



Ministry of Housing,  
Communities &  
Local Government

Simon Fowler Avison Young – UK  
**By email only**

Our Ref: APP/E5330/W/19/3233519

Date: 30 July 2020

Dear Sir

**CORRECTION NOTICE UNDER SECTION 57 OF THE PLANNING AND COMPULSORY PURCHASE ACT 2004**

**Land at Love Lane, Grand Depot Road, John Wilson Street, Thomas Street, and Woolwich New Road, Woolwich SE18 6SJ for**

1. A request for a correction has been received from Winckworth Sherwood on behalf of the Appellant's in respect of the Secretary of State's decision letter on the above case dated 3 June 2020. This request was made before the end of the relevant period for making such corrections under section 56 of the Planning and Compulsory Purchase Act 2004 (the Act), and a decision has been made by the Secretary of State to correct the error.
2. There is a clear typographical error in the IR, specifically at IR12.18 where there is an incorrect reference to Phase 4 when the intention was to refer to Phase 3. The correction relates to this reference only and is reflected in the revised Inspector's report attached to this letter.
3. Under the provisions of section 58(1) of the Act, the effect of the correction referred to above is that the original decision is taken not to have been made. The decision date for this appeal is the date of this notice, and an application may be made to the High Court within six weeks from the day after the date of this notice for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
4. A copy of this letter has been sent to Royal Borough of Greenwich and Speak Out Woolwich.

Yours faithfully

**Jean Nowak**

Authorised by Secretary of State to sign in that behalf

Jean Nowak, Decision Officer  
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Ministry of Housing,  
Communities &  
Local Government

Simon Fowler  
Avison Young – UK  
Associate Director  
5 Bolton Street  
London W1J 8BA

Our ref: APP/E5330/W/19/3233519  
Your ref: 17/2812/F

2 June 2020

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEAL MADE BY MEYER HOMES LTD  
LAND AT LOVE LANE, GRAND DEPOT ROAD, JOHN WILSON STREET, THOMAS  
STREET, AND WOOLWICH NEW ROAD, WOOLWICH SE18 6SJ  
APPLICATION REF: 17/2812/F**

1. I am directed by the Secretary of State to say that consideration has been given to the report of Paul Griffiths BSc(Hons) BArch IHBC, who held a public local inquiry that opened on 19 November 2019 into your client's appeal against the decision of The Royal Borough of Greenwich to refuse your client's application for planning permission for the construction of 27 storey building comprising 1,056sqm (GIA) of commercial floorspace (Classes A1, A2, A3, B1 and D1) at ground and first floor, and 206 residential units at upper floors, cycle parking, refuse and recycling storage, plant and external amenity space, and external landscaping and improvements to public realm (Phase 3) and construction of buildings between 9 and 16 storeys comprising 1,793sqm (GIA) of commercial floorspace (Classes A1, A3 and B1) at ground floors of Buildings A, B, C, D and H and 598 residential units at upper floors, car and cycle parking, refuse and recycling storage, plant, external amenity space, alterations to the roof of loading bay, and external landscaping and improvements to public realm (Phase 4) in accordance with application ref:17/2812/F, dated 31 August 2017.
2. On 19 September 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, and agrees with his recommendation. He has decided to dismiss the appeal. 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 and the environmental information submitted in the lead up to the Inquiry, following the designation of the Woolwich Conservation Area by the Council. Having taken account of the Inspector's comments at IR1.8, the Secretary of State is satisfied that the Environmental Statement and the further environmental information 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 2019 Housing Delivery Test results were published on 13 February 2020. The Council's score changed from 108% to 90% which requires the Council to produce an Action Plan. 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.

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

7. On 14 April 2020, the Secretary of State wrote to the main parties to afford them an opportunity to comment on representations made by the London Historic Buildings Trust dated 25 November 2019. These representations were circulated to the main parties on 1 May 2020.
8. The Secretary of State is satisfied that the issues raised do not affect his decision, and no other new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties. A list of representations which have been received since the inquiry is at Annex A. Copies of these letters may be obtained on written request to the address at the foot of the first page of this letter.

## **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 London Plan 2016 (LP) and the Royal Greenwich Local Plan Core Strategy (CS) with detailed policies 2014. The LP identifies Woolwich as an Opportunity Area and recognises it as a Major Town Centre within the strategic hierarchy. The Secretary of State considers that relevant development plan policies include those set out at IR5.1-5.25.
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 Royal Borough of Greenwich Emerging Site Allocations Document; the Housing SPG published by the Mayor in March 2016 (IR5.26) and includes documents referred to in Section 4 of the Statement of Common Ground (SoCG).
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.

### *Emerging plan*

13. The emerging plan comprises the Draft London Plan (December 2019). The Secretary of State considers that the emerging policies of most relevance to this case include those set out at IR5.36 and include policy SD1(B)(2) which supports development that creates housing choice for Londoners. Woolwich will remain an Opportunity Area in the emerging London Plan, and the Secretary of State agrees with the Inspector's view at IR5.36 that broadly speaking the policies pull in similar directions to those of the adopted London Plan.
14. 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 includes SD1 (Opportunity Areas). 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. He considers that other policies in the emerging Plan, where no modifications have been directed, carry significant weight.

### **Main issues**

#### *Design impact on the character and appearance of the area*

15. The Secretary of State agrees with the Inspector's approach at IR12.5-12.14. He has carefully considered the Inspector's analysis of the design issue at IR12.15-12.27. For the reasons given in those paragraphs, he agrees with the Inspector (IR12.16) that the Phase 4 proposal would lift an underused site, hide the unattractive rear of the Phase 2 building, and provide new public spaces which would enhance its immediate surroundings.
16. He further agrees with the Inspector at IR12.22 that, when viewed in isolation, the design of the Phase 3 building is very pleasing and, when viewed from very close up, it would fit in well with its surroundings. It would also give General Gordon Square a proper sense of enclosure. However, the Secretary of State agrees with the Inspector at IR12.23 that it cannot simply be viewed in isolation, and the contextual response revolves around the height of what is proposed. He agrees with the Inspector's conclusions at IR12.25 that the Phase 3 building would be of an incongruous height which would dwarf anything around it and loom oppressively over the Square. Overall the Secretary of State agrees that the Phase 3 proposal would harm the character and appearance of its immediate surroundings (IR12.25). He considers this carries substantial weight against the proposal.

#### *Design impacts on heritage assets*

17. The Secretary of State has considered the Inspector's reasoning (IR12.28-12.61 and IR12.104-12.107) concerning the settings of several listed buildings and locally listed buildings in the area. For the reasons given at IR12.31-12.36, he agrees with the Inspector at IR12.34 that the Phase 3 building would form a competitive and distracting feature which would dilute the extent to which the Royal Brass Foundry is the focus of the view. He agrees further that it would harm the setting of the Grade I listed Royal Brass Foundry and its significance, and would also detract from the setting of the Royal Arsenal Conservation Area and its significance (IR12.34), and that this would cause 'less than substantial' harm, at the lower end of the scale (IR12.58 and IR12.104).
18. For the reasons given in IR12.37-IR12.44, the Secretary of State agrees that there would be limited harm to the setting and significance of the Grade II\* listed Royal Artillery Barracks and the Woolwich Common Conservation Area (IR12.40), and that this harm would also be 'less than substantial' and would be at the lower end of the scale (IR12.58 and IR12.104).
19. For the reasons given in IR12.45-12.54 the Secretary of State agrees that while there are some positives to the development of the Phase 3 site (IR12.46), it would dominate General Gordon Square and its overbearing presence would cause harm to its setting and significance (IR12.47). He further agrees that it would dwarf the Grade II listed Equitable House, undermining its status, which would be harmful to its setting and its significance (IR12.48). The Secretary of State further agrees with the inspector that the setting of locally listed street frontages and that of the Woolwich Conservation Area would also be harmed because the contrast in height would be extreme and visually jarring (IR12.54). He agrees (IR12.58 and IR12.104) that the harm to these designated heritage assets would be 'less than substantial', around the middle of that scale.
20. The Secretary of State attaches great weight to the conservation of these assets (IR12.60). In line with paragraph 196 of the Framework, he has weighed the harm to the designated heritage assets against the public benefits of the proposal. His conclusion is set out at paragraph 31 below.

#### *Design impacts on living conditions*

21. For the reasons given at IR12.62-12.93, the Secretary of State agrees that the proposals would not offer a reasonable living environment for occupiers of the new single aspect units, and neither would the proposal adequately protect the living conditions of neighbouring residents in terms of loss of sunlight and daylight contrary to LP policy 3.5 and CS policy DH(b) (IR12.112). The Secretary of State considers this harm attracts substantial weight against the proposals.

#### *Housing*

22. The Secretary of State agrees that the Council has a five-year supply of housing, as required by the Framework and that the benefit of the new homes becomes significant when considering the level of the provision in the scheme in the context of the housing needs of London as a whole (IR12.99). He further agrees, for the reasons given at IR12.94-IR12.97 that the proposals are acceptable in affordable housing terms and are policy compliant (IR12.100). He further agrees with the Inspector at IR12.100 that as 34 of the London affordable rent units would be three-bedroom units suitable for families, and there is a pressing need for this type of affordable housing in the Borough, this would be a substantial and important public benefit in favour of the scheme. The Secretary of State considers that each of these benefits carries substantial weight.

### *Other matters*

23. The Secretary of State considers that the delivery of commercial space and some 217 new jobs (IR12.101), as well as the realisation of public realm enhancements and townscape benefits, including a new public square (IR12.102), each carry moderate weight in favour of the scheme.

### **Planning conditions**

24. The Secretary of State has given consideration to the Inspector's analysis at IR10.1-10.16, 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**

25. Having had regard to the Inspector's analysis at IR11.1-11.17 the planning obligation dated 5 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 at IR11.17 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**

26. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with LP policies 3.5, 7.4, 7.5, 7.6, 7.7, 7.8, and CS Policies DH1, DH3, DH(b), DH(h) and DH(i) of the development plan, 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.

27. The Secretary of State gives substantial weight to the harm to the character and appearance of the area and also gives substantial weight to harm to the living conditions of proposed and existing occupiers. He attributes great weight to the harm to the setting and significance of designated heritage assets.

28. The Secretary of State considers that, in terms of benefits, the provision of housing benefits and affordable housing benefits each carry substantial weight. The delivery of commercial space and 217 new jobs, as well as the realisation of public realm enhancements, including a new public square, each carry moderate weight.

29. The Secretary of State has considered whether the identified 'less than substantial' harm caused by the proposals to the significance of Grade II\* listed Royal Artillery Barracks and the Woolwich Common Conservation Area (at the lower end of the scale) and less than substantial harm to the significance of the Grade I listed Royal Brass Foundry and the Royal Arsenal Conservation Area, and Equitable House and the Woolwich

Conservation Area (in the middle of the scale) is outweighed by the public benefits of the proposal.

30. The Secretary of State shares the Inspector's view (IR12.107) that the public benefits of the scheme, taken at their highest, are far outweighed by the harm it would cause, albeit that the harm would be less than substantial, to the significance of the designated heritage assets identified. He considers that the balancing exercise under paragraph 196 of the Framework is therefore not favourable to the proposal.
31. 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.
32. The Secretary of State therefore concludes that the appeal be dismissed.

### **Formal decision**

33. 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 the construction of 27 storey building comprising 1,056sqm (GIA) of commercial floorspace (Classes A1, A2, A3, B1 and D1) at ground and first floor, and 206 residential units at upper floors, cycle parking, refuse and recycling storage, plant and external amenity space, and external landscaping and improvements to public realm (Phase 3) and construction of buildings between 9 and 16 storeys comprising 1,793sqm (GIA) of commercial floorspace (Classes A1, A3 and B1) at ground floors of Buildings A, B, C, D and H and 598 residential units at upper floors, car and cycle parking, refuse and recycling storage, plant, external amenity space, alterations to the roof of loading bay, and external landscaping and improvements to public realm (Phase 4) in accordance with application ref:17/2812/F, dated 31 August 2017.

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

34. 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.
35. A copy of this letter has been sent to Royal Borough of Greenwich and Speak Out Woolwich.

Yours faithfully

*Jean Nowak*

Authorised by the Secretary of State to sign in that behalf

## Annex A

### SCHEDULE OF REPRESENTATIONS

#### Representations received in response to the Secretary of State's letter of 14 April 2020

<b>Party</b>	<b>Date</b>
Speak Out Woolwich	18/04/2020
Simon Fowler – Avison Young	28/04/2020
Royal Borough of Greenwich	29/04/2020





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

by Paul Griffiths BSc(Hons) BArch IHBC

an Inspector appointed by the Secretary of State

Date: 27 February 2020

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**The Town and Country Planning Act 1990**

**Appeal by**

**Meyer Homes Ltd**

**Against the decision of**

**The Royal Borough of Greenwich**

Inquiry Opened on 19 November 2019

Land at Love Lane, Grand Depot Road, John Wilson Street, Thomas Street, and Woolwich New Road,  
Woolwich SE18 6SJ

File Ref: APP/E5330/W/19/3233519

**Appeal Ref: APP/E5330/W/19/3233519**

**Land at Love Lane, Grand Depot Road, John Wilson Street, Thomas Street, and Woolwich New Road, Woolwich SE18 6SJ**

- 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 Meyer Homes Ltd against the decision of the Royal Borough of Greenwich.
- The application Ref.17/2812/F, dated 31 August 2017, was refused by notice dated 30 January 2019.
- The development proposed was originally described as 'construction of 27 storey building comprising 1,056sqm (GIA) of commercial floorspace (Classes A1, A2, A3, B1 and D1) at ground and first floor, and 206 residential units at upper floors, cycle parking, refuse and recycling storage, plant and external amenity space, and external landscaping and improvements to public realm (Phase 3) and construction of buildings between 9 and 16 storeys comprising 1,793sqm (GIA) of commercial floorspace (Classes A1, A3 and B1) at ground floors of Buildings A, B, C, D and H and 598 residential units at upper floors, car and cycle parking, refuse and recycling storage, plant, external amenity space, alterations to the roof of loading bay, and external landscaping and improvements to public realm (Phase 4)'.

**Summary of Recommendation: That the appeal be dismissed.**

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**1. Procedural Matters**

- 1.1 The Inquiry opened on 19 November 2019 and closed on 28 November after a total of six sitting days. Aside from the appellant and the Council, Speak Out Woolwich<sup>1</sup> took a full part in proceedings as a R6(6) party. Many members of the public and elected representatives addressed the Inquiry too.
- 1.2 A telephone conference involving myself, the appellant, the Council, and SOW, took place on 30 September 2019 where various matters relating to the Inquiry were discussed. Based on that discussion, several aspects of the evidence were dealt with at the Inquiry on a 'round table' basis, with formal presentation of evidence confined to heritage matters, and planning.
- 1.3 The parties agreed a walking route that took in the appeal site and various important viewpoints around it which I was able to follow, unaccompanied, in advance of the Inquiry<sup>2</sup>. This was of great assistance and given the proximity of the Inquiry venue to the appeal site, I was able to make several, unaccompanied visits, during the Inquiry. Nevertheless, I carried out site visits on the morning of 29 November 2019 accompanied by representatives of the appellant, the Council, SOW, as well as interested persons.
- 1.4 After making a draft available when the Inquiry opened, the Council and the appellant helpfully agreed a general Statement of Common Ground<sup>3</sup>. Specific Statements of Common Ground were also agreed between the Council and the appellant on Affordable Housing and Viability<sup>4</sup>, and Daylight and Sunlight<sup>5</sup> which have been of great assistance.

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<sup>1</sup> Referred to hereafter as SOW

<sup>2</sup> ID52

<sup>3</sup> ID2 – Referred to hereafter as SoCG

<sup>4</sup> ID20 – Referred to hereafter as SoCGAHV

<sup>5</sup> ID28 – Referred to hereafter as SoCGDS

- 1.5 As set out in full in the SoCG, and elsewhere<sup>6</sup>, the Council refused planning permission for the proposal for six reasons. The first relates to the impact of the proposed Phase 3 tower on the character and appearance of its immediate surroundings, including General Gordon Square; the second to the impact of the proposal as a whole on the setting and thereby the significance of a series of designated heritage assets; the third expresses dissatisfaction with the amount and tenure type and mix of affordable housing; the fourth refers to unsatisfactory living accommodation for prospective occupiers; the fifth to the impact on adjoining occupiers in terms of loss of sunlight and daylight; while the sixth points to the absence of any Planning Obligation.
- 1.6 I used these as the basis of the main issues I outlined in advance of the Inquiry namely: (a) the effect of the proposal on the character and appearance of the area (the design issue); (b) the effect of the proposal on the setting, and thereby the significance, of a range of heritage assets (the historic environment issue); (c) the effect of the proposal on the living conditions of existing residents through visual impact and any loss of sunlight and/or daylight (the living conditions issue I); (d) whether the proposal would provide acceptable living conditions for prospective residents (the living conditions issue II); (e) whether the proposal would make adequate provision for affordable housing (the affordable housing issue); and (f) whether any other impacts of the proposal have been properly mitigated (the obligations issue).
- 1.7 In relation to the final reason for refusal, while drafts of an Agreement under s.106 were available for discussion at the Inquiry<sup>7</sup>, I allowed the main parties time after the Inquiry closed to produce a completed version. This was duly received<sup>8</sup>, and I address the content in detail below.
- 1.8 The proposal constitutes EIA development for the purposes of the relevant regulations and the application was accompanied by an Environmental Statement<sup>9</sup>. Aspects of the ES, notably in relation to air quality, noise impacts and ground conditions, were queried and subsequently reviewed<sup>10</sup>. In the lead up to the Inquiry, following the designation of the Woolwich Conservation Area by the Council, I asked the appellant to provide further environmental information to address this matter. This request was duly complied with<sup>11</sup>. There has been no suggestion by any party that the ES, as it stands, is wanting in any way. In my view, with the revisions, and the additional information, it meets fully the requirements of the relevant Regulations.
- 1.9 The appeal was recovered for determination by the Secretary of State on 19 September 2019. The reason for this was because the appeal involves proposals for residential development of over 150 units or on sites of over 5 hectares, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

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<sup>6</sup> ID2 and CD5.3

<sup>7</sup> ID45

<sup>8</sup> ID51

<sup>9</sup> CD1.2.12 – referred to hereafter as ES

<sup>10</sup> CD1.3.11 and CD 1.3.29

<sup>11</sup> CD1.4.3 and CD 1.4.4

## 2. The Site and Surroundings

- 2.1 The two separate parcels of land that make up the appeal site are situated in the town centre of Woolwich in the block bounded by Wellington Street to the north, Thomas Street to the east, Woolwich New Road/Grand Depot Road to the south and John Wilson Street (which makes up part of the South Circular Road) to the west.
- 2.2 The two parcels of land for the eastern and western extremities of the block and make up the remaining areas of the site that was the subject of a grant of outline planning permission for what was then termed the 'Love Lane Masterplan'. This has since come to be known as 'Woolwich Central'.

## 3. Planning History

- 3.1 This is set out in full in the SoCG<sup>12</sup> but I highlight that planning permission was granted on 27 July 2007 following a 'hybrid' application for the redevelopment of the Love Lane site which then included Peggy Middleton House, Crown Buildings, the Post Office, Thomas Spencer House, and Council buildings fronting Wellington Street<sup>13</sup>.
- 3.2 The 'Love Lane masterplan' as it was then known, broke the development up into four distinct phases. Phase 1 involved a new Civic Centre and library (approval for which was granted as part of the original 'hybrid' application); Phase 2 was a mixed use development on the central part of the site; Phase 3 comprised a residential tower fronting General Gordon Square with retail and commercial uses at lower levels; and Phase 4 was made up of residential development on the south/western part of the site. Phase 1, the new Civic Centre and library, was completed in accordance with the 'hybrid' approval.
- 3.3 Condition 3 of the original grant of outline planning permission states that: *The development to which this permission relates shall begin not later than whichever is the later of the following dates: a) the expiration of eight years from the date of this outline planning permission; or b) the expiration of two years from the final approval of reserved matters, or in the case of approval on different dates the final approval of the last such matter to be approved.*
- 3.4 A reserved matters application<sup>14</sup> was subsequently submitted for Phase 2 which included 289 dwellings, a 12,185 square metre retail store, other retail and food/drink units, a neighbourhood police office, and associated public realm, which was approved by the Council in March 2008. Subsequent amended versions of that scheme were approved in December 2008<sup>15</sup> and December 2011<sup>16</sup>. This latter amended version of Phase 2 has been implemented.
- 3.5 Despite subsequent applications for approval of reserved matters, which remained undetermined, no approvals of reserved matters for Phases 3 and 4 have been forthcoming within the time limits set out by condition 3 attached to

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<sup>12</sup> ID2

<sup>13</sup> Ref.06/1751/O

<sup>14</sup> Ref.08/0103/R

<sup>15</sup> Ref.08/2558/R

<sup>16</sup> Ref.10/2440/R

the original grant of outline planning permission. As a result, notwithstanding that Phases 1 and 2 have been completed, the parties agree that the grant of outline permission for 'Woolwich Central' has now lapsed.

#### **4. The Proposals**

- 4.1 As set out above, the Phase 3 and Phase 4 sites are separated by the now constructed Phases 1 and 2. The Phase 3 site is open, temporarily landscaped, roughly triangular in shape, and 0.4 hectares in area. On this site, it is proposed to erect a twenty-seven storey, mixed use building, triangular in plan form, containing 206 residential units, with retail and ancillary space at ground floor level, office, community and ancillary spaces at first floor level, and residential amenity spaces at second and twenty-seventh floor levels.
- 4.2 The Phase 4 site is around 1.41 hectares in area. The buildings that formerly occupied it have been demolished and it is currently surrounded by hoardings. The Phase 4 proposal includes 598 residential units in seven buildings ranging from twelve to fifteen storeys in height, along with affordable workspace, areas set aside for retail and café uses, parking below a landscaped deck, and a new public space. This public space facilitates a pedestrian link from Grand Depot Road through to Wellington Street. All the affordable housing contained within the overall scheme is to be located in Phase 4; none is proposed in Phase 3.

#### **5. Planning Policy**

- 5.1 The development plan for the area includes the London Plan (Consolidated with Alterations since 2011) of March 2016<sup>17</sup>, and the Royal Greenwich Local Plan Core Strategy with Detailed Policies that dates from 2014<sup>18</sup>. The SoCG<sup>19</sup> lists all the policies from the LP and the CS that are relevant. I deal with those that have particular bearing below.
- 5.2 There is an overall policy context that needs to be outlined first. The LP identifies Woolwich as an Opportunity Area. LP Policy 2.13 addresses these and sets out that development proposals in such areas should (amongst other things): (b) seek to optimise residential and non-residential output and densities, provide necessary social and other infrastructure to sustain growth, and, where, appropriate, contain a mix of uses; and (c) contribute towards meeting (or where appropriate, exceeding) the minimum guidelines for housing and/or employment capacity set out in Annex 1.
- 5.3 Woolwich is also recognised as a Major Town Centre within the strategic hierarchy with the potential to grow into a Metropolitan Centre. Within town centres, LP Policy 2.15C(b) seeks to accommodate economic and/or housing growth through intensification and selective expansion in appropriate locations.
- 5.4 Woolwich is also identified as a regeneration area at strategic level through LP Policy 2.14. This designation recognises the need to address social exclusion and to do so through positive change and the delivery of regenerative development.

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<sup>17</sup> CD11.4 - referred to hereafter as LP

<sup>18</sup> CD11.7 - referred to hereafter as CS

<sup>19</sup> ID2

- 5.5 Following on from that, one of the key features of the spatial strategy identified in the CS is the transformation of Woolwich into a vibrant, successful town centre with new retail, office, hotel, cultural, and housing development that will claw back trade and warrant reclassification of the town as a Metropolitan Centre towards the end of the plan period.
- 5.6 Further, Woolwich is identified as a location for strategic development. Paragraph 3.3.5 says that: *The strategy for Woolwich Town Centre aims to capitalise on its strengths as well as the centre's heritage and riverside location. The Town Centre will be revitalised through additional retail floorspace, new office, leisure and entertainment facilities, a new civic centre, as well as new culture and tourism uses. The amount of housing within the town centre will also increase, including a new mixed use development at the Royal Arsenal site which is already under construction. Redevelopment around Love Lane will also provide housing in the town centre.* The paragraph is illustrated with a picture of the Love Lane development showing the tall building proposed on the Phase 3 site as part of the 2007 outline permission.
- 5.7 CS paragraph 3.3.7 talks of how the enhancement of the town centre will see a claw back of lost trade and paragraph 3.3.8 confirms that the Love Lane and Royal Arsenal masterplan area are important sites in this ambition. CS Policy TC2 is clear that Woolwich Town Centre will re-assert itself as a Major Centre in South East London.
- 5.8 Moving on to more detailed matters, LP Policy 7.4 deals with local character and in general terms, requires development to have regard to the form, function, and structure of a place and build on positive elements that can contribute to establishing an enhanced character for the future function of an area. More specifically, buildings, streets and open spaces should provide a high-quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment.
- 5.9 The public realm is addressed in LP Policy 7.5. Strategically, London's public spaces should be secure, inclusive, connected, easy to understand and maintain, relate to local context, and incorporate the highest quality design, landscaping, planting, street furniture, and surfaces.
- 5.10 Development should make the public realm comprehensible at a human scale, using gateways, focal points and landmarks as appropriate to help people find their way. Landscape treatment, street furniture and infrastructure should be of the highest quality, have a clear purpose, maintain uncluttered spaces and should contribute to the easy movement of people through the space. Opportunities for the integration of high-quality public art should be considered, and opportunities for greening should be maximised. Treatment of the public realm should be informed by the heritage values of the place, where appropriate.



- 5.11 LP Policy 7.6 says that in strategic terms, architecture should make a positive contribution to a coherent public realm, streetscape, and wider cityscape. It should incorporate the highest quality materials and design appropriate to its context. Buildings and structures should be of the highest architectural quality; be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm; comprise details and materials that complement, not necessarily replicate, the local architectural character; and not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate - this is particularly important for tall buildings; incorporate best practice in resource management and climate change mitigation and adaptation; provide high quality indoor and outdoor spaces and integrate well with the surrounding streets and open spaces; be adaptable to different activities and land uses, particularly at ground level; meet the principles of inclusive design; and optimise the potential of sites.
- 5.12 The location and design of tall and large buildings is the focus of LP Policy 7.7. Broadly, tall and large buildings should be part of a plan-led approach to changing or developing an area by the identification of appropriate, sensitive and inappropriate locations. Tall and large buildings should not have an unacceptably harmful impact on their surroundings.
- 5.13 In more detailed terms, tall and large buildings should generally be limited to sites in the Central Activities Zone, opportunity areas, areas of intensification or town centres that have good access to public transport; only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building; 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, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline of London; incorporate the highest standards of architecture and materials, including sustainable design and construction practices; have ground floor activities that provide a positive relationship to the surrounding streets; contribute to improving the permeability of the site and wider area, where possible; incorporate publicly accessible areas on the upper floors, where appropriate; and make a significant contribution to local regeneration.
- 5.14 Further, tall buildings should not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunications interference; and should not impact on local or strategic views adversely. Finally, the impact of tall buildings proposed in sensitive locations should be given particular consideration. Such areas might include conservation areas, listed buildings and their settings, registered historic parks and gardens, scheduled monuments, battlefields, the edge of the Green Belt or Metropolitan Open Land, World Heritage Sites, or other areas designated by boroughs as being sensitive or inappropriate for tall buildings.
- 5.15 Heritage assets and archaeology are dealt with by LP Policy 7.8 in a (necessarily) wide ranging way. Of application here, development should identify, value, conserve, restore, re-use and incorporate heritage assets where appropriate. Development affecting heritage assets and their settings

should conserve their significance by being sympathetic to their form, scale, materials and architectural detail.

- 5.16 LP Policy 3.4 is aimed at optimising housing potential. Taking into account local context and character, the design principles of the LP, and public transport capacity, development should optimise housing output for different types of location within the relevant density range shown in Table 3.2. Development proposals which compromise this policy should be resisted. The appeal site is within Woolwich Town Centre and has a PTAL of 6a/6b so the relevant density range in Table 3.2 is 215-405u/ha.
- 5.17 The quality and design of housing developments are the subject of LP Policy 3.5. In general terms, housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. In particular, the design of all new housing developments should enhance the quality of local places, taking into account physical context; local character; density; tenure and land use mix; and relationships with, and provision of, public, communal and open spaces, taking particular account of the needs of children, disabled and older people.
- 5.18 LP Policy 3.11 sets targets for affordable housing. Provision is to be maximised and in order to give impetus to a strong and diverse intermediate housing sector, 60% of the affordable housing should be for social and affordable rent and 40% for intermediate rent or sale. Priority should be accorded to provision of affordable family housing. LP Policy 3.12 provides a framework for negotiating affordable housing on individual private residential and mixed-use schemes. In simple terms, the maximum reasonable amount of affordable housing should be sought having regard to a range of factors.
- 5.19 In terms of cycle parking, LP Policy 6.9 requires developments to provide secure, integrated, convenient and accessible cycle parking in line with the minimum standards set out in Table 6.3. For dwellings, this requires 1 space per studio and 1 bedroom unit and 2 spaces per all other dwellings for long-stay parking, and 1 space per 40 units short-stay.
- 5.20 Turning to the CS, CS Policy DH1 addresses design. All developments are required to be of a high quality of design and to demonstrate that they positively contribute to the improvement of both the built and natural environments. To achieve that high quality, all developments are expected to provide a positive relationship between the proposed and existing urban context by, amongst other things, taking account of existing townscapes, local landmarks, views and skylines; the architecture of surrounding buildings; the quality and nature of materials both traditional and modern; established layout and spatial character; the scale, height, bulk and massing of the adjacent townscape; architectural, historical and archaeological features and their settings; the effective use of land; and patterns of activity, movement and circulation particularly for pedestrians and cyclists. Local distinctiveness is to be promoted through a site-specific design solution and attractive, manageable and well-functioning spaces are to be created within the site.
- 5.21 CS Policy DH2 refers specifically to tall buildings suggesting that they may be appropriate in Woolwich Town Centre, amongst other places.



- 5.22 Heritage assets and their settings are the subject of CS Policy DH3. This says that these will be protected and enhanced. Below that, CS Policy DH(h) deals with conservation areas, and amongst other things, seeks to ensure that their settings are respected. CS Policy DH(i) resists development proposals that would detract from the setting and proportions of a listed building or a group (of listed buildings).
- 5.23 CS Policy DH(b) sets out that new development will only be permitted where it does not cause an unacceptable loss of amenity to adjacent occupiers by reducing the amount of daylight, sunlight or privacy they enjoy, or result in an unneighbourly sense of enclosure.
- 5.24 CS Policy H3 requires developments of 10 or more homes or residential sites of 0.5 hectare or more to provide at least 35% affordable housing though the specifics of provision will be influenced by the particular circumstances and characteristics of the site and of the development, including financial viability.
- 5.25 The CS also carries forward a series of Site Proposals from the 2006 UDP it replaced<sup>20</sup>. The mixed-use site schedules include mu35, the site of Peggy Middleton House and former student accommodation, Crown building and Post Office (in effect the appeal site). A mix of residential, retail and/or business/employment uses are envisaged in the allocation.
- 5.26 The SoCG<sup>21</sup> also makes reference to a range of Mayoral and Council, Supplementary Planning Guidance documents which are important material considerations. Of particular note is the Housing SPG published by the Mayor in March 2016 and I deal with this in more detail in my conclusions below.
- 5.27 An important material consideration too is the National Planning Policy Framework<sup>22</sup> which sets out the Government's planning policies for England and how these should be applied. The content is familiar, no doubt, so I highlight a few of the most important points.
- 5.28 Paragraph 59 says that to support the Government's objective of significantly boosting the supply of housing, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 5.29 Paragraph 117 says that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment.
- 5.30 To underline that, paragraph 118 d) promotes and supports the development of under-utilised land especially if this would help to meet identified needs for housing where land supply is constrained. Moreover, paragraph 123 c) is clear that when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)

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<sup>20</sup> CD11.7 Addendum – UDP Site Proposal Schedules

<sup>21</sup> ID2 and CD11.8 to CD11.25 – referred to hereafter as SPG

<sup>22</sup> CD11.1 – referred to hereafter as the Framework

- 5.31 In terms of design, paragraph 124 is clear that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work, and helps make development acceptable to communities.
- 5.32 Paragraph 130 says 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. Where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
- 5.33 As far as the historic environment is concerned, paragraph 193 points out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Broadly speaking, paragraph 193 follows the line of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)<sup>23</sup> and s.66(1) that deals with listed buildings and their settings, and s.72(1) that refers to conservation areas, in particular.
- 5.34 Given that the development proposed does not lie within a conservation area, s.72(1) of the Act has no application. However, it is common ground that the setting of a number of listed buildings would be affected by the proposals so s.66(1) is brought into play. I deal with this further in my conclusions but it is as well to recite it here: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*
- 5.35 Many of the recent cases that deal with the operation of the Act have been highlighted<sup>24</sup>. Of most importance is the conclusion of *Jones v Mordue* [2015] EWCA Civ 1243 [2016] 1 WLR 2682<sup>25</sup> (and I put it simply) that so long as the decision-maker properly follows the line set out in the Framework, then she/he can be said to have discharged the statutory duties imposed by the Act.
- 5.36 The emerging draft London Plan merits attention too<sup>26</sup>. It has yet to be adopted, which limits the weight that can be attached to it. On my analysis, and broadly speaking, the policies therein pull in similar directions to those of the adopted LP. It is, however, important to note that Woolwich will remain an Opportunity Area where draft Policy SD1(B)(2) supports development that creates housing choice for Londoners. The target, according to Table 2.1 is to deliver 5,000 new homes in Woolwich by 2041. Moreover, the emerging draft London Plan expressly recognises Woolwich as a town centre with high residential growth potential.

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<sup>23</sup> Referred to hereafter as the Act

<sup>24</sup> CD12.2 is the 'Barnwell Manor' judgment

<sup>25</sup> CD12.9

<sup>26</sup> CD11.21

## 6 The Case for the Council

- 6.1 This is set out in full in opening and closing statements to the Inquiry and in evidence<sup>27</sup>. What follows is the case presented in closing, but it is imperative that the Council's evidence is read in full in order to gain a proper appreciation of the case presented.

### *Introductory Matters*

- 6.2 The appeal site is situated within Woolwich Town Centre, which is designated in the LP as an Opportunity Area and a Major Centre; it borders General Gordon Square, a focal point for the community; it sits within the vicinity of nationally important listed buildings; it sits within the settings of three conservation areas; and it sits near to a number of residential properties.
- 6.3 Permission is sought for the construction of a 27 storey building comprising 1,056sqm of commercial floor space at ground and first floors and 206 residential units at the upper floors together with cycle parking and other associated facilities (Phase 3) and for the construction of 3 buildings between 9 and 16 storeys comprising 1,793sqm of commercial floor space at ground floors of buildings A to D and H and 598 residential units at the upper floors with car and cycle parking and other associated facilities (Phase 4).
- 6.4 The application process has been outlined<sup>28</sup>. In short, the Council gave pre-application advice on 14 June 2017<sup>29</sup>. The originating application was submitted on behalf of Meyer Homes and deemed valid by the Council on 15 September 2017. A planning performance agreement with the Council was entered into at an early stage and this has been revisited over time to extend the determination date by agreement, eventually until 1 February 2019.
- 6.5 The application was to be considered on 20 March 2018<sup>30</sup> but it was withdrawn from the agenda because the ES was deemed not to satisfy the relevant EIA procedural requirements. Further information was submitted to address these shortcomings. Also, additional information was supplied and amendments made to the scheme in order to seek to address some of the issues raised in the Planning Board Report: a revised affordable housing offer; a revised unit mix with higher numbers of 1 and 2 bedroom units; additional cycle parking and an amended cycle storage layout; clarification of wheelchair unit mix and location; wheelchair accessible communal areas; and minor revisions to balcony sizes.
- 6.6 In response to consultation, the Council received 3 letters of support for the application, 224 letters of objection and a petition<sup>31</sup> with 1,596 signatures against the scheme. There were also a number of responses from statutory consultees, including the GLA<sup>32</sup> and Historic England<sup>33</sup>.

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<sup>27</sup> ID5 and ID49, CD9.1 to CD9.3 and CD15.5 to CD15.8

<sup>28</sup> CD9.1 refers but also CD4.3 Sections 4 and 5

<sup>29</sup> CD7.2 Paragraph 4.1

<sup>30</sup> CD7.2 Section 4 refers and CD4.1.

<sup>31</sup> CD12.65

<sup>32</sup> CD3.10, 3.11 and CD3.12

<sup>33</sup> CD3.3 and CD3.4

- 6.7 The Council's Planning Board considered the application on 21 November 2018. It concluded, in line with the recommendation in the officers' report<sup>34</sup> that permission ought to be refused. There were six reasons for refusal<sup>35</sup>. It is these reasons for refusal, as further particularised in the Council's Statement of Case<sup>36</sup>, that have formed the basis of the Council's case.
- 6.8 The only other procedural matter to refer to here is the Inspector's Regulation 22 request for further EIA information relating to the Woolwich Conservation Area designation on 14 May 2019, and the display of site notices (and press advertisement on 23 October). The appellant submitted a letter on 11 October 2019 summarising the additional information that was submitted<sup>37</sup>.
- 6.9 The Council and the appellant have agreed a general Statement of Common Ground<sup>38</sup>. There is also a Statement of Common Ground relating to daylight and sunlight matters<sup>39</sup>, and another relating specifically to the viability provision of affordable housing<sup>40</sup>. The Council has also prepared a CIL Compliance Schedule<sup>41</sup>, as requested by the Inspector.

*Section 38(6) of the Planning and Compulsory Purchase Act 2004*

- 6.10 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan comprises: the LP 2016<sup>42</sup> and the CS<sup>43</sup>. The full list of relevant policies is set out in the SoCG<sup>44</sup>. Both these policy documents are of some age and must now be read in the light of current circumstances, and the Framework<sup>45</sup>.
- 6.11 There are emerging policies at strategic and local level. The Draft London Plan<sup>46</sup> has recently been the subject of examination, and the EIP Panel Report is now published<sup>47</sup>. Whilst the Draft London Plan does not yet have the full weight of a statutory plan at this stage, its progress towards adoption means that it is material and has increasing weight. At the Borough level, public consultation has been carried out on the Site Allocations Preferred Approach<sup>48</sup>. The Regulation 19 draft plan is scheduled to be taken to Full Council for approval in early 2020, and the Examination in Public is expected to take place in Autumn 2020. Having regard to the stage in the process that it has reached this is a material consideration of limited weight.

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<sup>34</sup> CD4.3

<sup>35</sup> CD5.3

<sup>36</sup> CD7.2

<sup>37</sup> CD1.4.2-CD1.4.5

<sup>38</sup> ID2 – the SoCG

<sup>39</sup> ID28 – the SoCGDS

<sup>40</sup> ID20 – the SoCGAHV

<sup>41</sup> ID43

<sup>42</sup> CD11.4

<sup>43</sup> CD11.7

<sup>44</sup> ID2

<sup>45</sup> CD11.1 – The paragraphs of most relevance are set out in ID2 Pages 19-20 and CD9.1

<sup>46</sup> CD11.21

<sup>47</sup> CD12.53

<sup>48</sup> CD11.22

### *The Main Issues*

- 6.12 As agreed during the Case Management Conference with the Inspector held on 30 September 2019, the main issues are as follows: (1) The effect of the proposal on the character and appearance of the area (the design issue); (2) The effect of the proposal on the setting, and thereby significance, or a range of heritage assets (the historic environment issue); (3) The effect of the proposal on the living conditions of existing residents through visual impact and loss of sunlight and/or daylight (the living conditions issue I); (4) Whether the proposal would provide acceptable living conditions for all prospective residents (the living conditions issue II); (5) Whether the proposal would make adequate provision for affordable housing (the affordable housing issue); and (6) Whether any other impacts of the proposal have been properly mitigated (the obligations issue).
- 6.13 The Inspector's issue (5) relates to the Council's third reason for refusal and the failure of the proposed development to provide the maximum deliverable amount of affordable housing at a tenure and mix which meets the identified need of residents within the Borough, contrary to policies H1 and H3 of the CS, Policies 3.10 to 3.13 of the LP, and the Mayor of London's Viability and Affordable Housing SPG 2017<sup>49</sup>. The Council's concern about this important issue has been explained<sup>50</sup>. It was stated that the appellant's Statement of Case<sup>51</sup> had indicated that a full review of the affordable housing offer was to be undertaken, and that the Council's expert advisors were to carry out further appraisal work on current costs and market conditions to inform consideration of the appellant's review, and any further information.
- 6.14 As recorded<sup>52</sup>, agreement has now been reached between the Council and the appellant on the issue of affordable housing, taking account the viability of the scheme. This agreement is explained in the SoCGAHV<sup>53</sup>. On the basis of that agreement, which relates not only to an overall quantum figure (of 23.13% by unit/23.67% by habitable room) but also to tenure and mix (with reference to a revised Schedule of Accommodation and tenure plan), the Council has concluded that the proposed development provides the maximum deliverable amount of affordable housing at a tenure and mix that is acceptable. It should be noted that the Council's agreement is also based upon the inclusion in the Agreement under s.106 of provision for an affordable housing review<sup>54</sup>. Accordingly, the Council does not pursue this reason for refusal.
- 6.15 The Inspector's sixth main issue relates to the Council's reason for refusal linked to the absence of a legal agreement to secure a number of matters including affordable housing, workspace, financial, and non-financial contributions contrary to CS Policies He, IMI and EA(c) and the Planning Obligations (s.106) Guidance SPD 2015<sup>55</sup>. The basis for the Council's concerns

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<sup>49</sup> CD11.14

<sup>50</sup> CD7.2 Section 6.3

<sup>51</sup> CD5.5

<sup>52</sup> CD9.1 Paragraph 1.34

<sup>53</sup> ID20 (CD14.3)

<sup>54</sup> ID20 Paragraph 2.4

<sup>55</sup> CD11.12

are recorded<sup>56</sup> and as set out<sup>57</sup>, the appellant submitted a draft Agreement under s.106, the broad contents of which reflected the Heads of Terms set out in the Planning Board Report<sup>58</sup>. Discussions have continued, the result of which has been that revisions have been made to the document. The Council and the appellant have now agreed the terms of the s.106 agreement<sup>59</sup>. Accordingly, the Council does not pursue this reason for refusal.

- 6.16 Notwithstanding those areas of agreement, the Council remains root and branch opposed to the appeal proposal. It strongly objects on the basis of the remaining important issues, which are addressed below. It is the Council's case that the appeal scheme would cause serious harm in terms of townscape, heritage, and amenity issues and would not accord with the statutory development plan or Government policy. The harm is such that the benefits of the appeal scheme are clearly outweighed.

*The Principle of Development and Two Matters of Approach*

- 6.17 There is no objection to the principle of mixed use development on the appeal site. This is confirmed in the SoCG<sup>60</sup>. The appeal site is located in the Woolwich Opportunity Area identified in LP Policy 2.13 where residential and non-residential development is to be optimised. It also falls within the Woolwich Town Centre Strategic Development Location, which is one of the Council's six Strategic Development Locations in the CS, where town centre uses and housing are encouraged as part of a strategy to revitalise Woolwich Town Centre<sup>61</sup>. The site forms part of the Site Proposal mu35 indicating a mix of residential, retail and/or business/employment uses<sup>62</sup>. The Council's concern is to ensure that the site is developed in an appropriate way.
- 6.18 Two broad points need to be made. First, whilst the policies referred to above support the principle of a mixed use development on the appeal site, there is no support for the proposition advanced by the appellant that the site is in principle suitable for the scale of development proposed, including the height of the Phase 3 tower<sup>63</sup>. Secondly, although it is perhaps axiomatic to say so, the proposed development must be assessed by reference to the statutory development plan as a whole, and its impacts measured against all development plan policies, as well as relevant Government policy.
- 6.19 The appellant's contention is that the growth anticipated by the designation of Woolwich as an Opportunity Area requires substantial change that in some way justifies or excuses the proposed scale of development, and in particular the Phase 3 tower<sup>64</sup>. This argument requires some more detailed analysis of the development plan.

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<sup>56</sup> CD7.2 Sections 6.6 and 6.7.

<sup>57</sup> CD9.1 Paragraph 8.16

<sup>58</sup> CD4.3 Section 29

<sup>59</sup> ID51 is the completed Agreement

<sup>60</sup> ID2 Paragraph 5.2.

<sup>61</sup> CS Policies TC1 and TC2 refer (CD11.7)

<sup>62</sup> CD11.7 but it is to be noted that the description in the schedule is now out of date

<sup>63</sup> See for example CD8.2 Paragraph 4.30.3 and CD8.1 Paragraph 6.12

<sup>64</sup> Summarised in ID3 Paragraph 6



- 6.20 LP Policy 2.13<sup>65</sup> establishes Opportunity Areas where, in general terms, development is to be optimised, but two important points need to be made.
- 6.21 First, the policy says in B(b) that development proposals should '*seek to optimise residential and non-residential output and densities*'. It does not require development to be maximised. It is an approach that recognises that there may be constraints that limit development. It sets out broad principles<sup>66</sup>.
- 6.22 Second, the policy says in B(b) that developments should contribute towards meeting or exceeding the minimum guidelines for housing and/or indicated estimates for employment capacity set out in Annex 1 tested as appropriate through opportunity area frameworks or local development frameworks. Annex 1 does not contain fixed targets. The figure for housing in Woolwich of 5000 dwellings is a minimum guideline figure. The figure for employment of 5000 jobs is indicative. The policy expects individual Boroughs to determine more specific figures<sup>67</sup>.
- 6.23 There is therefore no policy requirement for a development of the scale proposed on the appeal site, including a 27 storey tower.
- 6.24 The reference in LP Policy 2.13 to densities is important. LP Policy 3.4 sets out to optimise housing output but optimisation is to be achieved by taking into account '*local context and character*' and the '*design principles in Chapter 7*' and be '*within the relevant density ranges*'.
- 6.25 The proposed development exceeds the appropriate density ranges in LP Policy 3.4 and Table 3.2. That is an agreed position<sup>68</sup>. The appellant's position on this<sup>69</sup> was overly sanguine. It appeared not to be understood that that the density ranges in Table 3.2 are already informed by location, existing building form and massing as well as public transport accessibility<sup>70</sup>. That is not to say that densities above the range will not be permitted; the LP and the Mayor's Housing SPG recognise that there is scope to exceed the density ranges in exceptional circumstances having regard to other factors<sup>71</sup>. Paragraph 3.28 says that the broad ranges can provide a tool for increasing densities in situations where transport proposals will improve public transport accessibility (but it also warns that higher density housing is not automatically seen as requiring high rise development). Paragraph 3.29 refers to Opportunity Areas but there is nothing here or in the supporting text to LP Policy 2.13 to say that development in Opportunity Areas are exempt from the requirement to show exceptional circumstances. Indeed, paragraph 2.62 expressly refers the need for justified, exceptional circumstances. The main point here, however, is this - the fact that the appeal scheme is clearly in excess of the highest, established density range is at least an indication that the scheme may be over dense and exhibit symptoms of over-development. It is the Council's position that the scheme does indeed exhibit signs of overdevelopment.

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<sup>65</sup> CD11.4

<sup>66</sup> See CD 11.4 Annex 1 at Paragraph A1.1.

<sup>67</sup> See LP Policies 2.13C and A(a)

<sup>68</sup> ID2 Paragraphs 5.3 to 5.5

<sup>69</sup> Mr Gibney in x-e

<sup>70</sup> CD11.4 See the Notes to Table 3.2

<sup>71</sup> CD11.15 Paragraphs 3.28 and 3.29.

- 6.26 LP Policy 2.15 relates to Town Centres. This policy provides for a strategic network of town centres<sup>72</sup> (LP Policy 2.15A and B) as well providing criteria against which to assess proposals in order to support and protect town centres<sup>73</sup>. The strategic part of the policy refers to Annex 2 and growth potential. It is important to appreciate that what is being referred to here is not a strategic policy requirement for reclassification of town centres, rather it is guidance on the broad future direction envisaged for town centres including their potential growth<sup>74</sup>.
- 6.27 However, Annex 2 makes clear that the policies of the plan provide a '*broad indication of the future growth potential*' of town centres in the Borough<sup>75</sup>. Table A2.1 provides '*strategic guidance on the broad future direction envisaged*'<sup>76</sup>; the future growth categorisations are '*only indicative and should be refined by Boroughs in collaboration with the Mayor*'<sup>77</sup>. Moreover, the specific text relating to Woolwich<sup>78</sup> points to the potential for reclassification, not a requirement for reclassification. There is nothing in the policy to say that a tall building such as proposed is necessary for the future of Woolwich Town Centre<sup>79</sup>.
- 6.28 These policies point towards high growth in Woolwich. The Council is indeed actively promoting growth in Woolwich Town Centre, and a great deal of change has already taken place, as is recognised in the LP<sup>80</sup>. However, none of the policies justify the conclusion that the appeal site is suitable in principle for the scale of development proposed. Whilst they seek to encourage development in Woolwich and enhance the Town Centre, they do not purport to impose policy requirements to the effect that there is some sort of presumption in favour of the scale of development being promoted on any particular site; design or heritage considerations are not to be subjugated in policy terms to excessively high density development and very tall buildings anywhere in Woolwich. In short, there is nothing in the policies to support the appellant's contention that growth inevitably means an acceptance in principle that buildings of the scale proposed, including a 27 storey tower, are suitable on the appeal site<sup>81</sup>.
- 6.29 Moreover, and importantly, the LP must be read as a whole and the development assessed against each and every relevant policy. There are other policies to consider including in particular the policies in Chapters 3 and 7 of relating to design, architecture and heritage. Compliance with the LP depends on assessment of the proposal against these important policies. Of particular importance are LP Policy 7.4 relating to design and LP Policy 7.7 relating to tall buildings.

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<sup>72</sup> LP Policy 2.15A and B

<sup>73</sup> LP Policy 2.15C

<sup>74</sup> CD11.4 See paragraphs A2.2 and A2.6 to A2.7 of Annex 2.

<sup>75</sup> CD11.4 Paragraph A2.2

<sup>76</sup> CD11.4 Paragraph A2.6

<sup>77</sup> CD11.4 Paragraph A2.7

<sup>78</sup> CD11.4 Annex 1 under 38 on Page 375

<sup>79</sup> Accepted by Mr Gibney in x-e

<sup>80</sup> CD 11.4 Annex 1 at 38 on page 375.

<sup>81</sup> Mr Gibney was reluctant to accept this in x-e but it is irrefutable



- 6.30 The latter policy does not endorse the principle of a tall building on the appeal site. What it does do is to establish that tall buildings should be part of a planned approach and, where they are not, that specific proposals should demonstrate that they are part of a strategy taking into account a number of criteria. The policy indicates that tall buildings are generally limited to Opportunity Areas (and other areas) but that proposals, wherever they are, must satisfy the other criteria set out in part C of the policy. This policy is deliberately framed in order that tall buildings will not cause harm in design terms<sup>82</sup>. The policy expressly says that the impact of tall buildings proposed in sensitive locations, such as conservation areas, should be given particular consideration. It is clear from these policies<sup>83</sup> that the growth that is sought for Woolwich is not to be achieved at the expense of design or heritage. What will be acceptable on the appeal site (as with any other site in the Town Centre) will depend upon the application of these important policies. The Council's case is that the appeal scheme would cause significant harm in terms of townscape, heritage and living conditions and seriously conflict with them.
- 6.31 The appellant also relies on policies in the CS to assert that the growth anticipated by the designation of Woolwich as an Opportunity Area requires a substantial change that in some way justifies or excuses the proposed scale of development and in particular the Phase 3 tower.
- 6.32 The CS was preceded by the Tall Buildings Assessment 2011<sup>84</sup> and the Woolwich Town Centre Masterplan SPD 2012<sup>85</sup>. These documents informed the CS, and are referred to in it, but neither are part of the development plan<sup>86</sup>. Both documents refer to the Love Lane development as an approved development, but without further comment. They must now be read taking into account the passing of time. The Tall Buildings Assessment 2011 said that Woolwich Town Centre '*may be an appropriate location*' for tall buildings. However, it warned that there are certain parts of the town centre that are more sensitive to tall buildings where there are listed buildings and conservation areas contributing to the character of the area<sup>87</sup>. The appeal site did not at the time fall within one of the more sensitive areas then illustrated. However, the Woolwich Conservation Area has since been designated, and there is no disputing that this is an important new material consideration<sup>88</sup>. The site should now sensibly be considered as falling within an area particularly sensitive to tall buildings bearing in mind the immediate proximity of the conservation area. The Woolwich Town Centre Masterplan SPD 2012 is of interest because it is explicit that the unique heritage of Woolwich is a key driver for shaping new development<sup>89</sup> and the protection and enhancement of its historic core and fine grain urbanism is a principle objective<sup>90</sup>.

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<sup>82</sup> CD11.4 At 7.7Cb and 7.7Cc

<sup>83</sup> CD11.4 See also paragraph 7.28

<sup>84</sup> CD11.25

<sup>85</sup> CD11.8

<sup>86</sup> The appellant also introduced the Thomas Street SPD 2016 (ID18) but Mr Crone was correct to say that it was not adopted and it is of no material weight.

<sup>87</sup> CD11.25 Paragraph 5.1.8

<sup>88</sup> As accepted by Dr Miele in x-e and in CD8.2

<sup>89</sup> CD11.8 Page 12

<sup>90</sup> CD11.8 Page 14

- 6.33 The Spatial Strategy in the CS includes as a key feature the transformation of Woolwich into a vibrant, successful town centre with new development to claw back trade and warrant reclassification of the town centre as a Metropolitan Town Centre towards the end of the plan period<sup>91</sup>. Another key feature is the protection and enhancement of Royal Greenwich's heritage assets and encouraging the positive use of these assets as a catalyst for conservation-led regeneration. The Love Lane permission is referred to but as a matter of record as a planning permission<sup>92</sup>. CS Policies TC1 and TC2, the Town Centre policies, designed to achieve the objective of clawing back trade, focus on additional retail provision<sup>93</sup>. The appeal site forms part of the Site Proposal mu35 indicating a mix of residential, retail and/or business/employment uses<sup>94</sup>, but there is nothing in the Site Proposal Schedule that stipulates an overall scale of development to be provided. There is nothing that indicates a requirement for the scale of development on the appeal site including a 27 storey tower. As with the LP, there is no support in policy for the proposition that a tall building, let alone one of the proposed scale, is acceptable in principle on the appeal site.
- 6.34 As with the LP, growth is to run hand in hand with design and heritage considerations. Growth does not equate to an acceptance in principle that buildings of the scale proposed are suitable on the appeal site. CS Policies DH1, DH2, DH3 and DHi-j are critical to establish the acceptability of the scale of any development proposal in the Borough – and the appeal site is no exception. CS Policy DH2 is in line with LP Policy 7.7. It does not endorse the principle of a tall building on the appeal site. It expressly says that tall buildings *may* be appropriate in Woolwich Town Centre (emphasis added). The supporting text makes clear that this does not mean that all tall buildings will be appropriate in Opportunity Areas<sup>95</sup>. In relation to Woolwich in particular it warns against over-intensification in the Town Centre. That policy should now be read and applied in the context of the newly designated Woolwich Conservation Area. CS Policies DH1, DH3 and DH(h)-(j) are all important in providing the essential local plan policy tests for assessment. The Council's case is that the proposals seriously conflict with them.
- 6.35 The appellant also contends that the draft new London Plan<sup>96</sup> continues a policy direction of substantial growth, the implication being that it reinforces the conclusion that the appeal site is in principle suitable for a development of the scale proposed. That is not the case. Indeed, the direction of travel is rather different.
- 6.36 The draft new London Plan<sup>97</sup> introduces a new concept – that of Good Growth. Good Growth is an important objective to inform.....development plan

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<sup>91</sup> CD11.7 Page 21

<sup>92</sup> CD11.7 Paragraph 3.3.8 and Table 2

<sup>93</sup> Or are 'weighted to' as Mr Gibney put it in x-e

<sup>94</sup> It is to be noted that the description in the schedule is now out of date.

<sup>95</sup> CD11.7 Paragraph 4.4.18

<sup>96</sup> CD11.21

<sup>97</sup> CD11.21 Ms Holford told the inquiry that the SoCG is now out of date in relation to the stage of the plan process reached by the Draft London Plan – it now has increased weight following the EIP Panel Report.

documents.....and individual development proposals<sup>98</sup>. Importantly, it covers key themes including making the best use of land and growing the economy<sup>99</sup>. With reference to these terms, heritage is clearly seen as an important asset to understand and build upon for the purposes of the strategic objective<sup>100</sup>. Draft Policy SD1 relating to Opportunity Areas is consistent with that approach; it embeds the role of heritage in place making within the policy itself<sup>101</sup>. In relation to the Town Centre strategic network, there is again an acknowledgement of the potential for growth and a change in Town Centre status; again, the draft new London Plan provides guidance on indicative potential growth<sup>102</sup>. Once again, however, there is no reference in policy to any need for very tall residential buildings in order to achieve the aspiration.

- 6.37 The draft new London Plan, like its predecessor, includes a number of important policies related to design and heritage. These policies have been informed by the new concept of Good Growth<sup>103</sup>. It is of particular note that the design and heritage policies now expressly incorporate consideration of site optimisation, Good Growth being informed from the start by design and heritage considerations<sup>104</sup>. Draft Policy D8 relating to tall buildings is also of note. That policy provides that tall buildings are to be plan-led, and to be determined by Boroughs based on local context<sup>105</sup>. It also further tightens London Plan policy, notably in the context of heritage assets, bringing it in line with recent case law; it also requires a demonstration that alternatives have been explored. It is to be noted that the EIP Panel Inspectors concluded that the new London Plan establishes a new design framework the policies of which were endorsed as thorough<sup>106</sup>.
- 6.38 By way of conclusion at this stage, it needs to be emphasised that the Council is all in favour of growth and has been in the business of securing growth in Woolwich for some years. Moreover, significant growth has already taken place as contemplated in strategic and local policy; that is expressly acknowledged in the LP<sup>107</sup> and the CS<sup>108</sup>. However, growth in Woolwich Town Centre must take place having regard to local context and character, and especially the town's rich heritage – that heritage is now seen as a key driver for growth. There is of course more that needs to be done, and the Council is seeking to ensure that growth continues to take place in Woolwich Town Centre. It is doing so in a way that is entirely consistent with strategic policy, both extant and the new emerging Good Growth policies, by seeking to understand fully the opportunities and constraints that affect the town centre, and seeking to promote developments that are appropriate for their context.

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<sup>98</sup> CD12.53 Paragraph 67

<sup>99</sup> CD12.53 Paragraph 66 of the EIP Panel Report

<sup>100</sup> CD11.21 Paragraph 1.2.7 and policies GG2C and GG5F

<sup>101</sup> CD11.21 Policy SD1B3A) See also CD12.53 Paragraph 327 which refers to the 'overall aim to embed the role of heritage in place-making and regenerative change'

<sup>102</sup> CD11.21 Policy SD8C, D and G1), as well as Paragraphs 2.8.3 to 2.8.4 and Annex 1

<sup>103</sup> CD11.21 See policies D in Chapter 3 and HC in Chapter 7

<sup>104</sup> CD11.21 See in particular Policy D1 and D1B

<sup>105</sup> CD12.53 Paragraph 304 endorses the important change here, from a strategic approach to a new locally based one

<sup>106</sup> CD12.53 Paragraphs 275 to 279

<sup>107</sup> CD11.4 Page 375 at 38.

<sup>108</sup> CD11.7 Paragraphs 4.3.9 and 4.3.12 to 4.3.13.

- 6.39 The Council has commissioned and received the borough wide Retail and Leisure Study (Aug 2018), to inform it as to current needs and future potential. It has also commissioned and received the Woolwich Town Centre Heritage Study<sup>109</sup> (Dec 2018), to inform it as to the opportunities and constraints in terms of design and heritage issues. The former study concludes that what is needed most is improved comparison shopping<sup>110</sup>. There is no suggestion in these documents that in order to improve its commercial performance a tower block is needed to provide some sort of wayfinding/signposting/legibility in the Town Centre<sup>111</sup>. The latter study concludes that the Woolwich's historic character is particularly vulnerable to change<sup>112</sup>.
- 6.40 It has consulted on the Draft Urban and Public Realm Strategy and General Principles (Feb 2019) (that will inform the drafting of the SPD for the Town Centre) and on the Site Allocations Preferred Approach (Aug 2019)<sup>113</sup>. Whilst these consultation documents are at a relatively early stage, and carry limited weight, they are material. Both documents provide an up to date basis for the Council to consider what type and form of development will be acceptable in the Town Centre taking into account the expertise from consultancy advice, as well as the views of the whole community. Importantly, neither document indicates that the appeal site is suitable in principle for the scale of development that is contended for in this appeal; neither document says that there is any need for a very tall building such as the one proposed on the Phase 3 site.

*The 2007 Decision*

- 6.41 It is clear from the application documents and the evidence<sup>114</sup> that the design of the tower has relied upon the parameters set by the outline permission granted by the Council in 2007.
- 6.42 The Council's position, however, is that whilst the Council's decision is relevant as part of the planning history of the site, the 2007 approved parameters are an inappropriate and unacceptable baseline for the assessment of the appeal scheme. There are manifold reasons for that. First, the grant of permission is no longer extant. There is no fall-back argument here. The appellant has not even said that if planning permission is refused, that scheme would be considered.
- 6.43 The decision was made 12 years ago. Age itself militates against the use of the decision for current planning purposes, especially where in any event there is no legal obligation to take the same view on a particular matter in a previous decision, especially as here between the Council and an Inspector and the Secretary of State on appeal. Different judgments can, and in this case should, or must be made, especially when circumstances have changed significantly.

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<sup>109</sup> CD11.24

<sup>110</sup> See paragraphs 16.35, 16.41 and 16.42 of the Retail and Leisure Study – accepted by Mr Gibney in x-e

<sup>111</sup> As Ms Holford maintained in x-e

<sup>112</sup> CD11.24 Pages 43 and 53 – consistent with the evidence of Mr Crone

<sup>113</sup> CD11.22

<sup>114</sup> Of Mr Richter

- 6.44 There have been material changes in law and policy<sup>115</sup> since 2007. The law in relation to the statutory approach to consideration of development proposals on heritage assets has developed in important respects. The appellant sought to provide a broad approach<sup>116</sup> with reference to recent case law, but it was not complete. The Courts have now clarified the approach to the application of the statutory tests<sup>117</sup>. It is now clear for example that the statute places a high priority to the statutory objective so that there will be a strong presumption against the grant of permission for developments that would cause harm to a heritage asset, irrespective of the degree of harm<sup>118</sup>. As Dr Miele has said<sup>119</sup>, doubt has been removed about the weight to be given to cases of less than substantial harm. These recent cases have also meant that there is now a heightened awareness of setting matters<sup>120</sup>. These recent cases are of critical importance in terms of ensuring the lawful approach to any heritage assessment<sup>121</sup>.
- 6.45 Government policy has also evolved<sup>122</sup>; there is increased emphasis on the quality of development, good design, and the way in which development relates to its context<sup>123</sup>. The creation of high-quality buildings and places is now said to be fundamental to planning, and there is a new focus on engagement with local communities with a view to ensuring that design policies reflect local expectations<sup>124</sup>. The Government has also recently published its National Design Guide<sup>125</sup> which sets out a new, formalised and detailed structural approach to design assessment.
- 6.46 In terms of heritage, PPG 15<sup>126</sup> was the relevant Government policy document in 2007, which predated more recent case law. Government policy has been brought up to date so as to accord with the Statute. The Framework also now provides a more formalised and structured approach to the assessment of heritage impacts<sup>127</sup>. The obvious reason for that different approach was to ensure that decision makers took a more rigorous approach to assessment. English Heritage and Historic England guidance has also changed, especially in relation to setting issues since the days of PPG 15, and the English Heritage guidance available in January 2007. The most up to date publications<sup>128</sup> provide for a much more thorough assessment method<sup>129</sup>.
- 6.47 The development plan was different in 2007. The London Plan has been revised on more than one occasion since then and the strategic policy context

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<sup>115</sup> CD9.1 Section 6 and Paragraph 1.32 of CD15.5, and CD9.3 Pages 20 to 24

<sup>116</sup> CD8.2 Pages 16 to 17 and Dr Miele in evidence

<sup>117</sup> S.66(1) and s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

<sup>118</sup> CD12.2 Paragraphs 20, 23 and 24, CD12.3 Paragraph 51 and CD12.7 Paragraph 5

<sup>119</sup> In his letter dated 7 September 2018 (CD1.3.49) and in x-e

<sup>120</sup> CD1.3.49 and accepted by Dr Miele in x-e

<sup>121</sup> Accepted by Dr Miele in x-e

<sup>122</sup> Accepted by Mr Gibney in x-e

<sup>123</sup> CD9.1 Paragraphs 6.14 to 6.19

<sup>124</sup> CD11.1

<sup>125</sup> CD12.29

<sup>126</sup> Planning Policy Guidance 15: Planning and the Historic Environment (extract at ID15)

<sup>127</sup> Accepted by Dr Miele in x-e

<sup>128</sup> CD12.11 and CD12.12 -

<sup>129</sup> Accepted by Dr Miele in x-e



has changed significantly since 2007. Of particular note is the change from tall building Policy 4B.8 in the London Plan 2004<sup>130</sup> to LP Policy 7.7 now current; the former being a more positive approach<sup>131</sup>. Reference to the number of high profile buildings permitted in the first decade of this century<sup>132</sup> is testament to the different strategic policy context that existed then. The Draft London Plan marks a further change in approach with design criteria against which to test proposals that are informed by the new Good Growth concept. In reflection of the London Plan 2004, Policy D28 of the then UDP<sup>133</sup> was also positively expressed. CS Policy DH2 reflects the changed, and tighter, approach by saying only that tall buildings *may* be appropriate in the Town Centre. Moreover, there is now a much better understanding of the character and appearance of the Town Centre, contained in the Heritage Study<sup>134</sup> (and a recently adopted Conservation Area to give it statutory protection). In short, there is now a much greater emphasis in policy on the need for very careful consideration of tall buildings proposals especially in terms of their impact on heritage assets; there is also a much greater understanding of how to understand heritage and a more rigorous approach to the assessment of any heritage impacts.

- 6.48 There have also been material changes in the physical context of the site since 2007. In particular, General Gordon Square has been upgraded and enhanced considerably, so too Beresford Square enhanced<sup>135</sup>. It is now a well-used public space and a focal point for the Town Centre. The DLR stations are in place and up and running. Crossrail is now in prospect, and a new station is in place. The Arsenal area has been regenerated and, as the LP acknowledges<sup>136</sup>, attractive links have been completed between the Arsenal and the town centre. Another important change is the fact that a new conservation area was designated in May 2019. This is a new and important material consideration<sup>137</sup> as the appellant acknowledges<sup>138</sup>. More detail of changes on the ground was presented by the Council<sup>139</sup>, with reference to the new and large Tesco store improving the retail offer, and drawing people into the town, the Connaught Estate regeneration permission, the completion of the Civic Offices and Library, and, more recently, the confirmation of the relocation of the leisure centre (from the waterfront to the Wilko site).
- 6.49 Consideration of the Planning Board Report<sup>140</sup> which informed the Council when it made its decision in 2007 also provides very good reason why that decision should not be used as a baseline for assessing the current scheme. The report was written without the benefit of recent case law. It provides a much less rigorous assessment of design and heritage impacts than would now

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<sup>130</sup> CD11.6

<sup>131</sup> A point accepted by Dr Miele in x-e

<sup>132</sup> Mr Gibney in-c

<sup>133</sup> CD11.28

<sup>134</sup> CD11.24

<sup>135</sup> CS Paragraph 4.3.8 refers (CD11.7)

<sup>136</sup> CD11.4 Annex 1 Page 375 at 38

<sup>137</sup> Acknowledged by Dr Miele in evidence (CD8.2)

<sup>138</sup> In Dr Miele's evidence (CD8.2)

<sup>139</sup> Ms Holford in-c

<sup>140</sup> CD 12.30 and Dr Miele in x-e

be the case with current policy and guidance. The applicant's Heritage Statement was very limited as was the additional environmental information. The report contains no assessment of the impact of the development on the setting of the Grade 1 listed Royal Brass Foundry, or the associated conservation area (nor was there any heritage assessment of the impact in the Heritage Study or the environmental information). It is of no surprise therefore that the minutes<sup>141</sup> show that there was no discussion on the matter. This was clearly an important consideration that was left out of account in the report and was not before the members for their consideration. The report says that there would be no impact on the setting of the listed Grade II\* listed Royal Artillery Barracks but made no reference to the fact that the applicant's environmental information concluded that there was an adverse impact. It is common ground at this appeal that there would be harm to the setting of the Royal Artillery Barracks from development of the scale proposed.

- 6.50 The report contains no consideration of the impacts of the development on the setting of the Grade II Equitable House (even though the environmental information concluded that the townscape role of the building would be downgraded). It is common ground at this appeal that this is an important material consideration. There was no consideration of the impacts of the development on other historically interesting buildings that are now recognised as contributing to the character and appearance of a (newly designated) conservation area (even though the environmental information concluded that there would be negative impacts on the settings of nearby locally listed buildings, including 1 to 5 Thomas Street and 2 to 4 Wellington Street).
- 6.51 The appellant accepts that the Planning Board Report would be very different if it was written now<sup>142</sup>. Similarly, it is clear that the matters bearing on the planning balance struck in that decision were significantly different from that which is now before the Secretary of State.
- 6.52 Another important point of course is that Historic England has now made clear their fundamental concerns about a scheme of such a scale<sup>143</sup>. CABE too have reached a very different view as to the merits of a building of the proposed height<sup>144</sup>. Public opinion has also changed. There is now strong community objection to a scheme of such a scale as that proposed. The concerns are rooted in sound planning reasons, in particular related to the severe impact of the Phase 3 tower on local character and heritage.
- 6.53 For all these reasons, the Council is of the view that the appeal proposal must be considered afresh and judged it on its own merits, having regard to the current prevailing context.

#### *The Design Issue*

- 6.54 In accordance with the first reason for refusal<sup>145</sup>, the Council considers that the height, scale and siting of the proposed Phase 3 tower would be an

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<sup>141</sup> ID36

<sup>142</sup> Accepted by Dr Miele in x-e

<sup>143</sup> CD3.3 and CD3.4

<sup>144</sup> CD3.1 and CD3.2

<sup>145</sup> CD5.3

incongruous form of development that would be unacceptably dominating and overbearing upon General Gordon Square and the surrounding townscape and the Town Centre in general, contrary to LP<sup>146</sup> Policies 7.1, 7.4, 7.5, 7.6 and 7.7, and CS<sup>147</sup> Policies DH1 and DH2, the Woolwich Town Centre SPD 2012<sup>148</sup>, and the objectives of the Framework<sup>149</sup>.

- 6.55 The townscape surrounding General Gordon Square with its modest scale and fine grain buildings, and General Gordon Square itself with its contrasting openness and attractively landscaped space form a focal point for the area. Those taller buildings that detract from the character of the Town Centre, including the Tesco building, and Maritime House, do not alter the fundamental character of the town centre which retains a coherence and legibility. It was set out that the proposed tower wrongly takes its cue from the more modern and alien buildings, and that its scale would undermine the existing hierarchy and legibility of the town centre<sup>150</sup>.
- 6.56 The appellant submitted a Design and Access Statement<sup>151</sup> with the planning application. Points need to be made about this document bearing in mind the important role it has in explaining the design rationale and evolution of the scheme. First, it is clear that the height of the proposed tower was driven by the height of the building illustrated in the parameters approved in the lapsed 2007 outline consent. That is clear from the client brief and the heavy reliance on those parameters subsequently.
- 6.57 The document goes on to list the principal constraints relating to height but there is no reference to either townscape or heritage; the height constraint referred to is the permitted maximum aviation limit from London City Airport<sup>152</sup>. The Grade II\* listed Royal Artillery Barracks are referred to as a constraint<sup>153</sup>, but no other heritage assets are identified as such. Other heritage assets are noted<sup>154</sup> but, crucially, they are not regarded as a constraint in the design process. It was stated in evidence<sup>155</sup> that the design was both sensitive and mindful of the local context, and the settings of nearby heritage assets, but that is not borne out by the DAS.
- 6.58 The Council does not consider that the 2007 permission should have been the driver for the height of the tower. Reasons have already been set out but it is useful to point out that in their response to consultation on the current application CABE said in terms that '*there have been significant changes to planning policy and the wider context*', and questioned the validity of the 2007 parameters<sup>156</sup>.

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<sup>146</sup> CD11.4

<sup>147</sup> CD11.7

<sup>148</sup> CD11.8

<sup>149</sup> CD11.1

<sup>150</sup> Mr Crone in evidence with reference to CD1.2.15 Views 2 and 5 in particular

<sup>151</sup> CD1.2.9 Referred to hereafter as DAS

<sup>152</sup> CD1.2.9 Page 36

<sup>153</sup> CD1.2.9 Page 36

<sup>154</sup> CD1.2.9 Page 25

<sup>155</sup> By Mr Richter

<sup>156</sup> CD3.1



- 6.59 Secondly, it is evident from the DAS<sup>157</sup> that some of the most fundamental concerns expressed in the consultation responses of Historic England and CABE were set to one side in the design process. This relates particularly to the concerns regarding the height, scale and massing of the proposed 27 storey tower, which were expressed in two consultation responses by both consultees<sup>158</sup>. Historic England expressed concern in relation to the impact of the Phase 3 tower on the setting of the Grade I listed Royal Brass Foundry and in relation to the impact of the proposed Phase 4 development on the setting of the Grade II\* listed Royal Artillery Barracks. Historic England also questioned the appropriateness of the design in the context of the town centre. The clear advice to significantly reduce the height was set aside<sup>159</sup>.
- 6.60 No alternative designs and lower heights were explored in any meaningful way or set out as part of the massing options<sup>160</sup>. Notwithstanding the significant weight that should be given to the views of Historic England<sup>161</sup>, the appellant persisted in a building of the same height and scale.
- 6.61 It is the Council's view<sup>162</sup>, supported in the core principles of the Framework<sup>163</sup> and the Government's recently published National Design Guide<sup>164</sup>, that reflecting and responding to context is the correct way to approach any new design. Despite the appellant's claims of sensitivity and mindfulness in terms of townscape and heritage, the impacts on the settings of a number of listed buildings within the wider context of the appeal site (including the Grade I listed Royal Brass Foundry), with their associated conservation areas, do not appear to have been sufficiently considered in the design process. The fundamental concerns expressed by consultees were, in effect, ignored.
- 6.62 Thirdly, the DAS was focused on what was referred to as the changing townscape in Woolwich and its modern intrusions<sup>165</sup>. The Council accepts that context is of course important in any design approach but there are surviving elements of the townscape surrounding General Gordon Square which were overlooked and given minimal consideration in the design analysis<sup>166</sup>. The townscape surrounding the square has a readable coherence in terms of its scale, uses and grain, embodied by a number of locally listed buildings and the primacy of the Grade II listed Equitable House overlooking the open space of the square<sup>167</sup>. This coherence, now recognised by the designation of the Woolwich Conservation Area, was not acknowledged in the design process. The

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<sup>157</sup> And the evidence of Mr Richter

<sup>158</sup> CD3.1 to CD3.4 and CD9.1 Appendix B

<sup>159</sup> CABE's advice is downplayed on Page 57 of the DAS (with the omission of the word 'fundamental' before 'concern about height and massing') where there is no mention even of the advice that the height ought to be significantly reduced.

<sup>160</sup> Reference was made to a photograph of a lower building and a plan with a line showing a 20 storey height (Page 54 of the DAS), but there is no consideration at all of this in the text, and nothing to show consideration of a lower building after the CABE feedback (Page 57).

<sup>161</sup> Agreed by Dr Miele in x-e

<sup>162</sup> Expressed through Mr Crone

<sup>163</sup> CD11.1

<sup>164</sup> CD12.29

<sup>165</sup> Confirmed by Mr Richter in evidence

<sup>166</sup> Mr Crone in evidence

<sup>167</sup> Mr Crone in evidence

appellant claimed<sup>168</sup> some complementarity in design with General Gordon Square, but there was little to demonstrate that this was the case.

- 6.63 The Council accepts<sup>169</sup> that a building of high-quality design is required on the Phase 3 site to complete the enclosure of the Square on its south-western corner, but the height of such a building must be subject to current planning policy and guidance and a holistic understanding of the townscape and heritage context - not the parameters of a lapsed outline consent granted 12 years ago.
- 6.64 The Council says<sup>170</sup> that the Phase 3 building would be a dominant and incongruous addition to the townscape of General Gordon Square because its jarring contrast in scale, height, bulk and mass. The use of highly visible materials in texture and colour would not serve to mitigate to any degree the overwhelming power of the tower block to dominate the settings of heritage assets in immediate and distant views – including three conservation areas and listed buildings. The Council does not accept that this constitutes good architecture, derived from a sound and robust design process.
- 6.65 The appellant argues<sup>171</sup> that General Gordon Square requires a building of the height and scale of the proposed tower. The Council agrees that any proposed building on the Phase 3 site must be one of high quality, and distinction – it must enhance the area – but there is no justification in townscape, or any other terms, for a building of the height and scale proposed.
- 6.66 The appellant's contention<sup>172</sup> of the importance of legibility in the design of the proposed Phase 3 building, or re-calibrating the hierarchy of the Town Centre<sup>173</sup> is not accepted. The focal point of a town centre can be expressed in a number of different ways and a landmark building need not be a tall building<sup>174</sup>, and certainly does not have to be of the height and scale of the proposed tower. In the case of Woolwich, the Town Centre is marked by General Gordon Square, looked over proudly by Equitable House. General Gordon Square and its surrounding streets embody the expected town centre uses and there is an established focal point for Woolwich – the square is now a vibrant and much valued focal point for the town<sup>175</sup>. Moreover, there is no requirement for a tall building to act as some sort of way finder or signpost from the riverside or Arsenal; the Council made its views very clear on this<sup>176</sup>.
- 6.67 As noted in the LP<sup>177</sup>, there are now attractive links between the Arsenal and Woolwich Town Centre. Moreover, the argument that there is some sort of gravitational pull away from the town centre to the Arsenal that needs to be remedied is not at all convincing (not least because there are no significant

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<sup>168</sup> Through Mr Richter

<sup>169</sup> Through Mr Crone

<sup>170</sup> Through Mr Crone

<sup>171</sup> Through Mr Richter and Dr Miele

<sup>172</sup> Through Dr Miele in particular

<sup>173</sup> As described by Mr Richter

<sup>174</sup> Accepted by Dr Miele in x-e

<sup>175</sup> A point made by many third parties

<sup>176</sup> Through Mr Crone but see also CD3.1 and CD3.2 (CABE) and CD3.5

<sup>177</sup> CD11.4 Annex 1 Point 38 regarding Woolwich

town centre facilities in the Arsenal), and has not been made good by any empirically based evidence. Similarly, in relation to the appellant's vague reference to regenerative benefits, there is no empiric evidence to demonstrate that there needs to be a tower of 27 storeys on the appeal site to achieve them. There is nothing demonstrate show that a building of the proposed height would have any materially greater regenerative benefits than a landmark or high-quality building of a much lower height.

- 6.68 Contrary to the appellant's case, the tower would not re-establish the hierarchy of the Town Centre; it would be a selfish ('look at me') building<sup>178</sup> and fundamentally undermine it, causing considerable harm to the character of General Gordon Square, the surrounding area and the Town Centre in general, contrary to the Government's newly bolstered design policy in the Framework, the strategic and local plan policy, and contrary to emerging strategic and policy as well. The harm to Woolwich Town Centre in this important location would be severe and permanent.

*The Historic Environment Issue*

- 6.69 The Council considers that the proposed development by reason of its height, scale, density, bulk and massing would result in an undue increase in the urbanisation of the skyline causing an unbalanced and dominant relationship with the setting of the Grade II\* listed Royal Artillery Barracks, the Woolwich Common Conservation Area, the Grade II listed Equitable House, the Grade I listed Royal Brass Foundry, and the Royal Arsenal Conservation Area, causing harm to the significance of all those important heritage assets, contrary to LP Policies 3.4, 3.5 7.4, 7.7 and 7.8 and CS Policies H5, DH1, DH2, DH3, DH(h), and DH(i). This is the Council's second reason for refusal<sup>179</sup>. As indicated in its Statement of Case<sup>180</sup>, the Council is also concerned about the adverse impacts of the proposed development on the recently designated Woolwich Conservation Area.
- 6.70 In support of these objections, the Council's evidence<sup>181</sup> describes the historic environment, in particular the military and commercial historic legacy which is evident in the townscape of Woolwich, reflected in the various statutory and non-statutory designations. The appellant's assessments of baseline conditions and impacts have been reviewed<sup>182</sup> and while there is no dispute about the broad methodology that the appellant has employed, there are significant differences in judgment about the base line assessment, and the conclusions reached on impacts.
- 6.71 In relation to the Royal Brass Foundry and the Royal Arsenal Conservation Area, there was no dispute between the Council and the appellant over the assessment of significance of these heritage assets, and little between the respective experts as to contribution of setting to that significance. There was, however, a real issue between them on the question of impact on significance.

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<sup>178</sup> Mr Crone's description

<sup>179</sup> CD5.3

<sup>180</sup> CD7.2

<sup>181</sup> Through Mr Crone

<sup>182</sup> By Mr Crone

- 6.72 The Council's judgment<sup>183</sup> is that the proposed scheme would cause a high level of less than substantial harm in relation to both heritage assets, largely because of the looming visual presence of the Phase 3 tower in the background to the Brass Foundry<sup>184</sup>. Historic England's similar views<sup>185</sup> are also relevant in this context and should carry significant weight as the Government's appointed advisor on heritage matters<sup>186</sup>.
- 6.73 The appellant's expert's first judgment<sup>187</sup> was that the proposed tower would have a harmful effect on the setting and thereby the significance of the Royal Brass Foundry. That judgment was reached while already familiar with the building and the surrounding area, site visits, and access to the relevant plans and illustrative material. However, the judgment reached now is that there would be no harm at all to the setting or the significance of the Royal Brass Foundry. It is a curious thing, but apparently this change of mind was reached on the basis solely of reflection<sup>188</sup>. Certainly, the fact of his change of mind, based solely on reflection would indicate strongly that the opinion is a precarious one. The relevant proof of evidence admits that it is a finally balanced judgment<sup>189</sup>. It is a judgment at odds too with the appellant's HTVIA<sup>190</sup> which concludes that there would be a negative effect.
- 6.74 It appears that the conclusion was reached on the basis that the Phase 3 tower would not compete with, or distract attention from, the Royal Brass Foundry building in those positions where the building is best experienced and appreciated (that is close-up)<sup>191</sup>.
- 6.75 The Council<sup>192</sup> emphatically disagrees with this approach. The setting of the Grade I listed Royal Brass Foundry cannot and should not be broken down into wider and immediate parts as the appellant suggests. Moreover, the Council disagrees that the building was designed to be experienced close-up, but rather the experience of the listed building axially from the riverside (now along No.1 Street) was an intended design - and this is supported by the detailed historical evidence provided by SOW<sup>193</sup>.
- 6.76 In setting terms, it is the kinetic experience of the listed building moving from the riverside along No.1 Street that best reveals an appreciation of its architectural and historic significance. No other modern development detracts from this key linear view which, in conjunction with other listed buildings along No.1 Street, the Council regards as a hugely important view within the Royal Arsenal Conservation Area. The proposed images in HTVIA<sup>194</sup> View 3 and the

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<sup>183</sup> Through Mr Crone

<sup>184</sup> Illustrated in CD1.2.15 View 3 in relation to the Royal Brass Foundry and the conservation area, and View 4 in relation to the latter

<sup>185</sup> CD3.3 and CD3.4

<sup>186</sup> Agreed by Dr Miele in x-e

<sup>187</sup> As set out in Dr Miele's letter of 7 September 2018 CD8.2.1 Appendix 2

<sup>188</sup> Confirmed by Dr Miele in x-e

<sup>189</sup> CD8.2

<sup>190</sup> CD1.2.15 Table 3 and elsewhere

<sup>191</sup> CD8.2

<sup>192</sup> Through Mr Crone

<sup>193</sup> ID64 and CD10.1 - the written and oral evidence of Mr Guillery

<sup>194</sup> CD1.2.15 View 3

appellant's additional view<sup>195</sup> reveal the sustained, looming presence of the Phase 3 tower in the background to the listed building in the kinetic experience of walking along No.1 Street towards the Royal Brass Foundry. Indeed, the appellant's additional image suggests that the visual impact will be even more detrimental moving closer to it.

- 6.77 The Council has considered setting depth<sup>196</sup> as explored by the appellant<sup>197</sup>, but the design of the Phase 3 building does nothing to mitigate its looming presence; notably the bulk of the highly visible flank elevations, and the substantial scale and height of the building, which far exceed any of the cumulative schemes identified by the appellant<sup>198</sup>. It has to be remembered that the very intention of the tower was to be prominent<sup>199</sup>. The design is indeed effective in that respect.
- 6.78 It would seriously detract from, and compete with, the architectural primacy of the Grade I listed building, thereby causing harm to its setting, and significance, and also to the setting and the significance of the Royal Arsenal Conservation Area.
- 6.79 In relation to the Grade II\* listed Royal Artillery Barracks and the Woolwich Common Conservation Area, there is broad agreement<sup>200</sup> as to the assessment of significance in relation to these two assets, and the contribution of setting to that significance.
- 6.80 Again, however, there is a real difference on the question of impact on significance. The Council's view<sup>201</sup> is that the proposals would cause a high level of less than substantial harm to the significance of both heritage assets, because of their intrusion into skyline views above the Grade II\* Royal Artillery Barracks building. The appellant<sup>202</sup> accepts that the proposals would cause less than substantial harm, but at a lower level than that found by the Council. Again, the views of Historic England are relevant and important<sup>203</sup>.
- 6.81 The appellant's judgment was reached in part on the basis that the setting of the Royal Artillery Barracks should be split into primary and secondary elements, and in part because the proposed buildings would not appear directly above the Barracks from important views, but to one side of its centre.
- 6.82 The Council<sup>204</sup> does not accept that the setting<sup>204</sup> of the Royal Artillery Barracks should be split into primary and secondary elements. In the Council's view, the kinetic experience of moving across the Barrack Field from the south-west best reveals the monumental scale of the south frontage of the Barracks<sup>205</sup> rather

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<sup>195</sup> View N4 CD8.2.1 Appendix 26

<sup>196</sup> Through Mr Crone

<sup>197</sup> Through Dr Miele

<sup>198</sup> CD1.2.15 View 3 Proposed and Cumulative View

<sup>199</sup> Dr Miele claimed in evidence that it had a wayfinding intention; Mr Gibney, in x-e placed stress on the intention of the tower to be prominent in long views.

<sup>200</sup> Between Mr Crone and Dr Miele

<sup>201</sup> Through Mr Crone

<sup>202</sup> Through Dr Miele

<sup>203</sup> CD3.2 and CD3.3 but also the views of the Mayor in CD3.10 and CD3.11

<sup>204</sup> Through the evidence of Mr Crone

<sup>205</sup> CD1.2.15 Views 14 and 15

than views from either the parade ground at close quarters, or more centrally facing the triumphal arch from the Barrack Field<sup>206</sup> as the appellant contends.

- 6.83 The Barrack Field is a large space that the building was designed to address looking away from the town centre<sup>207</sup> and it was used by the Barracks<sup>208</sup>. The experience of the Barracks from within a large proportion of the field would clearly be detrimentally affected by the appeal proposals. The view of the Barracks from the Barrack Field<sup>209</sup> is recognised within the Conservation Area Appraisal; it embodies the key elements of its character and appearance and so merits protection according to CS Policy DH(g)(13).
- 6.84 It is the Council's view<sup>210</sup> that both the Phase 3 and Phase 4 proposals would have a significantly detrimental impact on the ability to appreciate the monumental south frontage of the Barracks in kinetic views from the field (a key element of its significance); the individual blocks of Phase 4 and the Phase 3 building (with the tower rising high) would present a visual density and bulk (a wall of development) above the linear roofline of the Barracks and reduce the ability to appreciate its fundamental architectural characteristics and horizontal scale. Such a density and bulk would far exceed the impact of the existing 1960s towers, or any of the cumulative schemes identified by the appellant<sup>211</sup>.
- 6.85 The Council<sup>212</sup> considers that the design and form of the proposals would do nothing to mitigate the visual impact on the Grade II\* listed Royal Artillery Barracks, and the associated conservation area. Indeed, the proposed design and form of the proposals would increase it, and cause harm to the setting and thereby the significance of both heritage assets.
- 6.86 In relation to Grade II listed Equitable House, there is little between the parties as to the assessment of the contribution of setting to significance. Again, the main issue here is the question of impact on significance. The Council<sup>213</sup> says that the Phase 3 tower would cause a moderate level of less than substantial harm to significance because it would undermine the relationship between Equitable House and General Gordon Square; that relationship being critical to an appreciation of the significance of the building. The appellant's view<sup>214</sup> is that there would be no harm caused to the setting or the significance of Equitable House, mainly because the Phase 3 tower would not have any overbearing effect on the square. Indeed, there are claims for enhancement.
- 6.87 It is common ground that a fundamental aspect of the building's significance is its architectural primacy overlooking General Gordon Square. The disputed point was the extent to which an appreciation of the building's architectural

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<sup>206</sup> CD1.2.15 View 17

<sup>207</sup> A point highlighted by Mr Guillery

<sup>208</sup> As Dr Miele pointed out in evidence

<sup>209</sup> CD1.2.15 Views 14, 15 and 17

<sup>210</sup> Expressed through Mr Crone

<sup>211</sup> CD1.2.15 Views 14, 15 and 17 Proposed and Cumulative Views

<sup>212</sup> Through Mr Crone

<sup>213</sup> Through Mr Crone

<sup>214</sup> Through Dr Miele



qualities would be affected by the proposed Phase 3 tower. In the Council's view<sup>215</sup>, the proposed Phase 3 tower would dominate the setting of the listed building, and detract from its architectural and townscape primacy overlooking the Square, thereby causing harm to its setting and significance. Whilst the curved form of the proposed Phase 3 building may help to reduce its visual impact in static views from some positions in the square<sup>216</sup>, the Council<sup>217</sup> considers that when residents and visitors move through and into the square, as they do now when they are enjoying the open space, they would be increasingly more aware of the substantially bulkier flank elevations of the Phase 3 building, than the primacy of Equitable House. Unlike the appellant, the Council does not consider that the listed building could sustain such changes in scale and height within its setting without any detrimental impact being caused to its significance.

- 6.88 Lastly, in relation to the recently designated Woolwich Conservation Area, there is a difference between the parties as to the baseline assessment in the context of setting and significance. In particular, there is disagreement about the level of cohesion in the historic townscape, and the influence of the small historic groups of buildings on the character of the Town Centre. Beyond this, there is again a difference of view on the question of impact on significance. The Council<sup>218</sup> conclude that the proposed buildings would cause a moderate level of less than substantial harm to the significance of the conservation area, whereas the appellant<sup>219</sup> concludes that no such harm would be caused; indeed, a beneficial effect on significance is claimed.
- 6.89 The Council<sup>220</sup> considers that the component of the conservation area most affected by the proposals - the Residential/Commercial character zone - contributes equally to the character and appearance of the conservation area as those other areas referred to by the appellant<sup>221</sup> which would be less affected do (including Powis Street and the Civic Quarter). In the absence of an adopted appraisal, the Council's understanding of the townscape of the character area is supported by the scholarly and highly respected 2012 *Survey of London* volume on Woolwich that the 2018 Heritage Study of the Woolwich Town Centre<sup>222</sup> is based on. This identifies a legible cohesiveness in the scale and uses of the character area, despite modern intrusions and some fragmentation.
- 6.90 It is the Council's view<sup>223</sup> view that the proposed Phase 3 building would loom over this legible character area and, with the Phase 4 blocks at its south-western gateway, dominate the groups of locally listed buildings on Woolwich New Road and Thomas Street, the open space of General Gordon Square, and the Grade II listed Equitable House which together contribute positively to the

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<sup>215</sup> Expressed through Mr Crone

<sup>216</sup> Suggested by Dr Miele in relation to CD1.2.15 Views 2 and 5

<sup>217</sup> Through Mr Crone

<sup>218</sup> Through Mr Crone

<sup>219</sup> Through Dr Miele

<sup>220</sup> Through Mr Crone

<sup>221</sup> Through Dr Miele

<sup>222</sup> CD11.24

<sup>223</sup> Expressed by Mr Crone

character and appearance of the area<sup>224</sup>. It is considered that the jarring scale of the Phase 3 building and its looming quality in contrast to the established character of the character zone to which it adjoins on three sides would cause significant harm to its setting, and the appreciation of its significance.

- 6.91 The harm that would be caused is of particular concern bearing in mind the finding in the Heritage Study<sup>225</sup> that the historic character of Woolwich is particularly vulnerable to change. Historic England endorsed that study and also concluded that there would be harm to this historic part of the town centre<sup>226</sup>.
- 6.92 In the round, the appellant argues that the Council's decision in 2007 should serve as a baseline for assessment. This has already been addressed but it is necessary to add a few comments with particular focus on settings.
- 6.93 The Council<sup>227</sup> emphasised the substantial changes which have occurred over 12 years in the understanding and assessment of setting. When the 2007 outline consent was granted, the Council did not have the benefit of three editions of detailed Historic England guidance for understanding and assessing setting, the Framework from 2012 which places great weight on designated heritage assets and their settings, and notable developments in case law which have established and confirmed the principle that considerable importance and weight should be given to the desirability of preserving the settings of heritage assets<sup>228</sup>. The then extant PPG15<sup>229</sup> limited its mention of setting to two paragraphs in relation to the statutory duty on local planning authorities and the core concepts of setting, as we now understand them, were not articulated in that document.
- 6.94 This change in policy and guidance might explain the lack of any detailed settings assessment at that time to inform the planning decision. The Heritage Statement produced by the then applicant in 2007 covered only the demolition of the Post Office on the Phase 3 site. A subsequent ES Addendum assessed the impact of the outline proposals on other heritage assets, including the Grade II\* listed Royal Artillery Barracks and the Grade II listed Equitable House, but notably not the Grade I listed Royal Brass Foundry or the Royal Arsenal Conservation Area. Rather than concluding that the impact of the proposals were found to be acceptable<sup>230</sup>, the document concluded a moderate adverse impact on the Barracks, and a negative impact in townscape terms on Equitable House. These conclusions were not reflected in the 2007 Planning Board report<sup>231</sup>.
- 6.95 It seems clear that members did not have a complete and rounded assessment of heritage issues when making their decision<sup>232</sup>. They certainly would not

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<sup>224</sup> CD1.2.15 Views 2, 5, 8 and 9

<sup>225</sup> CD11.24 Pages 43 and 53

<sup>226</sup> In particular in their letter of 18 October 2019 (part of the questionnaire bundle)

<sup>227</sup> Through the evidence of Mr Crone and CD9.3 in particular

<sup>228</sup> All accepted by Dr Miele in x-e

<sup>229</sup> ID19

<sup>230</sup> CD8.2 Paragraphs 5.8 and 5.10 must be read with a note of caution.

<sup>231</sup> CD12.30 - the issue of heritage was not even given its own heading.

<sup>232</sup> Dr Miele accepted in x-e that the report was incomplete



have had the level of detailed assessment informed by guidance and case law in relation to setting which is expected today.

- 6.96 The Council<sup>233</sup> also referred to the evolution of policy and guidance in relation to heritage and setting issues with particular reference to tall buildings. Policy since 2007 has not been static in relation to the acceptability of tall buildings, but neither has there been a one-way driver to denser development making tall buildings automatically acceptable. First, in relation to the development of London Plan policies on tall buildings, there has been an increasing tightening of criteria since the 2004 London Plan which was extant in 2007; namely, that there is now a greater sensitivity and criteria for judgment regarding the location, height, scale and design of tall building and their impact on heritage assets<sup>234</sup>. This approach is reflected in the Draft London Plan<sup>235</sup>.
- 6.97 The change in tone and criteria respecting heritage considerations is also reflected in local policy and guidance. At the time of the 2012 Masterplan SPD<sup>236</sup>, the transformation of Woolwich Town Centre was already well underway, with many of the developments described in the pipeline already completed. This document makes clear that by 2012, heritage had become a key driver in the development policy context, with tall buildings not being the beneficiary of positively framed policies. The same was reflected in the CS Policy DH2<sup>237</sup> which states that tall buildings *may* be acceptable in the Town Centre. In both documents, the outline permission on the appeal site was still extant and was taken as a matter of fact, but nowhere does it say that tall buildings must be acceptable in Woolwich Town Centre to support the policy aspirations of the LP<sup>238</sup>.

*The Living Conditions Issue I*

- 6.98 This identified issue relates to the Council's fifth reason for refusal<sup>239</sup>, in which it was concluded that the development by reason of its height, scale, mass and proximity to the site boundaries would have a significant detrimental impact on the levels of daylight and sunlight received to a substantial number of surrounding properties and would also have a significant overbearing impact and reduction of outlook from the rear windows of 107-137 Wellington Street, contrary to LP Policy 7.7 and CS Policy DH(b).
- 6.99 CS Policy DH(b)<sup>240</sup> states that when determining applications for new developments, extensions or renovations of buildings, the Royal Borough will only permit an application where it can be demonstrated that the proposed development does not cause an unacceptable loss of amenity to adjacent occupiers by reducing the amount of daylight, sunlight or privacy they enjoy or result in an unneighbourly sense of enclosure.

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<sup>233</sup> Through Mr Crone

<sup>234</sup> CD11.4 LP Policy 7.7c

<sup>235</sup> CD11.21

<sup>236</sup> CD11.8

<sup>237</sup> CD11.7

<sup>238</sup> As agreed by Dr Miele in cross-examination

<sup>239</sup> CD5.3

<sup>240</sup> CD11.7

- 6.100 It is common ground that the relevant guidance for assessment of the effects of development on daylight and sunlight amenity to surrounding buildings and open spaces is set out in the Building Research Establish (BRE) document 'Site layout planning for daylight and sunlight: A guide to good practice' (2011)<sup>241</sup>.
- 6.101 As the Council explained<sup>242</sup>, the assessment of impact on daylight and sunlight amenity is a two-part process<sup>243</sup>; first, as a matter of calculation, whether there would be a material deterioration in conditions; and secondly, as a matter of judgment, whether that deterioration would be acceptable in the particular circumstances of the case, including the local context. Matters forming part of the first stage include the calculations recommended in the BRE Guide to quantify daylight and sunlight levels before and after development, and the reduction that would occur as a result of the development. Matters forming part of the second stage include much wider considerations that might affect judgment.
- 6.102 It is common ground<sup>244</sup> that the potential daylight and sunlight effects should be assessed relative to both the existing (cleared site) baseline and the pre-existing (historic) baseline and that the relevant tests are vertical sky component (VSC) and no-sky line contour (NSC) for daylight, and percentage of annual probable sunlight hours (APSH) for sunlight. The numerical guidelines to be applied have been set out<sup>245</sup>.
- 6.103 It is also common ground<sup>246</sup> that the daylight and sunlight results within the appellant's Daylight and Sunlight Report dated 30<sup>th</sup> August 2018<sup>247</sup> have been calculated using the methodology in the BRE guide. However, as pointed out<sup>248</sup>, the report mistakenly counted daylight reductions that are between 0.75 and 0.79 times their former value as being within the BRE guidelines by expressing them to one decimal place and rounding them up to 0.8, when the impacts are, in fact, outside the BRE recommendations.
- 6.104 It was further noted<sup>249</sup> that the same rounding error had also led to some of the impacts being downgraded to a lower classification for magnitude of impact, in terms of whether they are minor, moderate or major adverse. The most appropriate tabulated summary of impacts is therefore that set out by the Council<sup>250</sup>.
- 6.105 It is important to note that the appellant expressly acknowledges that the appeal scheme would result in material impacts, with some '*fairly large*

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<sup>241</sup> CD12.1 See also paragraph 2.1 of the SoCGDS (ID28)

<sup>242</sup> Through Mr Cosgrave (CD9.2)

<sup>243</sup> *Rainbird, R (on the application of) v The Council of the London Borough of Tower Hamlets* [2018] EWHC 657 (Admin) (28 March 2018) at Paragraphs 83 and 84

<sup>244</sup> ID28

<sup>245</sup> CD9.2 Paragraphs 5.17 and 5.19

<sup>246</sup> ID28

<sup>247</sup> CD8.3.1 Appendix 2

<sup>248</sup> By Mr Cosgrave CD9.2 Paragraphs 7.11-7.12 and CD15.6 Paragraphs 2.1c and 2.4

<sup>249</sup> By Mr Cosgrave

<sup>250</sup> CD9.2 Appendix E for the existing (cleared site) scenario and Appendix F for the pre-existing (historic) scenario

*reductions in VSC'* to a number of properties when compared to the current empty site or the pre-existing baseline<sup>251</sup>.

- 6.106 The Council's evidence<sup>252</sup> showed that for the existing (cleared site) scenario, the impacts on daylight from Phase 4 would satisfy the BRE VSC guidelines to just 53% of windows, and the NSC guidelines to 71% of rooms. The impacts on daylight from Phase 3 would not satisfy the BRE VSC guidelines for any of the windows and would satisfy the NSC guidelines for just 35% of rooms. Moreover, there would be a notable proportion of minor, moderate and major adverse daylight impacts, many of which are substantially outside the BRE guidelines.
- 6.107 The daylight impacts relative to the existing (cleared site) scenario would typically be significant<sup>253</sup>, ranging from a 30% to 80% loss in VSC. The loss to 107 to 137 Wellington Street is especially notable, with a 50% to 80% VSC loss to all windows. The effects can be seen re-stated<sup>254</sup> in terms of the significance noted in Table 11-8 of the ES dated August 2017<sup>255</sup>, which for the relevant properties are: moderate adverse for 79 Woolwich New Road, 1-6 Slater Close, 20 Love Lane (Phase 2) and Ogilby Housing Site; and major adverse for 61 Woolwich New Road, 65 Woolwich New Road, 67-69 Woolwich New Road, 71 Woolwich New Road, 13-16 Claydown Mews and 107-137 Wellington Street.
- 6.108 The Council's evidence on the daylight impacts relative to the pre-existing (historic) baseline is that there would only be a modest improvement in the level of BRE adherence, and magnitudes of impact, compared with the results for the cleared site scenario<sup>256</sup>. The Council's evidence on the sunlight impacts<sup>257</sup> shows that the overall significance of sunlight effects would be major adverse to 107-137 Wellington Street and minor adverse to 1-6 Slater Close, 20 Love Lane (Phase 2) and the Ogilby Housing development for Scenario 1, as noted in Table 11-8 of the ES dated August 2017, and a very similar impact for Scenario 2. These results show significant deviations from the BRE Guidelines.
- 6.109 The appellant's evidence<sup>258</sup> sought to justify these deviations by comparing the residual VSC values for the appeal scheme with the theoretical residual values for the lapsed 2007 scheme. However, paragraph F2 of the BRE guide<sup>259</sup> only suggests using residual daylight and sunlight levels for a previous scheme as alternative target values where that scheme is an extant planning consent<sup>260</sup>. The 2007 permission has lapsed; paragraph F2 of the BRE guide therefore does not apply and such a comparison is not advocated by the guidelines. As

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<sup>251</sup> CD8.3 Paragraph 10.33.

<sup>252</sup> CD9.2 Paragraphs 7.14 to 7.16 and Appendix E Table S1a

<sup>253</sup> CD9.2 Paragraphs 7.17-7.18

<sup>254</sup> CD9.2 Paragraph 7.19

<sup>255</sup> CD1.2.12

<sup>256</sup> CD9.2 Paragraph 7.25

<sup>257</sup> CD9.2 Paragraphs 7.39 to 7.48

<sup>258</sup> Led by Mr Thody CD 8.3

<sup>259</sup> CD12.1

<sup>260</sup> CD9.2 Paragraphs 5.31-5.33

the Council explained<sup>261</sup> its use was agreed use on the basis that during the application process Officers had previously indicated that the lapsed 2007 consent could potentially provide 'a useful benchmark' for comparative purposes. The Council's view<sup>262</sup> remains, however, that such a comparison does not accord with the BRE guidelines. The findings should therefore be afforded less weight.

- 6.110 In any event, the results of the comparison with the lapsed 2007 permission do not help the appellant's case. As the Council has demonstrated<sup>263</sup>, the appeal scheme would predominantly result in lower residual levels of daylight and sunlight than the alternative target values derived from the lapsed 2007 scheme, such that there would be a predominantly noticeable negative effect on neighbouring properties, relative to the lapsed scheme. It should also be noted that whilst the appellant acknowledges<sup>264</sup> that it is inappropriate to apply the BRE reduction criteria of 0.8 times former value in this type of comparative assessment, it is applied nonetheless, in an attempt to support the assertion that there would be no noticeable difference between the two sets of results. This involves a misconstruction or misapplication of paragraph F2 of the BRE guide<sup>265</sup>. As the Council notes<sup>266</sup>, paragraph F2 of the BRE guide specifically states: *since the permitted scheme only exists on paper, it would be inappropriate for it to be treated in the same way as an existing building, and for the developer to set 0.8 times the values for the permitted scheme as benchmarks.*
- 6.111 The appellant<sup>267</sup> tacitly acknowledges that even compared to the lapsed 2007 permission, the effects would largely be negative. Understandably, those impacts are not dwelt upon. Instead, in order to reach a conclusion that the appeal scheme accords with planning policy, the retained VSC levels are compared with VSC levels retained by properties that neighbour other permitted schemes in the Royal Borough. This was based on an appraisal of residual VSC values to properties that are near to and affected by five other consented schemes within the Royal Borough. The residual VSC values around the appeal scheme is then compared with those alternative target values<sup>268</sup>.
- 6.112 This approach is fraught with difficulties, as the Council has explained<sup>269</sup>. Paragraph F1 of the BRE guide<sup>270</sup> suggests generating such alternative target values as may be appropriate to the site context based on the layout dimensions of existing development. However, the Council disagrees with the appellant's approach mainly because the design of the affected buildings may be anomalous of one another, thereby making direct comparisons difficult or inappropriate, and also because residual daylight values around those other permitted schemes should in themselves not be treated as a benchmark for

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<sup>261</sup> Through Mr Cosgrave

<sup>262</sup> Expressed through Mr Cosgrave

<sup>263</sup> CD9.2 Paragraphs 7.26-7.29 (daylight) and 7.49-7.50 (sunlight) and Tables at Appendix J

<sup>264</sup> CD8.3 Paragraph 10.15

<sup>265</sup> CD12.1

<sup>266</sup> CD15.6 Paragraph 5.31

<sup>267</sup> Through Mr Thody

<sup>268</sup> CD8.3

<sup>269</sup> CD9.2 Paragraphs 5.34 to 5.36 and CD15.6 Paragraphs 3.3 to 3.6

<sup>270</sup> CD12.1

acceptability (because there are many considerations for a local planning authority when resolving to grant consent).

- 6.113 The appellant relies upon the decision of the Inspector in the Whitechapel Estate Appeal<sup>271</sup> as validation for this approach. However, in that case key considerations for the Inspector in finding the impacts to be acceptable appear to have been that *'a proportion of residual VSCs would be in the mid-teens ... [with] a smaller proportion in the bands below 15%'* and that *'the new buildings would for the most part be comparable in height with the existing and would re-define traditional street frontages. Retained daylight and sunlight levels would be adequate and comparable with existing and emerging conditions'*<sup>272</sup>. By comparison, the appeal scheme would result in 20% of the residual VSC values around the site being in the band of 15-20% VSC (that is mid-teens, broadly speaking), and half of the residual VSC values being in the bands below 15%<sup>273</sup>. As the Council notes<sup>274</sup>, half is not a 'smaller proportion', as referred to by the Inspector in the Whitechapel Estate appeal. It is clear that the appeal scheme would leave a greater proportion of windows with poorer levels of VSC than around the Whitechapel Estate site and, lower even than the local average of 13.5% VSC contended for by the appellant<sup>275</sup>.
- 6.114 The right conclusion, therefore, is that the design and layout of the proposed development would result in materially adverse deteriorations in daylight and sunlight conditions for surrounding residential occupiers, many of which would be substantially outside the BRE guidelines and contrary to CS Policy DH(b). Moreover, the alternative targets and comparisons that the appellant has referred to as justification, fail to demonstrate that the deficiencies should be treated as acceptable.
- 6.115 The second part of the Council's reason for refusal in this context relates to the impact of the proposals on the outlook from the rear windows of 107-137 Wellington Street.
- 6.116 CS Policy DH(b) together with its supporting text emphasises the importance of ensuring that developments do not result in an unneighbourly sense of enclosure as well as ensuring that outlook from neighbouring properties is protected. The Council explained<sup>276</sup> that the western end of the existing flats would look directly to the blank flank wall of Block C at a distance of only 13m. The proposed Block C would appear overbearing when viewed from the adjacent flats and due to its height and proximity to the flats, it would result in a significant loss in terms of outlook.
- 6.117 The appellant's Outlook Study<sup>277</sup> does not provide a convincing answer to this objection. It refers first to the Thomas Spencer House which formerly occupied part of the Phase 4 site, but Thomas Spencer House was located some distance away from the affected properties and was demolished in 2009,

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<sup>271</sup> CD12.15

<sup>272</sup> CD12.15 Paragraphs 112 and 125

<sup>273</sup> ID28 Final Table following Paragraph 2.11

<sup>274</sup> CD9.2 Paragraph 3.11

<sup>275</sup> Through Mr Thody

<sup>276</sup> Through Ms Holford CD9.1 Pages 48 to 49 and CD15.5 Paragraph 1.49

<sup>277</sup> CD1.3.37

leaving residents with an open outlook for about 10 years. It refers also to the 2007 outline permission but, leaving aside that it has lapsed, the current scheme would bring the proposed development much closer to the site boundary in the north west corner of the site than in the outline scheme. The effects of this would be most noticeable in relation to the westernmost flats in the Wellington Street block.

- 6.118 The appellant argued<sup>278</sup> that the units to the rear of the properties would continue to look out onto the communal garden area and existing trees, but two of the trees (at the western end of the site boundary) are deciduous, and three of the Leyland Cypress trees would be removed. The presence of trees would not mitigate the adverse impact on the outlook from the dwellings in 107-137 Wellington Street. The proposed development would therefore cause harm to living conditions contrary to LP Policy 7.7 and CS Policy DH(b).
- 6.119 *The Living Conditions Issue II*
- 6.120 This identified issue relates to the Council's fourth reason for refusal<sup>279</sup>, in which the Council concluded that the Phase 4 of the proposed development would provide a poor quality of accommodation for future occupants, because of: a poor internal layout in terms of the number of units per core in Blocks D, E, F, G and H; poor levels of daylight, sunlight and outlook and a significant number of single aspect units; and inconvenient access for residents in Blocks C, D, E, F, G and H to the cycle parking area in Blocks A and B.
- 6.121 In relation to the number of units per core, the Council's concern<sup>280</sup> is that the number of units per core in Blocks F, E, D and G, H exceed the standard in the Mayor of London's Housing SPG<sup>281</sup>. That is a matter of fact. Accordingly, the concern is justified.
- 6.122 The evolution of the building layouts has been set out<sup>282</sup>, but that explanation does not lead to the conclusion that the standard is met. It appears from the appellant's evidence<sup>283</sup> that the location of the drop-shaft was chosen and implemented by the previous owners of the site for economic reasons. That explains the constraint, but it does not mean that there are not alternatives that could be achieved.
- 6.123 There are alternative options and there may be others beyond those outlined by the appellant<sup>284</sup>. In any event, the drop-shaft only affects Block F, G, H, not Block D, E. The design approach to Blocks D, E was explained<sup>285</sup> and it appears that the sub-standard layouts in these blocks were designed primarily having regard to the ancillary facilities required for the number of units proposed. In other words, the failure to meet the standard is clearly indicative of overdevelopment.

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<sup>278</sup> Through Mr Gibney

<sup>279</sup> CD5.3

<sup>280</sup> CD9.1 Pages 33 to 35 and CD15.5 Paragraphs 1.35 to 1.37

<sup>281</sup> CD11.15

<sup>282</sup> CD8.4

<sup>283</sup> That of Mr Richter

<sup>284</sup> CD15.4

<sup>285</sup> By Mr Richter



- 6.124 LP Policy 3.5<sup>286</sup> emphasises the importance of quality in new housing developments. CS Policy H5<sup>287</sup> also seeks a high standard of housing design and requires consistency with the guidance contained in the Mayor's Housing SPG. A substantial part of the development would fail to meet Standard 12 of the Housing SPG<sup>288</sup> with regard to the number of units per core.
- 6.125 In terms of the single aspect units, draft Policy D4 of the Draft New London Plan<sup>289</sup> requires provision of sufficient daylight and sunlight to new housing that is appropriate for its context. Standard 32 of the Mayor of London's Housing SPG<sup>290</sup> states that all homes should provide for direct sunlight to enter at least one habitable room for part of the day and that living areas and kitchen/dining spaces should preferably receive direct sunlight.
- 6.126 CS Policy H5<sup>291</sup> of the Council's Core Strategy seeks to ensure high quality housing design and requires compliance with the Mayor's Housing SPG<sup>292</sup>. CS Policy DH1 requires the design of all developments to be of a high quality and demonstrate that they positively contribute to the improvement of both the built and natural environments.
- 6.127 It is common ground<sup>293</sup> that the relevant guidance for assessment of daylight and sunlight amenity within the proposed development is set out in the BRE Guidelines 2011<sup>294</sup> with more detailed guidance on the calculation methodology set out in British Standard BS8206-2:2008, Lighting for Buildings, Part 2: Code of Practice for Daylighting<sup>295</sup>. It was also agreed that the relevant tests of average daylight factor (ADF) and percentage of annual probable sunlight hours (APSH) have been run.
- 6.128 For daylight inside new dwellings, the guidance recommends minimum values for average daylight factor (ADF) of 2% in kitchens and living/kitchen/dining rooms (LKDs), 1.5% in living rooms and 1% in bedrooms.
- 6.129 According to the appellant's original evidence, 91% of habitable rooms within the proposed development would satisfy the minimum ADF recommendations<sup>296</sup>. Within Phase 4, the rooms falling short of the minimum recommendations were 55 (9%) out of 594 LKDs and 152 (14%) out of 1,056 bedrooms<sup>297</sup>. According to the appellant's subsequent evidence<sup>298</sup>, many of the bedrooms in Phase 4 would be a long way short of the minimum recommendations, with 101 bedrooms being less than half the recommended minimum, of which 74 would be less than a quarter of the guideline.

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<sup>286</sup> CD11.4

<sup>287</sup> CD11.7

<sup>288</sup> CD11.15

<sup>289</sup> CD11.21

<sup>290</sup> CD11.15

<sup>291</sup> CD11.7

<sup>292</sup> CD11.15

<sup>293</sup> ID28 SoCGDS

<sup>294</sup> CD12.1

<sup>295</sup> CD12.17

<sup>296</sup> CD8.3 Paragraph 9.7

<sup>297</sup> CD9.2 Paragraph 6.6 (final bullet point)

<sup>298</sup> CD15.3 Penultimate row in Table 3 on Page 8

- 6.130 The Council noticed an error in the ADF calculations whereby a number of the deep LKDs appeared to have been artificially truncated to exclude the kitchen area at the back of the room; the effect of which was to overestimate the ADF for the room<sup>299</sup>. Consequently, the appellant arranged for a revised ADF assessment to be run for the full-depth rooms. Based on these revised ADF calculations on daylight/sunlight<sup>300</sup>, the number of rooms falling short of the minimum recommendations increased to 99 (17%) out of 594 LKDs and the number of bedrooms remained unchanged at 152 (14%) out of 1,056, giving 85% adherence within Phase 4<sup>301</sup>.
- 6.131 There is no agreement about whether these revised ADF results take proper account of the effects of dirt on glass. The appellant contends<sup>302</sup> that a combined correction factor of 0.8 was applied in order to account for the reduction in light due to both dirt on glass and window frames and glazing bars, whereas the Council's view is that a factor of 0.8 is only sufficient to account for the window frames and glazing bars and that an additional factor of 0.92 (i.e. 8% reduction) should have been applied to account for the effects of dirt on glass<sup>303</sup>. The Council explained further<sup>304</sup>, by reference to BS8206-2:2008<sup>305</sup>, that a correction factor of 0.8 is appropriate for metal window frames with large panes of glass and 0.92 is appropriate for the effects of dirt on vertical glazing in residential buildings in an urban location with good maintenance. Following application of the maintenance factor, the number of rooms falling short of the minimum recommendations increases yet further to 135 (23%) out of 594 LKDs and 155 (15%) out of 1,056 bedrooms and the percentage adherence within Phase 4 reduces to 82%<sup>306</sup>.
- 6.132 The ADF values are therefore what the Council<sup>307</sup> described as 'best-case' figures calculated using light internal surface finishes with relatively high reflectance, namely white ceilings (0.85 reflectance), pale cream walls (0.81 reflectance) and cream carpet (0.4 reflectance)<sup>308</sup>. This must be borne in mind when benchmarking the results against those for other schemes. It was also noted<sup>309</sup> that if mid-reflectance finishes are adopted during construction, or by future occupiers, then actual daylight levels will be lower than calculated and the number of rooms achieving the minimum recommendations will be yet lower.
- 6.133 The level of sunlight adherence to the BRE guidelines in Phase 4 is 55% of living rooms in blocks A, B, C, 46% in Blocks D, E, and 36% in Blocks F, G,

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<sup>299</sup> CD9.2 Paragraphs 6.12 to 6.17 and CD15.6 Paragraphs 2.1 to 2.3

<sup>300</sup> Appended to ID28 SoCGDS

<sup>301</sup> ID28 Paragraph 1.7

<sup>302</sup> Through Mr Thody

<sup>303</sup> ID28 Paragraph 1.8

<sup>304</sup> Through Mr Cosgrave

<sup>305</sup> CD12.17 Sections 15.1 to 15.2 and A.1.3 to A.1.4

<sup>306</sup> ID28 Paragraph 1.10

<sup>307</sup> Through Mr Cosgrave

<sup>308</sup> CD9.2 Paragraph 5.7

<sup>309</sup> By Mr Cosgrave

- H<sup>310</sup>. The appellant submitted results of an additional sunlight test but the method of assessment was questioned<sup>311</sup>. These queries remain unresolved<sup>312</sup>.
- 6.134 The appellant had undertaken an appraisal of levels of adherence to internal daylight and sunlight guidelines for dwellings in six other consented schemes within the Royal Borough and summarised the headline levels of adherence to the guidelines<sup>313</sup>. This summary is agreed<sup>314</sup>.
- 6.135 It is common ground that the reports for the selected schemes do not, in every case, state the reflectance of the surface finishes used in their ADF calculations. In three of the schemes the surface reflectances were not stated and in the other three, darker finishes were used compared with those adopted by the appellant<sup>315</sup>.
- 6.136 Whilst it is common ground that lower levels of reflectance will produce lower ADF values, the implications this may have upon forming a comparison between daylight levels in the appeal scheme and the six comparable schemes is not agreed. As the Council set out in evidence<sup>316</sup>, the use of darker finishes in the ADF calculations for some of the other schemes could account for their lower levels of adherence to guidelines. It was also noted that there could be many and varied reasons why the Council granted planning permission for those developments and one should be careful not to interpret one scheme as setting an appropriate rate of BRE compliance for other developments in the Royal Borough<sup>317</sup>.
- 6.137 The correct conclusion here is that the design and layout of the proposals would result in a significant number of dwellings offering poor daylight and sunlight levels for future occupiers, contrary to CS Policies H5 and DH1.
- 6.138 This objection is linked to another – that related to single aspect accommodation<sup>318</sup>. It was explained<sup>319</sup> that CS Policy H5<sup>320</sup> sets a presumption against single aspect units and that Standard 19 of the Mayor's SPG<sup>321</sup> advises that developments should minimise the number of such units. The SPG also emphasises the benefits of dual aspect units including cross ventilation and enhanced daylight and sunlight levels. The Council's assessment of the scheme found that within Phase 4 of the proposed development 387 out of 598 units (65%) would be single aspect. The position cannot be compared with that in Phase 3 where the proportion of single aspect units is materially less (33%).

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<sup>310</sup> ID28 Paragraph 1.11 and Figure 1

<sup>311</sup> CD15.6 Paragraphs 2.5 to 2.8

<sup>312</sup> ID28 Paragraph 1.12

<sup>313</sup> CD8.3 Paragraphs 9.21-9.23 and Table 5

<sup>314</sup> ID28 Table 3

<sup>315</sup> ID28 Paragraph 1.15

<sup>316</sup> Through Mr Cosgrave

<sup>317</sup> CD9.2 Paragraph 6.16 and CD15.6 Paragraph 2.10

<sup>318</sup> CD9.1 Pages 37 to 38 and CD15.5 Paragraphs 1.38 to 1.39

<sup>319</sup> By Ms Holford

<sup>320</sup> CD11.7

<sup>321</sup> CD11.15

- 6.139 Moreover, Standard 29 of the Mayor's SPG<sup>322</sup> advises that single aspect units which contain more than three or more bedrooms should be avoided - yet 13 of the proposed three-bedroom units would be single aspect. The appellant<sup>323</sup> suggested the addition of a window to the north facing wall of Block A to convert the single aspect three-bedroom units to dual aspect units, but this would present a compromise to privacy as a result of the proximity to the bedroom window of neighbouring units. Whilst this could be secured by condition, with a fixed window to avoid privacy and noise issues, it would not resolve the issue. As the Council explained<sup>324</sup>, fixed windows would not address the loss of the benefit of improved cross ventilation that is offered by dual aspect units<sup>325</sup>.
- 6.140 Furthermore, 61 of the units in Blocks A, B, C would have as their only aspect a view facing the South Circular Road. The quality of the single aspect units at the lower levels of the building would clearly be limited, with direct views over the roadway. The drone views submitted by the appellant<sup>326</sup> show that trees would mitigate to an extent, but in the winter the outlook would be less verdant.
- 6.141 As such, Phase 4 of the proposed development would provide poor living conditions for many of the occupants, contrary to CS Policy H5<sup>327</sup> and Standard 19 of the Mayor's SPG<sup>328</sup>.
- 6.142 Reference has been made<sup>329</sup> to LP Policy 6.9<sup>330</sup> and CS Policy DH1<sup>331</sup> in relation to cycle provision and its importance in the context of seeking to encourage sustainable modes of travel. Further, reference was made to Standard 21 of the Mayor of London's SPG<sup>332</sup> and section 8.5.3 of the London Cycle Design Standards which together require (in brief terms) cycle parking to be well located, convenient and secure. The proposed scheme locates all cycle parking within the lower ground floor of Blocks A/B. Notwithstanding the appellant's expressed confidence in the design of the scheme<sup>333</sup>, the Council's view<sup>334</sup> remained that the proposed arrangement would not meet the high standards of accessibility and convenience required by policy and guidance. The appellant suggested some tweaks to the design<sup>335</sup>, but the deficiencies would remain.
- 6.143 Whilst it is true that policy and standards must be applied without undue rigidity having regard to the context of the proposed development in a town centre location, the number of deficiencies would individually and cumulatively

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<sup>322</sup> CD11.15

<sup>323</sup> Through Mr Richter ID16

<sup>324</sup> Through Ms Holford

<sup>325</sup> CD11.21 Paragraph 3.4.5 refers

<sup>326</sup> CD8.4 Pages 155-157

<sup>327</sup> CD11.7

<sup>328</sup> CD11.15

<sup>329</sup> CD9.1 Pages 42 to 44 and CD15.5 Paragraphs 1.45 to 1.47

<sup>330</sup> CD11.4

<sup>331</sup> CD11.7

<sup>332</sup> CD11.15

<sup>333</sup> Through Mr Richter

<sup>334</sup> Through Ms Holford

<sup>335</sup> Through Mr Richter

result in a poor quality of accommodation, well below the standard expected by the LP, the CS, the Mayor's SPG, and the Government's increasing emphasis on design quality.

*The Planning Balance*

- 6.144 The Council<sup>336</sup> has considered the planning benefits of the scheme. It is accepted that the development would bring forward a significant amount of housing, as well as commercial uses, in the Town Centre. This is what was referred to as a significant contribution to regeneration in terms of LP Policy 7.7<sup>337</sup>.
- 6.145 However, as was also made clear<sup>338</sup>, the future of the Town Centre is not dependent on a scheme of redevelopment of this scale, with a 27-storey tower. The main benefits of Woolwich Central, in terms of regeneration, job creation and community facilities have already been delivered in Phases 1 and 2, in the form of the 12,200 square metres of retail floorspace, the civic centre and the library. Other, better designed schemes could provide regenerative benefits without the accompanying harm to the townscape and heritage.
- 6.146 In terms of housing land supply, it is accepted<sup>339</sup> that the provision of housing would be a benefit. However, the Council has a five-year supply of housing as required by the Framework (and passes the Housing Delivery Test)<sup>340</sup>. The appellant makes the point<sup>341</sup> that the proposed development would assist in achieving and exceeding the minimum annual housing target by relying on recent data. However, having regard to the housing land supply position and the number of recent planning permissions granted, the Council is not dependent on the appeal site to achieve its housing targets<sup>342</sup>.
- 6.147 In this context, the Council also notes the fact that the housing proposed is poor in certain important respects. They could not be described as 'high quality residential units' because of serious shortcomings that detract from the overall quality of the scheme<sup>343</sup>.
- 6.148 The affordable housing offer is a benefit and constitutes the maximum reasonable level that can be provided as part of the scheme. However, the agreed amount is below the specific level required by policy, and a review mechanism is required to capture any potential uplift.
- 6.149 The provision of commercial floorspace, including affordable workspace and associated employment provision would be a benefit, but it is a small part of this residential-led scheme. Acceptable commercial space and job creation could be provided without the need for a building of the scale proposed.

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<sup>336</sup> Through Ms Holford

<sup>337</sup> Ms Holford in x-e and re-e

<sup>338</sup> Ms Holford in her oral evidence

<sup>339</sup> Through Ms Holford

<sup>340</sup> As agreed by Mr Gibney in x-e

<sup>341</sup> CD15.1

<sup>342</sup> It should also be noted that in CD8.1 Paragraph 5.25 Mr Gibney admits that there is nothing to indicate that the large sites that form a significant part of the Council's housing land supply will not be delivered

<sup>343</sup> CD15.5 Paragraph 1.56

- 6.150 The creation of landscaped public realm is a positive aspect of the scheme but high quality landscaping and public spaces are expected in all new developments, in accordance with the LP and CS<sup>344</sup>. The same comment is made in relation to the provision of children's play-space.
- 6.151 CIL payments are designed to mitigate the impacts of development and are required of all developments of significant scale and S.106 financial payments are necessary to mitigate specific impacts upon local infrastructure and services. They are not a benefit in their own right.
- 6.152 It is the Council's conclusion, supported by the evidence that it has presented, that less than substantial harm at moderate to high levels would be caused to the significance of listed buildings of the highest national importance. Great weight should be given to that harm. The heritage harm caused by the proposed development would include harm to the setting of conservation areas and locally listed buildings. The appeal scheme would also cause serious harm to the local townscape in Woolwich. As well as this, the appeal proposal would have a significant adverse effect on the amenity of neighbouring properties. Moreover, the design has a number of significant deficiencies in terms of residential amenity for future occupiers. The requirements of s.66(1) the Planning (Listed Buildings and Conservation Areas) Act 1990 have not been met. Neither would the proposed development comply with the statutory development plan, the Framework, or relevant guidance.
- 6.153 The balance falls squarely against approval. Accordingly, the Council respectfully requests that planning permission be refused.

## **7 The Case for Speak Out Woolwich (SOW)**

- 7.1 This is set out in full in opening and closing statements to the Inquiry and in evidence<sup>345</sup>. What follows is a summary of the case as presented in closing, but it is imperative that the evidence presented by SOW is read and considered carefully, in order to gain a proper appreciation of the case presented. There is also something of a crossover with third party representations that I summarise below.
- 7.2 SOW is a local residents' group whose aims in broad terms are to: foster community cohesion and civic pride in the Woolwich area; represent the views of local people in regeneration and development schemes; protect and enhance local heritage; and improve the provision of Council, social and genuinely affordable housing for local people.
- 7.3 SOW fully supports the LPA's six reasons for refusing planning permission and, over the course of the Inquiry, SOW have outlined further reasons why permission should be refused. It is for these reasons that SOW will invite the Inspector to recommend refusal of planning permission for this scheme.

### *The Decision and the Public Response*

- 7.4 The local community vehemently opposes the proposal. The decision of the Council was the correct one and clearly reflected local views. Perhaps the

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<sup>344</sup> CD15.5 Paragraph 1.59

<sup>345</sup> ID4, ID21, ID48, CD10.1, ID59 and ID60



simplest illustration of the unsuitability of this scheme is the extraordinarily negative public response to the proposal. This was expressed in a 1,704 signatory petition opposing the scheme and in 224 written objections at the Planning Application stage<sup>346</sup>, with only 3 people in support.

- 7.5 Further testimony, both to the passion and commitment of the local community to Woolwich as their town, and to the strength of local opposition to this scheme, has been given at this Inquiry. Thirty-two local residents, including three local councillors, the Leader and Deputy Leader of the Council, the (candidate) MP for Greenwich and Woolwich, and the Greater London Assembly Member, a local Woolwich town centre resident, have spoken against the proposal. The Leader, Councillor Thorpe, stated that, in his years as Cabinet Member for Regeneration (2014-2018) and as Leader of the Council (2018 to present), he had never witnessed such a *'broad and unified level of opposition to any proposed development'*.
- 7.6 In addition to SOW, five other local residents' and amenity groups have spoken against this development at this Inquiry: the Friends of Woolwich Common (FOWC), the Greenwich Conservation Group (GCG), the Greenwich Environment Group (GEG), the Positive Plumstead Project (PPP) and the Woolwich and District Antiquarian Society (WaDAS).
- 7.7 The overwhelming rejection of the scheme by the very community it is meant to benefit demonstrates that this is not *'a sustainable development'* as set out in the Framework. It indicates a profound unease about the social impact of the development and the exclusion of the local community. It does not, in accordance with the LP, *'foster social diversity, redress social exclusion and strengthen the community's sense of responsibility for, and identity with, its own neighbourhood'*. This scheme is, without question, unacceptable to the local community. This should be given considerable weight in determining this application.

#### *Public Consultation*

- 7.8 Consultation has been referred to throughout the Inquiry as a sine qua non of good planning. The Framework states that<sup>347</sup>: *applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community; applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot; and good quality discussion and consultation leads to improved outcomes for the community.*
- 7.9 The appellant sought to demonstrate that it adhered to these principles. It stated<sup>348</sup> that the lapsed 2007 hybrid outline scheme on which it sought to rely was: *enthusiastically supported.*
- 7.10 This is a surprising description. The 2007 Planning Board<sup>349</sup> report states there were merely two letters in support of the proposal. In contrast, six local

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<sup>346</sup> CD12.65

<sup>347</sup> CD11.1 Paragraph 128

<sup>348</sup> Mr Richter in-c

<sup>349</sup> CD12.30

amenity groups and 14 individuals objected. Furthermore, no evidence was offered to the Inquiry as to the quality of the community engagement. As shown, the response to the 2018 full application was one of widespread hostility. Simply put, the developers failed on both applications to engage with the local community or address its concerns.

*The Relevance of the 2007 Grant of Outline Permission*

- 7.11 As has been shown at the Inquiry, circumstances have changed drastically since the grant of the now lapsed outline planning permission in 2007. It is common ground that there have been policy changes during that time period, and a change in the surrounding context, including General Gordon Square, and the local townscape and nearby heritage assets.
- 7.12 At the time the outline permission was granted, its impact on the use of the redesigned General Gordon Square in 2009 could not be known.
- 7.13 The 2007 permission is not a material consideration as there have been significant changes to planning policy and to the wider context in Woolwich since. The outline permission is out-dated and of no relevance. The consideration of the proposal afresh by the local planning authority in November 2018 was the correct approach and one endorsed by CABE in December 2016 and again in 2017<sup>350</sup>.
- 7.14 To give weight to the outline consent would fail to recognise the changed planning context and the impact of the Phase 3 tower on General Gordon Square – which is now far more used than it was in 2007 - and is now within the Woolwich Town Centre Conservation Area. Accordingly, this application must be considered on its own merits, and not as being justified by virtue of an expired outline permission.

*The Loss of Green Space on the Phase 3 Site*

- 7.15 The green space in front of Tesco has been open to the public for many years and is well-used by local people, children and families. Along with General Gordon Square, it forms a welcome oasis and public open space in a very urban area. As evidenced by a number of testimonies from local people, it is demonstrably special to the local community as a break in the local built urban environment, and as a counterfoil to the Tesco superstore development it sits in front of. It softens a harsh urban environment.
- 7.16 Notwithstanding the views expressed by the other parties at this Inquiry, and its current designation as a site for potential development in the Council's draft Site Allocations Plan<sup>351</sup>, local people have expressed a strong desire to retain and enhance this green space. The designation of this land is currently under consideration by the Council after recent public consultation and the preferred approach does not specifically identify this site as an area suitable for very tall building development. SOW has submitted a response to say the space should be retained as open space.

*General Gordon Square*

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<sup>350</sup> CD3.1 and CD3.2

<sup>351</sup> CD11.22

- 7.17 General Gordon Square is a large open space next to the Woolwich Arsenal DLR and mainline station and facing the Phase 3 site. As demonstrated by both the responses received to SOW's community engagement and the testimonies of local people at the Inquiry, General Gordon Square is highly valued by local people and is viewed as the social heart of the community.
- 7.18 Its importance as a public open space cannot be overstated in relation to Woolwich. As many local people point out, it is the main socialising and recreational space for Woolwich. Deputy Leader of the Council, Councillor Gardner, stated it is well used throughout the year as the focus of local events such as the Woolwich Carnival, the Winter Warmer and the Greenwich & Docklands International Festival (GDIF), the latter being of international significance.
- 7.19 The overshadowing and loss of daylight and sunlight resulting from the Phase 3 proposal will seriously detract from the amenity of this community space and harm its enjoyment.

*The 27 Storey Tower (Phase 3)*

- 7.20 Part of the proposal seeks to place a 27-storey tower on the green space immediately facing General Gordon Square. The Council describes it as an incongruous form of development, unacceptably dominating and overbearing to General Gordon Square and the surrounding townscape. This has been shown through evidence at the Inquiry. The tower is strongly opposed by the local community and the Council. It is too large, it will overshadow General Gordon Square and cause harm to the local area, including the many heritage assets in the near vicinity of the proposal.

*Local Opposition to the Tower*

- 7.21 There is extreme public opposition to the tower. This opposition is for two principal reasons: the inappropriateness of the tower in terms of, first, what it represents and, second, its location, height and design.
- 7.22 The Framework<sup>352</sup> tells us that: *Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities; Design policies should be developed with local communities so they reflect local aspirations and are grounded in an understanding and evaluation of each area's defining characteristics; Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community; and Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.*
- 7.23 As already noted, the applicant/appellant did not engage with the community in the manner described. Its lamentable failure to do so has led to the broadest and most unified level of opposition the Council Leader has seen to any development. This failure to meaningfully engage with the community has resulted in a proposal that is clearly inappropriate for Woolwich.

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<sup>352</sup> CD11.1 Section 12

- 7.24 The failure to take into account the views of the community goes to the heart of what the tower signifies to the community and why the proposal is unacceptable. It is a private tower with no social or affordable housing in the prime location closest to the town centre and transport interchange. A local resident, Kate Heath<sup>353</sup> said it was a visible landmark of division. She described it as equivalent to *'burning £50 notes in front of the homeless and impoverished'*. Another resident said it would *'fracture'* the town; yet another<sup>354</sup> that it was *'a dagger in the heart of Woolwich'*.
- 7.25 Indeed, at points, the appellant has appeared to have no understanding of the local area or views of local people. This is highlighted by comparing the deeply contrasting descriptions of the tower offered by the appellant, to the views expressed by the community.
- 7.26 The 27-storey was described<sup>355</sup> as a *'distinctive and confident landmark'* building. It was characterised as *'sympathetic and sensitive'*; a building that was mindful of its context and *'achieves a delightful environment'*.
- 7.27 This description could not be further removed from the picture painted by the local community. Locals described it as *'monstrous'* and an *'eyesore'*. We heard it depicted variously at the Inquiry as *'absurd, aggressive, alien, arrogant, hostile, offensive, parasitical'* and *'wrong in every way'*. The Council describes it<sup>356</sup> as a *'selfish building'*. The tower is simply inappropriate for the area in terms of height, size and scale and, for this reason, should not be granted planning permission.
- 7.28 Furthermore, whilst being described as a landmark building by the appellant, the tower itself will not have one single, publicly accessible area. This contravenes LP Policy 7.7<sup>357</sup> which states that publicly accessible areas should be incorporated into tall buildings where appropriate, particularly more prominent buildings, which this proposal clearly will be.
- 7.29 Opposition to this tower has not been confined to the local community. CABE's advice has been consistent throughout and its fundamental concerns were not resolved by the appellant.
- 7.30 In December 2016<sup>358</sup> they said there was a need to reduce the height and massing of the tower and that *'a landmark building does not have to be so significantly taller than its context'*.
- 7.31 In April 2017<sup>359</sup> CABE commented that *'the proposed building will overshadow and dominate General Gordon Square, which should itself remain the primary landmark/focal point'*. It says the tower *'risks setting an unfortunate precedent for future tall buildings'* and *'we do not think the tower is necessary as a way finder or landmark'*. Presciently, it concluded that the tower *'will be difficult to justify (as good planning) to the general public'*.

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<sup>353</sup> ID60

<sup>354</sup> ID54

<sup>355</sup> Mr Richter in-c

<sup>356</sup> Mr Crone in-c

<sup>357</sup> CD11.4

<sup>358</sup> CD3.1

<sup>359</sup> CD3.2

### *Overshadowing of General Gordon Square*

- 7.32 As noted, the Phase 3 tower will overshadow, both literally and figuratively, General Gordon Square, and be a detriment to the public open space, and its users.
- 7.33 Literally, the tower will cast a shadow on General Gordon Square. The ES<sup>360</sup> shows that the tower will overshadow a significant part of General Gordon Square in the afternoon hours in March, thus causing a degree of harm to the amenity of the square. This effect will be worse in winter due to the sun being lower in the sky, and the days being shorter.
- 7.34 Local resident, Gaye Rose, in her evidence<sup>361</sup> produced a CGI of the shadow falling over General Gordon Square, based on Google Maps shadow matching, and projected sun position at various times of the day. This CGI showed considerable overshadowing. In response, the appellant<sup>362</sup> said that the accuracy of the ES overshadowing assessment was not in question and on that basis, no weight should be attributed to the CGI image Ms Rose produced.
- 7.35 CABE expressed concern about the significant overshadowing of General Gordon Square in their letter of 19th December 2016<sup>363</sup>. In their letter of 13<sup>th</sup> April 2017<sup>364</sup> they suggested the building height '*should be reduced by a third to a half*' because of the '*negative impact*' of such a tall building '*on the residents and users of the public realm and General Gordon Square*'.
- 7.36 This view was supported by Historic England. Their letter of 11th October 2019<sup>365</sup> states that the proposal '*must preserve the quality and amenity of General Gordon Square, particularly in terms of sunlight and microclimate*'.
- 7.37 The SoCGDS, agreed at the Inquiry between the Council and the appellant<sup>366</sup>, sets out the relevant guidance for the assessment of the effects of development on daylight and sunlight amenity to surrounding buildings and open spaces. This is the BRE document '*Site Layout planning for daylight and sunlight: A guide to good practice*' (2011)<sup>367</sup>. In evidence, the appellant stated that the two-hours sun-on-ground test for proposed amenity spaces was used and it showed compliance with the BRE guidelines<sup>368</sup>.
- 7.38 The relevant Technical Report in the ES<sup>369</sup> does show there will be a degree of harm to General Gordon Square even if it is within BRE guidelines. The overshadowing will affect the light and warmth of the most used public space in Woolwich and harm the important role this space plays in community events. This will result in a drastic decrease in the qualitative and quantitative enjoyment of the square. This is not acceptable.

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<sup>360</sup> CD1.2.12

<sup>361</sup> ID33

<sup>362</sup> Through Mr Gibney

<sup>363</sup> CD3.1

<sup>364</sup> CD3.2

<sup>365</sup> Part of the Questionnaire bundle

<sup>366</sup> ID4

<sup>367</sup> CD12.1

<sup>368</sup> Mr Thody

<sup>369</sup> CD1.2.12

*The Need for a Landmark Tower*

- 7.39 The appellant has argued that, at least in part, the height of the development is justified by the need in Woolwich for a landmark building to enhance the 'legibility' of the town centre and to help turn Woolwich into a Metropolitan Town Centre. This approach does not justify this application.
- 7.40 First, it fails to have regard to the unique identity of Woolwich as a place which has significant landmarks already – Equitable House is already one such landmark building in the Square<sup>370</sup>.
- 7.41 Furthermore, neither 'legibility' nor 'way-finding' provide any justification for a 27-storey tower in this location. The town centre is already clearly marked by General Gordon Square, with the Grade II listed Equitable House as its '*matronly supervisor*'. Indeed, General Gordon Square already creates a sense of arrival and event<sup>371</sup>. It does not therefore follow that Woolwich is in need of a 27-storey tower to give legibility to the town centre.
- 7.42 The appellant argued<sup>372</sup> that the tower would be a necessary way-finder for people arriving at the Crossrail station in the Royal Arsenal, insofar as the tower would mark the town centre to new arrivals. With respect, this is unsupportable. CABE's clearly expressed view on the necessity of a way-finder addresses this point<sup>373</sup>, namely: '*We do not think that the tower is necessary as a way finder or landmark*'. SOW concurs with this view.
- 7.43 Indeed, it is not a common experience to '*march lemming-like towards the tallest tower in the distance*' to locate a town centre<sup>374</sup>. Way-finding is determined by street-scape, design, paving and signage. There are many successful town centres in London such as Richmond, Camden and Kingston that do not have tall towers placed at their heart.
- 7.44 Even if there were a need for a landmark building, there is simply no need for it to be 27 storeys high or indeed to be a tower at all. No evidence was submitted to support this proposition. The requirement is for a landmark building to be well-designed, not tall. Given the context of Woolwich, it is SOW's view that a well-designed landmark building cannot be a 27-storey tower in this location.
- 7.45 Although it was stated that the tower was '*the perfect design*', it was also accepted that 27 storeys was the maximum height allowed by the Civil Aviation Authority in terms of its proximity to City Airport<sup>375</sup>. 27 storeys is significantly higher than any other building in the immediate area, almost double the height of the tallest adjacent buildings. One could infer therefore that the design of the tower was, at least in part, determined by the proximity of the site to the City Airport. This is not good design, and the location of the airport should not be the prevalent factor in determining the appropriate

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<sup>370</sup> A point accepted by Mr Richter

<sup>371</sup> Accepted by Dr Miele in evidence

<sup>372</sup> Through the evidence of Dr Miele

<sup>373</sup> CD3.2

<sup>374</sup> Mr Crone in-c

<sup>375</sup> By Mr Richter



height of this proposal, given it fails to have proper regard to the local context of the site.

- 7.46 As argued throughout the inquiry, the proposal would dominate the surrounding area in terms of height, size and scale, overbearing unduly on both General Gordon Square and Woolwich more generally. The tower was aptly described<sup>376</sup> as a '*selfish building*' which draws attention to its own importance and disregards the surrounding townscape.
- 7.47 The tower is designed in a copper/red colour which will not complement the surrounding buildings, townscape and views, and would not mitigate the harm caused. This would cause visual confusion in views towards the Grade II\* listed Royal Artillery Barracks<sup>377</sup>. The point was also made<sup>378</sup> that, in relation to the view along No 1 Avenue towards the Grade I listed Royal Brass Foundry, that other intrusive towers such as Elliston House are pale in colour and therefore less noticeable than would be the more colourful tower proposed.

#### *The Policy on Tall Buildings*

- 7.48 With regard to policy on Tall Buildings, the LP cannot be said to promote tall buildings. Rather, it states tall buildings will be part of a plan-led approach. This accords with Historic England's Tall Buildings guidance<sup>379</sup> which advises that '*tall building development should follow a plan-led approach rather than a reaction to speculative development proposals*'.
- 7.49 The most recent Council planning policy documents in relation to Woolwich indicates such an approach.
- 7.50 The 2019 Urban Design Strategy (A New Vision for Woolwich)<sup>380</sup>, which is part of the evidence base for the new Woolwich Town Centre Masterplan due to be adopted in 2020, refers to a plan-led approach with tall building clusters away from the town centre. Notably, it states that the maximum height for any building on the Phase 3 site should be 15 storeys.
- 7.51 This accords with the 2016 Thomas Street Masterplan SPD<sup>381</sup> which considers it appropriate to place a limit on building heights on the Woolwich Central site in order to safeguard the setting of listed buildings and the unique character of the area. In light of this, it is concluded that building heights on the south-west of the site (Phase 4) can be up to 11 storeys, and on the north-east of the site (Phase 3) up to 15 storeys. Local evidence therefore clearly indicates that 15 storeys is the maximum appropriate height for this area, which itself accords with the current height of buildings, albeit slightly higher than the tallest existing building in the vicinity of the site.
- 7.52 The LP states that taller buildings will only be built where there are no adverse effects with particular consideration is to be given to conservation areas. It is a matter of fact that the Phase 3 site borders the Woolwich Conservation Area

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<sup>376</sup> By Mr Crone

<sup>377</sup> A point made by Jenny Sherrell ID6

<sup>378</sup> By Mr Crone in evidence

<sup>379</sup> CD12.13

<sup>380</sup> CD11.23

<sup>381</sup> ID18

which includes General Gordon Square, on 3 sides. The recent designation of this conservation area is a highly relevant material consideration which did not apply when the original outline permission was considered.

- 7.53 The draft new London Plan<sup>382</sup> also states that the Mayor will support tall buildings only where they are acceptable in terms of design and impact on surroundings. The proposal cannot be said to have either an acceptable design or an acceptable impact on its surroundings. When properly considered, there is nothing in any policy that says tall buildings are supported in principle on this site.
- 7.54 It was accepted by the appellant that no alternatives were assessed in terms of the height of the tower<sup>383</sup> despite advice from CABE<sup>384</sup>. The DAS<sup>385</sup> only shows buildings of 27 to 30 storeys, with Study E favoured, which bears that out.
- 7.55 Woolwich is designated as an Opportunity Area in the LP and aspires to achieve Metropolitan status by 2028. It is accepted this requires change and transformation and a degree of intensification. Woolwich has undergone significant change since 2007 and is set for further transformation over the next few years, some of it related to transport infrastructure (DLR and forthcoming Crossrail) and some related to intensification of development, both within the town centre itself and within the Royal Arsenal where there are a number of consented tall buildings. Indeed, much of what has been promised in the CS has happened.
- 7.56 However, it cannot be transformation at all costs and there are important caveats. There is nothing that says tall buildings must always be accepted and, where they are, they must not have a harmful effect on heritage assets, amongst other things. CS Policy DH2<sup>386</sup> simply says tall buildings **may** be appropriate.

#### *Impact on Heritage Assets*

- 7.57 SOW advanced evidence<sup>387</sup> of Woolwich's rich and varied industrial, military and cooperative history, and of its strong and distinctive character rooted in its historic townscape.
- 7.58 The listed buildings of various grades that would be impacted by the proposed development are important as such, but, as was explained<sup>388</sup>, more so because their special characters are almost without exception rooted in the distinctive historic identity of Woolwich. The particular nature of Woolwich means that the settings of its defining historic buildings warrant especially careful protection. This remains true even where they have been otherwise adversely affected.

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<sup>382</sup> CD11.21

<sup>383</sup> Dr Miele in x-e

<sup>384</sup> CD3.1 and CD3.2

<sup>385</sup> CD1.2.9

<sup>386</sup> CD11.7

<sup>387</sup> Through Mr Guillery, Editor of the Survey of London and author of Volume 48 on Woolwich – CD10.1 and ID60

<sup>388</sup> By Mr Guillery

- 7.59 Context can magnify significance and extend beyond the physical fabric of buildings to spatial relationship and views. Nearly all the listed buildings at issue carry heavy freight in this respect. They embody Woolwich's historical significance.
- 7.60 It is telling that Woolwich has three all-but-contiguous conservation areas. Each represents a different major aspect of Woolwich history – the Arsenal, the town, and the militarised common. They are historically linked and contextually interdependent, but also distinctly separate. Within any one you can scarcely see anything of the other two. Without recent, and mostly unfortunate, interventions you would not know that the other places existed. Yet they are related. Their side-by-side apartness came about by design and has its origins in deliberate separations (and tensions) between the military installations and the town.
- 7.61 Historic contextual relationships between the associated but different parts of Woolwich not only do not depend on mutual visibility, they argue against it. Interventions that create it go against the historical grain of the place and its character areas. Respecting the significance of many heritage assets in Woolwich depends on appreciating their simultaneous historical interdependence and physical separation, and therefore on protecting settings.
- 7.62 The appellant's heritage evidence<sup>389</sup> as a whole fails to address any overarching Woolwich-wide significance, an omission that allows a suggestion that concerns about the town centre gratuitously elevate an ordinary London suburb, in other words that Woolwich is any old part of London. That is not the case. Woolwich has exceptional historic significance that is expressed through its built environment, military sites, town centre and all. The sum is greater than the parts.
- 7.63 The appeal site is immediately adjacent to the conservation areas and listed buildings. It is, therefore, particularly sensitive to development. For development to be acceptable on the site it must not adversely impact the significance of the listed buildings nor the conservation areas.
- 7.64 This proposal would have several specific impacts on heritage assets. These lie in the three conservation areas, each containing highly graded and other listed Buildings: the Woolwich Common Conservation Area, the Royal Arsenal Conservation Area, and finally the recently designated Woolwich Conservation Area, which bounds the appeal site on three sides, and also includes a large number of locally listed buildings.
- 7.65 Historic England issued advice in relation to this scheme in October 2017<sup>390</sup> which expressed concern about the harmful impact this major scheme would have on the surrounding historic environment. Such harm is a matter of considerable weight and the presumption against a grant of permission is therefore very strong.
- 7.66 Regarding the impact of the Phase 3 tower, they advise that '*whilst we recognise that Woolwich Town Centre is not a conservation area, we continue*

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<sup>389</sup> Led by Dr Miele

<sup>390</sup> CD3.4

*to question whether a building of this scale is appropriate for a historic town centre environment'.*

- 7.67 Following the designation of the Woolwich Conservation Area in May 2019, Historic England advised<sup>391</sup> in regard to the 27-storey tower *'we do not consider that it would preserve or enhance the character of Woolwich Town Centre Conservation Area. It could also set a worrying precedent for further tall building in the area'*.
- 7.68 Now that the town centre has been designated as a conservation area, the decision-maker has a statutory duty to pay special attention to preserving or enhancing its character as set out under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). The view of the Council in the first reason for refusal<sup>392</sup> is that the 27-storey tower would be an *'incongruous form of development, unacceptably dominating and overbearing to General Gordon Square and Woolwich Town Centre in general'*. This view was formed before the designation of the Woolwich Conservation Area.
- 7.69 At the time of the grant of outline planning permission in 2007, neither a heritage nor a historical assessment of Woolwich Town Centre existed. The authoritative Survey of London Volume 48 on Woolwich<sup>393</sup> was not published until 2012. This volume subsequently informed the Woolwich Town Centre Heritage Study (HTCHS) published in December 2018 by Alan Baxter<sup>394</sup>, which provided the evidence base for the conservation area designation.
- 7.70 The appellant<sup>395</sup> recognised there was a tension between conservation and development. SOW asserts<sup>396</sup> that mistakes have been made in Woolwich Town Centre to the detriment of conservation. SOW and the Council are of the view that this proposal would harm a number of significant heritage assets. The appellant accepts this in relation to the Royal Artillery Barracks. Though there may be a differing judgement about the level of less than substantial harm, it is accepted that there would be less than substantial harm caused to its significance.
- 7.71 Both the Royal Arsenal and the Woolwich Conservation Areas are on the Historic England Heritage at Risk Register and are categorised as highly vulnerable.
- 7.72 The Historic England letter of 18<sup>th</sup> October 2019<sup>397</sup> specifically states in relation to the Woolwich Conservation Area that *'insensitive tall building development is one of the reasons for its addition'*. The Woolwich Conservation Area is considered to be highly vulnerable to loss of significance due to current development proposals for tall buildings. To protect this conservation area, the Royal Borough has recently attracted High Streets Heritage Action Zones

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<sup>391</sup> By letter of 18 October 2019 – part of the Questionnaire bundle

<sup>392</sup> CD5.3

<sup>393</sup> Authored by Mr Guillery and described by Dr Miele as a *'wonderful, fascinating document'*

<sup>394</sup> CD11.24

<sup>395</sup> Through Dr Miele

<sup>396</sup> Through Mr Guillery

<sup>397</sup> Part of the Questionnaire bundle

(HSHAZ) funding to provide support for enhancing the historic high street and town centre.

*The Importance of Setting*

- 7.73 It was accepted in evidence<sup>398</sup> that there was a greater emphasis on setting when the planning application was considered in 2018 than there was in 2007 when the outline planning permission was granted. This greater awareness and improved understanding in relation to impacts on setting post-dates the decision made in 2007. It was accepted that what was available to members at the time they made their decision in 2007 is not clear, but that the analysis at the time was not as extensive, nor was there the same engagement in terms of case law<sup>399</sup>.
- 7.74 The guidance developed by English Heritage (subsequently Historic England) after 2007 has helpfully formalised the criteria to be used in understanding setting and the significance to be attached to it<sup>400</sup>. The suggested staged approach to taking decisions on setting can also be used to assess the contribution of views to the significance of heritage assets.
- 7.75 It is accepted that high priority must be accorded to preserving the setting of heritage assets and that there is a strong presumption against developments causing harm. It was agreed<sup>401</sup> that the benefits of the setting criteria were not available to the Planning Board when it made its decision in 2007.
- 7.76 The balance to be struck in terms of harm and benefit was not the same in 2007. There is nothing in the Planning Board report from the time<sup>402</sup> to indicate any assessment of the degree of harm. It follows that the decision-makers at the time did not have the benefit of a complete assessment. In conclusion there was not the rigorous, structural approach adopted when the application was considered in 2018.

*The Royal Artillery Barracks and the Woolwich Common Conservation Area*

- 7.77 The Royal Artillery Barracks (1774–7 and 1802–6) listed Grade II\* was, when completed the biggest barrack complex in Britain, and among the largest in Europe. Its extraordinary long south front was unprecedented in an urban context and has a presence that is unique for this building type in England. The 329m-long south elevation of the Barracks, as completed by James Wyatt, has a startlingly and designedly strong visual impact.
- 7.78 The Board of Ordnance went to great lengths to acquire Woolwich Common in 1801–12 in what was effectively enclosure of common land, and to keep it open, for both practical and aesthetic reasons. It is important also to bear in mind the Royal Military Academy, built in 1803–6, in line with and facing the barracks across the large common. Woolwich Common as a whole was a Board of Ordnance theatre – distant views mattered.

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<sup>398</sup> By Dr Miele

<sup>399</sup> By Dr Miele

<sup>400</sup> CD12.12

<sup>401</sup> By Dr Miele

<sup>402</sup> CD12.30 and ID36

- 7.79 It is certainly true that the Royal Artillery Barracks south elevation can be experienced in parts, as the appellant emphasises. However, partial views are not what is primary, unusual or significant about the way this architecture can be and is meant to be experienced<sup>403</sup>. The long south elevation is clearly intended to be grasped as an overwhelmingly long whole.
- 7.80 There is strong symmetry to Wyatt's south elevation, discounting the effect of the two late 1960s towers (Elliston House and Hastings House) that rise up asymmetrically behind. The proposed development, both phases to judge from the visualisations<sup>404</sup>, would introduce far greater asymmetrical imbalance and be an inappropriately urban intrusion. The existence of the 1960s towers should not enable further damage or be used to justify comparable height anywhere in the vicinity.
- 7.81 It was accepted that there was no public access to the Barrack Field in 2007 when the original outline planning permission was granted. Since 2007 the parade ground has been extended and Barrack Field has been opened up to the public. The visual connection between Woolwich Common and Barrack Field has been reinstated and public appreciation of the Barracks has therefore been enhanced.
- 7.82 The height of both phases of the proposed development would be a great intrusion into this designed landscape and would without doubt harm the setting of this Grade II\* listed building, in a conservation area. All parties agreed an assessment of less than substantial harm to significance.
- 7.83 Historic England in their advice of October 2017<sup>405</sup>, in regard to Phase 4, advised that View 15<sup>406</sup> which '*provides a more oblique view of the Barracks does represent a more significant impact, particularly when taking into account the cumulative effect created by the Phase 3 tower*'. They considered this impact to be harmful.
- 7.84 The GLA, in its second stage report of 28 January 2019<sup>407</sup>, also concluded the proposal would result in less than substantial harm to the Barracks and significantly alter the perception of the barracks' roofline and form. The proposal was deemed non-compliant with the draft LP Policy HC1 (heritage conservation and growth) and LP Policies 7.8 and 7.9.

#### *Connaught Mews*

- 7.85 Connaught Mews, across Grand Depot Road from the barracks, is a complex of great historical significance. Its centre block, built as the Royal Artillery Hospital in 1778–80, was an early purpose-built permanent military hospital. Its architecturally more gracious outer blocks were added in 1794–6 to designs by James Wyatt. This is another group of buildings that is characteristically low and horizontal. A visualisation of Connaught Mews<sup>408</sup> from outside what is now a gated community, does not depict what would be the main impact of the

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<sup>403</sup> A point made by Jenny Sherrell of the Friends of Woolwich Common ID6

<sup>404</sup> CD1.2.15 Representative Views 14, 15 and 17

<sup>405</sup> CD3.4

<sup>406</sup> CD1.2.15

<sup>407</sup> CD3.12

<sup>408</sup> CD1.2.15 View 12



proposed development. Rather, views from within the gates and from the rising garden behind, ought to be considered. The Phase 3 tower is likely to be very prominent and cause harm to the setting of the complex and its significance.

*St George's Garrison Church*

- 7.86 St George's Garrison Church of 1862–3, listed Grade II, was gutted by a flying bomb in 1944. The architectural quality of what is left of Wyatt's fine neo-Romanesque church aside, this monument has high historic and cultural significance as a war memorial. This nationally important church has the VC memorial for the Royal Artillery and also the memorial to Fusilier Lee Rigby.
- 7.87 It was recently brought back into good repair and made available to visit through the valiant community-based efforts of the Woolwich Garrison Church Trust. The Church Trust and the London Historic Buildings Trust have objected to the proposal. The Church Trust has said the 27-storey tower would be visible from the Church and would detract from its semi-rural aspect.
- 7.88 The ruined church is an open and somewhat tree-enclosed space that prompts contemplation about war and loss. Its setting is already being marred by nearby development at Trinity Wharf. That is no reason to make things worse.
- 7.89 For this site, (and that of Connaught Mews), the great height of the Phase 3 tower would have an aggressive impact, making it impossible to ignore the proximity of the town centre. Evaluating these heritage assets as parts of Woolwich, and its place-wide or integrated historic significance, gives them magnified significance that is unusually highly affected by inappropriate intrusions on settings.

*The Royal Brass Foundry and the Woolwich Arsenal Conservation Area*

- 7.90 The former Royal Arsenal is a site of immense historic significance that is also a conservation area. The Grade I Listed Royal Brass Foundry, arguably the single most significant historic building on the Arsenal site, has stood for three centuries at the end of a designed vista, an avenue rising gradually from the Thames.
- 7.91 The proposed 27-storey tower would intrude aggressively and inappropriately into this view<sup>409</sup>, a designed setting that contributes much to the significance of this highly graded listed building.
- 7.92 The major building campaign on the Royal Arsenal (then the Woolwich Warren) in the years 1716 to 1722 was overseen by Brigadier-General Michael Richards, the Board of Ordnance's Surveyor-General. In Woolwich and elsewhere Richards designed and was conscious of the vistas.
- 7.93 It is beyond doubt<sup>410</sup> that the north elevation of the Royal Brass Foundry was intended to be visible along the avenue. For it to remain so, it would have been planned that the trees would be managed, probably by 'pleaching', entirely usual in such a context at that time. A supporting opinion from Todd

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<sup>409</sup> CD1.2.15 View 3

<sup>410</sup> Mr Guillery in evidence

Longstaffe-Gowan, a leading landscape architect and garden historian, confirms Mr Guillery's view.

- 7.94 Richards died in 1722 and by 1750 the avenue's trees had grown up, seemingly unmanaged, to a size that probably blocked the long view to the Foundry.
- 7.95 The significance of all this to the present case is that the long view to the Royal Brass Foundry was part of the original layout of 1720. Despite early neglect, it was kept in its essentials and recently restored with the planting of poplars.
- 7.96 The long view is therefore the intended historic view and should be treated as very important. The appellant agrees<sup>411</sup> the historic view is now attributed considerable weight but is wrong to suggest that in historic terms only close-up views of the Royal Brass Foundry matter.
- 7.97 Distant views of the Royal Brass Foundry from the river pier are impressive and closely follow what would have been the first impression for most visitors to the Arsenal site until at least the advent of railways in the late 1840s.
- 7.98 The proposed Phase 3 tower would be prominent from the river pier and from the junction with Duke of Wellington Avenue. It would be highly likely to compete and distract, to belittle the Royal Brass Foundry. The significance of this asset will thus be markedly diminished, the proposal thereby causing harm to its significance.
- 7.99 In its letter of 27th October 2017<sup>412</sup> Historic England advised with regard to View 3<sup>413</sup>, which shows the tower appearing behind the Grade I Listed Royal Brass Foundry in the view south from No 1 Street, that '*the tower would interrupt this carefully framed view of the Foundry and would cause harm to its setting*'.
- 7.100 The Council says that there would be less than substantial harm caused to significance<sup>414</sup>.

*Equitable House and the Woolwich Conservation Area*

- 7.101 Equitable House, on the south side of General Gordon Square, is a significant monument to the co-operativism that emerged from Woolwich's military establishments and made the working-class town an exceptional place. Its comparatively large scale reflects that historic importance. It is a Grade II listed building.
- 7.102 The appellant<sup>415</sup> says that Equitable House is dignified but not special. This downplays its significance as a landmark building in Woolwich town centre. This view is not supported by SOW or the Council, nor by local residents who spoke with pride about it.

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<sup>411</sup> Dr Miele in x-e

<sup>412</sup> CD3.4

<sup>413</sup> CD1.2.15 View 3

<sup>414</sup> Through Mr Crone

<sup>415</sup> Through Dr Miele

- 7.103 It is the matronly supervisor<sup>416</sup> of the community centre that General Gordon Square has become since 2011. This status would be lost, and that of the building substantially diminished, were it to stand in the shadow of a much taller building on the opposite side of the square.
- 7.104 It is the primacy of Equitable House on the square that is key. That it stands as if in charge of the place is not only important in terms of architectural presence. The building also has historic and symbolic resonance in relation to its original purpose as the headquarters of the Woolwich Equitable Building Society, 'the Woolwich', once one of the UK's largest building societies and a major achievement of local co-operativism. The proposed tower would relegate this significance.
- 7.105 While it is important to note that Equitable House was designed to stand in front of an open rectangle, the hard-won General Gordon Place of the 1920s, the present setting on General Gordon Square is the result of serendipitous evolution, as all seem to agree, the relationship between the building and the square is successful.
- 7.106 The fact that Equitable House is opposite or facing the appeal site does not mean that its setting is not compromised. The square is experienced as a four-sided space. There would be an awareness of both buildings simultaneously, even setting aside considerations of shadow and movement.
- 7.107 In conclusion, the 27-storey tower's impact on the setting of Equitable House would be major. The significance of the building as an asset would be negatively impacted. The development would be harmful in its impact on Equitable House.

*Other Listed Buildings – Woolwich Conservation Area*

- 7.108 The proposed development would also have a deleterious impact on views to Woolwich Town Hall, another Grade II\* listed building, and to Grade II listed St Peter's Roman Catholic Church on Woolwich New Road. It would visually overwhelm a locally characteristic row of shops and pubs adjoining on Woolwich New Road within the Woolwich Conservation Area that includes seven locally listed buildings. The height of the proposed tower would impact even more strongly and negatively on 1–5 Thomas Street, immediately adjacent to the appeal site and locally listed<sup>417</sup>.
- 7.109 The impact on the significance of the Town Hall and St Peter's is perhaps at the lower end of less than substantial harm, but the impact on the conservation area as a whole would be more damaging. The conservation area's humble townscape sits between, and is both historically dependent on and separate from, the grand military set-pieces to north and south.
- 7.110 The comparative everydayness of Woolwich's historically working-class town centre is, in the wider context of historic Woolwich as a whole, both distinctive and significant. The intentional absence of visible connections between the three conservation areas makes this hard to appreciate on the ground and without historical awareness, but that does not mean that it is unimportant.

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<sup>416</sup> Mr Guillery's description

<sup>417</sup> CD1.2.15 View 2 in particular

- 7.111 The town centre is said by the appellant<sup>418</sup> not to be a cohesive historic environment. There are some architecturally unsympathetic interlopers but the scale of the town centre overall is broadly cohesive (congruous or consistent). The conservation area's character is low-rise, irregular heftiness, somewhat fragmented and far from unblemished, but overall broadly consistent. As the Council has put it, the town centre retains a coherence and legibility.
- 7.112 Maritime House has been mentioned as a justificatory precedent for a step-change in scale. That building was conceived in 1958 as what was to be a 'prestige office block'. Built in 1962–4 it failed as a speculation and in fact never found commercial use. It is not a happy precedent. The mistakes of sixty years ago should not be repeated.
- 7.113 One further matter was raised by residents in relation to the town centre pertaining to the 2007 Planning Board decision on the Love Lane hybrid application for this site. Philip Binns of the Greenwich Conservation Group<sup>419</sup> and Mr Buchanan of the Woolwich and District Antiquarian Society<sup>420</sup> requested that a condition be included to allow for the reinstatement of an architectural feature which formed part of the former Post Office building on the Phase 3 site fronting Thomas Street. This is a decorative brick and terracotta Royal cypher occupying the pediment of the former building. It was included in the 2007 decision in order to safeguard the special architectural and historical interest of the building to ensure compliance with Policy D23 of the Unitary Development Plan 2006. A repeat condition, should the appeal be allowed, should be added.

*Concluding Remarks on Heritage*

- 7.114 In this case a mistake of twelve years ago can be redeemed. Greenwich Borough Council, as it then was, made a mistake in granting planning permission for an earlier version of the Phase 3 tower in 2007. Indeed in permitting the earlier phases of Woolwich Central, the then Chair of the Planning Board, Alex Grant, has publicly acknowledged his mistake in writing<sup>421</sup>. The award of the Carbuncle Cup to the Tesco superstore building bears further witness to this mistake.
- 7.115 In an echo of the Maritime House pitch, there was at that time an ill-conceived perception that a tower would 'bolster confidence' in Woolwich. A significant contributing factor to the mistake was inadequate scrutiny of heritage impacts, in particular to do with views and settings.
- 7.116 There were significant concerns about this scheme and about Woolwich more generally at English Heritage in 2005–7, worries about the undervaluing of the historic environment in the context of a number of development and regeneration proposals that seemed to be getting too easy a reception from Greenwich Council. English Heritage carried out its own Woolwich Town Centre Assessment in 2005 hoping to persuade Greenwich Council of the case for Conservation Area designation but this fell on deaf ears.

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<sup>418</sup> Through Dr Miele

<sup>419</sup> ID9

<sup>420</sup> ID8

<sup>421</sup> ID34

- 7.117 Even in 2012 the Council believed that Woolwich ought to be 'catapulted' (somewhere) through massive development. The Council's approach to the historic environment in Woolwich in relation to development schemes was until quite recently too permissive.
- 7.118 That, it appears, has been recognised. Things have now very much improved and the Council has done the right thing in refusing permission for the scheme now under consideration.
- 7.119 To sum up, Woolwich is historically highly distinctive. The significance of buildings connected to aspects of its history is magnified by the whole-place or unified context. The absence of visible connections between the three conservation areas is a significant and historically rooted characteristic of Woolwich. At the Royal Arsenal and the Royal Artillery Barracks the scheme harms carefully designed and impressive settings of 1716–20 and 1802–6. Woolwich Conservation Area (the town centre) has an overall character that contrasts with the military sites for historically intelligible reasons. It is irregular, rough and ready, hefty, low-rise, but still harmonious. In three all-but-contiguous conservation areas this development would cause less than substantial harm to the significance of numerous heritage assets, seven listed buildings, three of them highly graded, and nine locally listed buildings.
- 7.120 Previous mistakes and harm do not justify any further harm. In conclusion, both the Phase 3 tower and the Phase 4 blocks will cause harm to historic views and settings. The harm caused to each heritage asset and the cumulative impact of this harm is good reason to refuse permission.

#### *Affordable Housing*

- 7.121 On the first day of this Inquiry an agreed position was reached between the Council and the Appellant with regard to the affordable housing offer (the SOCGAHV<sup>422</sup>). That offer is deemed to represent the '*maximum reasonable*' amount of affordable housing consistent with the scheme's viability. Accordingly, the Council no longer intends to pursue this reason for refusal.
- 7.122 The outcome of this agreement does not address local housing need. Representations throughout this Inquiry from local residents and Councillors, including the Leader and Deputy Leader of the Council, and the GLA member, testify to its failure to do that.
- 7.123 The two local wards covering Woolwich (Woolwich Common and Woolwich Riverside), are two of the most deprived wards in the Borough. Median household incomes in Greenwich borough are £30K per year. In Woolwich, many, especially those on the housing waiting list, live on much less.
- 7.124 There are 20,000 people on the housing waiting list, and over 40% of those in the top priority waiting list are families needing homes of 3 bedrooms or more.
- 7.125 Councillors provided evidence that there are nearly 1000 families (and nearly 2000 children) in temporary accommodation. Over 700 children are housed out of the Borough because of the lack of social housing. A local Councillor testified to children leaving home at 6am to attend schools in Greenwich.

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<sup>422</sup> ID20

- 7.126 Woolwich needs more social housing. The affordable housing in this scheme includes London Affordable Rent and shared ownership properties. Shared ownership is often unaffordable. Social rent levels will also be unaffordable if service charges are additional to the rents. Figures are not yet available for this scheme but in a similar nearby proposal (Spray Street Quarter) it was anticipated that an average annual income of £53,000 would be required for a one-bedroom shared ownership flat. This was said to *'offer an opportunity for young people to get on the housing ladder'*.
- 7.127 In this scheme 16.5% of flats will be at social rent level. Put another way, 83% of the homes will be unaffordable to most local people.
- 7.128 The Council's CS<sup>423</sup> says in delivering housing *'we need to ensure that the appropriate size, type, density and affordability of homes are provided'*. The Council aims to deliver this in six Strategic Development Locations. Woolwich is one of these Strategic Development Locations.
- 7.129 CS Policy H2 (Housing Mix) states that a mix of housing types and sizes will be required in all developments and should contain a mix of 3, 4 and 4+ bedroom units. The exact mix on each site will vary according to the location of the development and the character of the surrounding area.
- 7.130 It says *'People will require different types of housing at different stages of their lives. Successful implementation of policy H2 would see individuals or households able to pass through all phases of life, if they so wish, living within one community. This should lead to improved community cohesion and health'*. With regard to new housing it says *'Through providing a mix of housing types, Royal Greenwich will be able to accommodate the needs of an increasingly diverse population and help to encourage the creation of mixed communities'*.
- 7.131 The Housing Need Requirements are set out in Table 8 of Policy H2. 51.2% of the total need requirement is for homes of 3 and 4+ bedrooms, with 40% of this figure being homes for social rent.
- 7.132 CS Policy H3 (Affordable Housing) says developments of 10 or more homes will be required to provide at least 35% affordable housing. It states the precise percentage, distribution and type of affordable housing will be determined by the particular circumstances and characteristic of the site and of the development, including financial viability.
- 7.133 The policy states there is a high demand for social rented housing in the Borough and a relatively limited take up of intermediate housing. The affordable housing should therefore be provided at 70% social rented and 30% intermediate housing.
- 7.134 Social rent applied to this proposal is London Affordable Rent; shared ownership is intermediate housing. The Policy states that affordable housing should be distributed across a development site to help create mixed and balanced communities, and that *'Lack of affordable housing has damaging consequences for the local economy and the health of the local community'*.

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<sup>423</sup> CD11.7



- 7.135 Meeting these aspirations is not within the power of the Council. It is determined by the affordable housing viability assessment that is part of the Framework<sup>424</sup>.
- 7.136 Matthew Pennycook, MP for Greenwich and Woolwich, in reference to this scheme, has stated that viability assessments, or suitable returns as the Framework defines them reign supreme.
- 7.137 An alternative description of them is profit assessments. The developer gets 20% profit on private sales in Phase 3, 17.5% on private sales in Phase 4, and 6% profit on the affordable housing in Phase 4.
- 7.138 These figures are set, in accordance with the London Plan Viability Study Technical Report (December 2017), so the developer can make 20% profit on buildings over 20 storeys, 17.5% on buildings of 6-20 storeys, 15% on buildings up to 5 storeys, and 6% on affordable housing.
- 7.139 The differing profit margins explain why this scheme and many others in Woolwich are tall towers, of one- and two-bedroom private flats.
- 7.140 This is not sustainable development as defined in the Framework. Property development and speculation that trumps the needs of local communities is not sustainable development.
- 7.141 Paragraph 59 of the Framework<sup>425</sup> states that to support the Government's objective of significantly boosting the supply of homes it is important the needs of groups with specific housing requirements are addressed.
- 7.142 Within this context, paragraph 61 states the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers and people who rent their homes.
- 7.143 The appellant places great weight on the site's location within a designated Opportunity Area in the LP. Woolwich is identified as an Opportunity Area that requires substantial growth including residential growth. This intensification of development will '*bolster the confidence*' of Woolwich as it aspires to become a Metropolitan Centre by 2028.
- 7.144 It was accepted in evidence that the Council is meeting its housing supply and delivery test against the emerging Draft London Plan<sup>426</sup>. There is no undersupply of housing in Woolwich. There is an oversupply in the private market, mainly of studio, one and 2 bed flats, and a lack of social housing.
- 7.145 The Council is below target in delivering social housing. There has been a constant decline of socially rented homes approved and delivered in new developments for many years - we have seen a 70% reduction against target in the delivery of homes for social rent in the last 5 years.

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<sup>424</sup> CD11.1

<sup>425</sup> CD11.1

<sup>426</sup> By Mr Gibney

- 7.146 Many of these new flats are bought for investment, not to live in. Local resident Dorota Paluch<sup>427</sup> described this as 'buy to leave' and commented on the dark windows in the evening in many flats in these developments. Local resident Don Flynn<sup>428</sup> described this as the 'Dark City' phenomenon.
- 7.147 This is not sustainable growth and, unsurprisingly, local people get angry about it. It does not build the '*strong and inclusive*' communities the LP talks about; it does not take the local community into account as required by the Framework; and it leads to social exclusion and disharmony.
- 7.148 Many local residents expressed anger about the exclusion of any affordable housing from the 'landmark' 27-storey skyscraper. As local resident Kate Heath<sup>429</sup> said in her evidence, it will be '*a visible landmark for creating division in the community*'. It is simply untenable not to offer any affordable housing in a building designed to 'anchor' a future Metropolitan Town Centre.
- 7.149 The 3-bedroom apartment at the top of the 27-storey tower has been valued at £1,250,000 pounds. Don Flynn<sup>430</sup> said '*with only one three bedroom flat at penthouse level the development is unlikely to attract the young families who play an important part in building a local community*'.
- 7.150 Similar anger was expressed about the segregation of the socially rented homes in two blocks at the back of the Phase 4 development facing the busy and polluted South Circular.
- 7.151 This segregation will do nothing for local people other than create a division based on wealth in the heart of the community. This is not in any community sense a sustainable development and will not create a Lifetime Neighbourhood as defined in the LP.
- 7.152 The agreed housing offer means that 16.7% (134) of the homes will be for social rent; there will be no social or affordable homes out of 206 flats in the 27-storey tower; the social housing will be segregated; 336 of the homes will be one bedroom; 391 will be 2 bedroom; 77 (less than 8% of the homes) will be 3 bedrooms; and of these 3 bedroom homes only 34 (out of a total 804 homes) will be at social rent.
- 7.153 The appellant's profit margins using the viability assessment are over £59 million; over £23 million on the 27-storey tower; over £32 million on the private blocks in Phase 4; and over £2 million on the affordable housing. This explains why the 27-storey tower has been described locally as '*an icon of greed and social division in the heart of the community*'.
- 7.154 The Council has secured an agreement that they will not permit the development of the 27-storey tower prior to the delivery of Phase 4 which includes the social housing.

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<sup>427</sup> ID29

<sup>428</sup> ID55

<sup>429</sup> ID31

<sup>430</sup> ID55

- 7.155 The appellant describes this as delivering much needed housing for Woolwich. It does not. Notwithstanding the agreement between the appellant and the Council, it is not acceptable to local people.

*Phase 4*

- 7.156 The density of this part of the development, excluding the Tesco loading bay space, will be over 1500 habitable rooms per hectare which is more than 40% above what the LP deems acceptable as an upper limit. There are no exceptional reasons to justify this.
- 7.157 This overdevelopment harms the quality of the accommodation in Phase 4 where most of the housing and all the social housing will be. There are poor levels of sunlight, daylight and outlook and a high number of single aspect flats (65%). This is contrary to adopted policy as fully particularised in the Council's fourth reason for refusal<sup>431</sup>.
- 7.158 Phase 4 is an uninspiring design of 9 rectilinear, monolithic blocks that are now common in many town centres, including Woolwich. The design is not life affirming. Local resident Helen Brown<sup>432</sup> described it as '*totally nondescript anywhere architecture*' taken from an '*architectural pattern book*'. The public realm was described by the Council in evidence<sup>433</sup> as '*canyon like*'. Luisa Fontana<sup>434</sup>, a local resident who lives in Phase 2 above the Tesco superstore facing the Phase 4 development, described it as looking '*like a prison block, it will be an eyesore, and that will be my view forever. It doesn't fit at all and I don't want to look at it*'.

*Construction and Environmental Impacts*

- 7.159 A number of local residents raised serious concerns about the very considerable construction impacts of the scheme. The scale and duration (over many years) of the construction will, in the words of one local resident, make life a misery for neighbouring residents, local small businesses, restaurants and shops. It will affect local transport and harm the amenity and enjoyment of General Gordon Square. Father Michael Branch of the Grade II listed St Peter's Church in Woolwich New Road recalled the disruption, pollution and effect of the Phase 2 Tesco Building work on his Church, describing plaster falling off the ceiling and roof tiles flying off. The cost of the damage was considerable. Luisa Fontana<sup>435</sup>, a neighbouring resident in Phase 2, gave detailed evidence about the impact it would have on her life and concluded '*it is not acceptable to put me through such a nightmare to achieve a development that is of a poor overall standard*'.
- 7.160 Victoria Rance, the parliamentary candidate for the Green Party in Greenwich and Woolwich, wanted to know, in the light of the climate emergency declared by Greenwich Council and its 2030 carbon zero goal, whether carbon emissions had been properly taken into account in this scheme. She wanted to know how many tons of cement would be used and the carbon emissions from this; how

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<sup>431</sup> CD5.3

<sup>432</sup> ID57

<sup>433</sup> Mr Crone

<sup>434</sup> ID32

<sup>435</sup> ID32

far off carbon zero the scheme was; the amount of carbon off-setting; and where it is being spent. She asked the appellant to provide the answers as a matter of public record, but these were not forthcoming.

### *Conclusion*

- 7.161 Woolwich already has a historical town centre centred on General Gordon Square and Beresford Square and leading along Powis Street. There is no need for a tall building to 'anchor' it. Rather, Woolwich needs proposals that respect its heritage assets and important open space whilst retaining a human scale.
- 7.162 The design of the tower neither preserves nor enhances the character of Woolwich; instead it intrudes upon the townscape and heritage assets. This development should be refused for the reasons set out. Not only does it not respect the heritage or history of Woolwich, it causes harm to heritage assets and there is accordingly a strong presumption against it.
- 7.163 The design, especially with regard to the 27-storey tower, is not appropriate for this sensitive town centre location. There is no policy that says a town centre must have a very tall tower to mark its significance and aid legibility. Woolwich Town Centre certainly does not need it. It is an absurdity in this location. Simply put, it is the wrong building in the wrong place.
- 7.164 Furthermore, Woolwich is in need of long-term residents, including families. There is an over-supply of studio, one- and two-bedroom private flats in the area due to new developments, and a dearth of social and family sized homes. A mix of housing is needed in order to allow families to be a strong part of any community, especially when seeking to create a vibrant living community. Such a mix is vital for the sustainability and good health of that community. Notwithstanding the agreement on affordable housing viability, this scheme's failure to provide this in terms of the quantity, mix and distribution of housing needed to meet local needs, will result in transient communities or buy to lets/investment properties which are more likely to remain empty. This proposal will not benefit Woolwich.
- 7.165 The strength of local feeling against this application, as evidenced by our 1704- signature petition<sup>436</sup>, is overwhelming and indicates a profound unease about the social impact of the development and the exclusion of the local community. It fails to '*foster social diversity, redress social exclusion*' and strengthen our community's sense of responsibility for, and identity with our neighbourhood, as set out in the LP. This is a speculative development that is alien to the nature and character of our town centre and its residents.
- 7.166 The development should be refused for sound planning reasons. Any public benefits of this scheme do not outweigh the very real harm that will be done. As such, planning permission should be refused.

## **8 The Case for the Appellant**

- 8.1 This is set out in full in opening and closing statements to the Inquiry and in evidence<sup>437</sup>. What follows is a summary of the case presented in closing that

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<sup>436</sup> CD12.65

<sup>437</sup> ID3, ID50, CD8.1–CD8.4 CD15.1-CD15.4

was structured around the main issues I identified in advance of the Inquiry, but it is imperative that the evidence of the appellant is read in full in order to gain a full understanding of the case presented.

- 8.2 Before turning to the detail of the design and historic environment issues, certain matters of approach, which are common to both, need to be addressed. Those matters of approach concern: (a) the strategic and local policy aspirations and objectives for Woolwich; (b) the approach to tall buildings in Woolwich; and (c) the planning history.

*Strategic and Local Policy Aspirations and Objectives for Woolwich*

- 8.3 Woolwich is an area in which substantial change is planned by the Council and others; indeed, some of that change is already underway. It is of considerable importance to consider the impact of the proposed development on townscape and on heritage assets, having regard to what planning policy is seeking to achieve in Woolwich; that is, substantial growth and transformational change. It is of note that the Council<sup>438</sup>, accepted this as a correct description of the objective and consequence of extant planning policy. What then are the drivers of this change?
- 8.4 First, Woolwich is identified as an Opportunity Area in both the current and the emerging LP. Opportunity Areas are a strategic designation well established in the planning policy matrix of London and are '*the capital's major reservoir of brownfield land*' and locations '*with significant potential to accommodate new housing, commercial and other development*'<sup>439</sup>. The policy objective for Opportunity Areas includes seeking to '*optimise residential and non-residential output and densities*' and to '*contribute towards meeting (or where appropriate exceeding) the minimum guidelines for housing ... set out in Annex 1*'<sup>440</sup>. Annex 1 sets the minimum number new homes for the Woolwich Opportunity Area at 5,000 by 2031. The policy of the new LP is, within Opportunity Areas, to '*support development which creates ... housing choice for Londoners*'<sup>441</sup>. The New LP seeks to deliver 5,000 new homes in Woolwich between 2019 and 2041<sup>442</sup>. Notably, the Council<sup>443</sup> is wholly supportive of this strategic designation and its objectives. The Council agreed<sup>444</sup> that the realisation of the objectives for the Woolwich Opportunity Area will generate substantial growth and substantial change. In that, they were plainly right.
- 8.5 Alongside the Opportunity Area designation, is the status of Woolwich as a Major Town Centre within the strategic hierarchy. The Mayor of London and the Council both recognise the potential for Woolwich to grow into a Metropolitan Centre. Within town centres, the policy objective<sup>445</sup> is to '*accommodate economic and/or housing growth*'. The current LP<sup>446</sup> recognised

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<sup>438</sup> Through Ms Holford and Mr Crone

<sup>439</sup> CD11.4 Paragraph 2.58 Page 66 and CD11.21 Paragraph 2.1.1

<sup>440</sup> CD11.4 Policy 2.13B (b) and (c)

<sup>441</sup> CD11.21 Policy SD1(B)(2)

<sup>442</sup> CD11.21 Table 2.1

<sup>443</sup> As confirmed by Ms Holford

<sup>444</sup> Through Mr Crone and Ms Holford

<sup>445</sup> LP Policy 2.15C(b)

<sup>446</sup> CD11.4 Pages 383 and 381

Woolwich as a town centre with potential for '*strategically significant levels of growth*'. The new LP expressly recognises Woolwich as a town centre<sup>447</sup> with '*high residential growth potential*'. The Council and the Mayor of London are at one in respect of these objectives for Woolwich Town Centre. As with the Opportunity Area designation, substantial growth and transformative change will result from their realisation, including substantial growth in homes.

- 8.6 At local level, the CS identifies<sup>448</sup> as a '*key feature of the spatial strategy* the '*transformation of Woolwich into a vibrant, successful town centre with new ... housing development*'. Woolwich is identified<sup>449</sup> as a '*location for strategic development*'. The 2007 proposals for the appeal site are expressly identified as contributing to the fulfilment of Woolwich's function as such a location<sup>450</sup>. The Council seeks also, through CS Policy TC2<sup>451</sup> that Woolwich should '*re-assert itself as a Major Centre in South-East London*'.
- 8.7 Woolwich is also identified as a regeneration area at strategic level through LP Policy 2.14<sup>452</sup>. This designation recognises the need to address social exclusion and to do so through positive change and the delivery of regenerative development.
- 8.8 The wider policy objectives for Woolwich are important for two principal reasons. First, the realisation of these objectives, which is the stated aim of the Mayor and of the Council, will have a transformative effect on Woolwich. The impact of the proposed development must be considered in this context. Secondly, the appeal proposals, which will deliver substantial regenerative development and many new homes, will contribute materially to the fulfilment of these policy objectives.
- 8.9 In respect of the first of those matters, the Council's evidence to support its objection to the appeal proposal by reason of its townscape and heritage impact<sup>453</sup> makes no material reference to the wider policy objective for Woolwich, as an Opportunity Area and a town centre. It was acknowledged<sup>454</sup> that the implications arising from these policy objectives and their realisation were not considered when carrying out assessments of impact on the Woolwich townscape, and on heritage assets. This omission gives rise to a substantial deficiency in the assessment and leads to an unbalanced judgment. The Council's evidence on these matters should be considered critically as a consequence, and the weight attached to it substantially reduced.

#### *The Approach to Tall Buildings in Woolwich*

- 8.10 Through planning policy and guidance, the Council and the Mayor of London accept the appropriateness of Woolwich generally, and the appeal site in particular, for tall buildings. The policy position is clear in this respect, and

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<sup>447</sup> CD11.21 Annex 1 Page 3

<sup>448</sup> CD11.7 Page 21

<sup>449</sup> CD11.7 Section 3.3 Page 28

<sup>450</sup> CD11.7 Paragraphs 3.3.5 and 3.3.8 and Table 2 Pages 28-29

<sup>451</sup> CD11.7 Page 75

<sup>452</sup> CD11.4 Page 67

<sup>453</sup> Led by Mr Crone

<sup>454</sup> Mr Crone in x-e



wholly consistent. In support of this, LP Policy 7.7<sup>455</sup> identifies Opportunity Areas and town centres that have good access to public transport as locations to which the siting of new tall buildings should generally be limited. Woolwich and the appeal site is in an Opportunity Area and has excellent public transport accessibility, which, through Crossrail, is set to increase.

- 8.11 Second, CS Policy DH2<sup>456</sup> provides that tall buildings may be appropriate in Woolwich Town Centre. The text supporting CS Policy DH2<sup>457</sup> provides that the *'policy is consistent with 'Guidance on Tall Buildings' published jointly by English Heritage and CABE in 2007'*<sup>458</sup>. That Guidance includes a requirement to consider impact on heritage assets.
- 8.12 Thirdly, the Council's Tall Buildings Assessment 2011<sup>459</sup> which forms part of the evidence base for the CS on which Policy DH2 was prepared, confirms that Woolwich Town Centre may be appropriate for tall buildings. Moreover, and importantly, the Assessment identifies areas within Woolwich which are *'particularly sensitive to tall buildings'* and those areas where *'further detailed assessment is required'*. The Phase 3 site, where the tall building element of the proposal is to be located, is not identified as such an area<sup>460</sup>. It therefore follows that the Phase 3 part of the appeal site is not an area sensitive to tall buildings. For the purposes of the Assessment, such buildings are therefore appropriate there. It is not without note that this Assessment considers, as part of its methodology, the impact of tall buildings on heritage interests<sup>461</sup>.
- 8.13 Fourth, the Council's emerging Site Allocations DPD<sup>462</sup> recognises that the Phase 3 sites identified as allocation W8<sup>463</sup> as including an 'opportunity to include a taller element within the block' without setting out any height limit or other parameters on this element.
- 8.14 It is also notable, in this context, that the Mayor of London, and his professional officers, considered that a tall building, in the form proposed for the Phase 3 site, was acceptable and indeed a benefit<sup>464</sup>.
- 8.15 As such, and leaving aside the planning history for a moment, the direction of current policy and guidance is to recognise Woolwich Opportunity Area, the town centre and the Phase 3 as suitable and appropriate for a tall building. The proposals must be considered again in that context. Again, it is notable that this is an exercise that the Council<sup>465</sup>, has singularly failed to do.

### *Planning History*

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<sup>455</sup> CD11.4 Page 293

<sup>456</sup> CD11.7 Page 95

<sup>457</sup> CD11.7 Paragraph 4.4.16

<sup>458</sup> CD12.45

<sup>459</sup> CD11.25

<sup>460</sup> Confirmed by Ms Holford

<sup>461</sup> CD11.25 Pages 14-15

<sup>462</sup> CD11.22

<sup>463</sup> CD11.22 Pages 163-165

<sup>464</sup> CD3.10 and CD3.11 (Stage I and II Reports)

<sup>465</sup> Through Mr Crone

- 8.16 It is a matter of record that the Council, in 2007, granted planning permission for a development on the appeal site, as well as on land which now is occupied by Tesco and its associated residential development along with the Woolwich Centre, on the north side of Love Lane. As part of this permission, outline planning permission, with height parameters, was granted for a 27-storey building on the Phase 3 site and a series of related blocks of development of up to 16 storeys on the site of Phase 4<sup>466</sup>.
- 8.17 The impact of that approved development on townscape and on heritage assets as those existed in 2007 would have been largely the same as the impact of what is now proposed. The Council<sup>467</sup> accepted that the setting of the Royal Brass Foundry and of the Royal Artillery Barracks has not changed materially since 2007. The Council, in 2007, found that impact acceptable and granted outline planning permission accordingly.
- 8.18 That permission has, of course, now lapsed. However, it remains highly material, representing, as it is, a form of development in respect of which the Council was enthusiastic, both at the time of grant of planning permission, and in policy documents published subsequently<sup>468</sup>. It provides an important context to the assessment of what is now proposed.
- 8.19 The Council seeks to diminish, even undermine, the significance of this important component of the planning history. It does so largely by reference to what it says is a more sophisticated approach to, and a greater recognition of, the importance of, the setting of heritage assets and design considerations. The Council's submissions in this regard do not withstand scrutiny.
- 8.20 In terms of policy, the Council and the Mayor of London had established policies in 2007 which required consideration of the impact of proposed development on the setting of listed buildings and in respect of design<sup>469</sup>. Planning Policy Guidance 15 was in force, which again drew express attention the importance of the assessment of the impact of proposed development on the setting of listed buildings<sup>470</sup>. This too was referred to in the Planning Board report<sup>471</sup>. CABE and English Heritage's Guidance on Tall Buildings (2003 version), addresses expressly impact on the setting of heritage assets<sup>472</sup> was also in place and was referred to in the Planning Board report<sup>473</sup>, as was *By Design*, which refers to relationship to the character of the surrounding area<sup>474</sup>. As the appellant confirmed<sup>475</sup>, many of the major tall building proposals in London in the early to mid-2000s were largely concerned with impact on the setting of heritage assets (the Shard, with its impact on St.

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<sup>466</sup> Full details and the Masterplan can be found in CD8.4 Pages 38-39

<sup>467</sup> Through Mr Crone

<sup>468</sup> CD11.8 (Woolwich Town Centre Masterplan SPD) Pages 7-8 for example

<sup>469</sup> UDP Policy D20 (CD11.28 Page 118) and (the then) LP Policies 4B.1, 4B.1, 4C.10 and 4C.11 (CD11.6). UDP Policy D20 was referred to expressly in the 2007 Planning Board report (CD12.30 Page 52 Paragraph 8.35)

<sup>470</sup> ID15

<sup>471</sup> CD12.30 Page 44 Paragraph 8.10

<sup>472</sup> ID37 Paragraph 4.6

<sup>473</sup> CD12.30 Page 55 Paragraph 8.43

<sup>474</sup> ID38

<sup>475</sup> Through Dr Miele

Paul's Cathedral and on the Tower of London is perhaps the most notable of the examples which was cited). To suggest therefore, that in some way setting impacts were of less importance and significance in 2007 is unworthy.

- 8.21 The Council additionally places some reliance on the absence of any reference to the Royal Brass Foundry and the Woolwich Arsenal Conservation Area, or to Equitable House, in the report to the Planning Board in 2007. It does so, it seems, to suggest that the assessment in 2007 was deficient. As a matter of fact, there is, of course, no such reference. However, it is a huge leap to submit from that, that there was an oversight, and thereby a deficiency, in assessment. No party making representations on the 2007 proposal raised a concern about impact on setting of the Royal Brass Foundry, the Woolwich Arsenal Conservation Area, or Equitable House. English Heritage expressed no such concern, nor did CABE, nor did the Greenwich Conservation Group, nor it seems did any other commentator<sup>476</sup>.
- 8.22 If Officers had no concern about impact on the Royal Brass Foundry, the CA and Equitable House there was no need for these assets to be addressed and assessed in the Planning Board Report<sup>477</sup>. That is the most plausible reason for the absence of reference to those assets in the Planning Board report of 2007. Indeed, given the conscientiousness of, and attention given to the proposals by, Officers, (as demonstrated by the expansive list of officers attending the meeting of 25 January 2007) to suggest that they overlooked and failed to consider impact on the Royal Brass Foundry, the Woolwich Arsenal Conservation Area, and Equitable House (if there had been any such impact) is inherently implausible<sup>478</sup>.
- 8.23 It is of course, noteworthy that the Council had before it in 2007 a CGI showing the relationship of the proposed development to the Royal Brass Foundry and the Woolwich Arsenal Conservation Area<sup>479</sup>. The Council was therefore well placed to assess the impact of what was then proposed on the setting of those assets.
- 8.24 The statutory duty to protect listed buildings, and their settings, has remained unchanged since 2007. The Courts have in more recent times reminded decision makers as to the importance of these statutory duties. It does not follow however that in 2007 the Council, as decision maker, failed to attach appropriate weight to the preservation of listed buildings, of conservation areas and their respective settings. It is quite clear from the Planning Board report that the Council did so<sup>480</sup>, as well as from the relevant minutes<sup>481</sup>.
- 8.25 RBG makes two further principle points in support of its attempt to distance themselves from their decision in 2007.

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<sup>476</sup> CD12.30 Paragraphs 9.9, 9.10 and 9.19

<sup>477</sup> A point confirmed by Mr Gibney in re-e

<sup>478</sup> Ms Holford makes no criticism of the Report in her evidence

<sup>479</sup> Image M11 in the October 2006 ES Addendum – CD8.2.1 Appendix 14 Page 287

<sup>480</sup> See for example CD12.30 Page 85 Paragraph 10.10.42 shows how the Council approached the Royal Artillery Barracks

<sup>481</sup> ID36

- 8.26 First, it says that in policy terms, tall buildings were supported to a greater degree in 2007 than is the case now, especially where such buildings would have a relationship to, and an impact upon, heritage assets. That submission is unsound. It is of course correct that new policies are now in place. However, in 2007 new tall buildings were required to be considered having regard to their likely impact on the historic environment. Both policy D28 of the UDP<sup>482</sup> and the then LP Policy 4B.8 (and by reference Policy 4B.1), which concerned proposals for tall buildings, included a requirement to consider the impact on listed buildings, conservation areas, and the historic and built environment generally.
- 8.27 Secondly, the Council refers to the improvements to General Gordon Square and suggests that this alters the balance which was struck by the Council in 2007. This is addressed fully below but it suffices to say at this stage that the history establishes firmly that the redesign of General Gordon Square was prepared and implemented in full recognition of a 27-storey building on the Phase 3 site and recognised this as a benefit<sup>483</sup>. That the General Gordon Square works have now been completed does not justify a change in the acceptability of what is proposed as Phase 3 between 2007 and now.
- 8.28 It is perhaps instructive to take a step back. The Council approved and wholeheartedly supported a form of development on the Phase 3 and Phase 4 sites in 2007 which generated largely the same impact on the townscape and on the historic environment as that which is now proposed. The Council, after 2007, continued to extol its virtues; the Woolwich Town Centre SPD<sup>484</sup> states that the Royal Arsenal and the Love Lane developments will '*catapult Woolwich from a secondary location to one of London's most well-connected and sought after historic riverside hubs*'. The Council now suggest that what was expressed as acceptable, indeed beneficial, in 2007 is not acceptable or beneficial now. In doing so, it makes no criticism of the judgment it made in 2007. Newly expressed policies have come, but nothing of substance has changed so as to justify the Council's change of view. The planning history and the 2007 grant of permission are important material considerations.

*The Design Issue*

- 8.29 The design issue arises from the Council's first reason for refusal of planning permission. As the Council confirmed<sup>485</sup> their concerns relate to impact on townscape by reason of height, scale and siting and are limited to impact from the development on the Phase 3 part of the appeal site.
- 8.30 It is notable that the Council takes no issue in respect of external appearance, materials or detailed design. Indeed, in respect of materials, the advice of officers to the Planning Board<sup>486</sup>, which was accepted, was that the '*materials for Phase 3 are acceptable and would add variety to the palette of materials surrounding General Gordon Square and within the wider Woolwich Central development*' and that the '*overall external appearance was welcomed*'.

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<sup>482</sup> CD11.28 Page 124

<sup>483</sup> CD12.34 refers

<sup>484</sup> CD11.8 Page 8

<sup>485</sup> Through Mr Crone in x-e

<sup>486</sup> CD4.3 paragraph 16.31

- 8.31 The plan form of the Phase 3 tower was also considered to be acceptable<sup>487</sup>. The arrangement of the plinth and canopy, reflective, as it is, of the height of the adjoining Thomas Street buildings, was also expressly identified as a positive design feature by the Council<sup>488</sup>; the '*...building acknowledges the shoulder height of neighbouring buildings aligning with the building to the north of the site and the detailing of materials creates an appropriate distinction between the base and the upper part of the building*'. Attempts in his written and oral evidence<sup>489</sup>, to introduce criticisms in respect of matters not earlier raised as a concern by the Council should be given no weight.
- 8.32 What then is the nature of the Council's concern? It seems in very large measure to be focused on the relationship of the Phase 3 building with General Gordon Square.
- 8.33 Here, context is important. General Gordon Square was public open space when the 2007 proposals were considered and approved by the Council<sup>490</sup>. At that stage, the Council had proposals to re-landscape General Gordon Square<sup>491</sup>. The design competition, won by Gustafson Porter, was underway while the 2007 planning permission was under consideration. Indeed, a substantial financial contribution – in the sum of £500,000 - was secured through the 2007 approval towards the upgrading of General Gordon Square<sup>492</sup>. The re-landscaping of General Gordon Square, in accordance with Gustafson Porter's scheme, was thereafter approved in 2009. The DAS to support the application which generated that permission<sup>493</sup> included an image showing the relationship of the re-landscaped General Gordon Square with the Phase 3 building and did so without any adverse comment on that relationship.
- 8.34 Moreover, and importantly, the Council's Planning Board report in which the Gustafson Porter's scheme was considered<sup>494</sup>, expressly advised that the Love Lane development, including the Phase 3 tower, and General Gordon Square were complementary and would, together, '*result in continued regeneration of Woolwich*' and '*make a positive contribution to regeneration*'. This advice was accepted. Thus, the Council regarded the relationship of a 27-storey building on the Phase 3 site and the upgraded General Gordon Square as positive and beneficial. Significant weight and importance should be attached to this acknowledgement by the Council and nothing has changed to justify a different conclusion being reached now.
- 8.35 In terms of the present composition of General Gordon Square and the townscape around and near it, it is fairly described, as it was by the Council in 2007<sup>495</sup>, as '*varied in use and character*'. Notably it was accepted<sup>496</sup> that this remains an accurate description of the area.

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<sup>487</sup> CD4.3 Paragraph 16.31 and 16.6 and CD7.5 Paragraph 16.6

<sup>488</sup> CD4.3 Paragraph 16.25

<sup>489</sup> By Mr Crone

<sup>490</sup> ID14 Pages 10-11

<sup>491</sup> ID14 quoted in CD15.4 Paragraph 7.7.2

<sup>492</sup> CD12.30 paragraph 11.21 and CD11.31 Schedule 3 Clause 20.1 Page 42

<sup>493</sup> CD12.34

<sup>494</sup> CD12.33 Paragraphs 9.6.2 and 2.5

<sup>495</sup> CD12.30 Page 40 Paragraph 7.4

<sup>496</sup> By Mr Crone in x-e



- 8.36 The neighbours of General Gordon Square include the large and imposing Equitable House on the east side, Maritime House on the south side, and Tesco, beyond the Phase 3 site, to the west. The scale and height of these components of the townscape sit alongside the more modest Thomas Street locally listed buildings. Overall, there is no clear or established datum or scale to which development on the Phase 3 site should conform. Indeed, the sheer variety of the form, scale and height of existing development around General Gordon Square and in the townscape generally, is such as to ensure that what is proposed can acceptably be absorbed, as the Council recognised in 2007.
- 8.37 The Council's assessment<sup>497</sup> is, in large measure, based on an assertion that modest and small-scale development is what is required to respect the character of the townscape. That is, with respect, palpably wrong as even the most cursory examination of General Gordon Square and its surroundings demonstrates. Moreover, it is notable that the Council itself does not see modest and small scale as the future of the townscape around General Gordon Square. The Woolwich Town Centre Masterplan SPD<sup>498</sup> supports a building of 15 storey above the DLR station, as well as on the south side of General Gordon Square on the site of the existing Wilko store in the Draft Woolwich Urban Design and Public Realm Strategy<sup>499</sup>. Indeed, the Council has consulted on guidance to introduce a 15-storey building on the Phase 3 site<sup>500</sup>.
- 8.38 For the reasons given<sup>501</sup>, the appellant does not accept that such a limitation is justified or appropriate for the Phase 3 site, not least given the relationship of the site to the existing Tesco development. However, what the Council's draft guidance does indicate is that the approach adopted by the Council at the Inquiry<sup>502</sup> is not one it follows elsewhere.
- 8.39 The wider objectives for Woolwich as an Opportunity Area and as a current major and proposed metropolitan town centre have already been addressed. There is policy, guidance and evidential support for tall buildings in the location proposed. These matters, too, provide a highly supportive context for what is proposed for Phase 3 and are, by contrast, undermining of the Council's case to the contrary.
- 8.40 In conclusion, the appellant does not consider that the development proposed for the Phase 3 site, in terms of height, scale and bulk, or indeed in any other respect, will have a harmful impact on General Gordon Square or the surrounding townscape. Indeed, it is submitted that the Council was entirely correct in its assessment, as set out in the Woolwich Town Centre Masterplan SPD 2011<sup>503</sup>, that, taken together with the Royal Arsenal development, development of the form again proposed for the appeal site will '*catapult Woolwich from a secondary location to one of London's most well connected and sought-after riverside hubs*'. This assessment on the part of the Council is

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<sup>497</sup> Through the evidence of Mr Crone

<sup>498</sup> CD11.8 Page 44

<sup>499</sup> CD11.23 Page 7 – also referred to as Site W9 in the Draft RBG Site Allocations Document CD11.22 Page 167

<sup>500</sup> CD11.23 Page 7 and ID18 Page 38

<sup>501</sup> By Dr Miele

<sup>502</sup> Through Mr Crone

<sup>503</sup> CD11.8



revealing and rightly recognises that, rather than causing harm, the proposed development including the tall building at Phase 3 would be a real benefit to Woolwich and the Council's aspirations for it.

- 8.41 The appellant considers that the proposed Phase 3 building would deliver a positive outcome in terms of providing visibility and legibility to the town centre of Woolwich. The Council now sees no place for such a function. It was accepted however<sup>504</sup>, that the proposed building would provide legibility, even though the Council does not consider that legibility is required. The Council's case in this regard is now in stark contrast to its position in 2007 when the Council expressly recognised the benefit of a 27-storey building as providing a benefit. In 2007 officers advised<sup>505</sup>, and the Planning Board accepted, that *'... this is the optimum location for such a tower in creating a genuine landmark that defines the location of the Town Centre. The principle of such a tower at this location is therefore appropriate and is supported. The tower, as presented, is also of very high design quality and will help raise the bar in regards [to] design quality in Woolwich'*. Moreover, CABI expressed a similar view<sup>506</sup>, as did the Mayor of London<sup>507</sup>. Nothing has changed in Woolwich to undermine this acknowledged benefit. Indeed, the coming of Crossrail, with its station portal at the Arsenal, risks further compromising the legibility and identity of Woolwich Town Centre. The idea that General Gordon Square itself can provide such legibility is plainly unsustainable as a proposition. The legibility which a building of the scale proposed for Phase 3 is plainly a benefit to the town.
- 8.42 There is a particular point pursued by the Council<sup>508</sup> that the appellant failed to consider a less tall building on the Phase 3 site. The premise of this line of argument is bad. By reference to information set out in the DAS<sup>509</sup> it was shown<sup>510</sup> that the appellant considered, and presented to CABI, details of a 20-storey building. It was explained<sup>511</sup> that a building of such a height would not be as successful in townscape terms as what is proposed nor do heritage considerations justify such a height. Moreover, given the Council's acceptance of a 27-storey building on the Phase 3 site in 2007, the appellant cannot reasonably be criticised for advancing a building of the same scale now.
- 8.43 Many local residents have expressed as a concern the proposal to build on the Phase 3 site which is currently green space. However, the current form of the site is expressly temporary<sup>512</sup>. The site is allocated for development and as such its current form, condition and use will unavoidably cease as planning policy requires.
- 8.44 Thus, in respect of the design issue, we submit that the development accords with LP Policies 7.1, 7.4, 7.5 and 7.6 and CS Policies DH1 and DH2.

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<sup>504</sup> By Ms Holford

<sup>505</sup> CD12.30 Page 86 Paragraph 10.4.44

<sup>506</sup> CD12.30 Page 65 Paragraph 9.9

<sup>507</sup> CD12.30 Page 62 Paragraph 9.8

<sup>508</sup> In x-e of Mr Richter and Dr Miele

<sup>509</sup> CD1.2.9 Pages 54-57

<sup>510</sup> By Dr Miele

<sup>511</sup> By Dr Miele

<sup>512</sup> ID23

- 8.45 With regard to LP Policy 7.7, which concerns tall buildings, all elements are met. It is parts B(b) and (c) and D of LP Policy 7.7 which are in issue<sup>513</sup>; those concern impact on the townscape and heritage assets. It is noted, at this stage that the Council accepted<sup>514</sup> that the appeal proposals would make a significant contribution to local regeneration for the purpose of part C(i) of LP Policy 7.7. Moreover, the Council has never raised any objection<sup>515</sup> to the scheme by reference to part C(h) and access to the rooftop of the Phase 3 building.

*The Historic Environment Issue*

- 8.46 As already set out, the impact on heritage assets must be considered in recognition that the context in which those assets are experienced will change substantially as a result of the policy directives to achieve high levels of growth in Woolwich and its town centre. Moreover, the Council's decision in 2007 remains an important touchstone for the evaluation of impact now.
- 8.47 Against that background, we turn to the assets of concern and consider them one by one.

*Royal Brass Foundry and Royal Arsenal Conservation Area*

- 8.48 The Council is concerned about the impact on the Royal Brass Foundry, and the conservation area in which it is located, from urbanisation of the skyline as a result of height, scale, density, bulk and massing. In the case of these assets, the impact is generated by the Phase 3 development only<sup>516</sup>. The harm alleged is to the setting of the assets, and judged to be less than substantial, in Framework terms. This harm must be given weight in accordance with Statute, but in policy terms the public benefits balance must be struck and can outweigh the harm which the Council alleges.
- 8.49 Historic England, noting that the proposed development would avoid the silhouette of the Royal Brass Foundry, concluded that the Phase 3 element of development causes some harm, but not of a scale to lead them to recommend refusal of planning permission<sup>517</sup>.
- 8.50 It is also of note that the Council did not consider what would have been largely the same relationship of built form to the setting of the Royal Brass Foundry and the conservation area to be a basis to refuse planning permission in 2007, notwithstanding that the Council had clear evidence in the form of a CGI demonstrating the relationship<sup>518</sup>. Nothing has changed to justify a different conclusion now; the Council accepts that the setting of the Brass Foundry and the conservation area has not materially changed since 2007<sup>519</sup>.
- 8.51 Plainly, the Phase 3 building will be visible behind but to the right of the silhouette of the Royal Brass Foundry when viewed from the north, down No.1

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<sup>513</sup> As Ms Holford's evidence revealed

<sup>514</sup> Through Ms Holford

<sup>515</sup> As Ms Holford confirmed

<sup>516</sup> As confirmed by Mr Crone

<sup>517</sup> CD3.4

<sup>518</sup> CD8.2.1 Appendix 14 Page 287

<sup>519</sup> CD9.3 Paragraph 3.33

Street. There is an issue as to whether No.1 Street is a planned vista as opposed to being a functional route by which cannons were transported from their place of manufacture to the river. There is little to suggest that the former is the case. Indeed, the presence of trees historically along No.1 Street is not suggestive of a planned view with the northern elevation of the Foundry as its terminus or focal point<sup>520</sup>. The Council did not identify the view along No.1 Street as worthy of identification and protection as a local view under CS Policy DH(g)<sup>521</sup>. Nor is it a view protected strategically. The Council's assertion<sup>522</sup> that the view along No.1 Street is a 'cherished view' must be seen in that context.

- 8.52 Be that as it may, and whether the view along No.1 Street is planned or not planned, the Royal Brass Foundry and the conservation area as experienced today includes the wider townscape to the south, in Woolwich Town Centre, as well as east and west, near the riverside, and within the Warren Masterplan<sup>523</sup>. That wider townscape includes existing modern development<sup>524</sup> - see for example View R3 in which new tall modern development is seen in the view south along No.1 Street<sup>525</sup>. It is therefore readily apparent that there is a world beyond the Arsenal, and the conservation area and the Royal Brass Foundry are appreciated in its context.
- 8.53 Moreover, the Council has permitted extensive development immediately outside the Arsenal, and behind the Royal Brass Foundry. Several visualisations show the relationship of the permitted development comprising the Warren Street Masterplan and the Catholic Club<sup>526</sup>. These developments will have a more immediate effect and be more impactful on the setting of the Royal Brass Foundry and in views along No.1 Street. The Phase 3 scheme, located further to the south in the field of view, will be experienced in the context of these schemes. It will be another incident of development in the existing wider townscape. It will not, we submit, be harmful either to the significance of the Royal Brass Foundry or the conservation area.
- 8.54 It is common ground that from closer views of the frontage of the Royal Brass Foundry, from where its elevational detailing can best be observed, the angle of view is such that the Phase 3 scheme will not be visible.

*Royal Artillery Barracks and the Woolwich Common Conservation Area*

- 8.55 The issue again is urbanisation of the skyline. The impact on the significance of these assets is by reference to their setting. It is common ground that some harm will arise, but it is agreed that this will be less than substantial. The parties disagree as to where the harm is placed on the spectrum.

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<sup>520</sup> A point made by Dr Miele

<sup>521</sup> CD11.8 Page 105 – a point accepted by Mr Crone

<sup>522</sup> By Mr Crone

<sup>523</sup> CD8.4 Pages 34-35 provide a map of surrounding consented development

<sup>524</sup> CD8.2.1 Appendix 26 Page 425

<sup>525</sup> Maritime House is also readily visible from Dial Arch Square.

<sup>526</sup> CD8.4 Pages 34-35 gives the locations while CD8.2.1 Appendix 26 Page 427 gives a wireline image

- 8.56 It is also common ground that, from the drill ground, in front of the Royal Artillery Barracks, the appeal scheme will not be visible. So much is clear by reference to the relevant view<sup>527</sup>.
- 8.57 The axial view from the Barracks Fields towards the triumphal arch of the Royal Artillery Barracks is of importance; indeed, it was a view to which Historic England drew specific attention<sup>528</sup>. Historic England accepts that, in this view<sup>529</sup>, the appeal development '*would appear on the periphery of this central axis*' and thus raise no '*major concern*'. The Council agrees<sup>530</sup>.
- 8.58 The Council's concern relates to the view from the path on the west side of Barracks Field<sup>531</sup>. These views are experienced kinetically and the visibility of the appeal scheme and other existing development is reduced as the viewer moves east and north-east, as has been agreed by the Council<sup>532</sup>.
- 8.59 In terms of impact on the significance of the Royal Artillery Barracks and the Woolwich Common Conservation Area, there are a number of points to be made.
- 8.60 The Royal Artillery Barracks is an imposing and robust building. Its sheer length and scale is such that it is a strong focal point and is dominant in views from the south and west.
- 8.61 The appeal scheme will be visible above the roofline of the eastern end of the façade. However, existing development is already visible in a much more prominent position above the roofline – Elliston House is located behind the triumphal arch in some views, with Hastings House a little further to the west. These buildings, notable as they are in the skyline, are not such as to reduce the prominence of the Royal Artillery Barracks in the views from the south. There is no reason why the appeal scheme should do so either. The Council accepted<sup>533</sup> that the Royal Artillery Barracks has maintained its prominence in views, notwithstanding existing skyline development.
- 8.62 The Council has readily granted planning permission for extensive further development which will be visible in the skyline above the Royal Artillery Barracks<sup>534</sup>. The Ogilby development on Love Lane has been now largely, if not wholly, completed and is clearly visible in the contentious views already. The Council, in its assessment of the Ogilby scheme, considered its relationship to the Royal Artillery Barracks to be acceptable<sup>535</sup>. The skyline above the Royal Artillery Barracks will change as a result of these commitments and the Council is untroubled by this. That the prominence of the Royal Artillery Barracks will not be harmed is the reason for that. Nonetheless, the appeal scheme will fall to be considered in the context of these commitments, and the altered skyline resulting from them.

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<sup>527</sup> CD1.2.15 View 16

<sup>528</sup> CD3.2

<sup>529</sup> CD1.2.15 View 17

<sup>530</sup> CD9.3 Paragraph 6.8

<sup>531</sup> CD1.2.15 Views 14 and 15

<sup>532</sup> CD15.7 Paragraph 5.4

<sup>533</sup> Mr Crone in x-e

<sup>534</sup> CD8.2.1 Page 437 View R15 and page 448 View N1

<sup>535</sup> CD12.35 Paragraph 16.10

- 8.63 The Council's suggestion<sup>536</sup> that the development will appear as a solid wall fails to appreciate the variations in height, external treatment and materials which are provided for.
- 8.64 Finally, it is not without importance to recognise that the Council, through its consultation on a draft Urban Design and Public Realm Strategy<sup>537</sup>, suggests that buildings of up to 12 storeys are appropriate on the Phase 4 part of the appeal site. There can be no dispute that buildings of such a height will be seen above the Royal Artillery Barracks. Moreover, in its Thomas Street Masterplan SPD consultation draft (2016)<sup>538</sup>, the Council proposes buildings of 12-15 storeys within Phase 4 and has produced an image of how that building would appear above the Royal Artillery Barracks. These are consultation documents, it is true, and are of limited weight as planning guidance, but a local planning authority does not publish for consultation a proposal unless it has sufficient confidence in the acceptability of the contents to ask the public to comment. These represent directions of travel for the Council. If buildings of such height generate the relationship that they would to the Royal Artillery Barracks, it is difficult to see why the appeal scheme is unacceptable.
- 8.65 The Council of course accepted a building of a very similar scale and height in 2007, and its impact on the Royal Artillery Barracks<sup>539</sup>. The Council accepts<sup>540</sup> that the setting of the Royal Artillery Barracks and the Woolwich Common Conservation Area has not changed materially since then.
- 8.66 Historic England considers that there will be some harm to significance arising<sup>541</sup> as a result of the proposals but do not recommend refusal of planning permission on this basis.
- 8.67 In conclusion, there will be an impact on the setting of the Royal Artillery Barracks, and its significance. That impact must be given substantial weight. However, it must be weighed against public benefits. When so weighed, the impact is acceptable in planning terms.

#### *Equitable House*

- 8.68 The Council describe<sup>542</sup> Equitable House as a '*substantial building which exudes confidence and permanence*' and '*visually robust*'. These descriptions are apt. The matter in issue is again an effect on setting derived from an impact on skyline views.
- 8.69 It is of course notable that Equitable House, when constructed, was not a building with a setting to the west which comprised open space. Its main façade fronted onto General Gordon Place, which covered a railway line, with development on its western side. That changed in the 1980s when that development was cleared away. The current setting of Equitable House is not therefore historic.

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<sup>536</sup> Through Mr Crone

<sup>537</sup> CD11.23 Page 7

<sup>538</sup> ID18 Page 38

<sup>539</sup> CD12.30 Paragraph 10.10.42

<sup>540</sup> Through Mr Crone

<sup>541</sup> From the impact shown in CD 1.2.15 Views 14 and 15

<sup>542</sup> CD9.3 Paragraph 7.1

- 8.70 The Phase 3 element of the appeal scheme would sit to the west, on the other side of General Gordon Square. When viewing Equitable House from the west, from within or across General Gordon Square, the Phase 3 element would not be in view. However, what is in that view now are the tall buildings around the Arsenal which are seen alongside or above the roofline of Equitable House. Nevertheless, Equitable House retains its robust primacy in these views.
- 8.71 The existing townscape around General Gordon Square is varied in character and appearance. Equitable House is appreciated in that same context and, through its confidence, permanence and robustness, as the Council describes it, its prominence and significance is preserved. The appeal proposal will not change that. Moreover, in this part of Woolwich, growth and change is planned for and Equitable House will be part of that area of change; taller buildings above the DLR station and on the Wilko site are expressly supported by the Council. Again, these matters provide context for the impact such as it is of the appeal scheme on Equitable House.
- 8.72 The Council saw no problem with introducing a 27-storey building in the opposite site of General Gordon Square from Equitable House in 2007, nor did Historic England, either then or now. Historic England made no reference at all to harm to Equitable House in their consultation responses on the appeal scheme<sup>543</sup>.
- 8.73 Equitable House is a robust building with a presence. Its significance is secure and will not be adversely affected by the scheme.

*Woolwich Town Centre Conservation Area*

- 8.74 The appeal site lies outside the Woolwich Town Centre Conservation Area. Indeed, the Council expressly rejected the inclusion of the Phase 3 element of the appeal site within it<sup>544</sup>.
- 8.75 It follows that any impact on the significance of the Woolwich Town Centre Conservation Area can only arise from an impact on its setting. The Council suggests that there would be less than substantial harm to its significance.
- 8.76 There are three principle points to be made in response. First, the policy objectives for Woolwich is for substantial growth and change; the policy objectives, at strategic and local level, for the Opportunity Area, the town centre, and for Woolwich as a location for strategic development in the CS, cannot be achieved without transformative change to the town centre and the conservation area. Transformation of Woolwich is of course identified as a key feature of the spatial strategy within the CS<sup>545</sup>. The conservation area and its future must be considered in this context, as must the impact of development which furthers the policy objectives for the town, like the appeal proposal, on its significance. It is notable<sup>546</sup> that the Woolwich Town Centre Heritage Study<sup>547</sup> makes no mention of, and pays no regard to, the extant wider policy objectives for the town. This is a significant deficiency in its assessment and

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<sup>543</sup> CD3.3 and CD3.4

<sup>544</sup> CD8.2.1 Appendix 3 Page 129

<sup>545</sup> CD11.7 Page 21

<sup>546</sup> As Dr Miele observed

<sup>547</sup> CD11.25



therefore its reliability. There is of course no other document which seeks to explain how the delivery of the policy objectives set out will do other than substantially change the character and appearance of the conservation area.

- 8.77 Secondly, the Council is mistaken in his description of the Woolwich Town Centre Conservation Area<sup>548</sup> as being '*characterised by buildings of modest scale*'. This assessment ignores Maritime House and Equitable House (both in the conservation area) as well as Tesco, and the Woolwich Centre, located outside but on the periphery of the conservation area. Moreover, the Council's direction of travel is to introduce further tall buildings in the vicinity. The character of the conservation area is varied and includes buildings of height and scale. The appeal proposal will respect and continue this existing pattern of built development.
- 8.78 Thirdly, the focus of the Council's concern is on views into the conservation area east along Grand Depot Road and Woolwich New Road and from the north-east corner of General Gordon Square, on Greens End<sup>549</sup>. The appellant has reservations as to the reliability of the images produced<sup>550</sup> and no clear explanation has been offered to explain the method of their production. However, as was explained, those views into and within the conservation area only serve to confirm the varied form of development which now makes up the its character and appearance and setting. The appeal proposal will respect all that.
- 8.79 So far as locally listed buildings are concerned, no ground of objection has been advanced by the Council by reference to impact on locally listed buildings, as non-designated heritage assets. Indeed, Nos.3-5, Thomas Street had been locally listed by 2007 and no adverse comment was made at that stage about the impact of development upon them. Indeed, the setting of those buildings is now very much influenced by Tesco and the Woolwich Centre. No sustainable case can be made on the basis of impact on the setting and thereby the significance of locally listed buildings, therefore.
- 8.80 It is submitted, therefore, that the significance of the Woolwich Town Centre Conservation Area will be preserved by the proposal.

#### *Other Heritage Assets*

- 8.81 SOW raises<sup>551</sup>, as part of its case, impact on the significance of other designated and non-designated assets. Impact on none of these assets is raised by the Council or Historic England as a ground of objection. It may be thought that if there had been anything in SOW's case, then either or both bodies with statutory remits would have raised the same or similar concerns as part of their respective cases. For this reason, we would advise caution in attaching weight to this evidence. There is however a further reason for caution. SOW's witness<sup>552</sup> is a historian. He has no architectural, planning or historic environment related qualifications. The status of his evidence is not

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<sup>548</sup> CD9.3 Paragraph 8.11

<sup>549</sup> CD9.3.1 Appendix 5 Pages 30-33

<sup>550</sup> Expressed through Dr Miele

<sup>551</sup> Through Mr Guillery

<sup>552</sup> Mr Guillery

therefore in the same category as that presented by the appellant or the Council. SOW's witness does, it seem, object widely to development in the area and is a local resident<sup>553</sup>. This evidence, unavoidably for these reasons, must be given considerably lesser weight than that of the other experts who address the historic environment issue.

8.82 SOW raise Woolwich Town Hall. However, there is no material inter-visibility now between the appeal site and the listed building. The setting of Woolwich Town Hall is now largely influenced by the Woolwich Centre and the Ogilby development on Wellington Street. SOW also refer to St. Peter's Catholic Church but the Tesco development is the nearest neighbour to that listed building across Grand Depot Road. The impact of appeal scheme on the listed place of worship will therefore be experienced in that much-changed context. Connaught Mews is also raised but there is a failure to consider the impact of the consented Ogilby scheme on that collection of buildings. The impact on the remains of the Garrison Church is alluded to. However, the only part which remains standing, the chancel, is unsurprisingly viewed from the west facing east, and the appeal scheme will be located to the north, at a lower level and behind established trees from within the footprint of the ruined Church.

8.83 *Conclusion on the Historic Environment Issue*

8.84 It is accepted that less than substantial harm will be caused to the significance of the Royal Artillery Barracks and the Woolwich Common Conservation Area but in both cases, at the lower end of the scale. This harm must be given substantial weight, but nonetheless must be balanced against public benefits, as the Framework requires. This is addressed below.

8.85 There is a further point to address briefly at this stage. The appellant's planning evidence<sup>554</sup> and the discharge of the planning balance has been challenged on the basis that it did not refer expressly to the matter of statutory weight to be given to any harm to listed buildings. The Framework approach of acknowledging harm and balancing that harm against public benefits, was applied. The Court of Appeal in *Jones v Mordue* [2015] EWCA Civ 1243<sup>555</sup> held that where a decision maker applies the approach set out in the Framework of assessing harm to significance and discharging the balance where required to do so, he/she will be deemed to have complied with the statutory duties concerning the weight to be attached to harm to listed buildings and, where appropriate, to conservation areas. The appellant's planning evidence is not therefore wanting in this respect.

*The Living Conditions Issue I*

8.86 This issue concerns impact on the living conditions of existing residents. Two matters arise. The first concerns impact on the daylight and sunlight enjoyed by those residents. The second concerning loss of outlook for residents at 107-137 Wellington Street.

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<sup>553</sup> Though he did not make this clear in his PoE

<sup>554</sup> Delivered by Mr Gibney

<sup>555</sup> CD12.9

- 8.87 With regard to the former, the assessment carried out by for the appellant<sup>556</sup>, is now agreed. The issue concerns the acceptability of the results.
- 8.88 The policy test in CS Policy DH(b)<sup>557</sup> is not that there should be no change to the daylight and sunlight enjoyed by existing residents but that any change involving a loss of amenity should not be unacceptable.
- 8.89 It is common ground that BRE's Guidance<sup>558</sup> can be used as a tool in the assessment but it must be used flexibly. That of course is the advice of the BRE itself<sup>559</sup> as well as that of the Mayor<sup>560</sup> and of the Secretary of State in the Framework<sup>561</sup>. The need for flexibility and judgement is of particular importance for the assessment of proposals for sites in an urban area which offer the opportunity for high density development.
- 8.90 The appeal site is currently cleared and vacant. It is proposed for development as a matter of planning policy. Neighbouring development therefore enjoys now an entirely artificial level of daylight and sunlight and the status quo in that respect cannot continue if planning policy is to be fulfilled.
- 8.91 The appellant<sup>562</sup> has assessed impact principally by reference to (a) the 2007 scheme; and (b) by reference to residual levels of daylight and sunlight deemed acceptable in the locality following recently consented development. When compared each of these metrics the impact of the appeal proposal has been shown to be acceptable.
- 8.92 In respect of (a), for Phase 3, it has been shown that no dwelling will experience an impact as a result of the appeal scheme which results in residual levels of VSC less than 0.8 times that resulting from the impact of the 2007 scheme, with many receiving greater levels of daylight<sup>563</sup>. A change of 0.8 is acknowledged by the BRE guidance<sup>564</sup> as the extent of change which would not be noticeable. The corresponding figure for Phase 4 is 93%, when account is taken of the effect of balconies (which the BRE advises can be done)<sup>565</sup>. In terms of (b), importantly, it has been demonstrated that the residual daylight retained in respect of both phases is comparable with that deemed acceptable locally as a result of consented development<sup>566</sup>. It is notable that the impact of the appeal site on its neighbours in terms of VSC is considerably better than that of the recently approved Ogilby development, on Wellington Street. The use of retained levels of VSC locally is acknowledged by the BRE as an acceptable basis for assessment<sup>567</sup>.

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<sup>556</sup> By Mr Thody

<sup>557</sup> CD11.7 Page 101

<sup>558</sup> CD12.1

<sup>559</sup> CD12.1 Paragraph 1.6

<sup>560</sup> CD11.15 Paragraph 1.3.45

<sup>561</sup> CD11.1 Paragraph 123

<sup>562</sup> Through Mr Thody

<sup>563</sup> CD8.3 Paragraph 10.15

<sup>564</sup> CD12.1

<sup>565</sup> CD8.3 Paragraphs 6.14-6.15

<sup>566</sup> CD8.3 Paragraphs 10.17-10.18 for Phase 3 and Paragraphs 10.25-10.26 and 10.32 for Phase 4 and compared to ID28 Paragraphs 2.9-2.10

<sup>567</sup> CD12.1 Appendix F and the Whitechapel decision (CD12.15) referred to in CD8.3 paragraph 4.1 and CD15.3 Paragraph 3.4(d)

- 8.93 The impact of the proposals is acceptable and the requirements of CS Policy DH(b) are therefore met.
- 8.94 In terms of any impact on outlook, the appellant has carried out an assessment of the impact of the northern-most blocks within Phase 4 on 107-137, Wellington Street. The outlook from the rear of these properties is currently towards a cleared site, which is proposed for development. The status quo cannot therefore continue, consistent with the delivery of planning policy, particularly given that development of a large brownfield site in an urban area with good accessibility is supported by policy at all levels.
- 8.95 The Wellington Street properties are separated from the appeal site by a tree belt, much of which would be retained. They are at a lower level. The appellant has shown in its outlook analysis<sup>568</sup> how what is viewed from the Wellington Street properties will change and how that compares to what was consented and considered acceptable in 2007. When so compared and generally, the change can and should be considered acceptable. The requirements of CS Policy DH(b) are once again met.

*The Living Conditions Issue 2*

- 8.96 This concerns the living conditions of any future residents of the development proposed. In considering this issue, it is important to look at the appeal site and the wider policy context. The Phase 4 site is a large unused brownfield site, in a major town centre and with good accessibility. It is plainly a site where development opportunities, particularly in terms of the delivery of new homes should be maximised. High density development should be supported here, if it is to be supported anywhere, as indeed the Council itself has recognised when approving the adjoining Ogilby scheme.
- 8.97 The Council raises four principal concerns.
- 8.98 First, it is claimed that the levels of daylight and sunlight that would be enjoyed by future residents would be unacceptably compromised. It maintains this position notwithstanding that its own professional advisers concluded that *'the assessment of the effects of the proposed development is considered acceptable'*<sup>569</sup>. The reservations expressed now<sup>570</sup>, if they were good ones, were plainly available when that advice was given, but none were then raised. However, and notwithstanding, the appellant has carried out a full analysis of the daylight and sunlight which will be enjoyed by future residents. The analysis shows that full compliance with the BRE Guidelines would be achieved for Phase 3, 98% compliance for living rooms/kitchens/diners in Phase 4, and 86% for bedrooms in Phase 4<sup>571</sup>. Those rooms where the BRE Guidelines are not met only fall marginally short<sup>572</sup>.

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<sup>568</sup> CD1.3.37

<sup>569</sup> CD8.3.1 Appendix 4

<sup>570</sup> Through Mr Cosgrave

<sup>571</sup> CD8.3 Paragraph 9.9

<sup>572</sup> CD8.3 Paragraph 9.10

- 8.99 In terms of sunlight, the proposed development meets the Mayor's SPG Standard 32<sup>573</sup> in that all new homes will provide for direct sunlight to enter at least one habitable room for part of the day<sup>574</sup>.
- 8.100 In the case of both daylight and sunlight, the development performs favourably compared to the extent of compliance with the BRE Guidance by other recently consented development in the Borough<sup>575</sup>, and in particular, its nearest neighbour, the Ogilby development.
- 8.101 Secondly the Council raises the number of units served by each core in Blocks D, E, F, G and H within Phase 4. The Mayor of London's Standard 12 in his Housing SPG<sup>576</sup> is advisory: '*each core should be accessible to generally no more than eight units on each floor*' (emphasis added). However, the Guidance thereafter provides that '*with good design, control of numbers and careful balancing of dwelling types, all forms of shared circulation can result in successful housing*'<sup>577</sup>. The Guidance also advises that the number of persons sharing a core is relevant, as are design considerations and management<sup>578</sup>.
- 8.102 As has been explained in evidence<sup>579</sup>, the departure from the Mayor's general guidance is minimal in numerical terms<sup>580</sup>. The corridors have been designed to be staggered to avoid linearity. A 1.5m wide floor to ceiling window is located adjacent to the lifts. These cores serve mainly 1 and 2 bed flats thereby limiting the size of the community sharing a core. The constraints which have led to this arrangement have been explained<sup>581</sup>. In this overall context, the arrangement is acceptable.
- 8.103 Thirdly, the Council expresses a concern as to the number of single aspect units within Phase 4, but not, notably, in Phase 3. No element of policy precludes single aspect units. CS<sup>582</sup> Policy H5 introduced a presumption against north facing single aspect units and in favour of dual aspect units '*where possible*'. Standard 29 of the Mayor of London's Housing SPG<sup>583</sup> states that single aspect north facing units and single aspect three bed units should be '*minimised*'.
- 8.104 The development would deliver no single aspect north facing units<sup>584</sup>. The inclusion of single aspect units within the scheme is as a result of a design decision taken having regard to the considerable dis-benefits to the scheme, and to the efficient use of land, of the introduction of a greater number of dual aspect units<sup>585</sup>. Moreover, the Council has raised no concern as to single aspect units in Phase 3 and this inconsistent approach suggests that the

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<sup>573</sup> CD11.15

<sup>574</sup> CD8.3 Paragraphs 9.12 – 9.20

<sup>575</sup> CD8.3 Table 5 Page 20

<sup>576</sup> CD11.15 Pages 78-79

<sup>577</sup> CD11.15 Paragraph 2.3.14

<sup>578</sup> CD11.15 Paragraph 2.3.15

<sup>579</sup> By Mr Richter and Mr Gibney

<sup>580</sup> CD8.1 Paragraph 8.4

<sup>581</sup> CD8.4 Section 8.3 Paragraphs 8.3.1.6-8.3.1.8

<sup>582</sup> CD11.7

<sup>583</sup> CD11.15 Page 85

<sup>584</sup> Confirmed by Mr Richter in evidence

<sup>585</sup> CD8.4 Paragraphs 8.3.2.37-8.3.2.38

Council's concern, in respect of Phase 4 alone, is not substantial in this respect. The scheme will generate 13 single aspect 3-bed units in Block A. The outlook from these units has been described<sup>586</sup> in qualitative terms and has shown that this will be more than acceptable<sup>587</sup>.

- 8.105 Moreover, a further window could be introduced into each of these 3-bed flats in a straightforward way to overcome the concern, such as it is. These windows could be non-openable and will not therefore change the noise environment, nor will they generate any overlooking<sup>588</sup>. If considered necessary, these additional windows can be secured by condition.
- 8.106 Fourthly, the Council has raised an issue as to outlook for the west facing units in Blocks A, B and C. The appellant, through the drone footage which has been introduced<sup>589</sup>, has demonstrated that the outlook enjoyed by future residents of these new homes will be excellent, in summer and in winter, and will not be impeded by the presence and use of the A206<sup>590</sup> – the lowest level flat would be a minimum of 6.5m above road level above affordable workspace, and the amenity space for those on the lower floors will be internalised.
- 8.107 Fifthly, the Council raises a concern about access to cycle parking for residents of Blocks C, D, E, F, G and H. This complaint has been answered by a demonstration of the distance and the quality of the route from each block to the cycle parking area<sup>591</sup>. This distance is not in any way excessive and the route is of high quality in all cases, mainly across the landscaped communal area. It is notable in this respect that the Mayor of London is satisfied with the arrangement. No sustained or sustainable objection can be raised to the dual use of the ramp to the parking area by those accessing the cycle parking and the users of the small number of disabled parking space.
- 8.108 The Council's detailed concerns as to the quality of the living environment for future residents are, overstated and misplaced, particularly in the context of a high-density development in a sustainable urban location.
- 8.109 Nor is it legitimate to suggest that these matters are symptomatic of over development. High density development is the correct approach here, in order to efficiently and effectively utilise the opportunities presented by this important site. The density to be delivered, at 1218 habitable rooms per hectare, is higher than the density matrix set out in the LP at Table 3.2<sup>592</sup>. However, as is made abundantly clear<sup>593</sup>, to depart from the matrix is permissible when opportunities allow, especially in highly accessible town centre locations. The matrix is the starting point and is not to be applied mechanistically, as the Mayor makes clear<sup>594</sup>. The Mayor in his Housing SPG<sup>595</sup>

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<sup>586</sup> By Mr Richter

<sup>587</sup> CD8.4 Paragraph 8.3.2.24

<sup>588</sup> As Mr Richter demonstrated

<sup>589</sup> CD8.4 Page 157

<sup>590</sup> CD8.4 Page 155

<sup>591</sup> CD8.4 Paragraph 8.3.4

<sup>592</sup> CD11.4 Page 101

<sup>593</sup> CD11.4 Paragraphs 3.28-3.29

<sup>594</sup> As Mr Gibney confirmed in evidence is the usual practice

<sup>595</sup> CD11.15 Paragraph 7.4.13 Page 161



advises that '*Boroughs should promote higher densities in town centres, especially those with good public transport accessibility*'. The Mayor also advises in the same SPG<sup>596</sup> that '*residential densities in town centres may exceed the relevant density range in well justified circumstances*'. It is ironic that the Council accepted a higher density on the adjoining Ogibly development in 2016 on the basis that it was in a town centre and '*well justified circumstances*' existed<sup>597</sup>. The Council cannot credibly take a different position now on the next-door site.

- 8.110 The correct conclusion therefore, is that the development will deliver a high-quality living environment for future residents. LP Policies 3.4, 3.5, 3.6, 6.9 and 7.2 are met, as are CS Policies H5, DH(1), IM4 and IM(b). Reason for refusal 4 is not made out.

#### *The Affordable Housing Issue*

- 8.111 There is common ground between the Council and the appellant that the scheme delivers the maximum reasonable level of affordable housing and that the mix of type and tenure of new homes is acceptable<sup>598</sup>. There is no basis, therefore, for the Secretary of State to conclude other than that the requirements of LP Policy 3.11 and CS Policy H3 are met.
- 8.112 SOW raise a concern about the location of the affordable homes however, as was explained<sup>599</sup>, this is dictated by the management requirements of affordable homes providers. The accommodation will be of high quality and there will be no design or qualitative differentiation between affordable and open-market units in the development as a whole.
- 8.113 In terms of mix of unit types and size, there is no prescribed policy-based requirement. CS Policy H2<sup>600</sup> requires that a '*mix of housing types and sizes will be required*' and this has been achieved. The emerging London Plan recognises the opportunity for a higher proportion of smaller, 1-2 bed, units in areas closer to a town centre, or a station, or with high public transport accessibility<sup>601</sup>. The appeal site plainly meets all three of these criteria.

#### *The Obligations Issue*

- 8.114 The appellant and the Council have agreed a planning obligation and that what is set out therein meets the requirements of the CIL Regulations<sup>602</sup>. The Inspector and the Secretary of State are invited to have full regard to this obligation in determining the appeal.

#### *The Planning Balance*

- 8.115 It is accepted that the appeal proposal will give rise to less than substantial harm to the significance of the Royal Artillery Barracks and to the Woolwich

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<sup>596</sup> CD11.15 Paragraph 7.4.13

<sup>597</sup> CD12.35 Paragraphs 12.1-12.5

<sup>598</sup> ID20 the SoCGAHV

<sup>599</sup> By Mr Gibney in evidence

<sup>600</sup> CD11.7

<sup>601</sup> CD11.21 Policy H12(A)(6) but also paragraph 3.29 of the current LP (CD11.4)

<sup>602</sup> ID51 but also ID43, ID44 and ID45

Common CA. That harm, which must attract statutory weight, must be balanced against public benefits in accordance with paragraph 196 of the Framework<sup>603</sup>.

- 8.116 What then are the benefits here which fall to be weighed in the planning balance?
- 8.117 First, 804 new homes will be delivered, of which 186 – the maximum reasonably deliverable – will be affordable homes. The Council has failed, over successive years, to meet its annualised London Plan target for new homes<sup>604</sup> and that target is set to increase with the New London Plan<sup>605</sup>, whether the Panel's recommendations<sup>606</sup> are accepted or not. The appeal proposal will therefore make therefore a substantial contribution to housing supply in the Borough, and in London.
- 8.118 Second, in terms of affordable tenure, the scheme will deliver 134 homes offered at London affordable rent and 52 shared ownership homes, in accordance with the Councils own policy. Of the former, 34 will be three-bed homes. The Inquiry has heard of the pressing need for affordable homes in Greenwich, particular of a size suitable for families. The appeal proposal's contribution toward addressing this need is again a substantial and important public benefit.
- 8.119 The commercial floorspace proposed will generate 217 new jobs<sup>607</sup> and, as part of Phase 4, an area of affordable workspace will be provided to encourage local start-up businesses and co-working. This new floorspace has been carefully and attentively designed, following a full process of consultation and collaboration. The result is a development of the highest quality which will compliment and add to that which is already present and that which is emerging in the Woolwich Opportunity Area.
- 8.120 The scheme will deliver extensive, new high-quality public realm. A new public square and other publicly accessible space will be provided within Phase 4. Love Lane will be restored, thereby addressing its current unfinished form, aiding navigability and legibility.
- 8.121 The accompanying planning obligation will make large contributions to Council and to Transport for London for infrastructure and services, as well as adding to CIL receipts.
- 8.122 The scheme will deliver substantial regenerative development on a brownfield town centre site in a highly sustainable location, thereby furthering the objectives of Woolwich Opportunity Area, the regeneration area designation, and aspirations to 're-assert' Woolwich as a town centre. It is of course the case that some regenerative development has already been attracted to the area, but the policy designations are on-going and have been reaffirmed and strengthened through the Draft New London Plan<sup>608</sup>. There is much still

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<sup>603</sup> CD11.1

<sup>604</sup> CD8.1 Paragraph 5.16

<sup>605</sup> CD11.21

<sup>606</sup> CD12.53

<sup>607</sup> CD8.1 Paragraph 12.5

<sup>608</sup> CD11.21

therefore to do. The Council<sup>609</sup>, by reference to LP Policy 7.7, accepted that the development would make a *'significant contribution to local regeneration'*. The policy benefits are considerable.

- 8.123 What the appeal scheme delivers is precisely what the Mayor and the Council's policy aspirations for Woolwich seek, namely high quality, efficient regenerative development in a highly sustainable location. The benefits of the scheme were recognised fully, and correctly, by the Council in 2007. Nothing has changed since then to justify a substantial change in its response to the scheme. In 2007, the Council's summary assessment of the scheme was that: *'The implementation of the proposed development offers significant regenerative benefits to Woolwich, the Borough and the wider Thames Gateway region. The redevelopment of this large town centre site and the provision of development on this scale would bolster confidence in Woolwich and enhance the physical environment'*. That was correct as an analysis then and it remains correct as an analysis today.
- 8.124 The harm to the heritage assets to which we have referred is clearly and demonstrably outweighed by the considerable public benefits which this development will secure, just as they were in 2007. And the same conclusion is arrived at even if the Council's case in respect of impact on the Royal Brass Foundry and the Royal Arsenal Conservation Area, is preferred by the Secretary of State.
- 8.125 What is proposed accords with the Development Plan. Other material considerations are supportive. Planning permission should be granted for the proposals.

## 9 Third Party Representations

- 9.1 A significant number of people spoke at the Inquiry some directly, and some as part of round table discussions about aspects of the proposals. Many of those who addressed the Inquiry directly helpfully supplied speaking notes during proceedings, but others have done so after the event. I have attached them as Inquiry documents, and briefly summarise the various direct contributions below.
- 9.2 **Nicholas Hadziannis**, a local resident, pointed to the inadequacy of the social housing content of the proposal, both in terms of the number of units proffered, and the obvious segregation in the scheme between market and affordable housing units.
- 9.3 **Jenny Sherrell**, a local resident and representative of the Friends of Woolwich Common<sup>610</sup> raised a series of strong criticisms of the impact of the proposals on the setting (and thereby the significance) of the Royal Artillery Barracks and the appellant's approach to them.
- 9.4 **Dora Schweitzer**, a local resident<sup>611</sup> stressed the importance of the area earmarked for Phase 3 as a breathing space in front of the Tesco store, the

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<sup>609</sup> Through Ms Holford

<sup>610</sup> ID6

<sup>611</sup> ID7

inappropriate proportions of the proposed Phase 3 tower, and the likely disruption construction would cause.

- 9.5 **Richard Buchanan** of the Woolwich and District Antiquarian Society<sup>612</sup> objected to the impact of the Phase 3 tower on General Gordon Square, suggesting that a building of the same height as those on the Thomas Street frontage, incorporating the surviving gable feature from the former Post Office, would be better. Moreover, the proposals would have a seriously harmful impact on the setting of listed buildings around Woolwich Common, and on Barrack Field.
- 9.6 **Philip Binns** of the Greenwich Conservation Group<sup>613</sup> supports the stance of the Council and SOW in relation to the impact both the Phase 3 and Phase 4 elements would have on the settings of nearby listed buildings, and conservation areas. However, in the event the appeal is allowed, a condition should be added to incorporate the surviving architectural feature salvaged from the Post Office that once fronted Thomas Street.
- 9.7 **Ivis Williams** a Local Councillor<sup>614</sup> highlighted the numbers on the Council's waiting list for housing (20,000) and the need for larger affordable housing units, suitable for families, rather than the affordable housing on offer which in any event, is not sufficient to meet that required in the Council's CS. Moreover, the proposals are too big, too bulky, and too high.
- 9.8 **Kevin Veness**, a local resident<sup>615</sup> talked of the importance of the space in front of the Tesco store, intended for Phase 3, and the use made of it by locals. The generator for the height of the Phase 3 tower – London City Airport – was also highlighted. Alongside criticism of the affordable housing offer, the Phase 3 tower was described as a dagger driven into the heart of Woolwich.
- 9.9 **Don Flynn**, a local resident<sup>616</sup> supports SOW and raised concerns about the impact of the Phase 3 tower on its surroundings. Moreover, it was pointed out that this part of the proposal will make no contribution to the housing needs of low income, ethnic minority and migrant households in the Borough and that notwithstanding the inclusion of affordable housing in Phase 4, this segregated approach will do nothing for social cohesion in an area challenged by deprivation and inequality.
- 9.10 **John Fahy**, a Local Councillor, addressed the described the affordable housing offer as derisory in the context of a waiting list approaching 20,000, 1,800 families in overcrowded accommodation, 980 families in temporary accommodation and 384 families having to be housed outside the Borough with 715 dependant children facing long trips to school in the Borough. The accommodation that has been offered is not suitable in the light of this obvious need – the Borough needs units suitable for families, not flats.

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<sup>612</sup> ID8

<sup>613</sup> ID9

<sup>614</sup> ID53

<sup>615</sup> ID54

<sup>616</sup> ID55

- 9.11 **Victoria Rance**, a member of, and local parliamentary candidate for the Green Party<sup>617</sup> pointed to the declaration of a climate emergency by the Council and referred to the amount of carbon dioxide produced by the cement industry, questioning the effect of all the concrete in the development. Concerns were also raised about the overshadowing of General Gordon Square, especially in winter.
- 9.12 **Mike Brooker**, a local resident<sup>618</sup>, pointed to the way General Gordon Square has developed as a public space since 2007 and the dominating impact the Phase 3 tower would have on its sense of place and the fracture it would cause between those with financial security and those without.
- 9.13 **David Gardner**, a Local Councillor and Deputy Leader of the Council stressed the significance of the development and provided a flavour of Woolwich as a genuinely vibrant community, frequented by people from all over the world, with a mix of affluence and poverty - General Gordon Square was described as the heart of that community. Criticism was made of the nature of the units in the proposals and in particular that lack of family accommodation for people that would put roots down in the community as opposed to transitory residents who might favour the type of flats on offer. The affordable housing provision was described as inadequate. Moreover, the Phase 4 element would be far too dense and while not opposed to development in principle on the area in front of Tesco, the Phase 3 tower would be disproportionately large.
- 9.14 **Father Michael Branch**, Parish Priest of St Peter the Apostle outlined the impact the construction of Phase 2 had on the fabric of the Church and expressed concern about the potential impact of further development. Concerns were also expressed about impacts on the Church as an historic building, as well as other historic buildings in the area. The affordable housing offer was criticised as was the exclusive nature of the scheme overall.
- 9.15 **Dorota Paluch**, a local resident<sup>619</sup> expressed strong reservations about the social impact the development would have on the existing community through the divisive approach to affordable housing provision in particular.
- 9.16 **Helen Brown**, a local resident<sup>620</sup> raised concerns about the dominating impact of the Phase 3 tower on General Gordon Square, the Woolwich Conservation Area, and listed buildings, and criticised the design of the Phase 4 element.
- 9.17 **Len Duval**, London Assembly Member for Greenwich and Lewisham highlighted the changed nature of General Gordon Square since the 2007 permission was granted and the detrimental impact the insensitively designed Phase 3 tower would have on the space – the site of the Phase 3 tower should be left undeveloped. On top of that, the nature of the housing proposed is unsuitable, particularly in terms of the lack of family-sized units.
- 9.18 **Danny Thorpe**, a Local Councillor and Leader of the Council<sup>621</sup> explained that he had never seen such a level of objection to a proposal as there has been in

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<sup>617</sup> ID56

<sup>618</sup> ID17

<sup>619</sup> ID29

<sup>620</sup> ID57

<sup>621</sup> ID58

this case. The Council is committed to meeting the needs of the Borough but wants to see development that is well-designed and respectful of its context. The proposals fail against both benchmarks – the Phase 3 tower would be incongruous and will detract from the enjoyment of General Gordon Square. The Phase 4 proposals would be sub-standard units with single aspect flats, poor outlook and inconvenient access to cycle parking. As a result, the scheme should be rejected.

- 9.19 **Lisa Mannion**, a local resident, registered childminder, and specialist in SEN and Inclusion spoke about the value of Woolwich Library (with reference to a BBC News item about it<sup>622</sup>) and the positive influence it has on the life chances of the young and raised concerns about the impact Phase 3 tower might have in terms of its visual impact, and the message it would send in sociological terms because of its exclusivity.
- 9.20 **Anna Townend**, a local resident and representative of Greenwich Environmental Forum acknowledged the need for more homes but bemoaned the loss of the open space that would result from the Phase 3 tower, and its attendant impact on the surrounding area and buildings.
- 9.21 **Kate Heath**, a local resident<sup>623</sup>, described the proposals as poorly designed, for various reasons, and voiced concerns about the impact it would have on the mental health of the community.
- 9.22 **Alex Pemberton**, a local resident<sup>624</sup>, spoke about the importance of General Gordon Square and the harmful effect the Phase 3 tower would have on it.
- 9.23 **Cathy Oates**, who works in construction, acknowledged the content of the ES but spoke of the impacts such a major piece of work would have on the health and well-being of the young and old, in particular.
- 9.24 **Maria Freeman**, of the Positive Plumstead Project<sup>625</sup> underlined the importance of General Gordon Square as a public space and discussed the insensitive nature of the Phase 3 proposal. The depth of opposition to the proposals was highlighted too.
- 9.25 **Louisa Fontana**, a local resident<sup>626</sup> (in one of the flats above the Tesco store) raised concerns about build quality, from her own experience of Phase 2.
- 9.26 **Gaye Rose**, a local resident put into the Inquiry a series of visual representations of the Phase 3 tower<sup>627</sup> and spoke of the harm it would cause to its surroundings visually, and in terms of the shadow it would cast over General Gordon Square.

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<sup>622</sup> ID30

<sup>623</sup> ID31

<sup>624</sup> ID61

<sup>625</sup> ID62

<sup>626</sup> ID32

<sup>627</sup> ID33



- 9.27 **David Larkin**, a local resident<sup>628</sup>, described the Phase 3 tower as an architectural absurdity that would be bizarrely out of scale with its surroundings.
- 9.28 **Sheila Field**, a local resident, underlined the value of the open space in front of the Tesco store intended to house the Phase 3 tower and the benefit of leaving it undeveloped.
- 9.29 **John Kenny**, a local resident and former Housing Officer at the Council (heading up the department when the 2007 application was under consideration) explained that the approach to affordable housing in 2007 was to push for provision of family housing off-site because the location in Woolwich town centre was unsuitable. Moreover, no affordable housing was sought in the 2007 tower because it would be inappropriate. What was proposed at the time was considered acceptable. Bringing matters forward to the present, it is understood that SOW want to maximise the provision of affordable housing on site, but you must consider the location. On top of that, if the housing is to be tenure blind, there are issues around its ongoing management. Turning to the proposal itself, the Phase 3 tower would be out of scale with the square, and the Phase 4 represents over-development.
- 9.30 **Matthew Pennycook**, a local resident and (now) Member of Parliament for the Greenwich and Woolwich constituency<sup>629</sup> made a number of points. First, the Phase 3 tower would occupy a valuable open space and be out of all proportion with its surroundings. It would dominate General Gordon Square which is a vibrant part of the public realm and a focal point for the community. Further, it would have a harmful impact on the setting of nearby listed buildings which would not be outweighed by the benefits it would bring forward. Second, the Phase 4 complex is wanting in design terms despite modification and the provision of affordable housing would be insufficient. Given the lack of units available for 'social rent', none of it would be genuinely affordable to those in need, and neither would cater for the obvious requirement for family-size units. In short, the entire proposal is flawed and should be rejected.
- 9.31 **Sue Robbins**, a local resident expressed support for the proposal on the basis that it would bring investment into a blighted town centre and improve it in terms of displacing the unattractive Tesco store and adding a landmark adjacent to General Gordon Square.

## 10 Conditions

- 10.1 Discussions between the Council and the appellant resulted in a comprehensive list of conditions that was presented to the Inquiry<sup>630</sup>. This was then discussed further in a round table session that also involved SOW, and members of the public.

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<sup>628</sup> ID34

<sup>629</sup> At the time Mr Pennycook addressed the Inquiry he was the one of the candidates for election as MP

<sup>630</sup> ID40 and ID41

- 10.2 I have considered these suggested conditions in the light of advice in paragraph 55 of the Framework. This suggests that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. Conditions that are required to be discharged before development commences should be avoided, unless there is clear justification. In this latter respect, the appellant helpfully submitted a letter<sup>631</sup> which confirms acceptance of all the pre-commencement conditions on the agreed list.
- 10.3 On the face of it, the number of suggested conditions (69) might seem significant but it must be borne in mind that the scheme at issue is complex, and of great scale. While I have listed all the suggested conditions in Annex C to this Report, with minor changes in the interests of precision and/or enforceability, I deal below with each condition, or group of conditions, and give my views on necessity and/or relevance.
- 10.4 The first suggested condition deals with commencement and is required by Section 91 of the Town and Country Planning Act 1990. The second condition is also a necessity given that it sets out the approved plans. I have used the list from the SoCG<sup>632</sup> reflecting the fact that some drawings were revised in course of the application, and afterwards.
- 10.5 The third condition is a necessity in order to secure compliance with the mitigation measures set out in the ES.
- 10.6 A suite of conditions (4-7 inclusive, 12 and 13) relate to the way the construction process is carried out and managed. All these are needed in order to protect the living conditions of local residents, and highway safety, through what would, no doubt, be a relatively extended period. A group of conditions is proposed (8-11) to deal with the potential for land contamination, and the possible presence of unexploded ordnance. All are necessary, obviously, for health and safety reasons.
- 10.7 Condition 14 refers to archaeology. Given that there may be remains of archaeological interest on the site, this would be a reasonable imposition. SOW have made reference to the potential for re-use of a surviving part of the Post Office that once stood on the Phase 3 site as part of the development. That would give the scheme an opportunity to refer back to the previous site in a pleasing way and for that reason, condition 15 ought to be imposed in the event that planning permission is granted.
- 10.8 There is a series of conditions (16-19) suggested that is directed towards various detailed design aspects of the scheme. The Council needs to be able to exert some control over detailed design matters like materials, finishes, entrances and security, so these are necessary. In terms of accessible and adaptable dwellings, and wheelchair accessible and adaptable dwellings, these suggested conditions (20-22) are required to secure compliance with LP Policy 3.8 and CS Policy H5.

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<sup>631</sup> ID42

<sup>632</sup> ID2

- 10.9 In terms of transport and travel, a scheme of the scale proposed clearly needs a delivery and servicing plan (23), and details of cycle parking (24) and car park management (25) approved. All three of these suggested conditions are required to ensure a satisfactory development. Linked to that, to encourage use of transport modes other than the private car by residents and/or users, the Council needs to have oversight of a Travel Plan (26).
- 10.10 A number of conditions have been put forward to address carbon dioxide emissions when the buildings are in use and to secure and monitor on-site renewable energy technology, and to deal with any Combined Heat and Power network (27-32). All would be reasonable impositions in the light of LP and CS policies. Given the nature of the proposals, condition 33 is needed to address potential overheating. Suggested condition 34 addresses BREEAM for non-residential uses and is required to ensure compliance with LP Policy 5.3 and CS Policies DH1 and E1.
- 10.11 Matters around water supply, water use, and drainage are covered by a group of four conditions (35-38). These are necessary to ensure the proposal accords with LP Policy 5.15.
- 10.12 Conditions have been agreed to deal with ecological matters, green and brown roofs, the implementation of agreed biodiversity mitigation/enhancement measures, and the landscaping scheme (39-50). These are all necessary impositions in the event that planning permission is granted.
- 10.13 Suggested condition 51 is necessary to secure a lighting strategy. I take a similar view in terms of necessity in relation to suggested condition 52 (that relates to children's play areas), 53 (the hours when the communal space at Level 27 of Phase 3 can be used), 54 (electric vehicle charging points), 55 (refuse and recycling), 56 (the community uses at Level 1 of Phase 3), and 57 (a strategy for the use of that space). Control needs to be exerted over that space in terms of any permitted change (58) and in terms of sound insulation (59). Any permitted change of non-residential floor space within the development to residential would need to be restricted (60) and the same goes for any permitted to change to retail and commercial units proposed as part of the scheme (61). Sound insulation between the commercial units and residential units would need to be secured by condition (62) and reasonable control exerted over opening hours (63).
- 10.14 A series of conditions have been put forward to deal with noise (64 and 65) and mechanical and extract ventilation (66). These are necessary in order to ensure proper living conditions for occupiers of the development, and existing residents in the area. Suggested condition 67 is necessary to address any issues arising around air quality. There is the potential for tall buildings to interfere with television and radio reception. A condition (68) is necessary to address this potential difficulty.
- 10.15 No doubt, the development would be implemented in phases, and some of the suggested conditions refer to that. However, the Council would need some oversight of the overall phasing plan so it would be reasonable to impose suggested condition 69.
- 10.16 There was a suggestion put forward by the appellant that in the event of concerns around single-aspect units, a condition could be imposed to require

an additional flank window in flats that could accommodate it. I deal with the matter in my conclusions below and it suffices to confirm at this point that such a condition would not be necessary.

## 11 The Obligation

- 11.1 As set out above, after discussions between the Council and the appellant, a draft version of an Agreement under s.106 was available for discussion at the Inquiry<sup>633</sup>. Like the discussion around conditions, this took place on a 'round table' basis and involved SOW and members of the public as well as the appellant and the Council.
- 11.2 I gave the parties time after the Inquiry closed to complete and sign the document and a final version, dated 5 December 2019, was duly received<sup>634</sup>. Most helpfully, at the Inquiry, the appellant provided a summary of the various obligations in the Agreement<sup>635</sup> and the Council provided me with a CIL Compliance Statement<sup>636</sup>.
- 11.3 Planning obligations are addressed in paragraph 56 of the Framework. In accordance with Regulation 122(2) of the Community Infrastructure Levy Regulations 2010, these must only be sought where they meet all 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.
- 11.4 Clause 3.1 sets out that the Deed is conditional upon: (i) the grant of planning permission; and (ii) the commencement of development. Linked to what the Framework says in paragraph 56, clause 3.2 of the Agreement sets out that in the event the Inspector appointed by the Secretary of State (3.2.1) is not fully satisfied that one or more provisions of the Deed is in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010; (3.2.2) imposes a condition upon the permission instead of one or more of the planning obligations in the Deed; and/or (3.2.3) considers that some alternative form of planning obligation would be more appropriate in relation to the matters dealt with in the Deed then the said provisions of the Deed shall thereafter have no legal effect but the remainder of the planning obligations in the Deed (if any) shall remain legally effective and binding.
- 11.5 I approach the various obligations with that 'blue pencil' test in mind. However, there is one important point that needs to be made. As outlined above, clause 3.2 begins: '*In the event that the Inspector appointed by the Secretary of State.....*'. This would appear to place ultimate control with me, as appointed Inspector, when given that the appeal has been called in for determination by the Secretary of State, there may be circumstances where that ultimate control needs to rest with the Secretary of State. I deal with the implications of that as part of my final recommendation.

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<sup>633</sup> ID45

<sup>634</sup> ID51

<sup>635</sup> ID44

<sup>636</sup> ID43

- 11.6 Put very simply, the various obligations fall into a series of broad categories: financial contributions (Schedule 1); affordable housing (Schedule 2); viability reviews (early and late stage) (Schedule 3); affordable workspace (Schedule 4); public realm – management and maintenance (Schedule 5); transport and highways (Schedule 6); community space (Schedule 7); monitoring (Schedule 8); and training, local employment and equal opportunities (Schedule 9). I deal with these in turn.
- 11.7 Financial contributions have been included to address improvements to bus stop accessibility in the vicinity of the site (£25,000); improvement works to the South Circular including new/improved crossings and cycling facilities (£85,000); improvement works to Woolwich New Road/Ha-Ha Road (£100,000); cycle training schemes in the vicinity (£16,100); the Council's training and employment scheme (GLLaB) (£845,380); Traffic Regulation Orders and amendments to yellow lines in relation to the provision of car club spaces (£3,000 plus £500 per bay); replacement of street trees and annual maintenance for 25 years (£35,472 plus £2,750); amendments to CCTV provision (to be confirmed as part of Public Amenity Space Strategy); carbon offsetting (£290,850); and monitoring generally, and of the Travel Plan (£16,832 and £1,786).
- 11.8 Having regard to the Council's Regulation 122 Compliance Statement<sup>637</sup>, I am content that all these contributions are either designed to mitigate impacts of the development, or have a root in LP or CS policy, or come from the Council's Planning Obligations SPD<sup>638</sup>. Against that background, I am content that all accord with Regulation 122 of the CIL Regulations 2010 in that they are 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.
- 11.9 The provisions for affordable housing in Schedule 2 have been arrived at after extensive discussions between the Council and the appellant recorded in the SoCGAHV<sup>639</sup>. I address the concerns of others about this below, but it suffices to say here that the obligations in Schedule 2 that relate to affordable housing reflect the agreement reached between the Council and the developer. There is a clear policy basis in the LP, the CS, and the Mayor's Affordable Housing and Viability SPG<sup>640</sup> for the inclusion of affordable housing, its amount, its nature, and its tenure. The content of Schedule 2 therefore complies with the requirements of Regulation 122 of the CIL Regulations 2010 in that they are 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.
- 11.10 The early and late stage viability reviews are necessary in order to maximise delivery of affordable housing in accordance with the draft new London Plan (Policy H6) and the Mayor's Affordable Housing and Viability SPG. The provisions of Schedule 3 are therefore necessary to make the development

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<sup>637</sup> ID43

<sup>638</sup> CD11.12

<sup>639</sup> ID20

<sup>640</sup> CD11.14

acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development and thereby accord with the requirements of Regulation 122.

- 11.11 Schedule 4 relates to the inclusion of affordable workspace suitable for start-ups and SMEs. This is claimed as a benefit of the proposals and in that context there needs to be a mechanism to secure it and maintain it. In that way the provisions of Schedule 4 are 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. It therefore complies with Regulation 122.
- 11.12 Schedule 5 addresses the public realm included as part of the scheme and put simply, secures a Public Amenity Space Strategy for the approval of the Council. This seems to me to be a reasonable way to deal with the areas of the scheme that will be accessible to the public in the light of the LP (Policy 3.16) and CS (Policy CH1) and as such, the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. It satisfies Regulation 122.
- 11.13 Schedule 6 addresses a series of highways and transport matters including the 'car free' nature of the development including permits, highway works covered by section 278 agreements, and the 'car club'. All are required to address the potential for increased demands on the highway network and are, therefore, 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. The obligations are in accord with Regulation 122.
- 11.14 Schedule 7 deals with the community spaces included in the development and secures the submission of a Community Space Strategy for the Council's approval. The community spaces are put forward as a benefit of the scheme so there needs to be a mechanism for the Council to exert some control over their use. As such, the provisions of Section 7 are 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. They satisfy Regulation 122.
- 11.15 There is a clear need for monitoring of the Agreement under s106 generally, and of the Travel Plan. The obligations in Section 8 are 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. They meet the requirements of Regulation 122.
- 11.16 Schedule 9 covers training, local employment and equal opportunities. There is a clear policy justification for this in paragraph C9 of the Council's Planning Obligations SPD<sup>641</sup> and it seems to me imperative that local people have the chance to benefit from the economic benefits that would flow from such a large-scale development. In that context, I am content that the provisions of Schedule 9 are necessary to make the development acceptable in planning

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<sup>641</sup> CD11.12



terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. They accord with Regulation 122.

- 11.17 In summary, it is my considered view that all the obligations in the various Schedules that make up the Agreement under s.106 meet the tests of the Framework and fully comply with the requirements of Regulation 122 of the CIL Regulations 2010.

## **12 Inspector's Conclusions**

- 12.1 In this part of the report, I have used references thus [--] to cross-refer to previous, important paragraphs in the report, and in particular, the relevant part of the main parties' cases.

### ***Introduction***

- 12.2 As indicated above, and cognisant of the reasons given for call-in, I set out the main issues in advance of the Inquiry as (a) the effect of the proposal on the character and appearance of the area (the design issue); (b) the effect of the proposal on the setting, and thereby the significance, of a range of heritage assets (the historic environment issue); (c) the effect of the proposal on the living conditions of existing residents through visual impact and any loss of sunlight and/or daylight (the living conditions issue I); (d) whether the proposal would provide acceptable living conditions for prospective residents (the living conditions issue II); (e) whether the proposal would make adequate provision for affordable housing (the affordable housing issue); and (f) whether any other impacts of the proposal have been properly mitigated (the obligations issue). **[6.12-6.16]**
- 12.3 Notwithstanding matters that I explore below in relation to the affordable housing issue, I have already addressed the obligations issue above and do not intend to deal with that further. **[11.1-11.17]**
- 12.4 There are background issues that inform the analysis of the design and historic environment issues and it is these that I turn to first.

### ***Background***

- 12.5 Firstly, there was much discussion at the Inquiry about the Council's grant of outline planning permission in 2007 for what is now known as Woolwich Central. This included a tall building of similar height to that now proposed on the Phase 3 site, and redevelopment of the Phase 4 site.
- 12.6 It is perhaps interesting to speculate about the manner in which the decision to grant outline planning permission was arrived at in 2007, in historic environment terms in particular, but it does not take consideration of the proposal at issue very far. Suffice to say that I find it very surprising that the impact of the tall building then proposed for the Phase 3 site on the setting of the Grade I listed Royal Brass Foundry was seemingly of little importance to anyone, including English Heritage (as it was), when the impact on the Royal Artillery Barracks was obviously an issue.
- 12.7 It was suggested that consideration of the issue of 'setting' impacts has moved on from 2007 but the provisions of s.66(1) of the Act were in place in 2007 and the implications were (or at least should have been) well understood. Even

if one accepts that to be the case, it does not explain why the impact on the Royal Artillery barracks was considered, when that on the Royal Brass Foundry was, seemingly, ignored. I can take that matter no further.

- 12.8 The fact that the 2007 grant of outline permission has lapsed is an important point; there is no fallback position and if Phases 3 and 4 are to be realised, then a new grant of permission will be required. That said, the 2007 grant of outline permission cannot be ignored.
- 12.9 I make that point not in the sense that it represents a form of development that the Council was prepared to accept – they are free to take a different view now and that is not unreasonable - rather, what must be acknowledged is that the 2007 grant of outline permission is manifest in that Phases 1 and 2 have been implemented.
- 12.10 Phase 1 (the Civic Centre and the library) is from what I saw grossly out of scale with its surroundings, dwarfing the Grade II\* listed Town Hall on the opposite side of Wellington Street. It is difficult to understand what, if anything, the design took from its context. Phase 2 (the Tesco Store and associated housing) is of a similar (wholly inappropriate) scale to Phase 1 but the massive bulk and incongruous design of the building is all the more strident because it figures prominently in views from and around General Gordon Square, across the vacant Phase 3 site<sup>642</sup>. Moreover, it has a most unsatisfactory relationship with the Church of St Peter and its associated Presbytery, both Grade II listed buildings, which sit on the opposite side of Woolwich New Road from its flank.
- 12.11 Nevertheless, the profoundly negative influence the Phase 1 and Phase 2 schemes have on the town centre must be accounted for in any analysis of the proposals now under consideration. **[6.41-6.53, 7.11-7.14, 7.73-7.76, 8.16-8.28]**
- 12.12 The second point of background that must be borne in mind is that Woolwich is an area in which substantial change is planned by the Council and others. It is designated as an Opportunity Area in the LP and is therefore seen as an area with significant potential to accommodate new housing, commercial and other development. Alongside that, Woolwich is identified as a Major Town Centre in the strategic policy hierarchy, with the potential to grow into a Metropolitan Centre. It is seen as a place where strategically significant levels of growth can be accommodated. Woolwich is also seen as a regeneration area where changes wrought by development are a means to address social exclusion, amongst other things.
- 12.13 The point that arises from all that is that Woolwich is changing. As much is clear from new development underway already in and around the town centre, including at the Arsenal. The Council's emerging policy<sup>643</sup> makes it clear that this transformation will continue. That is not to say that this change is, or will be, unmanaged. There is a raft of policy, strategic and local, that points to the need for all development to be contextually respectful. However, consideration

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<sup>642</sup> CD1.2.15 Views 2 and 5 Existing give something of a flavour but the sense of shock the Phase 2 building imparts when it first becomes visible is not easily captured in a photograph

<sup>643</sup> See for example CD11.22

of the proposals at issue must take account of what is, and will be, changing in and around Woolwich. [6.17-6.40, 8.3-8.15]

- 12.14 There is a third point to be made by way of background and that relates to the need, recognised in the Framework, and elsewhere, to make effective use of land, and especially brownfield land. Again, there is no suggestion that this is to take place at the expense of the environment, but it seems to me that one must be mindful of this imperative in forming judgments about a design, and the relationship it would form with surroundings that might well have grown when the need to make best use of land was not so pressing.

### ***The Design Issue***

- 12.15 It is most straightforward to begin with the Phase 4 site. It is currently cleared and sits, sadly redundant, behind a hoarding. I deal with its potential impacts on the historic environment, the living conditions it would provide for its occupiers, and the impact it would have on adjoining occupiers<sup>644</sup> below. Leaving those matters to one side, for now, the Phase 4 element has drawn little criticism in terms of its impact in simple character and appearance terms. On my analysis, it would take a form and arrangement similar to other developments in and around the town centre, and would relate well in terms of scale to Phase 2, which it would sit alongside. The inclusion of a way through the site from Grand Depot Road through to Love Lane would improve permeability in an attractive manner.
- 12.16 The Phase 4 proposal would lift an underused site, hide the unattractive rear of the Phase 2 building, and provide new public spaces. It would, in pure character and appearance terms, enhance its immediate surroundings.
- 12.17 Analysis of the Phase 3 proposal is not so straightforward. The starting point must be the principle of development on the site. I heard from many contributors that the open space provided by this part of the overall appeal site is valued. I have no reason to doubt what was said but I sense that the value placed on it is driven more by the resistance to a tall building on the site and the dearth of open space in the wider area, than townscape considerations.
- 12.18 The Phase 2 building was not designed to front a public space. That much is clear from the offset main entrance centred on the line of Love Lane, amongst other things. It was intended to be masked from General Gordon Square by another building; a building of significant height. While I appreciate the value placed on the Phase 3 site in its current, open state, I am of the firm view that it needs to be developed in order to reinstate the line of Love Lane, make sense of the main entrance to the Tesco Store, and mask the heinous impact the Phase 2 development has on views towards it from General Gordon Square. To achieve the latter, it is very clear to me that any development on the Phase 3 site needs to have a significant scale. Taking the scale of the adjacent frontage to Thomas Street as a pointer would be an error because the Phase 2 development beyond would tower over it.

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<sup>644</sup> All of which are design issues

- 12.19 There is another advantage to development on the Phase 3 site and that concerns General Gordon Square. The square is mainly enclosed by buildings, but the space suffers from the way it leaches out towards the Phase 2 building. Development on the Phase 3 site would repair that and give General Gordon Square a proper sense of enclosure.
- 12.20 Taking those points together, I am of the view that the Phase 3 site is one on which development should take place. The question then is whether the building here proposed provides an acceptable means of achieving that.
- 12.21 The triangular plan form, with its rounded corners, reacts well to the need to accommodate pedestrian movement all around, and the significant proportion of active frontage at ground floor level, alongside the associated public realm improvements, would mean that very close-up, it would fit in well with its surroundings.
- 12.22 Resolving a triangular plan form into a three-dimensional form is not an easy task but on my analysis the Architect has skilfully resolved the vertical and horizontal structural, and glazing, modules. The building would have a clear base, below the canopy, a middle, and a top, where the glazing is set well behind the structure. Viewed in isolation, the design is a very pleasing one.
- 12.23 However, one cannot simply view it in isolation, and it seems to me that the acceptability, or otherwise, of the contextual response revolves around the height of what is proposed.
- 12.24 I can understand why the appellant took the height of the building proposed for the site as part of the 2007 outline permission as the start point. Moreover, it seems very clear to me that the Phase 3 site needs to house a building that does not defer to the Phase 2 development. It is important too to note that there are tall buildings in the immediate vicinity already, and plans for others, on the Wilko site, and above the DLR station. Others are proposed around the town centre.
- 12.25 All that said, the proposed Phase 3 building would be of a height that would dwarf anything around it, existing or proposed. In particular, it would loom somewhat oppressively over General Gordon Square. Notwithstanding the pleasing way in which the plan form and elevational treatment has been resolved, the incongruity of its height would continue along the unfortunate path set by the Phase 1 and Phase 2 developments<sup>645</sup>. As a consequence, I take the view that the Phase 3 proposal would harm the character and appearance of its immediate surroundings.
- 12.26 There has been reference to the need to provide a way-marker for the town centre. That might well be beneficial, and the Phase 3 building would certainly provide a very clear landmark, but I do not consider that a 27-storey building is necessary to achieve that.
- 12.27 Concern was raised too about the way in which the Phase 3 proposal would overshadow General Gordon Square. The technical analysis in the ES<sup>646</sup> suggests that the impact would not be particularly severe but in any case, I do

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<sup>645</sup> CD1.2.15 Views 2 and 5 give something of a flavour of that

<sup>646</sup> CD1.2.12

not regard the provision of shade, especially in the summer months, as a drawback, particularly in light of our changing climate. **[6.54-6.68, 7.15-7.56, 8.29-8.44]**

### ***The Historic Environment Issue***

- 12.28 Following on from the character and appearance issue dealt with above, I turn to the impact of the proposals on the setting and thereby the significance of a number of listed buildings, conservation areas, and locally listed buildings.
- 12.29 Before moving on to individual assets, or groups of assets, I need to deal with the important point raised by SOW about the Arsenal, the town centre, and the area around the Royal Artillery Barracks, being separate areas, with little visual interaction in particular, between them. That is an important facet of the history of the area and in an ideal world, it would be something worthy of recognition. However, the extent of development, in and around Woolwich, in recent times, means that the sense of separation between the Arsenal, the town centre, and the area around the Royal Artillery Barracks has all but disappeared. Given the status of Woolwich as an Opportunity Area, and a Major Town Centre, the pace of development is unlikely to slacken.
- 12.30 As a consequence, the visibility alone of the proposals, as part of the town centre, from the Arsenal or the area around the Royal Artillery Barracks, would not, in itself, be harmful. **[7.58-7.62]**

### ***The Royal Brass Foundry and the Royal Arsenal Conservation Area***

- 12.31 The parties<sup>647</sup> have provided much very helpful analysis of the significance of the Royal Brass Foundry and the conservation area it sits within. I need not repeat that but would highlight that the Royal Brass Foundry is said to be the work of Sir John Vanbrugh and is a Grade I listed building.
- 12.32 It is also of note that the Phase 4 element of the proposals would have no impact on the setting, or the significance of the Royal Brass Foundry, or the Royal Arsenal Conservation Area. However, because it would be visible from various points within the conservation area, sometimes in association with the Royal Brass Foundry, the Phase 3 element would have an impact on the setting of both these assets.
- 12.33 Whatever the original intention<sup>648</sup>, the main façade of the Royal Brass Foundry is the point of focus at the end of a formal axis along No.1 Street, on the approach from the Royal Woolwich Arsenal Pier<sup>649</sup>. While this axial view is not designated in the CS<sup>650</sup>, it contributes a good deal to the significance of the Royal Brass Foundry by highlighting its importance, as an individual building of very high architectural sophistication, and as an important constituent of both the character and the appearance of the conservation area.

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<sup>647</sup> Through the evidence of Dr Miele (CD8.2), Mr Crone (CD9.3) and Mr Guillery (CDCD10.1)

<sup>648</sup> The illustrations by Paul Sandby and in particular the 1779 one in ID24 are not in my view definitive

<sup>649</sup> CD1.2.15 View 3 Existing

<sup>650</sup> CD11.7 Policy DH(g)

- 12.34 However, as illustrated<sup>651</sup>, the Phase 3 building would rise prominently to the right of the Royal Brass Foundry in this important axial view. It would lift the eye in a competitive and distracting fashion and dilute the extent to which the Royal Brass Foundry is the focus of the view. That would harm the setting of the Royal Brass Foundry, and its significance. On top of that, it would detract from the setting of the conservation area, and its significance.
- 12.35 The appellant suggests, and I put it simply, that the Phase 3 proposal would cause no harm to the setting or the significance of the Royal Brass Foundry because it is only when you are close up, at a point where the Phase 3 building will have disappeared from view, that the qualities of the building are best appreciated. I do not accept that. It is clear from the most distant view along No.1 Street towards the Royal Brass Foundry that you are looking at a fine piece of architecture. That instils a keen sense of anticipation on the approach as more details of the main façade become apparent. The distracting presence of the Phase 3 building in views towards the Royal Brass Foundry would detract from that experience.
- 12.36 I am also conscious that other permissions have been granted that impinge on the view along No.1 Street identified<sup>652</sup>. That is unfortunate, in my view, but the buildings concerned would not be as prominent, in particular because they would not rise above the roofline of the Royal Brass Foundry. The Phase 3 proposal would be a much more strident, and harmful, presence. **[6.71-6.78, 7.90-7.100, 8.48-8.54]**

*The Royal Artillery Barracks and the Woolwich Common Conservation Area*

- 12.37 Again, the significance of the listed building and conservation area concerned has been ably covered in the parties' evidence<sup>653</sup>, and I need not dwell on it further other than to highlight that the Royal Artillery Barracks is a Grade II\* listed building, and the work of James Wyatt.
- 12.38 The very lengthy, and carefully composed frontage of the Royal Artillery Barracks is a great contributor to its significance and close-up and distant views of it from Woolwich Common are important to its significance and to the character and appearance (and significance) of the conservation area<sup>654</sup>.
- 12.39 The Royal Artillery Barracks is a robust building and it has coped well with change. However, it cannot reasonably be argued that the existing presence of Elliston House and Hastings House, rising above the main façade<sup>655</sup>, is anything other than a competing distraction that is harmful to the setting of the listed building, and thereby its significance. Their alien presence in views towards the main façade from Woolwich Common also detracts from the setting, and thereby the significance of the conservation area.
- 12.40 Both the Phase 4 and the Phase 3 elements of the proposal would be visible in more distant views of the façade<sup>656</sup>. However, they would largely appear on

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<sup>651</sup> CD1.2.15 View 3 Proposed

<sup>652</sup> CD1.2.15 View 3 Proposed and Cumulative

<sup>653</sup> Through the evidence of Dr Miele (CD8.2), Mr Crone (CD9.3) and Mr Guillery (CD10.1)

<sup>654</sup> CD1.2.15 Views 14-18 (inclusive) Existing

<sup>655</sup> CD1.2.15 View 17 Existing

<sup>656</sup> CD1.2.15 Views 14, 15, and 17 Proposed



the periphery of those views so the extent that they would compete with, and distract from an appreciation of, the main façade of the Royal Artillery Barracks would be limited. However, even that limited impact would be one harmful to the setting and thereby the significance of the listed building, and the conservation area. I would observe that all parties to the Inquiry agree on that point. **[6.79-6.85, 7.77-7.84, 8.55-8.67]**

- 12.41 There are other listed buildings in the Woolwich Common Conservation Area that need to be dealt with too. The first of these is St George's Garrison Church<sup>657</sup>, that dates from 1862-63 and is listed Grade II. The carefully secured remains<sup>658</sup> of the Church sit to the south-east of the Royal Artillery Barracks on the opposite side of Grand Depot Road (the South Circular).
- 12.42 As has been outlined by SOW, it is a building where one is drawn to contemplate war and loss. I found at my site visit that it is a powerful place where that contemplation leads to extraneous elements like the busy road, or the visible new development at the Connaught Estate, being largely blanked out. One would be able to see the Phase 3 and Phase 4 elements of the proposal from the Church<sup>659</sup>. However, at the separation distance involved, I consider that they would be blanked out in a similar way. While the development proposed would have an effect on the setting of the Church, it would not, for that reason, be a harmful one. **[7.86-7.89, 8.82]**
- 12.43 Connaught Mews to the north-east of the Church, opposite the Royal Artillery Barracks on the other side of Grand Depot Road, was built in the late 18<sup>th</sup> Century as a military hospital<sup>660</sup>. It is an architecturally coherent composition, listed Grade II, and now in residential use.
- 12.44 From what I saw at my site visit, the complex is largely inward looking, and set behind very strong boundary treatments. Both the Phase 4 element<sup>661</sup> of the proposals and the Phase 3 element would be visible from within and around the complex so there would be an effect on its setting. However, while there would be quite a contrast in scale, the self-contained nature of the complex means that buildings around it are seen as external, unrelated elements, that do not impinge on an understanding or appreciation of it. The nearby redevelopment of the Connaught Estate (Phase 1) demonstrates as much. As a consequence, visibility of the Phase 4 and/or Phase 4 elements from and around Connaught Mews would have no harmful impact on its significance. **[7.85, 8.82]**

*Equitable House and the Woolwich Conservation Area*

- 12.45 Again, the parties have provided much very helpful analysis of the significance of Equitable House and the Woolwich Conservation Area it sits within<sup>662</sup>. I need not expand on the analyses presented but would add that while the Grade II listed Equitable House is not in the same league, architecturally, as the Royal

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<sup>657</sup> Details in CD10.1 Page 10

<sup>658</sup> It was extensively damaged by a V1 Flying Bomb in 1944

<sup>659</sup> CD1.2.15 View 18 Proposed shows the remains of the Church frontage on the extreme right

<sup>660</sup> Details in CD10.1 Page 11 and illustrated in CD1.2.15 View 12 and ID25

<sup>661</sup> CD1.2.15 View 12 Proposed

<sup>662</sup> Through the evidence of Dr Miele (CD8.2), Mr Crone (CD9.3) and Mr Guillery (CDCD10.1)

Brass Foundry or the Royal Artillery Barracks, it is just as important to the history of Woolwich. Its matronly presence<sup>663</sup> fronting General Gordon Square – the centre of gravity of the Woolwich Conservation Area (to my mind) – reflects that importance. Further, while the Woolwich Conservation Area is a relatively recent designation, it is one that I consider well-justified by clear evidence of special interest<sup>664</sup>.

- 12.46 As I have set out above, development of the Phase 3 site would provide a proper sense of enclosure to General Gordon Square and mask the unfortunate presence of the Phase 2 development from the public space. However, any benefit from that to the setting of the Woolwich Conservation Area, and of Equitable House, would be extinguished by the harm caused by the incongruous presence of a building of the height proposed.
- 12.47 It would dominate General Gordon Square<sup>665</sup> and given the importance of this space to the character and appearance of the conservation area, the overbearing presence of the Phase 3 building on the edge of the square would cause harm to its setting and its significance.
- 12.48 On top of that, the sense that Equitable House, notwithstanding the existing presence of the Phase 2 development, is the primary building fronting the square, would be lost. Equitable House would be dwarfed by the Phase 3 building and its status would be undermined. This would be harmful to its setting and its significance.
- 12.49 On my analysis, because of the degree of separation, and the presence of intervening buildings, the Phase 4 element of the proposals would have no harmful impact on the setting, or the significance of Equitable House.
- 12.50 There are other listed buildings in the Woolwich Conservation Area that merit consideration too. The Church of St Peter is listed Grade II along with the associated Presbytery and is a work of Pugin. There are locally listed buildings, including the Community Centre, alongside<sup>666</sup>. These sit on Woolwich New Road, directly opposite the massive bulk of the Phase 2 development.
- 12.51 The contrast in scale and articulation between the Phase 2 building, and the Church and Presbytery and neighbouring buildings is rather disquieting, to say the least, and clearly harmful to the setting of the listed buildings and those alongside. The Phase 3 and Phase 4 proposals would be some distance away from the Church and the Presbytery and their neighbours. While they would extend the frontage of taller buildings on the opposite side of Woolwich New Road, they would be much more carefully articulated and of a more respectful scale. For those reasons, I do not consider that the proposals would cause further harm to the setting or the significance of the Church, the Presbytery, or the neighbouring locally-listed buildings.
- 12.52 As outlined above, the Town Hall, a Grade II\* listed building, sits on Wellington Street opposite the Phase 1 building that houses the Civic Centre

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<sup>663</sup> Mr Guillery's well-observed description

<sup>664</sup> CD11.24, CD11.29 and CD11.30 refer

<sup>665</sup> CD1.2.15 View 2 Proposed

<sup>666</sup> Details in CD9.3.1 Appendix 1 and CD10.1 Page 19

and the library. Again, the contrast in scale and articulation between the Phase 1 building and the Town Hall is stark. The setting of the Town Hall has without doubt been harmed by what has been built opposite it.

- 12.53 There are places where the Phase 3 and/or Phase 4 elements of the proposal could be seen in juxtaposition with the Town Hall<sup>667</sup> so there would be an impact on its setting as a result of the proposals. However, the degree of separation, and in the case of Phase 4, the intervening presence of the Ogilby development, means that the impact would not be a harmful one.
- 12.54 I would observe too that the Phase 3 building would tower over the frontage to Thomas Street adjacent. This frontage is locally listed, and part of the conservation area<sup>668</sup>. The contrast in height would be extreme, visually jarring, and harmful to their setting, and that of the conservation area. I reach a similar conclusion in relation to the locally listed buildings, also part of the conservation area, on the opposite side of Woolwich New Road facing the Phase 3 site, that also lie within the conservation area<sup>669</sup>. **[6.86-6.97, 7.101-7.113, 8.68-8.80, 8.82]**

*Conclusion on the Historic Environment Issue*

- 12.55 Bringing those points together, I have found that the proposal would cause harm to the setting and thereby the significance of the Grade I listed Royal Brass Foundry and the Royal Arsenal Conservation Area, the Grade II\* listed Royal Artillery Barracks and the Woolwich Common Conservation Area, and the Grade II listed Equitable House and the Woolwich Conservation Area.
- 12.56 No party to the Inquiry alleges that the harm to significance in any of these cases would be other than less than substantial. Given the high bar required for an impact to be found to be substantial<sup>670</sup>, I agree. However, 'less than substantial harm' covers a wide spectrum from a miniscule amount of harm, to somewhere closely approaching the vitiation of significance.
- 12.57 While any harm to the setting of a listed building attracts considerable importance and weight by virtue of the working of the Act, it is necessary to define where along that spectrum any harm found would be located so that it can properly be weighed in the balance set up in the Framework.
- 12.58 In my view, for the reasons set out, the harm caused to the significance of the Royal Artillery Barracks and the Woolwich Common Conservation Area by the proposals would be at the lower end of the scale. However, the harm that would be caused to the significance of the Royal Brass Foundry and the Royal Arsenal Conservation Area would be greater and somewhere around the middle of the scale. The same conclusion holds for the impact on Equitable House and the Woolwich Conservation Area.
- 12.59 Paragraph 196 of the Framework says that where a development proposal will lead to less than substantial harm to the significance of a designated heritage

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<sup>667</sup> CD1.2.15 View 2 shows one such place

<sup>668</sup> Details in CD9.3.1 Appendix 1 and CD10.1 Page 20

<sup>669</sup> Details in CD9.3.1 Appendix 1

<sup>670</sup> Having regard to advice in Planning Practice Guidance and the Bedford judgment (CD12.8)

asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 12.60 In carrying out that balancing exercise, there is a need to have regard to advice in paragraph 193 of the Framework that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to significance. In the case of the listed buildings affected, it is imperative too to take account of the workings of s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. I deal with all that in my final conclusion below.
- 12.61 I have also found that there would be harm to locally-listed buildings. This brings paragraph 197 of the Framework into play. Again, I deal with this matter below. **[7.114-7.120, 8.83-8.85]**

### ***Living Conditions I***

- 12.62 This issue concerns the impact of the proposals on the living conditions of existing residents through loss of sunlight and/or daylight, and, in the case of 107-137 Wellington Street, visual impact.
- 12.63 It is agreed that policy<sup>671</sup> does not suggest that there should be no reductions at all in sunlight/daylight reaching a property as a result of development proposals, only that there should be no *unacceptable* loss (my emphasis).
- 12.64 It is also common ground that the BRE Guidance<sup>672</sup> can be used as a tool to inform that assessment, but it must be applied in a flexible way. That, it appears to me, is especially so when one is dealing with urban brownfield sites where there is a need to make best use of land.
- 12.65 The assessment of the impact of any loss of sunlight and/or daylight on living conditions is a two-part process; first, as a matter of calculation, whether there would be a material deterioration in conditions; and secondly, as a matter of judgment, whether that deterioration would be acceptable in the particular circumstances of the case, including the local context.
- 12.66 While there are differences between the parties about derivation, the respective sets of calculations have been provided, and largely agreed<sup>673</sup>. However, there is a fundamental question around the baseline for assessment. I recognise what the BRE guidance says but comparison of the impact of the Phase 4 element with a cleared site seems to me unsatisfactory given that the site is all but certain to be developed in a way that makes best use of it.
- 12.67 That said, the approach of the appellant which assesses likely impact through a comparison with the scheme permitted in 2007, and by reference to impacts deemed acceptable in other schemes permitted in the area, also causes difficulties. In the first instance, the 2007 permission, which was granted

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<sup>671</sup> CS Policy DH(b)

<sup>672</sup> CD12.1

<sup>673</sup> ID28 - SoCGDS

under a different policy regime, has lapsed, and it cannot be implemented. Moreover, comparison with other schemes in terms of the impact of and loss of sunlight and/or daylight on living conditions in isolation seems to me somewhat meaningless, because it fails to take into account the panoply of considerations before the Council when it made the decision to grant planning permission for them.

- 12.68 In my view, the pragmatic way to approach this situation is to accept the notion that both the Phase 3 and Phase 4 sites will be developed in some shape or form, so there will be an impact on the daylight/sunlight currently enjoyed by adjoining residents. If one does that then the comparison with the 2007 scheme has some legitimacy.
- 12.69 Put simply, the appellant says that the proposals at issue would have no materially greater impact in daylight/sunlight terms than the lapsed 2007 scheme. In particular, in relation to Phase 3, it is said that no dwelling will experience an impact which results in residual levels of VSC less than 0.8 times that resulting from the 2007 scheme, with many receiving greater levels of daylight. The corresponding figure for Phase 4 is 93% of dwellings, when account is taken of the effect of balconies.
- 12.70 However, as the Council points out, it is inappropriate to apply the BRE reduction criteria of 0.8 times the former value in this type of comparison. In contrast to the appellant's conclusions, the Council's analysis shows that the proposal would predominantly result in lower residual levels of daylight and sunlight than the alternative target values derived from the 2007 scheme, such that there would be a predominantly noticeable negative effect on neighbouring properties, relative to the lapsed scheme.
- 12.71 On my analysis, the impact of the 2007 scheme was on the edge of what could be considered acceptable. I am of the view that for the appeal scheme to have a greater impact means that it would result in an unacceptable loss of daylight and sunlight that would lead to a harmful impact on the living conditions of neighbouring residents.
- 12.72 As I have alluded to above, I do not consider that comparisons with other schemes approved by the Council in recent times is a legitimate approach. There are all sorts of reasons why the Council might have accepted greater impacts elsewhere. No two schemes or sites will share the same characteristics.
- 12.73 Issues have also been raised about the visual impact of the Phase 4 scheme on Nos. 107-137, Wellington Street. I accept that residents of these dwellings currently enjoy views over an open site which is, for the reasons set out above, a somewhat artificial situation. I note too that there is a tree belt between the rear of these properties and the Phase 4 site.
- 12.74 However, the blank, flank wall of Block C would be separated from the western end of the existing flats by just 13m. At that separation distance, it would appear dominant and overbearing. The resulting visual impact would have a detrimental effect on the living conditions of the affected occupiers.  
**[6.98-6.118, 8.86-8.95]**

### ***Living Conditions II***

- 12.75 This issue relates to the living conditions that would be enjoyed by future occupiers of the scheme and there are various aspects that require exploration.
- 12.76 The first relates to levels of sunlight and daylight that would be enjoyed by future residents of the scheme. It is agreed that the BRE Guide is the relevant guidance for the purposes of assessment. The average daylight factor (ADF) and percentage of annual probable sunlight hours (APSH) calculations have been run and tabulated.
- 12.77 The Phase 3 proposal would comply fully with the BRE guidelines. After some adjustment, the SoCGDS records that the Phase 4 scheme achieves 85% adherence. I do accept that this latter figure would reduce to 82% if the likelihood of dirt on glass is factored in but that seems to me a reasonable level of adherence on an urban site that it is important to make best use of.
- 12.78 The Council has also pointed out that these calculations assume the use of light surface finishes in the units. While I recognise that the use of darker finishes will reduce the level of compliance with the guidelines, I do not regard this as an unreasonable assumption. Of course, once the units are occupied, this is not something that could sensibly be controlled but if an occupier chooses to use darker finishes, that would be a matter for them.
- 12.79 Linked to that, concern has also been expressed about the number of single aspect units in the Phase 4 element – 387 out of 598 (65%) on the Council's figures. Policy and standards in the Mayor's Housing SPG suggest that single-aspect units should be minimised (Standard 29). Moreover, there would be, on the Council's analysis 13 single aspect three-bedroom units when the Mayor's Housing SPG says that these should be avoided. The quality of the outlook from some of these single aspect units, particularly the 61 in Blocks A/B/C facing the South Circular was also questioned.
- 12.80 The point has also been made that the Council is approaching this matter inconsistently having made no similar objection in terms of the Phase 3 scheme. However, the number of single aspect units in the Phase 3 scheme would be much lower (33% as opposed to 65%) and to my mind the Council has approached the matter pragmatically, given the obvious difficulties raised by the triangular plan form of the Phase 3 proposal.
- 12.81 The appellant explained that the inclusion of so many single-aspect units in the Phase 4 element was in order to make best use of the site. It is obvious that avoiding the use of single-aspect units, or reducing the proportion of them, in favour of dual-aspect units, would mean that the design envelope would deliver a much-reduced number of units overall. However, making the best use of the site cannot simply be about maximising unit numbers; otherwise there would be no point in the standards in the Mayor's Housing SPG.
- 12.82 I recognise that there would be no north-facing single-aspect units and that the outlook from the single-aspect units, even those in Blocks A/B/C raised above, but facing the busy South Circular, would not be unattractive, in an urban context.



- 12.83 However, as the Mayor's Housing SPG points out<sup>674</sup>, there are all sorts of benefits in dual-aspect units notably better daylight, a greater chance of direct sunlight for longer periods, natural cross ventilation, and a greater capacity to address overheating, mitigating pollution, offering a choice of views, access to a quiet side of the building, greater flexibility in the use of rooms, and more potential for future adaptivity by altering the use of rooms.
- 12.84 With all that in mind, I am of the view that the proportion of single-aspect units in the Phase 4 element, where access to all these benefits would be limited or unavailable, would be far too high. The Phase 4 element would not provide satisfactory living conditions for many of its residents in that respect.
- 12.85 It was suggested that an additional window could be installed in the three-bedroom units allow them to be classified as dual-aspect<sup>675</sup> but in my view this would be something of an artifice, and it would not serve to provide the units concerned with the type of benefits outlined above.
- 12.86 The Mayor's Housing SPG Standard 12 refers to the number of units that should be served by a core and the Council points out that the maximum of eight units per core (per floor) is breached in Blocks D, E, F, G and H in the Phase 4 element. However, the Mayor's guidance is advisory and makes the point that depending on the balance of dwelling types, control over numbers of residents involved, and careful design, it might well be possible for more than eight units to share a core successfully.
- 12.87 As the appellant points out, the extent to which this advisory standard is breached is not great but, in any event, the corridors have obviously been approached with care, with staggered layouts, to prevent an 'institutional' impression, and large windows placed adjacent to the lifts. Moreover, the affected cores serve mainly one- and two-bedroom units, so the numbers of residents sharing the core would be limited.
- 12.88 In that overall context, I do not regard the failure to meet the Mayor's Housing SPG Standard 12 as particularly telling; it would not make for unsatisfactory living conditions for residents. It is also clear that slavish adherence to this standard would reduce the number of units that might be accommodated within the design envelope of the Phase 4 element. In this respect, that would not represent an efficient use of the resource the Phase 4 site represents.
- 12.89 Policy seeks to encourage forms of travel other than the private car and cycling in particular. The provision of well-located, convenient and secure cycle parking in housing (and other) developments is therefore an important consideration. No concern has been raised in terms of the provision proposed in the Phase 3 element of the proposal, but specific criticisms were made of the way it has been approached in the Phase 4 complex.
- 12.90 The concern centres on the decision to locate all the cycle parking for Phase 4 in the lower ground floor of Blocks A and B<sup>676</sup>. This, it is suggested, means that residents would have to walk further to or from their parked bicycle than

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<sup>674</sup> CD11.15 Paragraph 2.3.37

<sup>675</sup> ID16 refers

<sup>676</sup> Drawing No. 6562 D4101 Rev 01 refers

they should, along a route that may involve corridors and doors, or having to cross the public space, or with the potential to meet vehicles entering or leaving the car park. It was explained that this approach was taken in response to constraints of the site, notably the drop shaft, the need to achieve active frontages at ground floor level facing into the public space, and the need to make most efficient use of the land.

- 12.91 On my analysis, the concentration of the cycle parking for the Phase 4 element at the lower ground floor of Blocks A and B would not be as convenient for users as it might be. That said, it is fair to acknowledge that the drop shaft, and the need to achieve active frontages make it difficult to do otherwise without being extravagant in the use of space.
- 12.92 The length of the routes that would need to be taken to and from the cycle park would not be particularly onerous, especially for cyclists, and having to cross the public space would be no great hardship for someone who has just been cycling or is about to. The corridors are of reasonable width and doors would, I am sure, be designed to open freely. Further, the development is intended to be largely car-free so the potential for tension with vehicles in the use of the cycle park would be minimal. Taking those points together, I am content that the approach to cycle parking is a reasonable one, in the circumstances.
- 12.93 Bringing those points together, the approaches taken to cycle parking, and to the cores, are not unreasonable in the light of a desire to make efficient use of the Phase 4 site. While I consider levels of sunlight and daylight that would be received residents of the proposals adequate, there is far too great a proportion of single aspect units in the Phase 4 element even when one considers the need to make the best use of the site. For that reason, my view is that the proposals would fail to provide adequate living conditions for its occupiers. **[6.120-6.143, 8.96-8.110]**

### ***Affordable Housing***

- 12.94 The Council and the appellant have agreed through the SoCGAHV<sup>677</sup> that the affordable housing offer, enshrined in the Agreement under s.106, is policy compliant having regard to LP Policies 3.11 and 3.12, CS Policy H3, and the Framework.
- 12.95 Given the statistics that were quoted I can readily appreciate that SOW and many local representatives and residents feel a sense of frustration about what has been offered, in terms of the amount, its nature, and the levels of profit that would be secured by the developer. It is clear to me too that directing all the affordable housing to Phase 4, leaving the Phase 3 element as open market housing in its entirety (save for the uses at the lower floors) is felt to be divisive, as is the lack of family-size housing as part of the proposals.
- 12.96 I touch on some of these points below but would observe that these criticisms are, in many ways, criticisms of Government policy that relies on the procurement of affordable housing, through the parallel provision of open

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<sup>677</sup> ID20

market housing. An individual planning appeal is not the proper forum for such a debate.

- 12.97 On that overall basis, I can only conclude that the proposals are acceptable in affordable housing terms. **[6.14, 7.121-7.155, 8.111-8.113]**

### **Final Conclusion**

- 12.98 The appellant has set out a range of benefits and those provide a proper starting point for my concluding remarks.
- 12.99 The scheme would deliver 804 new homes, including 186 affordable homes – the maximum reasonably deliverable. That would provide benefit in a local context even though the Council can demonstrate has a five-year supply of housing, and passes the Housing Delivery Test. The benefit becomes significant when one considers the level of provision in the scheme in the wider context of the housing needs of London as a whole.
- 12.100 In relation to the affordable housing, the scheme would deliver 134 homes offered at London affordable rent, and 52 shared ownership homes, in accordance with the Council's policy requirements. Of the former category, 34 would be three-bedroom units, suitable for families. In view of the pressing need for this type of affordable housing in the Borough, this would be a substantial and important public benefit.
- 12.101 The commercial floorspace proposed as part of the scheme is, on the appellant's figures, likely to generate 217 new jobs. The affordable workspace proposed as part of the Phase 4 element will no doubt encourage local start-up businesses and co-working.
- 12.102 On top of that, the scheme will deliver extensive areas of high-quality public realm - a new public square form part of the Phase 4 element while Phase 3 would reinstate Love Lane and improve the public realm in front of Phase 2. The Phase 3 element would bring other townscape benefits too.
- 12.103 As the appellant points out, the Agreement under s.106 will make large contributions, financial and otherwise, to the Council and to TfL for infrastructure and services, and there will be a substantial financial contribution through CIL. However, given that these are policy requirements, or intended to mitigate likely impacts of the development, they cannot properly be considered as benefits.
- 12.104 Following on from that, it is logical to consider the impact of the proposals on the setting and thereby the significance of designated heritage assets. As outlined above, I have found that there would be less than substantial harm caused by the proposals to the significance of Grade II\* listed Royal Artillery Barracks and the Woolwich Common Conservation Area (at the lower end of the scale) and less than substantial harm to the significance of the Grade I listed Royal Brass Foundry and the Royal Arsenal Conservation, and Equitable House and the Woolwich Conservation Area (in the middle of the scale).
- 12.105 Paragraph 196 of the Framework says that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 12.106 That balancing exercise must take place in the light of advice in paragraph 193 of the Framework that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be) and the workings of s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 12.107 With that in mind, it is my view, the public benefits of the scheme, taken at their highest, are far outweighed by the harm it would cause, albeit that the harm would be less than substantial, to the significance of the designated heritage assets identified. The proposal falls contrary to the Framework, LP Policy 7.8, and CS Policies DH3, DH(h) and DH(i), therefore.
- 12.108 That conclusion is sufficient on its own to warrant the dismissal of the appeal, in my view, but there are other matters to address too.
- 12.109 While the Phase 4 element would bring some townscape benefits, and there are parts of the Phase 3 element that have merit, in design terms, the incongruous height of the Phase 3 building would cause harm to its immediate surroundings. It would also harm the setting of adjacent locally listed buildings on Thomas Street, and opposite, on Woolwich New Road.
- 12.110 This brings the proposal into conflict with LP Policies 7.4, 7.5, 7.6 and 7.7, CS Policy DH1 and the Framework, and Section 12 on achieving well-designed places in particular. I acknowledge that development is encouraged in Woolwich by its designation as an Opportunity Area, a Major Town Centre and a regeneration area, and there is much of it already built, and in the pipeline. However, LP Policies 2.13, 2.15(b) and 2.14, and the support offered in the CS, and CS Policy TC2 in particular, make no suggestion that this development should be at the expense of the local environment.
- 12.111 It is important too that best use is made of land but again, as confirmed in paragraph 117 of the Framework, that should not be at the expense of the character or appearance of an area, or the setting of designated heritage assets.
- 12.112 Moreover, while making best use of land will engender the need for some compromises, I have found that in terms of the number of single aspect units, the proposal would not offer a reasonable living environment for its occupiers, contrary to LP Policy 3.5, and neither would the proposal adequately protect the living conditions of neighbouring residents in terms of the loss of sunlight and daylight, and visual impact, contrary to CS Policy DH(b).
- 12.113 Taking those points together, it is very clear that the proposals do not comply with the development plan, as a whole, and there are no material considerations of sufficient weight, in my view, that would justify a decision contrary to the development plan.
- 12.114 To summarise, the grant of outline planning permission for Woolwich Central in 2007 was without doubt, a terrible mistake. In taking its lead from the 2007 grant of outline permission, the scheme at issue here would serve to compound that error.
- 12.115 I am in no doubt that the Phase 3 and Phase 4 sites need to be developed, in a way that makes effective use of the land, but that needs to take place in a way

that seeks to repair the damage than has been done, rather than cause further harm, as well as provide an acceptable living environment for its residents, and its neighbours. [6.144-6.153, 7.161-7.166, 8.115-8.124]

### **13 Recommendations**

- 13.1 I recommend that the appeal is dismissed.
- 13.2 Should the Secretary of State disagree with that recommendation, then planning permission should be granted subject to the conditions set out in Annex C below, and the various obligations in the Agreement under s106.
- 13.3 If the Secretary believes that planning permission should be granted for the proposal but does not consider that an obligation, or obligations, in the Agreement under s.106 are in accord with the CIL Regulations (and thereby the Framework), and should therefore be struck out, then given the wording of the Agreement, it appears to me that the Secretary of State would need to approach the parties for a revised Agreement, or alternatively, ask the appellant to provide a Unilateral Undertaking. Either would require amended wording in Clause 3.2 that allows the Secretary of State to exert the necessary control over the various obligations while granting planning permission. [11.5]

**Paul Griffiths**

**INSPECTOR**

## Annex A: APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Craig Howell Williams QC

Instructed by the Council of the Royal Borough of Greenwich

He called<sup>678</sup>

Dorian Crone BA BArch DipTP RIBA MRTPI IHBC

Aidan Cosgrave BSc(Hons) MRICS  
Delva Patman Redler

Jillian Holford BA(Hons) MTP MRTPI  
Principal Planning Officer RB Greenwich

### FOR THE APPELLANT:

Douglas Edwards QC

Instructed by Winckworth Sherwood LLP

He called<sup>679</sup>

Michael Richter Dipl Arch RIBA  
Formation Architects

Dr Chris Miele MRTPI IHBC  
Montagu Evans

Ian Thody BSc MSc  
eb7

Mark Gibney MRTPI  
Avison Young

### FOR SPEAK OUT WOOLWICH:

John Edwards

Chair of SOW

Gave evidence and  
called

Peter Guillery  
The Survey of London

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<sup>678</sup> Also, Eleanor Penn of RBG Legal Services took part in the discussion around the Planning Obligations

<sup>679</sup> Also, Simon Fowler and Alex Woolcott of Winckworth Sherwood took part in the discussion around the Planning Obligations



INTERESTED PERSONS:

Nicholas Hadziannis	Local Resident
Jenny Sherrell	Local Resident and Representative of the Friends of Woolwich Common
Dora Schweitzer	Local Resident
Richard Buchanan	Woolwich and District Antiquarian Society
Philip Binns	Greenwich Conservation Group
Councillor Ivis Williams	Woolwich Common Ward
Kevin Veness	Local Resident
Don Flynn	Local Resident
Councillor John Fahy	Woolwich Riverside Ward
Victoria Rance	Member of, and local parliamentary candidate for, the Green Party
Mike Brooker	Local Resident
Councillor David Gardner	Woolwich Common Ward and Deputy Leader of the Council
Father Michael Branch	Parish Priest of St Peter the Apostle
Dorota Paluch	Local Resident
Helen Brown	Local Resident
Len Duvall	Assembly Member for Greenwich and Lewisham
Councillor Thorpe	Leader of the Council
Lisa Mannion	Local Resident
Anna Townend	Local Resident
Kate Heath	Local Resident
Alex Pemberton	Local Resident
Cathy Oates	Local Resident
Maria Freeman	Local Resident and Representative of the Positive Plumstead Project

Abu Siddiki	Local Resident
Denise Beckles	Local Resident
Louisa Fontana	Local Resident
Gaye Rose	Local Resident
David Larkin	Local Resident
Sheila Field	Local Resident
John Kenny	Local Resident
Matthew Pennycook	MP for Greenwich and Woolwich and Local Resident
Sue Robbins	Local Resident

## **Annex B: DOCUMENTS**

### **CORE DOCUMENTS**

#### **CD1.1 Application Drawings**

- CD1.1.1 Plans submitted with original application (August 2017)
- CD1.1.2 Additional plans submitted during determination
- CD1.1.3 Additional plans submitted post determination

#### **CD1.2 Application Supporting Documents (Original)**

- CD1.2.1 Accommodation Schedule
- CD1.2.2 Air Quality Report by AECOM dated August 2017
- CD1.2.3 Arboricultural Report by AECOM dated August 2017
- CD1.2.4 Archaeology Desk-Based Assessment by AECOM dated August 2017
- CD1.2.5 BREEAM Pre-Assessment by Cudd Bentley dated August 2017
- CD1.2.6 Construction and Environmental Management Plan
- CD1.2.7 Daylight & Sunlight Report by EB7 dated August 2017
- CD1.2.8 Delivery and Servicing Management Plan by AECOM dated August 2017
- CD1.2.9 Design & Access Statement by Formation Architects dated August 2017
- CD1.2.10 Development Implications Statement on Thames Water Assets by Walsh dated 15<sup>th</sup> September 2017
- CD1.2.11 Energy Statement by Cudd Bentley dated August 2017
- CD1.2.12 Environmental Statements: Non-Technical Summary, Volume I, Volume II and Volume III by AECOM dated August 2017
- CD1.2.13 Extract and Ventilation Strategy by Cudd Bentley dated 13<sup>th</sup> September 2017
- CD1.2.14 Flood Risk Assessment by AECOM dated August 2017
- CD1.2.15 Heritage, Townscape and Visual Impact Assessment by Van Bruggen Urbanism dated September 2017
- CD1.2.16 Land Contamination Assessment by AECOM dated August 2017
- CD1.2.17 Landscape Statement by Fabrik Ltd dated August 2017
- CD1.2.18 Planning Statement by GVA dated August 2017
- CD1.2.19 Preliminary Ecological Appraisal by AECOM dated August 2017
- CD1.2.20 Rapid Health Impact Assessment by AECOM dated August 2017
- CD1.2.21 Statement of Community Involvement by AECOM dated August 2017

- CD1.2.22 Sustainability Statement by Cudd Bentley dated 15<sup>th</sup> September 2017
- CD1.2.23 Transport Assessment by AECOM dated August 2017
- CD1.2.24 Travel Plan Framework by AECOM dated August 2017
- CD1.2.25 Utility Services Report by Cudd Bentley dated 15<sup>th</sup> September 2017
- CD1.2.26 Viability Report by James R Brown dated August 2017
- CD1.2.27 Waste Strategy (Operational) by AECOM dated August 2017
- CD1.2.28 Wind Technical Report by RWDI dated August 2017
- CD1.2.29 Application Form
- CD1.2.30 CIL Form
- CD1.2.31 Drawing Register
- CD1.3 Application Supporting Documents (Additional)**
- CD1.3.1 EB7 Clarification Note on Howe/Pepys House and Appendix F (DS Submission 11/10/17) submitted to RBG via e-mail 11/10/17 – 12:50 and 14:18
- CD1.3.2 AECOM Letter (Author Jessamy Funnell) dated 07/12/17 (ref: 60525712) submitted to RBG via e-mail 02/02/18 – 14:55
- CD1.3.3 Sharps Redmore Acoustic Planning Report dated June 2017 submitted to RBG via e-mail 02/02/18 – 14:55
- CD1.3.4 GVA Letter (Author Simon Fowler) dated 21<sup>st</sup> November 2017
- CD1.3.5 Cudd Bentley Briefing Note (Response to GLA) dated 5<sup>th</sup> December 2017
- CD1.3.6 AECOM Environmental Statement Initial Response (Rev. 1) dated January 2018
- CD1.3.7 James Brown Letter (Author James Brown) dated 16<sup>th</sup> January 2018
- CD1.3.8 James Brown Letter (Author James Brown) dated 24<sup>th</sup> January 2018
- CD1.3.9 Design Advisor Response (Design and Access Addendum (Author Formation Architects) dated 26<sup>th</sup> January 2018
- CD1.3.10 AECOM Noise Clarification E-mail from Simon Fowler to Samantha Moreira and Jon Grantham dated 24<sup>th</sup> January 2018 – 14:36 (Noise 24 01 2018)
- CD1.3.11 ES Review – Final Response Report dated 9<sup>th</sup> March and Appendix D Townscape, Heritage and Visual Impact Assessment Further Information (Responds to FC-35)
- CD1.3.12 GVA Letter (Author Simon Fowler) dated 15<sup>th</sup> March 2018
- CD1.3.13 Phase 4 Outlook Photos (West)
- CD1.3.14 Response to Occupation Therapist Matrix dated 14/03/2018

- CD1.3.15 AECOM Highways Note titled 'Woolwich Central – Comments on Sections of Committee Report Relating to Transport'
- CD1.3.16 Calculation of Cycle Parking for Phases 3 and 4 – Printed on 21/07/2017 and 20/0/2018 respectively
- CD1.3.17 Phase 3 and Phase 4 AOD – Building Heights
- CD1.3.18 Drawing D1401 '01' – Level 01 Upper Ground Floor
- CD1.3.19 Drawing SK001 '00' – Phase 4 Balcony Detail
- CD1.3.20 Formation Compliance Note
- CD1.3.21 Cudd Bentley Technical Noted titled 'Woolwich Central (Phase 3 & 4) – CBC Response to Planning Board Recommendation Report (Ref 17/2182/F) (sic) – dated 14<sup>th</sup> March 2018
- CD1.3.22 Sharps Redmore Technical Note dated 14<sup>th</sup> March 2018
- CD1.3.23 AECOM Memo (Author Jessamy Funnell) dated 16<sup>th</sup> March 2018
- CD1.3.24 Fabrik Landscape Statement Addendum dated March 2018
- CD1.3.25 D2373-L204 Rev 'A' Level 00 Access Arrangements
- CD1.3.26 D2373-L206 Rev 'A' Level 01 Access Arrangements
- CD1.3.27 EB7 Correspondence (Author Ian Thody) dated 15<sup>th</sup> March 2018
- CD1.3.28 GVA E-mail (Author Simon Fowler) to RBG dated 8<sup>th</sup> June 2018 – 15:18
- CD1.3.29 Environmental Statement Review Prepared by LUC, Ricardo Energy and Environment, Cassidy Acoustics and Delva Patman Redler LLP dated May 2018
- CD1.3.30 James Brown Letter (Author James Brown) dated 23<sup>rd</sup> May 2018
- CD1.3.31 EB7 Correspondence (Author Ian Thody) dated 6<sup>th</sup> June 2018
- CD1.3.32 Drawing D4905 '01' Proposed Sketch PH4 Cycle Parking Allocation Plan (N.B this has been superseded by later submissions – Rev '04')
- CD1.3.33 Suggested Alternative Corridor Layouts titled Blocks D+E Studies (Author Formation)
- CD1.3.34 EB7 Correspondence (Author Ian Thody) dated 26<sup>th</sup> June 2018
- CD1.3.35 James Brown Letter (Author James Brown) dated 17<sup>th</sup> July 2018
- CD1.3.36 GVA Letter (Author Simon Fowler) dated 7<sup>th</sup> September 2018
- CD1.3.37 Outlook Study – 107-137 Wellington Street (Author Formation)
- CD1.3.38 Accommodation Schedule Rev 11 (Author Formation)
- CD1.3.39 Balcony Schedule Rev 11 (Author Formation)
- CD1.3.40 Wheelchair Adaptable Dwellings Rev 00 dated 7<sup>th</sup> September 2018 (Author Formation) (N.B this has been superseded by later submissions)

- CD1.3.41 Drawing D1401 SK01 – Disabled access to Loading Bay Diagram
- CD1.3.42 Drawing D4905 '02' Proposed Sketch PH4 Cycle Parking Allocation Plan (N.B this has been superseded by later submissions)
- CD1.3.43 EB7 Daylight and Sunlight Report and Appendix dated 30<sup>th</sup> August 2018
- CD1.3.44 EB7 Internal Daylight and Sunlight Report dated 6<sup>th</sup> September 2018
- CD1.3.45 Walsh Correspondence (Author Ben Ransom) dated 29<sup>th</sup> August 2018
- CD1.3.46 Cudd Bentley Correspondence (Author Laura Nolan) dated 29<sup>th</sup> August 2018
- CD1.3.47 Van Bruggen Correspondence (Author Ben van Bruggen) dated 30<sup>th</sup> August 2018
- CD1.3.48 AECOM Correspondence (Author Paget Fulcher) dated 7<sup>th</sup> September 2018
- CD1.3.49 Montagu Evans Proposals Critique (Author Chris Miele) dated 7<sup>th</sup> September 2018
- CD1.3.50 GIA Daylight and Sunlight Critique (Author Simone Pagani) dated 8<sup>th</sup> September 2018
- CD1.3.51 James Brown Letter (Author James Brown) dated 12<sup>th</sup> October 2018 (Submitted following 07.09.2018)
- CD1.3.52 GVA E-mail (Author Simon Fowler) to RBG dated 30<sup>th</sup> October 2018 – 17:37 (Submitted on 30 10 2018)
- CD1.3.53 Not Used
- CD1.3.54 D4105 '02' Level 05-07
- CD1.3.55 Wheelchair Adaptable Dwellings Rev 02 dated 30<sup>th</sup> October 2018 (Author Formation Architects) (N.B this has been superseded by later submissions)
- CD1.3.56 Wheelchair Adaptable / Accessible Units Note dated 30<sup>th</sup> October 2018 (Author Formation)
- CD1.3.57 Drawing D4905 '02' Proposed Sketch PH4 Cycle Parking Allocation Plan (Clarified) (N.B this has been superseded by later submissions)
- CD1.3.58 D2473 L.701 Urban Greening Plan (Author Fabrik)
- CD1.3.59 Design Narrative Document dated October 2018 (Author Formation)
- CD1.3.60 GVA Committee Report Objections and Responses Tracker dated 18<sup>th</sup> October 2018
- CD1.3.61 Drawing D4905 '04' Proposed Sketch PH4 Cycle Parking Allocation Plan (Submitted on 07 11 2018)
- CD1.3.62 Wheelchair Adaptable Dwellings Rev 03 dated 19<sup>th</sup> November 2018 (Author Formation) (N.B this has been superseded by later submissions post determination)



CD1.3.63 James Brown Letter (Author James Brown) dated 2<sup>nd</sup> November 2018

**CD1.4 Application Supporting Documents (Post-Submission of Appeal)**

CD1.4.1 James Brown Letter (Author James Brown) dated 27<sup>th</sup> September 2019

CD1.4.2 Avison Young Letter (Author Simon Fowler) dated 11<sup>th</sup> October 2019

CD1.4.3 Environmental Statement – Revised Non-Technical Summary (NTS) dated October 2019

CD1.4.4 Environmental Statement Addendum – Introduction and Heritage, Townscape and Visual Impact Assessment dated October 2019

CD1.4.5 Avison Young Letter (Author Simon Fowler) dated 11<sup>th</sup> October 2019

CD1.4.6 Accommodation Schedule Rev 15 (Author Formation) dated 11<sup>th</sup> October 2019

CD1.4.7 Wheelchair Adaptable Dwellings Rev 08 dated 11<sup>th</sup> October 2019 (Author Formation Architects)

CD1.4.8 Accommodation / Tenure Mark-Up (Author Formation Architects)

CD1.4.9 Thames Water Drop Shaft Constraints Detail

CD1.4.10 Accommodation Schedule Rev 16 (Author Formation) dated 18<sup>th</sup> October 2019

CD1.4.11 Wheelchair Adaptable Dwellings Rev 10 dated 18<sup>th</sup> October 2019 (Author Formation Architects)

CD1.4.12 Accommodation / Tenure Mark-Up Rev02 (Author Formation Architects)

**CD3 Statutory Consultee Comments of Particular Relevance**

CD3.1 Design Council / CABE correspondence dated 19<sup>th</sup> December 2016

CD3.2 Design Council / CABE correspondence dated 13<sup>th</sup> April 2017

CD3.3 Historic England correspondence dated 23<sup>rd</sup> March 2017

CD3.4 Historic England Consultation Letter dated 27<sup>th</sup> October 2017

CD3.5 Woolwich Central Design Advisor Report dated 19<sup>th</sup> January 2018

CD3.6 Woolwich Central Phases 3 and 4 (Ref. 17/2812/F) Meeting with Conservation Officer Meeting Note: 9<sup>th</sup> February 2018

CD3.7 Correspondence from Alex Ely to Samantha Moreira dated 23<sup>rd</sup> March 2018 – 10:52

CD3.8 LUC Environmental Statement Review (May 2018)

CD3.9 TFL Consultation Letter dated (3<sup>rd</sup> November 2017)

CD3.10 GLA Stage 1 letter and report dated 12<sup>th</sup> December 2017

CD3.11 GLA Stage 2 letter and report dated 17<sup>th</sup> December 2018

- CD3.12 GLA Stage 2 letter and report dated 28<sup>th</sup> January 2019
- CD3.13 Occupational Therapist Comments dated 17<sup>th</sup> October 2017
- CD4 Planning Board Reports and Minutes**
- CD4.1 Planning Board Report dated 20<sup>th</sup> March 2018
- CD4.2 Winkworth Sherwood Correspondence (Author Karen Cooksley) dated 14<sup>th</sup> March 2018
- CD4.3 Planning Board Report (including Supplementary Agendas) dated 21<sup>st</sup> November 2018
- CD4.4 Planning Board Minutes
- CD5 Appeal Submission**
- CD5.1 Appeal Form and Certificates
- CD5.2 List of Submitted Drawings and Documents
- CD5.3 Decision Notice
- CD5.4 Draft Statement of Common Ground
- CD5.5 Appellant Statement of Case
- CD7 Inquiry Documents**
- CD7.1 LPA Appeal Questionnaire
- CD7.2 RBG Statement of Case
- CD7.3 Rule 6 Party Statement of Case
- CD8 Appellant - Proofs of Evidence**
- CD8.1 Mark Gibney, Planning
- CD8.1.1 Appendices of Planning Proof
- CD8.1.2 Summary of Planning Proof
- CD8.2 Chris Miele, Heritage and Townscape
- CD8.2.1 Appendices of Heritage and Townscape Proof
- CD8.2.2 Summary of Heritage and Townscape Proof
- CD8.3 Ian Thody, Daylight and Sunlight
- CD8.3.1 Appendices of Daylight and Sunlight Proof
- CD8.3.2 Summary of Daylight and Sunlight Proof
- CD8.4 Michael Richter, Architecture
- CD8.4.1 Appendices of Architecture Proof
- CD8.4.2 Summary of Architecture Proof

**CD9 Royal Borough of Greenwich - Proofs of Evidence**

CD9.1 Jillian Holford, Planning (including Appendices)

CD9.1.1 Summary of Planning Proof

CD9.2 Aidan Cosgrove, Daylight and Sunlight

CD9.3 Dorian Crone, Design and Heritage

CD9.3.1 Appendices of Design and Heritage Proof

**CD10 Speak Out Woolwich – Proofs of Evidence**

CD10.1 Speak Out Woolwich

CD10.1.1 Appendices of Speak Out Woolwich Proof

CD10.1.2 Summary of Speak Out Woolwich Proof

**CD11 Planning Policy, Guidance and Evidence Base**

CD11.1 National Planning Policy Framework (2019)

CD11.2 National Planning Policy Framework (2018) - revoked

CD11.3 National Planning Policy Framework (2012) - revoked

CD11.4 London Plan (2016)

CD11.5 London Plan (2011) – Excerpt of Policy 3.3

CD11.6 London Plan (2004) – Excerpt of Policy 4B.8

CD11.7 RBG Core Strategy (2014) including Site Allocation MU35

CD11.8 RBG Woolwich Town Centre Masterplan SPD (2012)

CD11.9 RBG Greener Greenwich SPD (2014)

CD11.10 RBG CIL Charging Schedule (2015)

CD11.11 Mayoral CIL2 Charging Schedule (2019)

CD11.12 RBG S106 Planning Obligations SPD (2015)

CD11.13 Mayor's Character and Context SPG (2014)

CD11.14 Mayor's Homes for Londoners: Affordable Housing and Viability SPG (2017)

CD11.15 Mayor's Housing SPG (2016)

CD11.16 Mayor's Planning for Equality and Diversity in London (2007)

CD11.17 Mayor's Shaping Neighbourhoods Accessible London: Achieving an Inclusive Environment SPG

CD11.18 Mayor's Shaping Neighbourhoods: Play and Informal Recreation SPG (2012)

- CD11.19 Mayor's Sustainable Design and Construction SPG (2014)
- CD11.20 Mayor's The Control of Dust and Emissions During Construction and Demolition SPG (2014)
- CD11.21 Draft New London Plan (2019)
- CD11.22 Draft RBG Site Allocations (August 2019)
- CD11.23 Draft Woolwich Urban Design and Public Realm Strategy (February 2019)
- CD11.24 Woolwich Town Centre Heritage Study (December 2018)
- CD11.25 Tall Buildings Assessment 2011 (RBG)
- CD11.26 Policy D1 of the UDP
- CD11.27 Policy H7 of the UDP
- CD11.28 Policy D28 of the UDP
- CD11.29 Woolwich Common Conservation Area Appraisal
- CD11.30 Woolwich Conservation Area Designation Assessment
- CD12 Other Documents Relied Upon by the Parties**
- CD12.1 Building Research Establishment (BRE) Report 209, 'Site layout planning for daylight and sunlight: A guide to good practice'
- CD12.2 Barnwell Manor Wind Energy Ltd v E.Northants DC, English Heritage, National Trust & SSCLG [2014] EWCA Civ 137
- CD12.3 R (app. The Forge Field Society and Others) v Sevenoaks District Council [2014] EWHC 1895 (Admin)
- CD12.4 R (app. Shimbles) v Bradford Metropolitan District Council [2018] EWHC 195 (Admin)
- CD12.5 R (app. Steer) v SSCLG [2017] EWHC 1456 (Admin)
- CD12.6 R (app. Williams) v Powys County Council [2017] EWCA Civ 427
- CD12.7 Palmer v Herefordshire Council & ANOR [2016] EWCA Civ 1061
- CD12.8 Bedford BC v SSCLG [2013] EWHC 2847 (Admin)
- CD12.9 Jones v Mordue [2015] EWCA Civ 1243; [2016] 1 WLR 2682
- CD12.10 Bohm v SSCLG and others [2017] EWHC 3217 (Admin)
- CD12.11 Historic England Historic Environment Good Practice Advice in Planning: 2 Managing Significance in Decision-Taking in the Historic Environment (July 2015)
- CD12.12 Historic England Historic Environment Good Practice Advice in Planning: 3 The Setting of Heritage Assets (2nd Edition)
- CD12.13 Historic England Advice Note 4 - Tall Buildings

- CD12.14 Barnwell Manor Wind Energy Ltd v E.Northants DC, English Heritage, National Trust & SSCLG [2014] EWCA Civ 137
- CD12.15 Appeal Decision for The Whitechapel Estate (Ref: APP/E5900/W/17/3171437) The Planning Inspectorate (2017)
- CD12.16 The DCLG Housing White Paper (2017)
- CD12.17 British Standard document BS8206 pt2
- CD12.18 Section 70(1)(a) of the Town and Country Planning Act 1990
- CD12.19 Appeal Decision for Land at 215 Tunnel Avenue ref. APP/E5330/V/18/3216423, dated 25 September 2019
- CD12.20 2017 SHLAA which forms part of the evidence base for the Draft London Plan
- CD12.21 The Future High Streets Fund Briefing Paper dated 3 September 2019
- CD12.22 Letter from Applicant to GLA regarding Stage II Report dated 19 December 2018
- CD12.23 Housing Delivery Test: 2018 Measurement
- CD12.24 Stage II Report for Kidbrooke Station Square (LPA ref. 18/4187/F) dated 5 August 2019
- CD12.25 RBG Annual Monitoring Report for 2017/18
- CD12.26 RBG Annual Monitoring Report for 2016/17
- CD12.27 RBG Annual Monitoring Report for 2014/15
- CD12.28 RBG Annual Monitoring Report for 2013/14
- CD12.29 National Design Guide dated September 2019, published 1 October 2019
- CD12.30 Committee Report for 2007 Hybrid Permission (ref: 06/1751/O) dated 25 January 2007
- CD12.31 S106 for 2007 Hybrid Permission (ref: 06/1751/O) dated 27 July 2007 and deed of variation dated 5<sup>th</sup> April 2011
- CD12.32 Parameter Plans for 2007 Hybrid Permission (ref: 06/1750/O)
- CD12.33 Committee Report for 2009 General Gordon Square Works Consent (ref. 09/1129/F) dated 22 July 2009
- CD12.34 Design and Access Statement for 2009 General Gordon Square Works Consent (ref. 09/1129/F)
- CD12.35 Planning Board Report for Ogilby Planning Permission
- CD12.36 Building Regulations Part M, Volume 1: Dwellings, 2015 edition incorporating 2016 amendments
- CD12.37 Not Used

CD12.38	Not Used
CD12.39	Not Used
CD12.40	Not Used
CD12.41	Not Used
CD12.42	Not Used
CD12.43	Correspondence from Alex Ely to Michael Richter on 4 <sup>th</sup> July 2017 – 10:40
CD12.44	Design and Access Statement for Hybrid Permission (ref: 06/1751/O) by Collado Collins, June 2006 (Replaced by ID14)
CD12.45	Guidance on Tall Buildings, by CABE and English Heritage, July 2007
CD12.46	Design and Access Statement for Ogilby Housing Society Site, BUJ Architects, October 2015
CD12.47	Drawing - Ogilby Housing Site, West Elevation – 1278-PL-203-A
CD12.48	The Warren (Royal Arsenal Riverside) App ref: 13/0430/R. Drawing no: AA3812/2.1/0024, Context Plan - Level 2
CD12.49	Royal Arsenal (Waterfront Park) Plot B - 434_06_07_100_REV_P1 – Ground Floor Plan
CD12.50	Royal Arsenal (Waterfront Park) Plot B - 434_06_07_101_REV_P1 – Typical Floor Plan
CD12.51	Woolwich Central Phase 4 (ref; 14/2000) : Townscape and Visual Impact Assessment, Appendix 2 - Nathaniel Lichfield and Partners, 2014
CD12.52	Woolwich Central Phase 4 (ref; 14/2000) : Planning and Design and Access Statement Addendum - Nathaniel Lichfield and Partners, 2014
CD12.53	Report of the Examination in Public of the London Plan 2019 dated 8th October 2019
CD12.54	Internal and External Daylight and Sunlight Assessment for Ogilby Housing Scheme (ref; 15/3295/F)
CD12.55	External Daylight and Sunlight Assessments for Woolwich Phase 2 (ref; 06/1751)
CD12.56	External Daylight and Sunlight Assessment for 110-114 Norman Road (ref; 16/2783/F)
CD12.57	External Daylight and Sunlight Assessment for Abbey Place, 5a Felixstowe Road (ref; 16/2878/F)
CD12.58	Internal Daylight and Sunlight Assessment for Greenwich Peninsula (ref; 15/3552/F)
CD12.59	Internal Daylight and Sunlight Assessment for Island Site (ref; 16/2480/F)



- CD12.60 Internal Daylight and Sunlight Assessment for 38 Wellington Street (ref; 13/2798/F)
- CD12.61 Internal and External Daylight and Sunlight Assessment for Royal Arsenal (ref; 16/2807/F)
- CD12.62 Internal Daylight and Sunlight Assessment for The Catholic Club, 81-88 Beresford Street (ref; 16/1975/F)
- CD12.63 Avison Young Correspondence (Author Simon Fowler) to PINS dated 21<sup>st</sup> October 2019
- CD12.64 Catesby Estates Ltd v. Steer [2008] EWCA Civ 1697
- CD12.65 Speak out Woolwich Petition Details
- CD13 Scoping Process Documents**
- CD13.1 EIA Scoping Report prepared by AECOM dated February 2017
- CD13.2 RBG Decision Notice (ref: 17/0960/EIA) dated 10<sup>th</sup> April 2017
- CD14 Other Appeal Documents**
- CD14.1 Revised Statement of Common Ground – Agreed between RBG and Appellant (also ID2)
- CD14.2 S106 Agreement (also ID51)
- CD14.3 Statement of Common Ground – Viability – Agreed between RBG and Appellant (also ID20)
- CD14.4 Statement of Common Ground – Daylight and Sunlight – Agreed between RBG and Appellant (also ID28)
- CD15 Rebuttals (Including Appendices)**
- CD15.1 Mark Gibney, Planning
- CD15.2 Chris Miele, Heritage and Townscape
- CD15.3 Ian Thody, Daylight and Sunlight
- CD15.4 Michael Richter, Architecture
- CD15.5 Jillian Holford, Planning
- CD15.6 Aidan Cosgrove, Daylight and Sunlight
- CD15.7 Dorian Crone, Heritage
- CD15.8 Dorian Crone, Design

## INQUIRY DOCUMENTS

ID1	Appellant's list of appearances
ID2	Statement of Common Ground
ID3	Opening Submissions by the Appellant
ID4	Opening Submissions by Speak Out Woolwich
ID5	Opening Submissions by RB Greenwich
ID6	Submissions of Jenny Sherrell
ID7	Submissions of Dora Schweitzer
ID8	Submissions of Richard Buchanan
ID9	Submissions of Philip Binns
ID10	Errata to PoE of Ian Thody
ID11	Missing Appendix to Chris Miele's Rebuttal (Cityscape)
ID12	Missing Appendix to Michael Richter's Rebuttal (David Bonnett Associates)
ID13	Copy of Proposals Map to Royal Greenwich Local Plan
ID14	DAS relating to 2007 approved scheme (replaces CD12.44)
ID15	Mr Richter's Presentation (EinC)
ID16	Diagram showing potential additional window position
ID17	Submissions of Michael Brooker
ID18	Thomas Street Masterplan SPD
ID19	Extract from PPG15
ID20	Statement of Common Ground on Viability and Affordable Housing
ID21	SOW response to Mr Richter's presentation on design
ID22	Scheme Plans at A4
ID23	Note on Phase 3 Landscaping
ID24	Views of trees in Woolwich Arsenal
ID25	Photograph of Connaught Mews
ID26	<i>Safe Rottingdean Ltd v Brighton and Hove City Council and Others</i> [2019] EWHC 2632 (Admin)
ID27	Extract from ES Chapter C Built Heritage Addendum
ID28	Statement of Common Ground for Daylight and Sunlight Matters
ID29	Submissions of Dorota Paluch

ID30	Submissions of Lisa Mannion
ID31	Submissions of Kate Heath
ID32	Submission of Louisa Fontana
ID33	Submissions of Gaye Rose
ID34	Submissions of David Larkin
ID35	Errata to Mr Gibney's PoE
ID36	Minutes of Greenwich Council Planning Board Meeting 25/01/07
ID37	Extract from CABE/EH Guidance on Tall Buildings
ID38	Extract from By Design
ID39	Extracts from the London Plan
ID40	Draft List of Suggested Conditions
ID41	Revised List of Draft Conditions
ID42	Letter from Appellant regarding Pre-Commencement Conditions
ID43	CIL Compliance Statement
ID44	Summary of s106 Obligations
ID45	Draft Agreement under s106
ID46	Submission from Mr Miele on Heritage at Risk (includes extract from HE Guidance)
ID47	Erratum to PoE of Mr Crone
ID48	Closing Statement on behalf of SOW
ID49	Closing Statement on behalf of the Council
ID50	Closing Statement on behalf of the Appellant
ID51	Completed Agreement under s106 dated 5 December 2019
ID52	Pre-Inquiry Site Visit Route
ID53	Submission of Councillor Ivis Williams
ID54	Submission of Kevin Veness
ID55	Submission of Don Flynn
ID56	Submission of Victoria Rance
ID57	Submission of Helen Brown
ID58	Submission of Councillor Thorpe (Leader of the Council)
ID59	Transcript of SOW statement on affordable housing

- ID60 Note on the early history of No.1 Avenue, the Royal Arsenal, put in by Mr Guillery
- ID61 Submission of Alex Pemberton
- ID62 Submission of Maria Freeman

## **Annex C : Schedule of Conditions**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 6562 D1100 Rev 00: Combined Phase 3 & Phase 4 Location Plan; 6562 D1101 Rev 00: Combined Phase 4 Site Plan; 6562 D2100 Rev 00: Combined Phase 3 & Phase 4 Level 00; 6562 D2101 Rev 00: Combined Phase 3 & Phase 4 Level 01; 6562 D2103 Rev 00: Combined Phase 3 & Phase 4 Level 03; 6562 D2127 Rev 00: Combined Phase 3 & Phase 4 Level 27; 6562 D2500 Rev 00: Combined Phase 3 & Phase 4 Section AA'; 6562 2700 Rev 00: Combined Phase 3 & Phase 4 South Elevation North Elevation; 6562 2702 Rev 00: Combined Phase 3 & Phase 4 East Elevation West Elevation; 6562 D3100 Rev 00: Phase 3 Level 00; 6562 D3101 Rev 00: Phase 3 Level 01-02; 6562 D3103 Rev 00: Phase 3 Level 03-23; 6562 D3124 Rev 00: Phase 3 Level 24-25; 6562 D3126 Rev 00: Phase 3 Level 26-27; 6562 D3500 Rev 00: Phase 3 Section AA' Section BB'; 6562 D3700 Rev 00: Phase 3 South East Elevation; 6562 D3701 Rev 00: Phase 3 North West Elevation; 6562 D3702 Rev 00: Phase 3 South West Elevation; 6562 D3801 Rev 00: Phase 3 Details D1 & D2; 6562 D3802 Rev 00: Phase 3 Details D3 & D4; 6562 D4100 Rev 01: Phase 4 Level 00 (Lower Ground Floor); 6562 D4101 Rev 01: Phase 4 Level 01 (Upper Ground Floor); 6562 D4102 Rev 01: Phase 4 Level 02; 6562 D4103 Rev 02: Phase 4 Levels 03-04; 6562 D4105 Rev 03: Phase 4 Levels 05-07; 6562 D4108 Rev 02: Phase 4 Level 08; 6562 D4109 Rev 02: Phase 4 Level 09; 6562 D4110 Rev 02: Phase 4 Level 10; 6562 D4111 Rev 01: Phase 4 Level 11; 6562 D4112 Rev 01: Phase 4 Level 12; 6562 D4113 Rev 01: Phase 4 Level 13; 6562 D4114 Rev 01: Phase 4 Level 14; 6562 D4115 Rev 01: Phase 4 Level 15; 6562 D4116 Rev 01: Phase 4 Roof Plan; 6562 D4500 Rev 00: Section AA Blocks A-D-F; 6562 D4501 Rev 00: Section BB Blocks B-E-G; 6562 D4502 Rev 00: Section CC Blocks C and H; 6562 D4700 Rev 00: Phase 4 Blocks ABC West Elevation; 6562 D4701 Rev 00: Phase 4 Blocks A-B-C East Elevation; 6562 D4702 Rev 01: Phase 4 Blocks D-e West Elevation; 6562 D4703 Rev 01: Phase 4 Block DE East Elevation; 6562 D4704 Rev 00: Phase 4 Blocks F-G-H West Elevation; 6562 D4705 Rev 00: Phase 4 Blocks F-G-H East Elevation; 6562 D4706 Rev 00: Phase 4 Blocks C-E-H North Elevation; 6562 D4707 Rev 00: Phase 4 Blocks A-D-F South Elevation; 6562 D4800 Rev 00: Phase 4 Typical Details Key Page; 6562 D4801 Rev 00: Phase 4 Blocks ABC & FGH Typical Details 01; 6562 D4802 Rev 00: Phase 4 Blocks ABC & FGH Typical Details 02; 6562 D4803 Rev 00: Phase 4 Blocks ABC & FGH Typical Details 03; 6562 D4804 Rev 00: Phase 4 Blocks DE: Typical Details 04; D2473-L201: Phase 3 – Level 00 – Hard and Soft Landscape General Arrangement; D2473-L202: Phase 3 – Level 02 – Hard and Soft Landscape General Arrangement; D2473-L203: Phase 2 – Level 27 – Hard and Soft Landscape General Arrangement; D2473-L204 A: Phase 4 – Level 00 – Hard and Soft Landscape General Arrangement Sheet 1 of 2; D2473-L205: Phase 4 – Level 00 – Hard and Soft Landscape General Arrangement Sheet 2 of 2; D2473 L206 A: Phase 4 - Level 01 – Hard and Soft Landscape General Arrangement; D2473- L207: Phase 4 – Combined Roof – Hard and Soft Landscape General Arrangement; D2473 L.701: Urban Greening Plan; and D4905 Rev 04: Phase 4 Cycle Parking Plan;
- 3) The development shall be carried out in accordance with the mitigation measures set out in the Environmental Statement dated August 2017

(including, AECOM Environmental Statement Initial Response (Rev. 1) dated January 2018 the ES Addendum dated October 2019 and Revised Non-Technical Summary dated October 2019) 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.

- 4) 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 pollutants from and 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. The scheme shall set out the secure measures, which can, and will, be put in place. The Method Statement shall include details of (a) site hoarding; (b) wheel washing facilities including the location and specification of equipment to be used; (c) dust suppression methods to be used including details of equipment during the different stages of the development; (d) confirmation of whether a mobile crusher will be used on site and if so, a copy of the permit and intended dates of operation; (e) a site plan identifying the location of the site entrance, exit, wheel washing facilities, hard standing(s), hoardings (distinguishing between solid hoarding and other barriers such as Heras and Monarflex sheeting), stock piles, dust suppression facilities, the location of water supplies, and the location of nearest neighbouring receptors; (f) haulage routes; (g) hours of work; (h) Likely noise levels to be generated from plant; (i) details of any noise screening measures; (j) proposals for monitoring noise and procedures to be put in place where agreed noise levels are exceeded; (k) 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 (it is expected that vibration over 1mm/s measured as a peak particle velocity would constitute unreasonable vibration); and (l) adherence to Considerate Constructors scheme. Construction works shall be carried out in accordance with the approved details.
- 5) No development in each Phase 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: (a) the 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); (b) the 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; (c) a plan for efficient materials and waste handling taking into account site constraints; (d) targets for the diversion of waste from landfill; (e) the identification of waste management sites and contractors for all wastes, ensuring that contracts are in place and emphasising compliance with legal responsibilities; (f) transportation arrangements for the removal of waste from the site; and (g) 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 met. The construction operations



associated with each relevant Phase of the development hereby permitted shall be carried out in strict accordance with the approved SWMP.

- 6) No development in each Phase shall commence until a detailed, site-specific Construction Travel Plan (CTP) incorporating measures to promote and maximise the use of sustainable travel (including public transport, walking cycling, and the use of the river) and monitoring arrangements for the construction of each Phase of the development has been submitted to, and approved in writing by, the local planning authority. The CTP shall be implemented in accordance with the approved details.
- 7) No development in each Phase shall commence until a detailed Construction Logistics Plan (CLP) has been submitted to, and approved in writing by, the local planning authority. The CLP shall include measures to dissuade construction workers from parking in the vicinity of the site. The CLP shall be implemented in accordance with the approved details.
- 8) Prior to the commencement of each Phase of development, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to, and approved in writing by, the local planning authority: (1) a preliminary risk assessment identifying all previous uses, potential contaminants associated with those uses, a conceptual model of the site including sources, pathways and receptors, and potentially unacceptable risks arising from contamination at the site. Should the preliminary risk assessment identify the need for further investigation: (2) a site investigation scheme, based on (1) to characterise the site; and 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; and (4) a verification plan providing details of the data that will be collected in order to demonstrate that the works 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.
- 9) Prior to occupation of each Phase of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.
- 10) If, during development of each Phase, 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 will be dealt with, and obtained written approval of it from the local planning authority. The remediation strategy shall be implemented as approved.

- 11) No development shall take place until a survey relating to unexploded ordnance, together with details of proposed mitigation measures, has been carried out, and then submitted to, and approved in writing by the local planning authority. Development shall thereafter be carried out in strict accordance with the approved details.
- 12) Piling or any other foundation designs, investigation boreholes (for the purposes of establishing piling methodology), or ground source heating and cooling systems 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. Development shall be carried out in accordance with the approved details.
- 13) A. Prior to the commencement of the relevant Phase of the development details of all plant and machinery to be used at the demolition and construction phases shall be submitted to, and approved in writing by, the local planning authority. Evidence is required to meet Stage IIIA of EU Directive 97/68/ EC for both NO<sub>x</sub> and PM. All Non-Road Mobile Machinery (NRMM) and plant to be used on the site of net power between 37kW and 560 kW must have been registered at <http://nrmm.london/>. Proof of registration must be submitted to the local planning authority prior to the commencement of any works on site. B. The NRMM used during the demolition and construction phases must be carried out in accordance with the approved details. C. An inventory of all NRMM must be kept on site during the course of demolition, site preparation and construction phases. All machinery should be regularly serviced with service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment. This documentation should be made available to local authority officers as required until development completion.
- 14) A. No development for each Phase shall take place until the applicant (or their heirs and successors in title) has secured the implementation of a programme of archaeological observation and recording in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved in writing by the local planning authority and a report on that evaluation has been submitted to and approved in writing by the local planning authority. B. Under Part A, the applicant (or their heirs and successors in title) shall implement a programme of archaeological observation and recording in accordance with a Written Scheme of Investigation. C. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part A, and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.
- 15) Before development commences, details of the incorporation of the Imperial Seal 'VR' (Victoria Regina), or any such replica, into the hereby permitted development shall be submitted to, and approved by, the Local Planning Authority. In the event that the original Imperial Seal 'VR' Victoria Regina cannot be provided, the details of a replica are to be agreed with the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 16) No development in any Phase shall commence until a detailed schedule/specification (including an on-site sample panel) of all external

materials, finishes, windows and external doors, and roof covering(s) to be used on the building(s) in the Phase concerned have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.

- 17) No development in any Phase (or sub-Phase), other than demolition and groundworks shall take place until details relating to the design of all residential entrances including entrance doors, gates, entry control systems, the display of postal numbers, and the letter box facility, including its position, have been submitted to and approved in writing by the local planning authority. These shall be implemented in accordance with the approved details, completed before first occupation of the Phase (or Sub-Phase) concerned, and retained as such thereafter.
- 18) Upon first occupation of a residential unit, the internal surfaces of living rooms and bedrooms shall be finished so: ceilings with white paint (a reflectance of 85%); walls with pale cream or white paint (a reflectance of 80%); and floors covered with light-wood veneer or light-coloured carpet (a reflectance of 40%) to ensure they match the values used in the relevant Daylight and Sunlight Assessment (of September 2018).
- 19) Prior to the commencement of the relevant Phase of the development hereby permitted, details of Secured by Design measures relevant to this Phase shall be submitted to and approved in writing by the local planning authority. The development shall achieve Secured by Design accreditation. The Secured by Design measures shall be implemented in accordance with the approved details, completed before first occupation of the Phase concerned, and retained as such thereafter.
- 20) Prior to the commencement of the development, drawings illustrating that a minimum of 90% of all dwellings in the development hereby permitted comply with Building Regulation requirement M4(2) 'accessible and adaptable dwellings', have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained as such thereafter.
- 21) Notwithstanding the details shown on the submitted plans, prior to the commencement of development, details demonstrating that the 21 identified social rented units in the development hereby permitted shall comply with Building Regulation requirement M4(3)(2)(b) 'wheelchair user dwellings' shall be submitted to and agreed in writing by the local planning authority. The applicant must fit out the dwellings such as to gain Greenwich Housing Occupational Therapist approval prior to first occupation of the identified dwellings. The applicant must follow the eight stages for fit out and approval as follows: Stage 1: Contact to view 1:50 plans with essential furnishings shown at the planning application stage, preferably a few weeks before submission date so as to allow for comments to be acted upon and any alterations reviewed; Stage 2: Final 1:50 plans agreed; Stage 3: 1:20 plans with elevations for WC, Shower Room, Bathroom and Kitchen submitted to Housing OT for layout approval; Stage 4: Final 1:20 plans agreed. If kitchen plans produced by a specialist firm (after this stage) these must be approved by Housing OT before installation; Stage 5: Site visit at first fix and subsequently at appropriate times to ensure minimal disruption if alterations are required. An example would be when plumbing and electrics are in place but wall finishes not completed. RP Development Manager and consultant to be present when Housing OT visits site; Stage 6: Site visit

prior to handover to Registered Provider "OT snagging". RSL Development Manager and consultant to be present; Stage 7: Nomination of potential tenants at a maximum of six weeks before viewing; and Stage 8: Tenant viewing must be accompanied by Housing Occupational Therapists so that customising details can be agreed such as shower seat and rail positions and kitchen worktop height. These are to be completed prior to the tenant moving in.

- 22) Notwithstanding the details shown on the submitted plans, prior to the commencement of development details full plans demonstrating that the 59 identified dwellings hereby permitted shall comply with Building Regulation requirement M4(3)(2)a 'wheelchair adaptable dwellings' shall be submitted and agreed in writing by the local planning authority in consultation with the Council's Housing Occupational Therapist. The applicant must fit out the dwellings to gain Greenwich Housing Occupational Therapist approval prior to the first occupation of the identified dwellings. Prior to occupation, 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.
- 23) No Phase shall be occupied until a Delivery and Servicing Plan relating to that Phase, demonstrating the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity, has been submitted to and approved in writing by the local planning authority. The Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of each Phase of the development and adhered to thereafter for the lifetime of the development.
- 24) A minimum of 1,347 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved. No development of any Phase of the development shall commence on site until the full details of the cycle parking facilities relating to that Phase have been submitted to and approved in writing by the local planning authority. All cycle parking spaces shall be provided and made available for use prior to occupation of the relevant Phase and retained for their intended purpose thereafter.
- 25) No Phase shall be first occupied until a car park management plan (including details of disabled parking bays and further spaces that could be brought into such use) relating to the relevant Phase has been submitted to, and approved in writing by, the local planning authority. The car park management plan shall be implemented in accordance with the approved details, prior to occupation of each Phase of the development, and operated in accordance those details thereafter.
- 26) A. No Phase shall be occupied until a users' Travel Plan, relating to that Phase, which shall accord with TfL guidance, has been submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with the Travel Plan from first occupation of the relevant Phase. B. The Travel Plan shall specify initiatives to encourage access to and from the site by a variety of non-car means, shall set targets and 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. C. Within the timeframe specified in A and B above, evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed under A and B.

- 27) A. The development hereby permitted shall seek to achieve 100% reduction in regulated building carbon dioxide emissions over Part L 2013 of the building regulations and achieve no less than a 35% reduction in building carbon dioxide emissions over Part L 2013 of the building regulations. B. Prior to the commencement of each Phase of development, an energy statement shall be submitted to and approved in writing by the local planning authority. This must detail how the development proposals, in accordance with the energy hierarchy, meet the required minimum 35% reduction target. C. Prior to first occupation of each Phase of the development, the developer shall submit evidence to show that the minimum 35% reduction over Part L 2013 of the building regulations has been achieved in respect of the relevant Phase.
- 28) Evidence that the scheme of renewable energy provision has been installed in accordance with condition 27, 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 each Phase of the development hereby approved.
- 29) To monitor the effectiveness of the renewable energy technology, a monitoring agreement must be signed with the local planning authority before first occupation of each Phase of development to comply with the prevailing monitoring requirements which will include the installation of an on-site automatic meter reading (AMR) device by the developer.
- 30) Full details of the Combined Heat and Power facility for each Phase of development shall be submitted to and approved in writing by the local planning authority prior to the commencement of the relevant Phase of development hereby approved and the approved scheme shall be operational prior to first occupation. Details shall include location, specification, flue arrangement, and operation/management strategy. The development shall be carried out in accordance with the approved details and retained as such thereafter.
- 31) The CHP plant to be installed in the development 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's Sustainable Design and Construction SPG document. Prior to the commencement of each Phase, evidence to demonstrate compliance with these emission limits in relation to the relevant Phase should be submitted to and approved in writing by the local planning authority.
- 32) No development shall take place in any Phase until full details relating to that Phase, demonstrating how the scheme has been designed to allow for the future connection to any neighbouring heating and cooling system and/or any private wire power network has been submitted to and approved in writing by the local planning authority. Evidence that the approved scheme has been implemented shall be submitted to and approved by the local planning authority prior to the first occupation of the relevant Phase. Development shall be carried out in accordance with the approved design details and retained as such thereafter.
- 33) Details derived using simulation software demonstrating that all dwellings in each Phase comply with the CIBSE49, CIBSE52 and CIBSE59 standard



preventing summer overheating shall be submitted to, and approved in writing by, the local planning authority prior to the construction of the relevant Phase of the development. Development shall be carried out in accordance with the details as approved.

- 34) A. No Phase of the development shall commence 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. The assessment shall include measures to be undertaken to seek to achieve a rating of BREEAM Excellent. B. Within 3 months of first occupation of all non-residential units within each Phase, a copy of the summary score sheet and Post-Construction Review Certificate (under BREEAM or its successor) shall be submitted to, and approved in writing by, the Local Planning Authority, verifying that the agreed standards have been met.
- 35) 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).
- 36) Prior to the commencement of each Phase of the development hereby permitted a final drainage strategy for the relevant Phase shall be submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall include: (a) surface water drainage layout, calculations and details demonstrating how the drainage scheme works; (b) demonstration that the scheme will achieve greenfield run off rates; and (c) a maintenance plan for the drainage system. Upon completion of the last Phase of development, a final site-wide drainage strategy shall be submitted to and approved in writing by the local planning authority. The development hereby permitted shall be implemented in accordance with the approved drainage strategy and this strategy shall be retained for the lifetime of the development.
- 37) 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. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.
- 38) Prior to the first occupation of the development, a methodology for the monitoring and evaluation of demand patterns of the water system over time in order to detect any possible presence of a leak or any inappropriate or unexpected water consumption shall be submitted to and approved in writing by the local planning authority and the approved methodology shall be implemented throughout the lifetime of the development.
- 39) Prior to construction works commencing on each Phase an updated Ecological Assessment including Habitat Management Plan detailing all features of ecological value on the site and setting out measures for their protection during construction works shall be submitted to and approved by the local planning authority. Any mitigation measures identified therein shall be implemented in accordance with the approved details.
- 40) Prior to the commencement of each Phase a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens) relating to that Phase, 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) a report from a suitably qualified ecologist specifying how the landscape features have been developed for biodiversity and ecological enhancement; and (b) details of all landscape features including plans and cross sections. The landscape management plan shall be carried out as approved.

- 41) Full details of an extensive green roof 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 commencement of each Phase of the development hereby approved. These details shall include (a) a report from a suitably qualified ecologist specifying how the extensive green (living) roof has been developed for biodiversity with details of landscape features and a roof cross-section; and (b) the extensive 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, and 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. Parts a) and b) must be addressed within a single submission document. Evidence that the extensive green roof has been installed in accordance with the approved details shall be submitted to and approved in writing by the local planning authority prior to first occupation of the Phase to which the extensive green roof relates. The extensive green roof shall be maintained in its approved form thereafter.
- 42) Full details of an intensive green roof 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 commencement of each Phase 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) a maintenance plan with allocated responsibilities; (c) assessment of the effectiveness of the intensive green (living) roof as a source control mechanism and interceptor for a Sustainable Urban Drainage System (SUDS); (d) the intensive green roof should be comprised of, but not necessarily limited to soil and vegetation (to cover a minimum of 70% of the intensive green roof area for water attenuation purposes), and 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). Parts a) to d) must be addressed within a single submission document. Evidence that the intensive green roof has been installed in accordance with the approved details shall be submitted to and approved in writing by the local planning authority prior to first occupation of the Phase to which the intensive green roof relates. The intensive green roof shall be maintained in its approved form thereafter.
- 43) Full details of a brown roof 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. The brown roof must provide at least the following: (a) a base mixture of crushed brick or concrete aggregate from the

original site graded from 25mm to dust; (b) a collection of larger aggregate items (40-75mm); (c) large boulders; (d) be contoured from heights of at least 5cm to 15cm; (e) have a gravel base and drainage points; (f) have a protective rubber membrane; (g) be allowed to colonise naturally or allow interspersed seed mix if appropriate; (h) consist of material from the site itself and allowed to sit on site during construction; (i) areas of bare shingle, areas of sand for burrowing invertebrates and individual logs or log piles; (j) mould dune sand and compacted crushed brick and concrete in gentle slope formation; and (k) A report from a suitable qualified ecologist specifying how the brown roof has been developed for biodiversity with details of landscape features and a roof cross section. Evidence that the brown roof has been installed in accordance with the approved details shall be submitted to and approved in writing by the local planning authority prior to first occupation of the part of the development to which it relates. The brown roof shall be maintained in its approved form thereafter.

- 44) 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 fledglings have left the nest.
- 45) A. No tree works shall take place until methods of work, position of site offices, material storage, compounds, parking and tree protection and impact mitigation measures prior to commencement of the development and the associated clearance work have been agreed in writing by the local planning authority. B. The recommended measures for Arboricultural Management will be identified by an Arboricultural Impact Assessment and will be carried out in full. C. All permitted or approved tree work will be carried out in accordance with the British Standard BS3998:2010, an Arboricultural Association Approved Contractor or an ISA Certified Arborist/Tree Worker suitably insured and experienced to carry out the tree works. D. All tree works are to be carried out between July and September or November and February. Tree works should also avoid the season for nesting birds. E. No tree works shall be undertaken until the 'all clear' is given, or a programme of recommendations is received in writing as a result of a bat survey conducted by a suitably qualified ecologist. F. All tree works and tree surgery works will be carried out prior to the development of the site, and erection of protective fencing. G. All protective measures, including fencing, shall be implemented prior to any demolition or construction works and remain in situ and intact throughout the duration of the development. Written approval by the local planning authority shall be obtained prior to any temporary removal of protective measures during the development period. H. Should additional tree works become apparent during the construction process; written consent will be required from the Local Planning Authority prior to these additional works being undertaken. I. Any retained trees which die within a period of 5 years from the completion of the development, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
- 46) If more than one year passes between the most recent bat survey and the commencement of development involving tree works relating to a Phase, an

- updated bat survey must be undertaken immediately prior to 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 tree works relating to each Phase.
- 47) Details of bird boxes shall be submitted to and approved in writing by the local planning authority prior to the commencement of each Phase. The details shall include the exact location, specification and design of the bird boxes. The boxes shall be installed in accordance with the approved details, prior to the first occupation of the relevant Phase of development, and retained as such thereafter.
- 48) Prior to the commencement of each Phase of development, an ecological mitigation strategy shall be submitted to and approved in writing by the local planning authority. The approved mitigation measures shall be undertaken in accordance with the approved details for the relevant Phase of the development hereby approved and shall include: (a) native and/or nectar producing and/or deciduous plant and tree species preferably of local provenance; (b) diversity grassland areas such as lawns with low growing native herbs, unmown grass verges, wildflower mixes on amenity and recreational open spaces and/or meadow areas; (c) dense areas of shrubbery; (d) habitat areas identified in the Greenwich Biodiversity Action Plan; (e) living roofs; (f) street trees; (g) artificial nesting and roosting sites.
- 49) A. Prior to the commencement of any above ground works relating to each Phase a detailed Landscaping Strategy, based on the principles secured within the Landscape Strategy hereby approved, for all the hard and soft landscaping of any part of the site not occupied by buildings including details of open space/amenity areas; areas of paving; pedestrian/cycle linkages; bollards; street furniture; wayfinding; materials; boundary treatments; information board (in Phase 3); and wind mitigation shall be submitted to and approved in writing by the local planning authority. B. All hard landscaping works which form part of the approved scheme under A shall be completed in accordance with the approved details prior to occupation of the development. C. All planting, seeding or turfing comprised in the landscaping scheme under A shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion 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.
- 50) Prior to the commencement of each Phase of development a Landscape Management Plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned 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 and details of all landscape features including plans and cross sections. The Landscape Management Plan shall be implemented in accordance with the approved details.

- 51) Prior to the commencement of each Phase of development, details of a lighting strategy for that particular Phase shall be submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall be implemented in accordance with the approved details.
- 52) Details of the children's play areas, play equipment and safety measures proposed for each Phase of development shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the relevant Phase of development. The play areas and play equipment shall be completed in accordance with the approved details prior to the occupation of each Phase of development and shall be retained for the lifetime of the development.
- 53) The internal communal space at Level 27 of Phase 3 shall only be used for residents' functions between the hours of 07:00 – 23:00 (Monday to Saturday inclusive) and 08:00 – 22:00 (Sunday).
- 54) Details of the location of 5 electric vehicle charging points and 5 parking spaces with passive provision for future upgrade, 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 Phase to which they relate. The electric vehicle charging points shall be installed in accordance with the approved details prior to first occupation of the Phase to which they relate, and shall be retained and maintained for their intended purpose thereafter.
- 55) Prior to commencement of the relevant Phase of the development approved herein, details of the refuse storage, recycling facilities, and refuse collection arrangements relating to that Phase shall be submitted to and approved in writing by the local planning authority. Details shall include: separate storage areas for bulk and bin storage; turning areas to allow the refuse trucks to enter and leave in a forward gear; provision of bin storage areas for each non-residential unit; the location of any communal collection points for each of the units; any enclosures to be provided for all of the external communal collection points; and details of management/arrangements for movement of refuse to any collection points. Refuse storage and recycling facilities shall be completed in accordance with the approved details before the Phase to which it relates is first occupied and retained for their intended purpose thereafter.
- 56) 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 community use on drawing D3101 '00' comprising 103sqm of floorspace within the first floor of Phase 3 shall be used only for purposes within Class D1 and for no other purpose.
- 57) Prior to the first occupation of Phase 3 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 implemented in accordance with the approved details prior to the occupation of the residential units, and the first use of the community space identified on drawing D3101 '00' and shall be retained thereafter for its intended purpose.
- 58) 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 Class D1 community floorspace hereby permitted shall not be used as a place of worship.
- 59) Prior to the commencement of Phase 3 of the development hereby permitted, details of the proposed sound insulation scheme for the parts of the development to be used for D1 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 façade of the nearest noise sensitive premises should not exceed 10dB(A) below the typical LA90 1Hour day or LA90 5 min night. Details should include airborne sound insulation. The developer shall certify to the local planning authority that the approved noise mitigation measures have been installed. The approved scheme is to be completed prior to occupation of the community floorspace and shall be permanently retained thereafter.
- 60) 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 non-residential floorspace within the development shall be used as a dwellinghouse within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 61) 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 Class A1/A2/A3 units at ground floor of Phase 3 ('retail units' as shown on drawing 3100 '00'), the Class B1 unit at first floor of Phase 3 ('commercial space' as shown on drawing 3101 '00'), the Class A1/A3 units (Units D and H as shown on drawing 4100 '01') within Phase 4 and the Class B1 units within Phase 4 (Units A1, B1, C1 and C2 as shown on drawings 4100 '00' and 4100 '00'), hereby permitted shall be used for those purposes and for no other purpose.
- 62) Prior to the commencement of each Phase of development a detailed scheme of noise insulation measures for all division walls and/or floors separating Class A/B floorspace and 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 first use of the relevant floorspace and permanently retained thereafter.
- 63) The A1/ A2 / A3/ B1 uses hereby permitted shall only be operational between the following hours: 0700-2300 hours Monday to Saturday (inclusive) and 0800-2200 hours on Sundays and Bank Holidays.
- 64) Prior to commencement of works on the development hereby permitted, a survey measuring noise levels generated from road traffic and other noise shall be submitted to and approved by the local planning authority. Details should include mitigation measures such as siting, orientation, noise barriers and other such measures where appropriate. Noise mitigation measures should achieve internal ambient noise levels detailed in BS8233:2014 with windows open for rapid ventilation purposes. Where this cannot be achieved alternative means of ventilation and cooling will be required. The approved scheme is to be



completed prior to the occupation of the development and shall be permanently maintained thereafter. The developer shall certify to the local planning authority that the noise mitigation measures agreed have been installed. The design and layout of proposed external amenity areas shall be constructed so as to protect amenity spaces (including gardens, balconies and terraces) against externally generated transportation noise sources so as to achieve 50dB(A) LAeq,16 hours with a maximum limit of 55dB(A) LAeq,16hour. Any works which form part of the scheme shall be completed in accordance with the approved details before the dwellings are occupied and shall thereafter be retained as approved.

- 65) Noise levels from any plant associated with the development hereby permitted shall not exceed 10 dB below the existing background level (LA90 15min) when measured at one metre from the façade of the nearest noise sensitive premises.
- 66) A. Prior to the commencement of any above ground works relating to each Phase of development 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 retained and maintained thereafter.
- 67) Before development commences, an air quality assessment report, in accordance with current guidance, for the existing site and proposed development shall be submitted to and approved by the local planning authority. The report shall include an assessment of construction dust impacts. The development shall be at least 'Air Quality Neutral' and an air quality neutral assessment for both building and transport shall be included in the report. The assessment shall have regard to the most recent air quality predictions and monitoring results from the Authority's Review and Assessment process, the London Air Quality Network and the London Atmospheric Emissions Inventory. The report shall include all calculations and baseline data and be set out so that the local planning authority can fully audit the report and critically analyse the content and recommendations. A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the local planning authority prior to development. This shall include mitigation for when air quality neutral transport and building assessments do not meet the benchmarks. The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.
- 68) No development shall commence until a survey of existing reception of television and radio signals within an agreed area, shall be submitted to and approved in writing by the local planning authority. Following the first occupation of each Phase of the development hereby permitted, a survey of



reception of television and radio signals within an agreed area shall be submitted to and approved by the Council in writing. In the event that any mitigation is required, the mitigation shall be undertaken within three months of the completion of each Phase of development, and a copy of the confirmation of the installation shall be submitted to the local planning authority.

- 69) Prior to commencement of the development, a phasing plan shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved plan.



# 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.