

Thameside West, Silvertown

in the London Borough of Newham

planning Application no. 18/03557/OUT

Planning Application

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008 (“the Order”) and Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The proposal

A hybrid planning Application comprising:

1. Detailed planning application for Phase 1 with works to include the proposed demolition of existing buildings and structures, and the erection of buildings, including tall buildings, comprising 401 residential units (Use Class C3) including 195 affordable units (46% by habitable room); 3,608 sq.m. (GEA) of flexible employment floorspace (Use Classes B1b, B1c, B2 (restricted) and B8); 230 sq.m. (GEA) of flexible retail floorspace (Use Classes A1-A4); a new/altered access road from Dock Road/North Woolwich Road; new streets, open spaces, landscaping and public realm; car, motorcycle and bicycle parking spaces and servicing spaces; and other works incidental to the proposed development.

2. Outline planning application (all matters reserved) for the phased delivery of the balance of the site for the proposed demolition of existing buildings and structures; the erection of buildings, including tall buildings, comprising a new local centre; a primary school (Use Class D1); residential units (Use Class C3); flexible employment floorspace (Use Classes B1b, B1c, B2 (restricted) and B8); flexible employment floorspace (Use Classes B1c, B2 and B8); flexible retail floorspace (Use Classes A1-A4); community and leisure floorspace (Use Classes D1 and D2); the construction of a new flood defence wall and delivery of ecological habitat adjacent to the River Thames and associated infrastructure; streets, open spaces, landscaping and public realm (including new park and SINC improvements); car, motorcycle and bicycle parking spaces and servicing spaces; utilities including energy centre and electricity substations; and other works incidental to the proposed development.

The Applicants

The Applicants are **Silvertown Homes Ltd (SHL)** and **Greater London Authority Land and Property Ltd (GLAP)**, and the architects are **Foster & Partners, John McAslan & Partners**, and **Patel Taylor**.

Recommendation summary

The Deputy Mayor for Planning, Regeneration & Skills, acting under delegated authority as Local Planning Authority for the purpose of determining this Application;

- i. grants conditional planning permission in respect of application 18/03557/OUT for the reasons set out in the reasons for approval section below, and subject to the prior completion of a section 106 legal agreement;
- ii. delegates authority to the Head of Development Management or the Executive Director of Good Growth to:
 - a. attach, add, delete or vary, the final detailed wording of the conditions and informatives, with any material changes being referred back to the Deputy Mayor;
 - b. negotiate, agree the final wording, sign, execute and complete the section 106 legal agreement; and
 - c. issue the planning permission.
- iii. delegates authority to the Head of Development Management or the Executive Director of Good Growth to agree any variations to the proposed heads of terms for the section 106 legal agreement;
- iv. delegates authority to the Head of Development Management or the Executive Director of Good Growth to refer it back to the Deputy Mayor in order to refuse planning permission, if by 5 November 2020, the section 106 legal agreement has not been completed;
- v. notes that the approval of Reserved Matters pursuant to the outline component of the planning permission would be submitted to, and determined by the Deputy Mayor; unless following submission of Reserved Matters the Deputy Mayor directs the Council to determine the Reserved Matters application.
- vi. notes that approval of details pursuant to conditions imposed on the planning permission will be submitted to, and determined by Newham Council;
- vii. notes that Newham Council will be responsible for the enforcement of the conditions attached to the planning permission.

Drawing numbers and documents

Table 1 - drawings and associated documentation submitted by the Applicants in support of the Application

Proposed drawings
<p>Existing:</p> <p>OS Site Location Plan A-LO-011-XX-01 Rev 00</p> <p>Site Levels A-EXSL-001-00-01 Rev 00</p> <p>Site Sections 30.11.2018 REV F</p> <p>Site Plan and Roof Heights A-EXSL-011-XX-01 Rev 00</p> <p>Outline Application:</p> <p>Proposed Demolition Plan A-DEM-001-XX-01 Rev 00</p> <p>Phasing Plan A-SL-011-xx-13 Rev 05</p> <p>Parameter Plan 01: Extent of Outline and Full/Detailed Areas A-SL-011-XX-01 Rev 00</p> <p>Parameter Plan 02: Development Zones A-SL-011-XX-01 Rev 02</p> <p>Parameter Plan 03: Horizontal Deviation Limit A-SL-011-XX-03 Rev 03</p> <p>Parameter Plan 04: Maximum Height Limit A-SL-011-XX-04 Rev 04</p> <p>Parameter Plan 05: Access and Circulation Plan A-SL-011-XX-05 Rev 04</p> <p>Parameter Plan 05a: Vehicular Access A-SL-011-XX-05A Rev 03</p> <p>Parameter Plan 05b: Pedestrian and Cycle Access A-SL-011-XX-05B Rev 02</p> <p>Parameter Plan 06: Landscape Treatment Plan A-SL-011-XX-06 Rev 03</p> <p>Parameter Plan 07: Proposed Site Levels A-SL-011-XX-07 Rev 02</p> <p>Parameter Plan 08: Proposed Site Lower Ground Levels & Horizontal Deviation Limit A-SL-011-XX-08 Rev 04</p> <p>Parameter Plan 09: Principle Uses at Entry Level A-SL-011-XX-09 Rev 04</p> <p>Parameter Plan 10: Principle Uses at First Floor Level A-SL-011-XX-10 Rev 03</p> <p>Parameter Plan 11: Principle Uses at Typical Upper Floor Level A-SL-011-XX-11 Rev 02</p> <p>Detail – Phase 1:</p> <p>Site Location Plan 2018-JMP-P1-XX-DRA- 0001 Rev P04</p> <p>Phase 1 Site Plan 2018-JMP-P1-XX-DRA-0010 Rev P04</p> <p>Proposed Ground Floor Plan (temporary condition) 2018-JMP-P1-GF-DR-A-3000 Rev P06</p> <p>Proposed Ground Floor Plan (emerging masterplan context) 2018-JMP-P1-GFDR-A-3010 Rev P06</p> <p>Proposed Mezzanine Floor Plan 2018-JMP-P1-M1-DR-A-3110 Rev P06</p> <p>Proposed First Floor Plan 2018-JMP-P1-01-DR-A-3210 Rev P06</p> <p>Proposed 2nd to 11th Floor Plan 2018-JMP-P1-02-DR-A-3300 Rev P02</p> <p>Proposed 12th and 13th Floor Plan 2018-JMP-P1-14-DR-A-3400 Rev P01</p> <p>Proposed 14th Floor Plan 2018-JMP-P1-14-DR-A-3500 Rev P03</p> <p>Proposed 15th Floor Plan 2018-JMP-P1-14-DR-A-3510 Rev P1</p> <p>Proposed 16th and 17th Floor Plan 2018-JMP-P1-16-DR-A-3600 Rev P03</p> <p>Proposed 18th Floor Plan 2018-JMP-P1-18-DR-A-3700 Rev P03</p>

Proposed 19th Floor Plan 2018-JMP-P1-19-DR-A-3800 Rev P03
Proposed Roof Plan 2018-JMP-P1-RFDR-A-3900 Rev P03
Southwest Elevation 2018-JMP-P1-SWDR-A-4000 Rev P05
Northeast Elevation 2018-JMP-P1-NEDR-A-4200 Rev P05
Northwest Elevation 2018-JMP-P1-NWDR-A-4300 Rev P05
Southeast Elevation 2018-JMP-P1-SEDR-A-4400 Rev P05
Building A Northwest Elevation 2018-JMP-1A-NW-DR-A-4500 Rev P05
Building B Southeast Elevation 2018-JMP-1B-SE-DR-A-4600 Rev P05
Building A Cross Section AA 2018-JMP-1A-AA-DR-A-5000 Rev P03
Building B Cross Section BB 2018-JMP-1B-BB-DR-A-5100 Rev P03
Buildings A and B Long Section CC 2018-JMP-P1-CC-DR-A-5200 P03
Building B Bay 01 Entrance 2018-JMP-1B-NW-DR-A-6000 Rev P04
Building B Bay 02 2018-JMP-1B-SWDR-A-6100 Rev P04
Building B Bay 03 2018-JMP-1B-SWDR-A-6200 Rev P04
Building B Bay 05 2018-JMP-1B-SWDR-A-6400 Rev -
Building B Bay 06 2018-JMP-1B-SWDR-A-6500 Rev -

Landscape drawings (Detail – Phase 1):

522-PT-MP-TYP-DR-L-PL-1011_Rev PL1
522-PT-MP-TYP-DR-L-PL-1013_Rev PL1
522-PT-MP-TYP-DR-L-PL-1001_Rev PL1
522-PT-MP-TYP-DR-L-PL-1002_Rev PL1
522-PT-MP-TYP-DR-L-PL-1991_Rev PL1

Masterplan Landscape Drawings (for Information):

522-PT-MP-TYP-DR-L-PL-1001_Rev P21
522-PT-MP-TYP-DR-L-PL-1002_Rev P08
522-PT-MP-TYP-DR-L-PL-1005_Rev P09
522-PT-MP-TYP-DR-L-PL-1009_Rev P10
522-PT-MP-TYP-DR-L-PL-1010_Rev P06
522-PT-MP-TYP-DR-L-PL-1011_Rev P08
522-PT-MP-TYP-DR-L-PL-1019_Rev P10
522-PT-MP-TYP-DR-L-PL-1021_Rev P06
522-PT-MP-TYP-DR-L-PL-1027_Rev P07
522-PT-MP-TYP-DR-L-PL-1028_Rev P07
522-PT-MP-TYP-DR-L-PL-1038_Rev P02
522-PT-MP-TYP-DR-L-PL-1039_Rev P02
Landscape GF/Mezzanine – Long Term 522-PT-MP-TYP-DR-L-PL-1013 Rev P09
Landscape GF – Short Term 522-PTMP-TYP-DR-L-PL-1014 Rev P10
Landscape 1st Floor – Podium level 522-PT-MP-TYP-DR-L-PL-1016 Rev P09
Landscape Roof Level 522-PT-MP-TYP-DR-L-PL-1017 Rev P07
Play Allocation 22-PT-MP-TYP-DR-L-PL-1031 Rev P08

Landscape Urban Greening Factor – 522-PT-MP-TYP-DR-L-PL-1006 Rev P16
Landscape SINC Areas - 522-PT-MPTYP-DR-L-PL-1007 Rev P10
Landscape - 522-PT-MP-TYP-DR-L-PL-1008 Rev P10
Landscape Riverwall Strategy - 522-PTMP-TYP-DR-L-PL-1025 Rev P08
Landscape Hardscape Strategy - 522-PT-MP-TYP-DR-L-PL-1018 Rev P07
Landscape Softspace Strategy - 522-PT-MP-TYP-DR-L-PL-1020 Rev P12
Landscape - 522-PT-MP-TYP-DR-L-PL-1030 Rev P10

River Wall drawings:

Proposed Site Plan CW5210 Rev 01
Sections CW5211 to CW5223 Rev 00

Supporting documents

Schedule of Accommodation (May 2020)
Updated Schedule of Accommodation (June 2020)
Design and Access Statement (Volume 1: Outline) (May 2020)
Design and Access Statement (Volume 2: Phase 1) (December 2018)
Design and Access Statement (Volume 2: Phase 1) Addendum (June 2019)
Design and Access Statement (Volume 2: Phase 1) Addendum (May 2020)
Design and Access Statement (Volume 3: Design Codes) (May 2020)
Fosters + Partners Planning Revision Tracker (May 2020)
Planning Statement (December 2018)
Addendum Planning, Density Management & Employment Re-Provision Statement (May 2020) (as amended by covering letters dated 28 June and 20 July 2020)
Statement of Community Involvement
Statement of Community Involvement Update Letter (May 2019)
Social Values Report (May 2020)
Environmental Statement (Volume 1: Main Report) (December 2018)
Environmental Statement Addendum (Volume 1: Main Report) (May 2020)
Environmental Statement (Volume 2: Part 1) (December 2018)
Environmental Statement Addendum (Volume 2: Part 1) (May 2020)
Environmental Statement (Volume 2: Part 2) (December 2018)
Environmental Statement Addendum (Volume 2: Part 2) (May 2020)
Environmental Statement (Volume 3: Technical Appendices) (December 2018)
Environmental Statement Addendum (Volume 3: Technical Appendices) (May 2020)
Environmental Statement Non-Technical Summary (NTS) (December 2018)
Environmental Statement Addendum Non-Technical Summary (NTS) (May 2020)
Environmental Statement Letter of Conformity (June 2020)
Tall Building Justification Statement (December 2018)
Tall Building Justification Statement (May 2019)
Independent Tall Buildings Statement (December 2018)
Independent Tall Buildings Statement Letter of conformity (May 2020)

Energy and Sustainability Statement (including BREEAM and Overheating Analysis) (December 2018)
Energy and Sustainability Statement Addendum (May 2020)
Light Within Report (December 2018)
Light Within Report Letter of conformity (May 2020)
Access Statement (May 2020)
Population Modelling Report (December 2018)
Population Modelling Report Letter of conformity (May 2020)
Employment Floorspace Re-provision Statement (December 2018)
Economic Development Statement (December 2018)
Economic Development Statement Letter of conformity (May 2020)
Community Facilities Statement (December 2018)
Community Facilities Statement Letter of conformity (May 2020)
River Wall Structural Survey (December 2018)
River Wall Structural Survey Letter of conformity (May 2020)
Safeguarded Wharf Report (December 2018)
Safeguarded Wharf Report Letter of conformity (May 2020)
Aviation Safeguarding Assessment (May 2020)
Aviation Safeguarding Assessment – Elevated Wildlife Hazard Risk Assessment (December 2018)
Aviation Safeguarding Assessment – Elevated Wildlife Hazard Risk Assessment Letter of conformity (May 2020)
Demolition Method Statement (December 2018)
Demolition Method Statement Letter of conformity (May 2020)
Piling Impact Assessment (December 2018)
Piling Impact Assessment Letter of conformity (May 2020)
Code of Construction Practice (December 2018)
Code of Construction Practice Letter of conformity (May 2020)
Transport Assessment (December 2018)
Transport Assessment Addendum (June 2019)
Transport Assessment Addendum (May 2020)
Construction Logistics Plan (December 2018)
Construction Logistics Plan Addendum (May 2019)
Construction Logistics Plan Letter of conformity (May 2020)
Site Wide Delivery and Servicing Management Plan (December 2018)
Site Wide Delivery and Servicing Management Plan Addendum (May 2020)
Arboricultural Survey and Impact Assessment (May 2019)
Arboricultural Survey and Impact Assessment Letter of conformity (May 2020)
Below Ground Drainage Strategy Phase 1 (May 2019)
Below Ground Drainage Strategy Letter of conformity (May 2020)
Masterplan and Phase 1 Outline Fire Strategy (December 2018)
Masterplan Outline Fire Strategy Letter of conformity (May 2020)
Phase 1 Fire Strategy (May 2020)

Density Management Plan (December 2018)
Phase I Geoenvironmental & Geotechnical Assessment (June 2019)
Affordable Housing Statement (January 2019)
Affordable Housing Statement Addendum (May 2020)
Affordable Housing Statement Addendum 2 (June 2020)
Financial Viability Assessment (January 2019)
Viability Addendum Note (May 2019)
Viability Addendum Note (June 2019)
Viability Addendum Note (May 2020)
Circular Economy Statement (July 2020)
Whole Life Carbon Statement (July 2020)

Introduction

1 Having assumed authority to determine this planning Application, this report sets out the matters that the Deputy Mayor for Planning, Regeneration and Skills (acting under delegated authority) must consider in determining whether to grant or refuse planning permission and to guide his decision making at the upcoming representation hearing. This report includes a recommendation from GLA officers, as set out below.

Officer recommendation - reasons for approval

2 The Deputy Mayor, acting under delegated powers and acting as the local planning authority, has considered the particular circumstances of this Application against national, strategic and local planning policy, relevant supplementary planning guidance and all material planning considerations. He has also had regard to Newham Council's Strategic Development Committee Report dated 12 November 2019 (as updated by Newham Council's Strategic Development Committee Update Report), the draft decision notice setting out fifteen Reasons for Refusal and all consultation responses and representations made on the case both to Newham Council and the GLA. The below reasons set out why this Application is acceptable in planning policy terms:

- i. The proposed masterplan-led approach to the comprehensive redevelopment of an historically under-utilised, brownfield, riverfront, Opportunity Area Site, including public sector land; would deliver a well-designed, optimised, mixed-use scheme next to a new DLR station. The scheme would provide homes, jobs and employment training, a new local centre, community infrastructure, and significant areas of new and improved green infrastructure, including a 1km section of riverside walkway as part of the Thames Path. The masterplan successfully integrates the scheme with the wider area, reinforcing communities, and contributing to achieving convergence and resilience. It provides a good relationship with immediate surrounding uses in line with Agent of Change principles. The phasing of the masterplan appropriately responds to the expected progress of land handback of the Site subsequent to the construction of the Silvertown Tunnel; the potential removal of safeguarding of Thames Wharf; and the delivery of transport and social infrastructure. On this basis, the Application accords with the NPPF; Policy 1.1 of the London Plan; Policies SD1, D2, D3, S1, S2, S3, S4, and S5 of the Intend to Publish London Plan; and Policies S1, S3, S4 and INF9 of the Newham Local Plan.

- ii. The proposed development demonstrates Good Growth principles by building a strong, healthy and inclusive community; making the best use of the Site; delivering the homes Londoners need; growing the economy; and increasing efficiency and resilience. The phasing of the masterplan provides for the delivery of the required transport and social infrastructure when needed, and restricts development until it is delivered. Planning obligations would restrict development beyond 1,700 new homes prior to completion of the new DLR station, to which the development would contribute £9M. The development would deliver a new four-form entry Primary school, with temporary provision for earlier phases; contribute £13.7M to Secondary school provision; £9.6M to health infrastructure; deliver new community infrastructure space; and provide significant areas of green infrastructure. The development would also contribute approximately £30.8M of Borough Community Infrastructure Levy (CIL) and £7.9M of Mayoral CIL. On this basis, the Application accords with the NPPF; Policy 1.1 of the London Plan; Policies SD1, D2, D3, S1, S2, S3, S4, and S5 of the Intend to Publish London Plan; and Policies S1, S3, S4 and INF9 of the Newham Local Plan.
- iii. The proposed development introduces residential uses into a Strategic Industrial Location (SIL), and the application has therefore been advertised as a departure from the development plan. The proposals take a masterplan-led approach with managed release and re-provision of high-quality industrial capacity, through intensification of SIL-type space in a standalone building; and lighter industrial uses in a co-location approach beneath residential uses, which is in line with Intend to Publish London Plan Policies E4, E5 and E7 and Secretary of State Directions. However, Policy 2.17 of the London Plan states that proposals in SIL should be refused unless they fall within the broad industrial type activities appropriate to the function of the SIL, except where they are part of a strategically co-ordinated process of SIL consolidation through an opportunity area planning framework or borough development plan document (with a co-ordinated masterplanning approach not mentioned). As such, whilst the proposals would comply with emerging development plan policies, it is clear that the proposed development does not accord with adopted London Plan Policy 2.17, and the associated Policies J1 and J2 of the Newham Local Plan. Noting the Secretary of State (SoS) Direction, the adopted policies are to be given more weight at this time and, as such, the proposal is considered to be a departure from the development plan.
- iv. The proposed development would provide up to 5,000 residential units, of which 39% by habitable room, (34% by unit), would be secured as affordable housing, increased from 37% by habitable room (32.5% by unit) at Committee. This would include a policy compliant tenure mix, made up of London Affordable Rent and London Shared Ownership units. As this does not meet the 50% threshold level for former industrial sites, the application has been considered under the Viability Tested Route. GLA officers are satisfied that the affordable housing is the maximum viable level at this time. Early stage, lack of progress and mid-term viability reviews would allow any surplus to be used to provide additional affordable units on-site. A late-stage viability review (on 90% occupation) would allow any surplus to be used for off-site affordable housing. The affordability levels comply with policy requirements and would be secured by legal agreement. The proposed development therefore supports convergence, community cohesion, and mixed and balanced communities. On this basis, the Application accords with the NPPF; London Plan Policies 3.10, 3.11, 3.12 and 3.13; Intend to Publish London Plan Policies H4, H5, H6, and H7; Policies H1

and H2 of the Newham Local Plan; and the Mayor's Affordable Housing and Viability SPG

- v. The proposed development introduces residential uses adjacent to industrial uses (within a SIL) and a late-night licenced venue; however, the relationship between these uses is nonetheless in line with Agent of Change principles (and has been improved in this respect since Committee), including appropriate mitigation, and would not negatively impact on the successful ongoing operation of industrial or licenced venue uses. On this basis, the Application accords with the NPPF; Policies 2.17, 4.1 and 4.4 of the London Plan; Policies D13, E4, E5 and E7 of the Intend to Publish London Plan; and Policies S1, S3, S4, J1, J2 and SP8 of the Newham Local Plan.
- vi. The proposed development incorporates an appropriate response to the possibility of Thames Wharf remaining safeguarded. The Operational Works Consent secured a wharf reactivation strategy should wharf safeguarding not be removed, including planning applications to enable the wharf to operate. Planning obligations are proposed to restrict development of any Phase until the Operational Works Consent has been completed on the land on which that Phase is to be carried out; and restrict development in phases 5-11 on the safeguarded wharf until the removal of any such safeguarding designation. Sufficient infrastructure is secured for earlier phases, including control of the timing of contributions to ensure this. A planning obligation/condition secures that no works within Phase 4 takes place until air quality, noise, lighting and highways assessments relating to retained Thames Wharf are undertaken, should the safeguarding be retained. Subject to securing this approach through planning obligations and conditions, the Application accords with the NPPF; London Plan Policies 7.26, 5.17, 5.18 and 5.20; Intend to Publish London Plan Policies SI15, SI8, and SI10; and Policies S1, S3, S4, J2, INF1 and INF9 of Newham's Local Plan.
- vii. The proposed height, scale and massing of up to approximately 26 storeys is appropriate considering the Site is identified as suitable for tall buildings; the existing and emerging context of tall buildings; the masterplanning approach of this very large Site with an extensive river frontage; the contribution of tall buildings to wayfinding in an area fragmented by transport infrastructure; the significant infrastructure provision being provided, including extensive areas of open space; and the distinct spatial separation from neighbouring development (with sufficient links provided by the proposals) due to surrounding transport infrastructure, which means that the tall buildings proposed would have very limited impacts on surrounding amenity. The massing and layout would allow physical and visual permeability through the Site by the creation of substantial areas of new public open space. Subject to the proposed mitigation, no harm would be caused to the significance of heritage assets. The massing of the Phase 1 element has been reduced since consideration at Committee, and has been rigorously assessed in terms of environmental impacts, which are acceptable subject to the proposed mitigation. The Design Code and Parameter Plans are sufficient to support the height, scale and massing for the outline phases, which will be assessed in detail at Reserved Matters stage. On this basis, the Application accords with the NPPF; London Plan Policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8 and 7.10; Policy D1, D2, D3, D4, D5, D6, D7, D8, D9, HC1 and HC2 of the Intend to Publish London Plan; and Policies S1, S3, S4, SP1, SP2, SP3, SP4 and SP5 of the Newham Local Plan.

- viii. The proposed development would not unacceptably reduce the level of daylight and sunlight to neighbouring residential properties, which are at least 60 metres away from the closest proposed buildings. The May 2020 amendments to the scheme clearly improve the daylight and sunlight impacts in comparison to the scheme considered at Committee. Given the context and highly accessible location, the modest extent of non-compliance with BRE guidelines, and the requirement for an appropriate balance to be struck with the significant benefits which will be provided by the scheme; the daylight and sunlight impacts on neighbouring residential properties are acceptable, maintaining living conditions and representing a neighbourly form of development. On this basis, the Application accords with the NPPF, London Plan Policies 3.5, 7.1, 7.4, 7.6 and 7.15; Intend to Publish London Plan Policies D1 and D6, Newham Council's Local Plan Policies SP2, SP3 and SP8.
- ix. The proposed development would achieve a high standard of sustainable design and construction, minimising carbon dioxide emissions, with carbon offset contributions of £670,035 for Phase 1, and further contributions subject to calculation through Reserved Matters. It would use energy efficiently and from renewable sources, in accordance with energy hierarchy policy. The development would deliver significant sustainable urban drainage, ecology and urban greening benefits. It would achieve a BREEAM rating of 'excellent' (improved from 'very good' at Committee), to be secured by condition, and would therefore achieve sufficient Building Performance Standards to respond to climate change. On this basis, the Application accords with the NPPF, Chapter 5 and Policies 7.7, and 7.19 of the London Plan; Policies G1, G4, G5, G6, G7, SI1, SI2, SI3, SI4, SI5, SI7, SI8, SI12, SI13 of the Intend to Publish London Plan; and Policies SC1, SC2, SC3, and SC4 of the Newham Local Plan.
- x. The proposed mix of housing tenures and unit sizes are appropriate considering the location and characteristics of the Site and the density and form of development. The May 2020 amendments improve the housing mix since consideration at Committee by reducing the proportion of studio units and increasing three-bed units, with significant improvements in London Affordable Rent proportions. While the proportion of three-bed units remains below the Council's target of 39%, the policy allows for a shortfall if justified by viability assessment. The viability of the scheme has been rigorously assessed, and the increased amount of affordable housing, including the significant increase in three-bed London Affordable Rent units provides the maximum amount of affordable housing at this stage. Review mechanisms would be secured, with the aim to secure increased affordable housing should viability support this. The proposed development therefore supports convergence, community cohesion, and mixed and balanced communities. On this basis, the Application accords with the NPPF; Policies 3.8 and 3.9 of The London Plan; Policies H10 and H13 of the Intend to Publish London Plan; and Policies S1, H1 and H3 of the Newham Local Plan.
- xi. The proposed development would optimise the potential of this Opportunity Area Site through a design-led masterplanned approach, that has been subject to a considerable level of design scrutiny. It would deliver an appropriate density that has due regard to the Site's context and capacity for growth, and existing and planned supporting infrastructure capacity, including transport. On this basis, the Application accords with the NPPF; London Plan Policy 3.4, Intend to Publish London Plan Policies D2, D3 and D4; and Newham Local Plan Policies S1, H2 and SP3.
- xii. The proposed development provides a good standard of residential quality, including space standards; aspect, outlook and privacy; inclusive housing; amenity and play

space; daylight, sunlight and overshadowing. There are no objectionable air quality or noise impacts. The relationship between the proposed residential uses and the adjacent retained SIL and transport infrastructure is in line with Agent of Change principles (and which has been improved in this respect since Committee). On this basis, the Application accords with the NPPF; Policies 3.5, 3.6, 3.8, 7.14 and 7.15 of the London Plan; Policies D4, D5, D6, D7, D13 and D14 of the Intend to Publish London Plan; and Policies SP1, SP2, SP3, SP8 and H1 of the Newham Local Plan.

- xiii. The proposed high-density, residential-led mixed use development in an accessible location adjacent to a new DLR station would represent a pattern of development that would reduce the need to travel, particularly by car, and this is reflected in its car-free (with the exception of disabled persons parking) nature. The quantum of proposed car parking is acceptable subject to a suitable framework of controls and allocation, including a car parking management plan, provisions for restricting resident parking permits for new residents, electric vehicle charging points, travel plans and car club spaces alongside promotion of and support for sustainable travel. The application materials include sufficient information to enable evaluation of existing road conditions; and the impact on the local road network, junctions, and highway safety is acceptable. On this basis, the Application accords with the NPPF; Policies 6.1 and 6.3 of the London Plan; Policies T1, T2, T3, T4, T5, T6 and T7 of the Intend to Publish London; and Policies INF1, INF2 and SP8 of the Newham Local Plan.
- xiv. The proposals would protect pedestrian and cyclist safety and promote active and sustainable travel, including segregated walk/cycle routes, wayfinding, and cycle hire infrastructure. It would provide large areas of public realm and extensive permeability to a Site that is currently largely inaccessible, connecting well into the surrounding areas. It would provide appropriate mitigation in terms of planning obligations for improved transport infrastructure, including a contribution of £9M secured towards the new Thames Wharf DLR station. Cycle parking provision complies with the relevant standards. For the early phases, the necessary public realm improvements are secured to provide improved access to existing DLR stations and bus stops, with development beyond 1,700 units restricted until delivery of the new Thames Wharf DLR station. On this basis, the Application accords with the NPPF; Policies 6.1 and 6.3 of the London; Policies SI15, T1, T2, T3, T4, T5, T6, T7 and T9 of the Intend to Publish London Plan; and Policies INF1, INF2 and SP8 of the Newham Local Plan.
- xv. The proposed development adopts a Healthy Streets approach. Section 278 contributions are proposed to deliver improvements to Dock Road, in co-ordination with the Silvertown Tunnel works to Dock Road, and the Council/Royal Docks North Woolwich Road improvement works. This would provide a high-quality pedestrian and cyclist experience and the successful integration of this new mixed-use neighbourhood. On this basis, the Application accords with the NPPF; Policies 6.1 and 6.3 of the London Plan; Policies T1, T2, T3, T4, T5, T6, T7 and T9 of the Intend to Publish London Plan; and Policies INF1, INF2 and SP8 of the Newham Local Plan.
- xvi. The Environmental Statement (ES) and ES Addendum provide an assessment of the likely significant effects of the proposal on the environment during the construction and operational phases. The ES, ES Addendum and supporting documents comply with the relevant regulations in terms of their scope and methodology for assessment and reporting and have been independently assessed and agreed. The supporting

documents also appropriately respond to and address development plan policy, supplementary planning guidance and the representations made. As is usual for a major development of this nature, there are potential environmental impacts and, where appropriate, mitigation has been identified to satisfactorily address adverse impacts. Given the context of the Site, the environmental impact of the development is acceptable, including with regard to compliance with the London Plan (save for adopted London Plan Policy 2.17), the emerging Publish London Plan, local policy standards; and where applicable, the relevant British Standards.

- xvii. Planning conditions and planning obligations, which meet with the policy tests provided for under paragraphs 55 and 56 of the NPPF, respectively, and in the case of planning obligations, Regulation 122(2) of the Community Infrastructure Levy Regulations 2010, are proposed to ensure that the development is acceptable in planning terms, with the effect that environmental, social and economic impacts are mitigated, in line with London Plan Policy 8.2, Intend to Publish London Plan Policy DF1, and Policy INF9 of Newham Local Plan.
- xviii. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the provisions of the development plan, unless material considerations indicate otherwise. The application represents a departure from the development plan, given the conflict with adopted industrial policies. Consideration has therefore been given to all other material considerations, as part of the overall planning balance, in considering whether these material considerations indicate that planning permission should nonetheless be granted. The scheme re-provides 19,441 sq.m. of modern, flexible industrial floorspace on the site; is in accordance with emerging industrial Policies E4, E5 and E7 within the Intend to Publish London Plan (noting that the Secretary of State has issued Directions on these policies); and, as explained throughout this report, provides a range of significant benefits. This outweighs the harm that would result from the identified departure from the development plan and from the introduction of residential development on land designated as SIL.
- xix. It is the view of GLA officers, applying section 38(6) of the 2004 Act, that material considerations, when taken together, do indicate that the proposals should be granted planning permission notwithstanding the identified departure from the development plan.

Section 106 legal agreement

3 The following planning obligations are proposed within the section 106 legal agreement. The parties to the agreement are likely to comprise the GLA, Newham Council, Transport for London, Silvertown Homes Ltd, and Greater London Authority Land and Property Ltd, on a joint and several liability basis.

Affordable housing

4 As discussed in the housing section of this report, the section 106 agreement would secure the Applicants' offer of 39% affordable housing, split 60% London Affordable Rent (LAR), 40% London Shared Ownership LSO) (by habitable room); 34%, split 59% LAR, 41% LSO (by unit), with appropriate obligations in relation to the definition, eligibility, affordability and perpetuity of affordable housing units across the various tenures. An early stage viability review mechanism would be secured to

incentivise the delivery of the Site and ensure the appropriately timed delivery of affordable housing. Two mid-term viability review mechanisms; a late stage viability review mechanism at 80% occupation; and a lack of progress review mechanism are also proposed, which would potentially increase the amount of affordable housing. In addition, arrangements for the management of the LAR units by Registered Provider, a nominations agreement and obligations in relation to service charges for LAR and LSO units would be secured. GLA officers consider that these obligations are necessary to ensure compliance with the London Plan, the Intend to Publish London Plan, the Mayor's Affordable Housing and Viability SPG and Newham Council's Local Plan.

Transport

5 The following transport obligations would be secured by legal agreement, including appropriate triggers on payment and delivery to ensure that mitigation and infrastructure comes forward when required:

- Contribution of £9M towards delivery of Thames Wharf DLR Station, with restriction on development beyond 1,700 units prior to station being operational.
- Contribution of £600,000 (estimated) towards Section 278 public highways works.
- Contribution of £220,000 towards a cycle hire docking station and free membership of cycle hire scheme for residents.
- Contribution of £70,000 towards Residents Parking Zone (RPZ) monitoring, and prohibit future occupants from applying for a parking permit in an RPZ.
- Contribution of £30,000 to wayfinding.
- Contribution of £30,00 to two bus stops on Dock Road.
- On-site parking management plan, securing disabled persons residents parking for 3% of residential units for Phase 1, with allowance to increase to up to 8% in response to demand; and for outline phases, subject to evidenced demand, securing 3% through Reserved Matters applications, rising up to 8% if there is a need for disabled persons residents parking spaces.
- Workplace, Residential, School and Nursery Travel Plans and monitoring fee of £40,000.
- Safeguarded land for pedestrian/cycle bridge crossing landing point over Bow Creek; a river pier; river walk/cycleway; cycle hire docking station; and up to 6 car club spaces.
- Measures for delivery and management of public realm, open space and routes for each phase, via step-free routes for those living, working or visiting the site, 24 hours a day in perpetuity.
- Infrastructure/asset protection including during construction and access for maintenance, operations and in emergency, for DLR, Emirates Airline, London Underground, Silvertown Tunnel; Silvertown Way and Lower Lea Crossing; the river wall and the river itself; and London City Airport operations.

Other obligations:

- Contribution of £1.1M towards off-site Primary education provision for Phase 1.

- Submission of a 'Primary School Mitigation Plan' prior to implementation of any outline phase, setting out how the primary education need arising from the outline phases will be mitigated prior to the delivery of the permanent primary school.
- Delivery of a four form of entry (4FE) Primary school, including construction and fit-out, prior to occupation of 3,500 units.
- Safeguarding of land for education and community uses.
- Community use of sports space in school at affordable rates.
- Delivery and completion of a nursery as part of Phase 11, including construction and fit-out, to be leased at a peppercorn rent.
- Delivery and completion of a community space as part of Phase 9, including construction and fit-out, to be leased at a peppercorn rent.
- Contribution of £13,707,715 to off-site secondary education.
- Delivery and completion of the ancillary residential uses (community hall; residents meeting room; residents' gym and creche) within Phase 1, including construction and fit-out.
- Carbon offset contribution of £670,035 for Phase 1, with outline phase contributions to be calculated through revised energy strategies submitted with each Reserved Matters application.
- Connection to the Excel district heat network (to serve phases 1-3), and should this not be possible, to submit a revised energy strategy; on-site energy centre to serve Phases 4-12, or if this is not possible, to submit a revised energy strategy; futureproofed to create a single network.
- Provision for a Design Champion to secure quality of the outline phases.
- A contribution of £6,975,650 towards a new primary healthcare facility at Freemasons Road Custom House.
- Apprenticeship target of 1 new start Apprentice (Local Resident) per £5m (was £3m) of total construction contract value.
- A contribution of £1,151,332 to training and employment.
- Delivery of 15,000 sq.m. of B1(c)/B2/B8 industrial space as part of phase 3 and prior to occupation of 1,100 units.
- Delivery of 95 sq.m. of affordable workspace in Phase 1.
- A contribution of £250,000 towards air quality impact monitoring.

Conditions and informatives¹

6 The following list provides a summary of the subject matter of conditions and informatives to be attached to any planning permission:

1. Compliance with approved plans and documents.
2. Time limit (detailed).
3. Reserved Matters to be submitted.
4. Timing of reserved matters submission.

¹ The full draft wording of conditions and informatives will be published on the day of the hearing.

5. Phasing Plan and order of construction.
6. Reserved Matters time limits for commencement.
7. Quantum of development (detailed).
8. Quantum of development (outline).
9. Environmental Statement.
10. Phase and 2 industrial floorspace.
11. Construction work hours.
12. Use Class D1 change of use.
13. Retail uses.
14. Hours of commercial uses.
15. Restriction on retail sales for industrial uses.
16. HMO restriction.
17. Non-residential parking and unloading.
18. Cycle parking.
19. Construction logistics plan.
20. Streets work licence.
21. Asset protection.
22. DLR radio impact details.
23. Movement by river.
24. Construction parking.
25. Highway visual condition survey.
26. Roads and car parking.
27. Redundant accesses to be reinstated.
28. Electric vehicles.
29. Transport management plan.
30. Delivery and servicing plan.
31. Asbestos management survey.
32. Construction environmental management plan.
33. Code of construction practice.
34. Contamination.
35. Contamination during development.
36. Contamination long term monitoring.
37. Infill materials.
38. Non-road transportable industrial equipment or vehicles.
39. Extract system for primary cooking.
40. Noise.
41. Sound insulation for roof terraces.
42. Mechanical plant and ventilation.
43. Grease trap or grease digester system.
44. Sound insulation.
45. Fixed and mobile equipment.
46. Gym noise.
47. Air quality.
48. Dust risk assessment.
49. Bore holes.
50. Surface water drainage.
51. Drainage system and risk to controlled water.
52. Flood resilience.
53. Floor risk finished floor levels.
54. Water mains.
55. Controlled waters and foundation works.

56. Waste water.
57. Impact piling – water pollution and Silvertown Tunnel impact.
58. Archaeology – written statement of investigation stage 1.
59. Archaeology – written statement of investigation stage 2.
60. Public heritage.
61. Black Redstart monitoring.
62. Biodiversity enhancements.
63. Ecological mitigation and management plan.
64. Green/brown roofs and green walls.
65. Invasive species.
66. Urban greening factor.
67. Landscaping.
68. Retained trees protection.
69. Unexploded ordnance.
70. Cranes and scaffolding.
71. Bird strike risk.
72. Obstacle limitation surface.
73. Antenna.
74. Fire evacuation lift.
75. Fire strategy – detailed and outline.
76. Rooftop plant, screening and parapets.
77. Specification of balconies, communal entrances, vehicular entrance, shopfront, duplex entrances and typical bay.
78. Samples of all external surfaces.
79. Pipes, flues and grills.
80. External lighting assessment.
81. Photovoltaic panels.
82. BREEAM.
83. BREEAM final certificate.
84. Standard assessment procedure worksheets – residential.
85. Standard assessment procedure – major non-residential.
86. Water efficiency.
87. Cooling strategy.
88. TV reception surveys.
89. Secure by design.
90. Refuse and recycling.
91. Boundary treatments.
92. Children's play boundary treatments.
93. Considerate constructors scheme.
94. Finished floor levels.
95. Events management strategy.
96. Public art.
97. Ventilation.
98. Reptile method statement.
99. Carbon saving.
100. River wall.
101. Cumulative wind impacts.

Informatives

1. Section 106 agreement.

2. Pre-commencement conditions.
3. Community Infrastructure Levy payment and liability notice.
4. Community Infrastructure Levy phasing.
5. Deemed discharge.
6. Adverts.
7. Site notices.
8. Pre-application.
9. Further approval and consents.
10. Designing out crime.
11. Housing ventilation.
12. Food law requirements.
13. Lifting operations and lifting equipment regulations.
14. Licensing.
15. River works licence.
16. National Grid overhead power lines.
17. Thames Water underground assets.

Publication protocol

7 This report has been published seven clear days prior to the Representation Hearing, in accordance with the GLA's 'Procedure for Representation Hearings' and the 'Interim Procedure for Representation Hearings during the Covid19 Pandemic'. Where necessary, an addendum to this report will be published on the day of the Representation Hearing. This report, any addendum, and the Deputy Mayor's decision on this case will be made available on the GLA website:

<https://www.london.gov.uk/what-we-do/planning/planning-Applications-and-decisions/public-hearings/thameside-west-public-hearing>

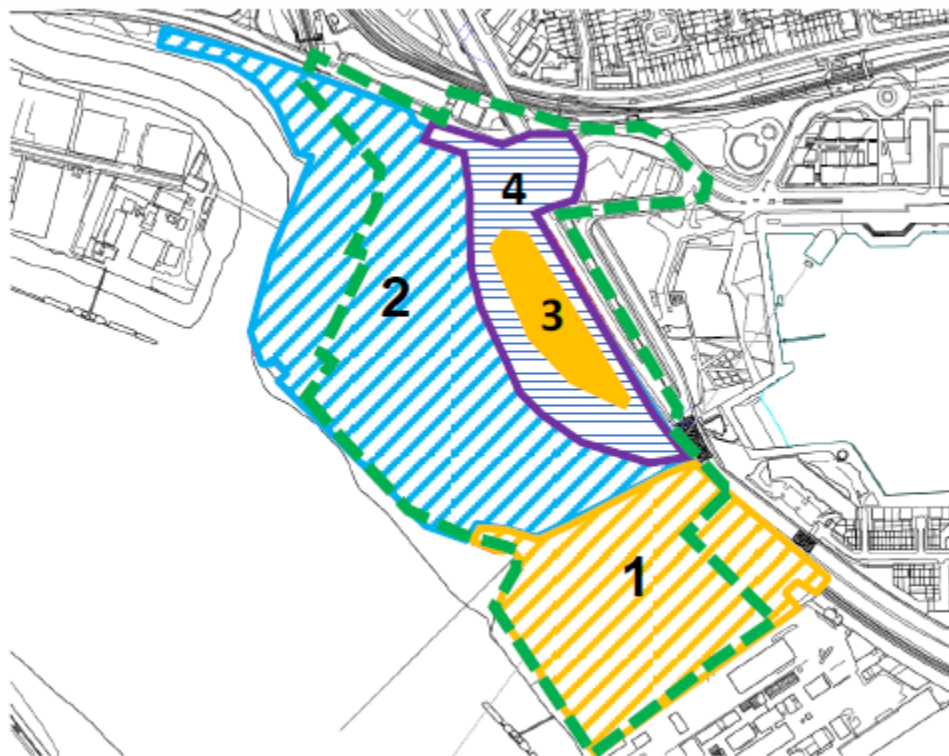
Site description

8 This large (18.79 hectares) Site ('the Site', see Figure 1 below) is located in Silvertown in the London Borough of Newham. The Site is bounded by elevated sections of Silvertown Way and Lower Lea Crossing to the east and north (both the A1020); the River Thames to the west; the River Lea (also known as Bow Creek in this location) to the north-west; and Bell Lane, which forms the southern boundary, with the Allnex resins factory site (formally Nuplex), and a former public house beyond, most recently in use as a nightclub. Royal Victoria Dock lies to the east, beyond the elevated Silvertown Way flyover. Royal Victoria Dock lies to the east, beyond the elevated Silvertown Way flyover. The Applicants describe the Site as four land parcels, as shown in Figure 2 below (1 – Carlsberg Tetley/Silvertown Landing; 2 – Thames Wharf (a safeguarded wharf); 3 – Island; 4 – land owned by TfL). The Site is occupied by a variety of industrial/business/dock uses, although some parcels have been cleared in preparation for the Silvertown Tunnel construction works. The majority of remaining buildings are low-rise industrial sheds, whilst the Silver Building on the Carlsberg Tetley/Silvertown Landing parcel is 4 commercial storeys. Consents exist to demolish all buildings and structures on the Site, as explained further below.

Figure 1: Application Site (viewed from the south-west)



Figure 2: Application Site parts, and indicative Silvertown Tunnel works site (green boundary)



9 The majority of the Site is the subject of TfL's Development Consent Order (DCO) for the Silvertown Tunnel, which was approved by the Secretary of State for Transport in May 2018. The DCO provides for the demolition of existing buildings and structures

within the Order Limits (indicated by the green dashed line in Figure 2 above). The DCO includes the realignment of Dock Road. It is anticipated that construction works on the Silvertown Tunnel will commence later in 2020, and is expected to be operational in 2025. The tunnel portal will be positioned on the eastern side of the Site, in between the DLR/Dock Road and Silvertown Way, with the tunnel itself under the southern part of the Site, extending west beneath the Thames. Buildings cannot be located above the tunnel and none are proposed through the Application.

10 As explained in more detail below, planning permission was granted in September 2018 (GLA Ref: GLA/4039b/02; LPA Ref: 17/02554/FUL) for operational works to a site similar to the Application Site, including demolition of the Silver Building and the ASD buildings. In conjunction with the DCO, this permission enables the Site to be fully cleared and prepared for redevelopment.

11 The wider Royal Docks area is historically industrial in character; however, it has been the subject of significant regeneration and change in recent years, which is ongoing, with the introduction of new mixed use areas, including large residential developments. The area to the north and east of the Site is comprised of a mix of residential and commercial uses around the Royal Victoria Dock, with buildings of up to 24 storeys immediately adjacent. To the south-east, along the Thames, are commercial and industrial uses. Further to the south-east, the area becomes predominantly residential in character including Britannia Village adjacent to Royal Victoria Dock, and Royal Wharf adjacent to the Thames. Trinity Buoy Wharf in the London Borough of Tower Hamlets is to the north-west beyond Bow Creek, and is currently being redeveloped to provide high-density commercial and residential development, with buildings of up to 40 storeys. The boundary of Canning Town district centre is approximately 200 metres from the northern boundary of the Site, with residential development up to 26 storeys. Greenwich Peninsula in the Royal Borough of Greenwich lies on the opposite side of the River Thames to the south-west, including the O2 entertainment venue and high-density, high-rise (currently up to 31 storeys) residential-led development.

12 Transport and other infrastructure passes through/under/over the Site, including the elevated A1020 Silvertown Way/Lower Lea Crossing; the elevated Docklands Light Railway (DLR) running north-west to south-east; the Jubilee London Underground Line passes under the Site; and the Emirates Air Line Cable Car running north-east to south-west over the southern part of the Site, with two of its support pylons located within the Site. The Site is also subject to height limitations due to the proximity of London City Airport, approximately 1.8 kilometres to the east. An electricity pylon is located close to the northern boundary formed by the Lower Lea Crossing, which is within a Site of Importance for Nature Conservation (SINC), with overhead power lines passing over a small area of the SINC.

13 The nearest existing stations are West Silvertown DLR, 365 metres to the nearest (south-east) Site boundary; and Royal Victoria DLR, approximately 620 metres to the nearest (north-east) Site boundary. Canning Town Underground and DLR, to the north of the nearest Site boundary, is beyond the usual 960 metres reasonable walk distance to the proposed residential blocks. Custom House DLR (and forthcoming Elizabeth line) Station is also beyond this, being approximately 1,100 metres to the north-east of the nearest Site boundary. Distances to the central and riverside parts of the site are considerably further from stations and are currently largely inaccessible. Access to stations other than West Silvertown DLR require level changes to overcome rail and

road infrastructure. The closest existing bus stop to the Site is the west-bound stop at Charrington Steps on the Silvertown Way flyover, on the northern boundary of the Site; however, it is only accessible via steps. The east-bound stop is served by one bus route; however, it is only accessible by a lengthy route via Tidal Basin Road.

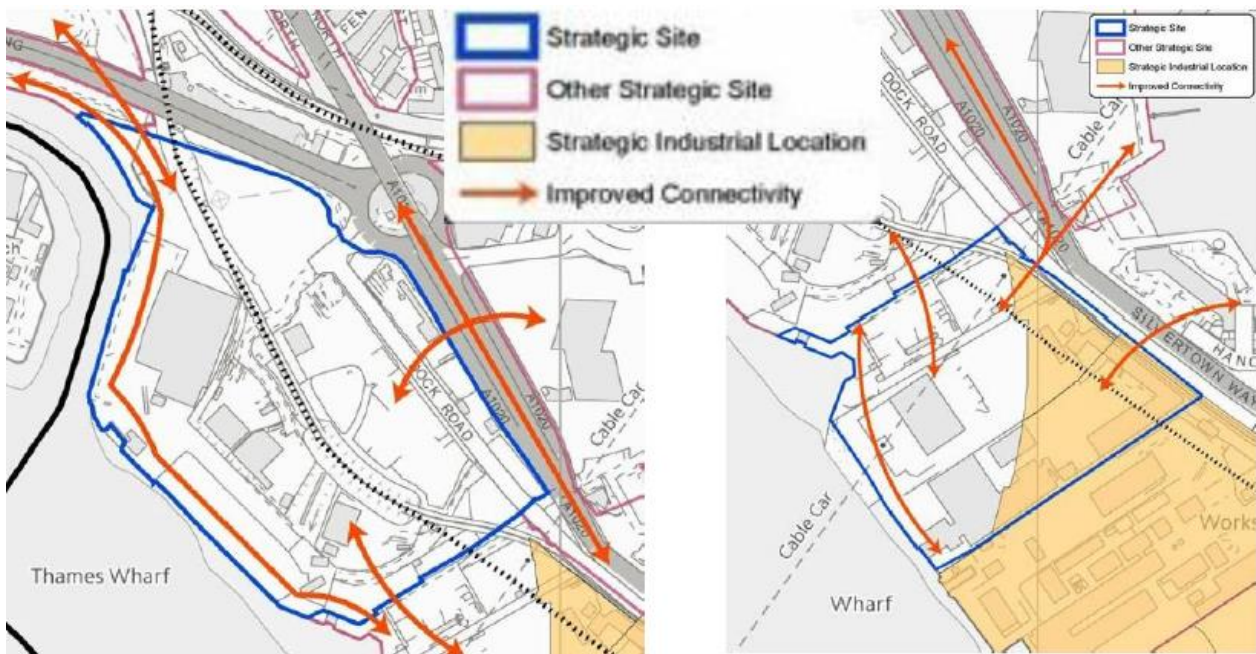
14 The nearest part of the Transport for London Road Network (TLRN) is the A13, which is approximately 1 kilometre to the north; while Silvertown Way, forming the eastern boundary, is part of the Strategic Road Network (SRN). The future status of the Lower Lea crossing and Tidal Basin roundabout are being considered in the context of the construction of the Silvertown Tunnel as to whether they should remain borough highway or become part of the TLRN.

15 The Site’s Public Transport Access Level (PTAL) is currently 0-2, with most being 1b, on a scale of 0 to 6b where 6b represents the best access. A combination of improvements will increase the PTAL to 3-5 and remove any areas with a zero or poor PTAL. These include the new Thames Wharf DLR station and more frequent DLR services due to extra trains: as well as new and improved bus services arising from the re-planning of the bus network for the Elizabeth Line and to respond to demands from new development, and those to be introduced as a result of the Silvertown Tunnel, including two new bus stops on Dock Road.

Site specific designations and allocations

16 Newham Local Plan Strategic Site Allocations S08 ‘Thames Wharf’, covering the northern two-thirds of the Application Site; and S09 ‘Silvertown Landing’, covering the southern third of the Site, are shown in Figure 3 below.

Figure 3: Newham Local Plan Site Allocations S08 (left) and S09 (right)



17 Site Allocation S08 identifies the potential to remove wharf safeguarding at Thames Wharf and release of industrial land to provide a new neighbourhood and local centre adjacent to a new DLR station, including a school; employment; continuous riverside access; links to the Lea River Park, Trinity Buoy Wharf, Royal Victoria and

West Silvertown DLR stations, and Canning Town centre; North Woolwich Road active street improvements; integration with the adjacent Silvertown Landing Strategic Site; and indicative building heights of 10 to 12 storeys, with up to 18 storeys at key locations.

18 Site Allocation S09 'Silvertown Landing' identifies the site for mixed-use, consolidating the community centred around the new DLR station by managed industrial release on the western part of the site, and employment/strategic infrastructure development on the eastern part of the site, protecting the functionality and capacity of the Strategic Industrial Location (SIL), and buffering of both new and existing SIL and infrastructure. It identifies that employment uses on the SIL should include modern industrial and warehousing; with scope to secure managed intensification and further release through new formats; reducing the spatial footprint, whilst achieving the same capacity, functionality, and ability to respond to industrial and warehousing demand. The managed release of the western part of the site for mixed-use should secure an appropriate transition from SIL and strategic infrastructure and include residential uses, green and community infrastructure, and employment-generating uses; with connections and indicative building heights as with Site Allocation S08. Site Allocation S09 is also identified as part of employment hub 'E2 Thameside West', focussed on B Class Uses (SIL), particularly high technology manufacturing, wharf related uses, cultural and creative, construction and green industries.

19 The northern strip of the Site (within land parcel 2 and Site Allocation S08) between Bow Creek and the Lower Lea Crossing is designated as a Site of Importance for Nature Conservation (SINC), although much of this is currently hardstanding.

20 Most of land parcel 2 (within Site Allocation S08) comprises the Thames Wharf, a Safeguarded Wharf.

21 The riverside part of the Site is subject to flood defence safeguarding.

22 Transport designations include Crossrail safeguarding, infrastructure protection of the DLR viaduct, passive provision for a new DLR station, recreational footpath network along the riverside, a protected mooring point for Riverbus services, and the cable car protection zone.

23 The Site is not located in a conservation area and none of the existing buildings are statutorily or locally listed. The closest designated heritage assets are the Grade II listed lighthouse at Trinity Buoy Wharf and the Grade II listed cranes at Royal Victoria Dock. The Maritime Greenwich World Heritage Site lies approximately 4 kilometres to the south-west of the Site. The Site is within the Royal Docks Archaeological Priority Area. The site does not lie within any strategic views as identified within the Mayor's London View Management Framework SPG.

24 The Site is in the Royal Docks and Beckton Riverside Opportunity Area.

Details of the proposal

25 The Hybrid Planning Application ('the Application') (layout and massing shown in Figures 4-5 below) comprises detailed and outline elements, which together propose:

- 5,000 new homes;
- Buildings of up to 97.9 metres (c.26 storeys);
- 15,000 sq.m. of flexible employment floorspace (Use Classes B1c, B2 and B8);

- 4,441 sq.m. of flexible employment floorspace (Use Classes B1b, B1c, B2 (restricted) and B8);
- A new local centre;
- 7,368 sq.m. of flexible retail floorspace (Use Classes A1 to A4);
- 4,272 sq.m. of primary school floorspace (Use Class D2);
- 2,783 sq.m. of community and leisure floorspace (Use Classes D1 and D2);
- 2.3 hectares park (Dock Park);
- 2 hectares Leaway Park and Eastern Ecology Park;
- 1.8 hectares riverfront walk and public gardens;
- A new flood defence wall; and
- 0.5 hectares public square.

Figure 4: Indicative proposed layout (based on Parameter Plans)



- | | | | |
|----|------------------------|----|----------------------------|
| | | 06 | Victoria Waterfront |
| A | Plot Names (Lettering) | 07 | Victoria Wharf |
| 01 | Dock Park | 08 | Trade Gardens |
| 02 | Parkside Gardens | 09 | Lea Way Park |
| 03 | Dock Gardens | 10 | Silvertown Yard |
| 04 | Station Plaza | 11 | Thameside East Active Yard |
| 05 | Thameside Walk | 12 | Eastern Ecology Park |

Figure 5: Parameter Plan maximum proposed massing



26 The detailed planning application for Phase 1 includes the demolition of existing buildings and structures and the erection of two linked brick-clad buildings ranging in height from 13 to 21 storeys, containing 401 residential units on floors 2-21, with ancillary uses and external shared amenity space at first floor level. As shown in Table 2 below, Phase 1 provides 195 (46% by habitable room, 49% by unit) affordable homes, with 71 (39% by habitable room, 36% by unit) being London Affordable Rent (LAR) and 124 (61% by habitable room, 64% by unit) being London Shared Ownership (LSO).

Table 2: Phase 1 residential mix and tenure

	LAR units	LSO units	Total AH units	Market units	Total units
Studio	0	0	0	1	1
1 bed	32	72	104	80	184
2 bed	27	44	71	85	156
3 bed	12	8	20	36	56
4 bed	0	0	0	4	4
Total	71	124	195	206	401
46% by hab rm (39%:61% split) 49% by unit (36%:64% split)					

27 Flexible employment floorspace (Use Classes B1b, B1c, B2 (restricted) and B8) of 3,608 sq.m. is proposed at ground/mezzanine level, along with 230 sq.m. of flexible retail floorspace (Use Classes A1-A4). A new/altered access road from Dock Road/North Woolwich Road is proposed, together with landscaping and public realm improvements. The proposals include 'temporary' and 'permanent' ground floor drawings, which allows Phase 1 to be occupied prior to the construction of Phase 2. Phase 1 comprises frontages accessed at grade, with the south-west elevation providing flexibility for entrances to also be provided at mezzanine level when Phase 2 comes forward. To accommodate changes to land levels throughout the site, Phase 2 has a lower ground floor car park with the buildings sitting above, with the Phase 2 ground floor at the same level as the Phase 1 mezzanine level. In considering this application, officers have assessed the acceptability of the detailed proposals as both a scheme linking into the wider masterplan and as a standalone scheme in the unlikely event that Phase 2 does not come forward.

28 The outline planning application (with all matters reserved) for Phases 2-11 covers the remainder of the Site and includes the demolition of existing buildings and structures and the erection of buildings of up to 97.9 metres (c. 26 storeys). A new local centre is proposed around the new Thames Wharf DLR Station, including flexible retail floorspace (Use Classes A1-A4), a four form-entry primary school, a nursery (Use Class D2), and other community and leisure space (Use Classes D1 and D2). Approximately 4,599 residential units are proposed, spread across all outline phases. Approximately 833 sq.m. of flexible employment floorspace (Use Classes B1b, B1c, B2 (restricted) and B8) is proposed beneath residential uses as part of Phase 2, and approximately 15,000 sq.m. of flexible employment floorspace (Use Classes B1c, B2 and B8) in a standalone building between the Silvertown Tunnel portal and the elevated DLR/Dock Road, as part of Phase 3. A new flood defence wall, ecological habitat and associated infrastructure is proposed adjacent to the Thames and the Lea/Bow Creek. The flood defence wall design differs slightly from the permitted in the Operational Works Consent (see below); A network of streets, open spaces, landscaping and public realm are proposed, including a new park (Dock Park) above which the cable car would pass, and improvements to the SINC in between the Lower Lea Crossing and the Bow Creek. Residents disabled car parking spaces and cycle spaces are proposed at lower ground or within podiums. An energy centre is proposed in between the Silvertown Way Flyover and the Silvertown Tunnel portal on the east side of the Site.

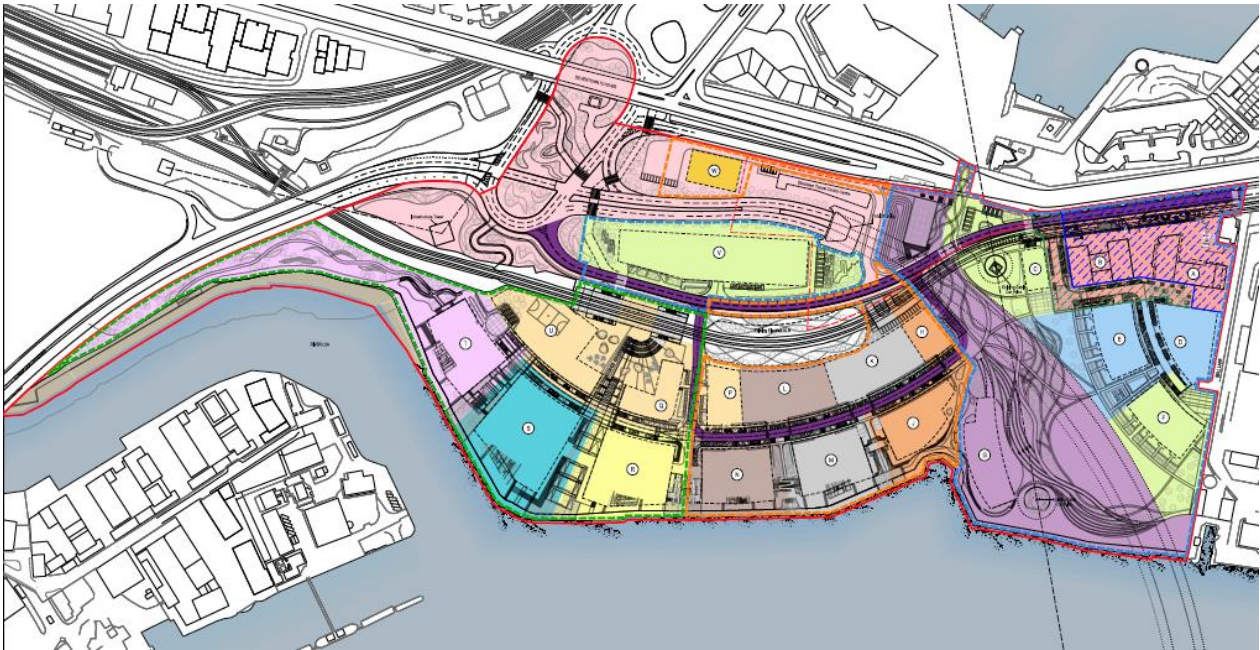
29 Together, all phases will deliver up to 5,000 units, with 39% affordable housing, made up of 60% LAR, 40% LSO (by habitable room); or 34%, made up of 59% LAR, 41% LSO (by unit).

30 Table 3 and Figure 6 below, show the proposed phasing, which generally moves from the right (south-east) to left (north-west) as land is released as a result of progress on the Silvertown Tunnel works.

Table 3: Phasing, with indicative floorspace (GEA), homes and construction dates, and maximum parameter heights

Phase	Blocks	Maximum Height (AOD)	Delivery	Market homes	Affordable homes
Phase 1 401 homes 3,608 sq.m. employment 230 sq.m. retail	A&B	21 storeys	2020-23	206	195
Phase 2 473 homes 833 sq.m. employment	D& E	74.4 metres (c.20 storeys)	2022-24	126	347
Phase 3 471 homes 15,000 sq.m. employment	C, F &V	84.8 metres (c.23 storeys)	2022-25	471	0
Phase 4 320 homes 1,247 sq.m. retail	G	91.2 metres (c.24 storeys)	2023-25	320	0
Phase 5 361 homes 414 sq.m. retail	J & H	78 metres (c.21 storeys)	2024-26	218	143
Phase 6 412 homes	M & K	74.8 metres (c.20 storeys)	2024-26	309	103
Phase 7 524 homes 457 sq.m. retail	N & L	74.8 metres (c.20 storeys)	2026-28	419	105
Phase 8 542 residential units 1,084 sq.m. retail	R	97.9 metres (c.26 storeys)	2027-29	542	0
Phase 9 498 homes 1,272 sq.m. retail 4,272 sq.m. school 1,790 sq.m. community & leisure	U, Q & P	86.6 metres (c.23 storeys)	2028-30	255	243
Phase 10 575 homes 2,165 sq.m. retail	S	97.9 metres (c.26 storeys)	2029-31	434	141
Phase 11 423 residential units 499 sq.m. retail 993 sq.m. nursery	T	88.3 metres (c.23 storeys)	20230-31	0	423

Figure 6: Phasing plan (layout indicative)



Phase 1		Phase 7	
Phase 2		Phase 8	
Phase 3		Phase 9	
Phase 4		Phase 10	
Phase 5		Phase 11	
Phase 6		Delivered as Part of Silver Town Tunnel Works	
Dock Road and Thameside Crescent Installed by RiverInx prior to Phase 4		Energy Centre Phase	

31 The outline element is accompanied by a Design Code, which would be used to control the quality of future Reserved Matters Applications. The Design Code includes mandatory and discretionary site-wide requirements relating to layout, architecture, and landscape, with specific requirements for each development plot.

32 The outline element is also accompanied by the following Parameter Plans, which allow some flexibility within specified parameters, and would be secured by condition as part of any permission:

- 1. Extent of Outline and Full/Detailed Areas
- 2. Development Zones
- 3. Horizontal Deviation Limit
- 4. Maximum Height Limit
- 5. Access and Circulation Plan
- 5a. Vehicular Access
- 5b. Pedestrian and Cycle Access
- 6. Landscape Treatment Plan
- 7. Proposed Site Levels

- 8. Proposed Site Lower Ground Levels & Horizontal Deviation Limit
- 9. Principle Uses at Entry Level
- 10. Principle Uses at First Floor Level
- 11. Principle Uses at Typical Upper Floor Level

33 A defined area around the Silvertown Tunnel portal on the Parameter Plans and Phasing Plan is not for approval but is subject to agreement with the Silvertown Tunnel team and TfL to ensure compatibility with the delivery of the Silvertown Tunnel. Planning obligations are also proposed to secure this.

34 Should permission be granted, the maximum gross external area (GEA) and minimum gross internal areas (GIA) for each proposed use will be secured by condition, as set out in Table 4 below:

Table 4: Maximum and minimum floorspace per use:

Land Use	Maximum GEA (sq.m.)	Minimum GIA (sq.m.)
Detailed (Phase 1)		
Residential floorspace (Class C3)*	37,951	35,158
Flexible employment floorspace (Classes B1b, B1c, B2 (restricted) and B8)	3,608	3,350
Flexible retail floorspace (Classes A1 to A4)	230	198
Outline (Phases 2-11)		
Residential Floorspace* (Class C3)	403,190	383,031
Flexible employment floorspace (Classes B1c, B2 and B8)	15,000	14,250
Flexible employment floorspace (Classes B1b, B1c, B2 (restricted) and B8);	833	791
Flexible retail floorspace (Classes A1 to A4);	7,138	6,781
Primary School (Class D2)	4,272	4,058
Nursery (Class D2)	993	943
Other Community and leisure floorspace (Classes D1 and D2)	1,790	1,721

*excluding ancillary car parking and plant areas

35 Although not part of this Application, TfL will be constructing a new DLR station (Thames Wharf) within the Site, with completion expected in 2024. A planning obligation is proposed to restrict development beyond 1,700 units until the station is operational.

Relevant planning history

Silvertown Tunnel Development Consent Order

36 In May 2018, the Secretary of State for Transport issued a Development Consent Order to Transport for London for construction of the Silvertown Tunnel. The new road

tunnel will pass under the River Thames between Silvertown and Greenwich Peninsula, connecting to the A1020 Silvertown Way/Lower Lea Crossing on the north side with A102 Blackwall Tunnel Approach on the south side. The tunnel generally follows the alignment of the Emirates Airline cable car. The project comprises a twin bore road tunnel and related highway works. The purposes of the new Tunnel are to help to reduce congestion at the Blackwall Tunnel; offer a nearby alternative to the Blackwall Tunnel; allow for new cross-river zero-emission bus links; reduce the environmental impact of traffic congestion on some of London's most polluted roads; improve journey times and make travel, deliveries and servicing more reliable; improve access and keep traffic moving in east and south-east London; and create opportunities for new jobs in the local area. The indicative boundary of works on the Site is shown in Figure 2 above. Construction will begin in 2020, with opening expected in 2025.

37 In February 2019, the Secretary of State for Transport issued a Correction Order and Correction Notice to make corrections to the Silvertown Tunnel Order.

Operational Works Consent

38 In September 2018, Newham Council granted planning permission (GLA Ref: GLA/4039b/02; LPA Ref: 17/02554/FUL) to the Applicants for operational development works to facilitate future development of the site (similar to this Application Site) comprising clearance works, including demolition of remaining buildings the Silver Building and the ASD buildings), structures and hardstanding not demolished through the Silvertown Tunnel DCO. It also included increasing the site's ground level by utilising spoil excavated from the construction of the Silvertown Tunnel; the construction of flood defence walls; the delivery of ecological habitat adjacent to the River Thames; and re-purposing of some of the temporary jetty piles that would be made as part of the construction of the Silvertown Tunnel. The consent includes a wharf reactivation strategy should wharf safeguarding not be removed, which would entail a planning application to enable the wharf to operate.

GLA pre-application discussions

39 On 23 May 2018, a pre-planning application meeting was held at City Hall for a hybrid planning application (detailed planning application for Phase 1 and outline planning application, with all matters reserved, for the remainder of the site) for comprehensive redevelopment for mixed-use purposes to provide approximately 5,500 residential units in buildings up to 29 storeys, a new local town centre around the proposed DLR station, a primary school, industrial and other employment floorspace. On 31 August 2018, a pre-application advice note was issued, which concluded that the principle of the proposal was supported; however, issues relating to social infrastructure and town centre uses; safeguarded wharves; Strategic Industrial Locations and non-designated industrial land; the River Thames; housing; affordable housing; urban design; World Heritage Site, strategic views and historic environment; transport; and climate change should be addressed. A further pre-application meeting to consider design aspects was held on 30 October 2018. Further meetings concerning the approach to industrial land use subsequently took place with the Applicants, Newham and GLA officers.

Stage 1 Report

40 The Application was referred to the Mayor by Newham Council on 25 January 2019, comprising the demolition of existing buildings and the construction of new buildings of up to 26 storeys, comprising 5,000 new homes; 19,441 sq.m. of flexible employment floorspace; 7,368 sq.m. of flexible retail floorspace; 7,055 sq.m. of community and leisure floorspace, including a primary school; new local centre; new flood defence wall; ecological habitat; and public realm, including new parks. The detailed element included 460 residential units, 3,417 sq.m. of flexible employment floorspace, and 162 sq.m. of flexible retail floorspace, in buildings of up to 21 storeys; and the outline element (with all matters reserved) covered the remainder of the Site. The Application was later amended, as detailed below.

41 The Application was referred under Categories 1A, 1B(c), 1C(a), 1C(c), 3B, 3E and 4 of the Schedule to the Order 2008:

- 1A *“Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats.”*
- 1B(c) *“Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings (c) outside Central London and with a total floorspace of more than 15,000 square metres.”*
- 1C(a) *“Development which comprises or includes the erection of a building of more than 25 metres high and is adjacent to the River Thames.”*
- 1C(c) *“Development which comprises or includes the erection of a building of more than 30 metres high and is outside the City of London.”*
- 3B *“Development (a) which occupies more than 4 hectares of land which is used for a use within Class B1 (business), B2 (general industrial) or B8 (storage or distribution) of the Use Classes Order; and (b) which is likely to prejudice the use of that land for any such use.”*
- 3E *“Development (a) which does not accord with one or more provisions of the development plan in force in the area in which the Application Site is situated; and (b) comprises or includes the provision of more than 2,500 square metres of floorspace for a use falling within any of the following classes in the Use Classes Order (i) class A1 (retail); (ii) class A2 (financial and professional); (iii) class A3 (food and drink); (iv) class A4 (drinking establishments); (v) class A5 (hot food takeaways); (vi) class B1 (business); (vii) class B2 (general industrial); (viii) class B8 (storage and distribution); (ix) class C1 (hotels); (x) class C2 (residential institutions); (xi) class D1 (non-residential institutions); (xii) class D2 (assembly and leisure).”*
- 4 *“Development in respect of which the local planning authority is required to consult the Mayor by virtue of a direction given by the Secretary of State under article 10(3) of the GDPO.”*

42 On 29 April 2019, the Deputy Mayor for Planning, Regeneration and Skills (acting under delegated authority) considered planning report GLA/4039c/01 (the ‘Stage 1 Report’). The report advised Newham Council that while the high-density mixed-use development, including high quality replacement industrial space, was supported in principle, the Application did not fully comply with the London Plan and the draft London

Plan, with issues relating to the timing of the new DLR station, the school, and replacement industrial space; affordable housing; urban design; transport; and climate change to be addressed.

Subsequent amendments

43 The Applicants submitted amendments to the proposals and supporting documents to Newham Council in May 2019, which included:

- Amendments to the external appearance of Phase 1;
- Bringing forward the standalone industrial building to Phase 3;
- Altering the description of development in relation to the industrial use classes proposed;
- Updating the traffic modelling;
- Updating the noise and air quality assessments to include the scenario of the retention of the Thames Wharf Safeguarded Wharf and other neighbouring wharves;
- Updating the Environmental Statement in response to comments received by statutory consultees;
- Other minor amendments.

44 Following further discussions with the Council, in June 2019 the Applicants submitted a second set of amendments and supporting documents, which included:

- Reducing the massing of Buildings E and F, and increasing the massing of the lower elements of Buildings Q, R, S, T and U;
- Amendments to the elevation treatment of Buildings A and B;
- Marginally increasing the height of Building V;
- Alterations to the ancillary uses proposed at podium level in Buildings A and B;
- Alterations to the podium level and ground level landscaping within Phase 1.

45 In August 2019, the Applicants submitted the following:

- Submission of Ecological Assessment Report;
- Response to EIA Regulation 25 Request.

Newham Strategic Development Committee

46 On 12 November 2019, Newham Council considered the Application (the 'Committee scheme') and resolved to refuse planning permission. The Council's draft decision notice cited the following Reasons for Refusal:

1. *The proposed development has failed to adequately address the principles of masterplanning with particular attention to the successful integration of the scheme with the wider public area and the transition between, and neighbourliness of different uses both within the site and in relation to adjacent areas. The proposals also fail to provide adequate assurances for the delivery of the masterplan as a whole. This would likely fail to build and reinforce communities and places that work and to ensure that growth contributes to achieving convergence and personal and community resilience. This is contrary to:*
 - *the National Planning Policy Framework (MHCLG, February 2019); and,*
 - *Policies S1, S3, S4 and SP3 of the Newham Local Plan (December 2018).*

2. *The proposed development has failed to demonstrate good growth and infrastructure sufficiency with particular regard to provisions for the new DLR Station and primary education. This would have a detrimental impact on the ability to build strong and inclusive communities, make the best use of land, create a healthy city, deliver the homes that Londoners need, grow a good economy and increase efficiency and resilience and would not ensure that identified infrastructure needs are met. This is contrary to:*
 - *the National Planning Policy Framework (MHCLG, February 2019);*
 - *Policy 1.1 of The London Plan - The Spatial Development Strategy for London (GLA, consolidated with alterations since 2011 and published March 2016);*
 - *Policy SD1 of the Draft London Plan: The Spatial Development Strategy for Greater London (Draft for Consultation December 2017 with minor suggested changes July 2018); and,*
 - *Policies S1, S3, S4 and INF9 of the Newham Local Plan (December 2018).*

3. *The proposed development introduces residential uses into a designated Strategic Industrial Location (SIL) and has failed to adequately demonstrate managed release and managed intensification. The proposals are therefore considered to erode the existing industrial quality of designated SIL and would be harmful to the supply of SIL and employment land across the Borough. This is contrary to:*
 - *the National Planning Policy Framework (MHCLG, February 2019);*
 - *Policies 2.17, 4.1 and 4.4 of The London Plan - The Spatial Development Strategy for London (GLA, consolidated with alterations since 2011 and published March 2016);*
 - *Policies E4, E5 and E7 of the Draft London Plan: The Spatial Development Strategy for Greater London (Draft for Consultation December 2017 with minor suggested changes July 2018); and,*
 - *Policies S1, S3, S4, J1 and J2 of the Newham Local Plan (December 2018).*

4. *The proposed development introduces residential uses adjacent to a Strategic Industrial Location (SIL) as well as a nightclub and has failed to demonstrate adequate mitigation to protect the future occupants from the impacts of existing lawful operations. This has the potential to fetter the ongoing operation of both the SIL and the nightclub and thus the proposals have not demonstrated compliance with agent of change principles. This is contrary to:*
 - *the National Planning Policy Framework (MHCLG, February 2019);*
 - *Policies D12, D13 and E5 of the Draft London Plan: The Spatial Development Strategy for Greater London (Draft for Consultation December 2017 with minor suggested changes July 2018); and,*
 - *Policies S1, S3, S4, J1 and SP8 of the Newham Local Plan (December 2018).*

5. *The proposed development has not given due regard to masterplanning and infrastructure sufficiency in the potential scenario of Thames Wharf remaining safeguarded. In this respect the proposals are considered to be premature in nature. This is contrary to:*
 - *the National Planning Policy Framework (MHCLG, February 2019);*

- *Policies 1.1 and 7.26 of The London Plan - The Spatial Development Strategy for London (GLA, consolidated with alterations since 2011 and published March 2016);*
 - *Policies S1, S3, S4, INF1 and INF9 of the Newham Local Plan (December 2018).*
6. *The proposed development fails to deliver the added value expected of all tall buildings because its design fails to integrate and positively contribute to its location and fails to make a positive contribution to convergence objectives. The proposed height, scale and massing would appear overbearing, bulky and incongruous and so would negatively impact the character, appearance and townscape of the surrounding area and would create a hostile environment at ground floor level. The proposal is therefore contrary to:*
- *the National Planning Policy Framework (MHCLG, February 2019);*
 - *Policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 and 7.7 of The London Plan – The Spatial Development Strategy for London (GLA, consolidated with alterations since 2011 and published March 2016);*
 - *Policies, D1, D2, D3 and D8 of the Draft London Plan: The Spatial Development Strategy for Greater London (Draft for Consultation December 2017 with minor suggested changes July 2018); and,*
 - *Policies S1, S3, S4, SP1, SP2, SP3 and SP4 of the Newham Local Plan (December 2018).*
7. *The proposed development would unacceptably reduce the level of daylight and sunlight to neighbouring residential properties. This would be detrimental to the living conditions of existing residents and would represent an unneighbourly form of development. This is contrary to:*
- *the National Planning Policy Framework (MHCLG, February 2019);*
 - *Policies 7.1, 7.4, 7.6 and 7.15 of The London Plan - The Spatial Development Strategy for London (GLA, consolidated with alterations since 2011 and published March 2016);*
 - *Policy D1 of the Draft London Plan: The Spatial Development Strategy for Greater London (Draft for Consultation December 2017 with minor suggested changes July 2018); and,*
 - *Policies SP2, SP3 and SP8 of the Newham Local Plan (December 2018).*
8. *The proposed development has failed to demonstrate that it will achieve a BREEAM rating of ‘Excellent’ as required by Policy SC1. The development’s failure to achieve sufficient Building Performance Standards would conflict with the clear objectives of the Development Plan Framework seeking to respond to climate change within developments. This is contrary to:*
- *the National Planning Policy Framework (MHCLG, February 2019);*
 - *Policies 5.2 and 5.3 of The London Plan - The Spatial Development Strategy for London (GLA, consolidated with alterations since 2011 and published March 2016);*
 - *Policy SI2 of the Draft London Plan: The Spatial Development Strategy for Greater London (Draft for Consultation December 2017 with minor suggested changes July 2018); and,*
 - *Policies SC1 and SC2 of the Newham Local Plan (December 2018).*
9. *The proposed development comprises a significant number of studio units and also fail to demonstrate that 19.8% 3 bed homes for families by unit is the maximum amount that can be provided when taking into account viability. The*

proposed development therefore prejudices the ability to stabilise the community and reduce population churn with implications for convergence and feelings of community cohesion and safety within the borough. The proposed housing mix is harmful to Newham's strategic objective of sustaining mixed and balanced communities and would not sufficiently contribute to redressing the borough's housing stock in terms of prioritising family sized units over small units. This is contrary to:

- *the National Planning Policy Framework (MHCLG, February 2019);*
- *Policy 3.8 of The London Plan - The Spatial Development Strategy for London (GLA, consolidated with alterations since 2011 and published March 2016);*
- *Policies H12 and H15 of the Draft London Plan: The Spatial Development Strategy for Greater London (Draft for Consultation December 2017 with minor suggested changes July 2018);*
- *Policies S1, H1 and SP3 of the London Borough of Newham Local Plan: (December 2018).*

10. The Applicants has failed to demonstrate that 32.5% (based on units), on-site affordable housing represents the maximum reasonable amount of affordable housing that can be delivered on the site on a viable basis. The proposed development would therefore not accord with the Council's overriding objectives to build mixed and balanced communities that work and ensure that growth contributes to achieving convergence. This is contrary to:

- *the National Planning Policy Framework (MHCLG, February 2019);*
- *Policies 3.9, 3.11 and 3.12 of The London Plan - The Spatial Development Strategy for London (GLA, consolidated with alterations since 2011 and published March 2016);*
- *Policies GG4, H5, and H6 of the Draft London Plan: The Spatial Development Strategy for Greater London (Draft for public consultation December 2017 with minor suggested changes July 2018);*
- *Policies H1 and H2 of the Newham Local Plan (December 2018).*

11. The height, scale and massing of the proposal has resulted in an excessive density which goes far beyond optimising the use of the site. This is contrary to:

- *the National Planning Policy Framework (MHCLG, February 2019);*
- *Policy 3.4 of The London Plan - The Spatial Development Strategy for London (GLA, consolidated with alterations since 2011 and published March 2016);*
- *Policy D6 of the Draft London Plan: The Spatial Development Strategy for Greater London (Draft for Consultation December 2017 with minor suggested changes July 2018);*
- *Policies S1, SP3 and H1 of The London Borough of Newham Local Plan (December 2018).*

12. The proposed development, by reason of the relationship with surrounding existing land uses, the layout, configuration and orientation of the proposed blocks and the distribution and position of the accessible units and their associated car parking spaces, would fail to provide an adequate standard of accommodation for future occupants. This is contrary to:

- *the National Planning Policy Framework (MHCLG, February 2019);*

- *Policy 3.5 of The London Plan - The Spatial Development Strategy for London (GLA, consolidated with alterations since 2011 and published March 2016);*
 - *Policies D4, D5 and D13 of the Draft London Plan: The Spatial Development Strategy for Greater London (Draft for Consultation December 2017 with minor suggested changes July 2018);*
 - *Policies S1, S3, S4, SP1, SP2, SP3, SP8 and H1 of The London Borough of Newham Local Plan (December 2018).*
13. *The proposed development has not been accompanied by sufficient information to enable evaluation of existing road conditions and to project future impact on the local road network, in particular the impact on junctions. The proposals have therefore failed to demonstrate that they are acceptable in terms of highway safety. This is contrary to:*
- *the National Planning Policy Framework (MHCLG, February 2019);*
 - *Policies 6.1 and 6.3 of The London Plan - The Spatial Development Strategy for London (GLA, consolidated with alterations since 2011 and published March 2016);*
 - *Policies T1, T2, T3, T4 and T5 of the Draft London Plan: The Spatial Development Strategy for Greater London (Draft for Consultation December 2017 with minor suggested changes July 2018);*
 - *Policies INF1, INF2 and SP8 of The London Borough of Newham Local Plan (December 2018).*
14. *The proposed development relies on the use of existing surrounding transport infrastructure however insufficient information has been provided to demonstrate appropriate accessibility to these transport nodes. This would be detrimental to pedestrian and cyclist safety. This is contrary to:*
- *the National Planning Policy Framework (MHCLG, February 2019);*
 - *Policies 6.1 and 6.3 of The London Plan - The Spatial Development Strategy for London (GLA, consolidated with alterations since 2011 and published March 2016);*
 - *Policies T1, T2, T3, T4 and T5 of the Draft London Plan: The Spatial Development Strategy for Greater London (Draft for Consultation December 2017 with minor suggested changes July 2018);*
 - *Policies INF1, INF2 and SP8 of The London Borough of Newham Local Plan (December 2018).*
15. *The proposed development would be served by a road which fails to adopt a healthy street approach and thus would be detrimental to the pedestrian and cyclist experience as well as a successful integration of a new mixed-use neighbourhood in this location. This is contrary to:*
- *the National Planning Policy Framework (MHCLG, February 2019);*
 - *Policies 6.1 and 6.3 of The London Plan - The Spatial Development Strategy for London (GLA, consolidated with alterations since 2011 and published March 2016);*
 - *Policies T1, T2, T3, T4 and T5 of the Draft London Plan: The Spatial Development Strategy for Greater London (Draft for Consultation December 2017 with minor suggested changes July 2018);*
 - *Policies INF1, INF2 and SP8 of The London Borough of Newham Local Plan (December 2018).*

Stage 2 Report

47 On 2 December 2019, the Deputy Mayor for Planning, Regeneration and Skills (acting under delegated authority) considered a planning report reference GLA/4039c/02 (the 'Stage 2 Report'). The report concluded that having regard to the details of the Application, the matters set out in the Council's Committee Report, Addendum Report, and draft decision notice; the development is of such a nature and scale that it would have a significant impact on the implementation of the London Plan (particularly policies on housing, affordable housing, Opportunity Areas, town centres, open space, and transport), and consequently that there are sound planning reasons for the Mayor to intervene in this case and issue a Direction pursuant to Article 7 of the 2008 Order that he would act as the Local Planning Authority for the purpose of determining the Application. The Deputy Mayor agreed with this recommendation.

48 The Stage 2 Report identified that there were matters requiring further consideration and resolution in light of the Council's resolution, including the industrial use classes proposed; industrial relocation strategy; agent of change principles; timing of delivery of the school and temporary provision; the safeguarded wharf; the approach to masterplanning; affordable housing; housing mix; housing density; residential quality; separation distances between habitable rooms; scale and massing; daylight and sunlight to neighbouring properties; accessible housing; carbon offset contributions; BREEAM ratings; transport modelling; car parking; delivery of the new DLR station; and other transport issues.

Further amendments

49 Since the Deputy Mayor issued this direction, GLA and TfL officers have worked with the Applicants to resolve these issues through clarifications, revisions, draft planning conditions and draft section 106 agreement provisions, as discussed in this report. A third set of amendments ('May 2020 Amendments') has been submitted by the Applicants comprising:

- A reduction in the height/mass of Building A (maximum height remaining 21 storeys) by the removal of six storeys from the core 1 wing;
- A reduction in the height/mass of Building B (maximum height remaining 21 storeys) by the removal of four storeys from the core 4 wing;
- Internal and external amendments to Buildings A and B;
- Amendments to public realm proposals and a reduction in amount of car parking proposed for Buildings A & B;
- A reduction in the maximum height of Building C of 3.2 metres;
- A reduction in the maximum height/mass of Building D (maximum height remaining 71.2 metres) by reduction of 27.9 metres to rear wings;
- An increase to the maximum height/mass of some elements of Buildings E, F, H, K, L, N, M, J, Q, S, T and U of 0.4-9.6 metres (maximum height remaining 97.9 metres);
- An Increase in separation distances to ensure all buildings achieve a minimum of 18 metres between single aspect habitable rooms;
- An increase in the separation distance between Buildings Q and U, and a reduction in the height of their lower wings.
- A reduction in car parking and an increase in cycle parking
- Changes to the proposed phasing.

50 The Deputy Mayor has undertaken an accompanied Site visit with representatives from the GLA, TfL, Newham Council, and the Applicants.

51 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 has been taken into account in the consideration of this case. The Deputy Mayor's decision on this case will be made available on the GLA's website www.london.gov.uk.

Relevant legislation, policies and guidance

52 This Application for planning permission must be determined by the Deputy Mayor (acting under delegated authority) in accordance with the requirement of Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004. In particular, the Deputy Mayor is required to determine the Application in accordance with the development plan, unless material considerations indicate otherwise. For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area consists of the Newham Local Plan (2018), the Joint Waste Development Plan for the East London Waste Authority Boroughs (February 2012) and the 2016 London Plan (consolidated with amendments since 2011).

53 Paragraph 213 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF, and that due weight should be given to them, according to their degree of consistency with the NPPF. All relevant policies in the adopted development plan are considered to be consistent with the NPPF.

54 The Deputy Mayor is also required to have regard to national planning policy and guidance, as well as supplementary planning documents and, depending on their state of advancement, emerging elements of the development plan and other planning policies. In line with paragraph 48 of the NPPF, the weight attached to the Intend to Publish London Plan should reflect the stage of its preparation; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging Plan to the NPPF.

55 On 1 December 2017, the Mayor published his draft London Plan for public consultation. Consultation on the Plan closed on 2 March 2018. On 13 August 2018, the Mayor published a version of the draft Plan that includes his minor suggested changes. The draft London Plan was subject to an Examination in Public (EiP), which was undertaken between 15 January and 22 May 2019. On 16 July 2019, the Mayor published the draft London Plan – Consolidated Suggested Changes Version (July 2019), which incorporates the suggested changes put forward by the Mayor before, during, and after the EiP sessions. The Panel of Inspectors appointed by the Secretary of State issued their report and recommendations to the Mayor and this was published on the GLA website on 21 October 2019. On 9 December 2019, the Mayor issued to the Secretary of State his Intend to Publish London Plan, together with a statement of reasons for any of the Inspectors' recommendations that the Mayor did not wish to accept. On 13 March 2020, the Secretary of State wrote to the Mayor setting out his consideration of the Mayor's Intend to Publish London Plan, and issued Directions under Section 337 of the Greater London Authority Act 1999 (as amended). The Mayor considers that amendments are needed to the Secretary of State's proposed modifications in order to remove policy

ambiguities and achieve the necessary outcomes. Discussions are underway to resolve these matters in order to publish the London Plan as soon as possible.

56 The Secretary of State's proposed amendments are reflected in the relevant sections below, and to the extent that they are relevant to this particular application, have been taken into account as a material consideration. The emerging policies of the Intend to Publish London Plan are considered to be consistent with the NPPF and can be given significant weight, other than those subject to Directions from the Secretary of State, which are discussed further in the relevant sections below.

57 The relevant planning policies and guidance at the national, regional and local levels are noted in the following paragraphs.

National planning policy and guidance

58 The National Planning Policy Framework (NPPF) provides the Government's overarching planning policy framework. First published in 2012, the Government published a revised NPPF in July 2018 and a further revised NPPF in February 2019. The NPPF defines three dimensions to sustainable development: an economic role – contributing to building a strong, responsive and competitive economy; a social role - supporting strong, vibrant and healthy communities; and, an environmental role - contributing to protecting and enhancing the natural, built and historic environment. The sections of the NPPF which are relevant to this Application are:

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
7. Ensuring the vitality of town centres
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

59 A key component of the NPPF is the presumption in favour of sustainable development. In terms of decision making, this means approving applications that accord with the development plan without delay; or, where there are no relevant development plan policies, or where such policies are out-of-date, granting permission unless either: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or where NPPF policies that protect areas or assets of particular importance provide a clear reason for refusing a proposed development.

60 The National Planning Practice Guidance is also a material consideration.

Spatial Development Strategy for London and supplementary guidance

61 The London Plan 2016 is the Spatial Development Strategy for Greater London. The relevant policies within the London Plan are:

- Policy 1.1 Delivering the strategic vision and objectives for London;
- Policy 2.9 Inner London;
- Policy 2.13 Opportunity Areas and intensification areas;
- Policy 2.14 Areas for regeneration;
- Policy 2.15 Town centres;
- Policy 2.17 Strategic Industrial Locations;
- Policy 2.18 Green infrastructure;
- Policy 3.1 Ensuring equal life chances for all;
- Policy 3.2 Improving health and addressing health inequalities;
- Policy 3.3 Increasing housing supply;
- Policy 3.4 Optimising housing potential;
- Policy 3.5 Quality and design of housing developments;
- Policy 3.6 Children and young people’s play and informal recreation facilities;
- Policy 3.7 Large residential developments;
- Policy 3.8 Housing choice;
- Policy 3.9 Mixed and balanced communities;
- Policy 3.10 Definition of affordable housing;
- Policy 3.11 Affordable housing targets;
- Policy 3.12 Negotiating affordable housing;
- Policy 3.13 Affordable housing thresholds;
- Policy 3.16 Protection and enhancement of social infrastructure;
- Policy 3.17 Health and social care facilities;
- Policy 3.18 Education facilities;
- Policy 3.19 Sports facilities;
- Policy 4.1 Developing London’s economy;
- Policy 4.4 Managing industrial land and premises;
- Policy 4.6 Support for and enhancement of arts, culture, sport and entertainment
- Policy 4.7 Retail and town centre development;
- Policy 4.8 Supporting a successful and diverse retail sector;
- Policy 4.12 Improving opportunities for all;
- Policy 5.1 Climate change mitigation;
- Policy 5.2 Minimising carbon dioxide emissions;
- Policy 5.3 Sustainable design and construction;
- Policy 5.4A Electricity and gas supply;
- Policy 5.5 Decentralised energy networks;
- Policy 5.6 Decentralised energy in development proposals;
- Policy 5.7 Renewable energy;
- Policy 5.9 Overheating and cooling;
- Policy 5.10 Urban greening;
- Policy 5.11 Green roofs and development site environs;
- Policy 5.12 Flood risk management;
- Policy 5.13 Sustainable drainage;
- Policy 5.14 Water quality and wastewater infrastructure;
- Policy 5.15 Water use and supplies;
- Policy 5.17 Waste capacity;
- Policy 5.18 Construction, excavation and demolition waste;
- Policy 5.21 Contaminated land;

- Policy 6.1 Strategic approach to transport;
- Policy 6.2 Providing public transport capacity and safeguarding land for transport;
- Policy 6.3 Assessing the effects of development on transport capacity;
- Policy 6.4 Enhancing London's transport connectivity;
- Policy 6.5 Funding Crossrail and other strategically important transport infrastructure;
- Policy 6.6 Aviation;
- Policy 6.7 Better streets and surface transport;
- Policy 6.9 Cycling;
- Policy 6.10 Walking;
- Policy 6.11 Smoothing traffic flow and tackling congestion;
- Policy 6.12 Road network capacity;
- Policy 6.13 Parking;
- Policy 6.14 Freight;
- Policy 7.1 Lifetime neighbourhoods;
- Policy 7.2 An inclusive environment;
- Policy 7.3 Designing out crime;
- Policy 7.4 Local character;
- Policy 7.5 Public realm;
- Policy 7.6 Architecture;
- Policy 7.7 Location and design of tall and large buildings;
- Policy 7.8 Heritage assets and archaeology;
- Policy 7.10 World Heritage Sites;
- Policy 7.13 Safety, security and resilience to emergency;
- Policy 7.14 Improving air quality;
- Policy 7.15 Reducing noise and enhancing soundscapes;
- Policy 7.18 Protecting open space and addressing deficiency;
- Policy 7.19 Biodiversity and access to nature;
- Policy 7.21 Trees and woodlands;
- Policy 7.24 Blue ribbon network;
- Policy 7.25 Increasing the use of the blue ribbon network for passengers and tourism;
- Policy 7.26 Increasing the use of the blue ribbon network for freight transport;
- Policy 7.27 Blue ribbon network: supporting infrastructure and recreational use;
- Policy 7.28 Restoration of the blue ribbon network;
- Policy 7.29 The River Thames;
- Policy 7.30 London's canals and other rivers and waterspaces;
- Policy 8.2 Planning obligations; and
- Policy 8.3 Community Infrastructure Levy.

62 As discussed above, the emerging policies of the Intend to Publish London Plan are considered to be consistent with the NPPF and can be given significant weight, other than those subject to Directions from the Secretary of State, as explained further in the relevant sections below.

63 The following policies in the Intend to Publish London Plan are considered to be relevant:

- Policy SD1 Opportunity Areas;

- Policy SD6 Town centres and high streets;
- Policy SD7 Town centres: development principles and DPDs;
- Policy SD8 Town centre network;
- Policy SD10 Strategic and local regeneration;
- Policy D1 London's form, characteristic and capacity for growth;
- Policy D2 Infrastructure requirements for sustainable densities;
- Policy D3 Optimising site capacity through the design-led approach;
- Policy D4 Delivering good design;
- Policy D5 Inclusive design;
- Policy D6 Housing quality and standards;
- Policy D7 Accessible housing;
- Policy D8 Public realm;
- Policy D9 Tall buildings;
- Policy D11 Safety, security and resilience to emergency;
- Policy D12 Fire safety;
- Policy D13 Agent of Change;
- Policy D14 Noise;
- Policy H1 Increasing housing supply;
- Policy H4 Delivering affordable housing;
- Policy H5 Threshold approach to Applications;
- Policy H6 Affordable housing tenure;
- Policy H10 Housing size mix;
- Policy S1 Developing London's social infrastructure;
- Policy S2 Health and social care facilities;
- Policy S3 Education and childcare facilities;
- Policy S4 Play and informal recreation;
- Policy S5 Sports and recreation facilities;
- Policy E2 Providing suitable business space;
- Policy E3 Affordable workspace;
- Policy E4 Land for industry, logistics and services;
- Policy E5 Strategic Industrial Locations (SIL);
- Policy E6 Locally Significant Industrial Sites;
- Policy E7 Industrial intensification, co-location and substitution
- Policy E11 Skills and opportunities for all;
- Policy HC1 Heritage conservation and growth;
- Policy HC2 World Heritage Sites;
- Policy G1 Green infrastructure;
- Policy G4 Open space;
- Policy G5 Urban greening;
- Policy G6 Biodiversity and access to nature;
- Policy G7 Trees and woodlands;
- Policy SI1 Improving air quality;
- Policy SI2 Minimising greenhouse gas emissions;
- Policy SI3 Energy infrastructure;
- Policy SI4 Managing heat risk;
- Policy SI5 Water infrastructure;
- Policy SI7 Reducing waste and supporting the circular economy;
- Policy SI12 Flood Risk Management;

- Policy SI13 Sustainable drainage;
- Policy SI14 Waterways – strategic role;
- Policy SI15 Water transport;
- Policy SI16 Waterways – use and enjoyment;
- Policy SI17 Protecting and enhancing London’s waterways;
- Policy T1 Strategic approach to transport;
- Policy T2 Healthy streets;
- Policy T3 Transport capacity, connectivity and safeguarding;
- Policy T4 Assessing and mitigating transport impacts;
- Policy T5 Cycling;
- Policy T6 Car parking;
- Policy T6.1 Residential parking;
- Policy T6.3 Retail parking;
- Policy T6.5 Non-residential disabled persons parking;
- Policy T7 Deliveries, servicing and construction;
- Policy T8 Aviation;
- Policy T9 Funding transport infrastructure through planning; and
- Policy DF1 Delivery of the plan and planning obligations.

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

- Affordable Housing and Viability SPG (August 2017);
- Housing SPG (March 2016);
- Social Infrastructure SPG (May 2015);
- Accessible London: achieving an inclusive environment SPG (October 2014);
- The control of dust and emissions during construction and demolition SPG (July 2014);
- Character and context SPG (June 2014);
- London View Management Framework SPG (March 2012);
- London World Heritage Sites (March 2012);
- Sustainable Design and Construction SPG (April 2014);
- Shaping Neighbourhoods: play and informal recreation SPG (September 2012);
- All London Green Grid SPG (March 2012);
- Planning for Equality and Diversity in London (October 2007);
- Use of planning obligations in the funding of Crossrail and the Mayoral Community Infrastructure Levy (April 2013);
- Crossrail Funding (March 2016);
- Town Centres SPG (July 2014);
- Character and Context SPG (July 2014);
- Safeguarded Wharves Review (2018)
- Land for Industry and Transport SPG (September 2012);
- Mayor’s Environment Strategy (May 2018);
- Mayor’s Housing Strategy (May 2018);
- Mayor’s Transport Strategy (March 2018);
- Practice Note on Industrial Intensification (2018);
- London Cycle Design Standards (October 2016);
- Energy Planning Guidance (April 2020);

- Good Quality Homes for all Londoners - pre-consultation draft (March 2020);
- Public London Charter - pre-consultation draft (March 2020);
- Circular Economy Statement Guidance - pre-consultation draft (April 2020);
- Whole Life-Cycle Carbon Assessments - pre-consultation draft (April 2020);
- 'Be Seen' Energy Monitoring Guidance - pre-consultation draft (April 2020);
- Fire Statements Guidance – pre-consultation draft (July 2020);
- Evacuation Lifts Guidance – pre-consultation draft (July 2020).

Local planning policy and guidance

65 The Newham Local Plan (2018) provides local development plan planning policies for the area. The relevant policies are:

- Policy S1 Spatial Strategy and Strategic Framework;
- Policy S3 Royal Docks;
- Policy SP1 Borough-wide Place-making;
- Policy SP2 Healthy Neighbourhoods;
- Policy SP3 Quality Urban Design within Places;
- Policy SP4 Tall Buildings;
- Policy SP5 Heritage and other Successful Place-making Assets;
- Policy SP6 Successful Town and Local Centres;
- Policy SP7 Quality Movement Corridors and Linear Gateways;
- Policy SP8 Ensuring Neighbourly Development;
- Policy SP9 Cumulative Impact;
- Policy J1 Business and Jobs Growth;
- Policy J2 Providing for Efficient Use of Employment Land;
- Policy J3 Skills and Access to Employment;
- Policy H1 Building Sustainable Mixed Communities;
- Policy H2 Affordable Housing;
- Policy H3 Specialist Accommodation Needs;
- Policy SC1 Environmental Resilience;
- Policy SC2 Energy & Zero Carbon;
- Policy SC3 Flood Risk & Drainage;
- Policy SC4 Biodiversity;
- Policy SC5 Air Quality;
- Policy INF1 Strategic Transport;
- Policy INF2 Sustainable Transport;
- Policy INF3 Waste and Recycling;
- Policy INF4 Utilities Infrastructure;
- Policy INF5 Town Centre Hierarchy and Network;
- Policy INF6 Green Infrastructure & the Blue Ribbon Network;
- Policy INF7 Open Space and Outdoor Recreation;
- Policy INF8 Community Facilities;
- Policy INF9 Infrastructure Delivery.

66 The Lea River Park Primer, Design Manual and Curatorial Approach (2016) are also relevant.

Community Infrastructure Levy

67 Local planning authorities in London are able to introduce Community Infrastructure Levy (CIL) charges, which are payable in addition to the Mayor's CIL. Newham Council's CIL came into effect in September 2013 and in this location is charged at a rate of £80 per sq.m. for residential, £30 for retail, £130 per sq.m. for student housing, and £120 per sq.m. for hotels, with a nil charge for other land uses. Following the adoption of a new charging schedule, MCIL2 rates now apply to planning permissions granted from 1 April 2019. Accordingly, a rate of £25 per sq.m. would apply to the residential and commercial floorspace proposed. CIL liability would be subject to relief for affordable housing.

Consultation

Newham Council Notification (pre-Committee)

68 Site Notices were erected in the London Borough of Newham, London Borough of Tower Hamlets and Royal Borough of Greenwich on 23 January 2019, 24 May 2019, 4 July 2019 and 23 August 2019. Press notices were advertised in the Newham Recorder on 30 January 2019, 29 May 2019, 10 July 2019 and 21 August 2019; Greenwich Info on 5 February 2019, 28 May 2019, 9 July and 3 September 2019; and Docklands & East London Advertiser on 31 January 2019, 30 May 2019, 4 July and 22 August 2019. A total of 814 consultation letters were sent to neighbouring properties on 23 January 2019, 23 May 2019, 15 July 2019 and 23 August 2019. The consultation also included all relevant statutory bodies, neighbouring boroughs and amenity groups. The Application was advertised as a major Application; affecting the setting of a listed building; and a departure from the development plan and accompanied by an Environmental Statement.

Statutory consultee responses to Newham Council

69 Greater London Authority (including Transport for London): The Mayor's initial Stage 1 consultation response is summarised above (GLA report ref: GLA/4039c/01).

70 Transport for London: Comments provided as part of the Mayor's Stage 1 Report, and also provided a separate direct response to Newham Council providing further detail.

71 Crossrail: No objection, subject to an informative requested to advise that the site encroaches onto land that is the freehold property of Transport for London and the Applicants is therefore advised to consult TfL Operational Property prior to any use of or access/egress over the TfL property.

72 London Underground Infrastructure: No objection, subject to conditions to secure the development shall not be commenced until detailed design and method statements, in consultation with TfL, for each stage of the development have been submitted to and approved in writing by the local planning authority, providing written approval of works from TfL Engineers before commencement, and entering into legal agreement with TfL for all works.

73 Historic England (archaeology): No objection, subject to conditions securing archaeological evaluation, control over the extent and location of remediation groundworks

and foundation design, and a scheme of public heritage interpretation. The site overlies part of the Thames Ironworks and the eastern lock entrance to the Royal Victoria Park.

74 Metropolitan Police: No objection, subject to a 'secured by design' condition, and an informative concerning ongoing advice on security and design.

75 Environment Agency: No objection, supports the aim to deliver valuable intertidal habitat and increased flood protection, subject to conditions relating to finished floor levels; basement levels; long terms monitoring; management of boreholes; SuDS infiltration of surface water; and foundation works.

76 Highways England: No objection, subject to conditions relating to a Construction Traffic Management Plan due to the volume of construction vehicles expected and the proximity to the Strategic Road Network (SRN), and Travel Planning to promote sustainable travel and ensure the development is 'car-free' with impact on the SRN.

77 Thames Water: No objection, subject to conditions relating to construction in the vicinity of a strategic water main; and a piling method statement to restrict occupation until confirmation that all water network upgrades required to accommodate the additional flows from the development have been completed or a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. An informative was also requested relating to the proximity of underground water assets.

78 National Grid: Holding objection to the proposal, which is in close proximity to a High Voltage Transmission Overhead Line. This is the usual approach and further information was requested to be provided as an informative in order to overcome this.

79 Port of London Authority: No objection, subject to a condition requiring noise, air quality, lighting and highways assessments relating to Thames Wharf, should the wharf has not been de-designated; a Grampian condition or Section 106 obligation restricting development on the safeguarded Thames Wharf until the wharf has been de-designated, and securing a safeguarded wharf reactivation strategy should the wharf remain safeguarded; a condition securing the submission of a detailed Construction Logistics Plan that makes appropriate commitments to the use of the river for the transport of materials and waste where practicable; and a condition requiring the submission of details on external lighting. Concerns raised about the impact of noise from wharves in Greenwich and proposed structures projecting over the river beyond the red line boundary.

80 London City Airport: No objection, subject to conditions relating to unexploded ordnance; bird strike risk assessment; green and brown roof strategy; Estate Management Strategy; London City Airport's Obstacle Limitation Surfaces; construction methodology; external lighting; telecommunication systems; photovoltaic panels; landscaping plans; and Instrument Flight Procedure (IFP) and Instrument Landing System (ILS) assessment.

81 Marine Management Organisation: No objection. Comments provided that could be included in informatives.

82 London Fire and Emergency Planning Authority: No objection. Comments provided that could be included as informatives.

83 London Borough of Tower Hamlets Regeneration Team: No objection. Recommended section 106 obligations safeguarding areas for the pedestrian bridge

landing; securing further feasibility work to inform the detailed design for the Riverside Quarter phases; and securing access rights for construction and end use.

- 84 NHS Newham Clinical Commissioning Group: No objection. Recommended section 106 obligations towards primary health infrastructure
- 85 Cadent: No objection.
- 86 NATS Safeguarding: No objection.
- 87 Sport England: No objection.
- 88 Royal Borough of Greenwich: No objection.
- 89 London Borough of Tower Hamlets: No comments.
- 90 City of London: No comments.
- 91 Secretary of State (Planning Casework Unit): No comments.
- 92 Historic England: No comments.
- 93 Natural England: No comments.
- 94 Canal and River Trust: No comments.
- 95 Network Rail: No comments.
- 96 HSE Explosives: No comments.

Individual neighbour responses to Newham Council

97 A total of 72 responses were received from 60 individuals in response to the public notifications undertaken prior to being considered at Committee, with 71 objections and one in support. The grounds for objection are summarised below and grouped by topic headings used in this report:

Consultation

- Inadequate pre-application notification with neighbouring residents.
- Failure to respond to local residents' comments arising from pre-submission consultation.

Principle of development

- Insufficient social infrastructure, including schools, primary health care, leisure facilities and public green space.
- Negative impacts to future residents due to proximity of the LA Lounge venue (Bell Lane), and resulting impact on its continued operation.
- Negative impacts to future residents due to proximity of licensed premises at Trinity Buoy Wharf, and resulting impact on its continued operation.
- Negative impacts to future residents due to proximity of industrial uses, and resulting impact on continued operation of industrial uses.
- Closure/demolition of small businesses within and around the site.

Urban design

- Overdevelopment/excessive density.
- Excessive building height and massing.
- Concerns over safety, privacy, and impact on tourism due to proximity of buildings to cable car.
- Restriction of visual amenity, loss of privacy, increased sense of enclosure, increased noise and disturbance, and reduction in daylight/sunlight to neighbouring residents, also damaging health and reducing property values.
- Inadequate noise assessment within Application documents.
- Unattractive design.
- Impact on local character.
- Negative impact on nearby heritage assets, including Greenwich World Heritage Site.
- Noise and air quality impacts on site from existing roads and Silvertown Tunnel.
- Noise and air quality impacts during construction and after completion.

Transport

- Increase in traffic congestion and resulting pollution.
- Insufficient car parking spaces and resulting impact on local street parking.
- Impact on road safety in context of existing poor quality roads.
- Safety concerns due to proximity of tall buildings to City Airport.
- Insufficient transport infrastructure, particularly DLR capacity.

Environment and Climate Change

- Overshadowing and wind tunnel impacts on River Lea ecology.
- Loss of existing trees and open space within the site.
- Insufficient green space within development.

Other responses to the Council

98 Royal Docks Residents Association: The proposals represent a considerate use of the site given its location within a semi-residential/semi industrial area; however, given the significant amount of regeneration taking place within the area, the applicants should work with local stakeholders to contribute to a Crossrail station at London City Airport; cycle hire docking stations within and surrounding the site; increased DLR capacity and 24 hour bus services; public realm, landscape and permeability improvements to the Silvertown Way Flyover; improvements to Royal Victoria Urban Beach; and a new leisure centre.

Newham Council Internal Consultees

99 Airport Monitoring Officer (January and July 2019): No objection. Informatives required in relation to sound insulation advice to be used in detailed design, and dynamic thermal modelling to avoid overheating.

100 Lead Local Flood Authority (February, May and August 2019): No objection, subject to conditions relating to surface water drainage.

101 Waste (March 2019): No objection.

102 Housing (May 2019): No objection. Welcomed a significant number of affordable homes, although less than 50% as expected by London Plan policy. Supportive of rents at London Affordable Rent levels or below, and the intention to minimise service charges.

103 Environmental Health (May, June and October 2019): Refusal recommended on grounds that the size of the zero-carbon shortfall within the Energy and Sustainability Statement is significant; the proposals for on-site and off-site energy are not fully developed; and it is not accepted that the masterplan is 'air quality neutral' and as zero carbon as possible for building emissions. Conditions suggested if other planning considerations override these concerns, relating to the submission of details for noise mitigation; grease traps; ventilation/plant; sound insulation; fixed plant machinery acoustic report; impact piling; code of construction practice; environmental noise and mitigation; contamination; non-road mobile machinery; air quality positive assessment; monitoring of dust and emissions from construction and development; and construction environmental plan. Informatives recommended on housing ventilation; land contamination; sound insulation; stacking; food law requirements; lift operations; explosive ordnance; and licensing; Suggested section 106 contributions to manage the Code of Construction Practice and construction on site; zero carbon offset levy; and air quality monitoring contributions.

104 Urban Design Manager (March 2019): Neither the outline nor the detailed component are supported in design terms. For the outline element, the two standalone buildings at the south-west and north-east corners of the park undermine its definition and enclosure; building heights are well in excess of the indicative heights in the strategic allocation, with particular concerns about buildings to the south-east of the park; and minimum building separation of 12 metres will create dark, overshadowed and cramped spaces at street level; however, the Design Code and the overarching landscape strategy are supported. For the detailed element, the public realm on Dock Road will be a poor and hostile environment, dominated by car parking, bin holding areas, a vehicular access road, a wide crossover to the industrial unit, a loading, and little soft landscaping; building heights are excessive and unjustified; there are large number of single aspect north-facing units; and concerns about the architecture, including the use of flat grey aluminium panels, and large numbers of winter gardens that are difficult to detail well.

105 Transport Planning (May and October 2019): Objection, on grounds of the uncertainty of delivery of the new DLR Station; the lack of commitment to improve accessibility beyond the red line boundary to Canning Town Station and West Silvertown Station; the lack of commitment to improve the quality of Dock Road working with Silvertown Tunnel works; and the lack of sufficient transport modelling. Should the Application be approved, conditions were recommended relating to public highway works; travel planning; car parking; cycle parking; delivery and service plan; transport management plan; and events management strategy. Section 106 obligations were recommended on public realm improvement; a parking impact payment of £500,000; cycle hire docking; car parking management plan; public transport contribution; creation of a car club; £20,000 contribution for administration of a reduced car parking development agreement; total cost for waiting, unloading restrictions; and £40,000 travel plan monitoring contribution.

106 Education (June and September 2019): The development will necessitate an immediate requirement for the 4FE primary school proposed, and a financial contribution for secondary provision, estimated to be approximately £29M in total. Concerns about the specification and design of the primary school, which requires further discussion. A zero primary contribution would be sought if the developer is to fully manage all aspects of the primary school through the provision of the land, build and design and full fit-out of the school according to BB103 standards.

107 Economic Regeneration (June 2019): Section 106 obligations requested on employment and skills, including £1.1M contribution, local employment and apprenticeship targets.

108 Highways (June 2019): Dock Road will be required to be designed and provide facilities to include car parking, aids for pedestrian movements and cycling facilities. Condition required to enter into a section 247 agreement.

109 Regeneration (August 2019): Safeguarding of land for potential pedestrian bridge over the River Lea required. Welcome the Lea Ecology Park proposal, providing one of the missing links in a continuous and fully accessible footpath from the Olympic Park to the Thames.

Representations to the Mayor of London

110 No representations to the Mayor were received prior to the Deputy Mayor's decision to take over determination of the Application from Newham Council by issuing a direction under Article 7 of the 2008 Order on 2 December 2019.

111 A re-consultation exercise took place from 3 June to 28 July 2020 in relation to the May 2020 Amendments to the scheme as summarised above. Letters were sent to all those consulted by the Council within earlier consultations, in addition to all those who had responded to the planning Application thus far. Press notices were posted in the Newham Recorder, Docklands and East London Advertiser, and Greenwich Info; and Site Notices were erected. The Application was also publicised through social media (The Royal Docks Facebook and Twitter accounts).

Newham Council

112 A draft consultation response was considered by Newham Council's Strategic Development Committee on 20 July 2020 and subsequently submitted to the GLA on 22 July 2020. The response notes the 'substantial changes' to the scheme since consideration by the Committee in November 2019, and stated that 7 Reasons for Refusal had been satisfied; however, the Council maintains that 8 Reasons for Refusal had not been satisfied. On that basis, the Council objects to the Application. The Council's remaining concerns have been fully considered by GLA officers prior to the recommendation to the Deputy Mayor contained within this report.

Reason for Refusal 1 (masterplanning)

113 Reason for Refusal 1 should remain due to unresolved considerations including:

- The introduction of residential uses, particularly affordable housing, into and adjacent to a Strategic Industrial Location(SIL) and nightclub would not represent good neighbourliness. Concerns remain for future occupiers in

regards to noise and odour. The increase in distance between residential uses and the Site boundary is welcomed; however, the benefits are unclear. The most affected blocks would accommodate the affordable housing, raising concerns that the scheme would not be equitable regarding tenure.

- A financial contribution is currently being negotiated towards delivery of Thames Wharf DLR Station; however, at a meeting on 8 July 2020 the applicant showed a reduced level of support and was not amenable to a Grampian restriction on 1,700 homes until the new DLR station is delivered.
- Most of the accommodation lost on the eastern part of the site has been redistributed the west. While this is the most logical location for taller buildings around the new DLR station and local centre, the scale is significantly in excess of the indicative heights for the strategic site, and suggests a place of comparative importance to Canning Town, which is not supported.

114 Support was expressed for:

- Amendments to the design and layout of the Phase 1 have addressed concerns regarding the quality of homes; heights and massing, which create a more dynamic, interesting and less dominant form, with increased separation between blocks; architecture, which has the potential to be very successful; car parking and bin holding areas on Dock Road, which have been reduced; and public realm, which is of a higher quality. Concerns about high level projecting balconies have been partially addressed.
- The proposed building heights of phases to the south-east of Dock Park have been reduced quite significantly, which is a significant improvement. The quality of the public realm and homes within this area will also benefit from improved solar access. The height, scale and massing is considered acceptable.
- The increased minimum separation distances between buildings of 18m is welcomed.
- Concerns regarding the safeguarded wharf have been addressed, subject to the proposed conditions and obligations.

Reason for Refusal 2 (infrastructure sufficiency)

115 Reason for Refusal 2 should remain due to unresolved considerations; however, education discussions are progressing through section 106 agreement discussions and officers are hopeful that the outstanding matter is close to being resolved.

Considerations include:

- The Applicants' stance on the DLR Station as set out under Reason for Refusal 1.
- Discussions are ongoing regarding the new 4 form entry primary school. Newham Council's build calculator should be used instead of the generic Department for Education calculator. Concerns about the school being delivered late in the phasing; however, it is noted that it has been brought forward in the phasing and is restricted by the availability of land due to Silvertown Tunnel construction. Discussions are ongoing to find a suitable

interim solution, most likely in the form of a temporary school and/or appropriate financial contributions.

Reason for Refusal 3 (residential uses in SIL)

116 Reason for Refusal 3 should remain as no additional information has been submitted concerning evidenced market demand and occupier requirements. Therefore, it has failed to adequately demonstrate managed release and managed intensification of SIL.

Reason for Refusal 4 (Agent of Change)

117 Reason for Refusal 4 should remain due to unresolved considerations concerning the relationship of residential and SIL uses, as set out under Reason for Refusal 1. Mitigation for noise, dust, and odour should be clear at this stage and not left to conditions and Reserved Matters stage,

Reason for Refusal 5 (Thames Wharf safeguarding)

118 Significant steps have been made to reduce conflicts around phasing to ensure the delivery of the school, regardless of the outcome of the deactivation of Thames Wharf. The proposals can address neighbourliness through conditions, so that an active wharf can co-exist with the proposed uses. Furthermore, an appropriate obligation would be provided to prevent development on the wharf should it remain safeguarded. The fundamental concerns are resolved and the Reason for Refusal is now satisfied

Reason for Refusal 6 (height, scale and massing)

119 Reason for Refusal 6 should remain due to unresolved considerations on height, scale and massing, as set out under Reason for Refusal 1 above.

Reason for Refusal 7 (daylight and sunlight to neighbouring properties)

120 The majority of the existing receptors would adhere to BRE guidelines for daylight and sunlight. Where the recommended guidelines are not achieved for daylight/sunlight, it is shown to be due to the design of existing buildings restricting daylight/sunlight in this urban setting. Any effects from this development are regarded to be acceptable in this urban setting. It is considered that acceptable levels of daylight/sunlight will be achieved and the Reason for Refusal is now satisfied.

Reason for Refusal 8 (BREEAM)

121 A BREEAM 'Excellent' rating would be conditioned and the Reason for Refusal is now satisfied.

Reason for Refusal 9 (housing mix)

122 The amended scheme shows an increase in the number of 3 bed family homes to 23%, which is welcomed; however, the acceptability of this should be subject to a financial viability assessment before further comment can be provided. The Council requests that four-bed homes are replaced by three-beds, based on the Council's 2016 Strategic Housing Market Assessment (SHMA).

Reason for Refusal 10 (affordable housing)

123 Recognised the increased affordable housing; however, based on the BNP Paribas initial (7 July) review of the Applicants' Financial Viability Assessment (submitted May 2020), concerns remain that the Reason for Refusal is not resolved.

Reason for Refusal 11 (density)

124 Reason for Refusal 11 should remain due to unresolved considerations on height, scale, massing, and scale of development, as set out under Reason for Refusal 1 above.

Reason for Refusal 12 (residential quality)

125 Changes to the layout of the scheme to increase the minimum distances between buildings to 18 metres, reduction in the number of parking spaces and inclusion of blue badge only parking provision is welcomed. The Reason for Refusal is now satisfied.

Reason for Refusal 13 (impact on local road network)

126 TfL has confirmed that further modelling has been provided by the Applicants and it is satisfied that the final modelling/recommended mitigation outcomes are appropriate. Moreover, through detailed design and the recommended conditions and obligations, there should not be unacceptable traffic and road safety impacts. Highways within the site would be private, with planning conditions and obligations to ensure, manage and maintain public access. Work is ongoing to establish the extent of improvements to be undertaken by the applicants under a planning obligation as well as potential planning conditions. It appears that this Reason for Refusal has not been formally addressed within the amendments; however, the outstanding matters can be satisfied provided that appropriate conditions and obligations are secured.

Reason for Refusal 14 (accessibility to transport nodes)

127 TfL has confirmed that the applicant has provided improved information on active travel routing and access improvements between the site and public transport nodes, including improvements to pedestrian and cycle routes to/from site funded by the Applicants and others; routes that avoid the Silvertown Tunnel; segregated walk/cycle routing; and new wayfinding, including Legible London signage. Provided that the information as highlighted by TfL is formalised within the application and the appropriate planning obligations are secured, the Reason for Refusal is resolved.

Reason for Refusal 15 (Healthy Streets)

128 The May 2020 Amendments are accompanied by a Transport Assessment Addendum (May 2020). This demonstrates that the connections to the closest DLR stations have been considered and possible improvements/opportunities have been explored; however, the connections to adjoining developments are not clear. The Transport Assessment does not explicitly set out how it embraces healthy streets principles. TfL has confirmed that it has assessed the scheme in regards to Healthy Streets and considers that the proposal is acceptable. Discussions are ongoing regarding planning obligations to secure the necessary infrastructure to support this development, improvements to connectivity, and to ensure sustainable modes of transport are secured and supported. A planning obligation is proposed to require a

Healthy Streets Assessment to be submitted with any subsequent Reserved Matters applications, which would be capable of satisfying the Reason for Refusal.

Statutory consultee responses

129 Port of London Authority: No objection, subject to a Grampian condition or section 106 obligation restricting development on the safeguarded Thames Wharf until the wharf has been de-designated; a condition with appropriate trigger points requiring noise, air quality, lighting and highways assessments relating to Thames Wharf, should the wharf has not been de-designated; a safeguarded wharf reactivation strategy should the wharf remain safeguarded; a condition securing the submission of a detailed Construction Logistics Plan that makes appropriate commitments to the use of the river for the transport of materials and waste where practicable. Attention was drawn to previous consultation comments, which also requested a condition requiring the submission of details on external lighting. Concerns raised about the impact of noise from wharves in Greenwich and structures projecting over the river beyond the red line boundary shown in indicative drawings in the outline phases.

130 In response, planning conditions and obligations are proposed to be attached to any permission.

131 NATS Safeguarding: No comments.

132 London City Airport: Awaiting advice from the airlines operating from London City Airport before providing a final response. This is expected before the Hearing and will be reported in a Hearing Addendum Report.

133 Highways England: No objection, subject to conditions relating to residential travel planning and a Construction Traffic Management Plan, which are proposed to be secured by planning condition.

134 Metropolitan Police: No objection, subject to a 'secured by design' condition, and an informative concerning ongoing advice on security and design.

135 Canal and River Trust: No comments.

136 Crossrail: No objection.

137 Sport England: No objection.

138 London Underground Infrastructure: No objection, subject to conditions to secure the development shall not be commenced until detailed design and method statements, in consultation with TfL, for each stage of the development have been submitted to and approved in writing by the local planning authority, providing written approval of works from TfL Engineers before commencement, and entering into legal agreement with TfL for all works.

139 Environment Agency: No objection, subject to comments previously provided.

Individual neighbour responses

140 A total of 36 individual responses were received, of which 34 responses objected to the Application, and 2 responses were in support. An additional 5 anonymous

objections were made to the Council; although some of these are likely to have also responded directly to the GLA. All responses have been made available to the Deputy Mayor and were fully considered by GLA officers prior to the recommendation to the Deputy Mayor within this report. In summary, the issues raised in objection to the revised scheme can be broadly categorised by topic headings used in this report:

- Consultation
 - Inadequate involvement in the development of the revised proposals.
- Principle of development:
 - Insufficient local infrastructure, including shopping facilities, GP surgeries, schools, nurseries, playgrounds, green areas
- Housing
 - Oversupply of recently constructed housing in the area and high vacancy.
- Urban design:
 - Overdevelopment/excessive density.
 - Excessive height and massing.
 - Buildings too close together.
 - Buildings too close to cable car creating privacy issues.
 - Buildings create a barrier to the river due to excessive height.
 - Overshadowing and loss of light and privacy to neighbouring properties, and resulting negative impact on health.
 - Loss of views to the river.
 - Inadequate public open space provided.
 - Designs do not take account of existing development.
 - Insufficient changes compared to the refused scheme.
- Transport
 - New DLR station inadequate, requires a new London Underground station.
 - Inadequate existing DLR capacity.
 - Buildings too close to the cable car creating safety concerns.
 - Insufficient car parking and increased car parking issues in surrounding areas.
 - Safety concerns relating to London City Airport.
 - Increased traffic congestion.
 - Inadequate cycle routes and cycle parking.
- Environment and climate change issues
 - Insufficient green space within development.
 - Air quality impacts from increased traffic.
 - Noise impacts during construction.
 - Cumulative impacts of construction projects in the area.

Royal Docks Residents Association

141 Expressed support for the 5,000 new homes and the associated new DLR station, the new park and green spaces, and the opening up 800 metres of inaccessible waterfront.

Representations summary

142 All representations received in respect of this Application have been made available to the Deputy Mayor; however, in the interests of conciseness and for ease of reference, the issues raised have been summarised as detailed above. The key issues raised by the consultation responses, and the various other representations received, are addressed under the relevant topic headings within this report, and, where appropriate, through the proposed planning conditions, planning obligations and/or informatives outlined in the recommendation section of this report.

Environmental Impact Assessment

143 Planning Applications for development that are covered by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 are termed “EIA Applications”. The requirement for an EIA is based on the likelihood of environmental effects arising from the development. The proposed development is considered to comprise Schedule 2 development likely to have significant effects on the environment by virtue of factors such as nature, size or location. Consequently, the Application is considered to form an Application for EIA and it has been necessary that an Environmental Statement (ES) be prepared in accordance with EIA Regulations.

144 The Applicants submitted an EIA Scoping Report to Newham Council in March 2018, outlining the proposed scope of the Environmental Statement (ES). In August 2018, an EIA Scoping Opinion was undertaken.

145 An ES was submitted in support of the original planning Application, with the following topics assessed:

- Chapter 6: Traffic and Transport;
- Chapter 7: Noise and Vibration;
- Chapter 8: Air Quality;
- Chapter 9: Water Resources and Flood Risk;
- Chapter 10: Terrestrial Ecology;
- Chapter 11: Waste Management;
- Chapter 12: Ground Conditions;
- Chapter 13: Wind and Microclimate;
- Chapter 14: Daylight, Sunlight and Overshadowing
- Chapter 15: Population and Human Health;
- Chapter 16: Built Heritage;
- Chapter 17: Townscape and Visual Amenity;
- Chapter 18: Greenhouse Gas Emissions.

146 Newham Council commissioned environmental consultants Temple Group to review the ES. Clarifications and potential Regulation 25 requests were raised by Temple Group and as a result the Council issued three formal Regulation 25 requests to the Applicants. The Applicants’ responses to these requests were further reviewed by Temple Group and agreed in a Final Review Report dated 30 August 2019.

147 As a result of the May 2020 Amendments, Temple Group were commissioned to review the draft May 2020 ES Addendum, prior to formal submission. Clarifications and potential Regulation 25 requests were raised by Temple Group and the Applicants’

responses to these requests were further reviewed by Temple Group and agreed in a Final Review Report dated 29 May 2020.

148 GLA officers consider the scope and content of the Applicants' ES and ES Addendum and the reviews undertaken by Temple Group to be acceptable.

Principal Planning Issues

149 Having regard to the Site and the details of the proposed development, relevant planning policy at the local, regional and national levels; and, the consultation responses and representations received, the principal planning issues raised by the Application that the Deputy Mayor must consider are:

- Principle of development, including Good Growth and masterplanning; industrial land; agent of change; employment and training; safeguarded wharves; housing delivery; town centres; social infrastructure and neighbouring sites;
- Housing, including affordable housing; housing mix and tenure; and play space;
- Urban design, including design scrutiny; site layout; height, massing, townscape and views; architecture and materials; historic environment; density; residential quality, including impacts on neighbouring properties (relationship to neighbouring uses, internal space standards; aspect; external amenity; privacy, outlook and sense of enclosure; daylight, sunlight, and overshadowing; noise and vibration; and air quality); fire safety; designing out crime; and inclusive design;
- Transport, including trip generation and mode split; mitigating impact on the highway network; public transport capacity and mitigation; active travel; Healthy Streets; car and cycle parking; deliveries and servicing; construction; travel planning; and infrastructure and transport operations protection.
- Environment and Climate change, including energy (minimising of carbon emissions in development and energy efficient design); flood risk, sustainable drainage and water efficiency; BREEAM; urban greening, waterways and biodiversity; waste; and contaminated land.
- Mitigating the impact of development through necessary planning obligations; and
- Legal considerations.

150 These issues are considered within the following sections of the report.

Principle of development

Good Growth and Masterplanning Policy

151 The NPPF has three overarching objectives within the aim to promote sustainable development; economic, social, and environmental. The Mayor's overarching objective is to meet London's housing and development need by making the best use of land, whilst safeguarding the Green Belt and designated open spaces. This is reflected in London Plan Policy 1.1 and Intend to Publish London Plan objectives on 'Good Growth' GG1, GG2, GG3, GG4, GG5, and GG6, which support intensified, high-density, mixed-use and mixed housing tenure places, particularly on sites well connected by existing or future public transport, walking and cycling connections; development on brownfield land, particularly in Opportunity Areas and on surplus public sector land; promotes

industrial and employment space in the right locations; and new and improved green infrastructure. Intend to Publish London Plan Policies D3 and D4 promote the masterplanning of large sites in order to optimise site capacity and deliver good design, while industrial land Policies E5 and E7 require masterplanning in support of intensification, co-location and substitution approaches to industrial use (discussed further under 'Industrial Land Policy' below).

152 The Site is within the Royal Docks and Beckton Riverside Opportunity Area, which the London Plan identifies as having capacity to accommodate 11,000 new homes and 6,000 new jobs, while the Intend to Publish London Plan sets out a significantly increased indicative guideline for 30,000 homes and 41,500 jobs. London Plan Policy 2.13 and Intend to Publish London Plan Policy SD1 for opportunity areas seeks to optimise residential and non-residential output densities, and provide necessary social and other infrastructure to sustain growth and support wider regeneration.

153 The overarching aim of Policy S1 of Newham's Local Plan is to build communities that work, with planned growth contributing to the achievement of convergence, delivering homes that do not come at the expense of jobs, and that are accompanied by the necessary supporting infrastructure. This includes promoting mixed use areas where employment uses sit comfortably with housing and supporting services, and do not undermine town and local centres. Job growth and new homes focuses on major development opportunities within an identified 'Arc of Opportunity' along the southern and western boundaries of the Borough, within which Strategic Sites are allocated. It expects large applications to be phased, and Strategic Sites to be masterplanned, integrating with the wider area; being compatible with existing uses; delivering key strategic links and connections to new local/town centres and multi-functional community facilities (notably schools); new public open space and other green infrastructure; including tall buildings; and securing proportionate contributions and infrastructure.

154 Policy S3 of the Local Plan sets out the overarching vision for the Royal Docks, identifying limited, plan-led, carefully managed release of employment land in combination with co-location, intensification and sensitive infill; wharf consolidation, including the release of Thames Wharf; delivery of at least 8,404 additional homes and significant numbers of targeted jobs growth. Policy S4 sets out the overarching vision for Canning Town and Custom House, identifying new waterside quarters, secondary (to Canning Town) focuses and intensification at Thames Wharf, together with strengthened employment areas, at least 15,608 additional homes, jobs growth and infrastructure provision, including managed release of SIL and associated wharf consolidation.

155 Policy INF9 of the Local Plan requires new infrastructure alongside housing and other growth. Newham's Infrastructure Delivery Plan identifies the requirement for a new DLR Station as part of Site Allocation S08, a new pier for river boat services, a bridge crossing to Trinity Buoy Wharf, educational facilities, improvements to health care provision, and community and leisure floorspace.

156 As set out above, Site Allocations S08 'Thames Wharf' covers the northern two-thirds of the Application Site; and S09 'Silvertown Landing' cover the southern third of the Site. Site Allocation S08 identifies the potential to remove wharf safeguarding at Thames Wharf and release of industrial land to provide a new neighbourhood and local centre adjacent to a new DLR station, including a school; employment; continuous riverside access; links to the Lea River Park, Trinity Buoy Wharf, Royal Victoria and

West Silvertown DLR stations, and Canning Town centre; North Woolwich Road active street improvements; integration with the adjacent Silvertown Landing Strategic Site; and indicative building heights of 10 to 12 storeys, with up to 18 storeys at key locations.

157 Site Allocation S09 'Silvertown Landing' identifies the site for mixed-use, consolidating the community centred around the new DLR station by managed industrial release on the western part of the site, and employment/strategic infrastructure development on the eastern part of the site, protecting the functionality and capacity of the SIL, and buffering of both new and existing SIL and infrastructure. It identifies that employment uses on the SIL should include modern industrial and warehousing; with scope to secure managed intensification and further release through new formats; reducing the spatial footprint, whilst achieving the same capacity, functionality, and ability to respond to industrial and warehousing demand. The managed release of the western part of the site for mixed-use should secure an appropriate transition from SIL and strategic infrastructure and include residential uses, green and community infrastructure, and employment-generating uses; with connections and indicative building heights as with Site Allocation S08. Site Allocation S09 is also identified as part of employment hub 'E2 Thameside West', focussed on B Class Uses (SIL), particularly high technology manufacturing, wharf related uses, cultural and creative, construction and green industries.

158 Assessment against these policies is included in the sections below and summarised in the conclusion to this section.

Industrial Land Policy

159 The NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt; and significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

160 London Plan Policy 4.4 states that a rigorous approach is required to ensure a sufficient stock of industrial land and premises; and that any release of surplus industrial land must be planned, monitored and managed. This applies to Strategic Industrial Locations (SIL), locally significant industrial sites (LSIS), and non-designated industrial sites, and Map 4.1 identifies Newham for 'managed release' of industrial land. London Plan Policy 2.17 states that SIL should be promoted, managed and protected as London's main reservoir of industrial and related capacity, and that proposals in SIL should be refused unless they fall within the broad industrial type activities appropriate to the function of the SIL, except where they are part of a strategically co-ordinated process of SIL consolidation through an opportunity area planning framework or borough development plan document. Policy 2.17 also identifies that development proposals within or adjacent to SILs should not compromise the integrity of these locations in accommodating industrial activities.

161 Policy E4 of the Intend to Publish London Plan also seeks to ensure a sufficient supply of industrial land/premises (SIL, LSIS, and non-designated industrial sites) to meet current and future demands; defines appropriate uses; and states that any release should be facilitated through industrial intensification, co-location, and substitution. Any release of industrial capacity should be focused in locations that are (or are planned to be) well-connected by public transport, walking and cycling and contribute to other planning priorities, including housing, particularly affordable housing, schools and other

infrastructure. Newham is identified for 'limited release' of its industrial capacity in Table 6.2. As noted above, the Secretary of State (SoS) has directed that Policy E4 and supporting text is modified to remove references to 'no net loss of industrial capacity' in SIL and LSIS; place greater emphasis on the provision of intensified floorspace; and to delete Table 6.2.

162 Policy E5 states that development proposals within SIL for any uses not defined in Policy E4 should be refused except in areas released through a strategically co-ordinated process of SIL consolidation, which must be carried out through a planning framework or development plan document review process and adopted as policy; or as part of a co-ordinated masterplanning process in collaboration with the GLA and the relevant borough. The GLA Practice Note (November 2018) on 'Industrial Intensification and co-location through plan-led and masterplan approaches' states that the masterplan approach includes that produced alongside the submission of a planning application, discussed with the GLA and Local Planning Authority at pre-application stage and consulted upon at the same time as the planning application. The Note was not consulted on and should therefore be given little weight; however, it is intended to inform forthcoming supplementary guidance to the new London Plan. It should also be noted that the SoS has directed that Policy E5 should be modified to remove the reference to refusal for uses not identified in Policy E4, with the emphasis now placed on identifying opportunities to substitute SIL where evidence that alternative, more suitable, locations exist, but retaining the planning framework, development plan or masterplanning approach to release

163 Policy E7 of the Intend to Publish London Plan supports development that intensifies industrial uses to provide additional capacity, as well as supporting the delivery of residential and other uses. In SIL and LSIS, it requires that the processes of intensification, co-location and substitution ensure that the industrial uses are intensified to deliver an increase (or at least no overall net loss) of capacity; the industrial and related activities on-site (and in surrounding areas) are not compromised in terms of their continued efficient function; the intensified industrial, storage and distribution uses are completed in advance of any residential component being occupied; and appropriate design mitigation is provided to any residential element to prevent conflict between uses. Policy E7 supports mixed use developments on non-designated industrial sites, where there is no prospect of the site being used for industrial purposes; it has been allocated for mixed use in a development plan; or industrial, storage or distribution space is re-provided as part of the proposal. The SoS has directed that Policy E7 and supporting text should be modified to remove references to 'no net loss of industrial capacity' in SIL and LSIS.

164 Policy J1 of Newham's Local Plan seeks to promote employment, industry and logistics as part of sustainable mixed use places; balancing the needs of business, visitors, the economy, the environment and communities, with evidenced demand, Agent of Change principles and making efficient use of land. It encourages the continued development and promotion of the 'Arc of Opportunity' and 'Employment Hubs' as high quality business environments. Major industrial, and where appropriate intensified, development is directed to SIL and 'Local Industrial Locations'. Strategic site proposals are required to address convergence objectives through an employment strategy that details the phasing of new employment floorspace to maximise benefits; tests market/demand/need; and commits to work with the Council's Workplace organisation.

165 Policy J2 seeks to retain suitable locations and capacity; intensify with no net loss of functionality; allows limited, plan-led managed release; and requires a managed transition between employment-generating uses and homes. Site Allocation S08, and part of S09 are identified as suitable for managed industrial release and intensification. Managed release requires a relocation strategy for existing businesses; while intensification requires increased capacity with a reduced spatial footprint or impacts, and no net loss of functionality to meet demand. The plan for Site Allocation S09 shows and area of the south-east corner retained as within the SIL; however, it suggests further release:

“...employment/strategic infrastructure development at the east of the site, where the functionality and capacity of the SIL will be protected securing buffering of both new and existing SIL and strategic infrastructure, with possible scope for further limited release via Managed Intensification as per J2. Employment uses on the SIL should include modern industrial and warehousing, but may also link to the adjacent LMUA, with the scope to secure Managed Intensification (as per Policy J2) and further release if new formats are realised, reducing the spatial footprint whilst achieving the same capacity, functionality and ability to respond to industrial and warehousing demand.”

Assessment against Industrial Land Policy

166 Newham Council’s third reason for refusal was due to the introduction of residential uses into a SIL and failure to adequately demonstrate managed release and managed intensification, thereby eroding the existing industrial quality of designated SIL, which would be harmful to the supply of SIL and employment land. Consequently, the Council concluded that the proposal would be contrary to the NPPF; Policies 2.17, 4.1 and 4.4 of the London Plan; Policies E4, E5 and E7 of the draft London Plan; and Policies S1, S3, S4, J1 and J2 of the Newham Local Plan. The Council’s 22 July 2020 consultation response maintains this Reason for Refusal.

167 The Site mostly comprises non-designated industrial land, with the south-east corner of the Site (1.9 hectares), as part of Site Allocation S09, being within the ‘Thameside West’ SIL. The Site comprises a variety of industrial/business/wharf uses, with open storage/yards and a limited number of low-rise buildings, some of which are now vacant, ahead of demolition in connection with the Silvertown Tunnel DCO. All buildings and structures on the site associated with these uses have consent to be demolished through the DCO or the Operational Works consent (GLA Ref: 17/02554/FUL), which also secures a relocation strategy for ASD Ltd.

168 The proposals include 3,608 sq.m. of flexible industrial floorspace (Use Class B1(b), B1(c), B2 (restricted) and B8) in the detailed Phase 1 (within the existing SIL) as part of a co-location approach, with residential uses set back from the industrial frontage at higher levels, and ancillary uses at first floor acting as a buffer between residential and industrial uses. A co-location approach is also proposed for outline Phase 2 adjacent to this, with 833 sq.m. of flexible industrial floorspace (Use Class B1(b), B1(c), B2 (restricted) and B8), which is also within the existing SIL. A further 15,000 sq.m. of flexible industrial floorspace (Use Class B1(c), B2 and B8) is proposed within outline Phase 3, in a standalone building allowing multi-storey use, in substitution for the lost SIL floorspace. Shielding between this industrial building and residential uses is provided by the DLR embankment/viaduct to the south and the Silvertown Flyover to the north.

169 The proposed industrial space also allows for large-scale and smaller occupiers. The Application is accompanied by an Economic Development Statement and an Employment Re-Provision Statement, and the Planning Statement includes an Employment Floorspace Re-Provision Statement prepared by JLL, and a letter of support from SEGRO, which identify market demand for the proposed space, and support for its design and layout. Over 19,000 sq.m. of industrial floorspace is proposed in total, re-providing the existing SIL area (1.9 hectares or 19,000 sq.m) within the wider Site. The major industrial component of the scheme of 15,000 sq.m. has been brought forward to Phase 3 since the original Application submission, with subsequent occupation of residential uses restricted by planning obligation until its delivery.

170 The use of non-designated industrial land for the proposed mixed uses is in line with Local Plan Site Allocations and other policies. The SIL part of the Site can be demolished and cleared through the existing consents; however, this does not preclude a return to industrial use. The proposals include residential uses within the SIL, which have therefore been advertised as a departure from the development plan in public notifications.

171 The GLA Stage 1 report (Ref: GLA/4039c/01, April 2019) stated that the Application was broadly in line with the London Plan and the emerging London Plan, and was supported. London Plan Policy 2.17 and emerging London Plan Policy E5 state that residential uses within SIL should be refused (notwithstanding that the SoS Directions on Policy E5 remove the instruction to refuse and places more emphasis on the substitution of SIL uses) with some exceptions. In Policy 2.17, exceptions are identified as situations where they are part of a strategically co-ordinated process of SIL consolidation through an opportunity area planning framework or borough development plan document. Policy E5 adds a further exception where they have been carried out through a co-ordinated plan-led or masterplanning process with the GLA and the relevant Borough. The GLA Practice Note (November 2018) on industrial intensification states that the masterplan approach includes that produced alongside the submission of a planning application, discussed with the GLA and Local Planning Authority at pre-application stage and consulted upon at the same time as the planning application.

172 The potential release of the part of the Site identified as SIL was subject to rigorous consideration by Council and GLA officers as part of a co-ordinated masterplanning process at pre-application stage, prior to submission of the Application in December 2018. This took place alongside the development of Newham's new Local Plan, although when published in December 2018 the Site Allocation retained 1.9 hectares of SIL within the site. Discussions were also progressing the Royal Docks and Beckton Riverside Opportunity Area Planning Framework, an early working draft of which proposed to remove SIL designation within the Site, with the location proposed for the 15,000 sq.m. building proposed to become SIL.

173 At Stage 1, the Application was also considered to be in line with Policy E4 of the emerging London Plan in that the release of SIL for residential use within the Site would be facilitated through industrial intensification, co-location, and substitution; in a location that will be well-connected by public transport, walking and cycling; and contribute to other planning priorities, including housing, affordable housing, schools and other infrastructure. The Application was also considered to be in line with Policy E7 of the emerging London Plan in delivering intensified industrial uses; no net loss of industrial

capacity; supporting the delivery of residential and other uses; the industrial activities on-site and in surrounding areas would not be compromised in terms of their continued efficient function; and appropriate design mitigation was provided to residential elements to prevent conflict between uses. Mitigation measures are explained more fully under the 'Agent of Change', 'Urban design' and Residential quality' sections below. Due to the limitations of the Silvertown Tunnel construction, it was accepted that the delivery of all of the intensified industrial uses would not be possible in advance of residential units occupied; however, the industrial uses were brought forward so all would be delivered by Phase 3.

174 In terms of a strategy to deal with any relocation requirements for existing businesses, a relocation strategy (as per Intend to Publish London Plan Policy E7) was secured for ASD as part of the Operational Works consent, and it is understood that the Applicants have recently purchased that part of the Site. A relocation strategy was not considered necessary for the Silver Building as part of the Operational Works consent, since it provides affordable workspace on a temporary meanwhile basis. Furthermore, in May 2020, planning permission was granted (GLA ref: 5186/01; LPA ref: 18/03657/OUT) to the Applicants for a hybrid planning application on an adjacent site underneath the Silvertown Flyover, comprising a detailed application for 7,915 sq.m. of light industrial workspace units (Use Class B1c). The Applicants intend that occupants of the Silver Building could relocate to that location, which is welcomed. It is also noted that this Application includes a small element of affordable workspace in Phase 1, which is welcomed.

175 At Stage 1, GLA officers did not consider that the Application proposals were contrary to Site Allocation S09, which allows "*limited release via Managed Intensification*" with "*further release if new formats are realised, reducing the spatial footprint whilst achieving the same capacity, functionality and ability to respond to industrial and warehousing demand*". As part of its masterplanning approach to the Site, the Application proposed intensified industrial uses in a standalone 15,000 sq.m. building of reduced footprint, suitable for SIL-type uses, as well as lighter industrial uses in a co-location approach in the existing SIL. In line with the Site Allocation, 'further release' beyond 'limited release' was supported due to the delivery of the 15,000 sq.m. building as replacement SIL. Newham Local Plan Policy J2 states that managed intensification should maintain or increase capacity of the relevant SIL and achieve a reduced spatial footprint or spatial impacts; with no net loss of functionality, including ability to meet evidenced local and appropriate strategic industrial and warehousing demand (qualitative and quantitative). It is noted that Policy J2 only allows plan-led release (in line with London Plan Policy 2.17); however, the Stage 1 report also took account of the emerging London Plan, with the wider definition of release in Policy E5; as well as the GLA Practice Note on industrial intensification and co-location through plan-led and masterplan approaches.

176 In line with the GLA Practice Note, the Application has come forward through a masterplan approach, discussed with the GLA and Local Planning Authority at pre-application stage and consulted upon at the same time as the planning application. The proposals maintain SIL capacity with a reduced spatial footprint; have demonstrated no net loss of functionality, and has shown it has the ability to meet market demand. The Applicants have demonstrated an acceptable approach to managed release and intensification, substituting a similar amount of SIL-type space of better quality than currently exists, in an early phase of the development. Additional good quality 'lighter'

industrial space for smaller occupiers is also provided in the first two phases. Market evidence to demonstrate demand for the space, and independent support for its design has been provided and is considered robust. Relocation of existing occupiers is appropriately dealt with through existing consents and agreements. The impact on the wider SIL is discussed in the 'Agent of Change' section below; and the impact on residential quality is set out in the 'Urban Design' section. Both are considered to be acceptable and are supported.

177 For the reasons above, the Application is therefore considered to be in accordance with Intend to Publish London Plan Policies E4, E5 and E7 and the GLA Practice Note. However, the SoS has issued Directions on these policies, and the support in these policies for the release of SIL for residential use through industrial intensification, co-location, and substitution should therefore be given little weight at this time; and the Practice Note was not subject to consultation ahead of supplementary guidance, so it should also be given little weight. It should be noted however, that the SoS Directions, issued since the Council resolved to refuse the application, are considered to support the approach to industrial substitution and intensification in the Application. In Policy E5, references to refusal for uses not identified in Policy E4 are proposed to be removed, with more emphasis placed on identifying opportunities to substitute SIL where evidence that alternative, more suitable, locations exist, while retaining the planning framework, development plan or masterplanning approach to release. In Policy E4, references to 'no net loss of industrial capacity' in SIL are proposed to be removed, with greater emphasis placed on the provision of intensified floorspace. Finally, in Policy E7, references to 'no net loss of industrial capacity' in SIL are also proposed to be removed.

178 Notwithstanding this, due to the SoS Directions, more weight is to be given at this time to London Plan Policies 4.4 and 2.17, which are reflected in Newham Local Plan Policies J1 and J2. Policy 2.17 states that proposals in SIL should be refused unless they fall within the broad industrial type activities appropriate to the function of the SIL, except where they are part of a strategically co-ordinated process of SIL consolidation through an opportunity area planning framework or borough development plan document (and co-ordinated masterplanning not mentioned). Although discussions took place as part of the new Local Plan, the published version retained the SIL within the Application Site (acknowledging that the Site Allocation allows further release); and although discussions have been taking place for some time on the OAPF, there is no published draft document available at this time. Consequently, there is little policy support within the adopted London Plan and Newham Local Plan for the introduction of residential uses into SIL.

179 As such, whilst the proposals would comply with emerging development plan policy, the proposed development does not accord with adopted London Plan Policy 2.17, and the associated Policies J1 and J2 of the Newham Local Plan. Noting the SoS Direction, more weight is to be given to the adopted policies at this time and, as such, the proposal is considered to be a departure from the development plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the provisions of the development plan, unless material considerations indicate otherwise. The application represents a departure from the development plan, and consideration has been given to all other material considerations, as part of the overall planning balance, in considering whether planning permission should nonetheless be granted. This is set out in full under 'Conclusion and

planning balance' below; however, substantial benefits resulting from the proposed development are considered to outweigh the harm arising from the non-compliance with Policy 2.17 of the London Plan and Policies J1 and J2 of the Newham Local Plan.

Agent of Change Policy

180 London Plan Policy 2.17 and Intend to Publish London Plan Policy E5 require that industrial activities on-site and in the adjacent SIL are not compromised in terms of their continued efficient function, access, service arrangements and days/hours of operation; and appropriate design mitigation for residential elements. Intend to Publish London Plan Policy D13 places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. This includes cultural venues, industrial sites, waste sites, safeguarded wharves, rail and other transport infrastructure.

181 Policy J1 in Newham's Local Plan firstly requires that new employment-generating development demonstrates that it can exist in close proximity to housing, with minimal amenity impact; and secondly that new housing must demonstrate neighbourliness in respect of existing and potential employment uses, and protect those uses from the possibility of future complaint due to the proximity of new residential neighbours. Policy SP8 states that change brought about by development must not cause problems for existing lawful neighbours. Policy J2 seeks to ensure that neighbourly development is achieved and does not jeopardise the functioning of employment uses. These requirements are reflected in Site Allocation S09.

Assessment against Agent of Change Policy

182 The Council's Reason for Refusal 4 stated that the introduction of residential uses adjacent to SIL and a nightclub has failed to demonstrate adequate mitigation to protect future occupants from the impacts of these uses, which has the potential to fetter their ongoing operation, and have not demonstrated compliance with agent of change principles, contrary to the NPPF; Policies D12, D13 and E5 of the draft London Plan; and Policies S1, S3, S4, J1 and SP8 of the Newham Local Plan. The Council's 22 July 2020 consultation response maintains this Reason for Refusal.

183 The residential uses proposed within the existing SIL would be adjacent to retained SIL uses, currently occupied by Allnex Resins. This was carefully considered at pre-application stage, and as a result the submitted Application pulled away residential blocks from the Site boundary, included minimal windows at lower levels in the adjacent elevations, and residential unit layouts sought to minimise potential conflict between uses. The relationship between land uses has been improved since the Deputy Mayor's decision to take over the Application, with residential uses moved a further 3 metres from the Site boundary with Bell Lane. Bell Lane is currently unused and secured, apart from a small element at the junction with North Woolwich Road. Residential units in the shared ownership wing of Building A are now a minimum of 7 metres from the Site boundary with Bell Lane (previously 4 metres for the Committee scheme), which provides further separation (9.5 metres) to the Allnex boundary wall. Buildings on the Allnex site are a further 14 metres away. Furthermore, vehicle access to the Allnex site is further away along North Woolwich Road and not via Bell Lane, significantly further from the proposed housing. The proposed ground, mezzanine and first floors do not include residential units, which are at least 12 metres above ground level. Up to floor

seven, the units are laid out so that none have windows overlooking the Allnex site, while the top four storeys on this wing of Building A provide high-level views over the Allnex site. Six storeys have also been removed since the Committee scheme, reducing the number of homes and reducing the potential conflict between uses. The scheme has been laid out to ensure that existing and future industrial activities are not compromised in terms of their continued efficient function, access, service arrangements and days/hours of operation, and appropriate design mitigation is provided to the residential elements.

184 As discussed under 'Residential quality' below, the noise and vibration impacts on residential uses would be considered further at detailed design stage, with mitigation via the facade strategy, glazing specification, and ventilation strategy. Conditions are proposed requiring approval of proposed mitigation measures prior to commencement of the relevant phase. The Council has also raised concerns about dust and odour from the Allnex site. The Applicants' Environmental Statement (ES) and ES Addendum identify activities at this facility as including resin production, bulk storage, and use of boilers to provide space heating and process heating. There are also evaporative cooling towers onsite used to cool process vessels. Operations are strictly controlled under the environmental permit for the site and emission limits are defined for relevant point sources. Under the conditions of permit, "fugitive emissions of substances from the site shall not cause pollution, and emissions from activities shall be free from odour at levels likely to cause annoyance outside the site" (Permit: JP3836SE). The ES concludes that compliance with the environmental permit should ensure the Application Site is not likely to cause any loss of amenity to future residents and no supplementary mitigation is required. The ES and ES Addendum have been reviewed and agreed by independent consultants Temple, and the Council's Environmental Health department raised no concerns in this respect. GLA officers consider that no further mitigation is required in relation to dust and odour. It is noted that the prevailing wind takes any dust and odour away from the site towards existing residential areas at Britannia Village.

185 The Site boundary of the outline element extends close to the Hoola Buildings on Tidal Basin Road; however, the proposed standalone industrial building would be more than 120 metres away, separated by the Silvertown Flyover and the forthcoming portal of the Silvertown Tunnel. No agent of change concerns are raised in this respect.

186 The LA Lounge late-night licenced venue is situated on the corner of North Woolwich Road and Bell Lane, between Phase 1 and the Allnex site. This use was not given planning permission but has become lawful by virtue of time. The proposals introduce residential uses in proximity to the premises; however, separation is provided by a residential courtyard with protective gate, a podium-level external amenity area, and no residential accommodation at ground and first floor level, meaning a minimum separation to the second floor residential uses of more than 20 metres. Mitigation is also provided through an existing blank boundary wall facing the Site, with proposed additional planting to the rear of the venue, and a 2 metre parapet wall and planting at podium level. The entrance and primary frontage to the venue is on the opposite side of the building on Bell Lane. Further discussion of residential quality considerations, which are considered to be acceptable, is included under 'Residential Quality' below. Overall, the measures are adequate to protect the amenity of future occupants and the ongoing operation of the venue.

187 The proposals also introduce residential uses adjacent to the DLR line, the Silvertown flyover, the Emirates Airline, the Thames which is used for freight as well as passenger transport at all times of the day), and the proposed Silvertown Tunnel portal. The Site is also underneath the take-off and landing routes for London City Airport. These neighbouring uses have implications for noise, vibration and air quality.

188 The proximity of residential units in detailed Phase 1 Buildings A and B to the DLR line has been rigorously assessed by officers, and by elevating residential units to the second floor (8 metres above the DLR line), and setting residential units back from the first floor podium (12 metres from the DLR line, an acceptable separation is achieved. Later phases generally have greater separation distances, which are controlled through Parameter Plan 3 (ground level horizontal deviation limits), and would be assessed through Reserved Matters applications. Buildings A and B are the only buildings in proximity to the Silvertown Way Flyover; however, residential uses are 30 metres from the Flyover and shielded to a certain degree by the intervening elevated DLR line, although a source of some (lesser) noise in itself. The Silvertown Tunnel portal is some distance (approximately 100 metres) from proposed residential uses and shielded by the intervening large-scale industrial building and elevated DLR line, which includes an embankment at this point. Building heights and construction methodologies also take account of City Airport limitations. The proposals have been assessed by the Council's Environmental Health and Airport Monitoring Officers, who did not raise concerns with these aspects. The original Environmental Statement (ES) was reviewed and agreed by independent environmental consultants Temple, which also reviewed and agreed the draft May 2020 ES Addendum, subject to recommended conditions. Further discussion of residential quality considerations, including air quality, which are considered to be acceptable, is included under 'Residential Quality' below.

189 Emirates Airline cable cars would pass in proximity to a small number of residential units at the upper levels of Buildings C and G; however, Parameter Plan 03 does not allow Building G to move closer to the cable car, and Building C is limited to 2 metres deviation; both allowing a minimum separation distance of 18 metres to be achieved, and subject to detailed consideration at Reserved Matters stage.

190 The agent of change principle in relation to safeguarded wharves is discussed below.

191 No objections have been raised in relation to these matters; however, a number of conditions and informatives have been suggested. Subject to these, GLA Officers are satisfied that the proposals would not jeopardise these existing and approved uses. The proposals are supported in line with the NPPF; Policy 2.17 of the London Plan; Policy D13 of the intent to publish London Plan; and Policies J1, J2 and SP8 of the Newham Local Plan.

Employment and Training Policy

192 London Plan Policy 4.12 and Intend to Publish London Plan Policy E11 state that strategic development proposals should support local employment, skills development and training opportunities. Intend to Publish London Plan Policy E2 supports new business space and Policy E3 supports affordable workspace. The Site is within the Royal Docks and Beckton Riverside Opportunity Area, which the London Plan identifies as having capacity to accommodate 6,000 new jobs, while the Intend to Publish London

Plan sets out a significantly increased indicative guideline for 41,500 jobs. Policies J1 and J2 of Newham's Local Plan support new business space and Policy J3 states that all major developments will be required to help ensure that more Newham residents access work through seeking to secure that they occupy 35% of all construction phase jobs and 50% of all post construction (end user) phase jobs. More specifically, it requires the promotion of local labour agreements to enable Newham residents to develop skills and secure employment arising from the regeneration of the borough.

Assessment against Employment and Training Policy

193 The Environmental Statement identifies that the proposals would generate between 602 and 847 full time equivalent (FTE) employment opportunities for local residents; and an average of 830 FTE construction jobs per month during the build programme, plus indirect employment and economic benefits experienced.

194 The Council's Economic Regeneration Service has been consulted as part of the Application process, and in line with its request and Policy J3 above, it is proposed that planning obligations will secure a target for Newham residents to occupy 35% of construction phase jobs and 50% of end user jobs; apprenticeships targets, local supply chain, goods and services requirements; construction phase education engagement commitments for young people; and a contribution of £1.1M.

195 Since the Deputy Mayor's decision to take over the application, the May 2020 Amendments include a small amount (95 sq.m.) of affordable workspace within the first floor level of Phase 1, which is welcomed. This is proposed to be secured at a reduced market rate by planning obligation.

196 Subject to the Applicants entering into the recommended legal agreement, the proposal is considered to meet the relevant policy criteria set out above in relation to maximising local economic benefits of the development. The proposals are supported in line with the NPPF; London Plan Policy 4.12; Intend to Publish London Plan Policies E2, E3 and E11; and Policies J1, J2 and J3 of Newham's Local Plan.

Safeguarded Wharves Policy

197 London Plan Policy 7.26 states that development proposals should protect safeguarded wharves; increase their use; and adjacent development should minimise conflicts and disturbance. Further support for wharves is provided by Policies 5.17 and 5.18 relating to waste, and 5.20 on aggregates. These policies are reflected in Intend to Publish London Plan Policy SI15, SI8, and SI10.

198 A network of wharves along the Thames are protected for use as wharves by a Safeguarding Direction issued by the Secretary of State. The current wharves network dates from 2005, and the Mayor commissioned a Safeguarded Wharves Review (2018), which published proposals for consultation until August 2018. Minor changes to the Review were consulted on up to October 2019. These recommendations can therefore be given some weight. The Mayor subsequently submitted his recommendations to the Secretary of State and a response is expected shortly. It is for the Secretary of State to determine which wharves he chooses to safeguard and those he chooses to de-safeguard.

199 Policies S1, S3, J2 and INF1 of the Local Plan, whilst noting the importance of safeguarded wharves, indicate support for the rationalisation and relocation of the safeguarded Thames Wharf from the application site to promote a mixed use development. This is reflected in Site Allocation S08, provided that the wharf capacity can be maintained through consolidation or reconfiguration on another site.

Assessment against Safeguarded Wharves Policy

200 Part of the Thames Wharf parcel of the Site is currently designated as a safeguarded wharf (known as Thames Wharf, 3.27 hectares). ASD Ltd, outside the DCO boundary, occupies much of the wharf, which distributes steel products by road from the site; with Keltbray occupying an area within the DCO boundary. Phases 5-11 of the outline proposals are within the current safeguarded wharf boundary.

201 The Safeguarded Wharves Review recommends that Thames Wharf be released from safeguarding if the Silvertown tunnel scheme proceeds, provided that capacity is consolidated elsewhere in the area on a site in active use, in an industrial area, with capacity to meet a range of needs. With this in mind, the Review recommends that a safeguarding Direction is applied to Royal Primrose Wharf further to the south, adjacent to Peruvian Wharf (which is also proposed to be retained as a safeguarded wharf). This approach is supported by the Port of London Authority (PLA).

202 It is noted that the section 106 agreement for the Operational Works Consent (which allows demolition and clearance of the remainder of the Wharf not covered by the DCO) secured a wharf reactivation strategy in the event that safeguarding is not revoked, to be submitted and agreed by the Council prior to the commencement of any works on the Wharf. This is to include a marketing strategy; assistance to secure planning permission for any required buildings; consideration of rent free periods; and an assessment of the impact on navigation and potential removal of jetty piles. A planning obligation is proposed on this Application to restrict commencement of any Phase until the Operational Works Development has been completed on the land on which that Phase is to be carried out.

203 A Safeguarded Wharf Report, prepared in conjunction with the PLA, has been submitted with the Application. The proposals have been developed as per the Mayor's recommendation that safeguarding for Thames Wharf is removed; however, the Report gives consideration to a scenario where Thames Wharf safeguarding is retained, demonstrating how it could continue to operate viably for waterborne freight handling. Noting that the Operational Works consent secures a wharf reactivation strategy, a planning obligation is proposed to prevent the commencement of phases 5-11, which are within the current safeguarded wharf boundary, prior to the removal of wharf safeguarding.

204 It is noted that the PLA raised no objections in this regard; however, the Council's Reason for Refusal 5 stated that the proposals has not given due regard to masterplanning and infrastructure sufficiency in the potential scenario of Thames Wharf remaining safeguarded, which are therefore premature and contrary to the NPPF; Policies 1.1 and 7.26 of the London Plan; and Policies S1, S3, S4, INF1 and INF9 of the Newham Local Plan. The Committee Report stated that the masterplan is expected to have demonstrated neighbourliness in the event that Thames Wharf continues in use; that the proposals appear premature in the absence of removal of safeguarding; and

that the potential omission of these phases of the development would be contrary to masterplanning. The Council's 22 July consultation response stated that this Reason for Refusal had been resolved through the submission of the May 2020 Amendments.

205 Phases 5-11 are dependent on land release from the Silvertown Tunnel works and would not be commenced until 2023 at the earliest, by which time the release or retention of the Wharf safeguarding will have been confirmed. Subject to completion of the Operational Works Consent, this would allow the construction of Phases 1-4 around Dock Park, which are also proposed to be constructed prior to the delivery of Thames Wharf DLR station, as these phases can be served by existing transport and other infrastructure (subject to the proposed mitigation and contributions). Planning obligations are proposed to control the timing of contributions, to take account of the possibility of development not progressing beyond Phase 4 should safeguarding not be removed. Phase 4 (Block G) would be the only building in proximity to the Wharf if safeguarding remains, being approximately 100 metres away. It is considered that this secures an appropriate relationship at the stage, and should the Wharf be retained, this would be assessed in detail through Reserved Matters stage. May 2019 Amendments to the Application updated the noise and air quality assessments to include the scenario of the retention of the Thames Wharf Safeguarded Wharf and other neighbouring wharves; however, it is proposed that a planning obligation/condition secures that no works within Phase 4 takes place until air quality, noise, lighting and highways assessments relating to retained Thames Wharf are undertaken, should the safeguarding be retained.

206 The PLA have raised concerns regarding the noise impact of other safeguarded wharves, including those on the opposite side of the Thames. However, these are some distance away and conditions are secured to ensure that future occupiers would not be significantly impacted by noise generating uses.

207 Subject to the Applicants entering into the recommended legal agreement and conditions, the proposals give due regard to masterplanning and infrastructure sufficiency, and meet the relevant policy criteria set out above in relation to safeguarded wharves. The proposals are supported in line with the NPPF; London Plan Policies 1.1, 7.26, 5.17, 5.18 and 5.20; Intend to Publish London Plan Policies SI15, SI8, and SI10; and Policies S1, S3, S4, J2, INF1 and INF9 of Newham's Local Plan.

Housing Delivery Policy and Targets

208 The NPPF sets out the priority to deliver a sufficient supply of new homes and states that planning policies and decisions should seek to make effective use of land and support the redevelopment of under-utilised land and buildings. In line with paragraph 118 of the NPPF, substantial weight should be given to the value of developing brownfield land in meeting housing need.

209 Policy H1 and Table 4.1 of the Intend to Publish London Plan sets Newham a ten year target for net housing completions (2019/20-2028/29) of 32,800 units, which is a significant increase compared to 1,994 per year between 2015 and 2025 as stated in the London Plan. The Site is within the Royal Docks and Beckton Riverside Opportunity Area, which the London Plan (Policy 2.13) identifies as having capacity to accommodate 11,000 new homes, while the Intend to Publish London Plan (Policy SD1) sets out an indicative guideline for 30,000 homes, which may be exceeded where appropriate.

210 To meet housing targets, London Plan Policy 3.3 emphasises the importance of brownfield land, Opportunity Areas, and surplus public land, particularly with good transport accessibility. Similarly, Policy H1 of the Intend to Publish London Plan requires optimised housing delivery on brownfield sites and Opportunity Area sites, particularly with existing or planned public transport access levels (PTALs) of 3-6, or which are located within 800 metres of a station; surplus public sector sites; and industrial sites that have been identified for release.

211 Policies S1 and H1 of Newham’s Local Plan set a target of 43,000 new homes over a fifteen year period (2018-2033). Policy S4 (Canning Town and Custom House) envisages that at least 15,608 of these new homes will be built in Canning Town and Custom House; primarily on the twelve identified Strategic Sites, whilst Policy S3 (Royal Docks) seeks the delivery of at least 8,404 new homes.

212 As set out in the GLA Stage 2 report, Table 5 below sets out the number of homes and affordable homes granted planning permission between 2015 and 2018 by Newham Council, relative to London Plan targets.

Table 5: Total housing approvals for LB Newham including conventional and non-self-contained supply (source: London Development Database)

Planning permissions	2015-16	2016-17	2017-18	2018-19	Total
Homes target	1,994	1,994	1,994	1,994	7,976
Homes approved	3,156	5,724	2,821	6,039	17,740 222% of target
Affordable homes target	997	997	997	997	3,988
Affordable homes approved	345	1,442	711	1,786	4,284 107% of target

213 Also as set out in the GLA Stage 2 report, Table 6 below sets out the number of homes and affordable homes delivered in Newham in the same years.

Table 6: Total housing delivery for LB Newham, including conventional and non-self-contained supply (source: London Development Database) and long term vacants returning to use (source: MHCLG housing live table 615)

Completions	2015-16	2016-17	2017-18	2018-19	Total
Homes target	1,994	1,994	1,994	1,994	7,976
Homes delivered	2,169	2,258	663	1,537	6,627 83% of target
Affordable homes target	997	997	997	997	3,988
Affordable homes delivered	423	324	-100	213	860 22% of target

214 The above tables demonstrate that Newham Council is performing well in terms of granting planning permissions for new and affordable homes; however, the Borough is under-performing in terms of the delivery of housing, with significant under-delivery of affordable housing.

215 These conclusions are supported by the most recent Housing Delivery Test (HDT) figures. The HDT was launched by the Ministry of Housing, Communities & Local Government in July 2018 as part of published revisions to the NPPF. The HDT measurement is a percentage calculated from the net homes delivered against the number of homes required for a plan-making authority over a rolling three year period, with results published annually. The results of the 2019 measurement published in February 2020 show that Newham achieved 77%.

Assessment against Housing Delivery Policy and Targets

216 As directed by the NPPF, substantial weight should be given to the value of developing brownfield land in meeting housing need. The proposed scheme would provide 5,000 homes, 1,700 of which would be affordable (39% by habitable room, 34% by unit), which would equate to 25% of the Council's total ten year London Plan housing target, and 15% of the Intend to Publish London Plan target. As discussed under 'Affordable housing' below, the affordable housing provision has been considered through the 'viability tested route' since it is below the 50% threshold for former industrial sites, and has been confirmed as the maximum. The proposals are in accordance with the NPPF, London Plan Policies 2.13 and 3.3; Intend to Publish London Plan Policies H1 and SD1; Newham Local Plan Policies S1, S3, S4 and H1. The proposals would contribute significantly to the London Plan and the Intend to Publish London Plan housing and affordable housing targets, and Newham's annual housing and affordable housing delivery targets. As such, the provision of policy compliant housing should be given significant weight in the determination of this application.

Town Centre and Social Infrastructure Policy

217 The NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. In line with paragraph 80, significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 86 identifies that main town centre uses should be located in town centres. Chapter 8 supports healthy, inclusive and safe places, including social infrastructure provision.

218 In line with London Plan Policies 3.7 and 7.1, and Intend to Publish London Plan Good Growth policies, a proposal of this scale in this location requires an appropriate level of social infrastructure and town centre uses in order to function as a sustainable community. London Plan Policy 2.15 and Intend to Publish London Plan Policy SD7 promote a town centres first approach for town centre uses, including social infrastructure. London Plan Policy 3.16, 3.17 and 3.18, and Intend to Publish London Plan Policy S1, S2, S3 and S5, seek to protect and enhance social infrastructure provision. Policy S3 supports extended or multiple use of educational facilities for community or recreational use.

219 Policy S1 of the Local Plan requires new development proposals to deliver new or enhanced social infrastructure where these are required to support new housing and

address existing deficits. Policy INF5 sets out the town centre hierarchy and network expectations, including a new Local Centre at Thames Wharf. Policy INF8 seeks to ensure that development is supported by appropriate community facilities (including educational institutions) in suitable locations to meet local needs. It requires that community facilities be located in places accessible by a range of transport, prioritising town and local centre sites where compatible with Policy SP6 on successful local and town centres. Policy INF8 details specific criteria for the management of delivery of community facilities, which should adhere to a town/local centre first locational preference. Where an element of community facilities is proposed on Strategic Sites, the policy prioritises the delivery of health, childcare and education facilities, with provision for shared use where possible. Site Allocation S08 identifies a new Local Centre and community uses, including a school, as part of any development proposals for this Site. Site Allocation S09 seeks the provision of community infrastructure as part of a new mixed-use community.

Assessment against Town Centre and Social Infrastructure Policy

Retail uses

220 The detailed Phase 1 component provides 230 sq.m. of flexible retail floorspace (Use Classes A1-A4), while the outline phases allow up to 7,138 sq.m., which would be secured by condition. Within this, outline Phases 2-7 allow retail floorspace at ground/first floor level (secured in Parameter Plan 9), with relatively small amounts of space shown in the indicative layouts. Space in Phase 4 allows retail uses on the riverside and fronting onto Dock Park; while in Phases 5-7, retail is only permitted along the Thames, providing active uses alongside the river walk. These provisions are considered to allow a sufficient amount of supporting retail space and active frontage within each phase, which will be assessed in detail through Reserved Matters.

221 The focus of the new local centre, as required by Site Allocation S08, would be around the new DLR station in outline Phases 8-11, which would also include the Primary school, nursery and community centre. Retail floorspace of approximately 5,000 sq.m. is shown indicatively in these phases, with the nursery and community centre making up the community/leisure uses in the town centre. The London Plan and Intend to Publish London Plan define district centres as containing more than 5,000 sq.m. of town centre uses, so the scale of retail uses proposed are considered to be in line with that of a local centre, noting the scale of the proposals and consequent requirement for supporting retail infrastructure. Whilst the proposal would contain retail and leisure uses outside of an existing town centre, greater than the 2,500 sq.m. threshold for Retail Impact Assessments stated in the NPPF, it is considered that no such assessment is required as the proposals are in accordance with relevant town centre planning policies and the Site Allocation allows for a new local centre to be created with commercial uses within the site. The NPPF is clear that Retail Impact Assessments are only required when developments are not in accordance with up to date development plan policies.

222 The uses are consistent with development plan policies and the Site Allocation requirement for a new local centre and are supported. It is noted that the Council's Committee Report raised no concerns with the scale of retail space proposed. Full details of the new local centre and other retail uses would be assessed at Reserved Matters stage.

Community facilities

223 The Application is accompanied by an Environmental Statement, which analyses existing facilities and the needs of new residents, taking account of other proposed schemes in the area. A Community Facilities Statement details how the proposals would meet needs.

224 The outline element of the proposals include 2,783 sq.m. of community/leisure space (Use Classes D1 and D2) which would be in Block T and Block Q in close proximity to the station square and the Primary school (as discussed below). The Block T space, adjacent to the SINC greenspace, has been identified for a 104 place nursery, and Block Q for a community centre, both proposed to be secured to shell, core and fit-out, and at peppercorn rents by planning obligation. The detailed element includes ancillary residential uses at first floor level, including a creche, community hall, residents meeting room, and residents' gym, which are proposed to be secured by planning obligation.

225 The Environmental Statement Addendum (March 2020) identifies 7 GP surgeries surrounding the Site; however, these surgeries are already operating significantly above the HUDU standard (1 GP per 1,800 patients) with an average of 1 GP to 3,212 patients (increased from 3,037 in the 2018 Environmental Statement). Newham CCG have been consulted on the Application and have confirmed that they do not require the Site to deliver a new medical centre; however, a monetary contribution of £6.97M towards the cost of a new GP surgery in Freemasons Road (Custom House, to the north-east of the Site) is proposed to be secured by planning obligation.

226 The proposals are consistent with the aforementioned policies and Site Allocations in respect of the community floorspace provision. Full details of the community floorspace proposed in the outline phases would be assessed at Reserved Matters stage.

Education use

227 Using the GLA Child Yield Calculator, the Applicants' Environmental Statement Letter of Conformity (June 2020) identifies the child yield of the development as 970 primary-age and 461 secondary-age children. A review of local Primary schools in the Environmental Statement Addendum identifies nine within a one mile radius of the Site, with an overall deficit of 69 places, reduced from a deficit of 276 places in the 2018 Environmental Statement. The eight Secondary schools analysed have an overall surplus of 955 places, increased from 777 in the 2018 Environmental Statement.

228 The outline element of the proposals include a new 4 form entry (4FE) Primary school, which could accommodate 840 children. The school is proposed to be delivered in phase 9 of the development, in Block U as part of the local centre adjacent to the station square. The school would benefit from two areas of external space, one at ground level, including a multi-use games area (MUGA) and the other at roof-top level. It would also be in close proximity to the upgraded Site of Importance for Nature Conservation (SINC), providing recreational and educational benefits. The school would also have space for an indoor sports hall, which would be available to the public outside of school hours. The school and its play space has been designed according to Department for Education (DfE) for Primary School guidelines with further input from a

local provider. Specification to DfE requirements will be secured by planning obligation. A planning obligation is also proposed to secure construction and full fit-out of the Primary school. Potential expansion of the school, should need arise, is also secured. A financial contribution of £13,707,715 to meet the development's need for off-site Secondary school places is proposed to be secured by planning obligation, as is community use of the sports hall at affordable rates.

229 Concerns were expressed in the Committee Report about the intention to deliver the school in the final phase (11) of the development, with no agreed approach to temporary provision to meet the need arising from the development prior to this, and Reason for Refusal 2, as set out above, included reference to the uncertain delivery of the school. As a result of the May 2020 Amendments submitted since the Deputy Mayor's decision to take over the Application, the school has now been brought forward to phase 9 of the proposals. The location is in accordance with Site Allocation S08, which identifies the school as being close to the new DLR station and the local centre; and the map attached to Policy S4 of Newham's Local Plan identifies a community facility adjacent to the new DLR station. The school is also adjacent to the SINC, away from industrial uses and busy roads, with very good accessibility, and providing support to uses in the local centre. The location of the school is therefore supported in line with policy. It is noted that in its 22 July 2020 consultation response, the Council maintained its second Reason for Refusal in relation to primary education; however, it indicated that it was close to being resolved through planning obligation discussions.

230 It is also recognised that the expected timing of land handback from the Silvertown Tunnel works prevents earlier delivery of the school in this location; although should this change, the school may come forward earlier. It is also recognised that provision of a temporary school on-site as part of an earlier phase is also dependent on land handback, the timing of which is currently uncertain. Following further discussions with the GLA and the Council, the Applicants have agreed to provide Primary school mitigation in the form of a financial contribution of £1.1M towards increasing permanent off-site primary school capacity to mitigate the need for Primary school places generated by Phase 1 of the development; and preparation of a 'Primary School Mitigation Plan' to be agreed by the Council prior to the construction of any subsequent phase, which would set out how the Primary school demand generated by subsequent phases would be mitigated. This is proposed to be secured by planning obligation and would include options for providing a temporary school on-site and/or through payment of a financial contribution towards increasing permanent off-site capacity, subject to agreement with the Council. Should a temporary school be required, this would require a separate planning permission to be secured. Noting the earlier delivery of the permanent primary school and the planning obligations secured as above, the amended proposals are considered to address the Council's previous concerns.

231 The proposals are considered to be consistent with the aforementioned policies and Site Allocations in respect of the education provision. Full details of the permanent school would be assessed at Reserved Matters stage.

Conclusion on town centre and social infrastructure

232 The proposals would deliver a new local centre, including a 4FE Primary School (with community use of sports facilities), nursery, community, retail and leisure space, as identified in Newham's Local Plan Policies S1, INF5, INF8 and SP6, and Site Allocations

S08 and S09. Additional retail, leisure and community space is provided within Phase 1, providing facilities for the proposed development to the south-east of the new park. A significant financial contribution is secured towards a new primary healthcare facility near to the Site. The proposals are supported in line with the NPPF, London Plan Policies 2.15, 3.7, 3.16, 3.17, 3.18 and 7.1, Intend to Publish London Plan Policies on Good Growth, SD7, S1, S2, S3 and S5.

Future development of neighbouring sites

233 The only proposed buildings potentially impacting the development on neighbouring sites are those on the southern boundary. As detailed under 'Agent of Change' above, separation distances between Building A in detailed Phase 1 and the Site boundary with Bell Lane have been increased by 3 metres. Residential units are now a minimum of 7 metres from the Site boundary with Bell Lane, which itself provides further separation (9.5 metres) to the Allnex boundary. Furthermore, up to floor seven, the units are laid out so that none have windows overlooking the boundary, while the top four storeys on this wing of Building A provide high-level views over the boundary. Similar separation distances are secured through Parameter Plan 3 for Buildings D and F in the outline phases, which are sufficient at this stage to allow development on the adjacent site, and would be subject to detailed consideration at Reserved Matters stage.

234 The LA Lounge venue could also come forward for redevelopment; however, it is a small site and development options are therefore limited. The podium of Building A is 7 metres from the Site boundary here, with residential units at second floor and above set back a minimum of 14 metres from the boundary, which allows the site to come forward for redevelopment. Any application for that site would need to demonstrate that it provides an acceptable relationship with the proposed Building A.

235 Overall, the proposals would not restrict the development of neighbouring sites.

Principle of Development – Conclusion (including Assessment against Good Growth and Masterplanning Policy)

236 The Council's first Reason for Refusal states that the proposals fail to adequately address the principles of masterplanning, including the successful integration of the scheme with the wider public area; the transition and neighbourliness of different uses both within the Site and to adjacent areas; and inadequate assurances for the delivery of the masterplan. It is stated that this would likely fail to build and reinforce communities and places that work, and to ensure that growth contributes to achieving convergence and personal and community resilience; contrary to the NPPF and Policies S1, S3, S4 and SP3 of the Newham Local Plan. Also of relevance is Reason for Refusal 2, which identified a failure to demonstrate good growth and infrastructure sufficiency with particular regard to the new DLR Station and primary education; Reason for Refusal 3, an inadequate approach to managed release and intensification of industrial land; Reason for Refusal 4, inadequate agent of change principles; and Reason for Refusal 5, inadequate regard to masterplanning and infrastructure sufficiency in the potential scenario of Thames Wharf remaining safeguarded. In its 22 July 2020 consultation response, the Council maintained Reasons for Refusal 1-4, but stated that Reason for Refusal 5 had been resolved.

237 In order to avoid piecemeal development, the proposed masterplan incorporates two Site Allocations, in accordance with London Plan, Intend to Publish London Plan, and Newham Local Plan policies set out above. The proposals have been developed with GLA and Council officers over several years of pre-application discussions, with further amendments submitted post-submission to enhance the masterplanning approach, both up to the Council's resolution to refuse the Application, and subsequent to the Deputy Mayor's decision to take over the Application.

238 This historically under-utilised, brownfield, riverfront, Opportunity Area and Arc of Opportunity Area Site, including public sector land, would be developed into a well-designed, high-density, mixed-use and mixed-tenure scheme, providing 5,000 good quality homes (15% of the Intend to Publish London Plan 10 year target), including 1,700 affordable homes. The proposals are expected to create a successful new community within the existing network of communities, well connected to surrounding areas (within the restrictions of surrounding transport infrastructure) and contributing to achieving convergence. As explained in more detail in the sections below, it would benefit from a proposed DLR station at its heart, to which a £9M contribution would be secured from this proposal; with an expected much-improved PTAL of 3-5; deliver much improved walking and cycling connections to the surrounding areas; a new park, improved nature areas, and a river walk along the length of the Site.

239 The phasing of the proposals responds to the expected progress of land handback of the Site, subsequent to the construction of the Silvertown Tunnel; and as discussed under 'Transport' below, limitations are placed on the number of new homes prior to completion of the new DLR station. Development is also restricted in Phases 5-11 prior to the release of the safeguarded Thames Wharf; and the Operational Works consent secures a wharf reactivation study and associated planning permission, should the safeguarded Wharf be retained.

240 Through the proposals, old industrial capacity would be replaced by 19,441 sq.m. of modern floorspace, designed to appeal to a range of industrial occupants. The proposals include a new 4FE Primary school, with an appropriate mitigation strategy secured for need before delivery of the school, which has been brought forward in the phasing since the Deputy Mayor took over the Application; along with a nursery, a community space, and other community facilities on-site. Significant contributions are made to on and off-site transport infrastructure; off-site secondary education and primary health facilities; and employment training initiatives. As discussed under 'Urban Design' below, the height, massing, and building separation of the proposals sit well within the context of existing and emerging tall buildings around the Royal Docks, Canning Town, and Trinity Buoy Wharf; provide new and enhanced connections throughout the site and accord with masterplan design principles. The proposal also responds to Agent of Change principles in terms of the relationship of the proposed uses with adjacent industrial, transport and leisure uses, and addresses the concerns raised previously by the Council on this issue. There have been a number of significant improvements by the May 2020 Amendments since the Deputy Mayor decided to take over the Application, in response to the Council's concerns.

241 Whilst the introduction of residential uses into SIL would comply with emerging development plan policy (Intend to Publish London Plan Policies E4, E5 and E7), the proposed development does not accord with adopted London Plan Policy 2.17, and the associated Policies J1 and J2 of the Newham Local Plan. Noting the SoS Direction, more weight is to be given to the adopted policies at this time and, as such, the proposal

is considered to be a departure from the development plan. Consideration is therefore given to all material considerations, for the purposes of section 38(6) of the 2004 Act, in determining whether these indicate that planning permission should nonetheless be granted. This is set out in full under 'Conclusion and planning balance' below, which concludes that the substantial benefits resulting from the proposed development are considered to outweigh the harm arising from the non-compliance with Policy 2.17 of the London Plan and Policies J1 and J2 of the Newham Local Plan.

242 Whilst the introduction of residential uses into SIL would not accord with the adopted development plan, the masterplanning approach to industrial intensification, co-location, and substitution is in line with the emerging development plan policy and the Secretary of State Directions. The masterplan addresses the principles of masterplanning, integrating the scheme with the wider public area; providing sufficient assurances for the delivery of the masterplan as a whole; and is expected to create a successful new community.

243 The proposals are in accordance with the NPPF, London Plan Policies 1.1, 2.13, 2.14, 2.15, 3.3, 3.7, 3.16, 3.17, 3.18, 4.2, 4.7, 5.17, 5.18, 5.20, 6.1, 6.2, 7.1 and 7.26; Intend to Publish London Plan Policies D3, D4, D12, D13, E4, E5, E7, SD1, SD7, SD8, E1, E2, E3, S1, S2, S3, S5, H1, T1, T3, SI15, SI8, and SI10; and Newham Council's Local Plan Policies S1, S3, S4, INF1, INF5, INF8, INF9, J3, SP3, SP6, SP8, H1.

Housing

Affordable Housing Policy and Financial Viability

244 The NPPF states that local planning authorities should specify the type of affordable housing required, and expect it to be met on-site unless off-site provision or an appropriate financial contribution in lieu can be robustly justified; and the agreed approach contributes to the objective of creating mixed and balanced communities. Paragraph 57 states that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

245 London Plan Policy 3.11 states that the Mayor will, and boroughs should, seek to maximise affordable housing provision and ensure an average of at least 17,000 more affordable homes per year in London up to 2031, of which 60% should be social/affordable rent and 40% intermediate. London Plan Policy 3.12 requires that the maximum reasonable amount of affordable housing should be sought when negotiating on individual schemes, taking into account a range of factors, including the requirement for affordable housing; affordable housing targets; the need to promote mixed and balanced communities; specific site circumstances; development viability; public subsidy and the resources available to fund affordable housing; and the implications of phased development, including provisions for re-appraising the viability of schemes prior to implementation.

246 In August 2017, the Mayor published his Affordable Housing and Viability Supplementary Planning Guidance (SPG), which sets out his preferred approach to maximising the delivery of affordable housing, and introduced the Fast Track Route for

applications that meet or exceed the Mayor's threshold for affordable housing. The SPG confirms that a scheme's eligibility for the Fast Track Route is subject to affordable housing being provided on site, without public subsidy, and with an appropriate tenure mix provided. In addition, to qualify for the Fast Track Route, applicants must have explored the potential to increase the level of affordable housing using grant funding and an 'early stage review mechanism' must be secured, which seeks to incentivise early implementation. Applications that are not eligible for the Fast Track Route are to follow the 'viability tested route' and required to submit a financial viability assessment, late stage viability review mechanism, and mid-term reviews for lengthy phased developments.

247 The threshold approach to affordable housing is also set out in Policies H4, H5 and H6 of the Intend to Publish London Plan. Policy H4 sets a strategic target for 50% of all new homes to be affordable. Policy H5 identifies a minimum threshold of 35% affordable housing (by habitable room); or 50% on public sector owned sites, and industrial sites appropriate for residential uses where the scheme would result in a net loss of industrial capacity. In this case, part of the site is in public ownership and almost all of the site is (or has most recently been) in industrial use. The proposals do not re-provide the existing industrial capacity of the site, and while it is not expected to through the Site Allocations, nonetheless, the threshold to apply to the proposals is therefore 50%. As such, this Application is to follow the Viability Tested Route.

248 Policy H6 of the Intend to Publish London Plan confirms the Mayor's priority to deliver genuinely affordable housing and sets out minimum expectations in relation to tenure split. This requires at least 30% of affordable housing to comprise low cost rent units (either social rent or London Affordable Rent); 30% intermediate housing; with the remaining 40% determined by the borough.

249 Policy H2 of Newham's Local Plan seeks 50% of new homes (by unit) built over the plan period to be affordable and that new developments provide between 35-50% affordable housing (normally on-site), comprising 60% social housing, and 40% intermediate, taking site and proposal-specific circumstances into account.

Assessment against Affordable Housing Policy and Financial Viability

250 When considered at Newham's Strategic Development Committee, the viability assessed residential mix and tenure for the masterplan was as set out in Table 5 below, showing that by habitable room, 37% affordable housing was proposed, split 60% London Affordable Rent (LAR), 40% London Shared Ownership (LSO); and by unit, 32.5%, also split 60% LAR, 40% LSO.

251 Within this, the viability assessed residential mix and tenure for Phase 1 (the detailed element) was as set out in Table 6 below, showing that by habitable room, 50% affordable housing was proposed, split 45% LAR, 55% LSO; and by unit, 49%, split 46% LAR, 54% LSO.

Table 5: Masterplan viability assessed residential mix and tenure at Newham Committee

	LAR units	LSO units	Tot AH units	Market units	Total units
Studio	56	0	56	379	435
1 bed	173	135	308	874	1,182
2 bed	368	339	707	1,616	2,323
3 bed	336	153	489	500	989
4 bed	42	23	65	6	71
Total	975	650	1,625	3,375	5,000
37% by hab rm (60%:40% split) 32.5% by unit (60%:40% split)					

Table 6: Phase 1 viability assessed residential mix and tenure at Newham Committee

	LAR units	LSO units	Total AH units	Market units	Total units
Studio	0	0	0	15	15
1 bed	48	52	100	100	200
2 bed	39	60	99	78	177
3 bed	16	12	28	34	62
4 bed	0	0	0	6	6
Total	103	124	227	233	460
50% by hab rm (45%:55% split) 49% by unit (46%:54% split)					

252 It is noted that the Council's advisers BNP Paribas (BNPP), and the Applicants' advisers Gerald Eve (GE), did not come to agreement on the financial viability assessment of the scheme. The Committee Report identified a surplus of £48M; however, a further report dated 6 November 2019 by BNPP was attached as part of an Update Report to Committee, identifying a surplus of £90M. The Update Report stated that this could deliver 47% affordable housing by unit, with a 60%:40% split.

253 Consequently, the Council's tenth Reason for Refusal stated that the Applicants had failed to demonstrate that 32.5% (by units) represents the maximum reasonable amount; and that the proposed development would therefore not accord with the Council's overriding objectives to build mixed and balanced communities; contrary to the NPPF; Policies 3.9, 3.11 and 3.12 of The London Plan; Policies GG4, H5, and H6 of the draft London Plan; and Policies H1 and H2 of the Newham Local Plan. In its 22 July 2020 consultation response, the Council stated it did not consider that the Reason for Refusal had been resolved.

254 Since the Deputy Mayor's decision to take over the Application, further negotiations and rigorous examination of the viability of the scheme has been undertaken by GLA officers, and an increased level of affordable housing is proposed.

GLA officers' assessment of the viability of the scheme is based on the revised mix and tenure for the masterplan, as set out in Table 7 below, showing that by habitable room, 39% (increased from 37%) affordable housing is proposed, split 60% LAR, 40% LSO; and by unit, 34% (from 32.5%), split 59% LAR, 41% LSO. Within this, 29 additional LAR units and 46 additional LSO units are secured compared to the level considered at Newham's Strategic Development Committee.

Table 7: Revised masterplan viability assessed residential mix and tenure

	LAR units	LSO units	Total AH units	Market units	Total units
Studio	0	0	0	362	362
1 bed	169	72	241	858	1,099
2 bed	351	404	755	1,594	2,349
3 bed	463	203	666	482	1,148
4 bed	21	17	38	4	42
Total	1,004	696	1,700	3,300	5,000
		39% by hab rm (60%:40% split)			
		34% by unit (59%:41% split)			

255 Within this, the residential mix and tenure for Phase 1 (the detailed element) is now as set out in Table 8 below, showing that by habitable room, 46% (from 50%) affordable housing is proposed, split 36% LAR, 64% LSO; and by unit, 49% (as previously), split 36% LAR, 64% LSO. The reduction in affordable housing in Phase 1 is due to the reduction in height/massing of the affordable housing block; with these units relocated to later phases in the masterplan. This also makes allowance for the significant level of financial contributions secured through planning obligations that would be incurred by the Applicants during construction of this early phase.

Table 8: Revised Phase 1 viability assessed residential mix and tenure

	LAR units	LSO units	Total AH units	Market units	Total units
Studio	0	0	0	1	1
1 bed	32	72	104	80	184
2 bed	27	44	71	85	156
3 bed	12	8	20	36	56
4 bed	0	0	0	4	4
Total	71	124	195	206	401
		46% by hab rm (39:61 split)			
		49% by unit (36:64 split)			

GLA review of financial viability (7 July 2020)

256 GLA officers have rigorously assessed the financial viability of the scheme to ensure that the maximum amount of affordable housing is secured.

257 During discussions with the Applicants and GE, a number of revenue inputs, including the affordable housing values, have been increased. This has improved the viability of the scheme and supported the delivery of additional affordable housing.

258 The market residential sale values proposed by GE have been accepted following a detailed exercise by GLA officers who also reviewed recent sales evidence from nearby schemes including Royal Wharf, London City Island and others in the Royal Docks area.

259 As explained above, the viability position was not agreed between GE and BNPP in 2019 and one of the main points of difference was whether comfort cooling should be included within the build costs. Although comfort cooling is not provided in all the comparable schemes, they do include some additional facilities such as pools, gyms and communal gardens, which have not been fully costed within the Application scheme. Overall therefore, the balance between costs and values is considered reasonable.

260 A reduced benchmark land value of £103M has been agreed, compared to the £110M originally proposed by the Applicant. Again, this has supported the delivery of additional affordable housing.

261 GLA officers have taken advice from CDM Project Services (which also advised the Council) in respect of the build costs. CDM assessed the cost plan prepared for the scheme by the Applicants' advisors, Gardiner and Theobald (G&T). CDM's initial findings were that the costs were higher than would be expected and requested additional information to support G&T's assumptions. This is considered further below.

262 There have been extensive discussions in respect of the appropriate profit threshold. GE initially assessed the original scheme (December 2018) against a target profit based on gross development value (GDV); however, this subsequently changed to an assessment against a target internal rate of return (IRR) with a threshold of 14%. There was no cross-check of this figure provided, in the form of a return on GDV; however, GLA testing indicates that this threshold represents a higher profit hurdle than GE's initial assessment.

263 GLA officers consider that it is important to consider both metrics in assessing viability, as set out in the Mayor's Affordable Housing and Viability SPG, which states at paragraph 3.36:

"The Mayor will normally consider profit as a factor of gross development cost (GDC) or gross development value (GDV). An 'internal rate of return' (IRR) approach of measuring profit, which is associated with a long term development programme and assumed growth in values and build costs, is sensitive to the timing of costs and income. If IRR is relied on a full justification must be provided for the assumed development programme, the timing of cost and value inputs, and the target IRR. Where this is the case, profit should also be considered as a factor of GDC and/or GDV."

264 There is relatively limited evidence to support assumptions on IRR thresholds, and the level at which most developers would consider a scheme viable varies. This cross-check is therefore essential.

265 The GE appraisal of 30 June 2020 showed an IRR of 11.73% and a return on GDV of 14.09%.

266 GLA officers tested the scheme based on alternative assumptions to those used by GE, including:

- the inclusion of additional residential income from ground rents or enhanced sales values if these no longer apply;
- lower construction costs for buildings and landscaping, and higher costs for the fit out of the school and community buildings (in line with CDM's initial advice).

267 This showed a more viable position than GE's, with an IRR of 12.55% and a return on GDV of 16.56%. Although the IRR was within an acceptable range; at that stage, the return on GDV was above a reasonable return, indicating that the scheme could potentially provide a small amount of additional affordable housing.

GLA further review of financial viability (28 July 2020)

268 Additional build cost information was provided by the Applicants, which has been reviewed by CDM. Further discussions also took place between CDM and G&T, and based on the additional information provided, CDM and G&T have agreed the costs, subject to a difference of 0.07%, which is within an acceptable tolerance.

269 GLA officers have provided an updated appraisal using CDM's revised costs, which results in a slightly lower IRR of 12.13%, and a lower return on GDV of 15.58%. Consequently, GLA officers can confirm that the scheme is offering the maximum quantum of affordable housing, as the blended return on GDV is below the figure of 16.2% identified in the GLA's report of 7 July 2020. The IRR also remains within an acceptable range.

Affordable housing planning obligations

270 An early stage viability review will be secured by planning obligation, which would be triggered if substantial implementation (completion up to first floor slab of Building A) of Phase 1 has not been achieved within two years of the permission being granted, in accordance with Policy H5 of the Intend to Publish London Plan and the Mayor's Affordable Housing and Viability SPG. Allowance is made for the date to be extended by one year should there be additional unforeseen delays to the delivery programme as reasonably justified. As the scheme is dependent on land handback from the Silvertown Tunnel works, this is considered reasonable.

271 Two 'mid-stage' viability reviews will be secured, the first at 75% occupation of Phase 4, or occupation of between 1,500 and 1,700 units, whichever comes first; and the second at 75% occupation of Phase 7, or occupation of 2,800 – 3,000 units, whichever comes first.

272 A late-stage viability review will be secured upon occupation of 4,000 residential units (80%). A 'lack of progress' viability review will also be secured, should 2,000 residential units not completed by April 2032.

273 The threshold for the review mechanisms will be based on an IRR of 13%, which is considered reasonable taking into account the scale and complexity of this scheme.

274 If the early stage review is triggered, 100% of any profit surplus will be used to deliver additional affordable housing. The surplus on the late stage review would be split 60%:40% in favour of the Council; and in this case, the surplus on the mid-stage reviews would also be apportioned on this basis. The surplus on the 'lack of progress review' would be split 80%:20% in favour of the Council. This approach helps to ensure that the applicant will remain incentivised to maximise value from the scheme throughout the lifetime of development, in line with the Mayor's Affordable Housing and Viability SPG.

275 The fit-out costs for the school, nursery and community building will be paid for by the Applicants and secured based on the actual costs at that time, but subject to a minimum contribution of £14M, in line with CDM's assessment.

276 Policy H6 of the Intend to Publish London Plan and the Mayor's Affordable Housing and Viability SPG set out the Mayor's priority to deliver genuinely affordable housing. London Affordable Rent constitutes a low-cost rent product for households on low income, with rent levels based on social rent and set in relation to the GLA's published benchmarks set out in the Mayor's Affordable Homes Programme 2016-21 Funding Guidance. The proposed London Affordable Rent units will have rent levels as set annually by the GLA, which will be secured in the section 106 agreement. These are shown in Table 9 below. Eligibility for London Affordable Rent units would be restricted, based on local need and subject to a nominations agreement with the Council.

Table 9: London Affordable Rent benchmarks

Unit size	London Affordable Rent per week (2020-21 benchmarks)*	% of market rent**
1 bedroom	£159	53%
2 bedroom	£169	46%
3 bedroom	£178	45%

*London Affordable Rents are exclusive of service charges

**Market rents based on GLA London Rents Map, which is based on 2018/19 Valuation Office Agency data. To enable comparison, monthly market rents shown in the GLA Rents Map have been multiplied by 12 and divided by 52 to provide estimated weekly rents.

277 London Shared Ownership units would be subject to the eligibility and household income requirements as set out in the Intend to Publish London Plan, to ensure that annual housing costs (including mortgage payments, rent and service charge) do not exceed 40% of net household income, assuming a maximum household income of £90,000 (as updated in London Plan Annual Monitoring Reports). These units would be affordable to households on a range of incomes between £55,000 and £85,000, depending on the unit size, as set out in Table 10 below. This assumes a minimum 25% equity share and rent of up to 2.75% on unsold equity. The section 106 agreement would secure first marketing of the units at these affordability levels, with a cascade mechanism thereafter.

Table 10: Affordability of proposed Shared Ownership units

	1 bedroom	2 bedroom	3 bedroom
Estimated household income required	£55,000	£71,000	£85,000

278 The affordability levels proposed for London Affordable Rent and London Shared Ownership units are acceptable and comply with income and eligibility requirements. This would be secured within the section 106 agreement, should permission be granted, together with viability review mechanisms as described above.

279 Affordable housing of 39%, split 60% LAR, 40% LSO (by habitable room); and 34%, split 59% LAR, 41% LSO (by unit); with the affordability levels set out above, fully accords with the NPPF; London Plan Policies 3.11 and 3.12; Intend to Publish London Plan Policies H4, H5, and H6; the Mayor’s Affordable Housing & Viability SPG; and Newham Council’s Local Plan Policy H2. The affordable housing provided by the scheme is therefore supported.

Housing Mix Policy

280 London Plan Policies 3.8 and 3.9 state that new development should provide a mix of housing sizes and types, taking into account local and strategic housing requirements, the needs of different groups, and the strategic priority for affordable family housing provision. Policy H10 of the Intend to Publish London Plan states that schemes should generally consist of a range of unit sizes and sets out a number of factors which should be considered when determining the appropriate housing mix on a particular scheme. These include recognition that a higher proportion of one and two bed units may be more appropriate in locations closer to a town centre, station or with higher levels of public transport access and connectivity; and the role of one and two bed units in freeing up family housing. The Secretary of State Directions modify this latter point to have regard to “*the need for additional family housing and the role of one and two bed units in freeing up existing family housing*”. Policy H13 supports the provision of specialist older persons housing.

281 Policy S1 of Newham’s Local Plan also seeks mixed and balanced communities, prioritising new family housing over smaller residential units to rebalance the borough’s housing stock and reduce population churn. Policy H1 requires 39% of new homes to be three-bedroom for families, but also recognises that when considering housing mix, regard should be had to scheme viability; and states that housing densities and site context should not inhibit the provision of family accommodation. Proposals providing less than 39% family housing are required to be accompanied by a detailed viability appraisal. Policy H3 seeks to ensure that the local and strategic needs of all types of households are considered and that appropriate forms of accommodation are provided in the right locations. It specifically states that older persons housing should be delivered as part of the housing mix (and sit comfortably with conventional housing) on Strategic Sites.

Assessment against Housing Mix Policy

282 The Council’s Reason for Refusal 9 stated that the significant number of studio units and the failure to demonstrate that 19.8% (by unit) three-bed units is the maximum amount that can be provided when taking into account viability prejudices the ability of

the proposals to stabilise the community and reduce population churn, with implications for convergence and community cohesion and safety. The Council stated that the housing mix would therefore be harmful to Newham’s strategic objective of sustaining mixed and balanced communities and would not sufficiently contribute to redressing the borough’s housing stock in terms of prioritising family sized units over small units, contrary to the NPPF; Policy 3.8 of The London Plan; Policies H12 and H15 of the draft London Plan; and Policies S1, H1 and SP3 of the Newham Local Plan. In its 22 July 2020 consultation response, the Council maintained this Reason for Refusal.

283 The viability assessed housing mix across the masterplan (all phases) is set out in Table 11 below. As a result of the May 2020 Amendments to the scheme submitted since the Deputy Mayor’s decision to take over the Application, the proportion of studio units has reduced from 8.7% to 7.2%, and three-bed units have increased from 19.8% to 23%. All of the LAR studio units have been removed, and three-bed LAR units have also increased from 34.5% to 46.1%. The proportion of four-bed units has also been reduced from 1.4% to 0.8%, since the Council’s policy places little weight on four-bed units, based on identified need in its 2016 Strategic Housing Market Assessment (SHMA). While the proportion of three-bed units remains below the Council’s target of 39%, the policy allows for a shortfall if justified by viability assessment. As set out above, the viability of the scheme has been rigorously assessed, and the increased amount of affordable housing, including the significant increase in three-bed LAR units provides the maximum amount of affordable housing at this stage.

Table 11: Revised masterplan viability assessed residential mix and tenure (and at Newham Committee)

	LAR	LSO	Market	Total
Studio	0% (5.7%)	0% (0%)	11% (11.2%)	7.2% (8.7%)
1 bed	16.8% (17.7%)	10.3% (20.8%)	26% (25.9%)	22% (23.6%)
2 bed	35% (37.7%)	58% (52.2%)	48.3% (47.9%)	47% (46.5%)
3 bed	46.1% (34.5%)	29.2% (23.5%)	14.6% (14.8%)	23% (19.8%)
4 bed	2.1% (4.4%)	2.5% (3.5%)	0.1% (0.2%)	0.8% (1.4%)

284 Within this mix, 100 specialist housing units are proposed for occupants 55 years of age and above (Use Class C3). These units would be situated within blocks P, Q or U and would be secured by condition.

285 The proposed housing mix for Phase 1 is set out in Table 12 below. Since the Deputy Mayor’s decision to take over the Application, the proportion of studio units has reduced from 3.2 % to 0.2%, three-bed units have increased from 13.5% to 14%, and three-bed LAR units have increased from 15.5% to 16.9%. Although the proportion of family-sized units is lower in Phase 1, this part of the Site is considered to be the least suitable for family homes, being closer to the DLR line and the Silvertown Flyover, while buildings in later phases nearer to parks and green spaces are more suitable.

Table 12: Revised Phase 1 viability assessed residential mix and tenure (and at Newham Committee)

	LAR	LSO	Market	Total
Studio	-	-	0.5% (6.4%)	0.2% (3.2%)
1 bed	45.1% (46.6%)	58% (42%)	39% (42.9%)	46% (43.5%)
2 bed	38% (37.9%)	35.5% (48.3%)	41% (33.5%)	38.8% (38.5%)
3 bed	16.9% (15.5%)	6.5% (9.7%)	17% (14.6%)	14% (13.5%)
4 bed	-	-	2% (2.6%)	1% (1.3%)

286 The numbers of units for each tenure are proposed to be secured by planning obligation for the detailed Phase 1 element, whereas the overall masterplan split would be secured within a range. Planning obligations are proposed to secure a minimum of 23% family-sized homes (all tenures) across the masterplan, at least 40% of the London Affordable Rent units as family-sized units, and a minimum 21% three-bed (all tenures). Viability reviews secured by planning obligation will also specifically address options to increase affordable family housing.

287 Subject to the proposed planning obligations and conditions, GLA officers consider that the proposals represent an appropriate mix of housing tenures and unit sizes considering the location and characteristics of the Site and the density and form of development. Intend to Publish London Plan Policy recognizes that a higher proportion of one and two bed units may be more appropriate in locations closer to a town centre, station or with higher public transport access and connectivity. The Secretary of State's direction also recognised the role of one and two bed units in freeing up family housing. The mix has been improved upon since the Deputy Mayor took over the Application in response to the Council's Reason for Refusal and the concerns raised in the Committee Report. The housing mix of the proposals is supported in line with the NPPF; Policies 3.8 and 3.9 of The London Plan; Policies H10 and H13 of the Intend to Publish London Plan; and Policies S1, H1 and H3 of the Newham Local Plan.

Play Space Policy

288 Policy 3.6 states that development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs. Further guidance is provided in the Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation SPG (2012), which sets a benchmark of 10 sq.m. of child play space to be provided per child. It states that play space for under-fives should be provided on site, within 400 metres for those aged 5-11, and for those aged 12 and over, within 800 metres. Policy S4 of the Intend to Publish London Plan states that residential developments should incorporate good quality, accessible play provision for all ages, of at least 10 sq.m per child. Play space provision should normally be provided on-site; however, off-site provision may be acceptable where it can be demonstrated that this addresses the needs of the development and can be provided within an accessible and safe walking distance, and in these circumstances contributions to off-site provision may be secured by section 106 agreement.

289 Local Plan Policy H1 states that housing densities will be appropriate in relation to the availability of open space, including public green space and play space. Policy INF7

states that new open spaces and outdoor recreation opportunities will be delivered ‘primarily on Strategic Sites and along the Blue Ribbon Network, including but not limited to those contributing to delivery of the Lea River Park and Thames Path. It also states that play and informal recreation space is to be provided as part of new residential developments.

Assessment against Play Space Policy

290 The 2.3 hectare Dock Park would provide a significant area of green open space for the local community, connecting Royal Victoria Dock with the Thames waterfront and the riverside walkway as part of the Thames Path, extending along the length of the Site. The indicative designs show formal and informal play areas; public gardens; woodland areas; opportunities for food and drink; sports and leisure including large grassed areas suitable for ball sports. At its east end, a crossing over Dock Road would connect the Park underneath Silvertown Flyover to Royal Victoria Dock. The proposals also include the public square adjacent to the new DLR station (approximately 0.5 hectares), and the riverfront walk and associated public gardens (approximately 1.8 hectares), which provide opportunities for play.

291 A further 2 hectares of open space prioritising natural habitats and wetlands is made up of Leaway Park (contributing to Lea River Park aspirations), much of which is currently hardstanding, incorporating the SINC, and Eastern Ecology Park. These areas provide opportunities for teaching to the nearby school and nursery; and offset the impacts of nearby transport infrastructure, including the Lower Lea Crossing and the roads connecting to the Silvertown Tunnel.

292 Based on the submitted Design and Access Statement and drawings, the play space requirements and those proposed are as set out in Table 13 below:

Table 13: Estimated play space requirements and on-Site provision

	GLA Play space calculator (0-17 year olds)	Proposed
Detailed Phase 1	105 children = 1,050 sq.m.	Formal play (podium) = 894 sq.m.
Outline Phases 2-11	1,915 children = 19,150 sq.m.	Approximately 30,000 sq.m. (formal and informal)
Total	2,020 children = 20,200 sq.m.	Approximately 30,894 sq.m.

293 For the detailed Phase 1, a slight under-provision of the full requirement would be available on-site, prior to the creation of Dock Park, which is expected to be delivered as part of outline Phases 2-4. However, all of the under-fives requirement would be provided on-site at podium level, with detailed design proposed to be secured by condition. In the interim period the Applicants have identified open and play space provision around the Royal Docks and in three locations within a 10-20 minute walk. While these facilities are not within the Play Space SPG distance requirements, it is considered that they would adequately serve local need until the generous amounts of play space and open space are delivered as part of outline Phases 2-4, and secured by Parameter Plan 13. There are also significant areas of open space, including green space, around the Royal Docks, which would be in very close proximity to early phases

of the scheme. The proposed improvements to the public highway, to be secured by section 278 agreement, would improve links to these facilities.

294 As discussed under 'daylight, sunlight, and overshadowing' below, public and communal amenity spaces in Phase 1, including play space, would receive good levels of sunlight, as would nearly all spaces in the outline phases.

295 The masterplan provides extensive areas of play space, the majority of which would be delivered in early phases as part of Dock Park. As such, the Application accords with London Plan Policies 3.6, Policies S4 of the Intend to Publish London Plan, and Policy H1 and INF7 of the Newham Local Plan; and the Children and Young People's Play and Informal Recreation SPG.

Urban design

296 The NPPF (at paragraph 124) states that good design is a key aspect of sustainable development. Paragraph 127 of the NPPF sets out a number of high level design objectives for new development, including the need to optimise the potential of a site; provide appropriate and welcoming layouts and landscaping; good architecture; establish a strong sense of place; and be sympathetic to local character, while not preventing or discouraging appropriate change.

297 Chapter 7 of the London Plan and Chapter 3 of the Intend to Publish London Plan include a range of design principles and requirements for new development and are set out within specific policies on designing out crime (London Plan Policy 7.3 and Intend to Publish London Plan Policy D11); local character (London Plan Policy 7.4 and Intend to Publish London Plan Policy D1); public realm (London Plan Policy 7.5 and Intend to Publish London Plan Policy D8); architecture (London Plan Policy 7.6 and Intend to Publish London Plan Policy D3); tall and large scale buildings (London Plan Policy 7.7 and Intend to Publish London Plan Policy D9); accessible and inclusive design buildings (London Plan Policy 7.2 and Intend to Publish London Plan Policy D5); and heritage assets and views (London Plan Policies 7.8 and 7.9 and Intend to Publish London Policies HC1, HC2 and HC3).

298 These policies are reflected in Policies SP1, SP2, SP3 and SP4 of Newham's Local Plan, which seek to secure high quality urban design.

Design scrutiny

299 The proposals have been subject to extensive design scrutiny over several years. At pre- and post-application stage, this included a series of discussions with Newham Council's Design Review Panel (DRP), Development Control Members Forum (DCMF), Council and GLA officers, other statutory and non-statutory bodies, and public consultation events. After submission of the Application, the proposals were subject to a further DRP presentation, further meetings with Council officers, a public meeting, and consultation responses on design. The amendments submitted in May and July 2019 included design changes in response to these further discussions. Since the Deputy Mayor's decision to take over the Application following Newham Council's resolution to refuse, a series of design workshops were conducted involving the Applicants and their architects and GLA officers; latterly including the Council's Planning and Design Officers and the Chairperson of the DRP. This resulted in the submission of the May 2020

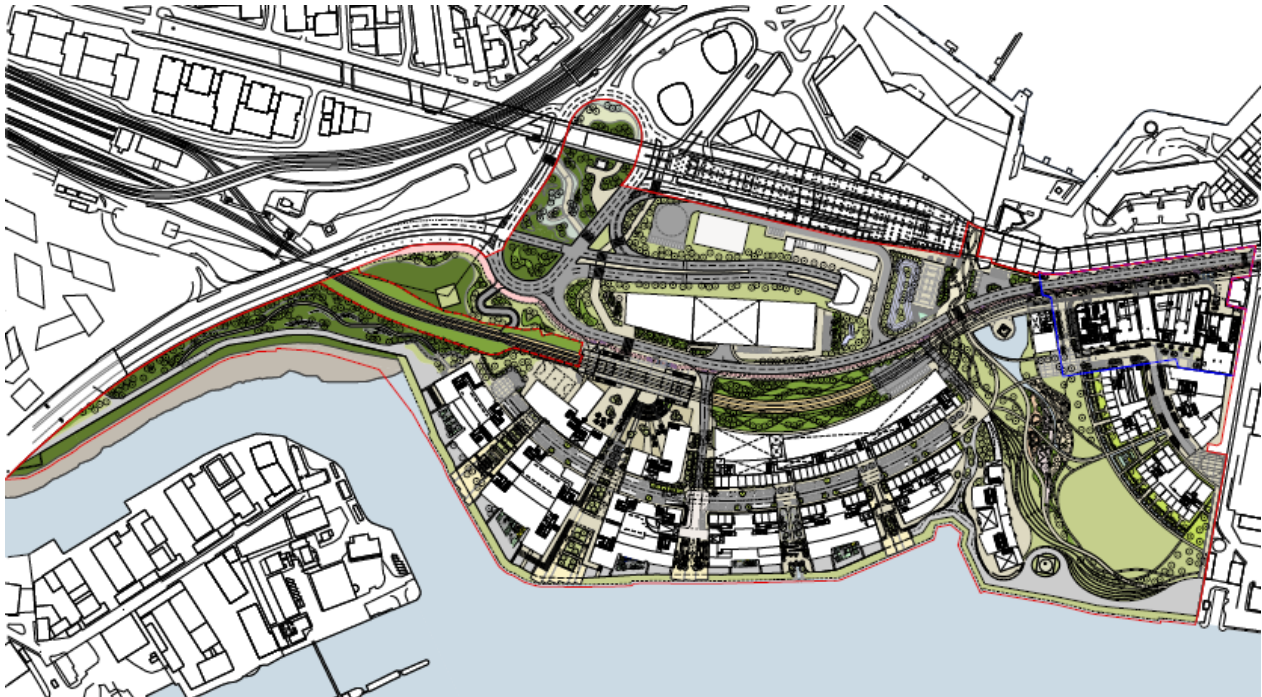
Amendments. The current scheme has evolved in response to comments made through this iterative process of design scrutiny, advice and public consultation.

Site layout

Masterplan

300 The indicative layout of the masterplan site is shown in Figure 7 below.

Figure 7: Indicative masterplan layout



301 The Site enjoys a significant river frontage, which the proposals seek to exploit; however, any proposals are subject to significant limitations arising from existing and proposed transport infrastructure. The elevated DLR line passes along the length of the Site, with the new DLR station proposed at its heart, with existing and proposed transport uses to the north-east, including Dock Road, re-aligned as a result of the Silvertown Tunnel works; the Silvertown Tunnel portal and access roads beyond; and the existing Silvertown Flyover and Lower Lea Crossing along the boundary of the Site.

302 The existing Site levels will be raised using spoil from the Silvertown Tunnel construction, which will form part of the flood defence strategy. To the south-east of the DLR line and extending to the banks of the Thames and the Lower Lea/Bow Creek are the proposed residential areas; with the existing SINC at the north-west end of the Site, to be upgraded through the Application; and the proposed Dock Park towards the south-east end of the Site, sitting above the underground element of the Silvertown Tunnel, with the Emirates Airline cable car passing above it at high level. Pedestrian/cycle routes through the SINC connect to the north, while Dock Park connects to the Royal Docks underneath the Flyover.

303 A primary vehicular/pedestrian/cycle route accessed from Dock Road passes through the centre of the residential area connecting the upgraded SINC, via the proposed local centre around a public square adjacent to the new DLR station, to Dock

Park. A parallel pedestrian/cycle route forms a public riverside walkway of approximately one kilometre as part of the Thames Path, safeguarding potential bridge landings across to Trinity Buoy Wharf and river bus mooring points. The riverside walk allows connections to the north and south should neighbouring sites come forward for development. The 2.3 hectare Dock Park would be delivered in the early stages of development as land is released from the Silvertown Tunnel works, within Phases 2-4, as secured by Parameter Plan 13. This would provide a significant area of green open space for the local community, connecting the Royal Victoria Dock with the Thames waterfront and the riverside walkway. The indicative designs show formal and informal play areas; public gardens; woodland areas; opportunities for food and drink; sports and leisure including large grassed areas suitable for ballsports. A further 2 hectares of open space prioritising natural habitats and wetlands is made up of Eastern Ecology Park and Leaway Park (contributing to Lea River Park aspirations), much of which is currently hardstanding, incorporating the River Thames and Tidal Tributaries Site of Importance for Nature Conservation (SINC), as designated within the Local Plan.

304 Pedestrian and cycle connections to West Silvertown DLR Station would be via North Woolwich Road, and to Royal Victoria Dock via the existing underpass beneath the Silvertown Flyover, which would be upgraded as part of the outline proposals. These stations would be accessible by residents of Phases 1-4, prior to delivery of Thames Wharf DLR Station. As explained under 'Transport' below, contributions to off-site upgrades to these routes are proposed to be secured through section 278 agreement. This would also provide better access to bus stops on North Woolwich Road, with new bus stops to be delivered on the realigned Dock Road as part of the Silvertown Tunnel works, with planning obligations to secure funding from the Applicant. Cycle routes within the Site would connect to the existing segregated cycle lane as part of the Lower Lea Crossing, and the proposed cycle route along North Woolwich Road, also linking to the Royal Docks via the underpass beneath Silvertown Way. Cycle and pedestrian routes are proposed along Bow Creek, allowing connections to the adjacent Limmo development site. Pedestrian routes and crossings are proposed in the vicinity of the Silvertown Tunnel, providing access beneath the Silvertown Flyover at the northern end of the site; however, these routes are likely to be less used, with more direct access between most of the Site and the Royal Victoria Dock provided by the existing southern underpass, also avoiding road traffic. Overall, the proposals would connect well into surrounding areas, despite the presence of on site and adjacent major transport infrastructure, the existing levels differences and heavy industrial uses to the south.

305 Car parking has been reduced as far as possible to restrict it to only that required to provide accessibility for disabled persons, thus minimising associated impacts on scheme layout, public realm, and traffic congestion; while providing the necessary servicing and car parking requirements according to policy.

306 Buildings proposed either side of the central primary route are radially splayed to allow views through to the Thames and Bow Creek. Early phases to the south-east of Dock Park are similarly splayed to allow views to the Park and the Thames. The layout creates a distinct hierarchy of routes and spaces, with a clear definition of public and private space. The level of the Site will be raised in response to flood risk, with the landscape incorporating flood defences.

307 The Applicants' Design and Access Statement demonstrates how the current proposals have developed from a 7,000 unit scheme, to 5,000 units as submitted. Prior

to submission, the key changes were to omit the residential blocks previously proposed between the Silvertown Tunnel portal and the DLR line, to be replaced by the large industrial unit. This represents an appropriate use in this location adjacent to the Silvertown Tunnel portal, also providing industrial floorspace in substitution for that lost within the existing on-site SIL. The area of Dock Park was also increased.

308 Town centre uses as part of the new local centre are focussed around the public square adjacent to the new DLR station, including a primary school, community centre and nursery. The public square is split level, with amphitheatre seating allowing events, with flexible areas for food and beverage spill out and temporary events such as seasonal markets and sports viewing. The separation between outline Buildings Q and U has been increased in the May 2020 amendments, increasing the public realm. Retail, food, and beverage uses extend down to the Thames and along the riverside walkway. A small element of supporting retail space is proposed as part of Phases 1-3, with light industrial uses at ground level in Phases 1/2.

309 The proposed masterplan layout would optimise the development capacity of the Site, and provide good accessibility and connectivity through it, responding appropriately to the transport infrastructure, environmental, access, and level constraints. The indicative designs demonstrate that the new access routes, landscape and open spaces would be of a high quality, providing a welcoming and attractive environment, which would be well-overlooked and would benefit from an appropriate level of activity and ownership. As discussed below, public and communal amenity spaces would receive good levels of sunlight, with acceptable noise and air quality.

310 For the outline element of the masterplan, all matters are reserved at this stage, with the opportunity to assess the detailed design, layout and landscaping at Reserved Matters stage; however, the essential layout of the proposals would be secured by condition through a series of approved Parameter Plans, which allow some flexibility within specified parameters. Parameter Plans 02 and 03 show the development zones and secure the maximum and minimum building footprints for all buildings in the outline element. Parameter Plans 05, 05A and 05B secure vehicular and pedestrian/cycle routes through the Site and Parameter Plan 06 secures landscape treatment. Parameter Plans 09 and 10 secure the principle uses at ground and first floor levels. Parameter Plan 13 secures the phasing of the proposals, and a planning obligation secures a Public Realm Provision Plan with each Reserved Matters Application to identify key areas of public realm and associated delivery triggers. The overall layout of the masterplan is considered to be of a good quality at this outline stage, with further consideration of the detail to be undertaken at Reserved Matter stage.

Phase 1 (detailed Application)

311 The Council's Committee Report stated that the public realm in Phase 1 would create a poor and hostile environment for pedestrians and cyclists as it would be dominated by car parking, refuse holding areas, a vehicular access road, a wide crossover to the industrial units, and a loading bay with very little in the way of permanent soft landscaping. It suggested that the intensity of development created such high demand for space for parking, refuse, and bikes, that could not all be accommodated within the podium, with a detrimental impact on the public realm. Concerns were also raised about the quality of North Woolwich Road and Dock Road and the impact of this on residents' access West Silvertown and Royal Victoria DLR

stations, particularly as the early phases would rely on these prior to delivery of Thames Wharf DLR station. The Committee Report also suggested inadequate passive surveillance for residents disabled persons car parking in the temporary situation. This is reflected in the Council's Reason for Refusal 6, which states that the scale of the proposals would create a hostile environment at ground floor level. Reason for Refusal 14 also states that the proposal relies on the use of existing surrounding transport infrastructure; however, insufficient information has been provided to demonstrate appropriate accessibility to these transport nodes. In its 22 July 2020 consultation response, the Council maintained Reason for Refusal 6; however, it considered that Reason for Refusal 14 is resolved, subject to further information being formalised within the application and securing planning obligations.

312 Phase 1 is comprised of two mixed tenure residential buildings fronting onto North Woolwich Road, linked by a ground floor podium accommodating light-industrial uses. The entire length of North Woolwich Road is the subject of an ongoing design study by the Council and the Royal Docks Team, which will result in the delivery of funded improvements. This will link to the realigned Dock Road, which will be delivered as part of the Silvertown Tunnel works. The Application materials show indicative upgrades to North Woolwich Road, which would reconfigure the carriageway, footpaths and parking arrangements; create a dedicated cycle lane on the south side of the street; provide pedestrian crossings; and paving, planters and seating. Funding and delivery of this is proposed to be secured by planning obligation. Together, these works would allow safe and secure access for residents to West Silvertown DLR station and neighbouring bus stops. Safeguarded land and £220,000 of funding for a cycle hire docking station underneath the DLR line is also secured by planning obligation.

313 In the 'temporary' situation, the rear of the buildings would also be accessible to provide servicing and residents' temporary disabled persons parking until Phase 2 is completed. Disabled persons parking would be provided within the Phase 1 podium for the equivalent of 3% of units at the outset, with temporary disabled persons parking for up to the equivalent of 8% of homes, which could be provided behind the buildings, should there be demand. Adequate surveillance would be provided from neighbouring residential and industrial uses. When the public realm level is raised as part of the Phase 2 works, a combined underground parking area would be constructed, accessed from Building E in Phase 2, which would house disabled persons parking. The access road into the Site from North Woolwich Road would slope up to meet the mezzanine level on the south-west face of Building B, creating a new active commercial frontage associated with the light-industrial uses, as well as retail space. The relationship between residential uses and co-located light-industrial uses, neighbouring industrial uses, the late-night licenced venue, and the DLR line are discussed under 'Agent of Change' above and 'Residential Quality' below, and are considered to be appropriate.

314 The residential entrance to Block A would be inset from the highway and located behind a pedestrian courtyard, also providing access to disabled persons parking within the podium. The size of the courtyard, its design, and signage would give it appropriate prominence in the street frontage, whilst also providing residents with necessary security and privacy. A secondary entrance would be located on the opposite side of the building, allowing easy access from Dock Park. The entrance to Block B would be from the prominent corner of North Woolwich Road and the new access road into the scheme. Access to the proposed light-industrial unit is directly off North Woolwich Road, which

also caters for refuse servicing for Phase 1. Good levels of activity would be achieved around the buildings.

315 Since the Deputy Mayor's decision to take over the Application, through negotiations between the Applicants and GLA officers, the height and massing of the buildings has been reduced, and the number of units reduced by 13%. Improvements to the public realm are also proposed in the May 2020 Amendments. The industrial refuse store within the podium has been relocated nearer to North Woolwich Road, thereby removing the need for the external refuse collection point and freeing up public realm. As set out above, Dock Road and North Woolwich Road will be upgraded through other schemes, with section 278 agreement to enable further enhancement.

316 The proposed layout of Phase 1 would optimise the development capacity of this part of the Site, provide good accessibility and connectivity, and respond appropriately to the transport infrastructure, environmental, access, and level constraints. Overall, the proposed layout is supported.

Height, massing, townscape and views

Tall Buildings Policy

317 London Plan Policy 7.7 sets out requirements for tall buildings, which are broadly reflected in Policy D9 of the Intend to Publish London Plan, which states that development plans should define what is considered a tall building for specific localities and identify suitable locations. Development proposals with tall buildings should address visual impacts at different distances; aid legibility and wayfinding; have exemplary architecture and materials; avoid harm to heritage assets; preserve the Outstanding Universal Value of World Heritage Sites; protect and enhance the Thames; not cause adverse glare; and minimise light pollution. Functional impacts should consider internal and external design; servicing; entrance capacity; area and transport capacity; maximise benefits to the area; and not interfere with communications. Environmental impacts should consider wind, daylight, sunlight, and temperature; air movement (dispersal of pollutants); and noise creation. Cumulative impacts should also be considered.

318 Policy SP4 of Newham's Local Plan defines tall buildings as buildings of six or more storeys. It states that the appropriateness, added value and positive contribution of tall buildings will require robust justification in relation to successful place-making and sustainable, mixed and balanced communities. Parts of Stratford and Canning Town are identified as key locations for the tallest buildings, while other locations in Strategic Sites are identified as suitable, with scale reflecting place hierarchy, ensuring sufficient space between clusters, as indicated in Site Allocations. Site Allocations S08 and S09 provide indicative building heights of 10 to 12 storeys, with up to 18 storeys at key locations.

Assessment against Tall Buildings Policy

319 The Council's Reason for Refusal 6 states that the proposal fails to deliver the added value expected of all tall buildings because its design fails to integrate and positively contribute to its location; fails to make a positive contribution to convergence objectives; would appear overbearing, bulky and incongruous; would negatively impact the character, appearance and townscape of the surrounding area; would create a hostile environment at ground floor level; and would therefore be contrary to the NPPF; Policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 and 7.7 of the London Plan; Policies, D1, D2, D3 and

D8 of the draft London Plan; and Policies S1, S3, S4, SP1, SP2, SP3 and SP4 of the Newham Local Plan. In its 22 July 2020 consultation response, the Council maintained this Reason for Refusal. A number of objections also cited excessive height.

320 The Council's Committee Report states that building heights across the masterplan are well in excess of the indicative heights set out in the strategic Site Allocations. It acknowledges that these are indicative only, and it is appropriate to test them through detailed masterplanning work; however, it states the proposals would be unprecedented in this part of the borough in terms of density and the number and height of tall buildings; and would undermine place legibility in terms of place hierarchy across the Borough, and the Council's strategic aspiration to ensure the tallest buildings are located in the best connected and major town centres. It suggests taking account of PTAL and the emerging character of the area, there could be greater justification for some tall buildings in the north-west of the masterplan area, in proximity to the Hoola Towers; and around the proposed DLR station; however, it states that heights should transition down substantially in the south-east. Particular concerns were raised about the height, scale and massing of the proposed buildings to the south-east of Dock Park.

321 For the detailed Phase 1 Application, the Council's Committee Report stated that the proposed building heights are significantly in excess of the indicative heights set out in the Site Allocations, as well as existing and proposed buildings in the immediate area; are not justified in terms of contributing to legibility, given the Site is not located within a town or a local centre, and is not close to a public transport hub. Concerns were also raised in relation to the conditions that will be created at street level due to the scale of the buildings and their location adjacent to dominant elements of transport infrastructure.

322 Since the Deputy Mayor's decision to take over the Application, GLA officers have worked with the Applicants to secure changes to the heights and massing of the proposals. These are shown in Figures 8-10 below and include:

Detailed Phase 1:

- A reduction in the height/mass of Building A (maximum height remaining 21 storeys) by the removal of six storeys from the core 1 wing.
- A reduction in the height/mass of Building B (maximum height remaining 21 storeys) by the removal of four storeys from the core 4 wing.
- An increase in separation distances to ensure all buildings achieve a minimum of 18 metres between single aspect habitable rooms.

Outline Phases:

- A reduction in the maximum height/mass of Building C of 3.2 metres.
- A reduction in the maximum height/mass of Building D (maximum height remaining 71.2 metres) by reduction of 27.9 metres to rear wings.
- An increase to the maximum height/mass of some elements of Buildings E, F, H, K, L, N, M, J, Q, S, T and U of 0.4-9.6 metres (maximum height remaining 97.9 metres).
- An increase in separation distances to ensure all buildings achieve a minimum of 18 metres between single aspect habitable rooms.
- An increase in the separation distance between Buildings Q and U, and a reduction in the height of their lower wings.

Figure 8: May 2020 Amendments to Masterplan height and massing since Committee

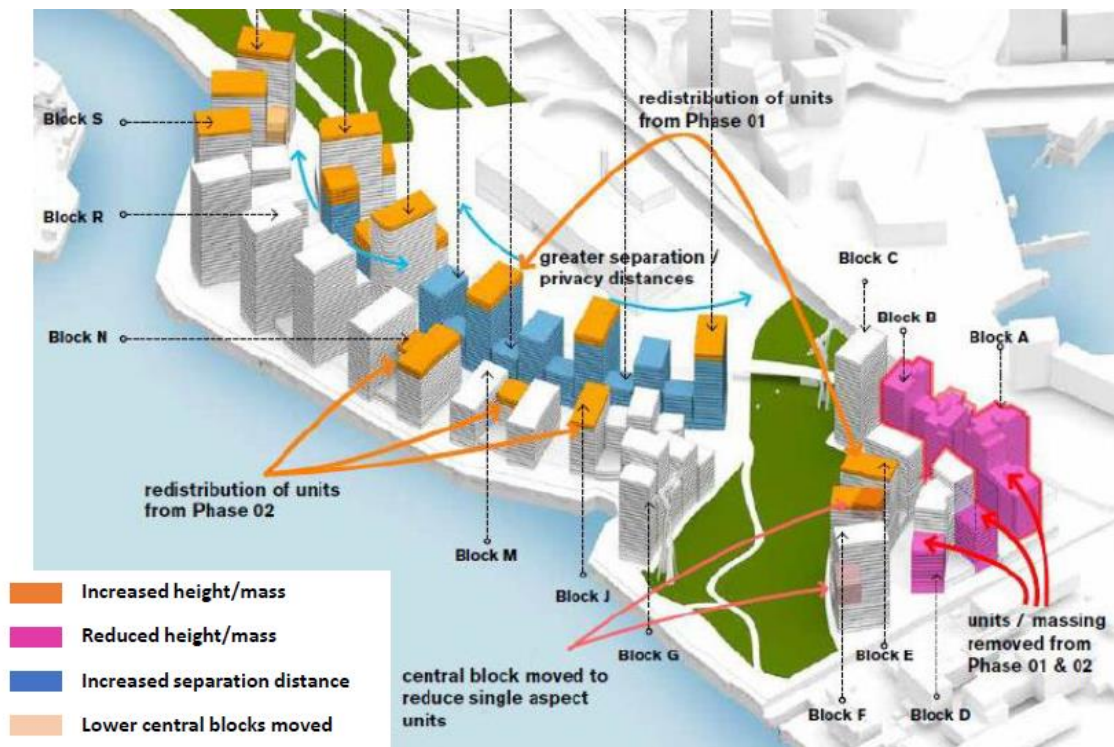


Figure 9: Phase 1 (detailed) considered at Committee (north-east elevation)



Figure 10: Phase 1 (detailed) now proposed (north-east elevation), with main changes



323 The tallest buildings proposed are situated around the new DLR station, marking the station and the new local centre, including the two tallest buildings (c.26 storeys). Buildings step down towards the proposed Leaway Park to the north and lower rise buildings along the river front to the south (Building M, maximum c.12 storeys). Buildings then rise up to marker buildings either side of Dock Park, with Building G on the riverside being up to c.24 storeys, and Building C of up to c.21 storeys marking the eastern entrance to Dock Park from Dock Road and the Royal Victoria Dock. Buildings E and F form an arc along the south-east boundary of Dock Park, being of similar height to Block C. Buildings D, and A and B within the detailed element, step down in height to c.11 storeys towards the southern boundary of the Site.

324 All buildings are set back from the riverside, providing sufficient space for the riverside walkway as part of the Thames Path. A greater set-back on the southern part of the site gives Dock Park a significant presence on the Thames frontage.

325 The height and massing of the scheme considered at Committee was supported at consultation stage by the GLA, taking account of the existing and emerging context of tall buildings and the tallest proposed buildings marking key locations. The GLA Stage 1 Report stated that the large scale of the Site and the proposed massing would assist in wayfinding and contribute positively to the legibility of the townscape in an area fragmented by transport infrastructure; the massing and layout would allow physical and visual permeability through the Site towards the Thames, both through the proposed buildings and by the creation of substantial areas of new public open space; and provide a sympathetic transition between lower rise areas to the east (Britannia Village), existing and emerging buildings of a similar height in the immediate vicinity, and the much larger scale of development emerging nearby on the Isle of Dogs and Greenwich Peninsula. Based on the Townscape and Visual Impact Assessment (TVIA) and Cultural Heritage

chapter in the Environmental Statement, GLA officers did not consider that any harm would be caused to the significance of designated heritage assets, subject to mitigation.

326 Having considered the May 2020 Amendments to the scheme, and the updated Application documents, GLA officers remain of the view that the height and massing of the proposals is acceptable, noting the significant reductions to Phases 1 and 2, which respond to the Council's concerns, with minor increases in height (maximum 9.6 metres) to later phases. The separation distance between buildings has also been increased so that all phases achieve a minimum separation between single aspect habitable rooms of 18 metres.

327 The Site is identified within Character Area 5 in the Newham Character Study (2017) as having no dominant or secondary typology, and the current townscape contributes little of merit towards the character and appearance of the area. The Council's Strategic Site Allocations and the Arc of Opportunity identify the Site as suitable for tall buildings, with scale reflecting place hierarchy and Stratford (which has buildings of up to 43 storeys) and Canning Town (which has buildings of up to 26 storeys) as key locations for the tallest buildings. It is noted that the Council has in recent years permitted taller buildings in locations outside of these town centres, notably Stephenson Street (34 storeys). In close proximity to the Site are the 23 and 24 storey Hoola and Western Gateway Towers to the immediate north-east of the Site, and several tall buildings up to 26 storeys in the Brunel Street Works development to the immediate north. Near to Phase 1 is the Western Beach building, which rises to 12 storeys. This is part of Britannia Village, which was developed in the 1990s and extends along Royal Victoria Dock to the east, and is generally of 2-6 storeys. In LB Tower Hamlets, to the immediate north-west of the Site across Bow Creek is the Good Luck Hope development, under construction with buildings of up to 30 storeys, which comprise an important element of the context of the proposals. This can also be said of Greenwich Peninsula on the opposite side of the Thames, which has buildings of up to 31 storeys, with taller buildings permitted.

328 Although the tallest buildings would be of a similar height to the tallest buildings currently under construction in Canning Town, they would be read in the context of taller buildings in the immediate vicinity in LB Tower Hamlets, all of which are clustered around Canning Town. The proposals are considered to respect and reinforce Newham's place hierarchy in terms of Canning Town, with Stratford remaining the location of significantly taller buildings in the Borough. Site Allocations S08 and S09 provide indicative building heights of 10 to 12 storeys, with up to 18 storeys at key locations; whereas the proposals include buildings from a maximum of approximately 12 storeys, to a maximum of approximately 26 storeys. The Site is of a considerable size; has an extensive riverfront location, with expansive views across the Thames; and has a distinct spatial separation from neighbouring development (with sufficient links provided through the proposals) due to surrounding transport infrastructure, which means that the tall buildings proposed would have very limited impacts on surrounding amenity. Given the significant infrastructure being provided by the scheme, the extensive areas of open space provided, and its spatial separation from surrounding areas that limit negative amenity impacts, it is considered that the Site can accommodate the building heights proposed.

329 The Townscape and Visual Impact Assessment (TVIA) Addendum, submitted as part of the Environmental Statement Addendum, provides verified photomontages of the

maximum parameters of the proposals in 21 long-range, mid-range and immediate views, including cumulative consented schemes, in line with Intend to Publish London Plan Policy D9. The proposals would not impact any strategic views and the Council does not identify protected local views. In mid- and long-range views, the proposal would be seen within the context of existing and consented buildings close to the Site, which are of a similar height, and of lower height than Greenwich Peninsula, and significantly lower height than the Isle of Dogs. Long-range views from the Maritime Greenwich World Heritage Site are considered under 'Historic Environment' below, with the proposals being barely visible, preserving and causing no harm to its Outstanding Universal Value. No harm will be caused to heritage assets, subject to mitigation as set out below. Immediate views of the Site would be limited in due to the surrounding transport infrastructure, with most being at elevated height from the Silvertown Flyover and the Lower Lea Crossing. In all views provided, even at maximum parameters the buildings vary in height, creating an undulating silhouette on the skyline, with Dock Park and Leaway Park allowing views through the development from the opposite side of the Thames and from locations along the Silvertown Flyover. The immediate TVIA view 8 and mid-range view 9 have improved significantly since the scheme considered at Committee, with the stepping down of height towards the Site boundary breaking up the massing and allowing views to taller buildings beyond.

330 In terms of wind impacts, these are considered in the Environmental Statement (ES) and ES Addendum, which details model and wind tunnel testing, climate modelling, impacts and mitigation. For the detailed Phase 1, mitigation includes canopies, screens, trees and planters at the base of the buildings, increased heights to some balcony balustrades and the podium. Environmental consultants Temple were commissioned to review the draft May 2020 ES Addendum and further information was added in response to queries, prior to Temple agreeing that the content is acceptable. As recommended, it is proposed that a condition secures that cumulative wind effects taking account of all development are verified quantitatively for Reserved Matters applications.

331 Turning to the other criteria set out in Policy D9 of the Intend to Publish London Plan, the following aspects of the Phase 1 detailed element are supported, including cumulative impacts taking account of consented schemes. The architectural quality and materials; building safety; servicing and maintenance; entrance capacity and locations; and wind, daylight, sunlight, noise, glare, light pollution, and temperature impacts. The Design Code and Parameter Plans are sufficient at this stage to secure these matters for the outline phases, and will be assessed in detail at Reserved Matters stage. The supporting infrastructure, including transport, is sufficient to meet the needs of the proposals; and will not interfere with aviation or telecommunications. These matters are either discussed elsewhere or were assessed as part of the Environmental Statement and May 2020 ES Addendum, including reviews by Temple as set out above.

332 In conclusion, the scheme is of an acceptable height and massing and has an acceptable impact on townscape and views. It is therefore considered to be compliant with the NPPF; London Plan Policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8 and 7.10; Policy D1, D2, D3, D4, D5, D6, D7, D8, D9, HC1 and HC2 of the Intend to Publish London Plan; and Policies S1, S3, S4, SP1, SP2, SP3, SP4 and SP5 of the Newham Local Plan.

Architecture and materials

333 London Plan Policies 7.6 and 7.7, and Intend to Publish London Plan Policies D3, D4 and D9 require buildings to be of the highest architectural quality and comprise

materials that complement rather than necessarily replicate local architectural character. Newham Council's Local Plan Policy SP3 reflects these aims.

334 The Council's Committee Report stated that Phase 1 did not provide the necessary assurances about quality in terms of the architecture, materiality and detailing that would be crucial for buildings of this scale and bulk to be supported. Concerns were expressed about the lack of variation in tone and texture in the brick cladding, and fully glazed balustrades to the balconies giving the potential to visibility of future occupants' belongings, which would detract from the appearance of the buildings.

335 The detailed Phase 1 Buildings A and B exhibit a clear base, middle and top. The double storey podium base contains residential entrance and industrial/retail functions, with external residents' amenity space above, within which the H and L shaped residential blocks sit. As set out above, the massing of the building has been reduced through the May 2020 Amendments submitted since the Deputy Mayor's decision to take over the application. This also includes the simplification of balcony types, via the removal of corner balconies and winter gardens; increased separation of balconies; addition of modesty screens on balconies to improve privacy; addition of base screens to balconies to hide belongings (in response to Committee Report concerns); re-arrangement of windows on short internal elevations; increase of active frontage to industrial and retail units at ground and mezzanine levels; additional deep brick reveals and perforated metal panelling at ground and mezzanine levels; and the heavily detailed three-storey brick bays are now extended around the entire podium. Conditions are recommended in relation to the detailed design of elevations, facing materials, window reveals, and balconies, to be agreed by the Council.

336 Application materials include a range of possible materials, although a red stock brick is proposed for the main elevations paired with a lighter red/pink stock brick to break up the elevations. Both are proposed to be speckled to help break up the massing of the building. The lower courses of the building are proposed with a glazed brick, either in a darker red stock or a grey engineered style, giving the architecture a robust footing as it meets the ground. Metalwork in dark grey tones is proposed for both flat and perforated panels, as well as meshes where wind mitigation measures dictate levels of porosity. On the podium landscaping and public realm, which are to remain privately managed and maintained, the planters and street furniture are proposed as corten steel, alluding to the industrial heritage of the site. All materials will be subject to detailed design to be agreed by the Council, secured by condition.

337 The southern elevation of Block A would be highly visible from Silvertown Flyover and the DLR, and is proposed to include a public art mural, acting as a gateway to the development. This is supported and is proposed to be secured by condition.

338 For the outline phases, the Design Code submitted with the application secures an appropriate architectural quality, while also allowing some flexibility. Detailed architecture and design would be assessed at Reserved Matters stage. In order to ensure that a high quality of design is realised, a planning obligation is proposed to secure the Council's agreement to any architect appointed to work on Reserved Matters applications, with provisions for a design monitoring fee to be paid to the Council should this not be agreed.

339 The design, architecture and materials of the detailed Phase 1 are of a high quality and are supported. For the outline phases, sufficient information has been provided to demonstrate that the proposals would be of a high quality, subject to details to be assessed at Reserved Matters stage. GLA officers consider that the scheme would provide high quality architecture, which would respond appropriately to the local context, in line with the NPPF; London Plan Policies 7.6 and 7.7; Intend to Publish London Plan Policies D3, D4 and D9; and Newham Council's Local Plan Policy SP3.

Residential Density

Residential Density Policy

340 London Plan Policy 3.4 requires new development to optimise housing output having regard to Site context and character, urban design principles and public transport capacity. Table 3.2 of the London Plan includes a sustainable residential quality (SRQ) density matrix, which sets out broad density ranges by public transport accessibility level (PTAL) and setting. These are advisory and paragraph 3.28 of the London Plan clarifies that the density matrix should not be applied mechanistically to individual applications. Paragraph 1.3.51 of the Mayor's Housing SPG states that it may be acceptable for schemes to exceed the ranges in the density matrix in appropriate circumstances, providing qualitative design and management concerns are addressed, including the requirement to achieve high quality design in terms of liveability, public realm, residential and environmental quality and having regard to other factors such as the proposed housing mix and planned infrastructure provision.

341 Intend to Publish London Plan Policy D3 seeks to optimise the potential of sites through a design-led approach, having regard to the site's context and capacity for growth, and existing and planned supporting infrastructure capacity, as set out in Policy D2 on infrastructure requirements. The Secretary of State's Directions propose additions to the Policy, including: "*A: The design of the development must optimise site capacity. Optimising site capacity means ensuring that development takes the most appropriate form for the site. Higher density developments should be promoted in areas that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.*" Also, "*B: Where there are existing clusters of high density buildings, expansion of the clusters should be positively considered by Boroughs. This could also include expanding Opportunity Area boundaries where appropriate.*"

342 Policy D2 states that the density of development proposals should consider, and be linked to, the provision of future planned levels of infrastructure, rather than existing levels; and be proportionate to the site's connectivity and accessibility by walking, cycling, and public transport to jobs and services (including both PTAL and access to local services). Where there is insufficient capacity of existing infrastructure to support proposed densities (including the impact of cumulative development), development should be contingent on the provision of new infrastructure, including public transport services, and development should be phased accordingly.

343 The higher the density of a development, the greater the level of design scrutiny that is required, particularly qualitative aspects of the design, as described in Intend to Publish London Plan Policies D4 and D2. Policy D4 identifies that proposals with a density of over 350 units per hectare or that include a tall building (as defined by the Borough, or above 30 metres), should be subject to a greater level of design scrutiny.

344 Policies S1 and H1 of Newham's Local Plan seek to ensure that housing densities reflect local context and character in line with Policy SP3 and are appropriate in relation to the availability of open space, transport, retail, community and other supporting facilities. Policy H1 states that housing densities should not inhibit the provision of quality family housing.

Assessment against Residential Density Policy

345 The Council's Reason for Refusal 11 states that the height, scale and massing of the proposals has resulted in an excessive density, which goes far beyond optimising the use of the site and is contrary to the NPPF; Policy 3.4 of the London Plan; Policy D6 of the draft London Plan; and Policies S1, SP3 and H1 of Newham Local Plan. In its 22 July 2020 consultation response, the Council maintained this Reason for Refusal. A number of objections have also cited excessive density.

346 The proposals would have a net density of 829 habitable rooms, or 286 units, per hectare, accounting for the mix of uses; very similar to that considered at Committee. The Committee Report identifies that the Site is located in a 'central' setting as defined in the London Plan, which GLA officers agree with. It currently has a PTAL of 0-2, although this is expected to improve to a PTAL of 3-5 when the DLR Station is operational and other committed transport improvements and improved pedestrian connections are delivered. The London Plan density matrix guideline for PTAL of 3-5 would be 300-1,100 habitable rooms or 65-405 units per hectare, so the proposals would be well within this. The Council's Committee Report stated that the Applicants' density calculation (813 habitable rooms, or 284 units, per hectare) was inaccurate as it included the new park, SINC areas, and surrounding roads; however, parks and green spaces, including those adjacent to roads, are a welcome approach to mitigating the impacts of high density schemes and are encouraged and supported. GLA officers consider the updated calculation to be appropriate, and the Applicants have provided other calculations of density in line with the Intend to Publish London Plan.

347 The current scheme has evolved in response to comments made through an iterative process of design scrutiny, pre-application advice and public consultation over several years. The layout, building separation, residential quality, massing, housing mix, infrastructure provision have all been improved by the May 2020 Amendments since the Deputy Mayor's decision to take over the Application.

348 As discussed under 'Residential Quality' below, the scheme provides a good standard of residential accommodation, including compliance with space standards; aspect; privacy and overlooking; daylight, sunlight and overshadowing; noise and vibration; and air quality. As discussed under 'height, massing, townscape, and local views' its scale and massing is in keeping with the character of the area, providing a new local centre, marking the location of the new DLR Station, in an area identified as appropriate for tall buildings. As discussed under 'Historic Environment' below, no harm to the significance of heritage assets is identified.

349 As discussed under 'Principle of Development' above, the provision of social infrastructure is considered to be appropriate, and the development is phased according to social infrastructure provision. The provision of children's play space is also appropriate, as discussed under 'Housing' above. The Site is also identified as having areas of open space deficiency in regards to Small Open Spaces/Pocket Parks and

Local Parks/Open Spaces (as well as District Parks and Metropolitan/Regional Parks), to which the proposed new and improved parks and open spaces would respond.

350 The Site will benefit from a good level of transport infrastructure provision, with a phased approach that would make the most of a new DLR station and increased DLR line capacity. Indeed, a proposal of this scale and density could not be supported without delivery of the new station, as identified in Site Allocation S08. Consequently, as discussed under 'Transport' below, development beyond 1,700 homes (in Phases 1-4 at the southern end of the Site) is proposed to be restricted by planning obligations until the new station is operational; however, the existing and committed transport infrastructure, including West Silvertown and Royal Victoria DLR stations, are sufficient to serve these 1,700 homes. Further discussion under 'Transport' also confirms that the scheme would have an acceptable impact on public transport. The development will also improve the quality and extent of routes through the Site for pedestrians and cyclists, and its linkages with facilities and areas beyond.

351 The proposed density is above the London Plan density matrix guidelines based on the existing PTAL; however, it is well within the matrix guideline taking account of the improved PTAL coming about through public transport improvements and improved pedestrian/cycle connections. The proposals are considered to provide high quality design, public realm, residential and environmental quality; an appropriate housing mix; and appropriate infrastructure provision, in line with the London Plan and the Mayor's Housing SPG.

352 The proposals optimise the potential of the Site through a design-led masterplanned approach conducted with GLA and Council officers over several years, having due regard to the Site's context and capacity for growth and existing and planned supporting infrastructure capacity, in line with the Intend to Publish London Plan. The Secretary of State's Directions state that optimising site capacity means ensuring that development takes the most appropriate form for the site; higher density developments should be promoted in areas that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling; and where there are existing clusters of high density buildings, expansion of the clusters should be positively considered. Opportunity Areas are identified as appropriate. The Site and the proposals encompass all of these characteristics. The proposals will also provide a significant amount of much needed housing and affordable housing, and significant other public benefits as set out in this report.

353 The proposed high density mixed-use redevelopment of the Site has been subject to a significant level of design scrutiny, and subject to the conditions and obligations set out in this report being secured, the density is supported in line with the NPPF, London Plan Policy 3.4, Intend to Publish London Plan Policies D2, D3 and D4, as well as the Mayor's Housing SPG, and the Council's Local Plan Policies S1, H2 and SP3.

Historic Environment

354 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory duties for dealing with heritage assets in planning decisions. Section 66 states that in relation to listed buildings, all planning decisions should "*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*".

355 The NPPF states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Significance is the value of the heritage asset because of its heritage interest, which may be archaeological, architectural, artistic or historic, and may derive from a heritage asset's physical presence or its setting. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Where a proposed development will lead to 'substantial harm' or total loss of the significance of a designated heritage asset, 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 or loss. Where a development will lead to 'less than substantial harm', the harm should be weighed against the public benefits of the proposal.

356 London Plan Policy 7.8 and Policy HC1 of the Intend to Publish London Plan state that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. London Plan Policy 7.10 and Intend to Publish London Plan Policy HC2 state that development should not cause adverse impact to World Heritage Sites or their setting, (including buffer zones), and should not compromise a viewer's ability to appreciate Outstanding Universal Value, integrity, authenticity and significance. Further guidance is provided in the Mayor's supplementary planning guidance 'London World Heritage Sites - Guidance on Settings', and the Maritime Greenwich World Heritage Site Management Plan (Third Review 2014).

357 Policies SP1 and SP5 of Newham's Local Plan seek to ensure that development responds appropriately to the borough's heritage assets.

358 The significance of heritage assets, and the impact of the proposals upon them is assessed in the Townscape and Visual Impact Assessment (TVIA) and TVIA Addendum submitted as part of the Environmental Statement (ES) and ES Addendum. The Site does not lie within a conservation area, contains no listed buildings; and all existing buildings within the Site have planning permission to be demolished. There are a number of listed buildings and structures within the vicinity, the closest being Trinity House Buoy Wharf Quay and Orchard Dry Dock (Grade II), Trinity House Chain Locker and Lighthouse Block (Grade II), approximately 125 metres away across Bow Creek. Further away are the Stothert and Pitt Cranes on the north and south Side of Royal Victoria Dock (Grade II), and Blackwall Pier and Entrance Lock to the Former East India Dock Basin (Grade II). The Site is also within the Royal Docks Archaeological Priority Area, due to its landscape scale and relatively sparse distribution of known heritage assets, combined with topographical potential for preservation and historic industry. Greenwich Maritime World Heritage Site (WHS) is approximately 4 kilometres away. As a place of Outstanding Universal Value, the Maritime Greenwich WHS is a designation of the highest order, and as such it is an important planning consideration. The WHS also contains a number of statutory designations, which afford protection individually and collectively, including the Grade I listed Old Royal Naval College, Queen's House and Observatory buildings; the Greenwich Park Conservation Area; and a number of scheduled monuments in the Park, which is a Grade I registered park and garden.

359 The setting of Trinity House Buoy Wharf Quay, Orchard Dry Dock, Trinity House Chain Locker and Lighthouse (all Grade II) has until recently been made up of low-scale docklands setting; however, this is changing with the construction of the adjacent Good

Luck development of up to 30 storeys. The Trinity Buoy Wharf site also has planning consent to be redeveloped with buildings of up to 12 storeys. The Application proposals will appear in the setting of these assets; however, the proposed buildings will be on the opposite side of Bow Creek, approximately 125 metres away, which will preserve the setting of these heritage assets and cause no harm to their significance.

360 The original ES was reviewed and agreed by Temple, which was also commissioned to review the draft May 2020 ES Addendum, which was also agreed. Temple advised that during demolition and construction there is the potential for minor to major adverse effects to occur on non-designated archaeological assets in connection with the Royal Docks and the Thames Ironworks. However, this could be mitigated by the provision of an Industrial Heritage Assessment; a Historic Building Recording Report; retention in-situ and/or interpretation of any identified non-designated assets; creation of an appropriate construction buffer around any non-designated assets; and implementation of a phased programme of archaeological investigation. These requirements are proposed to be secured by condition.

361 As a result of the May 2020 Amendments, Temple's review of the draft May 2020 ES Addendum identified that the proposed upper levels added to the north-western blocks in the closest vicinity of the Trinity Buoy Wharf Site (Block T and S) would have a minor/negligible effect on the setting of Trinity House Buoy Wharf Quay, Orchard Dry Dock, Trinity House Chain Locker and Lighthouse. Temple concluded that subject to the implementation of mitigation measures through detailed design in regards to scale, materiality and landscaping, the residual effect would not be significant. Whilst the maximum heights and mass of buildings are secured by the parameter plans, detailed design will be considered through Reserved Matters applications.

362 Regarding the Maritime Greenwich World Heritage Site (WHS), it is noted that existing and proposed developments on the Greenwich Peninsula restrict views of the Site and the proposals. Temple agreed that impact on views from the WHS would be negligible and the Royal Borough of Greenwich has not raised any objections in this regard. Officers consider that the development would not cause adverse impact to the WHS or its setting, and would not compromise a viewer's ability to appreciate its Outstanding Universal Value, integrity, authenticity and significance.

363 Consultation responses from Historic England stated that it did not wish to offer comments and that the Application should be determined in accordance with national and local policy guidance.

364 To conclude, subject to the conditions suggested by Temple, no harm would be caused to the significance of heritage assets and the Application is considered to be in accordance with the NPPF; Policies 7.4, 7.6, 7.7 and 7.8 of the London Plan; Intend to Publish London Plan Policies HC1 and HC2; and Policies SP1 and SP5 of Newham's Local Plan. In coming to this conclusion, GLA officers have had special regard to the desirability of preserving listed buildings and their settings (and note that these are preserved), and have paid special attention to the desirability of preserving or enhancing the character or appearance of conservation areas (and again note that these are preserved).

Residential quality, including impacts on neighbouring residential properties

365 London Plan Policy 3.5 seeks to ensure the highest residential design quality, both internally and externally, and sets out minimum space standards, which are based on the nationally described space standards. The Mayor's Housing SPG provides further detailed guidance on residential design quality and sets baseline standards, including units per floor per core, private external space, dual aspect and single aspect dwellings, and floor to ceiling heights. Policy D6 of the Intend to Publish London Plan carries forward the adopted minimum space standards, and sets out minimum requirements for private external space, ceiling heights, and requires the maximum provision of dual aspect dwellings. Newham Council's Local Plan Policy H1 sets out requirements for high quality housing, with reference to the Housing SPG.

366 The Council's Reason for Refusal 12 states that due to the relationship with surrounding existing land uses; the layout, configuration and orientation of the proposed blocks; and the distribution and position of the accessible units and their associated car parking spaces, the proposal would fail to provide an adequate standard of accommodation for future occupants; contrary to the NPPF; Policy 3.5 of the London Plan; Policies D4, D5 and D13 of the draft London Plan: and Policies S1, S3, S4, SP1, SP2, SP3, SP8 and H1 of the Newham Local Plan. However, in its 22 July 2020 consultation response, the Council stated that this Reason for Refusal had been satisfied through the May 2020 Amendments.

Relationship to neighbouring uses and transport infrastructure

367 As set out under 'Agent of Change' above, the relationship between proposed residential uses near to the boundary with the Allnex site was carefully considered at pre-application stage, and as a result the submitted Application pulled away residential blocks from the Site boundary, included minimal windows at lower levels in the adjacent elevations, and residential unit layouts sought to minimise potential conflict between uses. The relationship between land uses has been improved since the Deputy Mayor's decision to take over the Application, with residential uses moved a further 3 metres from the Site boundary with Bell Lane. Bell Lane is currently unused and secured, apart from a small element at the junction with North Woolwich Road. Residential units in the shared ownership wing of Building A are now a minimum of 7 metres from the Site boundary with Bell Lane (previously 4 metres for the Committee scheme), which provides further separation (9.5 metres) to the Allnex boundary wall. Buildings on the Allnex site are a further 14 metres away. Furthermore, vehicle access to the Allnex site is further away along North Woolwich Road and not via Bell Lane, significantly further from the proposed housing. The proposed ground, mezzanine and first floors do not include residential units, which are at least 12 metres above ground level. Up to floor seven, the units are laid out so that none have windows overlooking the Allnex site, while the top four storeys on this wing of Building A provide high-level views over the Allnex site. Six storeys have also been removed since the Committee scheme, reducing the number of homes and reducing the potential conflict between uses. The scheme has been laid out to ensure residential quality while protecting the functioning of neighbouring industrial uses.

368 For the outline phases, Parameter Plan 03 secures that the development zones for Buildings D and F in phases 2 and 3 are similarly set back from the Site boundary

and the Allnex site, allowing 3 metres deviation; and within this, the detail would be assessed as part of any Reserved Matters Application.

369 The LA Lounge is a licenced venue operating late-night, situated on the corner of North Woolwich Road and Bell Lane, between Phase 1 and the Allnex site. The proposals introduce residential uses in proximity to the venue; however, separation is provided by a residential courtyard with protective gate, a podium-level external amenity area, and no residential accommodation at ground and first floor level, meaning a minimum separation to the second floor residential uses of more than 20 metres. Mitigation is also provided through an existing blank boundary wall facing the Site, with proposed additional planting to the rear of the venue, and a 2 metre parapet wall and planting at podium level. The entrance and primary frontage to the venue is on the opposite side of the building on Bell Lane. Further discussion of residential quality considerations, which are considered to be acceptable, is included under 'Residential Quality' below. Overall, the measures are adequate to protect the amenity of future occupants and the ongoing operation of the venue.

370 As discussed under 'Noise' below, the noise and vibration impacts between these uses would be considered further at detailed design stage, with mitigation via the facade strategy, glazing specification, and ventilation strategy. Conditions are proposed requiring approval of proposed mitigation measures prior to commencement of the relevant phase. The Council has also raised concerns about dust and odour from the Allnex site. The Applicants' Environmental Statement (ES) and ES Addendum identify activities at this facility as including resin production, bulk storage, and use of boilers to provide space heating and process heating. There are also evaporative cooling towers onsite used to cool process vessels. Operations are strictly controlled under the environmental permit for the site and emission limits are defined for relevant point sources. Under the conditions of permit, "fugitive emissions of substances from the site shall not cause pollution, and emissions from activities shall be free from odour at levels likely to cause annoyance outside the site" (Permit: JP3836SE). The ES concludes that compliance with the environmental permit should ensure the Application Site is not likely to cause any loss of amenity to future residents and no supplementary mitigation is required. The ES and ES Addendum have been reviewed and agreed by independent consults Temple, and the Council's Environmental Health department raised no concerns in this respect. GLA officers consider that no further mitigation is required in relation to dust and odour. It is noted that the prevailing wind takes any dust and odour away from the site towards existing residential areas at Britannia Village.

371 The Council's 22 July 2020 consultation response raises concerns about the placement of the affordable housing block in Phase 1 adjacent to the Allnex site and the LA Lounge licenced venue; however, this was not raised as an issue in the Council's November 2019 Committee Report, nor in the Reasons for Refusal. It should be noted that GLA officers have applied the same residential quality considerations to all tenures, and the residential quality of the homes in Building A are supported regardless of their tenure. Notwithstanding this, it should be noted that the wing of Building A adjacent to the Site boundary and the licenced venue contains the shared ownership units, with the affordable rent units on the higher floors of the adjacent wing. Shared ownership residents have a greater element of choice, and would not purchase a home in a location they consider to be undesirable.

372 Phase 1 includes light-industrial floorspace (3,608 sq.m.) at ground and mezzanine level within the podium connecting Buildings A and B, including an internal

service yard; ancillary residential uses, including a creche, gym, community hall, and shared external amenity space at first floor level; and residential units above. The ancillary uses at first floor provide an element of buffering to mitigate between potential conflicts between residential and industrial uses. Three residential units are included on this level; however, these are located above proposed retail units rather than industrial space, and being on the western corner of Building B, would benefit from a clear outlook across Dock Park towards the Thames.

373 The industrial uses proposed comprise Use Classes B1b (research and development), B1c (light industrial), B2 (general industrial) and B8 (storage and distribution), which are also proposed within Building D in Phase 2 (833 sq.m.). The Class B uses are proposed to be restricted to those involving processes that would not typically give rise to adverse impacts such as noise, vibrations and smells that could not be mitigated by appropriate design. These are proposed to be secured by condition and would provide appropriate further mitigation to potential conflicts between residential and industrial uses. Furthermore, a condition is proposed to restrict noise above LAeq,T 85 dB(A) inside the industrial units, which would be reduced by the mitigation designed into the scheme (internal service yard and first floor buffer), and measures recommended in the Noise and Vibration Assessment, which are also proposed to be secured by condition.

374 The industrial floorspace to be constructed in Phase 2 (Building D) is proposed to be subject to the same Class B2 use restrictions, design mitigation, and noise limitations; however, it will not benefit from an internal service yard arrangement. Consequently, additional restrictions on opening hours and servicing operations are proposed to be secured by condition, including no HGV vehicles to be used during servicing operations; and use of the service yard and servicing hours to be prohibited between 11pm and 6am. It is also noted that the limited size of this industrial floorspace, and the consequent scale/operations of likely occupiers, further limits the scale of potential conflict between uses. There is an aspiration that this industrial space could be served from Bell Lane; however, this is currently outside the Applicants' control. The exclusion of HGV vehicles would therefore allow the industrial unit to be served from the access road off Dock Road, without unacceptable impacts on the residential uses proposed in Phases 2 and 3. Detailed assessment of residential quality would be undertaken through Reserved Matters.

375 The standalone industrial unit proposed as part of outline Phase 3 would be at least 60 metres from any of the proposed residential blocks, with shielding provided by the elevated DLR line, which sits on an earth embankment at this point. Servicing would be directly from Dock Road, connecting to the roundabout at the Silvertown Tunnel portal to the north, and via industrial areas along North Woolwich Road to the south.

376 The relationship of the proposed residential accommodation to transport infrastructure is discussed under 'Agent of Change' above, and allows a good standard of residential accommodation to be provided.

377 Overall, GLA officers are satisfied that subject to securing the required mitigation the Application provides good residential quality in terms of its relationship to industrial and transport uses, in accordance with the NPPF; Policy 3.5 of the London Plan; Policies D4, D6 and D13 of the Intend to Publish London Plan: and Policies SP1, SP2, SP3, and SP8 of the Newham Local Plan.

Internal space standards

378 For Phase 1, all of the proposed units would either meet or exceed minimum space standards, with the majority of units being generously sized. In terms of ceiling height, all of the units would comply with the 2.5 metre standard set out in the Intend to Publish London Plan and strongly encouraged in the London Plan and Housing SPG. There are no more than 8 units per core in either Block A or Block B. Having assessed the room layouts, GLA officers consider these would provide a good quality of accommodation. Compliance with the approved floorplans would be secured by planning condition.

379 For the outline phases, the unit numbers proposed are based on meeting these residential quality standards, which is reflected in the Design Code, and would be assessed in detail through Reserved Matters Applications.

380 Overall, GLA officers are satisfied that the Application performs well in terms of internal space standards, in accordance with London Plan Policy 3.5, Intend to Publish London Plan Policy D6, Newham Council's Local Plan Policy H1, and the Housing SPG.

Dual aspect

381 The Housing SPG states that development should minimise the number of single aspect units and avoid the provision of single aspect units that are north facing; contain three or more bedrooms; or are exposed to noise levels above which significant adverse effects on health and quality of life occur. Policy D6 of the Intend to Publish London Plan states that development should maximise the provision of dual aspect units; and normally avoid the provision of single aspect units, which should only be provided where they provide an acceptable quality of accommodation in terms of passive ventilation, daylight, privacy, and avoiding overheating.

382 For Phase 1, 58% of the units would be dual or triple aspect and 42% of would be single aspect. The single aspect units consist of studios, 1-bed, and some 2-bed units, none of which are north facing; and all are set back from the DLR line/North Woolwich Road/Silvertown Flyover and the adjacent retained SIL industrial uses. Residential units are provided from second storey and above, providing further separation from these uses.

383 Single aspect units are more difficult to ventilate naturally and more likely to overheat; however, none of the single aspect units are south facing, and the Applicants' overheating strategy identifies mitigation in response to potential overheating. This includes low g-value glazing, reduced glazing and integral blinds to windows experiencing direct sun, shading from balconies, deep window reveals, night purge ventilation, and a home user guide. As discussed further under 'Energy Strategy' below, these measures have been agreed by GLA energy officers, and subject the further analysis prior to commencement, proposed to be secured by planning obligation, the units will be sufficiently protected from overheating. As discussed elsewhere in this report, all units would also receive acceptable levels of daylight and sunlight; have appropriate private external amenity space; achieve acceptable levels of privacy; and achieve minimum space standards.

384 For the outline phases, the proposals are based on the aim to minimise single aspect units, which is reflected in the Design Code, and would be assessed in detail through Reserved Matters applications.

385 Overall, GLA officers are satisfied that the Application performs well in terms of dual aspect, in accordance with London Plan Policy 3.5, Intend to Publish London Plan Policy D6, Newham Council's Local Plan Policy H1, and the Housing SPG.

Private external amenity space

386 The Housing SPG and Policy D6 of the Intend to Publish London Plan state that a minimum of 5 sq.m. of private outdoor space should be provided for 1-2 person dwellings, with an extra 1 sq.m. for each additional occupant; and the depth and width of outdoor space should be at least 1.5 metres. Paragraph 2.3.32 of the Housing SPG recognises that there may be exceptional circumstances where site constraints mean that it is impossible for private external amenity open space to be provided, in which case dwellings may be provided with additional equivalent living space.

387 For Phase 1, all homes have private amenity space in the form of a balcony or terrace that meet or exceed space requirements. Most balconies are projecting, with a small number of inset balconies in mitigation of wind impacts or to provide more privacy.

388 The Council's Committee Report states that the use of projecting balconies above the eighth floor would be highly exposed and they would not provide adequate sense of security. It is noted that projecting balconies exist on buildings in close proximity to the Site, and also on a building at Royal Wharf in a very similar location adjacent to the DLR line. Furthermore, there is no planning policy or guidance that suggests high level balconies are not acceptable. Notwithstanding this, the provision of external balconies was subject to further assessment by GLA officers after the Deputy Mayor's decision to take over the Application, and as a result some inset balconies are proposed, plus 1.5 metre balustrades and full height screens are proposed where wind may impact, as proposed through the wind microclimate assessment in the ES and ES Addendum. Glass balustrades have also been raised to 1.3 metres above the tenth floor. The Committee Report also raised concerns about the close proximity of some neighbouring balconies; however, the incidence of this has also been significantly reduced, particularly in the inset linking blocks. Where these remain, decorative privacy screens have been introduced. GLA officers consider that the detailed proposals are acceptable in terms of the private external amenity spaces.

389 For the outline phases, the proposals aim to meet private external amenity space requirements, which is reflected in the Design Code, and would be assessed in detail through Reserved Matters applications.

390 Overall, the private amenity space provision is acceptable in accordance with London Plan Policy 3.5, Intend to Publish London Plan Policy D6, Newham Council's Local Plan Policy H1, and the Housing SPG.

Privacy, outlook and sense of enclosure

391 London Policy 7.6 states that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, including privacy. Intend to Publish London Plan Policies D3, D6,

and D9 state that development proposals should achieve appropriate levels of privacy. The Housing SPG states that design proposals should demonstrate how habitable rooms are provided with an adequate level of privacy in relation to neighbouring properties, the street, and other public spaces. It identifies that a minimum distance of 18–21 metres between habitable rooms can be used as a benchmark. Newham's Local Plan Policy SP8 requires neighbourly development that minimises overlooking and loss of privacy.

392 Western Beach Apartments (36 Hanover Avenue) is situated to the north-east of the proposed buildings in Phase 1 (the detailed phase). A number of objections were received from the occupants of this building on the grounds of a loss of outlook, loss of privacy and the impact on views, prior to the May 2020 Amendments submitted after the Deputy Mayor's decision to take over the Application. Further objections mentioning this have been received in response to the May 2020 Amendments. The proposed buildings would affect views out from Western Beach Apartments towards the River Thames. In that a potential to cause a loss of privacy, a loss of outlook, and increased sense of enclosure, are material planning considerations; GLA officers are satisfied that the distance between Western Beach Apartments and the Phase 1 buildings is more than 60 metres at the closest point, across North Woolwich Road, Silvertown Way and the DLR line, which would satisfactorily safeguard the amenities of the neighbouring occupiers in this regard.

393 The Site boundary of the outline element extends close to the Hoola Buildings on Tidal Basin Road; however, the proposed standalone industrial building would be more than 120 metres away, with the residential buildings proposed on the Site considerably further away from the Hoola Buildings. GLA officers consider that there would be no loss of privacy or outlook, and no increased sense of enclosure. Within the site, the standalone industrial buildings would be at least 60 metres from the proposed residential buildings, with additional shielding provided by the intervening elevated DLR line. Subject to detailed consideration at Reserved Matters stage, this is considered sufficient to ensure acceptable privacy, outlook, and sense of enclosure.

394 In terms of separation between buildings within the Site, when considered at Committee, both Phase 1 and the outline phases incorporated separation distances of less than the minimum 18 metres, with Buildings A and B being 15 metres apart. The Committee Report states that this would restrict the privacy of future occupants, as well as creating dark, overshadowed and cramped spaces at street level. As a result of design workshops with GLA officers, the May 2020 Amendments now achieve a minimum separation distance between single aspect habitable rooms of 18 metres for the Phase 1 buildings; and also for the outline phases through a combination of the Parameter Plans and the Design Code. The layout of units adjacent to internal routes, public spaces, and residents' amenity space achieves an appropriate level of privacy, outlook, and sense of enclosure.

395 The proposals also introduce residential uses adjacent to the DLR line. The proximity of residential units in detailed Phase 1 Buildings A and B to the DLR line has been rigorously assessed by officers, and by elevating residential units to the second floor (8 metres above the DLR line), and setting residential units back from the first floor podium (12 metres from the DLR line), acceptable privacy, outlook, and sense of enclosure would be achieved. Later phases generally have greater separation distances, which are controlled through Parameter Plan 3 (ground level horizontal deviation limits), and would be assessed through Reserved Matters applications.

396 Emirates Airline cable cars would pass in proximity to a small number of residential units at the upper levels of Buildings C and G; however, Parameter Plan 03 does not allow Building G to move closer to the cable car, and Building C is limited to 2 metres deviation; both allowing a minimum separation distance of 18 metres to be achieved. This would allow an acceptable privacy, outlook, and sense of enclosure to be achieved, and the layouts of these units would be subject to detailed consideration at Reserved Matters stage.

397 The only proposed buildings potentially affected by development on neighbouring sites, in terms of privacy, outlook, and sense of enclosure, are those on the southern boundary. As detailed under 'Agent of Change' above, separation distances between Building A in detailed Phase 1 and the Site boundary with Bell Lane have been increased by 3 metres. Residential units are now a minimum of 7 metres from the Site boundary with Bell Lane, which itself provides further separation (9.5 metres) to the Allnex boundary. Furthermore, up to floor seven, the units are laid out so that none have windows overlooking the boundary, while the top four storeys on this wing of Building A provide high-level views over the boundary. Similar separation distances are secured through Parameter Plan 3 for Buildings D and F in the outline phases, which are sufficient at this stage to ensure acceptable privacy, outlook, and sense of enclosure, subject to detailed consideration at Reserved Matters stage.

398 The LA Lounge licenced venue could also come forward for development; however, it is a small site and development options are therefore limited. The podium of Building A is 7 metres from the Site boundary here, with residential units at second floor and above set back a minimum of 14 metres from the boundary, which allows acceptable privacy, outlook, and sense of enclosure to be achieved.

399 Overall, GLA officers are satisfied that the Application performs well in terms of privacy, outlook, and sense of enclosure, in accordance with London Plan Policy 7.6; Intend to Publish London Plan Policies D3, D6, and D9; Newham's Local Plan Policy SP8, and the Housing SPG.

Daylight, sunlight and overshadowing

400 London Plan Policy 7.6 requires new development to avoid causing 'unacceptable harm' to the amenity of surrounding land and buildings, including light and overshadowing. Intend to Publish London Plan Policy D6 states that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context. The Housing SPG states that an appropriate degree of flexibility needs to be applied when using Building Research Establishment (BRE) guidelines² to assess the daylight and sunlight impacts of new development on surrounding properties and within new developments, taking into account location, context, and broadly comparable housing typologies found in London. Similarly, amendments to the NPPF (2019) state that planning authorities should take a flexible approach when applying daylight and sunlight guidelines, where these would inhibit making efficient use of a site and where an acceptable living standard would be achieved. While BRE guidelines do not form part of the development plan, they provide an industry standard method of assessment for daylight, sunlight and overshadowing issues and are generally relied on by planning authorities as a comparative benchmark

² British Research Establishment (BRE) guidelines – Site Layout Planning for Daylight and Sunlight. A Guide to Good Practice.

for assessment purposes. Newham's Local Plan Policy SP8 requires neighbourly development that ensures adequate access to daylight and sunlight, and minimises overshadowing.

401 Based on the proposals at that time, the Environmental Statement accompanying the Application, and the independent review by Temple; the Council's Committee Report found that moderate adverse impacts on daylight and sunlight impacts for the Western Beach Apartments and moderate adverse impacts on sunlight for 2 Fitzwilliam Mews were significant and could be lessened by alterations to the scale, massing and positioning of the proposed development. The Council's seventh Reason for Refusal stated that the proposed development would unacceptably reduce the level of daylight and sunlight to neighbouring residential properties, which would be detrimental to living conditions and would represent an unneighbourly form of development, contrary to the NPPF; Policies 7.1, 7.4, 7.6 and 7.15 of the London Plan; Policy D1 of the draft London Plan; and Policies SP2, SP3 and SP8 of the Newham Local Plan. However, in its 22 July 2020 consultation response, the Council stated that this Reason for Refusal had been satisfied through the May 2020 Amendments. A number of objections have cited loss of daylight, sunlight, and overshadowing.

402 The Environmental Statement accompanying the original Application included a daylight, sunlight and overshadowing assessment based on the BRE Guidelines. This has been updated through an Environmental Statement Addendum as part of the May 2020 Amendments. As discussed under 'Height, Massing and Townscape', Buildings A and B in the detailed Phase 1 have been reduced in height and mass, and have increased separation. Some of the proposed buildings in the outline phases have had small increases in height; however, many also have increased separation distances as a result of the May 2020 Amendments. The two Phase 1 buildings are in the closest proximity to the Western Beach Apartments and 2 Fitzwilliam Mews; however, it is noted that they are more than 60 metres away at their closest. A residential unit above the LA Lounge venue is closer; however, the impact of the scheme on daylight and sunlight is found to be negligible.

403 The updated daylight, sunlight and overshadowing assessment considers sensitive receptors near the Site in terms of the current baseline condition, the future baseline condition (with completion of relevant consented cumulative schemes within the vicinity of the Site), and the proposed development. For the Western Beach Apartments, in terms of daylight with the proposed development, the proportion of windows that would meet the BRE guidelines in relation to VSC would improve from 37% for the scheme considered at Committee, to 49% as a result of the May 2020 Amendments. Improvements are also recorded for all categories of adverse impacts. Of the windows tested, 25% (27% at Committee) would experience a minor adverse impact, 14% (18% at Committee) would suffer a moderate adverse impact and 12% (16% at Committee) would suffer a major adverse impact. Improvements are also found for daylight distribution, with the number of rooms that would meet the BRE guidelines improving to 89% (86% at Committee). Improvements are also recorded for categories of adverse impacts. Of the rooms tested, 7% (10% at Committee) would experience a minor adverse impact, 4% (2% at Committee) would suffer a moderate adverse impact, and none (1% at Committee) would suffer a major adverse impact.

404 It is noted that in the current and future baseline conditions, a higher proportion of windows (64%) and rooms (96%) would achieve BRE guidelines; however, these are restricted by the recessed balconies in the south-west elevation of the Western Beach

building, which limits the daylight reaching windows, causing greater sensitivity to the buildings proposed. It is also noted that the existing Site is characterised by low-rise industrial massing, which need to be considered in the context of any additional impacts from the proposals, along with the fact that the Site is allocated for redevelopment.

405 In terms of sunlight, with the proposed development, the proportion of windows that would meet the BRE guidelines for annual sunlight would improve from 71% for the scheme considered at Committee, to 79% as a result of the May 2020 Amendments. Improvements are also recorded for all categories of adverse impacts. Of the windows tested, 2% (3% at Committee) would experience a minor adverse impact, 4% (10% at Committee) would experience a moderate adverse impact and 15% (28% at Committee) would suffer a major adverse impact. Improvements are also found for winter sunlight, with the number of windows that would meet the BRE guidelines improving from 74% at Committee, to 79% for the amended scheme; however, all of these windows would experience a major adverse impact, as with the Committee scheme. As with daylight, the design of the Western Beach buildings and the lack of massing on the existing Site results in adverse impacts compared to the current and future baseline conditions, which is particularly applicable to south-west facing windows.

406 For 2 Fitzwilliam Mews, the Committee Report identified unacceptable impacts on sunlight. With the proposed development, of the four windows tested, one would meet BRE guidelines for annual sunlight (as with the Committee scheme), one would experience minor adverse effect and two moderate adverse effect, which represents an improvement compared to one moderate adverse and two major adverse for the Committee scheme. For winter sunlight, one of these windows would meet the BRE guidelines; however, the other three would suffer a major adverse impact, unchanged from the Committee scheme. Again, the lack of massing on the existing Site results in adverse impacts compared to the current and future baseline conditions.

407 The ES Addendum finds the effect on other sensitive receptors largely unchanged, with some improvements, and the draft May 2020 ES Addendum was reviewed and agreed by Temple, confirming that no mitigation is required.

408 In terms of daylight and sunlight within the Site, the Application is accompanied by a Light Within Assessment (May 2020), updated as part of the May 2020 Amendments.

409 For the detailed proposals, a total of 95% of residential rooms in Block A and 90% in Block B meet BRE 'average daylight factor' (ADF) guidance for daylight, which represents a very good level of adherence and is similar to the Committee scheme. As layouts are not known for the outline phases, 'vertical sky component' (VSC) calculations for facades were carried out in line with BRE guidance. A total of 42% of the test points meet the VSC recommended values, again similar to the Committee scheme. A lower level is to be expected as the calculations use set measuring points that do not reflect window positions or the final layout of the buildings, and also use the maximum parameters. More accurate assessments based on detailed designs would be undertaken as part of future Reserved Matters Applications.

410 In terms of sunlight, the BRE guidance focuses on main living areas. For large sites such as this, there will inevitably be some homes located on elevations facing towards the north, which limits the amount of sunlight. For the detailed Phase 1, buildings are laid out so that where possible homes on elevations facing towards the

north-east have dual aspect living areas on the corners of buildings. A total of 53% of rooms (significantly improved from 31% for the Committee scheme) would meet the BRE guideline levels for 'annual probable sunlight hours' (APSH); and 54% (improved from 41% at Committee) would meet the recommended levels for 'winter probable sunlight hours' (WPSH). Most main living rooms that fall below the APSH targets have projecting balconies, which provide external amenity space with good daylight. These results are considered normal for high-rise urban scheme of this type.

411 For the outline phases, again as exact layouts are not known, APSH and WPSH calculations for the facades have been carried out. A total of 53% of test points would meet the BRE guideline levels for APSH and 54% for WPSH, similar to the Committee scheme.

412 In terms of sunlight reaching proposed amenity areas, for the detailed Phase 1, all amenity spaces would meet the BRE guidelines (receiving at least two hours of sunlight on 21 March), a significant improvement on the 54% for the Committee scheme. For the outline phases, 19 of the 22 public amenity areas would meet BRE guidelines, an improvement on the 18 for the Committee scheme. Two of the public amenity spaces are predicted to receive no sunlight at all; however, this is acceptable for a high-rise urban scheme of this type, and represents an improvement on the four for the Committee scheme.

413 Considering the lack of building massing on the existing Site, any development of scale on this allocated Site will necessarily result in adverse impacts in terms of BRE guidance. It should also be noted the closest sensitive receptor is a significant distance (more than 60 metres) from the nearest proposed buildings in Phase 1. GLA officers do not agree that the extent of non-compliance with BRE guidance for the scheme considered at Committee was justified as a Reason for Refusal; however, the May 2020 Amendments to the scheme clearly improve the daylight and sunlight impacts in comparison; and in its 22 July 2020 consultation response, the Council has confirmed that this Reason for Refusal has been satisfied by the May 2020 Amendments. Overall, given the limited extent of non-compliance with BRE guidelines; the requirement for an appropriate balance to be struck with the significant benefits provided by the scheme, as acknowledged in the Housing SPG and BRE guidance; the daylight, sunlight, and overshadowing impacts are considered to be acceptable, in accordance with the NPPF, London Plan Policies 3.5, 7.1, 7.4, 7.6 and 7.15; Intend to Publish London Plan Policies D1 and D6, Newham Council's Local Plan Policies SP2, SP3 and SP8, and the Housing SPG. No mitigation is required in relation these aspects of the proposals.

Noise and vibration

414 Paragraph 180 of the NPPF states that new development should ensure that potential adverse impacts resulting from noise are mitigated or reduced to a minimum; and noise levels which give rise to significant adverse impacts on health and the quality of life are avoided. Further guidance is provided in National Planning Practice Guidance (NPPG) and the Noise Policy Statement for England (NPSE) (2010).

415 While the NPPG and NPSE do not provide decision makers with technical or numerical values for categorising and assessing noise levels in decibels (dBs), industry standard guidelines set out in British Standard BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' recommends that daytime noise levels do not exceed 35dB and night-time values in bedrooms do not exceed 30dB. This is aligned

with the World Health Organisation recommendations set out in Guidelines for Community Noise (1998). With regard to external private and communal amenity spaces, British Standard BS8233:2014 recommends that external noise levels do not exceed an upper guideline value of 55dB.

416 London Plan Policy 7.15 and Policy D14 of the Intend to Publish London Plan state that development should manage noise to improve health and quality of life by avoiding significant adverse noise impacts on health and quality of life; mitigating and minimising existing and potential adverse noise impacts within the vicinity of new development; separating new noise sensitive development from major noise sources through the use of screening, internal layout, set back distances; and where this is not possible, adverse effects should be controlled and mitigated by incorporating good acoustic design principles. The Mayor's Environment Strategy aims to reduce the number of people adversely affected by noise and includes policies and proposals to support this aim.

417 Newham Council's Local Plan Policy SP2 and SP3 aim to address the environmental impact of noise on the urban environment.

418 As stated under 'Agent of Change' above, the Council's Reason for Refusal 4 stated that the introduction of residential uses adjacent to SIL and a nightclub has failed to demonstrate adequate mitigation to protect future occupants from the impacts of these uses, including noise. As set out there, the submitted Application pulled away residential blocks from the Site boundary with Allnex, included minimal windows at lower levels in the adjacent elevations, lifted residential units up to the second floor and above, and residential unit layouts minimised potential conflict between uses. Vehicle access to the Allnex site is also further away along North Woolwich Road. The relationship between land uses has been improved since the Deputy Mayor's decision to take over the Application, with residential uses moved a further 3 metres from the Site boundary with Bell Lane and six overlooking storeys removed.

419 The proposals also introduce residential uses in proximity to the LA Lounge late-night venue; however, separation is provided by a residential courtyard with protective gate, a podium-level external amenity area, and no residential accommodation at ground and first floor level, meaning a minimum separation to the second floor residential uses of more than 20 metres. Mitigation is also provided through an existing blank boundary wall facing the Site, with proposed additional planting to the rear of the venue, and a 2 metre tall parapet wall and planting at podium level. The entrance and primary frontage to the venue is on the opposite side of the building on Bell Lane.

420 The proposals also introduce residential uses adjacent to the DLR line; however, by elevating residential units to the second floor (8 metres above the DLR line), and setting residential units back from the first floor podium (12 metres from the DLR line), an acceptable separation is achieved. Later phases generally have greater separation distances, which are controlled through Parameter Plan 3 (ground level horizontal deviation limits), and would be assessed through Reserved Matters applications. Buildings A and B are the only buildings in proximity to the Silvertown Way Flyover; however, residential uses are 30 metres from the Flyover and shielded to a certain degree by the intervening elevated DLR line. The Silvertown Tunnel portal is some distance (approximately 100 metres) from proposed residential uses, although shielded by the intervening large-scale industrial building and elevated DLR line. The Site is also underneath the take-off and landing routes for London City Airport.

421 The Environmental Statement includes a noise and vibration assessment, updated as part of the May 2020 Amendments. The baseline assessment considers noise emissions from the commercial/industrial uses and transport adjacent to the Site. In addition, it has taken into account the construction works associated with the Silvertown Tunnel project. The residual effects after the implementation of the outlined mitigation measures are expected to range from negligible to minor adverse. Detailed acoustic design will consider this further at detailed design stage, including the facade strategy, glazing specification, and ventilation. Conditions are proposed requiring approval of proposed mitigation measures prior to commencement of the relevant phase. The proposals have been assessed by the Council's Environmental Health Officers, who did not raise concerns with these aspects, and the Environmental Statement was reviewed by independent environmental consultants Temple, which agreed the content subject to recommended conditions. Temple also reviewed and agreed the draft May 2020 ES Addendum prior to submission.

422 The PLA have raised concerns regarding the noise impact of wharves, including those on the opposite side of the Thames; however, these are some distance away and could be adequately addressed by condition. May 2019 Amendments to the Application updated the noise assessment to include the scenario of the retention of the Thames Wharf Safeguarded Wharf and other neighbouring wharves; however, it is proposed that a planning obligation/condition secures that no development within Phase 4 takes place until a noise assessment relating to retained Thames Wharf is undertaken.

423 Subject to the recommended conditions, GLA Officers are satisfied that good residential quality could be achieved in respect of noise. The proposals are supported in line with the NPPF; London Plan Policies 3.5 and 7.15, Policies D4 and Policy D14 of the Intend to Publish London Plan; and Newham Council's Local Plan Policies SP2 and SP3.

Air quality

424 Paragraph 181 of the NPPF states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, with further guidance in the Government's Planning Practice Guidance (PPG).

425 A core priority of the Mayor's Environment Strategy (2018) is to improve London's air quality and protect public health by reducing exposure to poor air quality, particularly for the most disadvantaged and those in priority locations such as Air Quality Focus Areas, and outlines a range of initiatives that seek to improve the capital's air quality over time, including the Ultra Low Emission Zone (ULEZ). London Plan Policy 7.14 and Policy S11 of the Intend to Publish London Plan state that London's air quality should be significantly improved and exposure to poor air quality reduced, especially for vulnerable people. Policy S11 states that development proposals should not create unacceptable risk of high levels of exposure to poor air quality and should ensure design solutions are incorporated to prevent or minimise increased exposure to existing air pollution. Policies SP2 and SP3 of Newham's Local Plan aim to improve air quality.

426 The Environmental Statement includes an air quality assessment, updated as a result of the May 2020 Amendments. A baseline assessment of nearby monitoring sites considered road traffic emissions and industrial activities, including the Allnex Resins

facility. It also considers both the construction and operation of the Silvertown Tunnel. May 2019 Amendments to the Application updated the air quality assessment to include the scenario of the retention of the Thames Wharf Safeguarded Wharf and other neighbouring wharves; however, it is proposed that a planning obligation/condition secures that no development within Phase 4 takes place until an air quality assessment relating to retained Thames Wharf is undertaken. Embedded Mitigation measures include the proposals' car-free nature together with the promotion and support for sustainable transport modes, and an appropriate energy strategy. No additional mitigation measures are proposed for the operational phase.

427 The proposals have been assessed by GLA air quality experts, who have not raised concerns with these aspects, and the Environmental Statement (ES) was reviewed and agreed by independent environmental consultants Temple, subject to recommended conditions, including detailed dispersion modelling of the Phase 1 energy centre emissions and affected receptors to agree final location, height and exit velocity of the stack. Temple also reviewed and agreed the draft May 2020 ES Addendum. Based on the ES and Addendum available prior to Committee, the Council's Environmental Health Officer did not accept that the masterplan is 'air quality neutral'; however, GLA air quality experts and Temple have confirmed that the air quality neutral assessment in the May 2020 ES Addendum is acceptable.

428 The Application complies with the requirements of the NPPF, London Plan Policies 3.5 and 7.14, Policies D4 and SI1 of the Intend to Publish London Plan, and Policies SP2 and SP3 of Newham's Local Plan.

Fire safety

429 Policy D12 of the Intend to Publish London Plan seeks to ensure that development proposals achieve the highest standards of fire safety and to ensure the safety of all building users. Policy D5 requires as a minimum at least one lift per core to be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building.

430 The Applicants have submitted a masterplan fire strategy and a Phase 1 fire strategy produced by fully qualified fire safety consultants. This details construction methods responding to fire safety; means of escape for residential and non-residential uses; features to reduce the risk to life; and access for fire service personnel and equipment. In Phase 1, one lift per core is suitable to be used to evacuate people who require level access from the building. Whilst GLA officers consider that the submitted fire Strategies are in accordance with Policies D5 and D12 of the Intend to Publish London Plan in terms of their broad content, the fire safety strategy of the buildings would be considered in detail at a later stage outside of the planning process.

Designing out crime

431 Policy 7.3 of the London Plan seeks to ensure that the principles of designing out crime are integrated in the design of new development to promote a sense of security without being overbearing or intimidating, which is reflected in Intend to Publish London Plan Policy D11. The criteria require new development to provide legible, convenient and well-maintained movement routes and spaces which are well-overlooked and benefit from an appropriate level of activity, with private and communal spaces clearly defined to promote a sense of ownership. Similarly, Newham Council's Local Plan

Policies SP1, SP2, SP3 and SP8 requires development to consider community safety and aim to discourage crime.

432 As set out under 'Site Layout', good levels of activity would be achieved around the Phase 1 buildings. The Metropolitan Police's Designing Out Crime Officer supported the Phase 1 scheme, subject to a condition and informative covering all phases. Subject to this, it is considered that the proposal is acceptable in accordance with London Plan Policy 7.3, Intend to Publish London Plan Policy D11, and Newham Council's Local Plan Policies SP1, SP2, SP3 and SP8.

Inclusive design

433 London Plan Policy 7.2 and Intend to Publish London Plan Policy D3 require all future development to meet the highest standards of accessibility and inclusion, and that the design process has considered how everyone, including those with disabilities, older people, children and young people, will be able to use the places and spaces that are proposed. London Plan Policy 7.6 expects that buildings and structures meet the principles of inclusive design; and London Plan Policy 3.8 sets out requirements to meet Building Regulation requirement M4(2) and M4(3). Intend to Publish London Plan Policy D7 requires that at least 10% of new housing meets Building Regulation requirement M4(3) 'wheelchair user dwellings'; and that all other dwellings meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. Planning Practice Guidance states that Local Plan policies for 'wheelchair accessible' (already adapted) homes should only be applied to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling, otherwise M4(3) dwellings should be 'wheelchair adaptable'. Intend to Publish London Plan Policy T6.1 states that residential development should ensure that one disabled persons parking bay should be provided for 3% of dwellings from the outset, and a Parking Design and Management Plan, should demonstrate how an additional 7% of dwellings could be provided with a designated disabled persons parking space upon request should existing provision be insufficient. These requirements are reflected in Policy H1 of Newham's Local Plan.

434 The Application includes an Access Statement (May 2020). For the detailed Phase 1, 41 (10%) of homes would meet Part M4(3) of the Building Regulations, whilst the remaining units would meet Part M4(2) of the Building Regulations. The M4(3) units would be provided as adaptable, in both Blocks A and B, including all tenures and all unit sizes, and over a range of floors. No three-bed M4(3) units were proposed in the Committee scheme; however, the May 2020 Amendments have addressed this. The required adaption between M4(3) adaptable and adapted can be achieved easily, without structural changes. Accessible homes for the outline element would be assessed as part of future Reserved Matters Applications. A condition is recommended that would ensure that this level of accessible housing is secured, in accordance with Intend to Publish London Plan Policy D7.

435 The proposed development is car free; however, for Phase 1, 13 (3% of units) disabled persons parking spaces are provided within the podium, with provision for up to a further 19 (totalling 8%) should demand arise. This approach is secured by planning obligation for both Phase 1 and the outline phases and is in line with expected demand for such disabled persons parking.

436 Spacious external amenity space at podium level would be provided for residents of Phase 1, with level access from every lift core. Seating with backrests and arm rests

will be provided. Play spaces will be incorporated, these have been designed to allow inclusive play, with level access. The Phase 1 ground level landscaping features mobile planters that allow relocation when required using tramlines. These will be laid flush with the surrounding paving. Accessibility of the outline phases will be assessed as part of future Reserved Matters Applications; however, the indicative designs raise no concerns at this stage.

437 The Application would achieve a high level of accessible and inclusive design and would comply with London Plan Policies 3.8, 7.2 and 7.6; Intend to Publish London Plan Policies D3, D7 and T6.1; Newham Council's Local Plan Policy H1; and the Accessible London SPG.

Urban design - conclusion

438 The Council resolved to refuse the Application on grounds that the proposed height, scale and massing would appear overbearing, bulky and incongruous and would negatively impact the character, appearance and townscape of the surrounding area, create a hostile environment at ground floor level, and result in excessive density; unacceptably reduce the level of daylight and sunlight to neighbouring residential properties; and by reason of the relationship with surrounding existing land uses, layout, configuration and orientation, would fail to provide an adequate standard of accommodation for future occupants.

439 As set out above, the height, massing, and density of the scheme considered at Committee was supported at consultation stage by the GLA, taking account of the Site Allocations; existing and emerging context of tall buildings; the tallest proposed buildings marking key locations; the large scale of the Site; the contribution to wayfinding and legibility; the creation of substantial areas of new public open space; with no harm to heritage assets. GLA officers remain of this view, taking account of the May 2020 Amendments that respond to the Council's Reasons for Refusal, including their introduction of significant reductions to Phases 1 and 2. Furthermore, the Site has an extensive riverfront location, with expansive views across the Thames; and has a distinct spatial separation from neighbouring development (with sufficient links provided through the proposals) due to surrounding transport infrastructure, which means that the tall buildings proposed would have very limited impacts on surrounding amenity. In all views provided, even at maximum parameters, the buildings vary in height, creating an undulating silhouette on the skyline and raise no concerns.

440 GLA officers do not agree that the extent of non-compliance with BRE guidance on daylight and sunlight for the scheme considered at Committee is justified as a Reason for Refusal; however, the May 2020 Amendments clearly improve the daylight and sunlight impacts, which are limited, and the Council has confirmed that this Reason for Refusal has been satisfied.

441 The relationship between residential and industrial/late-night licenced venue uses was considered extensively at pre-application stage the residential quality neighbouring these areas was supported by GLA officers for the scheme considered at Committee. Notwithstanding this, the May 2020 Amendments respond to the Council's Reasons for Refusal in this respect and improve this relationship. Residential quality is improved in terms of separation distances, daylight and sunlight, overlooking, residential layouts, and balcony relationships for the detailed phase; and separation distances, daylight and sunlight for the outline phases, with further improvements to the Design Code and

Parameter Plans. Detailed design and residential quality for the outline phases will be assessed at Reserved Matters stage. Temple reviewed and agreed the draft May 2020 Environmental Statement Addendum accounting for the May 2020 Amendments, including issues relating to residential quality, and have confirmed that the information provided is acceptable, subject to the proposed conditions.

442 On this basis, the Application accords with London Plan Policies 3.5, 3.6, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, and 7.8; Policies D1, D2, D3, D4, D5, D6, D7, D8, D9, D11, D12, D13, D14, HC1, and HC2 of the Intend to Publish London Plan; Newham Local Plan Policies SP1, SP2, SP3, SP4, SP5, SP8, SP9, and H1; and the Housing SPG (2016).

Transport

Transport Policies

443 Chapter 9 of the NPPF sets out the Government's aim to promote the use of sustainable modes of transport. When considering the transport implications of development proposals, the NPPF states that decision-makers should ensure that site specific opportunities available to promote sustainable transport modes have been taken up; safe and suitable access to site would be achieved for all users; and any significant impacts from development on the transport network (in terms of capacity or congestion) or highways safety can be mitigated to an acceptable degree. Paragraph 109 of the NPPF states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or where residual cumulative impacts on the road network would be severe. Paragraph 110 of the NPPF sets out additional criteria which should be addressed, including pedestrian, cycle and inclusive access.

444 Policy 6.1 of the London Plan and Intend to Publish London Plan Policy T1 set out the strategic approach for transport in London. This recognises *"the integration of land use and transport, and the provision of a robust and resilient public transport network, are essential in realising and maximising growth and ensuring that different parts of the city are connected in a sustainable and efficient way"*. The detail of providing public transport capacity, connectivity and safeguarding land for transport contained in London Plan Policy 6.2 and Intend to Publish London Plan Policy T3 includes the Docklands Light Railway, the Silvertown Tunnel, the Emirates Air Line Cable Car, River Bus Services, and future bridge links. Intend to Publish London Plan Policy D2 states that infrastructure provision should be proportionate to the scale of the development, taking into account the capacity of existing and future public transport services, and the potential to increase this capacity through financial contributions. Assessing and mitigating transport impacts, contained in London Plan Policy 6.3 and Intend to Publish London Plan Policy T4, is particularly relevant to this major proposal. Intend to Publish London Plan Policy T2 on Healthy Streets provides the overarching requirement for development proposals to deliver patterns of land use that facilitate residents making shorter, regular trips by walking or cycling. Also relevant are London Plan Policies 6.9 and 6.10, and Intend to Publish London Plan Policies T5, T6, and T7, which cover cycling, parking, servicing and construction. London Plan Policies 7.24-7.30 relate to waterways, including water transport, which are reflected in Intend to Publish London Plan Policies SI14-SI17. London Plan Policy 7.26 and Intend to Publish London Plan Policy SI15 seek river-borne movement of bulk materials during demolition and construction phases. London Plan Policy 8.2 and Intend to Publish London Plan Policy

T9 set out the Mayor's priorities for planning obligations, with public transport improvements and affordable housing given the highest importance.

445 The Mayor's Transport Strategy (MTS, 2018) seeks a modal shift, reducing road congestion, improving air quality and assisting in the development of attractive, healthy and active places. The MTS aims to ensure that by 2041, 80% of all Londoners' trips will be made on foot, by cycle or by public transport, with 90% for inner London boroughs such as Newham. Intend to Publish London Plan policies require development proposals to support this overarching aim, as do those on Healthy Streets, cycling, parking and planning obligations as set out above. Intend to Publish London Plan Policy T4 requires transport impacts to be assessed and mitigated and avoid road danger.

446 Newham's Local Plan Policy INF1 seeks ongoing investment in the strategic transport network, including rail, bus, river and cycling. INF2 seeks to secure a more sustainable pattern of movement, maximizing the efficiency and accessibility of the Borough's transport network by foot, cycle and public transport. Policy S4 and Site Allocation S08 seek provision of a new DLR station at Thames Wharf; continuous riverside access; links to the Lea River Park and Trinity Buoy Wharf, to Royal Victoria and West Silvertown DLR stations and Canning Town centre; North Woolwich Road active street improvements; and appropriate connectivity and integration with Site Allocation S09, which also identifies safeguarding for a potential Mooring Point for River Bus Services.

Silvertown Tunnel and Dock Road access

447 The majority of the Site is subject to safeguarding for the Silvertown Tunnel. In May 2018, a Development Consent Order (DCO) was granted for Silvertown Tunnel, a new twin-bore tunnel under the Thames. The DCO provides for the demolition of existing buildings and structures within the DCO limits. The Tunnel would run under the site, with the northern portal being between the proposed standalone industrial building and the Silvertown Way Flyover. The DCO includes the realignment of Dock Road, which would serve Phase 4 onwards of the proposed development. As part of the proposals, the Tidal Basin Roundabout and the Lower Lea Crossing (both currently controlled by Newham Council), and potentially the northern end of Dock Road, could become part of the Transport for London Road Network (TLRN). However, a decision has yet to be made and thus there may need to be a section 278 agreement with TfL as well as Newham Council. Works on the Silvertown Tunnel will commence later in 2020, resulting in the clearance of the majority of the Application Site, and the Tunnel is expected to be operational in 2025.

448 The development has been designed and phased in line with the Tunnel proposals and the Applicants have been working with TfL and Riverlinx (the consortium building the Tunnel) in this regard. Development cannot commence on part of the site until land is released from its temporary ownership for the Tunnel works. Through the Silvertown Tunnel project interfaces, there is a 'Land & Works' agreement in place, which deals with specific access and land issues. Notwithstanding this agreement, TfL will require asset protection and development collaboration agreements to be in place for each development phase, due to the complexity of the interface, timing requirements for both developments, and the need for long-term protection of TfL assets. These agreements will need to be in place before the commencement of development of each phase, and are proposed to be secured by planning obligation and/or condition. A defined area around the Silvertown Tunnel portal on the Application Parameter Plans

and Phasing Plan is not for approval, but is subject to agreement with the Silvertown Tunnel team and TfL to ensure compatibility with the delivery of the Silvertown Tunnel. Planning obligations are also proposed to secure this.

449 Newham's Reason for Refusal 15 states that the proposals would be served by a road that fails to adopt a healthy street approach, and thus would be detrimental to the pedestrian and cyclist experience and the successful integration of a new mixed-use neighbourhood, contrary to the NPPF; Policies 6.1 and 6.3 of the London Plan; Policies T1, T2, T3, T4 and T5 of the draft London Plan; and Policies INF1, INF2 and SP8 of the Newham Local Plan. It is noted that in its 22 July 2020 consultation response, the Council states that a condition for a Healthy Streets Assessment would satisfy this Reason for Refusal. This is proposed to be secured by planning obligation should permission be granted.

450 It should first be noted that the realigned part of Dock Road was subject to separate consent through the DCO, which has been granted and the Application must therefore work to this consent. Silvertown Tunnel has a number of design principles that must be followed by the detailed design, and which promote Healthy Streets principles. These include segregated cycle lanes along the re-aligned Dock Road, footways to a generous 'Pedestrian Comfort Level' standard, and wayfinding.

451 The Applicants propose to fund and enable further improvements to Dock Road and its environs, which together with the intentions for the private roads and routes within the Site are supported in terms of Healthy Streets. This would be additional to the DCO scheme for Dock Road, which has and will continue to take account of Mayoral objectives, including Healthy Streets and Vision Zero, in detailed design. Both will be well-integrated with the local area. Both the Silvertown Tunnel and the proposed development have been specifically designed so as to minimise barriers to pedestrian and cycle movement, and to optimise integration of the site with the wider Royal Docks area. At a wider scale, the Tunnel will provide a direct vehicle link with Greenwich Peninsula with bus priority, enabling much better connections to the south of the Thames, and TfL has committed to providing a minimum of 20 cross-river bus services per hour during peak periods. Furthermore, the DCO requires the provision of enhanced river crossing facilities for cyclists and pedestrians, and potential options for delivery of this commitment are currently being considered, subject to borough approval.

452 Part of the Site is subject to Crossrail Safeguarding; however, during determination of the Operational Works Application, Crossrail confirmed that there was no longer a requirement to retain part of the Site for the disposal of soil. Crossrail have been consulted on the Application and have raised no objection.

Trip generation and mode split

453 The 2018 Transport Assessment (TA) and subsequent June 2019 TA Addendum and May 2020 TA Addendum assess the full build-out development, with no significant changes proposed in land use, development quantum, or completion year. TfL accepts the use of the TA and TAA methodology and data in respect of trip generation. Forecast mode split is appropriately ambitious, with the emphasis on sustainable modes of transport.

454 The magnitude of vehicle trip generation during construction is less than vehicle trip generation during operation, and also less than the existing HGV movements associated with the industrial and related operations currently at the site.

455 The conclusion in the May 2020 TA Addendum that changes to the transport policy and the existing baseline do not have a material effect on the assessment presented in the June 2019 TA Addendum is agreed. The requirements for mitigation to address transport impacts have been carried forward and negotiated in detail, supported by evidence from TfL in respect of public transport capacity.

Mitigating impact on the highway network

456 Newham's Reason for Refusal 13 was that the proposal was not accompanied by sufficient information to enable evaluation of existing road conditions and to project future impact on the local road network, in particular the impact on junctions, which therefore failed to demonstrate that they are acceptable in terms of highway safety, contrary to the NPPF; Policies 6.1 and 6.3 of the London Plan; Policies T1, T2, T3, T4 and T5 of the draft London Plan; and Policies INF1, INF2 and SP8 of the Newham Local Plan. However, in its 22 July 2020 consultation response, the Council confirmed that this Reason for Refusal had been satisfied, subject to appropriate conditions and planning obligations. These are proposed should planning permission be granted.

457 This relates to the further modelling provided by the Applicants in September 2019. Although this is acknowledged in the Council's Committee Report, and TfL comments on it were included in the consultation section, as it was not a formal submission document it was not considered by the Council's transport planners. TfL has reviewed the modelling, as well as the Council's traffic and road safety impact concerns; and taking account of previous and more recent analysis, TfL is satisfied that the modelling and recommended mitigation outcomes are appropriate and adequate. As discussed below, the proposals are car free, with disabled persons parking minimised in accordance with policy. Post-determination modelling will be required as part of Reserved Matters applications given the lengthy period of build-out. Moreover, through detailed design and the recommended planning conditions and obligations, no unacceptable traffic and road safety impacts are expected. These proposed mitigations include (but are not limited to) both physical infrastructure on the future public and private highways, ensuring the local bus network is not unduly affected; and management requirements and restrictions, such as delivery and servicing and other such controls. This will need to be backed up by post-application modelling as discussed above.

458 As agreed with the Council, the highways within the Site would be private and not adopted (although delivered to adoptable standard). Appropriate arrangements are proposed by planning obligation and condition to secure, manage and maintain public access; including taxi, coach, private hire vehicle, delivery and servicing vehicles, private cars, pedestrians, and cyclists. A combined car parking, delivery and servicing plan for the detailed element of the application will be reviewed and updated through Reserved Matters applications for the outline phases of development.

Proximity to Public Transport

459 The Site's Public Transport Access Level (PTAL) is currently 0-2, with most being 1b, on a scale of 0 to 6b where 6b represents the best access. A combination of

improvements will increase the PTAL to 3-5 and remove any areas with a zero or poor PTAL. These include the new Thames Wharf DLR station and more frequent DLR services due to extra trains; as well as new and improved bus services arising from the re-planning of the bus network for the Elizabeth Line and to respond to demands from new development; and those to be introduced as a result of the Silvertown Tunnel, including the two new bus stops on Dock Road, to which the Applicants would contribute funding through a planning obligation. The new network of public pedestrian routes within the site (with 24/7 public access to be secured by planning obligation), would also contribute to an improved PTAL.

Public transport capacity and mitigation

460 Newham Council's second Reason for Refusal stated that the proposal has failed to demonstrate good growth and infrastructure sufficiency, with particular regard to provisions for the new DLR station and primary education; which would have a detrimental impact on the ability to build strong and inclusive communities, make the best use of land, create a healthy city, deliver the homes that Londoners need, grow a good economy, increase efficiency and resilience, and would not ensure that identified infrastructure needs are met. It stated that this is contrary to the NPPF; Policies 1.1, 2.13, 3.16, 6.1 and 6.2 of the London Plan; Policies T1 and SD1 of the draft London Plan; Policies S1, S3, S4, SP1, SP2, SP3, SP8, INF1, INF2, INF8 and INF9 of the Newham Local Plan. The Council maintained this Reason for Refusal in its 22 July 2020 consultation response.

461 The Applicants acknowledge in the TA and TA Addendums that the proposed development will generate a significant additional number of DLR, London Underground and bus passenger trips, including during the morning and evening peak periods. Proportionate mitigation is therefore required towards transport infrastructure, as has been secured from other developments in the area.

462 TfL recently increased the detail of its modelling of anticipated development-generated passenger flows. It is expected that approximately half of the current users of the DLR Woolwich branch will transfer to the Elizabeth line when it opens, which will free capacity for new homes, including at the Application Site, as well as for existing residents. New DLR trains with increased capacity are also planned, together with associated increased stabling infrastructure, to be funded through TfL and Government sources. Train frequency would be increased from 15 to 22.5 trains per hour. These changes would double the capacity of the DLR Woolwich branch between 2024-2026, accommodating ongoing development along the route, as well as background demand, taking account of the opening of the Elizabeth Line.

463 The Site includes safeguarding for a new DLR station, also identified in Site Allocation S08. A new London Underground station (between North Greenwich and Canning Town on the Jubilee Line) is not possible due to engineering, property cost and operational reasons. As detailed throughout this report, the new Thames Wharf DLR station at the Site's centre underpins the proposed development, in line with development plan policy, providing both capacity and access. In particular, a scheme of this scale and density can only be supported if a commensurate level of transport infrastructure is available. The development proposals take full account of the requirements for the new station, which will be subject to future approvals to be sought by TfL. It will be constructed on land owned by TfL/DLR beneath the existing DLR viaduct and on the viaduct itself, and passive provision was made for the station in the

original DLR viaduct design. The vital importance of the station is also recognised by the Government in awarding £10M of Housing Infrastructure Fund (HIF) monies (subject to final grant agreement) towards its delivery, unlocking new homes.

464 When considered at Committee, a section 106 contribution of £6.5M was proposed from the Applicants; however, subsequent analysis by TfL indicates that the mode share from the development for the DLR is very high (83%, or 1,735 trips in the 7-10AM peak of the zone covering most of the Site), whilst that previously expected for buses is much reduced (17%, or 347 trips in the 7-10AM peak from the same zone). Additionally, the station will be important in serving the passengers coming to work at the Site, use facilities, or otherwise visit. Furthermore, as detailed below, the delivery of new and improved bus services in the local area is already committed. Consequently, it has been agreed with the Applicants that the contribution will be increased to £9M, by the addition of £2.5M funding previously identified at Committee for bus service improvements. The previously agreed funding to the station from TfL and the GLA will be maintained, while the additional £2.5M will contribute to identified additional costs (beyond those budgeted in 2018) and inflation. The £9M contribution is considered to meet the conditions set by CIL Regulation 122(2) (as amended).

465 Prior to delivery of the new DLR Station, the Applicants have demonstrated to TfLs satisfaction that the first 1,700 homes (Phases 1-4 in the southern part of the Site) would have appropriate access to West Silvertown and Royal Victoria DLR Stations, supported by secured improvements to the routes between the Site and these stations. However, these stations would not be easily accessible for phases beyond this, due to both distance, and intervening transport infrastructure. Consequently, a Grampian obligation is necessary to restrict development beyond 1,700 homes until the new DLR station is operational.

466 In terms of bus services, a pair of new bus stops with shelters are proposed to be funded through a £30,000 planning obligation. These would be on Dock Road as realigned by the Silvertown Tunnel works, which include design and passive provision for the new stops. In addition, the proposed section 278 agreement includes enhancement of existing stops and pedestrian access in line with the North Woolwich Road improvement project.

467 The development will generate additional demand for buses in terms of both capacity and accessibility, including during construction. The TA and Addendums indicate that increased bus frequency and amended routes already committed to complement the opening of the Elizabeth Line and support growth in the wider area, together with those to be delivered with the Silvertown Tunnel, would provide sufficient capacity to absorb the trips added by this development. This would ensure links between the Site and key transport interchanges, town centres, employment areas and local and strategic services and facilities. However, in order to enable sustainable travel by workers during construction, it will be important that the new bus stops are provided as early as possible once the realigned Dock Road is available for use by buses, and that links to existing stops are appropriately enhanced as soon after commencement as is practicable given the relationship to other projects, which the section 278 provisions will secure.

468 Safeguarding for two potential Mooring Points for future River Bus Services are proposed to be secured by planning obligation, one of which is in the location identified in Local Plan Policy INF1 and Site Allocation S09. The river wall improvement works

would not prejudice its delivery and the new riverside walkway would be wide enough to accommodate a new landing point for any future River Bus pier.

469 The Site Allocations identify the provision of continuous riverside access within the Site and the potential for bridge links across Bow Creek to Trinity Buoy Wharf. While the Newham Local Plan does not have a specific requirement to provide a bridge link to Trinity Buoy Wharf (as acknowledged in the Council's Committee Report), three possible landing points are safeguarded, to be secured by planning obligation. The proposals would also provide a continuous riverside access within the Site, which is proposed to be safeguarded by planning obligation.

Active Travel and improved accessibility to public transport nodes

470 Newham's Reason for Refusal 14 states that the proposal relies on existing surrounding transport infrastructure; however insufficient information has been provided to demonstrate appropriate accessibility to these transport nodes, which would be detrimental to pedestrian and cyclist safety and contrary to the NPPF; Policies 6.1 and 6.3 of the London Plan; Policies T1, T2, T3, T4 and T5 of the draft London Plan; and Policies INF1, INF2 and SP8 of the Newham Local Plan. In its 22 July 2020 consultation response, the Council stated that this Reason for Refusal had been resolved, subject to further information being formalised within the application and obligations secured.

471 As detailed in the Council's Committee Report, the Reason for Refusal relates to the pedestrian and cyclist accessibility of the early development phases to Royal Victoria, West Silvertown and Canning Town Stations, and existing bus stops. Concerns were also raised about the connectivity of the later phases, particularly in the absence of Thames Wharf station.

472 The proposed development would result in a substantial increase in pedestrian and cycle trips to/from the site and around the local area. In line with Council and London Plan policies, particularly shared aims for Healthy Streets and Vision Zero (cycling safety), the proposals would deliver a new network of pedestrian and cycle routes within this large and previously inaccessible Site, improving permeability, including along the riverside as part of the Thames Path. Routes, 24/7 public access, and quality are secured by plans, planning conditions and obligations for the detailed Phase 1; and by Parameter Plans, Design Code for the outline phases, which would be considered in detail at Reserved Matters stage. Safeguarding is proposed to be secured by planning obligation for a potential new bridge over Bow Creek, connecting the Site and the Royal Docks more generally with the Leamouth area of Tower Hamlets.

473 In transport planning terms, since the Committee, the Applicants have provided improved information on active travel routing and access improvements between the Site and public transport nodes. On and off-site improvements are proposed to the public highway through section 278 agreement, in co-ordination with the Newham/Royal Docks Team planned improvements to North Woolwich Road, and the Silvertown Tunnel DCO works. Significant public realm and signage improvements to pedestrian and cycle routes within the Site will complement that existing and committed outside the Site. New wayfinding on the site, including Legible London signage, will be important in navigating the area, including best routing to and from public transport nodes. A package of £30,000 is proposed to be secured by planning obligation and delivered in line with the build out and occupation of the development.

474 As set out above, development beyond 1,700 homes will be restricted until delivery of the new DLR station. This will allow residents and visitors to conveniently access stations and bus stops and many of the walking/cycling routes are expected to be segregated from traffic or off the public highway. It is noted that a segregated cycle lane exists on the Lower Lea Crossing and that provision for pedestrians and cyclists on North Woolwich Road and Silvertown Way is to be improved as part of the Newham/Royal Docks Team North Woolwich Road improvements. A new segregated pedestrian and separate cycle route would also be provided from the exit of the tunnel along the realigned Dock Road. Cyclists would be permitted to cycle throughout the site.

Delivering Healthy Streets improvements

475 In addition to the cycle route improvements listed above, planning obligations are proposed to secure a £220,000 contribution towards one cycle hire docking station (27 docking spaces) and land safeguarding. Subject to the extension of the Cycle Hire Scheme to this part of Newham, the expectation is that this would be in place to serve residents and occupiers of the phases completed before the new DLR station is operational. A further docking station could be delivered on TfL/DLR land near to the new DLR station. This would be funded by other parties than the Applicant but would serve the outline phase of development in particular. Should the Santander cycle hire scheme not extend to this part of Newham, provisions are proposed whereby this funding would go towards an alternative cycle hire scheme or other enhancement of active travel.

476 The Applicants will be required to enter into a section 278 agreement with the Council for the public highway works associated with the development, including temporary/permanent works to North Woolwich Road, adjacent to Phase 1 and towards Phase 1 and West Silvertown DLR and Royal Victoria DLR. This will include junction and site access works, pedestrian crossings, footway improvements, and signage; prior to permanent funded improvements coming forward as part of the Newham/Royal Dock Team North Woolwich Rd improvements. It will also include temporary/permanent works to Dock Road, including junction and site access works and crossings. Depending on the ultimate decisions on which if any existing borough highway becomes part of the TLRN as part of the Silvertown Tunnel works, a section 278 agreement may also be required with TfL.

477 Other than Dock Road/North Woolwich Road, all roads, cycleways and footways will not be adopted; however, they will be constructed at least to adoptable standards, including sufficient width to accommodate servicing vehicles and the potential for buses to serve the school. Public access at all times on foot, cycle, and by vehicle as appropriate, would be secured through planning obligation, as well as maintenance of the public realm in perpetuity.

478 TfL has published 'Streetspace for London', which aims to support active travel choices during Covid19 and into the recovery. TfL would expect the applicant to support this aim and work with the Council to ensure construction activity and associated vehicle movements do not impact on any Streetspace schemes specific to this area, and that details of new and improved highway, walking and cycling routes and public realm take account of these principles.

479 As requested by Newham Council in their 22 July 2020 consultation response, a Healthy Streets assessment prior to occupation of any outline phases is proposed to be secured by planning obligation.

Car parking

480 Intend to Publish London Plan Policy T6 states that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, Policy T6.1 states that disabled persons parking should be provided for at least 3% of dwellings from the outset, with the ability to demonstrate through a parking design and management plan, how an additional 7% of dwellings could be provided with a disabled persons parking space upon request, should existing provision be insufficient.

481 The 'car-free' nature of the proposal is welcomed, in line with strategic policy. Disabled persons' car parking spaces are proposed for 3% (150 across the masterplan) of dwellings from the outset; however, considering such a large quantum of development, the remaining provision has been balanced against the objectives of sustainable travel and development. Accordingly, up to 8% (400 across the masterplan) could be provided should need be demonstrated through a parking management plan. The podiums and lower ground parking areas have been scaled to allow all of the residents disabled persons spaces up to 8% to be accommodated, rather than on-street, which removes potentially negative impacts on the public realm and is welcomed.

482 The detailed Phase 1 has 3% secured within the podium of the building, with a further 5% able to be accommodated to the rear of the building in the 'temporary' situation prior to Phase 2, and within the Phase 2 basement when built. For the outline phases, there will be an upper quantitative 'cap' of 8%, with Reserved Matters applications to secure a lower level, to be justified by a parking demand survey of already-implemented parking and other relevant evidence (and subsequently controlled through a parking management plan). On this basis, up to 457 car parking spaces could be provided for all uses across the site, all of an accessible design, nearly all within podiums or basements, and in locations convenient to the proposed buildings and land uses. Their use will be restricted by planning obligation to holders of a Blue Badge only, under the terms of Section 21 of the Chronically Sick and Disabled Persons Act 1970, noting also that Greater London Council (General Powers) Act 1974 will apply.

Cycle Parking

483 The proposal includes 9,012 long-stay residential cycle parking spaces, with an additional 135 short-stay for visitors. A further 266 long-stay cycle parking spaces are proposed for the commercial elements and an additional 420 short-stay spaces. Policy compliant cycle parking for the new school would also be provided. In line with relevant policy, the better placing of short-stay facilities in the public realm has been negotiated as part of the May 2020 Amendments. Overall, cycle parking for the detailed and outline proposals is in line with the minimum quantum sought by London Plan and Intend to Publish London Plan policy. The detailed Phase 1 element arrangements accord with London Cycling Design Standards (TfL 2014), and Reserved Matters applications for outline phases will include detailed plans for cycle storage, which will be required to meet the strategic policy standards and design guidance then prevailing.

Deliveries and Servicing

484 An outline Delivery and Servicing Plan (DSP, 2018) was submitted with the original Application, which together with the DSP Addendum (2020) includes sufficient information on the delivery strategy for the site and proposes bespoke measures to help reduce the impact of delivery vehicles on the road network. The final detailed DSP for Phase 1 and further DSPs for outline phases will be secured by condition.

485 The proposed development includes both internal on-site loading bays (the majority) and on-street loading bays, which are an acceptable approach. The further details provided for the design for Phase 1 are considered suitable.

486 Limiting hours of deliveries and servicing to outside peak hours, as well as centralised management and occupiers contracting with shared suppliers, would reduce traffic impact and achieve more efficient, sustainable servicing of the development. This will be considered further in the future modelling and through conditioned DSPs. The total cost for the implementation of waiting, loading and unloading restrictions, including their traffic management orders is to be borne by the Applicant (on areas of public highway). These provisions are proposed to be secured through section 278 agreement.

487 The proposal and the recommended planning conditions and obligations are considered to provide the framework to successfully reduce the risk of conflict between pedestrians, cyclists and vehicles, and would support a safe environment, in line with London Plan Policy 6.10 and intend to Publish London Plan Policies D7 and T2.

Construction

488 London Plan Policy 6.3 and Intend to Publish London Plan Policy T.7 promotes the uptake of Construction Logistics Plans (CLP) and the TfL Fleet Operators Recognition Scheme (FORS) or equivalent, to minimise the impact and safety risks of construction activities on people and the transport network. An outline CLP (2018) and outline CLP Addendum (2019) are provided and are acceptable. A condition is proposed to secure a full CLP, in accordance with relevant TfL guidance. Infrastructure protection agreements will also be secured with TfL and other bodies with infrastructure and operations that could be affected during construction.

489 The TA sets out that the magnitude of vehicle trip generation during construction is less than the vehicle trip generation during operation, and also less than the HGV movements associated with the recent industrial and related uses on the Site. Nevertheless, with the phased delivery of residential and employment uses, both on this Site and adjacent emerging sites, the individual and cumulative impacts during construction will need to be managed and mitigated with co-ordination between sites. Construction will also need to be managed and mitigated on the private, local and strategic public highway network, in co-ordination with other developments. The same applies when occupation of the development begins. In respect of this Application, the interrelationship of the construction of early phases with the Silvertown Tunnel works will require particular attention. This is to be addressed through ongoing discussions and agreement between the parties, which are proposed to be secured by planning obligation.

490 The feasibility and targets for use of the river during construction will be secured by condition, and will be finalised in conjunction with the contractor as part of the

detailing of the CLP, following any consent. The full CLP will be required to include measures to minimise highway impact and maximise safety during construction, especially of pedestrians and cyclists.

491 TfL has ascertained the potential construction and operational interfaces and negotiated the form and content of the asset protection and construction interface collaboration agreements that will be required. TfL will require that such agreements be in place before the commencement of development of each phase, and is proposed to be secured by planning condition.

Travel Planning

492 The application is supported by a site-wide framework Travel Plan, which aims to promote sustainable travel to and from the Site. This will lead to full Travel Plans for plots/uses as the development progresses. It is proposed that these will be secured, monitored and enforced through planning obligation. Travel planning for the construction phase should be part of the full CLP.

Infrastructure and transport operations protection

493 The construction and future operation and occupation of the development has the potential to impact on existing and new transport infrastructure and operations. This includes public highway (Silvertown Tunnel, Newham highway, and potentially the TLRN), the DLR, London Underground, the Emirates Airline cable car, London City Airport and the Thames. Recommended conditions and planning obligations, together with specific legal agreements and the proposed section 278 agreement will ensure adequate and appropriate safeguards are put in place.

494 The proposal does not include any new buildings within the Emirates Airline cable car protection zone (18 metres either side of the cable track), nor does it propose a new use or ground level changes that would impact on the stability of the pylons or impede the delivery of the service. The proposed landscape around the base of the pylons maintains a sufficient level of security. It should be noted that TfL does not raise any objection to the proximity of the proposed buildings to the cable car, which was mentioned in some residents' consultation responses. There will be restrictions applied through planning condition/obligation and other relevant legislation to safeguard the cable car infrastructure, both during construction and for the life of the development.

Conclusion on transport

495 The proposals for a high-density residential-led mixed use scheme, in what will become a very accessible location, accords with London Plan and Intend to Publish London Plan transport policies, which encourage such developments in locations that minimise the need to travel, particularly by car. The development itself and associated transport infrastructure will encourage and accommodate the expected pedestrian and cycle demand and will promote sustainable travel.

496 The Council's transport related Reasons for Refusal have been addressed. The modelling is fit for purpose to evaluate the impacts; there is an acceptable road impact; the accessibility to transport modes is appropriate (subject beyond 1,700 homes to works and delivery of the new DLR station); and follows Healthy Streets principles. TfL considers that the transport issues raised previously and responses to consultation have

been adequately and appropriately addressed through the development proposals now put forward and the recommended mitigation secured through planning conditions and obligations.

497 Subject to securing the proposed mitigation, the Application accords with London Plan Policies 6.1, 6.3, 6.5, 6.9, 6.10, 6.11, 6.12, 6.13, 8.2, and 8.3; Intend to Publish London Plan Policies T1, T2, T3, T4, T5, T6, T6.2, T6.3, T6.4, and T6.5; Newham Local Plan Policies INF1, INF2, INF8, INF9 SP8; and the Mayor's Transport Strategy.

Airport safeguarding

498 London Plan Policy 6.6 identifies the need for the aviation industry to continue to make London competitive and states that new development should not detrimentally affect the function of London's airports. Intend to Publish London Plan Policy T8 states that new development, including construction, should not interfere with aviation industry. Policy S3 of the Newham Local Plan seeks to maintain or optimise existing capacity at London City Airport and the constraints of the Public Safety Zone (PSZ) and the Obstacle Limitation Surface (OLS). Newham's Proposals Map identifies the location of the PSZ, which is close to, but does not extend into the Site.

499 The Site currently comprises low level buildings and areas of open space, which do not have any direct impact on aircraft operations. The cable car between Greenwich Peninsula and the north-west corner of the Royal Docks, crosses the southern part of the Site, with pylons up to 88.81 metres above mean sea level. The main risks posed by a development in this location arise during the construction of buildings over a certain height in the PSZ and OLS, interference with radar, and the provision of habitat that encourage birds. The Application is accompanied by an Aviation Safeguarding Assessment (2020), including an Instrument Flight Procedure, and a Wildlife Hazard Risk Assessment (2018). These statements, which have been assessed and agreed by environmental consultants Temple Group, demonstrate that the proposals would be appropriate in terms of physical safeguarding, technical safeguarding, operational safeguarding, lighting, cranes and birds.

500 The Aviation Safeguarding Assessment, with specific reference to London City Airport, London Heathrow Airport, the National Air Traffic Services (NATS) and users of the airspace in London, considered possible adverse impacts on physical safeguarding to protect the operations of aircraft; technical safeguarding, with reference to potential interference with communication, navigation and surveillance equipment; and operational safeguarding, concerned with the possibility of changes to flight procedures. The Assessment finds that from a physical safeguarding perspective, the proposal would not lead to any infringement of the take-off climb surface. From a technical safeguarding perspective, it is unlikely that the proposal would impact on the operation of the navigation aids based at London City Airport or London Heathrow Airport. From an operational safeguarding perspective, the proposal is unlikely to impact on any approach or departure procedures.

501 The Assessment has been reviewed and agreed by independent environmental consultants Temple. NATS have confirmed no objection to the proposals. In its consultation responses prior to Committee, London City Airport confirmed no objection to the detailed Phase 1; and no in principle objection to the outline element, subject to conditions. In its July 2020 consultation response, London City Airport advised that it

was awaiting advice from the airlines operating from London City Airport before providing a final response, which is expected before the Hearing and will be reported in a Representation Hearing Addendum Report. A planning condition is proposed regarding the agreement of a construction methodology statement, to be agreed with London City Airport. The development will need to comply with appropriate safeguarding criteria, typically in the form of defined height restrictions to buildings according to their location relative to the airport. Planning conditions are also proposed to secure that a lighting solution is agreed with London City Airport during detailed design; an aviation warning lighting strategy; and other measures relating to airport operations. London City Airport will also be consulted on the detail of proposals through Reserved Matters.

502 The Wildlife Hazard Assessment considers the safeguarding of London City Airport operations against the potential for bird strike, including a high-level assessment of the proposed features and activities that could attract wildlife hazards. The existing Site includes low level buildings and areas of open space providing some attraction to birds, meaning there is some existing bird strike risk. The proposals have the potential to attract birds of varying types and numbers during demolition, construction and operation. The Assessment identifies the potential for bird strikes as a result of the proposals and the need for this to be managed by appropriate mitigation measures. Some design features and activities during the operational phase may be more significant bird attractants, including food and drink uses, outside eating areas, open areas of short mown grassland, read beds, wetland areas, SuDS, water bodies, sport pitches, and green/brown roofs. In response, as requested by London City Airport, planning conditions are proposed to secure an annually reviewed Wildlife Hazard Management Plan, including an overarching wildlife hazard management policy; a detailed action plan to address each of the proposed features and activities likely to give rise to elevated wildlife hazards; and demonstration that the development does not increase the risk of bird strike hazard compared to the baseline.

503 GLA officers are satisfied that, subject to conditions suggested by Temple and London City Airport, and the London City Airport's final consultation response on the recent amendments, the proposals are acceptable with regard to airport safeguarding and consistent with London Plan Policy 6.6; Intend to Publish London Plan Policy T8; and Policy S3 of the Newham Local Plan.

Environment and Climate Change

Energy

504 London Plan Policies 5.1 and 5.2, and Policy SI2 of the Intend to Publish London Plan, require development proposals to minimise carbon dioxide emissions to meet the Mayor's targets, in accordance with the energy hierarchy, which is reflected in Policy SC2 of the Newham Local Plan:

- Be lean: use less energy;
- Be clean: supply energy efficiently;
- Be green: use renewable energy.

505 Upon final publication, Policy SI2 of the Intend to Publish London Plan introduces a further step, 'Be seen: monitor and report on energy performance'; and also requires calculation of whole life-cycle carbon emissions.

506 Applications proposing residential buildings are required to meet the zero carbon target, with residential uses expected to achieve a minimum on-site reduction of at least 35% improvement beyond Part L 2013 Building Regulations, with any shortfall required to achieve the zero carbon target secured via a carbon off-set payment. Non-residential uses are not at present subject to the zero carbon target and should demonstrate at least a 35% on-site reduction beyond Part L 2013; however, this will come into effect upon final publication of the Intend to Publish London Plan. Policy SI2 of the Intend to Publish London Plan includes the expectation that energy efficiency measures alone should account for a minimum of 10% of the reductions carbon dioxide emissions for residential development and 15% for non-residential development.

507 The applicants' Energy and Sustainability Statement has been updated with an Addendum as part of the May 2020 Amendments. The original Statement was reviewed by GLA energy experts and the applicants' energy consultant provided supplementary information, as summarised in the May 2020 Addendum. It is noted that based on the information available prior to Committee, the Council's Environmental Health Officer considered the proposals for on-site and off-site energy were not fully developed; however, the proposals have been rigorously assessed and GLA energy experts agree with the May 2020 Addendum, subject to the recommended conditions. Updated energy statements will be assessed as part of Reserved Matters applications.

508 For 'Be Lean', a range of passive design and demand measures are proposed to reduce energy demand, relevant to the glazing strategy, insulation, ventilation, and internal and communal lighting. This includes low g-value glazing, reduced glazing and integral blinds to windows experiencing direct sun, shading from balconies, deep window reveals, night purge ventilation, and a home user guide. A planning obligation is proposed requiring the final results of the overheating analysis to be submitted to the Council prior to the commencement of Phase 1; confirmation of internal blinds specification and where they are installed as part of the base build; and confirmation that information will be provided to the occupants through a home user guide.

509 For 'Be Clean', the Applicants' have investigated connection to the Excel (ENGIE) district heat network. There are some risks to this as it is CHP-led, with no space for additional heat pumps; the district heat network pipe is not large enough to provide the peak heat demand for the whole Thameside West masterplan; and the peak boiler plant capacity is not sufficient to meet the peak heat demand of the masterplan. The energy centre could be expanded to meet this demand, however, there are currently no plans or permission to do this. Consequently, the Application proposes to connect Phases 1-3 to the district heat network, with remaining phases to be served by an on-site energy centre. A planning obligation is proposed to secure reasonable endeavours to connect to the Excel district heat network to serve Phases 1-3, and should this not be possible, to submit a revised energy strategy to the Council prior to the commencement of work on Phase 1. A planning obligation is also proposed to secure the on-site energy centre to serve Phases 4-12; or if this is not the preferred route, to submit a revised energy strategy to the Council prior to the commencement of work on Phase 4. A planning obligation is also proposed to secure that the network serving Phases 1-3 will be futureproofed so that the on-site energy centre and network for Phases 4-12 can be connected to it, creating a single network.

510 For 'Be Green', the most viable technology identified is solar photovoltaic (PV). Planning obligation is proposed requiring a PV review document to be submitted to the

Council prior to occupation of each phase, to demonstrate that the potential for PV has been maximised.

511 For the Phase 1 detailed element, an on-site reduction of 195 tonnes of carbon dioxide per year in regulated emissions, compared to a 2013 Building Regulations compliant development, is expected for the residential buildings proposed, equivalent to an overall saving of 46%. The carbon dioxide savings exceed the on-site policy targets; however, the domestic buildings are required to meet the zero carbon target, and £653,125 will therefore be paid into the Borough's offset fund, which would be secured by section 106 agreement. This is calculated using the recommended rate of £95 per tonne as set out in the Intend to Publish London Plan.

512 An on-site reduction of 29 tonnes of carbon dioxide per year in regulated emissions, compared to a 2013 Building Regulations compliant development, is expected for the non-residential elements of the proposal, equivalent to an overall saving of 29%. This does not meet the current 35% target and £16,910 (£95 per tonne) will therefore be paid into the Borough's offset fund, which would be secured by section 106 agreement.

513 For the outline phases, planning obligations are proposed to secure carbon offset contributions through the submission of a revised energy strategy with each Reserved Matters application, payable in the event that regulated and unregulated carbon dioxide emissions fail to achieve a 100% reduction in carbon dioxide emissions for both residential and non-residential elements.

514 The applicant has also provided a whole life-cycle carbon emissions calculation, which is supported in line with Intend to Publish London Plan Policy SI2.

515 Overall, the carbon reductions accord with the requirements of Policy 5.2 of the London Plan; Policies SI2 and SI3 of the Intend to Publish London Plan; and Newham Council Local Plan Policy SC1.

Flood risk, sustainable drainage and water efficiency

516 Paragraph 163 of the NPPF states that where appropriate, planning applications should be supported by a site-specific flood-risk assessment, which is reflected in London Plan Policy 5.12 and Intend to Publish London Plan Policy SI12. The NPPF also states that major development should incorporate sustainable drainage systems which is reflected in London Plan Policy 5.13 and Intend to Publish London Plan Policy SI13. Newham Council's Local Plan Policy SC3 sets out requirements in relation to flood risk and drainage. London Plan Policy 5.15 and Intend to Publish London Plan Policy SI5 require that development should minimize the use of mains water and utilize water efficiency measures, as reflected in Newham Council's Local Plan Policy SC1.

517 The site is in Flood Zone 3, in an area benefitting from Thames tidal defences. A Flood Risk Assessment (FRA) has been submitted as part of the Environmental Statement, and updated in the ES Addendum taking account of the May 2020 Amendments. The new river wall included in the proposal incorporates improved flood defences, and the site level will be raised using the excavated fill from the Silvertown Tunnel. The raising of the majority of the site to 6.2mAOD, and therefore out of the flood plain, has mitigated the primary flood risk from fluvial and tidal influences. The FRA proposes setting floor levels of 'more vulnerable' uses above the modelled flood level

from a tidal defence breach in the year 2100, which is supported. A Flood Warning and Evacuation Plan is proposed to be secured by condition.

518 A surface water drainage strategy has been submitted as part of the Environmental Statement (ES), and updated in the ES Addendum taking account of the May 2020 Amendments. The strategy provides an assessment of existing runoff rates, and post-development discharge at greenfield rate, with a reasonable mix of SuDS measures.

519 The proposed dwellings will have a maximum indoor water consumption of 105 l/person/day, which is in line with the optional standard in Part G of the Building Regulations.

520 The GLA Environment Team has reviewed and agreed these documents. The Council's Lead Local Flood Authority Officer raised no objection to the proposals. The ES was reviewed and agreed by environmental consultants Temple, which also reviewed and agreed the draft May 2020 ES Addendum. Subject to the recommended conditions, the proposal accords with the NPPF, London Plan Policies 5.12, 5.13 and 5.15; Intend to Publish London Plan Policies SI5, SI12 and SI13; and Newham Council's Local Plan Policy SC1.

BREEAM

521 Although the London Plan and Intend to Publish London Plan have no specific requirements in relation to BREEAM, Newham Council's Local Plan Policy SC1 requires all major developments that are not solely residential to meet the BREEAM 'excellent' standard. When considered at Committee, the applicant was committing to a 'very good' standard, and the Council's Reason for Refusal 8 therefore stated that the proposal had failed to demonstrate that it will achieve a BREEAM rating of 'excellent', conflicting with climate change objectives and contrary to the NPPF; Policies 5.2 and 5.3 of the London Plan; Policy SI2 of the draft London Plan; and Policies SC1 and SC2 of the Newham Local Plan. However, in its 22 July 2020 consultation response, the Council stated that the Reason for Refusal had been satisfied, subject to being secured by condition,

522 The May 2020 Amendments confirm that the proposal will be designed and constructed to achieve BREEAM 'excellent', which is proposed to be secured by condition. The proposals therefore accord with the NPPF; Policies 5.2 and 5.3 of the London Plan; Policy SI2 of the Intend to Publish London Plan; and Policies SC1 and SC2 of the Newham Local Plan.

Urban Greening, Waterways and Biodiversity

523 Paragraphs 170 and 175 of the NPPF state that planning decisions should contribute to enhancing the natural environment by minimising biodiversity impacts and avoiding or mitigating harm and providing net gains. Paragraph 177 states that the presumption in favour of sustainable development does not apply where the proposal is likely to have a significant effect on a habitats site (either alone or in combination with other proposals), unless an appropriate assessment has concluded that the proposal will not adversely affect the integrity of the habitats site.

524 London Plan Policy 7.18 and Intend to Publish London Plan support new open space to address areas of deficiency. London Plan Policy 7.19 promotes the protection and enhancement of biodiversity, and states that Sites of Importance for Nature Conservation (SINCs) of borough importance should be given the level of protection commensurate with their importance. Intend to Publish London Plan Policy G6 states that SINCs should be protected; however, where harm is unavoidable, the benefits of the development should clearly outweigh the impacts, with suitable mitigation applied. London Plan Policy 5.10 and Policy G5 of the Intend to Publish London Plan require new development to provide urban greening in order to contribute to the adaptation and reduction of the effects of climate change. Policy G5 requires boroughs to develop an Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments. London Plan Policies 7.24 to 7.30 and Intend to Publish London Plan Policies SI15 to SI17 promote increased use and access to waterways and the Thames.

525 Policy SC4 of Newham's Local Plan promotes biodiversity through living roofs, landscaping and tree planting; and states that SINCs will be protected and enhanced, including improved access. Policy INF6 promotes green infrastructure and waterways, including Lea River Park and the Thames Path. Policy INF7 states that new open spaces and outdoor recreation opportunities will be delivered 'primarily on Strategic Sites and along the Blue Ribbon Network, including but not limited to those contributing to delivery of the Lea River Park and Thames Path. The proposal Site is identified as having areas of open space deficiency in regards to Small Open Spaces/Pocket Parks; Local Parks/Open Spaces; District Parks; and Metropolitan/ Regional Parks.

526 The 2.3 hectare Dock Park would be delivered in the early stages of development as part of Phases 2-4, secured by Parameter Plan 13, providing a significant area of green open space for the local community, connecting the Royal Docks with the Thames waterfront and the riverside walkway as part of the Thames Path, extending approximately 1 kilometre along the length of the Site. The indicative designs show formal and informal play areas; public gardens; woodland areas; opportunities for food and drink; sports and leisure including large grassed areas suitable for ballsports. Swales as part of the SuDS approach are integrated into the lowest parts of the Site, collecting rainwater in reed beds. Tree planting is interspersed to frame key views, while also protecting from potential winds from the Thames.

527 A further 2 hectares of open space prioritising natural habitats and wetlands is made up of Eastern Ecology Park and Leaway Park (contributing to Lea River Park aspirations), much of which is currently hardstanding, incorporating the River Thames and Tidal Tributaries Site of Importance for Nature Conservation (SINC), as designated within the Local Plan. The Environmental Statement assessed the Site (including the SINC) as having limited ecological value, which is confirmed in the 2020 ES Addendum. The SINC will be protected to reduce disturbance during the construction phase, and landscape within the proposals will be designed to benefit and enhance biodiversity. Habitat loss would occur along the river frontage; however, the proposal would result in a net gain of intertidal habitat along the river frontage between the new river walls. A preliminary bat survey found little activity; however, a condition is proposed to secure a full survey. Small numbers of breeding birds were found on the Site; however, these were mainly regarded as common species. A condition is proposed for a habitat management plan can be included if the application is minded for approval.

528 The applicant has provided a calculation of the Urban Greening Factor. The Intend to Publish London Plan recommends a target score of 0.4 for developments that are predominantly residential, and the proposals will achieve this. A condition is proposed to secure this for Reserved Matters applications.

529 In regards to London City Airport, the application acknowledges the need to manage wildlife, including birds, and therefore offer an overarching wildlife hazard management policy for the site to prevent an increase in hazards the airport. Conditions are proposed, as suggested by London City Airport.

530 Temple reviewed and agreed the Environmental Statement and reviewed and agreed the draft May 2020 ES Addendum. The harm to biodiversity would be limited, and the benefits of the proposals, including mitigation measures, are considerable and outweigh this harm. Subject to the recommended conditions to secure these mitigation measures, the proposal accords with the NPPF, Policies 5.10, 7.18, 7.19 and 7.24 to 7.30 of the London Plan; Policies G5, G6, and SI15 to SI17 of the Intend to Publish London Plan; and Policy SC4, INF6 and INF7 of Newham's Local Plan.

Waste Management

531 London Plan Policy 5.17 requires adequate provision for waste and recycling storage and collection facilities as part of new developments. In relation to waste generated through demolition, groundworks and construction, Policy 5.18 requires applicants to produce site waste management plans to arrange for the efficient handling of construction, excavation and demolition waste and materials. Intend to Publish London Plan Policy SI7 seeks to reduce waste and increase material reuse and recycling and promotes a circular economy. The Policy also sets several waste targets including a strategic target of zero biodegradable waste or recyclable waste to landfill by 2026. Policy INF3 of Newham Council's Local Plan states prioritises the reduction of waste and recycling, and requires compliance with the East London Waste Plan. This is currently the Joint Waste Development Plan for the East London Waste Authority Boroughs (February 2012), which has a target to increase recycling of municipal solid waste to 33.5% by 2020.

532 The Environmental Statement (ES) contains a waste management assessment, Operational Waste Management Strategy and Site Waste Management Plan covering detailed and outline phases, which have been updated in an ES Addendum as part of the May 2020 Amendments. The original ES was reviewed and agreed by Temple, which also reviewed and agreed the draft May 2020 ES Addendum. The Council's Waste Officer raised no objection to the proposals. Details of waste management for outline phases will be assessed through Reserved Matters applications.

533 Conditions are also proposed requiring submission of a feasibility study prior to each phase to demonstrate that all reasonable endeavours have been made to maximise the use of the Thames for the removal of construction waste and delivery of construction materials and that these will be implemented. A construction management statement detailing waste management is also secured by condition for all phases.

534 The applicant has provided a Circular Economy Statement in line with Intend to Publish London Plan SI7, which demonstrates how all materials arising from demolition and remediation works will be re-used and/or recycled; how design and construction will reduce material demands, and allow re-use; how as much waste as possible will be

managed on-site; outlines storage space and collection systems to support recycling and re-use; estimates of how much waste the proposal is expected to generate; and how and where it will be managed, monitored and reported. It is of note that the development itself would utilise spoil from the excavation of the Silvertown Tunnel to raise ground levels, which will also enhance flood protection.

535 As such, the development is acceptable in regard to waste management and accords with London Plan Policy 5.17, Intend to Publish London Plan Policy SI7, Policy INF35 of the Council's Local Plan, and the Joint Waste Development Plan.

Contaminated Land

536 London Plan Policy 5.21 requires the investigation and, where appropriate, remediation of contaminated sites, with appropriate mitigation to ensure contaminated land is brought back into beneficial use and to avoid harm to the environment or human health. Intend to Publish London Plan SD1 requires appropriate measures to deal with contamination. Newham Local Plan Policy SC1 requires investigation of land contamination with remedial works agreed prior to the start of development.

537 The Environmental Statement (ES) contains an assessment of ground contamination, which has been updated in the May 2020 ES Addendum. Previous and current uses of the Site that may give rise to contaminant pollution include a dry dock, railway lines and sidings, lock and swing bridge, manure and chemical works, warehousing, car park, waste transfer stations, aggregate sorting and general commercial/industrial, car park and the Docklands Light Railway. The Site was subject to heavy bombing during the Second World War and there is a potential for unexploded ordnance (UXO) on site. No remediation of contaminated land has occurred on the Site to date.

538 Standard mitigation measures to avoid contact with contamination through the construction phase will be employed and outlined in a Code of Construction Practice (COCP), including a UXO watching brief; site investigations, including groundwater and ground gas monitoring; dust suppression; a foundation works risk assessment; and groundwater control. As well as topsoil capping and the river wall designed into the scheme, mitigation measures applicable to the operational phase include gas protection systems; control of infiltration and surface water run off; built environment materials to meet specifications; and removal of localised contamination. These mitigation measures are assessed as reducing likely effects on all receptors during the construction and operational phase to negligible. Conditions are recommended to secure a remediation strategy; a Foundation Works Risk Assessment; and Construction Management Plan and COCP.

539 The original Environmental Statement (ES) was reviewed and agreed by Temple, which also reviewed and agreed the draft May 2020 ES Addendum. The development is acceptable in regards to contaminated land and accords with London Plan Policy 5.21, Intend to Publish London Plan SD1, and Newham Local Plan Policy SC1.

Mitigating the impact of the development through planning obligations

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

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

542 At the regional level, London Plan Policy 8.2 sets out the Mayor’s priorities for planning obligations, and states that affordable housing; supporting the funding of Crossrail where this is appropriate; and other public transport improvements should be given the highest importance. Intend to Publish London Plan Policy DF1 identifies that priority should firstly be given to affordable housing and necessary public transport improvements; and following this recognise the role large Sites can play in delivering necessary health and education infrastructure; and the importance of affordable workspace, and culture and leisure facilities in delivering good growth.

543 Newham Council’s Local Plan Policy INF9 seeks the use of planning obligations and other funding mechanisms to support the delivery of infrastructure facilities and services to meet needs generated by new development and mitigate the impacts.

544 Pursuant to the consideration within the previous sections of this report, and in line with the policy context set out above, GLA officers propose to secure planning obligations to appropriately mitigate the impact of this development. GLA officers are confident that the obligations in the Section 106 agreement meet the tests in Regulation 122 of the CIL Regulations 2010, as amended in 2019. A full list of the obligations is provided under the ‘Section 106 legal agreement’ section above, and where appropriate there is detailed consideration given in the relevant topic section of the report. Where appropriate, GLA officers have provided an additional commentary below to support the consideration within this report and to inform the detailed drafting of a section 106 agreement.

Affordable housing

545 As discussed in the housing section of this report, the section 106 agreement would secure 39% affordable housing by habitable room, in accordance with the proposed tenure mix, with appropriate obligations in relation to the definition, eligibility, affordability and perpetuity of affordable housing units across the various tenures. Through viability assessment, the affordable housing has been confirmed as the maximum that can be supported by the scheme at this stage. Early, mid, late, and lack of progress review mechanisms and appropriate phasing triggers would be set out in the section 106 agreement to incentivise the delivery of the site and secure the potential for further affordable housing should it become viable. Further details

regarding the affordable housing obligations are set out in the 'Section 106 legal agreement' section above.

Transport

546 The following transport obligations would be secured, and as set out in the 'Transport' section, are considered necessary to make the development acceptable in planning terms; are directly related to the development; and are fairly and reasonably related in scale and kind to the development:

- Contribution of £9M towards delivery of Thames Wharf DLR Station, with restriction on development beyond 1,700 units prior to station being operational.
- Contribution of £600,000 (estimated) towards Section 278 public highways works.
- Contribution of £220,000 towards a Phase 1 cycle hire docking station.
- Contribution of £70,000 towards Residents Parking Zone (RPZ) monitoring, and prohibit future occupants from applying for a parking permit in an RPZ.
- Contribution of £30,000 to wayfinding.
- Workplace, Residential, School and Nursery Travel Plans and monitoring fee of £40,000.

Other obligations:

547 The following obligations would be secured, and as set out within the relevant section of the report, and are considered necessary to make the development acceptable in planning terms; are directly related to the development; and are fairly and reasonably related in scale and kind to the development:

- In order to mitigate the impact of the scheme on primary education needs, a new Primary school is secured; with a contribution of £1.1M for off-site Phase 1 Primary places secured; and a Primary School Mitigation Plan secured for any phases coming forward prior to the permanent school.
- In order to mitigate the impact of the scheme on secondary education needs, a contribution of £13,707,715 is secured for off-site secondary places.
- A contribution of £6,975,650 towards off-site primary healthcare is secured to mitigate the impact of the scheme on primary healthcare needs.
- A carbon off-set payment of £675,830 (subject to submission of further energy strategies through Reserved Matters applications), is secured to ensure compliance with the zero-carbon policy requirements.
- A contribution of £250,000 towards air quality impact monitoring to monitor the impacts of the proposals on local air quality.
- A contribution of £1,151,332 is secured towards training and employment, calculated in line with the Council's methodology for a scheme of this scale.

Legal considerations

548 Under the arrangements set out in Article 7 of the 2008 Order and the powers conferred by Section 2A of the Town and Country Planning Act 1990, the Mayor is the Local Planning Authority (LPA) for the purposes of determining this planning Application ref: 18/03557/OUT.

549 Section 35 of the Greater London Authority Act 2007 inserts section 2F into the Town and Country Planning Act 1990 a requirement that for Applications the Mayor takes over, the Mayor must give the Applicants and the LPA the opportunity to make oral representations at a hearing. He is also required to publish a document setting out:

- who else may make oral representations;
- the procedures to be followed at the hearing; and,
- arrangements for identifying information, which must be agreed by persons making representations.

550 The details of the above are set out in the GLA's 'Procedure for Representation Hearings' and the 'Interim Procedure for Representation Hearings during the Covid19 Pandemic' which reflects, as far as is practicable, current best practice for speaking at planning committee amongst borough councils.

551 In carrying out his duties in relation to the determination of this Application, the Deputy Mayor (acting under delegated authority) must have regard to a number of statutory provisions. Listed below are some of the most important provisions for this Application.

552 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that the authority shall have regard to:

- a) The provisions of the development plan, so far as material to the Application;
- b) Any local finance considerations, so far as material to the Application; and
- c) Any other material consideration.

553 Section 70(4) defines "local finance consideration" as:

- a) 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
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

554 In this context "grants" might include the Government's "New Homes Bonus" - a grant paid by Central Government to local councils for increasing the number of homes and their use.

555 These issues are material planning considerations when determining planning Applications or planning appeals.

556 Furthermore, in determining any planning Application and connected Application, the Deputy Mayor is required by section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine the Application in accordance with the development plan (i.e. the London Plan and the adopted Local Plan) unless material considerations indicate otherwise.

557 Other guidance, which has been formally adopted by Newham Council and the GLA (e.g. Supplementary Planning Documents and Supplementary Planning Guidance), will also be material considerations of some weight (where relevant). Those that are relevant to this Application are detailed in this Representation Hearing report.

558 Officers are satisfied that the current report to the Deputy Mayor has had regard to the relevant provisions of the development plan. The proposed section 106 package has been set out and complies with the relevant statutory tests; and together with the proposed conditions adequately mitigates the impact of the development and provides necessary infrastructure improvements.

559 As regards Community Infrastructure Levy (CIL) considerations, the Mayoral CIL payment associated with this development is estimated to be £7.9M, whilst the Newham CIL payment is estimated to be £30.8M. Both figures take into account the expected relief from the affordable housing floorspace.

560 In accordance with his statutory duty in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Deputy Mayor shall have special regard to the desirability of preserving Listed Buildings, their settings and any features of special architectural or historic interest which they possess. These matters have been addressed within earlier sections of the report.

561 Where the Mayor takes over an Application, he becomes responsible for the completion of the section 106 legal agreement, although he is required to consult the relevant borough(s). In this instance, there have been a series of lawyer led meetings to discuss the section 106 content, and it has progressed on the key issues.

562 When determining these planning applications, the Deputy Mayor is under a duty to take account of the provisions of the Human Rights Act 1998 as they relate to the development proposal and the conflicting interests of the Applicants and any third party affected by, or opposing, the Application, in reaching his decision. Planning decisions on the use of land can only be taken in line with the Town and Country Planning Acts and decided in accordance with the development plan unless material considerations indicate otherwise.

563 The key Articles to be aware of include the following:

- (a) Article 6 - Right to a fair trial: In the determination of his civil rights and obligations... everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
- (b) Article 8 - Right to respect for private and family life: Everyone has the right to respect for his private and family life, his home and his correspondence.
- (c) Article 1 of the First Protocol - Protection of property: Every person is entitled to the peaceful enjoyment of his possessions.

564 It should be noted, however, that most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted i.e. necessary to do so to give effect to the Town and Country Planning Acts and in the interests of such matters as public safety, national economic well-being and protection of health, amenity of the community, etc. This report sets out how the Application is considered acceptable overall.

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

566 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Mayor as Local Planning Authority), that the Mayor as a public authority shall amongst other duties have due regard to the need to a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act; b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

567 The protected characteristics set out in the Equality Act are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.

568 Officers are satisfied that the Application material and officers' assessment has taken into account the equality and human rights issues referred to above. Particular matters of consideration have included provision of accessible housing and disabled persons parking bays, the provision of affordable and family housing and the protection of neighbouring residential amenity.

Conclusion and planning balance

569 As detailed above, Section 38(6) of the Planning and Compensation Act 2004 requires matters to be determined in accordance with the development plan unless material considerations indicate otherwise.

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

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

572 This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy, and has found that the proposed development is acceptable in terms of land use principles (including residential and non-residential uses; transport infrastructure) apart from where it relates to industrial policies; housing (including affordable housing; mix and tenure; play space); urban design (including layout, landscape and open space; density; residential quality; height, massing, townscape and

local views; historic environment; strategic views; architecture and materials; designing out crime; inclusive design); transport; climate change (including energy; flood risk and sustainable drainage; urban greening, trees and biodiversity, waste; contaminated land); and mitigating the impact of development through planning obligations and conditions.

573 As set out above, the proposal represents a departure from the development plan due to the introduction of residential uses into a Strategic Industrial Location, which does not accord with London Plan Policy 2.17 and the associated Policies J1 and J2 of the Newham Local Plan.

574 Whilst the masterplanning of the Site in order to allow further industrial intensification, substitution and co-location are considered to be in line with Policies E4, E5 and E7 of the Intend to Publish London Plan, these policies are to be given less weight than the adopted London Plan policies in light of the Secretary of State Directions.

575 The proposal is considered to be a departure from the development plan when considered as a whole.

576 In accordance with the NPPF and Section 38(6) of the Planning and Compensation Act 2004, an assessment of the overall planning balance is required to establish whether there are other material considerations (including, as here, the provision of many very important and substantial public benefits) to sufficiently outweigh the harm resulting from the limited departure from the development plan.

577 Conspicuous and substantial economic benefits include the delivery of 19,441 sq.m. of modern, flexible industrial floorspace; a new local centre with c.7,000 sq.m. of town centre uses; between 602 and 847 full time equivalent (FTE) employment opportunities; an average of 830 FTE construction jobs per annum during the build programme; indirect employment (c.740 FTE); and an estimated £410M per annum to the local economy.

578 Similarly, substantial social benefits arise from the delivery of 5,000 good quality homes, including 1,700 affordable homes and purpose built and adaptable wheelchair housing. This is in the context of under-delivery of homes and in particular affordable homes in Newham in recent years, and should therefore be given significant weight. Other social benefits include £1,151,332 towards employment training; and c.2,800 sq.m. of community facilities at below market rates, including a nursery, community space, and community use of the school sports hall.

579 Also, substantial environmental benefits include new high-quality public realm, comprised of a 2.3 hectare park, 1.8 hectares of riverfront walk and public gardens, and a 0.5 hectare square; 2 hectares of improved nature and biodiversity areas, including a Site of Importance for Nature Conservation; and the sustainable design and construction of buildings.

580 It is the view of GLA officers that these substantial and very important public benefits resulting from the scheme outweigh any harm arising from the non-compliance with Policy 2.17 of the London Plan and J1 and J2 of the Newham Local Plan.

581 It is the view of GLA officers that material considerations do therefore indicate that planning permission should be granted, notwithstanding the departure from the development plan arising.

582 It should be noted that the proposed on-site Primary school, transport contributions, and off-site secondary education and primary health facilities amount to mitigation measures, and have not been considered as public benefits in the planning balance. Notwithstanding this, it is noted that some of the transport contributions could be considered as benefits that go beyond mitigation, which would further support the conclusion that the benefits outweigh any harm.

583 Accordingly, it is officers' recommendation that planning permission should be granted pursuant to section 38(6) of the 2004 Act, subject to the conditions and obligations set out under 'Section 106 legal agreement' and Conditions and informatives' at the start of this report.

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