Silvertown Quays, Royal Docks
in the London Borough of Newham
planning application no. 10/00860/OUT

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<th>Strategic planning application stage II referral (new powers)</th>
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<td>The Mayor previously raised a series of strategic planning concerns in relation to: <strong>housing</strong>, <strong>urban design</strong>, <strong>climate change</strong>, <strong>children's play space</strong> and <strong>transport</strong>. Following the Mayor’s original comments these issues have all now been satisfactorily addressed.</td>
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<td>In this instance Newham Council has resolved to grant permission but giving delegated authority for officers to refuse permission if the Section 106 agreement is not signed within a specified date.</td>
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<td>That Newham Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.</td>
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**Context**
1 On 29 April 2010 the Mayor of London received documents from Newham Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Categories 1A, 1B and 1C of the Schedule to the Order 2008: “

- 1A “Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats”.
- 1B “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... in Central London (other than the City of London) and with a total floorspace of more than 20,000 square metres”.
- 1C “Development which comprises or includes the erection of a building of one or more of the following descriptions... the building is more than 30 metres high and is outside the City of London”.

2 On 18 May 2010 the Mayor considered planning report PDU/0498b/01, and subsequently advised Newham Council that the application did not comply with the London Plan, for the reasons set out in paragraph 69 of the above-mentioned report; but that the possible remedies set out in paragraph 71 of that report could address these deficiencies.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. Since then, the application has been revised in response to the Mayor’s concerns (see below). On 13 December 2010 Newham Council decided that it was minded to grant planning permission but giving delegated authority for officers to refuse permission if the Section 106 agreement is not signed within a specified date, and on 10 January 2011 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct Newham Council under Article 6 to refuse the application or issue a direction to Newham Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application. The Mayor has until 23 January 2011 to notify the Council of his decision and to issue any direction.

4 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 has been taken into account in the consideration of this case.

5 The decision on this case, and the reasons will be made available on the GLA’s website www.london.gov.uk.

Update

6 At the consultation stage Newham Council was advised that the application did not comply with the London Plan, for the reasons set out in paragraph 69 of the above-mentioned report; but that the possible remedies set out in paragraph 71 of that report could address these deficiencies.

Housing

7 At stage 1 the applicant was advised to present further information in respect of the level of affordable housing on offer. The scheme as approved, provided 27.5% of the total number of
residential units as affordable housing units of which 60% are social rented and 40% intermediate housing, spread proportionally throughout each phase of the four-phased development. The percentage of affordable units in each phase in the approved scheme was expected to be 23% on Phase I, 29% on Phase II, 27% on Phase III and 28% on Phase IV. Given the time since the original assessment and the potential change to residential values since then, the Mayor requested that an up to date viability assessment be provided to demonstrate that the applicant was securing the maximum reasonable amount of affordable housing and also that a re-appraisal be conducted closer to implementation of each phase in keeping with the guidance contained in the Interim Housing SPG published in April 2010.

The applicant has undertaken a viability assessment which has been reviewed and accepted by Newham Council. The appraisal concludes that the proposal would not generate realistic levels of developer profit with an affordable unit proportion much above 10%. Nevertheless the applicant is willing to offer 27.5% as on the previous application. The previously approved review mechanism remains in place whereby should no affordable housing provider make an offer to purchase all the units an alternative proposal for a revised mix of affordable housing can be made or a commuted sum would be payable and market units provided on-site instead. In this scenario market units cannot be occupied until the commuted sum has been paid.

It is considered that in the light of the results of the financial assessment that the affordable housing represents the maximum reasonable amount of affordable housing. The approach set out above has been negotiated to secure what GLA officers consider to be a policy compliant approach to affordable housing delivery for this site at this time, providing for affordable housing whilst recognising the overall benefits the scheme will have in terms of regenerating this site and facilitating a mixed and balanced community. It maintains the ability to achieve the policy objective having regard to the range of factors set out in policy 3A.10 and to the strategic target for affordable housing in the London Plan and is acceptable on that basis. In line with Newham Council it is considered that the solution offered is pragmatic and realistic, offering a guaranteed minimum of affordable and significant regeneration benefit in terms of the proposed aquarium.

The proposed mix which was approved in 2007 remains. It is as follows:

<table>
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<tr>
<th>Housing tenure</th>
<th>1bed</th>
<th>2bed</th>
<th>3bed</th>
<th>4/5bed</th>
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<tr>
<td>Market</td>
<td>40%</td>
<td>40%</td>
<td>20%</td>
<td></td>
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<tr>
<td>Social rent</td>
<td>20%</td>
<td>40%</td>
<td>25%</td>
<td>15%</td>
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<tr>
<td>Intermediate</td>
<td>47.5%</td>
<td>47.5%</td>
<td>5%</td>
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This mix is considered to be justifiable as it will in itself create a mixed and balanced community, in keeping with London Plan strategic objectives.

**Urban Design**

At stage 1 a commitment was sought that the reserved matters application would seek to meet the Mayor’ housing design guide standards and this has been secured by condition.

**Children’s play space**

Further detail was requested from the applicant to ensure that the quantum of child play space to be provided on this site would meet the standards contained in the Mayor’s SPG, ‘Providing for Children and Young People’s Play and Informal Recreation’. Based on the benchmark standard contained within the SPG, this scheme should provide a minimum of 12,823 sq.m. for the
anticipated 1,282 children. The areas of open space within this site amount to 22,252 sq.m. within which there are two locally equipped play areas (LEAPs) and one multi-use games area (MUGA). Additionally, the site will be linked directly by footbridge to Thames Barrier Park, a 9 hectare open space to the south which includes a play area and a 5 a side football/ basketball court.

14 This level of provision provides both a mix of defined play space and informal recreation space sufficient to meet London Plan objectives.

Climate change adaptation and mitigation

15 At stage 1, further information regarding overheating, passive design, green and brown roofs and walls and water use was required. In this regard the applicant has agreed to a supplementary clause to the existing section 106 agreement which requires the submission of a revised site wide energy strategy subject to approval by the Council and the GLA. This approach is accepted given the time that has elapsed since the previous permission. The Council should ensure that this strategy also encompass climate change adaptation.

Transport for London’s comments

16 At consultation stage, TfL expected that as a minimum the package previously agreed as part of the s106 should be retained and secured for the site as part of this renewal. In order to comply with latest transport planning policies as well as to take into account the changes brought to the operations and funding of the public transport and highway networks, TfL also requested further mitigation measures over and above the agreed original s106.

17 In light of the above, the assessment of the development impact on the current public transport and highway networks was therefore questioned and TfL requested for it to be further tested through the latest modelling tools developed for the area. Other measures, including an improved travel plan, a delivery and servicing plan, a construction logistics plan taking into account the likely impact of the proposals on the Olympic Route Network (ORN), and the provision of electric vehicle charging points, were also requested. Additionally, an increased contribution towards enhanced bus capacity and a contribution towards Crossrail were requested.

18 Additional information has since been submitted by the applicant as part of a Transport Addendum document. Whilst some of the issues raised relating to the impact on highway and public transport networks were satisfactory addressed, TfL had however undertaken further assessment using the modelling tools developed for the area. It was subsequently identified that junction improvements were now required at the Hartmann Bridge / Oriental Road junction to mitigate the impact of the additional trips generated by the development. It was subsequently agreed with Newham that these costs will therefore need to be funded by the applicant over and above the transport mitigation works already agreed within the original Section 106. This is included in the draft Head of Terms contained within Newham planning committee reports which is supported.

19 TfL had also identified the requirement for the applicant to ensure that local changes to the highway network, in particular the Transport for London Road Network and Strategic Road Network, as well as impacts to the local bus network are properly appraised before implementation. It has been secured by condition following Newham’s committee that the developer must demonstrate that proposed junctions and highway works will be designed so as not to adversely affect bus journey times. Any changes to the strategic network will ultimately be subject to TfL’s Traffic Management Act.

20 The original section 106 agreement included a £1,500,000 contribution towards mitigating the development impact on local bus services. TfL however sought at Stage 1 a higher figure to reflect the 3 to 5 years period increase in pump priming, necessary to cover increases in operating costs. A revised contribution of £2.2m has therefore now been agreed by the applicant, which is
welcomed. Whilst this should be secured within the section 106 agreement, the Local Planning Authority will also need to enter into a sponsored route agreement with TfL for those bus service enhancements to set out how payments will be made.

21 The applicant has prepared an updated site wide travel plan, and provision for ongoing individual travel plans will be included in the deed of variation. The applicant has confirmed that a delivery and servicing plan and construction and logistics plan will be prepared. The applicant has already confirmed that there would not be any construction between September 2011 and October 2012 which could have had an impact on the ORN. This is acceptable. The applicant has confirmed that electric vehicle charging points will be provided across the scheme, with further details provided in the reserved matters.

22 The other provisions in the original section 106 agreement will be maintained.

23 The contributions to Crossrail for the elements of the application were set out at Stage 1, and indicate a maximum contribution of £627,040, which is to be paid to TfL on commencement. The total amount will be subject to the final distribution of flexible commercial uses (A1 – A5 and B1) given the different rates for A1-A5 and B1 uses contained in the Crossrail SPG, and appropriate wording relating to this will need to be included in the Deed of Variation.

24 All outstanding transport matters have been resolved satisfactorily.

Response to consultation

25 3037 consultation letters were sent out together with site notices and newspaper advertisements. Two responses were received, one in support and one in objection. The objection raised the issue of the impact on sunlight/daylight received at the objector’s property (Eastern Quay apartments). This has been assessed in the Committee Report which sets out that this was considered as negligible when the application was originally approved in 2007 and the planning policies on this matter have not materially changed since then.

26 Comments of statutory consultees are as follows:

Environment Agency - Initially objected to the application because insufficient information had been provided. This has since been withdrawn but the Agency has requested a condition regarding ecology be attached to any permission. This has now been attached to the permission.

Thames Water - requested a condition which requires a drainage strategy to be submitted and approved by the local authority before any development takes place. Appropriate conditions which cover the issues raised by Thames Water have been attached to the permission.

Olympic Delivery Authority - raised no objection.

English Heritage - Raised no objections but requested three condition, regarding archaeology, be attached to the permission in place of the conditions proposed by the Local Authority. These conditions have been attached to the permission.

Article 7: Direction that the Mayor is to be the local planning authority

27 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance the Council has resolved to grant permission with conditions and a planning obligation, which satisfactorily addresses the matters raised at stage I, therefore there is no sound planning reason for the Mayor to take over this application.
Legal considerations

28 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction. The Mayor must also have regard to the guidance set out in GOL circular 1/2008 when deciding whether or not to issue a direction under Articles 6 or 7.

Financial considerations

29 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance in Circular 03/2009 (‘Costs Awards in Appeals and Other Planning Proceedings’) emphasises that parties usually pay their own expenses arising from an appeal.

30 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

31 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the council to do so) and determining any approval of details (unless the council agrees to do so).

Conclusion

32 The Mayor previously raised a series of strategic planning concerns in relation to: housing, urban design, climate change, children’s play space and transport. Following the Mayor’s original comments these issues have all now been satisfactorily addressed. As such the Mayor is content for the Council to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.
for further information, contact Planning Decisions Unit:

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Emma Williamson, Case Officer
020 7983 6590    email emma.williamson@london.gov.uk
$$\text{Silvertown Quays, Royal Docks}$$

in the London Borough of Newham

planning application no. 10/00860/OUT

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<td>The main issue is whether the planning permission that the applicant is seeking to renew is still acceptable in light of any significant policy changes that have occurred since the original permission was granted. The principle of development to provide the mix of development proposed on the site is acceptable in strategic policy terms.</td>
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<td>There are however, some planning issues which will need to be addressed namely in respect of housing quality, mix and tenure, climate change, inclusive access, play space and transport.</td>
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<td>That Newham Council, be advised that the application does not comply with the London Plan, for the reasons set out in paragraph 69 of this report; but that the possible remedies set out in paragraph 71 of this report could address these deficiencies.</td>
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<td>On 29 April 2010 the Mayor of London received documents from Newham Council notifying him of a renewal of planning consent application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town &amp; Country Planning (Mayor of London) Order 2008 the Mayor has until 10 June 2010 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan,</td>
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and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor’s use in deciding what decision to make.

2 The application is referable under Category 1A, 1B and 1C of the Schedule to the Order 2008:

- 1A “Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats”.
- 1B “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... in Central London (other than the City of London) and with a total floorspace of more than 20,000 square metres”.
- 1C “Development which comprises or includes the erection of a building of one or more of the following descriptions... the building is more than 30 metres high and is outside the City of London”.

3 Once Newham Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.

4 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 has been taken into account in the consideration of this case.

5 The Mayor of London’s statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

6 Silvertown Quays is located south of the Royal Victoria Dock and to the north of the river Thames and Thames Barrier Park. North Woolwich Road bounds the site to the south and Royal Victoria Dock to the north. Connaught Bridge Road forms the eastern boundary, while Mill Road denotes the western edge of the site.

7 The site area comprises approximately 24 hectares, including Pontoon Dock. It has been cleared for development with the exception of the Millennium Mills building and the Grade II listed Silo D building. Both of these buildings are currently unused and provide a total floorspace of 50,240 sq.m. and will be incorporated into the masterplan.

8 The site is located within the East London sub-region as identified in the London Plan and within the Royal Docks Opportunity Area.

Details of the proposal

9 The applicant is seeking to renew an outline planning permission for the above proposal originally approved on completion of a Section 106 legal agreement on 27 April 2007 for a new urban centre comprising no more than:

- 4,930 residential units (maximum 27.5% units to be affordable)
- 4,320 sq.m. retail
- 5,570 sq.m. restaurants/bars (A3/ A4/ A5)
- 7,800 sq.m. employment (mix office and workspace – B1)
- 7,600 sq.m. flexible A1-A5/B1 uses
- 8,000 sq.m. community uses (including library, health centre and 2 form entry primary school)
- 18,925 sq.m. leisure including 11,000 sq.m. aquarium
- 8,000 sq.m. hotel space (300 bedrooms)
- 6.4 hectares public open space
- Maximum building heights to range between 26 and 50 metres

The application also incorporates the repair and restoration of the dock walls, infilling and excavation of parts of the docks area, the use of the dock area for the mooring of barges, the construction of a pedestrian bridge across the North Woolwich Road from the site to the DLR station and the construction of vehicular and pedestrian bridge to link the east and west of the site.

10 The key points of the signed Section 106 agreement are:

- Not more than 27.5% of the total number of residential units to be provided as affordable housing units of which 60% are social rented and 40% intermediate housing. These will be spread proportionally throughout each of the four phased development. A financial review mechanism is in place on each phase whereby Newham Council has the option to secure a commuted sum should a registered social landlord not come forward to take up all affordable units on each phase.
- Of the social rented units the mix shall be as follows: 20% 1-bed; 40 2-bed; 25% 3-bed; 12% 4-bed and 3% 5-bed
- A £2,000,000 open space contribution
- The aquarium to be completed prior to the occupation of 2000 market units
- The provision of a primary school and £2,200,000 towards local secondary school provision
- A contribution of £250,000 towards the running costs and purchase of stock and equipment for the library
- A contribution of £3.5 million (which has been paid) towards the extension of the DLR between Canning Town Station and King George V Station
- £1.5 million (maximum) contribution towards pump prime funding for the first three year of operation of a bus service
- Contribution of £300,000 (maximum) towards highway works through Britannia Village to allow for bus access and a contribution of £500,000 (max) towards bus priority works on North Woolwich Road
- The provision of a bridge link over North Woolwich Road following an architectural competition
- A design review panel appointed for each phase

A series of triggers have also been put in place in the Section 106 to ensure the provision of sufficient retail and other community facilities through the phases of the development.

11 The application is in outline form with all matters reserved. The permission incorporated a development framework; an environmental statement; transport assessment; masterplan design code; detailed plans of the aquarium; and the access statement. The development framework sets out the masterplan for the site including the approved site layout, land uses and development heights.

12 It is proposed that the comprehensive redevelopment of the site will be implemented over a period of at least 10 years, and be built over 4 distinct phases.
Case history

13 The site lies within what was the Royal Docks complex, an area extending to 450 hectares and comprising Royal Victoria, Albert and George Docks, the former opening in 1855. Collectively the docks became London’s principal docks during the first half of the 20th century specialising particularly in the import and unloading of foodstuffs, with rows of giant granaries and refrigerated warehouses sited alongside the quays. Declining following severe damage during the Second World War, the docks eventually closed to commercial traffic in 1981. Two buildings remain as evidence of this history, the Millenium Mills building and Silo D. Millenium Mills was founded in 1905 as a flour mill and was latterly used by dog biscuit manufacturers. The Grade II listed grain silo, ‘Silo D’ dates from 1920. Neither building has been used for in excess 20 years. There have been temporary short term activities on site and there are some general industrial units in the south eastern portion of the site.

Strategic planning issues and relevant policies and guidance

14 The relevant issues and corresponding policies are as follows:

- Mix of uses / town centre London Plan; PPG13; PPS4
- Urban design London Plan; PPS1
- Tall buildings/ views London Plan; RPG3A, View Management Framework SPG, draft Revised View Management Framework SPG
- Transport / parking London Plan; the Mayor’s Transport Strategy; PPG13;
- Crossrail London Plan Alteration; revised draft Crossrail SPG (March 2010)
- Access London Plan; PPS1; Accessible London: achieving an inclusive environment SPG; Planning and Access for Disabled People: a good practice guide (ODPM)
- Density London Plan; PPS3; Housing SPG; Interim Housing SPG
- Housing / housing quality London Plan; PPS3; Housing SPG; Housing Strategy; Interim Housing SPG, the Mayor’s Ambient Noise Strategy; PPG24; the Mayor’s draft Housing Design Guide
- Affordable housing London Plan; PPS3; Housing SPG, Housing Strategy; Interim Housing SPG
- Regeneration London Plan; the Mayor’s Economic Development Strategy; draft replacement Economic Development Strategy
- Employment London Plan; PPS4; Industrial Capacity SPG
- Biodiversity London Plan; the Mayor’s Biodiversity Strategy; PPS9
- Sustainable development London Plan; PPS1, PPS1 supplement; PPS3; PPG13; PPS22; draft PPS Planning for a Low Carbon Future in a Changing Climate; the Mayor’s Energy Strategy; Mayor’s draft Climate Change Mitigation and Adaptation Strategies; Mayor’s draft Water Strategy; Sustainable Design and Construction SPG
- Child play space London Plan; Providing for Children and Young People’s Play and Informal Recreation SPG
- Tourism London Plan; Good Practice Guide on Planning for Tourism
- World City London Plan

15 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the Newham Council Unitary Development Plan (saved policies September 2007) and the London Plan (Consolidated with Alterations since 2004).
The draft replacement London Plan; (October 2009) Newham Council’s emerging Core Strategy (Issues and Options stage, 2008) and the Royal Docks and Thameside West Area Action Plan (Draft Preferred Options 2006) are also material considerations.

Silvertown Quay is identified by the Council as a Major Opportunity Zone (MOZ). The area is identified within the London Plan East London sub-region as being within the Royal Docks Opportunity Area and an area for substantial intensification and concentration of high density, well connected and mixed development. Indicative estimates for growth for Royal Docks as identified in table 5C.1 of the London Plan are for the creation of 5,500 new jobs before 2026 and a minimum target of 14,000 new homes within the same period. The draft replacement London Plan places the site within the larger Royal Docks and Beckton Waterfront indicating the creation of 6,000 new jobs and a minimum of 11,000 new homes by 2031.

Principle of development

On 1 October 2009 a new temporary procedure was introduced to allow applicants to apply to extend a planning permission by seeking a new planning permission to replace an existing one which is in danger of lapsing. The Department of Communities and Local Government published ‘Greater flexibility for planning permission: guidance’ in November 2009 to help planning authorities and developers use this new procedure. It states that development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date and planning authorities should, in making their decision, focus their attention on policy and other material considerations which may have changed significantly since the original permission was granted.

The principle for the use of the site for a major mixed-use proposal is established by the existing consent. It is further underlined by the renewed designation of the site within the Royal Docks and Beckton Waterfront Opportunity Area of the draft replacement London Plan and re-affirmed by the site’s designation by Newham Council as a MOZ for comprehensive redevelopment (specifically for a new urban centre comprising residential, employment and retail alongside a new tourist attraction), policy that remains unaltered since the original consent.

Planning Policy Statement 4: ‘Planning for sustainable economic growth’ sets out the Government’s policies regarding economic development. As it was adopted in 2010, it is a relevant consideration for this renewal application. PPS4 states that local planning authorities should adopt a positive approach to economic development and to treat favourably proposals that secure sustainable economic growth. The proposed development would bring 29 hectares of redundant brownfield land back into use and maximise the potential of the site. The development should deliver Policy 4B.3 of the London Plan by achieving the highest possible intensity of the uses compatible with the Royal Docks context. The site is further subject to a saved policy direction from 2007 representing up to date development plan policy and the application of a sequential assessment for main town centre uses is not required.

The applicant has submitted details on a series of conditions attached to the original consent, however, in order to avoid confusion, the applicant has agreed with Newham Council to submit on the basis of the approved documents only.

Housing

London Plan Policy 3A.10 requires borough councils to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mix-use schemes. In doing so, each council should have regard to its own overall target for the amount of affordable housing provision. Policy 3A.9 states that such targets should be based on an
assessments of regional and local housing need and a realistic assessment of supply, and should take account of the London Plan strategic target that 35% of housing should be social and 15% intermediate provision, and of the promotion of mixed and balanced communities. In addition, Policy 3A.10 encourages councils to have regard to the need to encourage rather than restrain residential development, and to the individual circumstances of the site. Targets should be applied flexibly, taking account of individual site costs, the availability of public subsidy and other scheme requirements.

23 Policy 3A.10 is supported by paragraph 3.52, which urges borough councils to take account of economic viability when estimating the appropriate amount of affordable provision. The ‘Three Dragons’ development control toolkit is recommended for this purpose. The results of a toolkit appraisal might need to be independently verified.

24 As outlined, the scheme as approved is to provide not more than 27.5% of the total number of residential units as affordable housing units of which 60% are social rented and 40% intermediate housing. This would be spread proportionally throughout each phase of the four-phased development. A financial review mechanism is in place on each phase whereby Newham Council has the option to secure commuted sum payments should cost savings be achieved for a number of identified costs or should a registered social landlord not come forward to take up all affordable units. Market units cannot be occupied until the commuted sum has been paid. The percentage of affordable units in each phase in the approved scheme was expected to be 23% on Phase I, 29% on Phase II, 27% on Phase III and 28% on Phase IV.

25 The policy test is to seek the maximum reasonable amount of affordable housing having regard to a range of factors. This must be revisited given the time since the original assessment was undertaken and the potential change to circumstances in values since then. As the proposal is due to run into multi-phases the GLA is now seeking a re-appraisal closer to implementation of each phase in keeping with the guidance contained in the Interim Housing SPG published in April 2010.

26 The applicant is therefore required to submit an up to date viability assessment which considers the existing use value (not acquisition cost/price paid), costs and revenues based on current market circumstances. Without this information the Mayor will not be able to take a view on whether the offer put forward represents the maximum reasonable amount of affordable housing as required by policy 3A.10 of the London Plan. The material submitted may require independent scrutiny through an independent valuer. The applicant will be expected to fund any such independent review of subsequent material submitted. A viability assessment will be required prior to the implementation of each phase of the approved development.

27 The approved housing mix is as follows:

<table>
<thead>
<tr>
<th>Housing tenure</th>
<th>1bed</th>
<th>2bed</th>
<th>3bed</th>
<th>4/5bed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Market</td>
<td>40%</td>
<td>40%</td>
<td>20%</td>
<td></td>
</tr>
<tr>
<td>Social rent</td>
<td>20%</td>
<td>40%</td>
<td>25%</td>
<td>15%</td>
</tr>
<tr>
<td>Intermediate</td>
<td>47.5%</td>
<td>47.5%</td>
<td>5%</td>
<td></td>
</tr>
</tbody>
</table>

28 The social rented and intermediate mix was previously considered acceptable by Newham Council and the GLA, however, the Council had originally sought to achieve a higher proportion of larger family units in the market sector to meet an identified need for such housing in the borough. This aspiration was not achieved because it was considered that it was the best that could be achieved in light of the overall financial appraisal. The Mayor’s Housing Strategy seeks the provision of more family sized homes, particularly in the affordable sector, where 42% of social rented units and (by 2011) 16% of intermediate units should be 3-bed+. The draft London Plan
similarly reflects this new emphasis. Given the time since the original assessment and the changing policy requirement, the housing mix in all tenures should be revisited and the proposed mix justified against housing need, revised policy and viability.

**Design**

29 Good design is central to all objectives of the London Plan and is specifically promoted by the policies contained within Chapter 4B which address both general design principles and specific design issues. London Plan Policy 4B.1 sets out a series of overarching design principles for development in London. Other design policies in this chapter and elsewhere in the London Plan include specific design requirements relating to maximising the potential of sites, and tall and large-scale buildings. The draft replacement London Plan reinforces these principles, with new development required to have regard to its context, and reinforce or enhance the character, legibility and permeability of the neighbourhood (policy 7.1).

30 Design policy relevant to this proposal has changed only marginally since the proposal was considered by the previous Mayor, with the design principles of the existing London Plan largely reiterated in its draft replacement. While good practice has evolved in the meantime, latest positions are not reflected in policy. Statutory requirements state that renewals of existing permissions can only consider new or amended adopted policy as material considerations, and as such, there are very few design concerns that can be raised that were not raised within the previous consideration.

31 The exception is the Mayor’s draft Housing Design Guide. This is currently in draft format but is likely to be adopted by the Mayor in the near future. As an LDA development, the proposal should demonstrate a commitment to achieving the residential quality sought within the guide’s standards. This may have implications for the quantum and form of development proposed. For instance, the imposition of minimum space standards and the general presumption against single aspect flats may result in a lower of number of residential units across the scheme. The GLA recognises that the proposal is an outline application, but expects that a commitment be given by condition or Section 106 to achieving the standards.

**Masterplan and layout**

32 Design comments as offered by the GLA during the original consideration of the scheme remain relevant. They are reproduced below and have been amended where necessary.

33 When this scheme was originally submitted GLA and Council officers worked closely with the Urban Strategies, which has prepared the masterplan and design code for Silvertown Quays. The proposal addresses many of the principles of policy 4B.1 “Design for a compact city”. Accompanying the application is the masterplan design code, and development framework. Approval is sought for the design code as part of the outline planning application, thus the detailed planning application would need to emulate the character of this document. This approach should ensure the development objectives and design principles are delivered throughout the development, thus helping to guarantee quality and synergy in each phase.

34 The masterplan proposes a uniform grid structure of development, where diversity and character will be developed through the detail of individual blocks and their function. The grid layout allows for physical connections to be established with existing pedestrian and vehicular networks and neighbourhoods. Key routes follow strong pedestrian desire lines linking destinations such as ExCel Centre, Thames Barrier Park and Britannia Village.
The proposed grid structure makes each individual block clearly identifiable. The sizes of the blocks are generous enough to allow for a variety of building types and a range of uses. It is important that there is a rich palette of urban typologies that sit within the proposed street structure, as the most successful places are those that have a visual richness and allow for a range of uses over time. The layout of the masterplan also provides a setting for landmark buildings such as the existing Millenium Mills building and the proposed aquarium.

The most active frontages surround Pontoon Dock, which will be the focus of the new district centre. However, active frontages are spread through the masterplan to ensure that the development to the east of the site has an urban feel. This should enhance the vibrancy and help reinforce the identity of different districts of the scheme, as well as making the area more attractive and safer.

The design code develops guidelines for the block structure, street network and open space provision for each of the five character areas. The design guidelines and the palette of materials identified in the design code should secure a high quality environment.

The masterplan proposes a hierarchy of spaces, ranging from the very public area around the aquarium to community parks and private courtyards. A commitment is required from the applicants to delivering a play strategy for the development and enhancing nearby facilities as agreed within the section 106 agreement for the original proposal.

This is an outline application therefore the detailed design will be submitted for planning at a later stage. It is essential that a high quality environment be delivered. The aquarium must provide a world-class experience and be an outstanding piece of architecture. The building must address the Esplanade and the pontoon, and also establish a link with the new DLR station and Thames Barrier Park.

**Children’s play space**

The masterplan proposes a hierarchy of public open spaces covering a total of 6.4 hectares. These include a large open space east of Pontoon Dock; ‘Millenium Square’ adjacent to the Millenium Mills; a public square adjacent to Silo D and a new neighbourhood park containing a multi-use games area (MUGA). In addition, the approval provided for two local equipped play areas (LEAPs).

Policy 3D .13 of the London Plan sets out that “the Mayor will and the boroughs should ensure developments that include housing make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs.” The applicant should use the methodology within the GLA’s supplementary planning guidance ‘Providing for Children and Young People’s Play and Informal Recreation’ to establish the anticipated numbers and age ranges of children expected within the development.

The guidance sets a benchmark of 10 sq.m. of useable child playspace to be provided per child, with under-5 child playspace provided on-site. The applicant has yet to identify how the requirements that are generated will be met in this proposal. The applicants should undertake an assessment based on the maximum number of units proposed and the anticipated child yield that results to demonstrate that the proposal can accommodate the level of play space required.
Climate Change

Climate change adaptation

43 The London Plan climate change policies as set out in chapter 4A collectively require developments to make the fullest contribution to tackling climate change by minimising carbon dioxide emissions, adopting sustainable design and construction measures, prioritising decentralised energy supply, and incorporating renewable energy technologies with a target of 20% carbon reductions from on-site renewable energy. The policies set out ways in which developers must address mitigation of and adaptation to the effects of climate change. Chapter 5 of the draft replacement London Plan considers climate change.

44 The Section 106 agreement attached to the approval required that a site-wide energy strategy be submitted within six months of the planning approval being issued. This was done in September 2007 and the key points were as follows:

- Energy efficient design commitments to reduce energy demand by 20% against baseline standards.
- A single district heat network for the entire development and no more than four energy centres, each to contain combined heat and power systems to reduce carbon dioxide (CO2) emissions by a further 31%.
- A further 10% reduction in CO2 emissions from renewable energy through biomass heating.
- An overall estimated CO2 reduction of 50% against the baseline scheme.
- Achievement of at least a very good EcoHomes standard will be required within each of the Phase Design codes and commercial buildings where specific BREEAM certification methods exist a rating very good or Excellent rating will be achieved.

45 Confirmation is required from the applicant that the contents of the site wide energy strategy shall be implemented in full for this development. Unfortunately, the GLA has been unable to gain assurance from Newham Council that the aforementioned energy strategy has been agreed to by the Council. Clarification on this matter is therefore required.

46 All reserved matters applications will need to contain an energy statement demonstrating consistency with the approved site-wide energy strategy. Key principles of passive design to reduce energy demand and efficient building services will be set out in the proposed Phase Design Codes attached to each phase reserved matters application. These documents should set out overall design principles, to be agreed by Newham Council, for each phase of the development.

47 As an LDA application all new homes will be required to achieve a Code for Sustainable Homes level 4 classification.

Climate change mitigation

48 The London Plan promotes five principles in policy 4A.9 to promote and support the most effective adaptation to climate change. These are to minimise overheating and contribution to heat island effects, minimise solar gain in summer, contribute to flood risk reductions, including applying sustainable drainage principles, minimise water use and protect and enhance green infrastructure. Specific policies cover overheating, living roofs and walls and water. Chapter 5 of the draft replacement London Plan considers climate change adaptation.
The Environment Agency's flood maps indicate that the site lies within flood zone three. A number of conditions attached to the consent have been agreed with the Environment Agency to minimise any flood risk to occupants and users of the site plus a condition requiring sustainable urban drainage systems (SUDS) across the site has also been attached.

Further detail as to how these policy requirements (other than flood mitigation) are to be addressed is essential before the application is referred back to the Mayor for final determination.

Transport for London's comments

The original transport assessment was prepared in 2003. At that time, TfL asked for a specific package of transport improvement measures to mitigate the impact of the application proposals on the network. Apart from a £3.5m contribution secured towards the Docklands Light Railway extension to King George V and Woolwich Arsenal, which was agreed and paid in advance of the Section 106 agreement, all the transport measures were specific to TfL Surface Transport. This included money to pump prime a bus service for three years, highway access works through Britannia Village, bus priority works to North Woolwich Road, monitoring of bus network performance, a travel plan, reduced car parking, taxi rank facilities at the aquarium, hotel and retail uses.

TfL expects that as a minimum the package previously agreed as part of the Section 106 should be retained and secured for this site as part of this renewal, taking account of inflation. The committee report sets out that this is the intention.

In addition and given the changes to the highway and public transport conditions in the area since the original application, TfL would expect that the likely impact of the development on the network be further investigated, and that, further mitigation measures be required under new policy and guidance.

For more robustness and given the availability of modelling tools recently developed for the area by TfL, it would be expected that the impact of the proposals be further tested through the use of these to confirm the accuracy of the forecast development impact, in the context of the transport network changes. This has been conditioned.

The Olympic Route Network (ORN) will run adjacent to the site along Silvertown Way/North Woolwich Road. TfL is advising that no work on the ORN occurs between September 2011 and October 2012 and subsequently requires the applicant to demonstrate that the development both at construction and operational phases, will have no impact on the operation or construction of the ORN.

Further mitigation measures which would be required include a delivery and servicing plan (DSP), construction logistics plan (CLP) and electric vehicle charging points. The construction logistics plan should also investigate developing a construction consolidation centre for this and neighbouring sites as well as using the river to move bulk materials. The draft replacement London Plan identifies a requirement for active provision of electric charging infrastructure for 20% of all proposed off-street parking spaces within new developments plus a passive provision for a further 20% should the demand increase in the future.

It is noted that the travel plan is an evolving document and will be reviewed as further information becomes available. However, the presented travel plan has failed its ATTTrBuTE assessment. Additional details are required regarding the individual travel plans that need to be developed for each of the occupiers and land uses.
Crossrail

58 Since the application was originally determined in 2007, an approach has been developed for collecting contributions towards Crossrail and is set out in Policy 6.5 of the draft consultation London Plan and the Mayor’s Supplementary Planning Guidance ‘Use of planning obligations in the funding of Crossrail’ which was formally approved in March 2010. In view of Crossrail’s strategic regional importance to London’s economic regeneration and development, and in order to bring the project to fruition in a suitably timely and economic manner, the Mayor requires contributions to be sought from development likely to add to or create congestion on the public transport network that Crossrail is intended to mitigate.

59 The mechanism for contributions to be made payable towards Crossrail has been set out in the Mayor’s draft Supplementary Planning Guidance (SPG) ‘Use of planning obligations in the funding of Crossrail’ (revised following EiP Panel Report, March 2010) and the London Plan policy alteration. The SPG states that contributions should be sought in respect of uplift in floorspace for B1 office, hotel and retail uses (with an uplift of at least 500 sq.m.).

60 The SPG states that, for this “Rest of London” area, contributions should be sought in respect of office and retail development within 1km of a Crossrail station which involve a net increase in office and retail floorspace of more than 500 sq.m. Custom House Crossrail Station, due to open in 2017, will be located less than 1km north of the development, and due to the uplift in office and retail uses at the development, TfL recommends the applicant provides a contribution towards Crossrail.

61 The SPG also states that “On sites which were previously developed and which have been cleared, floorspace of the same use class which was demolished not longer than five years prior to the date of submission of an application should be taken into account in establishing the baseline for calculating the net additional floorspace for the purposes of this guidance.” (4.27B).

62 Based on the information submitted, TfL is unclear about the current and previous land uses present on the site within the past five years, and confirmation on this matter is therefore required. As such, confirmation of the gross external area of the proposed office and retail space, calculated in accordance with the methodology set out in the SPG is necessary, in order to determine the precise contribution required.

63 However, as a guide the contributions for the elements of the application are set out in the table below:

<table>
<thead>
<tr>
<th>Type</th>
<th>Size Sq m</th>
<th>Crossrail SPG rate (Rest of London / sq m)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office / Employment (B1)</td>
<td>7,800</td>
<td>£30</td>
<td>£234,000</td>
</tr>
<tr>
<td>Restaurants (A3 - A5)</td>
<td>5,570</td>
<td>£16</td>
<td>£89,120</td>
</tr>
<tr>
<td>Retail (A1)</td>
<td>4,320</td>
<td>£16</td>
<td>£69,120</td>
</tr>
<tr>
<td>Flexible Commercial (‘Mix of A1 - A5 and B1’)</td>
<td>7,800 (though B1 = £30)</td>
<td>(£234,000) if all B1</td>
<td>(£627,040 if all B1)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>£517,040</strong></td>
</tr>
</tbody>
</table>
64 A 20% discount is applied to contributions received from developments which receive permission and commence before March 2013. The need for a contribution has been acknowledged by Newham Council in the committee report and the quantum will be set out in the section 106 agreement.

65 TfL proposes that as a minimum the package previously agreed as part of the Section 106 should be retained and secured for this site as part of this renewal, taking account of inflation and the new policy/guidance requirements for a Crossrail contribution, the need for further modelling work to be undertaken, electric vehicles charging points, a delivery and servicing plan and a construction logistics plan. In addition, further details are required on travel plan and ORN. There would be potential for section 106 contributions to be pooled with other section 106 agreements from other nearby developments such as Minoco Wharf.

Inclusive Access

66 Policy 4.5 of the draft replacement London Plan relates to the provision of visitor accommodation and facilities and it supports an increase in the quality and quantity of fully wheelchair accessible accommodation. The draft policy seeks at least 10% of new hotel bedrooms to be wheelchair accessible and for applicants to submit an accessibility management plan which sets out how the continuing management of the hotel will ensure the accessible rooms are maintained and managed, helping inclusive access to become part of the overall operation and business of the hotel (in a similar way that travel plans can ensure a commitment to sustainable travel patterns after occupation). A research study undertaken by Grant Thornton on behalf of the GLA and the LDA has looked at how inclusive design principles can be applied to London’s hotel accommodation and has assessed that less than 2% of existing stock is accessible to disabled people which makes it difficult for disabled people to find an accessible hotel, particularly when linked to other access barriers such as location near accessible public transport facilities or the availability of blue badge parking provision. This is particularly pertinent given the likely number of disabled visitors to London in 2012 for the Olympic and Paralympic Games.

Local planning authority’s position

67 As yet unknown.

Legal considerations

68 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application and any connected application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor’s statement and comments.

Financial considerations

69 There are no financial considerations at this stage.
Conclusion

Although the application is for the renewal of planning permission, a number of policy objectives have developed since the grant of permission April 2007. As such the application complies with some of the policies within the London Plan but not with others, for the following reasons:

- **Principle of development: (compliant)** The proposals meet with the Opportunity Area objectives.

- **Housing: (non compliant)** Whilst there is a valid planning permission, the level of affordable housing must be tested in light of current economic circumstances and at the implementation of each phase to ensure the offer attains the maximum reasonable amount of affordable housing. Likewise, the applicant has not provide a justification of the proposed mix justified against housing need, revised policy and viability.

- **Urban design: (non compliant)** The proposal does not address requirements of the Mayor’s draft Housing Design Guide standards.

- **Play space: (non compliant)** The applicant has yet to demonstrate if the proposal will provide sufficient play space for the potential child yield.

- **Climate change: (non complaint)** Matters regarding climate change adaptation require to be addressed as set out in this report. There is confusion as to the status of the submitted energy strategy and hence further clarification on this is necessary.

- **Transport: (non compliant)** As set out in the main body of this report.

On balance, the application does not comply with the London Plan policy.

The following changes, however, might remedy the above-mentioned deficiencies, and could possibly lead to the application becoming compliant with the London Plan:

- **Housing:** A justification for the proposed housing mix and viability material. The viability submission may require further independent scrutiny by an independent valuer.

- **Urban design:** The applicant should demonstrate a commitment to achieving the residential quality sought within the Mayor’s draft Housing Design Guide standards.

- **Play space:** The applicant should provide an assessment of the play spaces and the level of access to them against the potential child yield.

- **Climate change:** The applicant may be required to respond to the GLA’s comments on the previously submitted energy strategy. Information regarding overheating, passive design, green and brown roofs and walls and water use is required. All new homes will be required to achieve a Code for Sustainable Homes level 4 classification.

- **Transport:** as set out in the main body of this report, including further investigation into the impact of the development on the highway and public transport network and a contribution towards Crossrail as required by the methodology set out in this report.
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