

1 Bradfield Road, Silvertown

in the London Borough of Newham
planning application no. 19/00517/FUL

Strategic planning application stage II referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Redevelopment to provide a single building of 12 storeys in height; comprising 55 residential units with associated cycle parking, plant, refuse, amenity areas and ancillary works.

The applicant

The applicants are **E16 Holdings Limited** and the architect is **Stockwool**.

Key Dates

Stage 1 report: 20 May 2019

Planning Committee meeting: 11 September 2019

Strategic issues

Principle: The principle of a residential scheme delivering 55 new homes within the Royal Docks and Beckton Riverside Opportunity Area remains strongly supported in accordance with Policies 2.13 and 3.3 of the London Plan, as well as Policies SD1 and H1 of the intend to publish London Plan.

Housing: 35% affordable housing by habitable room, with an overall tenure split of 75% social rent (affordable rent) / 25% intermediate (shared ownership). The scheme remains eligible for fast track consideration, although in this instance both early and late stage reviews have been secured in the s106 agreement in accordance with local policy.

Other matters relating to **urban design, sustainable development** and **transport** have been satisfactorily resolved.

The Council's decision

In this instance Newham Council has resolved to grant planning permission.

Recommendation

That Newham Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.

Context

1 On 10 April 2019, the Mayor of London received documents from Newham Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Category 1C of the Schedule to the Order 2008:

- *1C(c): "Development which comprises or includes a building more than 30 metres high and outside the city of London"*

2 On 20 May 2019 the Mayor considered planning report GLA/4903/01, and subsequently advised Newham Council that the application did not comply with the London Plan and draft London Plan, for the reasons set out in paragraph 53 of the above-mentioned report.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. Since then, further details provided in response to the Mayor's concerns. On 11 September 2019, Newham Council decided that it was minded to grant planning permission for the application. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct Newham Council under Article 6 to refuse the application or issue a direction to Newham Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application.

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

Consultation stage issues summary

5 At the consultation stage Newham Council were advised that the application did not comply with the London Plan and draft London Plan, for the following reasons set out in paragraph 53 of the above-mentioned report:

- **Principle of Land Use:** The principle of a residential scheme delivering 55 new homes within the Royal Docks and Beckton Riverside Opportunity Area is strongly supported in accordance with Policies 2.13 and 3.3 of the London Plan, as well as Policies SD1 and H1 of the draft London Plan.

- **Housing:** 35% affordable housing by habitable room, with an overall tenure split of 75% social rent (affordable rent)/25% intermediate (Shared Ownership). The quantum of affordable housing is strongly supported in accordance with Policies 3.11 and 3.12 of the London Plan, as well as Policies H5 and H6 of the draft London Plan. Subject to exploring grant funding, the scheme complies with the Fast Track Route outlined in Policy H6 and the Mayor's Affordable Housing and Viability SPG. An early review mechanism must be secured.
- **Urban design:** The design complies with the principles of chapter seven in the London Plan and chapter three of the draft London Plan. Incorporation of an active commercial use at ground floor should be considered further. Measures to mitigate noise and disturbance on future occupants from the adjacent DLR to be secured by condition.
- **Sustainable Development:** Further revisions and information are required before the proposals can be considered acceptable to comply with Policies 5.2, 5.13 and 5.15 of the London Plan as well as Policies SI5, SI2 and SI13 of the draft London Plan. Detailed comments have been forwarded to the LPA and the applicant under separate cover in this regard.
- **Transport:** On-site blue badge provision required in accordance with by Policy T6 of the draft London Plan. Contributions towards the future entry treatment of Bradfield Road, electric vehicle charging points, cycle parking, a revised travel assessment, travel plan, delivery and servicing plan and construction logistics plan must all be secured by conditions of approval and the s106 Legal agreement.

Application and policy update

6 Since Stage 1, The Report of the Examination in Public of the draft London Plan was published in October 2019, and the London Plan – intend to publish version (December 2019) has subsequently been published and submitted to the Secretary of State. This should be taken into account on the basis described in the NPPF.

7 Since the consultation stage, GLA officers have engaged in joint discussions with the applicant, Newham Council and TfL officers with a view to addressing the above matters. As part of the Council's draft decision on the case, various planning conditions and a s106 legal agreement have been proposed to address the above concerns and ensure that the development is acceptable in planning terms.

Principle of development

8 As at consultation stage, the principle of a residential development delivering 55 new homes within the Royal Docks and Beckton Riverside Opportunity Area remains strongly supported in accordance with Policies 2.13 and 3.3 of the London Plan, as well as Policies SD1 and H1 of the intend to publish London Plan.

Housing

9 The scheme proposes 35% affordable housing, delivered with a tenure split of 75% social rent to 25% intermediate (shared ownership) when measured by habitable room. The

quantum and tenure of affordable housing remains strongly supported in accordance with Policies 3.11 and 3.12 of the London Plan, as well as Policies H5 and H6 of the intend to publish London Plan. The scheme remains eligible for the fast track consideration, although in this instance both early and late stage review mechanisms have been secured in the s106 agreement in accordance with local policy.

10 All consultation stage matters relating to housing have been satisfactorily addressed and the application is in accordance with the policies of the London Plan and the intend to publish London Plan.

Urban design

11 The layout, height, massing and scale of the proposed building were supported at consultation stage, being consistent with Policy 7.5 of the London Plan and Policies D1 and D2 of the draft London Plan. No amendments have been incorporated with regard to the overall architectural quality of the scheme, which remains supported.

12 Conditions of approval have been adopted to secure suitable mitigation measures avoiding noise and vibration impacts from the DLR and North Woolwich Road. All other outstanding matters regarding urban design treatment have been satisfactorily addressed and the application is in accordance with the policies of the London Plan and the intend to publish London Plan.

Sustainable development

13 At consultation stage, further revisions and information were required before the proposals could be considered to comply with Policies 5.2, 5.13 and 5.15 of the London Plan as well as Policies SI5, SI2 and SI13 of the intend to publish London Plan.

14 Conditions of approval have been secured regarding provision for connectivity to a future district heating network, and the adoption of a revised energy strategy in accordance with GLA guidance. A carbon offset contribution of £78,649 has been secured in the s106 agreement, with provision for this figure to be increased where required on review of a revised energy strategy.

15 Outstanding energy matters identified during the consultation phase have been satisfactorily addressed and the application is in accordance with the sustainability policies of the London Plan and the intend to publish London Plan.

Transport

16 The scheme remains 'car free' and this is strongly supported in accordance with Policies 6.13 of the London Plan and T6 of the intend to publish London Plan. At consultation stage, the applicant was required to identify appropriate on-street provision for blue badge parking provided for 3% of dwellings at the outset and also to demonstrate potential capacity for delivery of spaces for a further 7% of dwellings if required in the future in accordance with policy T6 the intend to publish London Plan. A parking stress survey, since submitted by the applicant and confirmed with Newham Council Officers, confirms appropriate capacity for the provision of blue badge spaces on the surrounding street network. Financial contributions towards the provision of on-street blue badge parking spaces by Council, as and when required

by the development in future, has been secured in the s106 agreement.

17 A financial contributions towards the provision of electric vehicle charging points on future blue badge spaces in the surrounding street network has not been secured. Notwithstanding this, Newham Council Officers have confirmed that the provision of on-street EVCP's in the surrounding area is already planned through existing Council funding streams as part of a scheme of improvements to North Woolwich Road (approximately 25 metres north of the application site).

18 A delivery and servicing plan, construction logistics plan and travel plan are secured by conditions of approval. Furthermore; contributions towards surrounding site improvements, cycle infrastructure improvements and public realm access have been secured in the s106 agreement.

19 Whilst some residual concerns are held regarding compliance with the London Cycle Design Standards, the quantum of cycle parking provided will exceed the minimum requirements outlined in Policy T5 of the intend to publish London Plan and is considered, on balance, to be acceptable.

20 All transport matters identified during the consultation phase are considered, on balance, to have been satisfactorily addressed and the application is in accordance with the transport policies of the London Plan and the intend to publish London Plan.

Response to consultation

21 Newham Council publicised the application by site and press notices, as well as letters to surrounding landowners and occupiers. Five representations were received as a result of the public notification process. The representations received raised the following objections:

- Impact on daylight/sunlight to surrounding properties.
- Loss of Privacy to surrounding properties.
- Noise and disturbance.
- Increased traffic impacts.
- Parking congestion in surrounding area.
- Public safety (nearby pedestrian crossing to DLR).
- Visual amenity and design of building.

22 The following responses were also received from statutory bodies and other external organisations.

- **London City Airport:** No objections subject to conditions (secured).
- **Thames Water:** No objections, subject to informatives (secured).
- **Natural England:** No comments or objections.

- **Crossrail:** No comments or objections.
- **Environment Agency:** No objections.
- **Port of London Authority:** Objection to development – Impact on nearby Strategic Industrial Land operations and safeguarded Wharves (Sunshine, Manhattan and Peruvian Wharves), impact on transport network during construction, air quality concerns.

Officer comment:

Any potential impact on SIL and safeguard wharves located to the south and west of the application site is considered to be the result of either transport network disturbance caused by the development, or conflict arising from the disturbance of future residential occupiers from noise and quality impacts. In regards to transport concerns, it is noted that the proposed development will be car-free, and conditions of approval have been secured ensuring appropriate provision of a Construction Logistics Plan, Construction Management Plan, Travel Plan and Delivery Service Plan. In regards to noise and air quality concerns on future residential occupiers, the applicant has submitted both a 'Noise and Vibration Assessment' as well as a 'Noise and Air Quality Addendum Note' which specifically considers the concerns raised by the Port of London Authority. The report finds that the development provides an acceptable residential environment, subject to noise attenuation measures which have been secured by conditions of approval.

- **Historic England/GLAAS:** No further assessment or conditions necessary.
- **Met Police – Designing out Crime:** No objection subject to condition (adopted).
- **Transport for London (Safeguarding Engineers):** No objection subject to conditions (adopted).

23 Having considered the responses to public consultation, the Council has proposed various planning conditions, informatives and s106 contributions in response to the issues raised. Having had regard to these, GLA officers are satisfied that the statutory and non-statutory responses to the public consultation process do not raise any material planning issues of strategic importance that have not already been considered in this report, or the Stage 1 report ref GLA/4903/01.

Draft Section 106 agreement

24 The draft S106 agreement includes the following provisions:

- Landscaping of adjacent land to the north of application site (design, delivery and maintenance).
- Provision of 35% affordable housing by habitable room (36.3% by unit)
- Early and late stage viability review mechanisms.
- Local labour – skills and training contributions based on construction phase jobs.
- £5,000 contribution towards monitoring of Travel Plan implementation.
- Car club membership (3 years) for each residential unit.
- Permit free development
- Section 278 agreement for associated highways works.
- £20,000 contribution towards improved cycle infrastructure on Bradfield Road.

- Contributions towards provision of on-street blue badge parking as required (£3,000 per traffic regulation order, £1,000 per space required).
- £78,649 Carbon Offset payment (unless increase required by revised energy strategy).
- £77,500 contribution to improvement of off-site play space.

Legal considerations

25 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. In directing refusal, the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

26 In this instance, the Council has resolved to grant permission with conditions and a planning obligation which satisfactorily address the matters raised at Stage 1, therefore there are no sound planning reasons for the Mayor to intervene in this case.

Financial considerations

27 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government Planning Practice Guidance emphasises that parties usually pay their own expenses arising from an appeal.

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

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

Conclusion

30 The strategic issues raised at consultation stage regarding principle, housing, design, sustainable development and transport have been appropriately addressed and, as such, the application complies with the London Plan and the draft London Plan and there are no sound reasons for the Mayor to intervene in this particular case.

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