### **Amenity**

- 8.12 Policy DEV2 in the Unitary Development Plan and Policy DEV1 in the Interim Planning Guidance require that the impact of development on the amenity of residents and the environment generally has been fully considered. Policy DEV50 in the Unitary Development Plan and DEV10 requires consideration to be given to noise generated from developments.

#### Overlooking/ Loss of privacy and sunlight/daylight

- 8.13 The entrance to the pier is approximately 10-12 metres away from the closest residential units. The vessel itself would be sited some 45 metres from neighbouring occupiers. The Unitary Development Plan recommends that an 18 metre separation is required between habitable room windows to protect the privacy of occupiers. The proposal meets the policy requirements.
- 8.14 Due to the distance that the vessel is to be positioned from Millennium Harbour, there would



No significant impact on existing sunlight and daylight levels to adjoining apartments subject to appropriate conditions restricting the size of the vessel that can be moored at the pier.

#### Noise

- 8.15 The River Thames is an active river where activity will generate some noise. The change of use of the Pier needs to be considered in the context of that environment.
- 8.16 Objection has been raised on the grounds of potential noise increases generated by the use. It is considered that the introduction of a residential mooring an area which is predominantly residential would not be inappropriate. It would be unreasonable to assume that the occupiers of the residential mooring would create unreasonable levels of noise. Notwithstanding this, such matters would be controlled by Environmental Health legislation.
- 8.17 The lawful use of the pier is for passenger transport which would allow the coming and going of boats. It is not considered that a residential vessel to be permanently moored would have a greater impact than the existing lawful use.
- 8.18 It is also considered that the introduction of a single residential vessel would not materially increase noise levels from wash and backwash above existing noise levels created by the river wall, pier and dolphins, particularly as the river wall would be closer to the residential properties than the vessel.

#### Smell

- 8.19 Sources of smell referred to by residents include exhaust fumes and odour from refuelling. Whilst both of these circumstances could occur under the lawful use for passenger transportation, it is considered that the open nature of the mooring allows adequate opportunity for the smells to be dispersed without affecting residents. The Council's Environmental Health Department were consulted on the application and no concerns were raised.

#### Visual Amenity

- 8.20 It is not the duty of the planning system to protect views except where the public interest would be adversely affected. In this case, the vessel would be moored a considerable distance away from residential property and the vessel would not restrict any public view of acknowledged importance. It is considered the vessel would be visually appropriate and that visual amenity would not be adversely affected. Policy supports the view that the Thames should be a vibrant and active river and not just a water feature held by new waterfront dwellers.
- 8.21 It is considered that the proposal will not result in material harm to the amenity of residents. The proposal therefore meets the criteria set out in Policies DEV2 & DEV50 in the Unitary Development Plan and Policies DEV1 and DEV10 in the Interim Planning Guidance.

#### **Highways**

- 8.22 There is limited access to the site by road. Cuba Street is a dead end, has no on-street car parking, with double yellow parking prohibition. It is therefore not possible to service the boat from Cuba Street, and the development would not impede the access to residents at Millennium Harbour or the pedestrian right of way along the Thames Path. It is recommended that a condition is imposed to require the applicant to enter into a Section 106 legal agreement to prevent the occupiers from applying for a parking permit in the surrounding area.

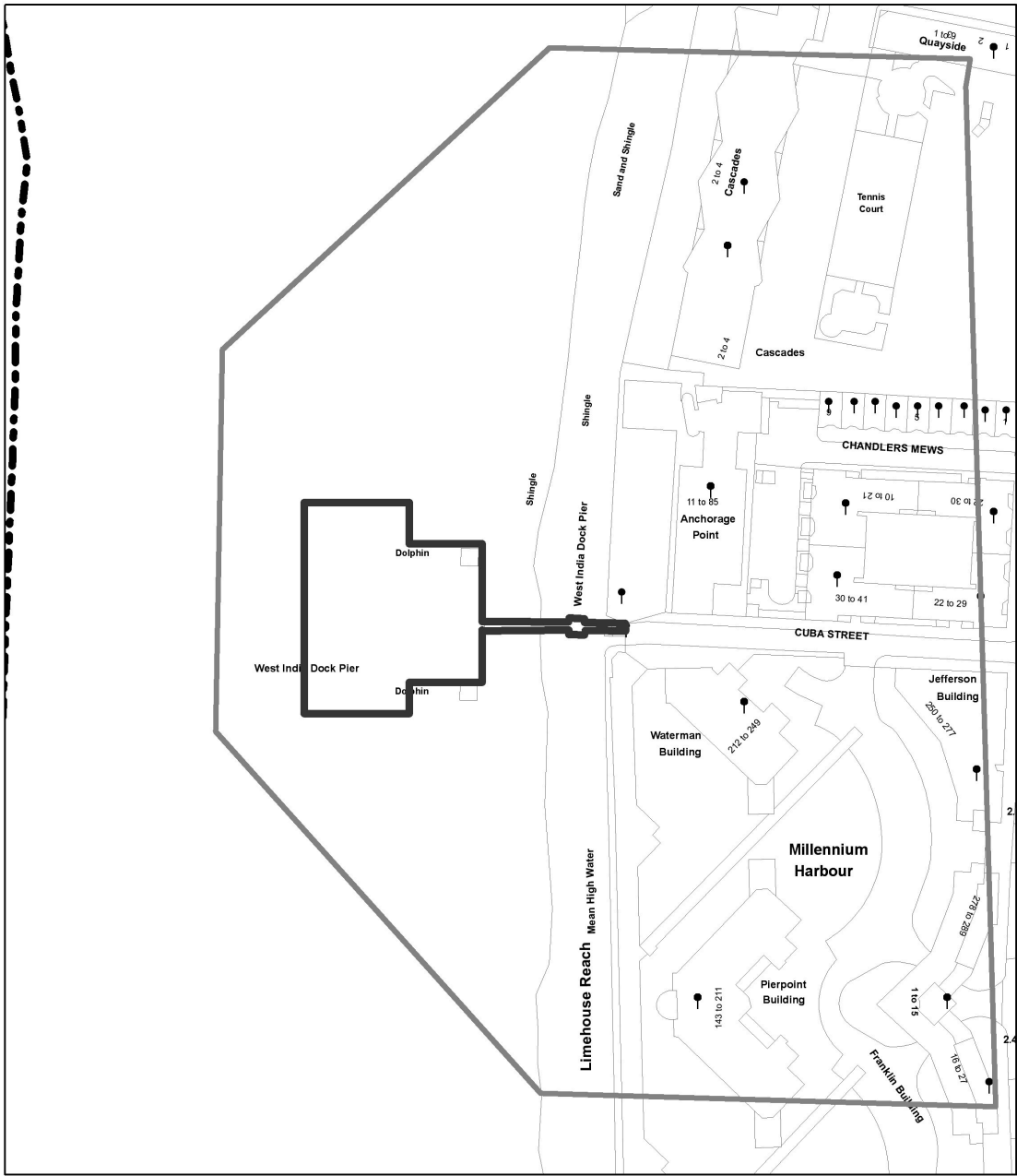
#### **Other issues**




- 8.23 The applicant has confirmed the following:
- the electricity and water is plumbed to the shore;
  - sewerage is to be held in black water tanks and pumped out in barges as required;
  - rubbish is to be collected by barge (Tidy Thames Services) or recycled as required;
  - there is secure storage on vessel, pier and pontoon;
  - all water (grey or black) is held in tanks – the grey water is used for toilet flushing via an aqua-cycle water treatment unit.
- 8.24 The above accords with the requirements set out in the London Plan (Section 1.176) which requires land-based support facilities for residential moorings. Matters relating to the pollution of the Thames which might occur through the use of the mooring are covered by legislation outside the remit of planning.
- 8.25 The PLA is responsible for navigational issues and for the continuing use of the moorings. The PLA state that they do not wish to make further representations regarding the potential effects of wash on the river traffic following tests being carried out.
- 8.26 Policy DEV46 resists development that will have an adverse impact on the water environment. Given that no objection has been raised by both the PLA and the Environment Agency on these grounds, it is considered that the proposal will not have an adverse impact on the ecological value and landscape value of the waterway.

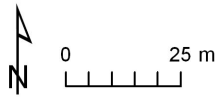
### **Conclusions**

- 8.27 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

# Planning Application Site Map



-  Planning Application Site Boundary
-  Consultation Area
-  Land Parcel Address Point



This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA086568