

CABINET	 TOWER HAMLETS
22 May 2019	
Report of: Ann Sutcliff, Corporate Director, Place	Classification: Unrestricted
Neighbourhood Planning: Modification of East Shoreditch Neighbourhood Area	

Lead Member	Councillor Rachel Blake, Deputy Mayor for Regeneration and Air Quality
Originating Officer(s)	Adele Maher, Strategic Planning; Steven Heywood, Planning Officer
Wards affected	Weavers
Key Decision?	Yes
Forward Plan Notice Published	
Reason for Key Decision	Effect on communities living in more than one ward AND Procedural reasons – previous neighbourhood planning issues always treated as key decisions
Strategic Plan Priority / Outcome	3. A dynamic outcomes-based Council using digital innovation and partnership working to respond to the changing needs of our borough.

Executive Summary

Neighbourhood planning was introduced by the Localism Act 2011 and allows communities to help shape their local area by preparing a Neighbourhood Development Plan (NDP), or Neighbourhood Development Orders (NDOs), provided they meet a number of basic conditions, including being in general conformity with the strategic policies of a development plan prepared and adopted by the local planning authority (LPA). In parished areas neighbourhood planning processes are led by parish or town councils; in other areas neighbourhood planning forums must apply to the LPA to be designated as the lead (qualifying body).

As LPA, the Council is required to determine applications for Neighbourhood Planning Area designations in accordance with the Town and County Planning Act 1990 (as amended) and the Neighbourhood Planning (General) Regulations 2012.

The Council has received an application from the community organisation East Shoreditch Neighbourhood Forum to modify the boundary of the existing East Shoreditch Neighbourhood Planning Area.

Recommendations:

Cabinet is recommended to:

1. A approve the amendment to the East Shoreditch Neighbourhood Area.
2. To note the specific equalities considerations as set out in paragraphs 7.1 to 7.3.

1. REASONS FOR THE DECISIONS

- 1.1 The Council has received an application to modify the East Shoreditch Neighbourhood Planning Area.
- 1.2 The Council is required to determine applications for neighbourhood planning area designations in accordance with the Town and County Planning Act 1990 (as amended) ("TCPA 1990") and the Neighbourhood Planning (General) Regulations 2012 ("the 2012 Regulations").
- 1.3 The Government's Planning Practice Guidance ("PPG") on Neighbourhood Planning (Ref ID: 41) provides guidance on the determination of such applications. It also states that the role of the Local Planning Authority ("LPA") is to take decisions at key stages in the Neighbourhood Planning process.
- 1.4 Officers have undertaken an assessment of the proposed East Shoreditch Neighbourhood Planning Area application against relevant provisions of the TCPA 1990, the 2012 Regulations and the guidance detailed in the PPG. As a result, officers are satisfied that the application accords with relevant legislative requirements. The application is therefore recommended for approval and a decision should be taken in accordance with the LPA's statutory duties.

2. ALTERNATIVE OPTIONS

- 2.1 Section 61G of the TCPA 1990, requires the authority to exercise its power of designation where a valid application has been made so as to secure that some, or all, of the proposed Area forms part of one or more areas designated (or to be designated) as neighbourhood areas where:
 - i) some or all of the proposed area has not been designated as a neighbourhood planning area; or
 - ii) the authority refuses the application because it considers that the proposed area is not an appropriate area to be designated as a neighbourhood area.

- 2.2 The authority may also modify designations already made and ensure that neighbourhood areas do not overlap.
- 2.3 In accordance with section 61H of the TCPA 1990, the authority has an additional option. Section 61H provides that the power of a LPA to designate a neighbourhood area, as a business area, is exercisable by the authority only if, having regard to such matters as may be prescribed, it considers that the area is wholly or predominantly business in nature.
- 2.4 Options available to the authority are therefore to: 1) designate all of the area proposed in the application; 2) designate the area applied for, with modifications, ensuring some of the proposed area is in the designation; 3) modify existing designations; and 4) designate the area as a business area. These have been considered by the authority.
- 2.5 It is considered that the modified Area proposed meets the relevant legislative requirements and guidance in paragraph 33 of the Planning Policy Guidance. It is not required to modify any other existing designation. It is also not considered appropriate to designate the Area as a business area as officers do not consider the Area to meet the requirements of section 61H of the Town and County Planning Act 1990, as it is not wholly or predominately business in nature.

3. DETAILS OF THE REPORT

- 3.1 This report provides an overview of the assessment of the East Shoreditch Neighbourhood Planning Area application.
- 3.2 The content of this report is as follows:
- Section 4: provides an introduction to Neighbourhood Planning;
 - Section 5: outlines the relevant legislative framework and guidance; and
 - Section 6: provides a background to the East Shoreditch Neighbourhood Planning Area application and details of the LPA's assessment.

4 INTRODUCTION TO NEIGHBOURHOOD PLANNING: A COMMUNITY LED PROCESS

- 4.1 The Localism Act 2011 amended the TCPA 1990 to make provision for neighbourhood planning, which gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.
- 4.2 The legislative provisions concerning neighbourhood planning within the TCPA 1990 are supplemented by the Neighbourhood Planning (General) Regulations 2012 (as amended by the Neighbourhood Planning (General)

(Amendment) Regulations 2015) and the Neighbourhood Planning (Referendum) Regulations 2012 ("the 2012 Regulations").

- 4.3 PPG issued by the Secretary of State for Communities and Local Government provides detailed advice relating to the neighbourhood planning system introduced by the Localism Act 2011, addressing the key stages of decision-making including the designation of neighbourhood areas.
- 4.4 Neighbourhood planning provides communities with the ability to prepare a Neighbourhood Development Plan (NDP) and/or Neighbourhood Development Orders (NDO), in areas designated by the LPA on application as a neighbourhood area. Neighbourhood planning powers may only be exercised by bodies authorised by the legislation. In a neighbourhood area where there is a parish council, only a parish council may make proposals for a NDP or NDO. In neighbourhood areas without a parish council, only a body designated by the LPA as a neighbourhood forum may bring forward a NDP or NDO(s) for that neighbourhood area.
- 4.5 NDPs set out policies in relation to the development and use of land in all or part of a defined neighbourhood area and may include site allocations, or development principles, for allocated sites. They may also include character appraisals and seek to establish community facilities and/or identify areas for public realm improvements. NDOs allow for planning permission to be granted in the circumstances proposed and exempt certain types of development, or development in certain areas, or on particular sites, from the usual requirement to apply to the LPA for a grant of planning permission.
- 4.6 Both NDPs and NDOs need to be in general conformity with the strategic policies of the Council's 'Local Plan': Core Strategy (2010) and Managing Development Document (MDD) (2013).
- 4.7 A NDP that has been 'made' in accordance with the relevant legislative provisions forms part of the Council's statutory 'Development Plan' (comprising the Local Plan and London Plan) and, as such, will be accorded full weight when determining planning applications in the neighbourhood area. NDPs will form a new spatial layer to the Council's planning policy and guidance.
- 4.8 NDP policies will be developed by a neighbourhood forum through consultation with stakeholders in their relevant neighbourhood area and through engagement with Council Officers. Proposed NDP policies must be supported by an up-to-date evidence base to ensure that they are reasonable, sound and justified. Before the NDP is 'made' it must be subject to pre-submission publicity and consultation, submitted to the LPA for a legal compliance check, publicised for consultation, submitted for independent examination, found by the independent examiner to meet the basic conditions proposed in the legislation, and passed at a referendum.

Community Infrastructure Levy

- 4.9 The Community Infrastructure Levy Regulations 2010, as amended by the Community Infrastructure Levy (Amendment) Regulations 2013 ("the CIL Regulations") were supplemented by the Community Infrastructure Levy Guidance Note, published by DCLG on 26 April 2013. The 2013 guidance was replaced by the Government's PPG on 6 March 2014.
- 4.10 The CIL Regulations, as explained by the PPG, make provision for how CIL receipts may be used in relation to neighbourhood planning in those areas which have Parish Councils and those which do not. Tower Hamlets currently does not have any Parish Councils and, as such, the Council retains the revenue generated by CIL.
- 4.11 The Community Infrastructure Levy PPG (Ref ID: 25) states (at paragraph 072) that:
- "... In England, communities that draw up a neighbourhood plan or neighbourhood development order (including a community right to build order), and secure the consent of local people in a referendum, will benefit from 25 per cent of the levy revenues arising from the development that takes place in their area. This amount will not be subject to an annual limit. ..."*
- 4.12 Therefore, where a NDP or NDO has been adopted, the Council is required to consult with the local community as to how this 25 per cent proportion of CIL receipts will be spent. Irrespective of this regulation, the Cabinet in December 2016, agreed to undertake this for all areas of the borough whether or not an NDP or NDO has been adopted.

Overview of Neighbourhood Planning at LBTH

- 4.13 The determination of applications to designate neighbourhood areas and neighbourhood forums are decisions exercised by the Mayor of Tower Hamlets.
- 4.14 Such applications are required by the Council to be submitted using the Council's neighbourhood planning application.
- 4.15 The Council has published Guidance and a Service Offer to assist prospective neighbourhood forums to understand what is involved in becoming a forum and designating an area, the criteria the Council use to make decisions and the support the Council provides at each stage.
- 4.16 This Guidance advises prospective forums to liaise with officers prior to applications being submitted. This allows those proposing to engage in the neighbourhood planning process to meet relevant legislative requirements.

4.17 The Council is required to publicise applications for the designation or neighbourhood areas and forums for a period of six weeks. In addition to that basic legislative requirement, Officers are guided by best practice and also consult with the following:

- Government agencies
- Relevant Ward Councillors

5 NEIGHBOURHOOD PLANNING AREAS: RELEVANT LEGISLATION AND GUIDANCE

5.1 This section outlines the relevant legislative framework and guidance as they relate to the designation of neighbourhood areas, in the following sequence: 1) making an application 2) consulting on an application and 3) designating an area.

5.2 The Council has a statutory duty to determine applications to establish neighbourhood areas in accordance with the relevant legislation: sections 61G(5) and 61H(3) of the TCPA 1990. The Council must also have regard to the guidance in the PPG on neighbourhood planning as it relates to the designation of neighbourhood areas.

Making an application

5.3 In accordance with Regulation 5 of 2012 Regulations where a relevant body submits an area application to the local planning authority it must include:

- (a) A map which identifies the area to which the area application relates
- (b) A statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and
- (c) A statement that the organisation or body making the area application is a relevant body for the purposes of section 61G of the TCPA 1990.

5.4 A local planning authority (LPA) may decline to consider an area application if the relevant body has already made an area application and a decision has not yet been made on that application.

5.5 Upon receipt of an application, it is validated in accordance with the above.

Consulting on an application

5.6 In accordance with regulation 6 of the 2012 Regulations, the LPA must publish the following on its website and in such a manner as to bring the application to the attention of people who live, work or carry on business in the area to which the application relates:

- (a) a copy of the area application;

- (b) details of how to make representations; and
- (c) the date by which those representations must be received, being not less than 6 weeks from the date on which the application is first published.

Designating an area

- 5.7 In accordance with section 61G of the TCPA 1990, a LPA must exercise its power *"so as to secure some or all of the proposed area forms part of one of more areas designated as neighbourhood area"*. In so doing, the LPA (in non-parished areas such as Tower Hamlets) must have regard to:
- (1) The desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas (section 61G(4)(b));
 - (2) Refusing the application because they consider that the proposed area is not an appropriate area to be designated as a neighbourhood area (section 61G(5)(c));
 - (3) Exercising their power of designation so as to secure that some or all of the proposed area forms part of one or more areas designated (or to be designated) as a neighbourhood area (section 61G(5)(c));
 - (4) Modification of designations already made (section 61G(6)); and
 - (5) Ensuring that neighbourhood areas do not overlap (section 61G(7)).
- 5.8 In accordance with section 61H of the TCPA 1990, whenever a local planning authority exercises their power under section 61G to designate an area as a neighbourhood area, they must consider whether they should designate the area concerned as a business area.
- 5.9 Section 61H(c) specifies the criteria for determining if an area should be designated as a business area. It states that:
- "The power of a local planning authority to designate a neighbourhood area as a business area is exercisable by the authority only if, having regards to such matters as may be prescribed, they consider that the area is wholly or predominately business in nature."*
- 5.10 The PPG states at paragraph 035 that *"the local planning authority should aim to designate the area applied for"*.
- 5.11 Section 61O of the TCPA 1990 requires a LPA to take account of the guidance in paragraph 033 of the PPG, which lists considerations that may be relevant to determining the boundaries of a neighbourhood area. Paragraph 033 of the PPG also provides guidance on considerations when deciding the boundaries of areas. It states that *"electoral ward boundaries can be a useful starting point for discussions on the appropriate size of a neighbourhood area"*.

5.12 Other considerations outlined in the PPG relate to:

- (a) village or settlement boundaries, which could reflect areas of planned expansion;
- (b) the catchment area for walking to local services such as shops, primary schools, doctors' surgery, parks or other facilities;
- (c) the area where formal or informal networks of community based groups operate;
- (d) the physical appearance or characteristics of the neighbourhood, for example buildings may be of a consistent scale or style;
- (e) whether the area forms all or part of a coherent estate either for businesses or residents;
- (f) whether the area is wholly or predominantly a business area;
- (g) whether infrastructure or physical features define a natural boundary, for example a major road or railway line or waterway;
- (h) the natural setting or features in an area; and
- (i) size of the population (living and working) in the area.

(Please note that LBTH have inserted the lettering above whereas the PPG uses bullet points)

5.13 The area application for the Poplar Neighbourhood Area is assessed against the above legislative and regulatory criteria. The assessment also takes into account the PPG guidance and public consultation responses where relevant to decision making. Relevance is determined in line with the legislative and regulatory criteria and PPG guidance. The following section of this report assesses the application against the above considerations.

6 NEIGHBOURHOOD PLANNING AREAS: EAST SHOREDITCH APPLICATION

6.1 This section provides a background to the East Shoreditch Neighbourhood Planning Area application, public consultation and details of the assessment. The format of this section outlines how the East Shoreditch Neighbourhood Planning Area application was processed and assessed in relation to the criteria that an LPA must have regard to as it relates to: (1) making an application; (2) consulting on an application; and (3) designating an area.

6.2 The designation of an area is assessed against the criteria taken from sections 61G(1-5), 61H and paragraph 033 and 035 of the PPG.

Context of the application

- 6.3 On 1 October 2013, an application was received for an East Shoreditch Neighbourhood Planning Area and Neighbourhood Planning Forum. The area was cross-boundary, including parts of the boroughs of Tower Hamlets and Hackney. The East Shoreditch Neighbourhood Area and Forum were designated in Tower Hamlets on 5 February 2014.
- 6.4 For the Hackney portion of the area, a decision was not taken until 23 February 2015. The London Borough of Hackney refused to designate the Neighbourhood Planning Area as applied for (an area that stretched to Shoreditch High Street), and instead designated a much smaller area as the East Shoreditch Neighbourhood Planning Area (including only the land directly surrounding St Leonard's Church). At the same meeting, Hackney refused to designate the East Shoreditch Neighbourhood Forum, on the basis that the area the Forum had applied to be responsible for had now substantially changed.
- 6.5 This problem of the Forum being recognised only in the Tower Hamlets part of its corresponding Neighbourhood area was not resolved, causing difficulties for the Forum in bringing a neighbourhood plan forward. Neighbourhood Planning Forum designations expire after five years unless renewed, and the East Shoreditch Neighbourhood Forum designation expired on 5 February 2019. The expiration of the official Forum designation does not automatically mean the cessation of the organisation that played the role of the Forum – but it does mean that such an organisation has no statutory planning role unless and until it is redesignated as a Forum.
- 6.6 Shortly after the expiry of the Forum designation, the East Shoreditch Neighbourhood Forum designation made contact with planning officers to discuss redesignation and a modification of the neighbourhood area to exclude the area in Hackney that had caused problems for the full recognition of the Forum.
- 6.7 Officers advised that the modified neighbourhood area should be applied for before the redesignation of the Forum. The application evaluated below is for the modified neighbourhood area. For the purposes of planning in Tower Hamlets, the area applied for is identical to that which is already designated in the borough, with the exception that the Area would now officially stop at the boundary of Tower Hamlets – whereas before it would continue over the border into Hackney.
- 6.8 The London Borough of Hackney has been contacted by planning officers concerning this change, and will be contacted again to discuss the implications for altering their own neighbourhood planning documentation.

Making an application

Application submission and validation

- 6.9 An application was received from the East Shoreditch Neighbourhood Forum on 7 March 2019. The application was to modify the East Shoreditch Neighbourhood Planning Area. It contained:
- A map which identified the Area to which the application relates;
 - A statement explaining why this Area is considered appropriate to be designated as a neighbourhood area in the application form; and
 - A statement that the organisation or body making the area application is a relevant body for the purposes of section 61G of the TCPA 1990 in the application form.
- 6.10 A Neighbourhood Planning Area has already been designated in this area by the Council, on 5 February 2014. The existing area was also applied for by the East Shoreditch Neighbourhood Forum, and this group was designated as the Neighbourhood Planning Forum for the area at the same time. The official designation of this group as the Neighbourhood Planning Forum for the East Shoreditch Neighbourhood Area expired on 5 February 2019 – the organisation continues to exist, but no longer has any statutory role. Designations of Neighbourhood Planning Areas do not expire after a set time, in the way that designations for Neighbourhood Planning Forums do.
- 6.11 Officers consider that the East Shoreditch Neighbourhood Forum is still a relevant body for the purposes of section 61G of the TCPA 1990 (in the sense that they would be eligible to be redesignated as the statutory Neighbourhood Planning forum for the area), and can therefore propose changes to the relevant neighbourhood area.
- 6.12 The application submission was therefore validated in accordance with regulation 5 of the 2012 Regulations, on 7 March 2019.

Consultation on application

Public consultation process

- 6.13 In accordance with regulation 6 of the 2012 Regulations, public consultation on the Area application was carried out for six weeks between 14 March 2019 and 24 April 2019.
- 6.14 The consultation was advertised in the East London Advertiser, and all application documents were made available on the Council's website, in the Town Hall reception, and at Bethnal Green Library and Idea Store Whitechapel. Publicity material provided details of how to make representations, and the date by which those representations had to be received, which was 24 April 2019.

- 6.15 Because of the 13 week statutory timeline between the beginning of the consultation and the time when a decision must have been reached by the Council, the consultation was not finished at the time this report reached CLT.
- 6.16 For this reason, CLT was asked only to 'note' the report and the proposed designation, and to recommend that further scrutiny take place at MAB and Cabinet. A full consultation statement is attached as an appendix to this report, and sets out more detail of consultation methods and responses received.
- 6.17 In summary, ten responses to the consultation were received. Two were supportive (including one from a local councillor for the ward). Five were from organisations that had no comment to make on the proposed amendment – these were the Canal and River Trust, the Environment Agency, Natural England, National Grid, and the Port of London Authority. Neutral comments were received from Historic England and the Spitalfields Neighbourhood Forum (whose neighbourhood area adjoins this one). Hackney Council provided a further neutral response, setting out the context for their previous decisions on this cross-boundary neighbourhood area, but not explicitly supporting or opposing the proposed modification.

Determining an Application: Designating an Area

- 6.18 The following section of this report provides:
- (1) a summary understanding of the submitted boundary and area;
 - (2) an assessment of the forum's application against relevant legislation (sections 61G and 61H of the TCPA 1990), the 2012 Regulations and guidance within the PPG;

(1) Proposed Area – Summary of submitted boundaries and area

- 6.19 The Area comprises part of the ward of Weavers, aligning with the ward and borough boundary along the west, and encompassing the Boundary Estate and parts of Bethnal Green Road and north Brick Lane.
- 6.20 The western boundary follows the Tower Hamlets administrative boundary between Bethnal Green Road and Columbia Road.
- 6.21 The northern boundary follows Columbia Road to Virginia Road, at which point it runs adjacent to Columbia Road behind the back curtilages of the buildings facing that road, until reaching Gosset Street. This is justified by the buildings to the west of Virginia Road being accessible from the Boundary Estate side, while the buildings to the east are accessed from Columbia Road itself, and are therefore not considered part of the neighbourhood area.
- 6.22 The eastern boundary runs down Gosset Street and then to the west of the Mulberry Academy school site. It then runs down Gibraltar Walk to Bethnal Green Road.
- 6.23 The southern boundary runs along Bethnal Green Road, following the boundary of the Spitalfields Neighbourhood Planning Area, to avoid an overlap between the two areas. To the west of Brick Lane, it diverts south to Sclater Street, before return to the borough administrative boundary to the west.
- 6.24 The proposed area excludes the Bishopsgate Goodsyards, acknowledging that as a strategic site split across two boroughs, and without a community currently living on the site, it would be inappropriate to include within a Neighbourhood Planning Area.

(2) Assessment of the application – designating an area

- 6.25 This section of the report considers the area application and public consultation responses against the relevant legislative criteria and guidance outlined above.

In accordance with 61G(4)(b), is it desirable to maintain the existing boundaries of areas already designated as neighbourhood areas?

- 6.26 The proposed Area maintains the existing boundary of the Spitalfields Neighbourhood Area, whose northern boundary meets the southern boundary of the proposed area. As such it is not necessary to alter the boundaries of any other areas already designated.
- 6.27 It is considered desirable to alter the boundaries of the East Shoreditch Neighbourhood Planning Area as it currently exists, to exclude the part of the Area within the London Borough of Hackney. This area within Hackney was significantly curtailed from the extent of the Area originally applied for, and there have been consequent difficulties in designating the Neighbourhood Planning Forum in Hackney, which has caused difficulties in bringing a

neighbourhood plan forward. This is described in more detail in paragraphs 6.3 to 6.8 above.

- 6.28 It is therefore desirable to alter the boundaries of the East Shoreditch Neighbourhood Planning Area to allow a neighbourhood Forum to be fully recognised within the borders of Tower Hamlets, and to assist with the production of a neighbourhood plan for this Area.

In accordance with 61G(5)(c) should the application be refused because it is considered that the proposed area is not an appropriate area to be designated as a neighbourhood area?

- 6.29 The following paragraphs respond to the above question in addressing the appropriateness of the area to be designated by reference to the considerations listed within paragraph 033 of the PPG (as identified in paragraph 5.12 above) and other matters that have arisen during public consultation.

(a) Village or settlement boundaries

- 6.30 The proposed boundaries of the Area application do not align with the entirety of any single village, settlement or ward boundaries. In a dense urban context, the use of village or settlement boundaries is inappropriate. However, the Area boundaries do utilise some existing administrative boundaries: the western boundary aligns with the border between Tower Hamlets and Hackney, and much of the southern boundary aligns with the boundary of the Spitalfields Neighbourhood Area.
- 6.31 The proposal, in combination with the Spitalfields Neighbourhood Area, would leave the area of Bishopsgate Goodsyrd isolated, and this area would not be large enough to come forward as a neighbourhood area in the future. However, the Goodsyrd is not a site that is currently in use, and therefore does not really form part of the surrounding neighbourhood. If the site is used for residential redevelopment in the future, a modification of the boundaries of the existing neighbourhood areas could include this area. It is not therefore considered necessary to change the proposed boundaries to include this area.
- 6.32 The boundaries proposed are also the same as those previously considered appropriate and consequently designated in Tower Hamlets. The only difference in the boundaries is the addition of a Neighbourhood Area boundary along the border between Tower Hamlets and Hackney.

(b) Catchment area

- 6.33 The proposed Area is centred on the Boundary Estate and Arnold Circus, and is primarily residential. The area around Redchurch Street and Bethnal Green Road performs a retail and food and drink function which, being so close to Shoreditch High Street and its overground station, is likely to attract visitors from a much wider catchment area. This area also includes the Rich Mix Arts Centre, which also serves a wider catchment than the surrounding area.

6.34 The area is served by a number of small open spaces, which are located within the estate and likely to serve a primarily local function, although the application recognises that they also may act as pedestrian routes through the estate. Local community and faith centres include the St Hilda's East Community Centre and the TAB Centre.

6.35 In a dense urban context, where residents and visitors will use a range of services with overlapping and diverse catchment areas, it is inevitable that there will be alternative overlapping catchment areas which could be appropriate neighbourhood areas. The application's focus on primarily residential catchment around the Boundary Estate, but with the inclusion of some facilities that have a wider reach, is considered one such appropriate catchment area.

(c) Community based groups

6.36 A number of community-based groups, residents' associations, and retail interest groups operate within the area, including Friends of Arnold Circus, Jago Action Group, North Brick Lane Residents' Association, and Redchurch Street Traders, along with many residents' associations that are part of individual housing estates.

6.37 There are no known existing community-based groups that wish to represent the Area as a neighbourhood planning forum, other than the prospective forum that submitted this application.

(d) Physical appearance or characteristics

6.38 The Area is primarily residential, and is centred on the Grade II listed buildings of the Boundary Estate. A number of other Grade II and locally listed buildings are scattered throughout the proposed area. Residential typologies are primarily early- and mid-20th century housing estates, with some newer developments in the southern part of the area around Bethnal Green Road.

6.39 The area includes three conservation areas – Redchurch Street, Boundary Estate, and Hackney Road.

(e) Coherent estate either for businesses or residents

6.40 The proposed Area includes a number of housing estates. All housing estates are included in the Area in their entirety and as such it provides a coherent area for residents.

(f) Wholly or predominantly a business area

6.41 The proposed area is predominately residential in land use and character and as such the area is not considered wholly or predominately business in nature. Therefore it is not considered appropriate to designate the Area as a business area as it does not meet the requirements of section 61H of the Town and County Planning Act 1990.

(g) Infrastructure or physical features as a natural boundary

- 6.42 The Area as applied for uses some physical features as natural boundaries – most notably Columbia Road and parts of Bethnal Green Road. Other boundaries include the use of a large school site, administrative boundaries, and the edge of a large potential development site (Bishopsgate Goodsyrd). Some boundaries have been chosen to move away from strong physical features to include or exclude particular properties from the boundary – but these deviations have been justified in the application form, and can be explained as providing a more coherent neighbourhood area (for example, including the estates on Columbia Road that are accessible from the Boundary Estate, but not including properties further down the road that face away from the neighbourhood area), or to avoid overlap with other neighbourhood areas.
- 6.43 Under these circumstances, the boundaries are believed to be appropriate – they use physical features and infrastructure as boundaries where possible and necessary, and otherwise appropriately define a particular local neighbourhood.
- 6.44 These boundaries were also considered appropriate when the Area was previously designated – the only boundary modification being proposed is to add a firm Neighbourhood Area boundary along the existing administrative boundary between Tower Hamlets and Hackney.

(h) the natural setting or features in an area

- 6.45 The Area's natural setting primarily relates to the character of the Boundary Estate, centred on the green space of Arnold Circus and the many protected trees that dot the estate. Other small green spaces are scattered throughout the area, and the character of green space in the area is that of small, estate-based communal spaces.

(i) Size of the population (living and working) in the area

- 6.46 The proposed Area does not align with ward boundaries and, as such, it is difficult to calculate the population living and working in the Area. The 2011 Census population for the ward related to the Area as applied for, are used, as an approximate measure:
- Weavers: 12,885
- 6.47 The proposed Neighbourhood Area covers around a quarter of the area of Weavers ward, and an area which is primarily residential. The residential population of the area might therefore be considered to be around a quarter of the overall ward total, at around 3,000 – but this is quite speculative. An additional working population is likely to be added each day in the commercial area to the south of the proposed Area, but due to the fairly small size of this commercial area, this working population is unlikely to be too significant.
- 6.48 It is noted that the population size of neighbourhood areas designated to date ranges significantly. It is noted that paragraph 033 of the PPG states that

electoral 'ward boundaries can be a useful starting point for discussions on the appropriate size of a neighbourhood area; these have an average population of about 5,500 residents'.

- 6.49 Given the above, the size of the living and working population in the proposed area can be said to be appropriate for a neighbourhood area, and was considered appropriate when the Area was previously designated.

Conclusion

- 6.50 In conclusion, having assessed the neighbourhood area proposed in the application against the considerations listed in paragraph 035 of the PPG (as detailed above), it is considered on balance that the proposed area is an appropriate neighbourhood area. It is the same area that has previously been designated in Tower Hamlets, with the exception of the addition of a Neighbourhood Planning area boundary along the border between Tower Hamlets and Hackney, where previously the Neighbourhood Area extended into Hackney. It is considered that there have been no major material changes since the previous designation to refuse to designate this modified area within Tower Hamlets.
- 6.51 The application form attached as an appendix to this report makes clear that alternative areas were considered by the Forum – including an area that stretches to Shoreditch High Street, and the existing area that extends around St Leonard's Church. However, both of these alternative options consist of alternatives for the Neighbourhood Planning Area within the London Borough of Hackney, and are therefore not relevant to be considered in detail in this report.
- 6.52 It is considered, however, that the application for an Area which does not cross the boundary into Hackney is appropriate, as the Area applied for entirely within Tower Hamlets would still form an appropriate Neighbourhood Planning Area, and would also allow for a Neighbourhood Forum to be fully recognised and designated within Tower Hamlets, improving the likelihood of a neighbourhood plan for the Area being produced.

Officers' Recommendation

- 6.51 Designate the proposed Area (identified in Appendix 1) as the East Shoreditch Neighbourhood Area in accordance with sections 61G(5) and 61H(3) of the TCPA 1990, the Neighbourhood Planning General Regulations 2012, the PPG and the Tower Hamlets Neighbourhood Planning Guidance Note.

7. EQUALITIES IMPLICATIONS

- 7.1. Equalities implications have been considered so far as they impact upon the determination of the application to become a Neighbourhood Planning Area. The implications of determining these applications on the protected characteristics outlined in the Equalities Act 2010 have been considered using

the Council's Equality Analysis Quality Assurance Checklist and it has been considered that no further action needs to be taken at this stage.

- 7.2. Due regard for the nine protected groups will be embedded in the preparation and production of any resultant Neighbourhood Development Plan (NDP) or Neighbourhood Development Order (NDO).
- 7.3. Furthermore, NDPs and NDOs are required to be in general conformity with the Council's Local Plan and as such will give due consideration to equalities considerations and the Community Plan.

8. OTHER STATUTORY IMPLICATIONS

- 8.1. This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
 - Best Value Implications,
 - Consultations,
 - Environmental (including air quality),
 - Risk Management,
 - Crime Reduction,
 - Safeguarding.
- 8.2. **Best Value Implications** – Under Section 3 Local Government Act 1999 the Council 'must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness'.
- 8.3. During the determination of these applications the Council has worked with the relevant forum where appropriate, having regard to economy efficiency and effectiveness, and in conformity with statutory requirements as detailed in the TCPA (1990).
- 8.4. At the stage when Forums are developing Neighbourhood Development Plans (NDPs) and Neighbourhood Development Orders (NDOs), the plans and orders will add an additional layer of detail to the Council's Development Plan and look to steer the future development of land in the relevant area. This will better allow the existing and future community to contribute to economic, environmental and social improvements in their area and benefit from the resultant development.
- 8.5. **Consultations** – A consultation will be held on the proposed Neighbourhood Planning Area between Thursday 14 March and Wednesday 24 April 2019. This fulfils the statutory duty for a six-week consultation on such applications. A consultation statement setting out the results of the consultation will be included as an appendix to this report when it is presented to MAB and Cabinet.
- 8.6. **Environmental** – Determining Neighbourhood Planning Areas applications does not have any discernable impacts on the environment.

- 8.7. At the stage where established Neighbourhood Planning Forums are developing NDPs or NDOs for the designated Neighbourhood Planning Areas consideration will be given to action of a greener environment.
- 8.8. Under Article 3(3) and 3(4) of the Strategic Environmental Assessment (SEA) Directive 2001/42/EC an SEA may be required of plans and programmes which “determine the use of small areas at a local level. In accordance with Regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 (“the ‘Regulations’”), the responsible authority will determine whether a Strategic Environmental Assessment (SEA) is necessary. The Council will act as necessary to provide advice to designated Forums in respect of the requirements to carry out an SEA.
- 8.9. **Risk management** – The application recommendations have been reported through a number of internal groups that consider risk management issues and mitigation. These include:
- Place Directorate Management Team
 - Corporate Management Team
- 8.10. **Crime Reduction** – Determining Neighbourhood Planning Forums and Areas applications does not have any discernible impacts on crime and disorder.
- 8.11. At the stage where established Neighbourhood Planning Forums are developing NDPs or NDOs for the designated Neighbourhood Planning Areas consideration may be given to crime and disorder where the Forum wish to pursue the implications of crime and disorder on the built environment.
- 8.12. The neighbourhood area falls within the Neighbourhood Management Pilot area, which aims to tackle community safety and anti-social behaviour issues through a Neighbourhood Management Board. This pilot will end in March 2020. There are not believed to be any implications for the overlap of these two designations.
- 8.13. **Safeguarding** – There are no specific safeguarding implications associated with this report.

9. COMMENTS OF THE CHIEF FINANCE OFFICER

- 9.1. The establishment of the East Shoreditch Neighbourhood Planning Area was agreed by the Mayor in Cabinet in February 2014, with the ‘East Shoreditch Neighbourhood Forum’ being designated as the neighbourhood forum for the area for a five year period. Difficulties were subsequently encountered due to the planning area straddling the Tower Hamlets / Hackney border (see paragraphs 6.3 to 6.8), and the neighbourhood forum designation has now expired (in February 2019). An application has been received from the ‘East Shoreditch Neighbourhood Forum’ to modify the boundaries of the planning area (see Appendix 1), prior to the organisation possibly seeking its redesignation as the neighbourhood forum for the area.
- 9.2. The Council has a duty to provide support and advice to area forums, incurring additional administration costs which must be contained within

existing budgets. Funding was historically made available by the MHCLG to assist with these costs, subject to an annual maximum sum dependent upon the number of determinations within the particular financial year. Since 1st April 2016 however, the funding arrangements were changed so that they are no longer year specific. A local planning authority was able to claim £5,000 for each of the first five area designations that it made, with a further £5,000 for each of the first five forum designations. The Council has already designated five neighbourhood planning areas and as a consequence it will not receive any funding towards the costs associated any future designations.

- 9.3. An element of any Community Infrastructure Levy (CIL) that is generated within a neighbourhood planning area can be allocated specifically to support development within that same area, depending on the status of the neighbourhood planning forum. The appropriate conditions are set out in paragraphs 4.9 to 4.12 of this report. The level of these resources could be substantial and will need to be taken into consideration when determining the allocation of other funding streams across the borough.
- 9.4. In certain circumstances Neighbourhood Development Orders would exempt certain types of development, or development on a particular site, from requiring planning permission (paragraph 4.5). If this is the case, the Authority will not receive a planning fee, although it will also not incur the costs of processing and determining the application. It is anticipated that the exemption will only relate to a limited number of smaller developments, so any reduction in planning fee income should be relatively minor, however the impact must be closely monitored once the arrangements are in place.

10. COMMENTS OF LEGAL SERVICES

- 10.1. The legal framework is adequately set out in the body of the report. A Neighbourhood Planning Area (East Shoreditch Neighbourhood Planning Area) has already been designated in this area by the Council, on 5 February 2014. This designation covered an area within LBTH boundaries and a smaller area which was within and designated by LB Hackney. This is an application to modify the boundary of the existing East Shoreditch Neighbourhood Planning Area, to exclude the area within LB Hackney. It is within the LBTH power to agree the modification applied for and for LB Hackney to confirm the de-designation of that part which is within LB Hackney. Where LB Hackney does not de-designate that part within their boundary, this failure would not affect the legal status of the new area.

Linked Reports, Appendices and Background Documents

Linked Report

- Cabinet, 5 February 2014, Consideration of applications to establish Neighbourhood Planning Areas and Forums,

<https://democracy.towerhamlets.gov.uk/documents/s53418/6.3a%20Neighbourhood%20Planning%20Report.pdf>

Appendices

- Appendix 1: Map of the proposed East Shoreditch Neighbourhood Planning Area
- Appendix 2: Application form for the proposed East Shoreditch Neighbourhood Planning Area
- Appendix 3: Equality Assurance Checklist
- Appendix 4: Consultation statement

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- NONE

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