



---

## Appeal Decision

Site visit made on 10 February 2020

**by William Cooper BA (Hons) MA CMLI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5<sup>th</sup> May 2020**

---

**Appeal Ref: APP/E5900/W/19/3235605**

**Limehouse Marina, Limehouse Basin, London E14 8EG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
  - The appeal is made by Mr Matthew Freeman, British Waterways Marinas Limited (BWML) against the decision of the Council of the London Borough of Tower Hamlets.
  - The application Ref: PA/17/03268, dated 22 December 2017, was refused by notice dated 21 February 2019.
  - The development proposed is construction of new pontoons to provide leisure moorings.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The new London Borough of Tower Hamlets Local Plan 2031 (2020) (LP2) has been adopted since the Council's decision. This supersedes the London Borough of Tower Hamlets Core Strategy 2025 (2010) and Managing Development Document (2013) as the development plan. The Council has identified Policies S.OWS1, D.ES2, D.ES3 and D.OWS4 as the key policies in the LP2 which are relevant to the determination on the proposal. The main parties have had an opportunity to comment on the engagement of these new policies in respect of this case. I will determine the appeal on this basis.

### Main Issues

3. The main issues are the effect of the proposed development on:
  - a) the character and appearance of the waterspace
  - b) navigation
  - c) the living conditions of neighbouring residents, and
  - d) water quality.

### Reasons

#### *Background*

4. The site is an area of water within the marina which is located in the Limehouse Basin. Limehouse Marina is a key junction on the waterway network between the River Thames and the canal system beyond. Boats transit, via a lock, between the Thames and the marina. The marina provides a variety of

moorings and facilities, including a pump-out station for emptying toilet effluent from boats.

5. The site is located within the Narrow Street Conservation Area (CA). The site is part of London's Blue Ribbon Network (BRN), which, as set out in the London Plan (2016) (LP)<sup>1</sup> is the city's strategic network of waterspaces, covering the River Thames, canals, tributary rivers, lakes, reservoirs and docks alongside smaller waterbodies.
6. The proposal is for five pontoons. It is proposed that four of these would provide formal leisure moorings, and the fifth pontoon and an informal dockside space would provide for free 24-hour visitor mooring.

#### *Character and appearance of the waterspace*

7. The 'blue-green corridors' of the River Thames, Regent's Canal and Limehouse Cut meet at Limehouse Basin, and Ropemaker's Field public open space is a short walk away. The dockside public footpaths which run around the basin connect to the wider blue-green corridor network. Substantial apartment development is clustered around the basin. As such Limehouse Basin, in which the site is located, acts as a key node and focal point on London's blue-green infrastructure network.
8. Within the above context, the marina functions as a key 'blue open space' (BOS) within the BRN, in a densely populated and regenerating urban area of London, as well as being a well-used marina with moorings for boaters. I saw during my site visit that the BOS provides residents with views of the water and boats, and access to a variety of users including walkers, joggers, cyclists and anglers.
9. Policy 7.30 of the LP requires development, amongst other things, to respect the local character of London's waterspace. Part c) of Policy S.OWS1 of LP2, seeks to ensure that, amongst other things, development contributes to improving the quality of publicly accessible open space. Policy D.OWS4 of the LP2 seeks to ensure that 1c) there are no unacceptable impacts on the openness of the waterspace, and 1d) development enhances the aesthetic quality of the waterspace. Paragraph 13.51 of the supporting text for Policy D.OWS4 emphasises that sense of openness greatly contributes to a person's perception and enjoyment of waterspaces.
10. The evidence before me indicates that, apart from larger groups on occasional rally days, typically up to five 24-hour visitor boats moor up in spring and summer, parallel to the dockside wall which runs along the south-eastern edge of the appeal site ('the wall'). By comparison, the proposed pontoons and associated boats would project out onto the water perpendicular to 'the wall', with three of the five pontoons extending between around 18m and 20m. As such, the proposal would noticeably reduce the spaciousness of the area of open water in the south-eastern part of the marina.
11. Policy 7.28 of the LP requires development to restore and enhance the BRN through, amongst other things, f) protecting its open character. Given the current marina function, the proposal would not significantly alter the character of the BRN as a whole. Nor would it hinder the return of the wider river

---

<sup>1</sup> The London Plan: The Spatial Development Strategy for London, Consolidated with Alterations since 2011, March 2016.

network to a more 'natural' state, as envisaged in supporting text paragraph 7.85 of Policy 7.28 of the LP. Therefore, I find that broadly the proposal would not conflict with Policy 7.28 of the LP. Furthermore, there is no substantive assertion of harm to the significance of the CA.

12. Nevertheless, the reduction in spaciousness of the area of open water alongside the south-eastern edge of the dockside would result in the following adverse impacts on the character and appearance of the waterspace: erosion of spaciousness which provides visual relief from the intensity of built-up elements and the mass of moored-up boats; diminution of visual connection to the water's edge, including its wildlife; obstruction of views of the shimmer and reflectiveness of the water. The above combination of impacts would be noticeable from the following viewpoints within the marina: the residential blocks of Drake House, Osprey House, Fleet House and Gainsborough House; the dockside public footpath in front of the above blocks; the public footpath in the vicinity of the Harbourmaster's Office; and from boats on the approach to and from the lock.
13. I note that section 5 of the Review of Navigation (RON) by a specialist waterways consultant appointed by the Council's Planning department, identifies that 'security details need to be provided for the new leisure moorings without the installation of security fencing, which potentially would have a negative impact on the quayside and basin'. In the absence of such detail, there is a risk that the proposal would lead to future pressure for security fencing, which would exacerbate visual discordance with the BOS.
14. The above factors together lead me to conclude that the proposal would significantly harm the character and appearance of the waterspace of the marina. As such, it would conflict with Policy 7.30 of the LP, part c) of Policy S.OWS1 and parts 1c) and 1d) of Policy D.OWS4 of the LP2.

### *Navigation*

15. The evidence of various parties indicates that there is a generally growing pressure of boating numbers on the BRN, and that free short stay moorings play a key role across the network in allowing people to visit London's waterways. Within this broad context, the following matter is central to this appeal: whether or not the proposal would make sufficiently safe and effective provision for moorings at Limehouse Marina.
16. According to several boating associations, the Limehouse Basin is a vital 'port of refuge' for departing and visiting craft from further down the tidal Thames and the Continent, due to providing the only lock in central London with an adequate tidal window for barges travelling downstream from the non-tidal Thames and other moorings and basins.
17. Within this context, various boater and resident observations indicate typical mooring, during peak spring and summer months, of up to five temporary visitor boats at a time, alongside 'the wall' on the south eastern edge of the appeal site. In addition, boat club groups rallying together for cruises on the River Thames, 'raft up' several rows deep at the appeal site, adjacent to 'the wall'. The site is illustrated as typically being able to accommodate rally groups of in the region of 22 boats<sup>2</sup>.

---

<sup>2</sup> Fig.4 of the Case Officer's Report to Development Committee, 24<sup>th</sup> January 2019.

18. The proposal would provide capacity to accommodate the following: two 24-hour visitor boats at formal pontoon moorings and, depending on boat length, a third or fourth at an area of informal space adjacent to 'the wall'; and around 22 rally boats, if block booking capacity is available.
19. An exact quantification of the average annual occupancy of the existing site by various boaters is not presented. However, given the reduction in 24-hour visitor mooring space capacity from five to three or four boats, and removal of the flexibility afforded by the site's open water space, it is reasonable to expect that the proposal would reduce capacity to accommodate 24-hour visitor boats, and boats travelling in convoy and for rallies. If, for example this were to entail a reduction of two 24-hour visitor berths for two thirds of the peak spring and summer period, and unmet need for around 45 rally boats annually, this would result in unmet and displaced demand of in the region of several hundred vessels per year.
20. Therefore, the proposed switch at the appeal site from open water to a more regimented system of pontoons, most of which would be used for formal leisure moorings, would reduce mooring flexibility and capacity among the following user groups: temporary visitor boats, including some preparing to transit to and from the River Thames; and boat club rally groups and other convoy groups, in the event that the majority of moorings were unavailable, due to prior booking by other leisure boaters.
21. The proposal would entail relocation of pump-out facilities to the northern end of pontoon C. Compared to the existing layout, this would locate use of the pump-out, and associated manoeuvring in the navigation channel, away from the approach to the lock. However, the proposal would remove waiting space for boats wanting to use the pump-out facilities. It would also complicate manoeuvring between 24-hour moorings, the pump-out facilities and the lock.
22. Taking the above together, I find that the proposal is likely to result in unmet and displaced demand and changes to manoeuvring of vessels, which would, in combination, contribute to congestion on the waterway, particularly during the peak spring and summer period.
23. The appellant considers, in the light of navigation trials and the RON, that the proposal would not result in a harmful impact on navigation of boats through the marina. The Canal and River Trust has not objected to the scheme. It is proposed to increase the diameter of winding area for boats to turn in the marina. Furthermore, I acknowledge safety procedures and precautions for vessels entering and leaving the basin, as set out in the Navigational Safety protocol provided by the appellant.
24. Nevertheless, for the reasons outlined above, I conclude that the proposal would, through contributing to congestion on the waterway, harm navigation. As such, it would conflict with part 4) of Policy D.OWS4 of the LP2, which seeks to ensure that location of moorings does not cause adverse impact on navigation.
25. Policies 7.27 and 7.30 of the LP do not specifically refer to navigation, and so are not engaged in respect of this issue.

### *Living conditions of neighbouring residents*

26. It would be possible to secure a management plan by planning condition, to safeguard the living conditions of local residents, including through prohibiting future users of the proposed moorings from burning solid fuels. Provision of electrical power points for the moorings, which could also be secured by planning condition, would further support a smokeless approach at the site.
27. Accordingly, the proposed development would not harm the living conditions of neighbouring residents. As such, in this respect it would not conflict with part 4) of Policy D.OWS4 of the LP2, or the broad objectives of Policies D.ES2 of the LP2 and 7.14 of the LP, which together seek to safeguard residents' living conditions.

### *Water quality*

28. Provision to safeguard water quality, including through prevention of discharge of harmful detergents into the water could be secured by planning condition.
29. Accordingly, the proposal would not harm water quality. As such, it would not conflict with Policy S.OWS2 of the LP2 which seeks, amongst other things, to ensure that development safeguards water quality.

### **Other Matters**

30. Wildlife habitat provision measures could be secured by planning condition. Given this, on the evidence before me, the proposal would not conflict with Policy D.ES3 of the LP2.
31. I appreciate that the officer's report found insufficient harm in relation to the main issues to justify refusal, but this does not alter my reasoning. In any case, Members reached a different conclusion.
32. The proposal would provide dedicated leisure berths with accessible ramped access from pontoons. However, these benefits would not outweigh the totality of harm identified.

### **Conclusion**

33. For the reasons given above I conclude that the appeal should be dismissed.

*William Cooper*

INSPECTOR