

Committee: Strategic Development	Date: 9 October 2008	Classification: Unrestricted	Agenda Item No: 7.5
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Amy Cooper		Ref No: PA/08/1359	
		Ward(s): Blackwall and Cubitt Town	

1. APPLICATION DETAILS

Location: Mooring in Millwall Cutting and South Dock, Thames Quay, Marsh Wall, London, E14.

Proposal: Permanent mooring of a vessel for a hotel with ancillary mixed uses including a business function room, restaurants, bars, health spa and retail units, new pontoons and new vehicular access from Marsh Wall and a new pedestrian swing bridge across Millwall Cutting.

Drawing Nos: RSD001-002; RSD001-010; RSD001-011; RSD001-012; RSD001-013; RSD001-014; RSD001-015; RSD001-016; RSD001-017; RSD001-020; RSD001-021; RSD001-022; RSD001-023; RSD001-024; RSD001-025; RSD001-030; RSD001-040; RSD001-050; RSD001-51; RSD001-060; RSD001-061 and RSD001-062.

- Design and Access Statement (July 2008)
- Planning Statement (July 2008)
- Environment Report (July 2008)
- Ecological Appraisal (October 2005)
- Ecological Scoping Survey (September 2008)
- Energy Strategy (July 2008)
- Energy Strategy Supplementary Document (September 2008)
- Transport Statement (August 2008)

Applicant: Aquiva (Thames Quay) Limited

Owner: British Waterways

Historic Building: N/A

Conservation Area: 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 Plan (Consolidated with Alterations since 2004), the London Borough of Tower Hamlets Unitary Development Plan 1998 and associated supplementary planning guidance, the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, and Government Planning Policy Guidance and has found that:

- 2.2
- The principle of development of this site for a hotel use will contribute to the strategic target for new hotel accommodation. It will complement Canary Wharf's role as a leading centre of business activity by serving businesses and tourism, and in this respect will support London's world city status. The scheme therefore accords with policies 3D.7 and 5C.1 of the London Plan (Consolidated with Alterations since 2004),

ART1 and CAZ1 of the Council's Unitary Development Plan 1998, policy CP13 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, and policy IOD18 of the Interim Planning Guidance Isle of Dogs Area Action Plan, which seek to develop and support London's role as a world city.

- 2.3 • The ancillary uses, being retail (Class A1), restaurant and café (Class A3) and drinking establishment (Class A4) are acceptable as they will provide for the needs of the development and demand from surrounding uses, and also provide employment in a suitable location. As such, it is in line with policies 3D.1, 3D.3 and 5C.1 of the London Plan (Consolidated with Alterations since 2004), saved policies DEV1 and DEV3 of the Council's Unitary Development Plan 1998 and policies DEV1 and RT4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control and policies IOD4 and IOD85 of the Isle of Dogs Area Action Plan (2007) which seek to ensure services are provided that meet the needs of the local community and to promote entertainment, food and drink premises and retail in the Isle of Dogs, specifically within the Northern sub-area and along the docksides.
- 2.4 • The new pedestrian swingbridge and public viewing platform will enhance pedestrian access and animate the dock edge in accordance with policies 4B.11, 4C.13 and 4C.23 of the London Plan (Consolidated with Alterations since 2004), policies DEV1 and DEV48 of the Council's Unitary Development Plan 1998 and policies CP30, DEV2, DEV 3, DEV4 and OSN3 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to protect and promote the vitality, attractiveness and historic interest of the docks, and to ensure that the design of waterside developments integrate successfully with the water space.
- 2.5 • The vessel height, scale, bulk and design is acceptable. The development is therefore considered to be in line Planning Policy Guidance 15, policies 4B.1, 2, 3, 5, 8, 9, and 10 of the London Plan (Consolidated with Alterations since 2004), policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2, DEV3, DEV4, CON 1 and CON5 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure developments are of a high quality design and suitably located whilst also seeking to enhance the character and appearance of the locality.
- 2.6 • Sustainability matters, including energy, are acceptable and in line with policies 4A.3 to 4A.7 of the London Plan (Consolidated with Alterations since 2004) and policies DEV 5 to DEV9 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to promote sustainable development practices.
- 2.7 • Transport matters, including parking, access and servicing, are acceptable and in line with policy 3C.23 of the London Plan (Consolidated with Alterations since 2004), policies T16, T18 and T19 of the Council's Unitary Development Plan 1998 and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure there are no detrimental highways impacts created by the development and to promote sustainable transport options.
- 2.8 • The proposal is not considered to have an adverse impact on the amenity of adjoining residential occupiers. As such the scheme is in accordance with Policy DEV2 of the adopted London Borough of Tower Hamlets Unitary Development Plan (1998), and policy DEV1 of the Interim Planning Guidance (2007) which seek to ensure that new development does not compromise the residential amenities of neighbouring properties.
- 2.9 • Contributions have been secured towards the provision of education and training initiatives within the Borough, a new pedestrian crossing on Marsh Wall, bus stops on

Marsh Wall, cyclist and pedestrian facilities on the Isle of Dogs and the London Docklands Angling Consortium in line with Government Circular 05/05, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (October 2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission subject to:

A. Any **direction** by **The London Mayor**

B. The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the following planning obligations:

Financial Contributions

- a) A financial contribution of **£100,000** towards education and training initiatives within the Borough;
- b) A financial contribution of **£50,000** towards a new pedestrian crossing on Marsh Wall;
- c) A financial contribution of **£30,000** towards bus stops on Marsh Wall, together with the implementation of the DAISY system.
- d) A financial contribution of **£20,000** towards the provision of cyclist and pedestrian facilities on the Isle of Dogs;
- e) A financial contribution of **£9,000** to the London Docklands Angling Consortium

(These amounts are the same as the PA/05/1227 application [refer to history section], with a total s106 contribution of **£209,000**, to be index-linked to date of previous committee meeting, being 30 November 2005).

Non-Financial Contributions

- f) The completion of a Management Plan to incorporate the following details:
 - (i) Details of the day to day servicing arrangements of the vessel;
 - (ii) Details of the proposed parking arrangements;
 - (iii) Details of community liaison officer and a 24-hour liaison telephone number for local residents;
 - (iv) Security details, including patrolling security staff to ensure visitors to the vessel do not disturb local residences and 24 hour manned security entrance;
 - (v) Security, signage and other measures to be taken to endeavour to ensure visitors and staff respect the boundaries of local residences and properties, in particular those within Meridian Place;
 - (vi) Details of the training and development of staff, together with access to employment initiatives.
- g) The applicant agrees to revoke the planning consent (PA/00/1439 – Permanent mooring of a vessel for hotel use at the western end of South Dock) when the current application PA/08/1359 is consented;
- h) Additional parking be made available to London Docklands Angling Consortium, of a maximum of 5 spaces during the week and a maximum of 10 spaces at weekends;
- i) Additional 6 access gates in Millwall Cutting (total of 10) for London Docklands Angling Consortium to gain access to the dock;
- j) British Waterways to exchange the permitted angling area on the western side of Millwall Inner Dock, once the vessel's use is implemented. The exchange relates to an area to the southwest, to be exchanged with an area to the northwest.

- 3.2 That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement indicated above.
- 3.3 That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions [and informatives] to secure the following matters:

Conditions

- 1) Time Limit (3 years);
- 2) Construction Hours;
- 3) Details of 6 metre level standing for coaches existing to Marsh Wall;
- 4) Detailed Landscape Plan prior to commencement of works;
- 5) Environment Agency conditions requiring ecological mitigation plan; further details of biodiversity provisions;
- 6) BW condition submission details of moorings and pontoons;
- 7) EA condition – UK native planting;
- 8) EA condition – lighting away from dock;
- 9) EA condition – no storage of materials within 5 metres of dock edge;
- 10) Servicing from waterside;
- 11) Details of 20 cycle spaces;
- 12) Disabled/cycle/taxi parking to be permanently retained;
- 13) Restriction of use for external public decks (for restaurant/bar areas) – 0700 to 2400 Monday to Saturday, and 0700 to 2100 Sundays or Bank Holidays;
- 14) Use class restrictions (C1 hotel and ancillary uses);
- 15) Details of plant and associated equipment noise;
- 16) Extract duct fumes restrictions;
- 17) Refuse and recycling facilities in accordance with plans;
- 18) Crossrail Safeguarding;
- 19) Materials;
- 20) Accessible rooms;
- 21) Energy (CO2 reduction of 20%);
- 22) Hammer driven piling restrictions (1000 – 1600; Monday to Friday);
- 23) EA – protection of dock walls; and
- 24) Any other condition(s) considered necessary by the Corporate Director of Development & Renewal.

Informatives

- 1) Section 106 agreement required;
- 2) Building Control;
- 3) Need for quietness;
- 4) Contact Crossrail;
- 5) Contact British Waterways;
- 6) Contact British Waterways London Estates Team;
- 7) Importance for Nature Conservation;
- 8) Wheel washing;
- 9) Section 278 Agreement;
- 10) Contact London Fire & Emergency Planning Authority;
- 11) Environment Agency;
- 12) Environmental Health – health club;
- 13) Environmental Health – food handling; and
- 14) Any other informative(s) considered necessary by the Corporate Director of Development & Renewal.

- 3.4 That, if within 3-months of the date of this committee decision the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated authority to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The scheme currently being considered is identical to that which was previously minded for approval by Members' on 18 November 2005. The details of this application are expanded upon within the History Section of this report.
- 4.2 The planning application proposes the permanent mooring of a vessel for use as a hotel comprising the following:
- A maximum of 180 guest suites, capable of accommodating 348 guests;
 - Two restaurants – one on Deck 01, and another on Deck 06;
 - Function area at Deck 00;
 - Ancillary retail units and business facilities/function areas at Deck 01;
 - A health spa at Deck 00 – Mezzanine;
 - A new pedestrian swing bridge across the Millwall Cutting;
 - New vehicular access from Marsh Wall;
 - Pontoons to be attached to the dock;
 - New public viewing deck at the western end of the vessel.
- 4.3 The hotel, which has the appearance of a “super yacht” is proposed to rise to a height of 23 metres above the waterline, and 22 metres above ground level, providing a total floor area of 17,594sqm of hotel and ancillary space.
- 4.4 The vessel is designed to operate as a five star + hotel.
- 4.5 All servicing is proposed to be via a silent servicing vessel.
- 4.6 The development is proposed to provide 20 bicycle parking spaces. A taxi drop off zone is located adjacent to the vessel entrance, together with 5 disabled parking spaces. Whilst it is not envisaged coaches will enter the site due to the high quality nature of the accommodation, a turning circle has nonetheless been included within the scheme.

Site and Surroundings

- 4.7 The subject site is located in the South Dock of West India Docks, alongside Thames Quay, E14. The area is accessed from Marsh Wall, adjacent to Millwall Cutting. The site is located within the Central Area Zone of the Adopted Unitary Development Plan, and also within the Isle of Dogs Area Action Plan. The site is under the ownership of British Waterways.
- 4.8 The site area is 9,998sqm, including the water space, pedestrian swing bridge, and vehicular access from Marsh Wall.
- 4.9 It lies at the junction between Millwall Cutting and South Dock. Millwall Cutting is currently used as an essential navigation route for vessels between West India and Millwall Docks. The area currently provides deep water mooring for visiting vessels, which use the moorings on a temporary basis.

- 4.10 The site is located in a predominantly commercial area, with residential to the east. Immediately to the south of the site lies a 7 storey office building, Thames Quay. To the west of the site, across the Millwall Cutting, is the Waterfront bar/restaurant. Meridian Place, a 5 storey residential development, is located to the south east of the site.
- 4.11 The area to the north of the dock consists of a number of redundant industrial and commercial warehouses. This area is covered by the Wood Wharf Master Plan, for which a current planning application is being considered for a mixed use development providing a range of employment floorspace, retail, leisure and residential uses.
- 4.12 The site lies in an accessible location, with a public transport accessibility level (PTAL) of 3, where 1 represents the lowest accessibility level and 6 the highest. The site is within walking distance of Canary Wharf tube station (Jubilee Line), and the South Quay DLR station is currently within 300 metres of the site. South Quay station is however being relocated adjacent to the Millwall Cut, within 100 metres of the site. Once this work has been carried out the PTAL of the site will increase to 4. The site is also served by a number of buses that stop within walking distance, and provide access to Stratford, the Isle of Dogs, Hackney, Leamouth, Prestons Road and Eastferry Road.

Planning History

- 4.13 The Development Committee recommended the granting of planning permission (PA/99/0578) for the permanent mooring of a cruise ship and its use as a hotel at Millwall and South Dock on the 30th of October 2000. This proposal consisted of a 250-cabin hotel with ancillary mix of uses including business facilities, restaurants, bars, health club and retail units. The vessel proposed was to be a converted historic cruise ship, however planning permission was never issued.
- 4.14 On 18 July 2002 (ref PA/00/1439) conditional planning permission was granted for a vessel of the same form and appearance to that proposed by this application at the western end of South Dock, adjoining Marsh Wall.
- 4.15 Again at the western end of South Dock, a subsequent planning application (ref: PA/04/0258) sought approval for a number of amendments to the previously approved scheme, including the reduction in the number of bedrooms, reduction in height, increase in the length and removal of pontoon link to Ballymore Quay. The Council resolved to grant planning permission subject to the completion of a S106 agreement, however the decision notice was never issued.
- 4.16 On 30th November 2005 (ref: PA/05/1227) members of the development committee minded to approve an application at the site currently being considered, for a scheme identical in terms of location, form, scale and external appearance to that being considered, subject to the completion of a S106 Legal Agreement.
- 4.17 However, the S106 legal agreement was never signed, and thus the Council finally disposed of the application under the provisions of Article 25 (11) of the Town and Country Planning (General Development Procedure) Order 1995.
- 4.18 The S106 legal Agreement under planning ref: PA/05/1227 was to secure the same benefits as outlined in section 3.1 of this report.

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:**

5.2 Unitary Development Plan 1998 (as saved September 2007)

Proposals:		Flood Protection Area Central Area Zone Water Protection Areas Site of Nature Conservation Importance East West Crossrail
Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV4	Planning Obligations
	DEV46	Protection of Water Corridors
	DEV48	Strategic Riverside Waterways and New Development
	DEV49	Moored Vessels and Structures
	DEV50	Noise
	DEV57	Development affecting Nature Conservation Areas
	DEV61	Management of Nature Conservation Areas
	CAZ4	Special Policy Areas
	EMP1	Encouraging New Employment Uses
	EMP6	Employing Local People
	T16	Traffic Priorities
	ART7	Major Hotel Development
	ART10	Encouraging Visitor Facilities
	U2	Development in Flood Risk Areas
	U3	Flood Protection Areas

5.3 Interim Planning Guidance for the purposes of Development Control

Proposals:		Central Area Zone Flood Protection Area Water Protection Area Site of Importance for Nature Conservation Importance East West Crossrail
Core Strategies:	IMP1	Planning Obligations
	CP1	Sustainable Communities
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP6	Sustainable Legacy for the 2012 Olympics
	CP7	Job Creation and Growth
	CP12	Creative and Cultural Industries and Tourism
	CP13	Hotels and Serviced Apartments
	CP17	Evening and Night Time Economy
	CP31	Biodiversity
	CP37	Flood Alleviation
	CP33	Site of Nature Conservation Importance
	CP36	Water Environment and Waterside Walkways
	CP37	Flood Alleviation
	CP38	Energy Efficiency and Production of Renewable Energy
	CP40	Sustainable Transport Network
	CP41	Integrating Development with Transport
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
Policies:	DEV1	Amenity

DEV2	Character & Design
DEV3	Accessibility & Inclusive Design
DEV4	Safety & Security
DEV5	Sustainable Design
DEV6	Energy Efficiency & Renewable Energy
DEV7	Water Quality and Conservation
DEV8	Sustainable Drainage
DEV9	Sustainable Construction Materials
DEV10	Disturbance from Noise Pollution
DEV12	Management of Demolition and Construction
DEV13	Landscaping
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV21	Flood Risk Management
OSN3	Blue ribbon network and Thames quay policy area
IOD1	Spatial Strategy
IOD2	Transport and Movement
IOD5	Public Open Space
IOD6	Water Space
IOD7	Flooding
IOD10	Infrastructure and Services
IOD15	Retail and leisure uses in the Northern sub-area
IOD18	Employment uses in the Central sub-area
IOD21	Design and Built Form in the Central sub-area
IOD22	Site Allocations in the Central sub-area

5.4 **Spatial Development Strategy for Greater London Consolidated with Alterations Since 2004 (London Plan February 2008)**

2A.1	Sustainability Criteria
2A.5	Opportunity Areas
3A.26	Community Strategies
3A.28	Social and Economic Impact Assessments
3B.1	Developing London's Economy
3B.9	Tourism Industry
3B.11	Improving Employment Opportunities
3C.1	Integrating transport and development
3C.2	Matching development to transport capacity
3C.3	Sustainable Transport
3C.21	Improving conditions for walking
3C.22	Improving conditions for cycling
3C.25	Freight Strategy
3D.7	Visitor Accommodation and Facilities
3D.8	Open space and green infrastructure
3D.14	Biodiversity and nature conservation
4A.1	Tackling climate change
4A.2	Mitigating climate change
4A.3	Sustainable Design and Construction
4A.4	Energy assessment
4A.5	Provision of heating and cooling networks
4A.6	Decentralised energy: heating, cooling and power
4A.7	Renewable energy
4A.8	Hydrogen economy

4A.9	Adaptation to climate change
4A.10	Overheating
4A.11	Living roofs and walls
4A.12	Flooding
4A.13	Flood risk management
4A.14	Sustainable drainage
4A.16	Water supply and resources
4A.17	Water quality
4A.19	Improving air quality
4A.20	Reducing noise and enhancing soundscapes
4A.28	Construction, excavation and demolition waste
4B.1	Design principles for a compact city
4B.2	Promoting world class architecture and design
4B.3	Enhancing the quality of the public realm
4B.5	Creating an inclusive environment
4B.8	Respect local context and communities
4B.10	Large scale buildings – design and impact
4B.17	View management plans
4C.1	Strategic importance of the blue ribbon network
4C.2	Context for sustainable growth
4C.3	The natural value of the blue ribbon network
4C.4	Natural landscape
4C.6	Sustainable Growth Priorities
4C.11	Access alongside the blue ribbon network
4C.13	Mooring Facilities on the blue ribbon network
4C.14	Structures over and into the blue ribbon network
4C.23	Docks
5C.1	The strategic priorities for North East London
5C.3	Opportunity areas in North East London
5G.5	Predominantly local activities in the Central Activities Zone
6A.4	Planning Obligation Priorities

5.5 **Government Planning Policy Guidance/Statements**

PPS1	Delivering Sustainable Development
PPS9	Biodiversity & Conservation
PPG4	Employment
PPG13	Transport
PPS22	Renewable Energy
PPS25	Development and Flood Risk

5.6 **Community Plan** The following Community Plan objectives relate to the application:

- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure
- A better place for excellent public services

6. **CONSULTATION RESPONSE**

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

6.2 The following were consulted regarding the application:

LBTH Biodiversity

6.3 No comments.

LBTH Energy Efficiency Unit

6.4 No comments.

LBTH Environmental Health

Food Safety

6.5 A number of requirements, which are covered by separate legislation and addressed as an informative.

Noise

6.6 No comments.

Smell/Pollution

6.7 No objection raised subject to condition requiring the outdoor deck activities cease at 2300 hours.

6.8 (OFFICER COMMENT: Please refer to section 8.39 for further consideration of this)

Contaminated Land

6.9 No comment.

LBTH Highways

6.10 The proposed development would cause neither significant impact to the highway network, nor to public transport facilities.

6.11 The scheme should provide a level standing of 6 metres adjacent to Marsh Wall, to allow coaches to safely exit the site.

6.12 (OFFICER COMMENT: The applicants' have agreed to a condition to secure further details of this).

6.13 The pelican crossing location is considered acceptable, in lieu of the location of the new South Quay DLR station.

6.14 A full auto tract plan of coach movement has been provided, and is considered acceptable.

6.15 A s278 agreement is required for:

- the construction of new vehicle crossover and pedestrian access to the ramp;
- relocation of the existing Pelican crossing on Marsh Wall;
- highways works to accommodate the new vehicle crossover;
- taking up and re-use of existing kerbs where appropriate;
- alteration of existing surface water drainage systems as appropriate and necessary;
- taking down and erection of existing traffic signs and the provision of all new necessary traffic signs and orders;
- provision of all necessary road markings;
- diversion of statutory undertakers equipment where essential as part of the highways works with the costs of such diversions and works being met by the developer.

LBTH Design and Conservation

6.16 No objection.

GLA (Statutory Consultee)

- 6.17 The Greater London Authority considers this application is referable to the Mayor under category 1B.C of the Schedule of the Order 2008: 'Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings...outside Greater London and with a total floorspace of more than 15,000 square metres'.
- 6.18 The principle of the development in terms of it's use as a hotel, together with the design as a modern vessel is supported.
- 6.19 Given the vessel is proposed to be located in a Flood Risk Area, the GLA have requested a flood risk assessment.
- 6.20 (OFFICER COMMENT: The Environment Agency confirmed in writing to the applicant that a Flood Risk Assessment would not be necessary for this application. This information has been passed on to the GLA, and is further expanded upon within the 'Flood Risk' section of this report).
- 6.21 More evidence is required with relation to inclusive design and access, and the applicant should aim to provide a minimum of 10% of rooms suitable for people with disabilities. It was also noted that measures should be implemented to ensure inclusion will be maintained and managed.
- 6.22 (OFFICER COMMENT: 17 bedrooms are proposed to allow wheelchair occupation, which equates to 9.4% of the total suites. It is recommended a condition is attached to secure further detailed drawings of the layouts and locations of these rooms. Further to this the applicants have agreed to a condition requiring that all inclusive design features are to be implemented and permanently maintained).
- 6.23 Further details of training and employment initiatives and opportunities for local businesses should be provided, together with staff accommodation and staff training.
- 6.24 (OFFICER COMMENT: The vessel is proposed to be built off-site – most likely outside of the Greater London, and indeed the UK, due to a lack of suitable facilities. The vessel would be built in a dedicated boat builder's yard, and it is assumed that boat building, as a practical skill, traditionally employs apprentices to learn the trade whilst on the job. Within the S106 legal agreement a financial contribution of £100,000 has been secured toward education and training initiatives within the Borough. Further to this, within the management plan details of employee training and development, together with access to employment initiatives for local residents will be provided. Consideration to staff accommodation, and it is not considered necessary given the accessible location of the site).
- 6.25 A condition was suggested to secure the submission of materials prior to construction commencing. This has been agreed by the applicant.
- 6.26 Further information was sought regarding the quantum of space for ancillary uses, which areas to be solely available to guests, and those to be open to the general public.
- 6.27 (OFFICER COMMENT: This breakdown is provided in Table 1).
- 6.28 Several issues regarding climate change mitigation have been raised, with further details requested by the GLA. These relate to:

1. the provision of further evidence that unregulated energy uses have been taken into account;
2. clarification as to why further carbon dioxide reduction below the baseline (1%) is not achievable;
3. clarification of the type of bio-fuel proposed to be used;
4. electrical efficiencies assumed for calculations;
5. justification the incorporation of two units as opposed to one;
6. clarification of cooling strategy for the boat, considering both ground cooling and water cooling;
7. potential for photovoltaic's;
8. further detailed work regarding the choice of bio-fuel use.

6.29 (OFFICER COMMENT: This further information was submitted to the GLA and LBTH on 15 September 2008, in the form of an Energy Strategy Supplementary Document. In brief, the response was as follows:

1. UK good and best practise industry design benchmarks achieved with internal fixtures and fittings. Further internal insulation could be achieved, however this may be at the expense of the buoyancy of the vessel.
2. Projected energy of appliances and other equipment loads according to the BRE National Calculation Method (NCM) Operation Profiles. Summarised in table within report.
- 3, 4, 5. Type of biofuel to be B100. Electrical efficiencies provided, together with figures for single vs dual units.
6. Ground cooling not considered feasible as the area for ground cooling bores is under the dock. This area is limited for any potential horizontal or vertical borehole installation. Specifics of water cooling system provided.
7. The impact of 200sqm PV area would have less than 1% impact, and is therefore not considered a viable option, together with potential design implications.
8. Further detailed work has been included within the supplementary energy report).

6.30 Various concerns were raised regarding highways, all of which related to comments from TfL. These matters are addressed in the 'TfL' section below.

6.31 The use of solar shading and natural ventilation was queried.

6.32 (OFFICER COMMENT: Natural ventilation is provided through the use of solar protective glass, and further internal measures including the use of blinds and shades. The site and vessel design are not considered suitable for natural ventilation as outlined in the Environmental report. The ventilation system will be an outside air system with no recirculation.)

6.33 Introduction of living roofs and walls was suggested by the GLA.

6.34 (OFFICER COMMENT: Both the applicant and case officer consider this would detract from the design as having a genuine maritime appearance, which was noted in the response from the GLA as being an important feature of the design).

6.35 Further information was sought with relation to the levels of anticipated water use and how this can be minimised.

6.36 (OFFICER COMMENT: Applicants have confirmed the vessel has been designed to provide 200 litres per stateroom, stored for a 24 hour period. Water meters and associated monitoring equipment are to be specified for all areas of significant usage, and leak detection of main supplies and auto isolation shall be provided. Pipes will drain rainwater from the roof and deck areas to a main storage holding tank located internally at lower level. The rainwater will be filtered en-route via a gravity filter to remove debris. The main

storage tanks incorporate a submersible pump arrangement which will transfer the water into a smaller tank, from which the water will be used to boost non-potable cold water supply for flushing WC cisterns.)

- 6.37 The GLA raised concern over potential navigation issues, with the potential to make navigation for larger vessels more difficult.
- 6.38 (OFFICER COMMENT: The proposal has been developed in conjunction with British Waterways, who control both the mooring and the developer's occupation of the mooring. British Waterways are satisfied that the proposal will not have a detrimental impact on navigation, or use of the dock.)
- 6.39 Should members mind to approve the scheme, the application will then be referred back to the GLA for further consideration.

British Waterways (Statutory Consultee)

- 6.40 British Waterways supports the proposed development, considering it will animate the waterspace and help in the transformation of the docks into a world class, waterfront development. It is suggested a condition is attached regarding details of the surfacing materials, pontoon and bridge details, and details of means of securing the moat to the quay.

Environment Agency

- 6.41 No objection, subject to conditions outlined within the body of this report.

Crossrail

- 6.42 Details of Crossrail proposals, specifically the relocation of South Quay DLR station have been considered in the proposed scheme. However it is requested that conditions are attached for the submission of a method statement to take into account Crossrail's construction timetable and the Crossrail strategy for access to the South Dock.

Dockland Light Railway

- 6.43 No comments received.

London Docklands Angling Consortium

- 6.44 Objections raised regarding loss of quayside fishing areas, restricted access, increase in traffic, disturbance to local residents, low skilled employment opportunities, detraction from the historic heritage of the area and loss of mooring space.
- 6.45 It was however agreed as part of the previous application, that the applicants would make a financial contribution to the consortium, together with providing parking spaces and additional accesses to the dock. This is included within the current section 106 agreement.

London Fire Brigade

- 6.46 No adverse comments.

TfL

- 6.47 It was suggested that a contribution towards the implementation of 'DAISY' (Docklands Arrival Information System) and bus stop upgrades for all infrastructure within 400m of the site would address the impact of the proposal on local public transport.

- 6.48 (OFFICER COMMENT: A contribution within the Legal Agreement includes £30,000 towards bus stops and the implementation of the DAISY system).
- 6.49 Concern was initially raised regarding potential changes to the highway network resulting from the proposed pelican crossing relocation.
- 6.50 (OFFICER COMMENT: Drawings were submitted to TfL, and they have confirmed this is acceptable.)
- 6.51 TfL suggested the location and function of the taxi set down area were reconsidered to expand to a formal taxi pick up point, given the site's location.
- 6.52 (OFFICER COMMENT: The pick up/set down area is to be used by guests only and not the general public, and taxis will be pre-ordered rather than hailed from the street. With this in mind it is not considered the location of the site, or the proposed use justifies a taxi rank. TfL have subsequently agreed with this consideration.)
- 6.53 Vehicle tracking plans were requested to ensure that servicing could take place from land, in the event water servicing was not possible.
- 6.54 (OFFICER COMMENT: Vehicle tracking was provided in the Transport Assessment, and TfL have confirmed they are now satisfied.)
- 6.55 A condition was requested requiring the swing bridge opening hours be reviewed to provide flexibility for water freight using Millwall Cutting.
- 6.56 (OFFICER COMMENT: The swing bridge will be operated by British Waterways. At present, vessels wishing to traverse Millwall Cutting book a time with BW for the Marsh Wall lifting bridge to be opened. This system will therefore be extended to include the pedestrian swing bridge. Vessels (such as the training vessels) wishing to moor in the cutting rather than traverse it can similarly book a time with BW to open the swing bridge. TfL have confirmed they agree with this, and no longer require a condition).
- 6.57 TfL queried the number of cycle parking spaces, suggesting a minimum of 20 be provided.
- 6.58 (OFFICER COMMENT: This has been secured by condition).

Port of London Authority

- 6.59 No comments.

Metropolitan Police (Crime Prevention Officer)

- 6.60 Concern regarding the security of the yacht from illegal intrusion. Lack of access to the vessel from the water is supported. Further consideration of this aspect of the scheme is noted in section 8 of this report.

7. LOCAL REPRESENTATION

- 7.1 A total of 273 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 in East End Life and on site. Further to this the applicants held an information and Q&A evening for residents of Meridian Place on 7 July 2008. 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: 15 Objecting: 15 Supporting: 0
No of petitions received: 1 (33 signatories)

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:

Land Use

- Noise;
- Location of the proposal;
- Need for additional hotel accommodation unjustified;
- Inconsistency with historical use of the dock;
- Increase in use of mooring in front of Meridian Place;

Design

- Size, scale and design;

Amenity

- Noise;
- Loss of privacy;
- Loss of outlook;
- Loss of public amenities;
- Loss of recreational space and dockside area;

Highways

- Increased congestion on Marsh Wall;
- Increased pedestrian traffic;
- Servicing;
- No parking provision;
- Lack of coach space;

Other

- Utilities;
- Ecology;
- Sustainability;
- Energy;
- Lack of benefits to Local Community;
- Crime and security;
- Increase in litter;
- Enforcement of conditions and S106;
- Non compliance with London Plan, UDP and IPG policies.

7.3 The following issues were raised in representations that are NOT material to the determination of the application:

- Building regulations;
- Property values;
- Use of Thames Quay building;
- Setting a precedent for other proposals;
- Resident Control over mooring vessels.

8. MATERIAL PLANNING CONSIDERATIONS

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

- Land Use
- Design
- Amenity

- Highways
- Other

Land Use

Hotels

- 8.2 On a strategic level, the Isle of Dogs, in which the application site is located, is identified within the London Plan as an Opportunity Area within the north-east London sub-region. Policy 5C.1 seeks to promote the sub-regions contribution to London's world city role, especially in relation to the Isle of Dogs.
- 8.3 According to the London Plan, tourism is seen as a key growth industry for London. To accommodate this growth, policy 3D.7 specifies a target of 40,000 net additional hotel bedrooms by 2026. The policy identifies Central Activities Zones (CAZ) and Opportunity Areas as priority locations for new hotel accommodation and seeks to maximise densities.
- 8.4 According to policy ART7 and CAZ1 of the Unitary Development Plan (UDP), the Council will normally give favourable consideration to major hotel developments within the Central Area Zone (CAZ). In addition to this, policy CP13 of the Interim Planning Guidance October 2007 (IPG) states that large scale hotel developments will be supported in areas of high public transport accessibility and close proximity to commercial development, such as the Canary Wharf major retail centre, business and conference facilities and public transport.
- 8.5 Whilst there are other hotels within the vicinity of the subject site, the scheme being considered is proposing high end, 5 star + accommodation, of a standard which is not afforded to other nearby hotels. There is a high annual demand for over-night accommodation of the type proposed within the Canary Wharf area. At 180 suites, it is considered the proposed accommodation will meet a significant component of this need.
- 8.6 The Aquiva proposal will create a significant number of jobs that will help to sustain the local economy. It is expected that approximately 200 jobs will be created once the development is completed, making a positive contribution toward meeting the employment potential of the Isle of Dogs. As such, the proposal accords with the Council's employment policies and the Mayors aspirations for job growth within the Isle of Dogs Opportunity Area. The provision of hotel rooms in this location is supported by the London Plan and local policy objectives for tourism and continuing London's role as a World City.
- 8.7 The Mayors Stage 1 report states:

"The scheme is welcomed in terms of tourism development and hotel policy as it will capitalise on opportunities arising from the Olympics and contribute towards improving the quality, variety and distribution of visitor accommodation and facilities in London".

Quantum

- 8.8 The floating hotel is proposed with a mix of public and private facilities, as noted in Table 1 below.
- 8.9 Table 1: Quantum of public and private areas

Use	Public/private	Floor Area (sqm)
Hotel, including accommodation areas, main atrium on each deck, lifts, library, lobbies and	Private	13,764.4

corridors, and back up areas for plant and servicing		
Conference/Meeting areas	Public, but not in conjunction with organised events	1,242.8
Restaurant and bars (including WC)	Public	877.3
Spa	Private	752.7
Retail	Public	20
Other (voids/internal walls)	N/A	936.8
Total		17,594 sqm

- 8.10 The provision of hotel accommodation with ancillary facilities in this location is supported by London Plan, UDP and Interim Planning Guidance policies.

Design

Height, Mass and Scale

- 8.11 Good design is central to all the objectives of the London Plan. Chapter 4B refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at high quality design, which incorporate the principles of good design. These principles are also reflected in policies DEV1 of the UDP and DEV2 the IPG.
- 8.12 Policy DEV1 of the UDP, and policies DEV2 and CP4 of the IPG October 2007 state that the Council will ensure developments create buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings
- 8.13 The site being considered comprises an L shaped area of surface water at the junction of Millwall Cutting and South Dock, and includes a strip of the Millwall Cutting itself, which is proposed as the vehicular access point to the vessel. The site is located within a mixed use area of commercial, office and residential uses. The buildings to the south of the proposed vessel are of a moderate scale and mixed appearance, with an average height of 5 – 10 storeys. Immediately to the south of the site is Thames Quay, a 7 storey office building, and next to this to the south-east of the site is a 7 storey residential building, Meridian Place. The Wood Wharf site lies to the north-east. To the northwest is Canary Wharf with large scale office buildings. Marsh Wall runs east to west to the south of the site, and the new South Quay DLR station will be located adjacent to the southern most tip of the site boundary.
- 8.14 The proposal design is identical to that which was previously minded for approval under full planning reference PA/05/1227. The dimensions are noted in Table 2.

Table 2.

Principle Dimensions	Measurement (m)
Length	170
Beam	23.75
Height above Waterline	23
Height above Ground Level	22
Entrance Level	1.5

- 8.15 The proposed vessel is contemporary in design, and proposed to be built to a high specification. Five deck levels are proposed to sit above water level, and its sleek design is considered to relate well to the contemporary nature of the buildings within the surrounding

area. The height raises to a maximum 22 metres from ground level, and submitted computer generated contextual imaging shows the vessel will sit comfortably within the built form, with the highest point sitting below Thames Quay immediately to the south.

- 8.16 A new pedestrian swing bridge across Millwall Cutting is also proposed as part of the development. The bridge will provide an east-west link along the dockside walkways, allowing direct pedestrian access to the existing bridge that links to Heron Quays.
- 8.17 The GLA has confirmed that the proposal does not raise any concerns in relation to urban design, and the Council's design section made no adverse comments.
- 8.18 The GLA stage 1 report states:

"The design of the structure is sufficiently similar to modern build super yachts to have a logical place on the water at Canary Wharf. The appearance depends on the detailing of the materials and these should be conditioned by the local planning authority. The bridge design is also acceptable."

Accessibility and Inclusive Design

- 8.19 Policy 3D.7 of the London Plan identifies that the Council should support an increase in quality fully wheelchair accessible accommodation. Further, paragraph 4.38 of policy CP13 of the IPG highlights there is a shortage of accessible hotel accommodation in London. It identifies the English Tourist Council's National Accessible Standard as best practice to make hotel accommodation more accessible. All new hotel developments are required to meet the National Accessible Standard.
- 8.20 With respect to the accessibility matters, the GLA Stage 1 report states:

"The applicant is urged to consider the London Development Agency's Tourism Action Plan 2006-2009, which endorses a vision for London that is more accessible for everyone and promotes compliance with National Accessible Standards. The Design and Access Statement states that the development will comply with both part M of Building Regulations and BS8300:2001, which is welcomed. The document also explains how inclusive design has been incorporated within this development however it does not explain how inclusion will be maintained and managed. All access measures that go beyond what is required by building regulations should be secured by condition"

"The applicant should aim for a minimum of 10% (rooms suitable for disabled people)."

- 8.21 In line with Building Regulations Part M requirements, a minimum of 5% of hotel rooms are required to be wheelchair accessible. There is no direct planning policy on the minimum provision of wheelchair accessible units for hotels. The GLA raised concern regarding the shortage of wheelchair accessible hotel rooms in London, and thus suggested a minimum of 10% wheelchair accessible units. The applicants have confirmed that 17 rooms will be designed to allow wheelchair occupation, and plans have been provided identifying the specific location of these rooms. This equates to 9.4% provision which is considered acceptable given the constraints of the development, in that the units proposed are located in accessible locations adjacent to elevator shafts and emergency exits. A condition should be attached to any approval, securing further details of the internal arrangement of these rooms, together with details of maintenance and management.

Safety and Security

- 8.22 In accordance with DEV1 of the UDP 1998 and DEV4 of the IPG, all development is required to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
- 8.23 The Metropolitan Police raised two concerns regarding the proposal.
1. Security of the yacht from illegal intrusion.
 2. The hotel should be of a secure environment for staff and users. The lack of access from the yacht to the water is supported.
- 8.24 A security hut is proposed on the dock, which would be manned on a 24 hour basis, to be supplemented by CCTV surveillance and lighting. Details of the security, including patrolling security staff and a 24 hour contact for neighbouring residents is to be provided within the management plan as part of the s106 legal agreement. It is considered that these measures collectively will serve to provide a good level of security for patrons, employees and residents from the wider community.
- 8.25 Neighbour consultees suggested the proposal would compromise the security of the locality, many of which citing problems with previous temporary mooring of vessels. Issues raised related to increase in drunk aggressive people, and security staff at Meridian Place diverting their time to re-directing people from the vessel.
- 8.26 It is considered the measures noted above, together with the five star + nature of the hotel being proposed will serve to ensure there will not be an increase in anti-social behaviour in and around Meridian Place. Problems in the past have been associated with ships temporarily mooring, and it is considered the proposed clientele, together with security staff from the vessel will mitigate any concerns.
- 8.27 The safety and security of the scheme is therefore considered acceptable.

Amenity

- 8.28 According to paragraph 4.37 of policy CP13 of the IPG, hotels must fit into their surroundings and should not harm the environment by reason of noise, disturbance, traffic generation or exacerbation of parking problems, or detract from the character of the area. Notwithstanding this, the IPG states that such facilities are more preferable in town centres and locations with good access to public transport, away from established residential areas to ensure any impacts are minimal.
- 8.29 Policies DEV2 of the UDP, and DEV1 of the IPG (October 2007) state that development is required 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 residents of Meridian Place

- 8.30 Policies DEV2 of the UDP and DEV1 of the Interim Planning Guidance seek to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Supporting paragraph 4.8 states that DEV2 is concerned with the impact of development on the amenity of residents and the environment.
- 8.31 The proposed development will not result in an unduly detrimental loss of daylight/sunlight for residents of Meridian Place. The vessel is proposed to be sited in front of the Thames Quay building. It is setback 16 metres from the dockside and a minimum of 22.04 metres from the front elevation of Meridian Place. As such, it is beyond the 18 metre separation distance the Council normally requires between developments. Whilst the vessel overlaps

the front of Meridian Place by just under 2 metres, this is set 1.5 metres above water level, minimally above ground level.

- 8.32 The rear of the vessel rakes up away from Meridian Place, so that the greatest massing is set further away from the residential building. Whilst some of the units to the north-western end will experience a change in views, the deck levels are positioned so as to only be viewed obliquely. Further to this, there are no protected view corridors affected by the development.
- 8.33 The scheme being considered is the same as the 2005 application (ref: PA/05/1227), and is of a lesser scale and bulk, particularly to the rear, than the 2000 approval (PA/99/0578), 'Chrome Castle'.
- 8.34 Therefore, it is considered the proposed scheme will not result in an unduly detrimental loss of daylight/sunlight and outlook from existing residential properties, and is therefore compliant with policy DEV1 of the UDP and DEV2 of the Interim Planning Guidance 2007.

Noise and Vibration

- 8.35 PPG24 provides national planning guidance regarding the impact of noise, which is identified as a material consideration in the determination of planning applications. It advises that wherever practicable, noise sensitive developments should be separated from major sources of noise. When separation is not possible, local planning authorities should consider whether it is practicable to control or reduce noise levels or to mitigate the impact of noise through conditions.
- 8.36 The London Plan seeks to reduce noise, by minimising the existing and potential adverse impacts of noise on, from, or in the vicinity of development proposals (Policy 4A.20). Policy DEV50 of the UDP states that the Council will consider the level of noise generated from developments, and Policy DEV1 of the IPG suggests that noise levels should not result in the loss of amenity for residential neighbours.
- 8.37 **a) Noise disturbance from the hotel**
The vessel has been designed so as to ensure noise generating activities are located farthest from the residential facade. Rear facing decks are for private use only, the nearest of which is proposed approximately 22 metres from the nearest residential window.
- 8.38 The top deck is proposed with public access as part of the restaurant, located some 45 metres away from the nearest corner of Meridian Place. Two bars are planned within the vessel, being positioned 82 and 117 metres away from the nearest corner of Meridian Place, and the function room is proposed at the western end of the boat. The function room will be sound-proofed to a level which will ensure rooms above it will not be disturbed.
- 8.39 The applicant has noted that the hotel is to be 5 star +, and thus guests themselves will expect a high level of amenity, free from disturbance by noise. It is also suggested a condition is attached, restricting the hours of use of the public decks to 0700-2400 Monday to Saturday, and 0700-2100 hours Sundays and Bank Holidays. Whilst the Council's environmental health section have suggested an earlier closing time of 2300, the case officer considers a closing time of midnight is acceptable, given the distance of the publicly accessible restaurants and bar from the nearest residential property. Further to this, the closing time of midnight was considered appropriate on the 2005 application.
- 8.40 **b) Noise disturbance from access provisions**
Neighbour representations have suggested the scheme would result in an increase in both vehicular and pedestrian traffic within Meridian Place, and thus in increase in noise and disturbance.

- 8.41 The access from Marsh Wall will provide both pedestrian and vehicular access to the proposed hotel. Guests arriving by private car will be provided a valet parking service, whilst the scheme integrates a set down area for those arriving by taxi. Patrons arriving from the South Quay DLR will have direct access up to the vessel, and those coming from Canary Wharf tube station would cross the new pedestrian Bridge.
- 8.42 Therefore, it is considered there is sufficient provision to ensure patrons will understand the links to the site, without straying into Meridian Place unnecessarily.
- 8.43 **c) Noise and disturbance by reason of more intensive use of the dockside**
The dockside is a publicly accessible area and pedestrians can currently utilise the area without restriction. The nature of the proposal is not inconsistent with the nature of the dockside as a recreational resource.
- 8.44 **d) Noise and disturbance from servicing provisions**
All servicing of the vessel is proposed to take place by water, via virtually silent vessels. The vessels are to be electric (or similar) with no noisy outboard motors. The goods loading bay is located on the furthest side of the yacht approximately 50 metres from Meridian Place. The use of logistics goods storage cubes will ensure that loading and un-loadings are consolidated, and no packing/unpacking of goods will occur externally.
- 8.45 **e) Noise and disturbance from services and plant**
The vessel will not be using noisy on-board generators running constantly, and the hotel has no engines to propel the boat. All services are proposed to be provided onshore within an underground utilities hub, located approximately 160 metres from Meridian Place on the western side of the Thames Quay office building. The location and containment of the utilities hub will therefore mitigate potential noise impacts of this nature.
- 8.46 All plant equipment is proposed within the hull, below water level and on the northern side of the yacht, approximately 50 metres from Meridian Place.
- 8.47 One objector has raised concern regarding the potential noise and vibration of this. However all plant is designed for use in close proximity to hotel bedrooms without disturbance to guests. As such, it is considered these measures will adequately mitigate against noise intrusion to nearby residential properties. Nevertheless, it is recommended a condition is attached to ensure appropriate levels of noise mitigation are achieved through appropriate insulation.

Privacy/ Overlooking

- 8.48 Issues of privacy/overlooking are to be considered in line with Policies DEV2 of the UDP, and DEV1 of the Interim Planning Guidance where new developments should be designed to ensure that there is sufficient privacy for residents. A distance of about 18 metres (60 feet) between opposite habitable rooms reduces inter-visibility to a degree acceptable to most people. This figure is generally applied as a guideline depending on the design and layout concerned and is interpreted as a perpendicular projection from the face of the habitable room window.
- 8.49 The proposed hotel is not a form of permanent housing and therefore considered to be a non-domestic structure. The proposed vessel is obliquely located 22 metres from the nearest properties within Meridian Place, and there are no directly facing habitable room windows. It is therefore considered the scheme will not result in an unduly detrimental loss of privacy, or afford an inappropriate level of overlooking to neighbouring residential properties.

Transport & Highways

Access

- 8.50 Policy T16 of the UDP together with policies DEV17, DEV18 and DEV19 of the IPG October 2007 require new development to take into account the operational requirements of the proposed use and the impact of the traffic that is likely to be generated. In addition, policy objectives seek to ensure that the design minimises possible impacts on existing road networks, reduces car usage and, where necessary, provides detailed mitigation measures to enable the development to be acceptable in planning terms.
- 8.51 The application site is in an accessible location well served by public transport. As mentioned in section 6, the site has a PTAL of 3 at present. However, this will increase to 4 when the South Quay DLR station is re-located.
- 8.52 A water taxi link is proposed to operate between the hotel vessel and points around the Canary Wharf basin. These are proposed to be electric powered vessels with access for disabled passengers.
- 8.53 The application proposes the creation of a dedicated access from Marsh Wall, which will direct hotel traffic from Marsh Wall directly to the main entrance of the hotel. This access is capable of accommodating both taxis and coaches, providing a sufficient turning head within the curtilage of the site.
- 8.54 In line with London Plan policy 3C.1 the developer seeks to reduce the need to travel by car. Patrons will be encouraged to use public transport to access the hotel, and no parking is proposed for guests on site. A Travel Plan has been submitted for this purpose, and is secured through the s106 legal agreement.
- 8.55 No car parking is proposed for staff, who will be encouraged to access the site via public transport.
- 8.56 Sixteen cycle parking spaces have been proposed as part of the scheme. However, TfL have recommended that a minimum of 20 are provided. The applicants have agreed to a condition securing further details of the cycle storage area, accommodating the additional 4 spaces.
- 8.57 The Transport Statement submitted with the application considers the proposed hotel would generate approximately 70 taxi visits per day, based on the average rate of 40 taxis per 100 bedrooms. Taxi set down and pick up spaces are proposed on a new pontoon adjacent to the entrance to the hotel.
- 8.58 If guests elect to travel by private car, a valet car parking service would be provided from the hotel set-down and pick up area, utilising public car parks in the vicinity.
- 8.59 Five disabled parking spaces are proposed at the quayside adjacent to the vessel. Disabled guests could either utilise these parking spaces, or the valet service. The access from Marsh Wall is fully accessible for wheelchair users.
- 8.60 Refuse and waste management is proposed within a compacted, containerised on-board collection system. This is then proposed to be collected from the north side of the vessel, via a silent electric (or similar) servicing vessel. Applicants have indicated that the waste collection arrangements would occur during business hours, and the servicing requirements will form part of the overall management plan which applicants have agreed to submit via a S106 agreement.
- 8.61 The Confederation of Passenger Transport has commented on the lack of coach parking associated with the proposed hotel. Whilst there is no coach parking directly adjacent to the site, there are five coach bays along Lightermans Road approximately 600 metres to

the south of the site. It is however considered by the applicants that the 5 star + nature of the scheme will preclude a high demand for coach services.

- 8.62 The pedestrian environment and access will be improved as a result of the proposal. The development incorporates a new pedestrian swing bridge crossing Millwall Cutting, allowing for a direct pedestrian route from Canary Wharf and further east. Additional pontoons and a viewing pier are also proposed, which allow for public access.
- 8.63 Neighbour consultation raised objections regarding inadequate servicing, lack of parking, increase in congestion and increase in pedestrian traffic through Meridian Place. Analysis of the scheme by both TfL and the Council's Highways section has found the scheme to be acceptable in terms of highways provision, as expanded upon above.
- 8.64 TfL welcomes that the assessment is accompanied by a travel plan. This will be secured within the S106 agreement, in order to manage travel demand.

Other Planning Issues

Energy and Renewable Technology

- 8.65 The consolidated London Plan (2008) energy policies aim to reduce carbon emissions by requiring the incorporation of energy efficient design and technologies, and renewable energy technologies where feasible. Policy 4A.7 adopts a presumption that developments will achieve a reduction in carbon dioxide emissions of 20% from onsite renewable energy generation (which can include sources of decentralised renewable energy) unless it can be demonstrated that such provision is not feasible.
- 8.66 According to policy DEV6 of the IPG, 10% of new development's energy is to come from renewable energy generated on site with a reduction of 20% of emissions.
- 8.67 The submitted Energy Statement proposes the use of biofuel CHP boiler, a secondary natural gas CHP boiler and a river water cooling system as a means of achieving a 20.8% reduction in carbon emissions for the proposal.
- 8.68 Alternative energy solutions were considered, such as photovoltaic panels which were deemed inappropriate due to the impact of their visual appearance on the vessel. Other alternatives such as ground source heat pumps and wind harvesting devices were not considered practical due to the unique characteristics of the proposal.
- 8.69 One public consultee raised concern with the use of biofuel as a 'sustainable' fuel. Whilst there is wider debate over the sustainability of biofuels, at this point in time the EU and national government policy is highly supportive of its use.

Sustainability

- 8.70 The overwhelming objective of PPS1 is to deliver sustainable development that uses previously developed land in the most efficient way, reduces the need to travel and delivers an improved environment. It suggests that planning should facilitate and promote sustainable and inclusive urban and rural development.
- 8.71 The proposed development is considered sustainable, in that it proposes the re-use of an existing mooring in an accessible location. As in the Transport section above, a Travel Plan has been submitted which sets out how vehicle movements will be reduced.
- 8.72 The site is not considered to comprise a valued landscape, nor does it contain features of cultural, historical or archaeological importance. Whilst the wider area has been identified

as of importance for ecology, the proposal will not adversely impact these values, as expanded upon within the Ecology section of this report.

- 8.73 The applicants have confirmed that the design will aim for Building Research Establishment's Environmental Assessment Method (BREEAM) 'excellent' rating, but shall achieve at least a 'very good' rating, which is considered acceptable. The BREEAM assessment methods and tools help construction professionals understand and mitigate the environmental impacts of developments. The tools act at different stages of the construction process, i.e. for the manufacture of building materials, through design stage during construction, and post construction.
- 8.74 The vessel will be constructed predominantly from steel, being a low maintenance material with a long life. Internal fittings are to be sustainable hardwood, and a high specification glazing used to maximise daylight penetration, whilst minimising heat loss.
- 8.75 All waste products are proposed to be recycled, and any excess building materials not able to be re-used elsewhere will be recycled as appropriate.
- 8.76 One consultee queried how a vessel constructed of steel away from the local area could be sustainable, and suggested the vessel will be constructed outside the UK. Indeed, London does not have a boat yard capable of constructing a vessel of the size proposed, and, whilst it would be preferable to construct it locally, this is not a feasible option.
- 8.77 If the applicants need to go out of the UK to construct the vessel, the applicant has made an undertaking to require the appointed boat builders to work to a code of construction practice and a site waste management plan, in addition to other relevant environmental and sustainability legislation.
- 8.78 As a new build yacht the vessel will be constructed to high standards. Steel is a basic material for boat construction due to its strength and durability, particularly for vessels of this size. In this respect, the use of steel represents current standard industry practise.
- 8.79 Notwithstanding this, the energy efficiency and heat recovery strategy uses state of the art technologies to achieve a degree of sustainability in excess of many conventional buildings.

Utilities

- 8.80 Most utilities will be from the mains, together with connections contained within an underground 'utilities hub', located on the dockside.
- 8.81 Incoming water supply is proposed to be supplied via a meter room within the utilities hub to storage tanks at Deck 00.
- 8.82 In terms of drainage, foul water is proposed to be drained by gravity to a collecting tank at Deck 00. The tank will be automatically drained by means of foul discharge pumps to the local land based sewer system. Thames Water have confirmed to the applicant there is an existing trench sewer in the area, capable of receiving the additional discharge.
- 8.83 The proposal includes the use of on-site renewables, and it is considered that due regard has been had to measures to reduce demands on utilities.

Flooding

- 8.84 Policy U3 of the UDP and policy DEV21 of the IPG October 2007 states that the Council (in consultation with the Environment Agency) will seek appropriate flood protection where the redevelopment of existing developed areas is permitted in areas at risk from flooding.

- 8.85 The Environment Agency was originally objecting to the scheme where no evidence had been provided that the flood risk Sequential Test has been adequately demonstrated in accordance with PPS25. In response to the submission of further evidence, the EA has since removed their objection regarding this matter and the scheme is considered acceptable.
- 8.86 The EA have also confirmed the development does not require a Flood Risk Assessment by reason of the size of the site being less than 1 hectare.

Ecology

- 8.87 The proposed mooring forms part of the Millwall and West India Docks Site of Borough Importance Grade II. This is a local designation and indicates that the site and its surround are of district value.
- 8.88 The ecological interest of the proposed mooring site relates to the aquatic environment and those species supported by it, particularly birds. The docks themselves are located in a predominantly built up area. Terrestrial vegetation is largely confined to the brickwork of the dock walls and to beds of ornamental shrubbery where they occur as weeds.
- 8.89 The ecology report confirms that the dock environment is of value to breeding birds, but that the proposal is unlikely to have any significant adverse impacts on the integrity of conservation status of Millwall and West India Docks Site of Borough Grade II, or local ecological feature of interest.
- 8.90 Notwithstanding this, the report recommends the development of an ecological enhancements and interpretation strategy, comprising fish spawning rafts, floating vegetated rafts, creation of nesting sites and the erection of wildlife interpretation facilities, which are in line with British Waterway's ecological proposals. The applicant has confirmed they agree to a condition securing further details of these measures.
- 8.91 The Environment Agency has requested that five conditions are added to the application with relation to ecology.
1. Details of pilings, foundations and excavations;
 2. The submission of an ecological/mitigation/enhancement plan, including management responsibilities and maintenance schedules for any proposed mitigation schemes;
 3. All planting on and around the site to be of locally native plant species only, of UK genetic origin;
 4. All external lighting on the pontoon moorings and around South Quay Dock to be directed away from the dock waterbody;
 5. No storage of materials related to construction of the development within 5 metres of the dock edge.
- 8.92 Public consultees raised concern over the proposed pilings, considering they would adversely impact local ecology and biodiversity. The Environment Agency raised this as a concern at the pre-application stage and as noted above, has suggested that details of all pilings, foundations and excavations are required by conditions prior to works commencing on site, to ensure the ecological impacts are addressed and mitigated through best practise prior to works commencing.
- 8.93 Another issue raised through public consultation suggested the proposal lacked the provision of an isolated area on the vessel which would encourage either existing or new species. Such as approach would have a detrimental effect on the design of the vessel, and other measures proposed are considered to achieve an acceptable ecological impact.

Litter and Odour

- 8.94 Some consultees have concern the proposal will result in increased litter in the area. The provision of good environmental conditions in the surrounding area are important for the hotel's vitality and viability. The applicants have confirmed they do not and will not support practices such as emptying litter directly in to the dock, as had been suggested by one objector, and any litter which may accumulate along the docks will be removed by the applicant.
- 8.95 Odour was also raised as a concern, and whilst the specifics were not included, several potential sources are addressed below:
- All services to the vessel are proposed from shore supply, by electric vessels. Thus there will be no diesel fumes from engines or generators as is normally the case with visiting vessels.
 - Waste water and sewerage to be disposed of through flexible conduits to the main sewerage system. No manual emptying of tanks and thus, no odour arising.
 - All kitchen and other internal extracts filtered and discharged away from Meridian Place, details of which to be secured by condition.

Location of the proposal

- 8.96 Some consultees have questioned the proposed location, suggesting the hotel should be located further to the west, away from Meridian Place. The Council is obligated to consider planning applications as submitted, and for the reasoning expanded upon within this report, the proposed site is considered appropriate.
- 8.97 Further to this, British Waterways control just a small proportion of the adjoining dockside with the majority under third party control or subject to development proposals. Thus, opportunities for alternative moorings with quayside access are limited.
- 8.98 Consultees have also raised concern regarding the use of the mooring directly adjacent to Meridian Place, considering the scheme will result in an increase of its use. Vessels currently have unrestricted access to this mooring, and will continue to do so. It is therefore not considered the proposed scheme alters the current arrangement.

Recreational use of the dock and dockside

- 8.99 Consultees have suggested that the proposal will adversely impact the recreational use of the dock and dockside.
- 8.100 It is considered the dock and dockside is underutilised for recreational purposes, and the new facilities including hotel bars, restaurants and viewing platform, and new pedestrian swing bridge will enhance the recreational capacity of the area by providing new attractions and waterside access which is not currently available.
- 8.101 Furthermore, the new pedestrian swing bridge will enable pedestrian's direct access along the southern side of the dock. New planting, lighting and resurfacing of the pathways and an increased security presence will encourage further recreational use of the dockside.
- 8.102 Concern has also been raised regarding the loss of water space to be used by Sea Scouts. At present the mooring is in active use, and can be continually occupied, albeit on a temporary basis. It is therefore considered the impact of the existing situation regarding access to and use of the surface water will remain relatively unchanged.
- 8.103 Objection raised regarding the loss of public amenity space in the form of the dockside. The development will not restrict public access to the dockside, and a new pedestrian

bridge will strengthen the east west links.

Local community benefits including employment

- 8.104 Consultees have queried the benefits of the scheme for the local community. Notwithstanding the financial contributions outlined in section 3 of this report, employees of the hotel are likely to be from the local area, given the sites' accessible location.

Enforceability of conditions and s106 agreement

- 8.105 One consultee suggested a condition requiring the removal of the vessel, should issues arise from its mooring. The effectiveness of conditions and the s106 agreement were also queried.
- 8.106 A condition which would effectively 'revoke' the permission is considered inappropriate and unenforceable.
- 8.107 Both conditions and s106 agreements are established mechanisms for addressing and controlling impacts of development. Breaches of planning conditions will be dealt with by the Council's planning enforcement section, whilst breaches of the s106 agreement are a legal matter.

Ongoing Maintenance

- 8.108 One consultee questioned the ongoing maintenance of the vessel. The applicants have confirmed this will occur in-situ, allowing uninterrupted operation. However, the vessel can be towed out of the dock to a suitable boat yard if larger repair or refurbishment is required.

Resident control over the mooring

- 8.109 Residents of Meridian Place have objected on the grounds that the freeholder of Meridian Place has a 7 day veto over vessels moored along the dockside. The applicants have advised that British Waterways has sole jurisdiction over the docks and the mooring of visiting vessels. However, should planning permission be granted for the proposed scheme, this is a legal matter between the two parties.

Consistency with the historical use of the dock

- 8.110 One consultee response noted that visiting vessels are in keeping with the dock's historical use.
- 8.111 The strict historical context of the docks is the berthing, loading and unloading of merchant shipping. None of the vessels that currently visit the docks have any connection with this previous historic use. Regardless, the scheme is proposed as contemporary in its approach and sits comfortably within the existing environment.

Navigation within the docks

- 8.112 Consultees raised concern over the navigation of other dock users. This was a concern shared by the GLA. As noted in section 6, British Waterways is satisfied the proposal will not adversely impact on the use of the dock by other vessels.

Response to objections which are not a material planning consideration

- 8.113 Property values are not a material planning consideration.
- 8.114 Building regulations are not a planning matter. However, the development will have to

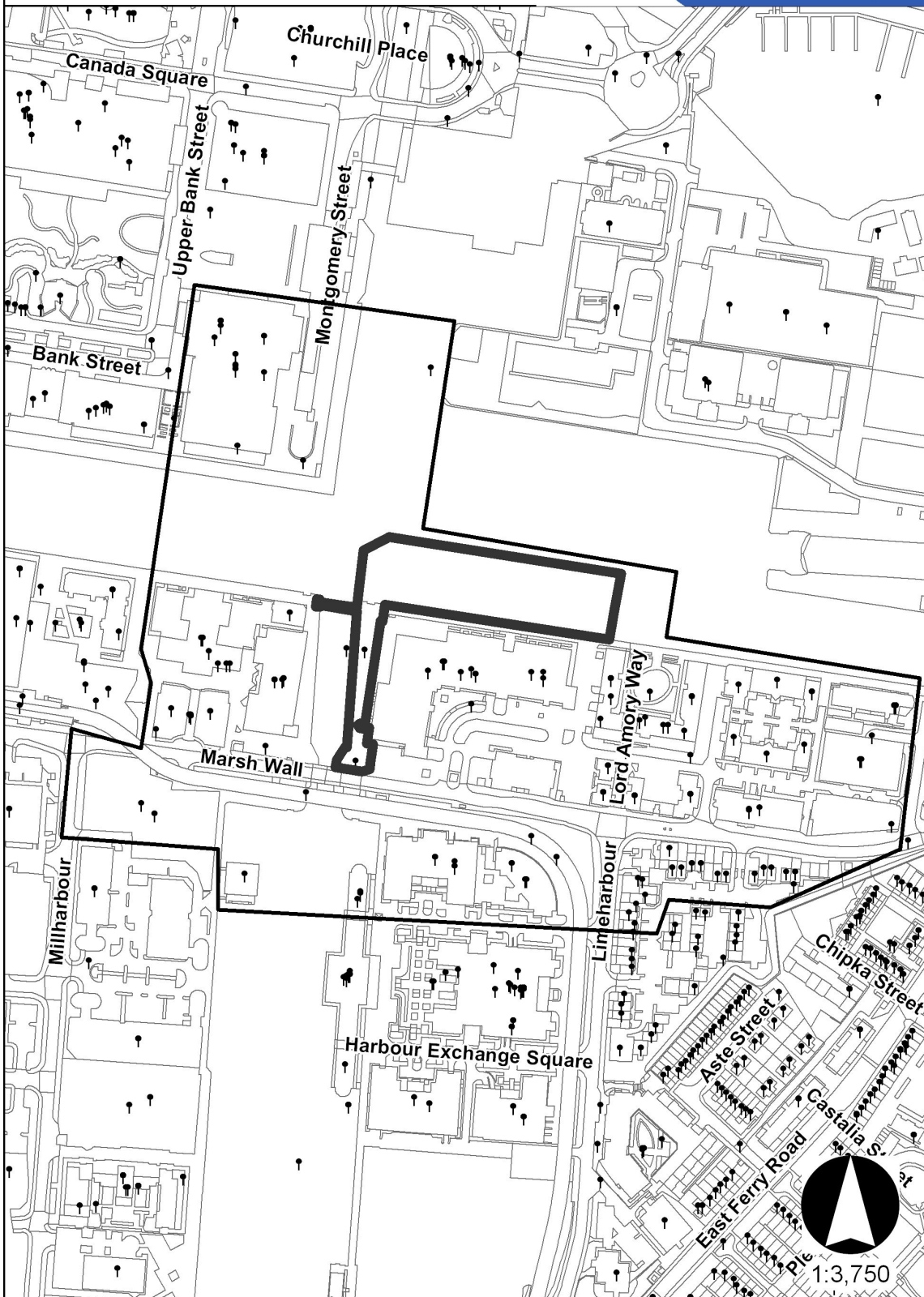
comply with building relevant building control regulations.

- 8.115 One consultee suggested the Thames Quay office building would be converted to accommodate reception, banqueting and conference events. Any application submitted to the Council would be considered on its own merits and thus such a concern is not relevant to the current planning application. In any event, the applicants have confirmed they have no intention to extend their operation in the manner suggested.
- 8.116 Consultees have suggested the scheme could set a precedent for other proposals on the dockside. The Council is required to consider applications on their own merits if they are submitted.
- 8.117 One consultee made reference to London Plan and IPG policies relating to the blue ribbon network, together with policy IOD15 which relates to hotel uses within the northern sub-area of the Isle Dogs. However the site does not fall within the northern sub-area, nor does it fall within the blue ribbon network, and thus these policies are not considered relevant.

9.0 **Conclusions**

- 9.1 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

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 LA100019288

