

Cabinet Decision 5 th April 2016	 TOWER HAMLETS
Report of: Aman Dalvi, Corporate Director Development & Renewal	Classification: Unrestricted
Neighbourhood Planning: Determination of Isle of Dogs Neighbourhood Planning Area.	

Lead Member	Councillor Rachel Blake, Cabinet Member for Strategic Development
Originating Officer(s)	Adele Maher, Strategic Planning Manager
Wards affected	Canary Wharf, Poplar, Island Gardens, Blackwall & Cubitt Town.
Key Decision?	Yes
Community Plan Theme	A Great Place to Live

Reasons for Urgency

The publication of this report is less than five clear days in advance of the meeting. The completion of the report required external legal advice which was unexpectedly delayed. Due to these special circumstances pursuant to Rule 6.1(b) of the Access to Information Procedure Rules the Mayor identified this report as an item for urgent decision that should not be delayed in order to positively support local communities prepare Neighbourhood Development Plans without further delay.

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 Plans (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 Area designation in accordance with the Town and County Planning Act 1990 (as amended) and the Neighbourhood Planning (General) Regulations 2012.

The Council has received two Neighbourhood Planning applications that relate to Isle of Dogs: Isle of Dogs Neighbourhood Planning Forum Application and Isle of Dogs Neighbourhood Planning Area Application.

This report relates to Isle of Dogs Neighbourhood Planning Area application only.

Recommendations:

The Mayor in Cabinet is recommended to:

1. Approve the designation of some of the Isle of Dogs Neighbourhood Planning Area as defined in the plan attached at Appendix 1.

1 REASONS FOR THE DECISIONS

- 1.1 The Council has received an application to establish a Neighbourhood Planning Area in the Isle of Dogs
- 1.2 The Council is required to determine applications for the 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 Isle of Dogs 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 Isle of Dogs Area application, with minor amendments, 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 In the first instance, officers carefully considered whether it would be appropriate to designate the area specified in the submitted application ('specified area'). Having regard to relevant legislative provisions and the guidance in paragraph 33 of the PPG, the proposed area was not considered appropriate. As such alternative options were sought for the area in accordance with the TCPA 1990.
- 2.2 By virtue of section 61G of the TCPA 1990, the authority must exercise their power of designation where a valid application has been made so as to secure that some, or all, of the specified area forms part of one or more areas designated (or to be designated) as neighbourhood areas where:
 - i) some or all of the specified area has not been designated as a neighbourhood planning area; or
 - ii) the authority refuses the application because they consider that the specified area is not an appropriate area to be designated as a neighbourhood area.

- 2.3 The authority may also modify designations already made and ensure that neighbourhood areas do not overlap.
- 2.4 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, they consider that the area is wholly or predominantly business in nature.
- 2.5 Options available to the authority are therefore to: 1) designate all of the area specified in the application; 2) designate some of the area specified; 3) modify existing designations; and 4) designate the area as a business area. These have been considered by the authority.

3 DETAILS OF REPORT

- 3.1 This report provides an overview of the assessment of the Isle of Dogs 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 Isle of Dogs 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 proposals 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 specified 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 specified 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.

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 to assist prospective neighbourhood forums to understand what is involved in becoming a forum and designating an area and the criteria the Council use to make decisions.
- 4.16 This guidance advises prospective forums to liaise with officers prior to applications being submitted. This allows those proposing to make neighbourhood planning obligations 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:
- Community Ward Forums
 - Government agencies
 - Associated 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 specified 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 specified 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 specified 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 exercise 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 regard to such matters as may be prescribed, they consider that the area is wholly of 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 Isle of Dogs 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: ISLE OF DOGS APPLICATION,

- 6.1 This section provides a background to the Isle of Dogs Neighbourhood Area application, public consultation and details of the assessment. The format of this section outlines how the Isle of Dogs Neighbourhood 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.

Making an application

Application submission and validation

- 6.3 An application was received from the proposed Isle of Dogs Neighbourhood Planning Forum on 1 December 2014. The application was to designate the Isle of Dogs Neighbourhood Planning Area and the Isle of Dogs Neighbourhood Planning Forum. In respect of the area application, it contained:
 - A map which identifies the area to which the area 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.
- 6.4 The applications for designation of an area and forum were submitted at the same time and validated concurrently. Throughout the validated process it

was accepted that the proposed forum was capable of being designated as a forum by the LPA.

- 6.5 No other area applications have been received by the Council for this area.
- 6.6 The application submission was validated in accordance with regulation 5 of the 2012 Regulations.

Consultation on application

Public consultation process

- 6.7 In accordance with regulation 6 of the 2012 Regulations, public consultation on the area (and the forum) application was carried out for six weeks between 5th January and 16th February 2015.
- 6.8 The application was advertised in East End Life and all application documents were made publically available on the Council's Website, in the Council Town Hall and in relevant Idea Stores or libraries.
- 6.9 The advertisement in the East End Life, and other publicity material provided details of how to make representations; and the date by which those representations must be received, being not less than 6 weeks from the date on which the application was first published.

Summary of Representations received:

- 6.10 All representations received during the consultation period have been taken into account in the determination of this application. The representations have been taken into account to the extent that the representations address considerations which are relevant to the Council's decision having particular regard to the statutory requirements for designation specified in sections 61G and 61H of the TCPA 1990 and paragraph 033 of the Government's PPG.
- 6.11 Representations were made both in support of and in objection to the proposed area. The nature and number of representations is as follows:
- 4 individually submitted objections
 - 2 individually submitted support statements
 - 7 individually submitted neutral statements
 - 6 individually submitted concerned statements
 - 16 individually submitted no comment statements
- 6.12 Two statements of support relating to the area were made with no reasons for this support identified.
- 6.13 Matters raised in objection of the proposed area stated that it is inappropriate to include strategic sites.

- 6.14 Further detail on the public consultation representations can be read in Appendix 2: Public Consultation Summaries.
- 6.15 The consideration of these representations formed part of the assessment process by the LPA, and the representations were considered against the conditions for designation specified in sections 61F and 61G of the TCPA 1990 (as amended) and the guidance within Section 4 (above), in particular paragraph 033 of the PPG.
- 6.16 Judgements as to the weight to be attached to any duly made representation must take account of the conditions for designation specified in sections 61F and 61G of the TCPA 1990 and the purpose of the designation with the overall context of the statutory neighbourhood planning regime. Section 61O of the TCPA 1990 requires LPA's to take account of the guidance in paragraph 033, which lists considerations that may be relevant to determining the boundaries of a neighbourhood area, is likely to influence the Council's judgement on weight.

Post public consultation submissions

- 6.17 The proposed forum for the Isle of Dogs submitted further documentation after the completion of the public consultation entitled 'Options Appraisal related to the area boundaries' and 'Consultation Strategy'. The documentation did not seek to alter the proposed area boundary or the application statement explaining why the proposed area meets with the conditions contained in the TCPA 1990.
- 6.18 The Council considered that the further documentation received provided a helpful clarification on the application received but does not materially change the applications made by the Isle of Dogs Neighbourhood Planning Forum. Accordingly, officers do not consider further public consultation on the forum's further documentation to be necessary and the Council's decision making process on this area application takes no account of the 'Options Appraisal related to the area boundaries' and 'Consultation Strategy' submitted by the forum.

Determining an Application: Designating an Area

- 6.19 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; and
 - (3) an assessment of the alternative area identified by the Council 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

6.20 The area comprises the wards of Island Gardens, Canary Wharf, Blackwall and Cubitt Town and the eastern part of Poplar ward.

6.21 The specified area aligns with five places identified in the Core Strategy. These are Leamouth; Blackwall; Canary Wharf; Millwall and Cubitt Town.

Northern Boundary

6.22 This northern boundary is formed by the West India Dock Road (A12). This is a Transport for London (TFL) managed highway. This road provides a hard physical boundary. This hard boundary is punctured by the high level Grade II listed railway viaduct.

Eastern, Southern and Western Boundary

6.23 The eastern, southern and western boundaries align with the Tower Hamlets Borough boundary and follow along the River Thames.

Exclusion Area: Canary Wharf Business Area

6.24 The proposed area includes a large 'exclusion zone'. The 'exclusion zone' represents a large section of the Canary Wharf Estate and is proposed for removal from the area.

6.25 The area application explains that the Canary Wharf Group engaged with the prospective Forum on this matter and suggested the removal of their Estate from the area. Areas of the Canary Wharf Estate not in the Forum's proposed exclusion Zone include Wood Wharf, Crossrail station, the area to the west of Westferry Circus and North Quay Place.

6.26 The Canary Wharf Estate closely aligns with a Council's Preferred Office Location (POL) and the Canary Wharf Major Town Centre but does not coincide exactly. Both the POL and Canary Wharf Major Town Centre Areas cover a larger area than the proposed exclusion zone; the Canary Wharf Major Town Centre Area includes Wood Wharf to the east and Aberdeen Square and North Garden to the West.

(2) Assessment of the application – designating an area

6.27 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?

6.28 The proposed area interacts with a designated neighbourhood area, Limehouse Neighbourhood Area, along the western boundary. The Limehouse area was designated on the 1 December 2015. The Limehouse

area designation was considered with regard to the Isle of Dogs area application and found to be appropriate, so no change is required.

In accordance with 61G(5)(c) should the application be refused because it is considered that the specified 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 village, settlement boundaries or ward boundaries. In a dense urban context, the use of village or settlement boundaries is inappropriate. The boundaries correspond with the boundaries of three wards and approximately one half of another ward.

(b) Catchment area

- 6.31 The area is served by one large open space (Mudchute Park), multiple day nurseries, pre-school groups and primary schools. The area also has a number of pharmacies, dentists and surgeries. In terms of retail provision, the proposed area has a District Centre and the residents and users of the proposed area are also served by the Canary Wharf Major Centre which is largely located in the exclusion zone. The area is also served by a number of DLR stations, Crossrail and the London Underground. The area is also host to a number of neighbourhood retail centres.

- 6.32 It is acknowledged that the retail offer in a major centre and a district centre is different. However the presence of both on either side of South Dock indicates that the communities on each side of South Dock will be served by different local services within these centres such as pharmacies. The majority of the Canary Wharf Major Centre is not in the specified area but the scope of this Centre extends to communities well beyond the application area. The specified area map predates Crossrail. However, officers have inferred from the boundary lines that Crossrail is intended to be included in the proposed area. As such this area is served by multiple modes of rail services.

- 6.33 The above indicates that the area consists of a number of catchment areas and that the scale of these catchment areas extends beyond neighbourhood and local level and as such the appropriateness of the specified area is questioned on these grounds.

(c) Community based groups

- 6.34 Community groups that operate across the length and breadth of the area are not known to the LPA. There are a number of well-established community groups which operate within this area. However, the majority of area-based

community groups function within smaller neighbourhoods within the wider specified area.

- 6.35 As indicated in relation to criterion (a), the specified boundaries for the area would create a new boundary and as such it follows that there are no known existing community based groups that represent the area other than the prospective forum.

(d) Physical appearance or characteristics

- 6.36 As stated above, the specified area aligns with five places identified in the Core Strategy. These are: Leamouth; Blackwall; Canary Wharf; Millwall and Cubitt Town. The place of Leamouth vision seeks to create a modern waterside mixed use place; the Blackwall vision seeks to create a mixed use area transformed by housing growth; the Canary Wharf vision sees the area retaining its global role as a financial district as well as adopting a stronger local function; the Millwall vision seeks to bring the community together through its waterways and the Cubitt Town vision seeks a residential waterside place set around a thriving mixed use town centre at Crossharbour.
- 6.37 The specified area is host to business, leisure and assembly, retail land uses with residential uses dominating, particularly to the south of the area. Local spatial designations include a small section of the Poplar High Street Neighbourhood Area, the Blackwall Local Office Location, the Barkentine Estate Neighbourhood Centre, the Westferry Neighbourhood Centre and the Manchester Road Neighbourhood Centre. Strategic spatial designations include part of the Canary Wharf Major Centre, part of the Canary Wharf Preferred Office Location (POL) and the Crossharbour District Centre. The employment designations are located north of South Dock as are the strategic designations with the exception of Crossharbour District Centre.
- 6.38 The specified area varies in character across the length and breadth of the area. It has clearly defined office areas and some industrial areas but is largely residential in character. Residential typologies vary in density and age from 19th Century terraces to a 75 storey tower providing residential units and serviced apartments.
- 6.39 The architecture of the specified area largely dates from post WWI with the docks being pre-WWI although there are a number of listed buildings and conservation areas within the specified area. The docks and river add a sense of openness to the character of the area. The height, mass, scale and bulk of buildings and open spaces varies from north to south with the south having a more open character as architectural design is not centred around high density residential and mixed use arrangements.

(e) Coherent estate either for businesses or residents

- 6.40 The specified area includes some of the Canary Wharf Estate to the north, east and west of the exclusion zone. The centre of the Estate is located in the specified exclusion zone. The application document outlines that the proposed creation of an exclusion zone is a result of conversations held by

Forum members and the Canary Wharf Group and an understanding of the different land uses associated with land in the Canary Wharf Group, as well as different objectives and aspirations. The LPA consider the principle of the exclusion zone acceptable for the reasons outlined by the proposed forum, however, the precise boundaries of the proposed exclusion zone require further consideration (see Section 7 (below)).

- 6.41 The specified area includes a number of housing estates. All housing estates are included in the alternative area in their entirety and as such the coherence of the alternative area is maximised for business and residents
- 6.42 The inclusion of site allocations was questioned and objected to in representations made during public consultation. Please note this matter is considered subsequently under the heading “Other matters”, which is at paragraphs 6.52 to 6.58 of this report.

(f) Wholly or predominantly a business area

- 6.43 The specified area is predominately residential in land use and character and as such the area is not considered wholly or predominately business in nature.

(g) Infrastructure or physical features as a natural boundary –

- 6.44 The docks, rivers and A-roads in this location form the strong physical and natural boundaries in this area. The River Thames and River Lea contain the area to the south and east; to the north the specified area is contained by the A12 and A13; and to the west the area relates to the roads that align with ward boundaries. The docks are significant physical features across the area. South Dock forms a significant barrier to movement between the north and south of the island and Millharbour Dock restricts east – west movement along a considerable portion of the southern section of the Island. The exclusion zone is partially defined by the docks with commercial activity taking place north of South Dock and in the POL and Major District spatial designations.
- 6.45 The northern boundaries of the specified area are readily identifiable but the degree to which they are appropriate must take account of all considerations within this report.

(h) the natural setting or features in an area

The River Thames and River Lea are key features of the specified area. The river impact upon the character and identity of the area and provide natural boundaries. The rivers provide natural boundaries and these have been used to identify an area. This features inform an understanding of the character of the area. This in turn can lead to consideration of appropriateness amongst other criteria but is not sufficient in itself to lead to a conclusion on appropriateness.

(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 wards related to the alternative area are used:

- Island Gardens: 14,200
- Blackwall and Cubitt Town: 13,531
- Canary Wharf: 12,500
- Poplar: 6,957

6.47 The residential population is estimated to be in excess of 42,000 (taking into account that only approximately half of the ward of Poplar is within the specified area and this part includes a significant amount of office space). The residential population is known to be growing. It has not been possible to obtain information about the working population in this area but it is reasonably suggested that the working population is considerably less, given the exclusion of the Canary Wharf Estate, since Poplar is predominately residential.

6.48 The degree to which it is appropriate to have a Neighbourhood Planning area for such a large area with such a large population was raised by representations during public consultation period.

6.49 Representations raised concerns and objections as summarised below:

- The proposed area is too wide and has very different physical, social, economic and environmental characteristics
- The population of the proposed area is equivalent to a small market town

6.50 It is noted that the population size of neighbourhood areas designated to date ranges significantly. It is known that there are a number of designated and prospective forums with a population greater than 25,000. It is also 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'.

6.51 Given the above, the size of the living and working population in the specified area can be said to be relatively large and that the population of the area significantly exceeds that of a ward. This is not, in itself, considered to be inappropriate but it should be considered alongside other matters raised in this assessment

Other matters: inclusion or exclusion of site allocations

6.52 Representations raised concerns and objections as summarised below.

6.53 Please note the reasons given relate to individual sites as well as the total of site allocations.

- Crossharbour Town Centre (Site Allocation 19) has been the subject of much consideration, scrutiny and consultation over the years and the significance of the site extends beyond the Isle of Dogs area and for these reasons should be excluded from the proposed Area.
- The existence of an up to date Local Plan which outlines the planning framework for the Isle of Dogs, means it is unnecessary and inappropriate to include the strategic sites
- The exclusion of strategic development sites has been the subject of *Daws Hill Neighbourhood Forum v Wycombe District Council Appeal* case whereby it was ruled that exclusion of the sites was acceptable due to their strategic nature, interest that extends beyond the immediate area, difficult timing as plans and applications were advanced and due to their being other opportunities for community to input into the planning of these sites.

6.54 There are seven site allocations in the specified area:

- 13: Leamouth Peninsula,
- 15: Billingsgate Market, site allocation
- 16: Wood Wharf, site allocation
- 17: Millennium Quarter. site allocation
- 18: Westferry Printworks, site allocation
- 19: Crossharbour Town Centre
- 20: Marsh Wall

6.55 Representations on site allocations were made by landowners with an interest in all the above referred seven site allocations, or their representatives. Representations made related to: the recognition of their interests in the area and for this to be reflected in membership and voting arrangements, as well as objection to the inclusion of the site allocations / strategic sites in the Area.

6.56 The assessment of the appropriateness of including site allocations in the specified area has considered the impact of inclusion and exclusion on existing communities, future communities, the need to integrate site allocation with the existing urban fabric, the strategic nature of these sites, the complexity of issues emerging from the site allocations particularly in light of the *Daws Hill Neighbourhood Forum v Wycombe District Council Appeal* case and the degree to which the development potential of each site is being progressed through the planning application system.

6.57 In light of the above considerations the Council considered it appropriate to include site allocations.

Conclusion on appropriateness

- 6.58 In conclusion, for the reasons explained, on balance, it is considered that the specified area is not an appropriate area to be designated as a neighbourhood area and, as such, it does not accord with section 61G(5) of the 1990 Act. Having assessed the proposed neighbourhood area specified in the application against the considerations listed in paragraph 035 of the PPG (as detailed above), it is considered that the specified area is not an appropriate neighbourhood area as it does not relate to a known or cohesive boundary and the character of the area is disparate, with the area south of South Dock being predominately residential in character and the area north of North Dock being predominately mixed-use. This distinction is reflected in the scale and design of the built environment as well as transport connectivity.

Conclusion

- 6.59 Given the above conclusion - that the specified area does not accord with section 61G(5) of the TCPA 1990, the LPA considers that the application to designate the neighbourhood area specified should be refused but that the merits of designating an alternative area should be considered as part of this determination of this application. This approach accords with section 61G(5) of the TCPA 1990 which requires the LPA to exercise its powers *"to secure some or all of the specified area forms part of one of more areas designated as neighbourhood area"*.

(3) Alternative area

- 6.60 The Council has identified an alternative area, which aligns with some of the area specified in the application, to be designated as a neighbourhood area in accordance with section 61G(4)(b).
- 6.61 Officers consider that the alternative area identified accords with relevant legislation and the guidance within paragraph 033 of the PPG. A map identifying the alternative area is attached as Appendix 1: Isle of Dogs Area Map.
- 6.62 The appropriateness of designating the alternative area has been assessed by Officers by reference to the same the considerations applied to the area specified in the application (at paragraphs 6.27 to 6.59 above). The results of that assessment are summarised in the following paragraphs.

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

- 6.63 The alternative area does not interact with any designated neighbourhood area and as such it is not necessary to alter the boundaries of areas already designated.

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

6.64 The following paragraphs answer the above question 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)

(a) Village or settlement boundaries

6.65 The alternative area boundaries do not align with village, settlement boundaries or ward boundaries. The alternative boundaries roughly align with the Core Strategy places of Cubitt Town and Millwall, however the alternative area also includes Marsh Wall and South Dock.

(b) Catchment area

6.66 The alternative area is served by one large open space (Mudchute Park), smaller open spaces and a number of nurseries, pre-school groups and primary schools. The area also has pharmacies, dentists and surgeries and neighbourhood centres. In terms of retail provision, the proposed area has a District Centre and a number of neighbourhood centres. The area is also served by four DLR stations.

6.67 The presence of multiple retail centres, transport hubs and other services indicates that the alternative area consists of a number of neighbourhood catchment levels and wider local catchment. In a complex urban area, with overlapping catchment areas this is to be expected. The use of catchment areas is not a leading consideration and as such it has not significantly informed the degree to which the LPA consider an area appropriate or not.

(c) Community based groups

6.68 As indicated by reference to consideration (a), the specified boundaries are creating a new boundary and as such it follows that there are no known existing community based groups that wish to progress a Neighbourhood Plan at this time other than the prospective forum.

(d) Physical appearance or characteristics

6.69 The alternative area is characterised by its waterside setting (both dockside and riverside) and the residential qualities of the area as identified in the relevant Core Strategy Places.

6.70 The physical appearance of the South Quay Area is transforming and the scale, density and heights of the residential led towers are different to the scale of development found in Island Gardens. The integration of the tower typology with the housing estates and 2/3 storey houses is becoming a feature of the area.

(e) Coherent estate either for businesses or residents

6.71 The alternative area includes a number of housing estates. All housing estates are included in the alternative area in their entirety and as such the coherence of the alternative area is maximised for business and residents.

6.72 The matter of site allocations is discussed in other matters, paragraph 6.52 to 6.58.

(f) Wholly or predominantly a business area –

6.73 Please see paragraph 6.83 (below).

(g) Infrastructure or physical features as a natural boundary –

6.74 The northern boundary is formed by South Dock and the River Thames to the east, south and west. The boundaries are clearly delineated and defined by physical features and natural boundaries.

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

The residential population

6.75 The 2011 census population for the wards related to the alternative area are:

- Island Gardens: 14,200
- Blackwall and Cubitt Town: 13,531
- Canary Wharf: 12,500

6.76 Given that the alternative area dissects the ward of Canary Wharf and Blackwall and Cubitt Town approximately in half, the residential populations of the area will be less than the total of these wards. It has not been possible to obtain information about the working population in this area.

6.77 It is noted that the population size of neighbourhood areas designated to date ranges significantly. It is known that there are a number of designated and prospective forums with a population greater than 25,000. It is also 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'.

6.78 Given the above, the size of the living and working population can be said to be relatively large and that the population of the area significantly exceeds that of a ward. This is not in itself considered to be inappropriate but it should be considered alongside other matters raised in this assessment

In accordance with section 61G(6), are the LPA proposing modifications of designations already made?

- 6.79 The LPA, having given consideration to modifying the Limehouse Neighbourhood Area, is not proposing modifications as the boundaries of the Limehouse area are coherent and deemed appropriate.

In accordance with section 61G(7), have the LPA ensured that neighbourhood areas do not overlap?

- 6.80 The alternative area does not overlap with any other neighbourhood areas.

In accordance with section 61H, having regards to such matters as may be prescribed; do the LPA consider that the area is wholly or predominately business in nature?

- 6.81 The alternative area is predominately residential in land use and character and as such the area is not considered wholly or predominately business in nature.

Other matters: inclusion or exclusion of site allocations

- 6.82 As identified above, representations raised concerns and objections to the inclusion of site allocations. Please see paragraph 6.52 to 6.58 above for details of objections, assessment and conclusions.
- 6.83 For the same reasons as identified at paragraphs 6.52 to 6.58 above, it is deemed, on balance, appropriate to include site allocations where there is an existing community located within the area and where the principles and character of the site allocation have been sufficiently advanced through Development Management.

Conclusion on alternative area

- 6.84 In designating the alternative area (identified in Appendix 1), the LPA are exercising their power of designation so as to secure that some of the specified area forms part of one or more areas designated (or to be designated) as neighbourhood areas in accordance with Section 61(G)(5) of the TCPA 1990. The alternative area accords with sections 61(G)(4), (6), (7) and 61(H).

7 COMMENTS OF THE CHIEF FINANCE OFFICER

- 7.1 This report asks the Mayor in Cabinet to consider an application to designate an area of the Isle of Dogs (as shown in the plan in Appendix 1) as a Neighbourhood Planning Area in accordance with the statutory requirements of the Localism Act 2011.
- 7.2 If designated as a Neighbourhood Planning Area, applications to establish a Neighbourhood Planning Forum within the area will be considered. This is the subject of a further report on this agenda.

- 7.3 The Council has a duty to provide support and advice to Area Forums which will incur additional administration costs, and these must be contained within existing budgets. Local planning authorities are however able to claim £5,000 for each of up to 20 area designations (i.e. a maximum of £100,000) in 2016/17, and also claim for up to 5 forum designations (£25,000 each) during the financial year. Therefore, there is the potential for the Council to recover some costs, although the Borough will be in competition with other Authorities to secure these limited resources from the £7.5 million of resources that are available nationally.
- 7.4 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.
- 7.5 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 new system is in place.

8 LEGAL COMMENTS

- 8.1 This report concerns an application dated 1 December 2014, to designate an Isle of Dogs neighbourhood planning area (Isle of Dogs Area Application) and is linked to the report on the related application of same date asking the Mayor in Cabinet to consider designating the Isle of Dogs as a neighbourhood planning forum (Isle of Dogs Forum Application), in accordance with the statutory requirements of the Localism Act 2011.
- 8.2 Consultation in respect of the proposed Isle of Dogs neighbourhood planning area and forum (as detailed at paragraphs 6.7, 6.8 and 6.9 of this report) has been carried out in accordance with Regulations 6 and 9 respectively of the 2012 Regulations.
- 8.3 In respect of the application for the neighbourhood forum, the Council may make a designation if it is satisfied that the relevant body meets the conditions set out in Section 61F(5) of the TCPA 1990 (as listed at paragraph 5.5 of the Isle of Dogs Forum Application report). The Council must also have regard to the matters set out in Section 61F(7) of TCPA 1990 (as detailed at paragraph 5.7 of the Isle of Dogs Forum Application report). The Isle of Dogs Forum Application has been assessed against these statutory criteria and has been found to comply with them.

- 8.4 The forum designation will have effect for a period of five (5) years, unless the Council decides to withdraw it, either because the organisation no longer meets the conditions for approval or because the body itself so elects. During these five (5) years, no other organisation or body may be designated as a neighbourhood forum for the area.
- 8.5 In determining the neighbourhood area application, the Council needs to consider the factors set out in Section 61G and 61H of the TCPA 1990 and the 2012 Regulations. The relevant factors are summarised at paragraphs 5.7, 5.8 and 5.9 of this report. Legal Services are satisfied that Officers have had proper regard to these factors in formulating their recommendations that the Isle of Dogs Area Application be approved, subject to amendments.
- 8.6 As regards the making of such amendments to the proposed area, Section 61G entitles the Council to deviate from the boundaries set out in the application. However, any decision to alter the boundary of a neighbourhood area could be challenged in the Courts. Therefore, the reasons for making amendments to a proposed area must be sound, clearly set out and justified. This has been done at paragraphs 6.60 to 6.84 (as appropriate) of this report, as expanded upon in the relevant area appraisals in the Appendices to this report.
- 8.7 In deciding whether to designate a neighbourhood forum or a neighbourhood area, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not. An Equality Analysis Quality Assurance Checklist has been undertaken (see Appendix 3). It indicates that no negative equality impacts arise at this stage. The position will be reviewed if and when any proposed Neighbourhood Plan and/or Neighbourhood Development Order are brought forward by the designated forum for the relevant area.
- 8.8 The Council's decisions on both the area and the forum applications for the Isle of Dogs must also be publicised as soon as possible after the decisions have been taken (Regulations 7 and 10 of the Town and Country Planning (General) Regulations 2012).

9 ONE TOWER HAMLETS CONSIDERATIONS

- 9.1 One Tower Hamlets principles 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.
- 9.2 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).

9.3 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 One Tower Hamlets considerations and the Community Plan.

10 BEST VALUE (BV) IMPLICATIONS

10.1 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'.

10.2 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).

10.3 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.

11 SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

11.1 Determining Neighbourhood Planning Areas applications does not have any discernable impacts on the environment.

11.2 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.

11.3 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. \

12 RISK MANAGEMENT IMPLICATIONS

12.1 The application recommendations have been reported through a number of internal groups that consider risk management issues and mitigation. These include:

- Development & Renewal Directorate Management Team
- Corporate Management Team

13 CRIME AND DISORDER REDUCTION IMPLICATIONS

- 13.1 Determining Neighbourhood Planning Forums and Areas applications does not have any discernable impacts on crime and disorder.
- 13.2 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.

14 SAFEGUARDING IMPLICATIONS

- 14.1 There are no specific safeguarding implications associated with this report.
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Linked Reports, Appendices and Background Documents

Linked Report

- Isle of Dogs Neighbourhood Planning Forum application report to Cabinet on 5th April 2016

Appendices

1. Appendix 1: Isle of Dogs Area
2. Appendix 2: Consultation Summary Reports
3. Appendix 3: Equality Analysis Quality Assurance Checklist

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

- NONE

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