



Ministry of Housing,  
Communities &  
Local Government

Our ref: APP/G6100/W/19/3233585

Gregory Markes  
Quod Ltd  
Ingeni Building  
17 Broadwick Street  
London  
W1F 0DE

3 June 2020

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEAL MADE BY LEOPARD GUERNSEY ANCHOR PROPCO LTD  
LAND AT VIP TRADING ESTATE AND THE VIP INDUSTRIAL ESTATE, ANCHOR AND  
HOPE LANE, LONDON SE7 7TE  
APPLICATION REF: 16/4008/F**

1. I am directed by the Secretary of State to say that consideration has been given to the report of Mike Robins MSc BSc(Hons) MRTPI, who held a public local inquiry from 19 November to 3 December 2019 into your client's appeal against the decision of the Greater London Authority to refuse your client's application for planning permission for demolition of existing buildings and erection of 11 buildings ranging from 2 to 10 storeys in height for Class C3 residential use, with flexible uses comprising Class B1 (Business), Class A1 – A3 (Retail/Restaurant), Class D1 (Community) and Class D2 (Leisure) at ground floor and first floor level, alterations to existing vehicular access and creation of new pedestrian access from Anchor and Hope Lane and the riverside, creation of new areas of open space and landscaping together with the provision of associated car parking, cycle spaces, refuse and recycling storage, plant and all other associated works, in accordance with application ref: 16/4008/F, dated 3 December 2018.
2. On 10 April 2019, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.

**Inspector's recommendation and summary of the decision**

3. The Inspector recommended that the appeal be dismissed.
4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with his recommendation. He has decided to dismiss the appeal and refuse planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

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## **Environmental Statement**

5. In reaching this position, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Having taken account of the Inspector's comments at IR5.8-5.10, the Secretary of State is satisfied that the Environmental Statement complies with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal.

## **Procedural matters**

6. The Secretary of State notes that there have been a number of amendments to the proposed scheme since the initial proposal in 2016 (IR3.1). However, as the final proposed scheme (IR3.4) was the one considered at inquiry, the Secretary of State does not consider that the amendments to the scheme raise any matters that would require him to refer back to the parties for further representations prior to reaching his decision on this appeal, and he is satisfied that no interests have thereby been prejudiced.

## **Matters arising since the close of the inquiry**

7. In December 2019, the Mayor issued the "Intend to Publish" version of the emerging London Plan. After considering that Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor making a series of eleven Directions to the Plan. The Mayor cannot publish the London Plan until the Directions have been incorporated, or until alternative changes to policy to address identified concerns have been agreed.
8. The 2019 Housing Delivery Test results were published on 13 February 2020. The Council's score was assessed as 90%, requiring an Action Plan to be put into place. The Secretary of State is satisfied that this does not affect his decision, and does not warrant further investigation or a referral back to parties.

## **Policy and statutory considerations**

9. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
10. In this case the development plan consists of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (July 2014) and the London Plan (2016). The Secretary of State considers that relevant development plan policies include those set out at IR6.1-6.4.
11. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance') as well as the Charlton Riverside Supplementary Planning Document 2017 (SPD). The revised National Planning Policy Framework was published on 24 July 2018 and further revised in February 2019. Unless otherwise specified, any references to the Framework in this letter are to the 2019 Framework.
12. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or

their settings or any features of special architectural or historic interest which they may possess.

13. In accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

#### *Emerging plan*

14. The emerging plan comprises the draft New London Plan and the emerging Royal Borough of Greenwich Site Allocations Development Plan Document (SAP). Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. The emerging London Plan is at an advanced stage of preparation, and the Secretary of State has directed the areas where changes must be made. The policies which are relevant to this case where changes must be made include policy D3 (Density) and SD1. However, details of the way in which the Plan will deliver the aims set out in the Secretary of State's directions are not yet finalised. The Secretary of State therefore considers that these policies in the emerging Plan carry moderate weight. Other policies in the emerging Plan which are relevant to this case and where no modifications have been directed include those policies listed in IR6.7 (apart from policies D3 (Density) and SD1). The Secretary of State considers that these policies carry significant weight.
15. The Secretary of State notes that some references in IR6.7 to emerging policies in the draft London Plan are now incorrect. Namely, D1A (now D2); D1B (now D3); D2 (now D4); D4 (now D6); D7 (now D8); D8 (now D9); D12 and D13 (now D13 and D14); ; H5 (now H4) and H6 (now H5). The Secretary of State has inserted the amended references in this letter where relevant.
16. The Secretary of State agrees with the Inspector that the SAP is some considerable way off adoption (IR6.6). The Secretary of State considers that it is still a relatively early stage in the process, that it may still be subject to change and agrees with the Inspector that relevant policies should carry limited weight (IR6.6).

#### **Main issues**

##### *Effect on the character and appearance of the surrounding area*

17. The Secretary of State has carefully considered the Inspector's analysis at IR15.4-15.88. For the reasons given at IR15.12-15.25 the Secretary of State agrees with the Inspector and finds that the SPD to be well considered and robust, and also to be a carefully crafted and well-informed document (IR15.26). For the reasons given at IR15.27-15.55 the Secretary of State agrees with the Inspector that overall, Plot B, built out predominantly at an unrelieved level of 10 storeys, would fail to create a gateway and transitional form required from the Neighbourhood Centre to the rest of Atlas and Hope Lane and the Charlton Park character area. He further agrees that it would be harmful to the character and appearance of the area (IR15.38). The Secretary of State has gone on to consider the Inspector's analysis at IR15.39-15.55. For the reasons given he agrees that the scale of Plot A would be in clear conflict with the SPD (IR15.39). He further agrees that the significant step up in height would be a jarring transition, and engage the

metropolitan character that the SPD seeks to avoid (IR13.41). For the reasons set out at IR15.42-15.45 he agrees that the development cannot be assessed as being of human scale, in conflict with policy and guidance. The Secretary of State also agrees with the Inspector that the eastern row, proposed at a consistent 10 storeys (IR15.46) would potentially compromise the future opportunities on the western edge of the adjoining site to achieve reasonable living conditions (IR15.52) and would represent further harm to the character and appearance of the area (IR15.55).

18. For the reasons given at IR15.56-15.62, the Secretary of State shares the Inspector's concern in regard to the provision of open spaces, and agrees that their containment and lack of outlook would fail to achieve the community elements of the design sought by the SPD and that the resulting minimum provision of sunlight would do little to relieve the self-containment and, in places, oppressive nature of the surrounding buildings (IR15.62). Furthermore, for the reasons given at IR15.63-15.68 the Secretary of State agrees with the Inspector that the proposed densities on Plot B and Plot A are both indicative of an excessive scale of development (IR15.67-15.68).
19. The Secretary of State has carefully considered the Inspector's analysis at IR15.69-15.77 and agrees that no harm from the appeal proposal would arise in relation to the significance of the locally listed buildings on the Stone Foundries site (IR15.75) nor does he consider that the appeal can be considered to affect the setting or significance to the Grade II\* listed Church of St Luke (IR15.76). The Secretary of State also agrees with the Inspector that there would be minor, less than substantial harm to the character and appearance of the Charlton Riverside Conservation Area (the Conservation Area), but nonetheless harm to which he gives considerable importance and weight (IR15.77).
20. For the reasons set out in IR15.78-15.87, the Secretary of State agrees with the Inspector that the development does not reflect the aims or vision set out in the guidance in the SPD (IR15.80). The Secretary of State also agrees with the Inspector that the proposal would result in harm to the character and appearance of the area both now and in terms of future aspirations (IR15.87), and that it does not represent a high standard of design nor does it take the opportunity to promote the cohesive community and neighbourhoods envisaged, with areas of public and private space undermined by the scale and massing of the built form.
21. The Secretary of State agrees with the Inspector that the proposal would conflict with the Core Strategy Policies H5, DH1, DH2, DH3 and CH1 as well as the London Plan Policies 3.4, 3.5, 7.1, 7.4, 7.5, 7.6, 7.7, and 7.8. He also agrees that there would be conflict with policies D1, D2, D3, D4, D8 and D9 in the draft London Plan (IR15.88).
22. For the reasons given at IR15.182-15.184 the Secretary of State agrees with the Inspector that the proposal fails to take the opportunity to promote a high quality of design and that substantial weight should be given to this harm (IR15.185).

*The effect on the retained commercial building, Imex House*

23. For the reasons given at IR15.89-15.119, the Secretary of State agrees with the Inspector that the use of any access by vehicles and people and particularly children can introduce risks. However, for the reasons given at IR15.95-15.96 he also agrees with the Inspector that the scheme would comply with Core Strategy Policy DH1 and London Plan Policy 7.6 in this regard (IR15.96). The Secretary of State is also satisfied that noise mitigation measures and control measures during construction could address noise breakout and noise associated with loading as well as construction noise such that there

would be no significant effect on future residents and any impacts on the studio could be appropriately managed (IR15.108). The Secretary of State also agrees with the Inspector that, in relation to mitigation methodology, the suggested conditions are not reasonable and that the s106 agreement would properly address matters (IR15.118).

### *Employment*

24. For the reasons given at IR15.120-15.141 and at IR15.190, the Secretary of State agrees with the Inspector that the proposal would provide for an increased level of jobs within a flexible area of employment space which would respond to an identified need in the area (IR15.190). The Secretary of State also finds that the proposal complies with Policy EA1 and EA2 of the Core Strategy (IR15.141) and also affords the employment benefits moderate weight in favour of the proposal (IR15.190).

### *Living conditions*

25. The Secretary of State notes the concerns raised by local residents and their representatives (IR15.142). For the reasons given at IR15.143–15.157 the Secretary of State agrees with the Inspector that there would inevitably be a change to existing outlook, light levels and privacy, however, these impacts would not lead to unacceptable levels of living conditions overall. Therefore, the Secretary of State agrees with Inspector that the proposal complies with Core Strategy Policy DH(b), London Plan Policy 7.6 and draft London Plan Policy D6(F) (IR15.157). The Secretary of State affords limited weight to any harm.

### *5 year housing land supply*

26. The Secretary of State has carefully considered the Inspector's analysis of the 5 Year Housing Land Supply at IR15.193-15.216. The Secretary of State has noted the Inspector's findings that the Council are unable to demonstrate a 5YHLS but could be considered to have a supply of 4.99 years with a worst case scenario of 4.49 years (IR15.214). The Secretary of State has also noted that the Inspector considers the shortfall is very small and, of more importance, that on adoption of the draft London Plan, the revised housing targets in the draft London Plan will result in there being a demonstrable 5YHLS in the Borough (IR15.215).

27. The Secretary of State has taken into consideration that the borough housing targets in policy H1 of the draft London Plan are not to be modified and he has given significant weight to this policy (paragraph 13 of this letter refers). He is satisfied, therefore, for the purposes of this appeal that the Council can demonstrate a 5YHLS. On this basis he disagrees with the Inspector that the presumption in favour of sustainable development applies in this appeal (IR15.215).

28. The Secretary of State has also noted that, even in the circumstances where the Council is unable to demonstrate a 5YHLS and the presumption in favour of sustainable development applies, the Inspector's recommendation is that the substantial harm he identified would significantly and demonstrably outweigh the benefits he identified (IR16.1). For the avoidance of doubt, the Secretary of State confirms that had that been his finding, he would have endorsed the Inspector's.

### *Other benefits*

29. For the reasons given at IR15.187 the Secretary of State agrees that the provision of 771 units is a benefit which should be afforded significant weight. He further agrees, for the

reasons given at IR15.188-15.189, that the provision of affordable housing is a benefit of significant weight. He concludes that the economic benefits of the scheme should be afforded moderate weight, for the reasons given at IR15.191. In addition he affords some weight to the enhanced connection to the riverside and the eco-walk, for the reasons set out by the Inspector at IR15.192.

#### *Other matters*

30. The Secretary of State notes that Charlton Together (Rule 6 party), local residents and representatives raised a number of other areas of considerable concern (IR15.158).
31. For the reasons given at IR15.159-15.162 the Secretary of State can see no significant harms arising from the increase in car use here, in agreement with the Inspector.
32. The Secretary of State also agrees with the Inspector, for the reasons at IR15.163-15.164, that the effect on air quality would be acceptable.
33. The Secretary of State is also satisfied that scheme has properly addressed the infrastructure requirements in accordance with the SPD expectations (IR15.165).
34. Like the Inspector, the Secretary of State has not found any areas where, subject to conditions, the scheme would fail to meet or even exceed expected standards for carbon emissions, energy efficiency and use of renewables (IR15.166-15.167).
35. For the reasons given at IR15.168-15.169 the Secretary of State, like the Inspector, sees no reason to disagree with the GLA and RBG that the proposal has been designed to address crime and anti-social behaviour.
36. For the reasons given at IR15.170-15.173 the Secretary of State agrees with the Inspector that the housing mix would be acceptable and in general accordance with policy in this regard.
37. The Secretary of State also agrees with the Inspector's findings on structural risks at IR15.174.
38. For the reasons at IR15.175-15.176 the Secretary of State agrees with the Inspector that the scheme would provide satisfactory living conditions for future residents in matters of social impacts.
39. For the reasons given at IR15.177 the Secretary of State can see no reason, subject to conditions, that the continued operation of Ropery Business Park cannot be successfully maintained, in agreement with the Inspector.
40. For the reasons at IR15.178 the Secretary of State agrees with the Inspector that the imposition of conditions 66 and 67 would ensure the continued operation of the Safeguarded Wharves.

#### **Planning conditions**

41. The Secretary of State has given consideration to the Inspector's analysis at IR14.1-14.13, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 55 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 55 of the Framework. However, he does not consider

that the imposition of these conditions would overcome his reasons for dismissing this appeal and refusing planning permission.

### **Planning obligations**

42. Having had regard to the Inspector's analysis at IR13.1-13.3, the planning obligation dated 16 December 2019, paragraph 56 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR13.4 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 56 of the Framework. However, the Secretary of State does not consider that the obligation overcomes his reasons for dismissing this appeal and refusing planning permission.

### **Planning balance and overall conclusion**

43. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with Policies H5, DH1, DH2, DH3 and CH1 of the Core Strategy as well as the London Plan Policies 3.4, 3.5, 7.1, 7.4, 7.5, 7.6, 7.7, and 7.8, and is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
44. Weighing against the proposal, the Secretary of State considers that the proposal fails to take the opportunity to promote a high quality of design and would result in harm to the character and appearance of the area both now and in terms of future aspirations and that substantial weight should be given to this harm. The Secretary of State affords limited weight to any harm caused to the living conditions of existing residents.
45. Weighing in favour of the proposal, the Secretary of State affords significant weight to the contribution that the 771 units would make to the supply of housing. He also affords significant weight to the provision of affordable housing. He gives moderate weight to the employment benefits and moderate weight to economic benefits in terms of both the construction period and longer term investment in local services and facilities. The Secretary of State gives moderate weight to the enhanced connection to the riverside and eco walk and the allowance made for incorporation of the future east-west link.
46. The Secretary of State has considered whether the identified 'less than substantial' harm to the significance of the Conservation Area is outweighed by the public benefits of the proposal. In accordance with the s.66 duty, he attributes considerable weight to the harm. The public benefits have been set out in paragraph 43 of this letter above.
47. Overall the Secretary of State agrees with the Inspector at IR15.77 that the benefits of the appeal scheme are collectively sufficient to outbalance the identified 'less than substantial' harm to the significance of the Conservation Area. He considers that the balancing exercise under paragraph 196 of the Framework is therefore favourable to the proposal.
48. Overall the Secretary of State considers that the material considerations in this case indicate a decision in line with the development plan – i.e. a refusal of permission.
49. The Secretary of State therefore concludes that the appeal is dismissed, and planning permission is refused.

### **Formal decision**

50. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby dismisses your client's appeal and refuses planning permission for demolition of existing buildings and erection of 11 buildings ranging from 2 to 10 storeys in height for Class C3 residential use, with flexible uses comprising Class B1 (Business), Class A1 – A3 (Retail/Restaurant), Class D1 (Community) and Class D2 (Leisure) at ground floor and first floor level, alterations to existing vehicular access and creation of new pedestrian access from Anchor and Hope Lane and the riverside, creation of new areas of open space and landscaping together with the provision of associated car parking, cycle spaces, refuse and recycling storage, plant and all other associated works, in accordance with application ref: 16/4008/F, dated 3 December 2018.

### **Right to challenge the decision**

51. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

52. A copy of this letter has been sent to the Greater London Authority, the Royal Borough of Greenwich Council and Charlton Together, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

*Philip Barber*

Authorised by the Secretary of State to sign in that behalf

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# **Report to the Secretary of State for Communities and Local Government**

**by Mike Robins MSc BSc(Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Date 3 March 2020**

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**TOWN AND COUNTRY PLANNING ACT 1990**

**GREATER LONDON AUTHORITY**

**VIP TRADING ESTATE**

**APPEAL BY LEOPARD GUERNSEY ANCHOR PROPCO LTD**

Inquiry Held on 19 November – 3 December 2019

VIP Trading Estate and the VIP Industrial Estate, Anchor and Hope Lane, London SE7 7TE

File Ref(s): APP/G6100/W/19/3233585

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## **GLOSSARY**

APSH	Annual Probable Sunlight Hours
BRE	Building Research Establishment
CD	Core document
CA	Charlton Riverside Conservation Area
CIL	Community Infrastructure Levy
Core Strategy	Royal Borough of Greenwich Local Plan: Core Strategy with Detailed Policies 2014
CPZ	Controlled Parking Zone
CROA	Charlton Riverside Opportunity Area
DAS	Design and Access Statement
DPD	Development Plan Document
dph	Dwellings per hectare
Draft London Plan	The London Plan consolidated changes version July 2019
EA	Environment Agency
EIA	Environmental Impact Assessment
ES	Environmental Statement
GLA	Greater London Authority
HLS	Housing Land Supply
5YHLS	5-year Housing Land Supply
ID	Inquiry Document
LANB	Local Authority New Build Sites
London Plan	The London Plan, consolidated with alterations since 2011, March 2016
LPA	Local Planning Authority
LSIS	Locally Significant Industrial Sites
LVA	Landscape and Visual Assessment
NPPF or Framework	National Planning Policy Framework
NPPG	National Planning Practice Guidance
NPSE	Noise Policy Statement for England (DEFRA 2010)
OA	Opportunity Areas identified in the London Plan
Pa	Per annum
PoE	Proof of Evidence
POS	Public open space
PTAL	Public Transport Access Level
RBP	Ropery Business Park
RBG	Royal Borough of Greenwich – The Council
RfR	Reason for Refusal
RPoE	Rebuttal Proof of Evidence
s106	A legal undertaking made under s106 of the Town and Country Planning Act 1990
SAP	Emerging Site Allocations Development Plan Document
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SIL	Strategic Industrial Location
SoCG	Statement of Common Ground
SofS	Secretary of State
SPD	Charlton Riverside Supplementary Planning Document 2017
SPG	Supplementary Planning Guidance
sqm	square metres
SuDS	Sustainable drainage systems

**File Ref: APP/G6100/W/19/3233585**

**VIP Trading Estate and the VIP Industrial Estate, Anchor and Hope Lane, London SE7 7TE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Leopard Guernsey Anchor Propco Ltd against the decision of the Greater London Authority.
- The application, Royal Borough of Greenwich Ref 16/4008/F, Greater London Authority Ref GLA/3800, dated 3 December 2018, was refused by notice dated 13 February 2019.
- The development proposed is demolition of existing buildings and erection of 11 buildings ranging from 2 to 10 storeys in height for Class C3 residential use, with flexible uses comprising Class B1 (Business), Class A1 – A3 (Retail/Restaurant), Class D1 (Community) and Class D2 (Leisure) at ground floor and first floor level, alterations to existing vehicular access and creation of new pedestrian access from Anchor and Hope Lane and the riverside, creation of new areas of open space and landscaping together with the provision of associated car parking, cycle spaces, refuse and recycling storage, plant and all other associated works.

**Summary of Recommendation: The appeal be dismissed.**

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## **1. Procedural Matters**

- 1.1 The Inquiry sat for 9 days between 19 November 2019 and 3 December 2019. There was an accompanied site visit on 29 November. An additional programme of visits to off-site locations was agreed with all parties during the Inquiry, and I carried out further unaccompanied visits taking views of the site and surrounding area from the public realm both before and during the course of the Inquiry.
- 1.2 A legal agreement, made under s106 of the Town and Country Planning Act 1990, was discussed in detail at the Inquiry (the s106). A short period was given after closing the Inquiry for this to be completed and sealed, and it was submitted on 16 December 2019<sup>1</sup>. This is addressed in the planning obligation section below.
- 1.3 The Inquiry followed procedures established by the recent Rosewell Review. A pre-Inquiry conference was held on 25 September 2019, at which the principle main issues were agreed, as was a programme that included both round table and formal examination formats for the presentation of evidence.
- 1.4 Following this, Statements of Common Ground (SoCG) were submitted for planning matters<sup>2</sup>, housing land supply<sup>3</sup> and noise<sup>4</sup> as well as a topic specific position statement on urban design issues<sup>5</sup>.
- 1.5 During the initial application and consultation, the proposal was promoted by Rockwell, and, notwithstanding the name of the appellant set out above,

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<sup>1</sup> ID36

<sup>2</sup> CD E3

<sup>3</sup> ID11

<sup>4</sup> CD E5

<sup>5</sup> CD E4

'Rockwell' is used as a descriptor of the scheme in much of the written evidence submitted to the Inquiry.

- 1.6 During the course of my assessment, the revised Housing Delivery Test measurements were published by the government on 13 February 2020. This represented a slightly altered position for the Royal Borough of Greenwich (RBG), and parties were given an opportunity to comment accordingly. Where relevant, I have addressed this matter under my assessment of the housing land supply position below.
- 1.7 The appeal was recovered by the Secretary of State (SofS) by letter dated 10 April 2019 for the following reason:

*The reason for this direction is that the appeal involves proposals for residential development of over 150 units or on sites of over 5 hectares, which could significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.*

## **2. The Site and Surroundings**

- 2.1 The VIP Industrial Estate is located in Charlton, within an area commonly known as the Charlton Riverside, generally encompassing the area between the Woolwich Road and the River Thames. Currently comprising industrial and commercial workspace, the proposal is made up of two plots. Plot A is set behind the main north-south road access, Anchor and Hope Lane, and behind Atlas and Derrick Gardens, a pair of residential estates which, along with the nearby wharves and Anchor and Hope Public House, make up the relatively recently designated Charlton Riverside Conservation Area (the CA). To the east of Plot A lies the Stone Foundries site, parts of which are locally listed for their employment heritage and important historic interest. Just to the north lies Imex House, whose sole access point runs through the existing appeal site estate. This is a recording studio owned and managed by Mr Tilbrook and the base for the band 'Squeeze'.
- 2.2 Plot B lies to the south, adjacent to the road and closer to the Woolwich Road and Charlton Station. Pedestrian links are proposed from Plot A to Anchor and Hope Lane, in a lane between Atlas Gardens and Derrick Gardens, and to the Thames Footpath, along an old railway line running north from the site.
- 2.3 The character of the wider surrounding area is predominantly commercial or industrial with a mix of large warehousing and smaller units surrounding the site and a large area of carparking and retail space to the southwest. However, the area was identified as an Opportunity Area (OA) in successive London Plans, initially at a minimum of 3,500 homes and indicative employment capacity of 1000. It was then identified as a Strategic Development Location in the Greenwich Local Plan Core Strategy and Detailed Policies (2014) (the Local Plan), where it proposed a new residential-led, mixed-use urban quarter of between 3,500 and 5,000 units. The Charlton Riverside Opportunity Area (CROA) is acknowledged as a key one for regeneration and the delivery of housing for Charlton and for London as a whole. The emerging draft London Plan has set out indicative

figures of 8,000 homes. There is a measure of agreement between the parties on the nature of the indicative capacity and the role of the Borough in setting capacities on OAs.<sup>6</sup>

- 2.4 The Council produced an initial Supplementary Planning Document in 2012 to support the proposed regeneration; this was substantially updated in the form of the Masterplan<sup>7</sup> in 2017 (the SPD), which I address in more detail in my conclusions. Although many respondents note the continuing employment activity on and surrounding the site, the SPD acknowledged that this is an area that will be regenerated with an increased focus on residential uses, which, over time, will substantially alter the surrounding area. However, in this context, the proposal under appeal is the first to be promoted for the area.

### **3. The Proposal**

- 3.1 The appellant set out that their initial proposals in 2016 were for nearly 1000 homes with a mix of blocks including a substantial tower block of some 28 storeys. The proposal then made in December 2017, had reduced the overall scale of the scheme and reduced building heights to a maximum of 10 storeys. Further changes were made to the layout to accommodate the east-west access route, and the final iteration to the scheme, in 2018, retained the overall number of housing units but made further changes including alteration of the heights of the blocks in Plot A, reducing the heights of those closest to Atlas Gardens and increasing those further away. The overall principle of a north-south orientation of large mansion blocks was retained throughout the scheme's development. A detailed commentary of the design evolution can be found in the appellant's evidence.<sup>8</sup>
- 3.2 The appeal scheme therefore proposes 771 residential units across 11 buildings. Other than some community facilities, Plot A would be entirely residential, comprising Blocks A-H. Blocks G and H would be closest to the existing residential properties and range from 2-6 storeys, while Blocks A-D and parts of Blocks E-F would also be 10 storeys. Within Plot B, employment space is proposed at ground and first floor comprising some 3,026 square metres (sqm) of B1 workspace and a further 183 sqm of retail space, Use Class A1-A5). This part of the scheme would open onto a plaza area that surrounds Block O, which is the building that would most directly address the main approach from Woolwich Road and the station area. Block O is proposed to be 10 storeys as would be both Blocks K-L and M-N. Block J, which would face the existing residential properties across the proposed new east-west access road, also promoted as the east-west access route sought by the SPD, would be 5 stories.
- 3.3 Of the 771 units, 292 would be affordable i.e. 40% affordable housing by habitable room, subject to the availability of grant.

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<sup>6</sup> ID23

<sup>7</sup> CD B3

<sup>8</sup> Mr Simpson Appendix 3

3.4 Table 1 from the SoCG summarises this position:

Scheme aspect	Original submission (January 2017)	Scheme at time of RBG Planning Board (July 2018)	Final scheme (January 2019)
Units	975 (143 affordable – 14.6%)	771 (250 affordable – 32.4%)	771 (292 affordable – 37.8%)
Number of buildings and heights	9 buildings, 2 – 28 storeys. Block AEN, 9/11 storeys; Block AES, 9/16 storeys; Block A1, 16 storeys; Block A2, 16 storeys; Block AWN, 2/6 storeys; Block AWS, 3/6 storeys; Block B3, 28 storeys; Block BW, 9/11 storeys; and Block BE, 6/12 storeys.	11 buildings, 2 – 10 storeys. Blocks ABC, 4/9/10 storeys; Blocks DEF, 6/8/9 storeys; Blocks GH, 2/3/4/5/6 storeys; Blocks JKL, 7/10 storeys; and Blocks MNO, 10 storeys.	11 buildings, 2 – 10 storeys. Blocks ABC, 10 storeys; Blocks DEF, 8/9/10 storeys; Blocks GH, 2/3/4 storeys; Blocks JKL, 5/10 storeys; and Blocks MNO, 10 storeys.
Employment floorspace (B1) (GIA)	1,560 sqm	3,068 sqm	3,097 sqm
Commercial floorspace (A1-A5) (GIA)	690 sqm	149 sqm	149 sqm
Community floorspace (D1/D2) (GIA)	407 sqm	834 sqm (D1 and D2)	834 sqm (D1 and D2)

#### 4. Common Ground

4.1 There are a number of areas of agreement between the appellant, the Greater London Authority (GLA) and the Council, and these are summarised in the relevant SoCG. I deal with the topic specific matters under those issues in my conclusions, but of the general agreed matters the most relevant to the issues between the parties are:

- That the Council are no longer pursuing their putative reasons 2 and 5, relating to family housing provision and daylight and sunlight impacts, albeit these matters are still of concern to Charlton Together and interested parties;
- That the GLA are no longer pursuing matters related to employment space and affordable housing. The affordable housing proposals are now 40% by habitable room and 38% by unit, subject to grant availability,

and have been the subject of independent financial review, and that the amount proposed is consistent with the maximum reasonably affordable at the time of assessment;

- That the proposal can address the matter of noise related to the Safeguarded Wharves, subject to appropriately worded conditions;
- That the GLA identified less than substantial harm to the setting and significance of the CA, but accepted that the public benefits of the scheme, including enhancement and mitigation, would outweigh this harm; and
- That the GLA has set out that the Mayor recognises that the delivery of housing and affordable housing are benefits to which significant weight should be attached.

## **5. Planning History**

- 5.1 The scheme was originally submitted to RBG but was referred under direction to the GLA for consideration by the Mayor. RBG resolved to refuse the scheme setting out 5 putative reasons.
- 5.2 RBG were granted Rule 6 status and, following a review in the lead up to this appeal and citing the need to focus their case and avoid duplication, undertook to provide evidence in relation to 3 of those reasons, urban design, the relationship with Imex House, in terms of noise and access, and the replacement employment provision.

*Reason for Refusal 1 - Due to the excessive height of the buildings, together with their massing and design, the proposed development would result in the overdevelopment of the site and would fail to adhere to the vision for the redevelopment of the area set out in the Charlton Riverside SPD 2017. As such the proposal is contrary to policies 3.4, 3.5, 7.4, 7.6 and 7.7 of the London Plan (2016) and policies H5, DH1 and DH2 of the Royal Greenwich Core Strategy with detailed Policies (2014) and the guidance set out in the Charlton Riverside SPD 2017.*

*Reason for Refusal 3 - The proposed development would fail to provide a safe and convenient vehicular access to the adjacent business premises at Imex House and, in the absence of a satisfactory scheme of soundproofing to Imex House, would introduce noise sensitive uses to the site with the potential to create conflict between the existing business and future occupants of the development. The proposed development is therefore contrary to policies DH1 and E(a) of the Royal Greenwich Core Strategy with detailed Policies (2014) and policies 7.6 and 7.15 of the London Plan 2016.*

*Reason for Refusal 4 - The proposed development would result in the loss of existing employment floorspace and fails to make appropriate replacement employment floorspace provision which meets the needs of, and which is affordable to small and medium sized businesses in the area. The proposal is therefore contrary to policy EA1 of the Royal Greenwich Core Strategy with detailed Policies (2014) and the guidance provided by the Charlton Riverside SPD 2017 (in particular section 5.4).*

- 5.3 The appellant's stance on the 5-year Housing Land Supply (5YHLS) position also led to the submission of evidence on housing land supply.
- 5.4 RBG referred the scheme to the Mayor, who decided that he would act as the Local Planning Authority because he considered the scheme was "of such a nature and scale that it would have a significant impact on the implementation of the London Plan".
- 5.5 The scheme was revised following consultation, but the Mayor, following a Hearing held at City Hall, also resolved to refuse permission setting out reasons by letter dated 13 February 2019.

*Reason for Refusal 1 - The proposal does not constitute development of the highest quality as required by policy. Its poor design, layout and massing, gives rise to an overly constrained residential environment and to an inadequate and compromised public realm. The proposal would therefore not comprise sustainable development and would be contrary to the NPPF, London Plan (2016) Policies 3.5, 7.1, 7.4, 7.5, 7.6 and 7.7, draft London Plan Policies D1, D4, D6 and D7, Greenwich Local Plan Policies H5, DH1 and DH2 and the Charlton Riverside SPD (2017).*

*Reason for Refusal 2 - The proposal fails to ensure a satisfactory relationship with the retained commercial building at Imex House. It fails to provide a safe and convenient access to the business. It introduces noise sensitive uses to the site without providing demonstrably appropriate, sufficient or deliverable mitigation measures contrary to the Agent of Change principles thus threatening the sustainability of this local business. The development would not constitute sustainable development and is contrary to the NPPF, London Plan (2016) Policy 7.15, draft London Plan Policies GG5, D12 and D13, the Mayor's Culture & Night-time Economy SPG (2017) and the Charlton Riverside SPD (2017).*

*Reason for Refusal 3 - The proposal fails to provide any floorspace suitable for the relocation of existing established local businesses on the site and fails to provide a suitable and robust mechanism to secure suitable alternative premises for these existing occupiers. The development would not constitute sustainable development and would be contrary to the NPPF, London Plan (2016) Policies 4.4, draft London Plan Policies GG5, E4 and E7, and the Charlton Riverside SPD (2017).*

*Reason for Refusal 4 - The proposal, in the absence of a S106 agreement to secure affordable housing and other obligations, would fail to provide the maximum reasonable level of affordable housing or adequately mitigate the other harmful impacts of the development, contrary to London Plan (2016) Policies 3.12, 3.18, 5.2, 6.2 and 8.2, draft London Plan Policies H6, S1, E2, SI2, T3 and DF1, Greenwich Local Plan Policies H3, EA(c), E1 and IM1, the Mayor's Affordable Housing & Viability SPG and the Charlton Riverside SPD (2017).*

- 5.6 It is this decision against which the appeal was made. At the Inquiry the GLA presented evidence on design, the relationship with Imex House and conflict with the development plan but confirmed their acceptance that the matter of provision of employment space for existing businesses was

resolved, as was their concerns regarding affordable housing and infrastructure, subject to the submission of the s106 agreement.

5.7 A further main party was involved in the Inquiry; Charlton Together. Charlton Together is a local community group made up of Charlton Central Residents' Association, Derrick and Atlas Residents' Association, SE7 Action Group, The Charlton Society, Valley Hill Hub, The Charlton Parkside Community Hub and St Luke's and St Thomas' Benefice. They were granted Rule 6 status and took full part in the Inquiry presenting evidence on the following matters:

- 1. Scale of deviation from the Charlton Riverside Masterplan SPD*
- 2. Height, Density and Precedent*
- 3. Sustainability, residential amenity, environment and air quality*
- 4. Infrastructure*
- 5. Sense of Place and Social Impact*
- 6. Consultation Process*

5.8 The proposal is for development which requires an Environmental Impact Assessment (EIA). An Environmental Statement (ES) was submitted with the original application to RBG, but following significant amendments a revised ES was submitted in December 2017 (the 2017 ES), in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (the 2011 Regulations). Although these have been superseded by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 the 2011 Regulations continue to apply in this case.

5.9 The further scheme revisions leading up to the GLA assessment of the proposal required an updated environmental impact assessment to be undertaken to assess the potential impacts and likely effects of the amended proposed development as a whole. The outcomes of these assessments were presented in an addendum document<sup>9</sup> (the 2018 ES), to be read alongside the 2017 ES.

5.10 The 2017 ES is reported to have been independently reviewed by RBG<sup>10</sup> and was agreed by the main parties to be compliant with the Regulations.<sup>11</sup> Charlton Together presented evidence that the assessment of environmental effects, notably in relation to air quality, was lacking and should, in their view, be pushing beyond expected and required standards. However, when questioned, all parties accepted that the 2018 ES provided a full account of the development and likely significant effects in accordance with the Regulations. I concur, and would recommend that it contains sufficient environmental information to enable determination of the planning application.

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<sup>9</sup> CD C15, 16, 17

<sup>10</sup> See CD C54 paragraph 8.8.

<sup>11</sup> CD E3 SoCG paragraph 4.3.

## 6. Planning Policy and Other Relevant Guidance

- 6.1 National Policy is set out in the Framework 2019, while the adopted development plan comprises the RBG Core Strategy and the London Plan. The SoCG, paragraphs 5.10 – 5.16, sets out the relevant plans, material considerations and supporting documents and guidance as agreed. It is not proposed to rehearse the full list here.
- 6.2 The relevant development planning policies and documents are listed in the GLA Hearing Report<sup>12</sup>, but I address below the policies that the main parties have set out in evidence as those they consider are most relevant to the proposal<sup>13</sup>.
- 6.3 The London Plan policies which are relevant to the various issues between the main parties are:
- **Policy 2.13**, which identifies Charlton Riverside as an Opportunity Area and states that, within opportunity areas, “planning decisions should optimise residential and non-residential output and densities”.
  - In terms of housing supply, **Policy 3.3** seeks to increase London’s housing supply, recognising the pressing need for more homes in London, through providing an average of 42,000 net additional homes over the plan period. The supporting table, **Table 3.1**, sets RBG an annual target of 2,685 homes. **Policy 3.4** provides guidance on optimising housing potential, taking into account local context and character. It refers to a relevant density range in **Table 3.2**. **Policy 3.5** seeks housing development to be of the highest quality internally, externally and in relation to their context and to the wider environment. With regard to decisions, the policy states that new development should enhance the quality of local places.
  - **Policy 3.12** sets out that the maximum reasonable amount of affordable housing should be sought subject to criteria to have regard to, including housing targets to be in line with Policy 3.11. The policy recognises the needs to take account of development viability, subsidy and the implications of phased development and potential re-appraisal.
  - **Policy 4.4** seeks to ensure a sufficient stock of land and premises is maintained to meet the future needs, while managing the release of surplus land to contribute to strategic needs, particularly housing.
  - In terms of living spaces and places, **Policy 7.1** seeks that within neighbourhoods, people should have a good quality environment, through improved access to social and community infrastructure, maximising opportunities for community diversity, inclusion and cohesion, and through the design of new buildings, and the spaces they

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<sup>12</sup> CD C57 pages 22-28

<sup>13</sup> Mr Oates, PoE section 6 and Appendix 1, Ms Harrison, PoE paras 4.5 – 4.64, Mr Rhodes, PoE section 3

create, reinforcing or enhancing the character, legibility, permeability and accessibility of that neighbourhood. **Policy 7.4** seeks to ensure that development should have regard to the form, function and structure of an area, place or street as well as the scale, mass and orientation of surrounding buildings. Buildings, streets and open space should provide a high-quality design response which, among other matters, has regard to the pattern and grain of existing spaces, is human in scale and is informed by the surrounding historic environment.

**Policy 7.5** states that public spaces should be of the highest quality design, comprehensible at a human scale. **Policy 7.6** provides guidance on architecture and its contribution to a coherent public realm, noting that buildings and structures should be of the highest architectural quality and should not cause harm to the amenity of surrounding land and buildings, particularly residential buildings.

**Policy 7.7** seeks to ensure that tall and large buildings should generally be located in specific areas, including opportunity areas, and only where the character of the area would not be affected by their scale, mass or bulk. It seeks that tall buildings relate well to the scale and character of the surrounding buildings and individually or as a group improve the legibility of an area and make a significant contribution to local regeneration. **Policy 7.8** states that development should conserve the significance of heritage assets and their settings through being sympathetic to their form, scale, materials and architectural detail.

- **Policy 7.15** seeks to avoid the significant adverse impacts of noise, mitigating and minimising the existing and potential adverse impacts without placing unreasonable restrictions on development or existing businesses.

#### 6.4 The Core Strategy policies which are relevant to the various issues between the main parties are:

- In terms of economic development, **Policy EA1** supports the expansion of existing businesses and increased employment opportunities, referring specifically to Charlton Riverside and the planned intensification of existing employment land. This is addressed in **Policy EA2**, which states that the area is allocated as a Strategic Development Location that will include a new mixed-use urban quarter, with employment consolidated to maximise the use of land whilst maintaining employment levels in the waterfront area overall.
- For housing, **Policy H1** sets out RBG's housing target for a minimum of 38,925 net additional dwellings over the 15-year period to 2028, at an average of 2,595 per year. **Policy H5** seeks that new residential development will achieve a high quality of design and an integrated environment. It states that RBG will take into account the key relationships between the character of the area, site location and housing densities, consistent with, among other matters, design standards set out in Policy DH1 and the Mayor's Housing SPG.

- Design is addressed in **Policy DH1**, which seeks to ensure that all schemes are required to be of a high quality of design and positively contribute to the improvement of the built and natural environment. All developments are expected to provide a positive relationship between the proposed and existing urban context. **Policy DH2** addresses tall buildings specifically, setting out that they may be appropriate in, amongst other areas, Charlton Riverside, albeit setting out in justification that they may only be appropriate subject to public transport and sufficient consideration being given to existing historic assets and distinctive character features. Tall buildings are defined as any building which is noticeably taller than its surroundings, has a significant impact on the skyline or are larger than the threshold size set for referral to the Mayor, 30 metres. **Policy DH3** seeks to apply the statutory presumption to preserve or enhance the character or appearance of the area's Conservation Areas
- **Policy CH1** addresses Cohesive Communities and sets out that development must include measures to help create and maintain cohesive communities through, among others, the provision of community facilities, discouraging crime, providing well-maintained public space and safe streets, allowing for shared surface spaces.
- **Policy E(a)** states that development will normally not be granted where a proposed development would have a significant adverse effect on the amenities of adjacent occupiers or uses, including through noise.

6.5 Two emerging plans are also relevant, The London Plan consolidated changes version July 2019 (the draft London Plan) and the emerging Site Allocations Development Plan Document (SAP).

6.6 The SAP has been out for Regulation 18 consultation, but I have limited evidence of likely dates of examination in public and it is some considerable way off adoption. All main parties accepted that it could be given only limited weight, although evidence does deal with its consistency and relevance in terms of Policies EA1 and EA2 set out above.

6.7 The draft London Plan, published for consultation in December 2017, has been examined and recently found to provide an appropriate basis for strategic planning for Greater London, subject to recommendations and submitted changes<sup>14</sup>. The main parties accepted that it should be given greater weight because of its advanced stage of development. Indeed, its adoption is imminent and may occur during the process of assessment of this case, in which case, I have set out the relevant main policies here:

- The emerging plan sets out its policies for Good Growth, growth that is socially and economically inclusive and environmentally sustainable. **Policy GG2** seeks to make best use of land, particularly in OAs, applying a design-led approach to determine the optimum development capacity of sites. It seeks that developers understand

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<sup>14</sup> CD B12 – Examination report Oct 2019

what is valued about existing places and use this as a catalyst for growth, renewal and place making. **Policy GG4** seeks to ensure more homes are delivered, supporting a target of 50% being genuinely affordable while creating mixed and inclusive communities with homes that meet a high standard of design. **Policy GG5** seeks to enhance London's global economy and plan for sufficient employment and industrial space in the right locations to support economic development and regeneration.

- **Policy SD1** addresses the OAs, offering support, including for infrastructure requirements and seeking to maximise the delivery of affordable housing and create mixed and inclusive communities. The policy identifies that Boroughs should clearly set out how they will deliver OAs, and that it is their responsibility to establish the capacity for growth in OAs, taking account of the indicative capacity for homes and jobs in Table 2.1, as well as ensuring planning frameworks are informed by public and stakeholder engagement. Table 2.1 identified Charlton Riverside for 8,000 indicative homes and 1,000 indicative jobs
- In terms of design, **Policy D1** identifies that Borough's should undertake area assessments and define the characteristics, qualities and value of places to understand the capacity for growth. **Policy D1A** sets out that density of schemes should consider, and be linked to, infrastructure and be proportionate to the connectivity and accessibility of a site. **Policy D1B** seeks that all development must make the best use of land by following a design-led approach to determine the most appropriate form of development that responds to the site's context and capacity for growth. Among other criteria set out in this policy, development should enhance the local context; achieve safe and inclusive environments, with appropriate outlook, privacy and amenity; respond to the existing character and respect, enhance and utilise the heritage assets and architectural features which contribute to it; and be of high quality.

**Policy D2** requires that masterplans and design codes be used to help bring forward development and ensure it delivers high quality design and place-making. **Policy D4** again seeks housing development to be of high-quality design and accord with qualitative aspects set out in Table 3.2. The policy requires that housing accords with relevant space standards, including private outside space. **Policy D7** seeks to encourage the creation of new public realm with well designed, safe, accessible, inclusive, well-connected areas connected to the local and historic context.

**Policy D8** addresses tall buildings and includes an expectation that Boroughs should determine if there are locations where tall buildings would be appropriate, with definitions of tall buildings to be set out in Development Plans.

- In terms of noise, **Policy D12 and Policy D13** sets out the Agent of Change principle and places the responsibility for mitigating impacts

from existing noise-generating activities or uses on the proposed new noise-sensitive development. They seek to mitigate and minimise the existing and potentially adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing undue restrictions on existing noise-generating uses.

- In terms of housing, **Policy H1** identifies a need for housing in London and ten-year targets that each local planning authority should plan for. **Table 4.1** sets a new ten-year housing delivery target for Greenwich of 32,040 homes against the proposed additional 66,000 homes for London per year. However, the recommendation from the Examining Inspectors was to reduce the overall housing targets for Boroughs, to give a total of 522,850 rather than 649,350.

Affordable Housing is addressed under **Policy H5** which sets out a strategic target of 50%, while **Policy H6** sets a threshold level of 35% or 50% for public sector land and 50% on a range of industrial sites released for residential uses. However, where development does not meet the requirements, it must follow a Viability Tested Route.

- Employment Space is addressed in **Policy E2**, which seeks to support the provision, and where appropriate, protection of B Use Class business space. Development of new B Use Class uses should ensure that the space is fit for purpose having regard to the type and use of the space. The main parties agree that the site is non-designated industrial land, **Policy E7** addresses industrial intensification and supports mixed-use or residential development where there is no reasonable prospect of the site being used for the industrial and related purposes set out in Policy E4, and it has been allocated.

6.8 I deal with the weight afforded to policies in my planning balance as part of my conclusions below.

## **The Case for the Appellant**

7. These are a summary of the closing submissions for the Appellant<sup>15</sup>, Leopard Guernsey Anchor Propco Ltd.

### **Introduction and Policy Position**

- 7.1 The appellant argued that the scheme accords with the development plan<sup>16</sup> and is the result of a careful collaborative process with officers of the Council and GLA and responds to the clear policy imperative to achieve a residential-led regeneration and make optimum use of land in OAs. It has been refined through “*extensive*” engagement with Council and GLA officers<sup>17</sup>, and it was recommended for approval by both the Council and then the GLA, in detailed and unequivocal officers’ reports.
- 7.2 After submission of the planning application, the appellant made significant efforts to respond proactively and substantively to consultation feedback from the Council, the GLA and the community. They revised the heights and massing of the development in December 2017 and February 2018, resulting in a scheme that the Council’s officers unreservedly recommended for approval on 9 July 2018<sup>18</sup>.
- 7.3 Following the Council planning committee’s resolution to refuse the application on 31 July 2018, the Mayor recovered the application, the appellant again made substantial efforts to refine the scheme in order to further enhance it. In particular, a significantly improved affordable housing offer of 40% by habitable room (subject to grant funding) whilst retaining the same quantum of housing delivery.
- 7.4 The GLA officers recommended that the Mayor should grant planning permission. Despite the changes, and the support of his officers, the Mayor refused planning permission. The appellant considers he was wrong to do so.
- 7.5 The principle of a residential-led mixed use development of the site is firmly established at both strategic and local level. It is within the CROA which Annex 1 of the London Plan (2016)<sup>19</sup> identifies as having an indicative employment capacity of 1,000 jobs and a *minimum* number of 3,500 new homes<sup>20</sup>. In the commentary on Annex 1, paragraph 2.62 of the London Plan expresses concern that aspirational employment allocations should not fossilise housing potential and that to ensure housing potential is optimised, employment capacities should if necessary be revised.

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<sup>15</sup> ID35

<sup>16</sup> As agreed by officers; see eg GLA representation hearing report CD C57 at paragraph 365.

<sup>17</sup> GLA representation hearing report, CD C57, paragraph 29.

<sup>18</sup> RBG Committee Report, 9 July 2018, CD C54.

<sup>19</sup> CD B11

<sup>20</sup> Note that in the Draft London Plan, the capacity of the CROA for new homes is increased to 8000.

- 7.6 Policy EA2 of the Core Strategy<sup>21</sup> allocates the CROA as a Strategic Development Location to "include a new mixed-use urban quarter" where "employment will be consolidated to maximise the use of land".
- 7.7 A key feature of the Core Strategy's spatial strategy includes<sup>22</sup>:  
*"Creation of a new mixed-use urban quarter at Charlton Riverside incorporating around 3500-5000 new homes by 2031, which will involve substantial release of under-used industrial land and intensification of employment on remaining land."*
- 7.8 As further explained in paragraph 3.3.13 of the supporting text:  
*"This area will provide for a significant residential led mixed-use development plus improved open space, commercial space, retail and community facilities."*
- 7.9 The spatial strategy also makes clear that in order to deliver the requirement of 38,925 new homes over the 15-year period 2013-2028<sup>23</sup>, there will be "substantial release of under-used industrial land and intensification of employment use at Charlton Riverside for mixed use development, including up to 5,000 homes."<sup>24</sup>
- 7.10 The appeal proposals accord with the land use principles of the Development Plan. A housing-led mixed-use development which consolidates, but maintains, employment within high-quality premises suitable for small and medium-sized businesses is directly in line with the spatial strategy and the site-specific allocation for Charlton Riverside. The appeal proposals do exactly what the Development Plan requires them to do.
- 7.11 The appellant argues that the proposals are also fully consistent with the Framework, which promotes sustainable development that delivers economic, social and environmental benefits. To achieve this, the efficient use of land is required (para 122), with development on previously developed, vacant or underutilised sites being promoted, in particular for housing (para 118 (d)). The Framework states that it is especially important in areas such as this, that planning policies and decisions avoid homes being built at low densities and that developments should make optimal use of the potential of each site (paragraph 123).
- 7.12 This guidance clearly applies to the Site, given its location. It is highly accessible by public transport, having an average Public Transport Access Level (PTAL) of 4. It is also in an OA identified for regeneration in the Development Plan. Indeed, redevelopment of the Site will kick start, and open up, the wider regeneration of the CROA and will help deliver critical

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<sup>21</sup> CD B1

<sup>22</sup> CD B1 page 21.

<sup>23</sup> See Policy H1.

<sup>24</sup> Paragraph 3.5.11.

infrastructure such as the new east-west route<sup>25</sup>. The strong policy support for the principle of development was confirmed in the GLA Officers' report<sup>26</sup>.

### **Appellant's Case - Design And Townscape**

- 7.13 The scheme represents a high-quality design by a renowned architect<sup>27</sup> that is consistent with all relevant planning policy requirements. GLA officers recognised this and that view echoed the Council's Design Review Panel which had considered that the scheme "*will set a good example of urban design in the area*"<sup>28</sup>, and the views of Council officers that "*the architectural design is of a high quality.*"<sup>29</sup>
- 7.14 The architect, Mr Simpson, explained that a strong concept diagram had been fundamental to his design approach, consisting of a series of linear north-south fingers of development set around beautiful, generous public realm. The north-south orientation allows good sunlight and opens up views to the river. The buildings themselves will be well articulated, generously spaced and very permeable creating intriguing and inviting cross views.
- 7.15 Plots A and B would form a cohesive whole, with Building O acting as a visible marker/landmark building at the edge of Plot B closest to the station. On Plot A, Buildings G and H are deliberately set down so as to interface appropriately with Atlas and Derrick Gardens. Buildings D, E and F are 8-10 storeys with the 10 storey Buildings A, B and C furthest from Atlas and Derrick Gardens. The result is a scale and massing that has been carefully considered and respectful of its context.
- 7.16 Plot B provides highly flexible workspace with fully glazed frontages onto a vibrant Plaza and what Mr Simpson described as "great floor-to-ceiling heights" of 4.2 m. These will be visible and active frontages.
- 7.17 With on average only 7 dwellings per floor, the ratio of built form to landscaping is generous, with car parking provided at basement level and provision of an "eco-walk" between Atlas and Derrick Gardens. Overall, 64% of the site at ground level will be accessible to the public/residents.
- 7.18 Mr Simpson considered that the buildings would be well articulated and varied. The sense of variety would be enhanced by the use of recesses, reveals and projecting balconies. He was confident that people would experience the scheme as discreet and legible buildings constructed from a rich, warm palette of natural materials that responded positively to its surroundings and created a new neighbourhood which would be unique, bespoke and embedded in place.
- 7.19 In terms of heritage, the Townscape and Heritage Consultant, Mr Stewart's evidence was that the scheme would enhance the setting of the Charlton

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<sup>25</sup> Note that the SPD describes the east-west route as a "core requirement of the Development Concept"-see CD B3, paragraph 7.4, page 69.

<sup>26</sup> CD C57 paragraph 110.

<sup>27</sup> Mr Simpson has over 40 years' experience and has won more than 140 architectural awards and prizes.

<sup>28</sup> CD C54 paragraph 16.31.

<sup>29</sup> CD C54 paragraph 2.7.

Riverside CA, Atlas and Derrick Gardens and the Stone Foundries buildings<sup>30</sup>. Even if a contrary view is taken, at its highest there would only be slight levels of harm to the setting or significance of neighbouring heritage assets<sup>31</sup>. The scheme would also deliver heritage benefits by removing unsightly industrial units that negatively affect the character and appearance of the CA and its setting<sup>32</sup>. Ultimately, even if harm were identified, it would be less than substantial harm at the very lower end of the scale. Paragraph 196 of the Framework requires any such harm to be balanced against the public benefits of the scheme. In this case, the public benefits would clearly outweigh any limited harm.<sup>33</sup>

7.20 Overall, the proposals would coherently redevelop a closed-off site of low visual quality with a scheme comprising buildings of high architectural quality, set within a network of landscaped routes and spaces. It would enhance a range of short and medium range views, and the character of the area within which it is located. The proposal would represent a new form of development for Charlton Riverside; likely to be the first significant redevelopment project in this wider area, which is earmarked for comprehensive regeneration over the coming decades. As such, the proposals would set a high standard for future developments to match<sup>34</sup>.

### ***Appellants' Case - The proper construction of the SPD***

7.21 A central part of the opposition to the proposal is based on alleged conflicts with the Charlton Riverside SPD. Before turning to the specific design criticisms that were made, it is important to set out how the SPD ought to be interpreted and applied.

7.22 The text of the SPD states that "the Illustrative Masterplan is not a detailed development proposal." It is indicative, and has been created without consideration of the "multiplicity of different ownerships" shown on Figure 11.1.<sup>35</sup> This is an important point. As Mr Stewart explained, the heights diagram on page 60 is said to be "illustrative" and in fact it is even more illustrative than the diagram suggests. The diagram sets out imaginary plots instead of real ones based on land ownership.<sup>36</sup> It shows the east-west route running through Plot B and notes that the alignment of that route has not yet been determined. Because the heights diagram shows heights by reference to imaginary plots that will not be developed in this manner, the precision ascribed to it by opponents of this scheme is spurious.

7.23 Further evidence that the SPD does not, even on its own terms, provide a blueprint for development is provided by the high-level design principles<sup>37</sup> which refer for example to "typical" heights. Both the GLA and Council

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<sup>30</sup> Mr Stewart paragraph 6.51.

<sup>31</sup> CD C54 paragraph 16.49 and CD C57 paragraph 200.

<sup>32</sup> CD C54 paragraph 16.44 and CD C57 paragraph 201.

<sup>33</sup> For a list of the public benefits see Mr Rhodes paragraph 5.24 page 36.

<sup>34</sup> Mr Stewart paragraph 6.56.

<sup>35</sup> Page 124 and paragraph 11.2.

<sup>36</sup> Mr Stewart 3.66 page 18.

<sup>37</sup> CD B3 paragraph 1.8.

accepted in cross examination that this does not exclude development on the Site above those heights.

7.24 As a matter of law, the SPD may only provide indicative guidance. It cannot lawfully be interpreted as containing development management policies intended to guide the determination of planning applications e.g. by setting acceptable heights or densities<sup>38</sup>, and the references to SPDs in the Framework<sup>39</sup> are to be read accordingly. That proposition was agreed by the GLA and the Council. Indeed, as the appellant's planning witness, Mr Rhodes said, the inability of an SPD to set policy is no doubt why the Council's draft SAP has been issued.<sup>40</sup>

7.25 Also, the SPD may not be interpreted so as to be inconsistent with development plan policy. As Mr Rhodes explained, Policy DH2 of the Core Strategy does not rule out tall buildings on the Site, or indeed any part of the CROA. Consequently, the SPD must not be interpreted as doing so because that would be inconsistent with the development plan and unlawful.

7.26 It is not a question of the SPD being unlawful per se, but rather as Mr Rhodes explained in cross examination, it is a question of how the SPD is interpreted and applied. If the SPD is interpreted and applied as indicative guidance, then it would remain within the lawful province of SPD. But it would be wrong (and unlawful) to criticise the appeal proposal on the basis that it offends or breaches supposed maximum limits contained in the SPD. Charlton Together's case clearly regarded the SPD as imposing prescriptive maximum limits. Further, although the advocates and planning witnesses for the GLA and Council professed to agree with the appellant's note on the lawful scope of SPD, their design evidence repeatedly referred to the SPD in terms which treated it as setting maximum heights and densities. In substance, their design cases rely on an unlawful interpretation and application of the SPD.

### ***Appellant's Response to Objectors' Criticisms***

#### *The importance of quality design in this location*

7.27 Objectors have referred to the importance of quality design in this location, and the particular qualities of design being sought in Charlton. But, as Mr Stewart explained, the scheme is of high quality and it appropriately reflects Charlton.

7.28 Both Mr Simpson and Mr Stewart fully agreed that high quality design is exceptionally important generally. In terms of the Site, Mr Stewart considered that the key feature of local context is the river, not the hill on which Charlton village is situated<sup>41</sup>. He considered that providing open and

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<sup>38</sup> See the appellant's note on the SPD (ID 19).

<sup>39</sup> Chapter 12

<sup>40</sup> CD B10, especially p.30 suggesting for the area covering the Site 3-8 storey buildings with taller development "at identified nodes of activity".

<sup>41</sup> Though the hill has been fully considered in the appellant's assessment, for instance in the TVIA (CD C13 and C16).

expansive views to the north for residents of the development to view the river is an important contextual reference for Charlton Riverside. In that regard, the scheme excels by providing rooftop gardens giving elevated views, and by providing river access which was not previously available by creating routes to the Riverside walk even though the Site itself is not directly on the river. In short, the scheme is "doing its bit" for turning the area into a mixed-use riverside development.

- 7.29 Much reference has been made to the scheme being a "pioneer". This is true in the sense that within this part of the CROA there is little of any real townscape quality and the scheme would be establishing something new. But the scheme in no way establishes the future character of the wider SPD Masterplan area. As Mr Simpson explained, other schemes will have their own different responses to their particular sites. The appeal proposal is respectful of the infrastructure ambitions of the wider SPD Masterplan area and will provide land for the new east-west link (as well as a substantial financial contribution towards its delivery) and accommodate delivery of the north-south secondary route. But the appeal proposal will not act as a benchmark in terms of scale, mass or configuration for the wider SPD Masterplan area.
- 7.30 In that regard, it is important to note that Plot B is closest to Charlton railway station with a PTAL of 4, and that it also forms part of the proposed neighbourhood centre. That makes the scale and mass of the proposal appropriate for this site. Whether the Site should be described as "unique" is really beside the point. What matters is that there are clearly locational characteristics that influence the appropriate scale and mass at the Site when considering the optimum use of the land and justify an approach which is different from other parts of the SPD Masterplan area. Other sites further away within the SPD Masterplan area do not share those characteristics and the appeal proposals are in no way a precedent for their design. Mr Rhodes' clear view was that each application should be considered on its own merits and that the appeal proposals in no way create any precedent.
- 7.31 If anything, the appeal proposals will act as a benchmark for design quality, the use of appropriate natural materials, intimate high-quality detailing and the provision of generous landscaping in a well-lit public realm with routes and views to the river.

*Urban character, not metropolitan*

- 7.32 A key theme in the Council's objection to the scheme was that the Site has an "urban" as opposed to a "metropolitan" character, and therefore that medium rise development below 10 storeys is appropriate.
- 7.33 It is true that Charlton will be urban and not metropolitan in character. Nevertheless, Mr Stewart considered that the scale and density of the proposal would be urban in character. Urban does not mean development must be less than 10 storeys high. That view was shared by the GLA

officers in the hearing report<sup>42</sup>. Yet they considered that the scale and density of the proposal would be acceptable in this urban location. Furthermore, the SPD itself clearly contemplates 10 storey development in the area it covers<sup>43</sup>.

### *Heights*

7.34 The real question is whether the height of the development is acceptable in design terms. The appellant submits that the height is acceptable, and the height and massing are not uniform<sup>44</sup>. Mr Simpson's rebuttal sketch B and the image at page 18 of his presentation, and even figure 11, page 23 of the Council design witness, Ms Adams's main proof, show variation in height and massing.

7.35 In any event, as Mr Stewart says, 10 storeys is appropriate for plot A, because it is located between two areas considered suitable by the SPD for ten storey buildings, and close to the neighbourhood centre and Charlton station<sup>45</sup>.

7.36 Additionally, the Jan Gehl drawing in Appendix A7 to the SPD<sup>46</sup> in fact contemplates 8 storeys, not 6, and it cannot be used as an in-principle argument against higher buildings because the SPD itself contemplates 10 storey buildings.

### *Gradation of heights*

7.37 Ms Adams emphasised the importance of a gradation in height from taller buildings at the Riverside, dipping in the middle and then rising again i.e. something in the nature of a "U" shape from river to rail. She illustrated this using her own drawing based on the Heights diagram at page 60 of the SPD.

7.38 As Mr Stewart explained, this is not an urban design idea found anywhere in the SPD. It was Ms Adams's drawing, extrapolating the heights diagram. In any event, even if there is an implied gradation, the scheme is consistent with it. This is because the buildings on Plot A would gradually step up from Atlas and Derrick Gardens.

7.39 There is a clear justification for including 10 storey buildings on Plot A<sup>47</sup>. As Mr Stewart explained, this area is an important part of the redevelopment area, with a good PTAL score of 4, such that there is an urban design logic for concentrating density on the east-west spine in this location. The buildings on Plot A graduate respectfully away from Atlas and Derrick Gardens at 3, then 4 storeys in Buildings G and H. Then, 60 metres (m)

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<sup>42</sup> CD C57 at [138].

<sup>43</sup> And the draft SAP (CD B10) refers at page 30 to development as being predominantly up to 8 storeys, with higher buildings where appropriate. There could be no more appropriate site for such higher buildings than the appeal site.

<sup>44</sup> Although as Mr Stewart says at 9.6, page 54, uniform massing is not necessarily objectionable.

<sup>45</sup> Stewart proof 9.18 page 57.

<sup>46</sup> CD B3 page 146

<sup>47</sup> Mr Simpson emphasised Plot A would not be all 10 storeys because one third of the building footprint would be 2, 3 or 4 storeys.

away from the closest boundary with Atlas and Derrick Gardens, buildings D, E and F vary between 8 and 10 storeys. Finally, 100m away from the boundary, Buildings A, B and C anchor and define the site boundary, responding to the new north-south road.

- 7.40 It is also important to note that the east-west route would run between Plots A and B, so it is important that Buildings C and F at the south-west corner of Plot A address that proposed new road appropriately. Mr Simpson explained that his design specifically positions 10 storey elements with setbacks to screen traffic and create tranquil pedestrian-friendly spaces.
- 7.41 The allegation that the scheme alterations have simply “randomly added mass in some places to reduce it elsewhere” is misplaced. Mr Simpson accepted that in the process of design development heights have been incrementally increased in some locations, but he did not consider this was detrimental. Instead he considered that his original design concept remained entirely valid. He had responded appropriately to requests to consider the boundary with Atlas and Derrick Gardens further, and he was very happy with the way in which the scheme had evolved through significant dialogue with stakeholders. The design before the Inquiry reinforces the original concept diagram of north-south fingers with generous public realm. Mr Simpson considered that to be a far better design response to the context than the closed courtyards shown indicatively in the SPD<sup>48</sup>. Mr Rhodes said he thought that the design had evolved into the optimum for the Site and that any new scheme would be likely to have very similar characteristics.

#### *Human Scale*

- 7.42 The Council in particular argued that the height of the buildings would be disproportionate to the width of the space between the buildings, creating a “canyon” effect. The Council suggested that 4-6 storeys is acceptable, but 8-10 storeys is not. As a consequence, it was suggested, the buildings would be overbearing on the public realm, adversely affect daylight/sunlight, and fail to be on a “human scale.”
- 7.43 Mr Stewart said that this contention was “completely misconceived”. He considered that “human scale” is a slippery, nebulous and subjective concept. It is not necessarily the case that development of lower density and height will have more of a human scale. In a dense urban environment, there is more human activity which makes the environment feel more human in scale. Density and height are not inconsistent with human scale. Further, the quality of the detail of the scheme (apparent in the detailed close-up drawings) reinforces the human scale of the proposals.
- 7.44 As Mr Stewart explained, if one is within the landscaped spaces of the proposed development, one would be most aware of the ground floor, and less aware of the upper floors. Up to about the 4th storey, people in the public realm would have a direct relationship with occupiers of the dwellings via e.g. balconies. The fact that there are more floors above does not

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<sup>48</sup> CD B3 at page 100.

negate that relationship. Mr Stewart saw no problem in buildings being taller than 4-6 storeys in terms of human scale. In his view, there is no standard or fixed appropriate proportion/ratio of heights to space. In every case it is a question of design judgment.

7.45 In that regard, it is important to focus on how the public realm will be experienced. Mr Simpson explained that human scale was at the very heart of his design. He sought to provide an activated public realm in a scheme where the ground and first floor contain homes with their own front doors onto public spaces. The first two floors of the scheme would be domestic in scale and create a real sense of the street, containing the larger duplex units. The buildings would be fragmented to make them legible and give identity to each core. Furthermore, there would be setbacks at ground level to give prominence to the thresholds and entrances which would be given individualised articulation.

#### *Density*

7.46 At the Inquiry, witnesses for the Council and the GLA did not press strongly for refusal specifically on density grounds. Council planning witness, Mr Oates accepted<sup>49</sup> that density measures were not to be applied mechanistically. That is the case whatever the source of the density guidance, but all the more so in relation to the SPD, which cannot contain policies intended to guide determination of planning applications.

7.47 Although the density of the proposals (305 dwellings per hectare (dph)) exceeds the guidance in the London Plan matrix, Mr Oates accepted<sup>50</sup> that it is not unusual for development to exceed the figures in the matrix, a fact confirmed by Mr Rhodes<sup>51</sup>. In any event, of course, the draft London Plan omits the density matrix, favouring instead a design-led approach<sup>52</sup>.

7.48 So far as the SPD is concerned, it is not just indicative but also internally inconsistent, as Mr Simpson demonstrated<sup>53</sup>. The guidance on height is inconsistent with that relating to density and the inconsistency remains even on the GLA Planning witness, Ms Harrison's intricate re-calculation of Mr Simpson's assessment. In any event, as Mr Simpson showed, the Plot A proposals can be shown closely to accord with the SPD guidance on density, and the Plot B proposals accord with the SPD guidance on height.

7.49 Overall, the density of the proposed development was considered at length in the GLA report and found wholly acceptable<sup>54</sup>. GLA officers considered the Site to be "urban" in the context of the London Plan density matrix, yet the density was appropriate because the Site is so well connected to public transport. The Council's officers also accepted the proposed density for similar reasons<sup>55</sup>. Finally, it is significant that as Ms Harrison said, the

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<sup>49</sup> Mr Oates proof 8.39, page 24

<sup>50</sup> Mr Oates Rebuttal 2.18, page 7.

<sup>51</sup> Mr Rhodes 5.15 page 34

<sup>52</sup> CD B9, Policies D1A and D1B.

<sup>53</sup> Mr Simpson Appendix 4.

<sup>54</sup> CD C57, paragraph 138-139.

<sup>55</sup> CD C/54 paragraph 10.5.

London Strategic Housing Land Availability Assessment (SHLAA) of 2017 contains the in-principle assumption of a density of 355 dph for sites in OAs with a PTAL of 4 or more.

#### *Overdevelopment generally*

7.50 Mr Oates argues that the scheme shows “symptoms of overdevelopment”,<sup>56</sup> as does Ms Adams.<sup>57</sup> It is notable that that precise phrase comes from the GLA report<sup>58</sup>, where the officers say the proposal is the optimisation of a currently underused site and it “does not present symptoms of over development”. The falsity of the overdevelopment claim is shown by the fact that all the relevant standards are complied with by this development.<sup>59</sup>

#### *Variation and legibility*

7.51 The buildings are varied in their elevational treatment: see for example, the images at pages 22-27 of Mr Simpson’s presentation.<sup>60</sup> Overall, Mr Simpson considered that the buildings were well designed, well proportioned, articulated and varied and demonstrate a clear vertical hierarchy of base, middle and top.<sup>61</sup> The building heights would vary between 2-10 storeys and would be well articulated and staggered in plan so as not to appear as a consistent mass.<sup>62</sup>

7.52 As Mr Stewart emphasised, it is also important to appreciate that there is a need for cohesion to read Plots A and B as urban blocks, bearing in mind that they form part of an overall SPD masterplan comprising urban blocks. A series of isolated individual buildings would fail to achieve a coherent series of urban blocks. The linear north-south blocks proposed in this scheme are a good way to develop the Site, which needs a certain level of continuity and definition.

#### *Gateway building*

7.53 Objectors have questioned the need for a gateway building on Plot B and whether if so, Building O could appropriately perform that function. Mr Simpson explained the justification for a gateway building in this location. The south-west corner of Plot B is an important junction with Anchor and Hope Lane, which is visible from the train and bus stations and at the crossroads of the new east-west route.

7.54 In terms of the design of Building O, no one suggested that there was an in-principle objection to 10 storeys in this location. Mr Simpson considered that Building O would act as a gateway building because:

- The public realm wraps around the building, which expresses it formally as a different architectural mass;

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<sup>56</sup> Proof 8.39, rebuttal 2.19.

<sup>57</sup> Proof section 4.3, page 33.

<sup>58</sup> CD C57 [140] and [188].

<sup>59</sup> Mr Simpson Appendix 5.

<sup>60</sup> See also Mr Simpson rebuttal paragraph 4.1.2 and Sketch Sheets B and C.

<sup>61</sup> Mr Simpson Rebuttal paragraph 4.1.3 and Sketch Sheet C.

<sup>62</sup> Mr Simpson Rebuttal paragraph 4.1.7 and Sketch Sheet B.

- The residential units are elevated over 4.2m-high glass frontages to the commercial space, providing an open and transparent lower-level which will differentiate the building from its surroundings;
- The building will be 10 storeys plus a taller “crown” element;
- The built form of Buildings N and M will be deliberately deferential.

7.55 Overall, he considered that Building O would be a beautiful addition and fulcrum at this important junction with Anchor and Hope Lane. The building would be expressed differently and surrounded by a Plaza which would function as an informal meeting place for the workspace users. The Plaza was deliberately not an open void of space, but rather an intimate space for workers and café customers to interact with one another. The busy workspace with its multiple small-scale occupiers would add substantially to the vibrancy of the development and its sense of place and community.

*Effect of the proposal on views from the east*

7.56 The front cover of Ms Adams’s proof of evidence presents a view of the eastern elevation of Plot A seen from the Stone Foundries site. Mr Simpson was clear in his presentation that the view from the east will be entirely acceptable, whatever happens on the Stone Foundries site. As he explained, the buildings on the eastern side of Plot A will address the proposed secondary north-south road, an important route in the SPD. The scheme proposes three buildings of modest footprint with an average of 7 dwellings per floor. It is clear from Sketch Sheet A<sup>63</sup> that the form of the eastern elevation is broken and permeable, yet it also provides a beneficial level of containment and definition to the public realm. Mr Simpson explained that the pedestrian routes will offer intriguing invitations to explore the development. He had deliberately used the device of compression and release into public space to invite cross-movement to the larger public spaces.

7.57 There is no reason why there should be any adverse effect on development proposals for the Stone Foundries site. The appeal proposals are set well back from the boundary.<sup>64</sup> Furthermore, the appellant’s light witness, Mr Barnes confirmed that the developers of the Stone Foundries site could design a scheme with acceptable daylight and sunlight levels.

7.58 Perhaps most tellingly of all, Mr Rhodes reported that he had been in discussions with the planning consultants for the developers of the Stone Foundries site. He confirmed that those developers were in pre-application discussions with the Council and had not objected to the appeal proposal, in full knowledge of what is proposed. They evidently see no reason why the appeal scheme should prejudice their own proposals. Although Ms Adams claimed that she would struggle to design a scheme on the Stone Foundries site, the developers of the Stone Foundries site do not appear to share her difficulty.

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<sup>63</sup> Mr Simpson rebuttal.

<sup>64</sup> Mr Simpson rebuttal at 4.15.

7.59 The view shown on the cover of Ms Adams's proof will only be available briefly before the Stone Foundries site is developed, and the appeal scheme will not prevent appropriate development of that site.

*Quality of open space and alleged "canyon effect"*

7.60 The appellant considers that the allegation that the open space would feel canyon-like is misplaced. The open space is generous and excellent in quality: see for example, the images at pages 28-33 of Mr Simpson's presentation. As Mr Simpson explained, the spaces between the buildings are of ample width and the experience they offer will be highly positive. Mr Simpson described buildings comprising inset 2 storey townhouses, with 6-7 storey middle sections, then a setback above that. They would be built from a rich, warm range of natural materials and would not appear monolithic. At street level they would not be perceived as 10 storeys.

7.61 It is not just the appellant who considers that the public realm would be excellent, the officers of the GLA and Council did also.

*Sunlight to the open spaces within the development*

7.62 The GLA complained about a lack of sunlight to the open spaces within Plot B. The Council did not object on this basis. Indeed, Ms Adams did not quarrel with the linear north/south arrangement of the blocks, which she said was in order to maximise sunlight between the buildings.<sup>65</sup> The GLA officers said the same, with specific regard to Plot B.<sup>66</sup>

7.63 The appellant considers the GLA's concern is unfounded. Mr Barnes' evidence demonstrates that the relevant standards are met for the amenity spaces if the scheme is considered as a whole or if Plots A and B are considered separately<sup>67</sup>.

7.64 If each individual amenity area within the plots were considered separately, only one would not comply with the BRE Guidance<sup>68</sup> – and even then it would achieve a high level of compliance, 1.5 hours across circa 50% of its area, and benefit from reasonable sunlight penetration between blocks, which avoids areas that are permanently overshadowed. Given that the units within the scheme would also have private amenity space (and access to roof gardens), the provision of sunlight to amenity spaces within the scheme would be entirely acceptable. Moreover, the scheme compares favourably to similar developments<sup>69</sup>, and contains generally higher levels of overall sunlight amenity and fewer areas that do not meet the suggested targets. It is also notable that the Mayor's SPG does not emphasise the importance of sunlight to play areas. Rather, it refers to a need to take into account the changing climate and to protect children in play areas by

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<sup>65</sup> Ms Adams PoE 4.2.4 and 5.1.18.

<sup>66</sup> CD C57 at [168].

<sup>67</sup> Mr Barnes Section 8.

<sup>68</sup> CD A6 - British Research Establishment (BRE) – Site layout planning for daylight and sunlight: a guide to good practice – P Littlefair 2011

<sup>69</sup> Mr Barnes appendix 2.

providing canopies and trees to shade them.<sup>70</sup> Consequently, the notion that all play space should receive direct sunlight all day long is wrong.

7.65 The GLA witness, Mr Proctor, argued that the total sunlight amenity figures were misleading as they included sunlight amenity to roof top amenity spaces which are only accessible to the residents. Mr Barnes's evidence was that considering these spaces is appropriate as they form part of the shared amenity offer for this site. However, even if the roof top amenity spaces are excluded, the scheme more than satisfies the BRE guideline that 50% of the amenity area should receive at least 2 hours of sunlight on 21st March and each plot taken separately also satisfies the guideline<sup>71</sup>.

#### *Heritage impact on Charlton village/the hill*

7.66 The appellant considers the concern that the proposed development would adversely impact on views from the higher ground of Charlton village on the hill is unfounded. As Mr Stewart explained, these were assessed in the TVIA using viewpoints chosen following discussion and agreement with the Council. The assessment showed very little visibility of the scheme from the hill, and where the scheme would be visible there would be no significant impact on the qualities of the foreground and wider scene, and thus no harmful impacts.

#### **Appellant's Case - Housing and Affordable Housing**

7.67 The Framework requires local authorities to deliver a wide choice of quality homes, to widen opportunities for home ownership and to create sustainable, inclusive and mixed communities. The quantum of residential units within the appeal scheme (771 units) will assist the Council in increasing the supply of housing in the Borough and across London. It will make a sizeable contribution to meeting local and regional housing targets and national planning objectives.

7.68 The housing benefits of the appeal proposal need to be considered in the context of: (a) the identified scale of housing need in London; and (b) the importance of achieving delivery, particularly in OAs. It is important to emphasise that the Council's disputed case that it has a 5.02-year housing land supply does not reduce the significance of the benefit the scheme will bring. London Plan<sup>72</sup> Policy 3.3 requires Boroughs to exceed, not just meet, their targets. At the recent Whitechapel Estate appeal the Inspector said that<sup>73</sup> "*it was agreed that...substantial weight should be given to the provision of new housing, irrespective of the local land supply position. I accept the agreed position.*"

7.69 The same must apply to this case, all the more so given the recent expression by the SofS of serious concerns about the emerging London Plan. The SofS has said<sup>74</sup> that London faces the most severe housing

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<sup>70</sup> CD B4 at para 3.38.

<sup>71</sup> Mr Barnes letter to Proctor 25 November 2019, ID30.

<sup>72</sup> CD B11

<sup>73</sup> CD F/3, paragraph 143

<sup>74</sup> Letter to Mayor of London 27<sup>th</sup> July 2018, Mr Rhodes 4.21 page 26.

pressures in the country and that housing will continue to remain out of reach of millions of hard-working Londoners, unless there is a step change in housing delivery across London. That concern reflects the Mayor's own stark warning in paragraph 3.13 of the London Plan (2016) that "*London desperately needs more homes in order to promote opportunity and real choice for all Londoners*". Allowing this appeal will assist in fulfilling the SofS's and the Mayor's objective.

- 7.70 Housing delivery in London has not equalled even the 42,489 units per annum delivery target in the current London Plan<sup>75</sup>, let alone the 66,000 units per annum which the draft London Plan Inspectors have agreed are needed<sup>76</sup>. Delivery of affordable housing has also fallen well short of meeting the need.
- 7.71 Greenwich has consistently and significantly failed to meet its housing targets<sup>77</sup> and there is a large and growing need for housing delivery in the Royal Borough.<sup>78</sup> Furthermore it would not be enough for Greenwich to meet its own targets, the London Plan<sup>79</sup> requires Boroughs to seek to meet and *exceed* their own minimum targets. All Boroughs are expected to contribute to meeting London's overall needs. Both the London Plan and the Core Strategy recognise the critical importance of brownfield land (such as the Site) in meeting the housing need.<sup>80</sup>
- 7.72 There is a particular need for affordable housing, in Greenwich and throughout London<sup>81</sup>. Consequently, a particular benefit of the appeal proposals is the provision of a large number of high-quality affordable homes. The scheme will provide 40% affordable housing by habitable room subject to grant (and even in the absence of grant, a guaranteed 35% by habitable room). The appellant has also committed to both early and late stage review mechanisms so that any additional growth in value could provide further additional housing up to 50% (by habitable room). As the GLA officers' report rightly recognised, "*the maximisation and delivery of affordable housing on this site as part of the mixed-use proposals offers a considerable public benefit*".<sup>82</sup>
- 7.73 Overall, the housing in the appeal scheme, and in particular the affordable housing, is strongly to be welcomed and of great weight in the planning balance.
- 7.74 Policy 2.13 of the London Plan (2016) gives unequivocal support to, and indeed relies upon, significant housing development in OAs. Similarly, Policy SD1 of the draft London Plan seeks to "*ensure that Opportunity Areas fully realise their growth and regeneration potential*". Reliance on OAs is also a

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<sup>75</sup> Rhodes 4.19 pages 25-26.

<sup>76</sup> CD B12 paragraph 133

<sup>77</sup> Mr Rhodes table 4 page 27.

<sup>78</sup> Mr Rhodes 4.28 page 27.

<sup>79</sup> CD B11 Policy 3.3

<sup>80</sup> Core Strategy paragraph 3.1.3. Importantly, paragraph 4.1.7 recognises that 99% of all development in Greenwich is expected to be on brownfield land.

<sup>81</sup> Rhodes paragraphs 4.17 and 4.26.

<sup>82</sup> CD C57 paragraph 1.23.

feature of the Core Strategy. Paragraph 3.2.5 is clear that *“housing growth targets ... will primarily be met by providing housing within the Opportunity Areas... as they have the greatest potential for development”*, and paragraph 4.1.7 explains that the Borough’s Strategic Development Locations (which include the OAs) *“provide the main land supply crucial to meeting the housing targets”*.

7.75 Notably, the expectations and requirements for this particular OA have increased significantly since it was first identified in 2014 (when the Core Strategy was also adopted).<sup>83</sup> The draft London Plan<sup>84</sup> increases the estimate of residential development capacity in the CROA from 3,500 to 8,000 new homes. In those circumstances it is all the more important that housing provision on land such as the Site is optimised, and the appeal proposals fulfil that objective.

7.76 Mr Rhodes’s oral evidence underscored the importance of understanding the severity of the need for new homes, including affordable homes in London. He did not think that the Council and the GLA witnesses had fully recognised the scale of housing need or the important contribution which the appeal scheme can provide, referring to Mr Oates’s reluctance to accept that it is not enough to have a 5-year housing land supply (5YHLS), and Ms Harrison’s grudging acceptance that the GLA “does not object to” the affordable housing proposed.

7.77 Mr Rhodes emphasised that a step-change in delivery is required to meet housing need in London and that neither the claimed existence of a 5YHLS nor the reduction in the housing requirement in the draft London Plan<sup>85</sup> are reasons to dispute the scale of London’s housing need. In terms of the scale of the housing need, it is notable that:

- The London Strategic Housing Market Assessment (SHMA) calculates the need as 66,000 homes per annum (pa);<sup>86</sup>
- London has underperformed against even the current London Plan requirement of 42,000 pa;<sup>87</sup>
- London needs 42,841 affordable homes every year<sup>88</sup> but delivery has fallen way short of that figure<sup>89</sup>.

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<sup>83</sup> Rhodes Table 6 page 29.

<sup>84</sup> CD B9, table 2.1.

<sup>85</sup> It is important to recognise that draft London Plan housing requirements are based on capacity, not need. Accordingly, when the recent examiners’ panel proposed a reduction in the housing requirement, they did so because they doubted the availability of supply (particularly small sites). They did not doubt the scale of the need: (Panel report 173, 175 and 178, the revised requirement would fail to meet need “by some margin” – must use all tools to get homes built). If the proposed reduction in the requirement is being used to deny the need or urgency for more housing, that would be wrong.

<sup>86</sup> Draft London Plan paragraph 4.4.1.

<sup>87</sup> Mr Rhodes proof paragraph 4.19.

<sup>88</sup> Mr Rhodes proof paragraph 4.17.

<sup>89</sup> ID 25, extract from the London Plan AMR 2017/18, published in October 2019.

7.78 Mr Rhodes explained that there is a housing crisis in London and that Greenwich is not immune from this. The housing round table session showed that in the appellant's view, it is very unlikely that the Council can show a 5-year supply but, more importantly:

- The Council has failed to meet its housing targets in any of the last 9 years<sup>90</sup> and has accumulated a substantial backlog – at the same time that its housing requirement is due to increase; and
- Mr Rhodes's proof<sup>91</sup> records affordable housing need for the Borough at 10,747 homes, but the appendices produced by the Council for the 5-year supply discussion brought this up to date<sup>92</sup>. There has been a further worsening of affordability across all tenures and the Council now has 17,000 households on its Housing Waiting List: a 44% increase in the last 5 years. This is a lamentable situation.

7.79 In this context, Mr Rhodes said that it is simply wrong to attach "*moderate weight*" to the housing proposed because the Council claims it can scrape a 5-year supply against a housing requirement which is meant to be a minimum and which is about to increase. Given the scale of housing need, it is even more important to make the best use of available brownfield land, particularly in OAs with good public transport.

7.80 The appellant has been criticised for retaining the total of 771 units when revisions were made to the schemes, but it did so in agreement with GLA officers who recognised the importance of delivery and who were also aware of the importance of the affordable homes being offered in the scheme. Mr Rhodes's Appendix 1 records:

- The original application of 995 units offered 17.5% affordable housing – and it was agreed following review that no greater amount could be afforded without falling below the agreed target return of 18%;<sup>93</sup>
- When the scheme was revised down to 771 units using the same agreed assumptions on costs, values and return, it was agreed that the scheme could only afford 8% affordable housing<sup>94</sup> – in other words, losing housing numbers significantly affected the viability of the scheme and the ability to provide meaningful levels of affordable housing;
- The appellant was pushed hard by the GLA to improve the affordable housing offer and agreed to increase it to 35% (40% with grant<sup>95</sup>) despite an acceptance from Council and GLA officers that this exceeds the maximum reasonable amount of affordable housing and

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<sup>90</sup> Mr Rhodes proof Table 4 p.27.

<sup>91</sup> Paragraph 4.26.

<sup>92</sup> Ms Montgomerie Appendix 11 paragraph 2.3.

<sup>93</sup> See paragraphs 5.23-5.26.

<sup>94</sup> See paragraph 5.40.

<sup>95</sup> Explained at 5.62-5.69 and NB grant is likely to be available.

would take the development well below the level of return a developer should reasonably expect;<sup>96</sup> and

- It is therefore no wonder that the GLA officers considered that the housing and the affordable housing should be seen as a “*considerable public benefit.*”<sup>97</sup>

7.81 This explains not only the importance that must be attached to the housing proposals in this case, but also the importance of maintaining the proposed density and unit numbers. A reduction in unit numbers would necessitate a very significant reduction in affordable housing.

### ***Appellant’s Case - 5-year Housing Land Supply***

7.82 This is not a case where the appellant needs to rely upon the absence of a 5YHLS. The appellant's primary position is that the scheme is in accordance with the development plan and consequently paragraph 11 of the Framework requires that it should be approved without delay. However, the Council’s claimed housing land supply of 5.02 years is very marginal. The Council’s best-case amounts to an 82-unit surplus. Also, Mr Rhodes explained, the Framework 2019 deliberately changed the test for deliverability. The onus is now upon local planning authorities to demonstrate a 5YHLS in order to ensure that sites are available now based on clear evidence. There is no presumption of deliverability. Deliverability must be evidenced.

7.83 Turning to the specific sites in issue, in relation to Enderby Place, Mr Rhodes explained that the Council was wrong to treat the existing planning permission as evidence of deliverability. Whilst a detailed planning permission exists for the site, there is a requirement for the cruise liner terminal to be delivered first. Yet the Council does not support the cruise terminal and the developer will not proceed with it. Effectively, this is a site with no planning permission that will deliver homes. The land has changed hands, no new planning application has been made, and we do not even know what the new scheme might comprise, because the Council was unable to reveal the contents of its confidential discussions with the developer. In circumstances where we do not know what is proposed, it is impossible to say that any given number of residential units is deliverable.

7.84 In relation to Greenwich Peninsula, the Council relies on this site delivering 1000 dwellings per annum in years 4 and 5 of its 5YHLS calculation. A new planning application is required because the reserved matters approvals under the existing 2015 outline planning permission lapsed in March 2019. Fundamentally, the Council’s forecast for this site is unrealistic because the developer's own current delivery plan predicts a lower level of delivery. The email from the developer to the Council in response to the Council’s attempt to solicit evidence for the purposes of this Inquiry makes it absolutely plain that the developer's current plan does not forecast the level of completions that the Council relies upon. The developer needs a new

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<sup>96</sup> See see GLA Hearing report CD C57 paragraphs 120.

<sup>97</sup> CD C57 paragraph 123.

planning permission and also to find ways of increasing delivery beyond its own expectations. The clear evidence is that the Council's forecast is not realistic.

- 7.85 Mr Rhodes emphasised that he was not suggesting that no housing would be delivered on this site. Instead, his point was that the Inspector and SofS cannot be sufficiently confident that housing would be delivered at the scale the Council forecasts. Ms Montgomerie's suggestion that her forecast for the site was low and that the figure of 1000 was a proxy for delivery across the wider site was unpersuasive, given that she could not explain how the developer would deliver at this rate when, in its own words, its delivery plan currently does not forecast the rate of completions on which the Council relies.
- 7.86 With regard to Spray Street, Mr Rhodes explained that the covered market had been listed and consequently the developer had to go back to the drawing board to produce a revised scheme. The impact of the listing is not as simple as moving a few blocks around the site as Ms Montgomerie seemed to imply. A year has elapsed since the listing and no alternative scheme has emerged. Mr Rhodes considered the master plan would have to be radically altered to take account of this change of circumstances and that attaining a viable scheme would be challenging on this brownfield site. There is also a prospect that a compulsory purchase order might be required because the site is not assembled. This site therefore fails the test of being available now. The site does not become available because the Council says it might make a CPO if required. If a CPO were required that would be a long process with no guarantee of a successful outcome. As one would expect, none of the building blocks for a CPO is yet in place and this site is a long way from being "shovel ready".
- 7.87 The essential point in relation to the small sites relied on by the Council is that there has been double counting. The SoCG on housing supply includes a small site allowance for sites of less than 0.25 ha. The additional package of 37 sites that the Council relies on are all small sites (and no doubt when developed will be included in a future AMR as small sites). The Council's new sites initiative, which started in 2018, may give greater confidence that the small sites allowance will be delivered (i.e. 226 units per annum in years 4 and 5). But it does not justify including additional sites in the 5YHLS calculation. The new initiative and this package of 37 sites merely facilitates more robust delivery of the small sites allowance.
- 7.88 Ultimately, although this point is not central to the appellant's Case, Mr Rhodes could not accept there was a 5YHLS given the difficulties with these sites. The lack of a 5-year supply is yet further evidence that very substantial weight should be attached to the housing and affordable housing offer in this case.

### ***Appellant's Case - Employment***

- 7.89 The Site is currently low-density employment land. The appellant considers that the scheme would regenerate the Site and provide modern workspace, together with a net gain of 88-91 more jobs. The proposal includes 3,026 sqm of flexible B1 workspace (on Plot B). Notably:

- The space is designed to be flexible, so that it can be subdivided to suit the individual requirements of different tenants;
- the appellant has committed to enter into a long lease with a specialist workspace provider (approved by the Council) who can manage the space in accordance with the workspace strategy approved by the Council and also committed to agreeing an affordable price point for both the provider and future occupiers; and
- the workspace would be provided by the appellant to a specification agreed with the Council ensure that it suits the requirements of the workspace provider and start up and SME tenants.

7.90 These employment proposals fully accord with the Development Plan. The GLA has confirmed that it no longer objects on employment grounds and it is satisfied with the Business Relocation Strategy secured by the s106 agreement. The Employment Space Study prepared by Glenny<sup>98</sup>, demonstrates that there are sufficient premises available for the relocation of the existing tenants of the Site. The relocation strategy is demonstrably working, and Glenny have already assisted many businesses to relocate from the Site.<sup>99</sup> There is no proper basis for refusal on this ground.

7.91 The Council's employment objections raise two issues: (a) whether policy requires the retention of employment floorspace; and (b) whether more detail is necessary *at this stage* in relation to the workspace.

7.92 The relevant policies do not require an equivalent amount of employment floorspace to be provided in redevelopment schemes. The extant London Plan contains only strategic guidance and leaves more detailed matters to local policy.<sup>100</sup> The draft London Plan, however, contains more detail. As Mr Rhodes explained, the Site is not in a Strategic Industrial Location (SIL) or Locally Significant Industrial Sites (LSIS) so is not one of the areas where the Policy E4C and paragraph 6.4.5 require no net loss of employment capacity. He considered that the Site is appropriately considered under Policy E7B because it benefits from a strategic allocation of mixed-use development on a non-designated site, and noted that the consolidated version of the draft London Plan had deleted the requirement in Policy E7D for suitable alternative employment accommodation.

7.93 In terms of the Core Strategy, the supporting text makes clear that the requirement is for homes and space for small businesses,<sup>101</sup> in a residential led mixed-use development.<sup>102</sup> Mr Rhodes pointed out that Policy EA1 does not say Charlton Riverside must expand and increase employment opportunities – that is a general statement of strategy which is then given different spatial effect in various areas by the Plan. For Charlton Riverside, the task is to create new high-quality jobs. That transformation from

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<sup>98</sup> Rhodes Appendix 2.

<sup>99</sup> See the update note at ID1.

<sup>100</sup> See Policy 4.4 and paragraph 4.20.

<sup>101</sup> Paragraphs 3.2.3 and 3.3.11.

<sup>102</sup> Paragraph 3.3.13.

industry to business is confirmed by paragraphs 4.2.5 and 4.2.8 of the supporting text.

- 7.94 There is one development plan policy preventing the loss of industrial land, Policy EA(a), but it does not apply to Charlton Riverside.<sup>103</sup> The issue of quantum for this Site is addressed in Policy EA2, which requires development to “*maintain employment levels in the waterfront area*”. As Mr Rhodes said, the words of Policy EA2 are straightforward. Employment, or employment levels, means jobs. It does not mean floorspace. Similarly, the reference to “*in the waterfront area*” is not a mystery – the expression is used 28 times in the Core Strategy. It refers to the north of the borough from Greenwich to Woolwich,<sup>104</sup> and it includes the whole of Charlton Riverside. It is also important to recognise that Policy EA2 in fact applies to the whole of Charlton Riverside; it does not necessarily impose a test for every site. The requirement is to maintain employment levels *across the waterfront area as a whole*.
- 7.95 The Site must therefore play its part in maintaining jobs in the waterfront area, but there is no requirement to maintain floorspace. The proposal in fact exceeds any policy requirement to maintain jobs, because it increases the number of jobs by 250%. Further, the SPD<sup>105</sup> shows Plot B, not Plot A, as being developed for mixed uses. That is exactly what is proposed.
- 7.96 The Council’s complaint about a lack of detail about the workspace is also misplaced. By way of background, it is important to note that the Council’s employment witness, Mr Otubushin agreed<sup>106</sup> substantially with the appellant’s position on location, demand, rents and market.
- 7.97 The appellant considered the proposed workspace to be suitable because it would be capable of subdivision, the doors can be placed anywhere on the perimeter and the 4.2 m high glass façade allows for plenty of natural light. Services could be provided, perhaps most appropriately towards the centre of the floorplate. It is not only the appellant who considers that the workspace would be suitable. The letter from GCW confirms that “*this development will provide a new workspace with an open floor plate that can be flexible and adaptable to suit small and medium-sized businesses’ modern requirements (allowing for upscaling or downsizing at relatively short notice). This is exactly what SMEs are looking for, flexibility on the space they occupy and the terms they occupy them on*”.<sup>107</sup> The letter from General Projects<sup>108</sup> is to similar effect, and this was supported by officer. That support is unsurprising given that the workspace was designed with input from 2 workspace providers.<sup>109</sup>

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<sup>103</sup> See paragraph 4.2.30. But note that the SPD seeks (page 51) to resist loss of employment uses in the absence of 2 years’ marketing; this seems inconsistent with the policy contained in the Core Strategy.

<sup>104</sup> See e.g. paragraphs 2.12, 2.3.1, 3.2.5, 3.2.10, 4.1 etc.

<sup>105</sup> Figures 5.3 and 5.4, pp 49-50

<sup>106</sup> In cross examination and in his proof at the references given in the following footnotes.

<sup>107</sup> Rhodes rebuttal appendix.

<sup>108</sup> ID 2

<sup>109</sup> CD C8, Design and Access Statement, section 7.8.

7.98 It is not appropriate to expect the appellant to have an operator for the workspace firmly identified now, given that it has not received planning permission and hence has nothing to market at this stage. We contend that as Mr Rhodes said, any sensible developer would wait until planning permission were granted and then attract some competition between operators for the space in order to secure the best provider and the best deal.

7.99 Given the terms of the s106 agreement there is no legitimate concern in relation to the proposed workspace. The s106 secures the Low Cost Workspace Strategy. In summary the s106 agreement requires:

- The Low Cost Workspace Strategy to be approved by the Council before Plot B is occupied;
- The workspace to be completed and leased to a workspace provider approved by the Council before Plot B is occupied; and
- The workspace to be provided and operated in accordance with the Strategy for the life of the development.

7.100 Mr Otubushin said he thought that the s106 agreement “potentially” met his concerns. His reluctance to accept the s106 agreement as a complete answer to those concerns was surprising. Self-evidently, the prohibition on occupation in Plot B unless and until the Council has approved the Low Cost Workspace Strategy and the space has actually been leased to a workspace provider (whom the Council has to approve) gives the Council complete control over the issues that it says are important. Mr Otubushin’s view was that getting a workspace provider involved was critical to success; the s106 agreement ensures that will happen and that the provider will be approved by the Council.

7.101 In re-examination, Mr Otubushin’s concern appeared to focus on a fanciful concern that the appellant might build out Plot B without first having agreed the Workplace Strategy and then try to hold the Council to ransom by claiming that it could not find an operator, and thus seek to avoid its obligations under the s106 agreement. But as Mr Rhodes explained, no sensible developer would take the risk of building out Plot B on the gamble of being released from the s106 obligations. Furthermore, the appeal decision produced by Mr Otubushin<sup>110</sup> shows that it would not be possible to obtain planning permission to change the use of the workspace if the appellant had been marketing it to workspace providers at above the market rate. Further proof that Mr Otubushin’s view was an unrealistic concern is the fact that this would be good space with an expression of interest already<sup>111</sup>. There is every reason to think that it would be leased in accordance with the s106 obligations.

7.102 Finally, Mr Otubushin’s oral evidence that it would cost £5.4m to construct the workspace to a Grade A specification with raised floors and ceilings was

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<sup>110</sup> See his proof at paragraph 5.22.

<sup>111</sup> See ID2, the letter from General Projects dated 18 November 2019 and the letter from GCW at Rhodes’s Rebuttal appendix.

surprising. Both Mr Otubushin and GCW<sup>112</sup> agreed that different operators will want different specifications. As Mr Otubushin recognised<sup>113</sup>, this space would be low-cost tertiary space where low rents would be commanded, which would suit tenants, and this would require a lower grade specification to keep costs down for occupiers.

7.103 Accordingly, the scheme complies with all relevant planning policies relating to employment. It will provide high quality, flexible workspace in place of the low-density industrial units currently on the Site, and it will exceed policy requirements by increasing the number of jobs. The s106 agreement gives the Council control over a Low-Cost Workspace Strategy which addresses the very matters that the Council wishes to secure. There is no sensible objection to the scheme on employment grounds. Finally, it is significant that the GLA shares none of the Council's concerns. Indeed, although the Mayor refused permission on employment grounds, his reason for refusal<sup>114</sup>, now dropped, related only to failure to secure alternative premises for displaced occupiers. Rightly, he has never supported the Council's employment case.

### ***Appellant's Case - Living Conditions; Daylight And Sunlight Effects***

7.104 Objectors raise the following concerns in relation to daylight and sunlight:

- Charlton Together objects to the effect of the proposal on neighbouring properties in Atlas and Derrick Gardens in terms of daylight and sunlight; and
- The GLA has raised concerns about sunlight to open spaces within Plot B.

7.105 Core Strategy Policy DH (b) does not seek to prevent all development which will have adverse impacts on the sunlight and daylight to neighbouring properties. It seeks only to prevent "*unacceptable loss of amenity*". The judgement whether the impact would be acceptable must be taken in the light of relevant national and local policy. In that regard it is notable that paragraph 123(c) of the Framework provides that in areas such as this, local planning authorities should refuse applications which they consider fail to make efficient use of land. In dealing with housing applications they should take a flexible approach.

7.106 A similar approach is taken in the Mayor's Housing SPG<sup>115</sup>. The guidance provides that BRE Guidelines need to be applied sensitively to higher density development, especially in relation to large sites in accessible locations (such as this Site). It is also relevant to take account of the nature of the affected rooms. The site-facing windows at the rear of Atlas and Derrick Gardens generally serve small secondary bedrooms, bathrooms and small non-habitable kitchens. The primary living space and master

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<sup>112</sup> Mr Horner, GCW letter, Rhodes Rebuttal appendix (fourth page, second paragraph).

<sup>113</sup> Otubushin paragraphs 4.3-4.4.

<sup>114</sup> Reason 3.

<sup>115</sup> CD B7, paragraphs 1.3.45 and 1.3.46.

bedrooms are generally located at the front of the properties facing away from the Site, and they would be unaffected by the proposed development.

- 7.107 Furthermore, Inspectors have accepted that it is also not necessary to assess impacts on windows serving kitchens smaller than 13m<sup>2</sup>.<sup>116</sup> That approach is applicable here since Charlton Together confirmed that the kitchens affected in this case are around 10m<sup>2</sup>. However, Mr Barnes explained that even if the kitchens were included in his assessment, the conclusion would remain the same because the properties affected are rows of terraced houses facing the proposed development and the effect on kitchen windows would be similar to the effect on the other rooms facing the Site. In answer to the Inspector's questions, Mr Barnes also confirmed that impacts would still only be minor adverse even if kitchens were included and the two roof-lights serving what Charlton Together described as non-habitable loft space were removed from the assessment. Mr Barnes remained firmly of the view that the impacts would remain acceptable.
- 7.108 The Site is in a developing urban context and Mr Barnes considered that the need for flexibility was applicable to this case. Although some impacts would be towards the upper end of minor adverse, such impacts are to be expected in this context and there is a very high degree of compliance with the guidelines.
- 7.109 The primary effects on daylight and sunlight would be caused by the 3-storey Buildings G & H closest to Atlas and Derrick Gardens, not the taller buildings behind. The appellant concludes that properties at 1-10 Atlas Gardens, 25-26 Atlas Gardens and 21-40 Derrick Gardens would experience no noticeable change in daylight by reference to the BRE Guidance and the impact on the daylight received would be negligible<sup>117</sup>. Mr Barnes has set out the daylight impacts on the remaining properties,<sup>118</sup> which he finds are no more than minor.
- 7.110 In relation to sunlight impacts, of the 42 windows assessed only 2 show reductions in Annual Probable Sunlight Hours (APSH) levels beyond the BRE Guidance target of 25% annually. Nevertheless, those 2 windows retain APSH in excess of 21%, and in any event, they are secondary panes within a bay window within rooms where the primary window is not oriented within 90° of due south. Given the secondary nature of those windows, the appellant considers the overall impact is minor adverse and acceptable in this urban context.
- 7.111 Finally,<sup>119</sup> the proposal will not have a noticeable effect on sunlight to neighbouring amenity spaces. All of the 38 relevant external amenity areas would comply with BRE Guidance i.e. they would achieve direct sunlight for at least 50% of their area for 2 or more hours on 21<sup>st</sup> March, or see a reduction of no more than 20% from baseline levels.

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<sup>116</sup> CD F3 (Whitechapel Estate, at paragraph 114) and CD F2 (Graphite Square at paragraph 22). 13m<sup>2</sup> is the area used in the Mayor's Housing SPG to define a habitable room.

<sup>117</sup> Barnes paragraph 7.3.

<sup>118</sup> Paragraphs 7.5 to 7.17.

<sup>119</sup> Barnes paragraph 9.3

7.112 Charlton Together raised specific concerns about the impact on 1-8 Anchor and Hope Lane. Mr Barnes has treated that property as a sensitive receptor and assessed it<sup>120</sup> and concluded that the impact would be minor adverse. The property has 15 windows which will face the buildings on Plot B. A total of 3 of the windows would experience no noticeable alteration to daylight conditions and 11 of the remaining 12 windows would experience minor adverse effects with Vertical Sky Component (VSC) levels that range between 21.6-28.3%. However, the appellant concludes that these windows would still experience retained VSC levels ranging from 19.6-26.7%, which is within an acceptable range. The remaining window would experience a moderate adverse effect, seeing a reduction in VSC levels from 22.7 to 14.7%. This room would, however, be served by another window which will experience a lesser, minor adverse impact. In terms of the No Sky-Line Contour (NSC) assessment, 2 rooms would experience minor reductions of 21.1% and 21.9% which only marginally exceeds the suggested BRE target of 20%.

7.113 The occupier of the recording studios at Imex House, Mr Tilbrook, also raised concerns about the impact of daylight and sunlight. Mr Barnes explained that this issue had been considered and the impacts shown to be acceptable, In terms of VSC, the retained levels would be 17.2% as compared to levels in the mid-teens which have been found to be acceptable in an urban context<sup>121</sup>. In relation to both NSC and APSH, there would be no noticeable effect. Overall, Mr Barnes considered that Imex House impacts would be acceptable, which is unsurprising because the design responds by stepping down to 2-storeys in this location.

### ***Appellant's Case - Imex House Noise***

7.114 Policy D12 of the draft London Plan requires development to be designed to ensure that established noise and other nuisance generating uses "*remain viable and can continue to grow without unreasonable restrictions being placed upon them*". Likewise, paragraph 182 of the Framework advises that "*existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established*". The appellant considers that no unreasonable restrictions will be placed on Imex House.

7.115 As a matter of principle, the presence of Imex House should not prevent or delay regeneration of the area, as the SPD envisages that it will be redeveloped predominantly for residential uses.<sup>122</sup> The relevant question is whether appropriate mitigation can be secured to ensure the ability of Imex House to co-exist with the scheme until such time as Imex House is redeveloped in accordance with planning policy.

7.116 In terms of its operation, the concern is that noise breakout from inside the recording studio, noise from external amplifiers and noise associated with loading and unloading vehicles would lead future residents of the

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<sup>120</sup> Barnes paragraph 7.16.

<sup>121</sup> See Barnes paragraph 6.3.

<sup>122</sup> CD B3 - See Figures 5.3 and 6.1.

scheme to complain that Imex House is causing a nuisance, thereby jeopardising the continued operation of Imex House. The experts essentially agree on the potential noise impacts and the attenuation required. The appellant's noise expert, Mr Barson's evidence explains a series of relatively straightforward mitigation measures that could be taken to ensure compatibility between its continued use and the amenity of neighbouring residents.

#### *Noise from within Imex House*

7.117 It is accepted by all parties that noise mitigation can be provided within Imex House to ensure that any emissions from the building do not have an unacceptable impact on housing within the appeal scheme.<sup>123</sup> Mr Barson's proof summarises the particular mitigation measures required,<sup>124</sup> and neither The Council's expert witness, Mr Mann, nor the GLA's, Dr Yiu, suggested that there was anything impractical about those measures. Mr Tilbrook agreed.

#### *Noise from external amplifiers*

7.118 It is also agreed that potential noise impacts on housing within the appeal scheme from guitar amplifiers currently located on trailers outside the Imex House building can be satisfactorily mitigated by placing the amplifiers in an insulated acoustic enclosure.<sup>125</sup> Ultimately, the evidence is that either insulated boxes or solid enclosures could deliver the required level of mitigation. Mr Tilbrook agreed and he thought this was just a matter of "nuts and bolts" which he was "sure it can be agreed".

#### *Noise from loading and unloading and vehicle movements*

7.119 The parties have agreed that there is no issue in relation to noise from vehicles serving Imex House using the Access Road i.e. before stopping, turning or manoeuvring.<sup>126</sup> The issues raised by the GLA, the Council and Mr Tilbrook relate to: (i) loading and unloading vehicles; (ii) vehicles stopping, turning or manoeuvring.

7.120 Mr Mann and Dr Liu accepted that the proposed new dwellings can be insulated so as to avoid any potential disturbance inside the dwellings<sup>127</sup>, and all the experts agree that Mr Barson has identified a deliverable scheme of mitigation that goes above and beyond the levels of noise protection suggested by the World Health Organisation.

7.121 In those circumstances, the appellant was surprised that Mr Mann continued to object in relation to loading and unloading noise, namely the impact of noise from loading and unloading on balconies, as opposed to the interior of dwellings, and public spaces during the daytime and evening.

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<sup>123</sup> CD E4 Noise SoCG, paragraph 3.1. See also Mr Barson proof section 8.

<sup>124</sup> Mr Barson proof, paragraph 8.10 and Appendix 6.

<sup>125</sup> CD E4 Noise SoCG, paragraph 3.2. See also Barson proof section 10.

<sup>126</sup> CD E5 Noise SoCG, paragraph 3.4.

<sup>127</sup> See Mr Mann Rebuttal paragraph 1.21, page 4, and evidence given by both Mr Mann and Dr Yiu at the round table session.

7.122 In the appellant's view, this was a bad point. As Mr Barson explained, during the day there will of course be some vehicular traffic using the public spine. Most of that traffic will be servicing traffic for the proposed development to which no objection has been taken, so it is illogical to raise objection to the very limited vehicular movements associated with Imex House. At night, though it is perhaps unlikely that residents will be using their balconies at that time, Mr Barson said that his calculations showed that acceptable levels for balconies would be achieved against the requirements of BS8233<sup>128</sup>.

#### *Construction noise and vibration*

7.123 Mr Barson's evidence also explains how construction noise impacts on Imex House can be mitigated using a combination of commonly used mitigation measures.<sup>129</sup> It is agreed with the Council and the GLA that the assessment for construction noise and vibration impacts and determination of the necessary controls could be dealt with under the s60-61 of the Control of Pollution Act 1974 procedures.<sup>130</sup>

7.124 Despite Mr Mann's pessimistic view that relocation of Imex House would likely be required, Mr Barson considered that relocation would be a last resort and that there were commonly used lesser measures which could be effective. In that regard, it is important to note that Imex House is currently surrounded by industrial uses and the fabric of the building lacks noise attenuation measures. The proposed mitigation would involve providing the noise insulation to Imex House prior to any demolition or construction activity, which would provide an enhanced level of protection from the outset. Mr Barson explained that if relocation were required then the s60-61 process would ensure that it occurred. The experts agreed that there is no "showstopper" in terms of construction noise and vibration. What will need to be determined is only precisely which combination of mitigation measures will need to be put in place, and consequently how much it will cost the developer. It was agreed that it would be premature to seek to agree these in advance of planning permission or before a scheme contractor had been engaged.

7.125 It is also important to note that the s60-61 process ultimately gives the local planning authority control because it may serve a notice imposing requirements, thereby enabling it to decide the precise details of the mitigation of construction noise and vibration. Failure to comply with such a notice is a criminal offence. It is therefore certain that construction noise and vibration impacts can be dealt with satisfactorily.

#### *Mechanism for securing the noise mitigation*

7.126 The mechanism for securing the noise mitigation proposed by the appellant in the s106 agreement fully meets the requirements of the agent

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<sup>128</sup> BS 8233:2014: Guidance on sound insulation and noise reduction for buildings

<sup>129</sup> Mr Barson rebuttal section 5 pages 12-15.

<sup>130</sup> CD E5 Noise SoCG, paragraph 3.5.

of change principle. The planning obligation guarantees the availability of sufficient mitigation for the owner of Imex House at the developer's cost.

7.127 In summary, the process requires the appellant to agree the precise details with the owner of Imex House and then seek approval from the Council. The planning obligation provides for a dispute resolution process, and several stages which each give the owner of Imex House the option to engage. In the event that the owner of Imex House refuses to accept the mitigation offered/determined to be acceptable through the dispute resolution procedure, the appellant will be obliged to hold open the offer to provide the mitigation at the appellant's cost for a period of 5 years.

7.128 The proposed planning obligation does all that is necessary and reasonable because it guarantees that the required mitigation will be offered to the owner of Imex House at the developer's cost. It is the appellant's view, that the Council is wrong to argue that commencement of development should be precluded by a Grampian condition until that offer is accepted and the mitigation then provided. Ultimately, the agent of change principle is concerned only with protecting existing uses from "unreasonable restrictions". The Council's suggested Grampian condition should be rejected as unnecessary and unreasonable.

7.129 In summary, all agree that the impact of any noise from Imex House on the new housing can be satisfactorily mitigated. For completeness, it should be noted that the Council is suggesting the same approach in relation to any mitigation work needed at the Stone Foundries. As with Imex, a Grampian condition preventing commencement of work until the mitigation has been completed would be wholly unreasonable.

### ***Appellant's Case - Imex House Access***

7.130 Two distinct issues have been raised in relation to access to Imex House. First, Mr Tilbrook was concerned to ensure that the Access Route would be of sufficient dimensions to allow him convenient access to his premises in the large vehicles he hires to go on tour. Secondly, the GLA and the Council raised concerns about the safety of the Access Route based on a supposed risk of conflict between Mr Tilbrook's vehicles and children using the adjacent play space.

7.131 In relation to access to Imex House, the appellant's transport witness, Mr Whyte's evidence demonstrates that adequate access to Imex House will be secured as part of the scheme<sup>131</sup>, and access arrangements to Imex House will be improved. Currently vehicles have to use land over which Imex House has no right of way and the scheme includes a commitment to grant new rights over additional land to provide more convenient access. Contrary to Mr Tilbrook's assumption, his use of land outside his demise during his 13 years as owner cannot have created an easement by prescription and he does not have the right to undertake the manoeuvres that he currently needs. The scheme provides a clear betterment.

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<sup>131</sup> Section 5 of Mr Whyte's proof.

7.132 Neither the Council's transport witness, Mr Bunce, nor any of the other witnesses, disputes the adequacy of access to Imex House as demonstrated in Mr Whyte's swept path analysis. That reflects the position of both officers' reports as well.<sup>132</sup> This objection to the scheme is, in the appellant's view, clearly unfounded.

7.133 Similarly, the GLA and the Council's concerns about a conflict between vehicles and playing children are also, in the appellant's view, unsubstantiated. For the GLA, the issue was that the Access Route was, or was near an area in which "children were encouraged to play". It was contended that this was inherently incompatible with irregular movements of large vehicles associated with Imex House. For the Council, Mr Bunce's focus was on the need for large vehicles entering and leaving Imex House to have to make "multi-point turns", which he considered posed a safety risks in a "street facilitating play".

7.134 Mr Whyte's evidence explains that:

- The play spaces provided are separate from the Access Route;
- In any case, given the predicted traffic levels (just 42 vehicles per day)<sup>133</sup> this street comfortably meets the criteria for designation as a Home Zone and for a shared surface in MfS2 (100 vehicles per hour);<sup>134</sup>
- It is expressly contemplated and indeed positively encouraged that in such areas children can play in the street.<sup>135</sup>
- The turning area referred to by Mr Bunce will also be used by turning refuse vehicles, to whose presence in the street no objection has been raised.<sup>136</sup> Furthermore, Mr Bunce's reliance on paragraph 9 of the Home Zone guidance underscores the inconsistency of his approach. He relied on that paragraph to suggest that Home Zones should be mainly residential areas with some shops and schools, yet schools and shops receive deliveries from large lorries vehicles of the kind Mr Bunce considers dangerous;
- The multi-point turn that Mr Bunce is concerned about is a simple 3-point turn of the sort that is commonly undertaken by vehicles in a cul-de-sac;
- In any event, Imex House vehicles are likely to arrive and depart at hours other than those when older children likely to play.<sup>137</sup>

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<sup>132</sup> CD C54 - Council Planning Board report at paragraph 20.12 and CD C57 - GLA report at paragraph 308.

<sup>133</sup> See Mr Whyte table 5.1 page 25.

<sup>134</sup> See Mr Whyte 5.3.4 page 28 and 5.6.3 page 31, and Mr Whyte rebuttal section 2.2.

<sup>135</sup> See e.g. the Home Zone guidance at para 10, and see also references in Mr Rhodes's Rebuttal at 2.21 to the Mayor's Play and Informal Recreation SPG and Transport Strategy.

<sup>136</sup> Mr Whyte rebuttal at 2.3.2-2.3.4.

<sup>137</sup> Mr Whyte rebuttal 2.3.7.

7.135 Mr Rhodes considered this objection to be so surprising that he was moved to write a rebuttal. As he said, the provision of shared space in this location is exemplary best practice, and the objections displayed an unfortunate reluctance to accept national policy and clear best practice.

### **Other Matters**

#### *Living conditions; privacy*

7.136 Concerns have been expressed by Charlton Together and interested parties about an adverse impact on privacy due to the separation between Atlas and Derrick Gardens and Buildings G and H. This was not suggested to be a problem by the GLA or the Council, nor in their officers' reports,<sup>138</sup> which reinforces the appellant's case that this criticism is unfounded.

7.137 Mr Rhodes said that upon initial instruction in this case he had walked the Site with Mr Simpson and had been surprised that this was a ground for objection to the scheme. He explained that the separation distances in this case are not at all unusual, and that the heights of Buildings G and H had been reduced to respect the amenity of neighbouring residential occupiers. In his view, the scheme was carefully and properly designed and entirely appropriate from a planning perspective.

#### *Transport*

7.138 Transport matters have been discussed with TfL as well as the Council and the GLA, and the appellant's evidence<sup>139</sup> confirms that the scheme is acceptable in all respects. Both the Council and the GLA confirmed that they were not raising transport issues.<sup>140</sup> However, Charlton Together and some interested parties have objected to the scheme on transport grounds.

7.139 In addition to Mayoral Community Infrastructure Levy (CIL) and Greenwich CIL payments, the scheme proposes a series of agreed transport mitigations to address the effects of the scheme on the surrounding transport infrastructure:

- Highway works under S278 of the Highways Act to provide the main access to the site on Anchor and Hope Lane. These works include a Toucan (pedestrian and cycle) crossing of Anchor and Hope Lane to the south of Bugsby's Way<sup>141</sup>;
- £150,000 s106 contribution toward wider pedestrian and cycle enhancements to be implemented by the Council;
- £15,420 s106 contribution towards the Council's cycle training scheme;
- £810,000 s106 contribution to bus service enhancements which would comprise increased frequencies on current bus service routes,

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<sup>138</sup> CD C54 at 18.14 and CD C57 at [153] and [244].

<sup>139</sup> Mr Whyte proof of evidence.

<sup>140</sup> CD E3 - SoCG section 8 'sustainability and transport'.

<sup>141</sup> See Drawing 30821/AC/216\_C in Appendix B of Mr Whyte's proof

and/or towards the provision of new bus service routes and/or the diversion of existing bus service routes. The planning and implementation of these would be undertaken by TfL buses;

- £2,100,000 s106 contribution to the future implementation of the east-west Link Road;
- Safeguarding of land for the purposes of the Council's implementation of the east-west Link Road;
- s106 obligation to implement Residential and Workplace Travel Plans. Plus s106 contribution of £1,260 for monitoring;
- s106 obligation to implement the Delivery and Servicing Plan;
- £10,000 s106 contribution towards extending the Charlton Controlled Parking Zone (CPZ) to Anchor and Hope Lane. Obligation for a 'permit free' agreement for future residents of the scheme;
- s106 obligation to implement a Car Park Management Plan, including periodic monitoring of the use and allocation of parking spaces to ensure that sufficient provision for disabled persons is made and, should demand for car parking spaces reduce, there would be potential to re-purpose areas of the basement for other uses;
- s106 obligation to provide £3,000 (index linked) for a future Car Club operation locally; £500 (indexed linked) per Car Club car for traffic orders; and up to £231,300 for future residents' membership of the Car Club over a 5 year period.

#### *East-west route*

7.140 The east-west route is, according to the SPD,<sup>142</sup> a "core requirement of the Development Concept." It is common ground between the appellant, the GLA and the Council that the appeal proposal safeguards the land within the appellant's ownership necessary to allow the future east-west Link Road corridor to be delivered in the future by the Council.<sup>143</sup> In addition to providing 20% of the land required for this future road, the appeal proposal would provide over £2 million towards its delivery.

7.141 Charlton Together also expressed concern that the width of the East-West Link Road would result in a north-south severance for pedestrian connectivity. Mr Whyte's evidence explains that the future design of this road will be a matter for TfL and the Council, but that it would be possible to provide for better pedestrian connectivity than shown on the indicative layout requested by TfL and the Council.<sup>144</sup>

#### *Car parking*

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<sup>142</sup> CD B3 paragraph 7.4, page 69

<sup>143</sup> CD E3 SoCG paragraph 8.3, and see Whyte proof paragraph 6.3.5.

<sup>144</sup> Mr Whyte proof paragraph 6.3.6 and Appendix C.

7.142 It is common ground between the appellant, the GLA and the Council that the quantum of proposed car parking across all uses is acceptable.<sup>145</sup> The justification for providing 0.29 car parking spaces per residential dwelling, as opposed to a car free redevelopment, is clearly set out in the GLA hearing report.<sup>146</sup> In any event, planned public transport infrastructure improvements will not be delivered for some time such that some car parking provision is not unreasonable.

#### *Buses and trains*

7.143 There is no proper basis for objecting to the appeal proposals on the basis of public transport capacity. The s106 contributions for bus service enhancement ensure appropriate mitigation. Although some objectors have expressed concerns that the existing rail services would be unable to accommodate additional passengers, TfL undertook their own assessment and confirmed that the impact was relatively small and could be accommodated without mitigation.

#### *Pedestrians and cyclists*

7.144 Mr Whyte's evidence describes the existing pedestrian and cyclist environment,<sup>147</sup> noting that the pedestrian access to the northbound bus stop on Anchor and Hope Lane is currently poor and involves crossing a wide dual carriageway in gaps within traffic movements.<sup>148</sup> He explains how the proposal will improve the local pedestrian and cycle network through the proposed highway works identified on Anchor and Hope Lane.<sup>149</sup> It is also important to note that the ground level public realm area of the scheme will provide additional pedestrian and cycle connections and permeability with new publicly accessible connections being provided between Anchor and Hope Lane and the Thames Path within the site.<sup>150</sup> Furthermore, the 'eco-walk' will be a significant benefit to pedestrians.

#### *Traffic congestion*

7.145 Charlton Together and other interested parties have expressed concern that the proposed development would lead to additional traffic congestion. Mr Whyte's evidence explains that the traffic modelling undertaken by the appellant has been reviewed by TfL and the Council who are both satisfied with the methodology and conclusions reached in the Transport Assessment,<sup>151</sup> to the effect that there continues to be spare capacity on the highway network and the scheme would not give rise to traffic congestion.<sup>152</sup>

#### *Secondary road in the SPD*

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<sup>145</sup> CD E3 SoCG paragraph 8.5. The proposed arrangements are described at Mr Whyte proof section 3.6.

<sup>146</sup> CD C57 paragraph 321.

<sup>147</sup> Mr Whyte proof sections 2.2 and 2.3.

<sup>148</sup> Mr Whyte proof paragraph 2.2.3.

<sup>149</sup> Mr Whyte proof paragraph 3.3.1.

<sup>150</sup> See Mr Whyte proof Appendix A drawing 30821/AC/241.

<sup>151</sup> CD C18.

<sup>152</sup> Whyte proof paragraph 6.3.2.

7.146 Mr Whyte has shown that the appeal proposals do not preclude the future delivery of the secondary access road shown within the SPD.<sup>153</sup>

*Environment and Sustainability matters*

7.147 It is common ground between the appellant, the GLA and the Council that the proposed development, subject to the agreed conditions, would demonstrate the ability to comply with sustainability objectives including minimising carbon dioxide emissions, using energy efficiently and including renewable energy in accordance with the energy hierarchy. No objections were raised in respect of flood risk, delivery of sustainable urban drainage, ecology and urban greening.<sup>154</sup>

7.148 Matters of sustainability were considered in the officers' reports which clearly explain why the scheme would be acceptable.<sup>155</sup> For Charlton Together, Mr Connolly's real objection was that the appeal proposal should do more than planning policy requires, which plainly does not provide a basis for refusing this planning application.

*Air quality*

7.149 It is common ground between the appellant, the GLA and the Council that the "environmental impacts of the proposals, in terms of minimising exposure to air quality... are acceptable taking into account the proposed mitigation measures".<sup>156</sup> Those parties also agree that the ES "is compliant with the Regulations".<sup>157</sup> It is notable that the ES was independently reviewed on behalf of the Council and found to be acceptable.<sup>158</sup>

7.150 Section 8 of the ES deals with air quality.<sup>159</sup> It concludes that existing sensitive receptors are predicted, at worst, to experience a negligible effect. Using a worst-case scenario, the proposed development would not cause any exceedances of air quality objectives in relation to NO<sub>2</sub>. None of the existing sensitive receptors would exceed the annual PM10 objective, and the proposed development would not cause any exceedances of the PM10 air quality objectives. All newly created receptors associated with the proposed development would be well within air quality objective limits. The proposed development therefore meets the London Plan requirement to be Air Quality neutral. These conclusions were assessed by officers and both reports agreed with them.<sup>160</sup>

7.151 Mr Connolly confirmed that he was not alleging that the ES was unlawful. Instead, he argued that the relevant law and policy in relation to air quality ought to require more of developers. Again, that plainly does not provide a basis for refusal. He agreed that it was incorrect to say that the ES had not

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<sup>153</sup> Whyte proof paragraph 6.2.2 and Figure 6.1.

<sup>154</sup> CD E3 SoCG paragraph 8.1.

<sup>155</sup> CD C57 paragraphs 261-271 and CD C54 section 23.

<sup>156</sup> CD E3 SoCG paragraph 8.3.

<sup>157</sup> CD E3 SoCG paragraph 4.3.

<sup>158</sup> CD C54 paragraph 8.8.

<sup>159</sup> CD C12 and CD C15.

<sup>160</sup> CD C54 paragraphs 19.14 to 19.16 and CD C57 paragraph 287.

considered PM2.5.<sup>161</sup> He also agreed that the air quality assessment had considered issues of health because air quality objectives were specifically set with health issues in mind.<sup>162</sup> He thought that national air quality objectives should provide better protection for health, but that is a different matter and cannot justify refusal of this proposal. The scheme provides additional protection for the proposed users of the crèche because condition 84 requires further air quality assessment before the Council will allow its use.

#### *Demolition and construction impact on foundations*

7.152 The ES specifically considers the concern that demolition and construction works might adversely impact upon the foundations of nearby residential properties.<sup>163</sup> It concludes that the proposed works are unlikely to cause “even cosmetic damage”.<sup>164</sup> In any event, appropriate mitigation will be secured through the CEMP.

#### *Crime and anti-social behaviour*

7.153 Issues of designing out crime have been fully considered. The scheme reinforces street-based, pedestrian activity and promotes passive surveillance throughout the development. The community uses provided in the scheme, together with the community use plan and community development strategy required pursuant to the relevant condition, will promote social cohesion. Furthermore a planning condition will ensure that the scheme achieves Secured by Design accreditation, and the Metropolitan Police Secured by Design officer has expressed the view that the proposal should be able to meet that standard.<sup>165</sup> Accordingly, it is common ground between the appellant, the GLA and the Council that “the proposals adhere to the principles of designing out crime”.<sup>166</sup>

#### *Social infrastructure*

7.154 It is wrong to say that the appeal proposals do not provide for social infrastructure. The proposed development will provide social infrastructure, including 338 sqm of community floor space at the ground floor of Building B intended for use as a nursery/crèche and 496 sqm of community floor space at the ground floor of Building C for use as a community centre. As officers correctly recognise, these facilities are to be supported and they accord with the development plan.<sup>167</sup>

#### *Overall*

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<sup>161</sup> CD C12 table 8.8 on page 8-12, and CD C14(ii) technical appendix 8.3. Monitoring showed levels well below the levels set by Defra (see Mr Connolly’s appendix 4d p. 21 and 33).

<sup>162</sup> CD C12 paragraph 8.7.

<sup>163</sup> CD C12 chapter 5.

<sup>164</sup> CD C12 paragraph 5.129.

<sup>165</sup> See CD C57 paragraphs 207-209 and CD C54 section 26.

<sup>166</sup> CD E3 paragraph 9.9.

<sup>167</sup> CD C57 paragraphs 104-105 and CD C54 paragraphs 9.24-9.26.

7.155 There are no other matters pointing to refusal of permission for the appeal proposals. A section 106 agreement has been agreed between the GLA, the Council, and the appellant.

***Appellant's Case - Overall Balance and Conclusion***

7.156 In conclusion, it is agreed that the appeal proposals will regenerate this highly sustainable urban site, in a development which will bring much needed housing as well as employment floor space of high quality and new community facilities. The development will bring environmental improvements by reason of its distinguished design including extensive public realm. These benefits will be achieved without unacceptable impacts. This scheme has been tested three times; by the Council, the Mayor, and now before this Inquiry. It is thoroughly sound. It is now time for permission to be granted, so that the regenerative benefits of the scheme can finally be realised. The appeal should be allowed.

## 8. The Case for the Greater London Authority

8.1 At the outset, the GLA notes the following matters:

- The Mayor recognises that the delivery of housing and affordable housing are benefits to which significant weight should be attached<sup>168</sup>. In the London Plan, the Mayor expressly identifies the desperate need for housing in London<sup>169</sup>, a sentiment which is repeated in the draft London Plan. The Mayor called in the application for his own determination precisely because he recognised the importance of the significant housing it could deliver.
- The GLA considers that the need for housing in London does not justify its delivery at any cost. All parties agree that the development plan and national policy in the Framework require high quality design. If the SofS is not satisfied that the appeal scheme achieves that high quality, even the appellant agrees that the appeal should be dismissed<sup>170</sup>.
- The appeal scheme is the first to come forward in the CROA. In the words of the appellant, it is a “pioneer” that will set a “benchmark” for the future development of the area<sup>171</sup>. In that context, it is especially important that it achieves the highest quality design standards.
- The proposed development is contrary to the guidance contained in the Charlton Riverside SPD, adopted in 2017. That guidance is the result of a four-year process. It is carefully crafted; was informed by technical planning and urban design evidence and subject to extensive consultation. It has the widespread support of the local community, as was apparent from their extensive input to the Inquiry. Both the Framework and the draft London Plan explicitly recognise the importance of involving local communities in the preparation of design guidance<sup>172</sup>. The approval of the appeal scheme would be an affront to the local vision for the area, encapsulated in the SPD.

### ***Charlton Riverside SPD***

8.2 The Charlton Riverside SPD is an important material consideration in the determination of this appeal. It provides detailed design guidance for the CROA. The SPD is not part of the development plan, but it is referred to in Policy EA2 of Greenwich’s Core Strategy as the document that should be used to guide development in the CROA.

#### *Status and weight of the SPD*

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<sup>168</sup> Ms Harrison’s proof, paragraphs 5.4 and 6.7

<sup>169</sup> CD B11 - London Plan, paragraph 3.13 ()

<sup>170</sup> XX Mr Rhodes

<sup>171</sup> Mr Simpson’s proof, paragraphs 4.2, 6.1, 7.1.1, 8.4.6 and 9.2

<sup>172</sup> See, in particular, CD A1 - paragraphs 125, 126 and 128 of the Framework; CD B9 - Policy SD1 Part B(9) of the draft London Plan and CD B12 - paragraph 120 of the London Plan Examiner’s Report

8.3 Recognising the obstacle posed by the scheme's lack of conformity with the SPD, the GLA argue that appellant's evidence to this Inquiry focused heavily on criticising that document. Its position at the Inquiry is in marked contrast to that which it adopted at application stage, when it described the SPD as a "key document" and a material consideration of "particular relevance"<sup>173</sup>.

8.4 The appellant argues that the weight attributed to the SPD should be reduced for two reasons, namely that:

- The SPD is contrary to the development plan in places;
- The SPD exceeds its lawful remit<sup>174</sup>.

*Conflict with the development plan*

8.5 The appellant claims that the guidance on building heights in the SPD is inconsistent with Policy DH2 (tall buildings) in the Core Strategy and that the weight it carries should therefore be reduced. The GLA consider this to be wrong on both counts. First, because there is no inconsistency and second, because it is a legal requirement that SPDs must be consistent with the development plan and absent any challenge to the SPD, its weight cannot be reduced on account of alleged conflict.

8.6 Policy DH2 of the Core Strategy provides that tall buildings "may" be appropriate in certain locations, including Charlton Riverside<sup>175</sup>. It draws a distinction between those places and others, where tall buildings will not be allowed. However, the policy does not say that tall buildings will be appropriate at Charlton Riverside, still less that they will be appropriate in every part of the 122-hectare OA.

8.7 The explanatory text to the policy makes it clear that it "*does not mean that all tall buildings will be appropriate in these areas and any proposed tall buildings will still need to consider its impact on the existing character of the area.*"<sup>176</sup> The Tall Buildings Assessment underlying the policy makes it clear that Charlton Riverside may be appropriate for tall buildings but that further assessment would be required<sup>177</sup>. Further assessment has since been carried out and has informed the SPD, which recognises that tall buildings will be acceptable in certain, but not all, parts of the CROA.

8.8 There simply is no conflict between the development plan's recognition that tall buildings may be appropriate in the CROA and the SPD's guidance on where, within the CROA, those tall buildings should be located.

*Exceedance of lawful remit*

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<sup>173</sup> Planning Status Addendum, December 2017, paragraph 3.4, page 9 (CD C5)

<sup>174</sup> Mr Rhodes proof, paragraph 9.2, page 51

<sup>175</sup> CD B1, page 95

<sup>176</sup> CD B1, Paragraph 4.4.18, page 95

<sup>177</sup> CD B1, Figure 2, page 96

- 8.9 The matters that can lawfully be included in SPDs are set out in regulation 5 of the Town and Country Planning Regulations 2012<sup>178</sup>. SPDs may contain statements on “*any environmental, social, design and economic objectives*” which are relevant to the attainment of the development and use of land that the local planning authority wishes to encourage. Pursuant to regulation 8(3), “*Any policies*<sup>179</sup> *contained in a supplementary planning document must not conflict with the adopted development plan*”.
- 8.10 Pursuant to those Regulations, it would be unlawful for a local planning authority to adopt a SPD that exceeded the prescribed remit or that conflicted with the development plan. The development plan that was in place at the time of the SPD’s adoption is the same as that now in place. It comprises the Greenwich Core Strategy and the London Plan 2016. The appellant was aware of the SPDs adoption in 2017 but did not seek to challenge it. It is now too late to do so, and the GLA assert that it is not proper for the appellant to seek to mount a challenge to established guidance by inviting reduction in the weight attributed to the SPD on the basis that it is unlawful.
- 8.11 The courts apply a strict, six-week time limit for challenges to planning decisions. There are important reasons for doing so, namely to avoid the unfortunate situation in which people seek to undermine planning decisions long after they have been made and are being relied upon to inform planning decisions.
- 8.12 In the absence of any challenge to the adoption of the SPD, the presumption of regularity applies. The effect of that principle is that public law acts must be treated as lawful unless and until they are quashed by the courts.<sup>180</sup> In this case that means that the Council’s adoption of the SPD must be treated as a lawful decision, and the SPD must therefore be treated as containing lawful planning guidance.
- 8.13 As ever, the weight to be attributed to the SPD will be a matter of planning judgment for the decision-maker. However, if the SofS were to adopt the appellant’s advice, and to reduce the weight attributed to the SPD on the basis that it unlawfully exceeded its remit or conflicted with the development plan, then in this the SofS would be acting unlawfully.
- 8.14 Mr Rhodes was unwilling to acknowledge that an SPD is ever capable of carrying significant weight, because in his view that would elevate its status to that of the development plan, notwithstanding the fact that it had not been subject to the same procedural rigmarole. Plainly the development plan carries with it a statutory force, but that does not prevent other material considerations from carrying significant weight in the determination of planning appeals. The Framework, for example, does not

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<sup>178</sup> ID 19, SPD Note, Appendix 1,

<sup>179</sup> Note that Mr Rhodes was wrong to say that SPDs cannot contain ‘policies’ but only ‘guidance’. The 2012 Regulations envisage SPD providing policy, with the caveat that it will not be development plan policy and must not exceed the matters which may lawfully be contained within an SPD, as set out in regulation 5(iii) of the 2012 Regulations.

<sup>180</sup> In the planning context, see, for example, R (Noble Organisation) v Thanet District Council and Corbett v Restormel BC [2001] EWCA Civ 330

form part of the development plan and is not subject to independent examination yet it is routinely accorded significant weight in planning appeals without undermining the statutory presumption in favour of the development plan.

- 8.15 The Framework encourages developers and decision-makers to involve local communities in developing appropriate design parameters so that they reflect local aspirations and are grounded in an understanding and evaluation of an area's specific characteristics (Framework paragraphs 125 and 128). As Mr Rhodes accepted, the importance of involving local communities in matters of design is a consistent theme running through the Framework's design chapter<sup>181</sup> and is a principle reflected in the draft London Plan, particularly in OAs (see draft Policy SD1 B(9) which is the 'Opportunity Area' policy and which provides that "*boroughs should ensure planning frameworks are informed by public and stakeholder engagement and collaboration at an early stage and throughout their development*").
- 8.16 The Framework also encourages the use of SPDs to set guidance for design expectations for particular areas and to include design guides and codes within SPDs (Framework paragraph 126) and urges decision-makers to refuse permission for development of poor design that fails to take opportunities for improving the character and quality of an area, taking account of local design standards and guides in SPDs (Framework paragraph 130).
- 8.17 The GLA considers that the SPD provides local design guidance of the very type encouraged by national policy. It is a carefully crafted document that is informed by technical studies; is the product of wide stakeholder engagement and represents the joint vision of the LPA and the local community for the area. The appellant agrees that the SofS should note that the SPD has the steadfast support of the local community<sup>182</sup>. It has rightly been described as a "*Well-constructed, intelligent and robust document*"<sup>183</sup>. On any account, it is a material consideration that should be accorded significant weight in the determination of this appeal.

#### *Vision and aims of the SPD*

- 8.18 The SPD sets out a vision for the CROA to deliver development that is both transformative and also firmly rooted in the site's history and sense of place<sup>184</sup>. It divides the CROA into a series of character areas which complement one another and achieve a successful and comprehensive masterplan for the area. The core vision for the CROA encapsulated in the SPD is to encourage the delivery of low-medium rise, high density development of predominantly 3-6 storeys with some nodes of taller buildings in specific locations that are identified in the SPD.

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<sup>181</sup> XX Mr Rhodes

<sup>182</sup> XX Mr Rhodes

<sup>183</sup> In Ms Adams' design presentation

<sup>184</sup> SPD, section 2.2

8.19 Plot A in the appeal scheme falls within the Charlton Parks character area, where “human scale” building heights of 4-5 storeys are considered appropriate. Plot B falls within the Neighbourhood Centre where taller buildings of up to 10 storeys may be appropriate, albeit the SPD is clear that the identification of maximum building heights in any location does not mean that all buildings in that location should aim to achieve that height<sup>185</sup>. The SPD makes it clear that variation in building height will be important to help give character to the development and to break up individual massing<sup>186</sup>.

8.20 The vision and rationale for encouraging predominantly low-medium rise development are abundantly clear in the SPD. In particular:

- The SPD’s ‘Vision’ is underpinned by a number of principles, including that of “*Low to medium rise development 3-6 storeys*” (section 2.1, page 8);
- The ‘Objectives’ of the SPD are “*to achieve high density development at a human scale, creating a strong sense of place. This can be achieved by medium rise, rather than tower blocks*” (section 2.2, page 9);
- Page 10 explains that “*Housing will be provided at a human scale (typically varying between 3 to 6 storeys, allowing for 10 storeys in some areas) and actively contribute to a sense of place*”;
- The rationale for that approach is partly explained on page 11 which provides that “*The aim is to achieve high density development at a human scale, creating a strong sense of place. This can be achieved through medium rise, rather than tower blocks*” and page 12, which explains that “*Low-to-medium rise, high density development, as characterised by the mansion block form, allows for flexibility of living spaces, supports shared green spaces and provides high, yet liveable densities for sustainable, walkable urbanism. Medium rise housing will allow for meaningful contact between residents and ground floor level activities and interaction, as well as greater opportunity for surveillance of common areas*”;
- Pages 60 and 61 provide further justification for the vision, and explain that there is “*significant precedent for low to medium rise, high density development in London.....This mixed provision can achieve high density, while creating places which are of a human scale, accessible and attractive*”
- Appendix A (page 145) to the SPD says “*It is recognised (in the London Plan and the GLA’s housing density study, 2012) that there are different ways of achieving high density, and that different responses are appropriate depending on the context; and the significant quantum of family housing proposed for Charlton Riverside, and the sheer scale*

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<sup>185</sup> *ibid*, section 6.3

<sup>186</sup> *ibid*, section 6.3

*of the site (122ha) militates against a development model predicated on a density being achieved with tall buildings, as a matter of course”;*

- Page 146 provides further rationale for the height guidance, which is underpinned by a desire to achieve development that is human in scale, where people can engage with the street and one another.

8.21 A central theme of the SPD is to provide guidance on appropriate building heights in the CROA. The appeal scheme is not consistent with that guidance. It proposes 4 buildings on Plot B, of which 3 will be 10-storeys. On Plot A, it proposes 8 buildings, 6 of which exceed the height guidance in the SPD. Mr Rhodes claimed that one of the ways in which the appeal scheme complied with the SPD guidance was by achieving ‘medium rise development’<sup>187</sup>. His view that 10-storey buildings are the type of ‘medium rise’ development encouraged by the SPD is in marked contrast to the clear words of the SPD which treat ‘medium rise’ buildings as those up to 6-storeys but not beyond. Both the SPD and Core Strategy Policy DH2 treat 10-storey buildings as ‘tall buildings’. In reality, the appeal scheme is contrary to the vision for the CROA encapsulated in the SPD.

### ***Housing to be accommodated in the Opportunity Area***

8.22 The appellant suggests that the guidance in the SPD is out of date because it does not provide for sufficient houses within the CROA in light of the emerging figures in the draft London Plan.<sup>188</sup> In fact, the SPD envisages the delivery of 5,000-7,500 new homes in the CROA, figures which exceed the housing targets in the adopted development plan and the emerging figures in the draft London Plan are explicitly not minimum targets but simply indicative capacities which leave the final determination of actual capacity to the local planning authority.

#### *Housing targets*

8.23 The London Plan (2016) sets a minimum housing target for the CROA of 3,500 houses.<sup>189</sup> The Greenwich Core Strategy includes a figure of 3,500-5,000 for the area.<sup>190</sup> The SPD exceeds both adopted housing figures and envisages the delivery of 5,000-7,500 houses in the CROA, predicated on a moderate improvement in public transport in the area.<sup>191</sup> It recognises that if the PTAL further improves, there may be scope to further increase housing densities, and therefore to deliver more housing.<sup>192</sup>

#### *Emerging housing figures*

8.24 Mr Rhodes’ oral evidence to the Inquiry, that the indicative housing figures for OAs in the draft London Plan should be treated as minimum targets is, in the GLA’s view, simply wrong. The Mayor made a specific amendment to the draft London Plan to make it clear that the housing figures in Table 2.1

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<sup>187</sup> Mr Rhodes proof, paragraph 3.36, page 15

<sup>188</sup> Mr Rhodes proof, Table 6 and paragraph 4.38, page 29

<sup>189</sup> The London Plan (2016), Annex One, Section 4

<sup>190</sup> RBG Core Strategy (2014), paragraph 3.3.11, 4.2.7

<sup>191</sup> Charlton Riverside SPD (2017), section 2.1, section 7.1 and section C1.10 (page 188)

<sup>192</sup> SPD, section 6.3, page 63

are indicative capacity figures only and that it will be for the relevant local planning authority to determine the actual capacity in their OAs.

8.25 The indicative capacity for Charlton Riverside shown in table 2.1 of the draft London Plan is for 8,000 homes. That figure was derived from a standard density assumption adopted in the 2017 SHLAA across all of London's 47 OAs. It does not take account of site-specific considerations applicable to Charlton Riverside which has a lower PTAL rating than many other OAs.<sup>193</sup>

8.26 Pursuant to the amendment made by the Mayor and endorsed by the draft London Plan examiners, draft Policy SD1 B(4) makes it clear that boroughs should "*establish the capacity for growth in Opportunity Areas, taking account of the indicative capacity for homes and jobs in Table 2.1*". Plainly neither the Mayor nor the examiners believed that the 2017 SHLAA has conclusively established the capacity for houses to be accommodated in Charlton Riverside.

8.27 Mr Rhodes claimed that in light of the reductions in housing targets on small sites recommended by the draft London Plan examiners, it would be essential for OAs to meet their indicative capacities in order to address London's housing needs. His view was that the only flexibility was for local planning authorities to improve upon the indicative capacities in table 2.1. That argument flies in the face of the examiners' report, which explains that the flexibility was actually enshrined in the Plan to ensure that targets were not set at a level that was 'unrealistically high'. Paragraph 119 of their report addresses this matter conclusively, explaining:

*"[...] to ensure that targets for jobs and homes in some Opportunity Areas, particularly those that are "nascent" or "ready to grow", are not unrealistically high and thereby lead to unsustainable forms of development, the Mayor has suggested changes to Policy SD1 parts B(4) and B(6) and reasoned justification. These make it clear that boroughs should establish the capacity for growth in each Opportunity Area, and that the figures in Table 10.1 are purely indicative rather than minimum targets. Other policies in the Plan set out the assessment process to deliver good design and optimise density; the effective application of those policies will clearly be important in Opportunity Areas."*

8.28 The draft London Plan examiners, cognisant of the scale of housing need in London and of the effect of their proposed reduction in housing targets on small sites, did not believe that an appropriate response would be to set minimum housing targets for OAs. They recognised that in London, where the capacity for new housing is finite, intensification of housing delivery can only be taken so far without having an adverse impact on the environment, the social fabric of communities and their health and well-being.<sup>194</sup> To set the indicative capacity figures as minimum targets would risk encouraging unsustainable development that gave rise to those adverse impacts.

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<sup>193</sup> SPD, page 13 explains that in Charlton Riverside, even with assumed improvements in public transport "*overall PTAL levels will remain relatively low, compared to other opportunity areas across London*".

<sup>194</sup> CD B12, Draft London Plan Examiners' report, paragraph 599, page 124

- 8.29 Paragraph 118 of the examiners' report and paragraph 2.1.11 of the draft London Plan recognise that for some OAs, infrastructure is already operational or under construction with housing development underway, while others are dependent on infrastructure which has not yet been secured or delivered and which are not expected to reach maturity for 10-15 years. Charlton Riverside falls into the latter category. Discussions are underway between Greenwich and the GLA as to the delivery of transport infrastructure, but this has not yet been secured, still less delivered. No doubt it is for that reason that the GLA informed the examiners that it only anticipated the delivery of 4,458 houses in the CROA over the next ten years to 2029.<sup>195</sup> Those numbers could easily be accommodated in a manner consistent with the SPDs vision.
- 8.30 Even if the 8,000 figure in the draft London Plan was a minimum target, which the GLA consider it is not, it is only 500 houses more than the range envisaged in the SPDs vision. The GLA considers that 500 more houses could be accommodated within the CROA over the next twenty years in a manner consistent with the SPDs height guidance<sup>196</sup> and the appellant has not suggested or adduced any evidence to the contrary.
- 8.31 In summary, the indicative capacity figures in the draft London Plan do not provide any reason for concluding that the SPD is out of date or that the weight attributed to it should be reduced in any way.

### **Design**

- 8.32 A central tenet of the development plan, the draft London Plan and national policy in the Framework is to encourage and indeed insist upon the delivery of high-quality development. It is an essential ingredient to achieving sustainable development and the 'Good Growth' the Mayor wishes to secure for London.
- 8.33 There is no dispute between the parties as to the interpretation or weight of Policies 3.5; 7.1; 7.4; 7.5 and 7.6 of the London Plan or Policies H5 and DH1 of the Greenwich Core Strategy. Taken together, they require development to achieve high quality design, architecture, public realm and place making and it is agreed that they should be accorded full weight in the determination of this appeal. draft London Plan Policies D1; D1a; D1b; D2; D4; D7 and D8 are to similar effect and it is agreed that they should be afforded significant weight in this appeal.
- 8.34 The appeal scheme presented to this Inquiry is the product of a series of changes that have been made since the original submission of the planning application. The original application failed properly to take account of the development's relationship with existing, low-rise residential development at Atlas and Derrick Gardens. In order to rectify that failure and without wishing to comprehensively re-design the scheme or reduce the overall housing numbers, the GLA considers that the appellant has been forced into

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<sup>195</sup> ID 23, Housing Note

<sup>196</sup> Ms Harrison's Evidence in Chief provided the relevant calculations which were not challenged in XX or through the Appellant's planning evidence

a series of ad hoc compromises that have eroded the variety in building height across the scheme. As storeys have been incrementally added to buildings, the original design intention to create “*An urban design strategy with a clear hierarchy in terms of massing and height*”<sup>197</sup> has given way to uniformity of height and mass that falls short of the requisite design standards and is contrary to the SPD.

- 8.35 Eight of the eleven proposed buildings would reach up to 10-storeys or be exclusively 10-storey. They would create a bulk and mass from which there would be little respite. It is now only the three buildings in closest proximity to the residential houses at Derrick and Atlas Gardens that would provide any meaningful variety in height, but they quickly step up to their much taller neighbours and provide little relief from the monolithic mass beyond. The effect of the proposed development would be a monotonous and oppressive environment at the heart of the CROA.
- 8.36 The reason that the SPD encourages predominantly low-medium rise development of up to 6 storeys is because of its aim to foster human scale development. ‘Human scale’ means that the scale of buildings, the dimensions and spatial arrangement of the public realm, and the relationships between those two, reflect people’s innate sensory perception.<sup>198</sup> The SPD takes account of the extensive research into how people experience and perceive their environment, and reflects the threshold of 25m which is recognised as a ‘social scale’ where people can engage with the streets, other people and events<sup>199</sup>. This is an important element in the SPD’s guidance and is well grounded in established urban theory.
- 8.37 Having passed through the gateway site on Plot B, the CROA should give way to more a more intimate, neighbourhood context beyond. The hierarchy between taller buildings close to the main transport links and open space of the river and less tall buildings in the interior parts of the CROA is important to achieving a successful and complementary development across the whole of the CROA. The LPA’s wish to encourage that hierarchy and to facilitate interaction at a social scale has informed the SPD height guidance which, in the GLA’s view, the appeal scheme ignores. Under the appeal scheme, instead of a single gateway building on Plot B, the predominant building height on that plot is 10-storeys. Instead of the intimate neighbourhood character beyond, the appellant’s scheme for Plot A is also characterised by high-rise buildings of 8-10 storeys.
- 8.38 While the SPD envisages a range of heights across the CROA, with taller buildings in the north, fronting the river and the south, in the new Neighbourhood Centre closest to the rail station and more intimate, lower rise buildings between, the appeal scheme would result in a continuous cross-section of 10-storey buildings. It would undermine the wider vision for the CROA, which identifies variety in building height as a key element in the successful design for the area. As well as interrupting the North-South,

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<sup>197</sup> Appellant’s DAS, 2016, page 51 (Appendix A to Mr Proctor’s rebuttal proof)

<sup>198</sup> SPD, page 146

<sup>199</sup> SPD, page 146

or River to Railway height variation, the scheme would also compromise the ability to achieve the low-rise development to the east of Plot A envisaged in the SPD. The land to the east is identified for 2-3 storey buildings<sup>200</sup> but the consistent mass of 10-storey buildings on the eastern edge of Plot A is unlikely to facilitate the provision of the low-rise development on its boundary, where the appeal scheme's buildings A-C would tower above it. The visualisation provided by the appellant from that eastern plot aptly illustrates this point.<sup>201</sup>

8.39 Nor will the appeal scheme deliver a permeable development. In 10-storey buildings of approximately 32m in height, the provision of pedestrian routes of just 6m and 9m between buildings will not make for an attractive or readily legible arrangement at ground floor level and will do little to alleviate the sense of mass arising from the building mass.

8.40 Far from the 'generous' outdoor spaces described by Mr Simpson (for the appellant), the amenity areas on both Plots read as no more than narrow strips left over from the footprint of the very tall buildings that surround them. At its widest, the communal garden on Plot A is just 23m and the podium space on Plot B just 18m, compared to the building height of about 32m (Plot A) and 33-35m (Plot B) surrounding them. The success of amenity areas between buildings will, in part, depend on the ratio of open space to building. Here, the width of the amenity areas is eclipsed by the height of the buildings around them. Inevitably, they will be compromised by the sheer scale of development enclosing them, which will create a canyon-like effect, with built form overwhelming the open space and restricting light penetration.

8.41 Only 50% of the amenity space between the eastern and central building blocks on Plot A will receive 2 hours of direct sunlight per day, which, pursuant to the BRE guidelines means that they will experience unacceptable levels of daylight. The amenity areas on Plot B perform even worse, with only 18% of the residents' amenity area at ground floor level receiving 2 hours of sunlight per day<sup>202</sup>. Notably, in the afternoon and early evening, when children can be expected to be using those areas, they will be entirely in shade.<sup>203</sup> The appellant has described the ground floor space as being crucial to the success of the scheme as a whole<sup>204</sup>. Here, because of the excessive overlooking and mass of development enclosing it, the amenity space will not be visually or psychologically inviting to residents or the public.

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<sup>200</sup> SPD, Figure 6.2

<sup>201</sup> ES Addendum, Volume 11A, townscape, visual and heritage impact assessment (reproduced on the front page of Ms Adams' proof of evidence)

<sup>202</sup> ES Technical Appendices, Volume III, Appendix 11.3A – note areas B2 and B8 (CD17.1) and Mr Barnes' proof of evidence, paragraph 5.16 which notes that S.3.3.7 of the BRE Guidelines recommend that an amenity space with at least 2 hours of sunlight across more than 50% of its area will be considered to have acceptable levels of direct sun

<sup>203</sup> ES Technical Appendices, Volume III, Appendix 11.3A, Appendix 11.4A Transient Overshadowing Assessment

<sup>204</sup> DAS, December 2016, page 82, Appendix A to Mr Proctor's Rebuttal

8.42 While the provision of shared surface amenity space can work well in predominantly residential areas, the provision of some 21% of Plot A's playspace for children from 0 to 12+ adjacent to the Imex House access road which accommodates large, heavy duty vehicles is not appropriate. It creates a potential for conflict between children and vehicles and fails to provide the safe and secure playspace that Policy 3.6 of the London Plan and the Mayor's Play SPG require.

8.43 For all these reasons, the appeal scheme does not represent development of the highest quality. It is not an exemplary design that sets an appropriate standard for the rest of the CROA. It fails to take the opportunities available for improving the character and quality of the area and it fails to adhere to the careful vision for the area encapsulated in the Charlton Riverside SPD.

### **Noise from Imex House**

8.44 The GLA remains concerned about the potential impact of noise from Imex House on future residents of the propose development. The s106 agreement does not ensure the delivery of the mitigation that all parties agree are necessary. In those circumstances, there remains a risk that the development will proceed in a way that introduces noise sensitive receptors into an unsuitable noise environment. This is a matter which should be taken into account in weighing the planning balance. It is, however, capable of resolution through a Grampian condition.

### **Planning Balance**

8.45 The GLA recognises that the proposed development would deliver a number of benefits, key among them the provision of housing and affordable housing, the increase in job densities and contributions towards infrastructure delivery in the area. The Mayor understands as well as anyone the urgent need for housing and affordable housing in London. Considered in isolation, it is a benefit to which significant weight should be attributed. However, the need for housing in London does not justify housing at any cost.

8.46 "Good Growth", the draft London Plan explains, is not about supporting growth at any cost. It is about growth that is socially and economically inclusive and environmentally sustainable<sup>205</sup>. A key aspect of Good Growth is ensuring development of high-quality design. As the appellant accepts, good design is indivisible from good planning<sup>206</sup>. Mr Rhodes accepted that notwithstanding the benefits of the appeal scheme, and some elements of policy compliance, if you accept the GLA's case on the scheme's design defects, then the proposal would be contrary to the development plan read as a whole and the right course of action would be to dismiss the appeal.

8.47 Having heard and considered all of the evidence to this Inquiry, the GLA remains of the view that in light of its poor design, the grant of planning

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<sup>205</sup>CD B8, draft London Plan foreword and paragraph 1.0.1A

<sup>206</sup> Mr Simpson's proof, paragraph 8.1.1 and XX Mr Rhodes

permission for this scheme would not represent good planning. It would result in an impoverished environment at the heart of the important CROA and set a poor benchmark for future development in the area. It does not represent sustainable development.

8.48 There are no material considerations of sufficient weight to justify a departure from the development plan in this case, and both the Framework and the Charlton Riverside SPD are material considerations that further militate against the grant of permission. Put simply, there can be no justification for allowing a poorly designed scheme to proceed.

### ***Conclusion***

8.49 For the reasons summarised above, the GLA respectfully invites the SofS to dismiss this appeal.

## **9. The Case for the Royal Borough of Greenwich**

### ***Introduction***

- 9.1 The Council objects to the grant of planning permission, for four reasons.
- 9.2 First, the scheme suffers from poor design. In principle the delivery of housing, including affordable housing, is very welcome in this regeneration area. However, the opportunity has not been taken to contribute to the creation of a strong sense of place, which is needed in this part of the CROA. On the contrary, the scheme attempts to cram too much development onto a constrained site, in an overbearing and monotonous series of buildings.
- 9.3 Secondly, the relationship with IMEX House, an existing neighbouring business, was tackled late by the appellant. It did not treat the noise from that business sufficiently seriously early enough, leaving it to the appeal process to address the co-location of new noise sensitive properties and an existing noisy business. Even now there remain important matters in dispute.
- 9.4 Thirdly, the appellant has treated the access to IMEX House, which will be used by large commercial vehicles, as if it is a suitable place for children to play, designing it into the very centre of the residential part of the development with that purpose in mind. That gives rise to obvious safety concerns.
- 9.5 Lastly, although policy is clear in that it supports the expansion of existing businesses, and increased employment opportunities, requiring the "intensification" and "consolidation" of employment land, the appellant has instead proposed a scheme which results in the loss of 50% of the existing employment floorspace. The space that is included in the development is unresolved, and the appellant has failed to demonstrate how it would be delivered.

### ***Noise and IMEX House***

- 9.6 As is detailed below, the appellant has only recently engaged properly in relation to noise matters. Progress has finally been made in respect of IMEX House, its continued operation throughout the construction and operational periods of the Appeal Development, and the proximity of it to the Appeal Site, most particularly Blocks A, D and G. However, the Council is of the view that the potential for conflict between IMEX House and the appeal development has not yet been resolved satisfactorily.

#### *Background*

- 9.7 IMEX House is a commercial music recording studio, which is home to the band Squeeze. The Appeal Site is adjacent to IMEX House on its eastern and southern boundaries, with the nearest elements 12m away.<sup>207</sup> Within IMEX House itself, there are multiple live recording rooms, including

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<sup>207</sup> Noise SoCG p. 2, para. 1.2

isolated booths for separate instruments/vocals and an acoustic room, administrative office spaces and communal breakout/relaxation areas located on the southern façade of the building.<sup>208</sup> The users of IMEX House have external amplifiers in trailers situated outside in the locked compound to the east of the building. IMEX House operates throughout the day, with rehearsal and recording sessions regularly undertaken over the course of several days within a week.<sup>209</sup> Shipping containers to the rear of IMEX House contain tour equipment.<sup>210</sup> Loading and unloading of equipment in general can take place at the east, south or west of the building depending on activities and access, and tour equipment is loaded/unloaded at the east or south of the building.<sup>211</sup> Loading and unloading can take place during the day or night depending on the location of Squeeze's gigs and the start and finish times.<sup>212</sup> As further explained by Mr Tilbrook, the nature of his working schedule means that tour buses can arrive at any time of the day or night and when those tour buses do come, they need to turn, which can cause continuous engine noise for fifteen minutes.<sup>213</sup>

9.8 The location of IMEX House, its particular mode of operation, and its proximity to proposed residential development at the Appeal Site results in a noise sensitive use (the Appeal development) being located at close quarters to a recording studio that will regularly generate intrusive noise associated with the operation of the recording studio itself, as well as externally generated noise at unpredictable times of the day and night associated with the loading and unloading of tour and other equipment. Given its use as a recording studio, it is important to recognise the existing sensitivity of IMEX House to external noise sources such as noise and vibration caused by construction works. There is evidently the potential for significant disturbance to be caused by IMEX House in respect of future occupants of the Appeal Site, and to IMEX House by virtue of construction impacts.

9.9 As a consequence of recent engagement, it is now accepted by the appellant that it is necessary to implement mitigation measures in order to avoid unacceptable noise impacts. Although many, but not all, necessary measures are the subject of agreement, it is apparent that the appellant seriously underestimated the importance of the issue; and in its ES, failed to grapple with the relationship between this existing noisy use and the proposed noise sensitive development.

9.10 At the application stage, the site suitability assessment presented in Appendix 9.4 of the appellant's ES included limited consideration of IMEX House including the effects on the sensitive use of the building and the effects of noise breakout from the building. At that time, IMEX House was identified in the ES as a 'commercial premises (R3)' of low sensitivity to noise. As explained by the Council's witness, Mr Mann, and as is evident

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<sup>208</sup> Noise SoCG Layout Plan, p. 4, para. 1.5 and Mann POE, p. 37, para. 7.01

<sup>209</sup> Mann PoE, p. 37, para. 7.03

<sup>210</sup> See E5, Noise SoCG, Section 1 for a detailed description of the building and its location

<sup>211</sup> Ibid, paragraph 1.23

<sup>212</sup> Ibid, paragraph 1.24

<sup>213</sup> Mr Tilbrook, Noise Round Table, 20 November 2019

from the position now adopted by the appellant, the ES underestimated the potential impact of noise from construction activities affecting what is a specialised, acoustically-sensitive building and, in contrast to other nearby commercial noise sources, the ES failed to present or assess the baseline conditions or the noise generated within IMEX House and the implications for the Appeal Site.<sup>214</sup>

9.11 Subsequent to the refusal of planning permission, an additional noise technical note was prepared by the appellant in September 2019, which specifically considered construction noise effects and noise breakout at IMEX House. However, this technical note was produced without noise measurements having been taken.<sup>215</sup> Unlike the ES, the note accepts that IMEX House is a high sensitivity receptor due to its specialist use.<sup>216</sup> As explained by Mr Mann, the assessment of construction noise was crude, did not account for the distinctive character of construction noise sources, and established indicative sound insulation properties of IMEX House on the basis of external site observations and inferences drawn from the study of a ten year old video purporting to show the interior of the recording studio, which introduced significant uncertainty into the assessment.<sup>217</sup> In relation to noise breakout, a simplistic assessment was presented, which considered single-figure noise levels at the facades of proposed dwellings. As explained by Mr Mann, this did not take account of rhythmic, tonal and information noise, nor did it include detailed consideration of noise levels at different frequencies to account for the potential low frequency content of the noise source. Mitigation measures proposed in respect of the wharves/dredger operations were said to 'cater for' noise breakout from IMEX House.

9.12 Therefore, in September 2019, there was not yet acceptance on the part of the appellant that mitigation measures specific to IMEX House would be required in order to safeguard the continued operation of IMEX House.<sup>218</sup>

9.13 A joint noise monitoring and investigation inside and outside IMEX House with music playing was undertaken by Mr Mann and Mr Barson, for the appellant, on 7 October 2019. Mr Mann also provided additional noise measurements associated with loading and unloading of tour vehicles on 12 October 2019.<sup>219</sup>

9.14 Following this, at the exchange of proofs of evidence, Mr Barson's proof of evidence identified that mitigation measures would be required in order to address impacts on IMEX House. Those measures do not go far enough in the Council's view, but he said that the following would be necessary:

- In respect of internal noise breakout from IMEX House, improvements to the existing rooflights/ceilings above the live room,

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<sup>214</sup> Mr Mann PoE, pp. 22-23, paras. 4.01-4.04

<sup>215</sup> Ibid, p. 23, para. 4.06

<sup>216</sup> Ramboll Technical Note, September 2019, p. 6, para. 3.1.2

<sup>217</sup> Mr Mann PoE, pp. 23-24, paras. 4.06-4.11

<sup>218</sup> Ibid, p. 24, paras. 4.12-4.13

<sup>219</sup> Noise SoCG, p. 5, section 1.15 and Appendices 1 and 2

control room and bass room and improvements to the external access doors to the live room;<sup>220</sup>

- In respect of noise from external amplifiers, enclosures for the amplifiers;<sup>221</sup>
- In respect of loading and unloading, enhanced mitigation to the façade of blocks A, D and G including secondary glazing to bedrooms providing around 50dB Rw, mechanical ventilation removing the need to open windows to control temperatures in summer with atmospheric attenuators to the façade and designed to achieve 30dB LAeq in bedrooms under background ventilation conditions, enhanced external wall build up to control low frequency noise<sup>222</sup>, practical measures associated with personnel being mindful of neighbouring residents and not leaving engines idling, and the provision of an area of soft surfacing to provide a lay down zone to reduce the impact of heavy cases dropping on to concrete.<sup>223</sup>

9.15 With regard to construction noise, Mr Barson's proof of evidence identified that such impacts could be resolved through the s60/61 Control of Pollution Act 1974 process and in his rebuttal, proposed that mitigation measures be provided, including noise and vibration monitoring, agreements not to undertake construction work at certain times or on certain days to allow recording at IMEX House, the provision of an acoustic barrier and construction methods such as vibration-less piling.<sup>224</sup> No suggestion was made regarding the temporary relocation of IMEX House during construction.

9.16 The Noise SoCG agrees the following key matters:

- Noise mitigation is capable of being provided within IMEX House and in respect of guitar amplifiers located outside IMEX House such that emissions from the building will not have an unacceptable impact on housing within the Appeal Scheme;<sup>225</sup>
- Construction impacts are capable of being dealt with satisfactorily under Section 60/61 COPA or suitable planning conditions.<sup>226</sup>

9.17 With regard to loading and unloading, the Noise SoCG records that agreement was not reached on suitable mitigation of the effects on housing within the Appeal Scheme of vehicle movements and loading and unloading of equipment at and around IMEX House.<sup>227</sup>

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<sup>220</sup> Mr Barson PoE, p. 25, para. 8.10

<sup>221</sup> Ibid, p. 28, para. 10.9

<sup>222</sup> Ibid, p. 32, para. 11.19

<sup>223</sup> Ibid, p. 43, para. 12.5

<sup>224</sup> Mr Barson RPoE, pp. 12-15, section 5

<sup>225</sup> Noise SoCG, p. 9, paras. 3.1-3.2

<sup>226</sup> Ibid, p. 9, para. 3.5

<sup>227</sup> Ibid, p. 9, para. 3.6

- 9.18 As Mr Rhodes, for the appellant, conceded,<sup>228</sup> in order to avoid unacceptable noise impacts, the appellant must deliver noise mitigation measures, as recorded in the Noise SoCG. Mr Rhodes also accepted that providing mitigation will not result in unreasonable costs to the developer, nor provide an unreasonable restriction on the developer.
- 9.19 Whereas there is agreement between all parties and Mr Tilbrook that mitigation measures are required to be implemented in respect of IMEX House, there is presently no agreement between IMEX House and the appellant as to the nature and extent of the mitigation measures, and no agreement has been reached to provide access for the necessary works at IMEX House, the implications of this are addressed below).
- 9.20 With regard to necessary works to be undertaken at IMEX House itself, at present the s106 envisages that a noise attenuation scheme will be agreed by the Council, agreed with the owner, and carried out at IMEX House.
- 9.21 The scheme is not restricted to these measures and the draft s106 includes within the definition of the scheme, *"such other scheme as may be agreed in writing between the IMEX House Owner and the Owner and approved by the Council"*.<sup>229</sup>
- 9.22 The various mechanisms within the s106 ultimately allow for a scenario in which the noise mitigation measures, agreed to be necessary to avoid unacceptable impacts, are not delivered. That is undesirable, and contrary to national policy and guidance, for reasons explained at the s106/conditions session and set out below.

### *Policy and Guidance*

#### *The Framework*

- 9.23 The paragraphs in the Framework of particular relevance to this Appeal with regard to noise matters are paragraphs 170, 180 and 182. Paragraph 170 states that planning decisions should contribute to and enhance the natural and local environment by, amongst other matters, *"e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of... noise pollution..."*.
- 9.24 Paragraph 180 states: *"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life<sup>60</sup>".* Footnote 60 refers the reader to the Explanatory Note to the *Noise Policy Statement for England* (Department

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<sup>228</sup> Mr Rhodes XX

<sup>229</sup> ID12, S106 Draft Agreement, p. 13

for Environment, Food & Rural Affairs, 2010) (NPSE). Given the footnote reference, it is plain that the Government intended the Framework to be read together with the NPSE.

9.25 Paragraph 182 of the Framework introduces the agent of change principle into national policy (not included in the Framework 2012). It states:

*"Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development <sup>[1]</sup><sub>SEP</sub> (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."*

*The NPSE*

9.26 The NPSE provides guidance on how to "secure a healthy environment" with emphasis on "promoting good health and a good quality of life through the effective management of noise". The key policy aims in the NPSE that apply to this appeal are to, through the "effective management and control...of noise" avoid significant adverse impacts on health and quality of life, mitigate and minimise adverse impacts on health and quality of life, and to where possible, contribute to the improvement of health and quality of life.<sup>230</sup>

*The National Planning Practice Guidance*

9.27 In July 2019, the National Planning Practice Guidance (NPPG) was updated to provide, amongst other matters, guidance in respect of the agent of change principle. Where there is a risk of conflict between new development and existing businesses, the NPPG provides that:

- Suitable mitigation measures may need to be put in place to avoid existing activities having a significant adverse effect on residents or users of the proposed scheme (ID: 30-009-20190722);
- In such circumstances, the agent of change i.e. the applicant "will need to clearly identify the effects of existing businesses that may cause a nuisance...and the likelihood that they could have a significant adverse effect on new residents/users" including "the activities that businesses or other facilities are permitted to carry out, even if they are not occurring at the time of the application being made" (ID: 30-009-20190722);
- The agent of change will also "need to define clearly the mitigation being proposed to address any potential significant adverse effects that are identified", which "may not prevent all complaints from the new residents/users about noise or other effects, but can help to achieve a

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<sup>230</sup> NPSE, p. 4, para. 1.7

*satisfactory living or working environment, and help to mitigate the risk of a statutory nuisance being found if the new development is used as designed” (ID: 30-009-20190722).*

9.28 Where mitigation needs to be put in place, the NPPG identifies that *“care should be taken...to ensure the envisaged measures do not make for an unsatisfactory development”*.<sup>231</sup> It identifies four broad types of mitigation, comprising:

- *engineering: reducing the noise generated at source and/or containing the noise generated;*
- *layout: where possible, optimising the distance between the source and noise-sensitive receptors and/or incorporating good design to minimise noise transmission through the use of screening by natural or purpose-built barriers, or other buildings;*
- *using planning conditions/obligations to restrict activities allowed on the site at certain times and/or specifying permissible noise levels differentiating as appropriate between different times of day, such as evenings and late at night, and;*
- *mitigating the impact on areas likely to be affected by noise including through noise insulation when the impact is on a building*<sup>232</sup>.

9.29 For noise sensitive developments, the NPPG further identifies that mitigation measures can include *“avoiding noisy locations in the first place; designing the development to reduce the impact of noise from adjoining activities or the local environment; incorporating noise barriers; and optimising the sound insulation provided by the building envelope”*.<sup>233</sup>

9.30 The NPPG explains that working with owners/operators of existing businesses can be explored to determine whether potential adverse effects could be mitigated at source, and where this is the case, it *“may be necessary to ensure that these source-control measures are in place prior to the occupation/operation of the new development”*.<sup>234</sup>

#### *Local Policy – The London Plan*

9.31 The current London Plan at Policy 7.15 identifies that development proposals should seek to manage noise by:

- a. avoiding significant adverse noise impacts on health and quality of life as a result of new development;*
- b. mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens on existing businesses;*

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<sup>231</sup> ID: 30-010-20190722

<sup>232</sup> ID: 30-010-20190722

<sup>233</sup> ID: 30-010-20190722

<sup>234</sup> ID: 30-010-20190722

*c. improving and enhancing the acoustic environment and promoting appropriate soundscapes (including Quiet Areas and spaces of relative tranquility);*

*d. separating new noise sensitive development from major noise sources (such as road, rail, air transport and some types of industrial development) through the use of distance, screening or internal layout – in preference to sole reliance on sound insulation;*

*e. where it is not possible to achieve separation of noise sensitive development and noise sources, without undue impact on other sustainable development objectives, then any potential adverse effects should be controlled and mitigated through the application of good acoustic design principles;...*

*...g. promoting new technologies and improved practices to reduce noise at source, and on the transmission path from source to receiver..."*

9.32 With regard to the draft London Plan, Policy D13 repeats the substance of Policy 7.15. The agent of change principle is incorporated into Policy D12, which states that development should be *"designed to ensure that established noise and other nuisance-generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them"* and that new development proposed close to noise-sensitive uses should *"put in place measures to mitigate and manage any noise impacts for neighbouring...businesses"*.

#### *Local Policy – Royal Greenwich Core Strategy*

9.33 The adopted Royal Greenwich Core Strategy considers the effects of noise on proposed residential developments within Policy DH1, which requires development to provide a positive relationship between the proposed and existing urban context by taking account of acceptable noise insulation and attenuation, and Policy E(a). Policy 'E(a) Pollution' identifies that planning permission will *"not normally be granted where a proposed development or change of use would generally have a significant adverse effect on the amenities of adjacent occupiers or uses, and especially where proposals would be likely to result in the unacceptable emission of noise, light, vibrations, odours, fumes, dust, water and soil pollutants or grit"*. It further states that *"housing or other sensitive uses will not normally be permitted on sites adjacent to existing problem uses, unless ameliorating measures can reasonably be taken and which can be sought through the imposition of conditions"*.

#### *Construction Impacts*

9.34 As noted above, the Council agrees that the specific mitigation measures required as a consequence of construction impacts on IMEX House can be resolved through an agreement pursuant to s60/61 of the Control of Pollution Act 1974. However, as explained by Mr Mann, whilst it is not impossible for the appellant to undertake construction without causing a

severe impact to IMEX House, this is likely to require relocation of the users of IMEX for a sustained period during the construction works.<sup>235</sup> On this basis, the Council remains concerned as to the realism of the appellant's current approach to catering for IMEX House in the construction phase given that there is no commitment at present to the temporary relocation of its users.

### *Loading and Unloading*

- 9.35 As noted above, the mitigation measures proposed so as to address adverse impacts on future residents resulting from the loading and unloading of equipment at IMEX House are not accepted as providing a satisfactory resolution to the prospect of disturbance to, and consequential complaints from, future residents. Whereas Mr Barson and Mr Mann are agreed that the additional measures proposed by the appellant to blocks A, D and G will result in satisfactory internal conditions with windows closed<sup>236</sup>, Mr Mann explained that he considers there to remain a significant risk of complaints notwithstanding these measures. This is due to the fact that vehicle movements associated with loading and unloading occur at unpredictable times during the day and night (see e.g. the IMEX House Diary<sup>237</sup> and the coach manoeuvring observed by Mr Mann on the afternoon of Saturday 12<sup>th</sup> October 2019<sup>238</sup>) with the effect that residents making use of outdoor play space and/or amenity space on their balconies on the 2<sup>nd</sup> and 3<sup>rd</sup> floors that overlook IMEX House will be likely to be disturbed by loading and unloading activity.
- 9.36 This conclusion was reached on the basis of Mr Mann's general observations of the Site and on the basis of his assessment undertaken in accordance with BS4142, which predicted that noise rating levels would be more than 10dB above background noise levels as a consequence of activities associated with loading and unloading, which is indication of a significant adverse impact.<sup>239</sup> Whereas Mr Barson sought to rely on the limited occurrences of loading and unloading during the day as indicating that Mr Mann's concerns were unfounded, Mr Mann explained that this did not provide an acceptable answer as the key to his amenity concerns is the fact that the vehicular movements associated with IMEX House are both uncontrolled and irregular by contrast to, for example, a refuse vehicle that would arrive routinely and at the same time every week. The concern that arises in respect of the particular access requirements of the users of IMEX House is that the uncontrolled and unpredictable nature of the arrival and departure of tour vehicles would exacerbate disturbance to residents.
- 9.37 Mr Mann identified that a practical solution in order to address the continuing concern associated with amenity impacts on future residents occasioned by loading and unloading would be to provide a covered area under which the tour vehicles could load and unload. However, it was plain

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<sup>235</sup> Mr Mann, Round Table on Noise and PoE, pp. 37-38, para. 7.04

<sup>236</sup> As accepted by Mr Mann in the Noise Round Table

<sup>237</sup> Mr Mann PoE, pp. 50-60, Appendix D

<sup>238</sup> Noise SoCG Appendix 2

<sup>239</sup> Mr Mann PoE, pp. 33-34, paras. 6.15-6.17 and Table 6.3

from the discussion in Noise Round Table that no such solution is proposed by the appellant and that such a solution may not be feasible given the physical constraints of the Site. The corollary of this is that the Council remains of the view that mitigation measures proposed that are associated with the loading and unloading will not result in a situation in which the requirements of the agent of change principle under paragraph 182 Framework has been comprehensively and satisfactorily met by the appellant.

### ***Access and IMEX House***

9.38 The Council's putative reason for refusal 3 encompasses highway matters in relation to IMEX House in addition to the objection regarding noise. The Council's objection relates to access, specifically that the vehicular access to IMEX House will be unsafe given that it will result in large tour vehicles associated with IMEX House performing multi-point turns on a shared space street denominated as a 'play street'<sup>240</sup> by the appellant. The 'play street' is the sole access available to IMEX House and includes play space along its western edge for children of all ages. As explained by Mr Bunce, the Council does not interpret the appellant's reference to a 'play street' as meaning that permission will be sought from the Council to close the street on occasion under its 'Play Street' Scheme to allow children to play without any vehicles being present.<sup>241</sup> The Council has always understood the appellant's intention to be the provision of a shared space, where the street facilitates play as well as providing vehicular access.

9.39 The Council considers that the design and layout's intended, and inevitable, consequence is that children will be regular users of the shared space. It is the conflict between children playing in the street, who are widely accepted not to have the same judgement as adults and who are known to lack understanding of safety and possible hazards, and the frequent but unpredictable access required by large vehicles performing multi-point turns associated with IMEX House that gives rise to an unsafe and unacceptable arrangement.

9.40 With regard to the size of vehicle that requires access to IMEX House, although provision for access was originally made for shorter vehicles, the appellant's Transport Addendum in Autumn 2018 accepted that a 13.1m long coach would require access and as such, a swept path analysis was modelled for a coach of this length.<sup>242</sup>

### ***Policy and Guidance***

9.41 The need for developments to provide a safe environment for all users is an expectation contained within both national and local policy and guidance. The Framework at paragraph 91 states that planning decisions should aim to achieve safe places. The Mayor's Transport Strategy Policy 4G.1 refers to London streets as requiring management so as to ensure reasonable access

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<sup>240</sup> Mr Bunce PoE, Appendix D, Design and Access Statement dating to December 2018

<sup>241</sup> Mr Bunce RPoE, pp. 3-4, section 4 and Appendix A

<sup>242</sup> Mr Bunce PoE, Appendix E

to property and to assist the movement of goods, people and services safely. With regard to the Greenwich Core Strategy, Policy IM4 states that *"the needs of pedestrians...should be prioritised in development and the design and layout of development should reflect this"* and that *"high standards of safety, accessibility and convenience will be required"*.

9.42 With regard to safely accommodating service vehicles, Manual for Streets states as follows at paragraph 6.8.1:

*"The design of local roads should accommodate service vehicles without allowing their requirements to dominate the layout. On streets with low traffic flows and speeds, it may be assumed that they will be able to use the full width of the carriageway to manoeuvre. Larger vehicles which are only expected to use a street infrequently, such as pantechnicons, need not be fully accommodated – designers could assume that they will have to reverse or undertake multipoint turns to turn around for the relatively small number of times they will require access."* (emphasis added)

9.43 The corollary of this guidance is that larger vehicles that use a street not infrequently should be fully accommodated and should not have to undertake multipoint turns. It is of note that this guidance applies regardless of whether a street is intended to, or will inevitably, by virtue of its design, facilitate children's play on and adjacent to it.

9.44 So as to justify the acceptability of a shared surface 'play street' providing the sole vehicular access to IMEX House, the appellant relies upon Manual for Streets and the Home Zone Regulations;<sup>243</sup> a Home Zone being a formalised shared surface street. Paragraph 7.2.14 of Manual for Streets states that shared surface streets are likely to work well in short lengths or cul de sacs; where traffic volume is below 100 vph; and where parking is controlled or takes place in designated areas. As for Home Zones, the guidance at paragraphs 9 and 10 refers to low traffic flows of below 100 vehicles in the afternoon peak hour, very low traffic speeds and little or no through traffic. With regard to the nature of the road, the Home Zones Guidance states that eligible roads should be *"predominantly residential"* and *"may include some other non-residential premises, for example local shops or schools, but the majority of premises should be residential"*.

#### *Unacceptable Conflict between Shared Space and Large Vehicle Turning Movements*

9.45 Whereas Mr Whyte, for the appellant, is of the view that the 'play street' provides a suitable shared surface street on the basis that it complies with the criteria in both Manual for Streets and the Home Zones Guidance, the Council considers that the 'play street' could only provide a suitable and safe shared surface street in circumstances in which it did not also provide the sole access to IMEX House. As explained by Mr Bunce, the frequent access by large vehicles to a commercial premises has the effect that this cannot be characterised as a typical Home Zone, and what would otherwise

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<sup>243</sup> DfT Circular 02/2006

be a good shared space becomes a space that is inherently unsafe.<sup>244</sup> It is of note in this context that whereas the Home Zones Guidance refers to the potential for some non-residential premises to be located on a Home Zone, the premises suggested are shops and schools and not commercial premises requiring access by large vehicles at unpredictable times providing no service for, nor having any association with, the neighbouring residential development. As a matter of common sense, it is considered that shared spaces cannot have been envisaged by the Government as including commercial access of the like required by IMEX House alongside a safe space for children to play.

9.46 Mr Whyte's response to the Council's specific concerns regarding the conflict between turning vehicles and the shared space 'play street' was to suggest that access to IMEX House by large vehicles is (i) not required frequently and (ii) does not involve multi-point turns in that the turn is required is a three-point turn with the effect that paragraph 6.8.1 of Manual for Streets does not apply.

9.47 With regard to the latter point, as explained by Mr Bunce, a multi-point turn must, as a matter of common sense encompass a three-point turn given that 'multi' means more than one. As for the frequency of access to IMEX House by large vehicles, the Council relies on the IMEX House Noise Diary<sup>245</sup>, which demonstrates that the use has not been infrequent. Although the use can be at irregular intervals, Mr Bunce explained that in a number of seven-day periods over the period accounted for in the Diary, access was required on three, four or five days in every seven.<sup>246</sup> The Council considers that this is not infrequent use. It must also be borne in mind that the frequency of access to IMEX House by large vehicles is entirely uncontrolled. Further, it is not simply the frequency of the vehicular movements, but also their unpredictability that adds to the safety concerns as neither adults nor children will be able to predict when such vehicles will come and go, and therefore when it may be unsafe for children to be outside.

9.48 In summary, on the basis of the above, it is unrealistic and impractical to expect a shared surface street that is intended to facilitate play, to relate well, and safely, to a commercial access used by large vehicles at unpredictable but not infrequent times.

### **Design**

9.49 It is wholly uncontentious between the parties that the Appeal Development ought to be well designed and make a positive contribution to the character of the area in order to be acceptable. The point of contention between the parties is not therefore whether policy demands good design but whether the Appeal Scheme manifests it<sup>247</sup>.

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<sup>244</sup> Mr Bunce in Round Table

<sup>245</sup> Mr Bunce PoE, Appendix F

<sup>246</sup> Mr Bunce in Round Table

<sup>247</sup> Mr Rhodes, GLA XX

- 9.50 With regard to specific policy and guidance, paragraph 130 of the Framework is of particular note and states that "*permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents*". Both the London Plan and the Greenwich Core Strategy make substantial references in policy to the need for high quality design and an integrated environment where new development makes a positive contribution to, and complements, the local area.<sup>248</sup> In addition to environmental integration, Policy 7.4 of the London Plan at B(b) requires that development be "*human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings*". Policy 7.6 of the London Plan states that buildings should "*be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm*".
- 9.51 In relation to guidance, the Charlton Riverside Masterplan SPD provides an articulation of the vision for the Masterplan Area within which the Appeal Site lies, with principles to guide those seeking to develop within the CROA. It envisages broad character areas, such as Charlton Park (in which Plot A lies) and the Neighbourhood Centre (in which Plot B lies). As Ms Adams explains, the SPD is well considered, robust and grounded in well-judged references to accepted principles of urban design theory to reflect both housing need and sustainable, high quality urban place-making.<sup>249</sup>
- 9.52 The appellant is in agreement with the Council that the vision of the SPD has positive merit<sup>250</sup>, and has expressed that the SPD has been a "*key consideration of the design of the revised scheme*"<sup>251</sup>. Indeed, Mr Simpson stated that he believed that his design for the Appeal Scheme "*reflected the ambition and vision of the SPD*".<sup>252</sup>
- 9.53 The Council considers that the Appeal Scheme does not represent good design, and, despite the appellant's suggestion to the contrary, it does not reflect the meritorious design principles embedded within the vision for the area in the SPD.
- 9.54 Despite the claims that the scheme complies with it, Mr Rhodes went to some lengths to imply that the SPD, adopted only in 2017, is out-of-date, or deserving of less weight bearing in mind the updated capacity figures in the draft London Plan<sup>253</sup>. ID23, an agreed position statement between the Council and the GLA, disproves, in the Council's view, Mr Rhodes' suggestion that the 8,000 figure included in table 2.1 of the draft plan is a "target" or "a minimum" which the SPD will have to be reviewed to take into account. The 8,000 figure is not a target. It is exactly what it says, an

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<sup>248</sup> See Policies 3.5, 7.4, 7.6 London Plan and Policies H5 and DH1 of the Core Strategy

<sup>249</sup> Ms Adams PoE, p. 11, para. 2.3.11

<sup>250</sup> CD E4, Urban Design Position Statement, p. 3, para. 2.2

<sup>251</sup> Planning Statement Addendum, p. 14, para. 4.11

<sup>252</sup> Mr Simpson in Round Table

<sup>253</sup> CD B9

"indicative capacity" figure, based on average capacities across all of the OAs. As Mr Rhodes eventually had to accept<sup>254</sup>, the Panel Report<sup>255</sup> could not be clearer in showing that the Panel understood that it may be that the figures are "unnecessarily high" and acknowledged that it would be local work which would determine capacity finally.

9.55 The Charlton Riverside SPD has already undertaken that work in this OA, resolving the tension between the efficient use of land and the need to ensure good placemaking. As such, and as has been agreed between the Council and GLA, there is no expectation arising from the draft London Plan that the housing capacity established by the Council in the SPD requires review<sup>256</sup>. As such, the broad principles it sets out to guide development in the area, merit substantial weight in the decision. Those principles cannot, and should not be applied as if they were development management policy, but nonetheless taken together, they provide valuable guidance to take into account in the decision.

#### *Ill-Conceived Proportioning and Monolithic Monotony*

9.56 Whereas the original planning submission of December 2016 proposed buildings that ranged in height from 2-28 storeys, iterative amendments have been made to the Appeal Scheme in the interim period, in the light of, amongst other matters, the adoption of the SPD. The current iteration that is the subject of the Appeal differs from the previous one in that buildings G and H on Plot A, previously proposed to be 6 storeys in height, have been reduced by 2 storeys as a response to concerns about the adverse impact of a 6 storey building on the existing Atlas Gardens, immediately to the west. In relation to Plot B, Building J has been reduced in height by 2 storeys purportedly to provide "*the low point within the composition and correspond with the high point on the south-eastern corner of the plot*".<sup>257</sup>

9.57 The number of residential units has been maintained through these amendments at 771 units across both Plots. The 'lost' storeys from Blocks G, H and J have simply been redeployed at Blocks D, E and F.<sup>258</sup> Of the 11 blocks across both plots, 7 entire buildings and 1/3 of block E/F (Plot A) are now 10 storeys high, with the remainder at 8 and 9 storeys. As Ms Adams explained, the result is "*almost continuous regularity in height across buildings A to E/F and a sense of consistent mass across Plot A*".<sup>259</sup> The lack of variation in building height contributes to a perception of a monolithic, undifferentiated mass. As for the interrelationship between the buildings on each plot, Ms Adams explained that the lower buildings J (Plot B) and G-H within the site will "*give way abruptly to their 10 storey neighbours and will have little impact on the sense of consistent massing as seen from the surrounding area, in all directions*", which seen together "*will appear as an*

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<sup>254</sup> Mr Rhodes, GLA XX

<sup>255</sup> CD B12, para. 119 etc

<sup>256</sup> ID23, para. 11

<sup>257</sup> Appeal DAS Addendum Oct 2018 Para 2.3.2 p14

<sup>258</sup> See Ms Adams PoE, p. 22, Figure 9 for a pictorial depiction of the redeployment

<sup>259</sup> Ms Adams PoE, p. 21, para. 4.1.7

*undifferentiated mass of building, which is likely to feel oppressive in its scale*".<sup>260</sup>

- 9.58 In Plot A in particular, the proposed width of the buildings adds to the concerns in that this, coupled with the height, exacerbates the *"overbearing sense of mass"*<sup>261</sup> in a context in which the aspirations of the SPD are to provide a neighbourhood where the quality and sense of place is derived from *"the interface between built form, mostly medium rise apartment blocks, and larger areas of open space"*<sup>262</sup>. The monotony of design, overbearing mass and undifferentiated height of the development can be understood by viewing Figures 14 and 15 in Ms Adams' proof of evidence, which she explained in her presentation and which show a sketch of the massing viewed from Anchor and Hope Lane across Plot A and a verified view from the east showing the east elevation of Blocks A-C from the Stone Foundries site.<sup>263</sup>
- 9.59 As for Plot B and the impact of the largely undifferentiated heights, the Inspector posed the question during the Design Round Table as to whether Block O can be said to be a gateway building, as the SPD suggests it should be, in a context in which other buildings within the Plot are of the same height. Mr Simpson's response was to focus on the characteristics of Block O itself rather than the juxtaposition between Block O and the other buildings within Plot B.<sup>264</sup> Ms Adams did however address the point directly highlighting that Block O will fail to be distinctive, as intended, if it is matched by its surroundings to such an extent.
- 9.60 The 10 storey blocks are defined as tall buildings within the context of the London Plan and would therefore be required to *"relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level individually or as a group"*<sup>265</sup>. As Ms Adams made clear, in her view, the Appeal Scheme is *"poorly proportioned, monotonous, bulky and lacking in a clear visual hierarchy"*<sup>266</sup>.
- 9.61 Not only would the Scheme present a proposal that is inherently flawed from a design perspective, it also falls foul of the specific design principles in the SPD, which provide the vision for the wider CROA. The overarching aim of the SPD in respect of building heights is that they will *"typically" "vary between 3 and 6 storeys (although there is scope of buildings up to 10 storeys in certain locations)"*.<sup>267</sup> Plot A is within an area identified in the SPD as medium rise, 4-5 storeys, in the Charlton Park sub area, envisaged as an area of mostly *"medium rise apartment blocks"* and larger areas of open space, providing an opportunity to create a neighbourhood with a more intimate character appropriate to its context, and urban as opposed to

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<sup>260</sup> Ibid, p. 23, para. 4.1.8

<sup>261</sup> Ibid, p. 29, para. 4.2.5

<sup>262</sup> SPD p. 42

<sup>263</sup> Ms Adams PoE, p. 28

<sup>264</sup> Mr Simpson in Round Table

<sup>265</sup> London Plan Policy 7.7

<sup>266</sup> Ms Adams PoE, p. 18, para. 4.1.3

<sup>267</sup> CD B3, SPD, p. 60

metropolitan status. To the north of Plot A, the SPD contemplates an area where 10 storeys would be suitable running alongside the River Thames, which, as all parties agreed at the Design Round Table, reflects an accepted approach to riverside development across London.

9.62 As for Plot B, it too is identified as suitable for development at 10 storeys as a "gateway" from Charlton station to the CROA in a location where a neighbourhood centre is proposed with greater levels of activity than the more interior neighbourhood intended at Plot A.<sup>268</sup> As was clearly explained by Ms Adams in her Figure 13<sup>269</sup>, the vision of the SPD is sensible and logical. It conceives a concave approach to heights across the SPD Masterplan area running from north to south through Plot A from the riverside to Plot B. The result of the appellant's proposals would be the removal of that juxtaposition between tall buildings and medium rise buildings at Plot A, thus removing the possibility of bringing this strategy to fruition and thereby substantially altering the local vision for the character of the SPD Masterplan area.

9.63 A further impact of the development of the Appeal Proposal in the context of the wider area is the inability of it to sit alongside the SPD's approach to development immediately to the east on what is presently the Stone Foundries site. As is evident from Figure 6.2 in the SPD, the site to the east of Blocks A-C is proposed to comprise development at 2-3 storeys. The Appeal Scheme would present a severe constraint on the delivery of lower rise development to the east given the overly tall monolithic blocks that would impose on, and overlook, lower scale development alongside it. Ms Adams described the effect as overbearing and out of scale and cited the audacity on the part of the appellant in introducing a hard edge of the eastern side of Plot A, which she said suggested a self-contained approach by the appellant to its site.<sup>270</sup> The Council considers that this sense of a blinkered or self-contained approach to development by the appellant is pervasive.

9.64 Mr Simpson's suggestion that the "strong elevation" was appropriate due to the presence of a primary road alongside the edge underlined this point in that it did not answer the concern raised as to the impact on future development to the east. Mr Stewart claimed that urban blocks of this nature required cohesion and a certain degree of uniformity but again, as noted by Ms Adams, this explanation did not justify the decision to include monolithic, undifferentiated 10 storey blocks across the eastern boundary of Plot A. The appellant described buildings A-C as having 'permeability' due to the introduction of gaps for pedestrian access between building A-C. The gaps shown in the plan do not however result in a sense of 'permeability' in the building elevation, due to the ten-storey height of these buildings, and as a result, buildings A-C appear almost continuous in the visualisation.

9.65 Whereas Mr Simpson rationalised the Appeal Proposal in the context of the SPD by stating that it would align with the infrastructure aspirations of the

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<sup>268</sup> Ms Adams PoE, p. 25, Figure 12 Extract from Masterplan SPD 6.2

<sup>269</sup> Ibid, p. 26

<sup>270</sup> Ms Adams in Round Table

SPD in respect of the east-west route but that it certainly would not be a benchmark for scale, mass and configuration across other parts of the SPD Masterplan area and that it would not set a precedent<sup>271</sup>, this did not address the true nature of the risk posed by the Appeal Scheme in the context of the neighbouring areas and the Masterplan area as a whole. Whereas the scale, mass and configuration may not be repeated on other sites within the SPD Masterplan, the danger posed by the Appeal Scheme is that it prejudices the ability of other sites to reflect the placemaking objectives of the SPD Masterplan, the intended gradation of heights in the form sought would be incapable of delivery and the intended human scale of the interior areas would be undermined. As Ms Adams pointed out, the SPD incorporates flexibility and provides scope for inventive and response design<sup>272</sup> but the appellant's response to the SPD fails to take advantage of the flexibility presented and pay proper regard to the ambition and vision of the Appeal Site itself, the wider area and the interrelationship between the two. The appellant's scheme would create a new built context, in particular the east elevation of Plot A, which would impede the adjacent development's ability to take into account the principles set out in the SPD, which envisage 2-3 storey buildings on that site.

9.66 With regard to the importance of the gradation in heights across this element of the CROA, Ms Adams justified this approach as an appropriate one in urban design terms in that it provides for a deliberate strategy to have higher buildings around major frontages and along the river where there is already a substantial precedent for such development. Further, it allows a synergy along the riverfront between North Greenwich and Woolwich while at the same time allowing for a more intimate, human scale neighbourhood within the heart of the CROA. She described vividly the journey from the station to Plot A, which ought, in accordance with the aspirations of the SPD, to involve a clear gateway in the form of the neighbourhood centre which then descends to a more human scale when one enters one's neighbourhood into Plot A.<sup>273</sup> The Appeal Scheme does not permit this nuanced approach to place-making.

9.67 When asked by the Inspector about the importance of design in the location of the development, Mr Simpson focussed on the minutiae, referring to design features of quality in the development such as the door handles, the bricks and the legibility of entrances. He also cited the river as a 'key' feature and sought to focus much of the discussion around the contribution made by the Scheme to the regeneration of the riverside. As was aptly pointed out by Ms Adams, the river cannot be seen at ground level at any part of the Appeal Site, further anticipated development to the north will block views of the river from the Appeal Scheme and the SPD envisages that this particular location will manifest different characteristics to the development along the river frontage. In short, the river cannot be the 'key' driver of the design of the Appeal Scheme.

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<sup>271</sup> Mr Simpson in Round Table

<sup>272</sup> Ms Adams in Round Table

<sup>273</sup> Ms Adams in Round Table

9.68 As for the focus on generic aspects of design quality of the built environment, Ms Adams correctly stated that achieving quality in a built environment is the least that architects should be seeking to achieve and that the unanswered question was not whether individual elements of the design were of good quality but rather why the design demanded a plethora of ten-storey blocks. Despite the Inspector also asking, on two occasions, why Mr Simpson considered it to be necessary for townscape reasons for ten storey blocks to be deployed in Plot A<sup>274</sup>, Mr Simpson claimed that it was unfair for reference to repeatedly be made to ten-storeys as the composition had been carefully considered and, in any event, the development was not ten-storeys in its entirety. However, the key question posed both by Ms Adams and the Inspector remained unanswered by Mr Simpson.<sup>275</sup> The only logical conclusion that can be drawn from Mr Simpson's omission is that there is no coherent design-led answer as to why ten storeys have been deployed across the Site.

*On-site effects – (Not) Human Scale*

9.69 It is not only the London Plan that seeks development at a "human scale". This London-wide policy requirement is further articulated in the SPD in the specific context of Charlton Riverside. The SPD refers to the aspiration for human scale development in a number of locations<sup>276</sup>, seeking to "*achieve high density development at a human scale, creating a strong sense of place*" which '*can be achieved through medium rise, rather than tower blocks*'<sup>277</sup>. The SPD explains further what it considers human scale development.<sup>278</sup> In Plot A, the aspiration for human scale development and balance between built and unbuilt form manifests itself in the Charlton Park area's objective for an "*interface between built form, mostly medium rise apartment blocks, and larger areas of open space*". As for Plot B, as Ms Adams explained, although the site conditions and the aspirations of the SPD can support up to ten storeys in the southern part of plot B the plan arrangement creates a very narrow central open space, which has an adverse effect on the ratio of building height to width of open space resulting in an arrangement that is oppressive and overwhelming rather than accessible and neighbourly.

9.70 The Appeal Scheme fails to deliver the requirements of policy and the vision of the SPD. The relationship between the buildings and open space within the development is imbalanced. This comes as a result of the preponderance of ten-storey buildings. This outcome is unsurprising in a context in which Mr Simpson's proof of evidence, in describing the revisions made to the scheme so as to reduce storey heights adjacent to Atlas Gardens and redeploy them at Blocks D-F adjacent to two of the key areas

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<sup>274</sup> See Mr Simpson PoE, p. 44 para. 8.5.4 where it is said that 10 storeys is justified in townscape and urban design terms

<sup>275</sup> Ms Adams and Mr Simpson in Round Table

<sup>276</sup> CD B3, SPD pp. 9, 10, 60, 146

<sup>277</sup> CD B3, SPD para. 2.2

<sup>278</sup> CD B3, SPD p. 146

of public realm associated with the development, makes no reference to the impact of the greater heights on the public realm.<sup>279</sup>

9.71 As explained by Ms Adams, the result of the omission to consider the 'human scale' implications of the redeployment of storeys is an oppressive relationship between buildings and the ground floor level – the resolution of built to unbuilt space is unsatisfactory. By reference to Figure C2 in the SPD (p.146), Ms Adams explained the practical benefit of human scale development in that at 6-storeys, one can see children playing on the street. The ability to see family members and neighbours increases one's sense of understanding of surroundings and the sense of belonging. There is however a tipping point beyond which that intimate sense of neighbourliness is lost, which is a concept that is well established in urban theory. The contrast that Ms Adams drew between Figure C2 in the SPD and Figures 21-24 of her proof of evidence and p. 16 of the Design and Access Statement (DAS) Addendum illustrate her point well, namely that at six or even seven stories, the ability to perceive facial expressions and to see and understand neighbours, which is an important quality of ownership of a space, is retained. However, the Appeal Scheme's design cannot accommodate this.

9.72 Whereas Mr Stewart sought to argue that the term 'human scale' was a somewhat slippery term, thereby seeking to distance himself from any coherent articulation of its meaning and importance, Ms Adams was clear that the term is well understood in urban design theory but in any event is well defined by the SPD. Mr Simpson asserted that human scale was at the heart of the Appeal Proposal on the basis that its design will allow people to know which home belongs to them from ground level in part as a consequence of the setbacks designed in some of the taller buildings. However, neither Mr Stewart nor Mr Simpson addressed the key concern articulated by Ms Adams, and inherent in the concept of human scale development, regarding the impact of the decision to include numerous ten-storey blocks without apparent consideration of their relationship with the public realm. Again, Ms Adams posed the question as to why the design required ten-storey blocks where, if human scale is fundamental to the Scheme, blocks at 4-6 storeys would have delivered this aspiration. Again, that question was left without a satisfactory answer.

#### *On-Site Effects – A Compromised Public Realm*

9.73 The inadequacies of the built environment within the Appeal Site would have an adverse 'knock on' effect on the public realm. The three principal open spaces distributed across the site, namely the podium garden in Plot B and the public spine and community space in Plot A would be compromised by the built development. As explained by Ms Adams, the quality and attractiveness of the open spaces both on Plots A and B would be undermined by the height and massing of the buildings that form them, which directly contradicts Mr Simpson's view that the "massing of the

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<sup>279</sup> Ms Adams RPoE, p. 13, para. 2.2.2

buildings help define the public space"<sup>280</sup>. Ms Adams considers that the massing of the buildings defines the public space in a negative manner and that the intensity of development on either side of the open spaces and the relative narrowness of those spaces will create a "*canyon-like effect where users feel overlooked, which will prejudice against the successful use of the space as truly public spaces.*"<sup>281</sup>

9.74 As the heights of different blocks on the Appeal Site have been altered, Ms Adams was of the view that the landscaped areas became products of the leftover space between the large buildings rather than the outcome of a thoughtful approach to creating genuinely useable public space in accordance with the objectives of the SPD. In particular, Ms Adams reflects upon the SPD's location of a 'local open space' within what has become Plot A and the SPD's aspiration to create an urban place in which the relationship between open space and built development is well balanced with a network of green infrastructure, with amenity space that will be attractive not only to the residents of that particular Scheme but also to residents from the wider area. She contrasts this with the open spaces in fact proposed to be provided on Plot A, which are limited in size and will be territorial in nature due to the high numbers of overlooking dwellings.<sup>282</sup> A useful sketch view of the community space at ground level looking north provided by Ms Adams provides a stark impression of how one would experience this open space, where views of the sky are limited and where the lower parts of Blocks A and B obstruct long views beyond the Site.<sup>283</sup>

9.75 Mr Simpson described the sequence of spaces in Plot A as aligning more closely with the "*medieval streets of London than the formal gesture of the grand boulevard, more residential and less civic.*"<sup>284</sup> One is left puzzling about the manner in which he considers that a narrow medieval streetscene can align with the aspirations of the SPD to provide larger open spaces within Plot A. Further, Mr Simpson described the north-south fingers in Plot A as providing very generous public realm<sup>285</sup>. The Council considers that this claim must be assessed in its proper context. As Ms Adams correctly point out, generosity is a relative term and the public space might be considered generous if the buildings were lower storeys and the space was not asked to perform such a range of functions but in this instance, the preponderance of ten-storey development to which the open space must cater cannot be described as generous.<sup>286</sup>

9.76 As for Plot B, as Ms Adams explained, the Podium Garden is a tapering shape which is 18m at its widest, serving the large numbers of dwellings of Plot B. The relationship between an outdoor space of this narrowness and the cliff-like façade on either side will be oppressive and overwhelming<sup>287</sup>.

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<sup>280</sup> Mr Simpson PoE, para. 7.1.2

<sup>281</sup> Ms Adams RPoE, p. 7, para. 2.1.7

<sup>282</sup> Ms Adams PoE, p. 34, paras. 4.3.6-4.3.7

<sup>283</sup> Ms Adams RPoE, pp. 4-5, para. 2.1.5 and Figure 2

<sup>284</sup> Mr Simpson RPoE, p. 3, para. 4.2.7

<sup>285</sup> Mr Simpson in Round Table

<sup>286</sup> Ms Adams in Round Table

<sup>287</sup> Ms Adams PoE, p. 27, para. 4.1.14

Moreover, the urban plaza, is just 13m in width at its widest point, which Ms Adams described as a missed opportunity providing a narrow pedestrian thoroughfare that could, if designed differently, have provided a location for community events such as farmers' markets.<sup>288</sup> Mr Simpson's response to the effect that intimacy was an important feature in defining scale and further that he considered that the plaza would constitute a 'real meeting place' did little to meet Ms Adams' points.

9.77 Overdevelopment will not simply result in the open spaces in Plots A and B feeling territorial but will also result in those spaces being intensely programmed in order to meet the needs of this number of dwellings, which will have led to the spaces being asked to do too much. The effect will be a chaotic set of spaces<sup>289</sup>. Whereas Mr Simpson is of the view that the Appeal Scheme will provide an "*exceptional sense of space*"<sup>290</sup>, the assessment undertaken by Ms Adams of the demands placed upon the open spaces is instructive in demonstrating that the open spaces may well be exceptional but only for reason that they seek to address such a number and variety of, at times, competing needs and requirements.<sup>291</sup>

9.78 In summary, the Appeal Scheme fails to achieve good design on site and, through its inward-looking approach, undermines the achievement of a well-designed wider Masterplan area going forward.

## **Employment**

### *Matters of agreement*

9.79 As Mr Rhodes accepted, the following matters are not contentious:

- The proposals include 3,000-odd sqm of employment floorspace.
- As a matter of fact, that represents a loss of about 50% of the existing quantum of employment floorspace on the appeal site.
- The proposal displaces existing uses. A snapshot of the extent of occupation of the site in November 2016 can be seen from the application Employment Strategy.<sup>292</sup> That shows a site with very few vacancies.
- As far as the replacement space is concerned, it was accepted that it is necessary for the SofS to be satisfied that what is provided will be fit for purpose. Further, that the purpose for which that space is intended should be understood at the outset.
- The SofS must be satisfied that the replacement floorspace is likely to be successful in allowing for the expansion of existing businesses and providing increased employment opportunities, in order to comply with development plan policy.

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<sup>288</sup> Ms Adams in Round Table

<sup>289</sup> Ms Adams PoE, p. 34, para 4.3.7

<sup>290</sup> Mr Simpson PoE, p. 40, para. 8.4.4

<sup>291</sup> Ms Adams RPoE, pp. 11-12, para. 2.1.12 and Figure 7

<sup>292</sup> CD C21, p.8 table 2

*Principal areas of dispute*

9.80 There are two key areas of dispute:

- Whether policy requires the re-provision of employment floorspace; and
- Whether it is necessary to resolve the details of such floorspace as is proposed.

*Policy: necessary implication for providing employment floorspace?*

9.81 As has been agreed, the appellant's scheme leads to the loss of about 50% of the existing quantum of employment floorspace on the site. The parties disagree about whether that breaches policy. That dispute turns on the interpretation of Policies EA1 and EA2 of the Core Strategy<sup>293</sup>.

9.82 It is the Council's case that interpreted correctly and in accordance with the Core Strategy as a whole, whilst Policies EA1 and EA2 are permissive of the loss of "employment land", that does not mean they permit the loss of *floorspace*, because those policies require the remaining employment land to be "consolidated" and its use "intensified", which necessarily means the re-provision of employment floorspace.

9.83 It is the appellant's case that because EA2 is directed to "maintaining employment levels in the waterfront area" and that 4.2.5 says that "there will be no net loss of employment across Royal Greenwich" (XX of Mr Oates, X-in-C Mr Rhodes), EA1 and EA2 should be read as containing no specific requirement in relation to the re-provision of employment floorspace on this site.

9.84 The Council's Core Strategy explains its purpose at para. 1.0.5, which is that the Core Strategy outlines the spatial framework for future development and land use within the Borough. It sets out the broad locations for development, that is not just for housing but for other important strategic development needs, including employment. It is plain that the Core Strategy recognises the need for employment development.

9.85 In the section entitled "Vision", the "waterfront" area is mentioned specifically, that it will have been "transformed into new sustainable urban quarters comprising a mix of high quality, residential led uses including high quality business space...". There is no suggestion that the waterfront area will contain only residential use. The Core Strategy's vision is for development within the waterfront area to deliver high quality business space.

9.86 In the introduction chapter (3), of the things the Borough acknowledged it "cannot change", para. 3.1.3 explains that the London Plan identifies a number of OAs in the Borough, which are "London's major reservoir of brownfield land with significant potential to accommodate new housing, commercial and other development". OAs, like Charlton Riverside, are expected to deliver jobs as well as homes.

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<sup>293</sup> CD B1: EA1 at p.63, EA2 at p.65

9.87 The “key features” of the spatial strategy are set out within a box on p.21. They include bullet points relating to Charlton Riverside (relevant to the appeal) and also relating to Greenwich Peninsula (not directly relevant, but necessary to consider for the purpose of comparing the policy approach).

9.88 For Charlton Riverside, it says this:

*“Creation of a new mixed-use urban quarter at Charlton Riverside incorporating around 3,500 – 5,000 new homes by 2031, which will involve substantial release of under-used urban industrial land and intensification of employment on remaining land.”*

9.89 For Greenwich Peninsula West, it says this:

*“Creation of a new mixed use urban quarter at Greenwich Peninsula West incorporating new residential units and employment use, which will involve release of industrial land.”*

9.90 It is clear that a different approach is envisaged for the two different areas. In Charlton Riverside, the expectation is that the release of under-utilised urban industrial land will be paired with the “intensification of employment on remaining land”. In Greenwich Peninsula West, which is also part of the “waterfront” area, the requirement is merely that there will be some employment use, following the release of industrial land.

9.91 This different expectation for the two areas is in a context in which the sort of employment floorspace in prospect in both areas is B1. Mr Rhodes accepted that as a general proposition B1 floorspace will have a greater employment density, more employees per sqm, than B2 or B8. In terms of the co-location of uses, B1 will be acceptable in a residential area. Given those general propositions, “intensification” must have specific meaning in the Core Strategy, and it is submitted that it is more than simply losing some employment land and swapping one form of employment use for another more job dense form. The latter approach is the one taken in Greenwich Peninsula West, whereas, in Charlton Riverside, a different approach is taken. The “intensification” of the use of retained employment land must mean more than swapping employment uses on retained land in Charlton Riverside, if the difference in treatment of the two areas intended in the Core Strategy is to be given effect.

9.92 Staying within the “key features” of the Core Strategy, it is important to note that on p.22, the 3<sup>rd</sup> bullet point says that “the number of jobs in Royal Greenwich to grow by up to 21,000 and will be focused in the waterfront area including the Peninsula and Woolwich”.

9.93 There are particular policies dealing with the redevelopment of Charlton Riverside: EA1 & EA2. Both policies are within the “Economic Activity and Employment” section of the Core Strategy, which is indicative of the important function the Charlton Riverside area plays in the Borough’s ambition to have a prosperous and strong economy by 2028.

9.94 The EA1 policy objective is to provide for the expansion of existing businesses and employment opportunities. As Mr Rhodes accepted, the development of Charlton Riverside is expected to contribute to the creation

of new, high-quality jobs that meet the needs and skills of local people. The policy says this will happen by, *“the development of new urban quarters at Charlton Riverside and Greenwich Peninsula West along with the planned intensification of existing employment land”*.

- 9.95 Mr Rhodes agreed in cross-examination that the term “planned intensification” should be understood to be a meaningful one. The draft London Plan<sup>294</sup> uses the same language in Policy E7. Where “intensification” is used there, it is intended to mean no overall net loss of floorspace.<sup>295</sup> It is submitted that “intensification” is a term of art, and should be understood to have the same intended meaning in the Core Strategy as it does in the draft London Plan.
- 9.96 The effect of Policy EA2 is to designate the Charlton Riverside area as a “strategic development location”. It is agreed that the SofS decision will be taken in advance of an adopted SAP document. EA2 says that, “employment will be consolidated to maximise the use of land whilst maintaining employment levels in the waterfront area”. Although Mr Rhodes accepted that it is necessary to read EA2 with the strategic objectives in mind, he interpreted the policy as though it did not require any particular amount of employment floorspace to be provided, because the only measure it includes is “maintaining employment levels in the waterfront area”. Mr Rhodes’ reading of EA2 is not tenable. For the Council, Mr Oates’ interpretation of policy is correct: EA2 requires the consolidation of such employment land as is not released; that is consistent with the EA1 requirement for the intensification of the use of that land. Neither is permissive of a loss of floorspace overall.
- 9.97 Mr Rhodes accepted that the two documents the Council has published pursuant to EA1 and EA2 indicate that its understanding of the application of the terms “intensification” and “consolidation” is that there are necessary implications for the amount of employment floorspace to be re-provided.
- 9.98 The draft SAP<sup>296</sup> contains a detailed treatment of Charlton Riverside. The introductory paragraphs within that chapter reflect the vision for the area set out in the Core Strategy: based on its rich industrial heritage, the vision is for, *“new, genuinely mixed-use neighbourhoods that integrate residential development with modern industrial, workspace and creative employment opportunities”*.
- 9.99 The draft SAP cannot attract more than limited weight at this stage, but as it sets site specific policy in a manner it regards as consistent with EA1 and EA2, it is useful to consider in the context of a dispute about the interpretation of those policies.
- 9.100 Paragraph 3.5 narrates the history: the Core Strategy’s release of the central part of Charlton Riverside from its designation as Strategic Industrial Land:

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<sup>294</sup> CD B9

<sup>295</sup> Draft London Plan, Policy E7 E1

<sup>296</sup> CD B10, Chapter 3

*"The central area was released from SIL with the adoption of the Core Strategy to enable consolidation and intensification of employment uses supported by the introduction of residential uses to create a new genuinely mixed-use urban area. The intensification of existing employment land in Charlton Riverside plays a crucial role in realising the economic development objectives set out in Policies EA1 and EA2 of the Core Strategy..."*

9.101 The SAP's reference to the intensification of existing employment land as "crucial" in realising the economic development objectives in policy is consistent with the Council's case that the language used in policy is intended to be meaningful; and inconsistent with a reading of policy which means that it has no effect at a single site level.

9.102 Draft Policy CR2 contains the following of note:

- Justification: *"There is significant potential to make more efficient use of the site, intensifying employment use and introducing a substantial amount of residential"* (p.29);
- Development guidelines: *"proposals will be expected to re-provide, as a minimum, an equivalent amount of B-use floorspace that is appropriate for local demand in terms of type, specification, use and size..."* (p.32).

9.103 The vision set out within Charlton Riverside SPD<sup>297</sup> is consistent with the Core Strategy objective to deliver 21,000 additional jobs, focused in the waterfront area; it seeks *"an additional 4,400 jobs (over and above existing employment)"* and seeks the integration of residential development *"with modern industrial, office and creative employment opportunities"*.

9.104 In line with consistent objectives underpinning both the Core Strategy and the SPD, to create jobs in the Riverside area, the SPD, 5.4, sets principles for the retention and creation of employment use, expecting that new development will *"maintain or re-provide equivalent employment floorspace within B1 and B2 Use Classes and significantly increase job densities within B Use Classes."* Mr Rhodes accepted, in cross-examination, that 5.4 was not "either/or", but looked for both re-provision and significantly increasing job densities.

9.105 Mr Rhodes further accepted that the SPD is a material consideration for the SofS to take into account. He also accepted that in thinking about the weight to attach to it, the SofS should note that the SPD has the steadfast support of the local community.

9.106 The appellant's approach to the SPD has not been consistent. As has been noted in the context of design, the appellant's planning application documents explained that it has been a "key consideration in the design of the scheme".<sup>298</sup> This seems to be incorrect in relation to the employment floorspace provision, in that half of the existing floorspace is proposed to be lost; and there has been no explanation of why the principles for the

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<sup>297</sup> CD B3

<sup>298</sup> CD C5, p.14 para. 4.11

retention and creation of employment use set out in the SPD in a manner entirely consistent with EA1 and EA2 have not been followed in this case. Mr Rhodes accepted, in cross-examination, that the SPD's proper function is providing an indication of the broad principles in respect of matters relevant to the vision for the regeneration of the area. Those principles may or may not be followed. Mr Rhodes agreed that it was open to a decision maker to conclude that those broad principles were not followed in a particular case, and if so, that was a factor capable of weighing against the grant of planning permission.

9.107 In this case, the principles for the retention and creation of employment use set out in the SPD in a manner consistent with Core Strategy Policies EA1 and EA2 have not been followed; and that should weigh against the grant of planning permission.

9.108 Assuming that the Council has correctly interpreted and applied its policies, it is accepted<sup>299</sup> this would be a serious conflict with policy, not a trivial matter. It goes to the heart of the acceptability of the scheme. That is because the opportunity cost is the number of jobs foregone, in an area in which jobs creation is a key objective within each level of the statutory development plan for the area. Mr Rhodes accepted that the jobs numbers are as set out in the ES Addendum Socio Economic chapter<sup>300</sup>. The effect is this: roughly half the floorspace provided is half the number of jobs which could have been provided.

9.109 For Mr Rhodes' interpretation of EA1 and EA2 to be correct (that there is no necessary implication at an individual site level to provide particular quantum of floorspace), policy would have to be read as permissive of the loss of all employment land and floorspace within a single site. That is because he reads EA2 as subject to a single control measure: the maintenance of employment levels in the waterfront area (and of course assessing the effect of a single scheme within a large area offers limited control). See his answers in cross examination, and his RPOE at p.7 para. 3.5 and 3.7. That reading of policy is inconsistent with the wording in EA1 to intensify use of existing employment land. It is also inconsistent with the expectation that remaining land will be consolidated, in EA2. Finally, it is inconsistent with the emerging SAP; and inconsistent with the SPD, to which material weight attaches.

*Resolution of the details of the 3,000 sqm of employment floorspace to be provided*

9.110 Although it is the appellant's case that it is providing "new workspace that will have the capacity to accommodate a range of start-up local businesses creating employment for local people"<sup>301</sup> in fact, little thought seems to have been given to the employment floorspace included within the ground floor of buildings J, L, K, M and N, and in the ground and first floor of building O. Where space is not properly considered at this stage, it runs the

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<sup>299</sup> Mr Rhodes, XX

<sup>300</sup> C15 p.6-4 para. 6.35-6.38

<sup>301</sup> CD C5 Planning Statement Addendum p.30 para. 7.6

risk of sitting vacant later, which is an outcome the Council would wish to avoid.

*What is the floorspace for?*

9.111 There is a marked lack of clarity in relation to the purpose of the proposed floorspace. Depending on where the reader looks, a different answer is available, to what should be an entirely straightforward matter:

- The Planning Statement Addendum<sup>302</sup> p.30 para. 7.6 9<sup>th</sup> BP: “provision of new workspace that will have the capacity to accommodate a range of start-up local businesses creating employment for local people”.
- DAS (2017) section 7.7: “workspace hub for local third sector and start-up companies”.
- The implications of each is that very low-cost space would be provided, in that Mr Rhodes accepted that those categories of occupiers would be particularly price sensitive. That can be compared to his PoE at para. 2.28, in which he says that the space is directed to “small-medium enterprises” as well as others.

9.112 When pressed in cross examination, Mr Rhodes was unable to explain what he had meant by the SME category: 1-30 employees, 1-50? The practical arrangements will vary, in terms of the need to sub-divide floorspace, the number of accesses, price, but unless or until it is clear what the floorspace is for, it cannot be assessed for its suitability for its intended use.

9.113 Within the DAS<sup>303</sup> section 7.8: it was claimed that the developer “had engaged with the Ethical Property Company” who are said to be “the leading provider of third sector commercial space in the UK”. Mr Rhodes was unable to point to a single design decision in the scheme which had been the result of their engagement.

9.114 The most recent word on the subject is the letter of interest from “Central Projects” or “General Projects” 18.11.2019 (the letter bears both names)<sup>304</sup>. Despite the apparent enthusiasm of the author, Mr Rhodes accepted that it does not explain what the space would be used for, nor by whom, nor whether terms have been discussed, if any.

9.115 As put to Mr Rhodes in cross examination, when the decision maker asks what the space is for, a different answer is available depending on which document in the appellant’s evidence/planning application is consulted. Yet, this is a matter which should have been resolved. The reason this is important is because different occupiers will have different requirements. This is a key issue in view of the impact of differing requirements on fit out costs and viability. An example given for the Council by Mr Otubushin is

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<sup>302</sup> CD C5

<sup>303</sup> CD C8

<sup>304</sup> ID2

that a single workspace provider will not want numerous doors, whereas the same space let to medium sized enterprises may work, because they will want independent access.

9.116 The large, open plan space is not necessarily inconsistent with future use, but that is at least in part because lack of clarity about what that use will be. Mr Otubushin expressed concern about the location of so much of the floorspace beneath the podium garden. The very deep floor plate means that the central space will be far from the windows and if it needs to be partitioned, it is unclear how that space will be lit. Lighting and ventilation are potentially substantial costs, but none of this is addressed in the appellant's evidence. The first floor space seems to have been completely ignored, there is nothing in the application documents about how it will be used, nor did the evidence address it; and even in the appellant's opening submissions it was incorrectly described as "mezzanine" space, see para 7 & footnote 3<sup>305</sup>.

9.117 Mr Otubushin's written evidence drew attention to the wealth of learning now available in relation to the provision of employment floorspace as part of mixed-use developments. Such material has been generated because of a widespread issue in London, that B1 space is provided and then sits vacant for long periods of time. In his PoE at p.20 para. 5.13, he set out recommendations taken from Future of London Report "Workspace that Works"<sup>306</sup>. It suggests that developers "work with providers from an early stage to build suitable space". Mr Rhodes' RPoE claimed compliance with that recommendation, but there is absolutely no evidence beyond the assertion of "engagement" in the 2017 DAS that this is so. The application drawings<sup>307</sup> show a space which is not actually "designed", it is simply a large block of B1 floorspace. No communal facilities are shown, no sub-division is shown, even on an illustrative basis, and such details as are available may be suitable for one occupier but not another, for example, the plethora of access doors, shared lift space. It can be compared to the space for the concierge/police welfare facilities, to which at least some thought seems to have been given<sup>308</sup>.

9.118 At the RPoE stage, the appellant provided a letter from GCW<sup>309</sup>, dated 6 November 2019, just less than two weeks before the Inquiry began. The following matters should be noted:

- As elsewhere in the appellant's material, the letter overlooks or ignores the first-floor employment floorspace in Building O. The second page of the letter says that "the first-floor plan above is given over to residential development". This is not what is shown in the application documents. It may be a slip, or it may be rather ominous for the use of that first-floor space.

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<sup>305</sup> ID4

<sup>306</sup> CD D6, Appendix M to the Council's Statement of Case

<sup>307</sup> Plot B section: 10046-A-DRG-O-F900-2000-PL-RS rev C, Plot B ground floor 10046-A-DRG-Z2-G100-2000-PL-RS rev E, Plot B first floor 10046-A-DRG-Z2-G100-2001-PL-RS rev C

<sup>308</sup> Plot B ground floor 10046-A-DRG-Z2-G100-2000-PL-RS rev E

<sup>309</sup> Mr Rhodes RPoE App 1

- The GCW advice seems to focus on “small and start-up businesses”, saying that the “creation of new commercial workspace aimed at small and start-up businesses can be supported and is likely to be successful”. Later (p.3) it refers to SMEs. There is no reference in this part of the letter to whether the provision of space for third sector users is likely to succeed, despite the clear emphasis on that sort of space in the application documents.
- It is unclear what relationship, if any, there is between their interest and that of General/Central Property.
- As far as market precedent is concerned, various other developments are endorsed as good “case studies” for the development here – “first and foremost” “affordable studio space” for painters, sculptors, fashion designers. Although there will be a difference between the rent chargeable for commercial space suitable for SMEs and affordable studio space for artists, the appellant has resolutely refused to provide the details of how the scheme is intended to work, in terms of being viable, or needing subsidy.
- Mr Otubushin estimated that the fit out of the space would be of the order of £5.4m. It was not suggested to him that he had got that wrong. If he is right, then it begs the question of how that fit out would ever be afforded, if it is to be rented out as “affordable studio space for artists”. These matters go unresolved in the GCW letter.
- There is a complete failure in the letter to deal with matters the Council regards as central to providing comfort that the space will be used in the way EA1 envisages: there is no information about cost of fit out/rent/lease terms/premium.

9.119 The Inspector will have noted that Mr Rhodes accepted in cross examination that the employment floorspace is not an aspect of the scheme which will deliver value to the developer; he thought that the developer “might” be able to cover the cost of provision of the floorspace. It is important to appreciate that the employment floorspace is simply not a valuable part of the development, unlike the residential floorspace. It is more likely to be a cost to the developer. Its treatment in the application appears to reflect that difference.

9.120 It is submitted without some understanding of such costs against values, the SofS is simply not in a position to understand whether this space is viable and likely to be delivered.

9.121 It is the appellant’s case that all of the unresolved matters can safely be left to be resolved through a scheme to be submitted and approved by the Council via the s106 planning obligation. The extent of the matters the appellant seeks to leave off to that stage are revealing: see p.21 of the draft s106 “low cost workspace strategy” which includes “the proposed layout, fit out and services, and how these have been developed in consultation with the proposed workspace provider to ensure the Low Cost Workspace is suitable for workspace for SMEs”; and “arrangements for

letting the Low Cost Workspace to the approved workspace provider... while ensuring viability...". The following points require to be noted:

- The appellant has resisted attempts by the Council to insist on a mechanism to ensure that rents are affordable to the particular market in mind, and the appellant's evidence has not dealt with any relevant detail including whether third sector (charity) type occupiers, or artists, who seem to be in mind, will be able to afford the space (or indeed been clear about whether the target market is SMEs). Policy E3 of the draft London Plan<sup>310</sup> recognises that third sector organisations may need to have specific arrangements in a s106 planning obligation to ensure that the space is affordable to them. However, without clarity about whether the space is really intended for those end users, the Council is not able to insist on provision being made for them.
- There is no information, even provided on an illustrative basis, to demonstrate that the ground or first floor space is capable of accommodating an acceptable layout.
- No information has been provided reconciling the costs of fit out with the rents achievable in the area, or affordable to particular types of tenants, making it impossible to know now whether fit out and use will be economic.

9.122 The Council is concerned that it is foreseeable now that there will be a difficult dilemma in the future, if it proves uneconomic to fit out the space based on the achievable rents. The appellant suggests that preventing the occupation of residential units prior to those matters being approved gives sufficient control, but that envisages a situation in which there are residential buildings built and fitted out, with employment space delivered to shell and core. It would be extremely difficult for the Council to hold out in relation to unacceptable aspects of the submitted strategy, bearing in mind the costs of delay, and the pressure which arises from residential units being available but unoccupied (and there is no preclusion on sale in the s106).

9.123 The appellant's evidence was dismissive of the Council's concerns, but as has been explained, is not unusual for employment floorspace to be delivered to shell and core and then remain unoccupied. The GLA Report "Vacant Ground Floors in New Mixed-Use Development"<sup>311</sup> documents research into the subject and proposes recommendations and strategies for avoiding and dealing with such vacancies. As was put to Mr Rhodes, the appellant is not now in a position to claim that its p.37 good practice checklist, which includes advice on design, pricing and marketing, is capable of being complied with, because the scheme is insufficiently detailed, in its design, and in terms of the way in which it would be delivered.

### ***Housing land supply***

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<sup>310</sup> CD B9

<sup>311</sup> CD D6, Appendix L

### *Matters agreed*

9.124 There are two relevant SoCG: 9 October 2019<sup>312</sup> and 19 November 2019<sup>313</sup>. There is much common ground:

- The five-year requirement is agreed to be 16,874.
- The Council has identified supply of 16,956 units which it says are deliverable within the five-year period.
- The appellant accepts that all but 1,813 of those units are deliverable within the period<sup>314</sup>.
- It is agreed that four sites are in dispute (see para. 4.2 of the 19 November 2019 SoCG & replacement ID14):
  - Enderby Place (15/0973/F, Appendix 3, Ms Montgomerie's PoE for the Council). A total of 477 units are included in the Council's five-year supply. The appellant disputes the inclusion of all 477.
  - Greenwich Peninsula (15/0716/O and related, Appendix 4, Ms Montgomerie's PoE). A total of 1,476 units are included in the Council's five-year supply. The appellant disputes the inclusion of 1,000 of those units.
  - Spray Street Quarter (18/0126/F, Appendix 5, Ms Montgomerie's PoE). A total of 100 units are included in the Council's five-year supply. The appellant disputes the inclusion of all 100.
  - RBG Local Authority New Build (LANB) package of sites (Appendix 8, Ms Montgomerie's POE). A total of 350 units are included in the Council's five-year supply. The appellant disputes 236 of those.
- On the appellant's case, the Council has 4.49 years supply.
- On the Council's case, the Council has 5.02 years supply.
- Mr Rhodes accepted in cross examination that if the Panel's recommendations were accepted, and the new London Plan is adopted in February/March 2020 reflecting those recommendations, as at that date, the Council would have a five year supply of housing, based on the new targets set out in that part of the development plan. It would seem to be necessary for the SofS to invite representations from the parties on the publication of the London Plan in final form, given the potential for this aspect of the case to be affected.

### *Disputed sites*

#### *Enderby Place*

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<sup>312</sup> CD E3

<sup>313</sup> ID11

<sup>314</sup> ID14 (replacement)

9.125 There is full planning permission in place, which has been implemented (per Ms Montgomerie, HLS round table). It should be considered deliverable “unless there is clear evidence that homes will not be delivered within five years”. There is no such clear evidence. The appellant has pointed to a change in the proposals for that site: a cruise terminal which had been part of the plans for the site is no longer in prospect. The Council’s publicly stated position is that it supports that change. There are formal changes required to the permission: to the phasing condition and s106, but bearing in mind what is known now, there is no reason to suppose that will be a contentious process.

9.126 All 477 units are deliverable within the period. Ms Montgomerie has assumed the delivery of a block per year within the latter years of the period - there are three blocks (Ms Montgomerie, HLS round table). She predicted a lag to reflect the requirement to address the change to the scheme. Mr Rhodes’ conclusion, which leaves this site out completely, is unrealistic and symptomatic of his approach, which is only to include those sites “very likely” to come forward (Mr Rhodes, HLS round table), whereas the test in the Framework is that there must be a “realistic prospect” of delivery, and where they have planning permission, be assumed to be deliverable unless there is clear evidence that housing will not be delivered in the five years.

#### *Greenwich Peninsula*

9.127 There is outline planning permission in place, and has been reserved matters approval too, but this recently expired<sup>315</sup>. The current undetermined hybrid application seeks an uplift in the number of units overall, the main change being the replacement of film studios with more housing (ibid para. 6.11).

9.128 In terms of delivery rates, as Ms Montgomerie’s evidence explains, there is nothing exceptional about the rate of delivery expected, because previous completions on the Peninsula have been comparable (Ms Montgomerie rebuttal proof, p.6 para. 4.6, main PoE p.28, see for example Plots N0205 etc with a single year completion of 1,007). In thinking about whether the Appellant’s 1,000 discount is sound, the following points should be noted from Ms Montgomerie’s evidence to the HLS round table session:

- The site is available, it is suitable.
- It is part of a wider area of major regeneration, which is coming forward apace.
- The site is cleared, it has been decontaminated & capped.
- The Planning Statement illustrates the developer’s intentions – a key change underlying the making of the hybrid application is to deliver more, not less, housing including affordable housing on the site (see the executive summary of the Planning Statement, RBG appendix 6 to the

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<sup>315</sup> Ms Montgomerie RPoE p.7 para. 6.10

SoCG on HLS). The developer has entered into a partnership with L&Q for that purpose.

9.129 It was the appellant's evidence that it accepts 476 units will be delivered within the five year period, but this is an unrealistically low figure in the context of historical delivery on the Peninsula, and given what is known about the site.

*Spray Street*

9.130 It is accepted that there is some land assembly to be resolved at the Spray Street site, but the Council is a major landowner. There is a current application for planning permission. Bearing in mind the demand for housing in the area, and that the site is being taken forward by an established developer in partnership with a Registered Provider, the Council felt there was merit in including 100 units within the five year period.

*Local Authority New Build (LANB) package of sites*

9.131 These are specific, identified sites in the Council's ownership, for which there is identified and committed funding available for delivery. No issue of double counting arises, which is the appellant's basis for disputing the inclusion of 236 units.

***Planning balance***

*Conflict with the statutory development plan for the area*

9.132 The Council's evidence provided a summary of the policies it said were relevant to the appeal, including those which are most important in the determination of the appeal. Mr Oates identified where he found conflict with those policies and pointed out the confluence between the "most important" policies and conflict. He found conflict with some 11 policies of the statutory development plan. Those policy conflicts relate to each of the serious concerns outlined in the Council submissions and detailed in evidence. The appeal proposal conflicts with the statutory development plan for the area, read as a whole.

*Material considerations*

9.133 The factors relied upon by the appellant fall into three categories:

- The delivery of market housing
- The delivery of affordable housing
- Other matters raised by the appellant

*The delivery of market housing*

9.134 As was acknowledged in opening, and maintained here, in principle the delivery of housing in the Council's area is very welcome, particularly in light of the pressing need for housing, that is not at any cost. Mr Oates has not been able to attribute substantial weight to this benefit, because the design of the scheme is overly compromised. For reasons which have already been explained, his approach is plainly correct.

9.135 National policy acknowledges and reflects the need for housing. Mr Rhodes accepted that it responds to that need by its objective to “boost significantly the supply of homes”.

9.136 The Framework establishes a particular approach to decision making where that is warranted by circumstances, by the application of a tilted balance. Framework para. 11d and footnote 7. Mr Rhodes conceded that national policy is not supportive of applying the tilted balance outside Framework para. 11. However, Mr Rhodes’ approach, as indicated in his written evidence and emphasised even more strongly in oral evidence, could easily be construed as having the effect that irrespective of the 5YHLS position; the need for housing in London is so great that it should be understood to recalibrate the planning balance, in relation to housing decisions in London. As Mr Rhodes accepted in cross examination, such an approach would not be correct.

9.137 There is no suggestion in the Framework that because the housing requirement is established on capacity basis in London, that some different planning balance should apply here than elsewhere. Mr Rhodes agreed that he should not be understood to be saying that one should, in effect, apply a tilted balance here, even if there is a 5YHLS. What necessarily follows from that is that the benefit to afford to housing delivery, including affordable housing, cannot be so great that it effectively skews the balance. To do so would risk accepting dis-benefits, like poor design, when in fact planning permission for housing should only be granted when its design is acceptable.

9.138 Mr Rhodes’ evidence in relation to housing backlog requires similarly careful treatment. There is agreement in relation to the correct method of calculating the 5YHLS requirement. As part of that agreement, the very specific guidance about how to address backlog<sup>316</sup> has been followed: it is calculated from the base date of the adopted plan. It is necessary to accept as a starting point the base date of the adopted plan. Here, it is 2016 (London Plan). However, Mr Rhodes’ PoE p.27 table 4 could be read as inviting the SofS to place weight on a backlog long predating the plan period of the London Plan. To do so would be illogical and contrary to guidance. That is because the London Plan targets took into account what had come before it and deliberately sought to address backlog to the extent judged realistic; Ms Montgomerie’s PoE refers (at para. 5.3). The Council considers this to be nothing short of double counting, to rely not only on the London Plan targets, but also to seek to add in backlog from 2009 to 2016 as part of what weighs in favour of the grant of planning permission.

9.139 As far as completions are concerned, again Mr Rhodes’ approach aligns poorly with national policy and guidance, which has sought to rationalise and standardise decision making in relation to housing. The Council has passed the housing delivery test and there is no dispute on the facts about that, despite Mr Rhodes’ seeming dismissiveness of the outcome of that.

*The delivery of affordable housing*

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<sup>316</sup> NPPG ID: 68-031-20190722

9.140 A failure to provide policy compliant affordable housing is a planning “harm”<sup>317</sup> and therefore providing policy compliant levels of affordable housing cannot logically be regarded as a benefit capable of outweighing harm. However, Mr Oates attributed “significant weight” to this benefit. On a strict view that is overly generous, but it seems to be consistent with the approach taken in other decisions, and certainly in principle, the provision of affordable housing is very welcome in the Borough. Again, that should not be taken to justify design which is otherwise unacceptable.

*Other matters raised by the Appellant*

9.141 In the application Planning Statement<sup>318</sup> section 11, the Addendum section 8, and in Mr Rhodes’ written evidence at section 9, the appellant relies upon various claimed benefits: the provision of housing, including affordable housing, open space, playspace, employment floorspace, and community uses. Each of those matters has been considered carefully by the Council, and it has been prepared to attribute positive weight where that is justified. However, on a straight planning balance, those factors do not outweigh the conflict with policy. Moreover, it was Mr Oates’ evidence that the harm arising would significantly and demonstrably outweigh the benefits.

**Conditions/ s106**

9.142 The section 106 planning obligation has been drafted in a context in which the appellant has not secured agreement with IMEX House in order to deliver mitigation measures which are agreed to be necessary to avoid unacceptable impacts, as set out above. The appellant accepts that the delivery of those measures would not impose unreasonable costs, nor would it impose unreasonable restrictions.

9.143 The arrangements in the s106 admit the prospect that mitigation measures would not be secured and implemented. It is foreseeable, if those measures are not implemented, that there would be conflict between the operation of IMEX House and new residential development.

9.144 Schedule 6 to the s106 includes a series of complex provisions which have had to address the fact that there is no agreement in place as things stand. It allows the implementation of development where agreement has not been reached by IMEX House, but where the Council has approved a mitigation scheme, whether by itself or following a dispute resolution process. It then allows the occupation of the appeal development without mitigation measures having been provided at IMEX House, if its owner does not sign up to an agreement.

9.145 The appellant’s approach is to attempt to impose an agreement on IMEX House, through the s106 process, via the use of an expert determination process (clause 15) if need be, failing which no mitigation is provided.

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<sup>317</sup> *R. v. London Borough of Tower Hamlets, ex parte Barrett* [2000] WL 281291 at [27-30] per Sullivan J (as he then was)

<sup>318</sup> CD C4

9.146 The Council's proposal is the use of a Grampian style condition, which would secure those (off-site) works before the development takes place. It is a simple approach and would ensure that the necessary mitigation measures are delivered. The appellant's rejoinder is to say that such a condition in effect gives IMEX House a ransom over the development. Three points should be noted.

9.147 First, the situation is largely of the appellant's own making. It failed to address the relationship between IMEX House and the proposed development until very late in the day, and appears to have seriously underestimated the importance of the issue. It has had a full team of professional representatives throughout, and so it is inexplicable that it has reached the situation it has.

9.148 Secondly, it is not for the planning system to resolve the land ownership/control issues for applicants or appellants. Outside the compulsory purchase regime, where quite different considerations apply, it is a matter for such parties to ensure that their schemes are deliverable without unacceptable impacts.

9.149 Finally, as put to Mr Rhodes, the Framework is quite clear, using unqualified wording, saying this:

*"Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."*

9.150 Mr Rhodes accepted that those who drafted the Framework should not be taken to be ignorant of the commercial realities which result from the application of the policy. It is submitted that the way in which the policy resolves the competing interests is in favour of ensuring that necessary mitigation is provided.

9.151 The appellant then advanced a different argument, not in evidence, but in submissions in the s106/conditions session. That relied upon a highly elaborate reading of Framework para.182: that restrictions would not be "unreasonable" if, in effect, the party suffering the restrictions has itself behaved unreasonably and brought the restrictions on itself. Para. 182 does not require, and should not necessitate, an evaluation of the behaviour of the existing business to identify whether restrictions are or are not reasonable depending upon its conduct. What the paragraph means is what it says, it is protecting the operation of existing businesses from the effect of the agent of change.

9.152 Parts of the NPPG should be referred to in considering this issue:

- NPPG ID30-010-20190722. This foresees the need for mitigation "at source" and for those measures to be put in place prior to the occupation/operation of the new development;
- NPPG ID23b-003-20190901. Planning obligations should only be used where it is "not possible to address unacceptable impacts through a planning condition".

- NPPG 21a-009-20140306 provides guidance on circumstances in which it is appropriate to impose a Grampian style condition (e.g. where, as here, works are required on land outside the applicant/ appellant's ownership).

9.153 The Council's position that a Grampian style condition should be imposed to secure the necessary mitigation works is wholly in line with national policy and guidance.

9.154 Late in the day, the appellant sought to draw a comparison with the Undertakings offered in relation to the Thames Tideway DCO. That comparison is not a helpful one, for three reasons:

- The Thames Tideway scheme was not proposing new noise sensitive development in proximity to an existing noisy business. As such, it would not have engaged the agent of change principles (had they been in place nationally at that time).
- In that case, the provision of noise insulation had been contemplated in the relevant National Policy Statement, and that insulation was to be provided, if needed, to noise sensitive properties (see the ExA report at 12.24, 12.270).
- Numerous occupiers were involved. Whether they accepted mitigation, or not, would affect only them. That factor makes it entirely different to the situation here, where new residents stand to be affected by an existing development.

9.155 The arrangements in the s106 are complex and unsatisfactory. They allow for the delivery of the scheme without necessary mitigation measures. That would contravene national policy and guidance. The appellant's concern about control being exerted by IMEX House is a theoretical risk, not founded in anything said or done by IMEX House so far. If a significant risk does exist, that is one accepted in national policy and guidance. For those reasons, the Council's alternative, Grampian style condition is commended. If that course is accepted, the SofS will have to be mindful of the guidance at NPPG ID21a-038-20180615 in terms of the process to follow.

### **Conclusion**

9.156 For the foregoing reasons, the Council respectfully requests that the appeal be dismissed.

## **10. The Case for Charlton Together**

- 10.1 Charlton Together presented evidence directly to the appeal as a Rule 6 party. Evidence was presented from individual members, Mr Geyther<sup>319</sup>, Mr Richardson<sup>320</sup>, Mr Newman<sup>321</sup> and Mr Connolly<sup>322</sup>, and in written form by Emma Coperman<sup>323</sup> with the following representing a summary of their closing position.
- 10.2 Charlton Together have presented evidence during the Inquiry exploring the design, environmental and social impact this development would have on the future of Charlton Riverside and its existing and future communities, including those in Charlton as a whole.
- 10.3 This Inquiry has also explored in some detail the very real impact this development will have on the only existing residents in Charlton Riverside, in Derrick and Atlas Gardens, on Anchor and Hope Lane and also at Imex House. Charlton Together maintain that the evidence presented on all fronts refutes the claims made by the appellant that this is the best possible proposal we can and should expect for our community.
- 10.4 In the face of objections from the local community, local businesses, Ward Councillors, the local authority Planning Board, our local MP, our GLA representative, our local Church and the London Mayor, Charlton Together questioned what the appellant knows better than they do about the locality, its neighbourhoods and communities; and they maintain that the following issues remain unresolved:

### ***Masterplan SPD***

- 10.5 The SPD states categorically that Charlton Riverside is intended to be a low-to medium height, high density, mixed use development. It is, unarguably, a material consideration and all parties taking part in this Inquiry were involved in its creation through an extensive consultation process set up by the Royal Borough of Greenwich, in which everyone had an opportunity to challenge and shape its content.
- 10.6 Charlton Together argued that the guidelines are not an abstraction, but founded on pre-existing, long-established conclusions about how best to build on Charlton's existing character, at a human scale with a distinctive topology for which tall buildings should be the exception rather than the rule. Charlton Together maintain that the overall stakeholder expectation in this case is that the SPD, regardless of any legal definitions, should hold weight in determining the development of the whole Charlton Riverside site.
- 10.7 If this appeal is allowed, Charlton Together set out their deep concerns about the implications this will have for the status of local and supplementary planning guidance within the Framework, and for the

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<sup>319</sup> ID 10 and ID20

<sup>320</sup> ID21

<sup>321</sup> ID22

<sup>322</sup> CD CT1 Annex 4a

<sup>323</sup> ID16

working of local democracy in the planning process. What would be the point, of the community contributing anything to planning work locally if in future it is simply ignored?

- 10.8 Charlton Together fundamentally disagreed with the Council and GLA planning officers' reports' recommendations made in July 2018 and January 2019 respectively. They believe the persistent ambiguity in the language used to justify them, such as "on balance", "optimal", "efficiency", "slight, or less than substantial levels of harm" and "acceptable", were carefully adopted to justify the significant deviation from both the SPD and London Plan.
- 10.9 Charlton Together were pleased that the elected representatives, who have responsibility for determining local, social and economic policy agreed that such deviation from planning guidance was unacceptable and the proposed development not right for the Charlton Riverside area. They were disappointed that the appellant adopted a minimal and inconsistent approach in their interpretation of the SPD Masterplan and other planning guidance.
- 10.10 In particular, Charlton Together are concerned about the distances between buildings and the demographic which this development will appeal to, given its minimal inclusion of properties designed for families. They consider this development will be reliant on other plots across the Riverside site to make up for the shortfall in such housing.
- 10.11 They are also concerned about the environmental implications for this development which should be carbon neutral and car free; neither of these are on offer.
- 10.12 Overall, Charlton Together believe they have demonstrated that the appellant's planning application represents a completely unreasonable divergence in both scale and spirit from all core agreed planning assumptions relating to height, density and design on the site. This relates not only to the SPD Masterplan, but also to the Core Strategy and London Plan. This has been their consistent position all along, and why they were so shocked, first at the Council planning officer's report, and then at the GLA's.
- 10.13 They were further shocked to have had to make this argument for natural justice yet again, a third time, at this appeal stage. They do not believe that the proposals put forward by the appellant are the best that can, and should, be expected for the Charlton Riverside area, and fundamentally disagree that "this proposal would set a high standard for future developments to match".
- 10.14 The important issue here, it is argued, is about whose views and needs should be prioritised? Those of the appellant whose sole purpose is to make money, or those who will have to live with, manage and mitigate the social, environmental and economic consequences for decades to come?

### ***Infrastructure and lack of sustainability***

- 10.15 Charlton Together strongly believe that there is no point developing the Charlton Riverside site without a clear and costed infrastructure plan in place. This plan needs to detail those facilities which are currently badly in need of being enhanced, including schools, health provision and public transport, before considering the impact another 8000 homes will have on infrastructure.
- 10.16 It needs so much more over and above the new east-west route prior to any development being granted planning approval, and all need to know the impact this will have on other plot holders and their plans. As the Mayor has stated, we do not need growth at any cost, but good growth, and this needs to be supported by a clear plan for developing infrastructure able to cope with the needs of both existing and future communities before individual development proposals are approved.
- 10.17 Charlton Together considers the whole of the Riverside site needs to be carefully planned and developed, not be driven in a piecemeal fashion by the market forces which underpin the profits of developers and a reliance on individual s106 and CIL agreements.

### ***Precedent for overdevelopment***

- 10.18 Charlton Together consider that there are a number of developers waiting in the wings to present their proposals for the Riverside site. They are concerned with the densities and heights they currently propose and the impact this will have on total numbers of units across Charlton Riverside. There is, they suggest, a very real danger that the area will become the victim of ill-thought-through overdevelopment which will serve neither to create homes for people who need them, nor to exploit the opportunities available in terms of regeneration and economic development.
- 10.19 Nobody denies that London needs more homes, but the greatest need is for homes that people can afford to live in, a need that the commercial market is simply not addressing to the extent required. The appellant's proposal, they argue, is a stark example of how market efficiencies are driving out the design solutions that will help solve the housing crisis.
- 10.20 The high percentage of studios and one-bedroom homes in this proposal is likely to drive a rental market and create properties for sale, not as homes but as investments. This is not going to kick-start a sustainable community.
- 10.21 In particular, Charlton Together noted about how living above two or three storeys can be psychologically and socially damaging for families, especially for young children.

### ***Community engagement***

- 10.22 Charlton Together have been extremely disappointed by the poor level of local engagement offered by the appellant at every stage of the preparatory development process. Charlton Together members are not alone in this,

the strength of local feeling generally has been evident in the petition<sup>324</sup> brought to the Inquiry.

10.23 Throughout the last three years the local community has always been open to constructive participation, discussion and communication and a great deal of time and effort has been expended in trying to understand and respond to the appellant's proposals. As an active and engaged community, they have much to offer the development of Charlton Riverside.

10.24 Charlton Together consider that the appellant could have made so much more of the opportunity created by their efforts, rather than disregarding or dismissing them and the unique local knowledge, expertise and priorities for building community that they are the local "experts" in. Perhaps the only positive in this process is that it has brought many groups and individuals together who have worked hard towards achieving a common purpose grounded in respect and care for each other and the area.

### ***Sense of place***

10.25 Charlton Together are disappointed at the lack of attention which this proposal pays to our rich and varied industrial, urban and maritime history and the conservation area. Anchor and Hope Lane is Charlton's gateway to the River Thames and its historic wharves, and the proposed tower blocks in this development are inappropriate for this specific location.

10.26 They fundamentally disagree with the appellant's claims that this proposal "will achieve a high quality of place-making reflective of local regeneration objectives" or that "the architectural design is of a high quality".

10.27 Charlton needs developments which are sustainable because they are places where people want to be and remain, where families can flourish, as opposed to merely being a staging post on the way up the housing ladder. Charlton Together consider this site especially unique in the context of the whole Masterplan area. Not only is it unique in that, whatever decision is made here, that decision will determine the shape of Charlton Riverside for decades to come. That should be enough reason. But on top of that, it is unique because:

- it is adjacent to the only housing on the whole site;
- that housing is of historical importance, recognised by being part of the conservation area;
- it is a key part of the historic North-South route between old and new Charlton; and
- this development will obliterate the impact of nearby historic buildings which form the starting landmarks Charlton Together think should properly 'kick start' this much needed regeneration.

### ***Summary***

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<sup>324</sup> ID8

10.28 Charlton Together invites the Inspector to clarify in his deliberations:

- whose needs does this proposal meet and for whom has the area been designated an "opportunity"? In other words, whose interests does it and could it really serve?;
- how will Charlton Riverside and Charlton as a whole, their character and unique attributes, be protected from destructive overdevelopment if the appellant's proposal is approved?

10.29 Charlton Together believe that if this appeal is upheld it will create a precedent leading to most of the housing on the eastern half of the Masterplan site being both high rise and high density, with the area being fashioned by piecemeal development and lacking in quality infrastructure.

10.30 This would be predominantly in the interest of the developers at the expense of those who will work and live there and the rest of Charlton. It will be unsustainable; a huge opportunity missed to create a vibrant, modern but human scale community.

10.31 Charlton Together urge that the appeal is dismissed; this Inquiry is going to be decisive and they respectfully ask that a mark be laid down in the sand for the sake of both existing and future communities.

## **11. The Cases for Other Objectors Appearing at the Inquiry**

11.1 The following paragraphs summarise the statements made by interested parties and their answers to questions where relevant. The full texts used by interested persons, where available, are within the Inquiry Documents. Where matters are already covered, they have not been repeated.

### **Glenn Tilbrook**

11.2 Mr Tilbrook is the owner of the recording studios at Imex House and took part in the round table discussions and presented evidence.

11.3 Following the Mayor's refusal of the scheme in January, Mr Tilbrook reports that he tried to engage with the appellant's team, but received no communication until September, when he reports they said '*Our Client continues to want to work with you to ensure that you are able to exercise the rights of access you are currently entitled to enjoy as part of the regeneration and delivery of new homes that planning policies for this area are intended to achieve*'. This was, however, after the deadline for comments to the appeal. He set out that it was only recently that they have started to engage, albeit they knew his role with the band Squeeze has meant he has been away on tour.

*Noise out from Imex house.*

11.4 Mr Tilbrook accepted that this could be resolved with mitigation at the appellants' cost. But the detail needs to be worked out before any agreement can be reached, and some suggestions are not appropriate. Solid built, soundproof structure are needed to contain the amps, not boxes, although he was sure that this could also be agreed, if the appellant engaged properly.

*Access to Imex House*

11.5 The access, which is illustrated in the photographs 1 to 14 taken with the CCTV cameras, show the area needed for the current tour bus to turn around, which has been established over a thirteen-year period without objection. The time taken to turn the bus around is 15 minutes of constant engine noise<sup>325</sup>, which can happen any time, day or night and could severely impact buildings A, D and G of the scheme. The appellant's illustrations, including their swept path analysis, significantly and unacceptably downplays the requirements<sup>326</sup>. The tour bus would have taken out a couple of trees. These comparisons show, in Mr Tilbrook's view, the misrepresentation that the appellant is trying to achieve.

*Access during works.*

11.6 There has been no clarity from the appellant on this issue, or on the uninterrupted use of utilities, which are currently provided by the owner of the estate for a monthly fee.

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<sup>325</sup> See photographs 2-14

<sup>326</sup> For instance, contrast Drawing number 30821/AC/026 with photograph number 8.

*Noise and Vibration In.*

- 11.7 Building work and recording or rehearsing music are two completely incompatible things. On any project, recording, rehearsal or writing, the time needed to complete will always run straight through from beginning to end with no interruption. It has always been this way. M Tilbrook indicated that they work normal hours, daytime mostly, so that the period of time that demolition and construction will take would be the length of time that the studio would be unusable. Any acoustic analysis that says otherwise, he suggests, is wishful thinking. Vibration, demolition and construction will essentially turn the studio into a storage facility with a complete loss of business.
- 11.8 Quotes have been submitted from other studios as an example of replacement costs, and Mr Tilbrook seeks a guarantee that the appellant will cover loss of earnings and alternative studios, for recording and rehearsal.

*Loading and Unloading*

- 11.9 Touring for Squeeze operates on roughly two-year cycles: Year one includes recording, rehearsing new set and tour the U.K., the U.S. and rest of world with the band; Year two, more rehearsals, festival shows and one-off shows, touring more sporadically.
- 11.10 When working at the studio there is a lot of coming and going on a daily basis between the band and crew, with 7 band members, roughly 4 support crew, and two or three people in the office. There is always give and take on these figures. When touring in the U.K. Mr Tilbrook chooses to return to the studios after the show whenever practical.
- 11.11 On a tour such as now, equipment will exit the studio after rehearsals and not come back until the end of the tour. This means that the 45-foot bus will be present at the beginning and end of the tours, at whatever time, that means equipment returning in the middle of the night, when it has to be unloaded. It is in flight cases with wheels and is unloaded using either metal ramps or a tail lift. If equipment is on a tour bus this will be unloaded from bays on both sides of the bus. That will be a noisy business, and one which the appellant could have understood better. On their plans the approach road to was labelled as a Play street.
- 11.12 Year two of this cycle is when generally it is noisier as one-off festival dates mean one-off ins and outs. Not predictable, at all, but certainly disruptive. There will be periods of silence and periods of noise, and no year is ever the same. The appellant's report<sup>327</sup> is disingenuous in its assessment of this activity to say the least. To measure a two-week period in which there was very little happening at the studio and then present that as normal is not acceptable. Mr Tilbrook feels he needs to be indemnified against any future noise complaints, noting there are also two containers on the premises which can only be moved by a crane.

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<sup>327</sup> Clive Barson of Ramboll

11.13 Mr Tilbrook has been the freehold landowner of Imex House since 2006, landlocked by land owned by the appellant. There was no consultation when this area was reallocated to mixed use by the Borough. The appellant made no effort to contact when they purchased the land, which was considered surprising given its position. Mr Tilbrook considers that these plans would greatly affect him as a freeholder, not only for studio use but any possible future development. He bought this property with the intention of it being his last move, a business that he could settle into without bothering anyone or being bothered by anyone. Ever since he became aware of the scheme that feeling of security has been shattered, just as it has been for all the tenants on their land. At every stage the appellant has either ignored them completely or sought to downplay their concerns.

11.14 In the appellant's opening speech in paragraph 42 it says, '*The relevant question is whether appropriate mitigation can be secured to ensure the ability of Imex House to co-exist with the scheme until such time as Imex House is redeveloped in accordance with planning policy*'. Mr Tilbrook's understanding is that the area is for mixed use, encouraging existing light industrial businesses to remain, although he is concerned that the over-shadowing, alterations to access and blocking of light to the windows and glass doors at the front could limit their ability to remain.

11.15 Mr Tilbrook noted the lack of appropriately scaled models and considered that the photographs of the previously inaccurate models show how they misrepresented the proposed development. In his view, the latest appeal does not address previous objections. The density is completely unnecessary. The disregard shown by the appellant throughout the process shows, he considers, how he and others are obstacles in their way to be brushed aside.

11.16 While sure that relevant mitigation can be agreed to ensure his ability to co-exist with a change of the surrounding area, that would require full communication and co-operation between both parties, and a recognition of the points made.

11.17 When he purchased Imex House in 2006, the VIP estate was a thriving, well kept, well maintained, busy industrial estate. Since the appellant's purchase in 2015, the estate has declined due to a haphazard management culture.

*What plans are there for the other existing businesses on VIP?*

11.18 The appellant suggests it is creating opportunities for businesses and have their 'Business Relocation Strategy'. He and his wife Suzanne have spoken to most of the tenants on the estate to find out how the Business Relocation Strategy is working for them<sup>328</sup>. As an example:

*Total Bodywork – Multiple units*

11.19 After the GLA hearing they were told by the estate manager that there was no plan to go any further with the application until there was a new

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<sup>328</sup> ID13

Mayor in place, so they would have a few years at the VIP location. They invested £15,000 refurbishing their units within the VIP Estate which they have now moved into.

- 11.20 In early summer 2019 they received a letter from the GLA saying that the developer was appealing to the SofS to overturn the Mayor's ruling. They immediately stopped their renovations and cancelled an order for some expensive on-site equipment necessary to their business. They already had a relationship with Glenny from previous business property searches, after they were told they had to move the first time. So, they contacted them again to help with relocation. It is coincidental that Glenny is also the agent that the landlord is using for their 'relocation project.'
- 11.21 It has been very hard for them to find an alternative site due to the nature of their business, but they have found somewhere in Belvedere. They would prefer not to move but are frustrated by the lack of forthcoming information from the landlord and need security for their business and their 18 staff members. All of whom live locally. It will take at least 6 months (including a 3-month cross-over period when two premises will be required), for them to relocate and their rolling contract does not help with this.

#### *Unit 13- South East Jags*

- 11.22 Have been approached by Glenny's to relocate but they have not found anything suitable. He has been looking independently but can't find anything appropriate. He is on a rolling contract with 30 days' notice. He needs much longer than this to relocate, and the £1500 relocation fee offered by Rockwell is nowhere near enough. The landlord's representatives are uncommunicative, and the tenant is very frustrated by how difficult it is to get any information from them.
- 11.23 Everybody is nervous about the future and when these people go, they will not be coming back. People's lives are on hold. This has happened in a once thriving industrial estate, under the appellant's watch. Mr Tilbrook suggests that tenants are too nervous to come to this hearing for fear of losing their livelihoods.

#### *Conclusion*

- 11.24 Any potential structural damage through building to Imex House has not been acknowledged, discussed or agreed. The scheme totally ignores the Charlton SPD Masterplan, and what precedent will it set if this scheme gets the go ahead? Where is the hope and where is the heart in this development?
- 11.25 Mr Tilbrook considers that the ideology that made proper affordable housing such an old-fashioned notion, is perpetuated by allowing buildings like these, substandard profit driven rabbit hutches that create nothing for the community except wind tunnels, overshadowing and overcrowding. That's without mentioning the lack of infrastructure input in this already overcrowded bit of London.

11.26 The appellant's silence about the disruption to the business has been deafening. Mr Tilbrook emphasised that he is not against development, but wants to encourage the appellant to think out of the box and to work with the local community, local representatives and adjacent landowners to create something that everyone can be proud of.

### **Mr Pennycook (MP)**

11.27 Mr Pennycook, who was a parliamentary candidate at the time of the Inquiry, was confirmed as the Member of Parliament for the Greenwich and Woolwich Constituency. He identified himself as a Charlton resident who has been closely engaged with this project and spoken to a significant number of residents. He identified four main points, height, massing, density and housing mix.

11.28 While welcoming revisions of the 'deeply flawed initial scheme', he considered this to still be at odds with the SPD where buildings over 6-storeys should be the exception and not the rule. The latest revisions were considered to exacerbate the number of tall buildings in Plot A. In clustering these tall buildings here, he considered this led to overly dense massing, with insufficient variation in and between the blocks, all in the context of the developer refusing to engage in the total number of units.

11.29 A reduction to below 6-storeys should be considered, and if this means a reduction in total numbers that is acceptable in the context that at the proposed density, the Riverside would deliver in excess of 10 to 15 thousand units, if this sets a precedent.

11.30 He acknowledged the desperate need for affordable housing but considered the scheme to be seriously deficient on housing mix, with only 123 units of three bed or more it fails to cater for family-sized homes. He considered that there was a desperate need for people to remain in the area and not be forced to move out.

11.31 He considered the level of parking to be too high and while the housing was needed it must be of the right type – 'Good Growth', and not a sterile environment that encourages crime and disorder. This should be an exemplary development. He argued the importance of the Charlton Riverside SPD could not be overstated. The planning system can be inaccessible, excluding residents, but the SPD was developed over 4 years with a wide buy-in from the whole of the Charlton community. He wants to see the site developed, not as a Greenwich tall building cluster, but in proper consultation with the local community.

### **Mr Jackson**

11.32 Mr Jackson was representing the Ropery Business Park (RBP), located next to both Plot A and Plot B, with part adjacent to the proposed access.

11.33 Mr Jackson confirmed that RBP is a freehold site virtually surrounded by the scheme, and in his view, liaison with the businesses has been very poor, with no information and no opportunity to engage and he considers it will have a serious impact on the business. There are great concerns about the short, medium and long-term implications on traffic and transport in the

area, both for existing local businesses and future residents. The proximity of local businesses gives rise to concerns about the amenities for future residents and potential undue pressure on the businesses.

11.34 Mr Jackson considered that the SPD carries great weight in the decision-making process and the current proposal jeopardises its aims and vision, threatening to undermine the viability of businesses on RBP, which are all family businesses, employing up to 500 employees. With a single access road and proposed landscaping being positioned on the privately-owned RBP parking areas, Mr Jackson could not understand how the loss of jobs, in what is not an under-used area, could be allowed.

11.35 350 vehicles are reported as needing to come to RBP, so access is vital and he considered that there would be significant risks of disruption during construction; and that it is vital to have good working relationships.

### **Ms Fisher**

11.36 Ms Fisher was a local resident who submitted comments regarding sunlight and daylight matters on behalf of Atlas and Derrick Gardens. She was involved in the round table discussion on these matters, but also addressed the Inquiry directly as follows:

11.37 She argued that the appellant increased the affordable housing offer from 15 to 40%, but this is indicative of them seeking profits first from a development that is fundamentally flawed and does not meet the needs of the community or the SPD. Approximately half of the apartments are 1-bed units and well below the much-needed family housing mix.

11.38 In relation to sunlight and daylight, the appellant concludes that there will be some minor effects and some losses contrary to BRE guidance, but this is not a target to be met and any loss will be an impact. There will even be poor conditions for future occupiers. She considered references to other schemes were not helpful as they were likely to have different contexts. This would not, in Ms Fisher's view, be a high-quality development and would not be fit for purpose.

### **Mr Picton**

11.39 Mr Picton is a long-term resident and former Councillors involved in planning decisions.

11.40 The SPD is recent, 2017, and unique in terms of the massive amount of consultation and strong stance that the Council took. It has huge backing from local people who are supportive of sustainable development in the area.

11.41 This is a small part of the overall scheme and you cannot ignore the 5 other major proposals coming forward and about to reach planning stage. In his view, these all ignore the core of the SPD, for a low rise, mixed-use development. There are 4 sites for taller buildings, including Plot B, but Plot A is not one and such buildings are not expected on the whole of Plot B.

11.42 Overall, he considered the scheme to be much too dense, with all of the current schemes indicating 4-4,500 units on only a small part of the site, indicating well in excess of the 8,000 units identified. He argued that seeking such high-rise development would set an unacceptable precedent. The scheme was, he considered, devoid of community facilities and would not support local people.

11.43 Council officers may have considered a grudging acceptance of the proposal to get regeneration started, but this is not a good reason to accept a scheme. Mr Picton considered that the developer should work with RBG and local people to develop a sustainable scheme with a proper infrastructure plan, community facilities and open space.

### **Councillor Thorpe**

11.44 Councillor Thorpe is the leader of RBG and between 2014 and 2018 was the cabinet member for regeneration. He led on the development of the SPD Masterplan, which included three groups: residents; developers and businesses. Through stakeholder forums, a clear vision was set out for an ambitious mixed-use development. There was no residential nimbysm; they were accepting of the change to the urban landscape.

11.45 A key finding reported by Councillor Thorpe was that Charlton was unique and different from the Peninsular or Woolwich. In his view, there are three key matters with this scheme. Firstly, the excessive height, massing and design would undermine the ambitions of the plan and lead to overdevelopment. Secondly, the plan was employment led with creativity of employment use which needed to continue; the scheme would reduce the floorspace available. Thirdly, the SPD Masterplan is necessary for the delivery of this very significant OA and needs coherent working with the GLA over infrastructure. This scheme does not align with it at all.

### **Councillor Gardner**

11.46 Councillor Gardner is the deputy leader of the Council and formerly chair of the Charlton Society. He considered Charlton to be a mixed and unique community which has retained its strong heritage and village community.

11.47 He considered the scheme should be about retaining the community of Charlton through low/medium rise development, the delivery of family housing and enhanced connectivity across Woolwich Road. He considered there to be a real need for the delivery of more family homes, with only about 11.5% of 3 or more bed units and the potential for a low delivery of such homes across the area. He highlighted the importance for the housing mix in Greenwich and London generally, and considered this to be about the social sustainability of the scheme.

11.48 He argued families with children were the 'glue' that held communities together and were central to the success of the Charlton community, as opposed to transient, buy-to-let investment developments, such as the scheme, that create dormitory communities.

11.49 He also considered the starting point for the scheme should be car-free, while accepting the need for service vehicles and car clubs. Charlton

Riverside is not yet ready, in Councillor Gardner's view, for such development with 8 trains per hour at the station, 5 regular bus services, access to the Thames Path and a pedestrian environment in need of improvement.

- 11.50 Finally, he too considered the scheme would undermine the SPD Masterplan and, particularly with the southern part of Charlton being a low-rise green area, there would be too many 10-storey blocks.

### **Ms Pound**

- 11.51 A resident who has lived and worked in the area for over 30 years. Formerly chair of the Central Charlton Residents Association.
- 11.52 Ms Pound set out concerns regarding the impact of high-density housing on young children and their families. She suggested that history shows that the 1970's high rise development was a 'disaster', and that the noise levels and lack of garden space resulted in increased stress particularly for young children from disadvantaged families. She stated that contact with nature improves mental health and is fundamental to well-being, and it would be in the children's interest to avoid high-rise living and have access to gardens.
- 11.53 She noted likely fear of crime from not knowing the people around you, along with the risk of falling, fire, emergency access and evacuation for very young children.
- 11.54 She considered there to be a huge need for social/affordable housing that meets the needs of young families, who need a continuity of friendships and of education. The scheme, in her view, had failed to learn the lessons of the 60's and 70's and the provision of a Community Officer would not begin to address the impacts which would arise.

### **Ms Jakeways**

- 11.55 Ms Jakeways is a local resident who raised particular concerns about the lack of engagement with local groups.

## **12. Written Representations**

- 12.1 The scheme has been considered by RBG, the GLA and finally, at appeal. The first consultation, reported in the officer report for RBG<sup>329</sup> indicated that there were 78 objections and 7 representations in support, albeit the GLA Stage III Hearing Report<sup>330</sup> identified this as 83 objections with 7 in support. Following the Mayor's call-in, the re-consultation resulted in 42 responses against the scheme and 2 in favour.
- 12.2 The notification of appeal resulted in 34 responses of which 1 was in support of the scheme, along with the consolidation of the petitions against the scheme handed into the Inquiry<sup>331</sup>. The responses included local

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<sup>329</sup> CD C54

<sup>330</sup> CD C57

<sup>331</sup> ID8

residents, whose concerns were, in the main, in line with those represented by Charlton Together and others who addressed the Inquiry, and comments from groups including Positive Plumstead, Spirit of Woolwich, Atlas and Derrick Gardens Residents Association and the Charlton Society. In addition to the local MP, who appeared at the Inquiry, there were comments from the local ward Councillor, Gary Dillon, and Assembly Member, Nicky Gavron.

12.3 A specific concern was raised by the Port of London Authority and the four operators of the Safeguarded Angerstein, Murphy's and Riverside Wharves regarding the need for conditions to ensure the continued operation of the wharves is appropriately protected. This is in relation to noise, and the protection of future residents from noise from the operation of the wharves.

12.4 The letter in support considered that the proposal would improve an under-developed area.

### **13. Planning Obligation**

13.1 I have assessed the revised s106 Agreement<sup>332</sup>, signed and dated 16 December 2019, in light of the Community Infrastructure (CIL) Regulations 2010 and paragraph 56 of the National Planning Policy Framework (the Framework), which state that planning obligations must only be sought where they meet the following tests:

- 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.

13.2 The obligations are set out in 9 schedules, Schedule 1 reflects the development and Schedule 9, the Council's obligations. The remaining Schedules make provision either in the form of financial contributions or other mechanisms for affordable housing (Schedule 2); a viability review to ensure maximum provision of affordable housing (Schedule 3); highway works, including the east-west route, public transport, cycle, pedestrian and highway improvements, permit free development and a car club (Schedule 4); employment and training, including business relocation strategy and low cost workspace storage (Schedule 5); environment matters, including carbon offset, waste management and noise attenuation schemes for Imex House and Stone Foundries (Schedule 6); community space (Schedule 7); and monitoring (Schedule 8).

13.3 The Council has submitted a statement of compliance with the CIL Regulations<sup>333</sup> setting out the policy justification for each of the obligations provided. This concluded that each of the obligations are necessary and fairly and reasonably related in scale and kind.

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<sup>332</sup> ID 36

<sup>333</sup> ID 24

13.4 These matters were discussed at the Inquiry, and I am satisfied that each of the obligations are necessary to make the development acceptable in planning terms and all meet the requirements of CIL Regulation 122 and Framework paragraph 56.

#### **14. Conditions**

- 14.1 A list of agreed draft conditions (ID27) and the reasons for their suggested inclusion was discussed at the Inquiry. Two additional conditions, presented as pre-commencement and pre-occupation alternatives, were specifically requested by RBG as an alternative to the obligations set out in relation to Imex House in the s106 agreement, the provisions of which they challenge. They also address noise issues and the Stone Foundries. I have included them within the recommended condition list for use were the SofS to conclude that the scheme should be allowed and that the arguments against the provisions for Imex House in the s106 prevail. My own assessment of the appropriate method to address noise matters at Imex House and Stone Foundries is addressed within my conclusion reasoning below, and I make recommendations and set out alternatives there.
- 14.2 In addition to the implementation condition (1) and the plans condition (2), necessary to provide certainty, the development would be undertaken in phases and a plan is necessary to address this (3). As the proposal is EIA development, it is necessary to ensure that there is no deviation from the approved plans (4), that the scheme is delivered in accordance with the mitigation measures (5) and that the development is restricted to the quantum assessed in the ES (6, 7).
- 14.3 In the interest of ensuring a high-quality of development that respects the character and appearance of the area, further details on materials and architectural details are required to be submitted (8) as are details related to entrances (9) and roof plant (65). Similarly, tree protection and landscape management and implementation conditions, including for roof top areas, are necessary (25, 26, 33, 41, 42, 43, 44). To address solar glare, low-reflectivity glass is specified (53).
- 14.4 To address the amenity and safety of local residents and businesses, and continued access to Ropery Business Park, it is necessary to impose conditions requiring a Demolition Method Statement (10) and a Construction Method Statement (11) as well as a Construction Logistics Plan (12), Demolition/Construction Travel Plan (13) and a Site Waste Management Plan (14), which also addresses necessary recycling opportunities. Similarly, a survey is necessary to identify any ordnance that may be present on site (15), to require the monitoring of dust (60) and to address piling (79) and non-road mobile machinery (81). As a mixed-use development, it is necessary to address noise or odours potentially associated with other uses (54, 55, 56, 57, 58, 59), as well as the operation of the community facilities (61, 62, 63, 72) and a lighting strategy (64). To ensure that the continued operation of the safeguarded wharves is not affected, conditions addressing the noise climate and testing are required (66, 67).

- 14.5 To address groundwater, surface water and flood risk matters, I have imposed conditions addressing a basement impact assessment (16), contaminated land (17, 18) and a drainage strategy (19). Conditions are also imposed to address water supply infrastructure (20) and flood risk and evacuation (71, 82).
- 14.6 In light of the historic significance of the area, a scheme of archaeological investigation and recording is required (21, 22, 23), and a public engagement programme (24), as well as a plan for the River Walk (68).
- 14.7 To address future access and traffic management, conditions are required for cycle parking (27) traffic calming (39), access (76, 77) including those with reduced mobility (40), car park management (73, 78), a Travel Plan (74) and a Delivery and Servicing Plan (75).
- 14.8 To ensure a sustainable development in accordance with best practice, conditions are necessary addressing a combined heat and power facility (28), neighbourhood heating scheme (29), renewable energy provisions (30, 31, 32), boilers (37, 38) refuse storage (45), electric vehicles (46), overheating (47), carbon dioxide emissions (83), accessible homes (80), water efficiency (85) and sustainable construction (84).
- 14.9 Revisions to Plot B mean that it is necessary to ensure the wind microclimate has been fully addressed (34). To ensure aviation safety, the operation of cranes and scaffolding needs to be addressed (35, 36). Ecological protection and mitigation require the imposition of conditions relating to tree works (48), updated surveys (49) and mitigation measures (50, 51, 52)
- 14.10 To address the risk of crime and antisocial behaviour, site management and Secure by Design standards are necessary (69, 70). Finally, exceptional circumstances exist to ensure that the range of uses promoted in this scheme are not altered through permitted development (86, 87, 88, 89).
- 14.11 The preparation of agreed pre-commencement conditions, or conditions which need to be discharged before starting a particular section of work, between the GLA, RBG and the appellant indicates the written agreement of the appellant.
- 14.12 However, the appellant does not agree to the imposition of either of the alternate pre-commencement or pre-occupation conditions (90, 91) promoted by RBG to address noise mitigation and attenuation for Imex House and Stone Foundries.
- 14.13 Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance. Other than as set out above, I am satisfied that the suggested conditions would meet the tests in the Framework, paragraph 55. Set out at Appendix 2 is the revised list of conditions that I recommend should be attached to the permission in the event that the SofS concludes that the appeal should be allowed.

## **15. Inspector's Conclusions**

15.1 On the evidence before me, the written representations, and my inspection of the appeal site and its surroundings, I have reached the following conclusions. References in square brackets [] are to earlier paragraphs in this report.

### ***Background and main considerations***

15.2 I identified the following main considerations for this appeal, which were discussed at the pre-conference meeting and set out at the start of the Inquiry:

- the effect of the proposed development on the character and appearance of the surrounding area, including the setting and heritage significance of the Charlton Riverside Conservation Area (CA);
- the effect on the retained commercial building, Imex House, with regard to access and its relationship to noise-sensitive uses;
- whether the proposal makes adequate provision for employment, in relation to overall provision and to opportunities for existing users to secure alternative premises;
- the effect on the living conditions of existing and future residents, with regard to daylight and sunlight and privacy.

15.3 I also address, under other considerations below, those matters in particular raised by Charlton Together and interested parties, before considering whether the proposal is in accordance with the Development Plan, as required by s.38(6) of the Planning and Compulsory Purchase Act 2004. My recommendations follow the planning balance, taking into account any harms and benefits identified.

### ***The effect on the character and appearance of the surrounding area***

15.4 Design matters were fully addressed in evidence and dealt with at the Inquiry through a round table session with contributions from all main parties, including presentations.

15.5 The appellant argued that they had had a strong and clear design concept set out by a renowned architect. While the scheme had been varied over time, the concept was retained and these variations were as a result of extensive consultations with planning officers at RBG and GLA, who were ultimately supportive of the scheme. The scheme, it was argued, responded to the overall aims and ambitions of the SPD, was of a high-quality that optimised the opportunity for development in a way that would set a benchmark for quality, materials and detailing, but not necessarily scale, for the rest of the Charlton Riverside Opportunity Area (CROA). Public spaces, they argued, were generous with sufficient daylight and sunlight, and the scheme overall would have a negligible, or at worst, minor less than substantial effect on the CA. [7.13-7.20, 7.31, 7.62-7.65]

15.6 Opposition to the design proposals was relatively consistent across the other main parties, with GLA, RBG and Charlton Together taking exception

to the scale and massing of the scheme, notably through perceived conflicts with the Masterplan SPD, including the number of 10 storey blocks and the resulting spaces between them for pedestrian access and public and play spaces, with the GLA highlighting concerns over the availability of sunlight to these spaces. Charlton Together raised particular concerns regarding the harm to the CA from the large scale of buildings on Plot A as well as a perceived failure of the design to respond to its location as part of Charlton, particularly its relationship to Charlton Hill and to the historic maritime importance of the area. [8.32-8.43, 9.49-9.78, 10.10-10.14, 10.18, 10.25-10.27, 11.24, 11.28-11.31, 11.40-11.42, 11.44-11.45, 11.47, 11.50]

- 15.7 It is common ground that strategic and local policies strongly support the regeneration of this area through a residential-led, mixed-use scheme as part of the wider CROA. While initial ambitions for housing delivery here was for 3,500 homes, it is clear that much larger numbers were both needed and realisable from the area, and this is reflected in the Core Strategy, up to 5,000 homes, the later SPD, 5-7,500 homes, and the draft London Plan, indicative capacity of 8,000 homes. The Core Strategy seeks to maintain employment levels, the draft London Plan identified an indicative capacity of 1000 jobs and the SPD an additional 4,400 jobs over and above existing employment.
- 15.8 The approach to new development within this area should therefore be to promote a high-quality of design that respects the retained elements while establishing a new form, replacing what is predominantly low-level industrial, commercial and warehouse units with a higher density, mixed-use urban development. Clearly there is an expectation that such a scale of redevelopment should not come forward without clear expectations of what is needed both in terms of scale and design.
- 15.9 The Framework has always promoted good design, but this has been strengthened in its latest version. Paragraph 124 says "*The creation of high-quality buildings and spaces is fundamental to what the planning and development process should achieve.... Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.*"
- 15.10 It goes further to say that plans should set out a clear design vision and expectation, developed with local communities so they reflect local aspirations<sup>334</sup>, and to provide maximum clarity, plans or supplementary planning documents should provide a framework for creating distinctive places, with a consistent and high quality standard of design<sup>335</sup>. The Framework is clear that "*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.*"<sup>336</sup>

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<sup>334</sup> Para 125

<sup>335</sup> Para 126

<sup>336</sup> Para 130

15.11 The Core Strategy responds to the identification of the CROA in the London Plan in Policy EA2, which identifies that a Masterplan SPD has been completed to support its delivery. This SPD was comprehensively updated in 2017, following a considerable period of assessment and consultation, reflecting the aspiration for some 5-7,500 houses. With clear disagreement between the parties on the relative weight and emphasis given to this document, I turn first to the SPD.

*The Charlton Riverside SPD June 2017*

15.12 The SPD is reported to have been prepared following joint working with residents, businesses and developers, and confirms that it included consultation with key stakeholders, including the assessment of responses to the emerging SAP and formal consultation on the document itself. Although the appellant has questioned the lawfulness of the way the SPD has been interpreted or used, they have not challenged the validity of its development. It has, in any case, been formally adopted by the Council. [7.21-7.26]

15.13 As noted by the Councillor who led on the process of its preparation, there was wide-spread support from the local community who were accepting of the need for significant change in the area. This is borne out by the written representations and the evidence of Charlton Together. The vision set out in the SPD is for new neighbourhoods, integrating residential development with modern industrial, office and creative employment opportunities, with the residential development characterised by medium-rise housing and family homes. It sets out that it is underpinned by the principle of additional jobs and houses in low-medium rise development (3-6 storeys), achieving high-density development at a human scale creating a strong sense of place. Other objectives include the integration of employment use and the need to respect the area's heritage assets. [11.44]

15.14 Among a wide range of other matters, the SPD considered the current and future accessibility of the area, through PTAL ratings, the surrounding context and the topography to develop the overall vision, promoting the division of the wider CROA into separate character areas with smaller parcels and blocks. Within these, the SPD notes that building heights will typically be between 3 and 6 storeys but that tall buildings are generally not appropriate in the area, other than for certain parcels, where it identifies the opportunity for buildings up to 10 storeys.

15.15 The appeal scheme relates to two separate areas which, because of a mismatch between land ownership and the conceptual parcels, are not fully aligned. Nonetheless, Plot A lies within the Charlton Park Area and Plot B predominantly within the Neighbourhood Centre.

15.16 The Neighbourhood Centre is envisaged as the hub for transport links and key commercial activities, with the potential for 10 storey buildings with commercial uses to the lower floors. Although the concept blocks set out in figures in the SPD show the proposed new east-west route dividing Plot B, I am content that the whole of Plot B can be considered within the Neighbourhood Centre with the new route reflecting the existing access to the immediate north of the site.

- 15.17 The Charlton Park area, in which Plot A lies, is considered to be the central area of medium rise apartment blocks, parks and open spaces, which link through the large proposed Charlton Riverside Park.
- 15.18 To my mind the unambiguous concept for the appeal site set out in the SPD is for the focus of the mixed-use development to be in the Neighbourhood Centre and so Plot B. Here, exceptionally, taller buildings, up to 10 storeys may be acceptable with the visual and physical links to the transport hub around Charlton Station. Whereas, for Plot A, currently set back but with future development likely to front onto new routes, the form and scale should be residential, of a finer grain and human scale, and predominantly medium rise.
- 15.19 This guidance must be overlain onto the existing character of the site and the retained development, notably the important north-south route, along Anchor and Hope Lane, and Atlas and Derrick Gardens. This represents further restrictions on heights and massing particularly to the northern part of Plot B and the western part of Plot A. Furthermore, immediately to the east of Plot A, the SPD anticipates the existing Stone Foundries site, part of the Charlton Parks Area, being of 2-3 storeys.
- 15.20 In terms of compliance with the SPD, from the evidence put to me, there are two arguments promoted by the appellant. Firstly, that the SPD is guidance and not policy, and as such can only promote indicative scales, massing and density to inform development and not represent rigid parameters that development must comply with. It was argued that the SPD cannot lawfully be used to set out statements regarding development and use of land, allocate sites for a particular type of development or include policies that guide the determination of applications or are in conflict with existing development plan policies.<sup>337</sup> Secondly, that when considered on this basis, the architectural concept of mansion blocks on a north-south axis extending predominantly to 10 storeys across Plot B and, apart from the blocks adjacent to Atlas and Derrick Gardens, predominantly 10 storeys on Plot A, is justified in townscape terms and accords with the aims of the SPD. [7.14, 7.21-7.26, 7.39-7.41]
- 15.21 I accept that many of the comments and arguments put by interested parties draw heavily on their expectation that development would be medium-rise, and that taller, 10 storey buildings, would be the exception. However, I have reviewed the GLA and RBG arguments carefully and do not find that they are reliant on a strict interpretation of the SPD parameters, but an analysis of the development against the vision and objectives which the SPD promotes, which can be considered as clear design expectations, as required by the Framework. [8.2-8.5, 8.9-8.17, 9.51-9.55]
- 15.22 In order to assess whether, when tested against these expectations, the scheme reflects the guidance or not, it is necessary to consider whether the concepts set out in the SPD are logical and legitimate accepting that, as the appellant points out, there is significant pressure for increased delivery of housing in London.

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<sup>337</sup> ID 19

- 15.23 Within Greenwich, I was able to view areas, including the Peninsular, around the O2 Centre and in the vicinity of Greenwich itself, where high-density, high-rise residential development is progressing. I fully recognise that London needs more housing, and I address the relevance of such need for the appeal site below. However, the existing and emerging London Plans recognise that this cannot be at the expense of the area where it is proposed and even for the OAs the Plans are clear that while indicative capacities are set, it is for Boroughs to determine the capacity of these, which should be delivered in a way that recognises the character and qualities of the area. The Peninsular, with its strong relationship to the high-rise development of Canary Wharf and increasingly metropolitan character, is, for example, very different to Charlton. [8.22-8.31, 9.54-9.55, 11.45]
- 15.24 Here the character to the south of Woolwich Road, including Charlton Hill and Charlton Village, is residential, comprising well-established communities in traditional or more modern, low-rise and family housing, becoming increasingly more open as you travel east. It is divided from the Charlton Riverside industrial and commercial areas by the Woolwich Road. While the established industrial character of the Charlton Riverside must change, it strikes me that the aspiration of the SPD to enable regeneration that respects the character of Charlton, promote increased linkages between the existing residential areas and the new neighbourhoods and enhance the permeability of the site to allow access to the river and parklands, is entirely justified.
- 15.25 While the character of the riverside areas in the CROA may accept taller buildings, as could distinct areas associated with transport hubs or defining gateways to the wider residential neighbourhoods, to promote such high-rise development across the area would compromise the legitimate aims of the SPD. Such development would, in my view, be likely to divide Charlton rather than achieve the integration sought, and extensive use of high-rise development would be unlikely to foster the community led, mixed-use character that was the concluding vision of the stakeholder engagement and consultation that informed the SPD. [10.18-10.21, 11.29]
- 15.26 In this context, I concur with the findings of RBG who have adopted the SPD, and, in evidence, found it to be well considered and robust, and with the GLA, who found it to be a carefully crafted and well-informed document. I now turn to the scale and massing of the proposal, its provision of open space, its density and its effects on local heritage assets and consider whether, in light of the SPD guidance, it complies with the national, strategic and local policies that seek a high-quality of design. [8.17, 9.51]

### *Scale and Massing*

- 15.27 Plot A is proposed to comprise 3 rows of mansion blocks oriented north to south. These would be entirely residential, other than some community facilities in Blocks B and C. The western row, adjacent to the housing at Atlas and Derrick Gardens, Blocks G and H, would be lower level at between 2 and 4 storeys, comprising predominantly townhouses and duplex units with apartments above. These would be separated from the central row by

what is referred to as the Public Spine, a multifunctional area of private, public and play space along with an access route.

- 15.28 The central row, includes Blocks D at 10 storey and Blocks E and F, which are between 8 and 10 storeys high. The central row would be separated from the eastern row by proposed residents' gardens space. The eastern row comprises Block A, B and C, which would all extend to 10 storeys with a frontage to the east aligned to the proposed new north-south access road, separating the site from the Stone Foundries.
- 15.29 Plot B is proposed to comprise a gateway building, Block O at 10 storeys with Blocks L, M, N and K, at mostly 10 storeys, surrounding it. A lower Block, J, completes the plot fronting onto the proposed east-west link road.
- 15.30 Commercial space would be proposed to the ground floor across the plot, with further commercial space on the first floor of Block O. Public realm, in the form of a plaza, is proposed around the detached Block O, while private garden space would be provided at a podium, first floor level between the other buildings.
- 15.31 For Plot B, on approach from Charlton Station, Anchor and Hope Lane will be the main route into many of the new neighbourhoods that, over time, will make up Charlton Riverside. Currently this area is a mix of retail, office and commercial buildings and the appeal proposal represents the first significant development of the CROA. The character of the area will change substantially over time, and the design quality of the scheme needs to be considered both in terms of the scheme itself and its relationship to the emerging character of the area.
- 15.32 There are clear visual and physical connections to the transport hub around Charlton Station, and the proposed delivery of retail and commercial space on the lower floors of the residential blocks on Plot B is entirely consistent with the Neighbourhood Centre concept set out in the SPD. [7.15, 7.16, 7.30, 7.53]
- 15.33 However, criticisms were made of the amount of 10-storey development on this part of the appeal site creating an unacceptable scale and massing of development, despite the appellants' argument that Block O would be a gateway building visually distinct from the other buildings. [8.21, 8.37, 9.59]
- 15.34 While I accept that there is flexibility within the SPD guidance to allow for up to 10 storey buildings on Plot B, I consider the proposal here, which would deliver this scale across the majority of the plot, fails to fully respond to the location and future role of this part of the CROA. Located at the northern edge of the Neighbourhood Centre, this can and should form a gateway to the residential, lower-level Charlton Park development beyond. In this context, Block O should form a genuine gateway building; it should visually establish a dominant focal point from where the transition from Neighbourhood Centre to Charlton Parks begins.
- 15.35 As proposed, despite the elevational differences, the slight additional height from the 'crown' detail and the detached form, the limited separation

from the similarly sized blocks surrounding it would fail to delineate and differentiate Block O as the prominent focal point it purports to be.

- 15.36 The similar mass and scale of almost all of the buildings on Plot B means that from most vantage points now or in the future, they would be perceived as one block and the experience of those travelling along the road would be not of a gateway, but of a large wall of development with an uncomfortable and abrupt transition to the low-level retained housing of Atlas and Derrick Gardens and the anticipated development beyond and behind them.
- 15.37 Although I see no reason why the space surrounding Block O would not work, despite its relative narrowness, as a public space, it is of insufficient width to break up this mass of development. Furthermore, the podium garden space is of concern. Truncated by Block J at the northern end and comprising a tapered space with an approximate maximum width of 18m, it would be surrounded by substantial 9 storey walls of development. I appreciate that balconies and upper floor setbacks are proposed, but do not consider that these could sufficiently offset the experience for those using the garden areas. I address the available light to this area below, but consider that its built form would establish an area dominated by the development either side.
- 15.38 Overall, Plot B, built out predominantly at an unrelieved level of 10 storeys would fail to create a gateway and transitional form required for that transition from the Neighbourhood Centre to the rest of Atlas and Hope Lane and the Charlton Park character area. It would be harmful to the character and appearance of the area.
- 15.39 This 10-storey scale is continued into Plot A, which, despite the claims from the appellant, would be in clear conflict with the ambitions of the SPD. I fully appreciate that the SPD is only guidance and cannot be used as a defining policy on matters such as height, but there is no other practical conclusion than of conflict when such a large proportion of Plot A includes development above the guidance of 3-5 storeys for this area. Presented in 3 rows of tightly aligned linear blocks, the private and public spaces between them will also be dominated in parts by the substantial scale of the surrounding built form. [7.35, 7.48]
- 15.40 Following previous scheme variation, the western row of the appeal proposal correctly responds to Atlas and Derrick Gardens, despite its slight increase in scale over these properties and the relatively limited separation. I deal with matters of light and privacy below, but while current relationships with the low-level commercial units allow for views out, which will be truncated at distance by the other rows of development, the SPD envisages an urban character and the immediate relationship here would establish a back to back character that I consider to be acceptable, especially with the proposed townhouse and garden form on the lower levels of Block G and H. [7.15]
- 15.41 However, the very significant step up in height of the central and eastern row would be a jarring transition. I note that the appellant considers that frontage to the east-west route supports buildings of greater scale, but

these blocks would be aligned north-south and in views over the existing housing, or from the east-west route, these rows would read as an extension of the Neighbourhood Centre but without the overt mixed use character. In my view, it would engage the metropolitan character that the SPD was seeking to avoid.<sup>338</sup> [9.61]

15.42 While the separation between the rows of linear blocks are greater here than on Plot B, the private gardens space in particular would be predominantly engaged with 10 storey blocks to both sides, and with an expanse of up to 30m would present a very confined and enclosed character. The blocks are not relieved by significant gaps between the linear rows and this would contribute further to the confinement. In this context, there was discussion at the Inquiry on the SPDs ambition for human scale development, which is also reflected in London Plan Policies 7.4 and 7.5. [8.40-8.41, 9.73, 9.76, 9.77]

15.43 The appellant noted that the human scale is a subjective term and that among a range of matters, the quality of detail, the provision of private entrances at street level, the relationship to the first 4 floors and the provision of an active public realm all contribute to spaces that are, in their view, at the human scale. However, by extension such an assessment could be applied to narrow passages between significantly tall buildings. To be considered human scale any assessment must include the relationship between the scale of buildings and the scale of the space around them. This is articulated in the SPD in relation to low-medium rise development and the research findings of Jan Gehl and the 25m engagement distance<sup>339</sup>. [7.42-7.45, 8.19-8.20, 8.36, 9.65-9.72]

15.44 I accept that, while the SPD translates this into 3-6 storeys development, human scale can result from architectural detailing as well as scale and height, and taller buildings than this could potentially work effectively. However, I cannot accept that it can be achieved by ignoring the presence of floors above.

15.45 Even with setbacks at ground floor with delineated property entrances, articulation to define parts of the blocks and the setback of top floor levels, the result of consistent 10 storey development either side of relatively modest width spaces cannot reasonably be assessed as being of human scale; this represents further conflict with policy and guidance.

15.46 The eastern row is proposed at a consistent 10 storeys, albeit with some lower projecting blocks into the private gardens area. As a result, the eastern elevation would present a long and relatively uniform façade to the proposed north-south access road that defines the edge of the appeal site. There was considerable discussion at the Inquiry on the visualisation of this eastern elevation presented in various places but found in the updated views pack as View 06<sup>340</sup>.

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<sup>338</sup> CD B3 s6.3

<sup>339</sup> CD B3 Appendix A

<sup>340</sup> CD D4

- 15.47 The appellant argued that the articulation, setback of ground and upper floors and spaces between the blocks would mean that this elevation would be viewed as an interesting and varied extension providing an appropriate edge to development fronting onto the proposed north-south access road. They go further to suggest that the view shown would only be appreciated for a short period until the regeneration and redevelopment of the Stone Foundries site. [7.56-7.59]
- 15.48 I have significant concerns about both of these statements. In Inquiry, I tested the appellant's claim that there was a strong townscape reasons for the height of the blocks on this eastern side of the scheme, but other than the explanation above, I was not convinced that this element of the scheme either responded to the SPD or recognised that it was part of a wider programme of regeneration. The gaps between the linear blocks are not proposed to be large, indeed the appellant identified that they provided a 'compression and release' experience for those entering the central open spaces. In my view, they would be insufficient to provide relief from the perception of a flat façade at a consistent and dominating height. The articulation is welcomed, but insufficient to relieve the massing presented by the unrelieved width of tall buildings. [9.58]
- 15.49 The argument that the redevelopment of the Stone Foundries site would address this visual element of the scheme is also, to my mind, unfounded. RBG argued that the overbearing height of the elevation would make it very difficult to design a response on the Stone Foundries site. This was countered by the appellant, who suggested that discussion with the promoters of that scheme had raised no concerns over the appeal site approach, albeit no formal evidence of such discussion was provided. [8.38, 9.63-9.65]
- 15.50 This matter requires a consideration of the precedent element of the scheme. There were significant concerns raised by those opposing the development that were the appeal scheme to be granted, the perceived divergence from the SPD would result in further schemes coming forward also seeking taller or more dense development than that sought by the SPD. This is starkly illustrated by the eastern elevation. [9.65, 10.29, 11.24, 11.29, 11.42]
- 15.51 At 10 storeys and located well within the Charlton Park area, away from the public transport hub and primary routes, this element of the scheme clearly steps away from the SPD guidance; furthermore, it immediately adjoins an area that the SPD seeks to be at 2-3 storeys. [9.63]
- 15.52 The 10 storey form on the appeal site would potentially compromise the opportunities on the western edge of the adjoining site to achieve reasonable living conditions for future residents. In response, or indeed as a result of the clear breach of the SPD guidance, considerably taller development may subsequently be proposed for the Stone Foundries site.
- 15.53 In the first instance, with further development at 2-3 storeys, in accordance with the SPD guidelines, the unrelieved wall of development making up the eastern elevation would remain as a highly visible and incongruous element, bearing little or no relationship to the neighbouring

scheme. In the second instance, with an extension of taller buildings into this area, the harm I have identified on the appeal site would extend to further compromise the aims and objectives of the SPD and the future character and appearance of the wider area.

- 15.54 I do have some sympathy for the appellant's argument that the proposal's differences to the guidance need not result in such deviation necessarily occurring across the whole CROA. Each area will have its own particular characteristics and relationships, and the ambitions set out in the SPD for the differing character areas and parcels mean that each application should be considered in its own merits. However, while the appeal site, for example, has a closer relationship to the transport hub than others, this is very much taken into account in the proposed character areas in the SPD, and even within that context the approach promoted here steps considerably away from the guidance. [7.29, 7.30]
- 15.55 I have shown the implications this may have at the eastern elevation, for example, and note that this is not a generalised fear of precedent, rather there are, and will be, many scheme coming forward. The Masterplan SPD aims to provide coherence across the area and guidance to assist in achieving the agreed aims for the future character of the wider area. The design, scale and massing of the eastern row would represent further harm to the character and appearance of the area.

#### *Provision of Open Space*

- 15.56 I have partly addressed this matter under my review of the human scale of the scheme, and the specific concerns I highlighted in relation to the narrow and truncated private garden podium space on Plot B. However, opponents of the scheme argue that all of the private spaces would be oppressive and canyon like, and the GLA, in particular, that they would lack sufficient sunlight. [8.40-8.41, 9.69-9.78]
- 15.57 The appellant argued that the space would be generous, and provided sketch maps in rebuttal that indicated public open space widths on Plot A of 21-27m. Further, it was argued that the use of 2-storey townhouses, 6-7 storey middle sections and set back upper floors would avoid the creation of monolithic forms that would be perceived as 10 storey from street level. Evidence provided on sunlight assessment showed that relevant standards would be met for the scheme as a whole. [7.60-7.65]
- 15.58 The north-south orientation of the blocks would allow for a period during the middle of the day when sunlight would penetrate into the public and private space in the development. The BRE guidance suggests that, for a range of reasons, such exposure to sunlight is necessary, and recommends that at least half of the amenity areas should receive at least two hours of sunlight on 21 March. Even with the exclusion of the roof garden areas, some 77% of the amenity space for Plot A and 53% of that for Plot B were calculated to receive this amount of sunlight. The appellant refers to other

schemes and appeal decisions<sup>341</sup> where a similar holistic approach to amenity spaces has been found acceptable.

- 15.59 A higher density, urban environment will have some compromises in relation to public and private outdoor space. The opportunities for extensive views outwards or of skylines are often inevitably curtailed by buildings. Hence the approaches such as that set out in the BRE guidance to seek minimum levels of sunlight to support views, play space, plant growth and other aspects.
- 15.60 The scheme would appear to meet these minimum standards when considered across the whole of the spaces, although it is the resident's garden spaces of Plot A and those of Plot B that include areas receiving below the guideline figure. However, I also note that the appellant refers to the availability of roof spaces for residents also, and that the London guidance on housing supports a flexible approach to such guidelines<sup>342</sup> as does the Framework<sup>343</sup>. Despite this, the primary areas for resident's enjoyment and use would be the ground floor and podium level outside spaces. These spaces are also vital for the fostering of a sense of place and the grounding of the scheme within the wider community through their use as through routes and shared spaces. [8.41]
- 15.61 In this context, these spaces need to be of a high quality responding not just to resident's needs but to the wider community, and it is important to note that the vision for Charlton Park, Plot A, is that it is the interface between medium rise blocks and larger areas of open space that influences the quality and sense of place.
- 15.62 In reality this scheme will have limited areas where views of the development, or even relatively level views of open sky will be afforded. The spaces will be contained by the predominantly tall frontages of the long, linear blocks enclosing them. I have no doubt that with careful design and delivery the spaces would be usable, albeit they will be expected to provide an extensive range of uses, they would be active, and they could be landscaped to make them attractive. However, I am concerned that their containment and lack of outlook would fail to achieve the community elements of the design sought by the SPD and indeed representative of good design sought by the development plan. The resulting minimum provision of sunlight would do little to relieve the self-containment and, in places, oppressive nature of the surrounding buildings.

### *Density*

- 15.63 The London Plan sets out a density matrix for sustainable residential quality.<sup>344</sup> Even taking a PTAL of 4-6 across the site, the density of the proposed scheme, 263dph for Plot A and 390dph for Plot B, exceeds those for an urban setting, placing it well into the central, or as argued in this

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<sup>341</sup> Mr Barnes PoE appendices

<sup>342</sup> CD B7 – Mayor of London Housing Supplementary Planning Guidance, p52

<sup>343</sup> CD A1 – p123(c)

<sup>344</sup> CD B11 – Table 3.2

Inquiry, metropolitan setting. While the appellant also identified inconsistencies in the SPD approach to heights and density, the GLA suggested that a range of about 240-260dph based on a blended heights and density calculation, this is also below the average density promoted for the scheme of 305dph. [7.46-7.49]

15.64 Charlton Together also highlighted that if such a density was accepted here and translated as a common standard across future developments, the housing delivery from the CROA would be some 10-15,000 or even up to 20,000 units, as opposed to the guidance seeking 7,500, or even the draft London Plan indicative capacity of 8,000 units. This concern was endorsed by the local MP. [10.12, 11.29]

15.65 Nonetheless, I have noted that the draft London Plan does not take such a prescriptive approach and seeks more flexibility with density acceptability linked to infrastructure and connectivity of the site; this was accepted by RBG and the GLA, and evidence presented on the number of schemes exceeding the density matrix would suggest that this is now a common approach in London. Furthermore, taking the average across the scheme this would be less than the presumed density for OA at PTAL 4 or more of 355dph<sup>345</sup>.

15.66 It is not realistic to take a single development density and translate that across the whole of the CROA, where differing connectivity and character should lead to different assessment of appropriate density.

15.67 In this context, I still consider that the proposed density on Plot B is reflective of my concerns regarding the scale of development here. While there is no question a higher density of development could be accommodated here, with its relatively good public transport connections, the proposed density exceeds indicative SPD levels and OA presumptions, and I consider that this is indicative of the excessive scale of development, which I have found above would compromise the existing and developing character and appearance of the area.

15.68 While there are clearly areas of the CROA where higher densities should not be favoured, Plot A retains public transport connections and the further development of the east-west route will support that. It could therefore be an area where higher densities are appropriate, but these must, as set out in the draft London Plan policy, be design led, and I have identified the need to respond to the wider context of both existing development, such as Atlas and Derrick Gardens, and future development coming forward under the masterplan approach. Within this context, I consider that the density of Plot A is also indicative of an excessive scale of development.

### *Heritage*

15.69 The appeal site, although identified within an area acknowledged to be at the start of a fundamental programme of regeneration and change is, nonetheless, located near to a number of heritage assets. These include

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<sup>345</sup> London SHLAA 2017

the CA, locally listed buildings, including Atlas and Derrick Gardens and Stone Foundries and, at further distance, listed buildings such as the Church of St Luke, which is Grade II\* listed.

- 15.70 The CA comprises the residential properties of Atlas and Derrick Gardens linked to a waterfront area, including a number of wharves and the Anchor and Hope Public House. While the areas surrounding the CA are currently dominated by industrial estates and the large retail warehousing to the west of Anchor and Hope Lane, the CA retains the historic linkages between Charlton and the river, the workers accommodation and the businesses that employed them. The significance derives from its architectural and historic value.
- 15.71 In the early 20<sup>th</sup> Century, Atlas and Derrick Gardens were built by Cory's, a firm still operating in the area, and they represent a fine and relatively intact group of model workers dwellings of architectural merit in their own right. Their connection to the coal trade, barges and wharves nearby represents an important historic connection. Despite the relatively poor quality of development surrounding them, this is at relatively low-level and allows full appreciation of the U-shaped estates, with little or no backdrop of development. [10.27]
- 15.72 While the existing outlook from the rear of the two estates is to active industrial units, and this is likely to be visually improved somewhat by the scheme's introduction of gardens and residential uses, this sort of industrial relationship is at the heart of the historic significance of the dwellings.
- 15.73 I accept that this area is changing, and residential uses will represent the predominant character over time across much of this part of the Charlton Riverside. I also note that the closed access between the two Gardens, currently in poor state and marred by old vans and trucks, would, through the scheme, be opened up and landscaped as the Eco Walk, improving the visual setting of the houses at this point. [7.19-7.20]
- 15.74 However, the appeal scheme would introduce housing to the rear and side of the Gardens, which would establish a new backdrop and alter the industrial/residential relationship of these workers cottages. This is clearly appreciated in Views 02 and 03<sup>346</sup>. While the development at height to the rear would be at some distance, the 8-10 storey form of the central row of the scheme would be a dominant addition to the skyline. Even more marked would be the substantial presence of Plot B in southern views from Anchor and Hope Lane and within Atlas Gardens. This would materially alter the appreciation and experience of the Gardens in terms of both their historic and architectural value. [4.1]
- 15.75 To the east of the site are a number of locally listed buildings on the Stone Foundries site, with a long history of metal casting and propeller making. These comprise offices, laboratories and foundry buildings. However, I have limited evidence of a direct connection to the appeal site, and other than the overt change in character from industrial to residential and the

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<sup>346</sup> CD D4

concerns I have raised regarding the eastern elevation of the scheme, it is clear that the Stone Foundries site itself is also due to be redeveloped. The setting and industrial context of the buildings will change, and they must be addressed as part of any later scheme, but I find no harm from the appeal proposal would arise in relation to their significance.

15.76 Charlton Together also raise concerns about harm to the setting of the Grade II\* listed Church of St Luke. I considered various views from Church Lane and other parts of Charlton Hill leading up to Charlton Village and the Church. While there are some discrete points from where views over the Riverside are available, these are most notably towards the lower parts of Church Lane, or away from the church. I found no direct visual relationship, nor was one claimed other than in relation to the church spire's role as a navigation marker. Views over the riverside area from parts of Church Lane will change, and while I note the concern that extensive redevelopment of the CROA by tall buildings may sever the connection between church and river, I do not consider that the appeal before me can be considered to affect the setting or significance of the church at this point. [7.66]

15.77 Notwithstanding my findings on Stone Foundries and the church, I consider that, while there would be no direct impacts on the form of the dwellings in Atlas and Derrick Gardens or their direct historic relationship to the nearby wharves, there would be harm to their setting, particularly as appreciated from Anchor and Hope Lane, which is the historic and future main route from Charlton and its transport hub to the river. I accept that residential character will come to dominate the area and there will be some benefits arising to the residential part of the CA, such that overall I consider there would be minor, less than substantial harm to the setting and significance of the CA, but nonetheless harm to which I must give considerable importance and weight. Despite this, having reviewed the public benefits that would arise, in particular associated with the housing and affordable housing element of the scheme, I would recommend that, in accordance with the Framework, paragraph 196, these outweigh the harm I have identified. Nonetheless, this harm does represent additional weight to be considered in the overall planning balance addressed below.

#### *Conclusion on Character and Appearance*

15.78 At its heart, the objectors to the scheme consider that the proposal promotes a scale and massing out of step with the SPD ambitions for the area, which would result in a development harmful in its own right as well as harmful as a precedent for all future development across Charlton Riverside.

15.79 I have no doubt that the original scheme proposals sought to maximise the delivery of housing and employment and present an exciting and contemporary new development to start off regeneration of the area. I am also confident that considerable thought was put into the detailed design in terms of form and materials. There is much to commend, including the quality of materials proposed; the new pedestrian links to Anchor and Hope Lane and to the riverside with its retained railway tracks; the positive

approach to and contributions for future infrastructure links; the provision of underground parking to free the open space from cars; and the design approach of duplex and townhouse units addressing that space.

- 15.80 However, the adherence to a layout and quantum of development while necessary changes to the scheme were made as a result of engagement with the planning authority and the emergence of the SPD has compromised the final form of the scheme. The development, despite suggestions from the appellant, does not reflect the aims or vision set out in the guidance in the SPD, and the resulting form appears overtly inward looking and self-contained, and not fully appreciative of its location now, or as envisaged under the masterplan approach. I accept that the SPD emerged part way through the development of the scheme, but it is an important material consideration and should have been properly reflected in the layout, scale and massing of the final proposals.
- 15.81 While I have acknowledged that the SPD is guidance, and any proposed character areas, scale, heights and densities are all indicative, it nonetheless, can be shown to conform with the increasing focus on design quality, community engagement and clarity for all involved in such regeneration schemes, as expressly sought by national and local policy.
- 15.82 The SPD articulates not just the need to respond to the existing character, here defined by the primary north-south route of Anchor and Hope Lane and the retained residential properties of Atlas and Derrick Gardens, but to work within a vision of an emerging character for the whole of the Charlton Riverside.
- 15.83 Very necessary responses to the scheme to address the relationship with Atlas and Derrick Gardens would appear to have driven the additional bulk and height of buildings elsewhere on the site. Not only did this fundamentally alter the inherent variation in height and scale across the whole of the scheme, but resulted in the introduction of a large proportion of the scheme being at 10 storeys.
- 15.84 I have found that the extent of tall buildings on Plot B to be excessive, compromising the character of the Neighbourhood Centre and its important transitional role at this point, I have also found the extensive use of 10 storey blocks across Plot A to also compromise the vision of an interface of medium rise development with larger open space envisioned for Charlton Park. In townscape terms, I have found the lack of variation and the monolithic bulk of the eastern row in particular to be harmful both on its own and in terms of the future delivery of a coherent character across the CROA. I note that the appellant has referred to the 10 storey blocks as representing medium rise in an urban setting. There is no doubt in my mind that 10 storeys within this area represent tall buildings in accordance with London Plan Policy 7.7 and Core Strategy Policy DH2 and I note that the draft London Plan Policy D8 similarly defines tall buildings within the context of an area and directs such detailed definition to Boroughs. [8.5-8.8, 9.60]
- 15.85 While tall buildings may be acceptable under these policies in Charlton Riverside, I am content that the SPD does not conflict with this, and

provides the necessary guidance to support where they are appropriate, notably within the Neighbourhood Centre but not the Charlton Park area, for example. I have considered the submissions made by the appellant and find that there is insufficient argument to support the very significant step away from this guidance in townscape terms, indeed my findings would suggest that the extensive use of 10 storey blocks with little north-south variation would compromise the vision set out in the SPD.

15.86 I note the appellant's argument that the unnecessary introduction of variation can lead to a chaotic form and that some consistency in approach is necessary. I agree, but note that their own initial design aspirations for the area included variation in height and massing, and the SPD explicitly seeks that such variation<sup>347</sup> would be welcomed. It is manifestly not exhibited here; the articulation of blocks within frontages would, in my view, be insufficient to reduce the perceived monotony of the central and eastern rows of Plat A and the majority of Plot B. [7.52]

15.87 I accept that the delivery of regeneration for the area as a mixed-use, residential led scheme including affordable housing would comply with a number of policies, and I address these in my planning balance below. Nonetheless, for the reasons given above, my recommendation is that the proposal would result in harm to the character and appearance of the area, both now and in terms of future aspirations. It does not represent a high standard of design nor does it take the opportunity to promote the cohesive community and neighbourhoods envisaged, with areas of public and private space undermined by the scale and massing of the built form. It would further result in less than substantial harm to the character and appearance of the Conservation Area.

15.88 As a result, it would conflict with the Core Strategy, Policies H5, DH1, DH2, DH3 and CH1, as well as the London Plan, Policies 3.4, 3.5, 7.1, 7.4, 7.5, 7.6, 7.7 and 7.8, in this regard. Conscious of the imminent adoption of the draft London Plan, it would conflict with Policies D1, D1A, D1B, D2, D4, D7 and D8.

### ***The effect on the retained commercial building, Imex House***

15.89 Imex House is a studio located immediately to the north of the development and which currently has a right of access between the existing commercial units. Operated as a recording studio and as a base for touring, concerns were raised with regard to ongoing access, and the relationship with play space along the public spine, noise and the method by which any mitigation could be secured.

#### *Access*

15.90 I am content that sufficient space has been identified to allow for tour buses and other vehicles to access Imex house, unload and turn to exit. Indeed, this would necessitate an increase in the land over which a right of access is currently provided, and I am satisfied that this would be secured.

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<sup>347</sup> CD B3 p61

However, the access route forms part of the public spine, an area of shared public and play space, which also includes access for service and delivery vehicles. [7.132]

- 15.91 Objectors, notably the GLA and RBG, raised concerns about the shared aspect of this access to Imex House being close to areas identified for play, and indeed the access itself being identified as a 'play street'. The owner of Imex House confirmed the irregular nature of this access provision relating to touring and recording requirements. This irregularity of use underpinned some of the concerns. [8.42, 9.7, 9.36, 9.38-9.48, 11.6-11.12]
- 15.92 The increased use of shared surfaces for vehicle and pedestrians, either through altered kerbs, surfacing and signage or as part of a designated Home Zone, is a developing area of highway management. Guidance in Manual for Streets<sup>348</sup> suggests such arrangements work well in cul-de-sacs, where the volume of traffic is below 100 vehicles per hour and where parking is controlled. The unchallenged transport evidence confirms that there would be no regular car use or parking, vehicle movements would be of the order of 42 per day and the route would be a cul-de-sac terminating at Imex House.
- 15.93 I note the concerns of the Council who suggested that Home Zones were suitable for residential and not commercial areas and that the vehicles using the route may be larger vehicles, notably delivery or service vehicles or the tour bus associated with Imex House. However, I see no reason why this route should not operate as a shared space, subject to proper design and delivery. [9.44, 9.45]
- 15.94 The issue of the need for a multi-point turn near to Imex House and close to some designated play space and stair access to one of the residential blocks was raised as a specific concern. It was accepted that this would be achieved as a 3-point turn and would take place alongside existing service vehicle's needs, who would similarly need to make such turns to exit the cul-de-sac, and who were not identified as representing a highway safety risk. There would be limited occurrences of the tour bus arriving and leaving, the evidence provided<sup>349</sup> suggests that the timing of these visits, although irregular, can be late at night when there would be no potential for conflict with children playing. [7.133-7.134, 9.38-9.43, 9.47, 11.6]
- 15.95 I accept that service vehicles are likely to be on a regular schedule, but I do not see that the irregularity of the tour bus, especially when considering the low level of use, would represent any significantly higher level of risk. I am satisfied that despite its earlier identifications as a 'play street', the access route would not be required to fulfil a play function itself, but would operate as a shared space where the limited and irregular movements of vehicles could be effectively incorporated without significant risk. [9.38, 9.44-9.46, 11.11]

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<sup>348</sup> Manual for Streets, first published 2007 - Department for Transport

<sup>349</sup> Mr Mann PoE - Appendix D

15.96 The use of any access by vehicles and people, and particularly children, can introduce risks. The proposed route would be limited to 5 mph, movements would be very limited and space would be set out for a multi-point turn. As a consequence, my recommendation is that the scheme would comply with local and national policies that support the provision of shared spaces in such circumstances. The scheme would comply with Core Strategy Policy DH1 and London Plan Policy 7.6 in this regard.

#### *Noise*

15.97 Noise effects associated with the scheme include studio noise, construction noise impacts on the studio and loading and unloading noise.

15.98 As a result of its location, closer to commercial uses than residential, Imex House would appear to have operated for many years without significant noise insulation or complaints. The process of rehearsal and recording and the spaces within the building have been set out in evidence and include the requirement for bass speakers to be sited in enclosures outside of the studio.

15.99 The boundary of the proposed development would be within approximately 12m of the studio and as a result of the lack of insulation and outside speakers there is the potential for noise breakout that could cause nuisance to future residents.

15.100 Despite the frustration expressed by the owner of Imex House regarding engagement by the developer, and the Council's view that the ES significantly understated the potential impact from and on Imex House, considerable progress was made in resolving issues in the run up to the Inquiry. Noise consultants conducted a joint monitoring and investigation programme which resulted in the proposal of practical measures both within the studio and to the proposed façades of buildings facing it. A signed SoCG on Noise, expressly confirmed that the Council and the GLA agreed that potential noise impacts from the building and external amplifiers on adjacent housing could be satisfactorily mitigated. [7.117-7.120, 9.9-9.14]

15.101 Turning to construction noise, the SoCG again confirmed that subject to the proper application of controls under Section 60/61 of the Control of Pollution Act 1974 and suitable conditions, noise impacts on the studio could be addressed, although both the owner and Council considered that this may result in relocation for periods, an outcome that was not accepted by the appellant. [7.123, 7.124, 9.15, 9.34, 11.7]

15.102 The s60 requirements allow for the local authority to serve a notice on a constructor to specify working practices, working hours and noise limits, while s61 allows for an agreement to be concluded on works and methods of working. The appellant confirmed that piling, identified as a particular risk by the owner of Imex House, is unlikely to be employed, and were confident that with the conditions proposed and through careful programming and communication with the studio, the scheme could be delivered without a requirement for relocation. [7.123-7.125]

- 15.103 In absence of confirmed construction approaches, reliance on the s60 notice or s61 agreement would be a practical approach to the potential disturbance of normal operating procedures at the studio. It is logical and necessary that were the scheme to go ahead, the sound insulation measures to address noise breakout be incorporated prior to construction starting as this would significantly reduce the impact of construction activities on the studio itself, if not done voluntarily I see no reason why this could not be a requirement under s60.
- 15.104 Subject to that, and accepting that the historically poor communication by the developer as reported by the owner, must be improved, the s60/s61 approach would allow for proper control of operations here. Such an approach could require relocation as a last report, but on the basis of the evidence before me, this does not appear to be a requirement such that its absence at this point should be considered as counting against the scheme.
- 15.105 Turning to loading and unloading noise. This remained the outstanding matter of disagreement between the main parties as set out in the SoCG. While all parties accepted that vehicle noise along the public spine was not an issue, concerns were raised regarding the manoeuvring of tour buses, which currently takes some 15 minutes, and the unloading or loading of large cases, resulting in disturbance to future residents, particularly because of the irregular timings, including late at night. While the Council suggested that an enclosure for loading could address this matter, the appellant's position was that it was unnecessary. [7.119-7.122, 9.8, 9.35-9.37]
- 15.106 Improvements to the façade and glazing were initially accepted to address noise inside any units facing the studio. The concern appeared to be in relation to open windows or balconies and the irregular presence of vehicles into the evenings or even later.
- 15.107 While I note that noise levels were assessed by the Council in relation to BS4142 as being significant, improvements to the turning space would limit the time for manoeuvring and soft surfacing could be employed to reduce concussive noise from laydown or transfer of flight cases and trunks. Overall, in the context of a mixed-use development, with public space and shared surfaces surrounding the development, and in particular with the limited number of events identified, I do not consider that loading and unloading noise, subject to imposition of relevant conditions for façade measures, should lead to significant levels of nuisance. [9.36]
- 15.108 Taking the noise matters overall, I am satisfied that noise mitigation measures and control measures during construction could address noise breakout and noise associated with loading as well as construction noise such that there would be no significant effect on future residents and any impacts on the operation of the studio could be appropriately managed. The proposal would therefore comply with Core Strategy Policies DH1 and E(a), London Plan Policy 7.15 and draft London Plan Policies D12 and D13. The remaining point of contention relates to the mechanism to secure the mitigation and control measures

## *Mitigation Methodology*

- 15.109 In his representations to this appeal, the owner of Imex House has confirmed that he remains ready to discuss and work with the appellant to secure the required mitigation, subject to agreement on the measures. However, in absence of final agreement on these matters, the appellant has proposed a Schedule in the s106 agreement to agree a noise attenuation scheme and require its implementation. [11.4, 11.16, 11.26]
- 15.110 The Council have raised concerns that the s106 could allow for the measures not to be implemented and considered that a Grampian style condition should be imposed to require certainty of delivery prior to implementation, or, in the alternative, prior to occupation of the blocks nearest to Imex House. Although not raised by any party as a substantive point in the appeal, the Schedule and suggested conditions also address noise associated with a fan in the western face of the Stone Foundries building. The use of Grampian conditions is supported by the GLA. [8.44, 9.19, 9.22]
- 15.111 The appellant accepted that a Grampian condition for works off site could be used in such circumstances, but that here it would lead to an unreasonable situation of preventing commencement or occupation until the adjacent landowner allowed the completion of mitigation works, a situation analogous, in their view, to holding a ransom on the development.
- 15.112 The appellant agreed that they are content to offer the mitigation measures free of charge to Imex House with full opportunity for engagement and agreement, and only where installation is refused, even subject to an independent review, would the developer be released of the requirement to carry out the work, and even then the option for installation of measures would be left open for 5 years. [7.128, 7.129, 8.44, 9.146-9.155]
- 15.113 The Framework notes that an obligation should only be used where it is not possible to address unacceptable impacts through a planning condition, but that a condition should only be used where it is reasonable. The NPPG addresses such circumstances<sup>350</sup> and states that conditions requiring works on land not owned by an applicant or requiring consent or authorisation of another person often fail the test of reasonableness and enforceability but may be possible to be addressed through a Grampian condition.
- 15.114 Nonetheless, I have concerns that the conditions as suggested by the Council, either pre-commencement or pre-occupation, are not sufficiently robust to ensure that the appellant's fear of a ransom situation would not arise. I have no reason to suspect that such a situation would arise, but, if the owner of Imex House refused to allow access or installation of measures, then the development would be wholly or partly compromised.

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<sup>350</sup> ID: 21a-009-20140306

- 15.115 While I accept that there is a realistic prospect of the work being carried out, the implications of an intransigent approach by the neighbouring landowner, who has objected in principle to the scheme, are so fundamental that I would recommend that the use of a condition in this case be considered unreasonable. The matter is therefore, whether the s106 agreement itself is sufficiently robust to address the necessary installation of suitable mitigation measures in accordance with the Agent of Change principles.
- 15.116 In accordance with the Framework<sup>351</sup>, which seeks suitable mitigation before the development has been completed, I am satisfied that Schedule 6 (4) requires a noise attenuation scheme to be approved prior to implementation and completed prior to occupation. The exception to delivery, Schedule 6 (4.5) only arises subject to circumstances where implementation does not take place following the procedure set out in Clause 15. This allows for resolution of any disagreement to be by an expert, to be appointed by the Law Society, if required.
- 15.117 Ultimately, while I note the Council concern that failure to deliver the noise attenuation scheme could result from the Schedule set out in the s106 agreement, that outcome could practically only arise were the owner of Imex House to refuse to engage in delivery of an agreed scheme. In such circumstances non-delivery would expose the owner to a risk of disruption and complaints and they are therefore incentivised to respond positively to the scheme agreed between the appellant and the Council.
- 15.118 In such circumstances, I would recommend that the suggested conditions (90, 91) are not reasonable and the s106 agreement would properly address matters.
- 15.119 If the SofS disagrees and considers that were the scheme to be allowed and a Grampian condition is necessary for certainty, then these are listed separately with the draft conditions in Appendix 2.

### **Employment**

- 15.120 The site currently offers a mix of open storage and low density industrial units. While evidence from a number of parties supports that it has been a well-used area with low turnover and vacancies, the redevelopment of this and the rest of Charlton Riverside has been anticipated for many years. It is accepted that there will be a change in employment provision and a need to relocate some existing users. [11.17, 11.23]
- 15.121 While the GLA initially raised concerns about the relocation of these businesses, they have withdrawn that position by reference to the Business Relocation Strategy to be delivered through the s106 agreement. Relocation of some businesses has taken place and updated details were provided to the Inquiry on progress; I see no reason to disagree with the GLA's conclusions. [4.1, 7.90]

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<sup>351</sup> Paragraph 182

15.122 Nonetheless, concerns were still expressed as to the pressure on existing tenants and a perceived lack of support associated with short-term tenancies and uncertainty.<sup>352</sup> It is unsurprising that such matters have led to some concern among local businesses, but relocation is an inevitable consequence of regeneration here. Some support has been provided and, were the scheme to go ahead, there would be further opportunities provided to support relocation, which are, in my view, appropriate. [7.90, 11.18-11.23]

15.123 The principle concern remaining is that insufficient employment floorspace is promoted in the scheme, and the workspace proposed is insufficiently defined or designed to provide reassurance as regards its successful delivery; in effect that it would not be fit for purpose. [9.81-9.82, 9.110-9.111, 9.122-9.123]

#### *Floorspace*

15.124 The appellant identified that the scheme would include around 3,000sqm of B1 flexible workspace suitable for delivery by a workspace provider, which would represent an increase in jobs over that associated with the existing use. A Low Cost Workspace Strategy would be agreed with the Council and secured by the s106 prior to occupation of units on Plot B. [7.89, 7.99, 7.103]

15.125 The Council maintained their objections to the proposal, considering that the workspace represented an unacceptable reduction of approximately 50% of the employment floorspace, which they considered to be in conflict with policy and the SPD. [9.79, 9.81, 9.121]

15.126 There was significant discussion at the Inquiry regarding the interpretation of policies in the Core Strategy and in the emerging SAP as to the expectations of delivery of employment in Charlton Riverside. What is clear is that it is not the role of the decision maker to interpret policy but to read it in accordance with the language used in its proper context. [7.90-7.94, 9.81-9.109]

15.127 The Core Strategy sets out clear expectations regarding employment in the Borough. It seeks the creation of 21,000 new jobs and a move away from low density industrial uses, with a substantial release of under-used industrial land and intensification of employment use at Charlton Riverside. Policy EA1 confirms this intensification, with supporting text setting out that the redevelopment of Charlton Riverside, and Greenwich Peninsular West, will see a reduction in employment land and changing employment use but no net loss of employment across Royal Greenwich as a whole.

15.128 Policy EA2 addresses Charlton Riverside directly and states that employment will be consolidated to maximise the use of land while maintaining employment levels across the waterfront area, which extends beyond Charlton Riverside itself. The Council point out that these

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<sup>352</sup> ID13 and Mr Tilbrook's evidence

requirements differ from those in Policy EA3, which relate to Greenwich Peninsular West, and which seek a new urban quarter to include a range of uses including residential and commercial. [9.91]

15.129 The Council argue that this is supported in the emerging SAP, which states that the intensification of existing employment land is 'crucial'. This plan, as set out above, is at a relatively early stage of development and can be given limited weight. Nonetheless, the Council consider that the SPD supported the need to retain floorspace, setting out an ambition of 4,400 new jobs. [9.96-9.101, 9.104]

15.130 There is no doubt that the strategic approach to employment in the Borough is to at least maintain employment levels in the waterfront area, while intensifying the employment offering through the regeneration of Charlton Riverside. While I completely understand that if the existing floorspace were maintained in the appeal scheme, but delivered at greater job density, then an even higher level of employment would potentially be created. However, read in its proper context, the Core Strategy does not appear to require that floorspace be retained, the supporting text to Policy EA1 only notes that redevelopment will see a reduction in employment land.<sup>353</sup>

15.131 The differences in wording between the relevant policies for the two areas of redevelopment also do not appear to require retention of floorspace specifically for Charlton Riverside. For Greenwich Peninsular West there would appear to be no requirement to consolidate employment and the strategic direction is to release industrial land, whereas there is a consolidation requirement for Charlton Riverside, where substantial release is expected along with intensification of employment uses.<sup>354</sup> In neither case is maintenance of employment floorspace required, albeit the strategy seeks growth in employment overall. The Core Strategy identifies that further guidance on intensification of employment use is to be found in the SPD.

15.132 The SPD states that '*new development will be expected to maintain or re-provide equivalent employment floorspace within B1 and B2 Use Classes; and significantly increase job densities within B Use Classes.*' The site has an existing mix of B1 and B8 uses and this would appear to seek floorspace retention of the B1 element. If this approach was to be applied to individual parcels within the SPD area, there would appear to be some tension with the expectation of the strategic approach and the release of industrial land to enable the new residential-led, mixed-use redevelopment set out in the Core Strategy. However, the SPD also sets out expectations of the ground floor use across the whole area, ranging from residential to mixed use to business and industrial uses. Plot A falls with an area for residential, C3 class use, while Plot B is predominantly in an area identified as for mixed A and B class use. It is reasonable to conclude that the expectation is that the maintenance of B1 and B2 floorspace would be

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<sup>353</sup> CD B1 p8, 4.2.5

<sup>354</sup> CD B1 3.2.3 and Key Features

across the whole area, with additional employment coming from increased job densities.

- 15.133 The SPD ambitions are for an additional 4,400 jobs, identified as being a 78% increase on the existing number. The appeal scheme would deliver a significantly increased number of jobs, reported as being of some 250%, but from a reduced floorspace. While the floorspace reduction could appear to be in conflict with the SPD, it nonetheless, complies with the anticipated distribution of ground floor uses and would contribute to the aim of delivering some 4,400 new jobs. Despite this apparent conflict, I can find no conflict with Policies EA1 and EA2 or the strategic approach set out in the Core Strategy, which seeks intensification of employment. Intensification can be defined in its ordinary meaning as becoming greater, and the employment delivered under the scheme would be greater than existing levels.

#### *Workspace*

- 15.134 The proposed scheme provides employment space across the ground floor levels of Plot B and the first floor of Block O. This space is reported to have been designed with support from workspace providers, although there is limited evidence of this. Nonetheless, the appellant provided letters from a chartered surveyor, GCW<sup>355</sup>, and a workspace provider, General Projects<sup>356</sup>, as evidence of the acceptability of the space. These imply enthusiasm for the offer and for the location, suggesting delivery to shell and core for subsequent fit out by a provider as the best route to delivery of the workspace. [7.97, 7.101]
- 15.135 The Council consider that these endorsements were insufficient to justify the current offering in absence, they argue, of a proper assessment of costs, engagement with a workspace provider, understanding of the expected market and of the restrictions of the scheme, including shared services with residential users, restricted layout, the 1<sup>st</sup> floor space and the large areas under the podium and centrally in Block O set at distance from the frontage and natural light. An estimate of the cost to fit out such space was of an order which the Council suggest could represent unviable delivery for the market anticipated, with a significant risk that this could result in the space being under used or even unoccupied and leading to pressure to change the use and so fail to meet the employment expectations of policy and guidance. [9.111, 9.118]
- 15.136 I have noted, that when pressed on the appellant's approach of securing an agreed Low Cost Workspace Strategy with practical completion of the workspace to shell and core prior to occupation of Plot B<sup>357</sup>, the Council accepted that this would potentially address this matter. However, they confirmed that they retained concerns, noting that there may be fundamental issues on viability of the space that could be very expensive to resolve if not properly addressed in the design, and this could run the risk

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<sup>355</sup> Mr Rhodes RPoE Appendix 1

<sup>356</sup> ID2

<sup>357</sup> ID 36 - Schedule 5 s106 agreement

of undermining the Council's objections to any change of use. [7.100, 9.115, 9.122]

- 15.137 The market for these low cost units was accepted as being likely to be for third sector or start-ups and small businesses via a workspace provider. I consider that this means that the higher expectation of fit out and finish may not be so prevalent. The majority of the space proposed is likely to be attractive for such users, due to the extensive frontage of Block O and the raised ceiling heights. The open span is also likely to lend itself readily to flexible subdivision, including to relatively small spaces often sought by this market.
- 15.138 I do consider that there are issues such as how circulation and access would work at depth across the space, as well as areas, particularly below the podium space, where the spaces to be provided may be sub-optimal; and these remain unresolved aspects of the workspace. However, in some cases, I accept that this can be a function of the needs of users and rental levels, and I am generally satisfied that the requirements of the s106 and commitment to delivery of the space would be sufficient to ensure that it is available for employment use.
- 15.139 There has been no significant challenge to the position, set out in the Employment Strategy and reflected in the letters from providers, that there is a growing market for this type of space. The Council referred me to an appeal<sup>358</sup> as evidence that the failure to engage with providers early in the process and secure suitable employment space can lead to pressure for a change to potentially more lucrative residential use. However, this case related to second floor space where, despite recommendations it was apparent that the developer failed to act during the application period or afterwards and without restriction on occupation of the wider development linked to delivery of this employment element. This differs from the case before me, in that predominantly this is ground floor space with a clear incentive restricting occupation of the residential element prior completion of the space and a strategy for delivery agreed with the Council. The dismissal of the appeal reinforces both that the appellants in that case had not properly addressed their responsibilities, but also the constraints on any future proposal to change the use of employment space.
- 15.140 I have noted the Council's concern that the appellant has not fully addressed the checklist requirement developed from a GLA report into the issue of vacant employment space in mixed use developments<sup>359</sup>. I note that this report concludes that the reasons for such vacancies are complex and the commercial agents suggestions that, in some cases, the causes for this related back to the recession period or a lack of incentive for residential developers when such commercial spaces are often a cost rather than of value to the scheme. Generally there was felt to be a shortage of commercial space. However, despite the reference to involvement with providers in the DAS and the letters submitted to the Inquiry, I do accept

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<sup>358</sup> APP/U1105/W/18/3204680

<sup>359</sup> RBG Statement of Case – Appendix L GLA Vacant Ground Floors in Mixed Use Developments, December 2016

that more explicit and clearly stated involvement with workspace providers and inclusion of measures set out in that checklist could have provided greater assurance that the risk of the offer not meeting the expectations of the market had been addressed. [9.123]

15.141 Nonetheless, on balance, I am satisfied that the nature of the space offered and particularly the requirements to provide the Low Cost Workspace Strategy and to building out the space to shell and core, both linked to a restriction on occupation of the residential element of the scheme, are sufficient in this particular case, to be reassured on the delivery of the employment aspirations of the scheme. I would recommend that the proposal therefore complies with Policy EA1 and EA2 of the Core Strategy in this regard.

### ***Living Conditions***

15.142 The original reasons for refusal on these matters were not pursued by the Council or GLA, nonetheless, local residents and their representatives through Charlton Together highlighted their continued concerns with the effect of the proposed development on sunlight, daylight and privacy related to neighbouring properties and gardens. [10.3, 11.38]

15.143 Such matters are often a function of separation between existing and proposed properties. In this case Block G and H ranging between 2 and 4 stories would be located to the rear of Atlas Gardens, but also a part of Derrick Gardens and Imex House, with buildings on Plot B located to the south of 27-30 Atlas Gardens and 1-8 Anchor and Hope Lane. Separation to Atlas Gardens would be a minimum of approximately 16.5m, and the relationship between this and blocks in further rows of the development is shown in the cross-section, ID17.

15.144 The appellant carried out a full daylight and sunlight assessment in the ES, supported by the later addendum. This was carried out in accordance with the BRE guidelines, where effects that are identified as perceptible are assessed in detail, with a focus on VSC, a measure of the amount of sky visible from a centre point of a window, and NSC, a measure of light within a room. Depending on the level of impacts the significance of these effects were assessed being minor, moderate or severe; I am satisfied, as were the Council and GLA, with the methodology used.

15.145 The findings of the assessment were that there would be some level of noticeable effect on windows for some of the properties in Atlas Gardens and the assisted living apartments of 1-8 Anchor and Hope Lane. These effects would be on the rear of the properties in Atlas Gardens, which comprised a kitchen, a bathroom, reported to be converted from a bedroom, and a second bedroom. [7.104-7.113]

15.146 With such results, I completely understand the concerns of local residents, especially in the circumstances where the outlook from the rear of these properties has been out over low-level industrial units. However, change is coming to this area, it is virtually inevitable that there will be large residential blocks replacing the industrial estate. The question therefore is not whether there would be a change in outlook and potential

overshadowing, but whether such change can be considered unacceptable in the context of an urban regeneration area and an OA, where the efficient use of land to optimise levels of residential and employment use is required.

- 15.147 The assessment,<sup>360</sup> which considered how far beyond the suggested BRE target the reductions in light are from baseline levels, identified predominantly minor adverse effects, where such effects were found to be noticeable. In many cases, these effects were to the single aspect bedroom windows or the kitchens, where often the rooms were served by other windows where effects were less. A moderate adverse effect was identified for a single window in the block containing 1-8 Anchor and Hope Lane, albeit this room too was served by a second window. [7.112]
- 15.148 The appellant argued that the single aspect bedrooms would expect a lower expectation of lighting, and this is supported in the BRE guidance<sup>361</sup>, and that the predominantly minor adverse effects would not be unacceptable in light of regeneration priorities for the area. They refer to other schemes in London where such a flexible approach has been used, including the Whitechapel Appeal<sup>362</sup>, and the inherent flexibility sought by the Framework, paragraph 123(c), and the Mayor's SPG on Housing.<sup>363</sup>
- 15.149 The rooms facing the development are assessed by the appellant to be non-habitable. While technically I agree, this may underplay the use of these kitchens areas, where I noted small tables and sitting out areas associated with the gardens and balconies immediately available from them. Nonetheless, although a significant change in outlook would occur, and the new residential blocks would clearly be seen in all views from the rear of the properties, the effect on the light received would be perceptible for some windows, but not, in my view, significant overall. It would not render the impacts unacceptable in the context of the urban characteristics sought under this regeneration programme. [7.106]
- 15.150 The BRE guidance offers guideline levels to support design and decision making but are not absolute targets. Nonetheless they provide a valuable tool to ensure standards appropriate to the character and typology of development in an area are maintained. The Mayor's SPG on Housing, the Framework and local policy, which seeks to avoid unacceptable harm or unacceptable loss of amenity, all accept a measure of flexibility.
- 15.151 Similarly, while I note the assessment confirmed that there would be a noticeable impact on Imex House, this must be assessed in the context that this is a commercial building, and the reduction in the proposed residential block to 2 storeys at this point would be sufficient to prevent an unacceptable impact. [7.113]

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<sup>360</sup> CD C17.1 Appendix 11.2A

<sup>361</sup> CD-A6 – Page 7 2.2.8

<sup>362</sup> CD F3 – APP/E5900/W/17/3171437

<sup>363</sup> CD B7

15.152 The proposed development would cast shadow across the garden areas also. This too has been assessed against the BRE guidance. Some 38 spaces were assessed, including the communal areas within the Gardens, and examination of the shadow plots<sup>364</sup> shows that the period of shadowing for many of the rear gardens would increase. However, all were assessed as receiving direct sunlight to at least 50% of their area for 2 or more hours on the 21st March, or would see a reduction of no more than 20% from baseline levels, which accords with the BRE guidance. Such effects must be expected in a regeneration scenario and the assessment supports that the effects would not be unacceptable. [7.111]

#### *Privacy*

15.153 The existing industrial uses to the rear of Atlas and Derrick Gardens operate at a relatively low level, with most activity taking place at ground level and within the buildings. The proposal would introduce townhouses with rear gardens forming a back to back relationship with the existing properties.

15.154 I accept that the separation distances would be at the lower end of what would be considered within a typical suburban scenario, but as set out in the Mayor's SPG on Housing, 18-21m between habitable rooms has been a useful yardstick, but rigid adherence to such measures can limit the variety of urban space and reduce densities. [7.136-7.137]

15.155 As set out above this is an OA, and while the resulting relationship would be relatively close, I consider that it would not be unacceptable in the context of the urban regeneration necessary here.

#### *Conclusion on living conditions*

15.156 The proposed development would represent the start of a considerable redevelopment and regeneration of the area. This would include the removal of current industrial uses immediately to the rear of Atlas and Derrick Gardens and the clear up and landscaping of the plot of land between the two housing estates. On their own, these would represent a considerable improvement in the likely experience for those living here, with the removal of unsightly van storage and the noise and disturbance associated with the activities on the industrial estate. Set against this, there would inevitably be a change to existing outlook, light levels and privacy. However, in my assessment, I consider that these impacts would not lead to unacceptable levels of living conditions overall.

15.157 As a result, in this case, I would recommend that the proposal complies with Core Strategy Policy DH(b), London Plan Policy 7.6 and draft London Plan Policy D4(F) in this regard.

#### ***Other Considerations***

15.158 Charlton Together, local representatives and residents raised a number of other considerations which, despite not being reflected in the

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<sup>364</sup> CD C17.1 Appendix 11.4A

Inquiry cases of the GLA or RBG, nonetheless represented areas of considerable concern. These included matters relating to transport, air quality, infrastructure, sustainability, crime, housing mix, structural risk, social impacts, Ropery Business Park and the Safeguarded Wharves.

### *Transport*

- 15.159 The scheme includes considerable levels of contributions to support road networks, including the east-west link road, and public transport enhancements. Furthermore, conditions and contributions would secure measures in relation to permit-free arrangement, car clubs and electric charging points, among others. However, concerns remained regarding increases in traffic, the provision of car parking, seen by objectors as inappropriately encouraging future car use, as well as increased pressure on what was perceived as the poor pedestrian links to Charlton and Charlton Station, especially in relation to the proposed new link road. [7.133-7.139, 7.144, 11.33, 11.49]
- 15.160 While ambitions for completely car-free development are laudable, I do not consider that in this location it can be considered practicable at the present. I note that the s106 agreement secures the basement parking at a level of 0.29 cars per dwelling, but allows for review, reduction and re-use of this space over time. [10.11]
- 15.161 I am satisfied that the Transport Assessment<sup>365</sup> has properly characterised the transport movements and, in common with the GLA and RBG, find that this would not result in unacceptable impacts on road safety or on the road network. [7.138-7.139, 7.145]
- 15.162 Having visited the site on a number of occasions, I can confirm that the pedestrian access environment is relatively poor with complex routes to cross Bugsby's Way, Anchor and Hope Lane and the Woolwich Road. Nonetheless, the scheme would provide new pedestrian links to the wider area and enhancements to the area around Anchor and Hope Lane, such that I see no significant harms arising from the increase in car use here associated with the development or with the introduction of the east-west link road, and some improvement may arise. [7.144]

### *Air Quality*

- 15.163 I note in particular the concern that the assessments have considered emissions associated with, among other things, PM<sub>10</sub> but not for particles of PM<sub>2.5</sub> or lower, and that while the ES may have concluded the proposal to be acceptable, standards for new development should be seeking to achieve well beyond such levels. [7.149-7.151]
- 15.164 In fact, the ES did address PM<sub>2.5</sub> and PM<sub>1</sub> and the findings of the ES was that the scheme would be considered Air Quality Neutral taking into account the existing use of the site and transport effects associated with the development. These results were independently checked and accepted by the GLA and RBG. Subject to the impositions of suitable conditions, in particular to

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<sup>365</sup> CD C18

address construction impacts and the high sensitivity receptors associated with the operation of the scheme itself, I am satisfied that the effect on air quality would be acceptable.

#### *Infrastructure*

- 15.165 While I have noted Charlton Together' s concerns that an overarching plan and delivery of infrastructure is necessary to enable development of the Charlton Riverside, I am satisfied that in addressing in particular, the key element of the east-west link road and in enhancing public transport options and pedestrian connections, the scheme has properly addressed the infrastructure requirements in accordance with the SPD expectations. The impacts on existing public transport infrastructure have been properly addressed, and while there is no doubt that significant enhancements to this and other infrastructure will be required to accommodate the entirety of the regeneration area, such measures cannot be delivered prior to any development taking place, and I have noted the ongoing commitments of RBG and GLA to infrastructure enhancements associate with the OAs. [7.140-7.141, 7.143, 10.15-10.17, 11.49]

#### *Sustainability*

- 15.166 All development has some potential to effect long term sustainability through, among other matters, emissions and energy use associated with materials, construction and ongoing use. Increasingly, expected standards for carbon emissions, energy efficiency and use of renewables, as well as best practice approaches during construction are required for developments. [7.147-7.148]
- 15.167 I fully accept that ambitions should be set very high for such matters, but I have not found any areas where, subject to the imposition of conditions, the scheme would fail to meet or even exceed these standards, and cannot properly accept as harmful, circumstances where an individual scheme does not significantly exceed the expected standards.

#### *Crime*

- 15.168 There were concerns raised regarding the potential for this perceived high density scheme to lead to pockets of crime or disorder, especially when compared against the small, very strong and engaged community of Atlas and Derrick Gardens. I can understand these concerns; the scheme would introduce a very large increase in the residential population in close proximity. [11.31, 11.53]
- 15.169 However, there are clear design approaches set out, such as individual entrances at ground floor level and limited cores for access to upper floors, areas of public and private space, community facilities and interface between retail, commercial and residential use. While I have noted some concerns over the quality of the open spaces, the areas have been designed to be active with through routes, levels of surveillance and specific conditions require achievement with Secure by Design accreditation. I see no reason to disagree with the conclusions of the GLA

and RBG that the proposal has been designed to address crime and anti-social behaviour. [7.153]

#### *Housing Mix*

- 15.170 Considerable concern was raised regarding the proportion of 1 and 2 bed units in comparison to family dwellings. Objectors considered that family units were considered to be the priority in terms of need, and for fostering long-term community engagement as opposed to, what was perceived as the potential for a short-term, buy to let dormitory community. [10.20, 11.27, 11.30, 11.37, 11.47, 11.48]
- 15.171 The proposed housing mix would be approximately 45% as studios and 1-bed units, 39% as 2-bed units and 16% as 3 or 4+ bed units. Core Strategy Policy H2 identifies a need for a minimum of approximately 50% 3 and 4+ bedroom housing and this is replicated in the SPD. Nonetheless, it recognises that while 3 and 4+ bedroom units should be included, a mix of housing types and sizes will be required, which will be dependent on the location of the development and the character of the surrounding area.
- 15.172 Realistically 2-bed units, while not ideal for family occupation, nevertheless are potentially used by small families and are reflective of a demand for more affordable dwellings in London. The site would be one of the better located sites relative to public transport, and I note that the SPD identifies the focus of family housing delivery to be in the East and West Village character areas.
- 15.173 While I accept that the proposal steps away from the ambitions of the SPD in strict terms, its location, viability of the scheme and delivery of affordable housing are all relevant factors to consider when looking at compliance with policy on this matter. While I note this was a concern for RBG, they did not choose to pursue it at the appeal. On balance, for this particular scheme and in light of its role within regeneration of this area, I consider that the housing mix would be acceptable and in general accordance with the policy in this regard.

#### *Structural Risks*

- 15.174 The potential for structural damage to the existing properties on Atlas and Derrick Gardens was raised. I can understand these concerns; the Gardens were constructed on what is reported to have been filled soil with shallow foundations. However, this matter has been addressed in the ES<sup>366</sup> and alternative piling methodologies recommend, along with other controls to be secured by conditions and measures in the Construction Environmental Management Plan.

#### *Social Impacts*

- 15.175 A specific concern was raised that providing residential accommodation in flats in tall buildings could perpetuate levels of increased stress amongst children, particularly from disadvantaged families. While

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<sup>366</sup> CD C12 s5.129

there are examples of high-rise residential space that has provided a poor living environment and had a negative social impact, understanding of these matters has developed. I have no doubt that the experienced architects engaged in this scheme have addressed these matters through private and shared space provisions, roof garden access, single and shared access layouts, internal space and other matters. [11.52-11.54]

- 15.176 The delivery of housing in high-rise development is and will continue to be an important component in meeting London's housing demand. No specific examples of where there are design failings that would result in such harms have been put to me and, subject to the imposition of conditions, I am satisfied that the scheme would provide satisfactory living conditions for future residents in this regard.

*Ropery Business Park*

- 15.177 The proposal would be immediately adjacent to Ropery Business Park, whose continued operation is an important consideration, especially given the shared access and associated parking. However, subject to conditions, I can see no reason why this cannot be successfully maintained. The matter of landscaping as shown on the plans associated with existing parking for the business park is unfortunate, but not a fundamental concern with the delivery of the scheme overall. [11.32-11.35]

*Safeguarded Wharves*

- 15.178 Specific concern was raised by the Port of London Authority and the four operators of the Safeguarded Angerstein, Murphy's and Riverside Wharves regarding the need for conditions to ensure the continued operation of the wharves is appropriately protected. I am satisfied that this would be addressed through the imposition of conditions 66 and 67.

**Planning Balance**

- 15.179 The statutory duty placed on a decision maker is to determine a proposal in accordance with the development plan unless material considerations indicate otherwise. Notwithstanding my findings on noise and access at Imex Hose, the provision of employment land and the effect on living conditions, I have identified conflict with a wide range of policies in the development plan. These include those in relation to the minor, less than substantial harm I found to the conservation area, albeit I have assessed that on its own it would be outweighed by the public benefits of the scheme, and particularly those in relation to the failure to achieve a high standard of design which protects the character and appearance of the area. In this I have found that the proposal conflicts with the development plan
- 15.180 The appellant argues to the contrary that the scheme represents a high standard of design that complies with the development plan and that represents very significant benefits in terms of housing, affordable housing and in initiating the regeneration of the CROA.
- 15.181 It is necessary therefore, to consider the weight of benefits that arise to set against the weight of harm that I have identified. This is, by

necessity, a staged approach as a result of 5 year Housing Land Supply (5YHLS) matters raised by the appellant and the Framework's presumption in favour of sustainable development. I start by assessing the conflicts, then the benefits of the scheme before considering the 5YHLS and the relevant balance to inform my overall recommendation.

### *Conflicts*

15.182 The proposed scheme is the first major proposal to come forward as part of the regeneration of this OA and important for the delivery of housing in both Royal Greenwich and London. In such circumstances, the offer of 771 units with a relatively high proportion of affordable housing could easily be considered as overwhelmingly beneficial. However, such an approach must consider the quality of the development proposed and the effect that it would have on the area both now and into the future. At its heart, this is the principle of the Framework's fundamental aim of delivering sustainable development through high quality buildings and spaces, the design policies in the development plan and the draft London Plan's ambition for 'Good Growth'.

15.183 I am conscious that housing is a pressing requirement for London and the anticipation of Good Growth, while potentially requiring a measure of compromise, must necessarily arise through the highest standards of design.

15.184 In this context, my finding is that the proposal fails to take the opportunity to promote a high quality of design, particularly in relation to scale and massing, that responds to its location and establishes a benchmark that accords with the design aspirations and guidance set out in the SPD. I have set out above the consequential conflict with a range of policies in the Core Strategy, London Plan and draft London Plan, which are among the policies most important for the determination of this proposal.

15.185 I would recommend that substantial weight is given to this harm.

### *Benefits*

15.186 I turn to the principle benefits associated with the scheme. There is a certain measure of agreement between the main parties as to the pressing need for housing in both London and the Borough, and that this differs from the consideration of the 5YHLS.

15.187 771 units would represent a significant contribution to the supply of housing in the context where both London and the Borough have not achieved their housing targets for a number of years. The draft London Plan has particularly acknowledged this need, albeit the Examining Inspectors identified a revised target for growth in relation to restrictions on the delivery of small sites. The expectation is that a significant proportion of this growth would come from OAs such as this. I recommend that significant weight is given in favour of the scheme in this regard.

15.188 Of the proposed housing units, a minimum of approximately 35% or 40% by habitable room, dependent on grant availability, would be affordable. It is again generally accepted that affordable housing delivery

has fallen below targets in recent years. The GLA accepted that significant weight should arise, although despite the positive level now achieved for the scheme, this falls below the anticipated levels set out in the development plan<sup>367</sup>, of 50 %. The Council, in particular, questioned whether significant weight could be applied where a scheme is not policy compliant. [9.140]

15.189 On balance, while the scheme does not promote a strictly policy compliant level of affordable housing, there is reasonable consensus that it would provide the maximum level currently achievable and mechanisms are in place to ensure an increased provision if viable. Accordingly, as the scheme represent a large quantum of affordable housing because of its scale, I would recommend that the weight be considered significant.

15.190 The proposal responds to the policy expectations of regenerating the low density industrial units into a mixed use scheme which would provide for an increased level of jobs within a flexible area of employment space, which I have accepted would respond to an identified need in the area. However, it would be replacing an estate that has historically provided a valuable area of employment land with low turnover and low vacancy levels. I would recommend that employment benefits represent moderate weight in favour of the proposal.

15.191 There would be benefits arisings in terms of economics; short-term in relation to the construction period, but longer term in relation to investment in local services and facilities. The proposal would potentially kick start the wider regeneration, and, in absence of my findings regarding the design and potential precedent effect, this would have represented significant weight. As it is, I would recommend moderate weight is given to the economic benefits of the scheme.

15.192 Infrastructure improvements associated with the contributions to be made are, for the most part, responding to policy aspirations and are neutral, but I give some weight to the enhanced connection to the riverside and the eco walk, and particularly the allowance made for incorporation of the future east-west link.

### *5 Year Housing Land Supply*

15.193 The appellant has argued that the appeal scheme is policy compliant, that policies are not out of date and there is no need to seek the application of the tilted balance set out in paragraph 11 of the Framework. Nonetheless, they suggest that the evidence does not support the Council's claim that they have a 5.02 year supply, and this shows further evidence of the scale of need.

15.194 As a result, a SoCG on HLS was agreed between the parties<sup>368</sup> and the matter was considered at the Inquiry. This confirmed that the five year requirement was 16,874, that levels of under delivery were correct and that

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<sup>367</sup> Core Strategy Policy 3.12, London Plan Policy GG4 and draft London Plan Policies H5 and H6

<sup>368</sup> ID11 and addendum ID14

the Council was subject to a 5% buffer. The appellant challenged the Council's findings on four elements of the supply, three sites and the Council's Local Authority New Build package of small sites. As a result, the following represents the agreed position, dependent on the inclusion or exclusion of these four components, against the Council's stated position that they can demonstrate a supply of 16,956, representing a supply of 5.02 years.

No.	Scheme	Appellant's position of units that should be deducted	Resultant housing supply	Resultant housing land supply
1	Enderby Wharf	477	16,479	4.88
2	Greenwich Peninsula	1,000	15,956	4.73
3	Spray Street	100	16,856	4.99
4	Various small sites	236	16,720	4.95
	<b>Total</b>	1,813	15,143	4.49

- 15.195 Before addressing the detail of the 5YHLS, during the course of the Inquiry the government issued revised Housing Delivery Test results for 2018/19. The appellant argued that these reinforced their concerns regarding the continuing failure of the Council to deliver against their housing targets and raised concerns over their ability to forecast delivery in future years and so brought into question their anticipated supply. They argued the figures supported their contention regarding the weight to be given to the housing elements of the appeal proposal.
- 15.196 The Council considered that the results did not alter the assessment required for the 5YHLS, nor did the results trigger either a change to the buffer or the direct requirement to adopt the presumption in favour of housing land supply. Charlton Together also responded expressing a view that the existing figures should stand.<sup>369</sup>
- 15.197 The Housing Delivery Test does reinforce the significant need to support housing delivery in the Borough, but it does not fundamentally alter the nature of the test required to apply the presumption in favour of sustainable development. I fully accept that it suggests that the need for housing is growing even greater and have accounted for this in my assessment of the weight to be given to that aspect of the scheme.
- 15.198 Turning to the contended 5YHLS. Updates to the Framework on the deliverability of sites have been introduced. Sites with detailed planning permission should be considered deliverable unless there is clear evidence that homes will not be delivered. There is now a requirement that the Council provide clear evidence that sites with outline permission, permission in principle, allocations in the development plan and sites on the brownfield register will provide completions within the 5 years. However, I accept that this cannot be considered an exact science and the Council are mostly reliant on the actions of others to actually deliver the housing.

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<sup>369</sup> ID37, 38 and 39

Consequently, it is important that the first part of the definition in the Framework has not changed, and I consider that the clear evidence required goes towards showing that there is a reasonable prospect of delivery.

15.199 Turning to the 4 components of the supply in question.

*Enderby Place*

15.200 This is a site that has a detailed planning permission but has recently changed hands. The scheme included a cruise ship terminal, which is now neither wanted nor supported by the Council. Accordingly the appellant argues that in the absence of a new planning permission, there can be no reassurance on delivery or even an understanding of the units that would be delivered.

15.201 The Council emphasise that the site has full and implemented planning permission, is cleared and is ready for development. They confirmed that they are supportive of the removal of the terminal from the plans and can see no reason why, even were a new permission to be sought, the quantum of housing would not be delivered on the site within 5 years.

15.202 I accept that with a planning permission, clear evince is required to show the site would not go ahead. While a new permission may be sought, there would appear to be no restriction on the delivery of housing under the existing permission, with the S106 confirmed as restricting only occupation prior to delivery of the terminal. Circumstances would support that even with a delay to secure a new permission, the site should be capable of delivering against expectation and no clear evidence is provided that homes would not be delivered. The 477 units should stay within the supply.

*Greenwich Peninsular*

15.203 The supply anticipates 1000 dwellings from this site in year 5. However, permission has lapsed, and a new hybrid planning permission is yet to be determined. The appellant does not challenge that housing will be delivered over time, but that evidence, including an email from the developer, does not suggest delivery of the scale anticipated by the Council, and will not result in the 1000 units coming forward within the 5 year period.

15.204 The Council argue that the hybrid application seeks a significant uplift in numbers and that delivery rates across Greenwich Peninsular have shown that 1000 dwellings from this site would be readily achievable. The site is reported to have been decontaminated, cleared and ready to develop with a masterplan in place and the detailed parameter plans and other guidelines attached to the 2015 permission remain valid.

15.205 The email from the developer<sup>370</sup> actually states that their current delivery plan is for a lower number than the Council report, nonetheless it

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<sup>370</sup> ID11 Housing SoCG Appendix 7

indicates that subject to approval of the planning permission they would seek to increase the rate of delivery to that sought. The site is therefore one where the Council have to demonstrate a realistic prospect of houses being delivered.

15.206 There does not appear to be any impediment to a continuation of the masterplan delivery through a grant of permission and reserved matters, and the Council confirmed that this scheme was part of a larger partnership scheme between housing and affordable housing providers, giving greater reassurance of delivery and an incentive in relation to grant availability to 2021/22. They argue that the figure of 1000 is a conservative one for the whole area as the expectation is higher and historic delivery rates on the Peninsular have exceed 1000 dpa.

15.207 This is part of a large site and an important one in terms of housing delivery in London, with evidence of investment from the GLA in addressing infrastructure and contamination issues. To suggest that housing will be so delayed as to represent the loss of 1000 units seems to underestimate the opportunities of housing delivery on this site. There would appear to be strong drivers to complete the approvals for the hybrid application and little impediment to the delivery of housing at significant build out rates on this site. The supply details delivery in years 4 and 5, and I consider that on balance the Council have shown there would be a reasonable prospect of this being achieved.

#### *Spray Street*

15.208 The supply identifies 100 units in year 5. Although a planning application and masterplan are reported to have been in place, the recent listing of the covered market, located within the scheme, is considered by the appellant to represent a significant impact on any proposed scheme<sup>371</sup>. Further, the appellant considers that the land is not fully assembled and there is a risk of a Compulsory Purchase Order (CPO) being needed; as a result they suggest that there would be no reasonable prospect of the delivery of housing within the 5 year period.

15.209 The Council accept that the listing of the market would require some alteration to the original proposed scheme, but identify that it is being progressed as a joint venture with an operator on board actively seeking to promote the development. The Council are landowners of the market and have confidence that even were a CPO to be necessary this could be delivered well within the required period to meet the conservative delivery of 100 of the proposed 742 units, although they accept that numbers will be less because of the listing.

15.210 This is another scheme where the Council have to demonstrate a reasonable prospect of delivery. Housing from brownfield sites such as this are an important component of supply in London, the question is whether there is sufficient time to assemble the land to deliver the planning aspirations on the site within the 5 year period. I am concerned that I have

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<sup>371</sup> ID15 – Sprayt Street Quarter Masterplan extract

no evidence on the requirement for, or the programme for delivery of a CPO in this site to enable delivery. It strikes me that in absence of that and the delays that must be associated with the plan revisions necessary to allow for a compatible scheme to address the significance of the heritage asset now listed, some very significant delays are likely in progressing housing on this site. Despite the identified limited delivery in year 5, I consider that on the evidence before me, the Council are currently unable to show a reasonable prospect of delivery and this site should be excluded from the supply.

#### *Small Sites*

15.211 These are identified in the supply to deliver 350 units over the 5 years. The appellant has suggested that these represent double counting with an agreed amount already set for windfall allowance from small sites across the period. The appellant suggests that while all 350 could be discounted, taking account of potential additional delivery, a realistic alternate figure of 236 should be removed.

15.212 The Council argue that the windfall allowance is based on historic levels of small sites coming forward and that this specific initiative is targeting Council-owned sites that were not previously available and would not generally be attractive to the market. The programme includes dedicated funding, including officer support. While they accept some may have come forward without this support, and historic trends suggest Council sites to be about 8 per year, the others would not have come to market without the programme and therefore should be considered as an addition to the supply.

15.213 I can understand the argument that if a small site allowance is already included, then further small sites should not be counted as they would have progressed to delivery in any case. Nonetheless, I consider that the Council have shown that the programme is unlocking sites that would not have been available, or have had a realistic prospect of the delivery, without this dedicated resource and funding, and also potentially significantly increasing their likelihood of delivery within the 5 year period. Consequently, I consider that the Council have shown sufficient evidence that this represents a new component of delivery, and a realistic prospect of delivering homes, and should therefore be counted in the supply.

#### *Conclusion on 5YHLS*

15.214 Taking my findings and applying them to the Council's HLS assessment suggests that the removal of 100 units is sufficient to conclude that the Council are unable to demonstrate a 5YHLS. There are always uncertainties in any such calculation, and I take the point that the Council consider they have been conservative in the overall appraisal of supply. Nonetheless, on this basis the Council could be considered to have a supply of 4.99 years. Even were I to have found that all of the contested sites were to be excluded, the worst case scenario would have been a supply of 4.49 years.

15.215 Paragraph 73 set a simple test on which to assess this, and a supply of between 4.49 and 4.99 years results in the application of the presumption set out in paragraph 11 d) ii). However, the situation here is more complex. The shortfall I have identified is very small and perhaps of more importance, it is fully acknowledged that the draft London Plan is likely to be adopted either during or shortly after the decision that needs to be taken on this appeal. It is accepted that on adoption, the revised housing targets in the draft London Plan will result in there being a demonstrable 5YHLS in the Borough, irrespective of conclusions on the components set out above.

15.216 In such circumstances, alternate approaches are necessary, which are set out in my recommendations below.

## **16. Inspector's Recommendations**

16.1 In the circumstances where the Council is unable to demonstrate a 5YHLS, be that 4.49 or 4.99 years, and the presumption in favour of sustainable development applies, my recommendation is that the substantial harm I have identified would significantly and demonstrably outweigh the significant benefits found in relation to housing delivery and other benefits.

16.2 In the circumstances where the SofS disagrees with my assessment on land supply and considers that the Council can demonstrate a 5YHLS, then the harm would clearly outweigh the benefits I have identified.

16.3 Similarly, in the circumstances where the draft London Plan has progressed to adoption, I would recommend that the Council can demonstrate a 5YHLS and the harm would clearly outweigh the benefits I have identified.

16.4 Consequently, in all circumstances I would recommend that the proposal would therefore fail to comply with the development plan as a whole, and in absence of any material considerations sufficient to outweigh this conflict, that the appeal should be dismissed

16.5 Nonetheless, if the Secretary of State is minded to disagree with my recommendations, Annex 2 lists the conditions that I consider should be attached to any permission granted.

*Mike Robins*

INSPECTOR

## APPENDIX 1: APPEARANCES

FOR THE GREATER LONDON AUTHORITY:	
Ms Isabella Tafur of Counsel	Instructed by the Greater London Authority
She called	
Mr Matthieu Proctor BA(Hons) BDesArch. MLA MAUD AssocRTPI	Design - Team Leader Growth Strategies and Urban Design
Dr Yoyou Liu PhD BME MEng	Noise Consultant - Regional Director of Acoustics, AECOM
Ms Vanessa Harrison BA(Hons) MA MRTPI	Planning Matters - Principle Strategic Planner

FOR THE APPELLANT:	
Mr Timothy Corner QC	Instructed by Dentons
He called	
Mr Ian Simpson BA(Hons) Comm DipArch(Dist) RIBA FRSA	Design- Simpson Haugh Architects
Mr Peter Stewart MA(Cantab) DipArch RIBA	Design/Townscape – Peter Stewart Consultancy
Mr John Barnes BSc PGDip	Daylight and Sunlight Matters – EB7
Mr Craig Barsun BEng(Hons) Electroacoustics MIOA	Noise Matters – Ramboll UK Ltd
Mr Colin Whyte BEng(Hons) MCIHT	Highway Matters – Transport Planning Practice
Mr John Rhodes OBE BSc Estate Management MRICS	Planning Matters - Quod

FOR THE ROYAL BOROUGH OF GREENWICH:	
Miss Melissa Murphy of Counsel & Miss Caroline Daly of Counsel	Instructed by Legal Services Royal Borough of Greenwich
She called	
Ms Elizabeth Adams AADip ARB RIBA	Design – Director - Adams and Sutherland Ltd
Mr Ryan Bunce MSc	Highway Matters – Transport Strategy Manager
Mr Nigel Mann BSc MSc MIOA AMIEMA	Noise Matters – Director – WYG
Mr Kingsley Otubushin BA(Hons)	Business Engagement Manager
Ms Karen Montgomerie BEng MSc	Housing Supply - Planning Policy Manager
Mr Ben Oates BRTTP	Planning Matters - Principle Planning Officer

FOR CHARLTON TOGETHER:
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Jodie Coughlan
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Emma Coperman
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David Geyther
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Rick Newman
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Roden Richardson
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Philip Connolly
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Justine Fisher
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Lindsay Barnett
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INTERESTED PERSONS:
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Mr Pennycook MP	Member of Parliament for Greenwich and Woolwich
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Mr Tilbrook	Local Business/Studio Owner
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Mr Jackson	Ropery Business Park
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Ms Fisher	Local Resident
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Mr Picton	Former Councillor and Local Resident
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Councillor Thorpe	Council Leader – Royal Borough of Greenwich
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Councillor Gardner	Council Deputy Leader – Royal Borough of Greenwich
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Ms Pound	Local Resident
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Ms Jakeways	Local Resident
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## APPENDIX 2: CONDITIONS

- 1) This development must be commenced within three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

<b>Proposed drawings</b>	
<b>Site plans</b>	
10046-A-DRG-Z0-G000-2030-PL-RS Site Location Plan - Proposed Roof A0 1:1000 - C	10046-A-DRG-Z0-G100-0001-PL-RS General Site View Rev C
10046-A-DRG-Z0-G100-0002-PL-RS Navigation Plan Rev C	10046-A-DRG-Z0-G100-2000-PL-RS GA Plan - Site - Ground Floor Rev E
10046-A-DRG-Z0-G100-2001-PL-RS GA Plan - Site - Level 01 Rev C	10046-A-DRG-Z0-G100-2002-PL-RS GA Plan - Site - Level 02 Rev D
10046-A-DRG-Z0-G100-2003-PL-RS GA Plan - Site - Level 03 Rev D	10046-A-DRG-Z0-G100-2004-PL-RS GA Plan - Site - Level 04 Rev D
10046-A-DRG-Z0-G100-2005-PL-RS GA Plan - Site - Level 05 Rev D	10046-A-DRG-Z0-G100-2006-PL-RS GA Plan - Site - Level 06 Rev D
10046-A-DRG-Z0-G100-2007-PL-RS GA Plan - Site - Level 07 Rev D	10046-A-DRG-Z0-G100-2008-PL-RS GA Plan - Site - Level 08 Rev D
10046-A-DRG-Z0-G100-2009-PL-RS GA Plan - Site - Level 09 Rev D	10046-A-DRG-Z0-G100-2030-PL-RS GA Plan - Site - Roof Plan Rev D
10046-A-DRG-Z0-G100-2099-PL-RS GA Plan - Site - Basement Rev D	10046-A-DRG-Z0-G100-2130-PL-RS GA Plan - Site - Future road Rev B (Indicative)
10046-A-DRG-Z1-G100-2099-PL-RS GA Plan - Plot A - Site - Basement 1 Rev D	10046-A-DRG-Z2-G100-2099-PL-RS GA Plan - Plot B - Site - Basement 1 Rev B
10046-A-DRG-Z2-G100-2000-PL-RS GA Plan - Plot B - Site - Ground Floor Rev E	10046-A-DRG-Z2-G100-2001-PL-RS GA Plan - Plot B - Site - First Floor Rev C

10046-A-DRG-Z2-G100-2130-PL-RS GA Plan - Plot B - Site - Future road Rev B (Indicative)	10046-A-DRG-A-G200-2000-PL-RS Building A - Plot A - Level 00 Rev A
10046-A-DRG-A-G200-2001-PL-RS Building A - Plot A - Level 01 Rev A	10046-A-DRG-A-G200-2002-PL-RS Building A - Plot A - Apartment Layouts - Level 02 Rev C
10046-A-DRG-A-G200-2003-PL-RS Building A - Plot A - Apartment Layouts - Level 03 Rev C	10046-A-DRG-A-G200-2004-PL-RS Building A - Plot A - Apartment Layouts - Level 04 Rev C
10046-A-DRG-A-G200-2005-PL-RS Building A - Plot A - Apartment Layouts - Level 05 Rev C	10046-A-DRG-A-G200-2006-PL-RS Building A - Plot A - Apartment Layouts - Level 06 Rev C
10046-A-DRG-A-G200-2007-PL-RS Building A - Plot A - Apartment Layouts - Level 07 Rev C	10046-A-DRG-A-G200-2008-PL-RS Building A - Plot A - Apartment Layouts - Level 08 Rev C
10046-A-DRG-A-G200-2009-PL-RS Building A - Plot A - Apartment Layouts - Level 09 Rev B	10046-A-DRG-A-G200-2030-PL-RS Building A - Plot A - Roof Plan - Roof Rev A
10046-A-DRG-B-G200-2000-PL-RS Building B - Plot A - Level 00 Rev C	10046-A-DRG-B-G200-2001-PL-RS Building B - Plot A - Level 01 Rev B
10046-A-DRG-B-G200-2002-PL-RS Building B - Plot A - Apartment Layouts - Level 02 Rev C	10046-A-DRG-B-G200-2003-PL-RS Building B - Plot A - Apartment Layouts - Level 03 Rev C
10046-A-DRG-B-G200-2004-PL-RS Building B - Plot A - Apartment Layouts - Level 04 Rev C	10046-A-DRG-B-G200-2005-PL-RS Building B - Plot A - Apartment Layouts - Level 05 Rev C
10046-A-DRG-B-G200-2006-PL-RS Building B - Plot A - Apartment Layouts - Level 06 Rev C	10046-A-DRG-B-G200-2007-PL-RS Building B - Plot A - Apartment Layouts - Level 07 Rev C
10046-A-DRG-B-G200-2008-PL-RS Building B - Plot A - Apartment Layouts - Level 08 Rev C	10046-A-DRG-B-G200-2009-PL-RS Building B - Plot A - Apartment Layouts - Level 09 Rev C
10046-A-DRG-B-G200-2030-PL-RS Building B - Plot A - Roof Plan - Roof Rev A	10046-A-DRG-C-G200-2000-PL-RS Building C - Plot A - Level 00 Rev A
10046-A-DRG-C-G200-2001-PL-RS Building C - Plot A - Level 01 Rev A	10046-A-DRG-C-G200-2002-PL-RS Building C - Plot A - Apartment Layouts - Levels 02 Rev C

10046-A-DRG-C-G200-2003-PL-RS Building C - Plot A - Apartment Layouts - Level 03 Rev C	10046-A-DRG-C-G200-2004-PL-RS Building B - Plot A - Apartment Layouts - Level 04 Rev C
10046-A-DRG-C-G200-2005-PL-RS Building B - Plot A - Apartment Layouts - Level 05 Rev C	10046-A-DRG-C-G200-2006-PL-RS Building B - Plot A - Apartment Layouts - Level 06 Rev C
10046-A-DRG-C-G200-2007-PL-RS Building B - Plot A - Apartment Layouts - Level 07 Rev C	10046-A-DRG-C-G200-2008-PL-RS Building C - Plot A - Apartment Layouts - Level 08 Rev B
10046-A-DRG-C-G200-2009-PL-RS Building C - Plot A - Apartment Layouts - Level 09 Rev C	10046-A-DRG-C-G200-2030-PL-RS Building C - Plot A - Roof Plan - Roof Rev B
10046-A-DRG-D-G200-2000-PL-RS Building D - Plot A - Level 00 Rev C	10046-A-DRG-D-G200-2001-PL-RS Building D - Plot A - Level 01 Rev C
10046-A-DRG-D-G200-2002-PL-RS Building D - Plot A - Apartment Layouts - Level 02 Rev B	10046-A-DRG-D-G200-2003-PL-RS Building D - Plot A - Apartment Layouts - Level 03 Rev B
10046-A-DRG-D-G200-2004-PL-RS Building D - Plot A - Apartment Layouts - Level 04 Rev B	10046-A-DRG-D-G200-2005-PL-RS Building D - Plot A - Apartment Layouts - Level 05 Rev B
10046-A-DRG-D-G200-2006-PL-RS Building D - Plot A - Apartment Layouts - Level 06 Rev B	10046-A-DRG-D-G200-2007-PL-RS Building D - Plot A - Apartment Layouts - Level 07 Rev A
10046-A-DRG-D-G200-2008-PL-RS Building D - Plot A - Apartment Layouts - Level 08 Rev A	10046-A-DRG-D-G200-2009-PL-RS Building D - Plot A - Apartment Layouts - Level 09 Rev A
10046-A-DRG-D-G200-2030-PL-RS Building D - Plot A - Roof Plan - Roof Rev A	10046-A-DRG-EF-G200-2000-PL-RS Building EF - Plot A - Level 00 Rev B
10046-A-DRG-EF-G200-2001-PL-RS Building EF - Plot A - Level 01 Rev B	10046-A-DRG-EF-G200-2002-PL-RS Building EF - Plot A - Apartment Layouts - Level 02 Rev B
10046-A-DRG-EF-G200-2003-PL-RS Building EF - Plot A - Apartment Layouts - Level 03 Rev B	10046-A-DRG-EF-G200-2004-PL-RS Building EF - Plot A - Apartment Layouts - Level 04 Rev B
10046-A-DRG-EF-G200-2005-PL-RS Building EF - Plot A - Apartment Layouts - Level 05 Rev B	10046-A-DRG-EF-G200-2006-PL-RS Building EF - Plot A - Apartment Layouts - Level 06 Rev B

10046-A-DRG-EF-G200-2007-PL-RS Building EF - Plot A - Apartment Layouts - Level 07 Rev B	10046-A-DRG-EF-G200-2008-PL-RS Building EF - Plot A - Apartment Layouts - Level 08 Rev C
10046-A-DRG-EF-G200-2009-PL-RS Building EF - Plot A - Apartment Layouts - Level 09 Rev A	10046-A-DRG-EF-G200-2030-PL-RS Building EF - Plot A - Roof Plan - Roof Rev B
10046-A-DRG-G-G200-2000-PL-RS Building G - Plot A - Level 00 Rev C	10046-A-DRG-G-G200-2001-PL-RS Building G - Plot A - Level 01 Rev B
10046-A-DRG-G-G200-2002-PL-RS Building G - Plot A - Apartment Layouts Rev B	10046-A-DRG-G-G200-2003-PL-RS Building G - Plot A - Apartment Layouts - Levels 03 Rev B
10046-A-DRG-G-G200-2030-PL-RS Building G - Plot A - Roof Plan - Roof Rev B	10046-A-DRG-H-G200-2000-PL-RS Building H - Plot A - Level 00 Rev C
10046-A-DRG-H-G200-2001-PL-RS Building H - Plot A - Level 01 Rev V	10046-A-DRG-H-G200-2002-PL-RS Building H - Plot A - Apartment Layouts - Level 02 Rev C
10046-A-DRG-H-G200-2003-PL-RS Building H - Plot A - Apartment Layouts - Level 03 Rev C	10046-A-DRG-H-G200-2030-PL-RS Building H - Plot A - Roof Plan - Roof Rev B
10046-A-DRG-J-G200-2000-PL-RS Building J - Plot B - Level 00 Rev D	10046-A-DRG-J-G200-2001-PL-RS Building J - Plot B - Level 01 Rev B
10046-A-DRG-J-G200-2002-PL-RS Building J - Plot B - Apartment Layouts - Level 02 Rev D	10046-A-DRG-J-G200-2003-PL-RS Building J - Plot B - Apartment Layouts - Level 03 Rev B
10046-A-DRG-J-G200-2004-PL-RS Building J - Plot B - Apartment Layouts - Level 04 Rev C	10046-A-DRG-J-G200-2030-PL-RS Building J - Plot B - Roof Plan - Roof Rev A
10046-A-DRG-KL-G200-2000-PL-RS Building KL - Plot B - Level 00 Rev B	10046-A-DRG-KL-G200-2001-PL-RS Building KL - Plot B - Level 01 Rev C
10046-A-DRG-KL-G200-2002-PL-RS Building KL - Plot B - Apartment Layouts - Level 02 Rev C	10046-A-DRG-KL-G200-2003-PL-RS Building KL - Plot B - Apartment Layouts - Level 03 Rev C
10046-A-DRG-KL-G200-2004-PL-RS Building KL - Plot B - Apartment Layouts - Level 04 Rev C	10046-A-DRG-KL-G200-2005-PL-RS Building KL - Plot B - Apartment Layouts - Level 05 Rev C

10046-A-DRG-KL-G200-2006-PL-RS Building KL - Plot B - Apartment Layouts - Level 06 Rev C	10046-A-DRG-KL-G200-2007-PL-RS Building KL - Plot B - Apartment Layouts - Level 07 Rev B
10046-A-DRG-KL-G200-2008-PL-RS Building KL - Plot B - Apartment Layouts - Level 08 Rev B	10046-A-DRG-KL-G200-2009-PL-RS Building KL - Plot B - Apartment Layouts - Level 09 Rev B
10046-A-DRG-KL-G200-2030-PL-RS Building KL - Plot B - Roof Plan - Roof Rev A	10046-A-DRG-MN-G200-2000-PL-RS Building MN - Plot B - Level 00 Rev C
10046-A-DRG-MN-G200-2001-PL-RS Building MN - Plot B - Level 01 Rev D	10046-A-DRG-MN-G200-2002-PL-RS Building MN - Plot B - Apartment Layouts - Level 02 Rev D
10046-A-DRG-MN-G200-2003-PL-RS Building MN - Plot B - Apartment Layouts - Level 03 Rev D	10046-A-DRG-MN-G200-2004-PL-RS Building MN - Plot B - Apartment Layouts - Level 04 Rev D
10046-A-DRG-MN-G200-2005-PL-RS Building MN - Plot B - Apartment Layouts - Level 05 Rev D	10046-A-DRG-MN-G200-2006-PL-RS Building MN - Plot B - Apartment Layouts - Level 06 Rev D
10046-A-DRG-MN-G200-2007-PL-RS Building MN - Plot B - Apartment Layouts - Level 07 Rev C	10046-A-DRG-MN-G200-2008-PL-RS Building MN - Plot B - Apartment Layouts - Level 08 Rev D
10046-A-DRG-MN-G200-2009-PL-RS Building MN - Plot B - Apartment Layouts -  Level 09 Rev D	10046-A-DRG-MN-G200-2030-PL-RS Building MN - Plot B - Roof Plan - Roof Rev B
10046-A-DRG-O- G200-2000-PL-RS Building O - Plot B - Level 00 Rev B	10046-A-DRG-O-G200-2001-PL-RS Building O - Plot B - Level 01 Rev A
10046-A-DRG-O-G200-2002-PL-RS Building O - Plot B - Apartment Layouts - Level 02 Rev A	10046-A-DRG-O-G200-2003-PL-RS Building O - Plot B - Apartment Layouts - Level 03 Rev A
10046-A-DRG-O-G200-2004-PL-RS Building O - Plot B - Apartment Layouts - Level 04 Rev A	10046-A-DRG-O-G200-2005-PL-RS Building O - Plot B - Apartment Layouts - Level 05 Rev A
10046-A-DRG-O-G200-2006-PL-RS Building O - Plot B - Apartment Layouts - Level 06 Rev A	10046-A-DRG-O-G200-2007-PL-RS Building O - Plot B - Apartment Layouts - Level 07 Rev A

10046-A-DRG-O-G200-2008-PL-RS Building O - Plot B - Apartment Layouts - Level 08 Rev	10046-A-DRG-O-G200-2009-PL-RS Building O - Plot B - Apartment Layouts - Level 09 Rev A
10046-A-DRG-O-G200-2030-PL-RS Building O - Plot B - Roof Plan - Roof Rev A	10046-A-DRG-Z0-G200-5001-PL-RS Wheelchair Accessible Apartments - Building A Rev B
10046-A-DRG-Z0-G200-5002-PL-RS Wheelchair Accessible Apartments - Building B Rev B	10046-A-DRG-Z0-G200-5003-PL-RS Wheelchair Accessible Apartments - Building B Rev B
10046-A-DRG-Z0-G200-5004-PL-RS Wheelchair Accessible Apartments - Building C Rev B	10046-A-DRG-Z0-G200-5005-PL-RS Wheelchair Accessible Apartments - Building D Rev B
10046-A-DRG-Z0-G200-5006-PL-RS Wheelchair Accessible Apartments - Building EF Rev B	10046-A-DRG-Z0-G200-5010-PL-RS Wheelchair Accessible Apartments - Building KL Rev A
10046-A-DRG-Z0-G200-5101-PL-RS Typical Apartment - 1 Bed	10046-A-DRG-Z0-G200-5102-PL-RS Typical Apartment - 2 Bed
10046-A-DRG-Z0-G200-5103-PL-RS Typical Apartment - 3 Bed	10046-A-DRG-Z0-G200-5104-PL-RS Typical Apartment - 3 Bed Townhouse
10046-A-DRG-Z0-G200-5105-PL-RS Typical Apartment - Duplex	10046-A-DRG-A-F900-2000-PL-RS Building A- Unit Matrix Rev C
10046-A-DRG-B-F900-2000-PL-RS Building B - Unit Matrix Rev C	10046-A-DRG-C-F900-2000-PL-RS Building C - Unit Matrix Rev C
10046-A-DRG-D-F900-2000-PL-RS Building D - Unit Matrix Rev C	10046-A-DRG-EF-F900-2000-PL-RS Building EF - Unit Matrix Rev C
10046-A-DRG-G-F900-2000-PL-RS Building G - Unit Matrix Rev C	10046-A-DRG-H-F900-2000-PL-RS Building H- Unit Matrix Rev C
10046-A-DRG-J-F900-2000-PL-RS Building J - Unit Matrix Rev E	10046-A-DRG-KL-F900-2000-PL-RS Building KL - Unit Matrix Rev C
10046-A-DRG-MN-F900-2000-PL-RS Building MN - Unit Matrix Rev D	10046-A-DRG-O-F900-2000-PL-RS Building O - Unit Matrix Rev B
Exa_1752_001 ILLUSTRATIVE LANDSCAPE PLAN Rev D	Exa_1752_010 LANDSCAPE LEGEND Rev B

Exa_1752_100 GA LANDSCAPE GROUND FLOOR PLAN Rev D	Exa_1752_101 Rev A GA GROUND FLOOR SHEET 1 OF 2 Rev D
Exa_1752_102 Rev A GA GROUND FLOOR SHEET 2 OF 2 Rev B	Exa_1752_112 GA PODIUM PLOT B Rev C
Exa_1752_121 GA ROOF TERRACE PLOT A BLOCKS A, B & C Rev C	Exa_1752_122 GA ROOF TERRACE PLOT A BLOCKS K & L Rev C
Exa_1752_200 PLANTING SCHEDULES AND SPECIFICATION Rev D	Exa_1752_201 PLANTING PLAN GROUND FLOOR SHEET 1 OF 2 Rev D
Exa_1752_202 PLANTING PLAN GROUND FLOOR SHEET 2 OF 2 Rev B	Exa_1752_212 PLANTING PLAN PODIUM PLOT B Rev B
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<b>Proposed Sections</b> 10046-A-DRG-Z1-G100-3001-PL-RS GA Section - Plot A - Section 1 & 2 Rev B	10046-A-DRG-Z2-G100-3001-PL-RS GA Section - Plot B - Section 1 & 2 Rev C
<b>Proposed Elevations</b>	
10046-A-DRG-Z0-G100-4001-PL-RS GA Elevation - Proposed - Site Elevations North & South Rev D	10046-A-DRG-Z0-G100-4002-PL-RS GA Elevation - Proposed - Site Elevations East & West Rev D
10046-A-DRG-Z1-G100-4001-PL-RS GA Elevation - Plot A - Elevation 01 - North Elevation, East Elevation Rev B	10046-A-DRG-Z1-G100-4002-PL-RS GA Elevation - Plot A - Elevation 02 - South Elevation, West Elevation Rev B

10046-A-DRG-Z1-G100-4003-PL-RS GA Elevation - Plot A - Elevation 03 - Internal site Elevation 1 & 2 Rev B	10046-A-DRG-Z1-G100-4004-PL-RS GA Elevation - Plot A - Elevation 04 - Internal site Elevation 3 & 4 Rev B
10046-A-DRG-Z2-G100-4001-PL-RS GA Elevation - Plot B - Elevation 01 - North Elevation, East Elevation Rev D	10046-A-DRG-Z2-G100-4002-PL-RS GA Elevation - Plot B - Elevation 02 - South Elevation, West Elevation Rev D
10046-A-DRG-Z2-G100-4003-PL-RS GA Elevation - Plot B - Elevation 03 - Internal site Elevation Rev D	10046-A-DRG-A-G200-4000-PL-RS GA Elevation - Plot A - Façade Elevation - Building A Rev B
10046-A-DRG-B-G200-4000-PL-RS GA Elevation - Plot A - Façade Elevation - Building B Rev B	10046-A-DRG-C-G200-4000-PL-RS GA Elevation - Plot A - Façade Elevation - Building C Rev B
10046-A-DRG-D-G200-4000-PL-RS GA Elevation - Plot A - Façade Elevation - Building D Rev B	10046-A-DRG-EF-G200-4000-PL-RS GA Elevation - Plot A - Façade Elevation - Building EF Rev B
10046-A-DRG-G-G200-4000-PL-RS GA Elevation - Plot A - Façade Elevation - Building G Rev B	10046-A-DRG-H-G200-4000-PL-RS GA Elevation - Plot A - Façade Elevation - Building H Rev B
10046-A-DRG-J-G200-4000-PL-RS GA Elevation - Plot B - Façade Elevation - Building J Rev D	10046-A-DRG-KL-G200-4000-PL-RS GA Elevation - Plot B - Façade Elevation - Building KL Rev B
10046-A-DRG-MN-G200-4000-PL-RS GA Elevation - Plot B - Façade Elevation - Building MN Rev D	10046-A-DRG-O-G200-40001-PL-RS GA Elevation - Plot B - Façade Elevation - Building O Rev A
<b>Supporting documents</b>	<b>Date</b>
Design and Access Statement	December 2017
Design and Access Statement Addendum	December 2018
Landscape and Biodiversity DAS Addendum	December 2018
Environmental Statement	December 2017
Environmental Statement Non-Technical Summary	December 2017
Addendum Environmental Statement	December 2018
Addendum Environmental Statement Non- Technical Summary	December 2018
Planning Statement	December 2016

Planning Statement Addendum	December 2017
Statement of Community Involvement	December 2016
Statement of Community Involvement	March 2018
Transport Assessment	December 2017
Transport Assessment Addendum	December 2018
Employment Strategy	December 2016
Energy Statement	December 2018
Sustainability Statement	December 2016
Sustainability Statement Addendum	December 2017
BREEAM Pre-Assessment December	December 2016
BREEAM Pre-Assessment Addendum	December 2017
Internal Daylight and Sunlight Report	December 2018
Utilities Assessment	December 2017
Arboricultural Impact Assessment	December 2016

- 3) Prior to the commencement of the development, a detailed phasing plan shall be submitted to, and approved in writing by, the Local Planning Authority. The phasing of the development shall be carried out in accordance with the approved Phasing Plan unless a further plan is subsequently submitted and approved by the Local Planning Authority.
- 4) No amendments to approved plans will be accepted unless:
  - a) The Local Planning Authority first determines in writing that there is not likely to be a significant adverse environmental effect arising from the proposed amendments in comparison with the plans already subjected to environmental impact assessment and approved by this permission; or
  - b) The submission for amendment has been accompanied by a supplementary Environmental Impact Assessment or supporting environmental compliance review assessing the likely significant environmental effects of the amendments proposed in comparison with the plans already subjected to environmental impact assessment and the application has been appraised in accordance with the procedure set out in the Town & Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended in 2015) , as if the Regulations applied to the application to amend under this condition as they would apply to an application under Section 73 of the Town & Country Planning Act 1990 (as amended).
- 5) The development shall be carried out in accordance with the mitigation measures set out in Table 14.1 of the Revised Environmental Statement (reference 1700001114 Issue: Final) submitted in December 2017 together with the Environmental Implications Letter dated 13 April 2018 and whenever the Local Planning Authority is requested to approve a variation to those mitigation measures or a non-material or minor amendment as provided by planning procedures, it shall only do so if it is satisfied that the

proposed variation or amendment would not have any significant environmental effects which have not been assessed in the Environmental Statement.

- 6) The maximum amount of development as set out in the Revised Environmental Statement (reference 1700001114 Issue: Final) submitted in December 2017 together with the Environmental Implications Letters dated 21 February 2018, and 13 April 2018 shall not exceed 771 residential units and the maximum limits within each of the respective use classes included in Condition 7.
- 7) The maximum floor space hereby permitted within each respective use class shall not exceed 62,343 sqm (GIA) (Use Class C3) for 771 dwellings, 4,080 sqm (GIA) of non-residential floor space comprising 834sqm (GIA) flexible community space (Class D1/ D2/ ancillary C3) and 3,097 sqm (GIA) flexible commercial space (Class B1) and 149sqm (GIA) of retail space (Class A1 / A3).
- 8) Notwithstanding the details shown on the plans, hereby approved, prior to the commencement of the development (other than demolition, site clearance and ground works):
  - a) details and appropriate samples of the materials to be used for the external surfaces of the buildings and hard surfaced areas including details of change in elevational treatment shall have been submitted to and approved in writing by the Local Planning Authority; and
  - b) sample panels shall be constructed on site of building materials and hard surfacing, to be inspected and approved in writing by the Local Planning Authority;
  - c) details of the following features and elements of the scheme must be submitted to Local Planning Authority and approved by the Local Planning Authority in writing:
    - i. Brick bonding and brick and cladding detailing (annotated plans at a scale of not less than 1:20 unless otherwise agreed in writing with the Local Planning Authority).
    - ii. External windows, balconies, winter gardens, doors, screens, louvres and balustrading (annotated plans at a scale of not less than 1:10 unless otherwise agreed in writing with the Local Planning Authority).
    - iii. Depth of window reveals, colonnades and soffits (annotated plans at a scale of not less than 1:20 unless otherwise agreed in writing with the Local Planning Authority).
    - iv. Rainwater goods (annotated plans at a scale of not less than 1:10 unless otherwise agreed in writing with the Local Planning Authority).
    - v. external plan
    - vi. Shop fronts, entrances and openings (annotated plans at a scale of not less than 1:20 unless otherwise agreed in writing with the Local Planning Authority).

The development shall be implemented in full accordance with the approved details prior to the first occupation of the development hereby approved.

- 9) Prior to the commencement of the development, other than demolition and groundworks, details relating to the design of all residential entrances shall be submitted to and agreed in writing by the Local Planning Authority.

The agreed measures shall be implemented prior to the first occupation of the development and retained for the lifetime of the development.

- 10) Notwithstanding the approved plans and documents, prior to the commencement of the development, a demolition method statement shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of the following:
- Site hoarding (including details of how this will address adverse wind effects during the construction phase);
  - Works of demolition shall be carried out during normal working hours, i.e. 0800 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays, with no noisy working audible at the site boundary being permitted on Sundays or Bank Holidays;
  - Haulage routes;
  - A noise and vibration management plan shall include, but not be limited to, details of:
    - Likely noise levels to be generated from plant
    - Measures of minimizing the impact of noise and, if appropriate, vibration arising from demolition activities;
    - Predicted noise and, if appropriate, vibration levels for demolition using methodologies and at locations agreed with the Local Planning Authority;
    - Scheme for monitoring noise and if appropriate vibration levels using methodologies and at points agreed with the Local Planning Authority;
    - Procedures to be put in place where agreed noise levels are exceeded and when complaints are received;
    - Where works are likely to lead to vibration impacts on surrounding residential properties, proposals for monitoring vibration and procedures to be put in place if agreed vibration levels are exceeded. Note: it is expected that vibration over 1mm/s measured as a peak particle velocity would constitute unreasonable vibration;
  - Likely dust levels to be generated and any screening measures to be employed;
  - Proposals for monitoring dust and controlling unacceptable releases; and
  - Wheel washing facilities and facilities for discharging the water.

In determining the acceptability of the method statement, the Local Planning Authority shall make reference to:

- The Councils' Construction Site Noise Code of Practice  
[http://www.royalgreenwich.gov.uk/downloads/417/pollution\\_control\\_construction\\_information\\_and\\_advice](http://www.royalgreenwich.gov.uk/downloads/417/pollution_control_construction_information_and_advice)
- The Mayor of London's 'The control of dust and emissions from construction and demolition' Best Practice Guidance  
[http://www.london.gov.uk/thelondonplan/guides/bpg/bpg\\_04.jsp](http://www.london.gov.uk/thelondonplan/guides/bpg/bpg_04.jsp) and
- BRE four-part Pollution Control Guides 'Controlling particles and noise pollution from construction sites'.

- 11) Notwithstanding the approved plans and drawings, prior to construction works commencing; a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority for a management scheme to control and minimise emissions of air pollutants attributable to the construction of the development. This should include a risk assessment and a method statement in accordance with the control of dust and

emissions from Construction and Demolition Best Practice Guidance published by the Greater London Authority:

- Site hoarding (including details of how this will address adverse wind effects during the construction phase); Works of construction shall be carried out during normal working hours, i.e. 0800 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays, with no noisy working audible at the site boundary being permitted on Sundays or Bank Holidays;
- Haulage routes;
- Predicted noise and, if appropriate, vibration levels for demolition using methodologies and at locations agreed with the Local Planning Authority;
- Scheme for monitoring noise and if appropriate vibration levels using methodologies and at points agreed with the Local Planning Authority;
- A noise and vibration management plan shall include, but not be limited to, details of:
  - Likely noise levels to be generated from plant
  - Measures of minimizing the impact of noise and, if appropriate, vibration arising from construction activities;
  - Predicted noise and, if appropriate, vibration levels for construction using methodologies and locations agreed with the Local Planning Authority;
  - Procedures to be put in place where agreed noise levels are exceeded and when complaints are received;
  - Where works are likely to lead to vibration impacts on surrounding residential properties, proposals for monitoring vibration and procedures to be put in place if agreed vibration levels are exceeded. Note: it is expected that vibration over 1mm/s measured as a peak particle velocity would constitute unreasonable vibration;
- Proposals for monitoring dust / particulates and procedures to be put in place where agreed dust / particulates levels are exceeded;
- A dust risk assessment shall be undertaken; to include dust suppression methods to be used including details of equipment during the different stages of the development;
- Site plan identifying location of site entrance, exit, wheel washing, hard standing hoarding (distinguishing between solid hoarding and other barriers such as heras and monarflex sheeting), stock piles, dust suppression, location of water supplies and location of nearest neighbouring receptors;
- Confirmation if a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation;
- Bonfire policy;
- A demolition asbestos survey;
- Proposals for monitoring dust and preventing or controlling unacceptable releases, including asbestos; and
- Wheel washing facilities, location and facilities for discharging the water.

In determining the acceptability of the method statement, the Local Planning Authority shall make reference to:

- The Councils' Construction Site Noise Code of Practice  
[http://www.royalgreenwich.gov.uk/downloads/417/pollution\\_control\\_construction\\_information\\_and\\_advice](http://www.royalgreenwich.gov.uk/downloads/417/pollution_control_construction_information_and_advice)

- BRE four-part Pollution Control Guides 'Controlling particles and noise pollution from construction sites'.
- 12) Prior to the commencement of the development hereby approved, including demolition, a Construction Logistics Plan (CLP) shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with Transport for London. The CLP shall include (but not be limited to) details of the access routes for vehicles involved in construction of the expected number of construction vehicles generated by the site and the impact upon the highway network. The applicant shall seek prior approval from TfL before submitting the CLP pursuant to this condition. The development shall in all respects be implemented in accordance with the details approved pursuant to this condition.
  - 13) Prior to the commencement of development, including demolition, a detailed site specific Demolition / Construction Travel Plan incorporating measures to promote and maximise the use of sustainable travel (including public transport, walking and cycling) and monitoring arrangements for the construction of the development shall be submitted to, and approved by, the Local Planning Authority. The Travel Plan shall in all respects be implemented in accordance with the details approved pursuant to this condition.
  - 14) No development shall commence until a Site Waste Management Plan (SWMP) has been submitted to, and approved in writing by, the Local Planning Authority. The (SWMP) shall include full details of the following:
    - Identification of the likely types and quantities of waste to be generated (including waste acceptance criteria testing to assist in confirming appropriate waste disposal options for any contaminated materials);
    - Identification of waste management options in consideration of the waste hierarchy, on and offsite options, and the arrangements for identifying and managing any hazardous wastes produced;
    - A plan for efficient materials and waste handling taking into account constraints imposed by the application site;
    - Targets for the diversion of waste from landfill;
    - Identification of waste management sites and contractors for all wastes, ensuring that contracts are in place and emphasising compliance with legal responsibilities;
    - Details of transportation arrangements for the removal of waste from the site; and
    - A commitment to undertaking waste audits to monitor the amount and type of waste generated and to determine if the targets set out in the SWMP have been achieved.

The demolition and construction operations associated with the development hereby permitted shall be carried out in strict accordance the approved SWMP.

- 15) No development shall commence until a survey in relation to unexploded ordnance has been carried out and submitted to the local planning authority together with details of proposed mitigation measures. The development shall thereafter be carried out in strict accordance with the details approved.
- 16) No development shall commence until a Basement Impact Assessment has been submitted to, and approved in writing by, the Local Planning

Authority. The Basement Impact Assessment shall include full details of the following:

- The impact of basement construction on groundwater levels and flows, including residual impacts due to the action of the basement development as an obstruction to groundwater flow;
- The likely quality of groundwater that will require management during basement excavation, and may also impact the quality of the water managed via the built basement seepage management and pumping systems.
- Details of proposed mitigation measures to address any identified impacts.

The development shall thereafter be carried out in strict accordance with the details approved.

- 17) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
- 1) A preliminary risk assessment which has identified:
    - all previous uses;
    - potential contaminants associated with those uses;
    - a conceptual model of the site indicating sources, pathways and receptors;
    - potentially unacceptable risks arising from contamination at the site.
  - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - 3) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

- 18) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.
- 19) Development shall not commence until a drainage strategy detailing any on- and/or off-site drainage works, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage

undertaker (Thames Water). Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation; and,
- iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

- 20) Development should not be commenced until impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Thames Water. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.
- 21) No demolition or development below existing ground level shall take place until a stage 1 archaeological written scheme of investigation (WSI) has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition or development below existing ground level shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the Local Planning Authority in writing. For land that is included within the stage 2 WSI, no demolition/development below existing ground level shall take place other than in accordance with the agreed stage 2 WSI which shall include:

- a) The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- b) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

- 22) No demolition or development below existing ground level shall take place until a written scheme of investigation (WSI) for geoarchaeological works has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition or development below existing ground level shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
  - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

- 23) No works (including demolition works) shall take place on site until the applicant has undertaken a programme of building recording and historic analysis of all buildings on the former Charlton Ropeworks site which considers building structure, architectural detail and archaeological evidence and this has been submitted to and approved in writing by the Local Planning Authority.

The recording shall include (but not be limited to):

- a) a photographic record;
- b) historical photographs (both external and internal) plus a record of the sources used;
- c) historical and recent drawings, map evidence and written records that record the historical development of the site;
- d) any artefacts and/ or samples or environmental evidence found during assessment and demolition;
- e) assessment and analysis; and
- f) proposals from the investigating expert for an appropriate level of publication and dissemination of the results dependent on what is found.

Upon receipt of the record, the Royal Borough of Greenwich shall disseminate it to the Greenwich Heritage Centre for its safekeeping.

- 24) No development shall commence until details of an appropriate programme of public engagement in relation to any heritage assets of archaeological interest that are found on the site, including a timetable, have been submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved programme.
- 25) No development shall take place until a Tree Protection Plan (TPP) method statement has been submitted to and approved in writing by the Local Planning Authority. The TPP should follow the recommendations set out in BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations). The TPP should clearly indicate on a dimensioned plan superimposed on the building layout plan and in a written schedule details of the location and form of protective barriers to form a construction exclusion zone, the extent and type of ground protection measures, and any additional measures needed to protect vulnerable sections of trees and

their root protection areas where construction activity cannot be fully or permanently excluded. This should also include provision for a supervised trail digging exercise to ascertain the precise location of roots along the proposed building line.

The scheme shall be implemented in accordance with the approved details.

- 26) Details of the proposed boundary treatments including gates, walls and fences shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the relevant works.

The approved boundary treatments shall be implemented prior to occupation of the buildings and retained for the lifetime of the development.

- 27) Prior to commencement of construction works on site, full details of the cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority, in consultation with TfL. Provision shall be made for a minimum of 1,400 spaces.

The submitted details shall include details of the layout of the spaces and specification for cycle stands together with details of cyclists' storage and shower provision for the non-residential uses.

All cycle parking spaces shall be provided and made available for use prior to occupation of each relevant part of the development and maintained thereafter.

- 28) Full details of the Combined Heat and Power facility shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved and the approved scheme shall be operational prior to first occupation. Details shall include location, specification, flue arrangement, operation/management strategy (Compliance with Heat Trust Code of Best Practice).

The development shall be carried out in accordance with the details as approved, shall be maintained as such thereafter and no changes to the approved scheme shall be permitted without the prior written consent of the Local Planning Authority.

- 29) Full details demonstrating how the approved scheme has been designed to allow for the future connection to any neighbouring heating and cooling system and/or any private wire power network shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. Evidence that the approved scheme has been implemented shall be submitted to and approved by the Local Planning Authority prior to the issue of a certificate of practical completion.

The development shall be carried out in accordance with the approved design details and no alterations shall take place without the prior written consent of the Local Planning Authority.

- 30) Full details of on-site renewable energy technologies, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. The details shall include:

- Provision of 1,377 sq.m. of net Photovoltaic (PV) panels, as agreed during the application stage;
- Details of machinery/apparatus location, specification and operational details
- A management plan for the operation of the technologies;
- (if applicable) A servicing plan including times, location, frequency, method of servicing (and any other details the Local Planning Authority deems necessary);
- (if applicable) A noise assessment regarding the operation of the technology

The development shall be carried out in accordance with the details hereby approved, shall be maintained as such thereafter and no amendments to the approved scheme shall be permitted without the prior written consent of the Local Planning Authority.

- 31) Evidence that the scheme of renewable energy provision has been installed in accordance with condition **54** above, including evidence of commissioning and a copy of the building's Energy Performance Certificate, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the relevant part of the development hereby approved.
- 32) To monitor the effectiveness of the renewable energy technology, a monitoring agreement will be signed with the Local Planning Authority prior to first occupation to comply with the prevailing monitoring requirements which will include the installation of an on-site automatic meter reading (AMR) device by the developer.
- 33) Prior to the commencement of development, a detailed method statement for the removal or long-term management /eradication of invasive plants on the site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of invasive plants during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.
- 34) No development shall commence until further assessment has been carried out to address the impacts of the revisions to Plot B upon the wind microclimate and the results, together with details of any proposed mitigation, have been submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in accordance with the wind mitigation measures set out in Chapter 12 of the Environmental Statement (1700001114 Issue: Final) together with any further mitigation identified by the further assessment of Plot B.

- 35) Prior to the commencement of demolition/construction of the relevant part of the development, details of the use of cranes in relation to the location, maximum operating height and duration shall be submitted to and approved in writing by, the Local Planning Authority, in consultation with

the Port of London Authority, TfL and London City Airport. The development shall be implemented in strict accordance with the approved details.

- 36) No building or structure forming part of the permanent development will exceed London City Airport's Obstacle Limitation Surfaces. In the event that during construction, cranes or scaffolding is required at a higher elevation than that of the planned development, then their use must be subject to separate consultation under condition **25** above.
- 37) Prior to above ground works, details of the boilers hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%). The boilers shall be installed and retained for the lifetime of the development in accordance with the approved details unless the prior written approval of the authority is given.
- 38) The boilers hereby approved must not exceed the Band B Emission Standards for Solid Biomass Boilers and CHP Plant as listed in Appendix 7 of the London Plan Sustainable Design and Construction SPG 2014. Prior to the development commencing, evidence to demonstrate compliance with these emission limits will be submitted to the Local Planning Authority for approval.
- 39) Full details of traffic calming measures, road markings, signage, street lighting, highways drainage, location of highways trees (including size and species) and visibility splays within the relevant part of the development shall be submitted to and approved in writing by the Local Planning Authority in consultation with TfL prior to the commencement of the relevant part of the development.

The scheme shall be implemented in accordance with the approved details and retained for the lifetime of the development.

- 40) Prior to the commencement of the relevant part of the development, full details of access arrangements for each relevant part of the development for people with mobility difficulties shall be submitted to, and approved in writing by, the Local Planning Authority. For the avoidance of doubt this shall include large scale plans illustrating the different gradients on all routes to and through the site.

The scheme shall be implemented in accordance with the approved details and retained for the lifetime of the development.

- 41) Prior to the commencement of any above ground works, a detailed Landscaping Strategy, based on the principles secured within the Landscape Strategy hereby approved, for all the hard and soft landscaping and external works on any part of the site not occupied by buildings shall be submitted and approved in writing by the Local Planning Authority. This will include details of:
  - Open space;
  - Areas of paving;
  - Highways and all other external works for use by vehicles;
  - Car parking areas;
  - Amenity areas – including details of measures to protect the privacy of adjacent residential units;
  - Pedestrian linkages;

- Public art;
- Playspace provision;
- Lighting;
- Bollards;
- Street furniture (including waste bins);
- Cycle linkages;
- Wayfinding and other signage;
- Permeability of all hard surfaces;
- Materials;
- Phasing of the works; and
- Areas of play space (including rooftop play space).

All hard landscaping works which form part of the approved scheme shall be completed prior to occupation of the relevant part of the development in accordance with the approved phasing details.

All planting, seeding or turfing comprised in the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the relevant buildings or the completion of the relevant part of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

- 42) Prior to the commencement of the landscaping works, a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except private domestic gardens), shall be submitted to and approved in writing by the Local Planning Authority. Development proposals must ensure no net loss of biodiversity and wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity. The submitted information shall include:
- A report from a suitably qualified ecologist specifying how the landscape features have been developed for biodiversity and ecological enhancement;
  - Details of all landscape features including plans and cross sections.

The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

- 43) Full details of an intensive green roof (excluding rooftop play areas) which shall be compliant with the GRO Green Roof Code 2014 shall be submitted to and approved in writing by the Local Planning Authority prior to the implementation of the relevant part of the development hereby approved. Information submitted should include:
- a) an ecological management plan including the landscape features and a cross section of the roof;
  - b) specified maintenance plan with allocated responsibilities;
  - c) assessment of the effectiveness of the living roof as a source control mechanism and interceptor for a Sustainable Urban Drainage System;
  - d) The green roof should be comprised of, but not necessarily limited to, the following:
    - soil and vegetation to cover a minimum of 70% of the green roof area for water attenuation purposes;

- a minimum of 25% of the vegetated area should be native species. Of the remaining vegetated area, a minimum of 50% should be of known wildlife value (rather than purely ornamental).
- e) parts a) to d) must be addressed within a single submission document. The development shall be carried out in accordance with the details approved, shall be maintained as such thereafter and no alterations to the approved scheme shall be permitted without the prior written consent of the Local Planning Authority.

Evidence that the roof has been installed in accordance with the details above should be submitted to and approved by the Local Planning Authority prior to first occupation of the relevant part of the development.

- 44) Full details of an extensive green roof (not to be used as amenity space) which shall be compliant with GRO Green Roof Code 2014 shall be submitted to and approved in writing by the Local Planning Authority prior to the implementation of the relevant part of the development hereby approved. Submitted information should include the following;
- a) a report from a suitably qualified ecologist specifying how the living roof has been developed for biodiversity with details of landscape features and a roof cross section.
  - b) The green roof should be comprised of, but not necessarily limited to, the following:
    - biodiversity based with extensive/semi-intensive soils;
    - substrate which is commercial brick-based aggregate or equivalent with a varied substrate depth of 80 -150mm planted with 50% locally native herbs/wildflowers in addition to sedum. include additional features such as areas of bare shingle, areas of sand for burrowing invertebrates, individual logs or log piles, and an area suitable for Black Redstarts;
  - c) parts a) and b) must be addressed within a single submission document.

The development shall be carried out strictly in accordance with the details approved, shall be maintained as such thereafter and no alterations to the approved scheme shall be permitted without the prior written consent of the Local Planning Authority.

Evidence that the green roof has been installed in accordance with the details above should be submitted to and approved by the Local Planning Authority prior to first occupation of the relevant part of the development.

- 45) Prior to any above ground works, full details of the refuse storage, recycling facilities and refuse collection arrangements shall be submitted to, and approved in writing by, the Local Planning Authority. Such details shall include but are not limited to:
- Separate storage areas for bulk storage and bin storage;
  - Turning areas to allow the refuse trucks to move in forward motion when entering and exiting the road;
  - Bin store arrangements for front gardens of houses and ground floor units;
  - Provision of bin storage for non-residential uses;
  - Location of any communal collection points;

- Details of any enclosures to be provided for all of the external communal collection points; details of management; arrangements for movement of refuse to any collection points.

The storage and recycling facilities shall in all respects be constructed in accordance with the approved details, before the relevant part of the development is first occupied and maintained for the lifetime of the development.

- 46) Details of the proposed electric vehicle charging points to be provided and a programme for their installation and maintenance shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the development/relevant phase. 20% of the parking spaces shall have active charging points and the remainder shall have passive provision.

The electric vehicle charging points as approved shall be installed prior to occupation of each relevant part of the Development and shall thereafter be retained and maintained in accordance with the approved details.

- 47) Details derived using simulation software demonstrating that all dwellings comply with the CIBSE standard preventing summer overheating shall be submitted to, and approved in writing by, the Local Planning Authority prior to the construction of the relevant part of the development. The development shall be carried out in accordance with the details as approved.

- 48) All removal of trees, hedgerows, shrubs, scrub or tall herbaceous vegetation shall be undertaken between September and February inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present, then the vegetation shall not be removed until the fledglings have left the nest.

- 49) An updated bat survey must be undertaken immediately prior to demolition or tree works by a licensed bat worker. Evidence that the survey has been undertaken shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of demolition and/or tree works.

- 50) Details of bird boxes shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include the exact location, specification and design of the habitats. The boxes shall be installed prior to the first occupation of the development.

The nesting boxes shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter.

- 51) Details of bat boxes shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include the exact location, specification and design of the habitats. The boxes shall be installed prior to the first occupation of the development.

The roosting boxes shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter.

- 52) The mitigation measures set out in the approved Ecological Appraisal dated December 2017 and found in Appendix 2.5 of Volume III of the Revised Environmental Statement shall be implemented in full within three months of the first occupation of the accommodation hereby permitted.
- 53) Prior to the commencement of the relevant part of the development hereby permitted details of low reflectivity glass to be used on the buildings within Plot B shall be submitted to and approved in writing by the Local Planning Authority.
- The approved glass shall be installed prior to the first occupation of the buildings within Plot B.
- 54) Prior to the commencement of any superstructure works on the development hereby permitted, details of the proposed sound insulation scheme for the parts of the development to be used for D1/ D2 use shall be submitted to and approved by the Local Planning Authority. The sound insulation scheme shall be designed to ensure that noise from within the building does not cause a disturbance to surrounding occupiers. The noise measured at one metre from the facade of the nearest noise sensitive premises should not exceed 10dB(A) below the typical LA90<sub>1Hour</sub> day or LA90<sub>5 min</sub> night. Details should include airborne sound insulation. The developer shall certify to the Local Planning Authority that the noise mitigation measures agreed have been installed. The approved scheme is to be completed prior to occupation of the development and shall be permanently maintained thereafter.
- 55) Prior to the commencement of any superstructure works a detailed scheme of noise insulation measures for all divisions, walls and/or floors separating proposed commercial/residential areas shall be submitted to and approved in writing by the Local Planning Authority. The scheme of noise insulation measures shall be prepared by a suitably qualified consultant/engineer and shall demonstrate that the proposed sound insulation will achieve a level of protection which is at least +5dB above the Approved Document E standard dwelling houses and flats for airborne sound insulation and -5dB for impact sound insulation. The approved scheme shall be implemented prior to the commencement of the use and be permanently retained thereafter.
- 56) Details of the opening hours of the B1 uses within Plot B shall be submitted to and agreed, in writing, by the Council prior to occupation of the B1 floorspace in Plot B.
- 57) Noise shall not be generated by the non-residential components of the scheme that would exceed NR25 L<sub>Fmax</sub> in adjoining buildings.
- 58) Noise levels from any fixed plant associated with the development hereby permitted shall not exceed 10dB below the existing background level (LA90<sub>15min</sub>) when measured at one metre from the façade of the nearest noise sensitive premises.
- 59) Mechanical and Extract Ventilation
- a) Prior to the commencement of any above ground works a scheme demonstrating how provision will be made for the future installation of mechanical ventilation equipment or other plant associated with the commercial units shall be submitted to and approved in writing by the Local Planning Authority.
  - b) No use within Classes A3, shall commence until full details of any mechanical ventilation or other plant associated with the commercial

operation of the building (including details of external appearance) have been submitted to and approved in writing by the Local Planning Authority. Details should include full specifications of all filtration, deodorising systems, noise output and termination points. Particular consideration should be given to the high-level discharge of kitchen extract air/ the discharge of toxic or odoriferous extract air where a high level of discharge is usually essential.

The approved scheme shall be completed prior to occupation of the development and shall be permanently maintained thereafter. Reference shall be had to Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems published by DEFRA.

- 60) The developer shall monitor levels of dust pollution using an objective method of measurement for each phase of the development. The proposed method, the frequency and location of the monitoring for the relevant phase of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant phase of the development.

Baseline levels of dust shall be agreed prior to the commencement of the works of demolition and construction. The developer shall also agree action levels of dust pollution with the Local Planning Authority. When these levels are exceeded, the developer shall take action to ensure that the levels of dust are reduced to comply with the agreed action level.

- 61) Prior to the first occupation of the relevant part of the development hereby permitted a Community Use Plan and a Community Development Strategy shall be submitted to and approved in writing by the Local Planning Authority.

The Community Use Plan and Community Development Strategy shall be fully implemented in accordance with the approved details prior to the occupation of the development and shall be retained for the lifetime of the development.

- 62) The use of the creche within the development shall not commence until an Air Quality Assessment, detailing continuous monitoring of particulate matter (PM10) for a minimum period of 6 months to demonstrate that the creche is suitable for use, is submitted to and approved in writing by the Local Planning Authority. The data should be judged against the objectives set out in paragraph 8.11 of the Revised Environmental Statement Main Report (1700001114 Issue: Final).
- 63) Prior to any use of a creche commencing on the site, the following details shall have been submitted to and approved in writing by the Local Planning Authority:
- Details of access arrangements including drop off and pick up; and
  - Details of layout and means of enclosure for the associated external space.

The use of the creche shall be implemented in accordance with the details thus approved.

- 64) Prior to the commencement of the relevant works, details of a lighting strategy for the site shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

- 65) Prior to the commencement of the relevant works, detailed drawings of all roof plant and any associated enclosures shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

- 66) Prior to the commencement of construction of each building, full details demonstrating that the following Noise Criteria 1 to 6 are met shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Port of London Authority and Safeguarded Wharf Operators).

Criterion 1

Noise levels in bedrooms at night shall not exceed 30 dB  $L_{Aeq,8h}$  and shall not exceed 45 dB  $L_{Amax,f}$  more than 10-15 times per night for regular noise sources. Regular noise sources include sources which commonly occur at, or in the vicinity of, the site, as opposed to one-off events, or special occasions which could result in higher than typical site noise levels. The limits include all external noise sources and building services noise if applicable. In addition, noise from loading and unloading activities directly associated with the operation of Imex House in bedrooms at night shall not exceed 25 dB  $L_{Aeq, 15 minutes}$  and 40 dB  $L_{Amax, f}$  at all times.

Criterion 2

Noise levels in habitable rooms during the day shall not exceed 35 dB  $L_{Aeq,16h}$ . The limit includes all external noise sources and building services noise if applicable.

Criterion 3

The maximum dredger-only noise level at the 63Hz octave-band inside any habitable room at any time shall not exceed 50 dB  $L_{eq,63Hz}$ .

Criterion 4

Noise levels in bedrooms at night under higher ventilation rates (as set out in the Building Regulations 2010 Approved Document F) such as may be required for mitigation against overheating, shall not exceed 35 dB  $L_{Aeq,8hour}$ . Criterion 4 does not apply to purge ventilation. This limit applies to rooms that are exposed to façade noise levels due to wharf and dredger operations at or above 50 dB  $L_{Aeq,15min}$  and/or 65 dB  $L_{eq,63Hz}$ .

Criterion 5

Noise levels in habitable rooms during the day under higher ventilation rates (as set out in the Building Regulations 2010 Approved Document F) such as may be required for mitigation against overheating, shall not exceed 40 dB  $L_{Aeq,16hour}$ . Criterion 5 does not apply to purge ventilation. This limit applies to rooms that are exposed to façade noise levels due to wharf and dredger operations at or above 55 dB  $L_{Aeq,15min}$  and/or 65 dB  $L_{eq,63Hz}$ .

Criterion 6

The rating levels according to BS 4142: 2014 + A1:2019 on balconies due to all wharf and dredger sources operating at a cumulative maximum shall not be more than 5 dB above pre-existing measured background noise levels.

- 67) Noise Criteria Testing and Implementation
- a) Prior to the first occupation of each building, a scheme for testing the internal and external noise environment of the units, to demonstrate compliance with Criteria 1 to 5 of Condition 85 above and modelling to demonstrate compliance with Criterion 6, shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Port of London Authority and Wharf operators).
  - b) Prior to the first occupation of each building, the scheme for noise testing and modelling required by part a) above shall be implemented and the results submitted and approved in writing by the Local Planning Authority (in consultation with the Port of London Authority and the Safeguarded Wharf Operators).
  - c) The development shall be carried out in accordance with the approved measures and Noise Criteria 1 to 6 of Condition 85.

- 68) No development in connection with the proposed River Walk shall commence until an Access and Heritage Interpretation Plan has been submitted to and approved in writing by Local Planning Authority. The Access and Heritage Interpretation Plan will specify the measures for facilitating a wider understanding and appreciation of this site's industrial heritage, namely the covered ropewalk and narrow-gauge railway of the former Charlton Ropeworks.

The Plan will give detailed proposals for creating, maintaining and encouraging public access to the linear heritage features of the former Charlton Ropeworks Site as well as details of signage and interpretation panels.

Once the Plan has been approved, the access arrangements and heritage signage and interpretation panels shall be implemented prior to first occupation of the relevant part of the development.

- 69) Prior to the first occupation of the development hereby permitted, details of Secured by Design measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall achieve Secured by Design 'Silver' standard as a minimum and aim to achieve the Secured by Design 'Gold' standard where feasible. The Secured by Design measures shall be implemented in accordance with the approved details, completed prior to the first occupation of the development and retained for the lifetime of the development.
- 70) Prior to the first occupation of the development hereby permitted a site management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details for deterring anti-social behaviour and should include, but not be limited to:
- Security measures including location of security/concierge office, and location and details of CCTV
  - Details of who will have access to the identified outdoor zones and building cores and floors.
  - Points of access (for both the residential and non-residential components of the scheme) and how access will be controlled;
  - Measures and procedures to prevent antisocial behaviour and crime.

The plan and measures identified within it shall be fully implemented in accordance with the approved details prior to the occupation of the development and shall be retained for the lifetime of the development.

- 71) Prior to the first occupation of each relevant part of the development, an evacuation plan covering flood evacuation and escape routes (including all basement areas), and signage within and outside buildings shall be submitted to, and approved in writing by, the Local Planning Authority. A specific section should be included that covers the specific flood evacuation plan for the creche in Building B in Plot A.

The plan should include, but not be limited to, a basement evacuation plan that ensures users of the basement level will have sufficient time to reach a level safely above the breach flood level and that includes calculations to show that the rate of inundation of the basement level will not be deep or rapid, or a structure for controlling the rate of inundation to the basement level.

The evacuation plan and measures identified within it shall be fully implemented in accordance with the approved details prior to the occupation of the development and shall be retained for the lifetime of the development.

- 72) Full details of the children's play areas play equipment and safety measures proposed for the development shall be submitted to and approved in writing by, the Local Planning Authority prior to the first occupation of the development.

The playspace shall provide a minimum provision as follows:

- 5 years 1,332 sq.m.
- 6 - 11 years 907 sq.m.
- 12 years+ 547 sq.m.

The play areas and play equipment shall be fully implemented in accordance with the approved details prior to the occupation of the development and shall be retained for the lifetime of the development.

- 73) Each relevant part of the development shall not be occupied until a car park management plan has been submitted to, and approved in writing by, the Local Planning Authority, and must include at least the following details:
- Details of the layout.
  - The proposed allocation of and arrangements for the management of cycle and car parking spaces including disabled parking bays serving the residential development and further spaces that could be brought into such use.
  - Details of the controls of means of entry to the car park, and a proactive regime of car lift maintenance.
  - The safety and security measures to be incorporated within the development to ensure the safety of car/cycle parking areas; and

The car park management plan as approved shall be implemented prior to occupation of the relevant part of the development and shall thereafter be retained and maintained in accordance with the approved details.

- 74) Travel Plan

- a) No part of the development hereby approved shall be occupied until such time as a user's Travel Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with TfL. The development shall operate in full accordance with all measures identified within the Travel Plan from first occupation.
- b) The Travel Plan shall specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives. The Travel Plan must include use of the buildings/site for community purposes including specific measures for the management of travel associated with any use as a crèche, should this be included within the community space.

Within the timeframe specified by (a) and (b), evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed under parts (a) and (b).

- 75) A delivery and servicing plan (DSP) for both the commercial and residential uses shall be submitted to and approved, in writing, by the Local Planning Authority prior to occupation of any part of the development. The DSP shall cover the following items:
- Deliveries and collections;
  - Servicing trips (including maintenance) with the aim of reducing the impact of servicing activity;
  - Details for management and receipt if deliveries for the residential properties;
  - Cleaning and waste removal, including arrangements for refuse collection; and
  - Monitoring and review of operations.

The DSP shall be implemented once any part of the development is occupied and shall remain in place unless otherwise agreed in writing.

- 76) Each relevant part of the development hereby approved shall not be occupied until the vehicular, pedestrian and cycle access as shown on the approved plan(s) has been constructed. Prior to the occupation of each relevant part of the development hereby permitted detailed drawings of the access shall be submitted to and approved in writing by the Local Planning Authority and the access shall be constructed in full accordance with the approved drawings.
- 77) Prior to the first occupation of each part of the development hereby permitted full details of the proposed arrangements for the management of vehicular traffic, pedestrians and cyclists within that part of the development shall be submitted to and approved in writing by the Local Planning Authority, in consultation with TfL.

Access shall thereafter be managed in accordance with the approved details.

- 78) The whole of the car parking accommodation shown on drawing nos. 10046-A-DRG-Z0-G100-2099-PL-RS D hereby approved shall be provided prior to the occupation of any dwelling within the relevant part of the development and retained permanently thereafter.

- 79) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater or underground water infrastructure. This should be demonstrated through a piling method statement detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works.

The method statement shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency and Thames Water. The development shall be carried out in accordance with the approved details.

- 80) A minimum of 10% of all dwellings shall be built to requirement M4(3) wheelchair user dwellings contained within Part M volume 1 of the Building Regulations, as identified on the plans approved under condition 2. All other dwellings shall be built to requirement M4(2) accessible and adaptable dwellings contained within Part M volume 1 of the Building Regulations. The applicant must fit out the dwellings such as to gain Greenwich Housing Occupational Therapist approval, prior to the first occupation of the unit. The wheelchair adaptable dwellings shall be marketed as such for a period of eight months. After that period evidence of such marketing shall be submitted to and approved by the Local Planning Authority in consultation with the Council's Housing Occupational Therapist prior to first occupation of the dwellings identified above.

- 81) All Non Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall meet at least Stage IIIA of EU Directive 97/68/EC (as amended) if in use before 1 September 2020 or Stage IIIB of the directive if in use on 1 September 2020 or later. If NRMM meeting the relevant Stage in paragraph 1 above is not available, the requirement may be met using the following techniques:
- Reorganisation of NRMM fleet
  - Replacing equipment (with new or second-hand equipment which meets the policy)
  - Retrofit abatement technologies
  - Re-engineering

This is subject to the local planning authority's prior written consent. If NRMM meeting the policy in the paragraph above is not available every effort should be made to use the least polluting equipment available including retrofitting technologies to reduce particulate emissions. This is subject to the local planning authority's prior written consent.

Unless it complies with the above standards, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

- 82) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment by

Water Environment Ltd dated December 2017 Revision A and the mitigation measures detailed within it including:

- Finished floor levels set out in Table 5 of the approved document;
- Restriction of ground floor areas to open plan kitchen / dining areas with all sleeping accommodation to be located at first floor or above;
- Use of flood resilient construction;
- Residents to subscribe to the Environment Agency's Flood Warning service.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.

- 83) The development hereby permitted shall achieve fifty-four per cent (54%) reduction in regulated building carbon dioxide emissions over Part L of the Building Regulations 2013 from on-site measures for all houses and flats in line with the submitted Energy Statement. The relevant part of the development hereby permitted shall not be occupied until evidence that demonstrates that the minimum 54% reduction in regulated building carbon dioxide emissions over Part L of the Building Regulations 2013 has been achieved, has been submitted to, and approved in writing by, the Local Planning Authority. Prior to first occupation of the commercial elements of the scheme evidence that the minimum 22% reduction over Part L 2013 of the building regulations has been achieved from on-site measures for the commercial elements of the scheme shall be submitted to and approved in writing by the Local Planning Authority

All remaining regulated CO2 emissions not dealt with on site must be offset through a s106 contribution.

- 84) BREEAM (for all non-residential uses)
- a) The non-residential elements of the development hereby permitted shall be built to a minimum of BREEAM Excellent (or its successor).
  - b) No above ground development shall take place until a Design Stage assessment (under the BREEAM or its successor) has been carried out and a copy of the summary score sheet and interim BREEAM Certificate have been submitted to and approved in writing by the Local Planning Authority.
  - c) Prior to first occupation of the non-domestic element of the development a copy of BREEAM Assessor's completed Post Construction Review (under BREEAM or its successor) shall be submitted to the Local Planning Authority and within 6 months of occupation the final certificates verifying that the agreed standards have been met shall be submitted to the Local Planning Authority.
- 85) The development hereby permitted shall comply with Regulation 36(2)(b) of the Building Regulations 2010 (as amended by the Building Regulations &c. (Amendment) Regulations 2015/767) and as set out in section G2 of the Building Regulations Approved Document (110 litres per person per day).
- 86) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), with the exception of 150 sq.m. (GIA) of flexible retail floorspace at ground level within Building M/N the ground floor of Buildings J, K/L and M/N and the first floor of

Building O shall be used only for uses within Class B1 and for no other purpose.

- 87) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the space identified for flexible community use in Building B (comprising 338sq.m.(GIA)) shall be used only for purposes within Class D1 and for no other purpose.
- 88) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no part of the ground floor of Plot B of the first floor of Building O Plot B shall be used as a dwellinghouse within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 89) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) the flexible community floorspace hereby permitted shall not be used as a place of worship.

**Additional Conditions recommended as alternative to the s106 obligations by RBG:**

- 90) No development shall take place until a Noise Attenuation Scheme for Imex House has been submitted to and approved in writing by the Local Planning Authority. The Noise Attenuation Scheme shall include measures to:
- a. replace or encapsulate the four existing glass and polycarbonate rooflights to achieve improvement in noise attenuation of no less than 20 dB;
  - b. replace or refurbish existing external doors to the live room to achieve improvement in noise attenuation of no less than 20 dB;
  - c. re-arrange (either internally or externally), or attenuate noise associated with the operation of the temporary speaker housing structures sited outside the Imex House building, provided that the attenuation or relocation shall:
    - i. provide additional sound insulation of 25dB @ 125 Hz and 40dB @ 250Hz and above;
    - ii. may include an enclosed and separated amplifier housing where internal solutions are not feasible;
    - iii. any doors installed externally should be low noise folding doors
  - d. provide a resilient 'lay down' surface for loading and unloading operations.
- A report shall be submitted to and approved in writing by the Local Planning Authority prior to development taking place that shows that the approved scheme has been fully implemented and that the required noise levels (identified above) have been achieved.
- 91) No development shall take place until a Noise Attenuation Scheme for Stone Foundries has been submitted to and approved in writing by the Local Planning Authority. The Noise Attenuation Scheme shall include:

a. measures to be carried out at the Stone Foundries to reduce the noise emissions from the Stone Foundries Fan to no more than 45 dB at a distance of 8 metres from the Stone Foundries Fan.

A report shall be submitted to and approved in writing by the Local Planning Authority prior to development taking place that shows that the approved scheme has been fully implemented and that the required noise levels (identified above) have been achieved.

**Alternative proposed conditions, if pre-commencement not considered acceptable:**

- 90) Units in Blocks A, D and G shall not be occupied until a report is submitted to and approved in writing by the Local Planning Authority, that shows that a scheme of noise attenuation has been fully implemented on Imex House and that the required noise levels have been achieved. The noise attenuation scheme shall include:
- a. replace or encapsulate the four existing glass and polycarbonate rooflights to achieve improvement in noise attenuation of no less than 20 dB;
  - b. replace or refurbish existing external doors to the live room to achieve improvement in noise attenuation of no less than 20 dB;
  - c. re-arrange (either internally or externally), or attenuate noise associated with the operation of the temporary speaker housing structures sited outside the Imex House building, provided that the attenuation or relocation shall:
    - i. provide additional sound insulation of 25dB @ 125 Hz and 40dB @ 250Hz and above;
    - ii. may include an enclosed and separated amplifier housing where internal solutions are not feasible;
    - iii. any doors installed externally should be low noise folding doors
  - d. provide a resilient 'lay down' surface for loading and unloading operations.
- 91) Units in Blocks A, B and C shall not be occupied until a report is submitted to and approved in writing by the Local Planning Authority, that shows that a scheme of noise attenuation has been fully implemented on Stone Foundries and that the required noise levels have been achieved. The noise attenuation scheme shall include:
- a. measures to be carried out at the Stone Foundries to reduce the noise emissions from the Stone Foundries Fan to no more than 45 dB at a distance of 8 metres from the Stone Foundries Fan.

### **APPENDIX 3: INQUIRY DOCUMENTS**

ID1	VIP Estate tenants update
ID2	Letter from General Projects – Workplace Provider
ID3	GLA Presentation – Design
ID4	Opening Submissions – Appellant
ID5	Opening Submissions – GLA
ID6	Opening Submissions – RBG
ID7	Notification Letter – dated 28 October 2019
ID8	Charlton Together – signed and printed petitions
ID9	Opening Submissions – Charlton Together
ID10	Charlton Together Design presentation
ID11	Housing Land Supply – Statement of Common Ground
ID12	Draft s106 Agreement v1
ID13	Mr Tilbrook documents and photographs
ID14	Agreed HLS position on 5-year supply
ID15	Revised site context plan for Spring Street
ID16	Charlton Together background note for Atlas and Derrick Gardens
ID17	Cross section including Atlas and Derrick Gardens
ID18	Stone Foundries Local Listing
ID19	Legal Note on contents of Supplementary Planning Documents
ID20	Statement – Mr Geyther, Charlton Together
ID21	Statement – Mr Richardson, Charlton Together
ID22	Statement – Mr Newman, Charlton Together
ID23	Agreed position on housing target for Charlton Opportunity Area
ID24	CIL Compliance Note
ID25	London Plan AMR – Affordable Housing
ID26	RBG proposed noise conditions note – Imex House
ID27	Draft conditions
ID28	Draft s106 v2 and summary information
ID29	Letter re Play Space – GLA to Quod
ID30	Letter re sunlight to amenity areas – EB7
ID31	Mr Tilbrook position summary
ID32	Closing Statement – Charlton Together
ID33	Closing Statement – Royal Borough of Greenwich
ID34	Closing Statement – Greater London Authority
ID35	Closing Statement – Appellant

Submitted after the Closure of the Inquiry

ID36	S106 Agreement
ID37	Appellant's response to Housing Delivery Test
ID38	Council's response to Housing Delivery Test
ID39	Charlton Together, email extract responses to Housing Delivery Test

## Core Documents List

### **A Government policy and guidance**

- A1. NPPF (February 2019)
- A2. NPPG extracts
- A3. Historic England: Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (2015)
- A4. Historic England: The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) (December 2017)
- A5. Historic England Advice Note 4 – Tall Buildings (2015)
- A6. BRE Site Layout Planning for Daylight and Sunlight – a guide to good practice (2011)
- A7. DfT Manual for Streets (2007)
- A8. BS4142 Methods for rating and assessing industrial and commercial sound
- A9. BS8233 Guidance on sound insulation and noise reduction for buildings
- A10. DfT Circular 02/2006 The Quiet Lanes and Home Zones (England) Regulations 2006 (9 August 2006)

### **B Development Plan documents and LPA guidance**

- B1. RB Greenwich Local Plan: Core Strategy with Detailed Policies (2014)
- B2. RB Greenwich Planning Obligations SPG (July 2015)
- B3. RB Greenwich Charlton Riverside SPD (July 2017) (with appendices)
- B4. Mayoral Play and Informal Recreation SPG (September 2012)
- B5. Mayoral Sustainable Design and Construction SPG (April 2014)
- B6. Mayoral Character and Context SPG (June 2014)
- B7. Mayoral Housing Supplementary Planning Guidance (March 2016)
- B8. Mayoral Homes for Londoners Affordable Housing & Viability SPG (August 2017)
- B9. Draft London Plan – consolidated suggested changes version (July 2019)
- B10. RB Greenwich Local Plan: Site Allocations Preferred Approach: Regulation 18 Consultation (August 2019)
- B11. London Plan (consolidated March 2016)
- B12. London Plan – Report of Examination in Public of the London Plan 2019 (8 October 2019)
- B13. Mayoral Culture and Night-time Economy SPG (November 2017)

### **C VIP Trading Estate planning application documents**

- C1. Planning application form (December 2018)
- C2. Covering letter from GVA to GLA (3 December 2018)
- C3. Planning drawings (see dataroom)
- C4. Planning Statement (December 2016)
- C5. Planning Statement Addendum (December 2017)
- C6. Statement of Community Involvement (December 2016)
- C7. Statement of Community Involvement Addendum (March 2018)
- C8. Design and Access Statement (December 2017)
- C9. Design and Access Statement Addendum (December 2018)
- C10. Landscape and Biodiversity Design and Access Statement Addendum (December 2018)
- C11. Environmental Statement Non-Technical Summary (December 2018)
- C12. Environmental Statement Volume I: Main Report (December 2017)
- C13. Environmental Statement Volume II: TVHIA (December 2017)

- C14. Environmental Statement Volume III: Technical Appendices (December 2017)
- C15. Addendum Environmental Statement Volume I: Main Report (December 2018)
- C16. Addendum Environmental Statement Volume II: TVHIA (December 2018)
- C17. Addendum Environmental Statement Volume III: Technical Appendices (December 2018)
- C18. Transport Assessment (December 2017)
- C19. Transport Assessment Addendum (December 2018)
- C20. Energy Strategy Addendum (December 2018)
- C21. Employment Study (November 2016)
- C22. Sustainability Statement (November 2016)
- C23. Sustainability Statement Addendum (December 2017)
- C24. BREEAM Pre-Assessment (November 2016)
- C25. BREEAM Pre-Assessment Addendum (December 2017)
- C26. Internal Daylight and Sunlight Report (December 2017)
- C27. Utilities Assessment (December 2017)
- C28. Viability Assessment (December 2016)
- C29. Arboricultural Impact Assessment (November 2016)
- C30. GVA Viability Update Letter (15 January 2018)
- C30a BNP Paribas RE on behalf of RB Greenwich – Affordable Housing and Economic Viability Assessment (February 2018) [no appendices]
- C30b BNP Paribas RE letter to RB Greenwich regarding Affordable Housing assessment (23 March 2018)
- C30c BNP Paribas RE on behalf of RB Greenwich – Affordable Housing and Economic Viability Assessment (April 2018) [no appendices]
- C30d GVA letter to RB Greenwich – revised affordable housing offer (6 July 2018)
- C31. Ramboll EIA Implications Letter (21 February 2018)
- C32. Ramboll EIA Response Letter (23 February 2018)
- C33. EB7 Daylight, Sunlight, Overshadowing and Solar Glare Letter (21 February 2018)
- C34. GVA Scheme Revisions Letter (19 February 2018)
- C35. Glenny Tenant Relocation Strategy (20 February 2018)
- C36. GVA Scheme Revisions Letter (3 April 2018)
- C37. Noise map east part Plot A (April 2018)
- C38. ExA\_1752\_SK-01 12+ Play Strategy (March 2018)
- C39. Environmental Implications Letter (13 April 2018)
- C40. Response to Transport Comments 30821/D25 (16 February 2018)
- C41. GVA Email: Re Edge of site issues (28 February 2018)
- C42. GVA Email: Response to PLA (21 March 2018)
- C43. GVA Email: Re Daylight and sunlight (22 March 2018)
- C44. GVA Email: Re Employment (22 March 2018)
- C45. GVA Email: Clarification of unit mix (22 March 2018)
- C46. GVA Email: Confirmation of daylight and sunlight parameters (29 March 2018)
- C47. GVA Email: Agreement of S106 heads of terms (5 April 2018)
- C48. GVA Email: Details of noise attenuation (11 April 2018)
- C49. GVA Email: Ramboll Memo (13 April 2018)
- C50. 30821/AC/213 Swept path analysis (March 2018)
- C51. 30821/AC/220 Existing Vehicle Spaces (February 2018)
- C52. Not used
- C53. GLA Stage I Report (20 February 2017)
- C54. RB Greenwich Planning Board Report with Appendix 1 & 2 and Addendum (9 July 2018)
- C55. RB Greenwich Planning Board Minutes (9 July 2018)
- C56. GLA Stage II Report (13 August 2018)
- C57. GLA Stage III Representation Hearing Report (29 January 2019)

- C58. GLA Stage III Representation Hearing Addendum Report (29 January 2019)
- C58a GLA Stage III Representation Hearing – draft Conditions (29 January 2019)
- C59. GLA refusal notice (4 February 2019)

#### **D VIP Trading Estate appeal documents**

- D1. Appeal form (July 2019)
- D2. Statement of Case (July 2019)
- D3. Draft Statement of Common Ground (July 2019)
- D4. Updated views (July 2019)
- D5. GLA Statement of Case (17 September 2019)
- D6. RB Greenwich Statement of Case (with appendices A-M) (17 September 2019)
- D7. Charlton Together Statement of Case (with Appendix A) (19 September 2019)

#### **E Inquiry documents**

- E1. Case Management conference call agenda and pre-conference note (24 September 2019)
- E2. Case management conference summary (26 September 2019)
- E3. Statement of Common Ground (9 October 2019)
- E4. Urban Design Position Statement
- E5. Noise Statement of Common Ground (15 November 2019)

#### **F Relevant appeal decisions**

- F1. not used
- F2. Graphite Square – APP/N5660/W/18/3211223 & 3225761 – dated 25 September 2019
- F3. Whitechapel Estate - APP/E5900/W/17/3171437 – dated 21 February 2018

#### **GLA evidence submitted**

- GLA1 Vanessa Harrison summary proof
- GLA2 Vanessa Harrison proof of evidence with appendices
- GLA3 Mathieu Proctor summary proof
- GLA4 Mathieu Proctor proof of evidence
- GLA5 Mathieu Proctor appendices
- GLA6 Dr Yuyou Liu proof of evidence
- GLA7 Dr Yuyou Liu appendices
- GLA8 Mathieu Proctor rebuttal

#### **RB Greenwich evidence submitted**

- RBG1 Ben Oates summary proof
- RBG2 Ben Oates proof of evidence
- RBG3 Elizabeth Adams summary proof
- RBG4 Elizabeth Adams proof of evidence with appendices
- RBG5 Karen Montgomerie proof of evidence with appendices
- RBG6 Nigel Mann (WYG) proof of evidence
- RBG7 Kingsley Otubushin proof of evidence with appendices
- RBG8 Ryan Bunce proof of evidence with appendices
- RBG9 Ben Oates rebuttal
- RBG10 Elizabeth Adams rebuttal
- RBG11 Karen Montgomerie rebuttal
- RBG12 Nigel Mann rebuttal
- RBG13 Kingsley Otubushin rebuttal
- RBG14 Ryan Bunce rebuttal

#### **Charlton Together evidence submitted**

- CT1 Charlton Together evidence pack with appendices
- CT2 Signed petition

- CT3 Online petition
- CT4 Summary proof

### **Appellant evidence submitted**

- APP1 John Rhodes (Quod) summary proof
- APP2 John Rhodes (Quod) proof of evidence with appendices
- APP3 Ian Simpson (SimpsonHaugh) summary proof
- APP4 Ian Simpson (SimpsonHaugh) proof of evidence
- APP5 Ian Simpson (SimpsonHaugh) appendices
- APP6 Peter Stewart (Peter Stewart Consultancy) proof of evidence with appendices
- APP7 John Barnes (EB7) summary proof
- APP8 John Barnes (EB7) proof of evidence
- APP9 John Barnes (EB7) appendices
- APP10 Craig Barson (Ramboll) proof of evidence with appendices
- APP11 Colin Whyte (TPP) summary proof
- APP12 Colin Whyte (TPP) proof of evidence
- APP13 Colin Whyte (TPP) appendices
- APP14 John Rhodes rebuttal
- APP15 Ian Simpson rebuttal
- APP16 Craig Barson rebuttal
- APP17 Colin Whyte rebuttal

### **Planning Application Drawing List**

#### **G000 - Contextual Building**

10046-A-DRG-Z0-G000-2030-PL-RS Site Location Plan - Proposed Roof A0 1:1000 - C

#### **G100 - GA Site**

- 10046-A-DRG-Z0-G100-0001-PL-RS General Site View Rev C
- 10046-A-DRG-Z0-G100-0002-PL-RS Navigation Plan Rev C
- 10046-A-DRG-Z0-G100-2000-PL-RS GA Plan - Site - Ground Floor Rev E
- 10046-A-DRG-Z0-G100-2001-PL-RS GA Plan - Site - Level 01 Rev C
- 10046-A-DRG-Z0-G100-2002-PL-RS GA Plan - Site - Level 02 Rev D
- 10046-A-DRG-Z0-G100-2003-PL-RS GA Plan - Site - Level 03 Rev D
- 10046-A-DRG-Z0-G100-2004-PL-RS GA Plan - Site - Level 04 Rev D
- 10046-A-DRG-Z0-G100-2005-PL-RS GA Plan - Site - Level 05 Rev D
- 10046-A-DRG-Z0-G100-2006-PL-RS GA Plan - Site - Level 06 Rev D
- 10046-A-DRG-Z0-G100-2007-PL-RS GA Plan - Site - Level 07 Rev D
- 10046-A-DRG-Z0-G100-2008-PL-RS GA Plan - Site - Level 08 Rev D
- 10046-A-DRG-Z0-G100-2009-PL-RS GA Plan - Site - Level 09 Rev D
- 10046-A-DRG-Z0-G100-2030-PL-RS GA Plan - Site - Roof Plan Rev D
- 10046-A-DRG-Z0-G100-2099-PL-RS GA Plan - Site - Basement Rev D
- 10046-A-DRG-Z0-G100-2130-PL-RS GA Plan - Site - Future road Rev B (Indicative)
- 10046-A-DRG-Z0-G100-4001-PL-RS GA Elevation - Proposed - Site Elevations North & South Rev D
- 10046-A-DRG-Z0-G100-4002-PL-RS GA Elevation - Proposed - Site Elevations East & West Rev D
- 10046-A-DRG-Z1-G100-2099-PL-RS GA Plan - Plot A - Site - Basement 1 Rev D
- 10046-A-DRG-Z1-G100-3001-PL-RS GA Section - Plot A - Section 1 & 2 Rev B
- 10046-A-DRG-Z1-G100-4001-PL-RS GA Elevation - Plot A - Elevation 01 - North Elevation, East Elevation Rev B
- 10046-A-DRG-Z1-G100-4002-PL-RS GA Elevation - Plot A - Elevation 02 - South Elevation, West Elevation Rev B
- 10046-A-DRG-Z1-G100-4003-PL-RS GA Elevation - Plot A - Elevation 03 - Internal site Elevation 1 & 2 Rev B
- 10046-A-DRG-Z1-G100-4004-PL-RS GA Elevation - Plot A - Elevation 04 - Internal site Elevation 3 & 4 Rev B

10046-A-DRG-Z2-G100-2099-PL-RS GA Plan - Plot B - Site - Basement 1 Rev B  
10046-A-DRG-Z2-G100-2000-PL-RS GA Plan - Plot B - Site - Ground Floor Rev E  
10046-A-DRG-Z2-G100-2001-PL-RS GA Plan - Plot B - Site - First Floor Rev C  
10046-A-DRG-Z2-G100-2130-PL-RS GA Plan - Plot B - Site - Future road Rev B (Indicative)  
10046-A-DRG-Z2-G100-3001-PL-RS GA Section - Plot B - Section 1 & 2 Rev C  
10046-A-DRG-Z2-G100-4001-PL-RS GA Elevation - Plot B - Elevation 01 - North Elevation,  
East Elevation Rev D  
10046-A-DRG-Z2-G100-4002-PL-RS GA Elevation - Plot B - Elevation 02 - South Elevation,  
West Elevation Rev D  
10046-A-DRG-Z2-G100-4003-PL-RS GA Elevation - Plot B - Elevation 03 - Internal site  
Elevation Rev D

## **G200 - GA Building**

10046-A-DRG-A-G200-2000-PL-RS Building A - Plot A - Level 00 Rev A  
10046-A-DRG-A-G200-2001-PL-RS Building A - Plot A - Level 01 Rev A  
10046-A-DRG-A-G200-2002-PL-RS Building A - Plot A - Apartment Layouts - Level 02 Rev C  
10046-A-DRG-A-G200-2003-PL-RS Building A - Plot A - Apartment Layouts - Level 03 Rev C  
10046-A-DRG-A-G200-2004-PL-RS Building A - Plot A - Apartment Layouts - Level 04 Rev C  
10046-A-DRG-A-G200-2005-PL-RS Building A - Plot A - Apartment Layouts - Level 05 Rev C  
10046-A-DRG-A-G200-2006-PL-RS Building A - Plot A - Apartment Layouts - Level 06 Rev C  
10046-A-DRG-A-G200-2007-PL-RS Building A - Plot A - Apartment Layouts - Level 07 Rev C  
10046-A-DRG-A-G200-2008-PL-RS Building A - Plot A - Apartment Layouts - Level 08 Rev C  
10046-A-DRG-A-G200-2009-PL-RS Building A - Plot A - Apartment Layouts - Level 09 Rev B  
10046-A-DRG-A-G200-2030-PL-RS Building A - Plot A - Roof Plan - Roof Rev A  
10046-A-DRG-B-G200-2000-PL-RS Building B - Plot A - Level 00 Rev C  
10046-A-DRG-B-G200-2001-PL-RS Building B - Plot A - Level 01 Rev B  
10046-A-DRG-B-G200-2002-PL-RS Building B - Plot A - Apartment Layouts - Level 02 Rev C  
10046-A-DRG-B-G200-2003-PL-RS Building B - Plot A - Apartment Layouts - Level 03 Rev C  
10046-A-DRG-B-G200-2004-PL-RS Building B - Plot A - Apartment Layouts - Level 04 Rev C  
10046-A-DRG-B-G200-2005-PL-RS Building B - Plot A - Apartment Layouts - Level 05 Rev C  
10046-A-DRG-B-G200-2006-PL-RS Building B - Plot A - Apartment Layouts - Level 06 Rev C  
10046-A-DRG-B-G200-2007-PL-RS Building B - Plot A - Apartment Layouts - Level 07 Rev C  
10046-A-DRG-B-G200-2008-PL-RS Building B - Plot A - Apartment Layouts - Level 08 Rev C  
10046-A-DRG-B-G200-2009-PL-RS Building B - Plot A - Apartment Layouts - Level 09 Rev C  
10046-A-DRG-B-G200-2030-PL-RS Building B - Plot A - Roof Plan - Roof Rev A  
10046-A-DRG-C-G200-2000-PL-RS Building C - Plot A - Level 00 Rev A  
10046-A-DRG-C-G200-2001-PL-RS Building C - Plot A - Level 01 Rev A  
10046-A-DRG-C-G200-2002-PL-RS Building C - Plot A - Apartment Layouts - Levels 02 Rev C  
10046-A-DRG-C-G200-2003-PL-RS Building C - Plot A - Apartment Layouts - Level 03 Rev C  
10046-A-DRG-C-G200-2004-PL-RS Building B - Plot A - Apartment Layouts - Level 04 Rev C  
10046-A-DRG-C-G200-2005-PL-RS Building B - Plot A - Apartment Layouts - Level 05 Rev C  
10046-A-DRG-C-G200-2006-PL-RS Building B - Plot A - Apartment Layouts - Level 06 Rev C  
10046-A-DRG-C-G200-2007-PL-RS Building B - Plot A - Apartment Layouts - Level 07 Rev C  
10046-A-DRG-C-G200-2008-PL-RS Building C - Plot A - Apartment Layouts - Level 08 Rev B  
10046-A-DRG-C-G200-2009-PL-RS Building C - Plot A - Apartment Layouts - Level 09 Rev C  
10046-A-DRG-C-G200-2030-PL-RS Building C - Plot A - Roof Plan - Roof Rev B  
10046-A-DRG-D-G200-2000-PL-RS Building D - Plot A - Level 00 Rev C  
10046-A-DRG-D-G200-2001-PL-RS Building D - Plot A - Level 01 Rev C  
10046-A-DRG-D-G200-2002-PL-RS Building D - Plot A - Apartment Layouts - Level 02 Rev B  
10046-A-DRG-D-G200-2003-PL-RS Building D - Plot A - Apartment Layouts - Level 03 Rev B  
10046-A-DRG-D-G200-2004-PL-RS Building D - Plot A - Apartment Layouts - Level 04 Rev B  
10046-A-DRG-D-G200-2005-PL-RS Building D - Plot A - Apartment Layouts - Level 05 Rev B  
10046-A-DRG-D-G200-2006-PL-RS Building D - Plot A - Apartment Layouts - Level 06 Rev B  
10046-A-DRG-D-G200-2007-PL-RS Building D - Plot A - Apartment Layouts - Level 07 Rev A  
10046-A-DRG-D-G200-2008-PL-RS Building D - Plot A - Apartment Layouts - Level 08 Rev A  
10046-A-DRG-D-G200-2009-PL-RS Building D - Plot A - Apartment Layouts - Level 09 Rev A  
10046-A-DRG-D-G200-2030-PL-RS Building D - Plot A - Roof Plan - Roof Rev A  
10046-A-DRG-EF-G200-2000-PL-RS Building EF - Plot A Level 00 Rev B  
10046-A-DRG-EF-G200-2001-PL-RS Building EF - Plot A Level 01 Rev B

10046-A-DRG-EF-G200-2002-PL-RS Building EF - Plot A Apartment Layouts - Level 02 Rev B  
10046-A-DRG-EF-G200-2003-PL-RS Building EF - Plot A Apartment Layouts - Level 03 Rev B  
10046-A-DRG-EF-G200-2004-PL-RS Building EF - Plot A Apartment Layouts - Level 04 Rev B  
10046-A-DRG-EF-G200-2005-PL-RS Building EF - Plot A Apartment Layouts - Level 05 Rev B  
10046-A-DRG-EF-G200-2006-PL-RS Building EF - Plot A Apartment Layouts - Level 06 Rev B  
10046-A-DRG-EF-G200-2007-PL-RS Building EF - Plot A Apartment Layouts - Level 07 Rev B  
10046-A-DRG-EF-G200-2008-PL-RS Building EF - Plot A Apartment Layouts - Level 08 Rev C  
10046-A-DRG-EF-G200-2009-PL-RS Building EF - Plot A Apartment Layouts - Level 09 Rev A  
10046-A-DRG-EF-G200-2030-PL-RS Building EF - Plot A Roof Plan - Roof Rev B  
10046-A-DRG-G-G200-2000-PL-RS Building G - Plot A - Level 00 Rev C  
10046-A-DRG-G-G200-2001-PL-RS Building G - Plot A - Level 01 Rev B  
10046-A-DRG-G-G200-2002-PL-RS Building G - Plot A - Apartment Layouts Rev B  
10046-A-DRG-G-G200-2003-PL-RS Building G - Plot A - Apartment Layouts - Levels 03 Rev B  
10046-A-DRG-G-G200-2030-PL-RS Building G - Plot A - Roof Plan - Roof Rev B  
10046-A-DRG-H-G200-2000-PL-RS Building H - Plot A - Level 00 Rev C  
10046-A-DRG-H-G200-2001-PL-RS Building H - Plot A - Level 01 Rev V B  
10046-A-DRG-H-G200-2002-PL-RS Building H - Plot A - Apartment Layouts - Level 02 Rev C  
10046-A-DRG-H-G200-2003-PL-RS Building H - Plot A - Apartment Layouts - Level 03 Rev C  
10046-A-DRG-H-G200-2030-PL-RS Building H - Plot A - Roof Plan - Roof Rev B  
10046-A-DRG-J-G200-2000-PL-RS Building J - Plot B - Level 00 Rev D  
10046-A-DRG-J-G200-2001-PL-RS Building J - Plot B - Level 01 Rev B  
10046-A-DRG-J-G200-2002-PL-RS Building J - Plot B - Apartment Layouts - Level 02 Rev D  
10046-A-DRG-J-G200-2003-PL-RS Building J - Plot B - Apartment Layouts - Level 03 Rev B  
10046-A-DRG-J-G200-2004-PL-RS Building J - Plot B - Apartment Layouts - Level 04 Rev C  
10046-A-DRG-J-G200-2030-PL-RS Building J - Plot B - Roof Plan - Roof Rev A  
10046-A-DRG-KL-G200-2000-PL-RS Building KL - Plot B - Level 00 Rev B  
10046-A-DRG-KL-G200-2001-PL-RS Building KL - Plot B - Level 01 Rev C  
10046-A-DRG-KL-G200-2002-PL-RS Building KL - Plot B Apartment Layouts - Level 02 Rev C  
10046-A-DRG-KL-G200-2003-PL-RS Building KL - Plot B Apartment Layouts - Level 03 Rev C  
10046-A-DRG-KL-G200-2004-PL-RS Building KL - Plot B Apartment Layouts - Level 04 Rev C  
10046-A-DRG-KL-G200-2005-PL-RS Building KL - Plot B Apartment Layouts - Level 05 Rev C  
10046-A-DRG-KL-G200-2006-PL-RS Building KL - Plot B Apartment Layouts - Level 06 Rev C  
10046-A-DRG-KL-G200-2007-PL-RS Building KL - Plot B Apartment Layouts - Level 07 Rev B  
10046-A-DRG-KL-G200-2008-PL-RS Building KL - Plot B Apartment Layouts - Level 08 Rev B  
10046-A-DRG-KL-G200-2009-PL-RS Building KL - Plot B Apartment Layouts - Level 09 Rev B  
10046-A-DRG-KL-G200-2030-PL-RS Building KL - Plot B Roof Plan - Roof Rev A  
10046-A-DRG-MN-G200-2000-PL-RS Building MN - Plot B Level 00 Rev C  
10046-A-DRG-MN-G200-2001-PL-RS Building MN - Plot B Level 01 Rev D  
10046-A-DRG-MN-G200-2002-PL-RS Building MN - Plot B Apartment Layouts- Level 02 Rev D  
10046-A-DRG-MN-G200-2003-PL-RS Building MN - Plot B Apartment Layouts- Level 03 Rev D  
10046-A-DRG-MN-G200-2004-PL-RS Building MN - Plot B Apartment Layouts- Level 04 Rev D  
10046-A-DRG-MN-G200-2005-PL-RS Building MN - Plot B Apartment Layouts- Level 05 Rev D  
10046-A-DRG-MN-G200-2006-PL-RS Building MN - Plot B Apartment Layouts- Level 06 Rev D  
10046-A-DRG-MN-G200-2007-PL-RS Building MN - Plot B Apartment Layouts- Level 07 Rev C  
10046-A-DRG-MN-G200-2008-PL-RS Building MN - Plot B Apartment Layouts- Level 08 Rev D  
10046-A-DRG-MN-G200-2009-PL-RS Building MN - Plot B Apartment Layouts- Level 09 Rev D  
10046-A-DRG-MN-G200-2030-PL-RS Building MN - Plot B Roof Plan - Roof Rev B  
10046-A-DRG-O-G200-2000-PL-RS Building O - Plot B - Level 00 Rev B  
10046-A-DRG-O-G200-2001-PL-RS Building O - Plot B - Level 01 Rev A  
10046-A-DRG-O-G200-2002-PL-RS Building O - Plot B - Apartment Layouts - Level 02 Rev A  
10046-A-DRG-O-G200-2003-PL-RS Building O - Plot B - Apartment Layouts - Level 03 Rev A  
10046-A-DRG-O-G200-2004-PL-RS Building O - Plot B - Apartment Layouts - Level 04 Rev A  
10046-A-DRG-O-G200-2005-PL-RS Building O - Plot B - Apartment Layouts - Level 05 Rev A  
10046-A-DRG-O-G200-2006-PL-RS Building O - Plot B - Apartment Layouts - Level 06 Rev A  
10046-A-DRG-O-G200-2007-PL-RS Building O - Plot B - Apartment Layouts - Level 07 Rev A  
10046-A-DRG-O-G200-2008-PL-RS Building O - Plot B - Apartment Layouts - Level 08 Rev B  
10046-A-DRG-O-G200-2009-PL-RS Building O - Plot B - Apartment Layouts - Level 09 Rev B  
10046-A-DRG-O-G200-2030-PL-RS Building O - Plot B - Roof Plan - Roof Rev A  
10046-A-DRG-A-G200-4000-PL-RS GA Elevation - Plot A Façade Elevation - Building A Rev B

10046-A-DRG-B-G200-4000-PL-RS GA Elevation - Plot A Façade Elevation - Building B Rev B  
10046-A-DRG-C-G200-4000-PL-RS GA Elevation - Plot A Façade Elevation - Building C Rev B  
10046-A-DRG-D-G200-4000-PL-RS GA Elevation - Plot A Façade Elevation - Building D Rev B  
10046-A-DRG-EF-G200-4000-PL-RS GA Elevation - Plot A Façade Elevation-Building EF Rev B  
10046-A-DRG-G-G200-4000-PL-RS GA Elevation - Plot A Façade Elevation - building G Rev B  
10046-A-DRG-H-G200-4000-PL-RS GA Elevation - Plot A Façade Elevation -Building H Rev B  
10046-A-DRG-J-G200-4000-PL-RS GA Elevation - Plot B Façade Elevation - Building J Rev D  
10046-A-DRG-KL-G200-4000-PL-RS GA Elevation - Plot B Façade Elevation- Building KL Rev B  
10046-A-DRG-MN-G200-4000-PL-RS GA Elevation-Plot B Façade Elevation-Building MN Rev D  
10046-A-DRG-O-G200-4000-PL-RS GA Elevation - Plot B Façade Elevation - Building O Rev A  
10046-A-DRG-Z0-G200-5001-PL-RS Wheelchair Accessible Apartments - Building A Rev B  
10046-A- DRG-Z0-G200-5002-PL-RS Wheelchair Accessible Apartments - Building B Rev B  
10046-A-DRG-Z0-G200-5003-PL-RS Wheelchair Accessible Apartments - Building B Rev B  
10046-A-DRG-Z0-G200-5004-PL-RS Wheelchair Accessible Apartments - Building C Rev B  
10046-A-DRG-Z0-G200-5005-PL-RS Wheelchair Accessible Apartments - Building D Rev B  
10046-A-DRG-Z0-G200-5006-PL-RS Wheelchair Accessible Apartments - Building EF Rev B  
10046-A-DRG-Z0-G200-5010-PL-RS Wheelchair Accessible Apartments - Building KL Rev A  
10046-A-DRG-Z0-G200-5101-PL-RS Typical Apartment - 1 Bed  
10046-A-DRG-Z0-G200-5102-PL-RS Typical Apartment - 2 Bed  
10046-A-DRG-Z0-G200-5103-PL-RS Typical Apartment - 3 Bed  
10046-A-DRG-Z0-G200-5104-PL-RS Typical Apartment - 3 Bed Townhouse  
10046-A-DRG-Z0-G200-5105-PL-RS Typical Apartment - Duplex

### **F900 - Space Analysis**

10046-A-DRG-A-F900-2000-PL-RS Building A- Unit Matrix Rev C  
10046-A-DRG-B-F900-2000-PL-RS Building B - Unit Matrix Rev C  
10046-A-DRG-C-F900-2000-PL-RS Building C - Unit Matrix Rev C  
10046-A-DRG-D-F900-2000-PL-RS Building D - Unit Matrix Rev C  
10046-A-DRG-EF-F900-2000-PL-RS Building EF - Unit Matrix Rev C  
10046-A-DRG-G-F900-2000-PL-RS Building G - Unit Matrix Rev C  
10046-A-DRG-H-F900-2000-PL-RS Building H- Unit Matrix Rev C  
10046-A-DRG-J-F900-2000-PL-RS Building J - Unit Matrix Rev E  
10046-A-DRG-KL-F900-2000-PL-RS Building KL - Unit Matrix Rev C  
10046-A-DRG-MN-F900-2000-PL-RS Building MN - Unit Matrix Rev D  
10046-A-DRG-O-F900-2000-PL-RS Building O - Unit Matrix Rev C

### **Landscape**

Exa\_1752\_001 Illustrative Landscape Plan Rev D  
Exa\_1752\_010 Landscape Legend Rev B  
Exa\_1752\_100 Ga Landscape Ground Floor Plan Rev D  
Exa\_1752\_101 Rev A Ga Ground Floor Sheet 1 Of 2 Rev D  
Exa\_1752\_102 Rev A Ga Ground Floor Sheet 2 Of 2 Rev B  
Exa\_1752\_112 Ga Podium Plot B Rev C  
Exa\_1752\_121 Ga Roof Terrace Plot A Blocks A, B & C Rev C  
Exa\_1752\_122 Ga Roof Terrace Plot A Blocks K & L Rev C  
Exa\_1752\_200 Planting Schedules And Specification Rev D  
Exa\_1752\_201 Planting Plan Ground Floor Sheet 1 Of 2 Rev D  
Exa\_1752\_202 Planting Plan Ground Floor Sheet 2 Of 2 Rev B  
Exa\_1752\_212 Planting Plan Podium Plot B Rev B  
Exa\_1752\_221 Planting Plan Roof Terrace Plot A Blocks A, B & C Rev C  
Exa\_1752\_222 Planting Plan Roof Terrace Plot A Blocks K & L Rev C  
Exa\_1752\_301 Levels Ground Floor Sheet 1 Of 2 Rev C  
Exa\_1752\_302 Levels Ground Floor Sheet 2 Of 2 Rev B  
Exa\_1752\_500 Section Reference Plan Rev C  
Exa\_1752\_501 Section 1 - 4  
Exa\_1752\_502 Section 5 - 8  
Exa\_1752\_503 Section 9 - 13  
Exa\_1752\_701 Landscape Soft Detail  
Exa\_1752\_702 Landscape Soft Detail

Exa\_1752\_703 Landscape Soft Detail  
Exa\_1752\_704 Landscape Soft Detail  
Exa\_1752\_705 Landscape Soft Detail  
Exa\_1752\_706 Landscape Soft Detail



# Ministry of Housing, Communities & Local Government

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## RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

### SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

#### Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

### SECTION 2: ENFORCEMENT APPEALS

#### Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

### SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

### SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.