

**Former Westferry Printworks, Isle of Dogs****in the London Borough of Tower Hamlets****planning application no. PA/15/02216****Outline planning application**

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008 (“the Order”); and, Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

**The proposal**

Full planning permission for the demolition of existing buildings, and erection of nine buildings of up to thirty-storeys (110.90 metres AOD), comprising 722 residential units, public open space, and a six-form entry secondary school, together with ground-floor commercial floorspace and flexible office and business use, with associated access, servicing and landscaping.

**The applicant**

The applicant is **Northern & Shell Investments No. 2 Limited**, and the architect is **PLP**.

**Recommendation summary**

The Mayor, acting as Local Planning Authority for the purpose of determining this application:

- i. grants conditional planning permission in respect of application PA/15/02216 for the reasons set out in the reasons for approval section below, and subject to the prior completion of a section 106 legal agreement;
- ii. delegates authority to the Assistant Director - Planning and the Executive Director of Development, Enterprise and Environment to issue the planning permission and agree, add, delete or vary, the final detailed wording of the conditions and informatives as required, and authority to negotiate, agree the final wording, and sign and execute, the section 106 legal agreement;
- iii. delegates authority to the Assistant Director – Planning and the Executive Director of Development, Enterprise and Environment to agree any variations to the section 106 agreement ;
- iv. delegates authority to the Assistant Director - Planning and Executive Director of Development, Enterprise and Environment to refuse planning permission, if by 20 July 2016, the section 106 legal agreement has not been completed;
- v. notes that approval of details pursuant to conditions imposed on the planning permission will be submitted to, and determined by, Tower Hamlets Council; and,
- vi. notes that Tower Hamlets Council will be responsible for the enforcement of the conditions attached to the respective permission.

## **Drawing numbers and documents**

### Site Plans:

PLP-1164-A-008; PLP-1164-A-009; PLP-1164-A-010; PLP-1164-A-011; PLP-1164-A-012;

### Demolition Plans:

PLP-1164-A-030; PLP-1164-A-031; PLP-1164-A-032; PLP-1164-A-033

### Existing plans

PLP-1164-A-020; PLP-1164-A-021; PLP-1164-A-022; PLP-1164-A-023; PLP-1164-A-024;  
PLP-1164-A-025; PLP-1164-A-026; PLP-1164-A-027;

### Masterplans GA, sections and elevations

PLP-1164-A-040; PLP-1164-A-041; PLP-1164-A-042; PLP-1164-A-050; PLP-1164-A-051;  
PLP-1164-A-052; PLP-1164-A-053; PLP-1164-A-054; PLP-1164-A-060; PLP-1164-A-061;  
PLP-1164-A-062; PLP-1164-A-063; PLP-1164-A-064;

### 100 Series GA Plans

PLP-1164-A-B1-100-L; PLP-1164-A-B1-100-U; PLP-1164-A-B1-101 ;PLP-1164-A-B1-151;  
PLP-1164-A-B2-100; PLP-1164-A-B2-100-M; PLP-1164-A-B2-101; PLP-1164-A-B2-150; PLP-  
1164-A-B2-151; PLP-1164-A-B3-100; PLP-1164-A-B3-100-M; PLP-1164-A-B3-101; PLP-  
1164-A-B3-150; PLP-1164-A-B3-151; PLP-1164-A-B3-111; PLP-1164-A-B3-160; PLP-1164-A-  
B3-161; PLP-1164-A-B4-100; PLP-1164-A-B4-100-M; PLP-1164-A-B4-101; PLP-1164-A-B4-  
150; PLP-1164-A-B4-151; PLP-1164-A-B6-099; PLP-1164-A-B6-100; PLP-1164-A-B6-101;  
PLP-1164-A-B6-102; PLP-1164-A-B6-103; PLP-1164-A-B6-104; PLP-1164-A-B6-105; PLP-  
1164-A-B6-151;

### 200 Series – elevations and sections

PLP-1164-A-B6-110; PLP-1164-A-B6-111; PLP-1164-A-B6-112; PLP-1164-A-B6-113; PLP-  
1164-A-B6-114; PLP-1164-A-B6-161; PLP-1164-A-B7-100; PLP-1164-A-B7-101; PLP-1164-A-  
B7-102; PLP-1164-A-B7-104; PLP-1164-A-B7-151; PLP-1164-A-T0-101; PLP-1164-A-T0-150;  
PLP-1164-A-T0-151; PLP-1164-A-T4-100; PLP-1164-A-T4-101; PLP-1164-A-T4-102; PLP-  
1164-A-T4-103; PLP-1164-A-T4-128; PLP-1164-A-T4-150; PLP-1164-A-T4-151; PLP-1164-A-  
B1-201; PLP-1164-A-B2-201; PLP-1164-A-B3-201; LP-1164-A-B4-201; PLP-1164-A-B6-201;  
PLP-1164-A-B6-202; PLP-1164-A-B7-201; PLP-1164-A-T1-201; PLP-1164-A-T2-201; PLP-  
1164-A-T3-201; PLP-1164-A-T4-201; PLP-1164-A-B1-211; PLP-1164-A-B2-211; PLP-1164-A-  
B3-211; PLP-1164-A-B4-211; PLP-1164-A-B6-211; PLP-1164-A-B7-211; PLP-1164-A-T1-211;  
PLP-1164-A-T2-211; PLP-1164-A-T3-211; PLP-1164-A-T4-211;

### 400 Series – enlarged plans

PLP-1164-A-B2-401; PLP-1164-A-B3-401; PLP-1164-A-B4-401; PLP-1164-A-B6-401; PLP-  
1164-A-B7-401

### Submitted documents

Design & Access Statement Vol, I, II, III, IV; Affordable Housing Statement – DS2; Environmental  
Statement (Revised March 2016) Vol 1, 2, 3, 4 and non-technical summary; Framework Travel  
Plan; Energy Statement; Sustainability Statement; Statement of Community Involvement; Utilities  
Infrastructure Report; Arboricultural Impact Assessment; Ground Floor Uses Demand Report –  
CBRE Limited.

Scheme Amendments Document; Transport Assessment Addendum Letter;  
Revised Internal Daylight and Sunlight Assessment; Energy Statement Addendum Report;  
Additional View from Chapel House Conservation Area; ES Letter of Compliance;  
Revised proposed plans, sections and elevations; Revised Drawing List; Revised GIA Area

## Introduction

1 Having assumed authority to determine this planning application, this report sets out the matters that the Mayor must consider in forming a view over whether to grant or refuse planning permission and to guide his decision making at the representation hearing. This report includes a recommendation from GLA officers, as set out below.

## Officer recommendation - reasons for approval

2 The Mayor, acting as the local planning authority, has considered the particular circumstance of this application against national, regional and local planning policy, relevant supplementary planning guidance and any material planning considerations. He has also had regard to all consultation responses and representations made on the case, including those submitted by Tower Hamlets Council following its Strategic Planning Committee meeting of 12 April 2016. The reasons set out below are why this application is acceptable in planning policy terms:

- i. The proposed development would provide a housing-led mixed use scheme, including a new secondary school, employment, retail, healthcare and community uses and public open space, which will support the creation of a new high quality residential neighbourhood at north Millwall. In particular, the proposal will help to unlock potential barriers to the delivery of development in the Isle of Dogs and South Poplar Opportunity Area through enabling the delivery of a new 1,200 pupil secondary school, three new public open spaces and Dockside Promenade, in addition to a health and community centre. The development therefore accords with the NPPF; London Plan Policies 2.13, 2.14, 2.15, 3.1, 3.3, 3.7, 3.16, 3.18, 4.1, 4.2, 4.5, 4.7, 4.8, 4.12, 7.1, 7.18 and 7.30; Tower Hamlets Core Strategy (2010) policies SP01, SP02, SP03, SP06 and SP07; Tower Hamlets Managing Development Document (MDD) (2013) Policies DM0, DM1, DM7, DM8 and DM10 and MDD Site Allocation 18 Westferry Printworks.
- ii. The proposals would introduce a suitable mix of high quality housing types and tenures, including a maximum reasonable amount of affordable housing provision in the context of the viability constraints of developing the site. The residential quality would be very high, given the general compliance with relevant Building Research Establishment guidance, London Plan and local policy standards. The development, therefore, accords with the NPPF; London Plan Policies 3.3, 3.4, 3.5, 3.6, 3.8, 3.9, 3.10, 3.11, 3.12 and 3.13; Core Strategy Policies SP02, SP03 and SP10; MDD (2013) policies DM3 and DM4; the Mayor's Housing SPG (2015) and Play and Informal Recreation SPD (2012).
- iii. The design of the proposal is of the highest quality in respect of its response to the site and local context, in terms of: layout; ground floor uses; connections and permeability; height and massing; architectural appearance and materials; and, public realm and public spaces. The development would optimise the potential of the site, whilst delivering a generous provision of public open space and private amenity space that exceeds minimum guidance, and responds positively to the challenges and opportunities of its Opportunity Area context, having a satisfactory relationship with neighbouring developments. The development therefore accords with the NPPF; London Plan Policies 2.13, 7.1, 7.3, 7.4, 7.5, 7.6, 7.7, 7.13 and 7.18; Core Strategy Policies SP02, SP03, SP09 and SP10; MDD (2013) Policies DM23, DM24, DM25 and DM26; the Mayor's Character and Context SPG (2014); and the MDD Site Allocation 18 Westferry Printworks.

- iv. The development would not harm the setting of the Maritime Greenwich World Heritage Site. There would be no harm to any other heritage assets or strategic views. The development therefore accords with the NPPF; London Plan Policies 7.7, 7.8, 7.10, 7.11 and 7.12; Core Strategy Policy SP10; MDD (2013) Policies DM26, DM27 and DM28; the Mayor's World Heritage Sites SPG (March 2012) and View Management Framework (2012); and the SQMP SPD.
- v. The development would improve the accessibility of the built form and public realm in this part of the Isle of Dogs, helping to promote inclusive access across the development and ground floor uses. The proposed housing would also be fully accessible in accordance with current guidance across all tenures and unit types. The development therefore accords with the NPPF; London Plan Policies 3.8, 4.5, 4.12 and 7.2, 7.8; MDD (2013) Policy DM23; and the Mayor's Achieving an Inclusive Environment SPG (2014).
- vi. Given the urban context of the site, the application would not cause significant adverse local impacts with respect to issues of daylight, sunlight and overshadowing; or, privacy/overlooking. Accordingly the application complies with the NPPF; London Plan Policies 7.6; Core Strategy Policies SP03 and SP10; and Policies DM24 and DM25 of the MDD (2013).
- vii. The proposed development would be of a high standard of sustainable design and construction and would successfully minimise carbon dioxide emissions through energy efficiency measures and renewable energy technologies. Priority would be afforded towards connection to, and expansion of, existing heat networks. The development would also deliver significant urban greening and potential biodiversity benefits, over the existing situation at the site. The development is, therefore, acceptable with respect to the NPPF; London Plan Policies 5.2, 5.3, 5.5, 5.6, 5.7, 5.9, 5.10, 5.11, 5.12, 5.13, 5.15, 7.19 and 7.21; Core Strategy Policies SP04, SP05 and SP11; Policies DM11, DM13, DM29 of the MDD (2013); and the Mayor's Sustainable Design and Construction SPG (2014).
- viii. With respect to transport issues the proposed seeks to focus development density where public transport levels are good and are being improved through Crossrail. The proposals will provide an appropriate level of car parking and support for off-site parking control, as well as meeting minimum standards for cycling parking. Travel planning; impacts on the transport network; walking/pedestrian environment; servicing and construction arrangements and contributing towards the deliver Crossrail are acceptable with respect to the NPPF; London Plan policies 6.1, 6.3, 6.5, 6.9, 6.10, 6.12, 6.13, 6.14, 8.2 and 8.3; Core Strategy policies SP08 and SP09; and policies DM20, DM21, DM22 and DM23 of the MDD (2013).
- ix. It is acknowledged that the proposed development has a significant impact on the sailing quality in the north-west corner of the dock and the facilities that the DSWC provide. This adverse impact and the conflict with London Plan policy 7.30 (and one of the criteria within policy 7.7 of the London Plan and Tower Hamlets Policy DM 26) are not sufficient to warrant the refusal of the scheme given the substantial financial mitigation package proposed and the overall substantial benefits of the scheme. To appropriately mitigate the impact of this development planning obligations have been secured towards: affordable housing; local employment and training; local enterprise; community facilities; public realm and open space; wind mitigation; energy; sustainable transport; and, Crossrail. The development is, therefore, acceptable with respect to the NPPF; London Plan policies 6.5, 8.2 and 8.3; Core Strategy Policy SP13; the Mayor's Use of planning obligations in the funding of Crossrail and the Mayoral Community Infrastructure Levy SPG (2013); and Tower Hamlets Planning Obligations SPD (2012 and 2015).

- x. The proposals are considered to be in overall conformity with the development plan.

## **Recommendation**

3 That the Mayor, acting as Local Planning Authority, grants planning permission in respect of application PA/15/02216, subject to prior completion of a section 106 legal agreement and conditions, as summarised below. The wording of conditions and informatives are set out in the draft decision notice appended to this report.

4 That the Mayor delegates to the Assistant Director – Planning and the Executive Director of Development, Enterprise and Environment to issue the planning permissions and agree, add, delete or vary the final detailed wording of the conditions and informatives.

5 That the Mayor agrees that the Assistant Director of Planning and the Director of Development and Environment, be given delegated authority to negotiate and complete the legal agreement, the principles of which have been agreed with the applicant as set out in the heads of terms detailed below.

6 That the Mayor notes the approval of details pursuant to conditions imposed on the planning permission will be submitted to, and determined by, Tower Hamlets Council (the “Council”).

7 That the Mayor notes that the Council will be responsible for the enforcement of the conditions attached to the permission.

### Legal agreement heads of terms

8 The prior completion of a legal agreement to secure the following planning obligations:

#### *Affordable housing*

- 20% based on habitable rooms and 71:29 tenure split including wheelchair adaptable units as shown on approved plans, including Registered Provider, nominations process and compliance with housing standards;
- Affordable housing review mechanism; including where substantial implementation has not occurred within two years;

#### *Social infrastructure*

- School site with capped services to be provided to ‘school provider,’ for delivery within an agreed option period, including public access to sports facilities outside of school hours; or cash in lieu payment if the option to take a lease of the school site is not triggered within specified period. Final delivery mechanism to be defined in detailed drafting of section 106 agreement.
- Community centre, subject to uptake;
- Health centre, subject to uptake;
- Creche, subject to uptake;

#### *Environmental/microclimate*

- Wind mitigation contribution for Docklands Sailing and Watersports Centre of £506,600 to be paid on commencement;

#### *Design and construction*

- Retention of scheme architects for detailed design and construction stages;
- Considerate contractor scheme;

#### *Training, employment and enterprise*

- A proportion of B1/A2 floorspace delivered for SME or start-up companies – final proportion to be agreed in detailed drafting of section 106 agreement;
- Construction training initiatives of £496,116;
- Commitment to target minimum percentage of local construction employment and supplies;
- Commitment to borough's local labour initiatives, work experience and apprenticeships;

#### *End user phase skills and training*

- End use training initiatives of £77,617;
- Commitment to target minimum percentage of local employment, work experience and apprenticeships;

#### *Public access and open space*

- East Park including ball courts, West Plaza, Boulevard Gardens, Dockside Promenade – public access to be secured during daylight hours for all in perpetuity, along with estate management and maintenance regime;
- East-west route, first north/south route; second north/south route – pedestrian and cycle access in perpetuity;

#### *Highways and transport*

- Off-site highways works to be agreed with Council highways;
- Permit-free development scheme;
- DLR contribution of £420,000
- Bus contribution of £300,000;
- Cycle hire contribution of £70,000
- Crossrail contribution of £3,810,513;
- Provision of wayfinding strategy;
- Provision of electric vehicle charging points;
- Car parking management plan;
- Travel planning;
- Pedestrian and cycling access through site to be secured in perpetuity;
- Cycle parking facilities;

#### *Energy*

- Updated Energy Strategy including information on feasibility of connection to Barkantine District Heat Network (DHN);
- Future proofing for future connection to DHN;
- Carbon off-setting contribution of £59,058 (subject to DHN connection);

#### *Monitoring*

- £500 per principle obligation.

#### Summary of conditions and informatives

#### 9 Conditions requiring further details to be submitted for approval:

- Time limits;
- Development in accordance with approved plans;
- Details of materials;
- Details of pedestrian wind mitigation;
- Revised soft and hard landscaping strategy detailing biodiversity mitigation and enhancement;
- Landscape management plan
- Compliance with BREEAM Excellent for non-residential uses;
- Piling method statement;

- Archaeological scheme;
- Contaminated land assessment and remediation;
- Surface water drainage scheme;
- Wayfinding strategy;
- Details of cycle parking and storage and compliance with TfL Cycle Design Standards;
- Details of acoustic glazing and mechanical ventilation;
- Details of plant and machinery noise and fume emissions;
- Car Parking Management Plan;
- Travel Plans;
- Delivery and Service Management Plan;
- Construction management and logistics plan, including noise and air quality mitigation and Water Freight Feasibility Study;
- Provision of details to encourage the use of river bus use, including targets and timetable;
- Details of A3/A4 uses extraction systems;
- Details of laying out of amenity spaces and play spaces;
- Waste and recycling strategy;

10 Conditions to be complied with during the construction and operation of the development:

- Life-saving equipment on dockside;
- Retention of historic cranes;
- 30% of residential units to be wheelchair accessible;
- 73 disabled car parking spaces;
- 10dBA noise restriction on all plant/machinery/equipment;
- Time restriction of use of sports pitches and MUGA's;
- Restriction of hours of operation of A3/A4 units;
- Removal of permitted development rights from A1 to A3;
- School hours to be staggered by 30 mins from Arnhem Primary School;
- Construction hours restrictions;

11 Informatives to be attached to the planning permission:

- Section 106 agreement;
- 278 agreements;
- CIL requirements;
- Thames Water informatives;
- Archaeological investigation advice;
- Protect species advice;
- Natural England licensing advice;
- Consultation with Tower Hamlet's Biodiversity Officer regarding all biodiversity mitigation and enhancement measures;
- London City Airport consultation;
- Compliance with London Building Acts;
- Canal and River Trust Code of Practice;
- National Grid contact;
- Consultation with Tower Hamlet's School Travel Advisor;
- Waste storage minimum capacity advice.

## Publication protocol

12 This report has been published seven days prior to the Representation Hearing, in accordance with the GLA Procedure for Representation Hearings. Where necessary, an addendum to this report will be published on the day of the Representation Hearing. This report, any addendum, draft decision notices and the Mayor of London's decision on this case will be made available on the GLA website:

<https://www.london.gov.uk/what-we-do/planning/planning-applications-and-decisions/public-hearings/former-westferry-printworks>.

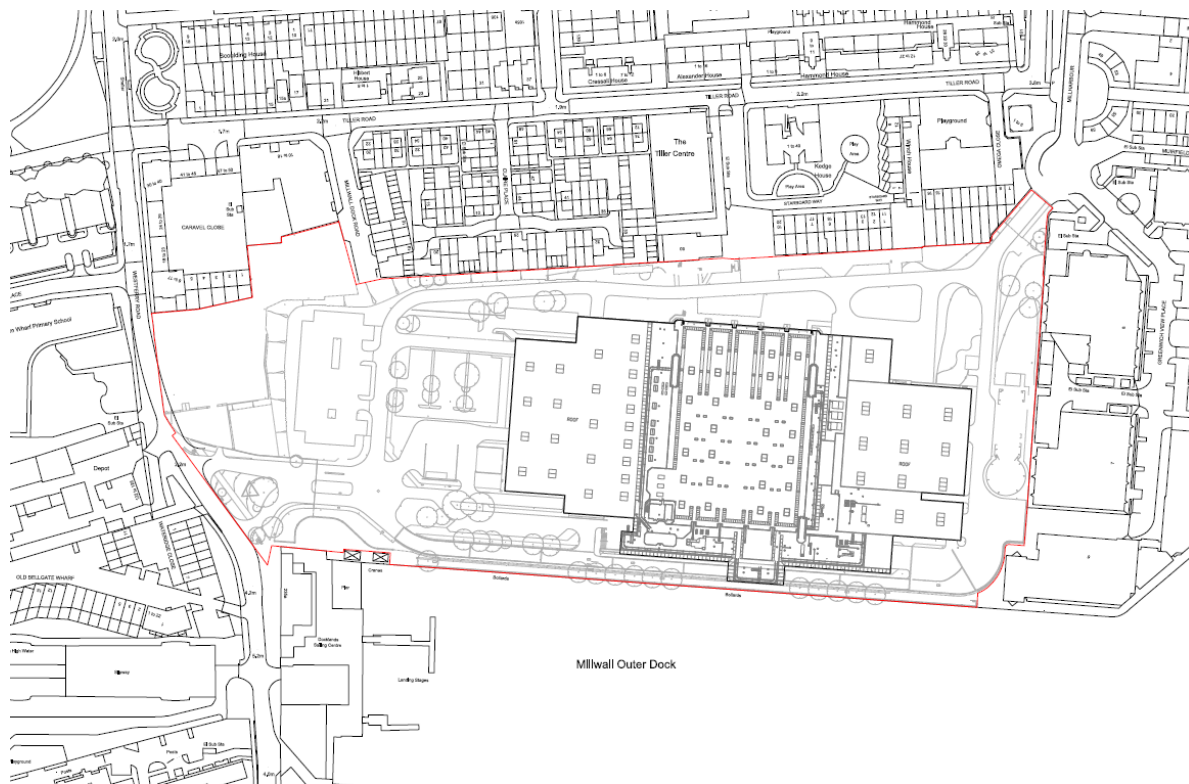
## Site description

13 The former Westferry Printworks is located on the northern bank of Millwall Outer Dock, on the Isle of Dogs in the London Borough of Tower Hamlets. The application site, identified in figure 1 below, is 6.1 hectares in area and comprises a former printworks, associated offices and car parking, in a large three to four-storey building.

14 The northern boundary of the site is characterised by predominantly residential development, with the rear gardens of the properties at Tiller Road, Claire Plaice, Starboard Way and Omega Close adjoining the site boundary. The scale of residential development ranges from two stories at Claire Place, three stories at Omega Close and ten storeys at the Barkantine Estate blocks on Starboard Way. In addition, the Tiller Road Leisure Centre and the boiler house of the Barkantine District Heat Network are situated immediately to the north of the site along Starboard Way. The eastern site boundary is bounded by the by Greenwich View Estate which comprises an industrial complex and data centre. The southern boundary is adjoined by the Millwall Outer Dock and on the western side of the Dock is the Docklands Sailing and Watersports Centre (DSWC) which uses the Dock for recreational and education purposes. Westferry Road (A1206) and the Arnhem Wharf Primary School are adjacent to the site to the west.

15 The site is located within the draft indicative boundary of the Isle of Dogs and South Poplar Opportunity Area Planning Framework. At the local level, the site is allocated for *"a comprehensive mixed-use development required to provide a strategic housing development, a secondary school, publically accessible open space, an expanded leisure facility, a district heating facility (where possible) and other compatible uses"* within Site Allocation 18 of the Council's Managing Development Document (2013). While not within the boundary, the site also sits within the surrounding context of the Council's South Quay Masterplan Supplementary Planning Document.





**Figure 1:** Site map (PLP-1164-A-008).

### Site access

16 The current access to the site is secure, with the primary existing access from Westferry Road via a security gate and a secondary secure access from Millharbour at the north eastern corner of the site. As a result, there are currently no publicly accessible routes through the site in a north-south or east-west direction.

17 The nearest part of the Transport for London Road Network, the A1203 Aspen Way, is located 1.2 kilometres to the north of the site. There is no Strategic Road Network within the vicinity of the site.

18 In terms of public transport services in the area, the site is served by three bus routes (the D3, D7 and 135) with the nearest stops located on Westferry Road. Crossharbour Docklands Light Rail station is located approximately 400 metres to the east, linked by the Pepper Street bridge. Consequently, the site's public transport accessibility level ranges from two to three (on a scale of one to six, where six is excellent and one is very poor). The site is also served by the Mayor's Cycle Hire Scheme; the nearest docking station is located adjacent to the Millharbour entrance to the site, and provides eighteen docking points.

### Brief summary of site history

19 The Millwall Docks opened in 1868 and were predominantly used for the handling of grain cargo and by 1900 it is understood that about one third of London's grain imports and one tenth of its river-borne timber trade came through Millwall Docks. Until the mid-1950's and the post-war modernisation of the Docks, the application site was occupied by a series of small sheds and a metal works. In 1982, the Isle of Dogs Enterprise Zone (EZ) was established under the London Docklands Development Corporation, which comprised a 195 hectare zone including West India, Millwall and East India Docks and a small part of Leamouth. While initially the EZ resulted in the development of several small scale commercial buildings, by the mid to late 1980's the plans for the Canary Wharf Estate had been agreed and construction commenced. The Westferry Printworks were constructed on the application site between 1984 and 1986.

20 The printing facility has not been used since the operations relocated in February 2012.

#### Heritage asset context

21 There are no statutorily listed buildings within the site boundary or within close proximity to the site. The nearest listed building is the Grade II Listed former St Paul's Presbyterian Church, situated to the south of the site on Westferry Road which now operates as a performing arts and community centre. The nearest conservation area to the site is the Chapel House Conservation Area which is located in the south of the Isle of Dogs.

22 In a wider context, the site sits within a number of strategic views and river prospects, as identified in the Mayor's London View Management Framework, including View 5A.1: Greenwich Park; View 6A.1 Blackheath; View 11B.1: London Bridge, and View 11B.2: London Bridge, as well as within the wider setting of the Maritime Greenwich World Heritage Site.

#### Other significant development in the vicinity of the site

23 The Isle of Dogs is undergoing a period of significant change with a number of planning applications implemented and under construction, consented or currently being determined within the vicinity of the application site.

24 The accompanying environmental statement has assessed the cumulative impact of the emerging schemes in the vicinity of the site, which include the following key schemes that are most relevant to the application. Just to the north-east of Westferry Printworks there is a consented scheme at 45 Millharbour for 136 new homes and ground floor commercial space within buildings ranging from seven to fourteen storeys in height. Just to the north of this scheme, there is a pending application at Glenghall Quay (49-59 Millharbour) (LPA ref: PA/14/03585) for 484 residential units and retail space, including a 45 storey tower and fifteen storey buildings. To the east of the site on the adjacent side of Millwall Inner Dock, the mixed-use Baltimore Wharf scheme is currently under construction that will deliver circa 1,000 new residential units and includes a tower of 43 storeys in height. To the south of Baltimore Wharf and to the east of the site, consent has been given to the proposals to deliver a new district centre at Crossharbour for 850 new residential units and a new replacement supermarket including buildings up to 23 storeys in height.

25 The strategic regeneration potential of the Isle of Dogs is recognised in its opportunity area status as identified in the London Plan and it is expected that this period of change will be further catalysed as the emerging Isle of Dogs and South Poplar Opportunity Area Planning Framework is developed further. The Council recently adopted the South Quay Masterplan SPD in October 2015 which acknowledges the increasing developer interest in the Isle of Dogs and seeks to steer new development in the South Quay area to provide a high quality, varied but coherent built environment which is to the north of the application site.

### **Details of the proposal**

26 The following description of the development incorporates alterations to the application made following the submission of minor revisions to the Council on 14 December 2015.

27 The proposals seek full planning permission for the demolition of all existing buildings on site and the erection of several buildings of up to thirty-storeys (110.90 metres AOD) in height, comprising 722 residential units, public open space, and a six-form entry secondary school, together with ground-floor commercial floorspace and flexible office and business use, with associated access, servicing and landscaping.

### Building height strategy

28 The scheme comprises ten buildings ranging from four to thirty storeys in height. Buildings B01, T01, T02, T03 and T04 are the tallest proposed buildings and range from eight to thirty storeys in height. These are situated along the northern bank of the Dock, increasing in height from west to east. It is proposed that the building heights generally decrease to the north of the site in order to relate to the existing lower rise residential context.

29 At the centre of the site, three 'c-shaped', podium blocks referred to as B02, B03 and B04 are proposed behind the taller dockside buildings which provide internal private amenity space for new residents and a strong southern street frontage to the new internal east-west route through the site. On the north western side of the new route two linear shaped blocks (B06 and B07) are proposed to interface with the lower rise, predominantly residential area to the north (see paragraph fourteen).

### Housing

30 The application would provide 722 new homes, 20% of which are proposed to be affordable (on a habitable room basis). This equates to 140 affordable units. All residential buildings would be designed to meet Building Regulations M4(2) and M4(3), with 30% to be wheelchair accessible, or easily adaptable for wheelchair users.

### Other land uses

31 In addition to the proposed new homes, a wide range of non-residential uses is proposed at ground floor level to meet the needs of local residents and activate the public realm. These uses comprise 1,551 sq.m. of A1/A3/A4 retail uses, 2,203.7 sq.m. of flexible B1/A2 commercial floorspace aimed at small to medium enterprises (SME) and 954.9 sq.m. of D1 floorspace comprising community and healthcare uses.

32 In addition, the proposals will provide a serviced site to deliver a new secondary school including sixth form (9,867 sq.m.) with the capacity for 1,200 pupils. The school site is located at the north-west corner of the site adjacent to the main western access from Westferry Road. The application includes a detailed design for the school based on the 'superblock' typology but not its delivery. The school will be delivered by the Council, Education Funding Agency or other school provider in accordance with the terms to be agreed within the section 106 agreement.

### Transport

33 As mentioned above, the proposals will provide a new east-west route through the site which will be publicly accessible for pedestrians and cyclists; vehicular access to this route will be controlled and restricted to residents only. In addition, the development proposes to reconfigure the existing bus stop on Westferry Road and provide a new bus stop outside the proposed school entrance. A zebra crossing across the road is also proposed.

34 A total of 269 parking spaces are proposed, of which 253 will be residential spaces (equating to a ratio of 0.35 spaces per dwelling). Disabled parking, electric vehicle charging points and a car club are also proposed.

### Environmental Impact Assessment

35 The proposal is treated as Environmental Impact Assessment development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as

amended) (the “EIA Regulations”). Accordingly, the applicant has submitted an Environmental Statement which is accompanied by an Addendum providing further additional environmental information requested by the Mayor and the Council, which, in conjunction with other supporting documents (such as the Design Guidelines), identify the measures necessary to mitigate the environmental impact of the proposed development.

36 Consideration of the proposed mitigation of environmental issues is set out within the relevant sections for this report, as necessary. For the avoidance of doubt, all the environmental information submitted for the purposes of the Town and Country Planning EIA Regulations has been taken into account in the consideration of this application.

### Phasing

37 A submitted phasing plan shows that the scheme is proposed to be delivered in five phases including demolition and enabling works. The construction programme indicates that the construction is estimated to take place over a six year period.

## **Relevant case history**

### Previous history

38 As set out above, the existing printworks were constructed in the late 1980’s. Since then a series of planning applications and temporary consents have been granted to extend the printworks and for additional portacabin offices. In 2013 a certificate of Lawful Existing Use or Development was granted by the Council (LPA ref: PA/13/02301).

### Current application

39 The current proposals have been subject to formal pre-planning application discussions with GLA officers, with four formal pre-planning application meetings being held on 6 March 2014, 22 May 2014, 27 August 2014, and 29 October 2014, together with six informal design reviews in 2014 and 2015. GLA officers welcomed the opportunity to proactively engage with the applicant at an early stage in the development process, which resulted in significant improvements to the scheme. The principle of the housing-led redevelopment of this site, which includes public open space and education provision, was strongly supported. However, a number of concerns were raised regarding the quantum of development and density, housing, urban design and tall buildings, inclusive design, sustainable development, and transport.

40 On 27 August 2015, a full planning application for the demolition of existing buildings, and the erection of a series of buildings of up to thirty-storeys in height, comprising 737 residential units, public open space, and a six-form entry secondary school, together with ground-floor commercial floorspace and flexible office and business use, with associated access, servicing and landscaping was formally validated by the Council. Following subsequent referral to the Mayor of London on 15 September 2015, the Mayor issued initial representations on the application on 20 October 2015. Having considered GLA report D&P/3363/01, the Mayor indicated strong support for the principle of the housing-led, mixed-use redevelopment of the site, whilst identifying a number of strategic issues that needed to be resolved prior to the application being referred back at the Mayor’s decision making stage and that consequently the application was not in accordance with London Plan Policy. Nevertheless, the Mayor indicated that these strategic planning issues were capable of being resolved and that their resolution could lead to the application becoming policy compliant. Advice on how to resolve these deficiencies was provided within the report.

### Current scheme

41 Following the submission of the application and the issuing of the above-mentioned report, a number of amendments were proposed by the applicant and were considered by GLA officers. The amendments included a reduction in the number of residential units from 737 to 722 units, a revised tenure split for the affordable housing component to bring it into accordance with London Plan Policy 3.11, amendments to reduce the number of residential units sharing a core and the proportion of single aspect units, in addition to a number of positive ground floor layout amendments.

42 On the 14 December 2015, the applicant submitted formal scheme amendments to the Council to address the consultation responses, which in addition to the above, included a reduction of 130 car parking spaces provided on site and associated reduction in basement parking area, changes to the basement ventilation strategy and location of the exhaust vents, revisions to the proposed surface water drainage strategy and associated landscaping amendments, revisions to Blocks B8 and B7 to improve levels of internal daylight and sunlight, and amendments to corner windows within the courtyard blocks to reduce overlooking. These amendments form the planning application being considered here and described above in paragraphs 26 to 37. The Council formally consulted on these amendments on 11 January 2016.

43 On 25 January 2016, DP9 on behalf of the applicant wrote to the Mayor requesting, pursuant to Article 7(6) of the Order 2008, that he become the local planning authority for the purposes of determining this application. On 4 February 2016, the Mayor considered GLA report D&P/3363/02, and subsequently concluded that the development would have a significant impact on the implementation of the London Plan (with respect to policies on Opportunity Areas, regeneration, housing delivery, employment, education and social infrastructure), and that there were sound planning reasons for his intervention. The Mayor also had regard to the extent to which the Council is achieving, and has achieved relevant development plan targets. Accordingly, the statutory tests to be applied in this case have been met, and on 4 February 2016 the Mayor issued a direction under Article 7 of the Order that he will act as the local planning authority for the purposes of determining this planning application.

44 Since the Mayor issued this direction, GLA officers have worked with the applicant with a view to resolving the outstanding issues on the case; appropriately securing local community benefits; and, providing the Mayor with a timely recommendation to consider at a public Representation Hearing.

45 In response to a number of requests for further information and clarification following the independent review of the applicant's environmental statement on behalf of the Council and the GLA, the applicant submitted additional environmental information to the GLA under Regulation 22 of the EIA regulations on March 2016. In accordance with the EIA Regulations the GLA formally consulted on this information on 21 March 2016.

46 On 12 April 2016 the Council's Strategic Planning Committee considered a report and addendum report on the application from its planning officers. The report concluded that while Council officers considered that in land use principle terms, the proposed mix of uses accords with adopted policy, were the Council empowered to determine the application it would have refused permission for the following reasons:

#### Site design principles and microclimate

1. It has not been satisfactorily demonstrated that the proposed development would not place the important Docklands Sailing and Watersports Centre in jeopardy due to adverse effect

on wind climate in the northwest corner of Millwall Outer Dock with resultant conditions unsuitable for young and novice sailors. This would conflict with London Plan Policy 7.27 'Blue Ribbon Network: Supporting infrastructure and recreational use' and Policy 7.30 'London's canals and other rivers and water spaces,' Tower Hamlets Core Strategy Policy SP04 'Creating a green and blue grid,' Tower Hamlets Managing Development Document Policy DM12 'Water spaces' and Policy DM26 'Building heights.

### Affordable housing

2. Westferry Printworks is a crucial element within Tower Hamlets supply of land for both market and affordable housing. The affordable housing offer of 11% within the proposed development would fail to meet the minimum requirement of the Tower Hamlets Local Plan, is not financially justified and would fail to provide an adequate amount of affordable housing to meet targets. The development is consequently not consistent with the NPPF, London Plan Policy 3.8 'Housing choice,' Policy 3.11 'Affordable housing targets,' Policy 3.12 'Negotiating Affordable Housing on Individual Private Residential and Mixed Use Sites' or Tower Hamlets Core Strategy Policy SP02 'Urban living for everyone.'

47 The addendum report set out that the Council was no longer progressing the third reason for refusal originally proposed in its committee report based on an "unacceptable overemphasis" towards one bed, two person units in the intermediate tenure. This was due to concerns previously raised by the Tower Hamlets Housing Strategy Group and the GLA regarding the affordability of larger intermediate units which led to amendments in the housing mix. The Council also recommended a further condition requiring a detailed waste strategy to be submitted for approval and related informative providing minimum requirements for residential waste storage.

48 Notwithstanding the above, the Council set out that should the Mayor decide to grant permission, it recommended a set of planning conditions and obligations that the Council officers considered necessary to enable the development to proceed. The recommended obligations included financial contributions towards funding local employment, skills and training; expanding cycle hire docking stations; improving bus infrastructure on Westferry Road; carbon offsetting; mitigation on Barkantine Energy Centre; and section 106 monitoring fees.

49 In addition, non-financial obligations including the provision of land to facilitate the delivery of a secondary school; provision of affordable housing and review mechanism; parking exemptions for future residents; securing public access to new routes through the site and proposed open space in perpetuity; public use of sports hall and MUGA's; provision of a GP surgery; provision of flexible workspace for SME's and start-up companies; securing access to employment by local residents and local apprenticeships.

50 The recommended obligations have been used to inform the Heads of Terms and draft planning conditions agreed by the applicant and set out in paragraphs eight.

## **Relevant legislation, policies and guidance**

51 Section 38(6) of the Planning and Compensation Act 2004 requires the decision to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan consists of the London Plan and the Tower Hamlets Local Plan as detailed below.

52 The application includes an Environmental Statement (amended) submitted under the requirements of the EIA Regulations.

53 In determining this application, the Mayor must consider planning policy at the national, regional and local levels. The relevant material planning considerations relate to: land use principle (employment, education, retail, social infrastructure and open space); housing (including affordable housing, tenure and mix); design (including urban design, views [strategic and local], public realm and open space, heritage); inclusive design; sustainable development; environmental issues (including residential amenity and microclimate); transport; and, mitigating the impact of development through planning obligations. The relevant planning policies and guidance at the national, regional and local levels are as follows:

#### National planning policy and guidance

54 The National Planning Policy Framework (NPPF) provides the Government's overarching planning policy, key to which, is a presumption in favour of sustainable development. The NPPF defines three dimensions to sustainable development: an economic role contributing to building a strong, responsive and competitive economy; a social role supporting strong, vibrant and healthy communities; and, an environmental role contributing to protecting and enhancing our natural, built and historic environment. The relevant components of the NPPF are:

- Chapter 1. - Building a strong, competitive economy;
- Chapter 2. - Ensuring the vitality of town centres;
- Chapter 4. - Promoting sustainable transport;
- Chapter 6. - Delivering a wide choice of high quality homes;
- Chapter 7. - Requiring good design;
- Chapter 8. - Promoting healthy communities;
- Chapter 10. - Meeting the challenge of climate change;
- Chapter 11. - Conserving and enhancing the natural environment; and,
- Chapter 12. - Conserving and enhancing the historic environment.

#### Regional planning policy and guidance

55 The London Plan consolidated with alterations since 2011 is the Spatial Development Strategy for Greater London. The relevant policies within the London Plan include:

- Policy 2.9 - inner London;
- Policy 2.10 - Central Activities Zone – strategic priorities
- Policy 2.11 - Central Activities Zone – strategic functions
- Policy 2.13 - opportunity areas and intensification areas;
- Policy 2.14 - areas for regeneration;
- Policy 3.1 - ensuring equal life chances for all;
- Policy 3.2 - improving health and addressing health inequalities;
- Policy 3.3 - increasing housing supply;
- Policy 3.4 - optimising housing potential;
- Policy 3.5 - quality and design of housing developments;
- Policy 3.6 - children and young people's play and recreational facilities;
- Policy 3.7 - large residential developments
- Policy 3.8 - housing choice;
- Policy 3.9 - mixed and balanced communities;
- Policy 3.10 - definition of affordable housing;
- Policy 3.11 - affordable housing targets;
- Policy 3.12 - negotiating affordable housing on individual schemes;
- Policy 3.13 - affordable housing thresholds;

- Policy 3.16 - protection and enhancement of social infrastructure;
- Policy 3.17 - health and social care facilities;
- Policy 3.18 - education facilities;
- Policy 4.1 - developing London's economy;
- Policy 4.2 - offices;
- Policy 4.3 - mixed use development and offices;
- Policy 4.4 - managing industrial land and premises;
- Policy 4.5 - London's visitor infrastructure;
- Policy 4.7 - retail and town centre development;
- Policy 4.8 - supporting a successful and diverse retail sector;
- Policy 4.12 - improving opportunities for all;
- Policy 5.1 - climate change mitigation;
- Policy 5.2 - minimising carbon dioxide emissions;
- Policy 5.3 - sustainable design and construction;
- Policy 5.4A - electricity and gas supply;
- Policy 5.5 - decentralised energy networks;
- Policy 5.6 - decentralised energy in development proposals;
- Policy 5.7 - renewable energy;
- Policy 5.8 - innovative energy technologies;
- Policy 5.9 - overheating and cooling;
- Policy 5.10 - urban greening;
- Policy 5.11 - green roofs and development site environs;
- Policy 5.12 - flood risk management;
- Policy 5.13 - sustainable drainage;
- Policy 5.14 - water quality and wastewater infrastructure;
- Policy 5.15 - water use and supplies;
- Policy 5.17 - waste capacity;
- Policy 5.18 - construction, excavation and demolition waste;
- Policy 5.21 - contaminated land;
- Policy 6.1 - strategic approach;
- Policy 6.2 - providing public transport capacity and safeguarding land for transport;
- Policy 6.3 - assessing effects of development on transport capacity;
- Policy 6.4 - enhancing London's transport connectivity;
- Policy 6.5 - funding Crossrail and other strategically important transport infrastructure;
- Policy 6.9 - cycling;
- Policy 6.10 - walking;
- Policy 6.12 - road network capacity;
- Policy 6.13 - parking;
- Policy 7.1 - building London's neighbourhoods and communities;
- Policy 7.2 - an inclusive environment;
- Policy 7.3 - designing out crime;
- Policy 7.4 - local character;
- Policy 7.5 - public realm;
- Policy 7.6 - Architecture;
- Policy 7.7 - location and design of tall and large buildings;
- Policy 7.8 - heritage assets and archaeology;
- Policy 7.10 - World Heritage Sites;
- Policy 7.11 - London View Management Framework;



- Policy 7.12 - implementing the London View Management Framework;
- Policy 7.13 - safety, security and resilience to emergency;
- Policy 7.14 - improving air quality;
- Policy 7.15 - reducing and managing noise;
- Policy 7.18 - protecting open space and addressing deficiency;
- Policy 7.19 - biodiversity and access to nature;
- Policy 7.21 - trees and woodlands;
- Policy 7.24 - Blue Ribbon Network;
- Policy 7.27 - Blue Ribbon Network: supporting infrastructure and recreational use
- Policy 8.2 - planning obligations; and,
- Policy 8.3 - Community Infrastructure Levy.

56 The following published supplementary planning guidance (SPG), strategies and other documents are also relevant:

- NPPG – National Planning Policy Guidance;
- Central Activities Zone SPG (March 2016);
- Social infrastructure SPG (May 2015);
- Accessible London: achieving an inclusive environment SPG (October 2014);
- Shaping neighbourhoods: character and context SPG (June 2014);
- Shaping neighbourhoods: play and informal recreation (September 2012);
- Housing SPG (March 2016);
- Town centres SPG (July 2014);
- London view management framework SPG (March 2012);
- London World Heritage Sites SPG (March 2012);
- Maritime Greenwich World Heritage Site management plan (2014, third review);
- The control of dust and emissions during construction and demolition SPG (July 2014);
- Sustainable design and construction SPG (April 2014); and
- Use of planning obligations in the funding of Crossrail and the Mayoral Community Infrastructure Levy SPG (April 2013).
- Draft Housing SPG (2015).

### Local planning policy

57 Tower Hamlets Local Plan consists of the adopted Core Strategy (2010) and adopted Managing Development Document (MDD) (2013) and together they provide the overarching local policy approach for the Borough.

58 The relevant policies within the Tower Hamlets Core Strategy include:

- SO1–SO25 - strategic objectives for Tower Hamlets;
- SP01 - refocusing on our town centres;
- SP02 - urban living for everyone;
- SP03 - creating healthy and liveable neighbourhoods;
- SP04 - creating a green and blue grid;
- SP05 - dealing with waste;
- SP06 - delivering successful employment hubs;
- SP07 - improving education and skills;
- SP08 - making connected places;
- SP09 - creating attractive and safe streets and spaces;

- SP10 - creating distinct and durable places;
- SP11 - working towards a zero-carbon borough;
- SP12 - delivering place making – priorities and principles; and
- SP13 - planning obligations.

59 The relevant policies within the MDD are:

- DM0 - delivering sustainable development;
- DM1 - development within the town centre hierarchy;
- DM2 - protecting local shops;
- DM3 - delivering homes;
- DM4 - housing standards and amenity space;
- DM7 - short stay accommodation;
- DM8 - community infrastructure;
- DM9 - improving air quality;
- DM10 - delivering open space;
- DM11 - living buildings and biodiversity;
- DM12 - water spaces;
- DM13 - sustainable drainage;
- DM14 - managing waste;
- DM15 - local job creation and investment;
- DM16 - office locations;
- DM18 - delivering schools and early learning;
- DM20 - supporting a sustainable transport network;
- DM21 - sustainable transportation of freight;
- DM22 - parking;
- DM23 - streets and public realm;
- DM24 - place-sensitive design;
- DM25 - amenity;
- DM26 - building heights;
- DM27 - heritage and the historic environment;
- DM28 - World Heritage Sites;
- DM29 - achieving a zero-carbon Borough and addressing climate change; and
- DM30 - contaminated land.

60 The following Council planning guidance is also relevant:

- Planning obligations SPD (revised April 2015);
- South Quay masterplan SPD (October 2015); and
- Draft CIL charging schedule (April 2015).

61 The following planning guidance and material considerations are also relevant:

- Historic England's good practice advice in planning note 2: managing significance in decision-taking in the historic environment (2015);
- Historic England's good practice advice in planning note 3: the setting of heritage assets (2015);
- Historic England advice note 4: tall buildings (2015);
- Historic England advice note: seeing history in the view (2011);

- Historic England: conservation principles, policies and guidance (2008); and
- CABE and English Heritage: guidance on tall buildings (2007).

## Response to consultation

62 As part of the planning process the Council carried out two rounds of consultation in respect to the application to take account of the December 2015 revisions, consulting all statutory bodies, and the local public. All consultation responses, and other representations received, are summarised below. As discussed in paragraph 124, the Mayor of London undertook a further round of consultation on additional environmental information as required under the EIA Regulations from 21 March to 13 April 2016. All responses and representations received to date, both by the Council, and the Mayor of London, have been made available to the Mayor and have been taken into account in this report.

### *Statutory consultees*

#### Mayor of London (including Greater London Authority and Transport for London)

63 The Mayor's initial representations stated that the principle of the housing-led mixed-use redevelopment of this site, including provision of public open space and education facilities, is strongly supported. Notwithstanding this, the Mayor identified a number of issues that needed to be resolved in order to ensure compliance with the London Plan. The conclusion of the Mayor's initial representations were as follows:

- **Housing:** it is not possible at this stage to determine whether the proposal provides the maximum reasonable amount of affordable housing, in accordance with London Plan Policy 3.12. The proposed tenure split does not accord with London Plan Policy 3.11; amendments subsequently proposed by the applicant would address this concern.
- **Urban design:** it is not possible at this stage to determine whether the proposal accords with the standards and proposed standards set out in Annex 1 of the draft interim Housing SPG and Mayor's Housing Standards Policy Transition Statement.
- **Flood risk:** the application does not accord with London Plan Policy 5.13. The applicant should further reduce surface water run-off to the combined sewer, and revise its approach, increasing sustainable drainage techniques and use of direct discharge to the dock.
- **Climate change mitigation:** the energy strategy does not accord with London Plan policies 5.2, 5.6 and 5.9. Further information regarding energy efficiency, overheating, connection to the Barkantine heat network, and the site-wide heat network is required, with a view to increasing the carbon dioxide emission savings. The final agreed energy strategy should be appropriately secured by the Council.
- **Transport:** the proposal does not accord with London Plan policies 6.1, 6.2, 6.4, 6.7, 6.9 and 6.10. The applicant should provide further information on its impact assessment, and submit evidence that all modelling outputs provided have been validated in accordance with TfL's guidelines. This will assist in informing TfL's response on the proposed car parking, and also the extent of mitigation required. The access to the proposed cycle parking can be improved, and the applicant should demonstrate the impact of the proposed zebra crossing on bus reliability along Westferry Road. Finally, conditions should be attached to any draft planning consent securing a car parking management plan; delivery and servicing plan; construction logistics plan, and water freight feasibility study, in addition to travel plans to be secured within the section 106 agreement.

64 The Mayor stated that the resolution of the above issues could lead to the application becoming compliant with the London Plan.

Mayor of London (decision following request to become the local planning authority)

65 Having received a request from the applicant to become the local planning authority pursuant to article 7 of the Order, the Mayor stated that having regard to the details of the application, representations from Tower Hamlets Council, and GLA officers report - the proposed development has a significant impact on the implementation of the London Plan (with respect to policies on Opportunity Areas, regeneration, housing delivery, employment, education and social infrastructure), and there were sound planning reasons for the Mayor to intervene in this particular case and become the local planning authority for the purposes of determining the application.

Historic England

*Historic buildings and places advice.*

66 Acknowledged that the proposed development would be visible in views from the Maritime Greenwich World Heritage Site, from the Grade II listed St Paul's Presbyterian Church and in the LVMF Viewpoint 11B.1 from London Bridge towards Tower Bridge. However, it considered that the impact on these views would not be so significant as to warrant significant concerns and recommended that the application be determined in accordance with national and local policy guidance.

*Historic England Archaeology advice*

67 On the basis of the submitted historic environment assessment, it recommended that any permission is subject to a planning condition requiring a two-stage process of archaeological investigation comprising an evaluation to clarify the nature and extent of surviving remains to inform a final mitigation strategy.

Environment Agency (EA)

68 The Environment Agency raised no objection to the application and set out that the proposed uses are appropriate within Flood Zone 3 providing the site meets the Flood Risk Sequential Test. In addition, a Flood Risk Assessment (FRA) is also required to ensure the development passes the Exception Test.

69 It was noted that the site is protected by the Thames Tidal flood defences from a 1 in 1,000 year flood event, but would be at risk should they be breached. However, on assessment of the submitted FRA, the Environment Agency is satisfied that the risk of flooding has been accurately assessed and demonstrates that the floor levels would be above predicted flood depth and residents would have safe refuge.

Natural England

70 Raised no objection and set out that the application is not likely to result in significant impacts on statutory designated nature conservations sites or landscape and that the local authority should determine whether or not the application is consistent with national and local policies on the natural environment.

#### Port of London Authority (PLA)

71 Raised no objections in principle but set out that consideration should be given to the use of the River Bus as an alternative form of sustainable transport and for the use of Millwall Dock for the waterborne transport of bulk materials.

72 The PLA also made direct representations to the Mayor under the Regulation 22 consultation and these are summarised in the relevant section below.

#### Canal and River Trust (CRT)

73 No objection. Recommend conditions securing submission and approval of construction management and site waste management plans, in addition to details of surface water drainage in order to safeguard the waterway environment and waterway infrastructure.

74 The CRT also made direct representations to the Mayor and these are summarised in the relevant section below.

#### National Air Traffic Services Ltd (NATS)

75 The development does not conflict with safeguarding criteria.

#### Thames Water Authority

76 Thames Water identified that the existing waste water infrastructure is not capable of accommodating the needs of the development and should it be granted permission a 'grampian style' condition be secured to require the submission of a drainage strategy for approval by the Council in consultation with the sewerage undertaker prior to commencement. Detailed wording was provided in addition to a number of best practice recommendations and informatives regarding groundwater discharge and the prevention of pollution entering local watercourses.

77 With regards to water supply, Thames Water identified insufficient capacity to meet the demands of the proposed development and therefore recommended that any planning permission be condition to require the approval of an impact study on the existing water supply infrastructure to determine the magnitude of any new additional capacity required in the system and a suitable connection point.

78 Thames Water also sought the inclusion of a planning condition to control impact piling. The Mayor is advised that corresponding conditions are proposed to be secured accordingly.

#### National Grid

79 Advises that National Grid has apparatus in the vicinity of the site and requests further contact prior to any works being carried out to ensure the apparatus is not affected by the proposed works.

#### London City Airport

80 Raised no safeguarding objections, however, should any crane or scaffolding be required at a higher elevation than the maximum height of the development, then their use must be subject to separate consultation.

#### Crossrail Limited

81 Made no comments as the site is outside the limits of land subject to consultation under the Safeguarding Direction.

#### London Underground Limited

82 Made no comments on the application.

#### Network Rail

83 Raised no objections.

#### Royal Borough of Greenwich

84 Raised no objections.  
Metropolitan Police Crime Prevention Design Advisor

85 No advice received.

### ***Responses from other organisations and local groups***

#### Docklands Sailing Centre Trust (DSCT)

86 The DSCT, who operates the Dockland Sailing and Watersports Centre (DSWC), raised concerns that the development would have a significant, negative and probably terminal impact on the use of the Millwall Outer Dock for recreational water sports, particularly sailing, by the community which is the Dockland Sailing and Watersports Centre's principal charitable activity.

87 The trust stated that historically, the London Dockland's Development Corporation ensured that developments around the Dock would not adversely impact on the use of the dock for water sports, particularly sailing, through requiring proposals to demonstrate through wind tunnel testing that any detrimental effect on the wind would be minimised. To this effect, the DSCT considers that the submitted wind tunnel study has been evaluated against incomplete assessment criteria and therefore the environmental impact assessment (EIA) that accompanies the application is seriously flawed and cannot be relied upon.

88 The DSCT understands that the maximum impact is caused by turbulence at the western end of the Dock, around the vicinity of the pontoons, in the early part of the sailing season (between February and May) and this would have the following consequences:

- i) novice sailors, even with expert tuition, would not be able to commence sailing in that period because they would be unable to launch;
- ii) Given the prevailing wind conditions in these months it would be fruitless to offer such sailing training sessions when the probability is they could not take place;
- iii) Launching from the sailing centre in these months would be limited to advanced sailors and is likely to be of limited appeal.
- iv) Fee-paying novices would be attracted elsewhere to learn to sail before the summer when they will derive the most enjoyment from their new skills.

89 As a result of the impact, the Trust states that the Centre's future as a provider of sporting and recreational opportunities will be in physical and financial jeopardy and sets out that given that the Borough has seen the fastest growth in youth population in the country, yet according to Sport

England, is the London borough least well provided for with sports facilities, the loss of such provision runs counter to policy objectives to promote health and well-being. Therefore, the Trust sets out that no development should be permitted which is likely to end of significantly diminish the use of the Dock by the Centre in its current location.

90 The DSCT considers that the impact might be reduced to acceptable levels if the four tall tower blocks on the edge of the Dock were moved northwards and located alongside the new east-west route; the lower level 'C' shaped buildings positioned closer to the Dock but made more permeable, and if the buildings were generally aligned on a northeast/southwest axis. The Trust believes that testing alternative massing and height would demonstrate development of the proposed scale is possible without detriment to the sailing and watersports facilities on the Dock.

91 With regards to the current operation of the Centre, the Trust states that it is not possible to relocate or reconfigure the pontoon to the south-western corner because it has not been established that any such relocation would be to an area which did not suffer from an unacceptable degree of turbulence in the February to May period. The Trust sets out that relocation would have to be to the central southern part of the Dock which is too far from the Centre to be operationally viable. Therefore, the Centre is unable to re-configure its operation to mitigate the impact and expects the local planning authority to require the developer to reconfigure the development to allow sailing and watersports to continue.

#### Royal Yachting Association

92 Supports the DSCT concerns regarding the quality of information submitted in support of the application and states that until further work has been carried out the full impact of the development on the Dock cannot be fully understood.

#### ***Representations made to the Mayor of London***

93 At the time of writing this report the Mayor has received a number of representations in relation to this application (refer to table 4). Two representations were also received prior to the Mayor's decision to become the local planning authority. A summary of representations made to the Mayor is provided below.

#### *Representations received prior to the Mayor becoming the local planning authority*

##### DP9 (on behalf of the applicant)

94 On 25 January 2016, DP9, made a formal request for the Mayor to act as the local planning authority for the purposes of determining this planning application pursuant to paragraph 7(6) of the Order.

95 DP9 stated that such a decision would be justified because the applicant had significant concerns about the likelihood of obtaining a decision on the application within a reasonable timescale and that it will be determined on a reasonable basis; that the site is of strategic importance and within the Isle of Dogs Opportunity Area and the proposals are of a nature and scale that it would have a significant (positive) impact on the implementation of the London Plan policies.

96 Furthermore, the applicant argues that the development has a crucial role to play in the regeneration of the Isle of Dogs, providing key infrastructure need to support the anticipated level of growth in the area, particularly the delivery of a secondary school places and public open space. Furthermore, the applicant made reference to the Council's housing delivery performance in

relation to the London Plan targets and that the proposals to deliver 722 new homes with a viable amount of affordable housing would make a significant contribution toward meeting the strategic target for the London Borough of Tower Hamlets.

97 On the above basis, the applicant considered that the application satisfied the criteria set out in Articles 7(1) and 7(3) of the Order and that there were sound planning reasons for the strategically important scheme to be determined without further delay, and requested that the Mayor exercise his powers under section 2A of the Town and Country Planning Act 1990 (the “Act”) and direct that the Mayor should become the local planning authority for the determination of this application.

#### Tower Hamlets Council

98 In response to the above request from the applicant, the Council, made representations to the Mayor asking that he allow the Council to continue with determining the application.

99 The Council did not dispute the strategic importance of the site and stated that it has been supportive of the principles of development throughout the planning process. It did not however, agree that the application would satisfy any of the policy tests under Article 7(1) of the Order and therefore there were no sound planning reasons for the Mayor to make a direction.

100 With regards to the Council’s performance against housing delivery targets, it set out that it has recently undertaken further work to evidence its five year housing supply position and the results show that the Council it is exceeding the London Plan target in terms of the number of homes it has granted permission for.

101 With respect to the decision making timescale the Council did not consider that the timescale elapsed to date is unreasonable given the number of unresolved issues raised at the pre-application stage and the submission of amendments in mid-December 2015 and stated that the applicant’s position on this is unfounded and an unfair representation of the facts. The Council highlighted that while the scheme had responded positively to most of the concerns raised at the pre-application stage, there were still fundamental issues that have not been satisfactorily addressed to date; namely the viability position and the micro climate impacts on Millwall Outer Dock. As a result the Council was not prepared to enter into a PPA specifying a committee date before May 2016. However, it has stated that this does not mean the Council would not seek to determine the application expeditiously at an earlier committee should the outstanding matters be promptly resolved.

102 Given the submission of amendments on 15 and 16 December 2015, the Council has always maintained that a February committee date would be unachievable given that committee reports would need to be finalised by 29 January 2016 and the consultation on the amendments would only expire on 25 January 2016. The Council considers that it would not be conceivable that the GLA would be able to resolve the outstanding issues and make a recommendation to the Mayor prior to the elections in May and therefore taking over the application would not afford a quicker determination. Therefore, the Council believes there is no sound reason for the Mayor to intervene and that it should have the opportunity to determine the application in a timely and responsible manner.

103 The Council set out that its independent assessor at the time (Deloitte), on review of the applicant’s FVA, identified a substantial financial surplus that could be used to deliver additional affordable housing above the 11% currently offered. This was communicated to the applicant in a report dated 7 December 2015. The Council set out that the difference in the position on viability is largely down to sales costs, but there are also differences on ground rents, professional fees, handover rates and affordable housing values. It also has concerns of the building efficiencies and the net to gross ratios which could also impact on the ability to maximise affordable housing provision.



Furthermore, the Council seeks a tenure split more in line with its 70:30 tenure split to help meet local, long term housing needs in the borough.

104 The Council noted that there was still outstanding work with regards to the environmental impact assessment and statement in order to resolve wind microclimate effects on the Millwall Outer Dock which is used by Docklands Sailing Centre. At present there is a difference in opinion between the Council's and the applicant's consultants with regards to the reliability of the methodology used and therefore the environmental impacts of the development. The Council is concerned that the areas of water that would be impacted would be larger than currently identified and that this could result in conditions that would render the dock unsuitable for sailing and that the borough would lose the unique community, education and leisure activity. This would need to be resolved to complete the environmental impact assessment and the related environmental statement and in order for the Council to assess whether an alternative scheme could deliver the same quantum of development without impacting the sailing club. This is required of the Council under Regulation 3 of the EIA Regulations.

105 The Council also noted that there were still a number of concerns from Transport for London (TfL) and its Highways Service outstanding from the original consultation responses. It noted that the reduction in car parking was positive but was awaiting final advice from TfL and Highway Services to establish whether the amendments satisfactorily addressed the outstanding issues.

106 The Council also highlighted a number of other issues regarding detailed design, energy and status of the land outside of the applicant's control that is identified for the provision of a north/south route.

107 The issues set out above and within the Council's representations were considered in detail as part of the Mayor's decisions to make a direction (under article 7 of the above Order and the powers conferred by Section 2A of the Act) to act as the local planning authority for the purposes of determining this planning application.

#### *Representations received after the Mayor became the local planning authority*

##### Tower Hamlets Council

108 The Mayor received a pre-action letter from the Council under the Judicial Review (JR) Pre-Action Protocol, dated 17 February 2016 which challenges the Mayor's direction of 4 February 2016 that he will act as the local planning authority for the application. The grounds for a potential challenge were stated to be (in summary):

- The Mayor's sound planning reason is inconsistent with his own acceptance that it was inconceivable that he could determine the application before the latest date the Council had committed to;
- The Mayor did not consider the response provided by the Council on 2 February 2016 and therefore unlawfully failed to comply with the basic rules on consultation;
- In relying on the Council not having agreed to the PPA date demanded by the Interested Party's (IP) letter, the Mayor failed to take into account the fundamental point that compliance with the IP's demand for determination in February 2016 was legally impossible by virtue of there being outstanding requirements for further consultation under the EIA Regulations;
- The Mayor failed to take into account fundamental considerations as to why the Council's position continued to be uncertain;
- The Mayor's decision on delay by the Council was irrational;

- On a correct understanding of the Mayor's decision to issue a direction to become the planning authority, the core rationale was not delay by the Council but that the Council was not agreeing to the IP's analysis on affordable housing that might lead to a refusal by the Council;
- The Mayor relied on the IP's assessment of the alleged failure of the Council on housing land supply and delivery which is wrong.

109 The Mayor issued a written response to the pre-action letter on 26 February 2016 defending his position. At the time of writing, no further action has been taken by the Council.

110 On 15 April 2016, the Council submitted further representations to the Mayor following its Strategic Development Committee meeting of 12 April 2016. The Council advised that on a unanimous vote, the Committee resolved to inform the Mayor, that were it empowered to determine the application, it would have refused planning permission for the following two reasons:

- It has not been satisfactorily demonstrated that the proposed development would not place the important Docklands Sailing and Watersports Centre in jeopardy due to the adverse effect on wind climate of Millwall Outer Dock with resultant conditions unsuitable for young and novice sailors.
- The affordable housing offer of 11% within the development would fail to meet the minimum requirement of the Tower Hamlet Local Plan, is not financially justified and would fail to provide an adequate amount of affordable housing to meet targets.

111 The Council had also previously recommended a third reason for refusal in the committee report, based on an *"unacceptable overemphasis"* towards one bed, two person units in the intermediate tenure. However, this was not progressed due to concerns previously raised by the Tower Hamlets Housing Strategy Group and the GLA regarding the affordability of larger intermediate units which led to amendments in the housing mix.

112 The Council also set out that should the Mayor decide to grant permission, this should be subject to the prior completion of a section 106 agreement to secure the planning obligations set out within its committee report. These obligations are summarised within paragraph eight. The Council also requested a copy of the GLA's independent review of the applicant's updated financial viability appraisal when it is available.

#### EDF Energy Networks Ltd on behalf of Barkantine Heat and Power Company (BHPC)

113 Following a meeting held by the GLA and attended by Blyth and Blyth and DP9 on behalf of the applicant, EDF Energy and Dalkia to discuss the potential for the development to connect to the Barkantine District Heat Network. EDF wrote to the Mayor following the meeting to set out its position.

114 BHPC argued that the maximum heat demand stated by the applicant does not correspond to its experience of existing similar developments and requested that the applicant document this requirement. Blyth and Blyth acknowledged that the maximum demand would not be representative of the true demand of the development, however, this would not be available until the detailed design stages post any future planning permission.

115 BHPC also raised concerns with regards to the potential impact of the proposed seven storey building opposite and in close proximity of energy centre chimney, namely the potential for

the building to impact on flue gas dispersion. BHPC set out that should the development be approved without modifications it intends to seek full indemnity against any potential impact on operation of the BHPC, as the potential impact on the operation and efficiency is of a major concern. However, it is not clear how a change in dispersion patterns would affect the efficiency of the plant and while it has been requested, BHPC has not provided any evidence to support this claim.

116 BHPC acknowledge that any impact on the adjacent residents is proposed to be overcome in the design of the building fabric, however, it set out that professional practice would be for the gas flue chimney to be extended beyond the top of the building which would require full rerouting. It is understood that the applicant has expressed a willingness in principle to explore opportunities to re-route the existing chimney through the detailed design of proposed Building 07 as part of wider discussions with BHPC regarding a commercial agreement to extend its energy centre onto the application site. It is expected that this issue can be resolved at the detailed design stage.

117 In conclusion, BHPC raised concerns that the development was not objectively appraised to the various options available and indicated that it would provide the GLA with a brief document on the intended development of the energy centre and associated network and its capacity to serve the development.

#### Councillor Wood, Canary Wharf Ward, LB Tower Hamlets

118 Councillor Wood made direct written representations to the Mayor and Deputy Mayor on 15 February 2016. The main concerns set out relate to the impact of the proposals on the wind conditions in the Millwall Outer Dock and its particular impact on the Docklands Sailing and Watersports Centre (DSWC) in relation to the sailing quality for novices. On this basis it was urged that the Mayor impose conditions to require that the design be adapted to such an extent that no material impact (in excess of 3%) on the quality of sailing for novices would be experienced at any time of the year in more than one test location. It was also set out that the Royal Yachting Association should be involved in setting the test criteria and choosing the consultants to carry out the tests.

119 Other conditions such as a through road for buses, staggered school opening times to avoid conflict with Arnhem Wharf Primary School, minimal closure of the dockside footpath during construction, a link between the Tiler Road Leisure Centre and school sports facilities, the design of retail servicing deliver bays as to not impact on the road network and ensuring the community centre also provides facilities for its use for Muslim worship and an increased affordable housing offer in line with other developments in the area.

120 In response to the claims that the Council has not met its housing target, Councillor Wood also provided further information on the quantum of permitted and proposed housing delivery on the Isle of Dogs.

#### Canals and River Trust (CRT)

121 The CRT wrote the GLA setting out that it was aware that discussions were ongoing with the applicant with regards to potential mitigation measures that could be implemented to offset any potential impact of the proposed development on the operations of the Docklands Sailing and Watersports Centre (DSWC), and that an additional pontoon was being considered within the Millwall Outer Dock. CRT set out that, in principle, it would have no objection to the provision of an additional pontoon and that it would be pleased to work with DSWC in order to facilitate such proposals. Furthermore, it set out that a licence would be required for the provision of a pontoon,

but that it did not envisage any reasons why such a licence would not be granted, provided that agreement on the location and design was reached.

### ***Neighbourhood representations made to Tower Hamlets Council and/or Mayor of London***

122 In response to the local neighbourhood consultation process 50 representations have currently been received. Of these, 49 were objections and 1 was made in support.

### ***Overview of all neighbourhood representations***

123 Whilst all the representations received have been made available to the Mayor in their original form, in the interests of conciseness, and for ease of reference within this report, the issues raised have been grouped by theme and summarised below.

### ***Representations of objection***

#### Principle of development

- The proposals represent overdevelopment and will have detrimental impacts.
- The provision of public open space, playing fields and social infrastructure within the scheme is inadequate.
- The cumulative impact of development across the Isle of Dogs is not being assessed.
- The entire site should be used to provide a new secondary school.
- The provision of a secondary school would lead to an increase in antisocial behaviour.

#### Design

- The proposed building heights are too tall and do not reflect the height strategy for buildings to decrease in scale away from the Canary Wharf estate.
- Tower 4 is too tall and exceeds density guidance.
- Smaller towers of ten storeys would be more appropriate to the lower scale residential areas surrounding Millwall Outer Dock.

#### Housing (including affordable housing, residential standards and density)

- The development should provide a good proportion of affordable family homes with adequate outdoor space to address the shortage of family housing on the island.
- Studio flats will not address the housing problem and will only encourage purchases for weekday only uses.

#### Sustainable communities (including social infrastructure and social inclusion)

- The proposed development would put increased strain on local amenities and social infrastructure.

#### Environmental issues / neighbourhood amenity

- Loss of light and privacy to surrounding residential properties.
- Increased air pollution.
- Noise and light pollution from school MUGAs adjacent to Claire Place Estate, especially if used in the evenings. Sports pitches should not be used after 8pm.

- Tower 4 will generate noise from balconies that will impact on the south side of the Dock.
- Noise and pollution would have a detrimental impact on the wildlife in the Dock.

### Transport

- The development will exacerbate vehicular congestion at a dangerous bend in Westferry Road and on Millharbour.
- Arnhem Wharf primary school experiences severe parking issues in peak hours and the provision of a secondary school opposite will create chaos unless off-road drop-off and parking zones are created.
- Public transport improvements will be needed.
- Buses on Westferry Road, South Quay, Crossharbour and Mudchute are already at capacity.
- The large number of parking spaces proposed will not encourage the use of public transport.
- There should be more parking spaces provided.

### Infrastructure

- Sewerage and water infrastructure already at capacity and the development would impact on water pressure for properties to the south.
- Development would require significant improvements to the water, sewerage, power and telecommunications infrastructure.
- The dockside walkway should remain open throughout construction.

### Other non-material objections

- Increased likelihood of burglaries during construction.
- Loss of property values.
- Increased fire risk.
- Loss of views of Canary Wharf.

### ***Representations of support***

#### Principle of development

- Fully support the proposed the development.
- Community centre is welcome.

### ***Representations of comment***

- Bus stops should be located away from the bend in Westferry Road to decrease the risk of collisions/accidents.
- A pedestrian crossing next to the bus stops should be provided to allow school children to cross the road safely.
- The two historic cranes on the dockside should be retained.
- Local residents and businesses should be given priority to jobs and retail in order to retain local character.
- Undertakings should be given to local residents about managing excessive noise, disturbance and dust during the construction phase and no work should be carried out at the weekend or evening.

- Large lorries should not visit the site when children are arriving or leaving Arnhem Wharf School.
- A recycling scheme should be established.
- The dock water should not be polluted.

## **Regulation 22 consultation**

124 On 21 March 2016 the Mayor, acting as local planning authority and with the assistance of Tower Hamlets Council, carried out a further consultation on “further information” submitted by the applicant, in accordance with Regulation 22 of the EIA Regulations. A summary of the responses received is set out below:

### London Underground

125 No comment.

### Port of London Authority (PLA)

126 The PLA previously provided the Council with representation to the planning application via an email dated 21 September 2015. It was noted, within this communication, that the applicant had recognised that the location of the development presents the potential for the use of barge-based transport for parts of the construction phases. However, the PLA highlighted that the Environment Statement, and subsequent addendum submitted in support of this current submission, continues to discount use of the water and that more information needs to be provided before the application is determined to establish whether the use of water can occur. The PLA also highlighted that little consideration appears to have been given to promote river based transport via nearby piers.

127 In light of the above, the PLA requested that further consideration be given to the use of the River Bus, preferably prior to determination of the planning application. However, it set out that should the Mayor be minded to grant planning permission, it is requested that information on; the provision of targets for river bus use (which reflect the targets set out within the River Action Plan); measures to encourage river bus use; and a timetable for River Bus stop, be provided by way of planning condition.

128 The PLA asked to be consulted on any forthcoming additional information relating to the above and upon determination of the planning Application, requested a copy of the decision notice be forwarded for information, and that it is consulted on any subsequent details pursuant application in relation to the above.

### Historic England (Greater London Archaeological Advice Service)

129 No further comment.

### Docklands Sailing and Watersports Centre Trust (DSWC)

130 The DSWC has written directly to the GLA formally setting out its concerns with the regards to the potential impact on the wind conditions in the Dock that the proposed development may have. The letter also stresses that the DSWC is not a sailing ‘club’ but is open and accessible to all.

131 The DSWC has raised concerns that the wind impact demonstrated by the assessments submitted to date will render sailing conditions difficult for novice and inexperienced sailors, being largely the young people from schools and local organisations that the Centre exists to provide for,

especially in the early months of the sailing season from February onwards. This raises specific safety concerns for its users.

132 The DSWC set out that it is not questioning whether benefits that the development will bring, in terms of the housing, school and open space it would provide, are worth the cost of losing sailing and watersports for all, but rather whether planning powers can be used to require the development, or any development at this site, to contain buildings designed and configured so as to lessen, to manageable levels, the turbulent wind conditions currently modelled. On this basis, it requested that the Mayor of London require the development to be of a lower height, to be set back from the dockside in a layout more permeable to winds and designed to lessen the creation of turbulent winds.

133 Alternatively, if an alternative design is not possible, then the DSWC request that the application is refused to allow the applicant to seek a building configuration that would have less impact.

134 If the application was to be approved in the proposed form, the DSWC would seek funds and consents to re-design pontoons in the Dock to include non-sailing usage and erect a pier onto the Thames to enable river sailing when wind conditions prevent use of the Dock. This would also include additional operational costs in the form of additional staff and new crafts suitable for river sailing.

135 The DSWC set out that the continuation of its operations to provide services is in keeping with all applicable planning policies and guidance regarding well-being, healthy living, sport and recreation and employment opportunity and that the impact of the application would conflict with London Plan policies 7.27 and 7.30.

136 In its representation, the DSWC also asked to make verbal representations at the Mayoral representation hearing.

137 Following a meeting between GLA officers and the DSWC, a further letter dated 18 April 2016 was issued to the GLA. This reiterated its position with regards to a redesigned development but also set out the DSWC's position on what could be a mitigation solution within the Millwall Outer Dock and costings to fund it. The letter also highlighted the potential loss of revenue that less predictable wind conditions would have on the operations of the DSWC.

138 In addition to the written representation made by the DSWC to the GLA, it has also set up an online petition addressed to the Mayor which at the time of writing had attracted 878 signatures of support for continued sailing at DSWC.

#### Royal Yachting Association (RYA)

139 The RYA emphasised the importance of Docklands Sailing and Watersports Centre (DSWC) as an important inner city sailing and watersports venue, which gives adults and young people from a wide range of social and ethnic backgrounds the opportunity to start and progress in watersports.

140 It highlighted the educational, personal and health benefits of the activities provided by the DSWC and emphasised its work with schools, youth clubs and community groups, in addition to the success of some of the participants competing at national and international level, and also becoming instructors themselves.

141 The RYA welcomed that the environmental statement has considered the impact of the development on sailing at DSWC and that the statement has been updated following further

consultation with the Centre. It welcomed that further analysis of wind tunnel test data was undertaken using criteria set by the Centre, that the environmental statement has been revised and that further testing has been undertaken of variations in massing, which was a key point in our previous consultation response.

142 The RYA set out that the revised environmental statement continues to state that as a result of the modification of the wind climate, there would be adverse and significant impacts on sailing in the dock and that this will make it challenging for a novice sailor to sail in the North West portion of the dock when the wind has a northerly component. The RYA noted that the impact of the changes in wind conditions have not been assessed in terms of impact on Centre activities, and that the socio-economic impact, health and wellbeing or construction and development programme chapters have not been revised in this update as per the comments in the RYA's previous consultation response.

143 The RYA noted that no mitigation has been proposed within the application for this impact; highlighting that minor alterations to the development will not have a significant effect on the sailing conditions and that 'typical' mitigation measures such as tree planting and canopies are unlikely to be relevant. However, it highlighted that significant realignment of buildings would result in a notable positive impact on sailing quality beyond that of the current proposals and that it is disappointing that this exercise did not take place during the development of the plans for the site at an early design stage.

144 The RYA set out that in accordance with London Plan Policy 7.27, it is vital that the proposed development does not adversely impact on conditions within the dock and that in its present form, there is a risk that the development will impact on the sailing activity that currently takes place. The applicant has been working with the Council and the sailing club to discuss this impact, which the RYA welcomes, however it is not yet clear how the impact could be minimised and whether any appropriate mitigation could be secured given the results of the analysis to date. The RYA will continue to offer our support to DSWC with regards to this matter.

#### Tower Hamlets Highways

145 All comments have been previously provided to the GLA.

#### Natural England

146 No further comment.

#### Canal and River Trust

147 Requested that its Environment Team is consulted on the design and management of any green roofs at an appropriate stage and confirmation on whether there will be any roof top oil tanks, and if so, that certain pollution control measures are considered.

#### Councillor Dave Chesterton, Blackwall & Cubitt town Ward, and Council representative on the Dockland Sailing Centre Trust

148 Councillor Chesterton set out that the Dockland Sailing Centre Trustees, along with many in the community, are extremely concerned that the proposed development on the Westferry Printworks site will have a significant, negative and probably terminal impact on the use of the Millwall Outer Dock for recreational water sports, particularly sailing, by the community which is the Centre's principal charitable activity.



149 The representations provide a detailed history of the DSWC and its current programme including its youth and charitable sessions, adult tuition and corporate activities that provide accessible and affordable access to water sports in the Borough. In addition, they set out the Councillors involvement in the proposals since pre-application stage in June 2014, attendance at wind tunnel testing sessions and that the Councillor has consistently raised concerns over the impact of the proposals on sailing conditions and has continually encouraged the applicant to consider alternative proposals to test permeability, massing, location and orientation.

150 Councillor Chesterton considers that additional testing included in the environmental statement addendum is deeply flawed as the options tested are not realistic, they do not test permeability, they do however demonstrate it is possible to mitigate the impact on the dock and that an engaged applicant, working with the Council and sailing centre could easily improve and test further options with the objective of developing a scheme acceptable to everyone. On this basis, the scheme must not be approved.

151 The wind studies confirm that the maximum detriment to the Centre's use of the Millwall Outer Dock will cause turbulence at the western end, around and in the vicinity of the pontoons, in the early part of the sailing season between February and May. Based on input from experienced sailing instructors, this will have the following consequences:

- Novice sailors, even with expert tuition, will not be able to commence sailing training in that period of time because they will be unable to launch from the pontoon and there is no realistic alternative launching site available on the Millwall Outer Dock;
- Given the prevailing wind conditions in these months it is fruitless to offer such sailing training sessions when the probability is they could not take place;
- Scope for launching from the Centre during these months will be restricted to advanced sailors and likely to be of limited appeal;
- Fee-paying novices will be attracted elsewhere to learn to sail before the summer when they will derive most enjoyment from their new skills;

152 The DSCT conclusion is that the Centre will lose the majority of those participating in introductory courses, a loss of annual income in fees of at least £40,000 out of about £50,000. Indirect consequences will be loss of income from catering and event activity which support the fulfilment of charitable purposes.

153 Of greater concern, although not directly financial, is the delay for young people being unable to sail between February and May, arresting their participation in competition and recreational sailing the same summer; this may put many young people off completely. If the number of young people and those from the local community using the Centre in fulfilment of its charitable purposes is reduced significantly then: the Centre's appeal to charitable donors, including those that have historically funded a large proportion of the Centre's craft, will dissipate; the Centre will cease to be able to fulfil its charitable purposes to the necessary degree; this will put the Centre's future, certainly as a provider of sporting and recreational opportunity, in jeopardy.

154 Councillor Chesterton, further sets out that the Dock represents one of the principal open spaces on the Isle of Dogs and that no development should be permitted which is likely to end or significantly diminish the use of the Dock. This includes preventing limitation on the planned expansion of sailing and canoeing on the Thames from the adjacent slipway on the Kingsbridge Draw Dock.

155 On the above basis, the representations set out that further work must be undertaken, building on the recent work by the Wolfson Unit in which a range of options were tested and evaluated. It is not possible to relocate or reconfigure the pontoon to the south-western corner, instead of its present central location, because relocation would have to be to the central southern part of the Dock which is too far from the Centre to be operationally viable in safety.

156 The DSCT is therefore unable to re-configure its operation to counter the detriment caused by this development as proposed and expects the Mayor of London to require the applicant to re-configure its development to allow sailing and watersport for all from the established Docklands and Sailing Watersports Centre to continue.

157 Councillor Chesterton concludes that the current application must not be approved and the applicant must be told to return to the wind tunnel and work up an acceptable scheme.

#### Councillor Wood, Canary Wharf Ward, LB Tower Hamlets

158 On review of the updated environmental information, Councillor Wood provided further comments in addition to his direct representations to the Mayor and Deputy Mayor, summarised above.

159 On review of the additional wind modelling included in the environmental statement addendum, Councillor Wood sets out his support for option M5 given the improvements in wind flow compared to the proposed layout and encourages further mitigation work at a micro level to further reduce impacts. Option M5 includes an alternative layout which radically realigns the building layout, moving the towers to the north and bringing the courtyard blocks to the south and realigns the buildings on a north-east, south-west access (see figure 4). The Councillor also set out that he would be supportive of additional height on the shorter towers to fund further mitigation. He also considers that option M5 has secondary benefits in moving the towers further away from the Maritime Greenwich World Heritage Site and considers it a more attractive option that would not impact on sales values. In summary, he considers option M5 as a starting point for a new design.

160 In addition, he fully supports the provision of three bed intermediate homes at the site as he considers it an ideal site for families. With regards to bus infrastructure, Councillor Wood requested that a future route to Millharbour should be safeguarded and emphasised that the siting of the revised bus stop must be very carefully planned given the road layout. Support for the GP surgery was also provided, however, questions over its feasibility were raised due to the size of the unit.

#### Local residents

161 A number of local residents also made representations during the consultation and their comments are set out below:

#### Objections to the proposals

- Concerns over detrimental impact on the DSWC, in particular the ability to launch and recover boats.
- The role of the DSWC in the local community should not be underestimated in its role as a provider of activities for children and adults; as a unique social hub for the community; and its historic connections to sailing in East London Docklands.

- Impact of high rise development on the sailing conditions in the Dock.
- Impact on daylight and sunlight to nearby properties and gardens.
- Concerns over community cohesion due to “selective” free school.

#### Support/general comments

- Provision of a secondary school is of critical importance to the Isle of Dogs;

### ***Response to consultation summary***

162 The issues raised by the consultation responses and various other representations received are appropriately addressed within the material planning considerations section of this report, and, where appropriate, through the proposed planning conditions, planning obligations and/or informatives outlined in the recommendation section of this report, or subsequent addendum.

### **Material planning considerations**

163 Having regard to the facts of the case; relevant planning policy at the local, regional and national levels; and, the consultation responses and representations received, the principal planning issues raised by the application that the Mayor must consider are:

- Principle of development (comprising issues of Opportunity Area aspirations, housing, education, open space, employment, retail, social infrastructure);
- Housing (including affordable housing, residential standards and density);
- Sustainable communities (including social infrastructure and social inclusion);
- Design;
- Heritage;
- Inclusive design;
- Energy;
- Environmental issues (including noise and vibration, air quality, river and water resources, biodiversity, artificial light spill, microclimate, communications infrastructure and cumulative environmental impacts);
- Neighbourhood amenity (including daylight, sunlight, overshadowing, and privacy/overlooking);
- Transport;
- Other issues raised during consultation; and,
- Mitigating the impact of development through planning obligations.

164 These issues are considered within the sections which follow.

### **Principle of development**

#### Land use principles

165 The National Planning Policy Framework (NPPF 2012) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, in particular for new housing and supporting infrastructure. Planning authorities are also expected

boost significantly the supply of housing and applications should be considered in the context of the presumption in favour of sustainable development.

166 The site lies within the Isle of Dogs and South Poplar Opportunity Area, as identified in the London Plan. London Plan Policy 2.13, and Table A1.1, states that the Opportunity Area is capable of accommodating at least 10,000 homes, and 110,000 jobs up to 2031. Proposed transport investment, including Crossrail 1, will help the area to accommodate this growth. The London Plan recognises that the north of the Isle of Dogs forms a strategically significant part of London's world city offer for financial, media and business services. The site is located in the south of the Isle of Dogs and is not identified for employment use within the London Plan.

167 In order to successfully deliver the strategic housing and employment aspirations for the Isle of Dogs and South Poplar Opportunity Area, as set out within the London Plan, it will be necessary to deliver the necessary social and physical infrastructure to support this very significant scale of growth and in order to deliver sustainable development.

168 The Key Diagram within the Council's Core Strategy (2010) identifies the application site as part of a wider Regeneration Area that includes the Millennium Quarter and Crossharbour. This is also reflected in the Strategy's identification of the Millwall area for 'very high growth' indicating the delivery of over 3,500 new homes over the plan period. The Core Strategy also identifies the site as within an area of search for a new primary school and the Millwall Outer Dock as forming part of the Green Grid.

169 At the site specific level, Site Allocation 18 within the Council's Managing Development Document identifies the Westferry Printworks site as being suitable for comprehensive mixed-use redevelopment to provide a strategic housing development, a secondary school, publicly accessible open space, an expanded leisure facility, a district heating facility, and other compatible uses. It also sets out a number of strategic design objectives for the site that require the successful delivery of family homes, public open space along the dock edge, suitable space for sports and recreation and the provision of active frontages to activate the public realm.

## ***Housing***

170 The NPPF encourages the effective use of land through the reuse of suitably located previously developed land and buildings. London Plan Policy 3.3 provides explicit strategic support for the provision of housing within London, and sets a target for the Council to deliver a minimum of 39,314 homes in the Plan period 2015-2025. London Plan Policy 2.13 (and supporting Table A1.1) recognises the significant potential of the Isle of Dogs and South Poplar Opportunity Area to accommodate new homes, and identifies a minimum of 10,000 new homes. Tower Hamlets Core Strategy Policy SP02 seeks to focus the majority of housing growth in the east of the borough, including in Millwall. Therefore, given the site's context within the Isle of Dogs and South Poplar Opportunity Area, and in light of the Council's local policy designations, the principle of the housing-led redevelopment of this site, to include 722 new homes which equates to 18.3% of the Council's housing target, is supported and in line with both London Plan and local planning policy.

171 The housing element of the proposals are discussed in further detail in paragraphs 204 to 241 of this report.

## ***Education***

172 Paragraph 72 of the NPPF attaches *"great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities"* and sets out that *"local planning authorities should take a proactive, positive and collaborative approach to meeting*

*this requirement, and to development that will widen choice in education” in addition to giving “great weight to the need to create schools.”*

173 London Plan Policy 3.18 makes clear that the Mayor will support provision of childcare, primary and secondary school, and further and higher education facilities adequate to meet the demands of a growing and changing population, particularly where these can be co-located with housing in order to maximise land-use and reduce costs. Policy 3.18 goes on to state that *“in particular, proposals for new schools, including free schools should be given positive consideration and should only be refused where there are demonstrable negative local impacts which substantially outweigh the desirability of establishing a new school and which cannot be addressed through the appropriate use of planning conditions or obligations”*. More specifically, the London Plan emphasises the requirement for the more effective coordination of social infrastructure, especially schools, to support growing local needs within the Isle of Dogs Opportunity Area.

174 Core objective 17 of Tower Hamlets Core Strategy seeks to improve education, skills and training in the borough and encourage and Spatial Policy 07 seeks to increase provision of primary and secondary to education facilities by identifying areas of search to deliver new schools, including the Cubitt Town/Millwall area. This is reinforced by Policy DM 18 of the Council’s Managing Development Document (MDD) which supports the development of schools on identified sights or where a need has been demonstrated and the location is appropriate in terms of accessibility within its catchment. The recognition in paragraph 18.5 of the MDD, that the Borough’s existing schools are not able to meet identified future educational demands has led to a number of sites being allocated for the delivery of secondary schools, including the Westferry Printworks site. This significant shortfall is documented in the Council’s Planning for School Places Report (2014) which sets the need for an additional eight forms of entry (1,200 places) by 2019/220, increasing to a further thirteen forms of entry (1,950 places) by 2023/24. This need is reflected in Site Allocation 18 which, as set out previously in this report, specifically includes the requirement to provide a secondary school at the application site.

175 In recognition of the need to ensure adequate social infrastructure, especially schools, within the Isle of Dogs, and in accordance with the site’s local policy designation, the application includes a secondary school with sixth form, with a capacity of 1,200 pupils to help mitigate both the short-term impact from this scheme and the longer-term cumulative impact on the Isle of Dogs. It is understood that the brief for the school was developed in discussion with the Council’s Education Department, local authority planning officers, the Department for Education and the Education Funding Agency. The school element comprises 9,867 sq.m. of D1 education floorspace and is proposed within two self-contained buildings at the north-western section of the site; the design is discussed in further detail in the urban design section of this report.

176 With regards to the delivery of the school, the proposals include the detailed design of the school and will provide a serviced site for its delivery by a ‘School Provider’. The School Provider will be the Education Funding Agency, the Council and/or such other body which will have the responsibility for constructing and operating the school and will be defined within the associated section 106 agreement, as will the structure of the delivery mechanism. This will provide flexibility in the delivery of the school which the GLA consider necessary to help promote its early delivery to meet the defined need in the area.

177 In summary, the facilitation of a new secondary school as proposed by the application would meet an identified need and would help to ensure that sufficient school places are available to meet the requirements of the existing and future community on the Isle of Dogs. The inclusion of a new secondary school as part of this application is strongly supported in accordance with National, strategic and local planning policy.

## *Open space*

178 In accordance with London Plan Policy 7.18, and in light of the significant potential for substantial change within the Isle of Dogs, it is important that sufficient publicly accessible open space is provided as part of emerging development proposals in the area. Furthermore, the site's local designation explicitly includes the provision of publicly accessible open space.

179 The Council's Open Space Strategy 2006-2016 and its latest Annual Monitoring Report sets out that there is an infrastructure need of 12,000 sq.m. of new open space per 1,000 people in the Borough. While the Council has commenced a programme of refurbishment and improvement works to enhance existing open spaces, no additions have been to the Council's register of publicly accessible open space in the previous monitoring period. This has resulted in the amount of public space per 1,000 people in the Borough reducing to 9,700 sq.m. which falls significantly below the identified need. It is recognised that this reduction is due to the population increase in the borough but also further highlights the increasing importance of delivering sufficient open space in the borough and in particular the Opportunity Area to support its growth potential.

180 In response of this need, the application includes a total of 1.95 hectares of public open space which equates to 72% of the overall site area and is delivered via a hierarchy of open spaces with different characters and uses:

- East Park – the largest of the publicly accessible spaces and it accommodates an all-weather MUGA pitch, informal hard court, picnic facilities, lawn, gardens and seating areas to provide the principle provision of recreation and play facilities on site.
- West Plaza – A community green space that relates to the frontages to the school and community centre.
- Dockside Promenade – A publicly accessible promenade to run the length of dock edge for walking, cycling, informal play and sitting and includes spill out areas for the proposed restaurant.
- Boulevard Gardens – located to the north of the proposed east west link road, the garden provides a visual link to the school sports pitches. The space is enclosed by railings but will be publicly accessible during the day.
- In addition to the public spaces above, each of the residential blocks 2, 3 and 4 will have small scale, landscaped courtyard gardens that will include door-stop play for the residents of the developments.

181 The provision of public open space is strongly supported in accordance with London Policy 7.18 and the Council's site allocation, and will make a significant contribution towards meeting the identified infrastructure need set out above. In addition, the provision of the Dockside Promenade, to include walking and cycling routes as well as incidental areas for play and recreation, fully accords with the Blue Ribbon Network principles of the London Plan, and helps provide a recreational setting to the dock, improving its setting and the ability for it to be appreciated, and is particularly supported. The public use of the three proposed new spaces will be secured by planning obligation.

## ***Social infrastructure***

### Health, community and leisure facilities

182 Both the NPPF and the London Plan support the provision of high quality community facilities as part of new developments and in particular London Plan 3.16 supports proposals which provide high quality social infrastructure, including health and community facilities. At the local level, Tower Hamlets Core Strategy sets out strategic objectives to deliver healthy and liveable neighbourhoods and to ensure the timely provision of social infrastructure to support housing and employment growth (objectives SO10 and SO11). Spatial Policy SP03 aims to deliver these objectives, and in particular seeks to maximise the opportunities to deliver new high quality social and community facilities as part of new developments in addition to identifying the Millwall area as suitable for a new health care facility.

183 In addition to the secondary school, the application also includes 955 sq.m. of D1 floorspace proposed for health and community uses. It is intended that this space will provide a health centre and crèche at the centre of the site on the new east-west route, and a community centre on Westferry Road at the main entrance to the site. These proposed community and social infrastructure facilities will be in accessible locations within the application site and are supported in helping meet the existing and future needs of local residents. Appropriate planning obligations will be used to secure the delivery of these units to shell and core.

184 The Council's site allocation includes the potential provision of an expanded leisure centre and the supporting text within the development document states that *"the potential for the co-location of dry sports facilities with the secondary school and the Tiller Leisure Centre should be explored to ensure the borough meets its leisure needs"*.

185 The school proposal includes provision of three MUGA's, and has been designed to ensure that the sports facilities are independently accessible and distinct from the main teaching areas, thereby allowing for dual community use, and meeting wider leisure needs in response to the site designation. It is important to note that this provision would be additional to the public open spaces identified in paragraphs 178 to 181. This is supported and the community use of the sports facilities has been secured by planning obligation. The applicant has confirmed that it can provide an access point for a link between the sports facilities and the Tiller Leisure Centre at the boundary of the site. However, it is appreciated that such a link would be subject to the School's agreement or appropriate security and safety arrangements.

## ***Employment***

### Commercial floorspace

186 As set out above, London Plan Policy 2.13 (and supporting Table A1.1), makes clear that there is scope to convert surplus business capacity south of Canary Wharf. The printing facility, comprising 43,281 sq.m. of B2/B8 floorspace, has been vacant since the operator relocated in 2012, and the site's local designation seeks a housing-led redevelopment. In this context, the loss of the existing quantum of employment floorspace and its replacement with new employment uses complies with development plan policy.

187 Notwithstanding the above, London Plan Policy 4.1 promotes the continued development of strong, sustainable and increasingly diverse economy across all parts of London and seek to ensure the availability of sufficient and suitable workspaces for larger employers and small and medium sized enterprises (SME). London Plan Policy 4.2 supports the mixed use development of

office provision to improve London's competitiveness and enhance its varied attractions for businesses of different types and sizes including SME's.

188 At the local level, Core Strategy Spatial Policy 3 seeks to deliver successful employment hubs by encouraging a range and mix of employment uses across the borough, including at the 'edge of town centres' and gives particular support to the provision of units for the SME sector. This is reinforced in Development Management Policy DM15 which requires that new employment floor space will need to provide a range of flexible units including units less than 250 sq.m. and less 100 sq.m. to meet the needs of SME's.

189 The proposal includes 2,230 sq.m. of flexible commercial floorspace identified for B1/A1 use across eight units situated in Buildings 02, 03 and 04. The proposed units are varied in size in accordance with local policy requirements, with two units being less than 50 sq.m., three units less than 250 sq.m. and three units are sized between 370-520 sq.m. in order to accommodate different user requirements including SME's. The scale of commercial uses proposed is supported by a ground floor uses demand report which advocates it as "entirely appropriate" and that the units will be well received within the current market. The applicant has also proposed that some of the commercial floorspace will be subsidised to provide an element of affordable workspace, which is welcomed and will help further contribute towards delivering a mixed and balanced local economy. It is recommended that the overall proportion of flexible commercial floorspace to be delivered for SME use and the nature of any subsidies proposed will be secured via an appropriate planning obligation.

190 Given the site's 'edge of centre' location in close proximity to Canary Wharf financial centre, the provision of flexible business space including affordable workspace, is strongly supported and will positively contribute towards a vibrant and diverse local economy.

#### Employment yield

191 The proposed development would have a positive impact with regards to employment generation in both the construction and operational phases. As set out above, the site is not currently in employment use, with the exception of a small number of security related jobs and it is reasonable to expect that similar jobs would be required during the demolition and construction phases of development.

192 With regards to the construction phase, it is estimated (on standard ratios) that it will create approximately 210 full time equivalent (FTE) jobs. Non-financial obligations are recommended to capture this benefit locally by encouraging the developer to ensure that 20% of the construction workforce are Tower Hamlets residents and that 20% of goods and services used during the construction phase are procured from businesses within Tower Hamlets.

193 With regards to the operational phase, based on assumed job densities it is estimated that the non-residential uses, including the school, would deliver approximately 564 additional direct jobs, in addition to a potential 56 additional indirect jobs. Planning obligations to ensure that 20% of the operational phase jobs are local Tower Hamlets residents are also recommended.

194 In addition to the above non-financial obligations to secure some of the employment benefits of the scheme, as set out in the draft heads of terms, a contribution of £496,116 towards employment, skills, training and enterprise for local residents has been agreed. These benefits can be provided through a combination of financial contributions and provision in kind up to a total value of the identified sum. In addition to a contribution of £77,617 towards the training and development of unemployed residents in Tower Hamlets with a view to gaining employment within the final development.



195 Overall, the scheme will make a positive contribution towards meeting the employment aspirations of the wider Opportunity Area in addition to securing local employment benefits through skills, training and employment opportunities.

## ***Retail***

196 The application includes the provision of 1,551 sq.m. of retail floorspace, across five units; one unit is identified for solely retail use (Use Class A1) and fronts the new east west route, with the remaining four units intended for restaurant and drinking establishments (Use Class A3/A4) and are located on the dock front.

197 National, regional and local planning policy directs retail development to town centre locations in the first instance, then edge of centre locations, and finally out of centre locations. London Plan Policy 4.7 states that the scale of retail, commercial, cultural and leisure development should be related to the size, role and function of a town centre and its catchment.

198 Tower Hamlets Core Strategy Policy SP01 promotes a mix of uses at the edge of town centres to support their role and function. MDD Policy DM2 relates to the development of new local shops (defined as a shop which is local in nature and has a gross floor space of no more than 100 sq. m). The policy states that development of local shops outside of town centres will only be supported where: a) there is demonstrable local need that cannot be met within an existing town centre; b) they are of an appropriate scale to their locality; c) they do not affect amenity or detract from the character of the area; and d) they do not form part of, or encourage, a concentration of uses that would undermine nearby town centres'. The supporting text identifies that 'in accessing the need for new local shops the Council will take into consideration vacancy rates in nearby town centres (Paragraph 2.3).

199 In addition to the above, the Core Strategy provides a vision for the northern part of Millwall and sets out that there will be greater integration with Canary Wharf, offering a diverse retail and evening economy focussed along Millharbour and dock fronts. The site allocation requires any development to provide 'other compatible uses' and are considered necessary to activate the dock side and proposed public realm around the building edges which form some of the key design principles for the site.

200 In light of the above policy framework and vision for the northern part of Millwall, it is considered that there is a local need for the A1/A3/A4 floor space to help achieve the objectives set out within. Furthermore, the applicant has set out that the scale of the proposed retail uses would serve the needs of existing and future local residents as well as employees and students and will not act as a retail destination in its own right. Furthermore, it is recognised that the provision of a small-scale mix of uses as part of high-density development within Opportunity Areas can help to meet the needs of local residents, and also assist in activating the ground-floor, and in this particular case animate the dock side.

201 Therefore, the proposed level of retail space included as part of this development is of an appropriate scale to be ancillary to the residential, education, and business uses and would not undermine the nearby Crossharbour or Barkantine town centres, provides active uses at ground-floor, and is supported in accordance with London Plan and local plan policy.

## ***Principle of development conclusion***

202 As set out above, given the site's context within the Isle of Dogs Opportunity Area, the site's local designation, and the strategic priority afforded to housing, the principle of the housing-led redevelopment of this site is supported. The application includes the provision of a secondary

school, in addition to public open space, and supporting business, commercial and community uses. The school, public open space, and community uses will ensure the delivery of key infrastructure within the Isle of Dogs, responds positively to strategic requirements and the priorities of the Council's site designation, and as such is strongly supported.

203 Having regard to the above, the proposal would make a significant contribution towards the wider policy and regeneration objectives of the Opportunity Area, including public open space, in addition to social infrastructure, housing and employment. The principle of the proposed uses therefore accords with the NPPF, London Plan policies 2.13, 2.14, 2.15, 3.1, 3.3, 3.7, 3.16, 3.18, 4.1, 4.2, 4.5, 4.7, 4.8, 4.12, 7.1 and 7.18; Tower Hamlets Core Strategy policies SP01, SP02, SP03, SP06 and SP07; Tower Hamlets Managing Development Policies DM0, DM1, DM7, DM8 and DM10 and Site Allocation 18 – Westferry Printworks.

## Housing

204 The application includes a total of 722 residential units and was amended in December 2015 to provide the following housing mix:

unit type	market	affordable rent	intermediate	total
one-bed	237	15	18	<b>270</b>
two-bed	224	11	7	<b>242</b>
three-bed	185	17	0	<b>202</b>
four-bed	0	8	0	<b>8</b>
<b>total</b>	<b>646</b>	<b>51</b>	<b>25</b>	<b>722</b>

**Table 1:** amended housing mix following December 2015 amendments

205 Following the outcome of an independent review of the applicant's updated financial viability assessment (FVA) and further negotiations between GLA officers and the applicant, the following revised residential schedule has been provided to reflect a revised affordable housing offer (discussed in detail below):

unit type	market	affordable rent	intermediate	total
one-bed	207	43	20	<b>270</b>
two-bed	212	22	8	<b>242</b>
three-bed	163	27	12	<b>202</b>
four-bed	0	8	0	<b>8</b>
<b>total</b>	<b>582</b>	<b>100</b>	<b>40</b>	<b>722</b>

**Table 2:** revised housing mix to reflect 20% affordable housing offer – April 2016.

### *Housing mix*

206 London Plan Policy 3.8 seeks to ensure that new developments offer a range of housing choices, in terms of the mix of housing sizes and types. Tower Hamlets Core Strategy Policy SP02 requires a mix of housing sizes in all developments and establishes an overall target of 30% of all new housing to be suited to families (3+ bedrooms), with a higher target of 45% for social rented

homes. Tower Hamlets MDD Policy DM3 sets a target mix informed by the 2009 Strategic Housing Market Assessment (SMHA), as shown in the below table:

<b>Unit type</b>	<b>One bed %</b>	<b>Two bed %</b>	<b>Three bed %</b>	<b>Four bed %</b>
<b>Market sector</b>	50	30	20	
<b>Intermediate</b>	25	50	25	0
<b>Social/affordable rented</b>	30	25	30	15

**Table 3:** Local policy target mix as defined by Tower Hamlets MDD Policy DM3.

207 On review of the revised housing schedule, when assessing the mix of market housing units, there would be an under provision of one bed units (36%) against the Core Strategy target of 50%, an over provision of two bed units (36%) against a local policy target of 30% and an oversupply of family-sized accommodation (28%) against a target of 20%. However, the overall proposed mix of market housing is considered to be broadly compliant with the Tower Hamlets target mix and is accepted. It is also noted that the Council accepted a broadly similar mix in its committee report dated 12 April 2016.

208 Within the affordable rent provision, it is noted that there would be an oversupply of one bed units (43%) against a policy target of 30%, and a slight undersupply of two bed (22%) and three bed units (27%) against a local policy target of 25% and 30% respectively, and an undersupply of four bed units (8%) against a target of 15%. In turn, with regard to the intermediate housing provision, it is noted that there would be an oversupply of one bed units (50%) against a policy target of 25%, an undersupply of two bed units (20%) against a policy target of 25% and an oversupply of three bed units (30%) against a target of 25%.

209 While it is acknowledged that the revised affordable housing component of the scheme results in an overprovision of smaller affordable units when compared to local policy targets, it does result in an almost doubling of the number of affordable units on the site. This results in a 40% increase in family-sized affordable rented units, responding positively to the Borough's priority need and also provides a small element of family-sized intermediate units, and overall delivers a welcome increase in housing choice in the development.

210 Overall, given the proposed total increase in affordable housing to be provided on site and the notable benefits this increase has on the total quantum of affordable family housing, having regard to the above policy framework and guidance in the Mayor's Housing SPG seeking to apply standards flexibly, the proposed housing mix will offer a genuine choice of homes in accordance with the strategic aspirations of London Plan Policy 3.8 and local plan policy.

### ***Affordable housing***

211 The London Plan contains a number of policies that guide the assessment of the planning applications in respect of affordable housing provision. Policy 3.9 seeks a balanced mix of tenures in new developments to contribute towards achieving mixed and balanced communities. Policy 3.11 requires boroughs to set an overall target for the amount of affordable housing required over the plan period and sets out a strategic priority for affordable family housing. Policy 3.11 also sets out a strategic target for 60% of affordable provision to be for social and affordable rent and 40% for intermediate rent or sale.

212 London Plan Policy 3.12 states that "the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes, having regard to:

- (a) current and future requirements for affordable housing at local and regional levels;
- (b) affordable housing targets adopted in line with Policy 3.11;
- (c) the need to encourage rather than restrain residential development;
- (d) the need to promote mixed and balanced communities;
- (e) the size and type of affordable housing needed in particular locations;
- (f) the specific circumstances of individual sites;
- (g) resources available to fund affordable housing;
- (h) the priority to be accorded to provision of affordable family housing.”

213 Tower Hamlets Core Strategy Policy SP02 requires 35%-50% of new homes to be affordable, subject to viability and sets a target tenure split of 70% social rented and 30% intermediate. Tower Hamlets MDD Policy DM3 seeks to maximise affordable housing delivery on site and requires affordable housing to be built to the same standards and level of amenities as private housing.

214 At the time that the Mayor took over jurisdiction for determining the application, the applicant proposed 11% affordable housing. A financial viability appraisal (FVA) was submitted to the Council to support this offer, which was subsequently independently reviewed by a consultant appointed by the Council and the results shared in full with the GLA. On review of the FVA, the Council’s viability consultant disagreed with several inputs of which the most significant was residential sales values. As a result they considered that the scheme could produce a significant financial surplus that would allow a higher quantum of affordable housing to be delivered.

215 Following the submission of the December 2015 amendments which reduced the overall number of residential units to be delivered to 722 and the Mayor taking over the jurisdiction for determining the planning application, the applicant submitted an updated financial viability assessment to the GLA in February 2016. The GLA appointed Gerald Eve to independently review the updated FVA on its behalf and advise the Mayor on what level would equate to the maximum reasonable amount of affordable housing. The revised FVA has also been shared with the Council, who appointed an alternative consultant to carry out a further review on its behalf prior to presenting the scheme to its Strategic Development Committee.

216 The Council has shared the findings of this latest review in full with the GLA, which, in turn, has also been considered in detail by Gerald Eve in its overall review of the viability position together with the applicant’s viability assessments and the first consultant review by the Council. The Council’s latest consultant review of the applicant’s updated FVA, is of the view that the amended scheme was capable of delivering 36% affordable housing. This conclusion is based on three areas of disagreement in approach with the applicant: Site Value; residential and commercial values; and an appropriate level of developer return.

217 The independent review commissioned by the GLA also agrees that the residential and commercial sales values have been underestimated within the updated FVA in respect of potential intrinsic added value and future growth. It, however, does not agree to the extent to which the Council’s advice undervalues them. The Council’s assessment argues that the private sales values should be comparable with those developments in the prime Canary Wharf locations to the north. However, the GLA’s advice has adopted a more balanced approach to an increase in values, which acknowledges the site’s location away from the prime residential values to the north, but also recognises the desirability of the dockside location, the values of other comparable schemes and the intrinsic value the scheme will generate and considers the values within the FVA to be at the lower end of a reasonable range. GLA officers agree with this approach. Gerald Eve agree with the values adopted for the intermediate units in the Council’s advice and again takes a balanced approach to the affordable housing values in that they should be increased but not to the extent of

the Council's advice. With regards to Site Value, the independent advice to the GLA advises that the applicant's "market value" approach is in accordance with government and best practice guidance and is therefore accepted. Finally, in respect of the appropriate development return, the independent advice to the GLA recommends this should be an 18% IRR on a growth basis which is accepted by the GLA in respect of this scheme.

218 In conclusion, by having regard to increased sales values and by adopting a target rate of developer return that is considered appropriate to the characteristics of the application site, the GLA has been advised that the scheme can deliver an affordable housing contribution of at least 20% affordable housing and that given the potential for the scheme to exceed the target rate of return (as shown through sensitivity testing), the inclusion of a review mechanism to capture a future uplift is recommended. This review would be prior to the implementation of phase(s) within the amended scheme under consideration by the Mayor.

219 As a result of further negotiations and on the basis of this independent advice to the GLA, the applicant has subsequently agreed to increase the level of affordable housing to 20%, on a habitable room basis, which equates to 140 units (an 86% increase). Furthermore, the applicant has agreed to an affordable housing review mechanism to be included within the section 106 agreement. The final detail of this mechanism will be defined in the detailed drafting of this agreement. However, in order to be satisfactory to the GLA, the basis of this review should be based on, albeit with modification, the review contained within Convoy's Wharf Section 106 agreement and would need to address such matters as timing; threshold target rate of return; site value; surplus profit share; form of additional contributions, if any; and timing of contribution payments/ provision of additional affordable housing. In addition, in order to incentivise timely delivery of the scheme, officers recommend a 'substantial implementation' clause that requires a substantial level of implementation (detailed definition to be agreed, but to include implementation and completion of basement and superstructure works to ground floor slab) within two years (to be agreed) of date of consent (or resolution of any judicial review action), if substantial implementation is not completed by that date then a further FVA to be submitted.

220 Overall, in light of securing a satisfactory review mechanism that will secure any uplift in sales values in order to fund the delivery of additional affordable housing and based on the independent advice provided to the GLA, the revised affordable housing offer is considered to be the maximum reasonable amount and in accordance with London Plan Policy 3.12.

221 The proposed revised tenure split is 71:29 in favour of affordable rent, which differs from the London Plan (60:40) , but is broadly compliant with the Tower Hamlets Local Plan (70:30) target. As set out within its committee report, given the Council's preferred tenure of affordable rent, the slightly higher provision of this product is considered acceptable and would better meet local need.

#### Affordable housing - conclusion

222 On the basis of the above, GLA officers are satisfied that the proposed 20% provision of affordable housing is the maximum that the scheme can afford under current market conditions, and that a financial review mechanism will ensure that the scheme continues to deliver the maximum reasonable amount of affordable housing over the lifetime of its delivery. Accordingly, the application accords with the NPPF; London Plan Policy 3.12; and Tower Hamlets Core Strategy Policy.

## ***Density***

223 London Plan Policy 3.4 seeks to ensure that new developments optimise housing output for different types of location. Tower Hamlets Core Strategy Policy SP02 also seeks to optimise the use of land for housing, but also requires density levels to correspond to public transport accessibility levels and the proximity to, and hierarchy of, town centres. Table 3.2 of the London Plan sets out a density matrix to guide the assessment of schemes, which is based on the setting of the site and public transport accessibility (PTAL).

224 In accordance with the above, the London Plan suggests an appropriate density of between 200 to 650 habitable rooms per hectare (hr/ha) for urban and central sites with a public transport accessibility level of two to three. Based on the net residential area and excluding the school site the proposed density would be 433 hr/ha which is comfortably within the recommended range and therefore meets London Plan policy.

## ***Residential standards***

225 Policy 3.5 within the London Plan seeks to ensure that housing developments are of the highest quality internally, externally, and in relation to their context and to the wider environment. Table 3.3, which supports this policy and sets out minimum space standards for dwellings. The Mayor's Housing SPG builds on this approach, and provides further detailed guidance on key residential design standards including minimum standards for amenity space, unit to core ratios, floor to ceiling heights and maximisation of dual aspect units. The London Plan and Housing SPG have been revised accordingly to reflect the Technical Housing Standards published by the Government in March 2016.

226 Tower Hamlets Core Strategy Policy SP02 seeks to ensure that "all housing is appropriate, high quality, well designed and sustainable", whilst Policy SP10 looks to protect amenity and promote well-being. As well as standards set out in the London Plan, Tower Hamlets MDD Policy DM4 sets out additional standards for private amenity space, requiring 50 sq.m for the first 10 units, plus a further 1 sq.m. for every additional unit. MDD Policy DM25 seeks to protect amenity, including ensuring adequate levels of daylight and sunlight for new residential developments.

227 The amendments made to the scheme in December 2015 addressed a number of residential quality issues raised in the GLA stage one planning report (ref:D&P/3363/01) and as a result the scheme is considered to provide a high standard of residential accommodation and is in accordance with standards set out within the Mayor's Housing SPG.

## **Layout and design**

228 It has been confirmed by the applicant as part of the December 2015 amendments that all units will meet the nationally described space standard with the associated residential cores all accessed directly from the public realm, and the floor plates are well-proportioned. The original scheme was amended to provide additional cores in Building 2, 4 and 7 which has reduced the number of residential units sharing a core to no more than eight in accordance with strategic guidance. The addition of extra cores has also increased the number of dual aspect units to 62% and there are no north facing single aspect units. The internal floor to ceiling heights meet the minimum of 2.5 metres standards and the units have been tested to ensure adequate levels of daylight and sunlight.

## **Internal daylight and sunlight**

229 The supporting environmental statement assessed the daylight and sunlight within the proposed residential units and this was subject to an independent review by Delva Patman Redler

(DPR) on behalf of the Council. DPR raised a number of requests and queries relating to the methodology, scope and discussion within the assessment to which the applicant positively responded to. As a result the applicant's assessment is considered to be robust and it is noted that as a result of additional testing, approximately 60% of the apartments evenly distributed throughout the development have been tested.

230 Overall, DPR advised that the majority of the rooms would meet recommended average daylight factor levels with the exception of some rooms situated in the internal corners of the buildings B02, B03 and B04. Where possible, the December 2015 amended the internal layouts and increase areas of glazing to improve daylight penetration. In addition, concerns were raised that the levels of daylight likely to be received by units on the southern elevations of buildings B06 and B07 would fall below guidelines. In response, the applicant sought to revise the layouts as part of the formal amendments with a view to improving levels and increased the number of units tested. DPR were not requested to review the amendments as the Council considered the overall daylight levels to be acceptable.

231 With regards to sunlight, it is accepted that not all the units will receive the recommended minimum levels of the annual probably sunlight hours (APSH) to the living rooms. However, this is due to some balconies limiting sunlight penetration to those units and obstructions from other building blocks.

232 Overall, having regard to the above conclusions and the overall high residential quality of the scheme, the proposal is considered to result in acceptable living conditions in respect of daylight and sunlight for future residents. Whilst a small proportion of rooms would not meet the recommended daylight or sunlight levels, this is to be expected for a development of this scale. It should also be noted that the Building Research Establishment (BRE) Handbook 'Site Layout Planning for Daylight and Sunlight 2011: A Guide to Good Practice' makes it clear that the recommendations are just good practice and are not an instrument of planning policy.

#### Amenity space

233 The Housing SPG and Tower Hamlets MDD Policy DM4 both require 5 sq.m. of private amenity space per two person dwelling, plus 1 sq.m. per additional bedroom. With regards to communal amenity space, this should be provided at 50 sq.m. for the first ten units and 1 sq.m. for every additional unit thereafter.

234 All of the residential units will have access to private balconies, private residential courtyards and roof gardens that meet or exceed the minimum policy requirements, or a number of generous new publicly accessible open spaces (see paragraph 180) within the boundary of the development. The scheme would be policy compliant in terms of private and communal amenity space provision and is therefore considered acceptable. A condition is recommended requiring details of the laying out of these amenity spaces to be approved.

#### Conclusion

235 In summary, the development would deliver a high standard of residential accommodation that meets or exceeds the relevant strategic and local residential design standards. The units will receive acceptable levels of daylight and sunlight for a scheme of this scale in an urban context and as a result the issues raised in the Mayor's initial representations have been satisfactorily resolved. Accordingly the application complies with the standards in the Mayor's Housing SPG, the London Plan and local planning policy framework outlined above. Compliance with the other standards in the SPG, where they affect cross-cutting themes such as parking and accessibility, are discussed in the relevant sections of this report.

### *Children's play space*

236 London Plan Policy 3.6 sets out that housing schemes should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs. The Mayor's supplementary planning guidance 'Providing for Children and Young People's Play and Informal Recreation' (2012) sets a benchmark of 10 sq.m. of useable child play space to be provided per child, with under-5 child play space provided on-site. Tower Hamlets MDD Policy DM4 looks to apply the above standards, but utilising local child yield calculations. The Council's SQMP SPD seeks to deliver a mix of on-site play spaces, distinct from public open space and amenity space.

237 GLA officers have calculated that the development has the potential to accommodate 161 children, 72 of which are expected to be under five years old. This generates a play space requirement of 1,608 sq.m. of which 720 sq.m. should be provided as door-stop play space.

238 As set out in the Mayor's initial representations, (ref: D&P/3363/01) the application is supported by a comprehensive play strategy. Within the development, a series of spaces including residential courtyards, new parks and public open spaces are proposed, which are intended to provide recreational opportunities for all age groups, in addition to general residential amenity. The proposal incorporates a total 3,495 sq.m. of dedicated play space, including 1,205 sq.m. of incidental doorstep play for the younger children located within the communal courtyards, and dedicated facilities within two areas of public open space. This is in addition to general private residential amenity spaces located throughout the development, as well as the general amenity of the public park spaces.

239 The overall approach to play and recreation will ensure high-quality facilities will be provided that exceeds the needs of the children of this development. Critically, the development will also provide publicly accessible external play opportunities set within areas of public open space, in addition to securing the use of the sports facilities located within the proposed school for community use via planning obligation, which is strongly supported.

240 In summary, the development proposes a generous amount of open and recreational space that would significantly exceed the space requirements of the Mayor's Play and Informal Recreation SPG. This will provide amenity for both residents of the scheme and existing local residents, helping address the identified need for open space on the Isle of Dogs and in the Borough and is strongly supported in accordance with the objectives of the Opportunity Area and London Plan Policy 3.6.

### *Housing conclusion*

241 The proposal would optimise the residential potential of this Opportunity Area site and make a significant contribution to housing and affordable housing delivery in Tower Hamlets. The financial viability position has been independently verified and, subject to the inclusion of a satisfactory review mechanism within the section 106 legal agreement, the scheme will continue to deliver the maximum reasonable amount of affordable housing over the lifetime of the delivery programme. The housing schedule responds to the need to support mixed and balanced communities, provides a good variety of dwelling sizes, and appropriately prioritises affordable family housing within the wider residential mix. The scheme will also achieve good practice residential design and amenity standards, and will exceed children's play space standards. Accordingly, the proposed housing provision is strongly supported in accordance with the NPPF; London Plan policies 3.3, 3.4, 3.5, 3.6, 3.8, 3.9, 3.11, 3.12 and 7.15; and, Tower Hamlets Core Strategy policies SP02, SP03 and Managing Development Document Policies DM3, DM4, DM1 and DM25.



## Design

### *Urban design*

242 Chapter 7 of the NPPF states that *“Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*. Good design is central to all objectives of the London Plan, and is specifically promoted by the policies contained within chapter seven, which address both general design principles and specific design issues. London Plan Policy 7.1 sets out a series of overarching design principles for development in London. Other relevant design policies in this chapter include specific design requirements relating to: optimising the development potential of sites (Policy 7.6); tall and large scale buildings (Policy 7.7); heritage assets and heritage-led regeneration (policies 7.8 and 7.9); local character (Policy 7.4); public realm (Policy 7.5); architecture (Policy 7.6); and, designing out crime (Policy 7.3).

243 At the local level, Core Strategy Policy SP10 seeks to “ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds”. Policy DM24 of the MDD (2013) requires development to “be built to the highest quality standards, incorporating principles of good design”. This includes being sensitive to and enhancing the local character and setting of a development, and the use of high quality materials. MDD Policy DM23 requires new development to be permeable and legible, providing high quality streets and public realm that is usable and of a human scale.

244 MDD Policy DM26 identifies a number of criteria that need to be addressed when assessing the appropriateness of a tall building. This includes the proposed height being in proportion to its location in a town centre hierarchy; achieving a high architectural quality, contributing positively to the skyline; not adversely affecting heritage assets or strategic views; and presenting a human scale at street level.

245 Site Allocation 18 sets out a number of design principles setting out that development should be informed by the existing character, scale, height, massing and urban grain of the surrounding built environment and its dockside location. In particular it requires development on the site to acknowledge the design of the adjacent Millennium Quarter and continue to step down from Canary Wharf to the smaller scale residential to the north and south; to protect and enhance the setting of the Maritime Greenwich World Heritage Site and other surrounding heritage assets; to be stepped back from the water to activate the dockside; should include family homes; should locate public open space adjacent to the Millwall Outer Dock that is suitable for sport and recreation; improved pedestrian and cycling connections aligned to existing urban grain to the Dock and Barkantine Estate centre, Westferry Road centre and Crossharbour centre to improve permeability and legibility; and improved public realm at the site edges, specifically along Westferry Road and Millharbour.

246 A description of the proposed built form is provided within the details of the proposal section of this report. The relevant design considerations are outlined below, but in this case broadly comprise urban design matters such as layout, public realm, open space, massing and architectural treatment. In considering the design merits of the proposed development, officers have applied the statutory requirement to preserve or enhance the character and appearance of nearby heritage assets, particularly the setting of Maritime Greenwich World Heritage Site, and attach considerable importance to the effect of the proposed development on the setting of heritage assets. Heritage issues are specifically addressed within the views and heritage section below.

## Layout

247 The proposed development is structured on a legible and permeable street layout that knits in well with adjacent sites and the surrounding area. As referred to elsewhere within this report, the layout will deliver a new principle east-west route through the centre of the site linking Westferry Road to Millharbour. In addition, Millwall Dock Road would be extended south into the site, connecting to the new east-west route and a link to Starboard Way/Tiller Road is proposed to create a further north-south link. The proposed street network ensures that the three major new public open spaces, school and the dockside will be easily accessible to existing as well as future residents, which is strongly supported in accordance with London Plan Policy 7.1 and the site allocation design principles.



**Figure 2:** Ground floor uses and layout (PLP-1164-A-041).

248 As set out in paragraph 180, three new public spaces are proposed to provide amenity to both the future residents of the development and existing local residents. East Park, which is situated at the eastern extent of the site, creates a large open space with play and leisure facilities that anchors Millharbour and will provide visual links to the Dock, directing people to the waterfront and new Dockside Promenade. Boulevard Gardens, offers a public garden space that provides a green, visual link through to the school's all weather pitches and residential area beyond the northern site boundary. The West Plaza provides a large dockside green space relating to the proposed community centre, secondary school and the Docklands Sailing and Watersports Centre, and in addition to the East Park, forms one of a series of green spaces that front on to the Dockside and promote its recreational use.

249 The aspiration of creating a vibrant and active waterfront is strongly supported in accordance with London Plan Policy 7.30 and the Site Allocation, and the provision of retail uses looking onto the dockside at the foot of each of the four blocks positioned along the waterfront will go some way towards achieving this. Following submission, and in response to concerns raised by GLA officers, the applicant has provided illustrative internal layouts for the retail units demonstrating how all three frontages onto the public realm will be animated and how the revised landscaping treatment will address the constraints posed by the car park vents to encourage the use of the external spaces. This is welcomed and will contribute towards delivering a vibrant new setting to the Millwall Outer Dock.

250 The rest of the ground-floor layout is carefully designed to minimise levels of inactive frontage, and provide a good distribution of front entrances throughout the public realm, ensuring all publicly accessible spaces feel safe and inviting, which is strongly supported.

251 In summary, the proposed site layout would provide a significant contribution towards permeability and legibility in the area by replacing a monolithic, impermeable four storey building with a ground floor building layout that enables a series of new publicly accessible north-south and east-west streets that would be of a human scale and would be activated by a range of use that link to existing street networks. This aspect of the scheme would address the public realm design principle in the Site Allocation and London Plan urban design policy.

### School design

252 The application includes the detailed design of the 1,200 student capacity school; however, as set out above, the actual delivery of the school will be via 'a school provider' and will be secured in the section 106 agreement.

253 The school is proposed in the north west corner of the site and the design has been based on the guidance in Building Bulletin 103. Given the compact nature of the site and the proximity of lower scale residential immediately to the north of the site, the design is based on a 'superblock' typology allowing the efficient use of space. The building is generally five storeys in height and the teaching wing steps down to four storeys where it adjoins The Docklands Building Centre, which will remain slightly taller than the maximum height of the school. The school sports hall is situated in a separate building immediately to the east of the main school building to allow the continuation of Millwall Dock Road into the site between the two buildings but will be physically connected via a raised link bridge. The MUGAs are proposed to the east of the sports hall and to the north of Boulevard Gardens.

254 Overall, the submitted design of the school is supported and the scale is appropriate to its context within and outside of the application boundary. The setting back from Westferry Road will provide a generous pupil plaza that will help ease congestion at the start and end of the school day in addition to providing a buffer to the existing residential properties immediately to the north. The layout which enables the extension of Millwall Dock Road into the site is strongly supported in accordance with the wider design objectives of increasing permeability and maintaining a physical connection between the two buildings provides a sense of enclosure to the new east-west route through the site and West Plaza to the south.

### Public realm and open space

255 As set out above, the development will provide a series of new publicly accessible open spaces that will offer valuable residential and recreational amenity to existing and future residents and will also provide visual links through to the Dock, which is strongly supported. In particular, the provision of the Dockside Promenade, to include walking and cycling routes as well as incidental areas for play and recreation, fully accords with the Blue Ribbon Network principles of the London Plan, and helps provide a recreational setting to the dock, improving its setting and the ability for it to be appreciated.

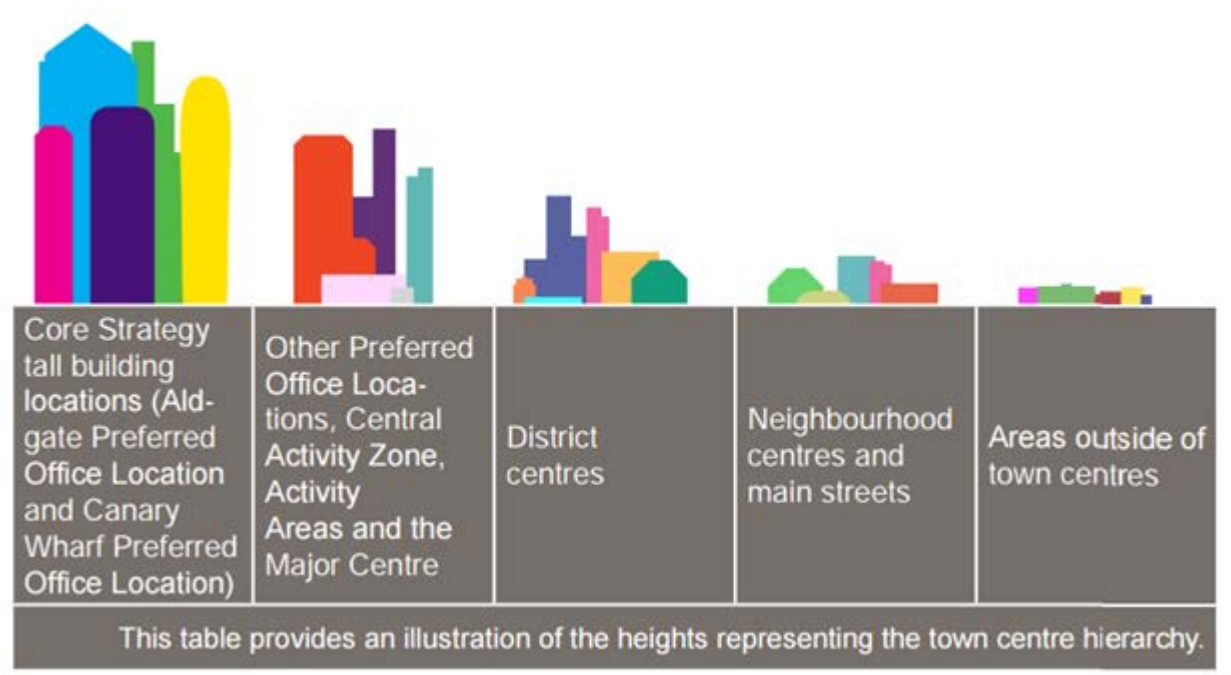
256 In light of the above and the recognition that there is a strategic benchmark to provide 1.2 hectares of open space per 1,000 of population, rather than a site specific policy requirement, the generous open space provision will also help meet the needs of future residential populations from emerging developments on more constrained sites and will make a valuable contribution towards the delivery of physical infrastructure to support the Opportunity Area.

257 Notwithstanding the above support, the detailed design of this space will be critical to its success. Details of the non-highway works will be secured through the landscaping conditions recommended, whilst the highways works will be secured through a section 278 agreement with the Council as highway authority.

Form, massing and heights

258 London Plan Policy 7.7 sets out a number of criteria for the consideration of tall buildings, including where they can be considered, how they should relate to their surroundings, enhance legibility and the skyline, be sustainable and contribute towards local regeneration. London Plan policy identifies that tall buildings locations should be identified as part of a plan led approach and should generally be limited to sites within Opportunity Areas with good access to public transport and should only be considered in areas whose character would not be adversely impacted by their scale.

259 Tower Hamlets MDD Policy DM26 provides more detailed criteria for assessing the acceptability of tall building heights, which sets out a hierarchical approach around town centres. Policy DM26 also sets out further criteria, including ensuring tall buildings are sensitive to their surroundings, achieve high architectural quality, not impact on strategic views or civil aviation/telecommunications.



**Figure 3:** excerpt from MDD Policy DM26 showing tall building hierarchy (Tower Hamlets Managing Development Document 2013).

260 Site Allocation 18 sets out a number of design principles requiring that development on the site should be informed by the existing character, scale, height, massing and urban grain of the surrounding built environment and its dockside location. In particular it requires development on the site to acknowledge the design of the adjacent Millennium Quarter and continue to step down from Canary Wharf to the smaller scale residential to the north and south, however, the document does not define specific heights.

261 The overall massing of the scheme is arranged as two linear blocks (B06 and B07) to the north of the new east-west route of six and eight storeys, three c-shaped buildings (B02, B03 and B04) of four, five and six storeys situated to the south of the route in the centre of the site, and

five point-blocks of eight, nine, thirteen, seventeen and thirty-storeys. The height and massing generally rises from the west to the east of the site and has been designed so as to minimise significant overshadowing over the proposed public open spaces, which is welcomed.

262 The proposed development is located within an Opportunity Area and relates well to the existing street network, with the lower blocks providing good definition and enclosure of the public realm network, and the higher blocks helping to mark the dockside with its proposed increased leisure role and significantly improved legibility and permeability. The proposed massing strategy responds appropriately to the surrounding lower scale residential development to the west and north of the application site by stepping down in this part of the site, with the general height of the buildings rising to the south eastern corner of the site in order to relate to the scale of approved development at Crossharbour District Centre and the Millwall Outer Dock. With regards to the proposal's relation to the lower scale residential development to the south of the Dock, while the tallest elements are significantly higher they are some distance away from the existing four storey buildings and separated by a large expanse of open water. Furthermore, the positioning of the buildings would extend new views through the site and the new Dockside Promenade and landscaped public spaces at either end will provide a significantly improved setting to the dock and the visual amenity it provides in this view.

263 While it is acknowledged that the proposal would introduce a number of tall buildings outside of a town centre, as set out above, the form and massing of the proposals relates well to the form, proportions and scale of the existing surrounding context. The development will provide a significant number of community benefits through a mixture of ground floor uses including a new community centre, health centre, a new secondary school and a mix of retail and restaurant uses that will activate the generous public realm proposed, ensuring the buildings relate positively to the street level and provides a human scale of development.

264 Notwithstanding the microclimate issues regarding the development's impact on the sailing conditions in the Millwall Outer Dock discussed in detail below, the development is considered to comply with all other criteria set out in London Plan Policy 7.7 and Tower Hamlets MDD Policy DM26. In particular, as set out below, the architectural quality of the proposal is considered to be high and this will be secured through planning condition. Overall the scheme will be a positive addition to the skyline, both during the day and at night.

265 Responses from relevant consultees confirm that, subject to conditions, the scheme would not raise any aviation safeguarding or public safety issues, however, a planning condition is required to secure life-saving equipment on the dock side. The supporting environmental statement sets out that there would be no unacceptable impact on telecoms reception, however, a planning condition requiring a television interference survey prior to construction is recommended.

266 As already discussed earlier in this report, the development would relate well to the surrounding public realm with a human scale and an appropriate mix of uses that would activate the site edges, including high residential quality. The legibility and permeability of the area would be significantly improved and the proposed mix of uses and generous public open spaces, including a new dockside promenade would have socio-economic benefits, contributing towards the wider regeneration objectives of the Isle of Dogs Opportunity Area and Millwall. Consideration of the impact on microclimate, in particular the impact on the wind conditions in the Dock, biodiversity and the sustainability credentials of the development are addressed in detail in other relevant sections of this report. Accordingly, the application is considered to comply with the policy framework set out above concerning form, height and massing.

## Architectural appearance and materials

267 The development has been visually grouped into five different characters and utilises a palette of brick, terracotta, white render, timber and metal panelling and steel framing. It is proposed that the materials are used in differing facade treatments to define different building characters whilst ensuring the development has a coherent composition as a whole. In particular Buildings B01 and T4 are intended as ‘anchor buildings’ visually marking the entrances to the site from the east and west. These appear as two vertically split volumes and share the same light metallic material and horizontal, linear facade articulation. Buildings T1 and B02, T2 and B03, T3 and B04 form the centre of scheme and comprise the c-shaped buildings and dockside towers to create ‘courtyard clusters.’ These buildings adopt a palette of terracotta, steel and glass. The tower elements are wrapped by a steel frame which draws reference to the historic dockside crane and relates to the Dock itself; however, the common use of terracotta throughout the clusters ensures they appear as a coherent group. Buildings B06 and B07 adopt a similar palette of render and terracotta to the courtyard clusters.

268 It is proposed that all buildings clearly define the vertical change in use above ground floor through adopting a mostly glazed treatment to promote the animation of the public realm by the retail/commercial/community/residential uses.

269 Overall, the quality of the external treatments and materiality is of a high standard and is supported; however, the final choice of materials and quality of detailing will have a significant impact on the quality. In this respect, a condition is recommended requiring full architectural detailing and materials for the whole development to be approved. In recognition of the issues with self-coloured render systems and their durability, the GLA request that the applicant confirm the quality of the materials through the discharge of the above planning condition that they would be durable and are able to be repainted. In addition, a section 106 obligation is recommended to ensure the retention of the scheme architects through the detailed design phase.

270 Accordingly, the application would comply with the principles set out in London Plan Policy 7.6 and MDD Policy DM24, in respect of architectural treatments and materials.

## ***Visual impact and heritage***

### Strategic views and setting of Maritime Greenwich World Heritage Site

271 Pursuant to section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the “Listed Buildings Act”), the Mayor must have special regard to the desirability of preserving Listed Buildings, their settings, or any features of special architectural or historic interest that they may possess. In addition, the Mayor must, pursuant to section 72 of the Listed Buildings Act, give special attention to the desirability of preserving or enhancing the character or appearance of any buildings of other land in a conservation area.

272 Chapter 12 of the NPPF sets out key principles for conserving and enhancing the historic environment and states that “*Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal... taking account of the available evidence and any necessary expertise*”. National Planning Practice Guidance also provides relevant guidance on conserving and enhancing the historic environment, including further guidance for World Heritage Sites. London Plan Policy 7.8 seeks to ensure that new development would “*identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate*.” This policy also states that “*Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail*”.

273 London Plan Policy 7.11 sets out the Mayor's approach to the managed protection of strategic views. London Plan Policy 7.12 states that new development should not harm, and where possible should make a positive contribution to, the characteristics and composition of the strategic views and their landmark elements. The Mayor's London View Management (LVMF) SPG provides further detailed guidance on the assessment of identified views. The Townscape, Heritage and Visual Impact Assessment (THVIA) section of the Environmental Statement assesses the likely effects of the proposal on the ten relevant LVMF views.

274 As set out in paragraph 22 of this report, the buildings lie in a number of strategic views, as identified in the LVMF, and as such, the applicant has submitted a detailed townscape, visual and built heritage impact assessment. This assessment demonstrates that in View 6A.1 Blackheath; View 11B.1: London Bridge, and View 11B.2: London Bridge, the development does not impact in any significant way on the views and addressed the requirements of London Plan policy and the LVMF in respect of the views and will not harm the setting of the listed buildings within the view.

275 The proposals' appearance in strategic view 5A.1 from Greenwich Park is particularly relevant, with the buildings being visible towards the left in this view. Guidance within the London View Management Framework notes that the existing cluster of tall buildings adds layering and depth to the understanding of the panorama, and states that the composition of the view would benefit from further, incremental consolidation of the tall buildings. Furthermore, as identified in the Framework, the primary consideration in this view is how the significance of the axis view from the Royal Observatory towards Queen Mary's House could be appreciated.

276 Following a detailed review of the applicant's impact assessment, GLA officers are satisfied that, although the buildings will be visible in the Greenwich Park Panorama, they do not impact on the axial view across Queen Mary's House. Furthermore, although distinct from the main cluster at Canary Wharf, the development will contribute to the layering of buildings in this view, particularly given their gradual stepped form, and by virtue of their lower height, do not compete with the larger scale tall elements within the main cluster. The buildings meet the view guidance with regards the strategic view from Greenwich and will not harm the settings of the listed buildings within the view.

277 The proposal also falls within the wider setting of the Maritime Greenwich World Heritage Site. London Plan Policy 7.10 'World Heritage Sites' states that development should not cause adverse impacts on World Heritage Sites or their settings, and, in particular, should not compromise the ability to appreciate outstanding universal value, integrity, authenticity or significance. The Maritime Greenwich World Heritage Site Management Plan (2014) (MGWHSMP) describes the WHS and outlines its significance, whilst setting out key management objectives in response to key issues, such as the impact of tall buildings on the significance of Sir Christopher Wren's Grand Axis and wider WHS setting.

278 The applicant's townscape, visual and built heritage impact assessment illustrates the proposal will not adversely impact on the universal value, integrity, authenticity or significance of these important heritage assets. The buildings, although positioned to the left of the main Canary Wharf cluster, are of a lower scale to those in the emerging cluster, and by virtue of their stepped form, help to provide further layering and variation in scale in this view. The buildings therefore address the guidance contained within the World Heritage Site SPG and MGWHSMP in respect of the Maritime Greenwich World Heritage Site. It is also noted that Historic England have not raised any objections to the application with regards to any impact on views from within the World Heritage Site.

### Local views and heritage assets

279 The THVIA contains a number of other verified views from local public vantage points, as well as from the Chapel House Conservation Area to the south of the Isle of Dogs, the majority of which are fully rendered. The proposed views demonstrate that the development would appear appropriate in its context when viewed in the context of the wider townscape and proposed and consented development to the north, and that it would appear as a high quality new addition to the skyline. While it is acknowledged that the magnitude of change is significant in some of the closer views, particularly from Tiler Road, closer views along Westferry Road and Millharbour, and from the southern bank of Millwall Outer Dock and Ashdown Walk, the development would not appear out of context with the existing and proposed form and scale of development in the area. Furthermore, in many of the close views, the replacement of the existing monolithic four storey structure would contribute towards increased visual permeability and improved long distance views. As a result, there would therefore be no unacceptable visual impact.

280 Having regard to the distance between this site and the Chapel House Conservation Area and the Grade II former St Paul's Presbyterian Church, Westferry Road, along with the cumulative effect of consented tall buildings to the north of the application site, the proposal would not harm the setting of these heritage assets. At the request of Historic England and in accordance with London Plan Policy 7.8, a planning condition is imposed requiring a scheme for archaeological investigation to be approved and implemented.

### ***Urban design conclusion***

281 The site is located within an Opportunity Area in an accessible location, and is part of a planned approach to tall building location. The Council has identified the Isle of Dogs as a suitable location for tall buildings. The tall buildings are well designed and integrated with the public realm and will make a positive contribution to the skyline. Having had regard to relevant national, regional and local design policy, it is considered that the design of the proposal is of the highest quality, both architecturally and in respect of its response to the site and local context, including the setting of Maritime Greenwich World Heritage Site. Accordingly, for the reasons set out above, the scheme broadly complies with the NPPF, London Plan policies 7.1, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.10, 7.11, 7.12 and 7.13; Tower Hamlets Core Strategy Policies SP09 and SP10; policies DM23, DM24, DM26, DM27 and DM28 of Tower Hamlets MDD (2013); and the design principles set out within MDD Site Allocation 18.

282 The developments response to London Plan Policy 7.7D in relation to microclimate and tall and large scale buildings is considered in more detail below.

### **Inclusive design**

283 Chapter 6 of the NPPF states that "It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes."

284 London Plan Policy 7.2 requires that all future development meets the highest standards of accessibility and inclusion, and that the design process has considered how everyone, including disabled and deaf people, older people, children and young people, will be able to use the places and spaces that are proposed. London Plan Policy 4.12 seeks to improve employment opportunities for Londoners by removing barriers to employment. Policy 3.8 requires all new housing to be built to the new 'optional' Building Regulations requirement M4(2) and 10% to be wheelchair accessible (requirement M4(3)). Policy DM23 of the Tower Hamlets Managing Development DPD (2013) is also relevant as is the Mayor's SPG 'Accessible London: achieving an inclusive environment'.



### Public realm and non-residential uses

285 It is noted that the public realm across the site is generally level, with the exception of significant level changes from Westferry Road and Millharbour when entering the site and the future connection proposed to Starboard Way. The design and access statement sets out that all level changes across the site are resolved through the provision of suitable ramps, stairs and walkways that meet good practice guidance, and that any stepped access is accompanied by an adjacent or nearby ramp. All entrances to proposed buildings are to be compliant with Building Regulations Part M.

286 A landscape management plan is secured by planning condition requiring the details of all level changes and thresholds to be submitted to the Council for approval.

### Parking

287 The proposals include the provision for 73 blue badge car parking spaces within the basement, which would be directly accessible by lift from the cores. This complies with the London Plan requirement for one parking space for every wheelchair accessible unit. A management plan will be secured by condition to address the allocation of blue badge spaces and any additional demand.

### Residential Units

288 The applicant has confirmed that a total of 30% of the residential units will be designed to be easily adaptable to meet the needs of wheelchair users which exceed both strategic and local policy by 20%, and all units will be built to Lifetime Home Standards. Typical flat layouts of wheelchair accessible units have been provided for a range of unit sizes and tenure types and plans have been submitted to indicate their locations and sizing. This confirms that they are distributed across tenure types and sizes to give disabled and older people similar choices to non-disabled people. In addition to the above, step-free access will be provided to the residential courtyards and roof gardens.

289 The detailed design of residential buildings to meet Building Regulations M4(2) and M4(3) is secured by planning condition.

### Play space

290 Children and young people need free, inclusive, accessible and safe spaces offering high-quality play and informal recreation opportunities in child-friendly neighbourhood environments. Policy 3.6 of the London Plan seeks to ensure that all children and young people have access to such provision. All children's play space would be fully accessible.

291 A condition is recommended to secure details of the play space, including fully inclusive play requirements, in line with the guidance within the Mayor's Play and Informal Recreation SPG, which supports the implementation of the London Plan Policy 3.6.

### ***Inclusive design conclusion***

292 The development would greatly improve the accessibility of the area by providing fully accessible routes through the site and down to the new Dockside Promenade and ground floor uses, promoting inclusive access and enjoyment of the new public open spaces proposed. Planning conditions will ensure the housing proposed would comply with the optional Building Regulations

standards and overall the application accords with the NPPF; London Plan Policy 7.2; and policy DM23 of the Tower Hamlets MDD (2013).

## **Sustainable development**

293 Chapter 10 of the NPPF states that “Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development”.

294 London Plan climate change policies, set out in chapter five, collectively require developments to make the fullest contribution to the mitigation of, and adaptation to, climate change, and to minimise carbon dioxide emissions. London Plan Policy 5.2 sets out the energy hierarchy for assessing applications and requires all major development to achieve a minimum improvement in carbon dioxide emissions of 40% below Part L of the Building Regulations 2010. This is taken to be broadly equivalent to a 35% improvement in emissions below Part L of the Building Regulations 2013.

295 London Plan Policy 5.3 ensures future developments meet the highest standards of sustainable design and construction, and London Plan policies 5.9-5.15 promote and support the most effective climate change adaptation measures including passive thermal regulation, urban greening, and water management.

296 At the local level, Core Strategy SO3 seeks to incorporate the principle of sustainable development including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. MDD Policy DM29 goes further than the Mayor’s requirements, seeking a 50% improvement reduction in carbon dioxide emissions compared to 2010 Building Regulations (equivalent to 45% improvement on 2013 Building Regulations). Other relevant policies at the local level comprise: Core Strategy Policies SP04, SP05 and SP11; and Policy DM29 of the MDD (2013).

### Energy strategy

297 As previously reported to the Mayor at the initial consultation stage, the applicant has broadly followed the London Plan energy hierarchy to reduce carbon dioxide emissions. Both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by building regulations. Other features include reduced mechanical ventilation with heat recovery, low energy lighting and a high performance curtain wall glazing system.

298 In order to address the requirements of London Plan Policy 5.9, the demand for cooling will be minimised through solar control glazing, green roofs and mechanical ventilation for the residential element. In response to requests made at the consultation stage, the applicant has undertaken a dynamic overheating study which demonstrates compliance with CIBSE criteria for the residential uses and has provided the BRUKL documents showing the solar gain checks for the non-domestic building uses will not be exceeded in the vast majority of spaces.

299 As set out within this report, the application site lies immediately to the south of the Barkantine District Heat Network (DHN) energy centre. Therefore, in accordance with London Plan climate change policies, connection to the network should be prioritised in the first instance. The applicant has been in discussions with EDF, which operate the Barkantine network which have advised that there is currently approximately 3- 4MW of spare capacity in the network and that the operator was in discussion with the Council regarding expansion. There is some disagreement between the network operator and the applicant with regards to the anticipated energy requirements of the

development and how this relates to the space capacity, however, it is understood that this will be clarified through later design stages.

300 Given the proximity of the network pipeline the applicant was advised that connection to the DHN should be prioritised. The applicant was requested to confirm how the spare network heat capacity relates to the schemes heat demand, for instance whether the network operator needs to install additional capacity to meet the development's heat load requirements. The applicant was requested to provide further evidence of these investigations and advised that if expansion was likely within a reasonable time after completion of the development (up to 5 years) the applicant should defer installation and investment in CHP in order to facilitate connection.

301 It is also understood that the applicant is in ongoing discussions with EDF with regards to the potential for the existing energy centre to be expanded southwards on to the application site to enable the installation of additional boilers to expand network capacity, in addition to the principle of re-routing the existing gas flue within the proposed Building 07 to address the operators concerns regarding the dispersal of emissions. This is welcomed and both parties are strongly encouraged to continue discussions.

302 The current energy strategy proposes a site wide heat network that is designed to future proof a connection to the DHN, served by two gas fired combined heat and power units as the lead heat source located in a single energy centre. The applicant has demonstrated that the energy centre can be accommodated within the development. The applicant has investigated a range of renewable energy technologies and is proposing to install solar photovoltaic panels on the roof of the proposed buildings and a roof plan demonstrating the location and distribution of the panels has been provided.

303 In light of the above, the principle of a planning obligation requiring the submission of an updated energy statement prior to commencement of phase I setting out the energy requirements of the development, the capacity of the DHN and the feasibility of connecting to the DHN has been agreed. In the absence of a clear strategy for expansion of the DHN and the availability of the actual energy requirements at this state, this approach is supported in accordance with the principles of the GLA energy hierarchy.

304 Overall the measures proposed in the current energy strategy result in a 43% reduction in regulated carbon dioxide emissions compared to a 2013 Building Regulations compliant development, which accords with London Plan emission targets. However, this falls short of the Tower Hamlets requirement of 45% and accordingly a contribution towards off-setting this shortfall has been agreed through the section 106 heads of terms. As recommended by the Mayor's Sustainable Design and Construction SPG, the cost of carbon dioxide off-setting is £1,800 per tonne, so therefore the proposal necessitates a financial contribution of £59,058 for carbon off-set projects.

#### Sustainable design and construction

305 As set out above, the scheme incorporates a number of passive design (energy efficiency) measures to support the objective of sustainable design. Policy DM29 of the Tower Hamlets MDD (2013) requires that sustainable design assessment tools are used to ensure that the development has maximised the use of climate change mitigation measures. In this case, the submitted sustainability assessment identifies that the non-residential elements of the scheme are designed to achieve BREEAM 'Excellent' for all non-residential uses. This is supported by Council and GLA officers and a planning condition is recommended to secure this.

306 With regards to the residential element, it is noted that planning policy can no longer require compliance with Code for Sustainable Homes (CfSH). Notwithstanding this, both the domestic and non-domestic elements will be provided with energy metering facilities and fitted with water efficient

fixtures and fittings to minimise water use and the design has been developed to prioritise materials with a low embodied energy. Suitable planning conditions and obligations are recommended to ensure that the energy related aspects of CfSH are implemented.

### Urban greening and biodiversity

307 London Plan Policy 5.10 promotes urban greening such as new planting in the public realm and multifunctional green infrastructure, in order to contribute to the adaptation to, and reduction of, the effects of climate change. London Plan Policy 5.11 seeks to ensure that major development proposals are designed to include roof, wall and site planting, especially green roofs and walls where feasible. London Plan Policy 7.19 seeks to ensure that wherever possible, development proposals make a positive contribution to the protection, enhancement, creation and management of biodiversity. London Plan Policy 7.21 seeks to ensure that existing trees of value should be retained and any loss as the result of development should be replaced following the principle of 'right place, right tree'. At the local level Tower Hamlets Core Strategy Policy SP04 seeks to protect and enhance biodiversity value through the design of open space and buildings and ensuring development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity. Local Policy SP12 supports these principles, and seeks to ensure that places have a range and mix of high-quality, publicly accessible green spaces that promote biodiversity, health and well-being. Also relevant is MDD Policy DM11.

308 Core Strategy SP04 is concerned with 'Creating a green and blue grid.' Among the means of achieving this, the policy promotes and supports new development that incorporates measures to green the built environment including green roofs and green terraces whilst ensuring that development protects and enhances areas of biodiversity value. MDD Policy DM11 addresses 'Living buildings and biodiversity.' Policy DM11-1 requires developments to provide elements of a 'living buildings' which is explained at paragraph 11.2 to mean living roofs, walls, terraces or other building greening techniques. DM11-2 requires existing elements of biodiversity value be retained or replaced by developments.

309 The environmental statement identifies the potential presence of bats and Black Redstart, in addition to Jersey Cudweed which are included under the Tower Hamlets Local Biodiversity Action Plan (LBAP) priority species and habitat lists. As the site is to be comprehensively redeveloped, all the existing habitats and non-mobile species would be lost. In response, a number of mitigation measures are proposed to ensure there is no adverse impact in relation to the habitats and species identified on site and these are set out as follows.

310 While some trees identified as being of 'good quality' will be retained along the Dockside Promenade, a total of 92 trees will be removed. However, as part of the landscaping strategy a total of 588 new trees will be provided on site, increasing the biodiversity potential and this is therefore considered to adequately mitigate any loss of existing trees.

311 Areas of Jersey Cudweed will be retained throughout the site through the relocation of this to the proposed living roof on the school building. It is recommended that the submission of the details of a scheme to retain a viable population of the species for approval by the Council and Natural England is required by planning condition prior to commencement. The existing printworks building potentially accommodates Black Redstart and Bats and it is proposed that roost features for bats will be integrated within the buildings B06 and B07, in addition to replacement foraging habitat and nesting features for Black Redstart within the living roofs. The details of these features are to be approved under planning conditions.

312 The timing and method of demolition will be carried out under on-site ecological supervision and the vegetation clearance will be carried out outside of the nesting season and

these requirements are to be secured by planning condition. The Council's Biodiversity officer considers that the proposed mitigation for the protected species are sufficient to ensure no long-term adverse impacts. The Council has commented that it is not convinced that the proposed landscaping would lead to overall gains in biodiversity as required by policy. A condition requiring the submission of biodiversity enhancements for approval is recommended to ensure compliance with MDD Policy DM11.

313 Subject to the mitigation outlined above being secured by condition, overall, it is considered that the development in both demolition and operational phases will have an acceptable impact on biodiversity.

314 In terms of urban greening, the proposed development would introduce significant levels of new soft landscaping, open spaces and will provide green roofs and it is anticipated that the landscape strategy for these spaces will enhance biodiversity consistent with the development plan. The application therefore accords with London Plan policies 5.10, 5.11, 7.19 and 7.21; Core Strategy Policy SP04; and, policy DM11 of the Managing Development DPD (2013).

#### Flood risk and sustainable drainage

315 The submitted flood risk assessment (FRA) confirms that the site is located within flood zone 3 and confirms that the site is at risk of surface water, sewer and tidal flooding, with the main risk of tidal flooding being well protected against by the Thames Tidal flood defences. As set out in the consultation section above, the Environment Agency has raised no objections to the development with regards to flood risk and advised that the proposed uses are appropriate in Flood Zone 3 subject to the site passing the Flood Risk Sequential Test and the submission of a FRA to ensure the development passes the Exception Test.

316 The application site has been assessed within the Tower Hamlets Level 2 Strategic Flood Risk Assessment 2011 (Site 29) and the Council is satisfied that it has passed the sequential test. The site specific FRA has examined likely breach scenarios and considered residual flood risk, which demonstrates that almost all of the site would remain dry under breach conditions, with a safe dry route via the north-east of the site to Millharbour. The assessment also confirms that all residential accommodation will be located above any likely flood level, flood resilient construction will be considered, and flood information packs will be prepared for residents, businesses and the school. Taken together these measures present an appropriate response to the flood risk present at the site and it is considered that the development passes the Exception Test. The Environment Agency in its representations to the Council has also confirmed that it is satisfied with the adequacy of the FRA and overall the proposals are acceptable with regards to its approach to flood risk management and London Plan Policy 5.12.

317 With regards to sustainable drainage, the assessment and accompanying drainage strategy proposes a 50% reduction in surface water discharge. This would be achieved through the use of permeable surfaces, attenuation tanks, and a small area of direct discharge to the adjacent Millwall Outer Dock. Overall, the proposed approach to set out in the revised drainage strategy is acceptable in principle, however, a condition requiring the submission of a sustainable drainage strategy that meets the requirements of London Plan Policy 5.13 for approval prior to commencement is recommended to ensure full compliance with London Plan policy.

318 In summary, subject to the recommend condition, the application is acceptable in line with London Plan Policy 5.12 & 5.13; Core Strategy Policy SP4; and DM13 of the Managing Development DPD (2013).

## ***Sustainable development conclusion***

319 As set out above, the proposed mixed-use development would be of a high standard of sustainable design and construction (BREEAM Excellent), and would be in compliance with Part L of the 2013 Building Regulations, in terms of minimising carbon dioxide emissions, through energy efficiency measures alone. The development would deliver significant urban greening over the existing situation at the site and subject to recommended conditions, its approach to biodiversity and sustainable drainage is supported. The application is, therefore, acceptable with respect to the NPPF; London Plan policies 5.2, 5.3, 5.5, 5.6, 5.7, 5.10, 5.11, 5.13, 7.19 and 7.21; Core Strategy Policies SP04, SP05 and SP11; and policies DM11, DM13 and DM29 of Tower Hamlets Managing Development DPD (2013).

## **Environmental issues**

### ***Neighbouring amenity***

320 As discussed in paragraph 35, the outline application constitutes EIA development. Accordingly, the applicant has submitted a detailed Environmental Statement which assesses the environmental impact of the proposed development. This statement, in conjunction with other supporting documents (such as the Design Guidelines), identifies the measures necessary to mitigate the environmental impact of the proposed development. Whilst this section of the report is intended to deal with environmental issues, it should be noted that in a number of cases consideration with respect to certain Environmental Statement topics are addressed in other dedicated sections of this report. For the avoidance of doubt, all the environmental information submitted for the purposes of the EIA Regulations has been taken into account in the consideration of this application.

321 Furthermore, following joint discussions with Tower Hamlets Council and the GLA, the applicant has submitted an addendum to the Environmental Statement to provide a number of factual updates/clarifications.

322 A core principle of the NPPF is to “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”. London Plan Policy 7.6 states that the design of new buildings should “not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings”. At the local level, Core Strategy SP10 protects residential amenity and MDD Policy DM25 requires development to ensure it does not result in the loss of privacy, unreasonable overlooking, or an unacceptable increase in a sense of enclosure or loss of outlook to adjoining property.

### **Neighbourhood amenity context**

323 As set out in the site description section of this report, the application site is in an urban location surrounded by a mix of residential and commercial uses. In particular, there is an area of residential properties located to the north and west and south of the site which have been identified in the applicant’s Environmental Statement as being likely to be impacted on by the built form of the proposals.

324 The principal impacts on residential amenity that need to be considered in this case are overlooking/privacy/outlook/enclosure; noise and disturbance; air pollution; daylight and sunlight and light pollution.

### Overlooking and privacy

325 As set out within the response to consultation section of this report, concerns have been raised by a number of local residents living within the Millharbour area, Claire Place, Wheat Sheaf Close and Quay View Apartments with respect to loss of privacy and overlooking from the proposed buildings.

326 Tower Hamlets Policy MDD Policy DM25 requires development to protect and where possible improve, the amenity of surrounding and future residents by not resulting in the loss of privacy, outlook or a material deterioration of daylight and sunlight conditions of surrounding development, amongst other factors. With regards to privacy and overlooking, as a guideline, the policy considers eighteen metres of separation between habitable rooms and windows to be an acceptable distance (para 25.3).

327 The layout of the proposed buildings ensures that the separation distances between opposing habitable rooms would exceed the minimum eighteen metre policy guidelines. The properties that back on to the northern boundary of the site at Starboard Way and Omega Close are considered most likely to experience any impact from proposed building B06 due to the uninterrupted site lines, however, the Council is satisfied that the separation distances would meet these standards. Building B07 will also introduce new residential units in close proximity to some properties in Claire Place, however, the closest views would be significantly obscured by the existing Barkantine Energy Centre.

328 Overall, given the separation distances between existing and proposed buildings, and the urban context of the application site, it is considered that there would be no unacceptable impacts on the privacy or overlooking of existing neighbouring residents, or future residents of the development.

### Noise, disturbance and pollution

329 The application does not propose any uses that would not be compatible with the surrounding landuses. The environmental statement does identify the potential for adverse effects dependent on the location of construction activities and the equipment being used, however, it is accepted that such effects are to be expected for a construction site of the size and character and that planning conditions can help mitigate noise impact.

330 The use of the school could give rise to some noise, but this would be mostly during the day so would not unduly impact on neighbouring amenity. Conditions are recommended to restrict the hours of use of the MUGAs and sports pitches to 20:00 on any day to reduce any noise issues, and the hours of use of the A3/A4 uses are also to be controlled by condition in order to protect amenities of existing and future residents. Conditions are also recommended requiring details of plant and machinery, including extract equipment, to be installed on each of the buildings, in addition to setting a maximum noise rating for all mechanical plant in order to ensure that this does not result in unacceptable noise and disturbance. A delivery and service plan is also recommended by condition that will control delivery hours to further reduce any associated noise.

331 A condition is also recommended to secure a construction management plan, which will mitigate noise and dust emissions from demolition and construction works, as recommended in the Environmental Statement.

### Daylight and sunlight

332 London Plan Policy 7.6 (Bd) requires new development to avoid causing ‘unacceptable harm’ to the amenity of surrounding land and buildings, particularly in relation to privacy and overshadowing and where tall buildings are proposed. Tower Hamlets Local Plan Policies SP10 and DM25 seek to protect residential amenity by ensuring neighbouring residents are not adversely affected by a material deterioration in their daylighting and sunlighting conditions. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook ‘Site Layout Planning for Daylight and Sunlight’ (2011).

333 The supporting environmental statement includes an assessment of the impact of the initial proposal on the sunlight and daylight impact on surrounding properties. The Council subjected this assessment to an independent review by Delva Patman Redler (DPR) and has summarised the advice within its committee report.

334 It is noted that the existing buildings on the site are very low scale, so therefore allow for very good levels of daylight and sunlight to neighbouring properties due to the current open nature of the site. It is noted that some residents of Claire Place have objected to the proposals on daylight and sunlight grounds. The assessment includes properties predominantly to the north and west of the application site around Wateridge Close, Caravel Close, Claire Place, Starboard Way and Omega Close. DPR broadly agree with the scope and conclusions set out within the environmental assessment.

335 With regards to daylight, the assessment sets out that the majority of rooms tested will meet the BRE guidance for impact on vertical sky component (VSC) and daylight distribution. However, a number of properties in Wateridge Close, Claire Place, Starboard Way and Omega Close are identified where windows will experience a reduction of daylight of more than 20% when compared to the existing situation. Notwithstanding this, DPR agree that the impact on these properties is only minor adverse as the properties would still experience levels of VSC that are considered good for an urban location and that the reductions are primarily a result of the existing open nature of the site in this location. Overall, the impact on daylight to surrounding properties as a result of the proposed massing is considered acceptable.

336 With regards to sunlight, all of the windows tested in surrounding properties would meet the BRE guidelines for annual sunlight and 99% will meet the winter criteria; the windows that do not meet the criteria are in properties at 9 and 10 Starboard Way and 16 Claire Place. This is considered to be a minor adverse impact and the rooms affected will still maintain very good levels of annual sunlight. The assessment also identifies that 50 of the 52 open spaces/private gardens surrounding the development will meet the BRE guidelines for sun on ground or will experience no change in sunlight levels and overall is considered acceptable.

337 Overall, it is considered the changes to daylight and sunlight levels in neighbouring properties would be minimal and overall would not detrimentally impact on neighbouring amenity. GLA officers are in agreement with the overall findings of the Council’s consultants in that daylight and sunlight penetration is acceptable.

### Neighbouring amenity conclusion

338 Having considered the proposed scheme in the context of its setting, and having also had regard to local representations and the relevant technical assessments within the Environmental Statement, GLA officers have concluded that the development would not cause significant adverse local impacts with respect to issues of daylight, sunlight and overshadowing; or privacy and overlooking. On detailed assessment it is considered that the residential amenity of those buildings



located on Millharbour, Claire Place, Wheat Sheaf Close and Quay View Apartments would not be unacceptably harmed given their location in relation to the development and the potential impact to be experienced. Issues of noise and disturbance would be appropriately managed through the inclusion of conditions and on this basis, officers are satisfied that the application accords with the NPPF; London Plan Policy 7.6; Core Strategy policies SP03 and SP10; and Policy DM25 of the Managing Development DPD (2013).

## **Health**

339 London Plan Policy 3.2 seeks to improve health and address health inequalities and requires new development to be designed, constructed and managed in ways that improve health and promote healthy lifestyles. Tower Hamlets Core Strategy Policy SP03 supports opportunities for healthy and active lifestyles. The proposed development would promote walking and cycling through the provision of improved pedestrian permeability and cycle storage facilities. Furthermore, high quality play and recreation space would be provided within the development, as well as communal gym facilities for future residents. Accordingly, the application complies with London Plan and Tower Hamlets Local Plan policies relating to health.

### ***Microclimate (including impact on sailing conditions)***

340 This section deals with wind issues. Issues associated with daylight and sunlight, and overshadowing are addressed within the neighbourhood amenity section of this report.

341 London Plan Policy 7.7D requires tall buildings not to adversely affect their surroundings in terms of microclimate, wind turbulence and overshadowing. London Plan Policy 7.27 sets out that development should enhance the use of the Blue Ribbon Network, and in particular that proposals that result in the loss of existing facilities for waterborne sport and leisure should be refused, unless suitable replacement facilities are provided. More specifically, London Plan 7.30 sets out that development within or alongside London's docks should protect and promote the vitality, attractiveness and historical interest of London's remaining dock areas by, among other factors, contributing to their accessibility and should promote their use for water recreation.

342 Tower Hamlets MDD Policy DM26 requires tall buildings not to adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces. The Environmental Statement submitted with the application contains a wind assessment in order to analyse the effect the scheme would have on local wind patterns and how this would affect pedestrian comfort, in addition to the impact on the sailing conditions currently experienced on the Millwall Outer Dock. This has subsequently been updated, following a Regulation 22 request by the Council (under the EIA Regulations), and consulted on by the GLA. This update includes additional wind modelling with regards to the potential impact on the wind conditions in Millwall Outer Dock.

### **Wind impact on pedestrian environment**

343 With regards to pedestrian comfort, the wind assessment concludes that the majority of outdoor spaces within and adjacent to the proposed development would be suitable for their intended uses, having regard to the Lawson Criteria for pedestrian comfort, with the need for mitigation in certain localised areas, around the vicinity of the towers due to down-drafting and nearby entrances. Notwithstanding this, the comprehensive landscaping strategy is expected to have a beneficial effect on the wind microclimate throughout the site.

344 It is recommended that a planning condition is secured requiring the details of wind mitigation measures in relation to pedestrian comfort to ensure the development accords with the Lawson Comfort Criteria to be submitted for approval.

### Wind impact on sailing conditions in the dock

345 As set out within the consultation section of this report, the Council and two ward Councillors, the DSWC also supported by the RYA, and a number of local residents have raised some significant concerns with regards to the potential impact of the development on the current wind conditions in the Millwall Outer Dock, in particular with regards to potential effects on the sailing conditions. As set out above, the Millwall Outer Dock is used by the DSWC for water sports activities including sailing, windsurfing and kayaking as part of its charitable youth programme, adult tuition programmes and corporate activities.

346 As set out within this report, the Council considers that it has not been satisfactorily demonstrated that the proposed development would not place the DSWC in jeopardy due to the adverse effect on wind climate in the northwest corner of the Dock and informed the Mayor, that were it empowered to determine the application, it would have refused the proposals based on these grounds (in addition to affordable housing).

347 The applicant has carried out extensive wind tunnel testing in order to assess the potential wind impacts of the development on the adjacent Dock and this has been incorporated within the associated environmental statement. This was peer reviewed on behalf of the Council, which while raising some specific queries, set out that the analysis is comprehensive.

348 It is important to note that there is no established methodology for assessing “sailing quality” nor the significance of any changes caused by proposed developments and on this basis it is essential that the experience of sailing clubs are considered when developing methods to analyse and interpret data from tests. Furthermore, it should not be assumed that a change in wind conditions from the current situation is necessarily adverse for sailing. In light of this, the applicant has engaged with the Council’s independent experts, the DSWC and the RYA to establish a ‘sailing quality assessment criteria,’ for which to analyse the wind data against. The agreed criteria are as follows:

- Two wind speed ranges;
  - Novice adults – from 3 to 14 knots;
  - Novice juniors – from 3 to 9 knots;
- Change of wind speed between locations (distance of 40 metres) of no greater than 30%;
- Change of wind direction of no greater than 20 degrees between adjacent points (distance of 40 metres)

349 The above criteria have been reviewed by the Building Research Establishment (BRE Ltd) on behalf of the GLA as part of a peer review of the wind assessments to date, and it is agreed that they are a stringent set of criteria that are appropriate to this dock location.

350 In response to representations made by the DSWC and at further request of the GLA, the applicant has tested a number of alternative massing options in order to fully explore the change in conditions. These include the following configurations and were submitted as a part of an addendum to the environmental statement which was consulted on under the EIA regulations:

- C1 – existing building;
- C2 – Empty site;

- C3 – Phase 1 construction;
- C4 – proposed development;
- M1 – Block T01 removed with existing surrounding buildings;
- M2 – Block T01 and B02 removed with existing surrounding buildings;
- M3 Blocks T01, T02, T03, T04, B02, B03 and B04 reduced to 25 metres with existing surrounding buildings;
- M4 – Towers moved north and courtyard buildings moved south;
- M5 – Variant of M4 with buildings realigned to north-east and south-west orientation.



**Figure 4:** Option M5 from alternative massing tested in wind tunnel (From applicant's Environmental Statement Regulation 22 Addendum – March 2016).

351 The assessment has taken the wind speed and direction data from the wind tunnel tests and analysed it against the above criteria to provide an indication of the percentage proportion of time during a relevant period that the wind conditions will meet the sailing quality criteria. The wind conditions have been simulated in the wind tunnel for each month, annually and for the main sailing season, February to November.

352 With regards to an assessment of impact, in the absence of an established methodology, the applicant, in its assessments considered that a 20% reduction in the proportion of time that the sailing quality criteria are met should be considered 'significant' impact. This was considered acceptable by the Council's consultants. However, BRE considered this level to be too high and that a lower threshold may be more appropriate. On this basis, through further discussions, a more precautionary approach was accepted and it was agreed that 15% significance threshold was agreed as reasonable. It is important to note that the 15% threshold relates to a reduction in the time the conditions are not met, but this does not necessarily preclude the ability to sail.

353 The assessment demonstrates that the proposed development will have an impact on the sailing conditions in the Dock, making it more difficult to sail in certain locations at certain times when winds blow with a northerly component, and in particular, this impact will be significant in the northwest corner where the DSWC pontoon is located and where conditions would become challenging for novice sailors. It is noted there may be some occasions when sailing would not be possible, but it is understood that this would be very limited periods and it is also recognised that there also occasions when sailing is not possible in the current situation. The level of impact is demonstrated in the figures set out in appendix one of this report which is extracted from the environmental statement addendum and identifies the relative change in sailing quality when compared to the existing site (see appendix one).

354 The analysis of the alternative massing options presented in the environmental statement addendum, demonstrates that minor alterations to development would not have a materially significant effect on improving the sailing conditions in the north-west corner over the existing site, with the height of the proposals only having modest improvements. However, it is noted that a radical alteration to the proposals in the form of redistributing the towers to the north and a significant realignment of the buildings on a north-east, south-west axis (Option M5) would have the least impact on the sailing conditions in the dock when compared to the proposed development. Notwithstanding this, Option M5 does not consider the potential residential and urban design implications of such a layout, including pedestrian wind comfort levels, and would be likely to raise a number of other planning policy concerns. As set out within this report, the proposed layout has responded to the Council's Site Allocation key design principles in respect of its plan layout, has been subject to significant development with the GLA and the Council and is considered to offer a high quality and permeable residential environment that is well integrated with the surrounding street pattern. Therefore a significantly revised layout would have considerable downsides in the wider planning balance of the scheme.

355 While the benefits of the proposed layout are recognised, it is accepted that the proposed development has a significant impact on the sailing quality in the north-west corner of the dock and the facilities that DSWC provide. On this basis, it is recognised that the microclimate impact of the proposed buildings results in a conflict with London Plan policies 7.30 and 7.7D, and Tower Hamlets MDD Policy DM26. In addition, given the significant growth in population in the Isle of Dogs, it is important that as well as providing new supportive social infrastructure, existing social infrastructure, such as the DSWC is not unacceptably compromised by new development which it will indirectly help to support. However, it is noted that the proposals will not result in the loss of the facilities for waterborne activities, but as raised in representations it will potentially have a degree of negative impact on the Dock's recreational use and suitable, proportionate mitigation is therefore required for the proposals to be acceptable in policy terms.

356 In recognition of the impacts, the applicant has proposed a financial mitigation package that would enable the DSWC to construct a new pontoon to the south of the Dock to allow boats to launch away from the worst affected area and to access calmer waters. As set out within this report, the Canals and River Trust has set out that it would support the principle of an additional pontoon within the Dock and that it does not foresee any particular reason why it would not grant a licence for such a structure. The applicant proposes a contribution of £281,660 to the DSWC to deliver an alternative pontoon and, in addition to a further £225,000 to assist with operational changes that may be required as a consequence. This would be paid to the DSWC on commencement of the development and would be secured within the associated section 106 agreement.

357 The provision of an alternative pontoon to launch and recover boats away from the area most significantly impacted is considered an acceptable approach to mitigation in the context of the current application, will help mitigate the worst impact of the proposed built form on the wind microclimate of the Dock and its impact on the existing DSWC facilities. Furthermore, it is

recognised that the proposals will not preclude sailing in totality on the Dock and the impacts are confined to periods when winds blow from a northerly direction and are therefore temporal in nature.

358 Therefore, in light of the substantial mitigation package proposed, the significant planning benefits of the scheme in terms of housing provision, enabling the delivery of a new secondary school and the delivery of high quality public open space including a new Dockside promenade which accords with London Plan Policy 7.30, on balance, and subject to the delivery of the mitigation package, the overall potential impacts on the sailing conditions in the Dock are not sufficient to warrant the refusal of the scheme.

### *Air quality*

359 London Plan Policy 7.14 requires development to minimise exposure to existing poor air quality, reduce construction emissions and be air quality neutral. The entire borough of Tower Hamlets is an Air Quality Management Area (AQMA) and Core Strategy Policies SP03 and SP10 and MDD Policy DM9 seek to protect the Borough from the effects of air pollution, requiring the submission of air quality assessments demonstrating how schemes would prevent or reduce air pollution.

360 The submitted Environmental Statement contains an air quality assessment, which assess the impact on air quality that would occur from the construction and operation of the development in terms of traffic generation, the proposed on-site energy centre emissions together with those from the Barkantine Energy Centre. The assessment concludes that dust and emissions during the construction phase have been qualitatively assessed using IAQM guidance 2014 and a high risk of dust effects during demolition, a medium risk during earthworks and construction, and low risk from trackout have been identified. However, mitigation measures are recommended accordingly in order to reduce impacts to negligible significance.

361 When considering the operational phase, the assessment concludes that the proposed development is air quality neutral in terms of building emissions and transport emissions.

362 While it is not predicted that the annual mean NO<sub>2</sub> Air Quality Objective (AQO) will be exceeded within the proposed development, as discussed in the residential quality section of this report, the assessment identifies that one section of the north facade of Block B07, at a height of 19.5m, maybe at risk of significant long-term and short-term NO<sub>2</sub> impact, as a result of emissions from the neighbouring Barkantine Energy Centre. As a result, it is stated that mechanical ventilation systems should be installed at certain locations on level 6 to reduce exposure. The location of inlets for the mechanical ventilation system will need to be specified to ensure that they draw air from less polluted areas into these residential properties. A planning condition is recommended to secure this mitigation. It is also understood that in parallel to discussions with the energy centre operator with regards to making a potential connection to the district heat network, the applicant has expressed a willingness to explore the potential re-routing of the existing gas flue within the proposed development so that emissions are dispersed above the height of proposed residential buildings.

363 The applicant has provided dispersion modelling which demonstrates that the long-term and short-term predicted environmental concentrations of NO<sub>2</sub> at every other receptor for scenarios with and without the proposed buildings would all be below the relevant AQO.

364 Accordingly, the application is considered to be compliant with planning policy concerning air quality.

### ***Contaminated land***

267 In accordance with the requirements of the NPPF, London Plan Policy 5.21 and Tower Hamlets MDD Policy DM30, the application has been accompanied by an Environmental Statement which assesses the likely contamination of the site. Given the sites historic docklands use and recent B2/B8 use there is a risk that the land could be contaminated. As a result, a condition is recommended to secure a site investigation to identify any contamination and any necessary remediation. Subject to these conditions, the application complies with development plan policy regarding contaminated land.

### ***Waste***

365 London Plan Policies 5.16 seeks to minimise reuse and recycle waste and Policy 5.18 requires developers to produce site waste management plans to arrange for the efficient handling of waste materials. Tower Hamlets Core Strategy Policy SP05 seeks to implement the waste management hierarchy of reduce, reuse and recycle, by:

- a) Ensuring that local residents reduce and manage their waste effectively.
- b) Requiring developments to appropriately design and plan for waste storage and recycling facilities.
- c) Requiring all developments to reduce and reuse waste from construction and demolition.
- d) Supporting developments that use recycled materials.

366 MDD Policy DM14 requires development to “demonstrate how it will provide appropriate storage facilities for residual waste and recycling as a component element to implement the waste management hierarchy of reduce, reuse and recycle”.

367 The application proposes residential waste storage at the ground/basement for each building for both refuse and recycling and ground level bin stores are proposed for non-residential waste. The Council has raised concerns over the lack of detail submitted to support a scheme of this scale and recommends a condition requiring the submission and approval of a detailed operational waste strategy. In accordance with the Council’s comments in its addendum committee report this should take consideration of the use of compacted containers that are centrally collected with roll-on, roll-off vehicles which the Borough is investing in. This is supported in accordance with London Plan Policy 5.18 and is included in the list of conditions set out in paragraph nine of this report.

368 With regards to the construction waste, the applicant has committed to developing a site waste management plan once a main contractor has been appointed, that will follow the principles set out in the Sustainable Design and Construction SPG (2014) to ensure that waste is managed, mitigated and monitored. It is recommended that a construction phase waste strategy that adopts the waste hierarchy set out in the SPG is secured by planning condition and this should include a strategy for provide recycling storage within the flats.

### ***Air traffic safety, TV and radio reception***

271 London Plan Policy 7.7 seeks to ensure that tall buildings do not adversely affect telecommunications or aviation. Tower Hamlets MDD Policy DM26 requires that tall buildings comply with civil aviation requirements and not interfere to an unacceptable degree with telecommunication, television and radio transmission networks. The effects on telecommunication, television and radio transmissions are considered to be negligible. As set out within the tall

buildings section of this report, both City Airport and NATS raise no objections with regard to impact on aviation. Notwithstanding this, a television interference survey is to be secured by condition to ensure that television signal is not adversely impacted in the area.

### ***Environmental issues – conclusion***

369 With reference also to the consideration in the neighbourhood amenity section of this report, and further to the inclusion of various necessary planning conditions and planning obligations, GLA officers are satisfied that the proposed development would acceptably mitigate its own environmental impact. Accordingly, the application complies with the NPPF; London Plan policies 5.10, 5.11, 5.12, 5.13, 5.14, 7.6, 7.15, 7.19, 7.24 and 7.30; Tower Hamlets Core Strategy SP03, SP05, SP10 and Tower Hamlets MDD Policies DM14, DM25, DM 26, DM30.

### **Transport**

370 Having had regard to the facts of the case and the issues raised during consultation, the relevant transport issues are: the adequacy of the transport assessment; capacity on the public transport network; impacts on the local and strategic highway network; the amount of car parking; traffic and parking impacts on local residents; proposals for cycling and walking; and, the adequacy of mitigation measures.

371 The NPPF emphasises the role that transport policies play in achieving sustainable development and delivering wider sustainability and public health objectives. The NPPF specifically stipulates that people should be given a real choice about how they choose to travel. In transport terms, new development should: be located and designed to prioritise sustainable transport modes such as walking and cycling (with access to high quality public transport facilities); support the creation of safe and secure routes that minimise potential conflict between traffic and cyclists or pedestrians; and, consider the needs of people with disabilities. Parking levels should take account of the public transport accessibility of the site; the type, mix and use of development; the availability of, and opportunities for, public transport; local car ownership levels; and, an overall need to reduce the use of high-emission vehicles.

372 The London Plan applies the NPPF principles within a strategic approach for transport in London, and Chapter 6 of the Plan sets out the Mayor's policies on transport. Policy 6.1 sets out the 'Strategic approach' and the other relevant policies in this case are: Policy 6.2 'Providing public transport capacity and safeguarding land for transport'; Policy 6.3 'Assessing effects of development on transport capacity'; Policy 6.9 'Cycling'; Policy 6.10 'Walking'; Policy 6.12 'Road network capacity'; Policy 6.13 'Parking'; Policy 6.14 'Freight'; Policy 8.2 'The Mayor's priorities for planning obligations'; and Policy 8.3 'Mayoral Community infrastructure levy'.

373 Policy DM20 of Tower Hamlets' Managing Development - Development Plan Document (MDDPD) supports sustainable transport choices through ensuring new development is appropriately located by type and scale and requiring the production of a Transport Assessment for major developments. Spatial Policy 09 of Tower Hamlets' Core Strategy and Policy DM22 of Tower Hamlets' MDDPD addresses the issue of parking for new developments.

374 Spatial Policy 10 and DM20 of the MDDPD are relevant to the transport issues raised by this application. These policies seek the creation of high quality public realm, pedestrian priority routes, improvement to pedestrian and cycle connectivity, and, aim to ensure that new development has no adverse impact on the safety and capacity of the road network. MDD Policy DM22 'Parking' requires developments to comply with Tower Hamlets' car and cycle parking standards. In addition, the policy aims to prioritise sustainable approaches to the provision of

electric vehicle charging points and parking spaces for affordable family homes and disabled people.

375 MDD Site Allocation 18 identifies walking and cycling routes running east-west and north-south through the Westferry Printworks site.

376 Transport for London (TfL) is working in partnership with Tower Hamlets Council and the GLA to develop an Opportunity Area Planning Framework (OAPF) for the Isle of Dogs and South Poplar Area. As discussed in the sections above, the London Plan identifies an indicative capacity in the Opportunity Area for 10,000 new homes and 110,000 new jobs, albeit, these figures are expected to be considerably exceeded over the plan period. In view of this growth potential there are a number of key challenges for the transport network, including: maximising transport investment in the area; managing public transport capacity; enabling the highway network to maintain an acceptable level of performance; and, improving local connectivity and reducing severance to enable higher levels of travel by walking and cycling. These challenges are recognised by the emerging OAPF, and all are relevant to this scheme.

377 The principal transport issues for this scheme are impacts on the public transport network (most notably on the bus network along Westferry Road and the DLR station at Crossharbour); and, the impact on the local and Transport for London Road Network (TLRN) highway (most notably at the Preston's Road roundabout). There are also further issues such as increased demand for cycle hire, and proposed changes to the highway and bus stop provision on Westferry Road.

### ***Trip generation***

378 At consultation stage, TfL raised a number of concerns with the methodology used to undertake an assessment of the transport impact of the development. Nevertheless, following supplementary work and submissions TfL is now satisfied that these concerns have been addressed. Accordingly, TfL finds the updated trip generation assessment acceptable, and welcomes the fact that the overall parking provision for the scheme has been reduced in response to the Mayor's initial representations.

### ***Highway impact***

379 It was noted at consultation stage that Tower Hamlets Council, in conjunction with TfL, is undertaking a study at Preston's Road roundabout looking at potential options to mitigate the impact of cumulative development on the Isle of Dogs. The study is being partially funded through a contribution secured from the Wood Wharf development, and the key aims of the work are to: reduce severance at the roundabout for pedestrians and cyclists; improve the public realm; cater for improved bus movements; and, manage impacts on capacity.

380 Given the nature of growth coming forward on the Isle of Dogs, a significant cumulative impact on the operation of this roundabout is expected. Indeed, the Transport Assessment and subsequent submitted revisions (notwithstanding the reduction in unit numbers and parking spaces) demonstrate that the number of vehicular trips generated by the scheme would have an impact on the operation of the Preston's Road roundabout.

381 The Transport Assessment and subsequent transport response indicates that the development would generate 201 two-way vehicular trips during the morning peak. A number of these vehicles would enter and exit the Isle of Dogs via the Preston's Road roundabout. The traffic modelling undertaken for the Transport Assessment indicates that in the future year scenario (with cumulative developments included), the additional vehicles from this development will have an impact of increasing the mean maximum queue on Preston's Road (northbound) by six vehicles. It is



also expected to lead to an increase in the degree of saturation on this arm of the roundabout by 5% (from 92% to 97%), which takes this infrastructure very close to its theoretical capacity.

382 The Transport Assessment has therefore shown that, whilst the scheme in isolation would not result in a major impact on the roundabout, cumulatively, this development in conjunction with others in the area is likely to generate a requirement for future infrastructure improvements due to the impact of additional associated traffic. Accordingly, TfL will be seeking contributions from a number of developments coming forward in this area to mitigate this impact through necessary improvements. TfL intends to secure these contributions in order to support a range of mitigation measures (which could include: pedestrian/cyclist improvements; new bus routes and greater bus frequency along the Preston's Road corridor; highway and signal upgrades/improvements at the roundabout (such as Ped Countdown, SCOOT, IBus); and, a review of signal timings to ensure efficiency).

383 An agreement had been reached with the applicant to provide a financial contribution to mitigate the proposed highway impact of the development, however, this was unable to be secured due to the restrictions on pooling greater than five contributions towards a single infrastructure scheme.

### ***Highway improvements***

384 The scheme proposes highway works to Westferry Road in order to improve access to the development. The proposals comprise: realignment of Westferry Road on the development site frontage (in order to facilitate a more efficient site access junction), provision of improved bus infrastructure; and, pedestrian improvements and providing associated parking controls to help integrate the development with the adjacent Arnhem Wharf Primary School.

385 The improvements include proposals to relocate the existing northbound bus stop on Westferry Road, and to extend the length of the bus cage to 37 metres in order to allow for the arrival of two buses at one time. The existing southbound bus stop (currently located adjacent to the Docklands Sailing and Watersports Centre) will also be extended to 37 metres to enable two buses to stop in this location. New bus shelters will, nevertheless, be needed to support this proposal (refer below).

386 In response to the Mayor's initial representations at consultation stage, a Pedestrian Environment Review System (PERS) audit has been undertaken by the applicant. This essentially concludes that the pedestrian environment in the vicinity of the site is generally acceptable. However, it is noted that some areas along Westferry Road and Millharbour scored poorly. In order to address this, the applicant proposes various public realm enhancements. In particular, a wide pedestrian concourse is proposed adjacent to the proposed school (the school would be set back from Westferry Road to allow adequate space for students to congregate and disperse at opening and closing times). The scheme would also provide an enhanced environment for pedestrians (through wide footways and a formal pedestrian 'zebra' crossing) on Westferry Road. These improvement works would complement the improved permeability of the site in line with the requirements of Tower Hamlet's MDD, and also help to address the public realm challenges outlined within the emerging Isle of Dogs OAPF (as discussed above).

387 Moreover, following discussions with TfL and Tower Hamlets Council, the applicant will provide (as part of a Section 278 agreement) mitigation measures to control parking and drop off, which will comprise more extensive double yellow parking controls on Westferry Road. The aim of this is to control possible parking from parent or carer pick-up and drop-off, and for any potential parking that may occur outside of school hours.

## ***Public transport***

388 The proposed development will generate a significant number of public transport based trips, the majority of which will be bus trips on routes along Westferry Road and DLR trips at Crossharbour station, which provides links to the Jubilee line and Crossrail at Canary Wharf.

### **Buses**

389 As discussed at consultation stage (and accepted within the submitted Transport Assessment), TfL is seeking contributions to bus network improvements in view of the anticipated impact on the network (having regard to the cumulative impact of development coming forward on the Isle of Dogs).

390 The bus network along Westferry Road is currently at capacity, and the Transport Assessment acknowledges that the most significant impact from the development will be the additional bus trips generated (and an associated requirement to provide additional capacity on bus routes that are already busy).

391 Accordingly, in order to mitigate this site specific impact on the network, TfL has sought a contribution of £300,000 to improve the capacity and accessibility of buses in the area. The Transport Assessment indicates that there is estimated to be 461 two-way bus based trips in the morning peak. This is equivalent to six additional buses in the morning peak. The majority of this demand is associated with the school. However, it is noted that these would be inbound trips to the site (where there is not as much stress on bus capacity). The bus trips generated specifically by the residential element of the development are estimated to be 46 two-way trips during the morning peak (which equates to 64% capacity of a double decker bus). Potential mitigation could include an additional peak hour service, costing £475,000 (£95,000 per year over five years). Having considered the above, GLA officers are satisfied that the £300,000 sought by TfL is reasonable and proportionate to mitigate the impact of the development in this regard. Accordingly, this contribution will be secured through the Section 106 agreement.

392 The proposed bus stop changes on Westferry Road (which include the extension of bus cages, and the relocation of the bus stop infrastructure, in order to improve the operation of the highway network in the immediate vicinity of the site) is supported and acceptable to TfL, subject to associated planning conditions. The existing Westferry Road northbound bus shelter (on-site) will need to be replaced by a new 'Landmark London' shelter (at a cost of approximately £11,000). TfL emphasises that the new bus stop location will need to have the footway and carriageway works completed prior to the bus stop and shelter being installed. Moreover, all relocation costs will need to be borne by the developer (and secured through a Section 278 agreement with the Local Highway Authority). This approach is supported by Tower Hamlets Council, and the associated contribution will be secured through the Section 106 agreement.

### **DLR**

393 Further to the representations made at consultation stage (and the concerns raised regarding the number of people estimated to use the busy Crossharbour DLR station), TfL is seeking a contribution based on the trips generated and impact upon the DLR.

394 There is currently a station improvement scheme in development for Crossharbour DLR station. This includes a proposal to extend the canopy at the station (as a means to encourage even platform use by passengers, particularly in bad weather) in order to ensure efficient use of train capacity. It is noted that TfL is seeking to pool contributions from a number of schemes in the vicinity (including Glengall Quay (£1,327 per additional trip generated / £130,000 in total),

ASDA/Crossharbour District Centre (£400,000) and Turnberry Quay (£50,000)) in order to deliver the necessary station enhancements.

395 Based on the cost per additional trip methodology established on the Glengall Quay scheme, a contribution of £420,000 has been sought in this case. GLA officers are of the view that this contribution would mitigate the impact of the development by helping to pay for the £1.6 million scheme to extend the canopy at Crossharbour DLR station. Accordingly, this contribution is proposed to be secured through the Section 106 agreement.

### *Pedestrians and Cyclists*

396 The emerging Isle of Dogs OAPF and Tower Hamlets MDD Site Allocation identifies the potential for improvements to connectivity, reductions in severance and the provision of east-west and north-south walking and cycling routes through the site. Therefore, the proposed provision of enhanced site permeability and improved pedestrian/cycle infrastructure (including a new pedestrian 'zebra' crossing on Westferry Road) is strongly supported.

397 The applicant proposes that access to, and through, the site will be permitted (and uncontrolled) to all pedestrians and cyclists, 24-hours a day. This is supported and GLA officers propose to secure this arrangement through the Section 106 agreement.

### ***Car parking***

398 The applicant has responded to the Mayor's initial representations with respect to car parking levels, and, following discussions with TfL and Tower Hamlets Council, a reduction in spaces has been agreed. A total of 253 residential car parking spaces is now proposed. Within this overall provision, 73 Blue Badge parking spaces are proposed (which meets the requirement set out within the London Plan). A further 16 Blue Badge parking spaces are proposed for the non-residential element of the development.

399 This provision results in an overall parking ratio of 0.35 spaces per residential dwelling. Whilst GLA officers note that this ratio is higher than a number of other recently consented schemes in the vicinity of the site, the level of car parking is acceptable given that it complies with both London Plan and Tower Hamlet's MDD standards.

400 As discussed in the highway impact section above, the reduction in the number of car parking spaces has the effect of reducing the forecast impact on the local road network. Nevertheless, a Car Parking Management Plan is proposed to be secured by way of planning condition in order to identify how spaces would be allocated (such as a 'right to park' leasing arrangement, Blue Badge spaces and parking for the affordable housing). The applicant will also be required to enter into a 'Permit Free' agreement (proposed to be secured by the Section 106 agreement) in order to prevent residents of the scheme from obtaining on-street parking permits.

401 In line with the London Plan, 20% of all residential on-site car spaces would be provided with active Electric Vehicle Charging Points (EVCPs), and an additional 20% of spaces would be equipped with passive provision. Furthermore, 10% of the commercial car parking spaces would have EVCPs. The provision and location of these charging points is proposed to be secured by way of planning condition.

402 Having considered the advice of TfL and performance against policy standards, and noting the proposed framework of car parking measures (including the permit-free agreement and travel plans to encourage cycling, walking and public transport use) GLA officers are satisfied that matters with respect to car parking are acceptable.

## ***Cycle parking***

403 The applicant is proposing 1,533 cycle parking spaces which accords with the minimum requirements of policy DM8.4 (Walking and Cycling) and London Plan Policy 6.13. These are located at both the ground floor and in the basement with long-stay commercial parking located in the vicinity of each unit. Moreover, in response to initial representations further information has been provided on the location of short-stay visitor cycle parking. Having considered this, officers are satisfied that the approach proposed in this regard is acceptable. The cycle changing facilities (including showers and locker rooms) for the commercial elements of the scheme will be secured by way of planning condition. In addition, the applicant has confirmed that the cycle parking provision for this development is not based on two-tier stackers, with all cycle parking space allocated on the basis of Sheffield stand provision. This is welcomed, and would enable non-standard cycles (such as recumbent or cargo cycles) to use the parking. Furthermore, the development will also provide a number of storage lockers within the main basement which can be used by residents for cycle storage.

404 There is an existing high demand for cycle hire in the vicinity of the site, which the proposed development is expected to intensify further. Due to the likely increased cycle hire demand arising from this development, the sum of £70,000 has been requested and will be secured through the Section 106 agreement towards the full costs of extending one of the local docking stations in accordance with London Plan Policy 6.9. This contribution would go towards extending either the Millharbour or Alpha Grove cycle hire docking stations, subject to further investigation works.

## ***Access and servicing***

405 In line with Tower Hamlets' Policy DM8.6 (Delivery and servicing for new developments), delivery/servicing vehicles should be accommodated on-site, with adequate space to enable vehicles to enter and exit the site in forward gear. London Plan Policy 6.14 'Freight' also encourages the production of Delivery and Servicing Plans (DSPs) as well as an increase the use of the Blue Ribbon Network for freight transport.

406 The applicant has produced a draft DSP, and this sets out that vehicles will access the development from Westferry Road or Millharbour, and route through the site to dedicated loading and unloading points. The school is provided with its own service delivery area accessed from Millwall Dock Road. TfL has reviewed the submitted swept path analysis and is satisfied that these proposals are acceptable.

407 The internal site roads are not expected to be adopted and will be retained as private estate roads. Therefore, access to these internal roads will be restricted and controls are proposed to permit access to development related traffic only. The accesses will be controlled by rising bollards, operating through the use of an automatic number plate recognition system, with vehicles registered onto the system as residents apply for a 'right to park' within the development. Commercial tenants will provide the site's management team with vehicle registration details for Blue Badge holder staff, as required.

408 The bollards at the Westferry Road access are set away from the main carriageway to ensure that a vehicle waiting at the access control does not encroach into the Westferry Road running carriageway. Within the development site a turning head will be provided in advance of the rising bollards to enable traffic that is not permitted access to the site to turn and re-enter Westferry Road in a forward gear. The turning head is provided for cars only, and larger vehicles will be permitted to travel through the development site and exit on Millharbour. This method of control is acceptable to TfL, subject to these details being included within the DSP and with vehicle access control details being required to be provided and approved prior to the occupation of the site.

409 The DSP should include measures promoting best practice aimed at both businesses and residents. This is important to help encourage best practice, road safety (especially vulnerable road users, cyclists, pedestrians) to minimise peak period deliveries and manage deliveries and servicing trips for residents and businesses. The DSP should help reduce the impact of freight and servicing trips to the local network and promote Fleet Operators Recognition Scheme (FORS) in accordance with Policy 6.14.

410 The DSP and approval of details of the design of the site access restrictions are proposed to be secured by way of planning condition.

### ***Construction (including demolition) Impacts***

411 The applicant has submitted a draft Construction Logistics Plan (CLP) which outlines and assesses the likely construction impacts of the scheme. It is estimated that there would be a 60 month construction programme across two phases, between 2017 and 2022.

412 GLA officers are of the view that all other issues with respect to pedestrian movement during construction are resolvable through the CLP. It is proposed to secure the CLP by way of planning condition. Furthermore, there is a requirement to produce a water transport strategy that seeks to maximise the use of the River Thames for the transport of construction and waste material to and from the dock adjacent to the site. This is similarly proposed to be secured by condition.

### ***Crossrail Community Infrastructure Levy (CIL)***

413 In accordance with London Plan policy 8.3 the Mayor charges CIL for developments permitted on or after 1 April 2012, to contribute towards the construction of Crossrail 1. The charge for Tower Hamlets is £35 per square metre Gross Internal Area (GIA). The Mayoral CIL for this site is £3,810,513.

### ***Transport – conclusion***

414 The development is supported in line with London Plan policies 6.1 and 6.3 as it seeks to focus development density where public transport levels are good and are being improved through Crossrail. The proposals accord with London Plan Policy 6.13 on car parking, provision of a Car Parking Management Plan and support for off-site parking control, as well as meeting minimum standards for cycling parking in accordance with London Plan Policy 6.9. Draft Travel Plans for each land use have been produced in line with London Policy 6.2 and a draft Delivery and Servicing Plan and draft Construction Logistics Plan produced in accordance with London Plan Policy 6.14.

415 Having regard to the advice of TfL; the matters set out within the Tower Hamlets transport assessment; the proposed planning conditions and obligations summarised in the front end of this report; and, the consideration set out above, GLA officers are satisfied that in transport terms the application is acceptable with respect to NPPF, London Plan and Tower Hamlets Local Plan policy requirements.

## **Mitigating the impact of development through planning obligations**

416 The NPPF states that “Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition”.

417 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) states that a Section 106 planning obligation may only constitute a reason for granting planning permission for the development if the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. These are now statutory tests.

418 At the regional level, London Plan Policy 8.2 sets out the Mayor's priorities for planning obligations, and states: "Affordable housing; supporting the funding of Crossrail where this is appropriate (see Policy 6.5); and other public transport improvements should be given the highest importance".

419 In local terms, Core Strategy Policy SP13 provides how planning obligations should be negotiated through their deliverance in kind, or through financial contributions. In addition, the Tower Hamlets Planning Obligations SPD (2012) and draft Revised Planning Obligations SPD (2015) sets out the Council's priorities for planning obligations and the types of development for which obligations may be sought. The SPD provides charging mechanisms in some cases, but also allows a degree of flexibility in negotiating obligations to take account of development viability, the particular circumstances of the case, and any benefits that may be provided in kind.

420 Pursuant to the consideration within the previous sections of this report, and in line with the policy context set out above, the planning obligations required to appropriately mitigate the impact of this development, are set out below.

421 The NPPF states that *"Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."* At the regional level, London Plan Policy 8.2 sets out the Mayor's priorities for planning obligations, and states: *"Affordable housing; supporting the funding of Crossrail where this is appropriate (see Policy 6.5); and other public transport improvements should be given the highest importance"*.

422 Pursuant to the consideration within the previous sections of this report, and in line with the policy context set out above, GLA officers propose to secure a number of planning obligations required to appropriately mitigate the impact of this proposed development. A full list of the obligations proposed in this case is provided within paragraph eight at the beginning of this report. However, where appropriate, GLA officers provide additional commentary below to support the consideration within this report, and to inform the proposed detailed drafting of a section 106 legal agreement.

#### Affordable housing

423 Following the independent review of the updated viability assessment, the provision of 20% affordable housing (based on habitable rooms) is recognised as the maximum reasonable amount that the development is capable of delivering, subject to securing a satisfactory review mechanism. This includes a tenure split of 71% social rent and 29% intermediate, with the unit mix set out in the application documents and on the approved plans. Details of affordable housing definitions, fit out, transfer/lease to a Registered Provider, the income thresholds for the intermediate accommodation, and the retention of the affordable units at the proposed rent levels in perpetuity, would be set out in the Section 106 agreement..

424 A review mechanism would also be included, to enable any uplift in values to be captured towards the provision of off-site affordable housing. It is intended that this will be based on, albeit with modification, the Convoy's Wharf Section 106 Agreement and would need to address such

matters as timing; threshold target rate of return; site value; surplus profit share; form of additional contributions, if any; and timing of contribution payments/ provision of additional affordable housing.

#### Social infrastructure

425     Clauses are included to ensure that the social infrastructure provided by the scheme is delivered, including the school site, health and community centre and public access to the proposed open spaces.

#### Microclimate – sailing conditions

426     A planning obligation is to be secured that will provide a financial contribution of £506,660 to be made payable to the DSWC to enable the delivery of a second pontoon to mitigate some of the impact of the development on the sailing conditions in the Dock. This is to be paid on commencement of the development. GLA officers consider that this obligation meets the statutory tests referred to in paragraph 417 of this report.

#### Employment skills training and enterprise

427     There are a number of requirements of the revised draft Tower Hamlets Planning Obligations SPD (April 2015) relating to employment, skills and training. During the construction, there is a requirement to deliver training, employment and enterprise initiatives. The Council in their committee update report calculate that a contribution of £496,116 is required, in line with the methodology in the SPD. A section 106 obligation has been agreed to ensure training initiatives are implemented during construction, up to a value of the above contribution. This could be a combination of financial and in-kind provision. There is also an expectation that 20% of construction jobs will be made available to Tower Hamlets residents, as well as apprenticeships, and that 20% of building materials will be from local suppliers and this has been agreed.

428     The proposed development would create new jobs in the retail and hotel sectors. As set out in the Tower Hamlets Planning Obligations SPD (April 2015), employment and training is one of the Council's key priorities. The contribution based on the calculation within the SPD would be £77,617 and will be used by the Council to provide the support necessary for local people to access jobs in the new development. This is still to be agreed with the Council, but the section 106 obligation will enable a combination of financial and in-kind provision up to the total value of the above contribution. The delivery of apprenticeships and work experience placements has also been agreed, as required by the SPD.

#### Design

429     Officers recognise the importance of retaining the scheme architects to oversee the detailed construction phases of the development, in order to preserve the integrity of the design and deliver the highest possible quality throughout. A section 106 obligation to ensure retention of PLP Architecture in this capacity is therefore necessary to deliver high quality design.

#### Energy

430     The development is to be future proofed for the future connection to the Barkantine District Heat Network (DHN) and an updated energy strategy to set out the energy requirements of the development and the feasibility of connecting to the DHN will be provided at commencement of the first phase. Accordingly, section 106 obligations have been agreed to secure this, along with a requirement that any shortfall below the Tower Hamlets MDD Policy DM29 45% carbon reduction

target be offset by a financial contribution for use in carbon offsetting projects. Based on the submitted energy strategy this is currently estimated at £59,058.

#### Highways

431 A section 278 agreement will be entered into between the applicant and the Council to cover works to the highways associated with the development.

#### Sustainable transport

432 The scheme will be permit-free and a provision will be included in the section 106 agreement to ensure that future residents cannot apply for on-street permits. Planning obligations to secure financial contributions towards the following have been agreed: Crossharbour DLR Station improvements (£420,000), bus service improvements (£300,000); cycle hire docking facilities (£70,000). Non-financial obligations to regarding way finding, highways works, travel planning, car and cycle parking and management and electric vehicle charging infrastructure have also been secured.

#### Crossrail

433 Under the provisions of the Mayor's Use of Planning Obligations in the funding of Crossrail SPG, this development would generate a £3,810,513 contribution towards the delivery of Crossrail. The applicant has committed to making this contribution accordingly, which will be required on commencement of the development.

#### Other requirements

434 Tower Hamlets SPD requires a payment of £500 per principle clause towards monitoring and implementation of the legal agreement and this has also been included.

#### ***Mitigating the impact of development through planning obligations – conclusion***

435 The planning obligations proposed are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

### **Human Rights & Equalities Implications**

436 The Mayor should take account of the provisions of the Human Rights Act 1998 as they relate to the application and the conflicting interests of the Applicants and any third party opposing the application in reaching their decisions. The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report. In particular, Article 6 (1), of the European Convention on Human Rights in relation civil rights and a fair hearing; Article 8 of the ECHR in relation to the right to respect for private and family life and Article 1 Protocol 1 of the ECHR in relation to the protection of property have all been taken into account.

437 In addition the Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics namely: age, disability, gender reassignment, pregnancy and maternity, race, religion, or beliefs and sex and sexual orientation. It places the Local Planning Authority under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and Members must be mindful of this duty inter alia when determining all planning applications. In



particular Members must pay due regard to the need to: eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;

438 Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and;

439 Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

440 Officers are satisfied that the application material and officers' assessment has taken into account these issues. Particular matters of consideration have included provision of accessible housing and parking bays, as well as the provision of affordable and family housing.

## **Legal considerations**

441 Under the arrangements set out in Article 7 of the Order and the powers conferred by Section 2A of the Act the Mayor is acting as the Local Planning Authority (LPA) for the purposes of determining the planning application.

## **Conclusion**

442 As detailed above Section 38(6) of the Planning and Compensation Act 2004 requires the decision to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

443 When assessing the planning application the Mayor is required to give full consideration to the provisions of the Development Plan and all other material considerations. He is also required to consider the likely significant environmental effects of the development and be satisfied that the importance of the predicted effects and the scope for reducing them, are perfectly understood.

444 In preparing this report, officers have taken into account the likely environmental impacts and effects of the development and identified appropriate mitigation action to be taken to reduce any adverse effects. In particular, careful consideration has been given to the proposed conditions and planning obligations which will have the effect of mitigating the impact of the development.

445 This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy, and has found that the proposed development is acceptable in terms of land use principle (comprising issues of housing, education, open space, employment, retail and social infrastructure); housing (comprising issues of density, mix, affordable housing, residential quality, play space and amenity space); design (comprising issues of urban design, local/strategic views, heritage, public realm and open space); inclusive design; sustainable development; environmental issues (including neighbouring amenity and microclimate impacts on Millwall Outer Dock); transport; and mitigating the impact of development through planning obligations.

446 Officers have assessed that the proposal is in overall conformity with the development plan. As set out above the principle of proposed development aligns with the aspirations of the Isle of Dogs Opportunity Area, would deliver a significant amount of new housing, including a good mix of high quality housing types and tenures and a maximum reasonable amount of affordable housing, in addition to supporting a mixed and balanced local economy through new employment and retail uses. In particular, the development will enable the delivery of a new secondary school that will help meet the wider educational need in the area, in addition to delivering a generous amount of new publicly accessible open space to meet the defined need in the Borough.

447 The proposed development is of a high quality design that will deliver a vibrant new mixed-use neighbourhood that integrates well with its surroundings, provides an enhanced leisure role for the dockside, improves accessibility, permeability and legibility of the public realm, while responding appropriately to the existing urban character and not causing harm to any strategic or local views, or designated heritage assets, including the Maritime Greenwich World Heritage Site.

448 While it is acknowledged that there is a significant potential impact on the sailing quality in the north-west corner of the dock and the operation of the DSWC this has been addressed through the substantial mitigation package proposed and any potential harm is outweighed by the overall benefits of the scheme.

449 Accordingly, the recommendations set out at the beginning of this report are proposed.

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## Appendix one: Sailing quality assessment of completed development (option C4)

### Junior Criteria – Condition C4

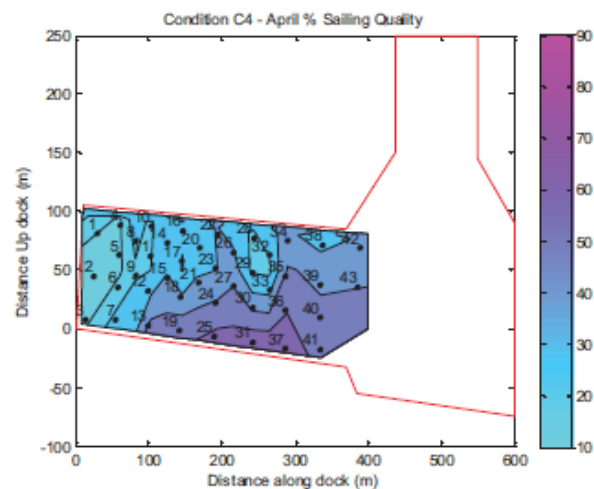


Figure 16

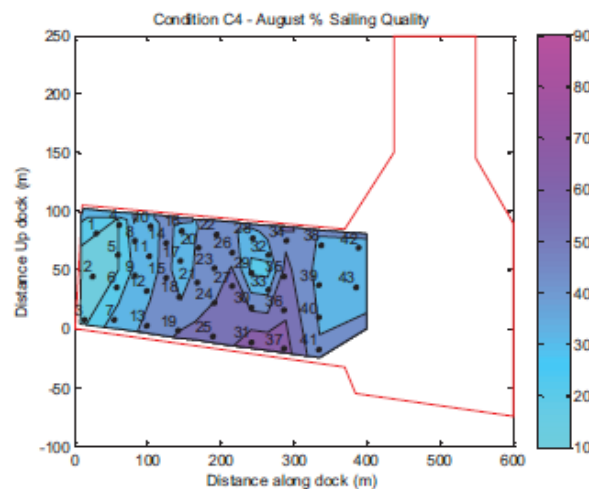


Figure 17

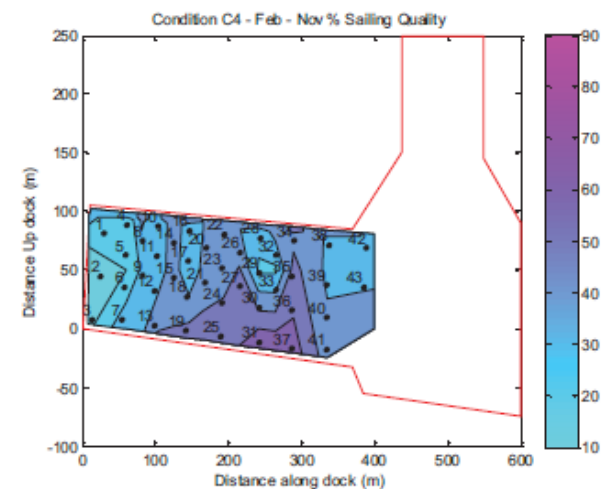


Figure 18

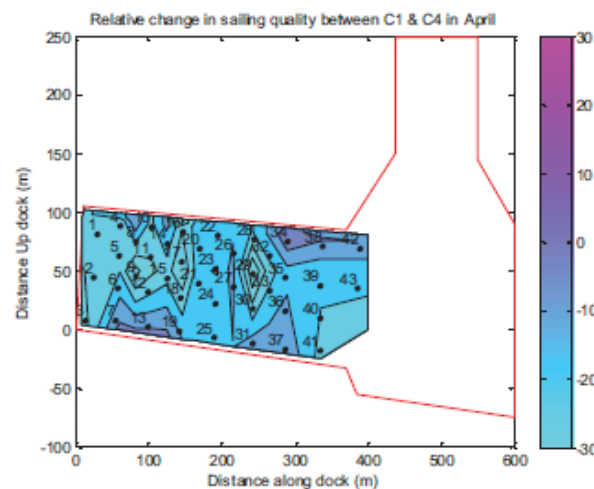


Figure 19

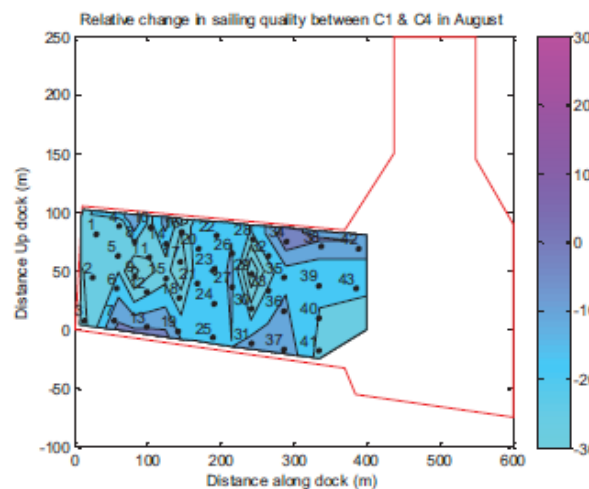


Figure 20

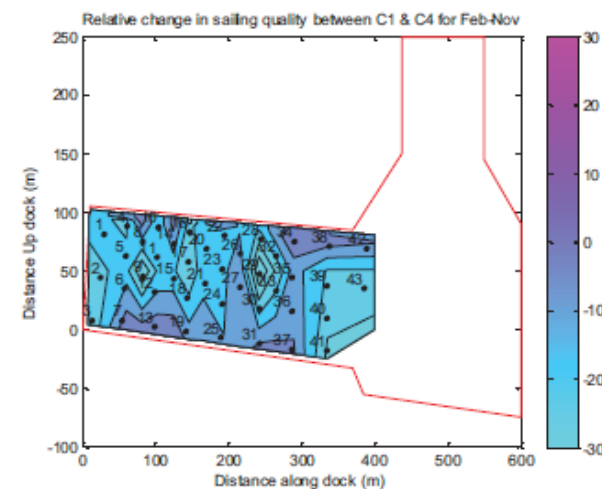


Figure 21