

REDACTED

---

**From:** REDACTED @communities.gov.uk>  
**Sent:** 15 January 2020 11:40  
**To:** REDACTED  
**Cc:**  
**Subject:** FW: Recovered Appeal Land at Former Westferry Printworks Site

REDACTED

For you.

REDACTED



Ministry of Housing,  
Communities &  
Local Government

REDACTED

Planning Casework Unit

Ministry of Housing, Communities and Local Government

REDACTED

@communities.gov.uk

PCU General Enquiries: pcu@communities.gov.uk | t: 0303 444 8050

**From:** REDACTED @communities.gov.uk>  
**Sent:** 15 January 2020 11:17  
**To:** REDACTED  
**Cc:**  
**Subject:** RE: Recovered Appeal Land at Former Westferry Printworks Site

Hi REDACTED

I've had interest from the Telegraph in this case today.

Could we get some lines on this? (the Tele were specifically interested in the timeline of the case – i.e. how long did Tower Hamlets take, when did the Inspectorate step in and so forth – could you set this out for me?)

Thanks,

REDACTED

**From:** REDACTED @communities.gov.uk>  
**Sent:** 14 January 2020 17:08  
**To:** REDACTED @communities.gov.uk>  
**Subject:** Recovered Appeal Land at Former Westferry Printworks Site

Please find attached the combined document comprising the final decision letter, Inspector's Report and right to challenge advice note for the above named case.

It will be listed with previous decisions on the MHCLG website at <https://www.gov.uk/government/collections/planning-applications-called-in-decisions-and-recovered-appeals> as soon as possible



**Ministry of Housing,  
Communities &  
Local Government**

**Planning Casework Unit (PCU)**

SE Quarter, Third Floor, Fry Building, 2 Marsham Street, London SW1P 4DF

PCU General Enquiries [@pcu@communities.gsi.gov.uk](mailto:pcu@communities.gsi.gov.uk)

Visit MHCLG on Gov.uk [www.gov.uk/mhclg](http://www.gov.uk/mhclg)

Follow us on Twitter: [@mhclg](https://twitter.com/mhclg)

REDACTED

---

**From:** REDACTED @communities.gov.uk>  
**Sent:** 14 January 2020 16:41  
**To:** REDACTED  
**Cc:**  
**Subject:** RE: Westferry Printworks


All

Firstly thank you so (so) much for the work that has gone into getting this where it now is!

REDACTED

on this basis he would like to proceed with issuing the DL this evening confirming the application is being approved.

Many thanks  
REDACTED

  
An official - Secretary of State's Office

---

**From:** REDACTED @communities.gov.uk>  
**Sent:** 14 January 2020 16:22  
REDACTED

REDACTED @communities.gov.uk>  
**Subject:** RE: Westferry Printworks

No this simplifies things. Thank you for the prompt response.

REDACTED

An official - Secretary of State's Office

---

**From:** REDACTED @communities.gov.uk>  
**Sent:** 14 January 2020 16:21  
**To:** REDACTED @communities.gov.uk>, REDACTED

REDACTED

**Subject:** RE: Westferry Printworks

---

REDACTED  
ED

There has been no interest in this case from the MP, Apsana Begum, or the previous MP. So I don't think a courtesy letter is necessary. However, I've attached one if you or the SoS disagree.

Regards

REDACTED

Planning Casework Unit  
REDACTED

REDACTED

**From:**

[<@communities.gov.uk>](mailto:@communities.gov.uk)

**Sent:** 14 January 2020 16:18  
REDACTED

REDACTED

**Subject:** RE: Westferry Printworks

Thanks for this REDACTED

I have reverted to SoS for his view on whether we should proceed today. Would we send a curtesy letter along with the DL?

Thanks  
REDACTED

An official - Secretary of State's Office

REDACTED

REDACTED

**From:** REDACTED <[REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk)>  
**Sent:** 14 January 2020 15:41  
**To:** REDACTED <[REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk)>; REDACTED <[REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk)>  
REDACTED

**Subject:** Westterry Printworks  
**Importance:** High

REDACTED  
ACTF It would not be possible to introduce a condition on the provision of affordable housing without going back to the parties to ask them for their views on such a condition - and we don't have time for that. However, the DL and Unilateral Undertaking do provide for a Late Stage Review once 75% of the homes were sold or let, which could provide for more Affordable Housing if viability has increased at that point in time.

REDACTED

I attach a copy of the DL. In order to issue today we would need confirmation that the SoS is content by Spm (This is to avoid any criticism that the decision was not received within office hours). I really do think we REDACTED have done as much as is possible and as such suggest that the decision is issued in these terms. Thanks.

REDACTED  
D

REDACTED

---

**From:** REDACTED [REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk)  
**Sent:** 14 January 2020 15:19  
REDACTED

**Subject:** RE: Westferry Printworks

Hi REDACTED thanks for this.

What options do we have around the AH point? Can we impose a condition that the developer must look to increase the AH within the scheme?

Thanks  
REDACTED



REDACTED

An official - Secretary of State's Office

---

**From:** REDACTED [REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk)  
**Sent:** 14 January 2020 15:16  
**To:** REDACTED [REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk)  
REDACTED

**Subject:** Westferry Printworks

REDACTED

Regards

REDACTED

Planning Casework Unit  
REDACTED

REDACTED



REDACTED

From: REDACTED  
Sent: 14 January 2020 11:59  
REDACTED  
@communities.gov.uk>

Subject: Revised Westferry DL

All

Psa a revised DL for Westferry, REDACTED I think this broadly meets the SoS' asks, though we  
are disagreeing with his view that the impact on the Old Naval College isn't too bad. REDACTED  
REDACTED But we will have to flag this up  
to RED - see her third bullet. The DL does provide a mechanism for late stage review, which may give the SoS some  
comfort in relation to affordable housing.

Grateful for thoughts

REDACTED

Planning Casework Unit  
REDACTED

REDACTED

REDACTED

---

**From:** REDACTED @communities.gov.uk>  
**Sent:** 14 January 2020 16:22  
**To:** REDACTED  
**Cc:** REDACTED  
**Subject:** RE: Westferry Printworks

No this simplifies things. Thank you for the prompt response.  
REDACTED

An official - Secretary of State's Office

**From:** REDACTED @communities.gov.uk>  
**Sent:** 14 January 2020 16:21  
**To:** REDACTED (@communities.gov.uk); REDACTED  
RED

**Subject:** RE: Westferry Printworks

REDACTED

There has been no interest in this case from the MP, Apsana Begum, or the previous MP. So I don't think a courtesy letter is necessary. However, I've attached one if you or the SoS disagree.

Regards

REDACTED

Planning Casework Unit  
REDACTED

**From:** REDACTED @communities.gov.uk>  
**Sent:** 14 January 2020 16:18  
REDACTED

REDACTED @communities.gov.uk>  
**Subject:** RE: Westferry Printworks

Thanks for this REDACTED

I have reverted to SoS for his view on whether we should proceed today. Would we send a curtesy letter along with the DL?

Thanks  
REDACTED

An official - Secretary of State's Office

REDACTED

REDACTED  
**From:** REDACTED <@communities.gov.uk>  
**Sent:** 14 January 2020 15:41  
**To:** REDACTED <@communities.gov.uk>; REDACTED  
REDACTED

**Subject:** Westferry Printworks  
**Importance:** High

REDACTED  
ACT It would not be possible to introduce a condition on the provision of affordable housing without going back to the parties to ask them for their views on such a condition - and we don't have time for that. However, the DL and Unilateral Undertaking do provide for a Late Stage Review once 75% of the homes were sold or let, which could provide for more Affordable Housing if viability has increased at that point in time.

REDACTED

○ I attach a copy of the DL. In order to issue today we would need confirmation that the SoS is content by 5pm (This is to avoid any criticism that the decision was not received within office hours). I really do think we, REDACTED have done as much as is possible and as such suggest that the decision is issued in these terms. Thanks.

REDACTED

○  
**From:** REDACTED <@communities.gov.uk>  
**Sent:** 14 January 2020 15:19  
REDACTED

**Subject:** RE: Westferry Printworks

REDACTED  
HCTED thanks for this.

What options do we have around the AH point? Can we impose a condition that the developer must look to increase the AH within the scheme?

Thanks  
REDACTED

REDACTED

An official - Secretary of State's Office

**From:** REDACTED [REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk)  
**Sent:** 14 January 2020 15:16  
**To:** REDACTED [REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk)  
REDACTED

**Subject:** Westferry Printworks  
REDACTED

Regards

REDACTED

Planning Casework Unit  
REDACTED

REDACTED

REDACTED

From: REDACTED  
Sent: 14 January 2020 11:59  
REDACTED  
@communities.gov.uk>

**Subject:** Revised Westferry DL

All

Psa a revised DL for Westferry, REDACTED I think this broadly meets the SoS' asks, though we  
are disagreeing with his view that the impact on the Old Naval College isn't too bad. REDACTED  
REDACTED But we will have to flag this up  
to RED- see her third bullet. The DL does provide a mechanism for late stage review, which may give the SoS some  
comfort in relation to affordable housing.

Grateful for thoughts

REDACTED

Planning Casework Unit  
REDACTED

REDACTED

---

**From:** REDACTED @communities.gov.uk>  
**Sent:** 14 January 2020 16:18  
**To:** REDACTED  
**Cc:** REDACTED  
**Subject:** RE: Westferry Printworks

Thanks for this REDACTED

I have reverted to SoS for his view on whether we should proceed today. Would we send a curtesy letter along with the DL?

Thanks  
REDACTED



An official - Secretary of State's Office

REDACTED



REDACTED

**From:** REDACTED <[REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk)>  
**Sent:** 14 January 2020 15:41  
**To:** REDACTED <[REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk)>; REDACTED  
REDACTED

**Subject:** Westferry Printworks  
**Importance:** High

REDACTED  
ACT It would not be possible to introduce a condition on the provision of affordable housing without going back to the parties to ask them for their views on such a condition - and we don't have time for that. However, the DL and Unilateral Undertaking do provide for a Late Stage Review once 75% of the homes were sold or let, which could provide for more Affordable Housing if viability has increased at that point in time.

REDACTED

I attach a copy of the DL. In order to issue today we would need confirmation that the SoS is content by 5pm (This is to avoid any criticism that the decision was not received within office hours). I really do think we, REDACTED have done as much as is possible and as such suggest that the decision is issued in these terms. Thanks.

REDACTED

**From:** REDACTED <[REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk)>  
**Sent:** 14 January 2020 15:19  
REDACTED


**Subject:** RE: Westferry Printworks

Hi <sup>RED</sup><sub>ACT</sub> - thanks for this.

What options do we have around the AH point? Can we impose a condition that the developer must look to increase the AH within the scheme?

Thanks  
REDACTED

An official - Secretary of State's Office

 **From:** REDACTED [REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk)  
**Sent:** 14 January 2020 15:16  
**To:** PSRobertJenrick <[PSRobertJenrick@communities.gov.uk](mailto:PSRobertJenrick@communities.gov.uk)>  
REDACTED

**Subject:** Westferry Printworks  
REDACTED

Regards

REDACTED

Planning Casework Unit  
REDACTED

REDACTED



REDACTED

---

**From:** REDACTED @communities.gov.uk>  
**Sent:** 14 January 2020 15:55  
**To:** REDACTED  
**Cc:**  
**Subject:** FW: Westferry Printworks  
**Attachments:** 200114 Westferry DL\_.docx  
  
**Importance:** High

REDACTED  
D

As discussed, hopefully final DL attached. Nothing to go out until we get the go ahead from the SoS.

Thanks

REDACTED

Planning Casework Unit  
REDACTED

**From:** REDACTED @communities.gov.uk>  
**Sent:** 14 January 2020 15:41  
**To:** REDACTED @communities.gov.uk>, REDACTED  
REDACTED

**Subject:** Westferry Printworks  
**Importance:** High

REDACTED  
CTED  
It would not be possible to introduce a condition on the provision of affordable housing without going back to the parties to ask them for their views on such a condition - and we don't have time for that. However, the DL and Unilateral Undertaking do provide for a Late Stage Review once 75% of the homes were sold or let, which could provide for more Affordable Housing if viability has increased at that point in time.

REDACTED

I attach a copy of the DL. In order to issue today we would need confirmation that the SoS is content by 5pm (This is to avoid any criticism that the decision was not received within office hours). I really do think we REDACTED have done as much as is possible and as such suggest that the decision is issued in these terms. Thanks.

REDACTED

**From:** REDACTED @communities.gov.uk>  
**Sent:** 14 January 2020 15:19  
REDACTED

**Subject:** RE: Westferry Printworks

REDA  
Hi CTED - thanks for this.

What options do we have around the AH point? Can we impose a condition that the developer must look to increase the AH within the scheme?

Thanks  
REDACTED

An official - Secretary of State's Office

**From:** REDACTED @communities.gov.uk>  
**Sent:** 14 January 2020 15:16  
**To:** REDACTED @communities.gov.uk>  
REDACTED

**Subject:** Westferry Printworks

REDACTED

Regards

REDACTED

Planning Casework Unit  
REDACTED

REDACTED

REDACTED

**Subject:** Revised Westferry DL

All

Psa a revised DL for Westferry, REDACTED I think this broadly meets the SoS' asks, though we  
are disagreeing with his view that the impact on the Old Naval College isn't too bad. REDACTED  
REDACTED But we will have to flag this up  
to RED see her third bullet. The DL does provide a mechanism for late stage review, which may give the SoS some  
comfort in relation to affordable housing.

Grateful for thoughts

REDACTED

Planning Casework Unit  
REDACTED

REDACTED

REDACTED

---

**From:** REDACTED @communities.gov.uk>  
**Sent:** 19 February 2020 14:12  
**To:** REDACTED  
**Subject:** FW: Westferry Printworks  
**Attachments:** 200114 Westferry DL\_.docx  
  
**Importance:** High  
  
**Categories:** Folder: Cabinet\Archived mail 01.05 - 09.05

REDACTED

Planning Casework Unit  
REDACTED

---

**From:** REDACTED @communities.gov.uk>  
**Sent:** 19 February 2020 13:19  
**To:** REDACTED  
**Subject:** FW: Westferry Printworks  
**Importance:** High

---

**From:** REDACTED @communities.gov.uk>  
**Sent:** 14 January 2020 15:41  
**To:** REDACTED @communities.gov.uk>, REDACTED  
REDACTED

**Subject:** Westferry Printworks  
**Importance:** High

RED It would not be possible to introduce a condition on the provision of affordable housing without going back to the parties to ask them for their views on such a condition - and we don't have time for that. However, the DL and Unilateral Undertaking do provide for a Late Stage Review once 75% of the homes were sold or let, which could provide for more Affordable Housing if viability has increased at that point in time.

REDACTED

I attach a copy of the DL. In order to issue today we would need confirmation that the SoS is content by 5pm (This is to avoid any criticism that the decision was not received within office hours). I really do think we REDACTED have done as much as is possible and as such suggest that the decision is issued in these terms. Thanks.

REDACTED

From: REDACTED @communities.gov.uk>  
Sent: 14 January 2020 15:19  
REDACTED

**Subject: RE: Westferry Printworks**

Hi REDACTED - thanks for this.

What options do we have around the AH point? Can we impose a condition that the developer must look to increase the AH within the scheme?

Thanks  
REDACTED



An official - Secretary of State's Office

From: REDACTED @communities.gov.uk>  
Sent: 14 January 2020 15:16  
To: REDACTED @communities.gov.uk>  
REDACTED

**Subject: Westferry Printworks**

REDACTED



Regards

REDACTED

Planning Casework Unit  
REDACTED

REDACTED

REDACTED

**From:** REDACTED <[REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk)>  
**Sent:** 10 January 2020 12:19  
**To:** REDACTED <[REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk)>; REDACTED  
REDACTED

**Subject:** REDACTED

REDACTED  
D

Thanks for this.

- We have reflected the SoS' reasons as discussed at the meeting, and set out in your helpful summary note, in the Decision Letter.
- REDACTED
- Risk is unfortunately inevitable when we disagree with an Inspector's recommendation, particularly when, as in this case, it is very thoroughly argued and evidenced.
- If we are to issue this week, in line with the SoS's request, it would need to go by 5:30. (So that it can reasonably be said that it was within office hours for the appellant and Council/Mayor). LB Tower Hamlets is adopting a new Local Plan and CIL regime next week. The appellant believes that the proposal would not be viable if it was liable to CIL charges. We would also need to refer back to the parties for their views on the impact of the new Plan

Regards

REDACTED

Planning Casework Unit  
REDACTED

**From:** REDACTED <[REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk)>  
**Sent:** 10 January 2020 11:50  
REDACTED

**Subject:** REDACTED

REDACTED - we just spoke and you said there had been some further revisions to the DL REDACTED

REDACTED

Would appreciate a speedy response.

REDACTED

An official - Secretary of State's Office

**From:** REDACTED <[REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk)>  
**Sent:** 09 January 2020 18:55  
**To:** REDACTED <[REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk)>; REDACTED  
REDACTED

**Subject:** REDACTED

**Importance:** High

RED  
ACT I was not at the meeting on Monday but as I understand it, REDACTED went through the range of issues raised by the SoS and then he came to his conclusion. And we have tried as best as possible to reflect his reasons in the DL. It is not the case that the SoS subjective decision cannot be challenged at all. We have to provide REDACTED reasoning in the DL as to justify why the SoS is going against the rec of Inspector and officials. That is what we have tried to do. REDACTED  
REDACTED

On timing, my understanding is that SoS is/was insistent that decision issued this week ie. tomorrow - as next week the viability of the scheme is impacted by a change in the London CIL regime.

We are ready to go tomorrow given your final say so. Ta.

REDACTED

**From:** REDACTED <[REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk)>  
**Sent:** 09 January 2020 18:23

REDACTED

**Subject:** REDACTED

REDACTED thanks for this.  
REDACTED  
REDACTED

Happy to discuss  
Thanks  
REDACTED

An official - Secretary of State's Office

**From:** REDACTED <[REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk)>  
**Sent:** 09 January 2020 13:04  
**To:** REDACTED <[REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk)>; REDACTED  
REDACTED

**Subject:** REDACTED

RED  
ACT

As discussed, psa the DL for Westferry, REDACTED Grateful if you could  
ask the SoS to confirm he's content, so the decision can issue tomorrow. We may make a few final tweaks with the  
aim of improving the robustness of the letter.  
REDACTED

REDACTED

Thanks

REDACTED

Planning Casework Unit  
REDACTED

---

**From:** REDACTED <[REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk)>  
**Sent:** 07 January 2020 12:28  
REDACTED

**Subject:** RE: FOR 5PM TODAY & TOMORROW: Day One and Week One advice (email1 of 2)

REDACTED we met yesterday with the SoS to discuss his rationale for wanting to approve Westferry Printworks against  
TFD the advice of PINs and your team. This decision followed the initial advice, further information provided (attached) and my readout from 28/12/2019 (also attached) saying the SoS wanted to take this course of action.

In the meeting we discussed:

1. Placemaking – the SoS's view was that this scheme is marginally worse than the consented scheme in terms of placemaking, however this is outweighed by the economic and housing benefits of the development. His view is that the juxtaposition between building heights already exists in the area and is therefore already part of the overall placemaking of the local area.
2. Heritage impact – Tower Bridge – the SoS's view is this negative impact is important, however is counterbalanced by the need for homes in the area, and the economic benefit the additional housing would bring

3. Heritage impact – Maritime Greenwich WHS – in the report the impact is described as “less than substantial harm”; given this the SoS disagrees with the considerable negative weight attributed to this. His view is that the view is important however there is already a view of skyscrapers and so this additional development does not lead to significant further harm so as to warrant considerable negative weight against it.
4. Affordable housing – the SoS’s view is that although the increase in percentage terms between the consented scheme and this, given the absolute increase in the number of homes in total, a much larger number of affordable homes will be delivered. This should carry favour for the scheme.
5. Impact on wind conditions and sailing in the Millwall Outer Dock – the SoS’s view is that this impact is not substantial and strongly outweighed by the housing benefit and economic benefit from the development

REDACTED



Thanks  
REDACTED

An official - Secretary of State's Office

From: REDACTED

Sent: 17 December 2019 15:34  
REDACTED

@communities.gov.uk>



**Subject:** RE: FOR 5PM TODAY & TOMORROW: Day One and Week One advice (email1 of 2)

Hello all, it's a Christmas miracle! I have 6 out of 7 planning casework decisions for you.

REDACTED

The SoS would also like further information about Westferry Printworks. Specifically, he would like further info on the Heritage impact on Greenwich WMHS (including images). He would also like to understand the nature of the harm to Millwall dock for sailing. Are there images showing the previous (fallback) application as a point of comparison? The SoS would like this info by midday tomorrow to enable a decision within the next couple of days.

Finally, the SoS has decided to take all planning casework decisions himself. Can I please see a look ahead of what is in the pipeline? I would also suggest we bundle up decisions in lots of 3-5 and so can we try and work on this basis. Happy to discuss practicalities of this.

Thanks  
REDACTED

An official - Secretary of State's Office

REDACTED  
**From:** REDACTED <@communities.gov.uk>  
**Sent:** 13 December 2019 15:15  
**To:** REDACTED <@communities.gov.uk>  
REDACTED

**Subject:** RE: FOR 5PM TODAY & TOMORROW: Day One and Week One advice (email1 of 2)  
**Importance:** High

REDACTED

Please find attached the first set of urgent planning cases requested for week 1. The total docs for all the cases exceed the size that can be sent in a single email so the docs for the final 3 cases below REDACTED will be sent in a separate email.

The cases are a combination of some that were seen by ministers pre-purdah but not issued and where confirmation of the decision is needed; cases seen by ministers pre-purdah but where no decision was made; and one case not previously seen by ministers but where the SoS asked for a decision to be issued pre-Christmas. The Secretary of State may wish to decide these cases himself or pass them to his ministerial team.

Of the submissions included, 4 are located in London. Since the original submissions were put up to Ministers, the Mayor has submitted to the Secretary of State his "Intend to Publish" version of the London Plan. Separate advice on strategy and handling in relation to the Plan itself will be provided by the policy team but, for casework purposes it means that the amount of weight to attach to emerging London Plan policies has increased. We have reviewed each of the casework submissions, and concluded that in all cases the latest version of the new London Plan would not alter our recommendations in the submissions.

Full details of the cases are:  
SEE TABLE ON PAGES 80-81

Each of the attachments contains the full docs for each case.

Please let me know if you need anything further. I will be available until 4pm today.

REDACTED



Ministry of Housing,  
Communities &  
Local Government

REDACTED

Planning Casework Unit

Ministry of Housing, Communities and Local Government

REDACTED

@communities.gov.uk

PCU General Enquiries: pcu@communities.gov.uk | t: 0303 444 8050

From: REDACTED

@communities.gov.uk>

Sent: 12 December 2019 13:04  
REDACTED

REDACTED

@communities.gov.uk>

**Subject:** FOR 5PM TODAY & TOMORROW: Day One and Week One advice

**Importance:** High

All

Now that a final list of Day One and Week One advice for a returning or incoming SoS has been agreed, I'm contacting you to set a deadline for these to be submitted to private office. We understand these align with the deadlines set centrally for ET / SCS clearance and so shouldn't cause any major concerns. But please contact us should you have any questions or concerns. Please cascade this email as necessary.

**Day One - To submit to Private Office by 5pm today (Thursday 12<sup>th</sup>)**

**Please submit versions for both a returning Robert Jenrick and new incoming SoS.**

**Day One advice comprises:**

Cabinet briefing

Advice on LGFS

Queen's Speech (inc. advice on DA Bill, WAB implications for MHCLG and Building Safety Legislation)

Building Safety package (inc draft letter to PM, advice on meeting GU / 2.5 commemoration, Update on Part L Consultation: Part 2)

Grenfell public inquiry opening statement

Early comms & visits

Stakeholder call scripts

**Week one - To submit to Private Office by 5pm tomorrow (Friday 13<sup>th</sup>)**

**Comprises:**

**Finance / Corporate**

- Supplementary Estimates
- Approach to Budget/ Allocation of 2020/21 Budgets (meeting on 17 Dec) including: floods, towns capacity fund, troubled families
- Appointments update (including key decisions)

**Housing and Planning**

- Urgent planning cases – update advice
- Homelessness stats Pre-release
- FHSR/Homelessness Reduction Grant allocations.
- Housing Package: DMH, HDT, AHP and New Homes Ombudsman
- Rough Sleeping and Homelessness: Review / task force?
- PRS - business as usual decisions needed on (i) electrical safety regulations (ii) 2 applications for Selective Licencing and (iii) recommendations for the grants announced by the SoS immediately before pre-election period.

**Resilience/ Brexit**

- Resilience briefing
- Brexit advice- WAB Amendments, Mobilisation/ De-mobilisation
- South Yorkshire floods

**Grenfell/BSP**

- Government response to Phase 1 Grenfell report – advice

REDACTED

An official - Secretary of State's Office

REDACTED

---

**From:** REDACTED @communities.gov.uk>  
**Sent:** 10 January 2020 14:23  
**To:** REDACTED

**Cc:**  
**Subject:** EMBARGOED: Recovered Planning Appeal: Westferry Printworks Site, 235 Westferry Road, London, E14 3QS

**Importance:** High

Please note the decision letter remains embargoed until further notice.

 **RECOVERED PLANNING APPEAL: WESTFERRY PRINTWORKS SITE, 235 WESTFERRY ROAD, LONDON E14 3QS**

This email is to give you advance notice of the Secretary of State's decision on the above appeal subject to Ministerial confirmation.

The Secretary of State disagrees with the Inspector's recommendation and has decided to allow the appeal and grant permission for a comprehensive mixed-use redevelopment comprising 1,524 residential units (Class C3), shops, offices, flexible workspaces, financial and professional services, restaurants and cafes, drinking establishments (Classes B1/A1/A2/A3/A4), community uses (Class D1), car and cycle basement parking, associated landscaping, new public realm and all other necessary enabling works.

It is intended that the decision letter will be posted in hard copy and issued electronically. The letter remains embargoed until further notice.

**PLEASE NOTE THAT THIS IS SUBJECT TO THE SECRETARY OF STATE'S CONFIRMATION THAT HE IS CONTENT WITH THE DECISION LETTER AND LEGAL RISK.**

 Regards

REDACTED

REDACTED

**From:** REDACTED  
**Sent:** 10 January 2020 12:59  
**To:** REDACTED  
REDACTED

[REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk)  
[REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk), REDACTED

**Subject:** REDACTED

REDACTED

REDACTED

As I said before he is entitled to reach a contrary decision to any inspector but the reasoning for this must be clear. I am not entirely sure from your response to latest (which is not on this chain but I have seen) what the three "actions" require us to do. I would hope the DL speaks for itself and addresses each of the points we discussed on Monday. I am reluctant to produce another document to highlight things that might in itself end up as evidence in any challenge.

REDACTED  
ED

**From:** REDACTED

[REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk)

**Sent:** 10 January 2020 12:09  
REDACTED

**Subject:** REDACTED

REDACTED

**Thanks**  
REDACTED

An official - Secretary of State's Office

**From:** REDACTED

[REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk)

**Sent:** 10 January 2020 12:07

**To:** REDACTED  
REDACTED

[REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk); REDACTED

**Subject:** REDACTED

**Hi** REDACTED  
TEN

REDACTED

**From:** REDACTED <[REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk)>  
**Sent:** 10 January 2020 11:50  
REDACTED

**Subject:** REDACTED  
REDACTED

An official - Secretary of State's Office

**From:** REDACTED <[REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk)>  
**Sent:** 09 January 2020 18:55  
**To:** REDACTED <[REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk)>; REDACTED  
REDACTED

**Subject:** REDACTED  
**Importance:** High

RED I was not at the meeting on Monday but as I understand it REDAC went through the range of issues raised by the SoS and then he came to his conclusion. And we have tried as best as possible to reflect his reasons in the DL. It is not the case that the SoS subjective decision cannot be challenged at all. We have to provide REDACTED reasoning in the DL as to justify why the SoS is going against the recd of Inspector and officials. That is what we have tried to do. REDACTED REDACTED

On timing, my understanding is that SoS is/was insistent that decision issued this week ie. tomorrow - as next week the viability of the scheme is impacted by a change in the London CIL regime.

We are ready to go tomorrow given your final say so. Ta.

REDACTED

①

**From:** REDACTED @communities.gov.uk>  
**Sent:** 09 January 2020 18:23  
REDACTED

**Subject:** REDACTED

REDA thanks for this.  
CTFD

①

REDACTED

Would an extra day/the weekend be helpful in firming up some of the text – or clarifying any sections specifically with the SoS?

Happy to discuss

Thanks  
REDACTED

An official - Secretary of State's Office

**From:** REDACTED [REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk)  
**Sent:** 09 January 2020 13:04  
**To:** REDACTED [REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk); REDACTED  
REDACTED

**Subject:** REDACTED

REDACTED

As discussed, psa the DL for Westferry, REDACTED Grateful if you could  
ask the SoS to confirm he's content, so the decision can issue tomorrow. We may make a few final tweaks with the  
aim of improving the robustness of the letter.

REDACTED



Thanks

REDACTED

Planning Casework Unit  
REDACTED

**From:** REDACTED [REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk)  
**Sent:** 07 January 2020 12:28  
REDACTED

REDACTED

**Subject:** RE: FOR SPM TODAY & TOMORROW: Day One and Week One advice (email1 of 2)

REDAC  
TED we met yesterday with the SoS to discuss his rationale for wanting to approve Westferry Printworks against the advice of PINs and your team. This decision followed the initial advice, further information provided (attached) and my readout from 28/12/2019 (also attached) saying the SoS wanted to take this course of action.

In the meeting we discussed:

1. Placemaking – the SoS's view was that this scheme is marginally worse than the consented scheme in terms of placemaking, however this is outweighed by the economic and housing benefits of the development. His view is that the juxtaposition between building heights already exists in the area and is therefore already part of the overall placemaking of the local area.
2. Heritage impact – Tower Bridge – the SoS's view is this negative impact is important, however is counterbalanced by the need for homes in the area, and the economic benefit the additional housing would bring
3. Heritage impact – Maritime Greenwich WHS – in the report the impact is described as "less than substantial harm"; given this the SoS disagrees with the considerable negative weight attributed to this. His view is that the view is important however there is already a view of skyscrapers and so this additional development does not lead to significant further harm so as to warrant considerable negative weight against it.
4. Affordable housing – the SoS's view is that although the increase in percentage terms between the consented scheme and this, given the absolute increase in the number of homes in total, a much larger number of affordable homes will be delivered. This should carry favour for the scheme.
5. Impact on wind conditions and sailing in the Millwall Outer Dock – the SoS's view is that this impact is not substantial and strongly outweighed by the housing benefit and economic benefit from the development

REDACTED

Thanks  
REDACTED

An official - Secretary of State's Office

**From:** REDACTED <[REDACTED]@communities.gov.uk>  
**Sent:** 17 December 2019 15:34  
REDACTED

**Subject:** RE: FOR 5PM TODAY & TOMORROW: Day One and Week One advice (email1 of 2)

Hello all, it's a Christmas miracle! I have 6 out of 7 planning casework decisions for you.  
REDACTED

The SoS would also like further information about Westferry Printworks. Specifically, he would like further info on the Heritage Impact on Greenwich WMHS (including Images). He would also like to understand the nature of the harm to Millwall dock for sailing. Are there images showing the previous (fallback) application as a point of comparison? The SoS would like this info by midday tomorrow to enable a decision within the next couple of days.

Finally, the SoS has decided to take all planning casework decisions himself. Can I please see a look ahead of what is in the pipeline? I would also suggest we bundle up decisions in lots of 3-5 and so can we try and work on this basis. Happy to discuss practicalities of this.

Thanks  
REDACTED

An official - Secretary of State's Office

**From:** REDACTED <[REDACTED]@communities.gov.uk>  
**Sent:** 13 December 2019 15:15  
**To:** REDACTED <[REDACTED]@communities.gov.uk>  
**Cc:** REDACTED <[REDACTED]@communities.gov.uk>, REDACTED  
REDACTED

REDACTED

**Subject:** RE: FOR 5PM TODAY & TOMORROW: Day One and Week One advice (email1 of 2)

**Importance:** High

REDACTED

Please find attached the first set of urgent planning cases requested for week 1. The total docs for all the cases exceed the size that can be sent in a single email so the docs for the final 3 cases below REDACTED will be sent in a separate email.

The cases are a combination of some that were seen by ministers pre-purdah but not issued and where confirmation of the decision is needed; cases seen by ministers pre-purdah but where no decision was made; and one case not previously seen by ministers but where the SofS asked for a decision to be issued pre-Christmas. The Secretary of State may wish to decide these cases himself or pass them to his ministerial team.

Of the submissions included, 4 are located in London. Since the original submissions were put up to Ministers, the Mayor has submitted to the Secretary of State his "Intend to Publish" version of the London Plan. Separate advice on strategy and handling in relation to the Plan itself will be provided by the policy team but, for casework purposes it means that the amount of weight to attach to emerging London Plan policies has increased. We have reviewed each of the casework submissions, and concluded that in all cases the latest version of the new London Plan would not alter our recommendations in the submissions.

Full details of the cases are:

SEE TABLE ON PAGES 80-81

SEE TABLE ON PAGES 80-81

Each of the attachments contains the full docs for each case.

Please let me know if you need anything further. I will be available until 4pm today.

REDACT  
ED



REDACTED  
Planning Casework Unit  
Ministry of Housing, Communities and Local Government  
REDACTED @communities.gov.uk  
PCU General Enquiries: pcu@communities.gov.uk | t: 0303 444 8050

**From:** REDACTED <@communities.gov.uk>  
**Sent:** 12 December 2019 13:04  
REDACTED

REDACTED

**Subject: FOR 5PM TODAY & TOMORROW: Day One and Week One advice**

**Importance: High**

All

Now that a final list of Day One and Week One advice for a returning or incoming SoS has been agreed, I'm contacting you to set a deadline for these to be submitted to private office. We understand these align with the deadlines set centrally for ET / SCS clearance and so shouldn't cause any major concerns. But please contact us should you have any questions or concerns. Please cascade this email as necessary.

**Day One - To submit to Private Office by 5pm today (Thursday 12<sup>th</sup>)**

**Please submit versions for both a returning Robert Jenrick and new incoming SoS.**

Day One advice comprises:

Cabinet briefing

Advice on LGFS

Queen's Speech (inc. advice on DA Bill, WAB implications for MHCLG and Building Safety Legislation)

Building Safety package (inc draft letter to PM, advice on meeting GU / 2.5 commemoration, Update on Part L

Consultation: Part 2)

Grenfell public inquiry opening statement

Early comms & visits

Stakeholder call scripts

**Week one - To submit to Private Office by 5pm tomorrow (Friday 13<sup>th</sup>)**

Comprises:

**Finance / Corporate**

- Supplementary Estimates
- Approach to Budget/ Allocation of 2020/21 Budgets (meeting on 17 Dec) including: floods, towns capacity fund, troubled families
- Appointments update (including key decisions)

**Housing and Planning**

- Urgent planning cases – update advice
- Homelessness stats Pre-release
- FHSG/Homelessness Reduction Grant allocations.
- Housing Package: DMH, HDT, AHP and New Homes Ombudsman
- Rough Sleeping and Homelessness: Review / task force?
- PRS - business as usual decisions needed on (i) electrical safety regulations (ii) 2 applications for Selective Licencing and (iii) recommendations for the grants announced by the SoS immediately before pre-election period.

**Resilience/ Brexit**

- Resilience briefing
- Brexit advice- WAB Amendments, Mobilisation/ De-mobilisation
- South Yorkshire floods

**Grenfell/BSP**

- Government response to Phase 1 Grenfell report – advice

REDACTED

An official - Secretary of State's Office

REDACTED

---

**From:** REDACTED @communities.gov.uk>  
**Sent:** 10 January 2020 13:01  
**To:** REDACTED  
**Cc:**

**Subject:**

Hi REDACTED  
ED

Thanks for this.

REDACTED



Thanks  
REDACTED

An official - Secretary of State's Office

REDACTED



REDACTED


---

**From:** REDACTED @communities.gov.uk>  
**Sent:** 10 January 2020 12:50  
**To:** REDACTED  
**Cc:**  
**Subject:** FW: EMBARGOED: Recovered Planning Appeal: Westferry Printworks Site, 235 Westferry Road, London, E14 3QS

REDACTED has shared a OneDrive for Business file with you. To view it, click the link below.

 200110 Westferry DL.docx

REDACTED

 The latest version of the DL attached. A few tweaks since the last version REDACTED saw.

Thanks

REDACTED

Planning Casework Unit  
REDACTED

---

**From:** REDACTED @communities.gov.uk>  
**Sent:** 10 January 2020 12:18  
**To:** REDACTED @communities.gov.uk>  
**Subject:** RE: EMBARGOED: Recovered Planning Appeal: Westferry Printworks Site, 235 Westferry Road, London, E14 3QS

hi REDACTED – apologies latest version now in Sharepoint and up to date link attached here.

---

**From:** REDACTED  
**Sent:** 10 January 2020 11:58  
**To:** REDACTED @communities.gov.uk>  
**Subject:** RE: EMBARGOED: Recovered Planning Appeal: Westferry Printworks Site, 235 Westferry Road, London, E14 3QS

Thanks REDACTED please find attached latest version.

Yes I agree with you tbh having re-read IR553 – I was just concerned we were accepting the SoCG and not the Inspector's view but this is clear now from rereading IR553 and specific figures.

Kind Regards

REDACTED  
D

---

**From:** REDACTED @communities.gov.uk>  
**Sent:** 10 January 2020 11:36  
**To:** REDACTED @communities.gov.uk>  
**Subject:** RE: EMBARGOED: Recovered Planning Appeal: Westferry Printworks Site, 235 Westferry Road, London, E14 3QS

Thanks<sup>REDACTED</sup><sub>ED</sub>

Well done for sorting para 40 – REDACTED

Now looks fine.

Para 21 – good thanks

Para 35 – I think I prefer the original wording. Don't we want to say that we agree it will provide a play space etc, rather than just that we've considered the report?

But happy to be persuaded if you think I'm wrong.

I've spoken to<sup>REDACTED</sup><sub>ED</sub>, he was very supportive of our position, but asked us to keep him updated as things develop.

Regards

REDACTED

Planning Casework Unit  
REDACTED

From: REDACTED @communities.gov.uk>

Sent: 10 January 2020 10:54

To: REDACTED @communities.gov.uk>

Subject: RE: EMBARGOED: Recovered Planning Appeal: Westferry Printworks Site, 235 Westferry Road, London, E14 3QS

Thanks<sup>RED</sup><sub>ACT</sub> I would be grateful if you can you have a quick look over (attached).

Kind Regards

REDACTED

From: REDACTED @communities.gov.uk>

Sent: 10 January 2020 10:26

To: REDACTED @communities.gov.uk>

Subject: RE: EMBARGOED: Recovered Planning Appeal: Westferry Printworks Site, 235 Westferry Road, London, E14 3QS

Thanks<sup>REDACTED</sup>

Changes look good to me. Grateful if you could add a line in para 40 saying that it also conflicts with the policies in the emerging plans.

Thanks

REDACTED

Planning Casework Unit  
REDACTED

From: REDACTED @communities.gov.uk>

Sent: 10 January 2020 10:23

To: REDACTED @communities.gov.uk>

Subject: RE: EMBARGOED: Recovered Planning Appeal: Westferry Printworks Site, 235 Westferry Road, London, E14 3QS

REDACTED  
Hi

I thought it worth a scan read over this morning.. I have added a couple of minor things in...(see attached).

Also, in paragraph 40 we don't cover the emerging policies of the LonP and the THLP in the conclusions (unlike IR605-609) – any view here?

Thanks

REDACTED

---

**From:** REDACTED <[redacted@communities.gov.uk](mailto:redacted@communities.gov.uk)>  
**Sent:** 09 January 2020 15:57  
REDACTED

**Subject:** RE: EMBARGOED: Recovered Planning Appeal: Westferry Printworks Site, 235 Westferry Road, London, E14 3QS

Both

This is (hopefully) going to be the final version, if we get the OK for despatch.

REDACTED if you get a chance grateful if you could have a go at saving it in the AFP – I've been struggling.  
FD

Thanks

REDACTED

Planning Casework Unit  
REDACTED

---

**From:** REDACTED <[redacted@communities.gov.uk](mailto:redacted@communities.gov.uk)>  
**Sent:** 09 January 2020 15:28  
**To:** REDACTED <[redacted@communities.gov.uk](mailto:redacted@communities.gov.uk)>  
**Cc:** REDACTED <[redacted@communities.gov.uk](mailto:redacted@communities.gov.uk)>  
**Subject:** FW: EMBARGOED: Recovered Planning Appeal: Westferry Printworks Site, 235 Westferry Road, London, E14 3QS  
**Importance:** High

REDACTED

REDACTED and I have spoken today about being on standby for despatch tomorrow. He has queried the residents listed  
TFD on the despatch list and I have confirmed the despatch is for the main parties only.

REDACTED as discussed we are awaiting to hear on the DL from PO so will update here once we have this confirmed. I  
TFD am in the office tomorrow also.

Kind Regards

REDACTED

**From:** REDACTED

**Sent:** 08 January 2020 11:37

**To:** REDACTED [re@communities.gov.uk](mailto:re@communities.gov.uk)

**Subject:** FW: EMBARGOED: Recovered Planning Appeal: Westferry Printworks Site, 235 Westferry Road, London, E14 3QS

**Importance:** High

 REDACTED

Just a heads up on despatch for this one on Friday following my earlier message. I have attached contacts list and will update once we have a finalised DL from legal and cleared etc.

Give me a shout if you have any questions.

Thanks

REDACTED

REDACTED

REDACTED

---

**From:** REDACTED @communities.gov.uk>  
**Sent:** 09 January 2020 15:28  
**To:** REDACTED  
**Cc:**  
**Subject:** FW: EMBARGOED: Recovered Planning Appeal: Westferry Printworks Site, 235 Westferry Road, London, E14 3QS  
**Importance:** High

REDACTED has shared a OneDrive for Business file with you. To view it, click the link below.

 Despatch Contacts Westferry.docx

REDACTED

REDACTED and I have spoken today about being on standby for despatch tomorrow. He has queried the residents listed on the despatch list and I have confirmed the despatch is for the main parties only.

REDACTED - as discussed we are awaiting to hear on the DL from PO so will update here once we have this confirmed. I am in the office tomorrow also.

Kind Regards

REDACTED

---

**From:** REDACTED  
**Sent:** 08 January 2020 11:37  
**To:** REDACTED @communities.gov.uk>  
**Subject:** FW: EMBARGOED: Recovered Planning Appeal: Westferry Printworks Site, 235 Westferry Road, London, E14 3QS  
**Importance:** High

Hi REDACTED

Just a heads up on despatch for this one on Friday following my earlier message. I have attached contacts list and will update once we have a finalised DL from legal and cleared etc.

Give me a shout if you have any questions.

Thanks

REDACTED

---

**From:** REDACTED  
**Sent:** 08 January 2020 09:56  
**To:** REDACTED @communities.gov.uk>; REDACTED @communities.gov.uk>;  
REDACTED

REDACTED

---

**From:** REDACTED @communities.gov.uk>  
**Sent:** 08 January 2020 18:43  
**To:** REDACTED  
**Subject:** FW: Westferry DL  
**Attachments:** 20108 Advice Westferry DL SG (2).docx

REDACTED has shared a OneDrive for Business file with you. To view it, click the link below.

 200108 Westferry DL allow with legal comments.docx

REDACTED work in progress (attached)...

I have beefed up some of the benefits weightings for review and added emphasis on some of the points... I do need to dash off so will come back to it first thing.

Also I am not clear what she means by the housing supply conflict? I can see the points about the housing tenure mix and the level of maximum reasonable amount of AH provision but housing supply suggests to me a meeting housing requirement matter – are you clearer here? I think we know in IR58 they have a 5YLHS... I am not clear here in order to address this.

Thanks

REDACTED

REDACTED

To: [Minister/Secretary of State]

From: REDACTED  
REDACTED

Cleared by: REDACTED PCU

Date: [received by PO]

#### RECOVERED APPEAL - DEVELOPMENT AT FORMER WESTFERRY PRINTWORKS

**Summary of the issue:** The issue is whether to allow an appeal and grant planning permission for a comprehensive mixed-use redevelopment comprising 1,524 residential units - plus employment, leisure and community premises. The main issues in this case are the impacts on the character and appearance of the area; affordable housing provision and impacts on the setting of heritage assets. The site benefits from an existing permission for 722 residential units, a secondary school and other uses ('the consented scheme') the Inspector considers this to be a realistic fallback position.

**Recommendation:** The Inspector's Report (Annex A) recommends dismissing the appeal and refusing planning permission. We agree. His conclusions start at page 102.

**Timing:** The published statutory target date for issuing the decision is 20 February 2020. In order for a decision letter to be prepared, a decision is needed by 13 February 2020. To avoid delay, we will seek to issue before the Council adopts a new local plan on 15 January 2020. This will require a decision by 7 January.

#### Background – interested parties

1. We are not aware of any interest in this case by the current or former MPs. The GLA have objected to the proposals on the grounds of protecting the significance of heritage assets; ensuring proper place-making in the opportunity area and an out of date approach to affordable housing. The London Borough of Tower Hamlets also objected to the proposals. Should you wish to notify Apsana Begum MP (Lab) of your decision, a courtesy letter is at Annex B.

#### Site and proposal

2. The site was formerly occupied by a printworks. This proposal is for 1,524 residential units (21% affordable) and other uses within five tower blocks between 19 – 44 storeys in height. Location maps and plans are at Annex C.

#### Development Plan

3. The adopted development plan for the area comprises the London Plan 2016 (LonP), the London Borough of Tower Hamlets Core Strategy 2010 (CS), the London Borough of Tower Hamlets Managing Development Document 2013 (MDD) and the London Borough of Tower Hamlets Adopted Policies Map 2013. In addition, relevant supplementary planning documents have been produced including The Isle of Dogs and South Poplar Opportunity Area Planning Framework (OAPF) and the London View Management Framework (LVMF).

#### Main material considerations

##### Emerging plan

4. The examination of the draft new London Plan (eLonP) began in January 2019. Subsequent stages of the Plan have progressed (post examination) with the intention to publish the Plan in Feb/March 2020. The examination of the draft London Borough of Tower Hamlets Local Plan 2031 (THLP)



began in 2018 and the Council consulted on main modifications to the plan in March to May 2019. It anticipates adopting the plan, which includes a CIL Charging Schedule, by 15 January 2020.

#### The fallback position

5. The site benefits from an existing permission for 722 residential units (20% affordable), a secondary school and other uses ('the consented scheme'). The appeal proposal differs from the consented scheme by increasing the tallest building from 30 to 44 storeys. The Inspector considers that the consented scheme represents a realistic fallback position and there is a reasonable prospect this would be implemented if this proposal were to be dismissed. He also concludes that many of the benefits of the appeal scheme would also be delivered by the consented scheme. We agree.

#### Design related issues compared to consented scheme

6. The Inspector considers that the proposed scheme would represent a marked step up in height, mass and scale at the southern end of Millwall Inner Dock Tail Building Zone (TBZ) and would fail to 'step down' in height as required by the Core Strategy (CS). Further, it would fail to create a satisfactory transition in scale to the adjoining residential areas to the north of the site and to the south of Millwall Outer Dock and would not relate well to the street scene of Westferry Road. The Inspector considers it would conflict with current development plan policies and emerging policies. We agree and consider that the conflicts identified carry significant weight against the proposal.

#### Heritage impacts

7. The Inspector considers that the proposals would result in 'less than substantial harm' to the setting of the Old Royal Naval College, Tower Bridge and the setting of the Maritime Greenwich World Heritage Site. The Inspector attributes considerable importance and weight to this harm. We agree. However, in line with the Framework para. 196, these 'less than substantial harms' needs to be weighed against the public benefits of the proposals which are considered below.

#### The mix of market and affordable housing

8. The parties have not disputed that there is an acute need for affordable housing in Tower Hamlets and all agree that the Council can demonstrate a five-year housing land supply. The Inspector considers that the scheme would fail to provide the maximum reasonable amount of affordable housing (21% as set out in the UU, against a plan target of 35%) and would not provide the balance of market housing types or family home provision in conflict with current development plan policies and emerging policies. We agree and consider this carries significant weight against the proposal.

#### The provision of Public Open Space (POS)

9. The Inspector considers that the proposal would provide POS, play space and communal semi-private space in accordance with development plan policies; and would accord with policy DM23 which seeks to improve permeability. It is considered that the POS and public realm enhancements would accord with the design objectives of the IAPF and site allocation of the emerging THLP which are considered to represent significant benefits to the area. However, the consented scheme would offer greater benefits with a larger park area than the proposed scheme. Therefore, we consider this carries limited weight in favour of the scheme.

#### The recreational use of Millwall Outer Dock

10. The Inspector considers that there would be a significant adverse effect on sailing quality for novice and inexperienced sailors. He attaches no weight to the mitigation proposed in the Unilateral

Undertaking (UU). It is considered to be contrary to current development plan policies and emerging policies. Given that the consented scheme would have a similar impact, he gives only limited weight to this harm. We agree.

#### Benefits of the proposal

11. The proposal would not harm the relevant strategic views identified in the LVMF and would provide POS, play space and communal semi-private space with public realm enhancements which would achieve design objectives of the QAPF. It would also exceed housing targets and promote development in opportunity areas of the Docks. However, the Inspector considers that there is however a realistic fallback position which would deliver a number of the benefits that this scheme would provide, and as such affords these moderate weights. We agree.

#### Planning balance and conclusions

12. We consider that the proposal is not in accordance with development plan policies relating to the character and appearance of the area with regards to the scale, proportion and character of surrounding buildings; it would be harmful to the recreational use of Millwall Outer Dock for sailing; it would provide an unacceptable level of affordable housing provision; and would fail to preserve the settings of heritage assets, and thus is not in accordance with the development plan overall. 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.
13. The proposal would exceed housing targets and provide affordable housing to which we attach moderate weight. There would be employment benefits during construction, to which we attach moderate weight. Further it would promote development in opportunity areas of the Docks. We attach limited weight in this respect. We attach limited weight to the provision of open space.
14. The harm to the surrounding area in terms of the significant increase in height, mass and scale of the proposals at the southern end of Millwall Inner Dock Tall Building Zone (TBZ) and its failure to create a satisfactory transition in scale to the adjoining residential areas to the north of the site and to the south of Millwall Outer Dock is considered to weigh significantly against the scheme. In addition, the proposals would not relate well to the street scene of Westferry Road in conflict with development plan policies and emerging plan policies all of which each carry significant weight against the scheme.
15. The proposal would represent harm to the setting of the Old Royal Naval College, the Maritime Greenwich WHS and Tower Bridge which carries considerable weight against the scheme. In the light of the fallback position, and the fact that this proposal is considered to be of greater impact than the consented scheme, we consider that the public benefits of the proposals set out above do not outweigh this harm. The heritage test in paragraph 196 of the Framework is therefore not favourable to the proposal.
16. In the light of our conclusions above, we consider that there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
17. We recommend that you dismiss and refuse planning permission. Do you agree?

#### **Public Sector Equality Duty**



Ministry of Housing,  
Communities &  
Local Government

18. We have considered this case in terms of discrimination, advancing equality of opportunity and fostering good relations in respect of all the protected characteristics. Your Public Sector Equality Duty requires you to take account of the analysis at Annex D.

REDACTED

Annex A – Inspector's Report

Annex B – Courtesy Letter

Annex C – Maps, plans and visuals

Annex D – Public Sector Equality Duty

#### **Annex D – Public Sector Equality Duty**

This duty applies to the protected characteristics of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. We have considered this case in terms of eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations in respect of all the protected groups. In general, it is considered that the provision of affordable housing has a positive impact on protected persons, since persons who share a relevant protected characteristic such as disability, race (particularly minority ethnic groups), or sex are disproportionately in need of affordable housing (for example we know that women access affordable housing in proportionately higher numbers than men). The proposal includes 21% affordable housing and would provide recreational activities to enable children to learn to sail in the Millwall Outer Dock. If you allow the appeal, there would be some positive impact on protected persons. Conversely, if you dismiss the appeal, there would be some negative impact given that the affordable homes would not be built, and the proposed scheme would not provide sailing activities (in the context of the proposal scheme only).

REDACTED

---

**From:** REDACTED @communities.gov.uk>  
**Sent:** 02 January 2020 11:50  
**To:** REDACTED  
**Subject:** FW: New London Plan - weight for DLs

REDACTED to be aware in regard of Westferry.  
ED

Regards

REDACTED

Planning Casework Unit  
REDACTED

**From:** REDACTED @communities.gov.uk>  
**Sent:** 23 December 2019 11:06  
**To:** REDACTED  
**Cc:** REDACTED

@communities.gov.uk> REDACTED  
ED

**Subject:** New London Plan - weight for DLs

REDACTED cc: REDACTED (and DOs for info)  
CTED

we discussed last week, but I have seen that the Mayor has now publicised his "Intend to Publish" version of the London Plan. Accordingly I have tweaked the DL I am working on in respect of a tall building in Lewisham as follows – are you content? I think moderate weight is appropriate given that while the panel have issued their recommendations, the mayor has not accepted all of them, so SoS will have to consider how he approaches this.

<https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/intend-publish-london-plan-2019>

REDACTED

#### Emerging plan

13. The Examination in Public of the London Plan has concluded and the Panel presented their report to the Mayor in October 2019. On 9 December 2019, the Mayor of London submitted his "Intend to Publish" version of the London Plan to the Secretary of State for his consideration.

14. The Secretary of State considers that the emerging policies of most relevance to this case are those set out in IR17-18, now contained in policies D1A and D1B (design-led approach to optimising housing density), D9 (approach to tall buildings) and H5 (viability review mechanisms) in the "Intend to Publish" version.

15. 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. Following recent progress with the emerging London Plan, the Secretary of State concludes that NLP policies carry moderate weight.

REDACTED

Recovered Appeals and Called-In Applications  
Planning Casework Unit  
Ministry of Housing, Communities and Local Government  
3<sup>rd</sup> Floor  
Fry Building  
2 Marsham Street  
London SW1P 4DF



REDACTED

---

**From:** REDACTED @communities.gov.uk>  
**Sent:** 02 January 2020 09:49  
**To:** REDACTED  
**Cc:**  
**Subject:** FW: Recovered planning appeal - Westferry Printworks, Tower Hamlets  
**Attachments:** MP.docx; Prentis-Tower Hamlets 3225474.docx; 191211 Former Westferry Printworks sub .docx

REDACTED

This is the Westferry sub – went up with a batch on 13/12.

Regards

REDACTED


 Planning Casework Unit  
REDACTED

**From:** REDACTED  
**Sent:** 13 December 2019 09:47  
**To:** REDACTED ities.gov.uk>  
**Cc:** @communities.gov.uk>  
**Subject:** Recovered planning appeal - Westferry Printworks, Tower Hamlets

REDACTED

This is the Westferry sub. I think in the covering note we'd want to say something like:

The published target date for issuing the decision is 20 February 2020. In order for a decision letter to be prepared, a decision is needed by 13 February 2020. To avoid delay, we will seek to issue before the Council adopts a new local plan on 15 January 2020. This will require a decision by 7 January. The [former] SoS requested that a decision be issued before Xmas.

 Plus the generic para on the London plan.

Regards

REDACTED

Planning Casework Unit  
REDACTED



Ministry of Housing,  
Communities &  
Local Government

**Robert Jenrick MP**  
*Secretary of State*

**Ministry of Housing, Communities & Local  
Government**

Fry Building  
2 Marsham Street  
London  
SW1P 4DF

Apsana Begum MP  
House of Commons  
London  
SW1A 0AA

Tel: 0303 444 3460  
Email: REDACTED @communities.gov.uk

[www.gov.uk/mhclg](http://www.gov.uk/mhclg)

Our Ref:APP/E5900/W/19/3225474



**Planning appeal: DEVELOPMENT AT FORMER WESTFERRY PRINTWORKS**

You will wish to be aware that a decision has been issued today on this planning appeal.

I enclose a copy of the decision letter, which sets out in full the Secretary of State's reasons for his decision, and the Inspector's report.

**ROBERT JENRICK MP**



To: PS/Secretary of State

From: REDACTED  
REDACTED

Cleared by: REDACTED

PCU

Date: 13/12/19

## RECOVERED APPEAL - DEVELOPMENT AT FORMER WESTFERRY PRINTWORKS

---

**Summary of the issue:** The issue is whether to allow an appeal and grant planning permission for a comprehensive mixed-use redevelopment comprising 1,524 residential units - plus employment, leisure and community premises. The main issues in this case are the impacts on the character and appearance of the area; affordable housing provision and impacts on the setting of heritage assets. The site benefits from an existing permission for 722 residential units, a secondary school and other uses ('the consented scheme') the Inspector considers this to be a realistic fallback position.

---

**Recommendation:** The Inspector's Report (**Annex A**) recommends dismissing the appeal and refusing planning permission. We agree. His conclusions start at page 102.

**Timing:** The published statutory target date for issuing the decision is 20 February 2020. In order for a decision letter to be prepared, a decision is needed by 13 February 2020. To avoid delay, we will seek to issue before the Council adopts a new local plan on 15 January 2020. This will require a decision by 7 January.

---

### Background – interested parties

1. We are not aware of any interest in this case by the current or former MPs. The GLA have objected to the proposals on the grounds of protecting the significance of heritage assets; ensuring proper place-making in the opportunity area and an out of date approach to affordable housing. The London Borough of Tower Hamlets also objected to the proposals. Should you wish to notify Apsana Begum MP (Lab) of your decision, a courtesy letter is at **Annex B**.

### Site and proposal

2. The site was formerly occupied by a printworks. This proposal is for 1,524 residential units (21% affordable) and other uses within five tower blocks between 19 – 44 storeys in height. Location maps and plans are at **Annex C**.

### Development Plan

3. The adopted development plan for the area comprises the London Plan 2016 (LonP), the London Borough of Tower Hamlets Core Strategy 2010 (CS), the London Borough of Tower Hamlets Managing Development Document 2013 (MDD) and the London Borough of Tower Hamlets Adopted Policies Map 2013. In addition, relevant supplementary planning documents have been produced including The Isle of Dogs and South Poplar Opportunity Area Planning Framework (OAPF) and the London View Management Framework (LVMF).

### Main material considerations

#### Emerging plan

4. The examination of the draft new London Plan (eLonP) began in January 2019. Subsequent stages of the Plan have progressed (post examination) with the intention to publish the Plan in Feb/March 2020. The examination of the draft London Borough of Tower Hamlets Local Plan 2031 (THLP)



began in 2018 and the Council consulted on main modifications to the plan in March to May 2019. It anticipates adopting the plan, which includes a CIL Charging Schedule, by 15 January 2020.

#### The fallback position

5. The site benefits from an existing permission for 722 residential units (20% affordable), a secondary school and other uses ('the consented scheme'). The appeal proposal differs from the consented scheme by increasing the tallest building from 30 to 44 storeys. The Inspector considers that the consented scheme represents a realistic fallback position and there is a reasonable prospect this would be implemented if this proposal were to be dismissed. He also concludes that many of the benefits of the appeal scheme would also be delivered by the consented scheme. We agree.

#### Design related issues compared to consented scheme

6. The Inspector considers that the proposed scheme would represent a marked step up in height, mass and scale at the southern end of Millwall Inner Dock Tall Building Zone (TBZ) and would fail to 'step down' in height as required by the Core Strategy (CS). Further, it would fail to create a satisfactory transition in scale to the adjoining residential areas to the north of the site and to the south of Millwall Outer Dock and would not relate well to the street scene of Westferry Road. The Inspector considers it would conflict with current development plan policies and emerging policies. We agree and consider that the conflicts identified carry significant weight against the proposal.

#### Heritage impacts

7. The Inspector considers that the proposals would result in 'less than substantial harm' to the setting of the Old Royal Naval College, Tower Bridge and the setting of the Maritime Greenwich World Heritage Site. The Inspector attributes considerable importance and weight to this harm. We agree. However, in line with the Framework para. 196, these 'less than substantial harms' needs to be weighed against the public benefits of the proposals which are considered below.

#### The mix of market and affordable housing

8. The parties have not disputed that there is an acute need for affordable housing in Tower Hamlets and all agree that the Council can demonstrate a five-year housing land supply. The Inspector considers that the scheme would fail to provide the maximum reasonable amount of affordable housing (21% as set out in the UU, against a plan target of 35%) and would not provide the balance of market housing types or family home provision in conflict with current development plan policies and emerging policies. The Inspector concludes that this would be a significant disadvantage of the scheme, and thus considers that the benefits of affordable housing should only attract moderate weight.

#### The provision of Public Open Space (POS)

9. The Inspector considers that the proposal would provide POS, play space and communal semi-private space in accordance with development plan policies; and would accord with policy DM23 which seeks to improve permeability. It is considered that the POS and public realm enhancements would accord with the design objectives of the IAPF and site allocation of the emerging THLP which are considered to represent significant benefits to the area. However, the consented scheme would offer greater benefits with a larger park area than the proposed scheme. Therefore, we consider this carries limited weight in favour of the scheme.

### The recreational use of Millwall Outer Dock

10. The Inspector considers that there would be a significant adverse effect on sailing quality for novice and inexperienced sailors. He attaches no weight to the mitigation proposed in the Unilateral Undertaking (UU). It is considered to be contrary to current development plan policies and emerging policies. Given that the consented scheme would have a similar impact, he gives only limited weight to this harm. We agree.

### Benefits of the proposal

11. The Inspector considers that the proposal would provide POS, play space and communal semi-private space in accordance with MDD policy DM4 and LonP policy 3.6; and would accord with policy DM23 which seeks to improve permeability. It is considered that the POS and public realm enhancements would accord with the design objectives of the IAPF and site allocation of the emerging THLP which are considered to represent significant benefits to the area. However, the consented scheme would offer greater benefits with a larger park area than the proposed scheme. Therefore we consider this carries limited weight in favour of the scheme.

### Planning balance and conclusions

12. We consider that the proposal is not in accordance with development plan policies relating to the character and appearance of the area with regards to the scale, proportion and character of surrounding buildings; it would be harmful to the recreational use of Millwall Outer Dock for sailing; it would provide an unacceptable level of affordable housing provision; and would fail to preserve the settings of heritage assets, and thus is not in accordance with the development plan overall. 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.
13. The proposal would exceed housing targets and provide affordable housing to which we attach moderate weight. There would be employment benefits during construction, to which we attach moderate weight. Further it would promote development in opportunity areas of the Docks. We attach limited weight in this respect. We attach limited weight to the provision of open space.
14. The harm to the surrounding area in terms of the significant increase in height, mass and scale of the proposals at the southern end of Millwall Inner Dock Tall Building Zone (TBZ) and its failure to create a satisfactory transition in scale to the adjoining residential areas to the north of the site and to the south of Millwall Outer Dock is considered to weigh significantly against the scheme. In addition, the proposals would not relate well to the street scene of Westferry Road in conflict with development plan policies and emerging plan policies all of which each carry significant weight against the scheme.
15. The proposal would represent harm to the setting of the Old Royal Naval College, the Maritime Greenwich WHS and Tower Bridge which carries considerable weight against the scheme. In the light of the fallback position, and the fact that this proposal is considered to be of greater impact than the consented scheme, we consider that the public benefits of the proposals set out above do not outweigh this harm. The heritage test in paragraph 196 of the Framework is therefore not favourable to the proposal.
16. In the light of our conclusions above, we consider that there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.



17. We recommend that you dismiss and refuse planning permission. **Do you agree?**

**Public Sector Equality Duty**

18. We have considered this case in terms of discrimination, advancing equality of opportunity and fostering good relations in respect of all the protected characteristics. Your Public Sector Equality Duty requires you to take account of the analysis at **Annex D**.

REDACTED

Annex A – Inspector's Report

Annex B – Courtesy Letter

Annex C – Maps, plans and visuals

Annex D – Public Sector Equality Duty

#### **Annex D – Public Sector Equality Duty**

This duty applies to the protected characteristics of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. We have considered this case in terms of eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations in respect of all the protected groups. In general, it is considered that the provision of affordable housing has a positive impact on protected persons, since persons who share a relevant protected characteristic such as disability, race (particularly minority ethnic groups), or sex are disproportionately in need of affordable housing (for example we know that women access affordable housing in proportionately higher numbers than men). The proposal includes 21% affordable housing and would provide recreational activities to enable children to learn to sail in the Millwall Outer Dock. If you allow the appeal, there would be some positive impact on protected persons. Conversely, if you dismiss the appeal, there would be some negative impact given that the affordable homes would not be built, and the proposed scheme would not provide sailing activities (in the context of the proposal scheme only).

REDACTED

---

**From:** REDACTED @communities.gov.uk>  
**Sent:** 28 December 2019 15:06  
**To:** REDACTED  
**Cc:**  
**Subject:** RE: Westferry printworks - additional information requested (deadline midday TODAY)

Hi all,

Many thanks for the additional info r.e Westferry printworks.

The SoS has just read out that he would like to approve the application. He would like this communicated asap in the New Year – within the first few days back. I am mindful that a decision letter will need to be drafted and so please do let me know what info is needed to facilitate this.

 Many thanks  
REDACTED

An official - Secretary of State's Office

**From:** REDACTED @communities.gov.uk>  
**Sent:** 18 December 2019 12:08  
**To:** REDACTED @communities.gov.uk>  
**Cc:** REDACTED @communities.gov.uk>  
**Subject:** Westferry printworks - additional information requested (deadline midday TODAY)  
**Importance:** High

 Dear REDACTED

Please find further information concerning Westferry Printworks.

Specifically, in relation to the Heritage impact on Greenwich WMHS (including images) and further information on the nature of the harm to Millwall dock for sailing. For information (attached) are images showing the previous (fallback) application as a point of comparison.

**Heritage impact on Greenwich World Heritage Site:**

The proposal would fail to preserve the setting of the Old Royal Naval College. From some viewpoints from Greenwich Park the towers would appear between the domes of the ORNC, distracting from the ability to appreciate the domes as a symmetrical pair. It would also distract from the appreciation of one of the domes against the background of a clear sky. The fallback scheme would have some impact on those views, but to a lesser extent, given the shorter towers. The ORNC is an important component of the World Heritage Site.

The Inspector deals with this at IR 447-456. He concludes "the proposal would fail to preserve the setting of the ORNC because it would distract from the ability to appreciate the listed building in certain views from Greenwich

Park" (IR455) "Given that the ORNC is an important component of the WHS, I consider that harm to its setting also represents harm to the setting of the WHS and to attribute 1 of its Outstanding Universal Value (the architectural ensemble that includes the ORNC) IR456.

#### **Impact of sailing on Millwall Dock:**

The impacts on sailing in Millwall Dock is covered by the Inspector at IR475-501. He acknowledges that there are no established guidelines for measuring sailing quality. For the purposes of the application and as set out in the Environmental Statement (ES) the assessment of impact has compared the impact between the consented and proposed schemes. Whilst this is not a precise quantification of measurement the Inspector accepts the ES findings at IR488. This is based on wind conditions and the degree of wind speed and direction between adjacent locations, within the dock area, in order to reach a measure of the reduction in the number of days per month when recreational use would be affected (compared to the current situation).

The construction of tall buildings on the site would affect wind conditions, and thus sailing quality, in the western part of the dock, where sailors rig and launch their boats. It would particularly impact novice sailors. It would reduce the days when an agreed quality of wind speed and direction is met to c.10 days per month, as opposed to c.18 days at present. However, the loss of sailing quality is not materially greater than with the fallback scheme. All parties agree that sailing has considerable social benefits, in particular for young people and children."

The Inspector concludes "There would be a significant adverse effect on sailing quality for novice and inexperienced sailors.... Having regard to the acknowledged social benefits of the current sailing activities and the scale of the reduction in sailing opportunities, I consider this would represent a significant disadvantage of the proposals." (IR 498). However, he goes on to say "The effect of the appeal scheme on sailing quality would not be materially different from the consented scheme. Both schemes would have a significant adverse effect on sailing quality in the western part of the dock" (IR501).

I hope this assists. Please let RED or I know if anything further is requested.

Kind Regards

REDACTED

To: PS/Secretary of State

From: REDACTED  
REDACTED

Cleared by: REDACTED PCU

Date: 13/12/19

## RECOVERED APPEAL - DEVELOPMENT AT FORMER WESTFERRY PRINTWORKS

---

**Summary of the issue:** The issue is whether to allow an appeal and grant planning permission for a comprehensive mixed-use redevelopment comprising 1,524 residential units - plus employment, leisure and community premises. The main issues in this case are the impacts on the character and appearance of the area; affordable housing provision and impacts on the setting of heritage assets. The site benefits from an existing permission for 722 residential units, a secondary school and other uses ('the consented scheme') the Inspector considers this to be a realistic fallback position.

---

**Recommendation:** The Inspector's Report (**Annex A**) recommends dismissing the appeal and refusing planning permission. We agree. His conclusions start at page 102.

**Timing:** The published statutory target date for issuing the decision is 20 February 2020. In order for a decision letter to be prepared, a decision is needed by 13 February 2020. To avoid delay, we will seek to issue before the Council adopts a new local plan on 15 January 2020. This will require a decision by 7 January.

---

### Background – interested parties

1. We are not aware of any interest in this case by the current or former MPs. The GLA have objected to the proposals on the grounds of protecting the significance of heritage assets; ensuring proper place-making in the opportunity area and an out of date approach to affordable housing. The London Borough of Tower Hamlets also objected to the proposals. Should you wish to notify Apsana Begum MP (Lab) of your decision, a courtesy letter is at **Annex B**.

### Site and proposal

2. The site was formerly occupied by a printworks. This proposal is for 1,524 residential units (21% affordable) and other uses within five tower blocks between 19 – 44 storeys in height. Location maps and plans are at **Annex C**.

### Development Plan

3. The adopted development plan for the area comprises the London Plan 2016 (LonP), the London Borough of Tower Hamlets Core Strategy 2010 (CS), the London Borough of Tower Hamlets Managing Development Document 2013 (MDD) and the London Borough of Tower Hamlets Adopted Policies Map 2013. In addition, relevant supplementary planning documents have been produced including The Isle of Dogs and South Poplar Opportunity Area Planning Framework (OAPF) and the London View Management Framework (LVMF).

### Main material considerations

#### Emerging plan

4. The examination of the draft new London Plan (eLonP) began in January 2019. Subsequent stages of the Plan have progressed (post examination) with the intention to publish the Plan in Feb/March 2020. The examination of the draft London Borough of Tower Hamlets Local Plan 2031 (THLP)



began in 2018 and the Council consulted on main modifications to the plan in March to May 2019. It anticipates adopting the plan, which includes a CIL Charging Schedule, by 15 January 2020.

#### The fallback position

5. The site benefits from an existing permission for 722 residential units (20% affordable), a secondary school and other uses ('the consented scheme'). The appeal proposal differs from the consented scheme by increasing the tallest building from 30 to 44 storeys. The Inspector considers that the consented scheme represents a realistic fallback position and there is a reasonable prospect this would be implemented if this proposal were to be dismissed. He also concludes that many of the benefits of the appeal scheme would also be delivered by the consented scheme. We agree.

#### Design related issues compared to consented scheme

6. The Inspector considers that the proposed scheme would represent a marked step up in height, mass and scale at the southern end of Millwall Inner Dock Tall Building Zone (TBZ) and would fail to 'step down' in height as required by the Core Strategy (CS). Further, it would fail to create a satisfactory transition in scale to the adjoining residential areas to the north of the site and to the south of Millwall Outer Dock and would not relate well to the street scene of Westferry Road. The Inspector considers it would conflict with current development plan policies and emerging policies. We agree and consider that the conflicts identified carry significant weight against the proposal.

#### Heritage impacts

7. The Inspector considers that the proposals would result in 'less than substantial harm' to the setting of the Old Royal Naval College, Tower Bridge and the setting of the Maritime Greenwich World Heritage Site. The Inspector attributes considerable importance and weight to this harm. We agree. However, in line with the Framework para. 196, these 'less than substantial harms' needs to be weighed against the public benefits of the proposals which are considered below.

#### The mix of market and affordable housing

8. The parties have not disputed that there is an acute need for affordable housing in Tower Hamlets and all agree that the Council can demonstrate a five-year housing land supply. The Inspector considers that the scheme would fail to provide the maximum reasonable amount of affordable housing (21% as set out in the UU, against a plan target of 35%) and would not provide the balance of market housing types or family home provision in conflict with current development plan policies and emerging policies. The Inspector concludes that this would be a significant disadvantage of the scheme, and thus considers that the benefits of affordable housing should only attract moderate weight.

#### The provision of Public Open Space (POS)

9. The Inspector considers that the proposal would provide POS, play space and communal semi-private space in accordance with development plan policies; and would accord with policy DM23 which seeks to improve permeability. It is considered that the POS and public realm enhancements would accord with the design objectives of the OAPF and site allocation of the emerging THLP which are considered to represent significant benefits to the area. However, the consented scheme would offer greater benefits with a larger park area than the proposed scheme. Therefore, we consider this carries limited weight in favour of the scheme.

### The recreational use of Millwall Outer Dock

10. The Inspector considers that there would be a significant adverse effect on sailing quality for novice and inexperienced sailors. He attaches no weight to the mitigation proposed in the Unilateral Undertaking (UU). It is considered to be contrary to current development plan policies and emerging policies. Given that the consented scheme would have a similar impact, he gives only limited weight to this harm. We agree.

### Benefits of the proposal

11. The Inspector considers that the proposal would provide POS, play space and communal semi-private space in accordance with MDD policy DM4 and LonP policy 3.6; and would accord with policy DM23 which seeks to improve permeability. It is considered that the POS and public realm enhancements would accord with the design objectives of the IAPF and site allocation of the emerging THLP which are considered to represent significant benefits to the area. However, the consented scheme would offer greater benefits with a larger park area than the proposed scheme. Therefore we consider this carries limited weight in favour of the scheme.

### Planning balance and conclusions

12. We consider that the proposal is not in accordance with development plan policies relating to the character and appearance of the area with regards to the scale, proportion and character of surrounding buildings; it would be harmful to the recreational use of Millwall Outer Dock for sailing; it would provide an unacceptable level of affordable housing provision; and would fail to preserve the settings of heritage assets, and thus is not in accordance with the development plan overall. 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.
13. The proposal would exceed housing targets and provide affordable housing to which we attach moderate weight. There would be employment benefits during construction, to which we attach moderate weight. Further it would promote development in opportunity areas of the Docks. We attach limited weight in this respect. We attach limited weight to the provision of open space.
14. The harm to the surrounding area in terms of the significant increase in height, mass and scale of the proposals at the southern end of Millwall Inner Dock Tall Building Zone (TBZ) and its failure to create a satisfactory transition in scale to the adjoining residential areas to the north of the site and to the south of Millwall Outer Dock is considered to weigh significantly against the scheme. In addition, the proposals would not relate well to the street scene of Westferry Road in conflict with development plan policies and emerging plan policies all of which each carry significant weight against the scheme.
15. The proposal would represent harm to the setting of the Old Royal Naval College, the Maritime Greenwich WHS and Tower Bridge which carries considerable weight against the scheme. In the light of the fallback position, and the fact that this proposal is considered to be of greater impact than the consented scheme, we consider that the public benefits of the proposals set out above do not outweigh this harm. The heritage test in paragraph 196 of the Framework is therefore not favourable to the proposal.
16. In the light of our conclusions above, we consider that there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.



17. We recommend that you dismiss and refuse planning permission. **Do you agree?**

**Public Sector Equality Duty**

18. We have considered this case in terms of discrimination, advancing equality of opportunity and fostering good relations in respect of all the protected characteristics. Your Public Sector Equality Duty requires you to take account of the analysis at **Annex D**.

REDACTED

Annex A – Inspector's Report

Annex B – Courtesy Letter

Annex C – Maps, plans and visuals

Annex D – Public Sector Equality Duty



#### **Annex D – Public Sector Equality Duty**

This duty applies to the protected characteristics of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. We have considered this case in terms of eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations in respect of all the protected groups. In general, it is considered that the provision of affordable housing has a positive impact on protected persons, since persons who share a relevant protected characteristic such as disability, race (particularly minority ethnic groups), or sex are disproportionately in need of affordable housing (for example we know that women access affordable housing in proportionately higher numbers than men). The proposal includes 21% affordable housing and would provide recreational activities to enable children to learn to sail in the Millwall Outer Dock. If you allow the appeal, there would be some positive impact on protected persons. Conversely, if you dismiss the appeal, there would be some negative impact given that the affordable homes would not be built, and the proposed scheme would not provide sailing activities (in the context of the proposal scheme only).

REDACTED

---

**From:** REDACTED @communities.gov.uk>  
**Sent:** 19 December 2019 09:27  
**To:** PCU D  
**Cc:** REDACTED  
**Subject:** FW: FOR SPM TODAY & TOMORROW: Day One and Week One advice (email1 of 2)

Hi all,

Further to my email re: covering REDACTED case, this is why they want it done today as batching them together for clearance  
CTED

REDACTED

 **From:** REDACTED @communities.gov.uk>  
**Sent:** 19 December 2019 08:53  
**To:** REDACTED  
**Cc:** RED  
**Subject:** RE: FOR SPM TODAY & TOMORROW: Day One and Week One advice (email1 of 2)

Hi gang,

Can I ask that we coordinate any letters that need signing so they all come up today – I will then speak to the SoS and try and batch them up and get them done

Thank you  
REDACTED

 An official - Secretary of State's Office

REDACTED

REDACTED

---

**From:** REDACTED @communities.gov.uk>  
**Sent:** 19 February 2020 14:16  
**To:** REDACTED  
**Subject:** FW: Westferry printworks - additional information  
**Attachments:** Prentis-Tower Hamlets 3225474.docx

REDACTED has shared a OneDrive for Business file with you. To view it, click the link below.

 Westferry Printworks additional queries.pptx

REDACTED

Planning Casework Unit  
REDACTED


 REDACTED  
**From:** REDACTED @communities.gov.uk>  
**Sent:** 19 February 2020 13:23  
**To:** REDACTED @communities.gov.uk>; REDACTED @communities.gov.uk>  
**Subject:** FW: Westferry printworks - additional information

---

**From:** REDACTED @communities.gov.uk>  
**Sent:** 18 December 2019 10:04  
REDACTED

**Subject:** Westferry printworks - additional information

REDACTED

 you know, the SoS has asked for more information on this case, regarding the impact on the Greenwich heritage assets and on sailing in Millwall Dock. We are proposing to send up the material below, plus the attached images. Grateful for any thoughts.

Thanks

Heritage impact on Greenwich World Heritage Site:

The proposal would fail to preserve the setting of the Old Royal Naval College. From some viewpoints from Greenwich Park the towers would appear between the domes of the ORNC, distracting from the ability to appreciate the domes as a symmetrical pair. It would also distract from the appreciation of one of the domes against the background of a clear sky. The fallback scheme would have some impact on those views, but to a lesser extent, given the shorter towers. The ORNC is an important component of the World Heritage Site.

The Inspector deals with this at IR 447-456. He concludes "the proposal would fail to preserve the setting of the ORNC because it would distract from the ability to appreciate the listed building in certain views from Greenwich Park" (IR455) "Given that the ORNC is an important component of the WHS, I consider that harm to its setting also

represents harm to the setting of the WHS and to attribute 1 of its Outstanding Universal Value (the architectural ensemble that includes the ORNC) IR456.

#### Impact of sailing on Millwall Dock:

The impacts on sailing in Millwall Dock is covered by the Inspector at IR475-501. He acknowledges that there are no established guidelines for measuring sailing quality. For the purposes of the application and as set out in the Environmental Statement (ES) the assessment of impact has compared the impact between the consented and proposed schemes. Whilst this is not a precise quantification of measurement the Inspector accepts the ES findings at IR488. This is based on wind conditions and the degree of wind speed and direction between adjacent locations, within the dock area, in order to reach a measure of the reduction in the number of days per month when recreational use would be affected (compared to the current situation).

The construction of tall buildings on the site would affect wind conditions, and thus sailing quality, in the western part of the dock, where sailors rig and launch their boats. It would particularly impact novice sailors. It would reduce the days when an agreed quality of wind speed and direction is met to c.10 days per month, as opposed to c.18 days at present. However, the loss of sailing quality is not materially greater than with the fallback scheme. All parties agree that sailing has considerable social benefits, in particular for young people and children."

The Inspector concludes 'There would be a significant adverse effect on sailing quality for novice and inexperienced sailors.... Having regard to the acknowledged social benefits of the current sailing activities and the scale of the reduction in sailing opportunities, I consider this would represent a significant disadvantage of the proposals.' (IR 498). However, he goes on to say 'The effect of the appeal scheme on sailing quality would not be materially different from the consented scheme. Both schemes would have a significant adverse effect on sailing quality in the western part of the dock' (IR501).

Regards

REDACTED

Planning Casework Unit  
REDACTED

REDACTED

---

**From:** REDACTED @communities.gov.uk>  
**Sent:** 17 December 2019 15:36  
**To:** REDACTED  
**Subject:** FW: FOR 5PM TODAY & TOMORROW: Day One and Week One advice (email1 of 2)  
**Importance:** High

REDACTED

Grateful if you could do some more digging.

I'll look at the draft DL now.

Regards

REDACTED

Planning Casework Unit  
REDACTED

REDACTED

REDACTED

---

**From:** REDACTED @communities.gov.uk>  
**Sent:** 12 December 2019 14:50  
**To:** REDACTED  
**Subject:** FW: FOR 5PM TODAY & TOMORROW: Day One and Week One advice

REDACTED

To see below. Private Office/RED  
ACT would like Westferry Printworks to go up tomorrow.

Regards

REDACTED

Planning Casework Unit  
REDACTED

**From:** REDACTED @communities.gov.uk>  
**Sent:** 12 December 2019 14:33  
**To:** REDACTED @communities.gov.uk>  
**Subject:** Fwd: FOR 5PM TODAY & TOMORROW: Day One and Week One advice

REDACTED et al - I know REDACTED but weather awful and REDACTED Is this doable?

Can REDACTED revert to REDACTED Ta all.

REDACTED

Get Outlook for iOS

---

**From:** REDACTED @communities.gov.uk>  
**Sent:** Thursday, December 12, 2019 1:28:44 PM  
**To:** REDACTED @communities.gov.uk>  
**Subject:** FW: FOR 5PM TODAY & TOMORROW: Day One and Week One advice

See re deadline tomorrow for "urgent planning cases". We can send up the canary wharf one which I cleared earlier this week. Could we get the "legacy cases" up too??  
REDACTED

---

**From:** REDACTED @communities.gov.uk>  
**Sent:** 12 December 2019 13:04  
REDACTED

REDACTED

---

**From:** REDACTED @communities.gov.uk>  
**Sent:** 10 December 2019 14:55  
**To:** REDACTED  
**Subject:** Former Westferry Printworks - next steps

Hi<sup>RED</sup><sub>ACT</sub> - in terms of next steps (working on the basis that the sub is agreed) do you want me to start to draft the DL?

REDACTED

Kind Regards  
REDACTED

**From:** REDACTED  
**Sent:** 10 December 2019 14:44  
**To:** REDACTED @communities.gov.uk>  
**Subject:** RE: Former Westferry Printworks - sub for clearance

Thanks<sup>RED</sup><sub>ACT</sub> this makes it much clearer.....

**From:** REDACTED @communities.gov.uk>  
**Sent:** 10 December 2019 14:35  
**To:** REDACTED @communities.gov.uk>  
**Subject:** RE: Former Westferry Printworks - sub for clearance

Ah, good point. How about amending the final sentence of para 8 to 'The Insp concludes that this would be a significant disadvantage to the scheme, and thus considers that the benefits of affordable housing should only attract moderate weight', and leaving para 13 as is.

So we accept the Insp's view at IR 547 that this is a significant disadvantage of the scheme, (and isn't in line with the plan) but, overall, it is providing *some* affordable housing, which is a benefit. Just not so much of a benefit as it would have been if they'd provided enough.

Amazing that this got past us both and<sup>REDAC</sup><sub>TED</sub> first time round.....

Thanks

REDACTED

Planning Casework Unit  
REDACTED

**From:** REDACTED @communities.gov.uk>  
**Sent:** 10 December 2019 13:42  
**To:** REDACTED @communities.gov.uk>  
**Subject:** FW: Former Westferry Printworks - sub for clearance  
**Importance:** High

Hi<sup>RED</sup><sub>ACT</sub> - just working through the comments from<sup>REDAC</sup><sub>TED</sub> before I send off.... I note that we state that the AH provision weighs significantly against then moderately for in the balancing exercise – does this seem correct to you?

Thanks

REDACTED

**From:** REDACTED <[REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk)>  
**Sent:** 09 December 2019 11:24  
**To:** REDACTED <[REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk)>  
**Cc:** REDACTED <[REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk)>  
**Subject:** RE: Former Westferry Printworks - sub for clearance

REDACTED - thanks. A few comments from me to work through please. And then please get it to REDACTED for final sign off (given the SoS interest here). Thanks. REDACTED

**From:** REDACTED <[REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk)>  
**Sent:** 06 December 2019 15:01  
**To:** REDACTED <[REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk)>  
**Cc:** REDACTED <[REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk)>  
**Subject:** Former Westferry Printworks - sub for clearance  
**Importance:** High

Dear REDACTED

Please find the sub for the proposed redevelopment of the Former Westferry Printworks, London.

Just to flag the timings here - the published statutory target date for issuing the decision is **20 February 2020**. In order for a decision letter to be prepared, a decision is needed by 13 February 2020. To avoid delay, we will seek to issue before the Council adopts a new local plan on **15 January 2020**. This will require a decision from the Minister by **7 January**.

Please let me or REDACTED know if you need anything further here.

Kind Regards

REDACTED

REDACTED

---

**From:** REDACTED @communities.gov.uk>  
**Sent:** 10 December 2019 14:52  
**To:** REDACTED  
**Cc:**  
**Subject:** Former Westferry Printworks - sub for clearance  
**Attachments:** 191210 Former Westferry Printworks sub (1).docx; Prentis-Tower Hamlets 3225474.docx  
  
**Importance:** High

REDACTED has shared a OneDrive for Business file with you. To view it, click the link below.

 Westferry Printworks.pptx

 Dear REDACTED

Please find sub for the proposed redevelopment of the Former Westferry Printworks, London.

Just to flag the timings here - the published statutory target date for issuing the decision is **20 February 2020**. In order for a decision letter to be prepared, a decision is needed by 13 February 2020. To avoid delay, we will seek to issue before the Council adopts a new local plan on **15 January 2020**. This will require a decision from the Minister by **7 January**.

Please let me or REDACTED know if you need anything further here.

Kind Regards

REDACTED



REDACTED


---

**From:** REDACTED @communities.gov.uk>  
**Sent:** 10 December 2019 13:42  
**To:** REDACTED  
**Subject:** FW: Former Westferry Printworks - sub for clearance  
**Attachments:** 191210 Former Westferry Printworks sub (1).docx  
**Importance:** High


Hi REDACTED - just working through the comments from REDACTED before I send off.... I note that we state that the AH provision weighs significantly against then moderately for in the balancing exercise – does this seem correct to you?

Thanks

REDACTED

 **From:** REDACTED @communities.gov.uk>  
**Sent:** 09 December 2019 11:24  
**To:** REDACTED @communities.gov.uk>  
**Cc:** REDACTED @communities.gov.uk>  
**Subject:** RE: Former Westferry Printworks - sub for clearance

REDACTED thanks. A few comments from me to work through please. And then please get it to REDACTED for final sign off (given the SoS interest here). Thanks. REDACTED

 **From:** REDACTED @communities.gov.uk>  
**Sent:** 06 December 2019 15:01  
**To:** REDACTED @communities.gov.uk>  
**Cc:** REDACTED @communities.gov.uk>  
**Subject:** Former Westferry Printworks - sub for clearance  
**Importance:** High

Dear REDACTED

Please find the sub for the proposed redevelopment of the Former Westferry Printworks, London.

Just to flag the timings here - the published statutory target date for issuing the decision is **20 February 2020**. In order for a decision letter to be prepared, a decision is needed by 13 February 2020. To avoid delay, we will seek to issue before the Council adopts a new local plan on **15 January 2020**. This will require a decision from the Minister by **7 January**.

Please let me or REDACTED know if you need anything further here.

Kind Regards

REDACTED

REDACTED

---

**From:** REDACTED @communities.gov.uk>  
**Sent:** 20 November 2019 10:45  
**To:** REDACTED  
**Cc:**  
**Subject:** WESTFERRY PRINTWORKS (Tower Hamlets???)

RED - SoS office 'ask' and my reply in teams below. PINS say IR will be with us this week. Let me know when in please. Ta.  
REDACTED

*Morning (and you thought you wouldnt hear from me over purdah!!) Quick thing from me, SoS has flagged a case in Westferry London Docklands (redevelopment of a printworks or something like that?). He understands a ministerial decision on this is likely to be coming up soon and also that there may be some sensitivity with timing of final decision. Given this he has asked that advice be prepared for the first few days of the new Gov so a decision can be made and communicated before xmas. Does this all sound ok?*

RE - Morning! This is a recovered appeal and is currently with PINS. We are expecting the IR this week or next. Clearly we don't know what the recommendation is yet. Until we see it I would not want to give any commitment on timing - but note your message above. Cheers and hope the break is going ok....  
DA REDACTED

---

**From:** REDACTED @communities.gov.uk>  
**Sent:** 20 November 2019 10:35  
**To:** REDACTED @communities.gov.uk>  
**Cc:** REDACTED @communities.gov.uk>, REDACTED @communities.gov.uk>; REDACTED  
REDACTED @communities.gov.uk>  
**Subject:** RE: WESTFERRY PRINTWORKS (Tower Hamlets???)

REDACTED  
Hi

**Former Westferry Printworks Site, 235 Westferry Road, E14 3QS, London**

**Recovered appeal - APP/E5900/W/19/3225474 – Controversial due to scale and height of proposal**

Was due into PCU on 13/11 according to Forward Look – Not yet received

REDACTED

---

**From:** REDACTED @communities.gov.uk>  
**Sent:** 20 November 2019 10:23  
**To:** REDACTED @communities.gov.uk>, REDACTED @communities.gov.uk>;  
REDACTED @communities.gov.uk>  
**Subject:** WESTFERRY PRINTWORKS (Tower Hamlets???)

All - Just as things quieten down, urgent query re case above. I definitely remember the name from somewhere but cannot for the life of me find it on any of our forward look stuff.....any clues please? Thanks.  
REDACTED

Full details of the cases are:

Local Authority	Case Name	Case Description	Original Minister and Decision	Case Type
-----------------	-----------	------------------	--------------------------------	-----------

REDACTED

Tower Hamlets	Westferry Printworks	Comprehensive mixed-use redevelopment comprising 1524 residential units, shops, offices, flexible workspaces, financial and professional services, restaurants, cafes and drinking establishments and associated works	New case where SofS had requested a decision pre-Christmas	Recovered appeal
---------------	----------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------	------------------

Robert Jenrick MP  
Secretary of State for Housing, Communities and Local Government  
2 Marsham Street  
Westminster  
London  
SW1P 4DF

**Executive Mayor's Office**  
Tower Hamlets Town Hall  
Mulberry Place  
5 Clove Crescent  
London E14 2BG

Tel: 020 7364 6551

[mayor@towerhamlets.gov.uk](mailto:mayor@towerhamlets.gov.uk)  
[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

26th September 2019

Dear Secretary of State,

## Westferry Printworks

I'd like to invite you to visit the site of the proposed development at Westferry Printworks. This application has gone to you for a decision and it attempts to supercede an existing permission on the site – determined by the previous Mayor of London.

My view is that this application should be decided locally by our Strategic Development Committee and I made a submission to the Planning Enquiry which I attach. I will not repeat all the points I made there however I will reiterate that the revised plans more than double the amount of residential development. It also increases the proposed building heights across the development to a maximum of 44 storeys with a 5th tower introduced. These are very substantial changes which put a lot of pressure on the existing infrastructure in the area.


If this application is approved I am also concerned that it will set a precedent on height and density in an area where there has already been a large scale of development.

My other greatest concern is, unsurprisingly, on the proportion of affordable housing, and the mix of housing units. The plans fail to offer the kind of housing mix that residents in Tower Hamlets need. With only 21% affordable units this falls far short of the 35% minimum requirement we would expect. The market housing also fails to provide satisfactory housing choice in terms of the mix of housing sizes.

This decision is of key importance to my residents and I urge you to take the time to come and visit the proposed site so you can fully appreciate the impact it will have on my residents.

I look forward to hearing from you.

Yours Sincerely,



**Mayor John Biggs**  
Executive Mayor of Tower Hamlets

Ms Elizabeth Humphrey  
Inquiries and Major Casework Team  
The Planning Inspectorate  
3/J Kite Wing  
Temple Quay House  
Bristol  
BS1 6PN

[elizabeth.humphrey@planninginspectorate.gov.uk](mailto:elizabeth.humphrey@planninginspectorate.gov.uk)

**Executive Mayor's Office**  
Tower Hamlets Town Hall  
Mulberry Place  
5 Clove Crescent  
London E14 2BG

Contact: Marilyn Chitole  
Tel: 020 7364 6651

[mayor@towerhamlets.gov.uk](mailto:mayor@towerhamlets.gov.uk)  
[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

13 August 2019

Dear Ms Humphrey

## **Statement - Planning Inquiry into the Westferry Printworks site application**

This is my statement, as Executive Mayor of Tower Hamlets, to the Planning Inquiry into the Westferry Printworks site application. Rather than a detailed or rhetorical essay, I thought I should make a few simple points. I am more than confident that my planning officers, and the consultants and Counsel representing us, will address the detailed technical and policy and perhaps procedural points that underpin our objection. Where the following might, tenuously or otherwise, be argued to contradict our formal presentation at the Inquiry I demur to the detailed and formal case.

My submission is as follows:

I am an 'Executive Mayor' and as such I play a role in setting policy which, subject to more detailed adoption and examination processes, sets our framework for development in Tower Hamlets. I do not however sit on any development control committee or determine individual applications.

My administration does however take a very detailed interest in development and wider 'regeneration' in the borough. We are, I should emphasise, by no means against development, and our record shows that we willingly permit a greater scale of development than, I think, anywhere else in the UK. We are however anxious that the right forms of development happen, in the right places, as set out in our planning policies. We permit more high buildings than most authorities, in the right places, and we regularly permit high density developments in other places where height is appropriate. We do at the same time however endeavour to retain local neighbourhood character in the borough, which in many places consists of less high, and less high density, buildings. Our borough has many individual area characters. These expectations are set out in our Local Plan.

While this public inquiry will allow a detailed scrutiny of the proposals, my council, including I think most if not all of our Members, together with many members of the public, are disappointed that this matter has not been considered and determined by our Strategic Development Committee. While the applicants are quite within the law to seek determination through an appeal against non-determination we believe that this represents a disappointing loss of the opportunity for local decision-making. The committee may well have chosen to not permit the application and I fear that that is the primary reason why it is in front of you.

I note that a number of other parties, particularly the GLA and also the Royal Borough of Greenwich, and those with an interest in the historic Royal Naval College and Observatory sites, share our concern, albeit for their own reasons, at this development in this location. I will not repeat their arguments, for example on impact on strategic views, but I am in support of them.

My understanding and thinking on the application is as follows:

Through our policies and decisions, we must endeavour to manage the unprecedented scale of development in our borough, for example, by trying to ensure that the highest density development occurs in the best connected and most appropriate places and does not 'creep' away from these into areas where such a built form is not, in our view, appropriate given its impact on infrastructure and existing scale.

The Westferry site sits within one of our main regeneration areas, part of the broader Isle of Dogs and South Poplar, but at the southern edge of the area in which we envisage major developments to happen. We expect at this site a development more in keeping with its immediate surroundings and with a lesser – local and strategic - visual impact than the proposal before you at this inquiry. In other words through its sheer scale, and height, at this location the development is excessive.

On the Isle of Dogs, as regards height, we recognise that high buildings and high densities have a place but we expect a gradient – a lowering of heights - away from the current 'highpoint' at 1 Canada Square. The gradient of this lowering need not be totally monotonous, and there may be 'solitaire' buildings and 'undulations' in the gradient but the Westferry site sits adjacent on the southern boundary of the development area, immediately adjacent to Island Gardens Ward where typical heights of buildings other than houses are four to six stories. It is in other words on the boundary of a relatively low rise and low density neighbourhood. The application before you attempts to supercede an existing permission on the site – determined by the previous Mayor of London - which we believe already greatly offended against our policy and this expectation. The current application offends even more greatly. Its height and density are simply too high in the wrong place.

The revised plans more than double the amount of residential development to 1,524 homes and proposed building heights have increased across the development to a maximum of 44 storeys with a 5th tower introduced. These are very substantial changes.

And so I object on grounds of scale and height. There is a conflict with existing statutory and emerging development plan policy on excessively tall buildings that if permitted will disenfranchise the local community.

My other greatest concern is, unsurprisingly, on the proportion of affordable housing, and the mix of housing units. The plans fail to offer the kind of housing mix that residents in Tower Hamlets need. With only 21% affordable units this falls far short of the 35% minimum requirement we would expect. The market housing also fails to provide satisfactory housing choice in terms of the mix of housing sizes on a site specifically allocated to deliver family homes.

On the matter of affordability, we have the contradiction in Tower Hamlets between high land values and open market property costs and a largely lower income community whose need is for genuinely affordable housing related to local income. Through examination our planning policy has long established that affordable housing – and we include our own definitions and expectations – should be provided as a proportion of all major developments.

This application does not help us meet London Plan and Local Plan affordable housing targets and sits outside the spirit of the Opportunity Area Planning Framework for the Isle of Dogs & South Poplar. Local people expect development to adhere to these policies which their locally elected politicians have put in place. If this is circumvented it destroys faith in the planning process.

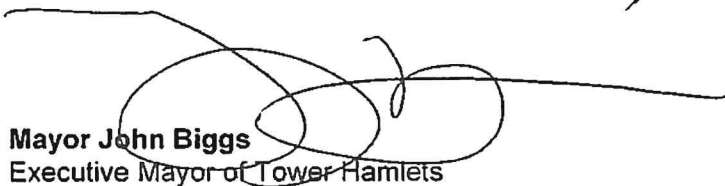
The revised plans will also impact on the wind climate and sailing conditions of the Docklands Sailing Centre and this key recreational facility is well used by locals and needs to be protected. This is a jewel in the crown of the borough and well used by particularly by the borough's children. It is also a key part of the character of the Isle of Dogs that the docks are used by our residents and if the revised plans have an adverse impact on this it will be a great loss for our community.

### **Conclusions:**

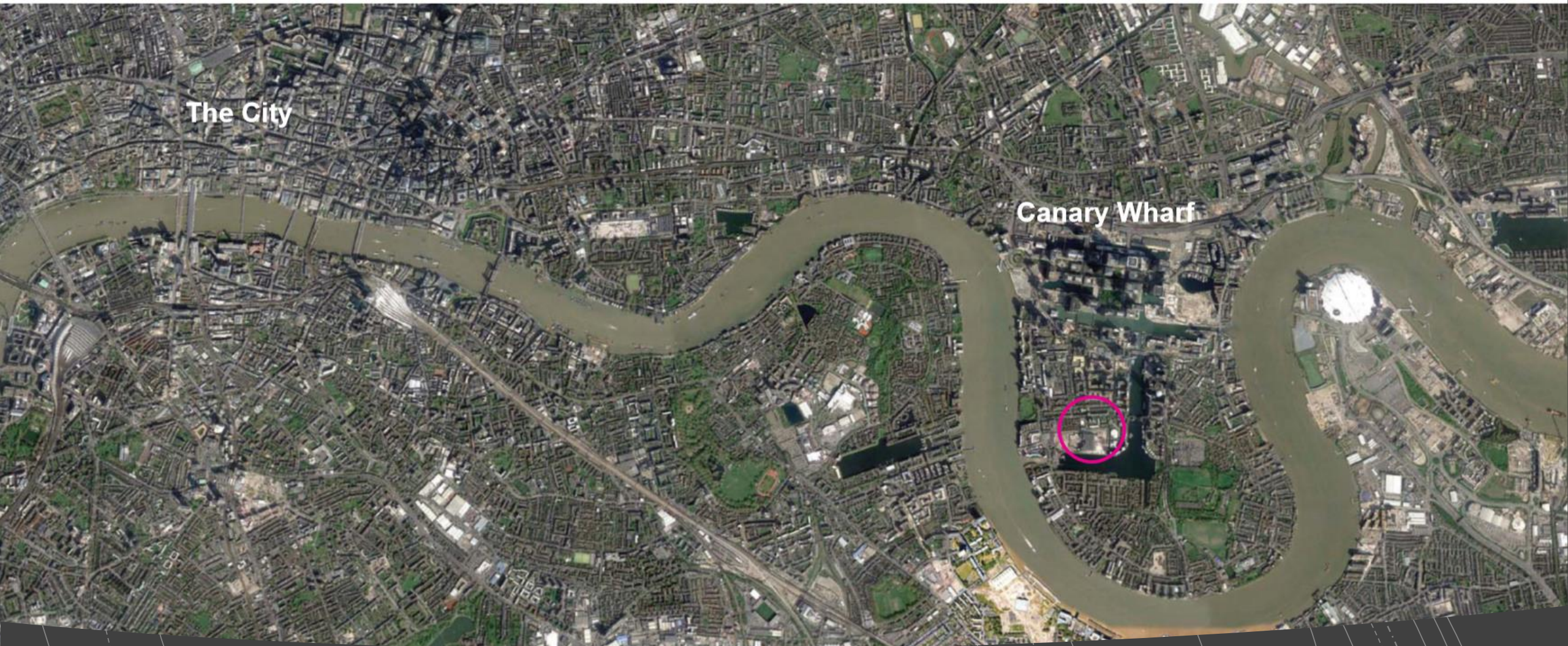
In summary, the scale of the tall buildings will be out of place and would not be proportionate to the height of buildings and the transition from the highest point of One Canada Square and the cluster of tall buildings of the Canary Wharf major site. This would essentially extend the cluster southwards to an extent well outside of our policy. It would impact on the views of, or from, the Maritime Greenwich World Heritage Site and the Grade I-listed Tower Bridge – this matter is argued by others but also goes against our development plan. Approving the current plans would set a dangerous precedent on the Isle of Dogs that will open the door to further overdevelopment.

We all know that many more homes are needed across London and of course Tower Hamlets is leading the way in terms of numbers delivered and delivering more than our fair share of the total target for London. However with several decades of continual growth on the Isle of Dogs we need to be sensitive to ensure developments are appropriate in hotspots where there has been a significant amount of new development. This appeal should not in my, and my council's views, be allowed.

Yours Sincerely



**Mayor John Biggs**  
Executive Mayor of Tower Hamlets



Former Westferry Printworks Site, 235 Westferry Road, London  
E14 3QS

Additional Images  
18<sup>th</sup> December 2019

Source: Westferry Printworks; Accurate Visual Representations; July 2019



Consented view under 2015 permission



Proposed view



Consented + cumulative view



Proposed + cumulative view



1.1 Wider Context

Former Westferry Printworks  
Site, 235 Westferry Road,  
London E14 3QS

Additional Images  
18<sup>th</sup> December 2019



|





---

**From:** REDACTED @norshell.co.uk>  
**Sent:** 17 December 2019 15:17  
**To:** REDACTED  
**Cc:** REDACTED  
**Subject:** Re: Richard Desmond meeting

Hi REDAC ,  
TFD

Thanks for letting me know.

I look forward to getting back in touch in the new year to secure a date.

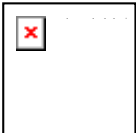
In the meantime I wish you a very merry Christmas!

All my very best,  
REDACTED  
TFD

REDACTED

to Richard Desmond

Chairman  
Northern & Shell  
The Northern & Shell Building  
Number [10 Lower Thames Street](#)  
[London EC3R 6EN](#)  
Direct Tel: REDACTED



On 17 Dec 2019, at 11:14, REDACTED

@communities.gov.uk> wrote:

Hi REDAC ,  
TFD

Thanks for speaking yesterday. As anticipated, due to Parliamentary business, the Secretary of State is going to be unable to have this meeting ahead of Christmas. Please can I get back in touch in the new year when we have a clearer idea of how our diary is looking?

Best wishes,  
REDACTED  
TFD

<image002.png>

An official - Secretary of State's Office

---

**From:** REDACTED @norshell.co.uk>  
**Sent:** 16 December 2019 14:55  
**To:** REDACTED @communities.gov.uk>  
**Cc:** REDACTED @norshell.co.uk>  
**Subject:** RE: Richard Desmond meeting

Dear REDACTED ,  
TFD

Thanks for your email.

I did leave you a voice message but just in case it's easier I thought I'd email you too!

Richard understands the meeting on Thursday morning isn't going to be possible but wonders if there's a chance of making it either Friday or Monday? If not, could we please schedule something this side of Christmas for January?

Many thanks and kind regards,  
REDACTED  
TFD

REDACTED

to Richard Desmond

Chairman  
Northern & Shell  
The Northern & Shell Building  
Number 10 Lower Thames Street  
London EC3R 6EN  
Direct Tel: REDACTED  
<image001.jpg>

**From:** REDACTED @communities.gov.uk>  
**Date:** 16 December 2019 at 11:35:00 GMT  
**To:** REDACTED @norshell.co.uk>  
**Cc:** REDACTED @communities.gov.uk>  
**Subject:** Richard Desmond meeting

Dear REDACTED ,  
FD

I hope this email finds you well.

RE has forwarded the below email over to me as I manage the Secretary of State's  
DA diary for departmental business. Unfortunately, given the timings of Parliament this week, this meeting is not going to be possible on Thursday morning. Would it be best to re-visit this in the new year and rearrange for January?

Best wishes,  
REDACTED  
TFD

An official - Secretary of State's Office

<image002.png>

REDACTED

---

**From:** REDACTED [REDACTED@parliament.uk](mailto:REDACTED@parliament.uk)>  
**Sent:** 05 December 2019 16:16  
**To:** REDACTED [REDACTED@communities.gov.uk](mailto:REDACTED@communities.gov.uk)>  
**Subject:** FW:

Hi REDACTED  
TFD

Please see below. I appreciate this could all change but will leave with you to contact REDACTED should this not be possible post election!  
FD

Thanks

RE  
DA

**From:** REDACTED [REDACTED@norshell.co.uk](mailto:REDACTED@norshell.co.uk)>  
**Sent:** 20 November 2019 15:34  
**To:** REDACTED [REDACTED@parliament.uk](mailto:REDACTED@parliament.uk)>  
**Subject:**

Hi RE  
DA

If we could go for Thursday 19<sup>th</sup> December at 10:30am as discussed that would be great.

Robert is welcome here at our offices for a cup of tea first then they can head over to the development to take a quick look.

David Grover will be in attendance (helpful to Robert on other matters, including cladding, and Richard Martin who Robert sat next to at the Carlton Dinner.

Let me know if this works.

REDACTED

REDACTED

Chairmans Office  
**Northern & Shell**

The Northern & Shell Building | Number 10 Lower Thames Street | London EC3R 6EN | Tel: REDACTED  
<image003.jpg>

REDACTED  
FD

Office of Rt Hon Robert Jenrick, Conservative Candidate for Newark

29a, London Road, Newark, Nottinghamshire, NG24 1TN  
Tel: 01636 612837 | W: [www.robertjenrick.com](http://www.robertjenrick.com)

<image004.jpg>  
<https://www.facebook.com/RobertJenrickNewark/>  
<image005.jpg>  
<https://twitter.com/RobertJenrick>

---

**From:** JENRICK, Robert <[jenrickr@parliament.uk](mailto:jenrickr@parliament.uk)>  
**Sent:** 19 November 2019 22:46  
**To:** REDACTED <[@parliament.uk](mailto:@parliament.uk)>  
**Subject:** Fwd:

Could you contact this lady and set up a meeting with Richard Desmond, owner of the express newspaper.  
Thanks Robert

---

**From:** REDACTED <[@norshell.co.uk](mailto:@norshell.co.uk)>  
**Sent:** Tuesday, November 19, 2019 11:27 am  
**To:** JENRICK, Robert  
**Subject:**

Dear Mr Jenrick MP

I would be very grateful if you would please provide me with your secretary's contact details so as I can make contact.

Many thanks  
Kind regards

REDACTED  
ED To Richard Desmond

REDACTED  
Chairmans Office  
**Northern & Shell**

The Northern & Shell Building | Number 10 Lower Thames Street | London EC3R 6EN | Tel: REDACTED

<image003.jpg>

**Disclaimer**

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

Parliament has now been dissolved until the General Election. Therefore there are currently no Members of Parliament. Incoming emails to this account may be received and read, however this email address is only being used to respond to urgent constituency case work.



REDACTED

Governance Directorate,

London Borough of Tower Hamlets, Town Hall, Mulberry Place, 5 Clove Crescent,  
London, E14 2BG. Email: REDACTED @towerhamlets.gov.uk. Counsel instructed  
are REDACTED both of Landmark Chambers, London.

**4. The details of the matter being challenged**

The decision of the Secretary of State, on 14 January 2020, to grant planning permission on appeal for a comprehensive mixed-use redevelopment that included (amongst other development) 1,524 residential units (Class C3) on the site of the former Westferry Printworks site, 235 Westferry Road, London, E14 3QS. The Secretary of State's decision was contrary to the recommendation of his inspector to dismiss the appeal.

**5. The details of any interested parties**

The appellant in the appeal: Westferry Developments Ltd c/o its agent DP9 Ltd, 100 Pall Mall, London, SW1Y 5NQ.

**6. Request for compliance with the Secretary of State's duty of candour**

The Council is considering a challenge to the Secretary of State's decision in the High Court pursuant to section 288 of the Town and Country Planning Act 1990. The Council is concerned that the decision and its timing, only one day before the adoption of the Council's new Local Plan and three days before the Council's CIL Charging Schedule took effect, might have been influenced by irrelevant factors such as to give rise to a real perception of bias in favour of the appellant in the decision-making process.

To enable the Council to consider this issue properly ahead of a potential High Court challenge, the Council requires disclosure of the following from the Secretary of State pursuant to his duty of candour in statutory review proceedings:

A copy of all correspondence (including emails), memoranda, file notes, text messaging or other records of communication, submissions and/or advice that

includes any reference to, or is otherwise relevant to, the decision of the Secretary of State to allow appeal APP/E5900/W/19/3225474 relating to the land at the former Westferry Printworks site, 235 Westferry Road, London, E14 3QS (including, to be clear, any reference to the Secretary of State's decision-making process, the timing of the Secretary of State's decision, or the related Inspector's report), sent, received, prepared or recorded by:

- (i) any employee or representative of the Planning Casework Unit and/or, beyond that, the Ministry of Housing, Communities & Local Government; and/or
- (ii) the Secretary of State for Housing, Communities and Local Government and/or any of his team or representatives;
- (iii) any other Minister of the Ministry of Housing, Communities and Local Government and/or any of their team(s) or representatives.

To be clear, in the context of the High Court claim that is being considered, the Council does not seek this information pursuant to the Environmental Information Regulations 2004 and/or the Freedom of Information Act 2000, but pursuant to the Secretary of State's duty of candour in statutory review proceedings. As the Secretary of State will be aware from previous litigation, the court has held that this duty extends to the pre-action stage: see, for example, ***Ball v Secretary of State for Communities and Local Government*** [2012] EWHC 3590 (Admin) at [71] (a passage that was not disturbed on the unsuccessful appeal). In that case, the court held that the Secretary of State's duty of candour required him to disclose, unredacted, internal documents and advice relating to the decision to grant planning permission that would enable the court to decide whether the decision-maker had "acted in a manner that demonstrated bias or gave rise to a reasonable perception of bias" as was being alleged in the claim: [71].

The statutory exemptions that may be relied upon when responding to a request under the Environmental Information Regulation 2004 do not apply when the request for information or disclosure is made, as it is in this case, pursuant to the duty of candour. The Council would be grateful if the Secretary of State could promptly comply with this duty in this case. In the absence of a satisfactory response to this

request within 7 days, the Council will have no option but to make a formal, urgent application to the court and seek its costs from the Secretary of State.

**7. The address for reply**

Please respond to REDACTED at the address in section 3 above. A reply by email alone would be welcomed, particularly if this would expedite the response.

**8. Proposed reply date**

In view of the strict 6-week time limit for issuing a claim under section 288 of the Town and Country Planning Act 1990, we respectfully require a substantive response to this letter within 7 days (i.e. by 5pm on 11 February 2020).

Yours faithfully  
REDACTED

**On behalf of the Corporate Director Governance & Monitoring Officer**



## PLACE

Town Hall (Mulberry Place)

PO Box 55739

5 Clove Crescent

London E14 2BG

Tel REDACTED

Email REDACTED

@towerhamlets.gov.uk

www.towerhamlets.gov.uk

PINS Ref APP/ APP/E5900/W/19/3225474

LPA Ref PA/18/01877

## REDACTED

The Planning Inspectorate

3/J Kite Wing

Temple Quay House

2 The Square

Bristol BS1 6PN

4th October 2019

Dear REDACTED

**Town and Country Planning Act 1990****Town and Country Planning (Inquiries Procedure) (England) Rules 2000****Appeal by Westferry Developments Limited****Site Address: Former Westferry Printworks Site, 235 Westferry Road, London, E14 3QS**

1. I refer to the above public inquiry that was closed by the Inspector, REDACTED, on 9<sup>th</sup> September 2019. The appeal has been "recovered" for decision by the Secretary of State.
2. I write to advise that on 20<sup>th</sup> September 2019, the Council received the Inspector's Report on the Examination of the Tower Hamlets Local Plan 2031 and Appendix of Main Modifications (Westferry Inquiry Core Document CD/6).
3. In addition, on 12<sup>th</sup> September 2019, the Council received for "fact checking" the Examiner's Report on the London Borough of Tower Hamlets Community Infrastructure Levy Draft Charging Schedule 2019.
4. Both of these reports and the Main Modifications (MM), copies of which are attached, impinge on the evidence presented to the Westferry Printworks public inquiry by the three main parties.

**The Closing Submissions of the local planning authority to the Westferry public inquiry**

5. At paragraph 121 of his Closing Submissions to the public inquiry, REDACTED for the local planning authority, explained that the Council's planning witness, REDACTED, concluded that

6. paragraph 49 of the NPPF is engaged in this case. This paragraph states that prematurity arguments are unlikely to justify refusal other than in limited cases where both an emerging Local Plan is at advanced
7. stage and *"the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan"*.
8. REDACTED considered the proposed development at Westferry Printworks to be a clear proposal for *"substantial"* development and that the emerging Tower Hamlets Local Plan is one which seeks to guide development in terms of height and scale, setting parameters that would be breached by the appeal proposal (paragraph. 9.50 of REDACTED proof).
9. In his closings REDACTED (paragraph 123) explained this applies with increasing force the further the Council advances in completing the process of adopting its Local Plan adding: *"It is virtually certain that the parties will need to update the inspector and Secretary of State in this regard, while a decision on this appeal is awaited."*
10. REDACTED for the Appellant said: *"Prematurity adds nothing – the question is whether the scheme complies with the new Local Plan."*

**INSPECTOR'S REPORT ON THE EXAMINATION OF THE TOWER HAMLETS LOCAL PLAN 2031 (MAIN MODIFICATION CONSULTATION VERSION) (WESTFERRY INQUIRY CORE DOCUMENT CD/6)**

11. The Examination Hearings into the new Tower Hamlets Local Plan ran from 6<sup>th</sup> September to 14<sup>th</sup> October 2018. Consultation on the Main Modifications which the Inspector considered necessary to make the plan sound ran from 25<sup>th</sup> March until 9<sup>th</sup> May 2019.
12. The *"Main Issues"* within the Inspector's Report of 20<sup>th</sup> September 2019 applicable to the Westferry Printworks appeal are:

**Issue 3 – Is the Plan's approach to housing delivery justified and consistent with national policy and in general conformity with the Adopted London Plan? – (p 8, paragraphs 26 – 49).**

**Issue 7 – Whether the policies concerning Tall Buildings and Heritage and the Historic Environment provide a justified and effective policy framework. Is the approach sound, does it accord with national policy as well as the Adopted London Plan? – (p 25, paragraphs 107-126).**

**Issue 8 – Are all the site allocations identified suitably justified by the evidence base, has the site selection process been based on a robust approach and are the sites deliverable and viable? – (p 29, paragraphs 127-137 & Westferry Printworks p 35, paragraph 155).**

13. Under each issue the Inspector's conclusions are that, subject to the MM's, the Plan takes a justified and robust approach and provides an effective and sound strategy, supported by the evidence base and conforms with national policy as well as the Adopted London Plan.

**The Inspector's overall Conclusion and Recommendations (p 37, paragraph 164)**

14. The Inspector overall conclusion is that with the recommended Main Modifications the new Tower Hamlets Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the NPPF.

15. Given the Planning Inspector's report of 20<sup>th</sup> September 2019, the local planning authority considers the new Tower Hamlets Local Plan 2031 and Main Modifications can be accorded very substantial if not full weight in the determination of the Westferry Printworks appeal – please see Timeline for Adoption, paragraph 35 below.

16. In the Council's opinion, the following policies and Site Allocation design principles for the Westferry Printworks Site Allocation 4.12 set out in the new Tower Hamlets Local Plan 2031 and Main Modifications confirm that planning permission should be refused for the proposed development:

- D.SG5: Developer contributions (p 23)
- S.DH1: Delivering high quality design (p 26)
- S.DH3: Heritage and the historic environment (p.30)
- D.DH4: Shaping and managing views (p 33)
- S.DH5: World heritage sites (p 36)
- D.DH6: Tall buildings - including Tall building zone Millwall Inner Dock (p 37)
- S.H1: Meeting housing needs (p 50)
- D.H2: Affordable housing and housing mix (p 53)
- S.OWS2: Enhancing the network of water spaces (p.100)
- D.OWS4: Water spaces (p 105)

**Site Allocation 4.12: Westferry Printworks (p 201)**

**REPORT ON THE EXAMINATION OF THE LONDON BOROUGH OF TOWER HAMLETS COMMUNITY INFRASTRUCTURE LEVY DRAFT CHARGING SCHEDULE**

17. On 1<sup>st</sup> August 2019, REDACTED of Trevor Roberts Associates, an independent examiner appointed by the Council, held a hearing into the London Borough of Tower Hamlets Council Community Infrastructure Levy (CIL) Revised Draft Charging Schedule (DCS) in terms of Section 212 of the Planning Act 2008.

18. The purpose of the hearing was to consider whether the schedule is compliant in legal terms, is economically viable as well as reasonable, realistic and consistent with Ministry of Housing, Communities and Local Government Guidance on the Community Infrastructure Levy.

19. The Examiner's Report concludes (Non-Technical Summary p 1) that the DCS, submitted and consulted on provides an appropriate basis for the collection of the levy in the borough. And that the proposed rates will not put developments at risk, and can be recommended for approval.
20. The Examiner identifies (p 2, paragraph 6 and footnote) that one of the biggest changes proposed by the DCS is in respect of the 'Large Allocated Sites' defined as the sites contained within the boundaries of the Bishopsgate Goods Yard, Wood Wharf, Westferry Printworks and London Dock as set out in the Tower Hamlets Local Plan Managing Development Document [2013].
21. To help set the Revised Draft Charging Schedule, the Council commissioned a report, called the Community Infrastructure Levy Review (ILR), from BNP Paribas who also gave evidence to the Westferry Printworks public inquiry on behalf of the local planning authority. This report reviews the CIL rates in the current Charging Schedule that was implemented on 1<sup>st</sup> April 2015. Levels of CIL were tested in combination with the cumulative impact of the requirements of the emerging Tower Hamlets Local Plan 2031 (Examiner's Report p 4, paragraph 15).
22. The Examiner notes that the ILR section on the national context concludes by reporting that forecasts for house price growth identify that values are expected to increase over the next 5 years, but this price growth is expected to be more moderate than over the past 20 years. There is a consensus that a low level of price growth is expected until a return to stronger sales value growth in 2020 – 2022 (p 5, paragraph 18).
23. At the local level, the ILR reported that Tower Hamlets has seen very strong growth in sales values across the borough, where values have been seen to almost double since the preparation of the Council's previous CIL viability evidence in 2014. Growth in values has resulted from a significant number of development schemes coming forward, regenerating the borough. Values in the city fringe, along the Thames, and in the Canary Wharf area have seen significant increases. These areas are now considered part of the central London 'prime market' (p 5, paragraph 19).
24. The Examiner notes (p 6, paragraph 25) that the ILR includes allowance for Mayor of London CIL (MCIL2) that applies to the majority of the Isle Dogs (including the Westferry Printworks site) and has taken into account the emerging policies and standards set out in the Tower Hamlets Local Plan 2031 including inter alia affordable housing requirements and developer contributions towards infrastructure (p 6, paragraph 26).
25. The Examiner noted that the major outcome of the previous examination was the recommendation that the 4 large sites that are allocated for development should be nil rated (p 7, paragraph 31).
26. The Examiner observed (p 8, paragraph 34) in respect of the Large Allocated Sites, the previous examiner into the Tower Hamlets CIL Charging Schedule April 2015 was concerned about the then current or

worsening economic circumstances and the poor return in those circumstances. The then Examiner had noted that the evidence demonstrated that the 3 (sic) appraised large allocated sites would only be likely to achieve an internal rate of return (IRR) of 20% (which he considered would be needed in the event of economic growth likely to be necessary for a scheme to come forward) if the affordable housing requirement were to be "flexed" below the 35%, and he was not persuaded that it would be appropriate to flex affordable housing without limitation. As a result he concluded that the CIL rates proposed were not consistent with the evidence insofar as they would apply to the Bishopsgate Goods Yard, Wood Wharf, Westferry Printworks and the London Dock allocated sites, and recommended a nil rate for all development on these sites.

27. At the Hearing of 1<sup>st</sup> August 2019, the Council's position was that the IIR demonstrates that the 4 large sites are able to bear the CIL rates now proposed. The Council advised the Examiner that the Westferry Printworks site has planning permission and development has commenced and that ***"the proposed CIL, including MCIL2 (The Mayor's CIL), would amount to less than 5% of development costs"***. The Council also stated that the economic circumstances of development have changed significantly since 2014, and that its current robust viability testing should be the basis on which to judge the DCS (p. 8 paragraph 35 emphasis added).
28. The Examiner concludes (p 14, paragraph 67) ***"that the level of CIL for residential development charges in the DCS are justified."***
29. In his ***"Overall conclusion"*** (p 19, paragraph 85) the Examiner states:
 

***"The main controversy in respect of the rates proposed in the DCS concerned the proposal of the Council to reverse the decision reached on the extant Charging Schedule, on the recommendation of the previous Examiner, and impose charging rates on the 4 large designated sites. Reading the report of the previous examination, it is clear that the Examiner recognised that these large sites would not be viable unless there was 'flexing' of the affordable housing policy below what he regarded as a minimum acceptable level of 25%."***
30. The Examiner acknowledges the apparent improving development climate (despite Brexit uncertainties) and states: ***"the evidence is clear that most development will not have its viability undermined by the level of charges proposed."*** (p 20, paragraph 86).
31. The Examiner notes that ***"even if the viability of large sites were to be compromised without flexing the affordable housing policies, it is now clear that the Council is prepared to take a balanced view about the priority that should be put on providing much needed essential infrastructure versus the continuing need for the delivery of affordable housing. The policy decision to be flexible, to ensure that development of the site allocations is viable, is being written into the emerging Local Plan."*** The Examiner makes reference to Main Modification 2 Policy D.SG5: 'Developer contributions', Part 2 that inserts a new criterion after part 1 – ***"2. For site allocations the policies set out in this plan may be applied flexibly to ensure that the sites are viable and deliverable"*** (p 20, paragraph 87).

32. The Council replied to the Examiner on 27<sup>th</sup> September 2019. None of the Council's requested amendments to his "fact check" report affect the CIL Schedule, the rates proposed or the inclusion of the Westferry Printworks site within the schedule.

#### **The LPA's position**

33. The development plan for Tower Hamlets and national policy puts the burden on applicants for planning permission to justify any inability to deliver a policy-compliant level of affordable housing.
34. In the case of Westferry Printworks, there is nothing in the Examiner's Report on the Community Infrastructure Levy Draft Charging Schedule that materially alters the evidence of the Mayor of London or the local planning authority to the public inquiry, that the Appellant has not discharged its burden of demonstrating that delivering a policy-compliant level of affordable housing is not viable.
35. There is a very wide and material difference between the Appellant's affordable housing offer of 21% (*twenty one per cent*) (by habitable room) of the Residential Units and the Council's evidence to the public inquiry that the Westferry Printworks scheme can viably afford 35% affordable housing with a policy compliant housing mix. This difference is not accounted for by the Council's evidence to the Charging Schedule Hearing that the introduction of CIL "*would amount to less than 5% of development costs*". Furthermore, the Appellant's section 106 Unilateral Undertaking (Schedule 15) provides that the amount of affordable housing may be reduced below 21% should the Development become subject to CIL.
36. In the Council's opinion, in the Westferry Printworks appeal there has been clear failure by the Appellant to provide the maximum level of affordable housing required both by the extant development plan and the affordable housing policies identified above within the new Tower Hamlets Local Plan 2031 that is not justified by the viability evidence to the public inquiry or by the introduction of CIL.

#### **Timelines for adoption**

37. Both the Inspector's Report on the Tower Hamlets Local Plan 2031 and the Examiner's Report on the Tower Hamlets Community Infrastructure Levy Draft Charging Schedule will be considered by the Council's Cabinet on 27<sup>th</sup> November 2019 and, if accepted, Tower Hamlets Full Council will be recommended to adopt both documents on 15<sup>th</sup> January 2020.
38. Full Council will also be asked to withdraw the following documents that comprise part of the evidence presented to the Westferry public inquiry:
- Tower Hamlets Core Strategy 2010 (CD/4)
  - Tower Hamlets Managing Development Document 2013 (CD/5)
  - Proposals Map (CD/3)

- South Quay Masterplan 2015 (CD/57)

39. I would be pleased if this letter and its three attachments were forwarded to the Inspector, REDACTED

40. I confirm this letter and attachments have been copied to DP9 (the Appellant's agent) and the Mayor of London.

Yours sincerely,

REDACTED

**Development Manager**

**Attachments:**

- Inspector's Report on the Examination of the Tower Hamlets Local Plan 2031
- Appendix of Main Modifications
- Report on the Examination of the London Borough of Tower Hamlets Community Infrastructure Levy Draft Charging Schedule

## **LONDON BOROUGH OF TOWER HAMLETS**

### **APPEAL BY WESTFERRY DEVELOPMENTS LTD**

#### **LAND AT THE FORMER WESTFERRY PRINTWORKS SITE**

#### **PUBLIC INQUIRY – AUGUST 2019**

---

#### **SUPPLEMENTARY NOTE BY THE LOCAL PLANNING AUTHORITY ON THE INSPECTOR'S REPORT ON THE TOWER HAMLETS LOCAL PLAN 2031**

---

#### **Introduction**

1. This brief note deals with the recently published 'Report on the Examination of the Tower Hamlets Local Plan', prepared by Inspector Christa Masters, dated 20 September 2019 ("the Inspector's Report"). The note supplements submissions already made by the local planning authority ("the Council") in a letter from REDACTED, Development Manager, to the Inspectorate (c/o REDACTED) dated 4 October 2019. The contents of that letter, which are not repeated here, should be read alongside this note.

#### **Prematurity**

2. The publication of the Inspector's Report, approving the draft Local Plan as sound subject to modifications, is a further significant advance in completing the process of adopting the Local Plan. This means that the national policy on prematurity in paragraph 49 of the NPPF now applies with even greater force. As paragraph 49 explains, whereas prematurity arguments generally are unlikely to justify refusal of planning permission, they will do so in cases where

both the emerging Local Plan is at an advanced stage and *"the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan"*.

3. As <sup>REDACTED</sup> explained in his evidence for the Council, this is unquestionably a proposal for "substantial" development and the emerging Local Plan is one which seeks to guide development in terms of height and scale, setting parameters that would be breached by the appeal proposal: see para. 9.50, <sup>REDACTED</sup> proof. The terms of the policy are met, and now met even more convincingly: a refusal of planning permission on the basis of prematurity is justified.

### ***The Inspector's Report***

4. Some of the conclusions reached, and observations made, in the Inspector's Report are particularly pertinent to the present appeal. In particular:
- (1) The inspector was satisfied that the evidence base for the draft Local Plan, reflecting a lower objectively assessed need of 46,458 homes for a 15-year period (2016-2031) was *"based on the most up-to-date population projections"*: para. 30.
  - (2) The inspector endorsed the conclusion in the Council's 'Five-Year Housing Land Supply and Housing Trajectory Statement' that, in the last 5 years, the Council has *"exceeded the housing target by some 417 homes"*: para. 33.
  - (3) It is *"clear"*, according to the inspector, that the Borough has a *"pressing need for affordable housing to be provided over the plan period"*, reflected in the overall policy *"thrust"* to *"seek to set an overall target for 50% of all new homes to be affordable"*: para. 36. The approach to affordable housing in the draft Local Plan, including tenure split, *"is supported by the evidence base including the Affordable Housing and Viability SPG"* with policy 3.11 of the

draft Local Plan "in particular" seeking to "maximise affordable housing provision": para. 38.

(4) The inspector endorsed the purpose of part 3 of policy D.H2 in giving "high priority to the provision of family homes": para. 39. The inspector has proposed a modification to policy D.H2 which allows "greater flexibility for the Council in terms of the housing mix", but only when the development "exceeds 35% affordable housing" (i.e. the "greater flexibility" would not apply in cases such as the present appeal where the affordable housing offer is below 35%).

(5) The decision to focus new primary school provision in the south-east of the Borough (Poplar and the Isle of Dogs) was "justified and effective" given that "the Isle of Dogs will see the largest concentration of housing growth over the plan period": para. 63.

(6) The inspector endorsed the purpose of policy S.oWS2 of the draft Local Plan in seeking to ensure that the Borough has a network of "high quality, useable and accessible water spaces" (emphasis added): para. 101.

(7) The "increasing number of tall buildings across the Borough" is one of the "particular challenges" facing the Council: para. 111. The inspector has recommended that text be added to policy D.DH6 to make clear that building heights within the Canary Wharf cluster (i.e. the cluster to the north of Millwall Inner Dock tall building zone that includes the Site) should "step down" from the central location of One Canada Square. The inspector considered that this modification achieved the "fine balance between the policy actively acknowledging the existing and emerging development situation on the ground against the Council's policy aspirations as to where future tall buildings should be directed": para. 114.

(8) The inspector endorsed the Council's modification of the skyline of strategic importance to include only the Canary Wharf tall building zone, and not the neighbouring Millwall Inner Dock tall building zone: para. 124.

#### **Other recommended main modifications**

5. The Council also highlights these modifications recommended by the inspector:

- (1) The inspector is recommending that words be added to policy S.DH1 to underline the need for a site-specific and contextual approach to designing development: "... development must: (a) be of an appropriate scale, height, bulk and form in its site and context" (additional words underlined).
- (2) In policy S.DH1, criterion (c), the inspector recommends an additional reference to "scale" as an element of the "architectural language" of buildings that "complements and enhances their immediate and wider surroundings" in a successful design.
- (3) The inspector recommends deleting the words "take into account the effects on the microclimate" in policy S.DH1, criterion (h), and replacing them with a stronger test to "ensure that the development does not result in unacceptably harmful impacts arising from... wind".

### **Conclusion**

6. These conclusions and recommendations reinforce the Council's case on the planning balance in this appeal. The Inspector's Report does not require the weightings given to the competing considerations in the Council's closing submissions to be revised. Accordingly, whereas the proposal would have four main benefits that should all be given moderate weight (the provision of market and affordable housing; the generation of employment; the development of a sustainable site; and the provision of open space), set against these are the following:

- (1) **substantial** negative weight given to the impact on the townscape (now reinforced by the Local Plan inspector's recommended additional emphasis on: (i) building heights 'stepping down' from the Canary Wharf cluster (policy D.DH6); (ii) the need for a site-specific and contextual approach to design (policy S.DH1);

- (iii) designing buildings of an appropriate scale for their immediate and wider surroundings (policy S.DH1);
  - (2) **considerable** negative weight given to the less than substantial harm caused to the setting of the Maritime Greenwich World Heritage Site;
  - (3) **considerable** negative weight given to the less than substantial harm caused to the setting of the Grade I-listed Tower Bridge;
  - (4) **substantial** weight given to the unmitigated impacts on wind conditions in the Millwall Outer Dock (now reinforced by the inspector's recommended additional emphasis on:
    - (i) "useable" water spaces in policy S.oWS2;
    - (ii) 'ensuring' that development does not have unacceptably harmful impacts arising from wind, as distinct from merely 'taking into account' the effects on the microclimate.
7. The Council maintains that two substantial and two considerable negative weightings clearly outweigh four moderate positive weightings and that the appeal should, accordingly, be dismissed.

REDACTED

**Landmark Chambers**

**London**

**22 October 2019**

REDACTED

The Planning Inspectorate  
3/J Kite Wind  
Temple Quay House  
2, The Square  
Bristol  
BS1 6PN

Date: 22 October 2019

Your ref:

Our ref: REDAC 301403-000001

Direct: REDACTED

Email: REDACTE @eversheds-sutherland.com

By E-mail and Post REDACTED

@pins.gov.uk

Dear REDACTED

**Former Westferry Printworks Site, 235 Westferry Road, London E14 3QS**

**Reference: APP/E5900/W/19/3225474**

**Representations regarding Report on Tower Hamlets Local Plan 2031 and Appendix of Main Modifications**

Thank you for your email of 9<sup>th</sup> October inviting us to make comments on behalf of our client, Westferry Developments Limited ("the Appellant"), on the Council's letter dated 4<sup>th</sup> October and its enclosures.

This letter contains the Appellant's comments on the Council's letter and the reports concerning the Council's Local Plan and Appendix of Main Modifications. As requested, we will write separately in relation to the Community Infrastructure Levy Draft Charging Schedule.

Although minor changes are now proposed to the wording of some of the policies, it is clear from the Council's letter that, for the most part, the draft Local Plan remains the same as that which was considered at the Inquiry, and on which the Appellant has already made detailed submissions. Given that nothing in the Council's letter and enclosures necessitates any changes to the case put by the Appellant at the public inquiry, in this letter the Appellant will only deal with main headline points, and where the contents of the Council's letter are not addressed it does not mean that the Appellant agrees or accepts them.

Paragraphs 5-10 of the Council's letter raise the matter of prematurity. It is noted that the quotation from the closing submissions of REDACTED for the Appellant is incomplete. The Inspector will have the full closing submissions on the matter and the Appellant sees no need to simply repeat those in this letter. There is nothing in the point, and the publication of the examiner's report does not change that.

Paragraph 14 of the Council's letter notes the Local Plan Inspector's overall conclusion that with the recommended Main Modifications (MMs) the Local Plan complies with the 2004 Act and meets the requirement for soundness under the NPPF. We also note that the Council's proposed modifications MM2 and MM3, which have been accepted by the Local Plan Inspector (see paragraph 58 of his report), state that developer contributions (including affordable housing) will be applied flexibly in relation to site allocations. This reflects precisely the Appellant's case and we are pleased that the need for policies to be applied flexibly to ensure that sites remain viable and deliverable is supported by both the Local Plan Inspector and the Council.

In paragraph 15 the Council say that the emerging Local Plan and Main Modifications can be accorded "very substantial if not full weight". The precise weight to be accorded to them will

man\_003\4232583\1\smithla

be a matter for the Inspector and Secretary of State, but the Appellant notes that, although they may be afforded greater weight since receipt of the Local Plan Inspector's conclusions, by law they cannot be afforded "full weight" for the purposes of section 38(6) until they are adopted. In any event, the relevant policies in the emerging plan were dealt with in the Appellant's evidence and closing submissions. For the reasons set out there, the Appellant's case remains that the appeal scheme is consistent with the emerging plan. If the emerging plan is now to be given greater weight, this simply adds to the Appellant's arguments in support of the grant of permission.

Paragraph 16 of the Council's letter identifies certain emerging policies and Site Allocation design principles for the Westferry Printworks Site Allocation 4.12 and states that they "confirm" that planning permission for the proposed development should be refused. For the record the Appellant strongly disagrees. The Council has set out no further arguments to substantiate this conclusion, and we assume that it therefore simply relies on the submissions made at the Inquiry. We do not feel the need to address this point further in this letter as the key emerging policies and Site Allocation design principles were addressed in the Appellant's evidence and closing submissions. In particular, REDACTED specifically considered policies D.DH6 and D.H2 in his evidence, as the other emerging policies did not differ materially from the existing adopted policies.

We are grateful for the opportunity to submit these representations.

Yours faithfully,

*Eversheds Sutherland (International) LLP*

Eversheds Sutherland (International) LLP

REDACTED

The Planning Inspectorate  
3/J Kite Wind  
Temple Quay House  
2, The Square  
Bristol  
BS1 6PN

Date: 22 October 2019

Your ref:

Our ref: REDAC\301403-000001

Direct: REDACTED

Email: REDACTE @eversheds-sutherland.com

By E-mail and Post REDACTED

@pins.qsi.gov.uk

Dear REDACTED

**Former Westferry Printworks Site, 235 Westferry Road, London E14 3 QS**  
**Reference: APP/E5900/W/19/3225474**  
**Representations regarding Tower Hamlets Community Infrastructure Levy ("CIL")**  
**Draft Charging Schedule**

Thank you for your email of 9<sup>th</sup> October inviting us to make comments on behalf of our client, Westferry Developments Limited ("the Appellant"), in relation to the Tower Hamlets Local Plan and CIL Charging Schedule.

This letter contains the Appellant's brief comments on the Council's letter dated 4<sup>th</sup> October 2019 and the examination report on the CIL Draft Charging Schedule. As requested, we have written separately in relation to the Council's Local Plan and Appendix of Main Modifications.

Given that nothing in the Council's letter and enclosures necessitates any changes to the case put by the Appellant at the public inquiry, in this letter the Appellant will only deal with main headline points, and where the contents of the Council's letter are not addressed it does not mean that the Appellant agrees or accepts them.

Paragraphs 21-24 of the Council's letter refer to the ILR Report by BNP Paribas. Para 27 refers to the Council's submission to the CIL Examiner that this Report demonstrated that the 4 large sites which were previously nil-rated (which include the Westferry site) could "not" support the CIL rates proposed. The Appellant points out that the work by BNP Paribas was generic, and did not include site-specific assessments of any these 4 sites, and that the Council's conclusions in relation to the Westferry site in particular were strongly contested by the Appellant.

It is therefore important to stress that the CIL Examiner's Report does not involve any necessary acceptance of the Council's argument that the viability of the Westferry site would not be affected by CIL. Rather, (as noted in paragraph 31 of the Council's letter), the Examiner noted that

*"the Council is prepared to take a balanced view about the priority that should be put on providing much needed essential infrastructure versus the continuing need for the delivery of affordable housing".* In short,, rather than set a nil rate for the four sites (as occurred when the existing Charging Schedule was set), the CIL Examiner accepted the Council's assurance that where the imposition of CIL on those sites does impact on viability, there would be flexibility and a balance between CIL and obligations to ensure that the sites are viable and deliverable.

man\_003\4232590\1\smithla

In practice, since (in the absence of an exceptional circumstances policy) CIL is non-negotiable, this can only mean that the importance which the Council attaches to the provision of infrastructure which is to be funded through CIL outweighs the importance of other policy requirements such as affordable housing, and that where the effect of CIL is to reduce the viability of a scheme, the Council recognises that it may be appropriate to reduce the affordable housing contribution.

The Council proposes to cater for this through the flexibility described in emerging Local Plan policy D.SG5 Developer Contributions.

In the Appellant's view, the CIL Examiner's Report fully supports the submissions made by the Appellant at the Inquiry, both as to the possibility that the imposition of CIL could affect the viability of development at the Westferry site, and as to the need for a mechanism which provides the flexibility to respond, where that is the case. This is precisely why the CIL Appraisal mechanism at Schedule 15 of the section 106 Unilateral Undertaking submitted by the Appellant is required and was proposed by the Appellant - it is the appropriate mechanism for providing the flexibility opted for by the Council, and supported by the Examiner.

There is agreement between all parties' viability experts that CIL is an item that must be included in any viability appraisal for the site. It currently has a figure against it representing the CIL set by the London Mayor. The imposition of the proposed Borough CIL will result in a very substantial additional cost to the Westferry Printworks development, which will clearly have an impact on the viability and deliverability of the scheme. The mechanism in Schedule 15 of the Unilateral Undertaking simply provides for that figure to be replaced with a new CIL figure, comprising the Mayoral CIL and the proposed Borough CIL.

The proposed mechanism in the Unilateral Undertaking provides the flexibility and balance between CIL and affordable housing which the Council itself has sought, and which the CIL Examiner has accepted, to ensure that development is viable and can be delivered.

As such, should the Appeal be determined after the publication of the new CIL charging schedule there will be no reduction in "Developer Contributions", but a reallocation of contributions between affordable housing and CIL.

The Appellant disagrees with the Council's unsubstantiated assertions at paragraphs 34 and 36 of its letter in the strongest terms. The evidence is before the Inspector and Secretary of State and we do not propose to repeat the evidence and submissions in this letter.

Yours faithfully,

*Eversheds Sutherland (International) LLP*  
**Eversheds Sutherland (International) LLP**

2109

REDACTED

**From:** REDACTED @london.gov.uk>  
**Sent:** 21 October 2019 16:57  
**To:** REDACTED  
**Cc:**  
**Subject:** Westferry Printworks Public Inquiry 3225474

Dear REDACTED

Please see link below to the recently adopted Isle of Dogs and South Poplar Opportunity Area Planning Framework 2019 which is relevant to the above appeal. In relation to the Westferry Printworks site, the contents of the document have not changed materially compared to the draft version which was previously submitted to the Inspector prior to the Public Inquiry. The only comment GLA officers have, is that the document should now be given significant weight in decision making.

<https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/opportunity-areas/opportunity-areas/isle-dogs-and-south-poplar-opportunity-area>

A copy of the document can be downloaded [here](#) via wetransfer. I have copied in the Council and appellant and please contact me should you have any queries.

Kind regards  
REDACTED

*Doc downloaded 22/10/19*

GREATER LONDON AUTHORITY  
City Hall, The Queen's Walk, London SE1 2AA  
REDACTED

[london.gov.uk](https://www.london.gov.uk)  
REDACTED [@london.gov.uk](mailto:REDACTED@london.gov.uk)

#LondonIsOpen

**GREATER LONDON AUTHORITY NOTICE:**

The information in this email may contain confidential or privileged materials. For more information see <https://www.london.gov.uk/about-us/email-notice/>

REDACTED

The Planning Inspectorate  
3/J Kite Wind  
Temple Quay House  
2, The Square  
Bristol  
BS1 6PN

**Date:** 30 October 2019

**Your ref:**

**Our ref:** REDAC 301403-000001

**Direct:** REDACTED

**Email:** REDACTED@eversheds-sutherland.com

**By E-mail and Post** REDACTED

**@pins.gsi.gov.uk**

Dear REDACTED

**Former Westferry Printworks Site, 235 Westferry Road, London E14 3 QS**  
**Reference: APP/E5900/W/19/3225474**  
**Representations regarding Inspector's Report on the emerging London Plan 2019**

Thank you for inviting us to make comments on behalf of our client, Westferry Developments Limited ("the Appellant"), concerning the recent publication of the inspector's report to the London Mayor on the emerging London Plan 2019.

At paragraphs 198-201 of the report the principle of the late stage review comprised in emerging policy H6 is considered and accepted. However, the emerging London Plan is not adopted and there is no certainty that it will be adopted by the time of a decision on the appeal by the Secretary of State.

Clause 3.8 of the Unilateral Undertaking dated 6<sup>th</sup> September 2019 given by the Appellant to the Council contains provisions which cater precisely for these circumstances. We will not repeat the content of the Undertaking in this letter, but note that Clause 3.8 sets out a mechanism under which a late stage review may or may not be applied to the development by the Secretary of State.

Otherwise the Appellant has no need to make further comment on the emerging London Plan as such matters were the subject of the evidence it submitted to the inquiry.

Should the Inspector have any questions relating to this letter, please do not hesitate to get in touch with us.

Yours faithfully,

*Eversheds Sutherland (International) LLP*

**Eversheds Sutherland (International) LLP**

man\_003\4254356\1\REDACT

REDACTED

**From:** REDACTED  
**Sent:** 30 October 2019 17:25  
**To:** REDACTED  
**Subject:** FW: Westferry Printworks Public Inquiry 3225474  
**Attachments:** London Plan Panel Report.pdf

REDACTED – please see below and attached.

REDACTED (GLA) has also sent comments on the appellant's response to the Tower Hamlets LP report – do you want to see this?

Further, REDACTED on behalf of the appellants sent a copy of the same letter from Eversheds Sutherland, however adds "For the avoidance of doubt, I'd also like to confirm that we have no additional comments to make on the Council's Supplemental note on the emerging local plan."

Cheers

REDACTED

---

**From:** REDACTED @london.gov.uk>  
**Sent:** 30 October 2019 16:44  
**To:** REDACTED @planninginspectorate.gov.uk>  
**Cc:** REDACTED  
 REDACTED

**Subject:** RE: Westferry Printworks Public Inquiry 3225474

Dear REDACTED

Thank you for the opportunity to comment on the Inspectors Panel Report. A copy of the Panel Report and the Appendix 'Panel Recommendations' are attached. Please find the GLA's comments below:

The draft London Plan was subject to an Examination in Public (EiP), which was undertaken between 15 January and 22 May 2019. On 16 July 2019, the Mayor published the Draft London Plan – Consolidated Suggested Changes Version (July 2019), which incorporated the suggested changes put forward by the Mayor before, during, and after the EiP sessions. The Panel of Inspectors, appointed by the Secretary of State, issued their report and recommendations to the Mayor and this was published on the GLA website on 21 October 2019. The Mayor is currently considering the Panel Report and recommendations and is preparing an 'Intend to Publish' version of the London Plan, which will be sent to the Secretary of State alongside a schedule of the Panel's recommendations, and the Mayor's response to them, and published online by the end of this year.

The Appendix to the Examination in Public Panel Report recommends some changes to the text of draft London Plan policies, however, in terms of the policies relevant to the Westferry Public Inquiry no significant changes are recommended. I discuss the main points from the Panel Report, relevant to the GLA's case, below.

**Open space and the OAPF**

The Panel Report, with reference to Draft Policy SD1, confirms at paragraph 119 that "Development in Opportunity Areas is expected to make a significant contribution in terms of accommodating new jobs and meeting the ten year housing targets with over 275,000 net additional homes being provided within them collectively between 2019 and 2029. However, to ensure that targets for jobs and homes in some Opportunity Areas, particularly those that are "nascent" or "ready to grow", are not unrealistically high and thereby lead to unsustainable forms of development, the Mayor has suggested changes to policy SD1 parts B(4) and B(6) and reasoned justification. These make it clear that boroughs should establish the capacity for growth in each Opportunity Area, and that the figures in Table 10.1 are purely indicative rather than minimum targets. Other policies in the Plan set out the assessment process to deliver good design and optimise density; the effective application of those policies will clearly be important in Opportunity Areas". (emphasis added) With reference to Draft Policy G4 on open space, the report confirms at paragraph 448 that existing open space should be protected and new space created particularly in areas of deficiency. The report continues that "Overall the policy provides a comprehensive framework to ensure sufficient protection for all open space in terms of both amount and quality." As such, Draft policies on open space and the OAPF can be given significant weight in the determination of this appeal.

### Heritage and London's Views

My evidence, along with that of REDACTED discussed London Plan heritage policies and the London View Management Framework (LVMF). The Panel Report, at paragraph 327, states that "Policy HC1 builds on the designed approach promoted in policies D1 to D2, to ensure that the significance of heritage assets informs change. In requiring boroughs to develop a clear understanding of the historic environment, it will assist in heritage value informing the preparation of development plans and strategies." Paragraph 328 states that Policy HC1 "appropriately addresses the need to identify and value heritage assets and sets out a common approach to avoid harm, in the first instance, in accordance with national policy." (emphasis added) With reference to the LVMF, paragraph 333, confirms that "Policies HC3 and HC4 set out well established policies in previous iterations of the Plan, which seek to protect and enhance the composition and character of London's strategic and local views and their landmark elements, through the application of the LVMF. This identifies 27 strategic views with 61 assessment points. Evidence suggests that the LVMF has generally been effective in managing London's protected views" (emphasis added). The draft policies on heritage and the LVMF can also now be given significant weight in light of the Panel Reports conclusions.

### Affordable Housing and Review Mechanisms

With reference to specific housing targets, London Plan 2016 Policy 3.3 recognises the pressing need for new homes and Table 3.1 gives a 10 year housing target of 39,314 in Tower Hamlet between 2015 and 2025, equating to an annual target of 3,931. Policy H1 and Table 4.1 of the draft London Plan 2019 sets Tower Hamlets a reduced housing target of 35,110 units between 2019/20 and 2028/29. The Examination in Public Panel Report, within its Panel Recommendations (page 10), recommends that this figure is revised to 34,730 units.

With respect to the approach to affordable housing (Draft Policies H5 – H8), the Panel Report at paragraph 191 confirms that "The identified need for affordable housing in London is acute, being some 65% of overall housing need. Recent delivery to date has fallen significantly short of meeting identified need. Between 2014/15 and 2016/17 affordable housing output averaged 21% of total provision. In light of this, the Plan's approach to affordable housing aims to bring about a step change in delivery. The approach set out in the Plan was first introduced in August 2017, through the Mayor's Homes for Londoners Affordable Housing and Viability Supplementary Planning Guidance. It has shown promising results in raising the overall delivery above 21% since then. (emphasis added)" The Panel Report continues at paragraph 193 that "The strategic target is ambitious and greater than the target in the current Plan. However, taking all these considerations into account, and with a logical policy framework to its achievement, it is considered realistic and deliverable."

Of particular relevance to this appeal is Paragraph 199 of the Panel Report which specifically discusses review mechanisms and policy H6. The report confirms that the Mayor's approach to viability review mechanisms is acceptable and confirms "Both routes to permission include an early stage review, which will help to incentivise build out. The "viability tested route" includes a late stage review, which will give decision makers confidence that affordable housing provision has been optimised. This approach accords with national guidance." (emphasis added)

The report concludes on review mechanisms that "In achieving the policy aims the requirements are necessary and justified." As such, Draft Policy H6 should be given significant weight in the determination of this appeal and the evidence provided by Ms Seymour in relation to the requirement for early and late stage reviews is supported by development plan policy along with the AHV SPG.

### Summary

In line with paragraph 48 of the NPPF, the weight attached to the draft London Plan should reflect the stage of its preparation; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging Plan to the NPPF. As confirmed by the Panel Report, the changes proposed to the text of the Draft London Plan policies, relevant to the Westferry Printworks appeal, are not significant. Whilst the Mayor is currently considering his response, taking into consideration the recommendations of the Panel Report, he will be sending the 'intend to publish' version of the Plan to the SoS by the end of the year. I am of the view that it is highly unlikely that there will be significant changes to the draft policies relevant to this appeal and the London Plan will move forward to its formal publication early next year. As such, I consider that the Draft London Plan policies relevant to this appeal can now be given significant weight and are justified, necessary and consistent with national policy. In particular, the evidence provided by REDACTED in relation to the requirement for early and late stage reviews is supported by development plan policy H6 along with the AHV SPG.

I hope the above is of assistance and please contact me should you have any queries.

Kind Regards  
REDACTED

---

**From:** REDACTED [@planninginspectorate.gov.uk](mailto:@planninginspectorate.gov.uk)>  
**Sent:** 25 October 2019 18:18  
**To:** REDACTED  
REDACTED

**Subject:** RE: Westferry Printworks Pubic Inquiry 3225474

Dear All

### **Report of the examination in public of the London Plan 2019**

The Panel report has been published and the panel comment on a specific policy (H6) which is referred to in the S106.

The Inspector asks if you wish to make any further comments in the light of the Panel report. If so, please respond by 30 October 2019.

Kind regards

REDACTED

---

REDACTED

Inquiries and Major Casework Team  
The Planning Inspectorate, 3/J Kite Wing, Temple Quay House, Bristol, BS1 6PN  
☎: REDACTED  
✉: [@planninginspectorate.gov.uk](mailto:@planninginspectorate.gov.uk)  
🌐: <https://www.gov.uk/government/organisations/planning-inspectorate>

REDACTED

**From:** REDACTED  
**Sent:** 30 October 2019 18:08  
**To:** REDACTED  
**Subject:** FW: Westferry Printworks Pubic Inquiry 3225474  
**Attachments:** Appellant's comments on Local Plan Examination Report.pdf; Appellant's comments on the CIL DCS Examination Report.pdf

REDACTED

Here is the email I was talking about.

Cheers  
 REDACTED

**From:** REDACTED @london.gov.uk>  
**Sent:** 30 October 2019 16:53  
**To:** REDACTED  
**Cc:**  
 REDACTED

**Subject:** RE: Westferry Printworks Pubic Inquiry 3225474

Hi REDACTED

The GLA has considered the letter provided by the Appellants dated 22<sup>nd</sup> October 2019 responding to the council's letter of 4<sup>th</sup> October 2019 and the examination report on the Tower Hamlets CIL Draft Charging Schedule.

The Appellant considers that the findings of the CIL Examiner's Report provide support for the CIL Appraisal mechanism at Schedule 15 of the section 106 Unilateral Undertaking submitted by the Appellant. The GLA objects to this and the Appellant's position that the mechanism will provide an appropriate balance between CIL and affordable housing to ensure that the development is viable.

In summary, the reasons for this are that:

- The CIL Appraisal Mechanism at Schedule 15 of the Unilateral Undertaking allows the Appellant to re-determine the level of affordable housing within the development in the event that permission is granted for the scheme after publication of the Charging Schedule.
- The CIL Appraisal Mechanism is based on an update to the Appellant's viability evidence deploying the Appellant's methodology, assumptions and inputs, which were substantive matters of dispute between the parties and the subject of evidence at the Inquiry. This comprises of approaches, including that relating to benchmark land value, which are contrary to national, mayoral and local guidance.
- No information was before the Inquiry regarding the potential CIL liability or the Appellant's assessment of the effect of this on affordable housing delivery.
- The approach adopted within the CIL Appraisal Mechanism has the potential to significantly reduce the level of affordable housing within the development below that proposed by the Appellant at the appeal (21 per cent by habitable room), or to remove it altogether, without further consideration by the Inspector or Secretary of State.
- This is effectively a downward viability review mechanism which is contrary to national and Mayoral guidance (CD 84 Paragraph: 009 Reference ID: 10-009-20190509; CD15 Paragraph 3.66)

- Such a reduction to the level of affordable housing within the scheme would fundamentally change the balance of considerations and the extent to which the scheme will contribute to addressing the substantial need for affordable housing.

Further details regarding the GLA's position were set out at the Inquiry and are not repeated here. The Unilateral Undertaking was not revised to take into account these concerns and as such if permission were to be issued after adoption of the charging schedule, the Unilateral Undertaking does not provide an effective mechanism for securing delivery of the level of affordable housing proposed by the Appellant at the appeal. This compounds the GLA's concerns that the scheme will not provide the maximum reasonable level of affordable housing as required by London Plan policy 3.12, Policy SP02 of the Tower Hamlets Core Strategy and the emerging Development Plan.

Please contact me should you have any queries.

Kind Regards  
REDACTED

---

**From:** REDACTED [@dp9.co.uk](mailto:REDACTED@dp9.co.uk)  
**Sent:** 22 October 2019 16:59  
**To:** REDACTED  
**Cc:** REDACTED

**Subject:** RE: Westferry Printworks Pubic Inquiry 3225474

Dear REDACTED

As requested, please find attached two letters for the attention of the Planning Inspector which contain separate comments on:

- The Examination Report into the new Local Plan and Main Modifications; and
- The Examination Report of the CIL Draft Charging Schedule.

I can confirm that the GLA and the Council are both copied into this email.

Kind Regards  
REDACTED

[@dp9.co.uk](mailto:REDACTED@dp9.co.uk)

**DP9 Ltd**  
100 Pall Mall  
London  
SW1Y 5NQ  
**telephone:** 020 7004 1700 **facsimile:** 020 7004 1790 **website:** [www.dp9.co.uk](http://www.dp9.co.uk)

This e-mail and any attachments hereto are strictly confidential and intended solely for the addressee. It may contain information which is privileged. If you are not the intended addressee, you must not disclose, forward, copy or take any action in relation to this e-mail or attachments. If you have received this e-mail in error, please delete it and notify [postmaster@dp9.co.uk](mailto:postmaster@dp9.co.uk)

**From:** REDACTED  
**Sent:** 01 November 2019 16:32  
**To:** REDACTED  
**Cc:**  
REDACTED

@dp9.co.uk>

**Subject:** RE: Westferry Printworks Pubic Inquiry 3225474

**Dear** REDACTED

Thank you for providing the Appellant with an opportunity to comment on the GLA's representations on the examiner's report on the Council's CIL Charging Schedule and the London Plan Inspector's Report. Our comments are as follows:

☐ **CIL**

There is nothing new in the representations that was not raised during the public inquiry. The Appellants' brief response is:

- the Council has itself decided to impose a CIL charge on the Westferry Printworks site and it may adopt its Charging Schedule before the Appeal is determined;
- in promoting a CIL charge for the site it accepts that there must be flexibility employed when balancing the need for infrastructure and the need for affordable housing;
- it is clear that the CIL charge payable for the Appeal scheme could be substantial;
- it is obvious and accepted by all parties to the Appeal that the amount of CIL payable is a relevant input for any appraisal of the site;
- Schedule 15 of the Appellant's Unilateral Undertaking contains a transparent mechanism which allows for the CIL liability currently included in the scheme appraisal to be replaced with the new CIL liability and (if relevant) adjust the affordable housing figure;
- the form of appraisal (an IRR appraisal) has been accepted as appropriate by the parties, it being the form of appraisal already employed in relation to the site on the extant scheme for some 3 years and required for consistency;
- the inspector has heard full evidence on the other appraisal inputs, including benchmark land value.

The concerns expressed by the GLA were asserted at the public inquiry, and the points above should be read in conjunction with the Appellant's evidence at the inquiry and its closing submissions.

## Emerging London Plan

Again, there are no new matters raised in the GLA's representations and the Appellant will not repeat the points made in its evidence and closing submissions.

Should you have any questions, please do not hesitate to contact us.

Yours sincerely,

REDACTED

[@dp9.co.uk](mailto:dp9@dp9.co.uk)

DP9 Ltd

100 Pall Mall

London

SW1Y 5NQ

telephone: 020 7004 1700 facsimile: 020 7004 1790 website: [www.dp9.co.uk](http://www.dp9.co.uk)

This e-mail and any attachments hereto are strictly confidential and intended solely for the addressee. It may contain information which is privileged. If you are not the intended addressee, you must not disclose, forward, copy or take any action in relation to this e-mail or attachments. If you have received this e-mail in error, please delete it and notify [postmaster@dp9.co.uk](mailto:postmaster@dp9.co.uk)

**From:** REDACTED

[@planninginspectorate.gov.uk\]](mailto:dp9@planninginspectorate.gov.uk)

**Sent:** 30 October 2019 18:19

**To:** REDACTED

REDACTED

**Subject:** RE: Westferry Printworks Pubic Inquiry 3225474

Dear All

I refer to the above appeal. The Inspector has accepted the comments received on the recent matters (i.e. the LB Tower Hamlets Local Plan/CIL reports and the London Plan Panel Report). If any party has any further comments they wish to make on what has been submitted only, please can they do so by COP Friday 1 November.

The Inspector will not be accepting any further representations after this time.

Kind regards

REDACTED

REDACTED

Inquiries and Major Casework Team

The Planning Inspectorate, 3/J Kite Wing, Temple Quay House, Bristol, BS1 6PN

 REDACTED

: [@planninginspectorate.gov.uk](mailto:dp9@planninginspectorate.gov.uk)

: <https://www.gov.uk/government/organisations/planning-inspectorate>

## **TRANSCRIPT OF TEXT MESSAGES**

### **18<sup>th</sup> November 2020**

**RJ:** Good to spend time with you tonight Richard. See you again soon I hope. Robert Jenrick

**RD:** Thanks Robert I really appreciate your text Will call your office tomorrow to arrange Very best Richard

**RJ:** I'd like that. See you soon. Robert

### **20<sup>th</sup> November 2020**

**RD:** Your efficient PA (name redacted) has arranged a meeting for 19<sup>th</sup> December at 10.30am for meet and site visit. Good news finally the inspectors reports have gone to you today, we appreciate the speed as we don't want to give Marxists loads of doe for nothing! We all want to go with the scheme and the social housing we have proposed and spent a month at the Marxist town hall debating, thanks again, all my best Richard

**RJ:** Richard. As Secretary of State it is important not to give any appearance of being influenced by applicants of cases that I may have a role in or to have predetermined them and so I think it is best that we don't meet until after the matter has been decided, one way of [sic] another - and I can't provide any advice to you on that, other than to say that I will receive advice from my officials after the general election assuming I remain in office and will consider it carefully in accordance with the rules and guidance. I hope that is okay and we can meet to discuss other matters soon, hopefully on the 19<sup>th</sup>. Robert

**RD:** Robert Absolutely understood Look forward to meeting on 19<sup>th</sup> to celebrate the big majority Best Richard

(SoS did not reply to this message).

### **13<sup>th</sup> December**

**RD:** Robert, fantastic day today! So happy and relieved as the whole country is. Well done for keeping calm. Looking forward to next Thursday. Are you coming here to our offices at 10.30 am and then we'll all go down to Westferry together? Do you need transport? Please let me know as soon as. Best Richard

### **15<sup>th</sup> December**

**RJ:** Thanks Richard. I'm afraid Thursday doesn't work for me now as I am likely to be at the Queens Speech in Parliament. However we will meet up soon. And I will look at the advice regarding the application this week. Best wishes Robert

**RD:** Thanks Robert speak beforeXmas ? Best Richard

(SoS did not reply to this message).

### **23<sup>rd</sup> December**

**RD:** Morning Robert How does the advice look? We have to get the approval before January 15 otherwise payment of 45 million pounds to tower hamlets meaning we have to stop and reduce social housing Thanks Robert look forward to speaking soon Best Richard

(SoS did not reply to this message)

## **22 January**

**RJ:** Richard I hope you understood that I could not speak with you or have contact whilst I was making my decision with respect to the planning application at Westferry - which was why I did not return your messages. Best wishes Robert

**RD:** Robert I totally understand why we could not have contact with you or your department while you were making the decision. I have now pushed the button on a further £600million investment at the development as a result of the decision, enabling the social housing and market housing to more than double together with the delivery of the magnificent new school etc etc. This will create thousands of new jobs pretty much straight away - as we are 'on it' and don't hang around!!! Now we are moving ahead would you like to visit the site in March? Best Wishes Richard

## **24 January**

**RJ:** I would be happy to visit and see progress as it develops. Best wishes Robert

**RD:** Great have a nice weekend best Richard

*NB: No further communication and no visit was arranged or took place. Mr Desmond attempted to call the Secretary of State on a number of occasions, but the Secretary of State did not take his calls*