

<b>Committee:</b> Strategic Development	<b>Date:</b> 12 <sup>th</sup> April 2016	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
---	---	--	----------------------------

<b>Report of:</b> Director of Development and Renewal  <b>Case Officer:</b> Richard Humphreys	<b>Title:</b>  <b>Application</b> for full planning permission  <b>Recommendation:</b> To agree observations to the Mayor of London  Tower Hamlets Ref: PA/15/02216 GLA Ref. D&P/1200B&C/JPC  <b>Ward:</b> Canary Wharf
--	---

## 1 APPLICATION DETAILS

<b>Location:</b>	Westferry Printworks, 235 Westferry Road, E14 8NX
<b>Existing Use:</b>	Vacant. Previously used for Use Class B2 (General industry) and Class B8 (Storage and distribution)
<b>Proposals:</b>	Demolition of existing buildings and structures and the comprehensive mixed use redevelopment including buildings ranging from 4 - 30 storeys in height (tallest 110 m. AOD) comprising: a secondary school (Class D1), 722 residential units (Class C3), retail use (Class A1), flexible restaurant and cafe and drinking establishment uses (Classes A3/A4), flexible office and financial and professional services uses (Classes B1/A2), Community uses (Class D1), car and cycle basement parking, associated landscaping, new public realm and enabling work.

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 2011. Both the Council and the Mayor of London as local planning authority must take the environmental information into consideration in formulating their decision.

### **Drawings:**

<b>Site Plans</b> PLP-1164-A-008 PLP-1164-A-009 PLP-1164-A-010 PLP-1164-A-011 PLP-1164-A-012 PLP-1164-A-013	<b>Demolition Plans</b> PLP-1164-A-030 PLP-1164-A-031 PLP-1164-A-032 PLP-1164-A-033  <b>200 Series – Elevations and sections</b>
---	--

<b>Existing Plans</b>	PLP-1164-A-B6-110
PLP-1164-A-020	PLP-1164-A-B6-111
PLP-1164-A-021	PLP-1164-A-B6-112
PLP-1164-A-022	PLP-1164-A-B6-113
PLP-1164-A-023	PLP-1164-A-B6-114
PLP-1164-A-024	PLP-1164-A-B6-161
PLP-1164-A-025	
PLP-1164-A-026	PLP-1164-A-B7-100
PLP-1164-A-027	PLP-1164-A-B7-101
PLP-1164-A-028	PLP-1164-A-B7-102
	PLP-1164-A-B7-104
	PLP-1164-A-B7-151
<b>Masterplans GA</b>	
PLP-1164-A-040	
PLP-1164-A-041	PLP-1164-A-T0-101
PLP-1164-A-042	PLP-1164-A-T0-150
PLP-1164-A-043	PLP-1164-A-T0-151
<b>Masterplan sections</b>	
PLP-1164-A-050	PLP-1164-A-T4-100
PLP-1164-A-051	PLP-1164-A-T4-101
PLP-1164-A-052	PLP-1164-A-T4-102
PLP-1164-A-053	PLP-1164-A-T4-103
PLP-1164-A-054	PLP-1164-A-T4-128
	PLP-1164-A-T4-150
	PLP-1164-A-T4-151
<b>Masterplan elevations</b>	
PLP-1164-A-060	PLP-1164-A-B1-201
PLP-1164-A-061	PLP-1164-A-B2-201
PLP-1164-A-062	PLP-1164-A-B3-201
PLP-1164-A-063	PLP-1164-A-B4-201
PLP-1164-A-064	PLP-1164-A-B6-201
	PLP-1164-A-B6-202
	PLP-1164-A-B7-201
<b>100 Series GA Plans</b>	PLP-1164-A-T1-201
PLP-1164-A-B1-100-L	PLP-1164-A-T2-201
PLP-1164-A-B1-100-U	PLP-1164-A-T3-201
PLP-1164-A-B1-101	PLP-1164-A-T4-201
PLP-1164-A-B1-151	
PLP-1164-A-B2-100	PLP-1164-A-B1-211
PLP-1164-A-B2-100-M	PLP-1164-A-B2-211
PLP-1164-A-B2-101	PLP-1164-A-B3-211
PLP-1164-A-B2-150	PLP-1164-A-B4-211
PLP-1164-A-B2-151	PLP-1164-A-B6-211
	PLP-1164-A-B7-211
PLP-1164-A-B3-100	PLP-1164-A-T1-211
PLP-1164-A-B3-100-M	PLP-1164-A-T2-211
PLP-1164-A-B3-101	PLP-1164-A-T3-211
PLP-1164-A-B3-150	PLP-1164-A-T4-211
PLP-1164-A-B3-151	
PLP-1164-A-B3-111	<b>400 Series Enlarged plans</b>
PLP-1164-A-B3-160	PLP-1164-A-B2-401
PLP-1164-A-B3-161	PLP-1164-A-B3-401
	PLP-1164-A-B4-401
PLP-1164-A-B4-100	PLP-1164-A-B6-401
PLP-1164-A-B4-100-M	PLP-1164-A-B7-401

PLP-1164-A-B4-101	PLP-1164-A-GA-400
PLP-1164-A-B4-150	PLP-1164-A-GA-401
PLP-1164-A-B4-151	PLP-1164-A-B2-410
	PLP-1164-A-B3-B4-410
PLP-1164-A-B6-099	PLP-1164-A-B6-410
PLP-1164-A-B6-100	PLP-1164-A-B6-411
PLP-1164-A-B6-101	
PLP-1164-A-B6-102	
PLP-1164-A-B6-103	
PLP-1164-A-B6-104	
PLP-1164-A-B6-105	
PLP-1164-A-B6-151	

**Documents:**

Design & Access Statement, incorporating:

- Volume I - Masterplan – PLP Architecture;
- Volume II - Residential Buildings – PLP Architecture;
- Volume III - Landscape and Public Realm – Land Use Consultants; and
- Volume IV - Westferry School – Atkins;

Affordable Housing Statement – DS2;

Environmental Statement (Revised March 2016):-

Environmental Statement Volume 1 (Main Text and Figures) – EPAL;

Environmental Statement Volume 2 (Townscape, Visual and Built Heritage Assessment) – EPAL;

Environmental Statement Volume 3 (Transport Assessment) - Royal Haskoning DHV;

Environmental Statement Volume 4 (Appendices) – EPAL;

Environmental Statement – Non Technical Summary – EPAL;

Framework Travel Plan– Royal Haskoning DHV;

Energy Statement – Blyth + Blyth;

Sustainability Statement – White Young Green;

Statement of Community Involvement – Thorncliffe;

Utilities Infrastructure Report – Blyth + Blyth;

Arboricultural Impact Assessment – SJ Stephens Associates;

Ground Floor Uses Demand Report – CBRE Limited.

**AMENDMENTS SUBMISSIONS 14 DECEMBER 2015**

Scheme Amendments Document, prepared by PLP;

Transport Assessment Addendum Letter, prepared by Royal HaskoningDHV;

Revised Internal Daylight and Sunlight Assessment, prepared by Anstey Horne;

Energy Statement Addendum Report, prepared by Blyth + Blyth;  
Additional View from Chapel House Conservation Area;  
ES Letter of Compliance, prepared by Epal;  
Revised proposed plans, sections and elevations, prepared by PLP;  
Revised Drawing List, prepared by PLP;  
Revised GIA Area Schedule, prepared by PLP;  
Revised NIA Area Schedule, prepared by PLP;  
Unit by Unit Area Schedule, prepared by PLP;  
Mayor's Housing Guidance Compliance SPG Checklist, prepared by PLP;  
Revised SUDS Assessment, prepared by Walsh Group;  
Revised Drainage Strategy Plan, prepared by Walsh Group;  
Revised Landscape Drawings, prepared by Land Use Consultants.

<b>Applicant:</b>	Northern & Shell Investments No. 2 Limited
<b>Ownership:</b>	Northern & Shell Investments No. 2 Limited, the Canal and River Trust and Railsite Limited
<b>Listed buildings:</b>	None on site. The site is visible from the Maritime Greenwich UNESCO World Heritage Site and Grade II listed St Paul's Presbyterian Church, Westferry Road.
<b>Conservation Areas:</b>	Chapel House Conservation Area lies to the south

## **2 EXECUTIVE SUMMARY**

- 2.1 Application is made for full planning permission to redevelop the vacant former Westferry Printworks, 235 Westferry Road, for the proposals summarised above and described in more detail in Section 5 below.
- 2.2 By letter dated 4<sup>th</sup> February 2016, the Mayor of London directed the Council that he will act as the local planning authority for the purposes of determining the planning application. The Council is consequently unable to determine the application.
- 2.3 This report informs the Strategic Development Committee of the content of the application and representations received following statutory consultation and publicity.
- 2.4 Officers have assessed the application against the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), the development plan for the area that comprises the Mayor's London Plan 2015

(including minor alterations March 2016) and the Tower Hamlets Local Plan; comprising the Core Strategy 2010 and the Managing Development Document 2013, together with other material considerations.

- 2.5 In land use terms, officers consider that the proposed mix of uses, involving a strategic housing development, together with a mix of retail, office, community and leisure uses, a new secondary school and public open space, accords with adopted policy and the Council's aspirations set out in the Westferry Printworks Site Allocation 18 in the Managing Development Document 2013.
- 2.6 However, officers identify conflict with planning policy because of a failure to demonstrate that the development would not adversely affect sailing conditions on Millwall Outer Dock and consequently would jeopardise the viability of the adjoining Docklands Sailing and Watersports Centre. The affordable housing offer of 11% is not financially justified and the development would fail to provide an adequate amount of affordable housing. Further, the proposed dwelling mix within the intermediate housing would fail to achieve a mixed and balance community due to overprovision of one bedroom flats.
- 2.7 The Mayor of London intends to hold a Representation Hearing on 27<sup>th</sup> April 2016 when the application will be determined. This report recommends that the Council informs the Mayor that objection is raised to a grant of planning permission for the reasons set out in Section 3 below.
- 2.8 The officer recommendation is that the Council should request the Mayor of London to refuse planning permission. Should the Mayor decide to grant permission, a set out Heads of Agreement are recommended, without prejudice, concerning matters that officers consider should be included in any agreement under section 106 of the Town and Country Planning Act that the Mayor may execute with the developer. Whilst the development is considered unacceptable in planning terms; these are directly related to the development; fairly and reasonably related in scale and kind and would help mitigate the development should it proceed.
- 2.9 Should the Mayor decide to grant planning permission provisional sets of indicative conditions and informatives are recommended at Appendix 1 that officers consider necessary to enable the development to proceed.

### **3 RECOMMENDATIONS**

- 3.1 That the Committee resolves to inform the Mayor of London that were it empowered to determine the application for planning permission the Council would have **REFUSED** permission for the following reasons:

#### Reasons for refusal

##### ***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 waterspaces,'* Tower Hamlets Core Strategy Policy SP04 *'Creating a green and blue grid,'* Tower Hamlets Managing Development Document Policy DM12 *'Water spaces'* and Policy DM26 *'Building heights.'*

### **Affordable housing**

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

### **Housing mix and choice**

3. The proposed dwelling mix within the intermediate housing sector would fail to provide a satisfactory range of housing choices in terms of the mix of housing sizes and types. There would be a failure to provide a mixed and balanced community, particularly insufficient affordable family housing, caused by an unacceptable overemphasis towards one bed 2-person units. The development consequently is 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.'*

### **Planning obligations - Heads of Agreement**

- 3.2 The Council requests that the Mayor of London refuses planning permission for the above reasons. Should the Mayor decide to grant permission, it is recommended without prejudice that this should be subject to the prior completion of a legal agreement with the developer to secure the following planning obligations:

#### Financial contributions:

- a) A contribution of £496,116 towards employment, skills, training and enterprise for local residents within the London Borough of Tower Hamlets;
- b) A contribution of £77,617 towards the training and development of unemployed residents in Tower Hamlets to access either:
  - i) Jobs within the A1, A2, A3, A4, B1a uses of the development or
  - ii) jobs or training within employment sectors relating to the final development
- c) A £70,000 contribution to expand local cycle-hire docking stations.
- d) To fund improved bus stop facilities on Westferry Road.
- e) Unless alternative arrangements are agreed, a carbon offset payment to the London Borough of Tower Hamlets to offset the carbon gap currently estimated at £59,058.

- f) To fund any impact of the proposed development on the operation of the Barkantine Energy Centre, including any remedial measures required to the existing chimney.
- g) 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 £702,791 (including carbon offsetting but excluding monitoring fee)

Non-financial obligations

- h) Provision of land (at nil consideration) to facilitate the provision of a secondary school or a cash in lieu payment for education provision if the option to take a lease of the school site is not triggered within a specified period)
- i) Delivery of the affordable housing within Blocks 6 & 7 prior to the market housing in Phase 1.
- j) An Affordable Housing Review of the affordable housing provision relating to the phasing of the development.
- 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 giving access to the Tiller Road Leisure Centre..
- 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 phase of 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 ensure the Sports Hall and Multi Use Games Areas (MUGAs) are available for use by the general public;
- q) To provide and retain within the development a GP surgery of no less than 553 sq. m.
- r) 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.
- s) Access to employment by local residents (20% Local Procurement; 20% Local Labour in Construction; 20% End Phase jobs) with all vacancies advertised through the London Borough of Tower Hamlets Employment and Skills Centre.
- t) The developer to use best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets.
- u) 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.
- v) The developer to use best endeavours to ensure that 20% of the end phase workforce will be local residents of Tower Hamlets.

- w) Provide a minimum of 43 apprenticeships for local residents during the construction period and 1 apprenticeship during full occupation by the end users leading to minimum of NVQ Level 2 qualification.
- x) Any other planning obligation(s) considered necessary by the Corporate Director Development Renewal.

**Conditions and Informatives**

- 3.3 To adopt the indicative conditions and informatives at Appendix 1 for recommendation to the Mayor should he decide to grant planning permission.

**4 SITE AND SURROUNDINGS**

- 4.1 The application site comprises 6.1 hectares located in the centre of the Isle of Dogs. It is bounded by Westferry Road (A1206) to the west, Millwall Outer Dock to the south, Millharbour to the east and to the north by a residential area off Tiller Road, Starboard Way, Claire Place and Omega Way.



**Figure 1. Aerial view. Application site edged red**

- 4.2 The site is occupied by the former Westferry Printworks comprising a large three and four-storey 1980's building. Associated areas of hardstanding provide approximately 192 car parking spaces. The Printworks comprise some 43,281 sq. m. and has been unused since the printing operations were relocated to Luton in February 2012. The existing buildings have been partially stripped of plant and infrastructure.
- 4.3 Westferry Road accommodates residential and leisure uses, the Barkantine Estate and associated energy centre, Arnhem Wharf Primary School (on the west side of the road) and commercial buildings. Millharbour accommodates Greenwich View estate, a 5-6 storey business estate comprising commercial data centres and industrial uses. The East London Business Alliance building at the eastern end of the dock rises to 10 storeys. The area to the north accommodates the Tiller 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 21 storey point blocks at the Barkantine Estate.
- 4.4 The Docklands Sailing and Watersports Centre (a charity) occupies No. 235a Westferry Road immediately south of the application site and comprises a



sailing and watersport centre and associated facilities that use Millwall Outer Dock. This includes at the western end of the dock pontoons and other water based facilities that enable access on and off the dock. The Centre 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-storey low rise residential accommodation runs along the south side of the dock.

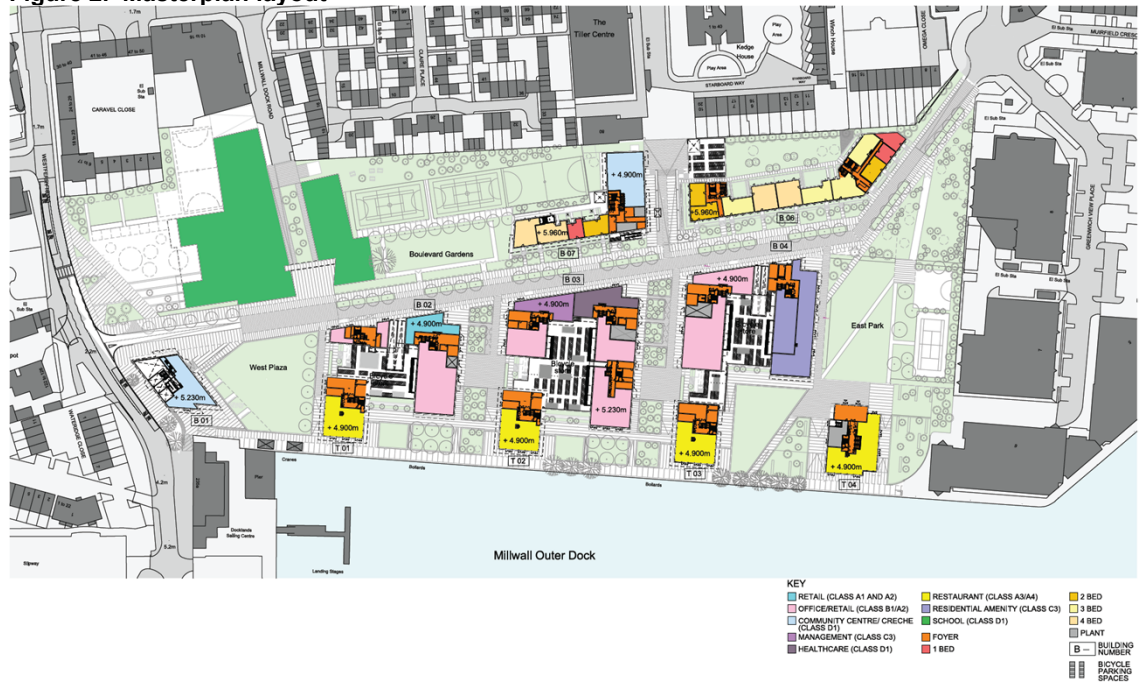
- 4.5 The main access to the application site is via Westferry Road, with secondary accesses through Millwall Dock Road from the north (from Tiller Road) and from Millharbour Road to the north-eastern corner of the site, all gated.
- 4.6 The A1203 Aspen Way, 1.2 km north of the site, is part of the TfL road network (TRLN). Other 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 lies within a controlled parking zone.
- 4.7 Westferry Road is served by three bus routes D3, D7, and 135. Crossharbour DLR Station lies approximately 400 m. to the east across Glengall Bridge. The site has a TfL Public Transport Accessibility Level (PTAL) that varies from 2 towards Westferry Road to 3 towards Millharbour (where 6 is excellent and 1 is very poor). A Mayor of London Cycle Hire Docking Station is located adjacent to the Millharbour entrance to the site providing 19 docking points.
- 4.8 The site is located 100 m. east of the tidal River Thames and lies within Flood Zone 3 (High Risk) i.e. greater than 0.5% per annum (less than 1:200 probability a year) but is protected by local river wall defences and the Thames Barrier to 1 in a 1,000 year probability (Low Risk).
- 4.9 The site 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. The Chapel House Conservation Area lies some 450 m. to the south beyond Millwall Outer Dock and Spindrift Avenue.
- 4.10 The site is located within the designated London View Management Framework (LVMF) viewing corridor for the protected strategic view from the General Wolfe Statue in Greenwich (View 5A), and the background of the river prospect from London Bridge (Views 11 B1). It also lies within the wider setting of the UNESCO Maritime Greenwich World Heritage Site.
- 4.11 The site lies immediately south of the Council's Millennium Quarter. It is also outside the South Quay Masterplan area but within the Greater London Authority's Isle of Dogs & South Poplar Opportunity Area.

## **5 PROPOSAL**

- 5.1 Application is made for full planning permission to demolish the existing buildings and structures of Westferry Printworks and to redevelop the site by buildings of 118,738 sq. m. GIA to provide:
  - 722 residential units (including a residents management centre (224 sq. m. GIA), clubhouse (864 sq. m. GIA) and gym (1,377 sq. m. GIA)
  - A Secondary school (Class D1) – 10,375 sq. m. GIA, six forms of entry and a sixth form (1,200 pupils).

- Retail (Class A1) – 193 sq. m. GIA;
- Flexible restaurant and drinking establishment (Classes A3/A4) – 1,348 sq. m. GIA;
- Flexible office and financial and professional services (Classes B1/A2) – 2,340 sq. m. GIA;
- Non-residential institution use (Class D1) including a health centre (253 sq. m. GIA), and crèche / community centre (702 sq. m. GIA).
- car and cycle basement parking,
- associated landscaping, new public realm

**Figure 2. Masterplan layout**



- 5.2 The proposal would introduce a new east-west route through the site connecting Millharbour and Westferry Road. The scheme would also extend the existing Millwall Dock Road through the site to connect 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 further north- south links and increase accessibility from and to the wider area. A new pedestrian dockside walkway would be created along the length of the site fronting Millwall Outer Dock.
- 5.3 Nine buildings of heights varying from 4 to 30-storeys are proposed. The tallest (Tower 04 at the eastern end of the site) would have a maximum height of 110.9 m. AOD (105 m. above ground). Seven of the buildings would be 9 storey height or less.
- 5.4 The new school would be located at the western entrance to the site set back from Westferry Road by an entrance plaza. It would comprise two separate buildings; the main school building incorporating a school hall, dining area, classrooms, laboratories, library and staff rooms; and a sports block providing a sports hall, dance studio, changing rooms and storage. To the rear of the sports block would be three Multi Use Games Areas (MUGAs), a landscaped buffer and an ecology area between the MUGA pitches and the residential properties to the north at Claire Place.

- 5.5 The school building and sports block would be separated at ground floor level by the public north/south pedestrian route connecting the site to Millwall Dock Road. There would be separate, secure, entrance points from this pedestrian route into the school and the sports block to allow out of hours access. At the upper level, a proposed covered link route would allow pupils to move between the school and sports block without leaving the school building.
- 5.6 722 residential units would be distributed throughout the site in 6 blocks including 4 towers located along the dock edge. All residential units would have access to private amenity balcony or terrace space. In addition, residential courtyard gardens would be provided within Blocks 2, 3 and 4, and to the rear of Blocks 6 and 7. Residents would also have access to private residential amenity space at the roof level (on Blocks 2, 3 and 4 and Towers 1, 2, 3 and 4).
- 5.7 The dockside promenade would incorporate pockets of open space and play space. In addition, three large areas of open space would be provided at a West Plaza (located adjacent to Millwall Outer Dock, between Blocks 1 and 2 and opposite the school), Boulevard Gardens to the north of the east-west route and an East Park between the Millharbour entrance and Millwall Outer Dock east of Tower 4. A garden would also be provided between the east-west route and the MUGAs.
- 5.8 Affordable housing comprising 11% of the residential accommodation measured by habitable rooms would be provided on site. Block 6 would be affordable rented whilst Block 7 would be mixed market housing and shared ownership.
- 5.9 The proposed residential mix is as follows:

<b>Unit Type</b>	<b>Market</b>		<b>Intermediate</b>		<b>Affordable</b>		<b>TOTAL</b>	
<b>1 bedroom</b>	237	37%	18	72%	15	29%	270	37%
<b>2 bedroom</b>	224	35%	7	28%	11	22%	242	34%
<b>3 bedroom</b>	185	29%	0	0	17	33%	202	28%
<b>4 bedroom</b>	0	0%	0	0	8	16%	8	1%
<b>TOTAL</b>	<b>646</b>		<b>25</b>		<b>51</b>		<b>722</b>	

- 5.10 The split by unit numbers of the affordable housing would be Intermediate 33% - Affordable rent 67%.
- 5.11 Retail, restaurant, drinking establishment, office, financial and professional services and community uses would be provided at ground floor level throughout the development to activate these frontages. The ground floor uses would face areas of publicly accessible open space and key routes through the site.
- 5.12 Flexible A3/A4 uses are proposed at the base of the four towers fronting the dockside promenade. It is envisaged that these units would provide south facing space with outdoor tables adjoining the water. A retail unit is proposed within Tower 02 which could be used to accommodate a small scale comparison or convenience goods retailer.
- 5.13 Eight small flexible B1/A2 employment units would be provided for small and medium sized enterprises (SME's) and/or financial and professional services within Towers 02, 03 and 04.

- 5.14 A mix of Class D1 uses including community centre, crèche and a health centre would be provided at ground floor level within Tower 01, 03 and Building 7.
- 5.15 The new east west route through the site would provide pedestrian and cycle access. Vehicular movements through the site would be restricted by control bollards on both the western and eastern entrances. This would allow access for residents only to the basement car parks, and would be managed by an on-site team to control access and egress of delivery vehicles, taxis etc. Two entrances to the basement car park are provided within Blocks 2 and 4 where 246 car parking spaces are proposed. There would be 1,682 cycle parking spaces comprising 238 'short stay' spaces provided external to the building for the use of visitors and at least 1,444 residents' cycle parking spaces (2 per unit) provided in the basement or as covered spaces associated with Block 6.
- 5.16 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.
- 5.17 In December 2015, following consultation and Stage 1 comments by the Greater London Authority, amended plans were submitted making the following revisions to the scheme.

#### Layout:

- Additional lift cores in Blocks 2, 4 and 7 to reduce the number of units per core to a maximum of 8.
- A reduction in the number of residential units from 737 to 722.
- Reduction in private units from 667 to 646
- Increase in number of affordable units from 70 to 76
- Increase the number of dual aspect apartments

#### Residential Unit Mix

- The ratio between affordable rented & shared ownership changed to 33:67
- Amendments to Blocks 6 and 7 to improve daylight levels within dwellings
- Amendments to Blocks 2, 3 & 4 to reduce overlooking between corner units on the inside of courtyards

#### Basement

- Reduction in the number of car parking spaces from 0.51 space per dwelling to 0.35 spaces per dwelling resulting in 246 spaces with a reduction of the basement area
- Reduction in number and sizes of exhaust vents
- Relocation of attenuation tank into the basement as part of increased SUDS measures

#### Waterfront retail units

- Internal layouts drawn to demonstrate how A3 units facing the other public realm can be fitted out to activate 3 frontages

#### Raised courtyards and north/south routes

- Detail sketches to illustrate the public realm strategy along the dock edge and coordination with flood defence and basement ventilation requirements
  - More details provided on the ground floor uses and landscape treatment to the lateral streets
- 5.18 The application indicates that the development would be constructed in two main phases over five years and seven months. It is intended that the Council would separately organise the procurement, construction and funding of the school.

## 6 MATERIAL PLANNING HISTORY

- 6.1 The site was historically occupied by a timber yard. The 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 were decommissioned in May 2013.
- 6.2 On 15<sup>th</sup> November 2013, a Certificate of lawfulness Ref. PA/13/ 02301 was granted confirming the lawful use of No. 235 Westferry Road for uses within Classes B2 (General industry) and B8 (Storage and distribution).
- 6.3 On 6<sup>th</sup> March 2014, the GLA provided detailed pre-application advice on a proposal by London and Regional Properties Ltd for a residential-led (up to 1,000 units), mixed-use redevelopment of the site, including provision of a secondary school. GLA officers strongly supported the principle of the redevelopment although further discussions were required regarding housing, design, inclusive design, climate change and transport.
- 6.4 PF/14/00011. Following initial pre-application advice on 18<sup>th</sup> July 2014 and a presentation to the Council's Design Review Panel, proposals by the current applicant for a comprehensive mixed use development of 235 Westferry Road by 737 residential units, commercial uses, a secondary school and open space were presented to the Mayor of Tower Hamlets and officers in December 2014. Concern was expressed about height and mass and that just 15% of the housing provision would be affordable. It was considered an increase in densities might improve the viability of the scheme and the amount of affordable housing.
- 6.5 On 9<sup>th</sup> July 2015, following presentations to officers of revised proposals involving 907 residential units, key pre-application was provided as follows:
- In terms of height and massing, the development 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*”.
  - Concerned about the impact of the revisions on the LVMF view from the General Wolfe statue with the widening of the mass of the lower buildings compared to the 2014 scheme.
  - Concern about the impact of the increased height and mass on the courtyard spaces in terms of daylight and overshadowing

- Concern that tall buildings should not push to the edge of the east-west route and should be set back from street edges to maximise pavement widths and enhance the pedestrian environment and counter “*canyonisation*.”
- The introduction of a public park to the east of the site and public access to the central gardens was welcomed in response to concerns about open space provision and the Development Plan site allocation. However, the increase in residential densities raised concerns about the function of these spaces and their role as public open spaces versus their role in meeting the open space requirements of the denser development.
- It was disappointing that information on the amount of affordable housing was not available.
- It was imperative that the amenity value of the Dock for sailing isn’t prejudiced by tall buildings along the dock edge.

#### Direction by the Mayor of London

6.6 On 4<sup>th</sup> February 2016, following a request from the applicant dated 25<sup>th</sup> January 2016, the Mayor directed under article 7 of the Mayor of London Order 2008 and the powers conferred by Section 2A of the Town and Country Planning Act 1990 that he will act as the local planning authority for the purposes of determining the planning application. The Mayor said his reasons are:

- “The development would have a significant impact on the implementation of the London Plan,*
- There are sound planning reasons for my intervention.”*

The Mayor added:

*“I must also have regard to the targets identified in development plans. I recognise that Tower Hamlets has fallen short of its housing delivery target although does has a healthy supply of permissions. In terms of other targets regarding the delivery of physical and social infrastructure, the Council has identified an established need for additional secondary schools in the Borough, and in particular a need for new schools within the Isle of Dogs, and an increasing need to deliver new public open space in order to support the borough’s growing population. The Council’s latest Annual Monitoring Reports demonstrate that these needs are not being met and remain significant.”*

## **7 LEGAL AND PLANNING POLICY FRAMEWORK & ALLOCATIONS**

7.1 Were the Council empowered to determine the application it would have the following main statutory duties to perform. These duties now fall to the Mayor of London:

- 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);

- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004).
- 7.2 The development plan for the area comprises the London Plan 2015 and the Tower Hamlets Local Plan that comprises the Adopted Policies Map, the Tower Hamlets Core Strategy 2010 and the Managing Development Document 2013.
- 7.3 On 14th March 2016, Minor Alterations to the London Plan (MALPS) were published to bring the London Plan in line with the Government's national housing standards and car parking policy.

### **The London Plan 2015**

- 7.4 The site lies in inner London within the Isle of Dogs and South Poplar Opportunity Area identified on Map 2.4 page 79 of the London Plan. Map 2.5 page 81 shows the site lying within an Area of Regeneration. Map 4.1 page 159 shows the Isle of Dogs within an area where the transfer of industrial land to other uses is to be '*managed*.'

### **The Tower Hamlets Local Plan**

#### Adopted Policies Map

- 7.5 The Adopted Policies Map, reproduced on page 89 of the Tower Hamlets Managing Development Document 2013, shows Westferry Printworks lying within the Place of Millwall and annotated:
- Site Allocation 18
  - Within a Flood Risk Area

- 7.6 Millwall Dock is annotated as '*Water Space*' forming part of the Blue Ribbon Network and a Site of Importance for Nature Conservation Area.

#### Tower Hamlets Core Strategy 2010 (CS)

- 7.7 At the heart of the Core Strategy '*Vision Statement*' page 26 is the concept of reinventing the hamlets of which there are 24 including Millwall. The East End's historic hamlets, or places, make Tower Hamlets unique. One of the Vision Statement's Core Principles is to "*Reinforce a sense of place*." Core Strategy Figure 12 identifies Westferry Printworks located in the Place of Millwall.
- 7.8 The Key Diagram page 27 identifies Westferry Printworks as part of a Regeneration Area that includes the Millennium Quarter and Crossharbour. Other CS 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 as forming part of the 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.'*

7.9 Core Strategy Annex 7 and Annex 9 concern *'Delivering Placemaking.'* Fig. 39 *'Strategic visions for places'* and Figure 65 *'Millwall vision diagram'* identify Millwall as:

*'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.*

*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.*

*There should be animated and active edges to Docks.'*

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

Tower Hamlets Managing Development Document 2013 (MDD)

7.11 MDD Chapter 3 provides Site Allocations. Figure 12 page 86 and Figure 44 page 148 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."*



Figure 3. MDD Site Allocation 18

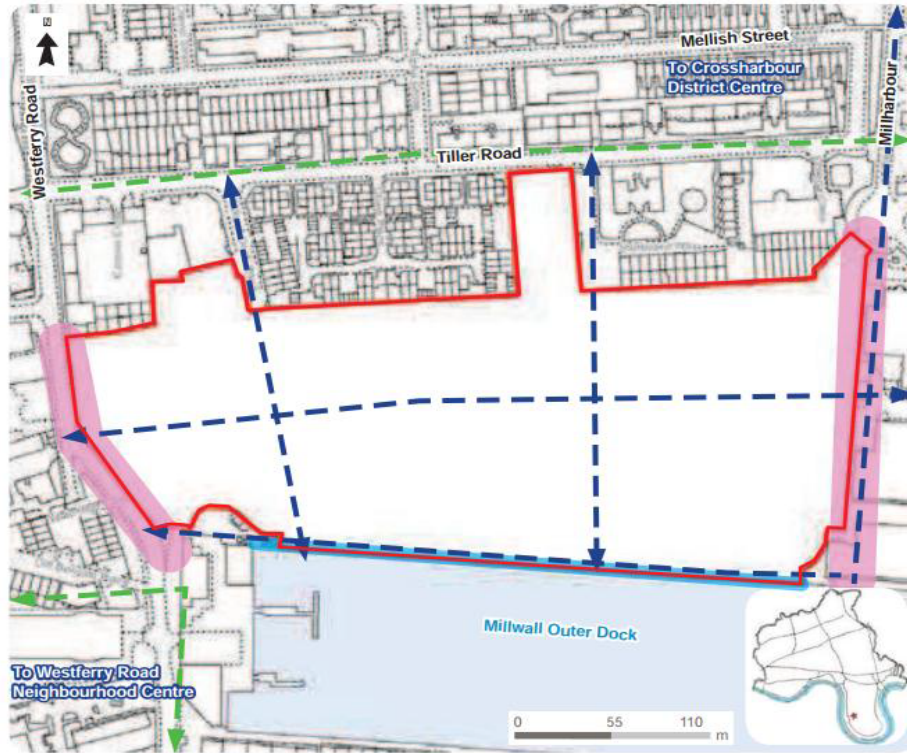


Figure 44: Site allocation map - Westferry Printworks

© Crown copyright and database rights 2013 Ordnance Survey, London Borough of Tower Hamlets 100019288

**Key**

- Site boundary
- - - Walking / cycling route
- - - Green Grid route
- Improved public realm
- Activated waterspace

7.12 The MDD adopts the following design principles for the 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 waterspaces 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.

7.13 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.
- 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.

7.14 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 another along the dock edge. Improved public realm is indicated on Westferry Road and Millharbour.

7.15 The following national, regional and local development plan policies are relevant to the application:

**National**

NPPF

Forward	Achieving sustainable development
Chapter 4	Promoting sustainable transport
Chapter 6	Delivering a wide choice of high quality homes
Chapter 7	Requiring good design
Chapter 10	Meeting the challenge of climate change
Chapter 12	Conserving and enhancing the historic environment

NPPG

Technical housing standards – nationally described space standard 2015

**The Development Plan**

The London Plan 2015 (with MALP amendments March 2016)

- 2.10 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 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

## **Supplementary Planning Documents**

### Greater London Authority

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

- Accessible London: Achieving an Inclusive Environment Supplementary Planning Guidance 2014;
- Guidance on preparing energy assessments 2015
- Sustainable Design and Construction SPG 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 Supplementary Planning Guidance 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 SPG March 2012
- The Mayor's Energy Strategy 2010;
- The Mayor's Transport Strategy 2010;
- The Mayor's Economic Strategy 2010;

The Isle of Dogs & South Poplar Opportunity Area Planning Framework (OAPF) is being written by the GLA with help from Tower Hamlets and Transport for London. Work started in summer 2015, the public consultation will be in spring 2016 with adoption anticipated in 2018.

### Tower Hamlets

- Draft Planning Obligations SPD – April 2015

### Historic England Guidance Notes

- Historic Environment Good Practice Advice in Planning Note 1: The Historic Environment in Local Plans 2015
- 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 / Design Council Updated Guidance on Tall Buildings 2015

### Building Research Establishment

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

## 8 CONSULTATION

- 8.1 The following bodies have been consulted on the application. Re-consultation was undertaken following the receipt in December 2015 of amendments itemised at paragraph 5.17 above and revisions to the Environmental Statement in March 2016. Representations received are summarised below. The views of officers within the Directorate of Development and Renewal are expressed within Section 10 of this report - MATERIAL PLANNING CONSIDERATIONS.

### External consultees

#### Mayor of London Stage 1 (including TfL)

- 8.2 The Mayor received an initial report on the application 20<sup>th</sup> October 2015. He considered that whilst the principle of the housing-led redevelopment, including provision of public open space and education facilities, is strongly supported, the application does not, at this stage, comply with the London Plan. However, possible remedies set out in the report and amendments proposed by the applicant, could address these deficiencies. The Mayor's observations, concerns and possible remedies were:
- ***"Housing:*** *It is not possible at this stage to determine whether the proposal provides the maximum reasonable amount of affordable housing, in accordance with London Plan Policy 3.12. The proposed tenure split does not accord with London Plan Policy 3.11; amendments subsequently proposed by the applicant would address this concern.*
  - ***Urban design:*** *It is not possible at this stage to determine whether the proposal accords with the standards and proposed standards set out in Annex 1 of the draft interim Housing SPG and Mayor's Housing Standards Policy Transition Statement.*
  - ***Flood risk:*** *The application does not accord with London Plan Policy 5.13. The applicant should further reduce surface water run-off to the combined sewer, and revise its approach, increasing sustainable drainage techniques and use of direct discharge to the dock.*
  - ***Climate change mitigation:*** *The energy strategy does not accord with London Plan policies 5.2, 5.6 and 5.9. Further information regarding energy efficiency, overheating, connection to the Barkantine heat network, and the site-wide heat network is required, with a view to increasing the carbon dioxide emission savings. The final agreed energy strategy should be appropriately secured by the Council.*
  - ***Transport:*** *The proposal does not accord with London Plan policies 6.1, 6.2, 6.4, 6.7, 6.9 and 6.4, 6.7, 6.9 and 6.10. The applicant should provide further information on its impact assessment, and submit evidence that all modelling outputs provided have been validated in accordance with TfL's guidelines. This will assist in informing TfL's response on the proposed car parking, and also the extent of mitigation required. The access to the proposed cycle parking can be improved, and the applicant should demonstrate the impact of the proposed zebra crossing on bus reliability along Westferry Road. Finally, conditions should be attached to any draft planning consent securing a car parking management plan; delivery and servicing plan; construction logistics plan, and water freight feasibility study, in addition to travel plans to be secured within the section 106 agreement."*

- 8.3 A 2<sup>nd</sup> report was considered by the Mayor on 4<sup>th</sup> February 2015 following the request that he take over the application. This followed amendments to the scheme comprising a reduction in the number of residential units from 737 to 722, a revised tenure split for the affordable housing, three additional residential cores to address design issues relating to number of units per core and the proportion of single aspect units, ground floor layout amendments, a reduction of 130 car parking spaces and the basement parking area, changes to the basement ventilation and location of exhaust vents, revisions to the proposed surface water drainage strategy and associated landscaping, revisions to Blocks B8 and B7 to improve internal daylight and sunlight, and amendments to corner windows within the courtyard.
- 8.4 The report to the Mayor does not consider the merits of the application, but addressed the impacts of the proposal on the implementation of the London Plan in respect of the tests in Article 7(1) of the Mayor of London Order namely Test 7(1) (a): Significant impact on the implementation of the London Plan, and Test 7(1) (c): Sound planning reasons for intervening. The Mayor concluded that both tests were met and there were sound planning reasons for issuing a direction.
- 8.5 With regards to the Mayor's Stage 1 concerns, the report advised that the following remained outstanding issues:
- The affordable housing offer,
  - Detailed matters relating to securing the delivery of the secondary school,
  - Modelling any potential impact on the sailing conditions in Millwall Outer Dock,
  - Flood risk,
  - Transport,
  - Energy and,
  - Section 106 contributions.

Port of London Authority

- 8.6 No objection in principle. Consideration should be given to the use of the River Bus as an alternative form of sustainable transport and for the use of Millwall Dock for the waterborne transport of bulk materials.

Canal and River Trust

- 8.7 No objection. To safeguard the waterway environment and waterway infrastructure, recommends that any planning permission is conditioned to require the submission and approval of a Construction Environmental Management Plan and a Site Waste Management Plan and details of Surface Water Drainage should it be proposed to that surface water run-off and ground water drain into the dock. No further comments on the revised plans.

National Air Traffic Services Ltd

- 8.8 The development does not conflict with safeguarding criteria.

Historic England

- 8.9 The development would be visible in views from Maritime Greenwich World Heritage Site, from the Grade II listed St Paul's Presbyterian Church and in views from LVMF Viewpoint 11B.1 from London Bridge towards Grade I listed Tower Bridge. Considers the impact in these views would not be so significant as to warrant significant concerns. Recommends the application is determined in accordance with national and local policy guidance.

Historic England Archaeology

- 8.10 The submitted Historic Environment Assessment identifies a moderate to high potential for prehistoric remains at the site. Recommends any permission is conditioned to require a two-stage process of archaeological investigation comprising an evaluation to clarify the nature and extent of surviving remains to inform a final mitigation strategy.

Environment Agency

- 8.11 No objection. The proposed uses are appropriate within Flood Zone 3 providing the site passes the Flood Risk Sequential Test whereby the local planning authority is satisfied that there are no alternative sites available for the development at a lower risk of flooding. A Flood Risk Assessment (FRA) is also required to ensure the development passes the Exception Test.
- 8.12 Although the site is located within Flood Zone 3 it is protected by the Thames Tidal flood defences from a 1 in 1000 (0.1%) chance in any year flood event, but is at risk if there was to be a breach or they were to be overtopped. The submitted FRA accurately assesses the risk of flooding and demonstrates that floor levels would be above predicted flood depth and that the occupants would have safe refuge.

London Fire and Emergency Planning Authority

- 8.13 No representations received.

Tower Hamlets Primary Care Trust

- 8.14 No representations received.

London Borough of Greenwich

- 8.15 No objection.

Transport for London

- 8.16 Incorporated in the Mayor of London's comments above.

London Bus Services Limited

- 8.17 No representations received.

Docklands Light Railway

- 8.18 No representations received.



London Underground Limited

- 8.19 No comments.

Sport England

- 8.20 No objection. Encourages the Council to consider the sporting needs arising from the development and to direct CIL monies to deliver new and improved facilities.

Thames Water Authority

- 8.21 Waste discharge: The existing waste water infrastructure is unable to accommodate the needs of the development. Should the development be permitted, recommends a '*Grampian*' condition to require the approval of a drainage strategy before development commences.

Water supply: The existing infrastructure has insufficient capacity to meet the demands of the development. Thames Water therefore recommends that any planning permission should be conditioned to require the approval, before development commences, of an impact study of the existing water supply infrastructure to determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Also requests a condition to prevent impact piling until a piling method statement has been approved.

London City Airport

- 8.22 No safeguarding objection. Should cranes or scaffolding be required at a higher elevation than that of the planned development, their use must be subject to separate consultation.

National Grid

- 8.23 Advises that National Grid has apparatus in the vicinity of the site and requests the developer to contact National Grid before any works are carried out to ensure such apparatus is not affected by the proposed works.

EDF Energy Networks Limited

- 8.24 No comments received.

Crossrail Limited

- 8.25 No comments. The site is outside the limits of land subject to consultation under the Safeguarding Direction.

Millwall Tenants Association

- 8.26 No representations received.

Mill Quay Tenants Association

8.27 No representations received.

Barkantine Tenants Association

8.28 No representations received.

Association of Island Communities

8.29 No representations received.

Docklands Sailing Centre Trust (DSCT)

8.30 Extremely concerned that the development would have a significant, negative and probably terminal impact on the use of the Millwall Outer Dock for recreational water sports, particularly sailing, by the community which is the Dockland Sailing and Watersports Centre's principal charitable activity.

8.31 Historically, the London Dockland Development Corporation ensured that developments around the Millwall Outer Dock would not adversely impact on the use of the dock for water sports, particularly sailing. Developments were required, before planning consent was granted, to demonstrate through interactive wind tunnel testing that any detrimental effect on the wind was minimised.

8.32 DSCT considers that the Applicant's wind tunnel study has been evaluated against incomplete assessment criteria. The Environmental Impact Assessment that accompanies its application is therefore seriously flawed and cannot be relied upon.

8.33 DSCT presently understands that the maximum detriment to the Watersport Centre's use of Millwall Outer Dock would be caused by turbulence at the western end, around and in the vicinity of the pontoons, in the early part of the sailing season between February and May with the following consequences:

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

8.34 This will put the Centre's future, certainly as a provider of sporting and recreational opportunity, in physical and financial jeopardy.

8.35 Tower Hamlets has seen the fastest growth in youth population in the country but, according to Sport England, is the London borough least well provided with sports facilities. The Millwall Outer Dock represents one of the Island's

principal open spaces. Loss or reduction of such provision at the Watersport Centre runs counter to planning policy and objectives to promote health and well-being. No development should be permitted which is likely to end or significantly diminish the use of the Millwall Outer Dock by the Centre in its current location.

- 8.36 DSCT considers that the detrimental impact might be reduced to acceptable levels if the four tall tower blocks on the edge of the Dock were moved northwards and located alongside the proposed diagonal road running across the site. The lower level 'C' shaped buildings could be positioned closer to the dock edge but would need to be made more permeable. Buildings generally would need to be aligned on a northeast/southwest axis. DSCT believes that testing alternative massing and height would demonstrate development of the proposed scale is possible without detriment to the sailing and watersport conditions on the Dock.
- 8.37 It is not possible to relocate or reconfigure the pontoon to the south-western corner, instead of its present central location, because it has not been established that any such relocation would be to an area which did not suffer from an unacceptable degree of turbulence in the February to May period. Relocation would have to be to the central southern part of the Dock which is too far from the Centre to be operationally viable.
- 8.38 DSCT is therefore unable to re-configure its operation to counter the detriment caused by the development as proposed and expects the local planning authority to require the applicant to re-configure its development to allow sailing and watersport for all from the established Centre to continue.

Royal Yachting Association

- 8.39 Supports the Docklands Sailing and Watersports Centre's concerns regarding the quality of the current information submitted in support of the application. Until further work has been carried out, the full impact of the proposed development on the activities on the dock cannot be fully understood.

Natural England

- 8.40 The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

Network Rail

- 8.41 No objection.

Metropolitan Police Crime Prevention Design Advisor

- 8.42 No advice received.

**Internal consultation**

Sustainable Drainage Officer

- 8.43 Initially objected to the surface water drainage strategy. Welcomed the use of permeable paving, the Rain Water Harvesting System and green roofs but disagreed with the proposed measure to attenuate and discharge into

combined sewers. Requested that in consultation with the Canal and Rivers Trust, more of the surface water runoff should be discharged into the Dock with treatment / pollution control to maintain / improve water quality. Recommended a condition be applied to any planning permission to require a revised drainage strategy to address concerns.

- 8.44 Advises that the revised drainage strategy submitted in January 2016, and the March 2016 Addendum to the ES are now satisfactory. The applicant has also provided a typical inspection and maintenance regime and suggestion for the formation of a management team to ensure maintenance of the system. In principle this is accepted but should be adhered to for the life of the development.

#### Parks and Open Spaces

- 8.45 No comments received

#### Landscape Section

- 8.46 No comments received.

#### Biodiversity Officer

- 8.47 Satisfied with the scope of ES Ecology chapter in terms of surveys and receptors considered. Considers some of the existing site “dense scrub” in the north-west of the site would be better described as woodland and existing grassland should not be described as ‘poor’. Advises that Jersey Cudweed found on the site is protected under the Wildlife & Countryside Act.

- 8.48 The area of woodland and scrub to be lost is about 0.35 hectares, which would be replaced with 0.28 hectares of native tree and scrub planting. The area of ruderal and other “open mosaic” type habitats to be lost would be more or less the same as that to be created on green roofs. The area of semi-improved grassland in the north-east of the site would be lost, with no direct replacement. The new planting, especially woody planting, would, therefore, have to be of substantially higher quality than the existing woodland to ensure no net loss. Changes in habitat are likely to be neutral at best for black redstarts. The developer’s claim that with the implementation of mitigation measures, there would be a significant benefit in terms of habitat overall benefit for biodiversity is extremely optimistic.

- 8.49 Advises the development would cause significant adverse impacts on biodiversity, including loss of Local Biodiversity Action Plan (LBAP) priority habitats and impacts on protected species – Black Redstarts and bats. The proposed mitigation for protected species is sufficient to ensure no long-term adverse impacts. The position is less clear with regard to loss of priority habitats, especially woodland and a small area of comparatively species-rich grassland. Not convinced that the landscaping as currently proposed would lead to overall gains for biodiversity as required by MDD Policy DM11.

- 8.50 If planning permission is granted, recommends conditions regarding:

- Timing and method of demolition to avoid harm to protected species,
- Timing of vegetation clearance to avoid harm to breeding birds,
- Scheme to retain a viable population of Jersey Cudweed,

- Biodiversity mitigation and enhancement measures to be secured.

#### Environmental Protection

- 8.51 Noise and pollution: No adverse comments. Commercial plant should not be intrusive to residents. Construction hours should be conditioned.
- 8.52 Contaminated Land: Recommends conditions to secure site investigation and mitigation of any contamination.
- 8.53 Air Quality: The Updated Air Quality Assessment is accepted. A condition should be applied requiring mechanical ventilation in all units that the Assessment states may be adversely affected by the energy centre emissions.

#### Community Occupational Therapist

- 8.54 Commenting on the proposed '*wheelchair adaptable*' affordable housing units advises that the units can all be classed as meeting with London Accessible Housing Category A- wheelchair standard and are better than '*adaptable*.' On the whole they are good wheelchair units subject to there being two wheelchair accessible lifts to each building.

#### Transportation & Highways

- 8.55 No objection in principle. The change of use from a printworks to mixed use will remove some vehicle movements, particularly HGV movements, which occurred during unsocial hours. The projected increase in person trips will affect the local public transport network, including buses, the DLR at Crossharbour and the interchange with the Jubilee Line and Crossrail at Canary Wharf. TfL should advise on whether the proposed uptake in users as a result of this development and cumulative development will adversely affect the network.
- 8.56 Parking provision at 0.35 spaces per dwelling would be within the maximum levels provided by the London Plan and the Council's MDD but exceeds recently consented schemes in the locality, which are more in the region of 0.2 – 0.22 which would reduce impact on the local road network. Cycle parking exceeds London Plan minimum standards for both long and short stay spaces.
- 8.57 The proposals open up pedestrian and cycle permeability which is welcomed. The dockside walkway would also be enhanced. The proposed school would be set back from Westferry Road to allow adequate space for students at opening and closing times. A PERS audit has been undertaken and this shows that much of the footway areas surrounding the site is acceptable but highlights some areas in Westferry Road and Millharbour that scored poorly. The proposal to introduce a new zebra crossing in Westferry Road will help in this respect.
- 8.58 Access would be from the existing vehicular access points on Westferry Road and Millharbour. Changes are proposed on Westferry Road to provide better sightlines, relocated bus stops and a new zebra crossing. All servicing would take place within the development which is welcomed. The width of the proposed service road is satisfactory. The proposal to use number plate recognition systems to control vehicular access is acceptable.

- 8.59 School traffic: The proposed school has the potential to be a major traffic attractor. Parking should be prevented on Westferry Road and the applicant is prepared to extend double yellow line controls which would also help to control possible parking from users of the MUGAs outside of school hours, and fund a new pedestrian crossing and zigzag lines. There should be staggered hours with Arnhem School. These proposals should form part of a school travel plan to be approved prior to the school opening.
- 8.60 Requests that any planning permission is conditioned to require:
- A car parking '*Permit Free*' agreement.
  - Details of cycle stands and stores to be submitted and approved.
  - A Car Parking Management Plan to be submitted and approved prior to first occupation.
  - A Service Management Plan for all uses to be submitted and approved prior to first occupation.
  - A Demolition / Construction Logistics Plan to be submitted and approved prior to any works taking place.
  - Travel Plans for all uses to be submitted and approved prior to first occupation.
  - A section 278 agreement to fund necessary mitigation works to Westferry Road.

#### Economic Development

- 8.61 Concerned that the employment generated by the development would not compensate for the loss of the previous industrial floor space. If permission is granted, recommends that arrangements (set out at paragraph 3.2 above - Planning obligations - Heads of Agreement), are put in place to secure contributions and measures to support and / or provide the training and skills needs of local residents to access job opportunities during both construction and within the employment sectors created by the development including the provision of apprenticeships.

#### Communities, Localities and Culture

- 8.62 Welcomes the proposal to deliver a school, three MUGAs and a sports hall given the high demand for such facilities in the borough as identified in the Council's Leisure Facility Strategy.
- 8.63 The Local Plan Site Allocation requires the provision of an expanded leisure facility within the application site with the potential for the co-location of 'dry' sports facilities with the secondary school and the Tiller Leisure Centre explored. It is imperative that the proposed MUGAs and sports hall are available for use by the general public and provisions are made for a link/access from the existing leisure facility at Tiller Road.
- 8.64 The proposed location for the link/access point should be verified to ensure the land is within the ownership of the Council. If this is not the case, then a suitable alternative access/link point should be identified as part of the development.
- 8.65 Consideration should be given to the school curtilage and sports facility as part of the section 106 drafting. If the sports facilities are to be located within the

area managed by the school operator, public access arrangements need to be agreed in the section 106 agreement.

#### Education Development Team

- 8.66 The proposals for a new 1,200 pupil 11-18 secondary school as part of a mixed use masterplan generally seem robust and considered. Considering this is a detailed application, designs however appear diagrammatic and would need detailed development to ensure the building is fully fit for purpose and acceptable to LBTH. It is noted however that there is an agreement in place with the applicant that LBTH will deliver the school in accordance with the consent they obtain.
- 8.67 There should be no provision for vehicle pick up/drop off due to traffic concerns. Even with the omission of vehicle stopping points, there are concerns regarding both vehicle and people traffic at the beginning and end of day, mostly due to the presence of Arnhem Wharf Primary School opposite the new school on Arnhem Place. It is recommended that there should be consideration of school management with regard to particular pupil year groups entering and exiting on Millwall Dock Road as well as through the main entrance.
- 8.68 There should be a secure boundary treatment for the school as a whole.

#### Waste Policy and Development

- 8.69 To follow in an Update Report.

#### Energy Efficiency Unit

- 8.70 Decentralised Energy: The applicant must ensure compliance with London Plan Policy 5.6 '*Decentralised energy in development proposals*' and install an energy system in accordance with the following hierarchy:
- 1) Connect to existing heating or cooling networks.
  - 2) Site wide CHP
  - 3) Communal heating and cooling.
- 8.71 In relation to district heating systems, the submitted energy strategy refers to discussions with operators of the Barkantine District Heating system that advised there is currently no capacity within the scheme to serve the Westferry Print Works Development. However, no evidence of correspondence has been provided within the submitted energy strategy.
- 8.72 To ensure the scheme meets London Plan Policy 5.6 and MDD Policy DM29, which require development to connect to a decentralised energy system, the applicant should contact the commercial manager at Barkantine to confirm the capacity within the system and strategy to connect.
- 8.73 Sustainability: The applicant has submitted a sustainability statement which outlines the commitments to integrating sustainable design and construction into the development and achieving BREEAM 'Excellent' for the non-residential uses. This is supported.

## 9 LOCAL REPRESENTATION

### Community involvement by the applicant

- 9.1 The application is supported by a Statement of Community Involvement that explains that prior to the submission of the application, the applicant carried out a programme of consultation with local community groups and residents that helped inform the proposals.
- 9.2 Public exhibitions were held on 11<sup>th</sup> to 13<sup>th</sup> June 2014, 17<sup>th</sup> to 20<sup>th</sup> September 2014 and 18<sup>th</sup> to 20<sup>th</sup> June 2015 at the Docklands Sailing and Watersports Centre.
- 9.3 The public exhibition was advertised on each occasion in East End Life and by the delivery of around 2,200 information leaflets to the local area. Key stakeholders and councillors were notified with a personal invitation. A project website was also set up to publicise the exhibitions and to keep local residents informed. On each occasion, the public exhibition consisted of between eight and ten panels, together with models, that indicated the proposals. Members of the applicant's professional team attended to answer questions. A variety of ways to respond to the public consultation were available. Feedback could be given by using a Freephone number, a Freepost address, and a dedicated email address. The applicant says the submission of the planning application does not mark the end of this consultation and Northern & Shell Investments No.2 Limited will continue to meet with local groups and individuals as appropriate throughout this process.

### Representations following statutory publicity

- 9.4 The application has been publicised by the Council by site notices and advertisement in East End Life. 5,772 neighbouring properties within the area shown on the map appended to this report have been notified and invited to comment. Re-consultation has been undertaken on the revised plans and additional information submitted with the Environmental Impact Assessment in March 2016.

Representations received			50
Objecting:	49	Supporting	1
No of petitions received:			0

#### Ground of support

- 9.5 Having attended an exhibition by the developer, a local resident has written expressing full support to this *'fine development.'*

#### Grounds of objection

- 9.6 There is general acceptance that the Westferry Printers site cannot be allowed to become derelict and some suitable form of development is required. However, objectors consider the scale of the proposal excessive and would negatively impact on the local community & services. Material grounds of objection may be summarised as:

- The high rise buildings will be over-development putting huge strains on local amenities.



- Tower 4 is too tall exceeding density guidance. Building heights should decrease steadily away from the Canary Wharf estate. While Tower 4 is shorter than the tallest towers at Canary Wharf, it is not in line with the decreasing height principle.
- Small towers ranging up to 10 levels would be more appropriate to the low level residential area around the dock.
- There is a great shortage of adequate family housing on the Island, and a good part of the development should be affordable family homes with adequate number of bedrooms and outdoor space. Focussing on studio flats will not address the housing problem only encourage more people to buy properties for 'weekday only.'
- Sewerage and water infrastructure is at capacity and further development threatens low or no pressure in properties further south. The development will require significant improvements to the water, sewage, power and telecommunications infrastructure.
- The development will exacerbate vehicular congestion at a dangerous bend in Westferry Road and on Millharbour.
- Arnhem Wharf primary school has severe parking problems in peak hours. Another larger school opposite will create chaos unless off-road drop-off and parking zones are created.
- Public transport improvements will be needed to cope with the influx of new residents. Buses on Westferry Road and the DLR at South Quay, Crossharbour and Mudchute are already at capacity during peak hours.
- The large number of proposed parking spaces will not encourage residents to use public transport.
- Inadequate provision of car parking. There should be one parking space per dwelling.
- The development will require the provision of public open space, including playing fields parks and social infrastructure which are inadequate within the scheme.
- Cumulative impact of all sites in progress on the Isle of Dogs is not being assessed.
- Loss of light and privacy to surrounding residential property.
- Increased air pollution.
- Serious affect for the local sailing club, preventing wind getting to the dock.
- Noise and light pollution from the 3 sports pitches which border the Claire Place Estate, especially if used late in the evenings outside school hours. The pitches should not be equipped with high intensity lightning to enable use after dark and should not be used after 8 pm.
- Tower 4 will generate noise (from balconies and TVs) impacting on the south side of the dock
- Extra noise and pollution would detrimentally affect the wildlife that inhabits the dock.
- The walkway on the northern side of Millwall Dock should remain open during construction.
- The secondary school would lead to an increase in anti-social behaviour around the dock.
- The entire site should be used to provide a new secondary school.

9.7 Non-material grounds of objection raised are:

- Disruption and the likelihood of burglaries during construction.
- Loss of property values.

- Obstruction of views of Canary Wharf.
- Increased fire hazard.

9.8 The following suggestions have been made should permission be granted:

- The location of bus stops is extremely important. Any location close to the bend in the road will create an extremely dangerous situation where vehicles overtake the bus at the point where they are on the blind part of the bend leading to accidents.
- A pedestrian crossing would be a positive addition, to allow school children to cross the road safely. This should be sensibly located next to the bus stops.
- The community centre is welcome, especially if it offers free space for local resident meetings.
- The development should retain the heritage of the two cranes near the sailing centre and the various mooring points along the dock side.
- Priority should be given to giving jobs and retail space to local businesses and people, rather than to high street chains, so local character is maintained.
- During construction, undertakings should be given to local residents about managing excessive noise, disturbance and dirt. There should be no weekend or evening working.
- Large lorries should not visit the site when children are moving in and out of Arnhem Wharf School.
- A recycling scheme should be established.
- The dock water should not be polluted.

## **10 MATERIAL PLANNING CONSIDERATIONS**

10.1 The main planning issues raised by the application that the Mayor and the Committee must consider are:

- The principle of development
- Housing provision
- Public open space
- Non-residential commercial and community uses
- Design appearance and heritage assets
- Impact on surrounding residential amenity
- Microclimate
- Transport, connectivity and accessibility
- Energy and sustainability
- Air quality
- Noise and vibration
- Contaminated land
- Flood risk & Sustainable urban drainage
- Biodiversity
- Environmental Statement
- Community Infrastructure Levy and Planning obligations
- Other Local Finance Considerations
- Human Rights
- Equalities

## **Principle of development**

### NPPF

- 10.2 Nationally, the NPPF 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 promotes 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.

### The London Plan 2015

- 10.3 The London Plan identifies Opportunity Areas which are capable of significant regeneration to accommodate new jobs and homes and requires their potential to be maximised.
- 10.4 The site lies within the Isle of Dogs and South Poplar Opportunity Area identified on Map 2.4 page 79 of the London Plan. Map 2.5 page 81 shows the site also lying within an Area of Regeneration. Map 4.1 page 159 shows the Isle of Dogs within an area where the transfer of industrial land to other uses is to be '*managed*.'
- 10.5 London Plan Policy 2.13 sets out the Mayor's policy on opportunity areas and paragraph 2.58 states they are the capital'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 states that the Isle of Dogs Opportunity Area is capable of accommodating at least 10,000 homes, and 110,000 jobs up to 2031. The application site is not identified for employment use within the London Plan.
- 10.6 London Plan Policy 3.18 '*Education facilities*' supports provision of childcare, primary and secondary schools to meet the demands of a growing and changing population, particularly where these can be co-located with housing in order to maximise land-use and reduce costs. The policy requires that sufficient publicly accessible open space is provided as part of development proposals.
- 10.7 London Plan Table 3.1 sets Tower Hamlets a delivery target of 3,931 new homes per year until 2025.

### The Tower Hamlets Local Plan

#### Adopted Policies Map

- 10.8 The Adopted Policies Map, reproduced on page 89 of the MDD 2013, shows Westferry Printworks annotated:
- Site Allocation 18
  - Within a Flood Risk Area

### Tower Hamlets Core Strategy 2010 (CS)

10.9 The CS Key Diagram page 27 identifies Westferry Printworks as part of a Regeneration Area that includes the Millennium Quarter and Crossharbour. Other CS 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 30 page 53 '*Creating a green and blue grid*' shows Millwall Outer Dock as forming part of the Green Grid.
- Fig. 34 page 66 '*Improving education and skills*' shows the application site within an area of search for a new primary school.

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

### Tower Hamlets Managing Development Document 2013 (MDD)

10.11 MDD Chapter 3 provides Site Allocations and Fig. 12 page 86 and Figure 44 page 148 identify Westferry Printworks as Site Allocation 18 within Millwall:

*"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."*

10.12 Land use design principles set out in the MDD for the site say:

- *"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.*
- *The public realm should be improved at active site edges, specifically along Westferry Road and Millharbour."*

10.13 Implementation considerations include:

- Development is envisaged to begin between 2015 and 2020.
- Development should align with any proposals for adjacent sites within the Millennium Quarter masterplan.
- 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.

10.14 The proposed residential component would provide 722 residential units - 18.3% of the Council's annual housing target, together with ancillary uses. There would be a large secondary school together with retail, flexible office

and financial and professional services, restaurant and drinking establishments, a health centre, crèche / community centre and a significant amount of public open space. These uses are all welcomed in principle and are consistent with the NPPF and the development plan including MDD Site Allocation 18. In land use terms the development is considered acceptable in principle and no objection is raised to the loss of the existing employment floor space.

### **Housing provision**

- 10.15 Increased housing supply is a fundamental policy objective at national, regional and local levels, including the provision of affordable housing.
- 10.16 NPPF Paragraph 7 advises that a dimension of achieving sustainable development is a “*social role*” supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations. Paragraph 9 advises that pursuing sustainable development includes widening the choice of high quality homes.

### Market and affordable housing offer

- 10.17 NPPF Section 6 advises local planning authorities on ‘*Delivering a wide choice of high quality homes.*’ Paragraph 47 requires local plans to meet the full objectively assessed need for market and affordable housing and to identify and update annually a supply of specific deliverable sites sufficient to provide five years housing supply with an additional buffer of 5%.
- 10.18 London Plan Policy 3.3 ‘*Increasing housing supply*’ refers to the pressing need for more homes in London and makes clear that boroughs should seek to achieve and exceed their relevant minimum targets. The London Plan annual housing monitoring target for Tower Hamlets is 3,931 new homes between years 2015 to 2025.
- 10.19 London Plan Policy 3.8 ‘*Housing choice*’ requires borough’s local plans to address the provision of affordable housing as a strategic priority. 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.
- 10.20 London Plan 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 future developments.
- 10.21 London Plan 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.

- 10.22 Tower Hamlets Core Strategy 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.*

- 10.23 Westferry Printworks is a crucial strategic element within the Council's supply of land for both market and affordable housing.
- 10.24 The amended planning application is accompanied by a revised Financial Viability Assessment by DS2 LLP that claims the scheme can only afford to provide 11% affordable housing, measured by habitable rooms. This is identified as 51 affordable rented units in Block 6 and 25 units providing intermediate housing in Block 7, a shortfall of 24% against target.
- 10.25 The Financial Viability Assessment by DS2 LLP has been independently reviewed by PBP Paribas on behalf of LBTH. BNP Paribas have amended some of the DS2's appraisal inputs where local evidence points to different assumptions, or where DS2's analysis relies on dated information. As a result of these amendments, BNP Paribas' appraisal indicates that the scheme can viably absorb 36% affordable housing, compared the 11% offered. This takes account of the provision of land for a secondary school, Mayoral CIL and section 106 obligations. However, BNP Paribas are concerned that the development programme has been extended beyond market norms, which has a depressing effect on the scheme's IRR (Internal Rate of Return). A modest adjustment to the Development Programme, moving commencement of Tower 04 forward by two years; alone improves the IRR by circa 3%. Additional changes to the programme would deliver further improvements.
- 10.26 BNP Paribas also note that the unit sizes in the Development are significantly over-sized and viability could be improved by re-gearing the unit sizes and mix.
- 10.27 Given the inherent uncertainty on any development of this scale, there could be a significant difference between current and outturn IRR and BNP Paribas have tested this to some degree through a sensitivity analysis but advises that the Council may wish to consider incorporating periodic review clauses in any section 106 agreement so that affordable housing provision can be maximised whilst also ensuring the scheme is deliverable.
- 10.28 Officers advise that the proposed market / affordable tenure mix has not been adequately justified in terms of financial viability, does not accord with the Mayor's London Plan policies outlined above or Tower Hamlets Core Strategy

Policy 02 which seeks to deliver 35-50% affordable homes. Therefore the proposed quantum of affordable housing is not policy compliant.

Residential tenure mix

10.29 London Plan policy 3.8 ‘Housing Choice’ requires the 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. London Plan Policy 3.9 ‘Mixed and balanced communities’ says that communities mixed and balanced by tenure should be promoted across London including by larger scale development such as this. London Plan Policy 3.11 ‘Affordable housing targets’ requires 60% of the affordable housing provision to be affordable rent and 40% to be for intermediate rent or sale.

10.30 Tower Hamlets Core Strategy Policy SP02 ‘Urban living for everyone’ requires:

- A tenure split for affordable homes from new development to be 70% social rented and 30% intermediate.
- A mix of small and large housing by requiring 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.

10.31 MDD Policy DM3 ‘Delivering Homes’ requires development to provide a balance of housing types, including family homes, in accordance with the following breakdown:

Tenure	1 bed %	2 bed %	3 bed %	4 bed %
Market	50	30	20	
Intermediate	25	50	25	0
Social rent	30	25	30	15

10.32 The proposed residential mix compared with the Core Strategy targets would be:

Unit size	Total units in scheme	Affordable housing						Market housing		
		Affordable rented				intermediate		private sale		
		scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	0	0	0%	0%		0%	0%	0	0%	0%
1 bed	270	15	29%	30%	18	72%	25.0%	237	37%	50%
2 bed	242	11	22%	25%	7	28%	50.0%	224	35%	30%
3 bed	202	17	33%	30%	0	0%	25%	185	29%	20%
4 bed	8	8	16%	15%	0	0%		0	0%	
5 bed	0	0	0%	0%	0	0%		0	0%	
6 bed	0	0	0%		0	0%		0	0%	
<b>TOTAL</b>	<b>722</b>	<b>51</b>	<b>100%</b>	<b>100%</b>	<b>26</b>	<b>100%</b>	<b>100%</b>	<b>646</b>	<b>100%</b>	<b>100%</b>

10.33 In the market housing there would be an undersupply of 1 bed units - 37% against a target of 50%, an oversupply of 2 bed units – 35% against a target of 30% and an oversupply of family accommodation (3+ bedrooms) – 29% against

a target of 20%. This is considered satisfactory and reasonably compliant with the intentions of Core Strategy Policy SP02 and MDD Policy DM3.

- 10.34 Within the affordable housing there would be 76% affordable rented and 24% intermediate. This compares to the 60:40 ratio required by the London Plan and 70:30 ratio of Core Strategy Policy SP02. This tenure split is considered acceptable given the borough's preference for affordable rented housing.
- 10.35 Within the affordable rented sector 29% one bed units is proposed against a 30% policy target, 22% two beds against a 25% target, 33% three beds against a 30% policy target and 16% four beds or larger against a 15% target. The level of rented family sized units would be 49% against a 45% policy target. These are all considered broadly policy compliant.
- 10.36 Within the intermediate housing, the proposal is for 72% one bed units against a 25% policy target, and 28% two beds against a target of 50%. There would be no intermediate family accommodation (3 bed+) whereas the policy target is 25%. Whilst affordability concerns about the provision of family sized units in this high value area are appreciated, the proposed significant imbalance between intermediate one and two beds with an absence of family accommodation fails to accord with policy targets being unacceptably skewed towards one bed units.
- 10.37 It is considered that the proposed intermediate dwelling mix fails to comply with NPPF advice, the London Plan and Tower Hamlets Local Plan to secure mixed and balanced communities.
- 10.38 The affordable housing would be provided within Blocks 6 and 7 and are proposed as part of the first construction phase which is welcomed. Should the Mayor grant permission, a Head of Agreement is recommended to ensure that the affordable housing is delivered prior to the market housing in Phase 1.

#### Inclusive design

- 10.39 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 3.8 '*Housing choice*' and Core Strategy Policy SP02 6 require all new housing to be built to Lifetime Home Standards.
- 10.40 The applicant states that the development accords with these policy requirements. 30% of the residential units have been designed to be easily adaptable to meet the needs of wheelchair users, exceeding the LBTH requirement by 20%. The wheelchair units would be distributed throughout the development (including a mix of tenure and unit sizes). All the residential units across the site would be built to Lifetime Home Standards.

#### Housing quality & standards

- 10.41 London Plan Policy 3.5 '*Quality and design of housing developments*' requires new housing to be of the highest quality internally and externally. The Plan explains that 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.'* Designs should provide adequately sized rooms and convenient and efficient room layouts. Guidance on these issues is provided by the Mayor's *'Housing'* SPG 2016.

- 10.42 MDD Policy DM4 *'Housing Standards and Amenity Space'* requires all new developments to meet the internal space standards set out in the Mayor's earlier 2012 SPG.
- 10.43 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 sets out 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 Minor Alterations to the London Plan 2016 and the Mayor's *'Housing'* SPG 2016 reflect the national guidance.
- 10.44 Key aspects of the amended residential layout would accord with the GLA's Housing SPG 2016:
- The number of dwellings accessed from a single core would not exceed 8 per floor,
  - Entrances would be illuminated with level access over the threshold,
  - Unit sizes meet or exceed the minimum standards save for some marginal shortfalls in the affordable rented accommodation with units of 49.9sqm and 49.8 sq. m. instead of 50 sq. m.
  - Minimum floor to ceiling heights of 2.5 m met.

#### Aspect and natural light

- 10.45 MDD Policy DM25 *'Amenity'* requires adequate levels of natural light for new residential development and the avoidance of sense of enclosure. This requires careful consideration of layout and massing. Single aspect dwellings should be avoided. The Mayor's *'Housing'* SPG says developments should avoid single aspect dwellings that are north facing defined as an orientation less than 45 degrees either side of due north. The SPG adds that: *'Where possible the provision of dual aspect dwellings should be maximised in a development proposal.'*
- 10.46 The applicant's Environmental Statement (ES) assesses daylight and sunlight within the proposed development. The assessment was undertaken by Anstey Horne was independently reviewed for LBTH by Delva Patman Redler.

#### Daylight within the proposed development

- 10.47 Delva Patman Redler advises that the ES provides Average Daylight Factor (ADF) results for rooms within the proposed development. 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.
- 10.48 Blocks B01, T01, T02, T03 and T04 are fully compliant for all the rooms tested and no reason is seen to expect that any rooms not tested would differ from these results.

10.49 There are some non-compliant rooms in Blocks B02, B03, B04, B06 and B07. The effect in respect of these particular blocks can be summarised as follows:

- In Block B02, the only rooms that do not meet the standard are bedrooms tucked into a corner of this “L” shaped block and other rooms in the particular flats will have adequate levels of ADF. The overall effect on the flat is not material.
- In Block B03, the rooms affected are living rooms where sky visibility is partly obstructed by other parts of Block B03. These are large rooms and consideration could be given to improving the results prospect by provision of larger areas of glazing.
- In Block B04, There is one flat on each floor located in the internal northeast corner of the block that has very restricted sky visibility and very little sense of external outlook. This particular flat in each case will appear poorly day lit and enclosed.
- In Block B06, there is one flat on each floor affected on the south elevation where it faces directly towards Block B04. The flats either side have not been tested so it is likely that there will be three flats on each of the first and second floors with substandard levels of daylight and these will appear poorly lit.
- In Block B07, the flats tested on the south elevation that face toward Block B03 have poor levels of ADF. As only 50% of the rooms have been tested, the results do not show that practically all rooms on this south elevation will have poor levels of ADF. The flats will appear poorly lit and gloomy even though they are south facing. Proposed daylight levels cannot be recommended.

10.50 In summary, Delva Patman Redler advised that the original proposals did not provide minimum recommended levels of ADF for some rooms but did for most of them with the flats on the south elevation of Block B07 generally having inadequate levels of internal daylight. Following this advice, revised plans were submitted amending Blocks 6 and 7 to improve daylight levels within dwellings. Delva Patman Redler has not been asked to review the amendments as daylight arrangements are generally now considered satisfactory.

#### Sunlight within the proposed residential accommodation

10.51 Delva Patman Redler advises that ES explains that not all of the flats will have the recommended minimum levels of APSH to their living room. However, this is primarily a result of those particular flats having balconies limiting sunlight reaching the windows beneath, coupled with obstructions from other blocks within the development, which is inevitable on a site of this size. On balance, the proposed sunlight results appear to be reasonable for a scale of this development.

10.52 62% of the residential units would be dual aspect and the development seeks to avoid single aspect dwellings that are north facing.

10.53 On balance, it is considered the proposed residential units would receive adequate daylight and sunlight.

### Residential amenity space

- 10.54 The London Plan '*Housing*' SPG and MDD Policy DM4 '*Housing standards and amenity space*' require private amenity space to be provided at 5 sq. m. per 2-person dwelling and an extra 1 sq. m. per additional bedroom. Communal amenity space should be provided at a minimum of 50 sq. m. for the first 10 dwellings and 1 sq. m. for every additional unit, making a requirement of 762 sq. m. within the development.
- 10.55 All residential units would have access to private amenity balcony or terrace space meeting or exceeding the minimum standard. In addition, residential courtyard gardens would be provided within Blocks 2, 3 and 4, and to the rear of Blocks 6 and 7. Residents would also have access to private residential amenity space at the roof level (on Blocks 2, 3 and 4 and Towers 1, 2, 3 and 4). At ground level alone this amounts to 0.45 ha. exceeding requirements.

### Child play space

- 10.56 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 10 sq. m. 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 400m), where appropriate.
- 10.57 The GLA's Child Yield Calculator estimates that the development would generate 161 children requiring 1,610 sq. m. of play space on site. The scheme includes a comprehensive play strategy. Within the development, a series of spaces are proposed, which are intended to provide play opportunities, in addition to general residential amenity. The proposal incorporates 3,495 sq. m. of dedicated play space; including incidental doorstep play for the younger children located within the communal courtyards, and dedicated facilities within two areas of public open space. This is in addition to general private residential amenity spaces located throughout the development, as well as the general amenity of the public park spaces and is substantially above requirements. Additionally, Sir John McDougall Gardens on Westferry Road is 300 m. from the site), Mudchute Farm and Park (600 m. distant) and Millwall Park (800 m.).

### Proposed Residential density

- 10.58 London Plan 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. Development proposals which compromise this policy should be resisted.
- 10.59 Based on the net residential area (as required by paragraph 3.31 of the London Plan and excluding the school site), the scheme would generate a density of 433 hrph or 184 u/ha. This is within the recommended density range.

## Public open space

- 10.60 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 Policy 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.'*
- 10.61 Approximately 72% of the site area would be open space involving a total of 1.95 hectares of public open space, which includes a 6,353 sq. m. public park at the eastern end of the site, comprising ball courts, all-weather MUGA pitch, informal hard courts, in addition to lawn and planted areas. The proposal also includes a series of spaces adjacent to Millwall Outer Dock; a 1,864 sq. m. area of green space at the western section of the site, and a further 1,308 sq. m. garden space, which would also be open to the public.
- 10.62 The provision of the dockside promenade, to include walking and cycling routes as well as incidental areas for play and recreation, also accords with the Blue Ribbon Network (BRN) principles of the London Plan, and would help provide a recreational setting to the dock, improving its setting and the ability for it to be appreciated. Should the Mayor grant permission, Heads of Agreement are recommended to ensure the public use of the three proposed open spaces.

## Non-residential commercial and community uses – Use Classes B1, A1, A2, A3, A4 & D1

- 10.63 The proposals would provide 6,400 sq. m. of ground floor commercial space:
- Shop A1 – 193 sq. m. GIA,
  - A3/A4 (Restaurant / café & drinking establishments– 1,348 sq. m. GIA
  - Flexible office and financial and professional services A2/B1 – 2,340 sq. m. GIA
  - Community uses: crèche/ community centre – 702 sq. m. GIA,
  - Health centre – 253 sq. m. GIA.
- 10.64 Four A3/A4 restaurant and drinking establishment units ranging between 291 sq. m and 476 sq. m are proposed at the base of the towers benefiting from the south facing dockside location. Community spaces would be provided adjacent to Westferry Road and the crèche located on a new link route to Starboard Way. The retail unit and the management office would be located along the new central route through the site with the residents gym located adjacent to the East Park. The flexible office and financial and professional units are proposed within the ground floor units on Blocks B, C and D.
- 10.65 The application documents indicate that around 564 jobs would be created on site making a significant contribution to the wider Opportunity Area employment.
- 10.66 The proposals should be considered in light of their relationship with the town centre hierarchy and the definition of edge of town centre given in the NPPF. The application site is not located within a designated Town Centre and can be classified as *'edge of centre'* because it lies within 300 m. of two defined centres: the eastern part is approximately 260 m. from Crossharbour district centre and the western part 280 m. the Barkantine Neighbourhood Centre.

#### Shop, restaurant & drinking establishment Use Classes A1, A3 and A4

- 10.67 Planning policy at all levels direct retail and leisure development to in centre locations in the first instance, then edge of centre locations, and finally out of centre locations. Policy 4.7 *'Retail and town centre development'* of the London Plan states that the scale of retail, commercial, cultural and leisure development should be related to the size, role and function of a town centre and its catchment.
- 10.68 Tower Hamlets Core Strategy Policy SP01 *'Refocusing on our town centres'* promotes a mix of uses at the edge of town centres to support the role of town centres. MDD Policy DM2 *'Local shops'* relates to the development of new local shops (defined as a shop which is local in nature and has a gross floor space of no more than 100 sq. m. (the equivalent of two small shop units). The policy states that *'development of local shops outside of town centres will only be supported where: a) there is demonstrable local need that cannot be met within an existing town centre; b) they are of an appropriate scale to their locality; c) they do not affect amenity or detract from the character of the area; and d) they do not form part of, or encourage, a concentration of uses that would undermine nearby town centres'*. The supporting text identifies that *'in assessing the need for new local shops the Council will take into consideration vacancy rates in nearby town centres (Paragraph 2.3)*.
- 10.69 The Core Strategy Millwall Vision page 123 says that in this northern part of Millwall *'there will be greater integration with Canary Wharf, offering a diverse retail and evening economy focussed along Millharbour and dock fronts.'*
- 10.70 Assessing the proposal against the Core Strategy Vision and MDD Policy DM2.2, it is considered that there is a local need for the A1/A3/A4 floor space demonstrated by the MDD site allocation to provide *'other compatible uses'*. The applicant considers the Class A uses would relate to local needs arising from both the new residents of the scheme as well as from the employees on site and not act as a retail destination in its own right. Given the population increase proposed by the development, officers consider the scale appropriate and would not undermine the Crossharbour or Barkantine Town Centres or proposals at the ASDA site.

#### Offices Class Use B1 & A2

- 10.71 London Plan Policy 2.9 *'Inner London'* says boroughs should ensure the availability of appropriate workspaces for the area's changing economy. Policy 4.1 *'Developing London's Economy'* promotes the availability of sufficient and suitable workspaces for both larger employers and small and medium sized enterprises. Policy 4.2 *'Offices'* supports the mixed use development of office provision including different types and sizes including SMEs. Policy 4.3 *'Mixed use development and offices'* requires the development of office provision not to be strategically constrained with provision made for a range of occupiers and to include a mix of uses including housing.
- 10.72 London Plan Table A1.1 *'Opportunities Areas'* page. 349 says that within the Isle of Dogs Opportunity Area there is scope to convert surplus business capacity south of Canary Wharf to housing and support services and for more effective coordination of social infrastructure, especially schools.

- 10.73 Core Strategy Policy SP06 (3) *'Delivering successful employment hubs'* encourages a range and mix of employment uses in edge of town centre and main street locations. MDD Policy DM15 (3) *'Local job creation and investment'* requires that development of new employment floor space will need to provide a range of flexible units including units less than 250 sq. m. and less than 100 sq. m. to meet the needs of Small and Medium Enterprise (SME's). A Head of Agreement is recommended to secure such arrangements.

#### Community uses Use Class D1

- 10.74 The community uses including the health centre are supported by London Plan Policies 3.1 and 3.2, Core Strategy SP03, MDD Policy DM8 the MDD Site Allocation 18.

#### School

- 10.75 The delivery of a secondary school is welcomed in this location. It would accord with:

- National policy at paragraph 72 of the NPPF,
- London Plan Policy 3.16 *'Protection and enhancement of social infrastructure'* (including schools) that says London requires additional social infrastructure to meet the needs of its growing and diverse population
- London Plan Policy 3.18 *'Education facilities'* that strongly supports the provision of schools,
- Tower Hamlets Core Strategy Strategic Objective 17 is *"To improve education, skills and training in the borough..."* The Core Strategy Programme of Delivery confirms the *'critical'* priority for 8FE of primary school provision in the borough by 2020 through expansion or new provision.
- Core Strategy Policy SP07.2 *'Improving education and skills'* seeks to increase provision of both primary and secondary schools in the borough to meet an increasing population, with Cubitt Town / Millwall identified amongst areas of search for the delivery of a new primary school. Policy 07.3c supports the co-location and clustering of services, particularly the use of schools after hours.
- MDD Policy DM18 – *'Delivering schools and early learning'* supports the development of schools on identified sites or where a need has been demonstrated and the location is appropriate in terms of accessibility within its catchment. Paragraph 18.5 confirms that the borough's existing schools are not able to meet identified future demands.
- MDD Site allocation 18 that specifically identifies the requirement to provide a new secondary school at Westferry Printworks.

#### **Design, appearance and heritage assets**

- 10.76 Statutory tests for the assessment of planning applications affecting listed buildings or conservation areas are found in Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990. Section 66(1) relates to applications that affect a listed building or its setting. It requires the decision maker 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 72(1) relates to applications affecting a

conservation area. It states that “*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*” and also applies to development adjoining a conservation area.

- 10.77 The NPPF is the key policy document at national level, relevant to the assessment of individual planning applications. The parts relevant to heritage, design and appearance are Chapter 7 ‘*Requiring good design*’ and Chapter 12 ‘*Conserving and Enhancing the Historic Environment.*’ Matters of overall scale, massing, height and materials are legitimate concerns for local planning authorities (NPPF paragraph 59).
- 10.78 NPPF Chapter 7 explains that the Government attaches great importance to the design of the built environment. It advises that it is important to plan for high quality and inclusive design, including individual buildings, public and private spaces and wider area development schemes. Planning decisions should not seek to impose architectural styles, stifle innovation or originality, but it is proper to promote or reinforce local distinctiveness.
- 10.79 NPPF Chapter 12 relates to the implications of a development for the historic environment and provides assessment principles. It also identifies the way in which any impacts should be considered, and how they should be balanced with the benefits of a scheme.
- 10.80 NPPF Paragraph 132 confirms that in 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. Any harm or loss should require clear and convincing justification.
- 10.81 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, the approach set out in paragraph 133 is to be followed, namely 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.
- 10.82 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 134).
- 10.83 In order 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] EWHC 2847 (Admin) at paragraph 25).
- 10.84 The relevant designated heritage assets in this case are the Chapel House Conservation Area, the UNESCO Maritime Greenwich World Heritage Site and the Grade II former St Paul’s Presbyterian Church, Westferry Road.
- 10.85 The London Plan 2015 addresses the principles of good design and in appropriate locations preserving or enhancing heritage assets. This includes Policy 7.4 ‘*Local Character*’ which 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*' provides criteria for assessing such buildings defined at paragraph 7.25 as those that are substantially taller than their surroundings, cause a significant change in the skyline or are larger than the threshold sizes for applications referred to the Mayor. These all apply at Westferry Printworks.

10.86 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.*

10.87 The Plan adds that tall buildings should not impact on local or strategic views adversely and the impact of tall buildings proposed 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 by boroughs as being sensitive or inappropriate for tall buildings.

10.88 London Plan 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. London Plan Policy 7.10 '*World Heritage Sites*' states that development should not cause adverse impacts on World Heritage Sites or their settings.

10.89 The Core Strategy vision for Millwall page 123 requires new housing that will better connect with waterfronts, green spaces and areas to the south. Core Strategy 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.

10.90 These principles are followed in the MDD and Policy DM24 '*Place-sensitive design*' requires developments to be built to the highest quality standards. This



includes being sensitive to and enhancing the local character and setting of a development, and use of high quality materials.

- 10.91 MDD Policy DM26 *'Building Heights'* identifies a number of 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. The heights are expected to be lower in the Central Activity Zone and Major Centres and expected to faller even more within District Centres and areas outside town centres. This relationship is shown within MDD Figure 9:



Figure 9: Illustration showing building heights for the Preferred Office Locations and the town centre hierarchy

Figure 4. MDD Building heights and the Town Centre Hierarchy

- 10.92 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 including not creating unsuitable microclimate conditions. Tall buildings should also not adversely impact on biodiversity or civil aviation should consider public safety and provide positive social and economic benefits.
- 10.93 MDD Policy DM27 deals with *'Heritage and the Historic Environment.'* Policy DM27 (1) provides that:

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

- 10.94 MDD Site Allocation 18 says that development of Westferry Printworks site 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.

#### Analysis

- 10.95 The layout of the site is developed from establishing the key principle of introducing a new east-west route through the centre of site connecting

Millharbour and Westferry Road. The existing Millwall Dock Road would also be extended through the site to connect to the proposed east-west route as would the existing link to the Tiller Centre from Tiller Road to create a further north-south link. A new pedestrian dockside walkway would also be created along the length of the site fronting Millwall Outer Dock. The site, and the proposed layout of urban blocks, is structured by these principle routes.

- 10.96 The existing 4-storey building has a monolithic presence and the site's dereliction has resulted in a negative impact on the surrounding residential areas. No objection is raised to the demolition proposed.
- 10.97 The first construction phase includes the development parcels to the north of the proposed east west link. Phase I also includes section of basement to the west and two blocks to the west immediately north of Millwall Dock. Phase I a is for the block to the east of Phase I to the north of Millwall Dock. Phase II a is one block to the east of Phase I a to the north of Millwall Dock and Phase II b is the easternmost block fronting Millwall Dock.
- 10.98 The phasing plan would enable the delivery of the school, community centre and associated housing well ahead of the rest of the development to meet community needs.
- 10.99 The proposal to the north of the new east-west route is for two linear blocks that run along the length of the street with private/communal space to the east. To the south, the three C-shaped blocks would create an active frontage facing courtyards with a range of non-residential uses and communal amenity space. In addition, the proposals introduce four distinct rectilinear towers along the dock edge oriented N-S. The secondary school and a western block consisting of community and residential uses would be standalone blocks that serve as anchoring elements for the development.
- 10.100 Three distinct public open spaces are proposed. A West Plaza providing a strategic open space giving views through the site to the dockside and serving as a community focused open space fronted by community uses in the west block, the secondary school and the sailing club. Boulevard Gardens to the north of east-west route would act as play area for the secondary school and provide gardens for public use. An East Park would be a large open space with play and leisure uses providing the key link to the site from the east (Millharbour) and providing visual links to the dockside.
- 10.101 The masterplan proposes a legible and permeable street layout that would knit with neighbouring sites, provide large area of public open space with active frontages including along the dock edge and is strongly supported.
- 10.102 The proposed buildings to the north of the east-west route and the C-shaped blocks range in height from 4 to 6 storeys. The buildings along the dockside would be 6 to 30 storeys rising from west to east where the East London Business Alliance building rises to almost 10 storeys



**Figure 5. Proposed South elevation**



**Figure 6. Proposed view across Millwall Outer Dock**

10.103 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.

10.104 Importantly, against the development there is concern about the impact of the development in terms of micro climate, particularly wind and impact on the adjoining sailing centre that is discussed further below.

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

Policy DM26 Criteria	Assessment
<p>a. Be of a height and scale that is proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings.</p>	<p>The site is not within an area where policy supports tall buildings. This is illustrated at Figure 4 above and the proposal would bring tall buildings further south into the Island.</p> <p>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.</p> <p>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).</p> <p>If permitted, the tall building element could result in proposals for redevelopment of the sites along the dock to the east and north east.</p>
<p>b. Within the Tower Hamlets Activity Area, development will be required to demonstrate how it responds to the difference in scale of buildings between the CAZ/Canary Wharf Major Centre and the surrounding residential areas.</p>	<p>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.</p>
<p>c. Achieve high architectural quality and innovation in the design of the building, including a demonstrated consideration of its scale, form, massing, footprint, proportion and</p>	<p>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</p>

<p>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.</p>	<p>would be opened up to increase visual and physical permeability with north-south and east-west connections.</p> <p>Facing materials could be reserved by condition should permission be granted.</p>
<p>d. 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.</p>	<p>The development would not consolidate a tall building cluster but could be considered to make a positive contribution on the skyline.</p>
<p>e. Not adversely impact on heritage assets or strategic and local views, including their settings and backdrop.</p>	<p>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.</p> <p>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.</p>
<p>f. Present a human scale of development at the street level.</p>	<p>The mixture of ground floor offices, retail / restaurant units, residential entrances, school 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.</p> <p>The provision of areas of public realm would help ensure that the height of the towers would not adversely impact on the provision of development at a human scale.</p>
<p>g. Where residential uses are proposed, include high quality and useable private and communal amenity space and ensure an innovative approach to the provision of open space.</p>	<p>The scheme proposes generous private and communal amenity space.</p>

<p>h. Not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces.</p>	<p>In relation to the effect on wind at a pedestrian level within the development, the Environmental Statement Chapter 16 predicts some increases in wind speeds but mitigation landscaping measures indicate that conditions would meet the desired uses and associated Lawson comfort criteria for pedestrians and seating.</p> <p>There is concern that the development would adversely affect the Docklands Watersports and Sailing Centre, a revised Environmental Statement submitted in March 2016 predicting the effect of the completed development as '<i>adverse and significant</i>' at the north west portion of the dock.</p>
<p>i. Not adversely impact on biodiversity or open spaces, including watercourses and waterbodies and their hydrology, as well as their settings and views to and from them.</p>	<p>A biodiversity assessment and a flood risk assessment have been submitted.</p> <p>The proposals would significantly increase the provision of accessible public open space on the site. Whilst there would be some adverse impact on biodiversity, mitigation measures secured by condition would be implemented. The setting and views from existing open spaces and from the proposed open spaces on the site would be greatly improved.</p>
<p>j. Provide positive social and economic benefits and contribute to socially balanced and inclusive communities</p>	<p>The proposal includes a secondary school and community facilities and new homes (including affordable housing albeit the amount and dwelling mix are unsatisfactory), new public open space and an estimated 564 additional full time jobs.</p>
<p>k. Comply with Civil Aviation requirements and not interfere, to an unacceptable degree, with telecommunication, television and radio transmission networks.</p>	<p>National Air Traffic Services confirm the development does not conflict with safeguarding criteria and London City Airport has no objection.</p> <p>The Environmental Statement advises there would be no unacceptable interference with telecommunication, television and radio transmission networks.</p>

<p>i. Demonstrate consideration of public safety requirements as part of the overall design, including the provision of evacuation routes.</p>	<p>The applicant says that a comprehensive approach to public safety has been pursued between the relevant consultants and the design team to achieve the highest standards of public safety. The application is supported by a Fire Strategy Report and a Flood Risk Assessment and no adverse comments have been made by LFEPA or the Environment Agency. A recommended condition would require life-saving equipment along the dock edge.</p>
--	--

### Summary

- 10.106 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. Importantly however, it has not been demonstrated that the layout, location and height of the buildings would not adversely affect the operation of Docklands Watersports and Sailing Centre. It is considered further radical work needs to be undertaken to the layout and design before the development can be considered satisfactory in this regard.
- 10.107 The application is for full planning permission but a completely worked up design for the school has not been submitted. As the intention is for the Council to separately organise the procurement, construction and funding of the school, it is recommended that the school element is treated as an application for outline planning permission and a condition is imposed on any planning permission to require the approval of full details of the design.

### **Impact on surrounding residential amenity**

#### Daylight and sunlight

- 10.108 London Plan 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 said to be particularly important for tall buildings. Tower Hamlets 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.
- 10.109 Guidance on daylight and sunlight is contained in the Building Research Establishment (BRE) handbook '*Site Layout Planning for Daylight and Sunlight*' 2011. For calculating daylight to neighbouring properties, affected by a proposed development, the BRE guide emphasises that 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 massing. 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 21<sup>st</sup> March.

- 10.110 The applicant's Environmental Statement (ES) assessed the impact of the initial proposal on the sunlight and daylight impact on surrounding property. The assessment was undertaken by Anstey Horne and was independently reviewed for LBTH by Delva Patman Redler.

#### Daylight reaching neighbouring property

- 10.111 Delva Patman Redler advises that the ES analyses those neighbouring properties around the site likely to be affected by the development and are satisfied that these are the properties that need to be included. The Anstey Horne analysis includes summary tables for both VSC and daylight distribution derived from the more detailed tables in the appendices. The Tables show substantial compliance with both daylight standards but identifies properties in Wateridge Close, Claire Place, Starboard Way and Omega Close where the BRE standard is not met as a result of windows experiencing reductions in daylight of more than 20% from existing. However, it is agreed the impact on all of these properties is only minor adverse. All of the properties would be left with levels of VSC that are good for an urban location and the percentage reductions caused are primarily a factor of the current open nature of the application site as seen from these buildings. Where the daylight distribution results are not compliant, the pattern of daylight distribution in the rooms means that the practical use of the rooms would not be adversely affected.

#### Sunlight

- 10.112 The ES Chapter also includes a summary table for sunlight results derived from the more detailed tables in the Appendices. The sunlight results are compliant for most of the properties tested and the exception is only to some windows in Nos. 9 and 10 Starboard Way and No. 16 Claire Place. The ES explains the results and Delva Patman Redler agree that the impact is again only minor adverse. The impact is only to winter sunlight and the affected rooms will have very good levels of annual sunlight.

#### Sun on Ground Assessment

- 10.113 Delva Patman Redler advises that the sun on ground assessment for impact on neighbouring properties shows that the development will have little material impact on nearly all of the neighbouring gardens and amenity areas. Two gardens will be adversely affected. The impact on No. 9 Starboard Way is minor adverse. The impact on No. 10 Starboard Way is major adverse. This one garden will be left with almost no sunlight on 21<sup>st</sup> March but is already relatively poorly sunlit. It is not easy to see how this impact could easily be mitigated.
- 10.114 Within the development, the sunlight to the proposed amenity areas is very good and fully compliant with BRE standards. .



### Conclusion

- 10.115 Delva Patman Redler advises that the proposed development would have a minimal impact on daylight and sunlight amenity to neighbouring residential properties and as a result, in daylight and sunlight terms, the massing seems to be appropriate for this location.

### Privacy

- 10.116 MDD Policy DM25 '*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.
- 10.117 The four dockside residential towers would be sited apart by between some 48 m. and 58 m. Two C shaped blocks to the north would project between Towers T1 and T2 and between Towers T2 and T3. The separation distance between the towers and the residential accommodation within the C shaped blocks, and across the courtyards of the C shaped blocks, would (excluding projecting balconies) be some 22 m. The distance between the C shaped blocks and the residential buildings north of the new east-west access road would also be approximately 22 m. The separation distance between the two northern residential blocks B6 and B7 would be some 20 m. excluding projecting balconies.
- 10.118 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 residential accommodation in Omega Close and Starboard Way would also meet standards.

### **Waste**

- 10.119 Core Strategy 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. MDD 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. MDD Appendix 3 provides capacity guidelines for residential waste.
- 10.120 Comments on the submitted Waste Strategy will be provided in an Update Report.

### **Microclimate**

- 10.121 London Plan Policy 7.7 '*Tall and large scale buildings*' Part D says tall buildings should not affect their surroundings adversely in terms of microclimate and wind turbulence. MDD Policy DM24 '*Place sensitive design*' requires development to take into account impacts on microclimate. MDD Policy DM26 '*Building heights*' sets similar criteria.
- 10.122 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 in accordance with the widely accepted Lawson Comfort Criteria (LCC). Three configurations were tested which included the baseline (as existing), the completed Proposed Development with existing surroundings and the completed Proposed Development with proposed (cumulative) surroundings.

- 10.123 The results for the existing site indicate that the wind microclimate is predominantly suitable for '*standing / entrance*' use during the windiest season, with some locally windier areas suitable for '*leisure walking*', particularly to the east and north of the site.
- 10.124 The proposed development causes the wind microclimate in the vicinity of the new towers to become windier. This is due to down-drafting from the facades of the towers and channelling of winds between the buildings. The wind microclimate in proximity to the towers would mostly be suitable for '*leisure walking*' during the windiest season; however, one location in the South-East part of the site would only be suitable for '*business*' walking. These windier conditions are also associated with localised occurrences of strong winds which would potentially impede walking during the windiest times of the year and would require mitigation. Elsewhere on the site (away from the towers) the wind conditions would remain relatively calm and would be suitable for '*standing / entrance use*' or sitting during the windiest season. The new waterfront buildings would provide the area to the north of the site with additional shelter from the prevailing south-westerly winds, resulting in a calmer wind environment in this area.
- 10.125 The implementation of cumulative surrounding buildings does not change the wind microclimate significantly from the existing surrounding scenario.

#### Mitigation measures

- 10.126 The ES concludes that although the majority of the site would be suitable for its intended use, the localised occurrences of windy conditions will need mitigation measures in order to provide acceptable conditions. Given that occasional strong winds are involved, the planning authority should require proof that mitigation would be effective.
- 10.127 A comprehensive landscaping scheme is planned for the site. It is expected this would have a beneficial effect on the wind microclimate throughout the site. However, it is recommended that the scheme should incorporate hard landscaping elements or evergreen planting, particularly in the south-east part of the site, to ensure that adequate shelter is provided during the winter.
- 10.128 It is also recommended that the entrances in the vicinity of the proposed towers should be provided with additional shelter in the form of localized screening around the doorways or recessing the entrances into the buildings. Such measures would create a '*buffer zone*' of locally calm conditions outside the entrances. Alternatively, entrances could be re-located away from the windy areas. Roof-top terrace areas would benefit from having screens or soft landscaping, which should be used to create sheltered areas for seating.
- 10.129 Should the Mayor decide to grant planning permission, it is recommended that this is conditioned to require details of micro-climate wind mitigation measures for the site to be submitted and approved to ensure the development accords with the relevant standards set out in the Lawson's Comfort Criteria.

Impact on the Docklands Sailing and Watersports Centre

- 10.130 Following objections from the Docklands Sailing Centre Trust (DSCT) – reported above, the ES Chapter 17 has been revised and further wind tunnel testing has been undertaken at Southampton University using criteria supplied by DSCT. Various scenarios have been tested the most significant being:

<b>Configuration</b>	<b>Description</b>
C1	Existing buildings
C3	Phase 1 - (Buildings B04 & B07 and Towers 3 & 4 absent)
C4	Completed development as submitted
M1	Tower 1 deleted
M2	Tower 1 and building B02 deleted
M3	Masterplan retained with Buildings B03 & B04 and Towers 1, 2 3 and 4 at 25 m height
M4	Towers 1-4 moved northward to the edge of the internal road, with the courtyard blocks (B02-B04) moved southward toward the dock
M5	Variant of M4 with Towers 1-4 and courtyard blocks B02-B04 re-orientated north east and south west. The massing of the courtyard blocks required adjustment with B02 having a much reduced footprint and B04 a substantial elongation.

- 10.131 The effect of the completed development (C4) on wind climate and its effects on the sailing quality for junior and novice adult sailors would be **“Adverse and significant”** at four assessed locations in the northwest part of the dock where conditions would be ‘*challenging*’ for young or novice sailors.
- 10.132 Minor alterations to the development would not have a significant effect on the sailing area. Limiting the height of development with the same masterplan, or omitting buildings, yields a modest improvement in wind conditions.
- 10.133 It is notable that the effects of relatively low buildings are significant even when only Phase 1 if the development has been completed. The tallest building at this stage would be 13 storeys.
- 10.134 Some improvements in sailing quality result from a significant realignment of buildings. Reducing massing to a uniform height of 25 m with the same masterplan layout has a slight effect but less than the radical realignment of the buildings indicated by configuration M5.
- 10.135 The Revised ES has been publicised and re-consultation undertaken including with the DSCT. At the time of writing no further representations have been received (the GLA has requested comments by 13<sup>th</sup> April 2016).
- 10.136 Officers consider that the planning application fails to demonstrate that the development proposals would not place the important Docklands Sailing and Watersports Centre in jeopardy due to adverse effect on wind climate. This would conflict with:
- London Plan Policy 7.27 ‘*Blue Ribbon Network: ‘Supporting infrastructure and recreational use’* that requires development proposals to enhance the use of the BRN in particular proposals that that result in the loss of existing

facilities for waterborne sport and leisure should be refused, unless suitable replacement facilities are provided. Whilst the development would not involve loss of water space for sailing, it has not been demonstrated that the DSCT would be able to continue with its main activity of teaching sailing to young and novice sailors. The development proposals do not to date suggest a satisfactory remedy in terms of alternative layout or building design.

- London Plan Policy 7.30 '*London's canals and other rivers and water spaces*' that requires development alongside London's docks promote their use for water recreation.
- Tower Hamlets Core Strategy Policy SP04 '*Creating a green and blue grid*' that 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.
- Tower Hamlets MDD Policy DM12 '*Water spaces*' that 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.
- Tower Hamlets MDD Policy DM26 '*Building heights*' that 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.

10.137 The suggested wind mitigation measures within the ES outlined above are intended to ensure satisfactory conditions within the development itself and would not mitigate resultant sailing conditions within the adjoining dock.

10.138 The Sailing Centre is a unique and valuable local facility that is dependent on its dockside location. Whilst the proposed development has many positive attributes (provision of housing, a school, public open space and pedestrian facilities); officers consider the indications are that the required revisions to the scheme, in terms of layout and building heights so as to maintain satisfactory sailing conditions, would result in proposals so materially different from the current scheme as to require a fresh application for planning permission and cannot be dealt with by planning conditions applied to any permission the Mayor may decide to grant.

### **Transport, connectivity and accessibility**

10.139 The NPPF emphasizes the role transport policies have to play in achieving sustainable development and stipulates that people should have real choice in how they travel. Developments should be located and designed to 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.

10.140 The London Plan, reflecting policy in the NPPF, 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 access jobs, shops, leisure facilities and services by public transport, walking and cycling. 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.

- 10.141 MDD 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. MDD Policy DM22 ‘*Parking*’ requires developments to comply with LBTH car and cycle parking standards. In addition, 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.
- 10.142 MDD Site Allocation 18 shows walking and cycling routes running east-west and north south through the site. These are adopted in the proposed site layout.
- 10.143 The western part of the site achieves TfL public transport accessibility PTAL2, the eastern part PTAL3 (poor to moderate), making the site appropriate for residential development at the density proposed.

#### Trip generation

- 10.144 The change of use from a printworks to mixed primarily use will beneficially remove some vehicle movements, particularly HGVs, which occurred during unsocial hours. Approximately 192 surface car parking spaces would also be beneficially removed. The projected increase in person trips would affect the local public transport network, including buses, the DLR at Crossharbour and the interchange with the Jubilee Line and Crossrail at Canary Wharf.
- 10.145 There has been no reply from the DLR or London Buses following consultation. London Underground makes no comment. There is no suggestion that development on the Isle of Dogs should be restrained due to inadequate public transport capacity and the Elizabeth Line (Crossrail) is due to open shortly. The draft Isle of Dogs Opportunity Area Planning Framework recommends a future increase in the capacity of the DLR through Crossharbour.
- 10.146 The submitted Transport Assessment identifies that the predominant mode of travel to the new secondary school would be on foot or by bus, and a relatively low pupil ‘car drop off’ mode share.

#### Permeability

- 10.147 The proposals open up pedestrian and cycle permeability east – west and north - south across the site including enhancement of the dockside pedestrian walkway. This all accords with MDD Site Allocation 18.
- 10.148 The applicant has offered to execute a section 278 Agreement 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

- 10.149 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 is considered satisfactory for this development. Arrangements overall are considered satisfactory.
- 10.150 A recommended planning condition would secure a Delivery and Servicing Plan.

### School traffic

- 10.151 The proposed school would be set back from Westferry Road to allow adequate space for students at opening and closing times. A TfL PERS audit (Pedestrian Environment Review System) has been undertaken that shows much of the footway areas surrounding the site is acceptable but highlights some areas in Westferry Road and Millharbour that scored poorly. The proposal to fund a new zebra crossing and zigzag lines on Westferry Road would help in this respect.
- 10.152 The proposed school has the potential to be a major traffic attractor. Mitigation measures are required to prevent parents parking on Westferry Road. The applicant has stated that they would be prepared to fund extending double yellow line controls on Westferry Road, which would also help to control possible parking from users of the MUGAs outside of school hours. There should be staggered hours with Arnhem School. A School Travel Plan should be secured prior to the school opening.

### Car Parking

- 10.153 London Plan Policy 6.13 '*Parking*' (Minor Alterations 2016) explains the Mayor wishes to see a balance struck between promoting development and preventing excessive parking provision. Table 6.2 sets out maximum parking standards. In '*urban*' areas with PTALs 2-4 development should provide up to 1 space per unit, adequate parking for disabled people must be provided preferably on site and 1 in 5 spaces should provide an electric vehicle charging point both active and passive.
- 10.154 Core Strategy Policy SP09 (4) '*Creating attractive streets and spaces*' and MDD Policy DM22 (2) '*Parking*' require development located in areas of good PTALs or in areas of parking stress to be '*permit free*'. In areas with PTAL 1 & 2, MDD Appendix 2 allows for a maximum of 1 parking space for 3 bedroom plus units and 0.5 space for smaller units. In area 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 sq. m. of offices outside the CAZ. Spaces can be considered for health centres where supported by a Travel Plan.

- 10.155 Two entrances to the basement car park would be provided within Blocks 2 and 4 where 246 car parking spaces are proposed - a parking ratio of 0.35 spaces per dwelling. There would be 1 parking space for every wheelchair unit which equates to 72 spaces. This is all in line with the standards provided by the London Plan and the Council's MDD.
- 10.156 20% of all on-site car parking spaces would be for electric cars, with an additional 20% passive provision (for future conversion) of residential units and 10% for commercial spaces in accordance with the London Plan standards.
- 10.157 For the non-residential floor space, 16 parking spaces would be allocated in the basement all reserved for Blue Badge Holders: A1 shop (1 space), B1/ A2 offices (2 spaces), A3/A4 restaurants / drinking establishments (4 spaces i.e. 1 space per unit), resident's gym (2 spaces), site management office (2 spaces), community health care (2 spaces and crèche (2 spaces). This is considered satisfactory.
- 10.158 The applicant has agreed to submit a Car Parking Management Plan to be secured by condition. A section 106 'car free' agreement has also been offered restricting the purchase of on-street parking spaces to Blue Badge holders or beneficiaries of the Tower Hamlets Permit Transfer Scheme.

#### Cycle parking

- 10.159 The scheme would provide 238 'short stay' cycle spaces, external to the building for the use of visitors. - At least 1,444 residents' cycle parking spaces (2 per unit) would be provided in the basement or as covered spaces associated with Block 6. This would exceed London Plan Table 6.3 and LBTH minimum standards for both long and short stay spaces. A submitted plan showing the general locations for the short term spaces appears acceptable. Transportation and Highways request a condition requiring the approval of details of the type of stands and cycle stores.
- 10.160 Should the Mayor decide to grant planning permission, LBTH Highways and Transport recommends there should be a section 106 'Permit Free' agreement, a section 278 agreement to fund mitigation works to Westferry Road and the following conditions are applied:
- Details of cycle stands and stores to be submitted and approved.
  - A Car Parking Management Plan to be submitted and approved prior to first occupation.
  - A Service Management Plan for all uses to be submitted and approved prior to first occupation.
  - A Demolition / Construction Logistics Plan to be submitted and approved prior to works taking place.
  - Travel Plans for all uses to be submitted and approved prior to first occupation.

#### **Energy and sustainability**

- 10.161 The NPPF encourages developments to incorporate renewable energy and to promote energy efficiency.
- 10.162 The climate change policies in Chapter 5 of the London Plan 2015, Tower Hamlets Core Strategy Policy SP11 & MDD Policy DM29 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.

10.163 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).

10.164 MDD Policy DM29 includes the target to achieve a minimum 50% reduction in CO<sub>2</sub> emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. From April 2014, Tower Hamlets have applied a 45% carbon reduction target beyond Part L 2013 of the Building Regulations, which is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations.

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

10.166 It is considered that the energy systems within the proposed development should comply with London Plan Policy 5.6 in accordance with the following hierarchy:

- 1) Connect to existing heating or cooling networks.
- 2) Site wide CHP
- 3) Communal heating and cooling.

#### Barkantine District Heating System

10.167 The submitted Energy Strategy says the applicant has examined the potential for connecting to the Barkantine District Heating System and discussed the potential with Barkantine Heat and Power Company without success. The applicant's energy consultant (Blyth & Blyth) has identified a maximum heat demand of 10.5 MW is required for the development. However, this is considered a significant overestimation and does not correspond to Barkantine's experience with similar developments.

10.168 Based on the submitted energy assessment, the applicant has identified a site wide CHP system as the best way to provide 10.5 MW heating loads.

10.169 It is considered that additional information on the '*actual*' energy requirement of the development and on the capacity of the dedicated plant the applicant intends to design and procure should be provided prior to commencement on site. There should be a review of the ability of the scheme to connect to Barkantine energy network. This would ensure that the scheme responds appropriately to London Plan Policy 5.6 connecting to an existing system where feasible. This is considered essential in this case, the Barkantine network being located only a few metres from the development.

10.170 Construction of a proposed 7-storey building directly to the south of the Barkantine energy centre would overlook the energy centre's chimney by approximately 12 m. from the top of the Barkantine chimney. This is not supported as the proposed new building, with a north wall only 10 m. from the



energy centre, would create a shield and impact on flue gas dispersions in contravention of Core Strategy Policy SP10.4.b that requires design and construction techniques to reduce the impact of air pollution. Potential impacts on the efficiency and operation of the Barkantine Energy network is of major concern and an assessment of the impact of the building on the operation of the energy centre should be undertaken and appropriate mitigation integrated into the design. Professional practice is to have chimneys extended beyond the top of the highest buildings and a full re-routing of the Barkantine gas flues would be required if such building was erected as planned.

#### Proposed Carbon Emission Reductions

10.171 The submitted Energy Strategy broadly followed the principles of the Mayor's energy hierarchy, and seeks to focus on reducing energy demand utilising a CHP system and integration of renewable energy technologies. The current proposals are anticipated to achieve CO<sub>2</sub> emission reductions of 15.6% through Be Lean Measures, 24.78% through a CHP site wide heat network and 10.1% from a photovoltaic solar panel system (275kWp). The cumulative CO<sub>2</sub> savings would accord with MDD Policy DM29 requirements of 42.93%.

#### Carbon Offsetting

10.172 Not all developments can meet MDD Policy DM29 policy requirements. Therefore a mechanism for any shortfall to be met through a carbon offsetting contribution has been adopted. This would allow the scheme to be supported in the absence of the CO<sub>2</sub> emission reduction not being delivered on site. The Council has an adopted carbon offsetting solutions study (Cabinet in January 2016) to enable the delivery of carbon offsetting projects. Based on the current energy strategy for the site a carbon offsetting contribution of £59,058 would be appropriate for carbon offset projects. The calculation for this is as follows:

- Building Regulation compliant development would have emissions at 1582.7 tonnes/CO<sub>2</sub>
- Proposed development is at 903.3 tonnes/CO<sub>2</sub>
- 45% MDD Policy DM29 reduction would deliver a scheme at 870.49 tonnes/CO<sub>2</sub>.
- Shortfall to meet MDD Policy DM29 requirements = 32.81 tonnes/CO<sub>2</sub> x £1,800 = £59,058 offset payment.

10.173 However, it is considered the actual carbon offsetting contribution should be based on an updated energy strategy to reflect any improvements in CO<sub>2</sub> emission reductions from possible connection to the Barkantine district heating network.

#### Sustainability

10.174 MDD Policy DM29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. The interpretation of this policy is to require all non-residential to achieve BREEAM 'Excellent.' The applicant has submitted BREEAM pre-assessments which show the non-residential uses are designed to achieve BREEAM 'Excellent' and this should be secured by condition with BREEAM Final Certificates submitted to the Council within 3 months of occupation.

### Summary and securing a satisfactory development

- 10.175 The proposals seek to implement energy efficiency measures, a site wide heat network and renewable energy technologies to deliver CO2 emission reductions. Whilst these broadly meet London Plan Policy 5.6, the applicant should undertake further work to establish the ability of the scheme to connect to the existing Barkantine district heating system.
- 10.176 The Barkantine district heating system lies on the boundary of the site and whilst discussions have been held with Barkantine Heat and Power Company, the detailed design of the energy system and the required heat loads will not be available until post planning. It is recommended that updated energy modelling and a review of the ability for the scheme to connect to Barkantine energy network should be undertaken and agreed in writing by the local planning authority prior to commencement.
- 10.177 In addition, there are potential impacts on the efficiency and operation of the Barkantine energy centre due to the location of the proposed building and the impacts on the Barkantine energy centre's chimney. This is of major concern and an assessment of the impact of the proposed building on the operation of the energy centre should be undertaken and appropriate mitigation integrated into the design.
- 10.178 The current proposals fall short of the required CO2 emission reductions of MDD Policy DM29. Linking to the Barkantine network could improve reductions achievable, enabling the development to respond better to MDD Policy DM29 and reducing the required carbon offset contribution (Planning Obligations SPD).
- 10.179 The presumption is that the scheme should be served by the Barkantine district heating system unless otherwise agreed in writing with the Council.
- 10.180 If that is not feasible, the shortfall in CO2 emissions should be met from a carbon offsetting contribution (currently calculated at £59,058). With that mechanism in place, the proposals could be considered appropriate for the development and policy compliant.
- 10.181 It is recommended that arrangements are secured by conditions requiring:
- Updated district heating strategy to be agreed with the local planning including detailed information on the 'actual' energy requirement of the development and the capacity of the dedicated plant the applicant intends to design and procure,
  - Carbon offsetting to be finalised following detailed design on actual energy requirements of the development with a contribution secured by a section 106 agreement,
  - Analysis of the impact of the development on the operation of the Barkantine Energy Centre, including assessment on impacts on dispersion from the existing chimney,
  - BREEAM '*Excellent*'.

## **Air quality**

- 10.182 London Plan 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. Sustainable design and construction measures to reduce emissions from the demolition and construction of buildings are also promoted. Development should be at least *'air quality neutral.'*
- 10.183 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.
- 10.184 The submitted revised ES assesses the impact on air quality that would occur from the construction and operation of the development in terms of traffic generation, the proposed on-site energy centre emissions together with those from the Barkantine Energy Centre.
- 10.185 The ES concludes that during the construction phase, levels of airborne dust would increase. However, such increases would be infrequent and could be controlled by mitigation measures. Overall the assessment concludes that the air quality impacts arising during construction and demolition would be low following appropriate mitigation.
- 10.186 Both the estimated total building emissions and the total transport emissions are below the relevant benchmarks during the operational phase of the development and no mitigation measures need to be considered. The proposed development meets the London Plan policy requirement to be at least air quality neutral.
- 10.187 The ES is accepted. However, it identifies a need for mechanical ventilation in two flats within Block 7 that may be adversely affected by the currently proposed energy centre emissions. An appropriate condition is recommended.

## **Noise and vibration**

- 10.188 NPPF paragraph 109 includes policy requirements to prevent new development 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.
- 10.189 London Plan Policy 7.15 *'Reducing and managing noise'* seeks to reduce and manage noise and to improve and enhance the acoustic environment in the context of development proposals. The policy 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 of noise as a result of new development. Where it is not possible to achieve separation of noise sensitive development and noise sources, it is

recommended that any potential adverse effects should be controlled and mitigated through the application of good acoustic design principles.

- 10.190 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*' also requires developments not to create unacceptable levels of noise on the amenity of existing and future residents and the public realm.
- 10.191 The submitted ES includes an assessment of the potential and residual impacts on noise and vibration during demolition and construction and on completion and occupation of the development.
- 10.192 In summary, during construction, there is potential for adverse effects, dependent on the location of construction activities and the equipment being used, however such effects are to be expected for a construction site of this size, and mitigation measures can reduce noise impact effects. During the operation of the development, potential noise and vibration effects can be mitigated through the provision of mechanical ventilation to residential units and the installation of acoustic barriers for the roof plant. In addition, noise associated with deliveries can be controlled through conditions regarding delivery hours and servicing plans, and potential impacts arising from the proposed sports pitches could be controlled by conditions on operating hours. Overall the ES concludes that the proposed effects on noise and vibration are acceptable given the site's urban location.
- 10.193 Should the Mayor 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, and the operating hours of the MUGA sports pitches is controlled.

### **Contaminated land**

- 10.194 London Plan policy 5.21 '*Contaminated land*' requires appropriate measures to be taken to ensure that development on previously contaminated land does not activate or spread contamination. 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.
- 10.195 Due the former industrial uses of the site the land could be contaminated. This potential is confirmed by the ES which includes a desk based assessment of the site which identifies a history of potentially contaminative usage due to its docklands past and recent B2/B8 industrial use. Environmental Protection advises that a site investigation is required to identify any contamination and to ensure that any contaminated land is properly treated and made safe before development. A condition requiring a contamination report and associated remediation is recommended to the Mayor in accordance development plan policy should planning permission be granted.

## **Flood risk and Sustainable urban drainage (SUDS)**

### Flood risk

- 10.196 The NPPF says the susceptibility of land to flooding is a material planning consideration. The Government looks to local planning authorities to apply a risk-based approach to their decisions on development control through a sequential test. This is reflected in London Plan Policy 5.12 '*Flood Risk Management*,' and Tower Hamlets Core Strategy Policy SP04 (5) within '*Creating a Green and Blue Grid*'.
- 10.197 The Environment Agency's Flood Map shows that the site is located in Flood Zone 3 (High Risk) i.e. greater than 0.5% per annum (less than 1:200 probability a year). However, it is protected by the Thames Tidal flood defences to a 1 in 1,000 year annual (<0.1%) and mean the site is within a low risk area but at risk if there was to be a breach or the defences overtopped.
- 10.198 The Environment Agency raises no objection to the proposed development on grounds of flood risk. The Agency advises that the proposed uses are appropriate within Flood Zone 3 providing the site passes the Flood Risk Sequential Test whereby the local planning authority is satisfied that there are no alternative sites available for the development at a lower risk of flooding. A Flood Risk Assessment (FRA) is also required to ensure the development passes the Exception Test.
- 10.199 NPPF Paragraph 102 explains that 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.
- 10.200 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. A site specific FRA has been submitted with the application which the Environment Agency confirms accurately assesses the risk of flooding and demonstrates that floor levels would be above predicted flood depth and that the occupants would have safe refuge. The proposals consequently pass the Exception Test.

### Sustainable urban drainage (SUDS)

- 10.201 The London Plan provides policies regarding flood risk and drainage. Policy 5.11 '*Green roofs and development site environs*' 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 '*Sustainable drainage*' requires schemes to utilise SUDS, unless there are practical reasons for not doing so, 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.*

10.202 Core Strategy SP04 5. within ‘*Creating a green and blue grid*’ requires development to reduce the risk and impact of flooding through, inter alia, 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 run off through appropriate water reuse and SUDS techniques.

10.203 The applicant’s SUDS assessment was revised on 11<sup>th</sup> January 2016, and a revised drainage plan and strategy were also submitted. Regulation 22 Amendments to the ES were made in March 2016 and at the time of writing are subject to statutory publicity.

10.204 The revised strategy has incorporated comments made by Tower Hamlets and the GLA adopting a drainage strategy involving the use of SUDS including porous surfaces, storage tanks, living roofs and substantial areas of vegetated landscape and discharge into the Dock.

10.205 The revised drainage strategy is considered satisfactory. A condition is recommended to ensure the management and maintenance of the system for the life of the development.

### **Biodiversity**

10.206 Core Strategy 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. MDD 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).

10.207 The application site contains a number of features of significant biodiversity value, including protected species and LBAP priority habitats: including bats, the Black Redstart and Jersey Cudweed.

10.208 As the site is to be totally cleared, all the existing habitats and non-mobile species would be lost. The proposed development would cause significant adverse impacts on biodiversity, including loss of LBAP priority habitats and impact on protected species.

10.209 The Council’s Biodiversity officer considers that the proposed mitigation for protected species is sufficient to ensure no long-term adverse impacts. The

position is less clear with regard to loss of priority habitats, especially woodland and a small area of comparatively species-rich grassland. The officer is not convinced that the landscaping as currently proposed would lead to overall gains for biodiversity as required by MDD Policy DM11. To comply with this policy the losses must be more than mitigated with the replacement habitats larger and/or better than what is currently on the site. The scheme however includes three new substantial areas of public open space which could be viewed as compensation for the loss of existing area of biodiversity value.

- 10.210 Should the Mayor decide to grant planning permission, conditions are recommended to secure the proposed biodiversity measures and the safeguarding of protected species.

### **Environmental Impact Assessment**

- 10.211 The planning application represents EIA development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended). It was submitted in August 2015 accompanied by an Environmental Statement (ES) produced by Land Use Consultants (LUC). Regulation 3 prohibits the Mayor, as local planning authority, from granting planning permission without consideration of the environmental information.
- 10.212 The environmental information comprises the ES, including any further information submitted following request(s) under Regulation 22 and any other information, any representations made by consultation bodies or by any other person about the environmental effects of the development.
- 10.213 The Council appointed The Temple Group to independently examine the applicant's ES, to prepare an Initial Review Report (IRR) and to confirm whether the ES satisfies the requirements of the EIA Regulations. This is supported by reviews by the authority's internal environmental specialists. The IRR identified both clarifications and '*further information*' required under Regulation 22.
- 10.214 Following consultation on the planning application, formal amendments to the application were submitted on 14<sup>th</sup> December 2015. On 4<sup>th</sup> February 2016, the Mayor of London '*called in*' the application. In March 2016, the applicant submitted to the GLA further environmental information under Regulation 22. The GLA is now responsible to undertake statutory consultation and publicity on the amendments to the ES which was undertaken on 21<sup>st</sup> March 2016 by the Council on behalf of the GLA and included the Docklands Sailing Centre Trust. The GLA has requested comments in writing no later 13<sup>th</sup> April 2016. At its meeting on 12<sup>th</sup> April, The Committee will be provided with any new comments in an Update Report.

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

- 10.215 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 Crossrail.
- 10.216 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.

10.217 NPPF paragraph 204 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.

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

10.219 The Tower Hamlets CIL was introduced on 1<sup>st</sup> 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).

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

10.221 The introduction of the Council's CIL necessitated a review of the Council's Planning Obligation SPD 2012. The SPD was approved for public consultation by Cabinet on 8<sup>th</sup> April 2015 that was carried out between the 27<sup>th</sup> April 2015 and the 1<sup>st</sup> June 2015. Although the SPD has not finally been adopted, the borough's four main priorities are:

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

10.222 The borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

10.223 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.



10.224 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:-

1. The infrastructure required by the Council's Managing Development Document on the Wood Wharf, **Westferry Printworks**, Bishopsgate Goods Yard and London Dock sites.
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.

10.225 Requirements in the Local Plan Managing Development Document at Westferry Printworks are thus excluded from the Regulation 123 List by Exception 1. Consequently, it is appropriate to secure section 106 obligations towards anything that is required by the MDD, shown within Site Allocation 18. This includes the provision of the public open spaces and walking and cycling routes within the development together with consequences. Given the proposals necessitate improvements to bus services on Westferry Road and to expand local cycle-hire docking stations, it is considered appropriate to seek section.106 financial contributions to fund these off-site to achieve what is proposed by the MDD.

10.226 Should the Mayor decide to grant planning permission, paragraph 1.12 above in the 'RECOMMENDATIONS' section of this report provides a set out Heads of Agreement concerning matters that officers consider should be included in an agreement under section 106 of the Town and Country Planning Act that the Mayor may execute with the Developer. It is considered that these meet the CIL Regulation 122 tests being necessary to make the development acceptable in planning terms, 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 emerging Tower Hamlets Planning Obligations SPD 2015.

### **Other Local finance considerations**

10.227 Section 70(2) of the Planning Act provides that in dealing with a planning application a local planning authority shall have regard to:

- The provisions of the development plan, so far as material to the application;
- Any local finance considerations, so far as material to the application; and
- Any other material consideration.

10.228 Section 70(4) defines “*local finance consideration*” as:

- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

In this context “*grants*” include the New Homes Bonus Scheme (NHB).

10.229 NHB was introduced by the Government in 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The NHB is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. The grant matches the additional council tax raised by the Council for each new house built for each of the six years after that house is built. This is irrespective of whether planning permission is granted by the Council, the Mayor of London, the Planning Inspectorate or the Secretary of State.

10.230 If planning permission is refused for the current Westferry Printworks proposal the NHB would not be received but would be payable were the Mayor to grant permission or an alternative development involving new housing was consented should the NHB scheme remain in operation.

10.231 Using the DCLG’s New Homes Bonus Calculator, this development, if approved, would generate some £1,059,896 in the first year and £6,359,376 over 6 years.

### **Human rights Act 1998**

10.232 Section 6 of the Act prohibits authorities (including the Council and in this case the Mayor of London as local planning authority) 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.

10.233 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**

10.234 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 and representations to the Mayor. 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.

10.235 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 to inform the Mayor of London that planning permission for the Westferry Printworks development should be refused for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS and the details set out in the RECOMMENDATIONS at Section 3 of this report.

Planning Application Site Map  
PA/15/02216



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	
 Consultation Area	 Statutory Listed Buildings	0 200 m	

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.  
© Crown copyright and database rights 2016 Ordnance Survey, London Borough of Tower Hamlets 100019288

## APPENDIX 1

### Recommended Conditions and Informatives

Should the Mayor decide to grant planning permission, it is recommended that this be subject to the following conditions and informatives:

#### Conditions

1. No development of the school shall commence on site until details of the following matters have been submitted to and approved in writing by the local planning authority:
  - a) The scale of the development;
  - b) The layout of the development;
  - c) The external appearance of the development including facing materials;
  - d) The landscaping of the development
  - e) The means of access.
2. Application for the approval of all of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this permission.
3. The development of the school shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development of Phases 1 and 2 (other than the school) shall be begun within 3 years from the date of this permission.
5. The development shall be undertaken in accordance with the approved plans.
6. Details including samples of facing materials, including windows, balustrades and balcony screening to be submitted and approved.
7. Life-saving equipment to be installed alongside the edge of Millwall Outer Dock.
8. Historic cranes and mooring points alongside Millwall Outer Dock within the site to be retained.
9. Details of micro-climate wind mitigation measures for the site to be submitted and approved. The mitigation measures shall ensure the development accords with the relevant standards set out in the Lawson's Comfort Criteria. Development shall be carried out in accordance with the approved details.
10. Prior to the commencement of works on site, a revised hard and soft landscaping scheme for the site showing full details of biodiversity mitigation and enhancement shall be submitted to the local planning authority and approved in writing. Works shall be undertaken in accordance with the approved details. The submitted scheme shall include:
  - Details of bat boxes to be installed in those trees to be retained on site.
  - Details of the proposed timing and method of demolition to avoid harm to protected species.
  - Details of the proposed timing of vegetation clearance to avoid harm to breeding birds,
  - Details of a proposals to retain a viable population of Jersey Cudweed on the site

- Details of biodiverse roofs
  - A minimum of 0.28 hectares of predominantly native tree and shrub planting
  - Details of external lighting
  - Details of all gates, walls and fences including boundary treatments
11. All new hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first planting and seeding seasons following the occupation of the buildings on each phase or in accordance with a programme agreed with the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development on each plot die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
  12. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens / balconies / terraces, shall be submitted to and approved in writing by the local planning authority prior to the occupation of each phase of the development. The landscape management plan shall be carried out as approved.
  13. Prior to works commencing on site, an updated district heating strategy shall be submitted to the local planning authority and agreed in writing. The submitted strategy shall including information on the 'actual' energy requirement of the development, the capacity of the proposed dedicated plant and feasibility of connecting to the Barkantine network.
  14. Prior to works commencing on site, analysis of the impact of the proposed development on the operation of the Barkantine Energy Centre, including assessment on impacts to the dispersion from the existing chimney, and remedial measures, shall be submitted to the local planning authority and approved in writing.
  15. Within 6 months of occupation of the non-residential parts of development the developer shall submit final BREEAM certificates to demonstrate achievement of the BREEAM 'Excellent' rating.
  16. Submission and approval of a Piling Method Statement.
  17.
    - A. No phase of the development other than demolition to existing ground level shall take place until the developer has secured the implementation of a programme of archaeological evaluation in accordance with a written scheme which has been submitted by the applicant and approved by the local planning authority in writing and a report on that evaluation has been submitted to the local planning authority.
    - B. If heritage assets of archaeological interest are identified by the evaluation under Part A, then before development, other than demolition to existing ground level, commences the developer shall secure the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted to and approved by the local planning authority in writing.
    - C. No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part B.
    - D. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance

- with the programme set out in the Written Scheme of Investigation approved under Part B, and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.
18. Ground decontamination – investigation and remediation.
  19. The revised Sustainable Urban Drainage Strategy shall be implemented prior to occupation of the buildings and thereafter maintained for the life of the development.
  20. Submission and approval of a signage strategy.
  21. A minimum of 10% of the housing measured by habitable rooms shall either be wheelchair accessible or wheelchair adaptable and shall be maintained as such for the life of the development.
  22. Retention of car parking spaces including disabled spaces for the duration of the development. No car parking spaces shall be rented or leased to non-residents.
  23. Car electrical charging points to be provided and retained (20% active 20% passive).
  24. All approved cycle parking facilities to be retained and maintained for their approved use for the life of the development.
  25. Details of the bicycle stores and the proposed type of cycle stand to be submitted and approved.
  26. The submission and approval of details of acoustic glazing and ventilation. Mechanical ventilation shall be installed in all units that the submitted Air Quality Assessment states may be adversely affected by the energy centre emissions.
  27. Development shall not be occupied until an agreement under section 278 of the Highways Act has been executed with the highway authority to secure essential works to the public highways.
  28. Prior to first occupation the submission and approval of a Car Parking Management Plan. The approved plan to be implemented and maintained for the life of the development.
  29. Prior to first occupation the submission and approval of separate Travel Plans for the school and the rest of the development. The approved plans to be implemented and maintained for the life each part of the development.
  30. Prior to first occupation the submission and approval of a Delivery and Service Management Plan for all land uses. The approved plan(s) to be implemented and maintained for the life of the development.
  31. Prior to development commencing on site the submission and approval of a Construction Management and Logistics Plan (to include a Site Waste Management Plan and a Water Freight Feasibility Study. Development to be undertaken in accordance with the approved plan.
  32. Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by the local planning authority. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.
  33. Development should not be commenced until an impact study of the existing water supply infrastructure has been submitted to, and approved in writing by, the local planning authority. The study should determine the magnitude of any new additional capacity required in the system and a suitable connection point.
  34. Details of extraction systems for Class A3 (Restaurant/ café) and Class A5 (Hot food take-away) uses to be submitted and approved. Development to be undertaken in accordance with the approved details.

35. The noise level emitted from all plant/machinery/equipment shall be lower than the lowest existing background noise level by at least 10 dBA assessed according to BS4142:2012 at the most affected noise sensitive premises with all noise sources operating together at maximum capacity.
36. Hours of use of the sports pitches and MUGAs to be limited to between 10.00 am and 08.00 pm on any day.
37. Control over the use of communal roof terraces to protect residential amenity.
38. Secured by Design certification.
39. Hours of operation of Class A3 (Restaurant/ café) and Class A4 (Drinking establishment), D1 (Non-residential institution) uses shall not take place other than between the hours of: 08.00 - 24.00 Mondays – Saturdays and 10.00 – 23.00 Sundays.
40. Removal of permitted development rights from A1 (Shop) to A3 (Restaurant / café).
41. Hours of construction (08.00 am until 17.00 pm Monday to Friday; 08.00 am until 13:00 pm Saturday. No work on Sundays or Bank Holidays).
42. Impact piling limited to 10.00 am to 4.00 pm.
43. School hours, other than after school activities, to be staggered by 30 minutes from Arnhem Wharf Primary School.

#### Informatives

- 1) Subject to section 106 agreement.
- 2) Subject to section 278 agreement.
- 3) Mayoral CIL liable.
- 4) Groundwater Risk Management Permit required from Thames Water.
- 5) There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. Please contact Thames Water Developer Services, Tel. No: 0800 009 3921 for further information.
- 6) Consultation with Thames Water regarding the Piling Method Statement.
- 7) Written schemes of archaeological investigation should be prepared and implemented by a suitably qualified archaeological practice in accordance with Historic England Greater London Archaeology guidelines and approved by the planning authority before any on-site development activity occurs.
- 8) Protected species – black redstarts and bats.
- 9) Licence from Natural England required to allow the destruction of the existing Jersey Cudweed populations.
- 10) Consultation with the London Borough of Tower Hamlet's Biodiversity Officer regarding details of all biodiversity mitigation and enhancement measures
- 11) If during construction, cranes or scaffolding is required at a higher elevation than that of the planned development, then their use must be subject to consultation with London City Airport.
- 12) Compliance with Part II of the London Building Acts (Amendment) Act 1939 in order to obtain official postal addresses.
- 13) The developer should refer to the current "Code of Practice for Works affecting the Canal & River Trust" to ensure that any necessary consents are obtained and consult with the Trust regarding the discharge of surface water run-off into Millwall Dock.



- 14) Before works commence on site, the developer should contact National Grid, Plant Protection, Brick Kiln Street, Hinckley LE10 0NA.
- 15) Consultation with the London Borough of Tower Hamlet's School Travel Advisor (John Rymell [john.rymell@towerhamlets.gov.uk](mailto:john.rymell@towerhamlets.gov.uk)) regarding the preparation of the required School Travel Plan.

Any other conditions or informatives considered necessary by the Corporate Director Development Renewal.