

Committee:	Date:
Planning and Transportation	23 February 2016
Subject: Sugar Quay, Lower Thames Street, London EC3R 6EA Public use of the Sugar Quay jetty. Related to an application under Section 73 to make minor material amendments to planning permission dated 16th September 2013 (12/01104/FULMAJ) including lowering of the first floor soffit level and repositioning of the two north cores, rationalisation of restaurant deliveries and refuse collection, facade and landscaping improvements, changes to the internal configuration of residential units and associated works.	Public
Ward: Billingsgate	For Decision
Registered No: 14/01006/FULMAJ	Registered on: 9 December 2014

Summary

On 12 January 2016 your Committee considered a proposal to make minor material amendments to planning permission for redevelopment of Sugar Quay including lowering of the first floor soffit level.

You agreed to grant planning permission subject to public access being provided to the Sugar Quay Jetty, the access and hours to be included in a deed of variation to the Section 106 agreement. You instructed that consideration of the S106 agreement be brought back to the Committee for approval.

The information supplied by the applicant demonstrates that the jetty is safe for public use and that it will be maintained to satisfy the terms of the PLA licence.

The applicant has agreed to 24 hours public access subject to a review after an initial period and there will be appropriate structures, barriers and lighting on the jetty.

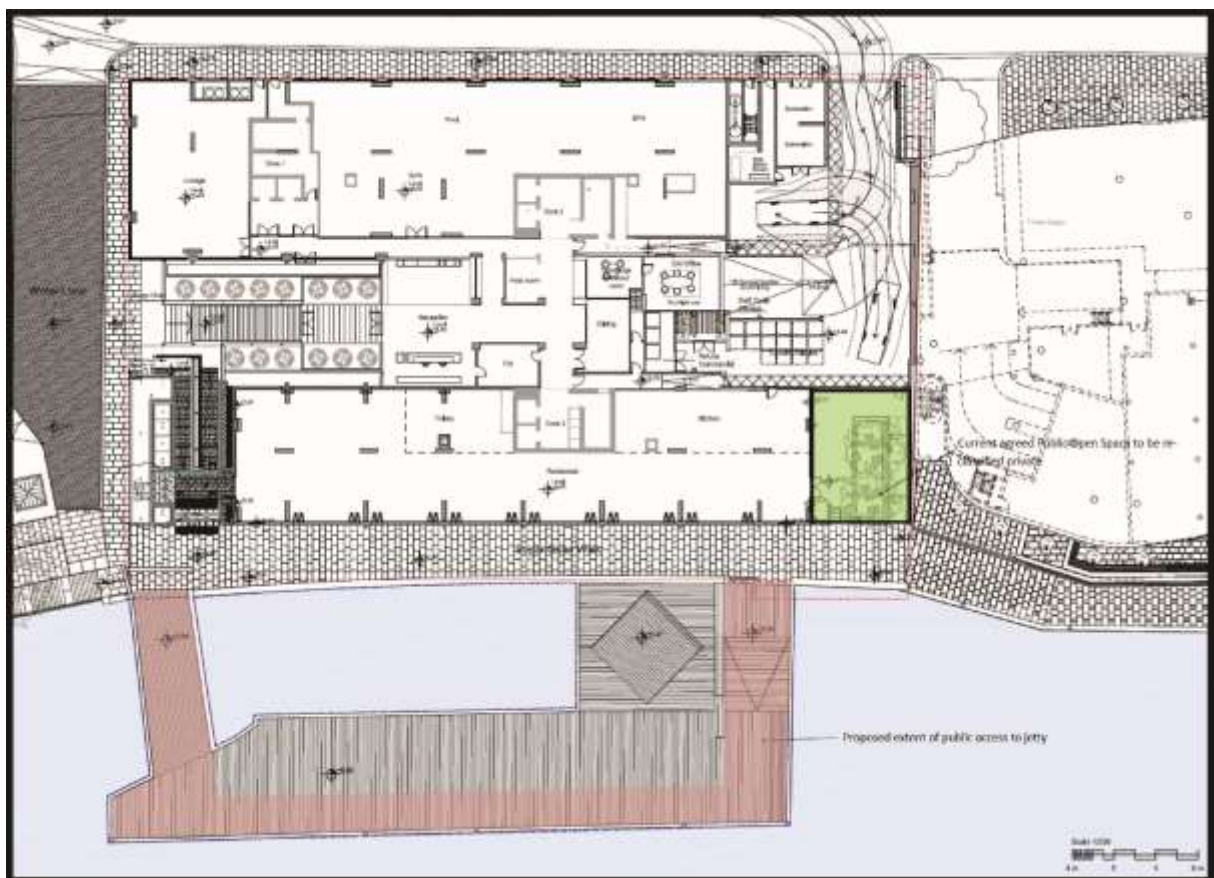
Public access to the jetty would be for the life of the building, subject to the jetty remaining in situ. Whilst this cannot be guaranteed, the jetty would only be removed if required by the PLA for navigational or river regime reasons.

The information provided demonstrates that Section 106 agreement would make provision for adequate public access.

Recommendation

Members are asked to:

- (a) Agree to enter into a deed of variation of the Section 106 agreement dated 16th September 2013 to provide 24 hour public access to the Sugar Quay jetty, the decision notice not to be issued until such obligations have been executed;
- (b) Instruct your officers to negotiate and execute the deed of variation to the Section 106 agreement.



Main Report

Background

1. On 12 January 2016 your Committee considered the planning application 14/01006/FULMAJ.
2. You agreed to grant planning permission subject to public access being provided to the Sugar Quay Jetty, the access and hours to be included in a deed of variation to the Section 106 agreement. You instructed that consideration of the S106 agreement be brought back to the Committee for approval.

Current Position

3. The following issues were raised by Members on 12 January and have been considered by the applicant.

Hours of public access – Committee request for public access to be 24 hours a day

4. After considerable deliberation the applicant has agreed to 24 hour access. However, the applicant is very concerned about the prospect of the jetty being used throughout the night particularly in the early hours of the morning and suggests that the legal agreement makes provision for the 24 hour public access is reviewed after an initial period.
5. Your officers consider this is an appropriate measure as it will enable the hours to be reconsidered in the light of any antisocial behaviour or safety issues. In view of Members concern I suggest that any request for night-time closure be brought before your Committee.

The future use of the private area on the jetty

6. The applicant does not have any current proposals for the area excluded from the proposed public route on the jetty. Use of the “private” area is likely to require planning permission.
7. The applicant suggests that it might be helpful to identify the area shown on the plan as the minimum extent of public access. This would allow a greater area for public use if no other use is proposed for the “private” area.

Public access to the jetty for the life of the building

8. The river bed on which the jetty stands is mainly owned by the PLA; a very small area is owned by the Crown. The developer holds a licence from the PLA and Crown to keep the jetty in the river. This licence is subject to limitations and maintenance requirements.

9. Your officers have talked to the PLA about the possibility of the jetty remaining for the life of the proposed building. The PLA needs to retain the right to revoke the licence and require removal of the jetty but they point out that the grounds for doing so would be limited to navigation and river regime reasons connected with its statutory duties. Were the PLA to seek to revoke the licence then there is an appeals procedure to the Department of Trade.
10. The PLA advises that in practical terms revocation of a licence occurs very rarely. Two instances in last 10 years were cited. The first involved a jetty which had been badly damaged by fire and the second a mooring that was no longer capable of being used.
11. The risk of the jetty being removed appears to be low and I therefore recommend that the requirement in the legal agreement should be that public access for as long as the jetty and building both exist.

Structural condition and maintenance of the jetty

12. The jetty was substantially rebuilt about 11 years ago.
13. The applicant advises that Beckett Rankine, Marine Consulting Engineers, have undertaken an inspection of the jetty and they appointed Swantest to undertake load testing.
14. Swantest advised that the required loading was defined as 5kN/m² which will allow for pedestrian access only loading on the jetty. Swantest's report concludes "following a series of load tests ... the results show that there was no significant deflection or distress to the timber decking or the supporting structure. This shows that the jetty is fit for purpose and can safely support the test load of 5kN/m²."
15. The jetty was noted to be in generally good condition
16. The PLA licence for the jetty sets out maintenance requirements. Responsibility for maintenance of the jetty remains with the licence holder.

Structures, barriers and lighting

17. Photos will be displayed at the Committee meetings showing the existing decking, balustrades, lifesaving equipment and lighting on the jetty.
18. Beckett Rankine advise that steel handrails are intact and stable and follow requirements of ROSPA guidelines for band 4 which is the band required in order to deny access to the public because of the extreme danger (balustrading at least a metre high, curved railings to deter climbing etc).

19. There are four light fittings located at the front edge of the jetty in good condition and stable.
20. The legal agreement will include provisions for the developers to cleanse and maintain the jetty surfaces, provide and maintain lighting and provide any barriers/railings, seating and planters.

Flood risk

21. The jetty is currently at the same level as the Riverside Walk, which is circa 5.3m AOD. The statutory flood defence level is 5.28m AOD which is below the level of the jetty. The Thames Estuary 2100 Plan proposes raising this to 6.35m AOD. The site at Sugar Quay was assessed for flooding in the future and a flood defence plan was submitted as part of the planning application.
22. Access to the jetty is from the Riverside Walk. If flooding were to occur the Riverside Walk would be affected and the jetty would be inaccessible.
23. The legal agreement will include a requirement for the management team of the development to be responsible for closing the jetty in the event of a predicted flood risk. The Environment Agency releases regular information on potential flood events and this will be checked by the management team. If a warning is given for the Thames then the management company will lock the jetty and access will be prohibited until the risk has reduced and the flood warning for the Thames is removed.

Potential for vessels to moor

24. The jetty was originally constructed for offloading cargo from Thames Lighters; these vessels, with a capacity of circa 250-300 tonnes, were designed for use on drying berths such as Sugar Quay. More recently the jetty has been used for events with only occasional use for berthing a visiting Thames sailing barge. The duration of any visit by such a vessel is limited by the lack of water depth and the access stairs which do not extend down to low water.
25. The jetty licence from the PLA does not permit any vessel mooring nor does the Insurance.
26. The jetty is fixed in level and is therefore a tidal dependent berth. While the berth has previously been used as a drying berth this is only suitable for robustly constructed vessels designed for grounding. The wash generated by passing vessels such as Thames Clippers makes the berth unsuited for grounding by most vessels.

Public use of the small open space on the site if the jetty ceased to exist

27. The small open space would be used in conjunction with the adjacent retail use on the ground floor. The applicant advises that the tenant would require certainty regarding the use of the space adjacent and that it would be impractical to enter into an Agreement which could require the possible provision of public access at some unspecified time in the future should the jetty cease to exist.
28. Access to the small open space would be of little real benefit to the public, especially when compared to the use of the jetty and the open area in front of the neighbouring Three Quays. Views from the open space would be limited and it might be regarded as more beneficial to continue to use this in conjunction with the proposed restaurant.

Conclusion

29. The information supplied by the applicant demonstrates that the jetty is safe for public use and that it will be maintained to satisfy the terms of the PLA licence. There is no real prospect of vessels being able to moor on the jetty because of the type of structure and its location.
30. The applicant has agreed to 24 hours public access subject to a review after an initial period and there will be appropriate structures, barriers and lighting on the jetty.
31. Public access to the jetty would be for the life of the building, subject to the jetty remaining in situ. Whilst this cannot be guaranteed, the jetty would only be removed if required by the PLA for navigational or river regime reasons.
32. It would be difficult to require the possible provision of public access to the small open space on the site at some unspecified time in the future because of the uncertainty that would cause to its use by the tenant of the retail space. In addition, there would be limited benefit in public use of the small open space.
33. Public access to the proposed route over the jetty is required to mitigate the reduction in amenity caused by reducing the headroom over the Riverside Walkway at Sugar Quay. This would be the only jetty in the City to which public access will have been secured.
34. The applicant has agreed to make this provision and the information provided demonstrates that a Section 106 agreement would make provision for adequate public access.