

REPORT FOR CONSIDERATION AT PLANING APPLICATIONS SUB COMMITTEE

Reference: HGY/2006/1741 **Ward:** Tottenham Hale

Date received: 01/09/2006

Last amended date: N/A

Drawing number of plans: HWCB/P3758/01

Address: Hale Wharf, Ferry Lane N17

Proposal: Provision of 4 business barges and associated mooring facilities, landscaping and associated parking.

Existing Use: N/A

Proposed Use: B1

Applicant: British Waterways

Ownership: Public

Introduction.

An essentially identical application as this application currently before Committee (HGY/2005/1036) was considered at the Planning Applications Sub-Committee meeting on 24 April 2006 when Members agreed to grant planning permission subject to conditions, for the mooring of four barges and landscaping and parking.

However, a legal challenge to that decision has been made by way of Judicial Review. The challenge has been submitted on behalf of an amenity group which has an interest in ensuring the continued usefulness of the canal and waterway network.

The essence of the challenge was that the Council in assessing the application and granting planning permission did not properly consider strategic policies in the London Plan regarding the use and protection of London waterways. These are the Blue Ribbon Network Policies at section 4C of the London Plan 2004.

Counsel's advice on the Judicial Review is that the Council, as Local Planning Authority, should not contest the legal challenge.

The Applicant, British Waterways, has submitted this new application brought before the Planning Applications Sub-Committee this evening so that the proposal could again be consulted on and properly considered in light of all the relevant policies, including the Blue Ribbon policies.

This Report represents the report to Planning Applications Committee of 24 April 2006, but with additional sections on the Blue Ribbon Policies. The responses referred to are those received as a result of consultation of the previous application (HGY/2006/1741). Any responses received as a result of consultation on this application will be reported to Committee orally at the meeting.

The Report recommends that the proposed development is not fundamentally contrary to the Blue Ribbon Policies.

RECOMMENDATION: Grant permission subject to conditions.

PLANNING DESIGNATIONS

Road - Metropolitan
Area Plans and Planning Briefs
Flood Plain
Area of Archaeological Importance
Area of Community Regeneration
Defined Employment Area
East London Lee Valley Regen
Lee Valley Regional Park

Officer contact: Paul Smith

RECOMMENDATION

GRANT PERMISSION subject to conditions

SITE AND SURROUNDINGS

Hale Warf is a defined employment area located on an Island on the River Lea Navigation System, accessible from Ferry Lane close to the borough boundary with Waltham Forest. The business barges would be moored on the western side of Hale Wharf on the eastern bank of the River Lea Navigation 140m north of Tottenham Lock (Ferry lane). The River Lea Navigation is 26m wide at this location.

The site is not within a conservation area.

PLANNING HISTORY

There is extensive planning history related to Hale Wharf however no previous application is directly relevant to this application

DETAILS OF PROPOSAL

Provision of 4 business barges and associated mooring facilities, landscaping and associated parking.

The (identical) barges would measure 5.2m x 25.4m and would be moored end to end in line parallel to, and c. 4m from the eastern bank of the River Lea navigation. The barges would be accessed by a floating, hardwood finished pontoon, two metres wide, positioned along side the barges and two metres from the bank. A cantilevered steel bridge would connect the pontoon to the bank. Six parking spaces would be provided on the bank adjacent to the cantilevered steel bridge including two disabled spaces.

CONSULTATION

LBH – Transportation Group
UDP Team
Thames Water
Ferry Lane Residents Association
Environment Agency
Lee Valley REGNL Park
Mr D Brenner, The Regents Network
Richard Buxton Solicitor for Mr Brenner, The Regents Network

RESPONSES

Lee Valley REGNL Park – No objection subject to the following conditions:

- Approval be limited to 3 years; and
- If temporary permission is not acceptable then the Authority objects to this proposal on the basis that this application will prejudice the satisfactory future development of Hale Wharf in this section of the Park

Lee Valley Estates – Fully support the project

LBH – Strategic Division – Fully support the project

LBH – Transportation - No comment has been prepared for this yet owing to the fact that the applicant has failed to supply us with detailed information (perhaps planning statement) which would assist us in understanding the nature of the business.

Environment Agency – The agency initially objected on the following grounds

- The application is not accompanied by a Flood Risk Assessment as required by PPG25
- Landworks associated with the proposed barges are in close proximity to the top of the bank of the River Lea Navigation. The proposal will prejudice flood defence interests, restrict necessary access to the watercourse to carry out maintenance works, adversely impact upon any future river improvement schemes, have a negative impact upon the character of the river corridor and may cause the river's bank to become destabilised consequently increasing the risk of erosion.

Following negotiation with British Waterways, the Environment Agency can now support the application subject to the following conditions being imposed:

Condition 1: External artificial lighting as part of the development shall be directed away from the River Lee Navigation and shall be focused with cowlings.

Reason: To minimise light spill from the new development into the watercourse or adjacent river corridor habitat. Artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat.

Condition 2: There shall be no permanent storage of materials related to the development within five metres of the River Lea Navigation along the entire length of the site. This area must be suitably marked and protected during development.

Reason: To reduce the impact of the proposed development on the river buffer zone and the movement of wildlife along the river corridor.

Condition 3: Before development commences, an ecological enhancement plan, including long term design objectives, management responsibilities and maintenance schedules for all enhancement areas, shall be submitted to and improved in writing by the Local Planning Authority

Reason: To protect and enhance the natural features and character of the area

Condition 4: All planting carried out as part of the ecological enhancement plan shall be of locally native plant species only, of UK genetic origin.

Reason: Use of locally native plants in landscaping is essential to benefit local wildlife and to help maintain the region's natural balance of flora. Native insects, birds and other animals cannot survive without the food and shelter that native plants provide – introduced plants usually offer little of our native wildlife.

The following informative should be attached to any planning permission Granted:

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any proposed or structures in under, over or within 8 metres of the brink of the River Lee (Navigation) main river. Contact John Thurlow on 01707 632403 for further details.

RELEVANT PLANNING POLICY

LONDON PLAN 2004

4C; BLUE RIBBON POLICIES

Define the Blue Ribbon Network of London waterways; set out principles and criteria for recognising their strategic importance when making plans and considering planning applications, stressing the importance of all agencies in having a co-ordinated approach to land-use planning.

Policies:

4C.1 'The Strategic Importance' of The Blue Ribbon Network (BRN)

4C.2 'Context For Sustainable Growth'

4C .3 to 9 recognise the importance of the BRN to Bio-diversity and flood defences and drainage.

4C. 10 – 13 on Conservation and sustainable growth.

4C.14 and 15; Freight use of the waterways and safeguarded wharves, leisure use and access.

4C. 19 on Moorings.

4C.22 'Structures over & into BRN'

4C.28 and 29; Development adjacent to canals; open water spaces.

4C.31 'Rivers'.

The following policies are not considered to be relevant to this proposal:

4C.5 'Improving Rivers'

4C.11 'Conservation Areas'

4C.17 'Increasing access To BRN'

4C.18 'Support Services'

4C.20 'Design'

4C.21 'Design Statements'

4C.23 'Safety On Or Near BRN'.

4C.30 'New Canals & Canal Restoration'.

4C.32 'Docks'.

4C.33 'Royal Docks'.

4C.34 'Links'

HARINGEY UNITARY DEVELOPMENT PLAN (2006)

EMP 5; PROMOTING EMPLOYMENT USES

EMP1; DEFINED EMPLOYMENT AREAS; REGENERATION AREAS.

ENV 4; ENHANCING AND PROTECTING THE WATER ENVIRONMENT

ENV 5; WORKS AFFECTING WATERCOURSES

M11; RAIL AND WATERBORNE TRANSPORT,

UD4; QUALITY DESIGN,

OS9; LEE VALLEY REGIONAL PARK,

SCHEDULE 8; LEEVALLEY PARK PROPOSALS"

SUPPLEMENTARY PLANNING GUIDANCE (2003)

SPG 8g 'Ecological Impact Assessment'

ANALYSIS/ASSESSMENT OF THE APPLICATION

This application seeks the provision of 4 x business barges and associated mooring facilities, landscaping and associated parking. This project is being led by British Waterways and has attracted funding to the European Regional Development Fund.

This is an unusual proposal to provide a new employment use on the River Lea Neavigation, adjacent to Hale Wharf Defined Employment Area, that would preserve the special riparian character of the waterway by being accommodated on purpose built traditional-style canal barges. In principle, this proposal is strongly supported by Council policy, in particular policies EMP 5 "Promoting Employment Uses" and EMP 1 "Defined Employment Areas/Regeneration Areas."

The primary planning consideration here is the impact of the proposal on the waterway itself and local ecology. The Environment Agency have been consulted and they have provided a list of conditions to be imposed in the event of an approval (see above), that would serve to mitigate any unacceptable impact on the waterway or local ecology. These conditions, which are agreeable to British Waterways, are considered to be both necessary and reasonable and would ensure that the proposal satisfies Council's environmental policies.

The application needs to be assessed against the policies on the **Blue Ribbon Network** in Section 4C of the London Plan 2004. These are designated to protect and preserve the London Waterway network, as well as open parts of it up by promoting sport and leisure use, freight use, and waterside access, provide these do not detract from the natural habitat.

Certain areas are identified as providing opportunities for sustainable growth; listed in para 4.99, these include Tottenham Hale and the River Lea.

In terms of the proposed development at Hale Wharf, for the mooring of four barges, the most significant Blue Ribbon policies are;-

4C.1 'Strategic Importance Of The BRN'.

It is accepted that this policy is a material consideration in relation to this matter.

4C.12 'Sustainable Growth Priorities'.

The proposed development is located adjacent to a Defined Employment Area. It is designated as an 'Opportunity Area' in the London Plan. The proposed development will help to meet local employment objectives and is supported by the London Development Agency and European Regional Development Funding.

4C.14. Freight uses; proposals to increase the use of the Blue Ribbon network to transport freight are to be encouraged. The proposed use for mooring of four barges does not involve freight movement by boat. It is not considered that it would impede such movement, however; the waterway at this point is some 27 m. wide, and the barges would project up to 9 metres into the waterway (5m. width of barge, plus 4m. for pontoon/access), still leaving 18 metres for barges to pass.

4C15. Safeguarding wharves; this policy seeks to prevent development that would preclude the wharf being re-used in the future for cargo-handling purposes. As there is no substantive permanent development proposed, but rather the mooring of barges, this would not of itself prevent future re-use for cargo – handling should the demand arise.

4C 17 . Increasing access; the proposal would be likely to encourage more footfall to the waterside, and would not hamper the existing degree of access.

4C. 19 Moorings facilities; this policy is designed to improve mooring facilities for visitors and residents, which should generally be in basins or docks but may be appropriate in areas of deficiency or as an aid to regeneration, where the impact on navigation, biodiversity and character is not harmful. Although this proposal is for commercial rather than residential use, it is not considered as harmful to the character of the waterway nor having an adverse effect on navigation.

4C.22 'Structures Over & Into the Blue Ribbon Network'.

This policy states that proposals for structures over or into the water spaces for uses that do not specifically require a waterside location should be

resisted. The supporting text however goes on to state that where structures are needed they should minimise their navigational, hydrological and biodiversity impacts. On balance it is considered that this particular development is not considered on its merits to be harmful in relation to these issues.

It is considered that the proposed development would because it is in the form of barges and moorings integrate with the water space in terms of appearance and physical impact and that the unique character and openness of the BRN would be preserved and protected at this point.

The proposal is not regarded as being harmful to other aims and policies of the Blue Ribbon Network, such as the Natural Landscape (4C.4), because this wharf is already hard surfaced; nor Flood plains and Flood Defences (Policies 4C.6 and 4C.7), nor Design (4C.20).

The proposed barges, pontoon and cantilevered steel bridge are considered to be of a sensitive design, which would enhance the character of the area and which would satisfy Council policy UD 4 "Quality Design". The proposal would not hinder movement along the waterway or banks and would satisfy Council policy ENV 4 "Enhancing & Protecting The Water Environment". It would also not conflict with Policy OS 9 "Lee Valley Regional Park", because it does not impact on the park or its immediate environment in a detrimental way.

It is noted that the Lee Valley Regional Park Authority (LVRPA) have concerns that the proposal, if implemented, would prejudice the satisfactory future development of Hale Wharf, and accordingly that approval be limited for a period of three years. It is also noted that British Waterways state that the feasibility and funding of the project is dependent on a twenty five year time horizon, and that the imposition of condition limiting the period of approval would not allow the development to go ahead.

Government Planning Circular 11/95 states *"that a temporary permission will normally only be appropriate either where the applicant proposes temporary development, or where a trial run is needed in order to assess the effect of the development on the area"*. The planning officer at Lea Valley Park is of the view, that the land based elements of the scheme would be out of place and detrimental to the amenities of the area in the future context of a redeveloped Hale Wharf and a leisure based riverside. The proposed land based elements comprise eight parking spaces and a Mechanical and Electrical kiosk. It is considered that these elements would not prejudice the satisfactory future development of Hale Wharf. Refuse storage, details of which have not been yet been provided, can be required to be set well back from the waterway, to protect the amenities of the area and to prevent any hindrance to movement along the bank.

SUMMARY AND CONCLUSION

On balance it is considered that the proposed development would be of benefit in that it would provide new employment and preserve the special character of the River Lee at this point and would not result in harm in the short or long term to the capacity and qualities of the water space at this location. The proposed development would therefore comply with the Blue Ribbon Network policies of the London Plan and with the Unitary Development Plan 2006 in particular policies EMP 5 "Promoting Employment Uses", EMP 1 "Defined Employment Areas", ENV 4 "Enhancing the Water Environment", ENV 5 "Works Affecting Watercourses" and UD 4 "Quality Design".

RECOMMENDATION

GRANT PERMISSION

Registered No. HGY/2005/1036

Applicant's drawing no. HWCB/P3758/01

Subject to the following conditions

1. The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect.
Reason: This condition is imposed by virtue of the provisions of the Planning & Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions.
2. The development hereby authorised shall be carried out in complete accordance with the plans and specifications submitted to, and approved in writing by the Local Planning Authority.
Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.
3. External artificial lighting as part of the development shall be directed away from the River Lee Navigation and shall be focused with cowlings.
Reason: To minimise light spill from the new development into the watercourse or adjacent river corridor habitat. Artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat.
4. There shall be no permanent storage of materials related to the development within five metres of the River Lea Navigation along the entire length of the site. This area must be suitably marked and protected during development.

Reason: To reduce the impact of the proposed development on the river buffer zone and the movement of wildlife along the river corridor.

5. Before development commences, an ecological enhancement plan, including long term design objectives, management responsibilities and maintenance schedules for all enhancement areas, shall be submitted to and improved in writing by the Local Planning Authority

Reason: To protect and enhance the natural features and character of the area

6. All planting carried out as part of the ecological enhancement plan shall be of locally native plant species only, of UK genetic origin.

Reason: Use of locally native plants in landscaping is essential to benefit local wildlife and to help maintain the region's natural balance of flora. Native insects, birds and other animals cannot survive without the food and shelter that native plants provide - introduced plants usually offer little of our native wildlife.

7. That a detailed scheme for the provision of refuse, waste storage and recycling within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works. Such a scheme as approved shall be implemented and permanently retained thereafter to the satisfaction of the Local Planning Authority.

Reason: In order to protect the amenities of the locality.

INFORMATIVE: Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any proposed or structures in under, over or within 8 metres of the brink of the River Lee (Navigation) main river. Contact John Thurlow on 01707 632403 for further details.

INFORMATIVE: The new development will require numbering. The applicant should contact the Transportation Group at least six weeks before the development is occupied (tel. 020 8489 5573) to arrange for the allocation of a suitable address.

REASONS FOR APPROVAL

The Council has had regard to the London Plan in particular the Blue Ribbon Network Policies at Section 4C of the London Plan and policies EMP 5, EMP 1, ENV 4, ENV 5 and UD4 of the Unitary Development Plan 2006, and to

other material planning considerations. The proposal is substantially in accordance with the London Plan and the Unitary Development Plan for L B Haringey.