PURPOSE

1 For committee consideration due to number of objections received.

RECOMMENDATION

2 Grant planning permission subject to conditions

BACKGROUND

Site location and description

3 Cherry Garden Pier is the operational base of City Cruises Plc. and the existing pier pontoon is nearing the end of its structural life. The existing pier pontoon comprises two existing office buildings. There is an existing associated porta cabin office located on an adjacent storage barge directly to the east. There are 5 permanent pontoons currently on the site and this proposal relates to the replacement of 1 of these pontoons.

4 Residential properties are located to the south of the site, along Bermondsey Wall East.

5 The site does not fall within a Conservation Area.

Details of proposal

6 It is proposed to replace the existing pier pontoon with a new pier pontoon of the same length but 2m wider than the existing. The existing store barge will remain in position (directly to the east of the new pier pontoon), although the porta cabin will be removed.

7 The proposed new replacement pier pontoon will provide office accommodation both 'on deck' and within void of the pontoon. It is proposed that the new pier pontoon will ride approximately 1m higher out of the water than the existing.

Planning history

8 The existing layout was granted approval by the LDDC on 16th Feb 1994 Ref: S/92/35. The relocation of components included: 3 pontoons for offices, fuel storage and catering, linked to 2 barges for workshop and stores. The office pontoon replacement is the subject of the current application. The approval also confirmed the role of the pier complex, not only as the operational base for City Cruises, riverboat services but also of Waterage, passenger Boar
Services, Pilotage and Port Agency. This involves the landing stage, mooring, maintenance and supply of vessels. This covers a full range of floating components such as pontoons and working boats.

A planning application was granted in November 1998 ref: 9801564 for the change of use of public urinal to refuse container store adjacent to entry.

A new office pontoon and relocated fuel pontoon was approved in February 1999 ref: 9801562.

A prefabricated single storey office on existing stores barge was granted approval in February 1999. This office will be removed from the pier on completion and occupation of current proposal. The stores barge will remain in its present location.

An amendment to 3 smaller pontoons for office accommodation was approved in November 1999 ref 9901236.

Planning history of adjoining sites
No relevant planning history.

FACTORS FOR CONSIDERATION

Main Issues
The main issues in this case are:

a] the principle of the development in terms of land use and conformity with strategic policies.

b] the impact of the proposal upon the surrounding residential properties.

Planning Policy
At its meeting on 29th June 2006 the Council resolved to adopt the Southwark Plan subject to modifications. Therefore apart from a small number of exceptions, the policies in the Southwark Plan now have significant weight in the determining of planning applications. Whilst the 1995 Unitary Development Plan remains the statutory Development Plan until such time as the Southwark Plan is formally adopted it is likely that, in determining pending applications, the Council will give predominant weight to Southwark Plan policies. Upon formal adoption the policies in the Southwark Plan will be applied unless material considerations indicate otherwise.

Southwark Plan 2006 [Modifications Version]
3.2 Protection of Amenity
3.31 Protection of Riverside facilities

Southwark Unitary Development Plan 1995 [UDP]
E.2.3 Aesthetic Control
E.3.1 Protection of Amenity

London Plan
4C.12 - Sustainable growth priorities for the Blue Ribbon Network

Consultations
Site Notice
7th September 2006

20 Internal Consultees
None undertaken

21 Statutory and non-statutory consultees
Residents Association for Cornwallis and Collingwood Houses
Port of London Authority

22 Neighbour consultees
1 - 10 National Terrace Bermondsey Wall East London SE16 4TZ
Flat 101 Bermondsey Wall East London SE16 4NB
The Angel 101 Bermondsey Wall East London SE16 4TT
156, 158, 160, 162, 164, 166, 168, 170 Bermondsey Wall East
Flat 1 - 7 Corbetts Wharf 87 Bermondsey Wall East London SE16 4TU

Consultation replies

23 Statutory and non-statutory consultees
Port of London Authority has no objection:
• Chapter 4 of the London Plan sets out policies for the Blue Ribbon Network and Policy 4C.12 seeks for the uses of the Blue Ribbon Network and the land alongside to be prioritised in favour of those uses that specifically require a waterside location. These uses include water transport, leisure, recreation, wharves and flood defence. Also of relevance is Policy 4C.13 which is concerned with passenger and tourism uses on the Blue Ribbon Network. It seeks to protect existing facilities for passenger and tourist traffic and to encourage development facilities that increase the use of the Blue Ribbon Network for passenger and tourist traffic.

24 Environment Agency: No objection
We acknowledge the use of this structure as wholly river reacted for the management of a London based Passenger Vessel Company, and accordingly support the proposal upgrading and improvement of the River Thames visual environment. No objection is raised in principle, provided that the conditions are imposed on any planning permission

25 Residents Association for Cornwallis and Collingwood Houses objects on the following grounds:
• Expansion in height of the pier premises will affect the riverscape in the immediate vicinity and is likely to make the surrounding area and views less pleasant and desirable.
• Increased capacity will affect environmental conditions in the vicinity of the pier i.e. increased road and river traffic, increased levels of noise and perhaps risk of oil leaks with possible consequences to everyday life of local residents.
• Currently high level of noise pollution starting early in the morning as a result of activities around the pier - concerns that the changes to the pier could exacerbate the problem.
• Congested parking problems during the day as a result of lack of proper parking provision for vehicles using the pier - concerns that the changes to the pier could exacerbate the problem.

26 Neighbour consultees
Nine letters of objection have been received from 156, 158, 160, 164, 166 and 170 Bermondsey Wall East, 1 and 5 National Terrace, 7 Corbetts Wharf, 87 Bermondsey Wall East raising the following concerns:
The applicant's site plan (DRG: 394-200 dated July 2006) omits one of the permanently moored pontoons at the site. This is anchored on the landward side, upstream from those shown, and impedes views from the public riverside access area along Bermondsey Wall East. It should be checked whether the applicant has planning permission for this pontoon.

The proposed structure is much more than a mere "...replacement of existing pier pontoon and offices..." as recited above. The new pontoon sits higher above the water line than the existing pontoon and the new office units are also higher than those they replace.

Loss of privacy from the proposed 6 oblong shaped windows in the base of the pontoon looking towards the facing houses.

There is an overall increase in useable capacity from about 142 square metres to about 180 square metres. The proposed increases in size and capacity are inappropriate and insensitive given the unique location of the site.

The application includes the installation of two new piles, one on each side of the connecting footbridge/brow. These appear to match the height of the three existing piles but the widths will be less at about .2 of a metre each. The two new piles would be unwelcome additions to the riverscape.

The new structure would be unattractive and obtrusive. The site is close to the world famous Tower Bridge and numerous other buildings of considerable historic interest.

The present structure is comparable to a row of buildings directly facing us on the other side of a road. This is particularly the case at high tides when the river, and objects upon it, become much closer. The overall appearance of the site, even at present is unattractive and the prospect of it becoming larger and with additional piles is frankly alarming.

Why do the roof sections, presumably unusable space, need to be so large? A reduced or gradual sloping of the roof elevations would have been more discreet and in keeping with the existing offices.

The suitability of the proposed structure is questioned as a safe working environment for the 21st century. City Cruises' staff will be working at low levels within the pontoon itself. The issues of daylight, sunlight and ventilation should therefore be taken into account as well as the sufficiency of the available space for the persons concerned.

Bearing in mind the enhanced height (from water level) of the pontoon/offices we wonder if there are issues of stability, particularly for the offices on top, given the wake/disturbance regularly caused by passing vessels. We mention in particular the frequency of high speed passes by conventional police boats and the large rib style boats recently introduced by the police/private operators.

A balance has to be struck between the interests and amenities of local residents and the commercial needs and aspirations of City Cruises. Any increase to the current scope of these commercial activities or any increase in the capacity of the pier is not supported.

We and other local residents have the protection of legal rights including those granted by the European Convention on Human Rights (ECHR) and the Human Rights Act 1998 (HRA). Many of us feel the recurring noises and disturbances caused by City Cruises and/or their suppliers constitute a nuisance/interference in our daily lives. These start from 0600 hours onwards and often continue past midnight. Under Article 8 of the ECHR we have a right to respect for our private and family life and our home. Under Article 1 to the First Protocol to ECHR we have a right to the peaceful enjoyment of our possessions. These include the premises forming our above address and our goods generally. We submit the changes envisaged or brought about by the above application would constitute unlawful interferences with our rights. They
should therefore be rejected.

- Southwark Council is a public authority within the meaning of HRA. Section 6 of HRA states it would be unlawful for a public authority to act in a way incompatible with a convention right – subject to certain specified exemptions. The exceptions do not apply to the circumstances of this case and this application should be rejected. We submit Southwark Council might be acting unlawfully if it did not reject the application.

- The River Thames is once again brimming with activity. Traffic in the region has increased significantly with overall passenger numbers rising 44% since 1999 to 2.3 million per annum. In addition the number of commuters using the river has increased by 80% in the last year alone. The carriage of freight has increased by 11% since 2000 and is likely to accelerate given the emerging environmental concerns about other means of transport. The Port of London Authority has said these rises are due to various factors but the investment in bringing piers up to date and purchasing new vessels have been instrumental in attracting new business. The essential point about these figures is that the river is a finite resource that is now becoming congested. In recent years City Cruises has been converting its old assorted fleet to one of modern jumbo cruise boats only. These vessels are each capable of carrying 500 passengers per trip. The Thames can only take so much traffic before it becomes grid locked. We suggest the carriage by river of commuters and freight should be encouraged and given priority. Any further expansion of leisure services by City Cruises should be monitored and subjected to critical scrutiny.

- Any further expansion at the pier would impact adversely on the local infrastructure, particularly the narrow roads that feed it. These roads are lined with houses and flats occupied by a community of mixed ages that includes many families with children. The available parking space for deliveries to City Cruises is completely inadequate for a business of this size. Southwark Council has in the last two months considered it necessary to install yet more bollards on the edges of the pavements next to Cherry Garden Pier. This action is to protect the pavements from recurring damage caused by delivery lorries.

- The above planning permission granted by Southwark Council in 1999 (Case no: TP/200-79A/AD) was subject to conditions. These were mostly intended to protect the amenity of local residents from noise and disturbance and one was to prevent traffic congestion. It is clear from our experiences that some of these conditions are being regularly breached. We refer in particular to conditions numbered 5 and 8 with occasional breaches of number 7. It may be that condition number 3 is being regularly being breached but technical equipment is required to measure the noise levels. The overall situation is likely to get worse if this application is granted, regardless of any conditions that might be imposed. In these circumstances the application should not be granted.

- We are concerned the application will be followed by subsequent applications regarding the two remaining outer pontoons. The grant of this application would constitute a precedent thus increasing the prospects of success of such applications. The inevitable result would be a continuously expanding pier with levels of enhanced service provision to match.

- Various of the riverside operations/activities of City Cruises could be carried out just as efficiently in landside premises. These include the duties undertaken by telephone sales staff and archive storage. We note the company has alternative commercial premises nearby in Jamaica Road and other premises are in plentiful supply. We suggest City Cruises should be encouraged to relocate any suitable staff and equipment, including archive records to a site on land. Any such move would be of benefit to the company, its staff and the local community. We say this because the staff could then enjoy better/safer working conditions and the area around Cherry Garden Pier
should be less busy.

- No construction work should take place at all on Sundays, on Saturdays only between 10am and 4pm and between 8.30am and 6.00pm weekdays in order to protect the peace and tranquility of the immediate residential environment.

- The roads around Cherry Garden Pier are already seriously congested with parked vehicles and goods vehicles delivering food and other supplies to the pier-head compound the difficulties. It is requested that if planning permission is granted it should be subject to the following conditions:
  
  (i) There should be no increase in the number of staff working on the pier complex, and hence parking in the environs.
  (ii) The number of lorries / vans delivering to the pier should be no greater than at present.
  (iii) The granting of planning permission for a new taller central pontoon should not create a precedent for granting similar enlargement of the other pontoons.
  (iv) The new pillars shall be removed once the new pontoon is installed.
  (v) The portacabin be removed from one of the pontoons - as applied for.

- The application is silent/unhelpful in many respects. For example:
  
  (A) Is any external lighting to be provided to the new pontoon/offices? Likewise security cameras. In the recent past we have had cause to complain about intrusive light pollution from the pontoons and offices. A number of external lights were being left on all night/early morning throughout the hours of darkness. Not only did they illuminate our river facing rooms for hours on end but they presented us, and anyone else looking in the direction of City Cruises, with an illuminated river based junkyard. Not much competition for the illuminated views of Tower Bridge etc to the west but just as prominent as seen from our house or the Thames Path. This view of City Cruises is due to the assorted materials, including a huge open dustbin, ladders and gangways etc usually lying on top of the working barge(s) facing our house. There are often, as at the moment, two such barges. After a number of complaints the offending lights were eventually dismantled.
  (B) Will any of their large commercial rubbish bins be on view? We understand some bins will be positioned near the connecting footbridge/brow. Rubbish should be removed by river as this was promised by the applicant at the last planning permission for closure of the old public toilets.
  (C) Is it intended that the two new piles should be permanent additions to the riverscape? It is understood they would only be required for a short time (a few days only) and could therefore be removed. If that is the case, why should they stay?
  (D) What is the position regarding the stack of server equipment for the computer/ IT functions? We understand this material was recently moved off the pontoons/barges and is now stored landside by the entrance to the footbridge/brow. We assume this move is intended to create even more space riverside within the new structure. Is the current relocation of this equipment part of the application?
  (E) We note a recent addition has been made to the space, or more correctly now the former space between the offices on the outer pontoon nearest Tower Bridge. Is this new structure related to the application?
  (F) It would have been helpful if the application documents gave actual measurements rather than being to a set scale. The dimensions are not as readily clear as they could be and can only be calculated by those with the required mathematical skills and a suitable scale ruler. In consequence there is a risk the average lay person will not readily comprehend the size of the proposed changes.

- No reason for offices on the river as there are plenty of empty offices on the land which would provide a better working environment.

PLANNING CONSIDERATIONS
**Principle of development**

The proposal involves the replacement of existing pier pontoon and offices and installation of two associated piles supporting the brow. The height of the pontoon will increase by 1m in height. The new pontoon will provide better office accommodation for staff within the pontoon and the offices located on its deck. The proposal will result in an increase of office floorspace from 142m² to 180m². However the proposal will not involve the intensification of the site and no additional staff will be working on the pontoon. Furthermore the existing prefabricated portacabin will be removed, thereby lessening the intensification of the site. For these reasons, the proposal is considered to be acceptable in principle.

**Impact of proposed development on amenity of adjoining occupiers and surrounding area**

Due to the new pier pontoon being approximately 1m higher out of the water than the existing, adequate natural daylight and ventilation will be achieved on the north (river facing) elevation. Whilst it is accepted that the pontoon will be 1m higher, this will only be detectable at high tide, which only occurs for approx 2 hours either side of each high tide. The agent has confirmed that high tides occur approximately every 12 hours and are maintained for a maximum of two hours. High tides vary by 1.8m in river level, the highest occur with the full moon in Spring and Autumn. There will be no intensification of the use and therefore no increased noise and disturbance for residents. The nearest residential properties in Bermondsey Wall east are approximately 55m away and therefore the proposal is not considered to have a significant impact upon the neighbouring properties.

No windows are shown in the elevation of the offices facing the houses and therefore there will be no loss of privacy to the residential properties. There are 6 new windows proposed facing the shoreline in the hull of the pontoon itself. Due to their height above water level of approximately 1m and the angle of view, they would not directly overlook the houses.

Objectors are concerned about increased staff numbers and the intensification of the site. However the applicant has confirmed that there will be no increase in staff numbers. Those currently occupying the portakabin office will be relocated to the proposed pontoon offices. This will result in the removal of the prefabricated offices, thereby lessening the intensification of the site in terms of the views from the neighbouring properties.

**Impact of adjoining and nearby uses on occupiers and users of proposed development**

The new pontoon will provide a much improved standard of staff accommodation both within its steel structure and offices located on its deck. Working conditions in the portakabin have deteriorated with respect to movement due to increased River traffic.

**Traffic issues**

There are no traffic issues relevant, as the proposal does not involve the intensification of the site. There will not be an increase in river traffic as a result of this new pontoon as it is simply replacing the existing dilapidated pontoon.

**Design issues**

To achieve the improved accommodation, there will be an overall increase in height of 1m to the visible depth of the pontoon. This increase provides for fixed glazing in the river (north) elevation for lower accommodation. The offices have been designed to match the previously approved offices on the
upstream pontoon. The proposal is considered to be acceptable and complies with policy 31 'Quality in Design'. The existing timber clad offices are unsuitable for reinstatement and two new offices will be built on the new pontoon. The proposed new offices will be made from white horizontal boarding on the walls and dark grey felt tile for the roof. The pontoon will be made from steel with a timber frame superstructure.

**Impact on character and setting of a listed building and/or conservation area**

The site is not located within or adjacent to a Conservation area.

**Planning obligations [S.106 undertaking or agreement]**

No S106 is required

**Other matters**

A site visit was undertaken by a planning officer and an enforcement officer. The Council is confident that everything on the site has the relevant planning permission, which is stated in the planning history section. However, the enforcement section will be happy to investigate further if any residents are concerned about any structures they feel are unlawful or any breaches of conditions. One of the objection letters refers to a permanent structure which has not been shown on the plans. The agent has confirmed that this pontoon is not permanently moored at this site. 'Short term' mooring is covered by the Port of London Authority's river works licence for Cherry Garden pier. The permanent mooring of such vessels would require a change to the licence as well as planning approval. No such permanent additions are envisaged.

No information is shown regarding proposed lighting or security cameras as noted by an objector. However, a condition will be attached to ensure that if these are proposed, the Local Planning Authority will need to see the details.

**Conclusion**

The proposal is considered to be acceptable as it will not significantly impact upon the neighbouring properties or the character and appearance of the area, as the pontoon will only be 1m higher than the existing. Overall, the proposal will improve the working environment and provide higher quality offices for the existing staff.

**COMMUNITY IMPACT STATEMENT**

In line with the Council's Community Impact Statement, the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race, and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.

a] The impact on local people is set out above.

b] There are no particular communities/groups likely to be affected by the proposal.

c] There are no likely adverse or less good implications for any particular communities/groups.

**SUSTAINABLE DEVELOPMENT IMPLICATIONS**

No direct implications