STRATEGIC DEVELOPMENT COMMITTEE

Tuesday, 14 May 2019 at 5.30 p.m.

Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

SUPPLEMENTAL AGENDA

This meeting is open to the public to attend.

Contact for further enquiries:
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Web: http://www.towerhamlets.gov.uk/committee

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Proposal:

Comprehensive mixed-use redevelopment comprising 1,524 residential units (Class C3), shops, offices, flexible workspaces, financial and professional services, restaurants and cafés, drinking establishments (Classes B1/A1/A2/A3/A4) and community uses (Class D1), car and cycle basement parking, associated landscaping, new public realm and all other necessary enabling works.

Recommendation:

The Committee resolves to inform the Secretary of State that were it empowered to determine the application it would have **REFUSED** planning permission for the reasons set out in the report.
1 APPLICATION DETAILS

Location: Westferry Printworks, 235 Westferry Road, E14 8NX

Existing Use: Vacant site. Previously used for Use Class B2 (General industry) and Class B8 (Storage and distribution).

Proposal: Comprehensive mixed-use redevelopment comprising 1,524 residential units (Class C3), shops, offices, flexible workspaces, financial and professional services, restaurants and cafés, drinking establishments (Classes B1/A1/A2/A3/A4) and community uses (Class D1), car and cycle basement parking, associated landscaping, new public realm and all other necessary enabling works.

The application is accompanied by an Environmental Impact Assessment and represents EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The council must take the environmental information into consideration in formulating its decision.

Drawings:

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Documents:
Planning Statement – DP9
NPPF Addendum Statement – DP9
Design and Access Statement – PLP Architecture
Design and Access Statement Addendum – Proposed Height Reduction to Tower 4, by PLP Architecture dated February 2019
Landscape and Public Realm Report – LDA Design
Financial Viability Assessment – Gerald Eve
Updated Financial Viability in Planning, Context Note – Gerald Eve
Report from Gerald Eve in respect of the Financial Viability Assessment following revised plans
Residential Travel Plan – Royal Haskoning DHV
Framework Workplace Travel Plan - Royal Haskoning DHV
Energy Strategy - Aecom
Sustainability Statement - Aecom
Statement of Community Involvement – The Morris Consultancy
Utilities Infrastructure Report - Aecom
Flood Risk Assessment and Outline Drainage Strategy - WSP
Arboricultural Impact Assessment – SJ Stephens Associates
Commercial Demand & Strategy Report - Savills
Retail Impact Assessment – DP9
Economic Benefits Statement - Regeneris
Outline Construction Logistics Plan - Royal Haskoning DHV
Overheating Report - Aecom
Delivery, Servicing and Waste Management Plan - Royal Haskoning DHV
Fire Strategy - Aecom
Environmental Statement Non - Technical Summary - EPAL
Environmental Statement Volume 1, inclusive of the following chapters:
Introduction and Background to the EIA - EPAL
Scoping and Methods of Assessment - EPAL
The Site and Alternatives Considered - EPAL
Description of the Development - EPAL
Construction and Development Programme – EPAL
Letter from EPAL dated 25 February 2019 in respect of the Environmental Statement
Letter from Anstey Horne dated 18 February 2019 in respect of the Daylight, Sunlight and Overshadowing Assessment;
Waste and Waste Management Plans – EPAL/Royal Haskoning DHV
Socio-economics - EPAL
Transport – EPAL/Royal Haskoning DHV

**Applicant:** Westferry Developments Limited

**Ownership:** Westferry Developments Limited and the Canal and River Trust

**Listed buildings:** None on site. Within the setting St Paul's Presbyterian Church, Westferry Road Grade II and Tower Bridge Grade 1...visible from the

**Conservation Areas:** Chapel House Conservation Area lies south of Millwall Outer Dock. Maritime Greenwich and Tower of London World Heritage Sites.
Reason for Urgency

This report is seeking the authority of the committee for officers to defend an appeal which has been submitted to the Secretary of State by the developer. The Secretary of State has imposed a timetable which requires that this report is considered by the Committee on 14th May 2019 in time for the council to submit a Statement of Case by 22nd May 2019 in order to avoid breaching the imposed timetable and making the authority liable for costs for unreasonable behaviour. As the report had not been written when the timetable was imposed, the Council asked Secretary of State to review the timetable and he has declined. These are the special circumstances justifying the urgency.

2 EXECUTIVE SUMMARY

2.1 On 4th August 2016, the Mayor of London granted full planning permission for the demolition of Westferry Printworks followed by comprehensive mixed use redevelopment of 118,738 m2 including buildings ranging from 2-30 storeys (tallest 110 m AOD) comprising: a secondary school, 722 residential units, retail use, restaurant and cafe and drinking establishment uses, office and financial and professional services uses, community uses, car and cycle basement parking, associated landscaping and new public realm (the 'Permitted Scheme'). The planning permission has been implemented by the demolition of the printworks and works to construct the new basement.

2.2 A parallel section 106 Agreement was executed between the Greater London Authority (GLA), the council and Northern and Shell Investments No. 2 Limited (the then developer) intended to secure the delivery of a range of essential planning obligations (see further in 'Material Planning History' below).

2.3 Application is now made for full planning permission to redevelop the Westferry Printworks site by alternative proposals that are outlined above and described in more detail in Section 5 below. The proposed school is excluded from the development site. Following amendments to the application on 4th March 2019, reducing the height of the tallest building by two storeys, the residential accommodation has been increased to 1,524 units, building heights have increased to a maximum of 44-storeys (Tower 4 height 155.3 m AOD), and a 5th tower introduced (Tower 5 – 32 floors tall - height 112.35 m AOD) with a consequential reduction in publicly accessible open space.

2.4 An appeal has been submitted to the Planning Inspectorate against the council's failure to determine the application within the statutory timescale. A public inquiry will examine material planning considerations associated with the planning application. Following the Inspector's report, the Secretary of State has directed that he shall determine the appeal himself. The reason for the direction is because:

“The appeal involves proposals for residential development of over 150 units or on sites of over 5 hectares, which would significantly impact on the Government’s objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.”
2.5 The council is consequently unable to determine the application and the Committee’s instructions are required on the case the council should make to the inquiry.

2.6 Officers have assessed the revised proposals against the development plan for the area that jointly comprises the London Plan 2016 and the Tower Hamlets Local Plan (Core Strategy 2010 and the Managing Development Document 2013). Regard has also been paid to the emerging development plan (Draft London Plan August 2017 and the Draft Tower Hamlets Local Plan 2031) and other material considerations particularly the Draft Isle of Dogs Opportunity Area Planning Framework 2018 (OAPF), the Mayor's supplementary planning guidance – London World Heritage Sites - Guidance on Settings 2012, the London View Management Framework 2012, ‘Housing’ 2016 and Affordable Housing & Viability 2017, together with the Maritime Greenwich and Tower of London World Heritage Site Management Guidelines, Building Research Establishment’s ‘Site layout planning for daylight and sunlight’, the National Planning Policy Framework 2019 (NPPF) and Historic England guidance on development affecting heritage assets.

2.7 Westferry Printworks comprises Site Allocation 18 of the Tower Hamlets Managing Development Document 2013 (MDD) that requires a comprehensive mixed use development to provide a strategic housing development, a secondary school, publicly accessible open space, an expanded leisure facility, a district heating facility (where possible) and other compatible uses.

2.8 The underlying principles of the 2016 permitted scheme in terms of site layout and land use remain under the current scheme save for the introduction of Tower T5 and the increase in building height across the development. Officers consider that the proposed mix of uses, involving a strategic housing development, shops, offices, community and leisure uses together with public open space accords with MDD Site Allocation 18. Under the terms of the extant section 106 Agreement, it was intended that the council would separately organise the procurement, construction and funding of the school. The Applicant states: “The school will be delivered pursuant to the Consented Scheme planning permission.”

2.9 However, officers identify conflict with development plan policy for the location of tall buildings, and adverse effect on sailing conditions on Millwall Outer Dock beyond those to be mitigated under the 2016 legal agreement.

2.10 On 7th May 2019, the Appellant withdrew their offer of 35% affordable housing advising that a revised viability assessment will be submitted and confirming “that the affordable housing offer will be less than 35%”. Whilst the original 35% offer would have been policy compliant in terms of amount, it failed to provide the split between affordable rented and intermediate housing required by the development plan. At the time of writing, the Appellant’s Updated Viability Assessment has not been received; neither has a revised affordable housing offer nor details of consequential amendments to the housing tenure mix.

2.11 Under the scheme as at March 2019, the proposed dwelling mix within the market housing would have also failed to meet development plan policy to achieve a mixed and balanced community due to under provision of family housing of 3 bedrooms+.

2.12 The application is referable to the Mayor of London under the following categories of the Schedule to the Mayor of London Order 2008:
• **Category 1A**: Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats.

• **Category 1B**: Development (other than development which only comprises the provision of houses, flats, or houses and flats), which comprises or includes the erection of a building or buildings outside Central London and with a total floorspace of more than 15,000 sq. m.

• **Category 1C**: Development which comprises or includes the erection of a building more than thirty metres high and outside the City of London.

2.13 The Mayor considered the application at Stage 1 on 17th December 2018. He advised that the principle of sustainably increasing density to optimise housing and affordable housing supply is supported in strategic planning terms. However, the scheme does not comply with the London Plan and draft London Plan due to the absence of a strategy to compensate the proposed loss of coherent open park space envisaged by the draft OAPF, the inclusion of block T5 is not supported, the impact on the backdrop setting of the grade I listed Tower Bridge, carbon reduction targets, and sustainable drainage strategy. The Mayor further advised that the resolution of these issues could, nevertheless, lead to the application becoming compliant with the London Plan and should be addressed prior to the Mayor’s decision-making stage. Details of the Mayor’s comments are reported in Section 9 ‘Consultation’ below.

2.14 This report recommends that the Committee resolves that were it empowered to determine the application it would have refused planning permission for the reasons set out in Section 3 below (notwithstanding the absence of an affordable housing offer) and authorises officers to submit supporting evidence to the Secretary of State at the public inquiry.

2.15 The developer has indicated a desire to submit to the public inquiry a section 106 Agreement with the council to secure planning obligations. Appendix 4 of this report sets out without prejudice, recommended Heads of Agreement concerning matters officers consider should be included in any agreement. Whilst the development is considered unacceptable in planning terms; these are considered directly related to the development; fairly and reasonably related in scale and kind and help mitigate the development should it proceed.

2.16 Should the Secretary of State decide to grant planning permission a set of recommended draft conditions will be provided to the public inquiry.

3 **RECOMMENDATION**

3.1 The Committee resolves to inform the Secretary of State that were it empowered to determine the application it would have **REFUSED** planning permission for the following reasons:

A **Reasons**

*Townscape and visual impact*

1. The height and mass of the development within its local context would not be proportionate to the site’s position outside of the Canary Wharf major centre, outside the Crossharbour District Centre and would fail to provide an appropriate transition in height between Canary Wharf and the lower rise buildings of the existing townscape. The proposed scale, height and massing
would result in a development that would be overbearing, unduly prominent in local views and more distant views and detract from the local context on the Isle of Dogs, the Canary Wharf Skyline of Strategic Importance, the Greenwich Maritime and Tower of London World Heritage Sites including the Grade 1 listed Tower Bridge. The proposed development therefore fails to respect the features that contribute to the area’s character and local distinctiveness and demonstrates clear symptoms of over development and excessive height. This is contrary to London Plan 2016 Policies 7.4 ‘Local Character’, 7.6 ‘Architecture’, 7.7 ‘Tall and large scale buildings’, 7.8 ‘Heritage assets’, 7.10 ‘World Heritage Sites’, 7.11 ‘London View Management Framework’ and 7.12 ‘Implementing the London View Management Framework’, Tower Hamlets Core Strategy 2010 Strategic Objectives SO22 & SO23 and Policies SP10 ‘Creating distinct & durable places’ and SP12 ‘Delivering placemaking’, Managing Development Document 2013 Policies DM24 ‘Place sensitive design’ and DM26 ‘Building heights’ and Site Allocation 18, together with the London View Management Framework SPG 2012 and the Maritime Greenwich and WHS Management Plans.

Wind Impact on the Docklands Sailing Centre


Affordable housing - amount

3. Westferry Printworks is a crucial element within Tower Hamlets supply of land for both market and affordable housing. An affordable housing offer of less than 35% within the proposed development would fail to meet the minimum requirement of the Tower Hamlets Local Plan, would not be financially justified and would fail to provide an adequate amount of affordable housing to meet targets. The development is consequently not consistent with London Plan Policies 3.8 ‘Housing choice’, 3.11 ‘Affordable housing targets’, 3.12 ‘Negotiating Affordable Housing on Individual Private Residential and Mixed Use Sites’, Tower Hamlets Core Strategy Policy SP02 ‘Urban living for everyone’ nor the NPPF.

Housing mix and choice

4. An affordable housing offer that fails to provide a satisfactory ratio between social rent and intermediate housing would conflict with London Plan Policies 3.8 ‘Housing choice’, 3.11 ‘Affordable housing targets’ and 3.12 ‘Negotiating affordable housing on individual private residential and mixed use schemes’
together with Tower Hamlets Core Strategy Policy SP02 ‘Urban living for everyone’.

5. The March 2019 dwelling mix within the market housing would fail to provide a satisfactory range of housing choice in terms of the mix of housing sizes. There would be a failure to provide a mixed and balanced community caused by an unacceptable overemphasis towards 2-bedroom units and insufficient family homes. The development is consequently inconsistent with London Plan Policy 3.8 ‘Housing Choice, Policy 3.9 ‘Mixed and balanced communities,’ Tower Hamlets Core Strategy Policy SP02 ‘Urban living for everyone’ and Managing Development Document Policy DM3 ‘Delivering Homes’.

B Possible changes

3.2 Should further information be provided that materially affects the ability of the council to defend one or more of the above reasons, officers are delegated powers to amend the reasons accordingly.

4 SITE AND SURROUNDINGS

4.1 Westferry Printworks comprised a large 43,281 m2 three / four-storey 1980s building that became redundant in 2012. It was demolished in 2017 and the site cleared.

4.2 Excluding the 1.02 hectare school site, the current application site comprises 5.08 hectares located along the northern side of Millwall Outer Dock west of centre on the Isle of Dogs within Canary Wharf Ward. The site is bounded by Westferry Road (A1206) to the west, Millwall Outer Dock to the south, the Greenwich View Business Park (at the southern end of Millharbour) to the east and to the north by a residential area off Tiller Road and Starboard Way south of the Barkantine Estate. The school site lies at the north western end of the former printworks straddling Millwall Dock Road (Figures 1 & 2).
Figure 1 - Application site red school site blue

Figure 2 – Proposed site plan - Application site edged red, school site edged blue
Figure 3 - Aerial view looking north. Application site (including school site) edged blue

Figure 4 – Application site recent condition looking west
4.3 Westferry Road accommodates residential and leisure uses, Arnhem Wharf Primary School (on the west side of the road) and some commercial buildings. Millharbour accommodates a series of primarily residential blocks progressively stepping down from Marsh Wall towards Greenwich View Business Park that comprises data centres and business uses rising to 10-storeys on the corner of Millwall Outer and Inner Docks.

4.4 The area north of the application site accommodates the Tiller Leisure Centre and residential properties ranging in height from 2 & 3-storeys at Claire Place and Omega Close to 10-storeys at Starboard Way rising to the four 1960s 21-storey point blocks of the Barkantine Estate. The Barkantine Energy Centre adjoins the application site on Starboard Way.

4.5 The Docklands Sailing and Watersports Centre (a charity) occupies 235a Westferry Road immediately south of the application site and uses Millwall Dock for leisure purposes including sailing tuition. Established in 1984, the Dockland Sailing Centre Trust (DSCT) provides sailing and water sports tuition for all the community of Tower Hamlets and beyond. This includes at the western end of the Outer Dock pontoons and other water based facilities that enable access on and off the dock. DSCT also has the use of the old lock entrance and slipway to the west of Westferry Road that affords limited access to the tidal Thames.

4.6 4-storey 1980s low rise residential accommodation runs along the south side of Millwall Outer Dock opposite the application site.

4.7 The main access to the application site is via Westferry Road, with secondary accesses through Millwall Dock Road from the north (off Tiller Road) and from Millharbour to the north-eastern corner of the site, all currently gated. The site has historically been disconnected from the surrounding areas with no publically accessible north-south route from Tiller Road to Millwall Outer Dock, and no through route for pedestrians except alongside the dock from Westferry Road to Glengall Bridge that traverses Millwall Inner Dock.

4.8 Aspen Way (A1203) 1.2 km to the north is part of the TfL road network. Roads in the vicinity of the site are borough roads. Westferry Road is subject to single yellow line daytime parking restrictions and the area surrounding the site is a controlled parking zone.

4.9 Crossharbour DLR Station in Cubitt Town lies approximately 400 m to the east across Glengall Bridge. At their closest, South Quay DLR station is some 650 m away and Canary Wharf Jubilee Line station is approximately 920 m distant with the new Canary Wharf Elizabeth Line (Crossrail) station a further 280 m beyond that. Westferry Road is served by three bus routes D3, D7, and 135 plus night bus N550. A Mayor of London Cycle Hire Docking Station is located adjacent to the Millharbour entrance to the site providing 19 docks.

4.10 TfL’s Public Transport Accessibility Level (PTAL) calculator shows the site’s PTAL varies from 2 towards Westferry Road to 1b towards the eastern end of the dock (where 6 is excellent and 1 very poor). The applicant has undertaken a manual calculation that claims the entire site scores PTAL3 (moderate). In 2016, it was reported that PTAL varied from 2 towards Westferry Road to 3 towards Millharbour. TfL now advises that the site’s PTAL ranges from 2 to 3.
4.11 The site is located 100 m east of the tidal Thames and lies within the Environment Agency’s Flood Zone 3 (High Risk) but protected by local river wall defences and the Thames Barrier to 1 in a 1,000 year probability (Low Risk).

4.12 The site is cleared, contains no designated heritage assets and does not lie within a conservation area. The closest listed building is the Grade II former St Paul’s Presbyterian Church on Westferry Road 260 m to the south. The Chapel House Conservation Area lies some 450 m south of Millwall Outer Dock.

4.13 The site is located within a designated London View Management Framework (LVMF) Panorama viewed from the General Wolfe Statue in Greenwich Royal Park (View 5A), and within the background of the river prospect from London Bridge (View 11 B1). The Isle of Dogs is highly prominent when viewed from the UNESCO Maritime Greenwich World Heritage Site (WHS). The application site lies outside the designated WHS buffer zone but within the wider setting (undesignated).

4.14 The site adjoins the Millennium Quarter designated by Tower Hamlets’ Managing Development Document 2013. It lies outside the Council’s South Quay Masterplan area but within the GLA’s Isle of Dogs & South Poplar Opportunity Area and subject to an emerging Opportunity Area Planning Framework.

5 PROPOSAL

5.1 The 2016 ‘Permitted Scheme’ of 118,738 m2 GIA (including the 9,867 m2 school) consists of four dockside towers ranging from 7 to 30 storeys tall, each associated with courtyard buildings ranging from 4 to 7 storeys, 2-storey school buildings, business accommodation, community and leisure uses, shop, restaurant and café uses comprised ground floor active frontages. Car and cycle parking was approved in a single storey basement below the central cluster of towers.

5.2 Application is now made for full planning permission to redevelop the site by buildings comprising 186,482 m2 GIA (excluding the school) to provide 1,524 residential units on the upper floors and the following uses at ground and basement level:

- Shops and Financial and professional services (Classes A1/A2) 1,954 m2
- Restaurants and drinking establishments (Classes A3/A4) 1,730 m2
- Healthcare (Class D1) 305 m2
- Residential management (Class C3) 587 m2
- Crèche (Class D1) 378 m2
- Community centre (Class D1) 387 m2
- Flexible commercial space (Classes A1, A2, A3, A4, B1 & C3) 1,048 m2
- 253 car parking spaces in two basement car parks
- 2,646 long stay residential cycle parking spaces on the ground floor and basement plus 39 short-stay spaces
- 76 long stay and 203 short stay cycle spaces for the non-residential uses.
- Landscaping and public realm
5.3 The underlying principles of the permitted 2016 masterplan in terms of layout, and uses remain although the amount of residential accommodation more than doubles and Tower T5 added. Eleven buildings of heights varying from 3 to 44-storeys are proposed. The scheme seeks to add a 5th tower (T5) and to increase the permitted towers to the following heights (in descending order):

Tower 4 (T4) – 44 floors tall - height 155.3 m AOD
Tower 3 (T3) – 32 floors tall - height 112.55 m AOD
Tower 5 (T5) – 32 floors tall - height 112.35 m AOD
Tower 2 (T2) – 23 floors tall - height 83.75 m AOD
Tower 1 (T1) – 19 floors tall - height 70.95 m AOD

5.4 The heights of the other six buildings proposed are as follows (NB There is no Building 5):

Building 1 (B01) –13 floors - 49.9 m AOD,
Building 2 (B2) – 9 floors - 37.3m AOD,
Building 3 (B3) - 9 floors - 37.3m AOD,
Building 4 (B4) – 9 floors - 37.3m AOD,
Building 6 (B6) – 3-7 floors - 28.7m AOD arranged in two separate blocks,
Building 7 (B7) – 7-9 floors - 35.1m AOD.

5.5 Specifically, six buildings would range from 4 – 13 storeys and five towers from 19 – 44 storeys. The southern blocks, with the exception of Building B1, sit over a
large basement while in the northern sector Building B6 lies over an undercroft car park accessed by an east-west spine road.

<table>
<thead>
<tr>
<th>Building</th>
<th>No. of storeys – permitted scheme</th>
<th>No. of storeys – proposed scheme</th>
</tr>
</thead>
<tbody>
<tr>
<td>B1</td>
<td>8</td>
<td>14</td>
</tr>
<tr>
<td>B2</td>
<td>4</td>
<td>9</td>
</tr>
<tr>
<td>B3</td>
<td>5</td>
<td>9</td>
</tr>
<tr>
<td>B4</td>
<td>7</td>
<td>9</td>
</tr>
<tr>
<td>B6</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>B7</td>
<td>7</td>
<td>9</td>
</tr>
<tr>
<td>T1</td>
<td>9</td>
<td>19</td>
</tr>
<tr>
<td>T2</td>
<td>13</td>
<td>23</td>
</tr>
<tr>
<td>T3</td>
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<td>32</td>
</tr>
<tr>
<td>T4</td>
<td>30</td>
<td>44</td>
</tr>
<tr>
<td>T5</td>
<td>0</td>
<td>32</td>
</tr>
</tbody>
</table>

Figure 6 – Building heights – permitted and proposed

5.6 As permitted in 2016, the proposals introduce a new east-west private route through the site connecting Millharbour and Westferry Road. Millwall Dock Road would be extended through the school site connecting to the proposed east-west link. The existing link to the Tiller Centre from Tiller Road would be extended to the new east-west road to create a further north-south link. A new pedestrian concourse and walkway would run along the length of the site fronting Millwall Outer Dock.

5.7 Towers T1 to T4 would be located on the frontage to Millwall Outer Dock. Buildings B1 to B7 and Tower T5 would be aligned with the proposed east-west street, or to ‘green spines’ that would extend from the east-west road north-south towards Millwall Outer Dock.

5.8 The restaurant/café and drinking establishment uses are proposed on the ground floors of the towers with a south facing dockside location. The community spaces would be adjacent to Westferry Road with the crèche located on the new link route to Starboard Way. Other facilities such as retail units and a management office are located along the new central route and the residents’ gym on the waterfront. The office and financial and professional units are proposed within the ground floor units of Blocks B, C and D.
Figure 7 – Proposed view north across Millwall Outer Dock (Tower T4 subsequently reduced by two storeys)

Figure 8 – 2016 Permitted scheme - view north across Millwall Outer Dock
Figure 9 – Proposed view north east across Millwall Outer and Inner Docks

Figure 10 – Proposed view west across Millwall Outer Dock (Tower 5 to the right). Tower T4 subsequently reduced by 2-storeys
5.9 Figure 12 below shows the proposed residential mix proposed in March 2019 (NB. London Affordable Rent is an intermediate housing product):

<table>
<thead>
<tr>
<th>Unit type</th>
<th>Private</th>
<th>Intermediate</th>
<th>London Living Rent</th>
<th>Tower Hamlets Living Rent</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 bed 1 p</td>
<td>147</td>
<td>8</td>
<td>8</td>
<td>0</td>
<td>163</td>
</tr>
<tr>
<td>1 bed 2 p</td>
<td>346</td>
<td>111</td>
<td>40</td>
<td>38</td>
<td>535</td>
</tr>
<tr>
<td>2 bed</td>
<td>460</td>
<td>112</td>
<td>52</td>
<td>38</td>
<td>662</td>
</tr>
<tr>
<td>3 bed</td>
<td>74</td>
<td>5</td>
<td>33</td>
<td>37</td>
<td>149</td>
</tr>
<tr>
<td>4 bed</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>12</td>
<td>15</td>
</tr>
<tr>
<td>Total</td>
<td>1030</td>
<td>236</td>
<td>133</td>
<td>125</td>
<td>1524</td>
</tr>
</tbody>
</table>

5.10 The affordable housing offer was 35% of the residential accommodation (494 units) measured by habitable rooms provided on site. Within the total of 494 affordable housing units, the %split between Affordable Rented & Intermediate Housing (including London Living Rent) was 30%:70% in favour of intermediate (27%:73% calculated by residential units).

5.11 10% of the total number of residential units would be wheelchair user dwellings (designed in accordance with Part M4 (3) of the Building Regulations 2015) with 90% wheelchair adaptable in accordance with Part M4 (2).

5.12 The disposition of tenures across the site would be:

- Affordable rented housing in Buildings 6 and 7,
- Intermediate housing (including London Living Rent) in Buildings 1, 2, 3, 4, 6 and Tower 1,
- Market housing in Buildings 1, 3, 4 and Towers 1 to 5.
5.13 In terms of overall provision of public open space, the development would deliver:

- 1.96 ha of public open space - 39% of the overall site area,
- 0.53 ha of semi-public courtyard space - 10% of the overall area.

5.14 The scheme proposes the reconfiguration of bus stops on Westferry Road, including a new bus stop outside the proposed school entrance and the provision of a zebra crossing on Westferry Road.

5.15 The development is proposed to be delivered in the period to July 2027. The applicant states “the Proposed Development is to be delivered in a single phase, for the purpose of the planning permission.”

5.16 The site is located directly adjacent to the south of Barkantine Energy Centre. The submitted plans show the location for a set of flues at the northern perimeter of the application site to be utilised by Barkantine District Heating System to mitigate air quality impacts although the detailed design and heights of these flues has not been provided.

5.17 The Applicant’s Environmental Statement has been reviewed for the council by the Temple Group and the Viability Appraisal by BNP Paribas

6 MATERIAL PLANNING HISTORY

6.1 Westferry Printworks was constructed in 1984-86 within the then Isle of Dogs Enterprise Zone and operated by Telegraph Media Group and Express Newspapers. Printing operations ceased in February 2012 and the works decommissioned in May 2013.

6.2 On 12th April 2016, the Strategic Development Committee, considered a report on application PA/15/02216 for planning permission for the demolition of the printworks followed by comprehensive mixed use redevelopment described as:

“a secondary school (Class D1), 722 residential units (Class C3), retail use (Class A1), flexible restaurant and cafe and drinking establishment uses (Class A3/A4), flexible office and financial and professional services uses (Class B1/A2), Community uses (Class D1), car and cycle basement parking, associated landscaping and new public realm and all other necessary enabling works”.

6.3 The application had been ‘taken over’ by the Mayor of London and 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:

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

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.’

6.4 The applicant subsequently increased the affordable housing offer to 20% and agreed to fund wind mitigation measures by the Docklands Sailing Centre Trust (DSCT). Following a Representations Hearing, and decision by the Deputy Mayor, the GLA granted planning permission (D&P/3663) on 4th August 2016.

6.5 A section 106 Agreement was executed between the GLA, the council and Northern and Shell Investments No.2 Limited to secure a range of planning obligations that included an affordable housing viability review mechanism, a wind mitigation of £756,000 to DSCT that is due to be paid to the council prior to the commencement of the development (excluding demolition, infrastructure works and the construction of the basement). Under the terms of the Agreement, the council is to separately organise the procurement, construction and funding of the school. The applicant now states: “The school will be delivered pursuant to the Consented Scheme planning permission.”

6.6 Decisions by the council on details of the development pursuant to the Mayor’s permission and the associated section 106 Agreement have been reached as follows:

- PA/16/02793. Information for compliance with Schedule 3 (Affordable Housing and Viability Review), of Part 2, Clause 1 of the Section 106 Agreement. Refused 19th October 2016.
- PA/16/02976. Details to discharge Condition 15a (Archaeological evaluation). Approved 31st October 2016.
- PA/16/03029. Details pursuant to condition 37 (Biodiversity). Approved 6th December 2016.
- PA/17/01375. Non-material amendment to alter the basement. Approved 14th June 2017.
- PA/17/01954. Details pursuant to condition 14 (Construction Management & Logistics Plan). Approved 19th December 2017.
• PA/17/02497. Non-material amendment to the wording of condition 31 (water infrastructure). **Approved 9th November 2017.**
• PA/17/02908. Lease arrangements for school site in compliance with paragraph 1.3 of Part 1 to Schedule 7 of the Section 106 Agreement. **No further action 24th November 2017.**
• PA/18/00087. Details pursuant to condition 19a (Land Contamination investigation). **Approved 9th March 2018.**
• PA/18/00513. Revised details pursuant to Condition 15b (Archaeological investigation). **Approved 23rd April 2018.**
• PA/18/01286. Details pursuant to condition 19b (remedial land contamination). **Approved 17th July 2018.**

Pre-application advice (PF/17/00242)

6.7 By letter dated 18th December 2017, officers provided pre-application advice to the developer’s agent on a revised development described as:

“**Alternative scheme to replace PA/15/02216. Approximately double the size of the extant scheme, providing 1,537 residential units and almost 8,000 m² of non-residential floorspace along with the 1,200 pupil secondary school. Building heights would generally be at 9 storeys for the blocks located along the east-west road and between 19 and 46 storeys for the 5 towers.”**

6.8 Advice provided may be summarised as:

- The affordable housing offer would be increased from 20% to 25% but achieved solely through provision of intermediate properties rather than genuine affordable housing. The alternative scheme would include only 96 affordable rented properties, a reduction of 4 units from the extant scheme.
- The revised proposal is substantially out of context and should be fundamentally reconsidered.

7 LEGAL FRAMEWORK

7.1 The general decision making framework can be found in Agenda Item 5. As an appeal has been made under section 78 of the Town & Country Planning Act 1990, neither the Committee nor the Mayor of London is empowered to determine the application. However, the Committee’s instructions are required on the case officers should make to the forthcoming public inquiry. In reaching its decision, the Committee has the following main statutory duties to perform:

- To reach its decision in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004).
- To have regard to the provisions of the development plan, so far as material to the application, to local finance considerations so far as material to the application, and to any other material considerations (Section 70 (2) Town & Country Planning Act 1990).
- For development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. (Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990).
• With respect to any buildings or other land in a conservation area, to pay special
attention to whether the development would preserve or enhance the character or appearance of that area (Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990). It has been held that this duty applies to conservation areas impacted by a development.

8. DEVELOPMENT PLAN ALLOCATIONS & POLICY

8.1 The development plan for Tower Hamlets comprises the London Plan 2016 and the Tower Hamlets Local Plan (jointly the Core Strategy 2010, the Managing Development Document 2013 and Adopted Policies Map).

The London Plan 2016

8.2 The application site is shown:

• Within the Isle of Dogs & South Poplar Opportunity Area (Map 2.4 page 79). (The Key Diagram (page 98) also identifies the Isle of Dogs as an Opportunity Area and a Regeneration Area).
• Within an Area of Regeneration (Map 2.5 page 81)
• Within an area where the transfer of industrial land to other uses is to be ‘managed’ (Map 4.1 page 159)
• Outside London’s Town Centre Network (Map 2.6 page 83).
• Within the London View Management Framework (LVMF) Assessment Point from the General Wolfe Statue in Greenwich (View 5A), and the background of the river prospect from London Bridge (View 11 B1).

Tower Hamlets Local Plan

Core Strategy 2010

8.3 Based on the Tower Hamlets Urban Structure and Characterisation Study 2009, the heart of the Core Strategy ‘Vision Statement’ page 26 is the concept of reinventing the borough’s hamlets of which there are 24 including Millwall. The East End’s historic hamlets, or places, make Tower Hamlets unique. Core Strategy Figure 12 identifies Westferry Printworks located in the Place of Millwall.

8.4 The Key Diagram page 27 identifies Westferry Printworks as part of a Regeneration Area that includes the Millennium Quarter and Crossharbour. Other Core Strategy allocations are:

• Fig. 24 page 44 ‘Urban living for everyone’ identifies Millwall for Very High Growth (3,500+ residential units) over the Plan period to year 2025.
• Figure 29 page 29 ‘Creating healthy and liveable neighbourhoods’ identifies the location of an ‘existing leisure centre’ (The Docklands Sailing and Watersports Centre).
• Figure 30 page 53 ‘Creating a green and blue grid’ shows Millwall Outer Dock forming part of the Tower Hamlets Green Grid.
• Fig. 34 page 66 ‘Improving education and skills’ shows the application site within an area of search for a new primary school.
• Figure 35 page 76 ‘Creating attractive streets and spaces’ shows east – west ‘Improvements to connectivity’ in the vicinity of Westferry Printworks.
• Figure 37 page 80 ‘Creating distinct and durable places’ shows Westferry Printworks within an area where the policy is ‘Protecting and enhancing areas of existing character around waterways and open spaces.’
• Figure 38 page 84 shows Westferry Printworks within a ‘Low Carbon Area.’

8.5 Core Strategy Annex 7 Fig. 39 ‘Strategic visions for places’ in ‘Delivering Placemaking’ says Millwall will be:

“A community brought together through its waterways and a newly established high street at Millharbour. The north of Millwall will continue to be transformed to provide opportunities for local employment and new housing that will better connect with waterfronts, green spaces and areas to the south.

8.6 Annex 9 Figure 65 ‘Millwall vision diagram’ LAP 7 & 8 adds:

“There will be greater integration with Canary Wharf, offering a diverse retail and evening economy focused along Millharbour and dock fronts. Areas in the south will retain their quieter feel, being home to conservation areas and revitalised housing.

Local communities will be supported by excellent services, provided in the town centre alongside better connections to a wider range of services and transport interchanges in Canary Wharf and Crossharbour.”

8.7 The Core Strategy’s Priorities & Principles for Millwall include:

Priorities:
• To create active street frontages along dock edges
• To create better connections across Millwall,
• To provide supporting infrastructure across the area including a primary school and new open space
• To reinstate Millwall’s connection with its waterways and the docks,

Principles:
• Development should be set back from the water’s edge and provide active frontages to allow for potential connections across waterspaces.
• Taller buildings in the north should step down to the south and west to create an area of transition from the higher-rise commercial area of Canary Wharf and the low-rise predominantly residential area in the south.

8.8 The Housing Investment and Delivery Programme pages 146 – 147 identifies Millwall as providing 6,150 new homes by year 2025 with High or Very High Growth from 2015 to 2025.

Managing Development Document 2013 (MDD)

8.9 The Adopted Policies Map (reproduced on page 89 of the MDD) shows Westferry Printworks lying within the Place of Millwall and annotated:

• Site Allocation 18
• Within a Flood Risk Area
8.10 Millwall Dock is annotated as ‘Water Space’ forming part of the Blue Ribbon Network (London’s waterways and water spaces and land alongside them) and a Site of Importance for Nature Conservation.

8.11 MDD Chapter 3 provides Site Allocations. Figure 12 page 86 and Figure 44 page 148 again identify Westferry Printworks as Site Allocation 18:

“A comprehensive mixed-use development required to provide a strategic housing development, a secondary school, publicly accessible open space, an expanded leisure facility, a district heating facility (where possible) and other compatible uses.”

8.12 The MDD adopts the following design principles for the print works site:

- Development should respect and be informed by the existing character, scale, height, massing and urban grain of the surrounding built environment and its dockside location. Specifically it should 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.
- Development should protect and enhance the setting of the Maritime Greenwich World Heritage Site and other surrounding heritage assets.
• Development should be stepped back from the surrounding water-spaces to enable activation of the riverside.
• Development should successfully include and deliver family homes.
• Public open space should be located adjacent to the Millwall Outer Dock and of a usable design for sport and recreation.
• Walking and cycling connections should be improved to, from and created within the site, specifically to improve connections to Millwall Outer Dock and to Barkantine Estate centre, Westferry Road centre and Crossharbour centre. These routes should align with the existing urban grain to support permeability and legibility.
• The public realm should be improved at active site edges, specifically along Westferry Road and Millharbour.

8.13 Implementation considerations are:

• Development is envisaged to begin between 2015 and 2020.
• Development should align with any proposals for adjacent sites within the Millennium Quarter Masterplan. (Officer comment: Now withdrawn)
• Development should accord with any flood mitigation and adaptation measures stated within the borough’s Level 2 Strategic Flood Risk Assessment 2011 and the sequential test.
• 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.
• A new secondary school site takes first priority over all other non-transport infrastructure requirements including affordable housing, in relation to the redevelopment of this site, to ensure that it is economically viable and that the new school is provided in a sustainable location to help meet education needs arising across the borough.
• Development must examine the potential for a district heating facility.

8.14 Two walking and cycling routes are shown running north – south through the site together with two east – west routes, one through the centre of the site the other along the dock edge. Improved public realm is indicated on Westferry Road and Millharbour.

8.15 The following London Plan and Local Plan policies are relevant to the application:

The London Plan 2016
2.1 Inner London
2.13 Opportunity Areas
2.14 Areas for regeneration
2.18 Green infrastructure: the multi-functional network of green and open spaces
3.1 Ensuring equal life chances for all
3.2 Improving health and addressing health inequalities
3.3 Increasing Housing Supply
3.4 Optimising Housing potential
3.5 Quality and Design of housing developments
3.6 Children and young people’s play and informal recreation facilities
3.7 Large residential development
3.8 Housing Choice
3.9 Mixed and balanced communities
3.10 Definition of affordable housing
3.11 Affordable housing targets
3.12 Negotiating affordable housing on individual and mixed use schemes
3.13 Affordable housing thresholds
3.15 Coordination of housing development and investment
3.16 Protection and enhancement of social infrastructure
3.17 Health and social care facilities
3.18 Education facilities
3.19 Sports facilities
4.1 Developing London’s economy
4.2 Offices
4.4 Managing industrial land and premises
4.5 Support for and enhancement of arts, culture, sport and entertainment
4.8 Supporting a successful and diverse retail sector and related facilities and services
5.1 Climate change mitigation
5.2 Minimising carbon dioxide emissions
5.3 Sustainable design and construction
5.5 Decentralised energy networks
5.6 Decentralised energy in development proposals
5.7 Renewable energy
5.8 Innovative energy technologies
5.9 Overheating and cooling
5.10 Urban greening
5.11 Green roofs and development site environs
5.12 Flood Risk Management
5.13 Sustainable Drainage
5.15 Water use and supplies
5.21 Contaminated land
6.1 Strategic approach to transport
6.3 Assessing effects of development on transport capacity
6.5 Funding Crossrail and other strategically important transport infrastructure
6.9 Cycling
6.10 Walking
6.12 Road network capacity
6.13 Parking
7.1 Lifetime neighbourhoods
7.2 An inclusive environment
7.3 Designing out crime
7.4 Local character
7.5 Public realm
7.6 Architecture
7.7 Location and design of tall and large buildings
7.8 Heritage assets and archaeology
7.10 World heritage sites
7.11 London view management framework
7.12 Implementing the London view management framework
7.13 Safety, security and resilience to emergency
7.14 Improving air quality
7.15 Reducing noise and enhancing soundscapes
7.18 Protecting local open space and addressing deficiency
7.19 Biodiversity and access to nature
7.24 Blue Ribbon Network (BRN)
7.26 Increasing the use of the BRN for freight transport
7.27 BRN: Supporting infrastructure and recreational use
7.28 Restoration of the BRN
7.30 London’s canals and other rivers and waterspaces
8.2 Planning obligations
8.3 Community Infrastructure Levy (CIL)

Annex One Opportunity and Intensification Areas No. 17 Isle of Dogs
Annex Four Housing Provision Statistics

Tower Hamlets Core Strategy 2010 (CS)
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 placemaking
SP13 Planning obligations

Tower Hamlets Managing Development Document 2013 (MDD)
DM0 Delivering sustainable development
DM2 Local shops
DM3 Delivering homes
DM4 Housing standards and amenity space
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
DM17 Local Industrial Locations
DM18 Delivering schools and early learning
DM20 Supporting a sustainable transport network
DM21 Sustainable transportation of freight
DM22 Parking
DM23 Streets and the public realm
DM24 Place sensitive design
DM25 Amenity
DM26 Building heights
DM27 Heritage and the historic environments
DM28 World heritage sites
DM29 Achieving a zero-carbon borough and addressing climate change
DM30 Contaminated Land

Definition of tall buildings
8.16 London Plan 2016, supporting Policy 7.7 defines tall and large scale buildings as:
“Tall and large scale buildings are those that are substantially taller than their surroundings, cause a significant change in the skyline or are larger than the threshold sizes set for the referral of planning applications to the Mayor.”

Tower Hamlets Core Strategy 2010 Glossary:

“Any building that is significantly taller than their surroundings and/or have a significant impact on the skyline.”

National

8.17 Among national planning publications the following are relevant to the application:

National Planning Policy Framework February 2019 (NPPF)
Planning Practice Guidance (PPG)
Technical housing standards – nationally described space standard 2015

Supplementary Planning Documents

Greater London Authority

8.18 The Mayor has published Supplementary Planning Guidance / Documents (SPGs / SPDs), which expand upon policy within the London Plan and are material considerations including:

- Homes for Londoners - Affordable Housing and Viability 2017
- London Strategic Housing Market Assessment 2017
- Accessible London: Achieving an Inclusive Environment 2014
- Guidance on preparing energy assessments 2015
- Sustainable Design and Construction 2014
- The Control of dust and emissions during construction and demolition 2014
- Shaping Neighbourhoods: Character and Context 2014
- London Planning Statement 2014
- Use of Planning Obligations in the funding of Crossrail and the Mayoral Community Infrastructure Levy 2013
- Housing 2016
- London View Management Framework 2012
- East London Green Grid Framework 2012
- Shaping Neighbourhoods Play and Informal Recreation 2012
- London World Heritage Sites - Guidance on Settings 2012
- The Mayor’s Energy Strategy 2010
- The Mayor’s Transport Strategy 2010
- The Mayor’s Economic Strategy 2010

LB Tower Hamlets

- (For historic context) Millennium Quarter Master Plan September 2000 (withdrawn 2015)
- Urban Structure and Characterisation Study (2009) and its Addendum (2016)
- South Quay Masterplan 2015
- Tower Hamlets Tall Buildings Study February 2018 (part of the evidence base of the draft Local Plan 2031)
- Development Viability SPD October 2017
- Tower Hamlets Strategic Housing Market Assessment 2017
- Planning Obligations SPD – September 2016
Community Infrastructure Levy (CIL) Regulation 123 List September 2016

Historic England Guidance Notes
- Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment 2015
- Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets 2015
- Historic England Good Practice Advice in Planning Note 4: Tall Buildings 2015

Building Research Establishment
Site layout planning for daylight and sunlight: a guide to good practice 2011.

DCMS
Maritime Greenwich WHS Management Plan 3rd Review 2014

Emerging Policy

The Draft London Plan August 2018
8.19 The Mayor's new draft London Plan with Minor Suggested Changes was published on 13th August 2018. The Examination in Public took place between November 2018 and March 2019 with adoption anticipated Winter 2019/20. At present the plan carries very limited weight.

The Tower Hamlets Local Plan 2031
8.20 The Examination in Public took place September/October 2018 with adoption during 2019. At present the plan carries limited weight. Of particular relevance to the Westferry Printworks application are draft policies:

D.H2: Affordable housing
D.DH4: Shaping and managing views
S.DH5: World heritage sites
D. DH6: Tall buildings
S.OWS2: Enhancing the network of open spaces
D.OWS4: Water spaces’

8.21 As part of the evidence base to inform the emerging Local Plan 2031, the council undertook a Tall Buildings Study. The strategy proposed (and carried into Policy D.DH6) identifies five tall building zones across the borough one being the Millwall Inner Dock Cluster which includes the application site.
8.22 For the Millwall Inner Dock cluster, draft Policy D. DH6 says:

- Building heights in the Millwall Inner Dock cluster should drop away from the Canary Wharf cluster to support its central emphasis.
- Building heights should step down away from the centre of the cluster and ensure that the integrity of the Canary Wharf cluster is retained on the skyline when seen from places and bridges along the River Thames across Greater London, particularly in views identified in the London Views Management Framework.

8.23 Part 4 ‘Delivering Sustainable Places’ of the draft Local Plan (Figure 51 page 257) identifies Westferry Printworks as a Site Allocation with the following land uses required:

- Housing
- Employment (specified as re-provision of ‘existing employment’)
- Strategic open space (1 ha)
- Leisure centre
- Secondary school

8.24 Design principles expect development of the site to:

- Respond positively to the existing character, scale, height, massing and fine urban grain of the surrounding built environment and its dockside location. Specifically, buildings should step down from Canary Wharf to the smaller scale residential properties to the north and south;
- Protect or enhance the setting of the Maritime Greenwich world heritage site and other surrounding heritage assets;
- Respect the waterside setting, ensuring public accessibility to the waterfront and active frontages provided with buildings stepped back;
- Maximise the provision of family homes;
• improve biodiversity and ecology along the water edges and within open spaces;
• improve walking and cycling connections to, from and within the site - specifically to improve connections to Millwall Outer Dock and to Barkantine Estate centre, Westferry Road centre and Crossharbour centre. These routes should align with the existing urban grain to support permeability and legibility. Public open space should be located adjacent to the Millwall Outer Dock and designed to facilitate sport and recreation activities; and
• improve public realm with active site edges, specifically along Westferry Road and Millharbour

The Isle of Dogs & South Poplar Opportunity Area Planning Framework (OAPF)
8.25 The OAPF is being written by the GLA with help from Tower Hamlets and TfL. The OAPF is reasonably advanced and carries significant weight. It establishes key policies and design principles to support the delivery of strategic housing targets and other strategic goals for the Opportunity Area. Adoption is anticipated in 2019.

8.26 Detailed work has been undertaken to try and establish the full extent of potential housing growth in the Isle of Dogs & South Poplar up to the period 2041. This has indicated that there could be capacity to deliver a baseline of 31,000 new homes up to a total of 49,000.

8.27 The Westferry Printworks site is shown as a LBTH Site allocation to provide 722 homes and 564 jobs. The site is proposed to become a community hub with social infrastructure including a school, GP surgery, community centre, leisure facilities, public toilets, parks and play areas. The application site is also located within the Millwall Waterfront that will be a green, family friendly area where the community can enjoy a range of outdoor leisure activities on the water, dock edge, and within new and improved parks including at and beyond the eastern boundary of the application site (marked 1 on the plan below) on part of which additional Tower 5 would be located. An extension of Millharbour (marked 8) crosses the site linking to Westferry Road. A school straddles Millwall Dock Road with public space - Westferry Square (marked 4) west of the school.
The OAPF also identifies a secondary tall buildings cluster at Millwall Inner Dock that embraces the majority of the eastern part of the application site – Figure 16 below.
Figure 16 – OAPF Extract - Building heights

8.29 The draft OAPF is supported by a Development Infrastructure Study (DIFS) and a Transport Strategy and Local Connections Strategy which set out interventions to support sustainable growth on the Isle of Dogs. The DIFS tested three growth scenarios and in each one the extant permission at Westferry Printworks has been assumed. Any proposed increase in residential density on this site should be supported by an assessment of its cumulative impact on social infrastructure, utilities and transport infrastructure to ensure that the intensification would represent sustainable development.

9 CONSULTATION

9.1 The following bodies have been consulted on the application and the submitted Environmental Statement. Representations received are summarised below. The views of officers within the Directorate of Place are expressed within Section 10 of this report – ‘MATERIAL PLANNING CONSIDERATIONS.’

External consultees

Mayor of London Stage 1

9.2 The Mayor received an initial report on the application 17th December 2018. He advised that while the principle of sustainably increasing density to optimise
housing and affordable housing supply is supported in strategic planning terms, the scheme does not comply with the London Plan and draft London Plan for reasons set out below. The resolution of these issues could, nevertheless, lead to the application becoming compliant with the London Plan and should be addressed prior to the Mayor’s decision-making stage:

- **Principle of development**: The principle of the residential-led, mixed-use redevelopment of this site within the Isle of Dogs Opportunity Area is supported in land use terms and established by the extant planning permission. Whilst the principle of sustainably increasing density to optimise housing and affordable housing supply is also broadly supported, those strategic concerns identified with regards to transport infrastructure impact, in particular DLR capacity, in addition to future strategic open space provision identified in the draft OAPF, must be fully addressed before the extent of residential intensification currently proposed may be considered acceptable in strategic planning terms.

- **Affordable housing**: 35% affordable housing, of which 30% is proposed as affordable rent, 28% London Living Rent and 42% shared ownership. While this offer responds positively to the threshold approach set out in the Mayor’s Affordable Housing and Viability SPG, Policies H6 and H7 of the draft London Plan and the affordable housing target in the draft OAPF, this does not meet the Council’s preferred tenure split. GLA officers will continue to work in partnership with the applicant and the Council to ensure that the maximum amount of genuinely affordable housing is provided, and further discussion is required with regards to securing appropriate review mechanisms in accordance with strategic policy and guidance.

- **Urban design**: Whilst the scheme is generally of high residential quality and many of the masterplan principles are supported in line with those established by the extant consent, in the absence of a strategy to compensate the proposed loss of coherent open park space envisaged by the draft OAPF, the inclusion of block T5 is not supported.

- **Heritage**: The proposals will impact on the backdrop setting of the grade I listed Tower Bridge in protected River Prospect 11.1B of the London View Management Framework (LVMF). GLA officers will continue to work with the applicant and the Council to secure a scheme that seeks to minimise, the impact of the proposals on the setting of Tower Bridge and the LVMF view.

- **Energy**: The scheme would fall short of the minimum on-site carbon reduction targets set within London Plan Policy 5.2 and Policy SI2 of the draft London Plan for the domestic and non-domestic uses. Further clarification on the emissions factors, the overheating study, potential district heating opportunities, and potential to further optimise carbon savings from renewable technologies is required. Following the resolution of the outstanding energy issues, any shortfall in carbon savings below the zero-carbon target for the domestic element should be offset through financial contributions to the Council’s carbon offset funds.

- **Flood risk and sustainable drainage**: A full review of the flood risk assessment is required, in addition to further details on the sustainable drainage strategy and exploring additional opportunities to reduce water consumption across the site.

- **Transport**: The proposals will generate additional demand on train capacity, particularly the DLR. This uplift can be accommodated by the committed DLR
capacity increases; however, occupation of the development will need to be phased to coincide with the delivery of this additional capacity. Financial contributions toward Crossharbour DLR station and public realm improvements, in addition to bus capacity enhancements and cycle hire should be secured. Travel plans, delivery and servicing, construction logistics and car parking plans should also be secured.

9.3 PTAL: London Underground services can be accessed at Canary Wharf station, over 1 km to the north considered beyond walking distance and not included in the PTAL calculation for which the threshold is 960 m. Hence, the site has a PTAL ranging from 2 to 3.

9.4 Site access: Considered acceptable and restrictions on vehicle movements within the site will support Healthy Streets and active travel.

9.5 Trip generation: The proposals will generate over 2,000 trips across the AM and PM peaks with over 90% undertaken by sustainable modes. The proposals are expected to generate a net increase of 579 two-way trips in the AM peak and 459 two-way trips in the PM peak over and above the consented scheme.

9.6 Car parking: The 154 disabled person car parking spaces meet the requirement of the draft London Plan for 10% of dwellings to have a disabled person parking space. The remaining 99 standard car parking spaces are acceptable in the context of the extant permission and represent very low car development.

9.7 No general car parking is proposed for the non-residential elements. This is welcomed and accords with the draft London Plan. 19 disabled person parking spaces are proposed for the non-residential uses. These will be provided on street throughout the development. This is acceptable and also accords with draft London Plan policy T6. Two car club spaces are proposed at-grade and considered appropriate. The provision of electric vehicle charging points accords with the draft London Plan and welcomed.

9.8 A Car Parking Management Plan should be secured. A permit-free agreement is necessary to prevent future occupiers from parking on surrounding streets.

9.9 The number of parking spaces will remain as per the consented scheme; therefore the proposed additional residential units will not have a noticeable impact on the strategic road network. Nonetheless, the development will add to the cumulative impact of growth on the Isle of Dogs, and contribute to capacity issues at Preston’s Road roundabout that the council should address by CIL contributions. (Officer comment: The application site is zero rated for CIL).

9.10 Docklands Light Railway: The site is approximately 400 m from Crossharbour station. The Transport Assessment predicts that the development would generate 680 two-way trips on the DLR in the AM peak, an increase from 319 in the extant consent.

9.11 DLR trains on the South route (Canary Wharf to Lewisham) serving Crossharbour are currently operating at capacity northbound. The DLR Rolling Stock Replacement Programme (RSRP) will deliver new trains coming into service 2022/2023, providing a 10% increase in capacity which will cater for planned growth (including the consented Westferry Printworks scheme).
9.12 TfL has successfully bid for the Housing Infrastructure Fund to deliver additional capacity on the DLR South Route and unlock further development on the Isle of Dogs including the additional development now proposed at Westferry Printworks although development must be phased to ensure it coincides with the necessary increase in DLR capacity.

9.13 The consented scheme includes a contribution of £420,000 towards extending the canopies at Crossharbour station to relieve platform crowding and encourage better use of train capacity. This was based on £1,327 per additional trip generated (319). The current application is predicted to generate 680 two-way DLR trips in the AM peak and calculated on the same basis TfL requests that a contribution of £900,000 is secured.

9.14 **Buses:** The bus network along Westferry Road is operating at capacity. 115 two-way additional trips are estimated in the AM peak. The extant consent includes a contribution of £300,000 towards improving capacity. Assuming occupation of the additional proposed development is phased to align with the delivery of additional DLR capacity, TfL considers that a contribution of £300,000 remains sufficient to deliver the additional capacity required.

9.15 **Cycling:** Residential and non-residential cycle parking has been increased to meet the minimum requirements of the draft London Plan. The £70,000 secured by the extant permission should be carried over and would be sufficient to expand local docking stations to meet demand generated by the development.

9.16 **Healthy Streets:** The development, including the proposed off-site highway works, will support delivery of Healthy Streets and prioritise walking, cycling and public transport.

9.17 **Travel Plans:** Final Travel Plans and a final Delivery and Servicing Plan should be secured prior to first occupation, together with a Construction Logistic Plan.

**Port of London Authority**

9.18 No objection in principle. Accepts that the use of construction barges would disrupt sports activities within the Millwall Outer Dock. Requests that information, including targets for river use, measures to encourage river bus use and timetables for the river bus stops, are secured by a condition on any planning permission.

**Canal and River Trust**

9.19 **Impact on the character and appearance of the dock:** No objection to the additional Tower T5 as it would be set behind Tower T4 and meaningfully terminate the thoroughfare running through the scheme. Whilst the increased height of Towers T1-T4 (by 10-15 storeys) would change the relationship with Millwall Outer Dock, considers the most significant effect is likely to be on the relationship with the Canary Wharf tall buildings cluster and longer distance views. Recognises that other consultees are better placed to offer guidance about the scale of surrounding buildings and the coherent cluster of tall buildings on the Isle of Dogs, the Maritime Greenwich WHS and compliance with Historic England’s Tall buildings guidance, and respective borough and London Plan policy. Landscaping appears well considered. Details including maintenance should be conditioned and subject to consultation with the Trust. Materials around the dock edge should be durable (York Stone or Granite).

9.20 **Impact on pedestrian wind conditions:** No objection provided the Applicant’s Environmental Assessment is robust and the landscaping mitigation is undertaken.
9.21 **Sailing Impact:** The scheme results in significant localised differences compared with the extant permission. The dock averaged sailing quality improves insignificantly (by less than 1%). However, the western dock area shows an average reduction in total time below the acceptable sailing quality. The Trust is keen to ensure that the West India and Millwall docks remain active spaces alive with on-water uses. Notes the extant planning permission is reliant on section 106 arrangements that require mitigation of the impact of the development on sailing conditions. The council should assess whether it is possible to mitigate the impact of the revised scheme.

9.22 **Impact on the water quality of the Millwall Outer Dock:** The submitted Environmental Impact Assessment identifies that the soil and groundwater on-site is contaminated. Requests safeguarding criteria should to be adhered secured by a Construction Environmental Management Plan. Given the nature of the site once built, and the incorporation of SUDs and oil interceptors into the surface water drainage system, the Trust has no concerns about the discharge of surface water into the dock that is subject to the Trust’s agreement.

9.23 **Heating and Cooling:** Welcomes the proposal to explore the use of dock water as a sustainable solution for heating and cooling the development. Again, such a scheme is subject to the Trust’s agreement.

**London City Airport (LCY)**

9.24 Initially objected to the height of Tower 04 that would have infringed the airport’s safety surface by 5.5 m. The objection has been withdrawn following the submission of revised plans reducing the height of the tower by 2 storeys. Requests conditions to ensure that landscaping is unattractive to birds (so as not to have an adverse effect on the safety of operations at the airport) and no cranes or scaffolding erected until construction methodology and diagrams presenting the location, maximum operating height, radius and start/finish dates for the use of cranes have been approved by the local planning authority in consultation with LCY.

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

9.25 No conflict with safeguarding criteria.

**Historic England**

9.26 The scheme seeks a significant increase in height of the tall buildings and be more prominent in important views. Whilst the proposals alone do not warrant significant concerns, there are reservations about the precedent that tall building development of this scale might set for this area, in particular the creep towards the Maritime Greenwich WHS and within the background of Tower Bridge. As set out in Historic England’s Tall Building Guidance (December 2015), tall building proposals should be plan-led to ensure a positive, managed approach to development, rather than a reaction to speculative development which could harm the historic environment.

**Historic England Archaeology**

9.27 The depth of excavation will only reach archaeological horizons on one small area. Content that a standard archaeology condition could be applied to any permission.

**Historic Royal Palaces**

9.28 Shares Historic England’s concerns. The significant increase in height of the proposed tall buildings would make them more prominent, particularly in the LVMF View 11B (downstream) from London Bridge, where they would appear in the
currently relatively open sky between the north and south towers of the bridge (sic –should refer to Tower Bridge). This would have a detrimental visual impact compromising not only the viewer’s perception of the structure of the Grade 1 listed Tower Bridge, but also of the wider setting of the Tower of London World Heritage Site. Considers that such very tall buildings in this sensitive location cannot be justified.

9.29 Commenting on Historic Royal Palaces’ concerns, the applicant considers that the proposed development does not impact the Outstanding Universal Value (OUV) of the Tower of London and that the ability to appreciate the special historical and architectural interest of the Grade 1 listed Tower Bridge is not undermined.

9.30 Historic Royal Palaces further advises that their comments remain relevant as the wider setting of the Tower is particularly significant as it provides the context, visual, physical and historical, in which the ensemble of the Tower is perceived and understood. Two of the seven ‘attributes’ of OUV identified in the Tower of London WHS Management Plan 2016 refer to the contribution made by site’s setting. Tower Bridge is itself located within the local setting of the Tower (as identified in the Management Plan), so any visual impact on Tower Bridge has a consequential impact on the setting of the WHS.

UNESCO
9.31 No representations received.

Environment Agency
9.32 No objection. The site is located within Flood Zone 3 (High risk) but protected by the Thames Tidal flood defences from a 1 in 1000 (Low Risk) chance in any year flood event, but at risk were they breached or overtopped. To improve flood resilience, recommends that, where feasible, finished floor levels are set above the 2100 breach flood level - 4.97m AOD.

London Fire Brigade
9.33 Unable to comment due to claimed lack of information. Recommends sprinklers are installed in new development. Officer comment: LFB has been provided with an electronic link to the application. LFB made no representations on the previous application.

Ministry of Housing, Communities & Local Government
9.34 No comments received on the Environmental Statement.

Tower Hamlets Primary Care Trust
9.35 No representations received.

Royal Borough of Greenwich
9.36 Objects. Due to height and prominent siting, the development would fail to respect the scale of surrounding buildings and detract from the established and coherent cluster of tall buildings on the Isle of Dogs and harm the highly valued strategic view from Greenwich Park and the setting of the Maritime Greenwich WHS contrary to London Plan 2016 policies 7.10, 7.11 and 7.12, the London View Management Framework SPG 2012 and the Maritime Greenwich WHS Management Plan 2014.

London Bus Services Limited
9.37 See Mayor of London Stage 1 comments above.
Docklands Light Railway
9.38 See Mayor of London Stage 1 comments above.

London Underground Infrastructure Protection
9.39 No comments.

Sport England
9.40 Seeks to protect existing sports facilities, enhance existing facilities and provide new facilities to meet identified needs. Would object to development that results in the loss of sports facilities or detrimentally affects an existing sports facility and would seek advice from the relevant National Governing Body for Sport. Provided that the existing sports facility (DSWC) is not detrimentally affected then Sport England would not object to the proposal. The impact on the use of the adjacent facility should be understood and mitigated, in consultation with the Royal Yachting Association.

Natural England
9.41 No comments. The revised development is unlikely to have significantly different impacts on the natural environment.

Thames Water
9.42 Waste discharge: The development is located within 15 m of a strategic sewer. Planning permission should be conditioned to require the approval of a piling method statement. The existing waste water infrastructure is unable to accommodate the needs of the development. Requests a condition preventing the occupation until upgrades are completed or a housing and infrastructure phasing plan agreed.

9.43 Water supply: Existing infrastructure has insufficient capacity to meet the demands of more than 100 dwellings without upgrades. Requests a condition to prevent occupation beyond 100 dwellings until confirmation has been provided that either - all water network upgrades required to accommodate the additional flows from the development have been completed; or a development and infrastructure phasing plan is agreed.

National Grid (Plant Protection Cadent Gas)
9.44 Requests an informative is applied to any planning permission advising of operational gas apparatus within the site boundary.

EDF Energy Networks Limited
9.45 No comments received. Officer comment: EDF operates the Barkantine District Heating facility)

Crossrail Limited
9.46 No comments. The site is outside the consultation limits under the Safeguarding Direction.

Millwall Tenants Association
9.47 No representations received.

Mill Quay Tenants Association
9.48 No representations received.

Barkantine Tenants Association
9.49 No representations received.
Association of Island Communities Voluntary Council

9.50 Unanimous disapproval. Recommends the development is refused being too high, would over populate the area and not cater for the local community.

Docklands Sailing Centre Trust (DSCT)

9.51 The Trust’s over-arching concern is whether the proposed development would be so detrimental to stable wind conditions or water quality to prevent sailing and water sports from continuing from the Sailing Centre. The season for sailing and water sport at DSWC is from March to November, peaking in August when use of the dock is at greatest risk of disruption.

9.52 **Wind:** The principle concern on the new application is downdraughts caused by the tall buildings, accentuated by the addition of a further tower. Wind speeds increase with height, the taller the building the greater the speed/impact of the downdraughts. Sailing boats are designed to operate in horizontal wind not vertical downdraughts. When hit by wind from above they can become uncontrollable. As they heel over in horizontal wind the effect of the downdraught becomes greater; it is impossible to spill the wind and capsize inevitable.

9.53 The applicant reasons that the distance between the buildings and the dock edge will prevent downdraught caused by those buildings from impacting on sails in the dock. DSCT have not been able to identify how this is demonstrated by the measurements referred to and believes this needs to be the subject of further clarification.

9.54 The applicant accepts that “…dinghy sailing close to the northern edge of the dock may experience increased velocities from the influence of the adjacent buildings and this mean flow is predominantly horizontal or close to horizontal in nature”. The extent to which this detriment is increased by the addition of a 5th tower is not readily discernible but, as a matter of common sense, it must be about 20%.

9.55 Weekends of sailing courses for novices lost to adverse wind conditions while the Printworks existed was about 10% that was relatively easy to cope with by rescheduling that number of courses. This would have increased to about 20% with the consented development, largely as a result of disruptive wind conditions across the north-west corner of the Outer Dock where users enter the boats. The addition of the problem caused by the new tower along the length of the northern dockside is assessed as an increase to lost weekend courses, about 25%. The impact of the proposed development in that latter regard could only be mitigated by instructors keeping novices out of the affected “northern strip”.

9.56 DSCT says the previous Wind Mitigation Contribution “was devised to mitigate the effect of the consented development and in that sense is adequate to address current concerns. Beyond the proposed ‘Weather Station’ (which we have not been asked to cost but could locate on our site) it is unlikely any additional measures within the statutory frameworks could mitigate the effect of the development now proposed.”

9.57 **Ground source heat exchange:** Proper consideration should be given to the environmental impact of ground source heat exchange in Millwall Outer Dock. The applicant recognises the possibility of encouraging blue-green algae due to the stirring of the existing stratified water. There is no existing problem and, since DSWC has operated, there has been only one instance of a massive algae bloom,
which caused a skin rash on many people who came into contact with it. Reoccurrence would close DSWC operations. Understands that Canary Wharf Group conducted research into the use of ground source heat exchange and was advised not to proceed. At the very least, the installation should be monitored and capable of being shut down should problems occur. Officer comment: This is one of at least four proposals in the area to use dock water but the schemes involved cooling not heating. Also see comments from the Council’s Biodiversity Officer and Sustainable Development Team below.

9.58 **Surface water drainage**: Concerned by the risk of dangerous bacteria entering the dock water, e.g. from dog faeces affecting water quality, and the effect of introducing large quantities of fresh water into the dock water environment. The applicant relies on the enforcement of byelaws to control dog fouling and provision of dog faeces bins. It will be necessary for the local authority and all riparian landowners to ensure this happens. The filtration and treatment measures within the proposals will need to be installed, maintained and monitored.

9.59 **In summary:**

- Given there is no actual measurement of downdraughts, DSCT question whether the wind tunnel tests conducted in 2016 and on the present scheme demonstrate that downdraughts will not create a significant adverse impact or, at worst, an impact which ends the viability of sailing for all during the period March to May. In the absence of such information a decision should be deferred.

- The local authority should be satisfied on the basis of sound scientific evidence that the risk of detrimental impact to the dock ecosystem as a result of the dock sourced heat exchange is of negligible significance and what might be done to reverse that impact if the risk materialises.

- The authority should be satisfied on the basis of sound scientific evidence and the reality of enforcement that the risk of detrimental impact to the dock ecosystem due to surface water drainage can be eliminated by the measures proposed and conditions imposed on any planning permission and what might be done to reverse any impact.

**Royal Yachting Association**

9.60 **Wind and sailing**: Welcomes the Environmental Statement’s assessment of impacts on sailing and that consultation with DWSC has resulted in developing criteria for assessment. Shares DWSC’s concerns about downdraughts caused by the tall buildings leading to capsize. Disappointed that the issue was not initially considered within the ES and therefore cannot currently support the conclusions drawn.

**Ground Source Heat Exchange & Surface Water Drainage**: Shares DWSC’s concerns about the use of the dock for ground source heat exchange and the risk of bacteria entering the dock water. Not satisfied that the effect of discharging surface water on the dock ecosystem has been given full consideration or to ensure it conforms to EU recreational water standards.

**Natural England**

9.62 No comments. The development is within an area that could benefit from enhanced green infrastructure.
Metropolitan Police Crime Prevention Design Advisor

9.63 Recommends that any planning permission is conditions to require Secured by Design Accreditation. Concerned about the risk of unexploded ordnance.

Internal consultation

Sustainable Drainage Officer

9.64 Objects to the surface water drainage strategy. The applicant has utilised the Environment Agency’s Risk of Surface Water Flooding Maps and the application of a series of rainfall events but does not include the combined sewer system or details of the micro topography. Conclusions are very wide of the mark. Moreover the site is in a Critical Drainage Area and it is important to achieve Greenfield runoff rate.

9.65 Discharge to the combined sewer system will be required to meet Greenfield runoff rates through the use of Sustainable Urban Drainage (SUDS). Requests that the following condition is applied to any planning permission:

Prior to the commencement of any superstructure works, a surface water drainage Scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved by the local planning authority. The scheme should include (but not limited to)

- The peak discharge rates and together with any associated control structures and their position,
- Safe management of critical storm water storage up to the 1:100 year event plus 40% and,
- Details of agreed adoption, monitoring and maintenance of the drainage and SUDS features.

Corporate Access Officer

9.66 No comments received.

Biodiversity Officer

9.67 The site has been cleared and currently of negligible value for biodiversity. Beforehand, it supported breeding black redstarts, foraging and probably roosting bats, a large population of the protected Jersey Cudweed, and habitats including about 0.35 ha of predominantly native woodland and dense scrub and extensive areas of low-quality open mosaic habitat. This is the baseline against which the proposed development should be assessed.

9.68 The consented development included an Ecological & Biodiversity Management Plan committing the developers to provide at least 0.185 ha of biodiverse roofs, 0.52 ha of native tree, shrub and wildflower planting at ground level, 36 bat boxes, 54 assorted bird and invertebrate boxes. The ecology chapter of the Environmental Statement (ES) suggests that the revised proposals should be capable of delivering a similar level of mitigation secured by condition.

9.69 Millwall Dock is a Site of Importance for Nature Conservation. The revised proposal includes use of dock water for cooling. This could potentially impact on the ecology of the dock, through heating (both overall and localised plumes of warmer water) and possibly through changes in salinity. This is one of at least four proposals in the area to use dock water for cooling. Their cumulative impacts, in terms of overall raising of the water temperature, and the potential for localised
plumes of warm water discharges to form barriers to fish movement, have not been adequately assessed in the ES. A more detailed cumulative modelling study should be provided before the application is approved.

**Parks and Open Spaces**

9.70 No comments received.

**Arboricultural Officer**

9.71 No comments received.

**Environmental Health**

9.72 **Noise, pollution and air quality:**

1. The development will be impacted by emissions from the Barkantine Energy Centre. A proposed new flue to the Energy Centre will sufficiently mitigate impacts. Conditions should require that the new flue is installed and operational prior to occupation of the development.

2. The air quality impacts forecast are dependent on low NOx boilers and pollution arrestment fitted. The development should only proceed on the basis that the boilers and pollution arrestment equipment meeting the specifications in the Air Quality Impact Assessment are installed.

3. The boiler plant has been designed on the principle that heating and cooling will be delivered via an energy exchange system using the water in Millwall Dock. Should the proposal be rejected on other grounds, the heating and cooling of the development will need to be reconsidered.

4. Electricity generated by the CHP plant should be used on site only and not exported to the National Grid.

5. The Air Quality Assessment says that a Construction Management Plan (CMP) is submitted as part of the development. The CMP must be compliant with the requirements of the GLA SPG ‘The Control of Dust and Emissions during Construction and Demolition’.

6. Permission should be conditioned to require the installation of odour control equipment to protect the amenity of nearby residential premises food and drink uses.

**9.73 Contaminated Land:** Recommends conditions to secure site investigation and the mitigation of any contamination.

**Transportation & Highways**

9.74 The increased density brings concerns regarding the transport infrastructure due to the site’s poor to moderate PTAL.

**9.75 Car parking:** Car parking levels of the permitted scheme are retained meaning the additional units are effectively car free reducing the previous ratio of car parking provision from 0.35 to 0.16. Whilst the reduction is welcomed, it is considered that the site should be entirely car free other than accessible parking. Of the 253 spaces proposed 154 would be for residential resident Blue Badge holders and 99 for general residential use. The quantum of accessible bays proposed is acceptable and meets the 10% target for dwellings. There is no general parking for other uses save for at grade accessible spaces. Two car club spaces are proposed. The Draft Parking Management Plan is not acceptable as a ‘minimum’ of 99 spaces will be available for general residential parking at all times. Accessible parking must have priority and the final 10% allocation may be insufficient. Object to the setting of minimum non accessible parking levels.
9.76 The Transport Assessment states “Parking for the development’s commercial and community land uses will be restricted to disabled badge holders only, and this will be located at surface level.” However, the Parking Management Plan (paras. 4.6.15 and 4.6.16) provides that 21 car parking spaces will be provided for non-residential land uses and used flexibly for short stay and visitors. More clarity is required and a commitment that only Blue Badge parking will be allowed use of these spaces.

9.77 The Parking Management Plan should provide that all potential leasees are informed that if they are not allocated a space after previously having one then they will not be issued with a Council parking permit and set out how spaces will be equitably managed between different tenures. The submitted Plan is not acceptable and should planning permission be granted a condition requiring a revised Parking Management Plan is required.

9.78 **Cycle parking:** The scheme commits to meeting Draft London Plan standards. A Cycle Parking Management Plan should be required by condition to any fresh planning permission.

9.79 **Servicing and delivery:** A Framework Plan has been submitted. The increase in residential and commercial space will inevitable increase the number of service vehicles including waste collection.

9.80 **Trip generation:** The assessment methodology has been accepted by the Council and TfL. This raised concerns regarding public transport capacity particularly at Crossharbour DLR station. However, TfL has recently secured funds through the Government’s HIF (Housing Infrastructure Funding) to improve DLR capacity on the south route (Canary Wharf to Lewisham) and advised that the increase in patronage arising from this and other developments in the area can be accommodated provided schemes are phased.

9.81 **Permeability:** The scheme retains the previous layout and would open the site to pedestrians and cyclists but closed to non-authorised vehicles. This is welcomed as is the enhanced dockside walkway.

9.82 **Conditions and legal agreements:** As in 2016, arrangements on Westferry Road for school children (and at Millharbour), to include a new zebra crossing and changes to bus stops and waiting / loading restrictions should be secured by a section 278 Agreement. Other conditions / informatives remain a requirement of any fresh planning permission including:

- Full Travel Plans for the different uses - school, workplace and residential
- Construction Management Plan
- Service Management Plan
- Revised Parking Management Plan
- Cycle Parking Management Plan
- A Permit Free agreement restricting all future residents from applying for parking permits on the public highway.

9.83 **In summary,** subject to TfL confirming that funding is available for increased DLR capacity and the development phasing accords with these improvements, the proposal does not substantially differ from the 2016 scheme in transport terms. Without phasing there is major concern that the increase in density, and other developments in the area, could not be sustained.
9.84 Enterprise & Employment
Recommends planning obligations to secure contributions and measures to support and / or provide training and skills for local residents to access job opportunities during construction and within the employment created by the development including apprenticeships.

9.85 Communities, Localities and Culture
No comments received.

9.86 Education Development Team
No comments received.

9.87 Waste Policy and Development
The proposals meet the council’s waste policies.

9.88 Sustainable Development Team
**Energy Strategy:** The proposed Strategy seeks to implement energy efficiency measures (comprising a range of passive design features and demand reduction); a communal heat network powered by a single energy centre; and renewable technologies (photovoltaic panels and water source heat pumps) to deliver an 18.7% reduction in CO2 emissions against Part L Building Regulations 2013 (a 35.1% reduction against the Government’s Standard Assessment Procedure [SAP] 2019 carbon figures).

9.89 Whilst the scheme falls short of the minimum on-site carbon reduction targets set within MDD Policy DM29, the shortfall is proposed to be met through a Carbon Offsetting contribution of £2,839,530.

9.90 The proposals to reduce carbon dioxide emissions should be further supported by the detailed dock water heat pumps study to demonstrate deliverability of the strategy. An analysis of the expected cost to occupants associated with the proposed energy strategy should be provided in accordance with Draft London Plan policy SI2.

9.91 Sustainability: The applicant has submitted a sustainability statement which outlines the commitments to integrating sustainable design and construction into the development and achieving BREEAM ‘Very Good’ which is acceptable for non-residential units of 500m2 or less.

10 LOCAL REPRESENTATION

10.1 Community involvement by the applicant
A Statement of Community Involvement has been submitted that explains the community and stakeholder consultation undertaken required by the Localism Act 2011, the NPPF and Tower Hamlets’ Statement of Community Involvement. London Plan Policy 3.7 ‘Large residential developments’ requires that the planning of sites of over 5 ha and 500 dwellings ‘should take place with the engagement of local communities and other stakeholders.’

10.2 Between July 2017 and July 2018, neighbour community liaison meetings were held on a two-monthly basis mostly at Strafford Street Friendship Club. A public exhibition was also held on 23rd and 24th May 2018 at The Forge, 397–411
Westferry Road. Invitations to the exhibition were sent to the Mayor and councillors representing Canary Wharf, Island Gardens and Blackwall & Cubitt Town wards and the following organisations:

<table>
<thead>
<tr>
<th>Organisation Name</th>
<th>Organisation Name</th>
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<tbody>
<tr>
<td>Alpha Grove Community Centre</td>
<td>Cubitt Town Junior School</td>
</tr>
<tr>
<td>Arnhem Wharf Primary School</td>
<td>Cxytera Ltd</td>
</tr>
<tr>
<td>Association of Island Communities</td>
<td>Docklands Sailing and Watersports Centre</td>
</tr>
<tr>
<td>Barkantine Tenants Association</td>
<td>East End Community Foundation</td>
</tr>
<tr>
<td>Bloomberg</td>
<td>EDF</td>
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<tr>
<td>Canal and River Trust</td>
<td>George Green’s School</td>
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<td>Canary Wharf Academy</td>
<td>Harbinger Primary School;</td>
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<tr>
<td>Cubitt Town Infant School</td>
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<tr>
<td>Inland Waterways Association</td>
<td>Samuda Tenants and Residents Association</td>
</tr>
<tr>
<td>London Waterway Partnership</td>
<td>Seven Mills Primary School</td>
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<tr>
<td>Mill Quay Residents’ Association</td>
<td>St. John’s and Samuda Leaseholders Association</td>
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<tr>
<td>Millwall Bengali Association</td>
<td>St. John’s Bengali Welfare Organisation</td>
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<tr>
<td>Millwall Park Centre</td>
<td>Strafford Street Friendship Club</td>
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<td>Ogden Properties</td>
<td>Telstra Ltd</td>
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<tr>
<td>Residential Boat Owners Association</td>
<td>The Space Theatre</td>
</tr>
<tr>
<td>Samuda Estate Bengali Association</td>
<td>Tiller Road Leisure Centre</td>
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<tr>
<td>West India Dock Mooring Association</td>
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</tbody>
</table>

**Figure 17 – Organisations invited to public exhibition**

10.3 Some 700 invitations to the exhibition were also distributed within the area shown on the map below.

![Map of exhibition invitation distribution](image-url)

**Figure 18 - Area of exhibition invitation distribution**
Members of the applicant’s team attended the exhibition to answer questions. A project website was established. Responses were invited by comment card and email. Ninety-two visitors attended over both days and 60 people submitted comments. Main points raised were:

- Concerns about increased density and population,
- The capacity of utilities infrastructure (including water pressure),
- The capacity of public transport to cope with increased demand,
- Adequacy of cycling infrastructure,
- Impact on broadband speeds,
- Energy efficiency & potential issues associated with the use of dock water for heating and cooling,
- Impact of wind on the sailing centre and pedestrians using the dockside walkway,
- Impact on daylight and sunlight due to the additional height,
- Noise from the adjoining data centre,
- Allocation of affordable housing to local residents,
- Failure to address the lack of family housing,
- Adequacy of the proposed community, health and crèche facilities,
- Lack of additional school spaces within the development,
- Accessibility of the health centre to public transport,
- Escalation of social problems - crime, safety and security,
- Whether local peoples’ access to the site including young people’s space would be restricted,
- Some support for the design,
- Concern about the height of the buildings,
- Concern about facade colours and potential for glare,
- Design quality and the size of the residential units,
- Disruption of views across Millwall Dock,
- Potential noise from the public realm,
- Proximity of the new school to existing homes,
- The development should not be gated,
- The proposed outdoor space isn’t big enough to accommodate use by the local community,
- Space needed for dog walkers and the provision for cleaning up areas,
- Request for public toilets,
- Request for sheltered outdoor space,
- Concern about London Plane trees that can become too tall,
- Provision within the service charge should allow for the maintenance of the outdoor space,
- The lack of a supermarket on the Island,
- Disruption during construction,
- There should be job opportunities for local people and a community engagement strategy.

Representations following statutory publicity

The application has been publicised by site notices and advertisement in OurEast End. Over 6,000 neighbouring properties within the area shown on the map appended to this report have been notified and invited to comment.

Representations received 55
No of petitions received: 53  Supporting 2  

Ground of support
10.6 The development would be a ‘nice fit’ on the Isle of Dogs. Commercial units would bring life to the development.’

Grounds of objection
10.7 Objectors mostly consider the scale of the proposal excessive and would negatively impact on the local community that suffers from inadequate infrastructure & services commenting that the previous proposal satisfied the requirement to build more housing.

10.8 Material grounds of objection may be summarised as:

- The original plans were arguably in keeping with the general trend of buildings reducing in height with increasing distance from Canary Wharf. The amended proposals would reverse this trend dominating the local area.
- New buildings should reduce in height as they move away from Canary Wharf. The proposed buildings do exactly the opposite – they step up towards the south, compromise the ‘step down’ principle and would encourage other large inappropriate developments locally.
- There should be no further high-rise residential buildings south of South Quay, especially south of Glengall Bridge. The proposal would be the only high-rise development around Millwall Outer Dock. Too imposing, failing to blend into the neighbourhood and the backdrop of the 3-4 floor houses lining the southern side of the dock.
- Conflict with Local Plan DM26 on the location of tall buildings. Also contrary to Tower Hamlets proposed Local Plan - "The height of tall buildings in a cluster should drop away from the centre to the periphery to support its central emphasis and not all buildings within a cluster should be tall to avoid creating a wall of development." Westferry Printworks is away from any tall buildings clusters, surrounded by small houses that would be dwarfed. The development also negatively impact on Tower Hamlets policy that "Canary Wharf is identified as a Skyline of Strategic Importance with 1 Canada Square a globally recognised silhouette."
- Excessive density and overdevelopment that would dominate most views throughout the southern part of the Isle of Dogs.
- Councils of the 60s and 70s were criticised for approving this type of development, so tall and dense. All the evidence is that it results in an unhealthy environment for families and the buildings prove costly and difficult to maintain in a healthy and safe condition.
- The previous planning application was a reasonable compromise that balanced the needs of the community with the demand for more homes and the developer’s financial motives. This new application does not achieve the same balance.
- There is a right place for this kind of density and height elsewhere on the Isle of Dogs but this is not one of them.
- Overshadowing of residential property to the north including Lanterns Court and surrounding terraced housing in Mellish Street and Tiller Road.
- Loss of privacy.
- Loss of views across the dock towards Greenwich.
- View from the Greenwich Royal Observatory would be significantly impacted.
• Poor aesthetics and design. In this part of the Isle of Dogs, development of this size would look very out of place and block protected view of Maritime Greenwich.
• The building proposed for the "triangle" at the entrance to the old print works would be a significant visual intrusion. It was open space and a tunnel effect on Westferry Road is starting to be created.
• Westferry Road and Aspen Way do not have the capacity to carry large amounts of traffic.
• Compared with Millwall Inner Dock, the existing low-rise environment of the Outer Dock affords birds a thriving environment. Surrounding the Outer Dock with tall buildings will make the dock a less pleasant place for wildlife and obstruct birds' flight paths.
• Impact on microclimate.
• Millwall Outer Dock is used for wind-reliant water sports that should not be impeded by high-rise development. The sailing club is a treasured asset that could be destroyed by the effect of these tall buildings on wind speed and direction. The Environmental Statement fails to assess the impact of vertical downdrafts on sailing conditions.
• Proper consideration should be given to the environmental impact of ground source heat exchange in the Millwall Outer Dock.
• The dock waters must continue to conform to EU recreational water standards.
• Serious consideration should be given to the effect on the dock water of bacterial, viral and other matter that could enter the dock, bypassing the proposed filter system e.g. bacteria from dog facies & Weil's disease.
• Insufficient social and physical infrastructure. Development on the island is approved in isolation, not taking into account cumulative impact. A more holistic approach island wide may support concerns regarding overpopulation and the overstretching of already inadequate public transport, roads, medical facilities, water and waste services, schools, and open space.
• Insufficient local public bus transport or pavement space to accommodate the amount of people.
• Insufficient attention given to how some of the buildings will be serviced. Servicing building B01 from Westferry will not be suitable given Westferry Road will be busy with children and adults using the bus stop or crossing the road to the schools.
• Sport pitches would be in close proximity to Claire Place and Tiller Road. If used late in the evenings may cause unacceptable levels of light and noise. (Officer comment: The sports pitches are part of the school not the current application and hours of use are controlled the 2016 permission).
• Inadequate car parking.
• Insufficient open space on the Isle of Dogs for existing and future residents.
• Tiller Leisure Centre should to be significantly enhanced.
• Lack of affordability. These new developments do little to solve the housing crisis.
• Noise and pollution from construction works.
• Potential for existing data centres at Greenwich View Place to impact on the future occupiers of the application site. The scheme would also significantly affect the development potential of the adjoining site allocated in the Local Plan.
• Fire hazard.

10.9 Non-material grounds of objection raised are:

• Loss of property values.

10.10 Objection has also been made by Robert Ogden Indescon Developments Ltd, owner of a long leasehold interest of adjacent Greenwich View Place (GVP) due to:

• Tower T4 would be 14 m from the GVP boundary (compared to 24 m previously) just 16 m from the adjoining office building. Additional Tower T5 lies 2.5 m from the boundary just 5 m away from a data centre at GVP. The impacts on the existing operations on the GVP site in terms of security, noise, hours of operation, deliveries and servicing would be significant and has not been assessed by the application.

• The development would also have a significant effect on the potential for redevelopment of GVP. Positioning T4 closer to the boundary and increasing the height has the potential to impact the form and scale of future development at GVP. The positioning of T5 will block two important longitudinal views – between Millharbour and the waterfront and prevent any future view from being opened up, from the eastern end of the new road, across GVP to the waterfront, including to the historic cranes and bridge at Millwall outer dock to the east.

• It is not required to test the sunlight and daylight impacts on GVP as the site is currently in commercial use. However, as an allocated site the impacts of the sunlight and daylight on GVP are relevant. The height and location of T5 and T4 are likely to cause a loss of daylight and sunlight to future occupiers and amenity spaces at GVP.

• The wind climate will be affected by the increased height and density. Increased winds at ground level will create an unpleasant pedestrian environment impacting on residents and visitors to amenity space at any future scheme at GVP.

• GVP is allocated for mixed use development within Site Allocation 4.7 Millharbour South in the Draft Local Plan. This includes a new public open space, to link with the ‘East Park’ to be created at Westferry Printworks. This is reiterated in the indicative diagrams in the draft Isle of Dogs and South Poplar Opportunity Area Planning Framework (OAPF). T5 is located in the middle of the East Park and is not supported by the Mayor of London.

• T5 reduces the quantum of open space at the new East Park and reduces its quality by increasing overshadowing and the potential for wind tunnels. Similarly, shifting T4 closer to GVP and the proposed increase in height will impact on the proposed open space. The significant uplift in residential density also generates an increased pressure on the existing open space deficit. Westferry Printworks should seek to include a well-positioned public open space within its own land, in line with the original quality and quantity consented.

Ward councillors (Blackwall & Cubitt Town and Island Gardens wards)

10.11 Objections from councillors in the two adjoining wards are:

• The buildings are too tall and contravene the step-down principle, setting a precedent for development elsewhere on the southern part of the island.
The height of the buildings will overshadow neighbouring properties.
Density too high.
Impact on the sailing centre caused by wind will result in a loss of amenity.
Affordable housing is at a minimal level.

11 MATERIAL PLANNING CONSIDERATIONS

11.1 The main planning issues raised by the application that the committee must consider are:

- Principle of development
- Optimising housing potential
- Affordable housing – amount
- Housing tenure mix
- Housing quality & standards
- Open space
- Urban design and heritage assets
- Impact on surrounding residential amenity
- Microclimate within the development
- Impact on the Docklands Sailing and Watersports Centre
- Transport, connectivity and accessibility
- Airport safeguarding
- Energy and sustainability
- Air quality
- Noise and vibration
- Contaminated land
- Flood risk
- Sustainable urban drainage
- Biodiversity
- Waste
- Environmental Statement
- Community Infrastructure Levy and Planning obligations
- Other Local Finance Considerations
- Human Rights
- Equalities

Principle of development

The London Plan 2016

11.2 The London Plan identifies Opportunity Areas as capable of significant regeneration to accommodate new jobs and homes and requires their potential to be maximised. The site lies within the Isle of Dogs and South Poplar Opportunity Area and an Area of Regeneration.

11.3 Policy 2.13 sets out the Mayor’s policy on opportunity areas and paragraph 2.58 explains they are London’s major reservoir of brownfield land with significant capacity to accommodate new housing, commercial and other development linked to existing or potential improvements to public transport accessibility. Table A1.1 indicates that the Isle of Dogs Opportunity Area is capable of accommodating at least 10,000 new homes, and 110,000 jobs up to 2031. The application site is not identified for employment use within the London Plan.
11.4 Policy 3.3 ‘Increasing housing supply’ refers to the pressing need for more homes in London. Table 3.1 sets Tower Hamlets a delivery target of 3,931 new homes per year until 2025. Boroughs should seek to achieve and exceed their minimum targets.

11.5 Policy 3.7 encourages ‘Large residential developments’ (including complementary non-residential uses) in areas of high public transport accessibility. Sites over 5 hectares capable of accommodation more than 500 dwellings should be progressed through a plan led approach to encourage higher densities and coordinate infrastructure provision creating distinctive neighbourhoods.

11.6 Policy 3.18 ‘Education facilities’ supports provision of schools to meet the demands of a growing population, particularly where these can be co-located with housing in order to maximise land-use and reduce costs. As mentioned, the school has been excluded from the revised application site being subject to the 2016 planning permission.

Tower Hamlets Local Plan

11.7 Provisions applicable to Westferry Printworks are set out at Section 6 ‘Development Plan Allocations & Policy’ above. In summary, the site comprises Site Allocation 18 to provide a comprehensive mixed-use development with a strategic housing development, a secondary school, publicly accessible open space, an expanded leisure facility, a district heating facility (where possible) and other compatible uses.

Draft Tower Hamlets Local Plan 2031

11.8 Provisions are also set out above explaining that Westferry Printworks is a Site Allocation where the following uses are required:

- Housing
- Employment (specified as re-provision of ‘existing employment’)
- Strategic open space (1 ha)
- Leisure centre
- Secondary school

The Isle of Dogs & South Poplar Opportunity Area Planning Framework (OAPF)

11.9 Westferry Printworks is shown as a Site allocation to provide 722 homes and 564 jobs. Westferry is proposed to become a community hub with social infrastructure including a school, GP surgery, community centre, leisure facilities, public toilets, parks and play areas. The site is also shown within the Millwall Waterfront that is intended to be a green, family friendly area with a range of outdoor leisure activities on the water, dock edge, and within new and improved parks including at and beyond the eastern boundary of the application site where the additional Tower 5 would be located. Millharbour is to be extended across the site linking to Westferry Road. A school straddles Millwall Dock Road with public space (Westferry Square) west of the school.

NPPF

11.10 The Government 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. It requires the efficient use of land by high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise
development potential, particularly for new housing. Local authorities are expected to boost significantly the supply of housing and applications should be considered in the context of a presumption in favour of sustainable development.

Assessment

11.11 The acceptability of a residential led redevelopment was established by the 2016 permission. In land use terms, the 1,524 residential units now proposed, together with commercial uses, a health centre, crèche / community centre and a significant amount of public open space are considered welcome in principle and consistent with the development plan (including MDD Site Allocation 18), national policy and emerging policy in the Tower Hamlets Local Plan 2031.

11.12 However, referring to the GLA’s draft Isle of Dogs & South Poplar Opportunity Area Planning Framework, the Mayor of London advises “in the absence of a strategy to compensate the proposed loss of coherent open park space envisaged by the draft OAPF, the inclusion of block T5 is not supported.”

Optimising housing potential

The London Plan 2016

11.13 Policy 3.4 ‘Optimising housing potential’ requires development to ‘optimise’ housing output taking account of public transport accessibility, local context and character and the design principles in London Plan Chapter 7. Table 3.2 provides a ‘Sustainable residential quality density matrix (habitable rooms and dwellings per hectare)’ for differing locations based on public transport accessibility levels (PTAL). For ‘Urban’ areas with PTAL’s 2-3, Table 3.2 provides an indicative density range of 200-450 habitable rooms per hectare (hrph) or 40 to 170 units per hectare (u/ha). Whilst it is not appropriate to apply the matrix mechanistically, development proposals which compromise the policy should be resisted.

The Mayor’s ‘Housing’ SPG 2016

11.14 This SPG provides guidance on the implementation of London Plan Policy 3.4. ‘Optimisation’ is defined as “developing land to the fullest amount consistent with all relevant planning objectives” (paragraph 1.3.1).

11.15 The SPG states further that: “It is essential, when coming to a view on the appropriate density for a development, that proper weight is given to the range of relevant qualitative concerns’ (Paragraph 1.3.9) and that ‘Conversely, greater weight should not be given to local context over location or public transport accessibility unless this can be clearly and robustly justified. It usually results in densities which do not reflect scope for more sustainable forms of development which take best advantage of good public transport accessibility in a particular location.” (Paragraph 1.3.10).

11.16 The density ranges are not an absolute rule when determining optimum housing potential. London’s housing requirements necessitate residential densities to be optimised in appropriate locations with good public transport access. Consequently, the London Plan recognises the scope for higher density residential and mixed use development in town centres, opportunity areas and intensification areas, surplus industrial land and other large sites. The Mayor’s SPG provides general and geographically specific guidance on the circumstances where the density ranges may be exceeded. Within the SPG, Standard 6 requires development proposals to demonstrate how the density of residential
accommodation satisfies London Plan policy relating to public transport access levels and the accessibility of local amenities and services, and is appropriate to the location.

11.17 Schemes which exceed the ranges in the matrix must be of a high design quality and tested against the following considerations (paragraph 1.3.51)

- local context and character, public transport capacity and the design principles set out in Chapter 7 of the London Plan;
- the location of a site in relation to existing and planned public transport connectivity (PTAL), social infrastructure provision and other local amenities and services;
- the need for development to achieve high quality design in terms of liveability, public realm, residential and environmental quality, and, in particular, accord with housing quality standards;
- a scheme’s overall contribution to local ‘place making’, including where appropriate the need for ‘place shielding’;
- depending on their particular characteristics, the potential for large sites to define their own setting and accommodate higher densities;
- the residential mix and dwelling types proposed, taking into account factors such as children’s play space provision, school capacity and location;
- the need for the appropriate management and design of refuse/food waste/recycling and cycle parking facilities; and
- whether proposals are in the types of accessible locations the London Plan considers appropriate for higher density development including opportunity areas.

Core Strategy 2010

11.18 Figure 28 page 46 “Spatial distribution of housing from town centre to out of centre” shows densities decreasing away from the town centre and dwelling sizes increasing. Policy SP02 ‘Urban living for everyone’ reflects London Plan policy requiring development to “optimise” the use of land with housing density taking account of public transport accessibility and context in relation to the town centre hierarchy.

Draft London Plan August 2018

11.19 Policy D6 ‘Optimising housing density’ proposes to remove the Sustainable residential quality density matrix but maintains the importance of context. The new policy at A intends to retain the requirement that development must make the most efficient use of land and be developed at the optimum density resulting from a design led approach to determine the capacity of the site. Particular attention should be paid to site context, connectivity (including PTAL) and the capacity of surrounding infrastructure. At C the higher the density, the greater level of scrutiny is required of the design in accordance with Policy D2 ‘Delivering good design’.

Tower Hamlets Draft Local Plan 2031

11.20 Policy D.DH7: ‘Density’ provides:

1. Residential development should be consistent with the guidelines set out in the London Plan. Where higher density development is proposed, it must demonstrate that:
a. the cumulative impacts of the proposed development have been considered and do not result in over-development or that suitable mitigation measures in relation to design and infrastructure have been identified; and
b. the site does not compromise the development potential of neighbouring sites.

NPPE
11.21 Paragraph 117 requires planning decisions to promote an effective use of land while safeguarding and improving the environment. Paragraph 122 states – “Achieving appropriate densities requires planning policies and decisions to support development that makes efficient use of land.” This involves taking account of the following provisos:

a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
b) local market conditions and viability;
c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
d) the desirability of maintaining an area’s prevailing character and setting or of promoting regeneration and change; and
e) the importance of securing well-designed, attractive and healthy places.

11.22 Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site (paragraph 123).

Assessment
11.23 Based on the net residential area (as required by paragraph 3.31 of the London Plan), the 2016 permitted scheme resulted in a residential density of 433 h rpm (184 u/ha) which was within the Plan’s recommended density range.

11.24 The current scheme would result in a density of some 801 h rpm (312 u/ha). This exceeds the upper figure of the relevant London Plan matrix bracket by some 80%.

11.25 Adverse symptoms of overdevelopment can include:

- Detrimental impacts on the character of the surrounding area; visual amenity, or views,
- Inadequate access to sunlight and daylight for proposed or neighbouring homes,
- Unacceptable sense of enclosure or loss of outlook for proposed or neighbouring occupiers,
- Adverse impact on the development potential of surrounding sites,
- Sub-standard dwellings (size and layouts);
- Insufficient open space (private, communal and/or publicly accessible);
- Unacceptable housing mix;
- Unacceptable increase in traffic generation;
- Detrimental impacts on local social and physical infrastructure.
An assessment of the development against the exception tests of London Plan Policy 3.4 (within Design Standard 6 of the Mayor’s ‘Housing’ SPG) is provided at Appendix 1.

**Summary**

11.27 The OAPF is in principle suitable for high density development and the proposals would create a new ‘place’. Subject to construction phasing, accessibility to public transport would be satisfactory as would amenity space and refuse arrangements. However, the proposal conflicts with a number of the Mayor’s exception tests to assess schemes that exceed the density ranges in the London Plan’s Sustainable residential quality density matrix (and also development plan policy) namely local context, failure to pay proper regard to the principle of stepping down from 1 Canada Square, and dwelling mix in the market housing particularly a low provision of family homes. Cumulatively, these indicate that the proposal would not optimise the development potential of the site but result in unsustainable overdevelopment causing demonstrable harm that would not be outweighed the benefits of providing additional housing above that permitted in 2016.

**Affordable housing - amount**

The London Plan 2016

11.28 Policy 3.8 ‘Housing Choice’ requires borough’s local plans to address the provision of affordable housing as a strategic priority.

11.29 Policy 3.10 ‘Definition of affordable housing’ explains that affordable housing is social rented, affordable rented and intermediate housing (defined at paragraph 3.61) provided to eligible households whose needs are not met by the market.

11.30 Policy 3.11 ‘Affordable housing targets’ requires boroughs to maximise affordable housing provision and to set an overall target for the amount of affordable housing needed in their areas. Matters to be taken into consideration include the priority for family accommodation, the need to promote mixed and balanced communities and the viability of developments.

11.31 Policy 3.12 ‘Negotiating affordable housing’ requires that the maximum reasonable amount of affordable housing be sought. This should have regard to affordable housing targets, the need to encourage rather than restrain residential development, the size and type of affordable units needed to meet local needs, and site specific circumstances including development viability, any public subsidy and phased development including provisions for re-appraising viability prior to implementation. Affordable housing should normally be provided on site.

11.32 Draft London Plan policies H5 and H6, and the Mayor’s Affordable Housing and Viability SPG, seek to maximise the delivery of affordable housing, with the Mayor setting a strategic target of 50%.

Core Strategy 2010

11.33 Policy SP02 (1) supports the delivery of new homes in line with the Mayor’s London Plan housing targets. Policy SP02 (3) sets an overall strategic target for affordable homes of 50% until 2025. This is to be achieved by requiring 35%-50% affordable homes on sites providing 10 new residential units or more (subject to viability). Paragraph 4.4 explains:
“Tower Hamlets faces significant housing challenges. There is a current affordable homes shortfall of 2,700 homes per year. ….. Given the extent of housing need, Tower Hamlets has set an affordable housing target of up to 50%. This will be delivered through negotiations as a part of private residential schemes, as well as through a range of public initiatives and effective use of grant funding. In some instances exceptional circumstances may arise where the affordable housing requirements need to be varied. In these circumstances detailed and robust financial statements must be provided which demonstrate conclusively why planning policies cannot be met. Even then, there should be no presumption that such circumstances will be accepted, if other benefits do not outweigh the failure of a site to contribute towards affordable housing provision.”

NPPF

11.34 Paragraph 62 advises that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site.

Assessment

11.35 Westferry Printworks is a crucial strategic site within the council’s supply of land for both market and affordable housing.

11.36 This 2nd application included an Addendum Financial Viability Assessment by Gerald Eve which concludes that the development, as amended in March 2019, can provide a maximum of 24.2% affordable housing by habitable room. Despite this, the Appellant made a policy compliant offer of 35% affordable housing (by habitable room). However, 30% was proposed as affordable rent and 70% intermediate housing (27% affordable rent and 73% intermediate calculated by units) failing to meet development plan policy (see further in Housing tenure mix below).

11.37 The Financial Viability Assessment by Gerald Eve has been independently reviewed for the council by PBP Paribas (BNPPRE).

11.38 BNPPRE advise that the scheme could reasonably achieve a 35% affordable housing offer with a policy compliant tenure split of 70:30 in favour of affordable social rented units.

11.39 Policy and guidance suggests an existing use value + (EUV+) should be used to assess land value. This has been adopted by BNPPRE. Gerald Eve (for the Appellant) has incorporated a Market Value approach which is not the preferred methodology given it can reduce developer contributions. Developers may seek to over pay for a site in order to minimise contributions if the price paid (Market Value) is used in viability appraisals.

11.40 The Government’s Planning Policy Guidance (PPG) Paragraph 014 states:

“Where viability assessment is used to inform decision making under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan. Local authorities can request data on the price paid for land (or the price expected to be paid through an option agreement).”

11.41 PPG Paragraph 015 adds:
“Existing use value (EUV) is the first component of calculating benchmark land value. EUV is the value of the land in its existing use together with the right to implement any development for which there are policy compliant extant planning consents, including realistic deemed consents, but without regard to alternative uses. Existing use value is not the price paid and should disregard hope value. Existing use values will vary depending on the type of site and development types.”

11.42 The Appellant has also not accounted for the reduced site area due to deletion of land for a school. This has been accounted for by BNPPRE.

11.43 Whilst the Appellant demonstrated a deficit beyond 24.24% affordable housing yet offered 35% affordable housing; BNPPRE advice the scheme can afford the higher offer, with a more policy compliant tenure mix, if a more accurate viability methodology is adopted.

11.44 By letter dated 7th May 2019, the Appellant’s agent withdrew the 35% affordable housing offer stating:

“The planning application that was submitted to LB Tower Hamlets in July 2018 included an affordable housing offer of 35% by habitable room. This was despite the viability assessment submitted as part of the amendments in March 2019 demonstrating that the maximum reasonable amount of affordable housing was 24.2% by habitable room.

The viability assessment will be updated for the appeal, and whilst the actual affordable housing figure is still being established, I can confirm that the affordable housing offer will be less than 35%. In accordance with planning policy, for the purposes of the appeal, the level of affordable housing will be based on the maximum reasonable amount as demonstrated by the updated viability assessment. We will share this with you in due course.”

11.45 At the time of writing, the Appellant’s Updated Viability Assessment has not been received neither has the revised affordable housing offer or any consequential amendments to the housing tenure mix.

**Housing tenure mix**

*The London Plan 2016*

11.46 Policy 3.8 ‘Housing Choice’ requires boroughs to work with the Mayor and local communities to identify the range of needs likely to arise within their areas and ensure that new developments offer a range of housing choices, in terms of the mix of housing sizes and types.

11.47 Policy 3.9 ‘Mixed and balanced communities’ requires communities mixed and balanced by tenure and household income to be promoted including in larger scale developments such as this.

11.48 Policy 3.11 ‘Affordable housing targets’ requires 60% of the affordable housing provision should be affordable rent and 40% for intermediate rent or sale. The policy provides flexibility and local planning authorities are asked to set their own separate targets for social / affordable rent and intermediate housing in their local plans. The borough’s policy requirement for a higher percentage of affordable
rented housing was considered an acceptable variation from the London Plan at the Examination of the Managing Development Document 2013.

Core Strategy 2010

11.49 Policy SP02 (4) requires the tenure split for affordable homes to be 70% social rented and 30% intermediate. The emerging Local Plan policy D.H2 SP02 (5) requires a mix of housing sizes on all new housing sites with a target that 30% should be family housing of three-bed plus and that 45% of new social rented homes be for families.

Managing Development Document 2013 (MDD)

11.50 Policy DM3 ‘Delivering Homes’ requires development to provide a balance of housing types, including family homes, as follows:

<table>
<thead>
<tr>
<th>Tenure</th>
<th>1 bed %</th>
<th>2 bed %</th>
<th>3 bed %</th>
<th>4 bed %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Market</td>
<td>50</td>
<td>30</td>
<td></td>
<td>20</td>
</tr>
<tr>
<td>Intermediate</td>
<td>25</td>
<td>50</td>
<td>25</td>
<td>0</td>
</tr>
<tr>
<td>Social rent</td>
<td>30</td>
<td>25</td>
<td>30</td>
<td>15</td>
</tr>
</tbody>
</table>

Emerging development plan policy

11.51 The borough’s 70:30 split between affordable rented and intermediate housing is repeated at Policy D.H2 of the emerging Local Plan 2031.

11.52 The emerging London Plan Policy H7 requires developments to deliver genuine affordable housing comprising a minimum 30% low cost rented homes, a minimum 30% intermediate housing and 40% as required by the borough based on identified need. The supporting text for this policy states: (para 4.7.2):

*There is a presumption that the 40 per cent to be decided by the borough will focus on Social Rent / and London Affordable Rent given the level of need for this type of tenure across London. However, it is recognised that for some boroughs a broader mix of affordable housing tenures will be more appropriate either because of viability constraints or because they would deliver a more mixed and inclusive community. The appropriate tenure split should be determined through the Development Plan process or through supplementary guidance.*

11.53 The borough has followed this requirement through the production of the emerging Local Plan (supported by a local SHMA) and concluded that most of the discretionary 40% should be for affordable rented homes (Tower Hamlets Living Rent), so that the rented element would include 50% London Affordable Rent and 50% Tower Hamlets Living Rent).

Assessment

11.54 Against all of these policies the 70% intermediate and 30% affordable rented proposed in March 2019 was a significant departure, especially for a scheme on this scale.

11.55 The information in both the Tower Hamlets Strategic Housing Market Assessment (SHMA) and GLA SHMA strengthens this position, indicating that there is neither local nor regional need for such a high number of intermediate homes. Deliverability considerations have already resulted in a policy uplift from the assessed need figure from 17% to 30% intermediate in the emerging Local Plan and from 18% to 30% intermediate in the emerging London Plan.
11.56 In addition, whilst reaching 35% affordable housing had significance in policy (particularly since the advent of the GLA’s threshold Fast Track approach) this does not operate in isolation from tenure and mix requirements. This is clear in emerging London Plan Policy H6 which states that schemes can only use the fast track approach if they deliver 35% affordable housing on site without public subsidy and are consistent with the relevant tenure split. Indeed a minor modification to this policy states: “Developments which provide 75 per cent or more affordable housing may follow the Fast Track Route where the tenure mix is acceptable to the borough or the Mayor where relevant”. This suggests that any flexibility in relation to tenure split should only apply when the delivery of affordable housing is significantly higher (75%) and even then, the borough must be satisfied by the tenure mix.

11.57 The 2016 ‘Permitted Scheme’ included 20% affordable housing by habitable rooms comprising 100 affordable rent units and 40 intermediate units, a split that met London Plan Policy 3.11. The residential mix proposed in March 2019 compared with current Core Strategy targets was:

<table>
<thead>
<tr>
<th>Unit size</th>
<th>Total units in scheme</th>
<th>Affordable rent 27%</th>
<th>Intermediate 73%</th>
<th>Market housing</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>scheme units</td>
<td>scheme %</td>
<td>Core Strategy target %</td>
<td>scheme units</td>
</tr>
<tr>
<td>studio</td>
<td>163</td>
<td>0%</td>
<td>0%</td>
<td>16</td>
</tr>
<tr>
<td>1 bed</td>
<td>535</td>
<td>30%</td>
<td>30%</td>
<td>151</td>
</tr>
<tr>
<td>2 bed</td>
<td>662</td>
<td>30%</td>
<td>25%</td>
<td>164</td>
</tr>
<tr>
<td>3 bed</td>
<td>149</td>
<td>30%</td>
<td>30%</td>
<td>38</td>
</tr>
<tr>
<td>4 bed</td>
<td>15</td>
<td>10%</td>
<td>15%</td>
<td>0</td>
</tr>
<tr>
<td>5 bed</td>
<td>0</td>
<td>0%</td>
<td>0%</td>
<td>0</td>
</tr>
<tr>
<td>6 bed</td>
<td>0</td>
<td>0%</td>
<td>0%</td>
<td>0</td>
</tr>
<tr>
<td>TOTAL</td>
<td>1,524</td>
<td>100%</td>
<td>100%</td>
<td>369</td>
</tr>
</tbody>
</table>

Figure 19 – Proposed housing tenure mix & Core Strategy targets – March 2019

11.58 Whilst the quantum of the affordable housing offer met the Local Plan’s minimum requirement (35%), the tenure split between the rented and intermediate housing ignored both the GLA and local authority development plan policy being 27:73 in favour of intermediate housing (measured by units) and did not accord with policy in either the London Plan or the Local Plan.

11.59 The level of affordable housing had risen from the 20% consented in 2016 to 35%. The rise in affordable rented was just 25 units, from the consented 100 to 125. The intermediate housing would have increased from the consented 40 units to 369 units. The market sale units increased from the consented 582 units to 1,030 units.

11.60 The unit mix within the affordable rented proposed would have been 30% one beds meeting the Local Plan policy target, 30% two beds against a target of 25%, 30% three beds again meeting the target of 30%, and 10% four beds against a target of 15%. On balance, despite the level of family sized units (three beds +) at
40% falling below the 45% target (due to 5% overprovision of two beds), the mix in the affordable rented sector would have been broadly policy compliant.

11.61 Within the intermediate housing, 4% was proposed to be studios, 41% one beds against a target of 25%, 44% two beds against a target of 50% and 10% three beds against a 25% target. It is acknowledged that affordability difficulties around three bedroom homes a factor behind the lower than target provision of intermediated three bed units. The emerging Local Plan, emerging London Plan and Viability and Affordable Housing SPG acknowledge that larger (3 bed plus) shared ownership homes and any homes with an unrestricted market value of over £600,000 are not generally deemed appropriate and should be prioritised for London Living Rent. 25% of the proposed Living Rent homes are 3 beds.

11.62 In the market housing, the studios and one bed units combined would amount to 48% against the target of 50% for one bed units and broadly compliant. There would have been an overprovision of two bed units (45% against target of 30%) and a corresponding major under provision of family units – 8% against a target of 20%.

11.63 The distribution of housing tenures across the site (paragraph 5.12 above) was considered satisfactory and unlikely to materially change in a revised affordable housing offer.

11.64 In summary, the split between affordable rented and intermediate housing proposed in March 2019 was without policy support in the extant or emerging development plan. Additionally the significant shortfall of family accommodation in the market housing was also without policy support.

11.65 The Appellant’s latest affordable housing offer and consequential amendments to the tenure mix are unknown.

Inclusive design

11.66 London Plan Policy 3.8 ‘Housing Choice,’ the Mayor’s Accessible London SPG, and MDD Policy DM4 ‘Housing standards and amenity space’ require 10% of new housing to be wheelchair accessible or easily adaptable for residents who are wheelchair users. London Plan Policy 7.2 requires all new development to achieve the highest standards of accessible and inclusive design.

11.67 154 wheelchair units are proposed which equates to the required 10%. Fourteen (1x2b, 1x3b, 12x4b) of these units will be in the affordable rent tenure, equating to 11.2%. This is welcomed as it exceeds the required 10%. The remaining units are designed to be adaptable (in accordance with Part M4 (2) of the Building Regulations 2015).

11.68 In summary the proposed housing tenure mix fails to comply with the both London Plan and Local Plan policy to secure mixed and balanced communities and also conflicts with the NPPF.

Housing quality & standards

11.69 In March 2015, the Government published ‘Technical housing standards – nationally described space standard.’ This deals with internal space within new dwellings across all tenures. It provides requirements for the Gross Internal (floor)
Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.

**The London Plan 2016**

11.70 The national standards have been incorporated in the London Plan 2016. Policy 3.5 ‘Quality and design of housing developments’ requires new housing to be of the highest quality internally and externally. The Mayor regards the relative size of all new homes in London to be a key element of this strategic issue. Local Plans are required to incorporate minimum spaces standards that generally conform to Table 3.3 – ‘Minimum space standards for new development’.

<table>
<thead>
<tr>
<th>Number of bedrooms</th>
<th>Number of bed spaces</th>
<th>Minimum GIA (m2) 1 storey dwellings</th>
<th>2 storey dwellings</th>
<th>3 storey dwellings</th>
<th>Built-in storage (m2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1b</td>
<td>1p</td>
<td>39 (37)*</td>
<td></td>
<td></td>
<td>1.0</td>
</tr>
<tr>
<td></td>
<td>2p</td>
<td>50</td>
<td>58</td>
<td></td>
<td>1.5</td>
</tr>
<tr>
<td>2b</td>
<td>3p</td>
<td>61</td>
<td>70</td>
<td></td>
<td>2.0</td>
</tr>
<tr>
<td></td>
<td>4p</td>
<td>70</td>
<td>79</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3b</td>
<td>4p</td>
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<td></td>
<td>5p</td>
<td>86</td>
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<tr>
<td></td>
<td>6p</td>
<td>95</td>
<td>102</td>
<td>108</td>
<td></td>
</tr>
</tbody>
</table>

**Figure 20 - London Plan / National minimum space standards**

11.71 37* refers to 1 person units with a shower not a bath. A single bedroom should be at least 7.5 m2 and 2.15 m. wide, a double bedroom should be at least 11.5 m2 and 2.75 m. wide.

**The Mayor’s ‘Housing’ SPG 2016**

11.72 The SPG provides guidance on the implementation of the London Plan’s housing policies providing a suite of 41 housing standards. The following standards are most relevant to the quality of individual housing units:

11.73 Standard 8 requires communal entrance lobbies to be visible, easily identifiable end directly accessible from the public realm.

11.74 Standard 12 requires that each core should be accessible to generally no more than eight units per floor.

11.75 Standard 15: All dwellings entered at the seventh floor (eighth storey) and above should be served by at least two lifts.

11.76 Standard 24 reflects the national space standard. Additionally, Standard 26 requires a minimum of 5 m2 of private outdoor space for 1-2 person dwellings and an extra 1 m2 for each additional occupant. Standard 27 requires balconies and other private external spaces to have minimum depth and width of 1.5 m.

11.77 Standard 28: Design proposals should demonstrate how habitable rooms within each dwelling are provided with an adequate level of privacy in relation to neighbouring property, the street and other public spaces.

11.78 Standard 29 says developments should minimise the number of single aspect dwellings. Single aspect dwellings that are north facing, or which contain three or
more bedrooms should be avoided. Where possible the provision of dual aspect dwellings should be maximised.

11.79 Standard 31 encourages 2.5 m floor to ceiling height.

11.80 Standard 32 says all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Living areas and kitchen dining spaces should preferably receive direct sunlight.

11.81 Failure to meet one standard need not necessarily lead to conflict with the London Plan, but a combination of failures would cause concern. In most cases, departures from the standards require clear and robust justification.

Core Strategy 2010
11.82 Policy SP02 (6) ‘Urban living for everyone’ requires all housing to be high quality, well-designed and sustainable.

Managing Development Document 2013
11.83 Policy DM4 ‘Housing standards and amenity space’ requires all new developments to meet the London Plan’s internal space standards.

11.84 Policy DM25 ‘Amenity’ seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments and the avoidance of sense of enclosure. Single aspect dwellings should be avoided. It also requires the protection of neighbouring resident’s privacy stipulating that a distance of 18 m between opposing habitable rooms reduces inter-visibility to a degree acceptable to most people.

BRE Handbook ‘Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice’
11.85 BRE provides advice on daylight and sunlight within proposed residential accommodation. It provides advice on room depth and the no sky line within rooms but adopts British Standard 8206 as the main criteria that recommends minimum Average Daylight Factor (ADF) values for rooms within new residential dwellings:

>2% for kitchens;
>1.5% for living rooms; and
>1% for bedrooms

11.86 For calculating sunlight, BRE advise that sunlight tests should be applied to all main habitable rooms which have a window which faces within 90 degrees of due south. If the window can receive more than one quarter (25%) of Annual probable sunlight hours (APSH) with at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should receive enough sunlight. BRE also confirm that north facing rooms are appropriate when “there is some compensating factor such as an appealing view to the north”.

Assessment
11.87 Key aspects of the residential accommodation would accord with the Mayor’s Housing SPG 2016:
• Entrance lobbies would be clearly visible, identifiable and accessible from public realm.
• The number of dwellings accessed from a single core would not exceed 8 per floor.
• All dwellings entered at the seventh floor (eighth storey) and above would be served by two lifts.
• Unit sizes meet or exceed the minimum space standards although studios are designed to the minimum 37 m² with a shower not a bath.
• All units have private amenity space meeting standards with balconies appropriately dimensioned.
• The distance between opposing habitable room would meet or exceeding the 18 m MDD standard.
• The GLA’s Stage 1 Report says “The orientation of larger podium blocks means that there are a number of single aspect units with predominantly north facing aspects. However, these units are shallow in depth and the majority will have a good quality of outlook given the generous width of the boulevard, and subject to ADF analysis, their inclusion is acceptable on balance.” The Applicant’s agent believes the units referred to are the 1-bedroom units within Building B4. Technically these are dual aspect units as they feature a secondary western elevation with an openable window/door, meeting the definition of dual aspect in the Housing SPG. There are therefore no single aspect north facing units.
• Minimum floor to ceiling heights of 2.5 m would be met.

Daylight within the proposed development

11.88 The applicant’s Environmental Statement (ES) includes an assessment of daylight and sunlight within the proposed development by Anstey Horne. It provides Average Daylight Factor (ADF) results. The analysis has only been undertaken to 50% of the apartments on every floor within the buildings and the findings need to be viewed with regard to that.

11.89 Anstey Horne’s assessment has been independently reviewed by Avison Young for the council.

11.90 Anstey Horne assessed a sample of 50% of the apartments spread evenly across every floor and every building. 2,373 rooms have been tested - 919 living rooms, dining rooms and kitchens (or a combination thereof), 48 studios and 1,406 bedrooms.

11.91 A summary of the ADF results is provided in Figure 21 below.

<table>
<thead>
<tr>
<th>Room use</th>
<th>ADF target (%)</th>
<th>Total no. of rooms tested</th>
<th>Rooms satisfying BRE criteria</th>
<th>Rooms not satisfying BRE criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>No.</td>
<td>%</td>
</tr>
<tr>
<td>BEDROOM</td>
<td>1</td>
<td>1406</td>
<td>1371</td>
<td>98%</td>
</tr>
<tr>
<td>KITCHEN</td>
<td>2</td>
<td>117</td>
<td>67</td>
<td>57%</td>
</tr>
<tr>
<td>LKD</td>
<td>2</td>
<td>234</td>
<td>217</td>
<td>93%</td>
</tr>
<tr>
<td>STUDIO</td>
<td>2</td>
<td>48</td>
<td>18</td>
<td>38%</td>
</tr>
<tr>
<td>LD</td>
<td>1.5</td>
<td>568</td>
<td>539</td>
<td>95%</td>
</tr>
<tr>
<td>Totals</td>
<td></td>
<td>2373</td>
<td>2212</td>
<td>93%</td>
</tr>
</tbody>
</table>

*Figure 21- Summary of interior ADF results by room use (50% of rooms tested)*
Of the rooms tested 2,212 (93%) satisfy BRE criteria and the British Standard. 161 rooms (7%) fail. 98% of bedrooms, 95% of living / diners and 81% of kitchens & living/kitchen/diners would satisfy the criteria. Of the failures, 120 rooms are within 0.8 of the standard, 27 rooms are within 0.6 of the standard and 14 rooms are within 0.4. The Applicant states: “This means that 98% of the rooms in the proposed development will be above or close to the guidelines for interior daylight.” The British Standard (adopted by BRE) is a minimum. The problem areas are mostly within the east facing courtyard windows where the design of the buildings and the location of the towers result in poor interior daylight, and also within north facing rooms particularly within Towers T2 & T3. The studios are particularly affected with failures in 30 units. Anstey Horne comments that all proposed units have access to balconies which restricts light into the rooms.

Avison Young consider that overall there would be a high level of adherence to the ADF criterion for a high density urban scheme such as this.

Sunlight within the proposed residential accommodation

The level of adherence to the BRE numerical guidelines for sunlight is lower. The Applicant says: “That is not altogether surprising, because the BRE sunlight targets are very challenging for dense urban living in inner city areas, particularly where the inclusion of balconies to provide private amenity space inevitably limit the available sunlight at the windows that sit beneath them.” Officers do not consider that the vacant 5.08 hectares printworks site can be categorised as an ‘inner city area.’

Anstey Horne have assessed all windows serving the sample of habitable rooms but have focused on the results to main living rooms which face within 90 degrees due south. 95.7% of living rooms would receive direct sunlight for part of the years.

The report states that only 18 of the LD’s and LKD’s within 90 degrees of due south will not receive any APSH and this is because the windows are located beneath balconies which limit sunlight availability.

Avison Young comment that no summary, overall pass/fail or percentage figures are provided which confirm the level of adherence to the recommended BRE annual and winter sunlight criterion, nor any further information about the performance of other room uses such as studios or kitchens. This is unhelpful in trying to understand the overall sunlight performance of the proposed scheme. As such it is difficult to provide commentary on the proposed sunlight amenity to new residential units.

Communal residential amenity space

The London Plan ‘Housing’ SPG and MDD Policy DM4 ‘Housing standards and amenity space’ require communal amenity space to be provided at a minimum of 50 m2 for the first 10 dwellings and 1 m2 for every additional unit, making a requirement of 1,580 m2 within the development. The development would provide 5,349 m2 of communal semi-private courtyard space approximately 10% of the overall open space within the scheme exceeding requirements.

BRE also makes recommendations concerning sunlight to open spaces between buildings recommending “at least half of the amenity areas should receive at least two hours of sunlight on 21 March.” Anstey Horne’s analysis indicates that 12 of
the 13 (92%) amenity spaces within the development will either satisfy BRE guidelines or will receive at least two hours of direct sunlight on March 21st to at least 44% of their area, marginally below the guideline of 50%.

11.100 The area that falls below the criteria are located next to and easily accessed from areas that are fully compliant. Avison Young consider conditions acceptable given the urban context.

Summary

11.101 Local Plan policy seeks to ensure new buildings provide good levels of internal daylight and sunlight. The sample assessment by Anstey Horne indicates that 93% of the rooms tested will meet the ADF criteria, which Avison Young consider to be a good level of compliance for a high density urban development.

Child play space

11.102 London Plan Policy 3.6, the Mayor’s SPG ‘Providing for Children and Young People’s Play and Informal Recreation’ & MDD Policy DM4 require child play space provision at 10m2 per child. The Plan says this can be achieved by a combination of on-site (doorstep play space must be provided for children under 5) and off-site provision (within 400 m), where appropriate.

11.103 The GLA’s Child Yield Calculator estimates that the development would generate 268 children requiring 2,680 m2 of play space on site. The proposal incorporates 5,365 m2 of dedicated play space set out below and is policy complaint.

<table>
<thead>
<tr>
<th>Age Group</th>
<th>Expected Child Yield</th>
<th>Requirement (sqm)</th>
<th>Proposed Development (sqm)</th>
</tr>
</thead>
<tbody>
<tr>
<td>All ages</td>
<td>268</td>
<td>Not identified</td>
<td>3,581</td>
</tr>
<tr>
<td>12+ years</td>
<td>58</td>
<td>580</td>
<td>948</td>
</tr>
<tr>
<td>5-11 years</td>
<td>84</td>
<td>840</td>
<td>935</td>
</tr>
<tr>
<td>Under 5 years</td>
<td>125</td>
<td>1,250</td>
<td>1,370</td>
</tr>
<tr>
<td>Total</td>
<td>268</td>
<td>2,680</td>
<td>5,365</td>
</tr>
</tbody>
</table>

*Figure 22 – GLA Child Yield and proposed child play space*

11.104 Additionally, Sir John McDougall Gardens Westferry Road is 300 m from the site), Mudchute Farm and Park (600 m distant) and Millwall Park (800 m).

Public open space

11.105 The delivery of publicly accessible open space within the redevelopment of Westferry Printworks is a requirement of MDD Site Allocation 18 and supported by London Policies 7.5 ‘Public realm’ & 7.18 ‘Protecting local open space and addressing deficiency,’ Core Strategy SP04 1 ‘Creating a green and blue grid,’ and MDD Policy DM10 ‘Delivering open space.’ NPPF sets an aim to ensure that
developments incorporate green and other public spaces as part of developments (paragraph 127 e).

11.106 The scheme would provide 1.96 ha of public open space (39% of the overall site area) – see Figure 5 (Ground floor Masterplan) and is considered policy compliant although the new park envisaged by the OAPF would be eroded by the additional Tower T5.

Urban design and heritage assets

11.107 The council’s statutory duties in the determination of planning applications, including tests for the assessment of proposals affecting listed buildings and conservation areas are set out in ‘Legal Framework’ Section 7 above.

London Plan 2016

11.108 The London Plan 2015 addresses the principles of good design and for preserving or enhancing heritage assets. Policy 7.4 ‘Local Character’ requires development to have regard to the pattern and grain of existing streets and spaces, make a positive contribution to the character of a place to influence the future character of an area, and be informed by the surrounding historic environment. Policies 7.5 ‘Public realm’ and 7.6 ‘Architecture’ emphasise the provision of high quality public realm and architecture. Policy 7.7 ‘Tall and large scale buildings’ requires such buildings to be part of a plan led approach that identifies locations that are appropriate, sensitive and inappropriate for tall and large scale buildings and provides criteria for assessing such buildings.

11.109 Tall and large buildings should:

a generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport;
b only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building;
c relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level;
d individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London;
e incorporate the highest standards of architecture and materials, including sustainable design and construction practices;
f have ground floor activities that provide a positive relationship to the surrounding streets;
g contribute to improving the permeability of the site and wider area, where possible;
h incorporate publicly accessible areas on the upper floors, where appropriate;
i make a significant contribution to local regeneration.

11.110 The Plan adds that tall buildings should not impact on local or strategic views adversely and the impact in sensitive locations should be given particular consideration. Such areas include conservation areas, listed buildings and their settings, registered historic parks and gardens, scheduled monuments, or other
areas designated as being sensitive or inappropriate for tall buildings which would include World Heritage Sites.

11.111 Policy 7.8 ‘Heritage assets and archaeology’ requires development affecting heritage assets and their settings to conserve their significance by being sympathetic to their form, scale, materials and architectural detail.

11.112 Policy 7.10 ‘World Heritage Sites’ requires development in World Heritage Sites and their settings, including any buffer zones, to conserve, promote and enhance their authenticity integrity and significance and Outstanding Universal Value.

11.113 Policy 7.11 ‘London View Management Framework’ and Policy 7.12 ‘Implementing the London View Management Framework’ require development not to harm, and where possible make a positive contribution to, the characteristics and composition of the strategic views and their landmark elements. It should preserve or enhance visitors’ ability to recognise and appreciate strategically important landmarks in these views and protect the silhouette of the landmark elements of World Heritage Sites seen from designated viewing places. Development in the foreground and middle ground of a designated view should not be overly intrusive, or prominent to the detriment of the view.

Core Strategy 2010

11.114 The Core Strategy vision for Millwall requires new housing that will better connect with waterfronts, green spaces and areas to the south. Policy SP10(4) ‘Creating distinct and durable places’ 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 surroundings.

Managing Development Document 2013

11.115 Policy DM24 ‘Place-sensitive design’ requires developments to be sensitive to and enhancing the local character and setting of a development.

11.116 Policy DM26 ‘Building Heights’ identifies criteria that need to be satisfied when considering the appropriateness of tall buildings. This includes the height being proportionate to the location in the town centre hierarchy. The tallest buildings should be located in the preferred office locations of Aldgate and Canary Wharf. Heights are expecting to be lower in the Central Activity Zone, Tower Hamlets Activity Areas and Major Centres and to fall even more within District Centres and be even lower in areas outside town centres. This relationship is shown within MDD Figure 9 (Figure 23 below). Westferry Printworks falls within the bottom rung of the hierarchy.
11.117 Policy DM26 also requires development to achieve a high architectural quality which contributes positively to the skyline, not adversely affecting heritage assets or strategic views, presenting a human scale at street level.

11.118 Policy DM27 deals with ‘Heritage and the Historic Environment.’ Policy DM27 (1) provides:

Development will be required to protect and enhance the borough’s heritage assets, their setting and their significance ....

11.119 MDD Site Allocation 18 says that the development of Westferry Printworks should respect and be informed by the existing character, scale, height, massing and urban grain of the surrounding built environment and its dockside location. It should 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.

NPPE

11.120 Relevant to heritage, townscape and visual impact are Chapter 12 ‘Achieving well-designed places’ and Chapter 16 ‘Conserving and enhancing the historic environment.’

11.121 Chapter 12 at paragraph 124 confirms that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. The Framework advises that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is said to be essential for achieving this.

11.122 Paragraphs 125 & 126 require plans and supplementary planning documents to set out a clear design vision and expectations. Tower Hamlets Local Plan (the Core Strategy and the Managing Development Document) and emerging policy explain the expectations for where and how the development of tall buildings
should be provided on the Isle of Dogs including within the Millwall Dock Inner cluster.

11.123 Paragraph 127 provides that planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

11.124 Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents (paragraph 130).

11.125 Chapter 16 paragraph 184 confirms that heritage assets, are an irreplaceable resource, and should be conserved in a manner appropriate to their significance. This includes World Heritage Sites being of the highest significance.

11.126 Paragraph 190 requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). This applies to Maritime Greenwich WHS and the Tower of London WHS.

11.127 Paragraph 192 says that In determining applications, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets;...
b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

11.128 Paragraph 193 provides that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the
greater the weight should be). This is irrespective of the degree of any potential harm to its significance.

11.129 Paragraph 194 provides that any harm to the significance of a designated heritage asset (including from development within its setting), should require clear and convincing justification.

11.130 The effect of a development on heritage assets may be positive, neutral or harmful. Where a decision maker considers there is harm, the NPPF requires decision makers to distinguish between ‘Substantial’ or ‘Less than substantial’ harm. If a proposal will lead to substantial harm to or total loss of significance of a designated heritage asset, paragraph 195 says that consent should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm.

11.131 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (paragraph 196).

11.132 Paragraph 200 requires local planning authorities to look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets (such as the Westferry Printworks site) to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

11.133 To amount to substantial harm to the significance of a heritage asset, there would have to be such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced (Bedford Borough Council v SSCLG 2013 paragraph 25) and does not arise in this case.

11.134 Designated heritage assets in the case of Westferry Printworks are the Chapel House Conservation Area, the Grade II former St Paul's Presbyterian Church, Westferry Road, Maritime Greenwich WHS and the Tower of London WHS.

Emerging policy

11.135 Applicable policy is set out at paragraphs 8.19 to 8.30 above. Due to the early stage reached, the Draft London Plan 2018 attracts very limited weight. The emerging Tower Hamlets Local Plan 2031 is more advanced and at present attracts limited weight.

11.136 The Isle of Dogs and South Poplar Opportunity Area Planning Framework (OAPF), May 2018 identifies the emerging character of secondary tall building clusters of mid-rise and tall buildings in Millwall and Cubitt Town along and behind the dock edges. It guides transitions in scale from small to medium scale to higher density, with tall buildings marking the neighbourhood and district centres. The OAPF also calls for creating a network of tree lined routes and linear parks to provide ample space for leisure activities such as walking, running and cycling, creating strong visual links to the dock edge and Outer Dock Park. It reiterates that (new) buildings will transition from the urban environment of the district centre to the existing surrounding residential neighbourhoods, creating buildings set in high quality green space. Moreover massing and urban form is to be
designed to support activity on the water. The OAPF is reasonably advanced and carries significant weight.

Assessment

Layout

11.137 As permitted in 2016, the site layout involves the key principle of introducing a new east-west route through the centre of the site connecting Millharbour and Westferry Road with north-south links to the existing road network. A new pedestrian dockside walkway would be created along the length of the site fronting Millwall Outer Dock. The siting of the buildings is also broadly consistent with the permitted scheme as is the layout of open space, save for the introduction of Tower 5.

11.138 The proposed masterplan retains a legible and permeable street layout that would knit with neighbouring sites, incorporate active frontages including along the dock edge and in these respects is considered consistent with the development plan, the NPPF and the emerging OAPF.

Height and massing

11.139 The main difference between the current proposals and the 2016 development is the substantially increased height and massing of the residential buildings and the introduction of Tower T5. Changes in height are substantial across the scheme and quantified in the Figure 6 above. There would be no single building except for the school (not part of the application) which provides a transition in scale, respects or is informed by the existing character, scale, height, massing and urban grain of the surrounding built environment. As a result, the proposed development fails nine out of eleven criteria of the policy DM26. Details of the assessment are included in Appendix 3.

11.140 Some 1.1 kilometres to the north around West India Dock, centred at 1 Canada Square (around 250 m high) the Canary Wharf cluster of tall buildings also extends along Marsh Wall across Millwall Inner Dock. Development on the west side of Millwall Inner Dock falls rapidly in height southwards from the 48 storey 1 Millharbour (Pan Peninsular) down to 6/8 storeys at Bellerive House before rising to an equivalent of 10 storeys at Greenwich View Place on the corner of Millwall Inner and Outer Docks. On 10th December 2018, the Planning Inspectorate granted permission (APP/E5900/W/18/3194952) for the redevelopment of 49-59 Millharbour, 2-4 Muirfield Crescent and 23-39 Pepper Street (immediately west of Glengall Bridge) by two buildings ranging from 26 storeys (90.05 m AOD) to 30 storeys (102.3 m AOD). Three of the proposed towers at Westferry Printworks: T3, T4, T5 fail to complement the step down from the Canary Wharf tall buildings cluster in relation to these developments.

11.141 On the east side of Millwall Inner Dock, development is generally around 14 storeys except for the isolated 44 storey Arena Tower first permitted in 2006. On the south side of Millwall Outer Dock are 4 storey dwellings. Given the schemes location far to the south in comparison to these schemes, all five towers fail to deliver a general stepdown from the centre of the cluster.

11.142 In contrast, north of the Printworks site is a large area along Tiller Road, Mellish Street and Alpha Grove that comprises low-rise residential development including some late Victorian terraced houses together with the non-contextual four 1960s
22 storey point blocks of the Barkantine Estate. The proposed massive urban blocks within the Printworks scheme would be predominantly around 40 m AOD tall, set within a context of buildings around 15 m AOD. The proposed footprints are also much larger and the massing dramatically contrasts in scale with the residential context to the north.

11.143 Centred at 1 Canada Square, the tall buildings on the Isle of Dogs are clearly visible from viewpoints along the Thames such as Tower Bridge and Greenwich and from higher ground including Greenwich Park within the Maritime Greenwich WHS.

11.144 The Core Strategy 2010, amongst a number of development principles for Millwall, requires that taller buildings in the north should step down to the south and west to create an area of transition. Developing this theme, MDD Policy DM26 ‘Building heights’ seeks specifically to control building heights, advising that tall buildings should be of a height and scale that is proportionate to their location within the town centre hierarchy and sensitive to the context of the surroundings. The site falls within the an area ‘outside of town centres’ where Figure 9 of the policy (Figure 23 above) indicates that taller buildings are in principle inappropriate being at the bottom of the hierarchy.

11.145 MDD Site Allocation 18 ‘Westferry Printworks’ provides guidance for the development of the site. Design principles include respecting and be informed by the existing character, scale, height, massing and urban grain of the surrounding built environment and its dockside location. Specifically, it should 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.

11.146 The current scheme in its form represents a significant increase in mass and height and fails to step down from the centre of the cluster. The contrast in scale is stark and the tallest towers compete in size with number of buildings located in the Marsh Wall area thus being contrary to the policy.

11.147 The draft Isle of Dogs and South Poplar Opportunity Area Planning Framework (OAPF) identifies the emerging character of secondary tall building clusters of mid-rise and tall buildings in Millwall and Cubitt Town along and behind the dock edges and includes the majority of the Printworks site.

11.148 To identify where development may be too large or too tall or is proposed in inappropriate locations, the Council’s Tall Buildings Study February 2018 aims to identify appropriate, inappropriate and sensitive locations for tall buildings and makes recommendations on potential sites. It identifies a Millwall Inner Dock Cluster as one of 5 tall building zones across the borough. The entire Printworks site lies within the southern part of the zone. The study recognises a potential for awkward relationships between new tall towers and older lower scale development and recommends that whilst tall buildings are considered appropriate in the northern portion of the area, their location and scale need to be carefully mediated to ensure that the views to, and the identity of the Canary Wharf cluster is not irreparably altered and that a wall of development is not perceived from distant locations. As a principle, development should be no higher than two thirds of the height of the main Canary Wharf cluster (that is a maximum height of 155m AOD) the tallest along Marsh Wall and must step down as it moves away from the centrality of 1 Canada Square. Building heights in the Millwall Inner Dock cluster should significantly step down drop away from the Canary Wharf cluster to support
its central emphasis and should be subservient to it. The height of tall buildings within a cluster should reflect the role and function of the cluster.

11.149 The Crossharbour District Centre is extending along Pepper Street to its western edge of the Centre. This would be the only location where the buildings could be slightly higher to mark the designation and location of the bridge. The application site is located at the south western extremity not the centre of the Millwall Inner Dock Cluster, decisively outside the designated district centre.

11.150 The permitted scheme was considered by the Strategic Development Committee on 12th April 2016 when, in respect of tall buildings, it was reported:

“The proposals meet some but not all the criteria for assessing tall building in London Plan Policy 7.7 ‘Location and design of tall and large buildings.” The site is not in the CAZ, nor a town centre. Whilst it lies within an opportunity area, access to public transport is poor to moderate (PTAL2 & 3). The rise in building height across the dockside to 30 storeys is well above the immediate local context including the 4 storey development on the south side of the dock. The issue is whether the arrangements would adversely affect the character of the area due to scale, mass and bulk. Officers consider there is an arguable case for the height proposed. The four point blocks would improve the legibility of the area emphasising the visual significance of the north side of the dock and enhance the skyline. The standard of architecture and materials would be high and the scheme would provide active frontages at important locations with improved permeability. There would also be a significant contribution to local regeneration of a derelict site.” (Paragraph 10.103).

“The site is not within an area where policy supports tall buildings ……and the proposal would bring tall buildings further south into the Island.” However, the proposals involve lower heights in the northern part of the site to respect the scale of the residential properties to the north and to ensure no adverse impact on their daylight and sunlight.” (Paragraph 10.105)

“Building heights increase towards the dock edge stepping step down to the west. The increase of height and scale towards the south eastern corner would provide a visual marker for the site when viewed south along Millharbour and relate to taller buildings that have been granted planning permission to the east, including a 23-storey tower at Crossharbour District Centre (ASDA).” (Paragraph 10.105).

The site is not located within a Tower Hamlets Activity Area however the northern part of the scheme has been designed to respond to the building heights in the residential areas to the north, but not the four storey development on the south side of the dock. (Paragraph 10.105).

“The design aims to create an urban destination with a hierarchy of heights that responds to the context, stepping down to the lower residential areas to the north and west. The dock side would be opened up to increase visual and physical permeability with north-south and east-west connections.” (Paragraph 10.105).

“The development would not consolidate a tall building cluster but could be considered to make a positive contribution on the skyline.” (Paragraph 10.105).
“No objections have been raised by Historic England or the London Borough of Greenwich regarding impact on views protected by the London View Management Framework, particularly the views from the Wolfe statue within the Greenwich Maritime World Heritage Site or London Bridge. No designated local important local views would be affected. It is not considered that there would be any adverse effect on the setting of the Chapel House Conservation Area or the Grade II former St Paul’s Presbyterian Church, Westferry Road.” (Paragraph 10.105).

“The construction of tall buildings on the Printworks site is not MDD policy compliant particularly regarding its location within the Town Centre Hierarchy. However, on balance, it is considered that the development would appropriately respond to local character through its height, scale massing and design, particularly in the way that it would address existing and new streets and open spaces including Millwall Dock.” (Paragraph 10.105).

11.151 The GLA’s representation hearing report (D&P/3363/03) on 27th April 2015 addressed form, massing and heights as follows:

“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.” (Paragraph 262)

“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.” (Paragraph 263)

“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.” (Paragraph 264)

11.152 The tallest currently proposed building T4 at 155.3 m AOD far exceeds half the height of 1 Canada Square and does not lie towards either the centre or the northern edge of the Millwall Inner Dock Cluster, nor located within the District Centre. Towers T3 & T5 slightly exceed 114 m AOD, and would be noticeably taller than the closest permitted tall buildings (redevelopment of 49-59 Millharbour, 2-4 Muirfield Crescent and 23-39 Pepper Street (immediately west of Glengall Bridge) within the Crossharbour District Centre. As such, the proposed development would offend the overriding principle of stepping down from the Canary Wharf cluster and distort the legibility of the town centre hierarchy.

11.153 There is no specific current policy guidance on how the requirement for a ‘step down’ or the need to respect and be informed by the existing character and urban grain of the surrounding built environment is to be interpreted on each individual site, in the same way as expressed in the revoked Millennium Quarter Masterplan 2000.

11.154 The Inspector in the recent Millharbour decision (APP/E5900/W/18/3194952) said at paragraph 22: “I consider that the preferred ‘step down’ approach would not necessarily preclude isolated tall buildings, providing that the policy principle is not unreasonably compromised and justified in the planning balance.”

11.155 In practice, the proposed towers would not be seen as an extension of the cluster of high density residential schemes that have been built on South Quay / Marsh Wall, along Millharbour and those that already line the west side of the Upper Millwall Dock. Rather they would be seen in isolation and unreasonably compromise the ‘step down’ principle and the trend of reducing height overall would not remain clear. Whilst they would lie close to a large area of water, the same can be said about any dockside site.

11.156 The typical height of the lower buildings (5-storey) surrounding the towers in the permitted scheme provided a clear transition in scale between the existing residential areas and the new development. The current proposal increase average height by 50%, with some sections of buildings B1, B3, B6 exceeding a 60% increase and are typically 9-storey. The internal courtyards would become overly enclosed, with height to width proportions typical for minor streets (Building For Life 2018). The relatively harmonious relationship between existing residential development and the character and scale of the permitted scheme is dramatically broken by these changes with buildings of a completely different scale and character disjointed from its existing urban context.

11.157 The GLA’s Stage 1 Report comments on urban design and heritage as follows:

The proposed development is located within an Opportunity Area and is identified as being within a secondary tall buildings cluster in the draft OAPF. However, the proposed overall increase in height does not conform to Tower Hamlets tall buildings policy – which promotes a stepping down in building heights from Canary Wharf - and is also beyond the scale envisaged by the draft OAPF for this part of the Isle of Dogs. This raises strategic concerns with regards to its increased impact on the setting of Tower Bridge. (Paragraph 56)
With regards to the LVMF view 5A.1 towards Greenwich Palace and the WHS, guidance within the LVMF notes that the existing cluster of tall buildings at Canary Wharf 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. It is recognised that the proposed buildings will appear more visually prominent in the Greenwich Park Panorama than the consented development as a result of the significant increase in scale. However, while they are distinct from the main cluster at Canary Wharf, when seen as part of the cumulative condition, the proposed profile of buildings T1-T4 and T5 will read as an eastern extension to the main Isle of Dogs tall buildings cluster, with T5 accentuating and balancing the emerging undulating skyline of the cluster, and would contribute to the layering and depth of buildings in this panorama. The proposed increase in scale would not impact on the viewer’s ability to appreciate the significance of the axial view from the Royal Observatory towards Queen Mary’s House and in this regard, the proposal accords with the view guidance within the LVMF (Paragraph 60).

With regards to LVMF River Prospects from London Bridge downstream towards the focal point of Tower Bridge………the proposals would become visible as the viewer moves across London Bridge and would become clearly visible in the setting of the Grade I Listed Tower Bridge at assessment point 11B.1. This strategic view is considered to be highly significant in terms of the setting of Tower Bridge as it provides the opportunity to appreciate a largely clear view of the distinctive silhouette for which the bridge is famous and is largely unimpacted by backdrop development. The proposed tall buildings would be more perceptible in this view than the approved scheme, due to the overall increase in height and bulk. The development would read as a standalone cluster in the backdrop setting of Tower Bridge and would infill an area of open sky between the towers and upper walkway, although an area of clear sky would still be visible between the proposed development and Tower Bridge. This would impact on the setting the Grade I listed Tower Bridge and the LVMF view from London Bridge. In accordance with policies set out in the NPPF and the draft London Plan, whilst this harm is considered to be ‘less than substantial’, further discussion is required with the applicant and the Council to explore alternative massing scenarios on the site in order to secure a scheme that seeks to minimise, as far as possible, the impact of the proposals on the setting of Tower Bridge and the LVMF view (Paragraph 63).

When viewed within the context of the wider townscape, and the proposed and consented development on the Isle of Dogs, while significant in scale, it would appear as a high quality new addition to the skyline with a comparable impact to that which was considered acceptable as part of the assessment for the consented development. While it is acknowledged that the magnitude of change from the current cleared site is significant in some of the closer views, particularly from Tiler Road, and views along Westferry Road and Millharbour, and from the southern bank of Millwall Outer Dock and Ashdown Walk, the development would not appear entirely out of context with the existing and proposed form and scale of development in the area, and would be of comparable impact to the consented development (Paragraph 64).
11.158 Historic England raised no objection to the 2016 development but now expresses reservations about the precedent that tall building development of this scale might set for this area, in particular the creep of tall building development towards the Maritime Greenwich WHS and within the background of Tower Bridge. As set out in their Tall Building Guidance (December 2015), proposals should be plan-led to ensure a positive, managed approach to development.

11.159 The Royal borough of Greenwich raised no objection in 2016 but considers that due to height and prominent siting, the current development fails to respect the scale of surrounding buildings and would detract from the established and coherent cluster of tall buildings on the Isle of Dogs and harm the highly valued strategic view from Greenwich Park and the setting of the Maritime Greenwich WHS (see ‘Consultation’ above).

11.160 Both the GLA and Historic Royal Palaces object to the impact on views from London Bridge and the setting of Tower Bridge within the Tower of London WHS. In his decision on the significantly lower 26 & 30 storey Millharbour development, the Inspector concluded (paragraph 39):

Whilst the scheme would also be visible from Tower Bridge and obliquely from within the Tower of London WHS, this would be in the context of a busy developing city and a rapidly expanding designated growth area on the Isle of Dogs. There would be no impact on any protected views. No harm would result to this WHS.

11.161 The proposals meet some but not all the criteria for assessing tall building in London Plan Policy 7.7 ‘Location and design of tall and large buildings.’ The site is not in the CAZ, nor a town centre. Whilst it lies within an opportunity area, access to public transport is poor to moderate (PTAL 2 & 3). The rise in building height across the dockside to 44 storeys is well above the immediate local context including the 4-storey development on the south side of the dock.

**Townscape and visual impact assessment**

11.162 The proposed scale and mass of the development breaches Tower Hamlets Local Plan Policies SP10 and DM26 with regard to location of tall building and also their poor response to the local context. The issue is whether the tall buildings would lead to unacceptable harm compared to the permitted scheme that is not justified in the planning balance. It is considered it is not.

11.163 A detailed Townscape and Visual Impact Assessment is provided at Appendix 2. An assessment against the criteria that MDD Policy DM26 ‘Building heights’ requires tall buildings to satisfy is provided at Appendix 3.

**Summary**

11.164 The proposed redevelopment of the Westferry Printworks site is contrary to existing Local Plan policies regarding tall buildings namely Core Strategy SP10 and Managing Development Document Policies DM24 and DM26. It is also contrary to the emerging Isle of Dogs and South Poplar Opportunity Area Planning Framework and policies S.DH1 Delivering high quality design, D.DH4 Shaping and managing views and D.DH6 Tall buildings of the emerging new Tower Hamlets Local Plan.
Impact on surrounding residential amenity

Daylight and sunlight

London Plan 2016
11.165 Policy 7.6 ‘Architecture’ requires buildings not to cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. This is particularly important for tall buildings.

Tower Hamlets Local Plan
11.166 Core Strategy Policy SP10 ‘Creating Distinct and Durable Places’ protects residential amenity and MDD Policy DM25 ‘Amenity’ requires development to ensure it does not result in unacceptable sunlight and daylight conditions or unacceptable increase in sense of enclosure.

11.167 Guidance on daylight and sunlight is contained in the BRE handbook ‘Site Layout Planning for Daylight and Sunlight’ 2011. For calculating daylight to neighbouring properties vertical sky component (VSC) is the primary assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. For sunlight, applicants should calculate the annual probable sunlight hours (APSH) to windows of main habitable rooms of neighbouring properties that face within 90° of due south and are likely to have their sunlight reduced by the development. For shadow assessment, the requirement is that a garden or amenity area with a requirement for sunlight should have at least 50% of its area receiving 2 hours of sunlight on 21st March.

NPPF
11.168 The NPPF states that councils should take a ‘flexible approach’ when applying daylight and sunlight guidance to planning applications for new housing and aims to ensure that daylight and sunlight matters are not limited to an overly simplistic technical exercise against the default BRE Guidelines recommendations without due regard for the current and future physical and planning context. Furthermore, alterations in daylight, sunlight and overshadowing amenity to neighbouring properties have to be weighed up against the benefits of the Proposed Development.

Assessment

11.169 The applicant’s Environmental Statement (ES) includes an assessment by Anstey Horne of the sunlight and daylight impact on surrounding property that has been reviewed by the Temple Group and also Avison Young specialist daylight & sunlight consultants.

Daylight reaching neighbouring property

1-11 Wateridge Close
11.170 12 (33%) of the 36 windows would meet the BRE Guidelines for VSC. Whilst the remaining windows will experience breaches of the guidelines they would retain VSC levels above 15% which are considered reasonable for an urban location.

11.171 Only 5 (17%) of the 29 rooms assessed will meet the NSL criteria. The report states that three rooms on the second floor of No’s. 2, 4 and 6 are served by dormer windows which have a blinkered view of the sky and are susceptible to changes in the sky line. 12 remaining rooms retain above 0.7 times their former
value and all the rest retain above 0.51. There will be some noticeable alterations in the no sky line to rooms within these properties.

**16-19 Claire Place**
11.172 All first floor windows will meet the BRE criteria and the remaining ground floor windows will fall just below the recommended criteria and retain good levels of VSC above 24% that could be considered a good level of retained VSC for an urban location such as this.

11.173 5 (63%) of the 8 rooms assessed will meet the criteria for NSL. However, these properties currently face a cleared car park site and thus are susceptible to the proposed massing. Furthermore, the windows serving the three rooms will retain good levels of VSC. There would be noticeable alterations in NSL to these three rooms.

**33-40 Claire Place**
11.174 All bar one window will meet the BRE Guidelines for VSC and all rooms meet the NSL criteria.

**1-20 Starboard Way**
11.175 61 (68%) of the 90 windows will meet the BRE Guidelines for VSC. Whilst the remaining 29 windows fall below the recommended BRE criteria they will retain VSC above 16.5%.

11.176 25 (36%) of the 70 rooms tested will meet the BRE criteria for NSL. Whilst there will be rooms that see a noticeable change in the no sky line, all rooms are served by windows that retain reasonable levels of VSC. There will be rooms that see noticeable alterations in NSL.

**2 & 7-16 Omega Close**
11.177 5 (5%) of the 73 windows assessed would meet the BRE criteria for VSC. Whilst the remaining windows would fall below the recommended criteria, they would retain VSC over 20%.

11.178 33 (67%) of the 49 rooms assessed would meet the criteria for NSL. Whilst there would be rooms that experience noticeable alterations in NSL, windows serving the remaining rooms will retain good levels of VSC. There will be rooms that see noticeable alterations in NSL.

**13-70 Ringwood Gardens**
11.179 78 (81%) of the 96 windows would meet the BRE criteria for VSC and the remaining 18 windows would fall just below the recommended criteria. All 96 rooms would meet the criteria for NSL.

**1-13 Arden Crescent**
11.180 56 (78%) of the 72 windows would meet the criteria for VSC. The remaining 16 windows would fall just below the recommended criteria. All 24 rooms would meet the BRE Guidelines for NSL.

Sunlight reaching neighbouring property

11.181 Overall, 470 (99%) of the 471 windows assessed would meet BRE Guidelines for annual sunlight and 454 windows (96%) for winter sunlight. Avison Young agree with Anstey Horne’s statement that there are high levels of adherence to the guidelines. In consideration of the overall high levels of compliance Avison Young
consider the isolated sunlight impacts that breach BRE Guidelines to be acceptable in an urban context such as this.

\textit{Sun on Ground}

11.182 Anstey Horne state that 42 (81\%) of the 52 amenity areas would meet BRE criteria. Of the remaining 10 gardens which serve 1-10 Starboard Way five gardens would only just fall below the recommended criteria. The remaining 5 gardens would experience more noticeable overshadowing on 21\textsuperscript{st} March but all amenity areas assessed would meet the criteria on 21\textsuperscript{st} June when the gardens are most likely to be used.

\textit{Summary}

11.183 In terms of impact on neighbouring property, there would be breaches of BRE guidelines particular the NSL that are likely to be noticeable. However, such alterations are not unusual in dense urban locations. A retained VSC around the mid-teens (e.g. 15 - 16\%) is generally considered commensurate in an urban context. This was acknowledged during the recent Whitechapel Estate appeal in which the Inspector’s decision letter dated 21\textsuperscript{st} February 2018 stated: \textit{“The figures show that a proportion of residual Vertical Sky Component (VSC) values in the mid-teens have been found acceptable in major developments across London. This echoes the Mayor’s endorsement in the pre-SPG decision at Monmouth House, Islington that VSC values in the mid-teens are acceptable in an inner urban environment.”}

11.184 There would be noticeable alterations in NSL particularly to 1-11 Wateridge Close, 16-19 Claire Place, 1-20 Starboard Way and 7-16 Omega Place. However, the retained levels of VSC should ensure that a view of the sky is maintained by these properties. Furthermore, the alterations in NSL to Wateridge Close and Claire Place are not dissimilar to the consented scheme. Overall 84\% of rooms meet the recommended BRE criteria for NSL.

11.185 The isolated alterations in winter sunlight are considered satisfactory given the high compliance rate of over 99\% of windows assessed meeting the recommended annual sunlight criteria and 96\% of windows meeting the winter sunlight criteria.

11.186 Whilst 10 gardens serving 1-10 Starboard Way would fall below the recommended BRE criteria for overshadowing (sun hours on ground) on 21\textsuperscript{st} March, all 10 gardens would be fully compliant on 21\textsuperscript{st} June in summer when the gardens are most likely to be in use.

\textit{Privacy}

11.187 MDD Policy DM25 \textit{‘Amenity’} also requires loss of privacy to form part of the consideration as to whether a development will protect neighbouring residents and stipulates that a distance of 18 m. between opposing habitable rooms reduces inter-visibility to a degree acceptable to most people.

11.188 The four dockside residential towers would be sited apart: T1-T2 by 68 m, T2—T3 also by 68 m & T3-T4 by a minimum of 60 m. An inverted L shaped block and two C shaped blocks (Buildings B2 – B4) would be sited to the north of Towers T1, T2 & T3. The separation distance between the northern facades of the towers and the residential accommodation within the L & C shaped blocks would be 16 m which is below the Council’s minimum. Distances across all the courtyards
(excluding projecting balconies) would be some 23 m. The distance between the C shaped blocks and the residential buildings north of the new east-west access road would be approximately 22 m. The separation distance between the two northern residential blocks B6A & B6B would be some 17 m and 22 m between B6B and B7 would be some 22 m. excluding projecting balconies.

11.189 All the above separation distances between opposing habitable rooms within the development exceed the Council’s minimum standard of 18 m. and the development would comply with MDD Policy DM25 ‘Amenity’ in terms of residential privacy. Separation distance to existing residential accommodation in Omega Close and Starboard Way would also meet standards.

**Microclimate within the development**

**The London Plan 2016**

11.190 Policy 7.6 ‘Architecture’ requires buildings not to cause unacceptable harm to the amenity of surrounding land and buildings in relation to wind and microclimate. Policy 7.7 ‘Tall and large scale buildings’ says tall buildings should not affect their surroundings adversely in terms of microclimate and wind turbulence.

**Tower Hamlets Local Plan**

11.191 MDD Policy DM24 ‘Place sensitive design’ requires development to take into account impacts on microclimate. MDD Policy DM26 ‘Building heights’ requires tall buildings not to adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces. Similar requirements are provided by the Draft Local Plan at Policy D.D.H6 ‘Tall buildings’.

**Assessment**

11.192 The applicant’s ES includes an assessment of the potential impacts of the scheme on the wind microclimate within the site and the surrounding area. It considers wind impacts on pedestrian comfort following wind tunnel tests. Three configurations were tested which included the baseline with the Printworks in situ (somewhat meaningless given the site is cleared), the completed development with existing surroundings (including the school) and the completed development with proposed cumulative surroundings including the school. Assessments were made in accordance with the widely accepted Lawson Comfort Criteria (LCC) for specified purposes in descending order of sensitivity:

<table>
<thead>
<tr>
<th>Sitting</th>
<th>Long-term sitting e.g. outside a café</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entrance Doors</td>
<td>Pedestrians entering/leaving a building</td>
</tr>
<tr>
<td>Pedestrian Standing</td>
<td>Waiting at bus-stops or window shopping</td>
</tr>
<tr>
<td>Leisure Walking</td>
<td>Strolling</td>
</tr>
<tr>
<td>Business Walking</td>
<td>‘Purposeful’ walking in business areas or where pedestrians may be more tolerant of the wind because their presence on-site is required for work</td>
</tr>
<tr>
<td>Roads and Car Parks</td>
<td>Open areas where pedestrians are not expected to linger</td>
</tr>
</tbody>
</table>

11.193 For a predominantly residential urban site such as this, the desired wind microclimate would typically need to have areas suitable for sitting, entrance use, standing and leisure walking. The business walking and roads classifications may be acceptable in isolated areas, but being associated with occasional strong winds
should be avoided. Upper level amenity terraces should be assessed on the basis that they are intended for good-weather use only with sitting or standing conditions during the summer acceptable.

11.194 Near building entrances, a wind environment suitable for standing or calmer is desired, and should examine the windiest season. A pedestrian thoroughfare should be suitable for leisure walking during the windiest season. Strong winds (Beaufort Force 6+ i.e. strong breeze, near gale, gale, strong gale and storm) should be reported separately from the LCC.

11.195 Save for impact on the Docklands Sailing and Watersports Centre, the GLA’s Stage 1 report is silent on microclimate conditions within the development.

11.196 The predicted wind microclimate at 230 locations during the windiest season at ground and courtyard and roof-top terrace levels is summarised as follows:

- 48 locations are predicted suitable for sitting;
- 110 locations are predicted suitable for standing/entrance use;
- 60 locations are predicted to suitable for leisure walking;
- 7 locations are predicted suitable for business walking;
- 5 locations are predicted to be in the roads and car park category.

11.197 38 locations are predicted to experience occasional strong winds exceeding LCC comfort thresholds reaching Beaufort Force 6, 7 & 8 (Strong breeze to gale) for between 1 hour and 6.1 hours per annum.

11.198 Locations predicted to be windier than desired for their intended use are in the vicinity of the towers due to the effects of down-drafting from the facades and channelling between the buildings. The wind microclimate in the proximity of the towers would mostly be suitable only for leisure walking use during the windiest season with five locations around tower T4 only suitable for car park/roadway use with strong winds, which would potentially impede walking during the windiest times of the year.

11.199 The northern part of the site would be sheltered by the proposed buildings on the waterfront from the prevailing south-westerly winds and away from the towers, wind conditions would be relatively calm and would be suitable for leisure walking, standing/entrance use or sitting during the windiest season.

Thoroughfares

11.200 The wind microclimate throughout the site is predicted to be predominantly suitable for thoroughfare use (i.e. conditions suitable for leisure walking or calmer during the windiest season), except between Tower T1 and T3 and on the north western sand south eastern side of Tower T4 where conditions would only be suitable for business walking or carpark/roadway use.

Entrances

11.201 Most positions throughout the site have conditions that are suitable for entrance use during the windiest season. However, entrances located in the vicinity of the towers, where conditions would be suitable for leisure walking, would require additional localized shelter such as recessing or screening around the doorways.
Amenity Spaces and Ground Level Terraces

11.202 During the summer, conditions at ground level are predicted to be predominantly suitable for sitting which would be appropriate for amenity use.

Roof top terraces

11.203 While 26 of the 55 roof-top terrace areas assessed are predicted to achieve conditions suitable for sitting during the summer, 23 areas would be subject to wind conditions suitable for standing/entrance use and 6 suitable for leisure walking use i.e. one or two categories higher than desirable for amenity areas, and would require screening and soft landscaping mitigation to provide suitable wind conditions for seated use.

Private balconies

11.204 The ES Volume 1 claims that the assessments predict the changes in the wind environment as experienced at ground level on terraces and balconies. However, no details of predicted conditions for the balconies are provided except to say that within the mitigation measures “Dividers (as proposed) at terrace/balconies.” ES Volume 4 Technical Appendix 16 ‘Pedestrian Level Wind Mitigation Report’ provides assessments of conditions on the private terraces following five wind tunnel mitigation tests. Under each of the five test runs, the results indicate that during the summer the balconies at least one entire face of Tower T4 (apparently facing the dock) would experience wind condition of ‘Entrance / Pedestrian Standing’ that would be either one or two categories above the desired ‘Sitting’ condition. At the top of the tower there would also be ‘safety exceedances’ with Beaufort Forces 6-8.

11.205 The Temple Group reports that the Applicant accepts that the three (top) balcony conditions are not acceptable levels and in the absence of mitigation but advises that with appropriate mitigation the conditions can be brought down to acceptable levels. This may involve a number of options up to an including enclosing the balconies. Temple Group do not consider that further wind tunnel testing is proportionate to resolve a relatively straight forward problem, one that can be conditioned for approval prior to construction.

11.206 The implementation of cumulative surrounding buildings does not change the wind microclimate assessment significantly.

11.207 Should the Secretary of State grant planning permission, it is recommended that a condition is applied to require details of wind mitigation measures to be submitted and approved to ensure the development accords with the relevant standards in the Lawson's Comfort Criteria.

Impact on the Docklands Sailing and Watersports Centre

London Plan 2016

11.208 Policy 7.6 ‘Architecture’ requires buildings not to cause unacceptable harm to the amenity of surrounding land and buildings in relation to wind and microclimate. Policy 7.7 ‘Tall and large scale buildings’ says tall buildings should not affect their surroundings adversely in terms of microclimate and wind turbulence. Policy 7.27 ‘Blue Ribbon Network: Supporting infrastructure and recreational use’ requires development proposals to enhance the use of the BRN. Proposals that that result
in the loss of existing facilities for waterborne sport and leisure should be refused, unless suitable replacement facilities are provided.

11.209 Policy 7.30 ‘London’s canals and other rivers and water spaces’ requires development alongside London’s docks to promote their use for water recreation.

Core Strategy 2010

11.210 Policy SP04 ‘Creating a green and blue grid’ says the council will work with relevant agencies to ensure new development responds positively and sensitively to the setting of water spaces while respecting and animating water spaces to improve usability and safety.

Managing Development Document 2013

11.211 Policy DM12 ‘Water spaces’ requires development adjacent to the BRN to demonstrate how it will improve the quality of the water space and provide increased opportunities for access, public use and interaction with the water space.

11.212 Policy DM26 ‘Building heights’ requires development not to adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces. Millwall Dock is a public space.

Assessment

11.213 The Sailing Centre is a unique and valuable facility that is dependent on its dockside location and the ability to sail, including tuition, on Millwall Dock. The applicant’s Environmental Assessment identifies a significant adverse effect in the western area of the dock when compared against the cleared site. There are no standards for sailing quality due to wind and the applicant has set a threshold for significance at a 15% change. Whilst the rest of the dock doesn’t reach this criteria level it is very close at 10%. For the western dock area the average reduction is far in excess of this at 23.1%.

11.214 Of the 23.1% this is mostly focused on as Assessment Points 1 – 6 at the western part of the dock which all show significant differences between the 2016 consented scheme and the proposed development with large variations from the cleared site.

11.215 Based on the Tables provided within the ES, on average there will be 11.35 additional days suitable for sailing lost per year in the western area of the dock compared against the 2016 development, and 63.75 days lost against the cleared site baseline.

11.216 The ES has identified this as a significant adverse effect and it is clear from the results that the current is scheme is also significantly worse than the consented scheme, with regards to the wind effect upon sailing.

11.217 It is considered that the revised scheme would result in conflict with development plan policy itemised above. The applicant’s response is as follows:

“1) The mitigation package resulting from the consented scheme (in 2015/6) is still valid, this comprised of lengthening pontoons further into the dock and an extended pontoon towards the southern edge of the dock to allow launching and recovery of dinghies when the wind direction had a northerly component.”
2) It would be preferable to sail in the eastern end of the dock during north easterlies. There is already a pontoon in the eastern dock therefore increasing the scale and access to this pontoon (or a new one) in the eastern dock area could be beneficial. (These comments have been written with no knowledge of the status of who can use the existing pontoon). This may be of limited use for individuals new to sailing, as it will be operationally easier to be in close proximity to the DSWC.

The mitigation scheme could also include a weather station monitoring the wind speed and direction in the vicinity of the club house/launching area (and at other location around the dock). This would aid the DSWC staff in assessing the wind environment to aid decision making for dock usage. The staff were familiar with the wind characteristics around the dock pre-development; the future phases of development and final delivered Proposed Development will change these, therefore a weather station(s) would assist them in adapting to the new wind environment.”

11.218 Officers consider that there is no evidence that the increased impacts resulting from the current proposals could be mitigated by the funding offered by the developer in 2016 and no identified means of mitigating the additional impact has been advanced.

Transport, connectivity and accessibility

The London Plan 2016

11.219 The London Plan Policy 6.1 seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to travel by public transport, walking and cycling. The Plan supports development that generates high levels of trips at locations with high levels of public transport accessibility and or capacity either currently or committed.

11.220 Table 6.2 sets out maximum parking standards. In ‘urban’ areas with PTALs 2-4 development should provide up to 1 space per unit preferably less, adequate parking for disabled people must be provided preferably on site and 20% spaces should provide an electric vehicle charging point both active and passive.

Tower Hamlets Core Strategy 2010

11.221 Tower Hamlets Core Strategy 2010 Strategic Objective SO20 seeks to: “Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle.” Policy SP09 ‘Creating attractive and safe streets and spaces’ provides detail on how the objective is to be met.

Tower Hamlets Managing Development Document 2013

11.222 Policy DM20 reinforces the need for developments to demonstrate that they would be properly integrated with the transport network without unacceptable impacts on capacity and safety. It emphasises the need to minimise car travel and prioritises movement by walking, cycling and public transport. Policy DM22 ‘Parking’ requires development located in areas of good PTALs or in areas of parking stress to be ‘permit free’. Developments should comply with LBTH car and cycle parking standards. MDD Appendix 2 allows for a maximum of 1 parking space for 3 bedroom plus units and 0.5 space for smaller units. In areas with PTAL 3 & 4, 0.4 spaces for 3 bedroom plus units and 0.3 space for smaller units can be considered.
The MDD says there should be no parking for A1, A2, A3 and A4 uses, 1 space per 600-1,000 m². of offices outside the CAZ. Spaces can be considered for health centres where supported by a Travel Plan. Additionally, the policy aims to prioritise sustainable approaches towards provision of electric charging points and ensuring appropriate allocation of parking spaces for affordable family homes and disabled persons.

11.223 MDD Site Allocation 18 shows walking and cycling routes running east-west and north-south through the site.

NPPF
11.224 The NPPF emphasizes the role transport policies have to play in achieving sustainable development. In assessing planning applications on allocated sites (such as Westferry Printworks) it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up, safe and suitable access can be achieved for all users and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Developments should give priority to pedestrian and cycle movements, with access to high quality public transport facilities, create safe and secure layouts minimising conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.

Assessment

Public transport accessibility (PTAL)
11.225 TfL’s calculator shows the site’s PTAL varies from 2 towards Westferry Road to 1b towards the eastern end of the dock (where 6 is excellent and 1 very poor). The applicant has undertaken a manual calculation that claims the entire site scores PTAL3 (moderate). TfL advises that the site’s PTAL ranges from 2 to 3.

11.226 The scheme would result in a density of some 801 hrph (312 u/ha) exceeding the upper figure of the relevant London Plan matrix for urban sites with PTAL 2-3 by some 80%.

Trip generation and public transport capacity
11.227 The proposals would generate over 2,000 person trips across the AM and PM peaks with over 90% undertaken by sustainable modes. The proposals are expected to generate a net increase of 579 two-way trips in the AM peak and 459 two-way trips in the PM peak over and above the consented scheme. The projected increase in trips would affect the local public transport network, including buses, the DLR at Crossharbour and the interchange with the Jubilee Line and the Elizabeth Line at Canary Wharf.

11.228 TfL has confirmed that this uplift can be accommodated by the committed DLR capacity increases; however occupation of the development would need to be phased to coincide with the delivery of this additional capacity.

11.229 The bus network along Westferry Road is operating at capacity. 115 two way additional trips are estimated in the AM peak. The extant consent included a contribution of £300,000 towards improving capacity. Assuming occupation of the
additional proposed development is phased to align with the delivery of additional DLR capacity, TfL considers that the contribution of £300,000 remains sufficient to deliver the additional bus capacity required.

Permeability

11.230 Complying with MDD Site Allocation 18, the proposals open up pedestrian and cycle permeability east – west and north - south across the site including enhancement of the dockside pedestrian walkway.

11.231 The applicant has offered to execute a section 278 Agreement with the council to fund highway works to provide improved bus stops and shelters, a new zebra crossing on Westferry Road and the widening of footways in front of the Arnhem Wharf Primary School and the proposed secondary school.

Access and servicing

11.232 Access would be taken from the existing vehicular access points on Westferry Road and Millharbour controlled by drop down bollards with a number plate recognition system on entry. Changes are proposed to the Westferry Road access, along with other alignment works to Westferry Road to provide better sightlines. All servicing would take place within the development which is welcomed. The width of the proposed service road with separate footways is consistent with the Department of Transport’s ‘Manual for Streets’ and considered satisfactory.

11.233 A recommended planning condition would secure a Delivery and Servicing Plan.

Car Parking

11.234 The number of parking spaces would remain as per the consented scheme; therefore the proposed additional residential units will not have a noticeable impact on the road network save for the cumulative impact of growth on the Isle of Dogs, and impact on capacity at Preston’s Road roundabout.

11.235 The proposed 154 disabled person car parking spaces meet the draft London Plan requirement for 10% of dwellings to have a disabled person parking space. The remaining 99 standard car parking spaces are considered acceptable in the context of the extant permission and development plan standards and represent very low car development.

11.236 No general car parking is proposed for the non-residential elements. This is welcome and accords with draft London Plan Policy T6. 19 disabled person parking spaces are proposed for the non-residential uses provided on street throughout the development. This is considered acceptable and accords with the draft London Plan. Two car club spaces are proposed at-grade and considered appropriate. The provision of electric vehicle charging points accords with the draft London Plan and welcomed.

11.237 A condition to secure a Car Parking Management Plan is recommended. A permit-free agreement is necessary to prevent future occupiers from parking on surrounding streets except Blue Badge holders or beneficiaries of the Tower Hamlets Permit Transfer Scheme.

Cycle parking
11.238 Residential and non-residential cycle parking has been increased to meet the minimum requirements of the draft London Plan and considered satisfactory. It is recommended that the £70,000 secured by the extant s106 Agreement should be carried over to expand local docking stations to meet demand generated by the development.

11.239 Should the Secretary of State decide to grant planning permission, it is also recommended that there should be a condition requiring a section 278 agreement to fund mitigation works to Westferry Road.

**Airport safeguarding**

*The London Plan 2016*

11.240 Policy 7.7 ‘Location and design of tall and large buildings’ requires that such buildings should not affect aviation.

*Tower Hamlets Local Plan*

11.241 MDD Policy DM26 ‘Building heights’ requires tall buildings to comply with Civil Aviation requirements.

**Assessment**

11.242 National Air Traffic Services Ltd (NATS) responsibilities include the integrity of RADAR communications not flight paths at individual airports and has identified no conflict with safeguarding criteria.

11.243 London City Airport (LCY) initially objected to the height of Tower 04 that would have infringed the airport’s safety surface by 5.5 m. The applicant has reduced the height of T4 by 2-storeys. LCY has confirmed this overcomes its objection but has requested conditions

- All landscaping plans and all planting should make such planting unattractive to birds.
- No cranes or scaffolding shall be erected on the site until construction methodology and diagrams presenting the location, maximum operating height, radius and start/finish dates for the use of cranes during the development have been approved by the local planning authority in consultation with LCY.

11.244 Officers consider that the application complies with Civil Aviation requirements, London Plan Policy 7.7 and MDD Policy DM26.

**Energy and sustainability**

*The London Plan 2016 & Tower Hamlets Local Plan*

11.245 London Plan 2016 Chapter 5, Tower Hamlets Core Strategy Policy SP11 ‘Working towards a zero-carbon borough’ & MDD Policy DM29 ‘Achieving a zero carbon borough and addressing climate change’ collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions. Core Strategy Policy SP10.4.b. ‘Creating distinct and durable places’ requires design and construction techniques to reduce the impact of air pollution.
11.246 The London Plan provides the Mayor’s energy hierarchy:

- Use Less Energy (Be Lean);
- Supply Energy Efficiently (Be Clean); and
- Use Renewable Energy (Be Green).

11.247 MDD Policy DM29 includes carbon reduction targets for new development and identifies that residential development should be zero carbon and that for non-residential developments Tower Hamlets has applied a 45% carbon reduction target beyond Part L 2013 of the Building Regulations.

11.248 MDD Site Allocation 18 requires redevelopment of Westferry Printworks to include a district heating facility (where possible).

Tower Hamlets Planning Obligations SPD – September 2016

11.249 This SPD includes a mechanism for any shortfall in CO2 reduction to be met through a cash in lieu contribution for sustainability projects.

NPPF

11.250 The NPPF says planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. It also supports the delivery of renewable and low carbon energy and associated infrastructure.

Assessment

11.251 The application utilises projected carbon factors, as set out in SAP 2019, to assess the potential CO2 emission reductions and identifies that the scheme can achieve the GLA’s 35% CO2 emission requirement. However, this approach gives rise to some key uncertainties:

- The draft carbon factors could change prior to final adoption into Building Regulations.
- The cost for future occupants connected to an electric only supply could be far greater given current trajectories on electricity grid costs.

11.252 The submitted Energy Strategy (AECOM July 2018) identifies that the scheme generally accords with the principles of MDD Policy DM29 and follows the principles of the Mayor’s energy hierarchy. The proposals seek to reduce energy demand through energy efficiency measures (providing a 7.8% reduction in CO2 emissions), and supply heating and cooling efficiently though dock water heat pumps and a PV array (10.9% reduction in CO2 emissions from renewable energy).

11.253 The use of the dock source heat pumps is an innovative approach to supply the scheme with renewable energy. The Energy Strategy references a detailed study being undertaken to demonstrate their deliverability and essential to demonstrate the anticipated CO2 savings can be achieved and the appropriate carbon offsetting contribution paid to the council. Whilst this should have been submitted with the application, details could be reserved by any planning permission.

11.254 The proposed design is anticipated to achieve an 18.7% reduction in CO2 emissions compared to a Part L Building Regulations 2013 compliant building with anticipated CO2 savings from the integrated measures of 35.1%.
The submitted energy strategy identifies that the shortfall to meeting zero carbon for the residential elements is 1,510 tonnes CO2. The shortfall to meet the non-residential 45% requirement is identified as: 67 tonnes CO2. It is proposed that the shortfall in CO2 emission reductions would be offset by a cash-in-lieu payment. The current identified cost for a tonne of CO2 is £1,800 per tonne of CO2. Therefore for the proposed scheme the energy strategy identifies a carbon offsetting contribution of £2,839,580.

The site lies adjacent to the south of Barkantine Energy Centre. The proposals include a set of flues at the northern perimeter to be used by Barkantine District Heating System to mitigate potential air quality impacts on the new residential development adjoining. The detailed design and heights of these flues has not been provided and details would need to be secured by condition to assess their visual impact and ensure they are delivered prior to occupation of the nearest residential blocks. The cost of delivering the flues and air quality mitigation would be the responsibility of the developer.

The applicant has submitted a Sustainability Statement which outlines the commitments to integrating sustainable design and construction into the development to achieve BREEAM ‘Very Good’ which is acceptable for non-residential units of 500m2 or less.

**Air quality**

London Plan 2016

Policy 7.14 ‘Improving air quality’ requires development proposals to minimise increased exposure to existing poor air quality and make provision to address local problems of air quality particularly within Air Quality Management Areas (AQMA) through design solutions, buffer zones or steps to promote greater use of sustainable transport modes. Development should be at least ‘air quality neutral.’

Tower Hamlets Local Plan

The entire Borough of Tower Hamlets is an AQMA and Core Strategy Policy SP03 ‘Creating healthy and liveable neighbourhoods’ seeks to address the impact of air pollution. Policy SP10.4.b. ‘Creating distinct and durable places’ requires design and construction techniques to reduce the impact of air pollution. MDD Policy DM9 ‘Improving air quality’ requires major development to submit an Air Quality Assessment demonstrating how it will prevent or reduce associated air pollution.

**Assessment**

The submitted ES assesses the impact on local air quality during the construction phase and once the development has been completed and operational.

The ES concludes that during the construction phase, the residual effect of dust emissions following the implementation of appropriate environmental management controls, as outlined within the Environmental Statement, would be negligible under most circumstances. A potential for minor adverse short term effects would remain under extreme weather conditions. Due to the high background level of pollutants, the residual effect on air quality of construction traffic and plant arising during the construction period would be negligible following mitigation.
11.262 During operation of the development, the ES concludes there would be a negligible to minor adverse residual effect due to emissions from vehicles relating to the development.

11.263 The gas boilers required as a top-up/back up system for the heat network will would be used relatively infrequently as the main source of heating and cooling would be by the dock heat exchange system. The residual effect of the gas boilers on air quality will be negligible.

11.264 Subject to the approval of satisfactory details, the relocation and modification of the existing Barkantine Energy Centre flues are a mitigation measure to manage existing impacts and would have a minor-moderate beneficial effect on air quality. An appropriate condition is recommended.

11.265 A condition is also recommended to require details of odour control equipment to protect the amenity of nearby residential premises from food and drink uses.

11.266 The Temple Group advises that the ES assessment that the development would be quality neutral and the residual effect negligible is reasonable.

Noise and vibration

London Plan 2016
11.267 Policy 7.15 ‘Reducing and managing noise’ requires development proposals to manage noise by avoiding significant adverse noise impacts on health and quality of life and to mitigate and minimise the existing and potential adverse impacts. Policy 7.5 ‘Public Realm’ notes that traffic can have a significant impact on the quality of the public realm in terms of noise and requires “the negative effects of traffic should be minimised to ensure people’s enjoyment of public realm is maximised”, and that “places should provide opportunity for quiet enjoyment”. London Plan Policy 7.7 (Location and design of Tall and Large Buildings) states that tall buildings should not affect their surroundings in terms of noise.

Tower Hamlets Local Plan
11.268 Core Strategy Policy SP10.4.b. ‘Creating distinct and durable places’ requires design and construction techniques to reduce the impact of noise pollution. MDD Policy DM25.e. ‘Amenity’ requires developments not to create unacceptable levels of noise on the amenity of existing and future residents and the public realm.

NPPF
11.269 Paragraph 180 includes policy requirements to prevent new development, including by mitigation, from contributing towards unacceptable levels of noise pollution. The NPPG requires planning applications to identify any significant adverse effects on noise levels which may have an unacceptable impact on health and quality of life.

Assessment

11.270 The planning application is supported by an External Noise and Vibration Survey Report. The report concludes that through the provision of appropriate glazing and ventilation, suitable levels of noise for the proposed residential uses would be achieved.
11.271 Regarding noise generated during construction process, a number of mitigation measures have been proposed including hoardings and modern ‘quiet plant’ equipment, and such measures will be secured through the Construction Environmental Management Plan.

11.272 The Temple Group advises that in general, the conclusions of the Noise and Vibration Assessment are agreed and there is sufficient information provided. The council should note that significant, moderate adverse residual effects from road traffic along Millharbour have been reported.

11.273 Should the Secretary of State grant planning permission, it is recommended that conditions are imposed to secure satisfactory details of acoustic glazing and ventilation to the residential accommodation and to ensure that the noise level emitted from any plant/machinery/equipment shall be lower than the lowest existing background noise level by at least 10 dBA.

Contaminated land

London Plan 2016

11.274 Policy 5.21 ‘Contaminated land’ requires appropriate measures to be taken to ensure that development on previously contaminated land does not activate or spread.

Tower Hamlets Local Plan

11.275 MDD Policy DM30 ‘Contaminated land’ requires a site investigation and remediation proposals to be agreed for sites which contain potentially contaminated land before planning permission is granted.

NPPF

11.276 Paragraph 178 requires planning decisions to ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from contamination.

Assessment

11.277 Given the former industrial uses of the site, conditions were applied to the 2016 planning permission to require a land contamination investigation (Condition 19a), a remediation scheme (Condition 19 b) and the submission of a verification report to demonstrate effective implementation of the of the remediation strategy (Condition 20). Condition 19a was discharged on 9 March 2018 PA/18/00087 and condition 19b) was discharged on 17th July 2018 PA/18/01286. The Verification Report required by Condition 20 has not yet been submitted.

11.278 Should the Secretary of State grant planning permission it is recommended that conditions be applied requiring that the approved remediation strategy is implemented followed by the submission and approval of a verification report to demonstrate the effective implementation of the of the remediation strategy.

Flood risk

The London Plan 2016
11.279 Policy 5.12 ‘Flood Risk Management’, states that “development proposals must comply with the flood risk assessment and management requirements set out in the NPPF”.

Tower Hamlets Local Plan
11.280 Core Strategy Policy SP04 (5) says the council will reduce the risk and impact of flooding using the Sequential Test to assess and determine the suitability of land for development based on flood risk. All new development that has to located in a high flood risk area must demonstrate that it is safe and passes the Exception Test.

NPPE
11.281 The NPPF and the associated Flood Risk and Coastal Change guidance within the Planning Practice Guidance (PPG) require local planning authorities to apply a risk-based approach to their decisions on development control through sequential and exception tests. In areas of high risk development should not increase the risk of flooding elsewhere and should be flood resistant and resilient. For development to be permitted both elements of the Exception Test must be passed:

- It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- A site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Assessment
11.282 The Environment Agency’s Flood Map shows the site located in Flood Zone 3 (High Risk). However, it is protected by the Thames Tidal flood defences to a 1 in 1,000 year annual (<0.1%) and means the site is within a low risk area but at risk if there was to be a breach or the defences overtopped.

11.283 The site is allocated in the Tower Hamlets Local Plan for a strategic comprehensive mixed-use development and has passed the Tower Hamlets Sequential Test within the borough’s Level 2 Strategic Flood Risk Assessment 2011. The Mayor granted planning permission for the development of the site by the ‘permitted scheme’ in 2016. A site specific FRA has been submitted that assesses the risk of flooding and demonstrates that floor levels would be above predicted 2100 breach flood and that the occupants would have safe refuge. The proposals consequently pass the Exception Test.

11.284 The GLA’s Stage 1 Report says that a full review of the flood risk assessment is required as it does not give appropriate regard to residual flood risks, and the need for resilience and emergency planning measures. However, in terms of flood risk the development is not materially different to that approved in 2016 and Environment Agency raises no objection to the current scheme on grounds of flood risk. The Agency advises that the proposal does have a safe means of access and/or egress in the event of flooding from all new buildings to an area wholly outside the floodplain. To improve flood resilience, the Agency recommends that, where feasible, finished floor levels are set above the 2100 breach flood level - 4.97m AOD which could be conditioned.
11.285 No planning objections are raised on grounds of flood risk.

**Sustainable urban drainage (SUDS)**

The London Plan 2016

11.286 Policy 5.11 requires major development proposals to include roof, wall and site planting including the provision of green roofs and sustainable urban drainage where feasible. Policy 5.13 requires schemes to utilise SUDS techniques where practical and aim to achieve greenfield run-off rates and manage surface water run-off in line with the following hierarchy:

1. Store rainwater for later use
2. Use infiltration techniques, such as porous surfaces in non-clay areas
3. Attenuate rainwater in ponds or open water features for gradual release
4. Attenuate rainwater by storing in tanks or sealed water features for gradual release
5. Discharge rainwater direct to a watercourse
6. Discharge rainwater to a surface water sewer/drain
7. Discharge rainwater to the combined sewer.

Tower Hamlets Local Plan

11.287 Core Strategy SP04 5 requires development to reduce the risk and impact of flooding by requiring all new development to aim to increase the amount of permeable surfaces, including SUDS, to improve drainage and reduce surface water run-off. MDD Policy DM13 ‘Sustainable drainage’ requires development to show how it reduces runoff through appropriate water reuse and SUDS techniques.

NPPF

11.288 Development should only be allowed in areas at risk of flooding where, it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate (para.163).

Assessment

11.289 The Environmental Statement states that in line with the London Plan, the majority of the surface water from the development is outlined to drain to the Millwall Outer Dock. This is a key change from the consented development but is considered appropriate by the applicant in line with the drainage hierarchy.

11.290 The Mayor’s Stage 1 Report (para. 72) says the surface water drainage strategy does not comply with London Plan Policy 5.13 and Policy SI 13 of the draft London Plan, as it does not give appropriate regard to the drainage hierarchy and Greenfield runoff rate. Further details on how SuDS measures at the top of the drainage hierarchy would be included in the development, and how Greenfield runoff rate would be achieved should be provided including attenuation storage volume calculations and attenuation tank dimensions.

11.291 The Council’s Sustainable Drainage Officer shares the GLA’s concern and objects to the surface water drainage strategy. The applicant has utilised the Environment Agency’s Risk of Surface Water Flooding Maps and the application of a series of rainfall events but does not include the combined sewer system or details of the micro topography. Conclusions are very wide of the mark. Discharge to the combined sewer system will be required to meet Greenfield runoff rates through
the use of Sustainable Urban Drainage (SuDS) techniques. It is requested that the any planning permission is conditioned to require the submission, approval and implantation of a revised Surface Water Drainage Scheme based on sustainable drainage principles.

Biodiversity

The London Plan 2016
11.292 Policy 7.19 requires development proposals where possible to make a positive contribution to the protection enhancement, creation and management of diversity. On Sites of Importance for Nature Conservation development proposals should give sites of borough importance the level of protection commensurate with their importance.

Tower Hamlets Local Plan

Core Strategy 2010
11.293 Policy SP04 concerns ‘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 whilst ensuring that development protects and enhances areas of biodiversity value.

Managing Development Document 2013
11.294 Policy DM11 ‘Living buildings and biodiversity’ requires developments to provide elements of a ‘living buildings.’ This is explained to mean living roofs, walls, terraces or other building greening techniques. MDD Policy DM11 also requires existing elements of biodiversity value to be retained or replaced by developments and requires developments to deliver net biodiversity gains in line with the Tower Hamlets Local Biodiversity Action Plan (LBAP).

Assessment

11.295 The site has been cleared and currently of negligible value for biodiversity. Beforehand, it supported breeding black redstarts, foraging and probably roosting bats, a large population of the protected Jersey Cudweed, and habitats including about 0.35 ha of predominantly native woodland and dense scrub and extensive areas of low-quality open mosaic habitat. This is the baseline against which the proposed development should be assessed.

11.296 The permitted 2016 development included an Ecological & Biodiversity Management Plan committing the developers to provide at least 0.185 ha of biodiverse roofs, 0.52 ha of native tree, shrub and wildflower planting at ground level, 36 bat boxes, 54 assorted bird and invertebrate boxes. The ecology chapter of the Environmental Statement suggests that the revised proposals should be capable of delivering a similar level of mitigation secured by condition.

11.297 Millwall Dock is a Site of Importance for Nature Conservation. The current proposal includes use of dock water for cooling. This could potentially impact on the ecology of the dock, through heating (both overall and localised plumes of warmer water) and possibly through changes in salinity. This is one of at least four proposals in the area to use dock water for cooling. The Canal and Rivers Trust is currently undertaking a study to investigate their impact with an interim report published in February 2019 that indicates a need for further consultation with the EA to agree appropriate criteria.
11.293 Should the Secretary of State decide to grant planning permission, conditions are recommended to secure the proposed biodiversity measures and the safeguarding of protected species, together with a further assessment of the biodiversity impact of the use of the dock for cooling.

Waste

The London Plan 2016

11.298 Policy 5.3 ‘Sustainable Design and Construction’ requires that the highest standards of sustainable design and construction be achieved in London. This should be achieved through a number of sustainable design principles, including minimising the generation of waste and maximising re-use and recycling.

11.299 Policy 5.17 ‘Waste capacity’ requires suitable waste and recycling storage facilities in all new developments. The Mayor’s ‘Housing’ SPG 2016 Standard 23 advises that storage facilities for waste and recycling containers should be provided in accordance with local authority requirements and meeting at least British Standard BS5906: 2005 – ‘Code of Practice for Waste Management in Buildings.’ With weekly collections, the Code recommends 100 litres refuse for a single bedroom dwelling, with a further 70 litres for each additional bedroom and 60 litres internal space for the storage of recyclable waste.

Core Strategy 2010

11.300 Strategic Objective SO14 is to manage waste efficiently, safely and sustainably minimising waste and maximising recycling. Policy SP05 ‘Dealing with waste’ implements the waste management hierarchy of reduce, reuse and recycle.

Managing Development Document 2013

11.301 Policy DM14 ‘Managing Waste’ requires development to demonstrate how it will provide appropriate storage facilities for residual waste and recycling. Major development should provide a Waste Reduction Management Plan for the construction and operation phases Appendix 3 provides capacity guidelines for residential waste that are to be revised in emerging revisions to the Local Plan and a Waste SPG.

Assessment

11.302 The Council’s Waste Development – Development, Compliance and Commissioning Officer advises that the submitted Waste Strategy is policy compliant.

Environmental Impact Assessment

11.303 The planning application constitutes an EIA development. The application was submitted in July 2018 accompanied by an Environmental Statement (ES) produced by Environmental Planning & Assessment Limited (EPAL) on behalf of Westferry Developments Ltd, and provided assessment of the following topics:

- Waste and Waste Management;
- Socio-economics;
- Transport;
- Noise and Vibration;
- Air Quality;
- Water Resources and Flood Risk;
- Soil and Ground Conditions;
- Ecology and Nature Conservation;
- Archaeology;
- Daylight and Sunlight;
- Pedestrian Wind Microclimate;
- Wind and Sailing;
- Radio and Television Interference;
- Aviation;
- Energy and Carbon Dioxide Emissions;
- Townscape and Visual Assessment; and
- Built Heritage.

11.304 The ES has been reviewed in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (EIA Regulations).

11.305 The application has also been supported by a 2018 ES Review Response, and a further 2019 ES Review Response. In addition, a Letter of Compliance and a Heritage, Townscape and Visual Impact ES Addendum were submitted to address any implications of the revised plans (reducing the height of Tower T4 by two floors) submitted on the 4th March, in relation to the ES and its conclusions of likely significant effects.

11.306 The 2018 ES Review Response was considered to be ‘further information’ under Regulation 25, and was processed as required under the EIA Regulations.

11.307 The Council’s EIA Officer and retained EIA consultants and have confirmed that the submitted ES meets the requirements of the EIA Regulations.

11.308 The environmental information comprises the ES, including any further information and any other information, any representations made by consultation bodies and by any other person about the environmental effects of the Proposed Development.

11.309 The ‘environmental information’ has been examined by the council and has been taken into consideration by officers to reach a reasoned conclusion of the significant effects of the proposed development, which forms the basis of the assessment presented in this report. It will be recommended to the Public Inquiry that appropriate mitigation / monitoring measures as proposed in the ES should be secured through planning conditions and/or planning obligations.

### Community Infrastructure Levy (CIL) and Planning obligations

11.310 NPPF paragraph 54 says local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.

11.311 The Mayor of London’s CIL was introduced in April 2012. The Mayor when considering planning applications of strategic importance, also takes account of the existence and content of planning obligations under section 106 of the Act supporting the funding of the Elizabeth Line (Crossrail) and Crossrail 2.
11.312 Tower Hamlets Core Strategy Policy SP13 seeks planning obligations to offset the impacts of development on local services and infrastructure. The Council’s ‘Planning Obligations’ SPD 2012 set out in more detail how these impacts can be assessed and appropriate mitigation.

11.313 NPPF paragraph 56 states that planning obligations should only be sought where they meet the following tests:

(a) Necessary to make the development acceptable in planning terms;
(b) Directly related to the development; and
(c) Fairly and reasonably related in scale and kind to the development.

11.314 Regulation 122 of the CIL Regulations 2010 brought the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.

11.315 The Tower Hamlets CIL was introduced on 1st April 2015 following independent examination by the Planning Inspectorate in 2014. With regard to the four large sites allocated for development in the Local Plan (London Dock, Wood Wharf, Bishopsgate Goods Yard and Westferry Printworks) among his findings, the Examiner found:

“the proposed CIL charges could be determinative of whether or not one or more of the large allocated site schemes would be likely to come forward.”

And,

“I consider that if implemented in an unmodified form there is a reasonable likelihood that development on the large allocated sites would be rendered unviable by CIL. As such neither the development nor CIL income associated with it would be achieved” (Paragraph 90).

11.316 This included Westferry Printworks where the Examiner set a NIL charging rate.

11.317 The introduction of the Council’s CIL necessitated a review of the Council’s then Planning Obligation SPD that was published in September 2016 following approval by Cabinet. The borough’s four main priorities are:

- Affordable Housing
- Employment, Skills, Training and Enterprise
- Community Facilities
- Education

11.318 Other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

11.319 The redevelopment of Westferry Printworks would place additional demands on local infrastructure and facilities including schools, health facilities, Idea stores and libraries, leisure and sport facilities, transport facilities, public open space and the public realm.
11.320 The Council’s Community Infrastructure Levy Regulation 123 List sets out those types of infrastructure (including new provision, replacement or improvements to existing infrastructure, operation and maintenance)* that the Council intends will be, or may, be wholly or partly funded by CIL:-

- Public education facilities
- Community facilities and faith buildings
- Leisure facilities such as sports facilities, libraries and Idea Stores
- Public open space
- Roads and other transport facilities
- Health facilities
- Employment and training facilities
- Strategic energy and sustainability infrastructure
- Strategic flood defences
- Electricity supplies to all Council managed markets
- Infrastructure dedicated to public safety (for example, wider CCTV coverage)
- Strategic public art provision that is not specific to any one site

*Except:-

2. Where the need for specific infrastructure contributions is required to make the development acceptable in planning terms and in accordance with the statutory requirements.
3. Site specific carbon reduction measures/initiatives.

11.321 Requirements in the Local Plan Managing Development Document at Westferry Printworks are thus excluded from the Regulation 123 List by Exception 1. However, if planning permission is granted, it would be appropriate to secure section 106 obligations towards anything that is required by the MDD, shown within Site Allocation 18. Given the proposals necessitate improvements to bus services on Westferry Road, to the DLR and to expand local cycle-hire docking stations, it is considered it would be appropriate to seek section 106 financial contributions to fund these off-site to achieve what is proposed by the MDD.

11.322 Whilst it is considered that these would meet the CIL Regulation 122 tests, insofar as they directly related to the scheme, fairly and reasonably related in scale and kind, compliant with the NPPF & local and regional planning policies including the Tower Hamlets Local Plan and the terms and spirit of the Tower Hamlets Planning Obligations SPD 2016; it is not considered they would make the development acceptable in planning terms.

Other Local finance considerations

11.323 Assuming that the council delivers its annual housing target of 3,931 units, the authority would be eligible for a New Homes Bonus payment of totalling approximately £24m over 4 years. Due to the introduction of a new threshold approach by the Government it is not possible to provide an exact amount of New Homes Bonus the proposed development would deliver. Officers estimate that the proposal could deliver in total approximately £8 million over 4 years.
11.324 If planning permission is refused for the current application the NHB would not be received but would be payable were the Secretary of State grant permission should the NHB scheme remain in operation.

**Human rights Act 1998**

11.325 Section 6 of the Act prohibits authorities from acting in a way which is incompatible with the European Convention on Human Rights parts of which were incorporated into English law under the Human Rights Act 1998.

11.326 Following statutory publicity, no objections have been raised on the ground that a grant of planning permission would result in any breach of rights under Article 8 of the European Convention on Human Rights and the Human Right Act 1998.

**Equalities Act 2010**

11.327 The Equalities Act 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 Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty when determining all planning applications. In particular, the Committee must pay due regard to the need to:

1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

11.328 It is considered that the proposed development would not conflict with any of the above considerations. As such it is also considered that any impact in terms of fostering relations and advancing equality with regard to sex, race, religion and belief would be positive. In particular, the development, including access routes and buildings that would be accessible by persons with a disability requiring use of a wheelchair or persons with less mobility.

**11 CONCLUSION**

11.1 All relevant policies and considerations have been taken into account. It is recommended that the Committee resolves that were it empowered to determine the application it would have refused planning permission for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS and the details set out in the RECOMMENDATIONS at Section 3 of this report.
This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process.
### APPENDIX 1

**ASSESSMENT AGAINST THE EXCEPTION TESTS OF LONDON PLAN POLICY 3.4 WITHIN DESIGN STANDARD 6 OF THE MAYOR’S ‘HOUSING’ SPG**

<table>
<thead>
<tr>
<th>Tests for exceeding the Sustainable residential quality density matrix</th>
<th>Assessment</th>
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</table>
| Local context and character & design principles. | In 2016, it was reported “the rise in building height across the dockside to 30 storeys is well above the immediate local context including the 4 storey development on the south side of the dock.” Officers considered there was an arguable case for the height then proposed. The four taller blocks were considered to improve the legibility of the area emphasising the visual significance of the north side of the dock and enhance the skyline with active frontages at important locations with improved permeability. There was also a significant contribution to local regeneration of a derelict site.

The development now proposed would be further at odds with the local character with mass and height that would differ dramatically from the principally low rise surroundings to the north and south, albeit separated from the latter by a large expanse of water.

Whist the site is within the Millwall Dock Tall Buildings cluster, emerging policy in the OAPF and the new Local Plan provides no support for height of the buildings currently proposed and the resultant density. The site is at the periphery of the cluster and the buildings could be considered not to pay proper regard to the principle of stepping down from 1 Canada Square.

This is acknowledged by the GLA’s Stage 1 Report that also says the scale is beyond that envisaged by the draft OAPF for this part of the Isle of Dogs and raises strategic concerns regarding the increased impact on the setting of Tower Bridge.

The GLA considers the significant increase in scale above the consented development presents strategic issues with regards to heritage and townscape impact. And that further analysis on the acceptability of these impacts is
| Public transport connectivity | The site has a PTAL 2-3 - *Moderate* at best. TfL’s comments are included in the Mayor’s Stage 1 report. A Housing Infrastructure Fund bid has been successful that will unlock capacity constraints on the DLR South Route although additional DLR trips over and above the consented Westferry scheme would need to be phased to coincide with additional capacity.

Buses on Westferry Road are also at capacity but could be mitigated by additional services. |
| Design quality | Housing and private amenity space standards would be met. The wheelchair adaptable layouts would comply with the space standards within the Building Regulations Part M.

Interior daylight - 2,212 residential rooms tested - 93% would meet or exceed the minimum British Standard for ADF. 161 tested rooms (7%) fail. Overall, there would be a high level of adherence to the ADF criterion for a high density urban scheme.

Sunlight – 95.7% of living rooms would receive direct sunlight for part of the years.

The developer states that 18 of the LD’s and LKD’s within 90 degrees of due south will not receive any APSH and because the windows are located beneath balconies which limit sunlight availability.

The ES provides no summary, overall pass/fail or percentage figures to confirm the level of adherence to the recommended BRE annual and winter sunlight criterion, nor any further information about the performance of other room uses such as studios or kitchens. As such it is difficult to provide commentary on the proposed sunlight amenity to new residential units.

The amount of private amenity space and child play space within the development would be satisfactory. |
<p>| Contribution to Place making | The scheme would create a <em>place</em> on currently vacant land and mark the presence of the site. |
| Potential for large sites to define | The site is sufficiently large to create its own... |</p>
<table>
<thead>
<tr>
<th>their own setting and accommodate higher densities</th>
<th>setting alongside the dock.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential mix and dwelling types</td>
<td>The proposed dwelling mix in the market housing fails to comply with both London Plan and Local Plan policy to secure mixed and balanced communities and also conflicts with the NPPF – see further below. The housing tenure mix between affordable rented and intermediate housing also fails to meet development plan policy but has no bearing on residential density.</td>
</tr>
<tr>
<td>Management and design of refuse/food waste/recycling and cycle parking facilities</td>
<td>Satisfactory.</td>
</tr>
<tr>
<td>Location</td>
<td>London Plan Opportunity Areas are in principle appropriate for higher density development but the designation covers the entire Isle of Dogs, South Poplar and part of Limehouse. The site is within the Millwall Inner Dock secondary tall buildings cluster identified by the draft OAPF and the draft Local Plan.</td>
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APPENDIX 2 - TOWNSCAPE AND VISUAL APPRAISAL

VIEW 1: LVMF Greenwich Park (5A.1) (and VIEW 33)

1. The proposed scheme would appear overly dominating in the panorama from the Maritime Greenwich WHS. The change in comparison to the permitted scheme is dramatic and the proposed height appears the same as buildings in the Canary Wharf Tall Buildings’ cluster and would compete with it.
2. Such an arrangement would contradict Core Strategy Policy SP10 (Building heights and the of town centre hierarchy). In the emerging local plan the Canary Wharf Tall Buildings cluster is allocated a ‘Skyline of Strategic Importance’ (Policy D.DH4). The proposed development would be detrimental to the consolidation of the skyline’s silhouette, which is also recommended in the World Heritage Site’s Management Plan, specifically paragraph 5.8.3.9 that highlights the importance of stepping down from Canary Wharf towards Greenwich and the visual integrity of its skyline.

**VIEW 2: LVMF Blackheath Point (6A.1)**

Cumulative view – permitted schemes

Proposed cumulative view
3. From Blackheath Point, the 2016 permitted scheme clearly differs in scale from the Canary Wharf’s tall buildings cluster. However, given the distance between the cluster and Printworks the step down required by planning policy is readable in this view.

4. In the proposed cumulative view, the proposed scheme due to perspective would not only read of a scale and massing that matches the Canary Wharf Cluster, but also due to proximity to the Viewing Point would appear dominating in the skyline conflicting with Core Strategy Policy SP10 and emerging Policy D.DH4 and the Skyline of Strategic Importance. A lack of step down from 1 Canada Square and sprawl of the cluster of tall buildings are evident.

VIEW 3: LVMF London Bridge (11B.1) & VIEW 4: LVMF London Bridge (11B.2)
5. In designated View 11B, the scale of the 2016 permitted scheme was subservient to the main group of tall buildings at Canary Wharf and the Grade I listed Tower Bridge. In contrast, the scale of the development now proposed would be prominent in the view through Tower Bridge. The apparent mass of the revised scheme reaches the top of the Bridge and considered to inflict some harm. This view also reveals the detachment of the proposed Westferry cluster from the Canary Wharf cluster competing with it in terms of apparent height. This is again contrary to Core Strategy Policy SP10 and emerging local plan Policy D.DH4. This criticism is supported by the GLA and Historic Royal Palaces.
6. In views from Mudchute Park, the scale of the proposed development clearly dominates in the skyline, overpowering the scale of the scheme permitted in 2014 (lapsed) for the new Crossharbour District Centre. This view demonstrates clear disregard for Tower Hamlets town centre hierarchy (Core Strategy Policy SP10), and MDD Policy DM26 regarding building heights; together with emerging local plan policies D.DH4 and D.DH6 regarding views and tall buildings.
7. The View 8 from Oakland Quay, across the Millwall Inner Dock, evidences that the increase in scale and number of buildings on Westferry site will compete in scale with the Development recently permitted by the Planning Inspectorate at Millharbour and will form the western extremity of the Crossharbour District Centre. The spatial hierarchy will be distorted; the scheme clearly fails to address policies local plan SP10 and DM26 and policy D.DH6 of the emerging local plan. The 2016 permitted scheme would not only be subservient in apparent scale to the recently
scheme approved by the Inspectorate at Millharbour / Pepper Street in the views down the Millwall Inner Dock. It would be obscured I majority of those views.

**VIEW 7: Royal Naval College**

Cumulative view – permitted schemes

Proposed cumulative view

8 The proposed scheme would appear dominating in the panorama from the Royal Naval College. The change in comparison to the 2016 permitted scheme is dramatic. The proposed height, mass and number of buildings when seen from the south appears dominating over the Canary Wharf tall buildings cluster.
Such an arrangement would offend policy SP10 Building heights and the hierarchy of town centres. In the emerging local plan, the Canary Wharf Tall Buildings’ cluster is designated a Skyline of Strategic Importance (policy D.DH4). Westferry Printworks would be detrimental to its consolidated silhouette as also recommended in the WHS Management Plan paragraph 5.8.3.9 that emphasises the importance of stepping down from Canary Wharf towards Greenwich and the visual integrity of its skyline. To the contrary, the proposal would create a new cluster of tall buildings located much closer to the World Heritage Site and clearly separate from Canary Wharf / South Quay group.

VIEW 9: Stave Hill

Cumulative view – permitted schemes
In the view from Stave Hill the 2016 permitted scheme blends into a sequence of tall buildings south from Canary Wharf cluster. The step down is visible and the increase in height in relation to prevailing scale appears a gradual gradient from this distance.

The proposed scheme would read as a scale and mass dominating its surroundings, forming a new group of tall buildings, separate from the Canary Wharf / South Quay concentration. The Westferry Printworks would also appear higher than the buildings stepping down from Canary Wharf located in the northern parts of Millwall Inner Dock. It would compromise Core Strategy Policy SP10 and policies D.DH6 and D.DH4 of the emerging local plan.
The views from the Millennium Dome in Greenwich reveal and confirm the step up in the skyline due to the proposed increase in height and mass of the current Westferry Printworks scheme. This would fail to address existing and emerging tall buildings policies.
In View 11 both schemes reveal their large scale in the context of existing buildings along the northern side of the Millwall Outer Dock. The proposed increase in scale however completely alienates the redevelopment of Westferry Printworks from its urban context. In case of the 2016 scheme, only one building was permitted of height significantly greater than the rest of the frontage. In the currently proposed scheme every building is taller, the tallest one more than three times. This demonstrates disregard of the existing local character and failure to address local plan policies SP10 and DM26.
The view south down Millharbour in the permitted scheme provides legibility of the park as a local destination and draws attention to the open sky above the Millwall Outer Dock. View 12 demonstrates how the permitted scheme fits into the existing and emerging local character whilst the current proposals starkly dominate. Further, the proposed reduction in the size of the new public park and location of the building Tower T5 in the Millharbour vista would be contrary to the emerging Isle of Dogs Opportunity Area Planning Framework, which at paragraph 5.4.5
recommends that strong visual links to the dock edge and Outer Dock Park are created; creating a direct line of site from Millharbour to the waterfront. The OAPF advocates increasing the size of the park through contributions from adjacent sites.

Similarly to View 6, the proposal will distort the spatial hierarchy in the area adjacent to the Crossharbour District Centre. The scheme clearly fails to address policies SP10 and DM26 of the local plan and policy D.DH6 of the emerging local plan.

**VIEW 13: Millharbour (South)**

Cumulative view – permitted schemes

Proposed cumulative view
View 13 again demonstrates conflict with the emerging OAPF that at paragraph 5.4.5 recommends that strong visual links to the dock edge and Outer Dock Park are created; and that allow for direct line of site from Millharbour to the waterfront. In contrast, the permitted scheme provides transition in scale and open views to the park from Millharbour. It also provides a gap between buildings allowing for glimpses towards open space behind. The proposed scheme by the introduction of Tower T5 would effectively terminate the vista along Millharbour and obscure views of the park. There would also be no visual connection with the Millwall Outer Dock.

**VIEW 14: 64 Tiller Road / Starboard Way**

Cumulative view – permitted schemes
In View 14 the proposed scheme demonstrates its complete divorce from the existing urban context. Every proposed building is substantially taller, and the tallest one more than four times failing to address local plan policies SP10 and DM26.

**VIEW 15: Tiller Road / Millwall Dock Road**

Proposed cumulative view

Cumulative view – permitted schemes
Proposed cumulative view

Similarly to View 14, View 15, despite distractions provided by trees in the foreground, the proposed scheme again demonstrates its complete divorce from the existing urban context. Every proposed building is substantially taller, and the tallest one more than four times. The proposal therefore fails to address policies SP10 and DM26 of the local plan. It would also create a relatively solid mass of building negatively affecting outlook of existing residents and prohibit visual connections with the open space of Millwall Outer Dock.

VIEW 16: 122-126 Westferry Road
Similarly to Views 14 and 15, View 16 demonstrates that the proposed scheme represents a scale alien to the local context and prevents visual connections with the surrounding open spaces of the dock. Changes to architectural articulation of from simplification of detailing result in a very generic appearance. The proposal therefore fails to address local plan policies SP10 and DM26. It would also create a relatively solid mass of building negatively affecting outlook of existing residents and prohibit visual connections with open space of Millwall Outer Dock.

**VIEW 17: Ashdown Walk**

Cumulative view – permitted schemes
View 17 demonstrates that the proposed scheme represents a scale alienating it from the existing urban context. It will also prevent visual connections with surrounding open spaces of the dock. Changes to architectural articulation of the buildings from a unification of design, simplification of detailing result a very generic appearance. The proposal fails to address policies local plan SP10 and DM26. It would create a relatively solid mass of building negatively affecting the outlook of existing residents and prohibit visual connections with the open space of Millwall Outer Dock.
VIEW 18: Across Sir John Mc Dougall Gardens

Cumulative view – permitted schemes

Proposed cumulative view

21 View 18 demonstrates that the revised scale of development of Westferry Printworks will impact on openness of Sir John Mc Dougall Gardens. The wall created by the proposed mass, overwhelming height and the proximity of buildings would visually enclose the space. The impact of the 2016 permitted scheme on openness of the gardens is negligible.
VIEW 19: Approach along Westferry Road (from the north I)

Cumulative view – permitted schemes

Proposed cumulative view

View 19 demonstrates that the proposed scheme represents scale that alienates it from the existing urban context failing to address local plan. Policies SP10 and DM26. It would also create a relatively solid mass of building negatively affecting the outlook of existing residents and prohibit visual connections with the open space of Millwall Outer Dock.
View 20: Approach along Westferry Road (from the north II)

Cumulative view – permitted schemes

Proposed cumulative view

23 View 20 again demonstrates that the proposed scheme represents a scale alienating it from the existing urban context. The cranes (non-designated heritage assets) will be overwhelmed by the scale of each and every building. The proposal therefore fails to address policies local plan SP10 and DM26.
24 View 20 also demonstrates that the proposed scheme represents scale alienating it from the existing urban context. The setting of the Grade II listed former St Paul’s church (a designated heritage asset) will be harmed by the mass of buildings rising above it in the background. The proposal therefore fails to address policies local plan SP10 and DM26.
In View 23 from Millwall Park, the proposed scale of the development clearly dominates in the skyline. It appears taller than the Canary Wharf Cluster, alien in scale to its surroundings. This view clearly demonstrates disregard for the Tower Hamlets town centre hierarchy (policy SP10), policy DM26 regarding building heights; and emerging policies D.DH4 and D.DH6 regarding views and tall buildings.
In the View 24, the proposed scale of the development clearly dominates the skyline appearing taller than the Canary Wharf Cluster, alien in scale to its surroundings. The tallest building would be starkly dominant in this wide panorama. This view again demonstrates clear disregard for the Tower Hamlets town centre hierarchy (policy SP10), policy DM26 regarding building heights; and emerging policies D.DH4 and D.DH6 regarding views and tall buildings.
In View 25, the proposed scale of the development again clearly dominates in the skyline. It appears taller than the Canary Wharf Cluster, alien in scale to its surroundings. There is an increase in height in relation to One Canada Square building. This view clearly demonstrates disregard for the Tower Hamlets town centre hierarchy (policy SP10), policy DM26 regarding building heights; and emerging policies D.DH4 and D.DH6 regarding views and tall buildings. The required step down from the Canary Wharf would fail to be delivered with no
transition in scale and particularly inappropriate at the southern edge of the emerging Millwall Inner Dock tall buildings cluster.

**VIEW 26: Dockmaster’s House, Deptford**

Cumulative view – permitted schemes

Proposed cumulative view

28 In View 26, the proposed scale of the development clearly dominates in the skyline. The required step down from the Canary Wharf cluster fails to be delivered with no transition in scale and with an inappropriate height at the southern edge of the edge of the emerging Millwall Inner Dock tall buildings cluster. This view clearly demonstrates disregard for the Tower Hamlets town centre hierarchy
(policy SP10), policy DM26 regarding building heights and emerging policies D.DH4 and D.DH6 regarding views and tall buildings.
APPENDIX 3

ASSESSMENT AGAINST MDD POLICY DM26 – BUILDING HEIGHTS

The following table provides an assessment against Tower Hamlets MDD Policy DM26 ‘Building heights’ criteria that proposals for tall buildings are required to satisfy.

<table>
<thead>
<tr>
<th>Policy DM26 Criteria</th>
<th>Assessment</th>
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<tr>
<td>a. Be of a height and scale that is proportionate to its location within the town</td>
<td>Every proposed residential building exceeds the prevailing height and massing in the area at least twice. The site is in the final rung of the town centre hierarchy and not within an area where current policy supports tall buildings. This is illustrated at Figure 23 above. The proposal would fail to relate to the scale of existing surroundings and bring isolated tall buildings further south into the Island, compromise the ‘step down’ principle. The trend of reducing height overall from 1 Canada Square would not remain clear.</td>
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<td>centre hierarchy and sensitive to the context of its surroundings.</td>
<td>The consented scheme reflected the urban context by the scale of perimeter blocks which in height were more in keeping with existing residential accommodation in the area.</td>
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<td>b. Within the Tower Hamlets Activity Area, development will be required to</td>
<td>The site is outside a Tower Hamlets Activity Area and would result in a height of development that fails to respond to its context including Canary Wharf. Three of the proposed buildings would be taller than recently approved by The Planning Inspectorate at Millharbour at the western extremity of the Crossharbour District Centre. The scale of the development would be in stark contrast with surrounding residential areas due to larger footprints, multiple times greater height and overwhelming mass disregarding existing residential scale.</td>
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<td>demonstrate how it responds to the difference in scale of buildings between the</td>
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<td>CAZ/Canary Wharf Major Centre and the surrounding residential areas.</td>
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<td>c. Achieve high architectural quality and innovation in the design of the building,</td>
<td>The design aims to create an urban destination with a hierarchy of heights stepping down to the lower residential areas to the north and west. The dock side would be opened up to increase</td>
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<td>including a demonstrated consideration of its scale, form, massing, footprint,</td>
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<td>proportion and massing.</td>
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<td>silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, watercourses and water bodies, or other townscape elements.</td>
<td>visual and physical permeability with north-south and east-west connections. However, the scale and massing of the buildings is not considered appropriate in this location. Simplified and replicated generic design fails to deliver exemplary quality expected from the development of such a scale. The design of additional tower T5 would alienate it not only in the wider local context, but also from the remainder of the scheme. Facing materials could be reserved by condition however excessive metal cladding raises concerns over non-domestic, blunt utilitarian feel to facades. Given the scale of the buildings this would also be a stark decrease in quality of appearance in comparison to other similar scale buildings being delivered on the Isle of Dogs.</td>
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<td><strong>d.</strong> Provide a positive contribution to the skyline, when perceived from all angles during both the day and night, assisting to consolidate clusters within the skyline.</td>
<td>The development would be detrimental to the skyline of the Canary Wharf tall building cluster due to its scale. This is due to physical separation from the cluster in combination with overwhelming scale. Clusters of tall buildings would disperse towards the south of the Island and compromise the spatial legibility of the Tower Hamlets town centre hierarchy. The step down in scale embedded in existing and emerging development plan policies would not be delivered. In views from the south and west in particular, the proposed height would be competing with the Canary Wharf Skyline of Strategic Importance (Policy D.DH4 of the emerging local plan).</td>
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<tr>
<td><strong>e.</strong> Not adversely impact on heritage assets or strategic and local views, including their settings and backdrop.</td>
<td>The GLA and Historic Royal Palaces object due to impact on views from Tower Bridge protected by the London View Management Framework. Also by the Royal borough of Greenwich on views from within the Greenwich Maritime WHS. Historic England consider the proposals alone do not warrant significant concerns but has reservations about</td>
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the precedent that tall building
development of this scale might set for
this area, in particular the creep
towards Maritime Greenwich WHS and
within the background of Tower Bridge.

The Maritime Greenwich WHS
Management Plan (para 5.8.3.9) specifically mentions the importance of stepping down from Canary Wharf towards Greenwich and to maintain a visual integrity of its skyline. The proposal would fail to address both.

It is considered that there would be adverse effect on the setting of the Grade II former St Paul’s Presbyterian Church, Westferry Road (View 21).

No designated important local views would be affected. It is considered that there would not be adverse effect on the setting of the Chapel House Conservation Area.

| f. Present a human scale of development at the street level. | The mixture of ground floor offices, retail / restaurant units, residential entrances and community facilities, means the streets and public spaces surrounding the buildings would provide activity and could create a new community in this part of the Isle of Dogs.

However, the proposed scale of development would create spaces which would be closer to tunnels and light wells rather than streets and courtyards. The distances between buildings and blocks are fractions of the heights framing it. The relationship between B04 and T04 is particularly tight. Only space between blocks B01 and T01 / B02 provides a quality area with good access to daylight. All other buildings are cramped with a character more akin to a dense central location than a residential estate. Sheer facades hit the ground that would not only overwhelm pedestrians, but also limit access of daylight to the public realm and opportunities for the introduction of meaningful planning in such a difficult shadow and wind conditions. |
The scheme proposes generous private and communal amenity space however there are two fundamental issues with it. Firstly additional tower T5 would erode the potential for a park envisaged by the draft OAPF. The largest open space would be framed by buildings of an overwhelming scale, hidden at the outskirts of the development, without legible visual connections from its western sections as well as from the surrounding residential areas.

Communal amenity space within perimeter the blocks raise quality concern. 9-storey continuous buildings would surround it from three sides, with towers located on the southern side. In consequence the overwhelming scale and compromised access to daylight would be detrimental to recreational values of these spaces.

In summary, the scheme fails to deliver high quality amenity space and represents unimaginative approach to provision of public open space.

In relation to the effect on wind at a pedestrian level within the development, the Environmental Statement Chapter 16 predicts increases in wind speeds within the development outside the relevant Lawson criteria necessitating mitigation.

The development would adversely affect sailing conditions on Millwall Outer Dock. Impact was previously predicted to be ‘adverse and significant’ particularly at the north west portion of the dock but subject to a Wind Mitigation payment to DSCT. Conditions would be worse under the current scheme.

The proposals would provide significant public open space.
including watercourses and waterbodies and their hydrology, as well as their settings and views to and from them.

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<td>The consented development included an Ecological &amp; Biodiversity Management Plan to secure biodiversity enhancement. The Environmental Statement suggests that the revised proposals should be capable of delivering a similar level of mitigation secured by condition.</td>
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<td>Millwall Dock is a Site of Importance for Nature Conservation. The revised proposal includes use of dock water for cooling. This could potentially impact on the dock ecosystem through increased water temperature (both overall and localised plumes of warmer water) and possibly through changes in salinity. This is one of at least four proposals in the area to use dock water for cooling. Their cumulative impacts, in terms of overall raised water temperature, and the potential for localised plumes of warm water discharges to form barriers to fish movement, have not been adequately assessed in the ES.</td>
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| j. Provide positive social and economic benefits and contribute to socially balanced and inclusive communities | The proposal includes community facilities, open space, ground floor activities and new employment. The provision of new homes (including affordable housing) would be a social benefit but tenures and housing mix fail to satisfy development plan policy. |

| k. Comply with Civil Aviation requirements and not interfere, to an unacceptable degree, with telecommunication, television and radio transmission networks. | Following a reduction in height of tower T4 London City Airport has withdrawn its objection. The Environmental Statement advises there would be no unacceptable interference with telecommunication, television and radio transmission networks. |

| l. Demonstrate consideration of public safety requirements as part of the overall design, including the provision of evacuation routes. | A Fire Safety Plan has been submitted. The application is supported by a Flood Risk Assessment. A condition could require life-saving equipment along the dock edge. |
APPENDIX 4

SECTION 106 HEADS OF AGREEMENT

Should the Secretary of State decide to grant planning permission, that this is dependent on the appellant executing a section agreement to secure the following obligations:

Financial contributions:

a) A contribution of £748,024 towards employment, skills, training and enterprise for local residents within the London Borough of Tower Hamlets;

b) A contribution of £116,853 towards the training and development of unemployed residents in Tower Hamlets to access jobs at the end user phase.

c) A contribution of £900,000 to extend the canopies at Crossharbour station to relieve platform crowding and encourage better use of train capacity.

d) A £70,000 contribution to expand local cycle-hire docking stations.

e) A £300,000 contribution to fund additional bus capacity and improved bus stop facilities on Westferry Road.

f) A £756,000 payment to enable wind mitigation by the Docklands Sailing Centre Trust (index linked from August 2016).

g) A Carbon Offsetting contribution of £2,839,530.

h) A section 106 Monitoring fee payable to the London Borough of Tower Hamlets at £500 per clause applicable to the borough.

Total Identified Financial Contribution £5,730,407 excluding the monitoring fee.

Non-financial obligations

i) Delivery of 35% affordable housing phased with the delivery of the market housing.

j) In the absence of a tenure mix complaint with Development Plan policy, a Late Stage Affordable Housing Review mechanism.

k) Permit free arrangements to ensure that all future residents of the development (except registered Blue Badge holders and those that qualify under the Tower Hamlets Permit Transfer Scheme) are exempt from purchasing on street parking permits from the London Borough of Tower Hamlets.

l) To provide in perpetuity the pedestrian routes running east–west to Millharbour and alongside Millwall Outer Dock, and north – south routes within the site including links to Millwall Dock Road and Starboard Way

m) To ensure that provision for pedestrian access alongside the north side of Millwall Outer Dock is maintained during construction.

n) To ensure the public open spaces and access routes are delivered within each building comprised within the development.

o) To ensure the public open spaces and pedestrian routes within the development are maintained, cleansed and lit and made available for public access 24 hours a day except in emergency or at times to be agreed;

p) To provide and retain within the development a GP surgery of no less than 553 sq. m.

q) To provide within the development approximately 30% of the B1 (Business) and / or A2 (Financial and professional services) floor space for SME and start-up companies split equally between units of less than 250 sq. m. and units of less than 100 sq. m.
r) The developer to use best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets.
s) The developer to use best endeavours to ensure that 20% of the goods/services used during the construction phase should be procured from businesses in Tower Hamlets.
t) Provide a minimum of 97 apprenticeships for local residents during the construction phase of the development.
u) Any other planning obligation(s) considered necessary by the Corporate Director Development Renewal.