



Meeting of the

TOWER HAMLETS COUNCIL

Wednesday, 15 September 2010 at 7.30 p.m.

A G E N D A

VENUE

Council Chamber, 1st Floor,
Town Hall, Mulberry Place,
5 Clove Crescent,
London E14 2BG

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact:

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**TO THE MAYOR AND COUNCILLORS OF THE LONDON BOROUGH OF TOWER
HAMLETS**

You are summoned to attend a meeting of the Council of the London Borough of Tower Hamlets to be held in **THE COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT, LONDON, E14 2BG** at **7.30 p.m.** on **WEDNESDAY, 15 SEPTEMBER 2010**

Dr Kevan Collins
Chief Executive

LONDON BOROUGH OF TOWER HAMLETS

COUNCIL

WEDNESDAY, 15 SEPTEMBER 2010

7.30 p.m.

	PAGE NUMBER
1. APOLOGIES FOR ABSENCE	
To receive any apologies for absence.	
2. DECLARATIONS OF INTEREST	1 - 2
To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Chief Executive.	
3. MINUTES	3 - 28
To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of the Council held on 14 th July 2010.	
4. TO RECEIVE ANNOUNCEMENTS (IF ANY) FROM THE MAYOR, LEADER OF THE COUNCIL, MEMBERS OF THE CABINET OR THE CHIEF EXECUTIVE	
5. TO RECEIVE ANY PETITIONS OR DEPUTATIONS	29 - 30
The petitions and deputations received for presentation to the meeting are set out in agenda item 5 attached.	
The deadline for receipt of petitions and deputations to this Council meeting is noon on Thursday 9 th September. Any further valid petitions or deputations received before the deadline will be notified in advance of the Council meeting.	
6. TO RECEIVE WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC	31 - 32
(Maximum of 30 minutes allowed)	
The questions which have been received from members of the public are set out in agenda item 6 attached.	

7. TO RECEIVE WRITTEN QUESTIONS FROM MEMBERS OF THE COUNCIL **33 - 38**

(Maximum of 30 minutes allowed)

The questions which have been received from Councillors are set out in agenda item 7 attached.

8. REPORTS FROM THE EXECUTIVE AND THE COUNCIL'S COMMITTEES

8.1 LDF Core Strategy: Adoption of the Plan **39 - 86**

To adopt the Local Development Framework Core Strategy to be a part of the Borough's Development Plan. The report of the Corporate Director, Development and Renewal is attached.

The Core Strategy forms part of the Council's Policy Framework and will be considered by the Overview & Scrutiny Committee (7 September) and Cabinet (8 September) before adoption by Council. Any further comments or recommendations arising from those meetings will be circulated to Members before the Council meeting.

Appendix 1 to the attached report (the Core Strategy document itself) was circulated separately to all Councillors prior to the cycle of meetings at which it is scheduled for consideration. Members are requested to bring this document with them to the Council meeting as it forms part of the agenda papers for the meeting. The document is also available for public inspection at the Town Hall, Mulberry Place, E14 and on the 'Council Meetings' section of the Council's website at www.towerhamlets.gov.uk.

8.2 Review of the Constitution: Recommendations of the Constitution Working Party

The report of the Constitution Working Party proposing amendments to the Council's Constitution is **to follow**.

9. TO RECEIVE REPORTS AND QUESTIONS ON JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS (IF ANY)

10. OTHER BUSINESS

10 .1 London Local Authorities (Travel Concessions) Bill 87 - 100

To consider a proposal by London Councils that the authority, alongside the other London Boroughs, approve the deposit and passage of the above Private Bill in Parliament. The report of the Assistant Chief Executive (Legal Services) is attached.

10 .2 Local Government Ombudsman findings against the Council 101 - 132

The report of the Assistant Chief Executive (Legal Services) is attached.

11. TO CONSIDER MOTIONS SUBMITTED BY MEMBERS OF THE COUNCIL 133 - 134

The motions that have been submitted by Councillors for debate at this meeting are set out in agenda item 11 attached.

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Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

This note is guidance only. Members should consult the Council's Code of Conduct for further details. Note: Only Members can decide if they have an interest therefore they must make their own decision. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending at a meeting.

Declaration of interests for Members

Where Members have a personal interest in any business of the authority as described in paragraph 4 of the Council's Code of Conduct (contained in part 5 of the Council's Constitution) then s/he must disclose this personal interest as in accordance with paragraph 5 of the Code. Members must disclose the existence and nature of the interest at the start of the meeting and certainly no later than the commencement of the item or where the interest becomes apparent.

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- (a) An interest that you must **register**
- (b) An interest that is not on the register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the ward affected by the decision.

Where a personal interest is declared a Member may stay and take part in the debate and decision on that item.

What constitutes a prejudicial interest? - Please refer to paragraph 6 of the adopted Code of Conduct.

Your personal interest will also be a prejudicial interest in a matter if (a), (b) and either (c) or (d) below apply:-

- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 6.2 of the Code; AND EITHER
- (c) The matter affects your financial position or the financial interest of a body with which you are associated; or
- (d) The matter relates to the determination of a licensing or regulatory application

The key points to remember if you have a prejudicial interest in a matter being discussed at a meeting:-

- i. You must declare that you have a prejudicial interest, and the nature of that interest, as soon as that interest becomes apparent to you; and
- ii. You must leave the room for the duration of consideration and decision on the item and not seek to influence the debate or decision unless (iv) below applies; and

- iii. You must not seek to improperly influence a decision in which you have a prejudicial interest.
- iv. If Members of the public are allowed to speak or make representations at the meeting, give evidence or answer questions about the matter, by statutory right or otherwise (e.g. planning or licensing committees), you can declare your prejudicial interest but make representations. However, you must immediately leave the room once you have finished your representations and answered questions (if any). You cannot remain in the meeting or in the public gallery during the debate or decision on the matter.

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE COUNCIL

HELD AT 7.30 P.M. ON WEDNESDAY, 14 JULY 2010

**THE COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5
CLOVE CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Helal Abbas	Councillor Anwar Khan
Councillor Khaled Uddin Ahmed	Councillor Rabina Khan
Councillor Kabir Ahmed	Councillor Aminur Khan
Councillor Ohid Ahmed	Councillor Rania Khan
Councillor Shelina Aktar	Councillor Shiria Khatun
Councillor Shahed Ali	Councillor Anna Lynch
Councillor Tim Archer	Councillor Harun Miah
Councillor Abdul Asad	Councillor Md. Maium Miah
Councillor Craig Aston	Councillor Mohammed Abdul Mukit MBE
Councillor Lutfu Begum	Councillor Lesley Pavitt
Councillor Mizan Chaudhury	Councillor Joshua Peck
Councillor Alibor Choudhury	Councillor Zenith Rahman
Councillor Zara Davis	Councillor Lutfur Rahman
Councillor Stephanie Eaton	Councillor Rachael Saunders
Councillor David Edgar	Councillor David Snowdon
Councillor Marc Francis	Councillor Gloria Thienel
Councillor Judith Gardiner	Councillor Bill Turner
Councillor Carlo Gibbs	Councillor Helal Uddin
Councillor Peter Golds	Councillor Kosru Uddin
Councillor Shafiqul Haque	Councillor Abdal Ullah
Councillor Carli Harper-Penman	Councillor Motin Uz-Zaman
Councillor Sirajul Islam	Councillor Amy Whitelock
Councillor Denise Jones	

The Mayor, Councillor Motin Uz-Zaman in the Chair

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Rajib Ahmed, Rofique Ahmed, Ann Jackson, Dr. Emma Jones, Ahmed Omer and Oliur Rahman.

RESOLVED

That the apologies be noted.

2. DECLARATIONS OF INTEREST

Councillors made declarations of interest in items included on the agenda as follows:

Councillor	Item	Type of interest	Reason
Khales Uddin Ahmed	5.1.2	Personal	Member of Poplar Harca in Devons Estate
Abdul Asad	10.2	Personal	My wife works for THH. I have a frozen pension. I work for Bishop Challoner School which is a Youth Service Provider for LAP 4
Judith Gardiner	11.1	Personal	Employee of Probation Service
Rania Khan	5.1.2	Personal	Former member of the Poplar Harca Board
Shiria Khatun	5.1.2	Personal	Former member of the Poplar Harca Board. Husband also sessional worker for Poplar Harca Board
Shiria Khatun	11.1	Personal	Works for Mental Health Charity in Tower Hamlets, working with young people with mental health issues including some youth offenders
Helal Uddin	5.1.2	Personal	My organisation (Bromley by Bow Centre) has close connections with Poplar Harca. I am also a member of the Devon's Estate Board

3. MINUTES**RESOLVED**

That the minutes of the Annual Council Meeting held on 26th May 2010 be confirmed as a correct record of the proceedings and the Mayor be authorised to sign them accordingly.

4. TO RECEIVE ANNOUNCEMENTS (IF ANY) FROM THE MAYOR, LEADER OF THE COUNCIL, MEMBERS OF THE CABINET OR THE CHIEF EXECUTIVE

(1) Additional urgent report re: Special Responsibility Allowances

The Mayor said that he had agreed that an additional urgent report would be considered at the meeting on the Cabinet's recommendation regarding Special Responsibility Allowances. This had been tabled and would be considered later in the meeting at agenda item 8.2. The item had not been included in the original agenda because the Cabinet meeting had taken place after the agenda had been printed.

Change to order of business

At this point, Councillor David Edgar **MOVED** and Councillor Helal Abbas **SECONDED** – "That under Rule 14.1.3 the order of business be changed to allow item 10.2 to be considered as the next item of business."

On being put to the vote, the procedural motion was **agreed**.

10.2 Draft Statement of Accounts 2009-2010

Councillor David Edgar, Lead Member for Resources, introduced the report. He then **MOVED** and Councillor Helal Abbas **SECONDED** – "That the recommendations as set out in the report be agreed."

Following debate, Councillor Helal Abbas **MOVED** and Councillor Peter Golds **SECONDED** – "That the time limit for Councillor Edgar's Right of Reply be extended to allow Councillor Edgar to address each of the issues that were raised during the debate." The Mayor informed Members that this was at his discretion and he agreed to extend the time limit as necessary.

Following Councillor Edgar's reply, the recommendations were put to the vote and were **agreed** with no Member voting against. Accordingly it was:-

RESOLVED

1. That the draft final Statement of Accounts for the financial year ending 31st March 2010 be approved.
2. That it be noted that the accounts will now be submitted for audit.
3. That the progress made towards meeting the International Financial Reporting Standard (IFRS) be noted.

5. TO RECEIVE ANY PETITIONS OR DEPUTATIONS

PETITIONS

5.1.1 Petition re: Mayoral Election

At the invitation of the Mayor, Mr. Terry McGreenera addressed the meeting in support of the petition. He then responded to questions from Members of the Council.

Councillor Joshua Peck, Deputy Leader of the Council, thanked staff in Electoral Services and all other Council staff for their work in the run up to the last election. He went on to say that he had witnessed the opening of postal votes that had been returned and he confirmed that each one was checked. 75% had been received back and all had been verified and has signatures and dates of birth checked. The Election laws do not permit the Returning Officer to ask the Presiding Officers at the Polling Stations to require personal identification. The legal position with regard to postal votes is that individuals must register with a signature and date of birth. The difficulties that this borough and other boroughs across London had in the last election related to voters registered in the last days before the close of the electoral register. This should be ameliorated when personal registration is implemented in 2015, which will require additional information in the form of the individual's national insurance number which can then be checked against the national register.

Councillor Peck stated that it was not within the Council's powers to do anything other than lobby central government for changes to the law to improve the registration process. In this regard the Returning Officer was lobbying the Ministry of Justice for a change in the law to close the register for applications to register a postal vote at least 10 days before the final close of the register, this would give the Returning Officer a short period to investigate addresses with multiple occupants and remove names where voters were no longer present. The Returning Officer was assisting the police in their ongoing investigation of 88 properties in the Borough.

RESOLVED

That the petition be referred to the Assistant Chief Executive (Legal Services) for a written response on any outstanding matters within 28 days.

5.1.2 Petition re: Devons Estate Blocks

Petition withdrawn.

DEPUTATIONS

5.2 There were no deputations.

6. TO RECEIVE WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC**6.1 Question from Mr. Terry McGreenera to the Lead Member for Housing, Heritage and Planning, Councillor Marc Francis**

“Following the admission by Liam Byrne, Labour’s Chief Secretary to the Treasury on leaving the Treasury that there is no money and confirmed by the incoming Housing Minister, Grant Snapps, that the coffers are empty for affordable housing and that a ‘myriad’ of schemes will face the axe, what is the point of pursuing the objective of achieving the standards to obtain £200 million if there is no money at the end of the rainbow?”

Response of the Lead Member, Councillor Marc Francis

The Council’s objectives in establishing our Arms Length Management Organisation -Tower Hamlets Homes -were two fold:

Firstly, to improve the quality of housing management services as the ALMO must attain a minimum 2 star inspection rating from the Audit Commission. The council is working closely with Tower Hamlets Homes to improve services to tenants and leaseholders and prepare fully for inspection this November. Improving the standard of housing management is an important objective in its own right.

But the second objective is to unlock the £220 million Decent Homes funding promised earlier this year by the Labour Government to bring our remaining 13,000 homes up to a modern standard. While Tower Hamlets Council has not been told that funding may not be available if it does attain a 2 star inspection rating, I can say that I share Mr McGreenera’s anxieties.

The Tories have never made the case for more investment in social housing and the past two months have shown that the Lib Dems will sell their own grandmother for seats at the Cabinet table.

As with other housing projects that require government-funding, we are working hard to ensure that those commitments are honoured. Along with the Labour Leaders of Lambeth and Lewisham, which also have Round 6 ALMOs, we have made representations direct to the Housing Minister, Grant Shapps MP. Only last week in the House of Commons, our newly-elected MP for Bethnal Green & Bow, Rushanara Ali, asked the Prime Minister directly if he would honour Labour’s commitment to our tenants. He studiously failed to do so and instead, he made a vague statement about it all being looked at in the autumn Spending Review.

Well, I don’t need to tell anyone here that reneging on this commitment would be an absolute disgrace and so I hope that’s a message Cllr Archer and his colleagues will make sure is heard in Tory HQ.

In the meantime, we are making good progress with our own council-funded Decent Homes Pilots and I hope to be in a position to make a statement about additional pilot schemes in the next month or so.

Summary of supplementary question from Mr. McGrenera:

I would imagine that Tower Hamlets has as much chance of getting £220M as finding a pot of gold. Isn't it the case that Labour's whole policy on housing has been a failure? Would Councillor Francis admit that and will he give his apologies to local residents?

Summary of Lead Member's response:

Mr. McGrenera has been a long standing critic of our housing policy. But as the elected representatives of this community, we have the authority to make decisions in the interests of our council tenants and leaseholders.

Whatever our differences over the remedy, there is no disagreement about the threat to council housing and social tenants from this Tory and Lib Dem Government. In just two months, they have cut our £2 million Housing & Planning Delivery Grant.

They are introducing caps on Housing Benefit, which will leave one thousand households in the private rented sector worse off every week and dump a £1-2 million bill on local Council Tax payers for homeless households in temporary accommodation. I expect our £15 million annual Supported Capital Expenditure for major works in 2011/12 will be chopped too. We all know this is the thin end of a very long wedge.

6.2 Question from Ms. Kate Gould to the Lead Member for Housing, Heritage and Planning, Councillor Marc Francis re: redevelopment of former Safeway site, Bow

This question was not put at the meeting as the questioner did not attend. A written response would be sent to the questioner.

7. TO RECEIVE WRITTEN QUESTIONS FROM MEMBERS OF THE COUNCIL

7.1 Question from Councillor Ohid Ahmed to the Lead Member for Resources, Councillor David Edgar

"On 24 May 2010 Chancellor George Osborne announced reductions in public sector spending of £6.243 billion pounds. £1.165 billion of the total budget cut will come from grants to local government. Can the Lead Member inform us of the magnitude of problems Tower Hamlets will face because of this cut and how the Council is going to embark upon the deficit issue without cutting front line services? "

Response of the Lead Member:

It is extremely unhelpful that the Government has introduced grant cuts part way through this financial year, cutting £4.125m of grants which the Council had been told it would receive and which we had made plans to spend. The Government also told us that we would no longer receive other grants which had amounted to £4.9m last year. The Cabinet's response to the in-year cuts was considered and agreed at Cabinet on July 7th. We have acted swiftly to ensure that the Council's budget remains in balance and that the impact of the cuts is minimised as much as possible. The work we have done in the past to ensure that the Council's finances are well managed and our financial position is healthy helps us to do this.

Summary of supplementary question from Councillor Ohid Ahmed:

You have mentioned that the former leadership was absolutely committed to reducing overcrowding. Can the Lead Member explore all areas to keep investing in housing?

Summary of Lead Member's response:

Reducing overcrowding is a key priority for this council. It is an important part of the funding for housing and a reduction in grant monies will have an impact on all areas but we remain committed to doing everything we can to address the problem of overcrowding.

7.2 Question from Councillor Zara Davis to the Lead Member for Children's Services, Councillor Shiria Khatun

"With 28% of children in Tower Hamlets having been victims of bullying, would the Lead Member explain what is being done to tackle bullying in our schools?"

Response of the Lead Member:

Making sure that children and young people feel safe is a major priority for the Local Authority. *Safe to Learn* (DCSF 2007) provides the legal framework for anti-bullying. While schools must set their own policies, appropriate to their particular situations and intakes, it is important that the Local Authority sets a standard and offers a framework for schools to use. The Anti-Bullying policy guidance which is contained in the *Tower Hamlets Anti-Bullying Resource Pack* sets out for school staff and governors the LA's advice on how to address the issue.

The *Anti-Bullying Resource Pack* identifies a spectrum of types of bullying, including gender, racist and homophobic bullying and the bullying of gifted and talented learners, those with special needs and disabled or disfigured children as well as cyber bullying. We provide strategies on dealing with all these forms of bullying and developing a

whole school ethos to make every member of the school community feel respected and valued.

The development of the LBTH guidance for schools was a multi-agency process involving representatives from the Police, Victim Support, Healthy Schools and the Educational Psychology Service. The regional office of the Anti-bullying Alliance provided expertise and guidance. It was presented to the Tower Hamlets LGBT forum and there was wide consultation.

In addition to the *Tower Hamlets Anti-Bullying Resource Pack*, the authority:

- supports schools to implement the Social Emotional Aspects of Learning (SEAL) curriculum which has anti-bullying as a key theme.
- provides universal and targeted training and/or brokers training to all schools to develop and enhance staff skills in preventing incidents of bullying and responding to bullying when it occurs.
- gives guidance to schools on how they can begin to assess the scale of the problem. To support this, the council offers them the use of a free electronic survey which provides children with an anonymous means of making their views known on the scale of bullying and the school's strategies.
- has produced 6000 copies of the anti bullying calendar (designed by pupils) which were given to every year 6 and year 7 pupil in the borough as well as to a wide range of voluntary and statutory agencies
- is affiliated to Stonewall's Education Champions programme to tackle homophobia and has produced a poster for school staff rooms giving staff strategies for tackling homophobic comments from pupils
- organises an annual anti-bullying week, which in November 2009, included an anti-bullying film competition for pupils.
- Has provided a beginners guide to the safe use of the internet and mobile phones and circulated this through schools.

Primary and secondary schools in the borough have vigorously developed anti-bullying policies and practices. The LA requests that they provide copies of their policies and then tests them against best practice and provides feedback.

The borough's anti-bullying initiatives are highly acclaimed by the stakeholders. The 2009 National Audit Commission survey with Head teachers shows that Tower Hamlets Head Teachers perceive the borough's support for combating bullying is 'between good and excellent' (3.03; 1-4 points), which exceeds the national councils' average (2.69) and places the borough in the top 25%.

The National Strategy Advisor agreed that the borough's anti-bullying practice falls within 'Enhancing' – the highest of four levels of competence– in the National Strategies self-review framework in 2009.

It states, 'The planned approach developed by the local authority has had a clear impact on reducing incidents of bullying over a sustained period of time'.

While we are never complacent, as any case of bullying is one too many, the Tell Us Survey conducted with school age pupils tell us that our pupils are less likely to be bullied than the national average and more likely to be confident in their schools' ability to deal with bullying than average.

See also – report and action plan (April 2010) arising from the Scrutiny Challenge Session on Anti-Bullying Initiatives in Schools held January 2010.

Summary of supplementary question from Councillor Zara Davis:

Thank you for your response. There is an extraordinarily high level of bullying in this borough which suggests the policies of the Lead Member and her predecessors have failed. There should be zero tolerance. Do you agree that the new powers for teachers will assist and will you take responsibility for encouraging them to use these powers?

Summary of Lead Member's response:

I have always worked with teachers in this borough to tackle bullying. There are a range of initiatives including buddy systems in primary schools and prefects in secondary schools and a service for talking to the families involved. You are not suggesting anything new. I would like to offer you the opportunity to spend half a day with me to help you gain experience in this area.

7.3 Question from Councillor Kabir Ahmed to the Leader of the Council, Councillor Helal Abbas

"Can the Leader explain the steps the Council took to ensure the safety of Tower Hamlets residents in light of the recent events involving the Troxy, English Defence League (EDL) and United East End?"

Response of the Lead Member

There is no place for extremism of any kind in Tower Hamlets. When the Council learned of the demonstration planned by the English Defence League (EDL) for Sunday June 20th to coincide with an all day Islamic Conference due to be held at the Troxy, where a number of invited speakers had allegedly expressed extremist views, we urged residents to be vigilant in the face of what was a blatant attempt at division along crude racial and religious lines.

The Council had previously encouraged the Troxy to sign up to our 'No Place for Hate' campaign and they were happy to do so. So far, over 700 people and 70 organisations have joined the campaign against all extremism in the Borough.

The Islamic Conference was not supported in any way by the Council and we urged the Troxy to cancel it, in the interests of community safety and cohesion. We also liaised with the Police, Interfaith Forum and other local partners to ensure that the safety of Tower Hamlets residents.

We have also worked hard to call for calm, working with the police to ease fears involving rumour and counter rumour about people entering the borough with the intent of causing trouble. The council continues to work with the Police to ensure the safety of the community and we urge local residents to exercise restraint in the face of provocation.

We were pleased when the Troxy's management agreed to cancel the Conference and when the EDL, in response, cancelled their planned demonstration as well. By working with all sections of the Tower Hamlets community we managed to support and promote the values of diversity and tolerance using the democratic process.

United East End planned and held a counter demonstration on June 20th. As Leader of the Council I attended and spoke at the event to provide reassurance to residents that the council in its leadership role will do everything in its power to prevent outside elements from causing instability and unrest in Tower Hamlets. The Council worked directly with organisers and the Police to ensure that the event was safe and peaceful.

We will not stand by and allow the Tower Hamlets community to be divided by those who do not appreciate and value our borough's wonderful diversity, of which we are proud.

Summary of supplementary question from Councillor Kabir Ahmed:

Will the Leader take a specific interest in the "No place for Hate" campaign and promote the pledge as I am not sure how many Councillors have signed up for it, and also promote the branding of the campaign?

Summary of Lead Member's response:

I very much welcome the 'No Place for Hate' campaign and am fully committed and involved in it. I welcome your question and agree we should all be part of it. The Communications Team and the Cabinet will play a full role in promoting the campaign.

7.4 Question from Councillor Tim Archer to the Lead Member for Culture and Creative Industries, Councillor Denise Jones

“Will the Lead Member outline the most recent actions undertaken regarding the future of Poplar Baths?”

Response of the Lead Member:

In November 2009, following adoption of the Leisure Facilities Strategy the previous month, Cabinet allocated accelerated delivery funding to a range of key priorities, including Poplar Baths. Immediate works included:

- removal of pigeon droppings, asbestos and other waste materials
- protecting the building from further pigeon infestation by installing netting and boarding to openings
- installation of anti-climb measures, metal screens to lower level windows and doors, and intruder alarms
- installation of boarding to prevent water penetration into the historic building

These works have stabilised the building and allow for further detailed investigation and design work in line with the Cabinet decision (April 2010) to re-open Poplar Baths. A security regime has also been put in place to ensure the building is protected.

A Project Board has been set up to progress the scheme. The Corporate Director, Development and Renewal will be bringing a report back shortly.

Summary of supplementary question from Councillor Tim Archer:

Is it not the case that this was a cynical unfunded election bribe or can you assure me that you have the money to honour this promise to the local people?

Summary of Lead Member's response:

The Corporate Director, Development and Renewal has been instructed to bring back a design and then public consultation will follow. We will know about funding by the Autumn.

7.5 Question from Councillor Carli Harper-Penman to the Lead Member for Children's Services, Councillor Shiria Khatun

“Can the Lead Member tell us what activities the Council plans for young people in the Borough over the summer school holidays?”

Response of the Lead Member:

Over the summer holiday period the Youth Service and CLC are operating a number of projects throughout the borough to engage young people into constructive activities.

PAYP: Through Positive Activities for Young People, we have 57 projects taking out of which 45 are LAP based and 12 projects are targeted and borough wide. Total allocation to deliver PAYP over the summer period is £266,417.

Summer Grant: Summer Grants support 49 projects, out of which 36 are LAP based and 13 are borough wide initiatives. Total amount allocated to deliver summer scheme £95,760.

Summer Fun Brochure: this was distributed to all households in Tower Hamlets, listing all projects/initiatives within the PAYP and Summer Grants listed above. It will also include listings of sports, leisure and family fun oriented activities operating over the summer period. It is included in East End Life this week.

INNOV8: Summer Festival of Arts, Sports and Music: The projects will be aimed at all young people in the borough - from toddlers through to late teenagers - and some will be aimed at targeted groups, whilst others will be universally accessible by young people. The projects will be delivered through a combination of partnerships with third sector organisations that specialise in the different project genres and central delivery by the local authority.

Tower Hamlets is spending a total of £62,753 between June and August 2010 on a variety of arts, sports and music projects that will comprise the INNOV8 summer festival. This includes a contribution of £38,903 from the Find Your Talent programme.

Evaluation & Monitoring:

All projects will be evaluated to determine the outputs, outcomes and reach of the projects (ensuring that equalities streams are adhered to). All YCS funded projects will be captured by E-YS Management Information System. This information will then feed into an overarching analysis of the outcomes and outputs to inform future strategy for summer programmes, best practice engagement approaches and new ways to further encourage participation by young people in programmes delivered across Tower Hamlets.

Summary of supplementary question from Councillor Carli Harper-Penman:

Thank you for that. Can I ask the Lead Member for her assurance that community cohesion will be promoted with our young people?

Summary of Lead Member's response:

You have my personal assurance on that. I work as an employment specialist with young people and I also refer you to the summer university brochure, copies of which are available. I recently met with the Youth Champions in the borough and I commend their work with young people from all parts of the community.

7.6 Question from Councillor David Snowdon to the Leader of the Council, Councillor Helal Abbas

"The Tower Hamlets partnership is facing, by my count, its third restructuring in as many years. There is great uncertainty amongst Steering Group members as to what the future holds, and a co-chairs meeting attended by myself and Cllr Jackson showed key officers to be incapable of explaining clearly exactly how the new structures will work. Will the lead member explain how the new structures will work, especially the relationship between the Ward Panels and the Steering Groups?"

Response of the Lead Member:

The infrastructure and support for the Tower Hamlets Partnership are largely funded by Working Neighbourhood Fund grant which comes to an end in March 2011. This coupled with the financial pressures across the public sector requires a rethink, both of our Community Plan as a whole, and consequently how we deliver a Tower Hamlets Partnership infrastructure and governance arrangements which are fit for purpose to support a refreshed Community Plan and are sustainable going forward.

We are consequently currently undergoing a period of review and reflection of the future of the Partnership infrastructure, which will involve consultation with residents, partners and steering group members. The Community Plan refresh and development of the Citizen Engagement Strategy will help clarify the new priorities and the arrangements to support their delivery over the coming months.

As part of the refresh of the Community Plan, residents will be asked to help re-define local priorities and include consideration of the difficult choices faced by the Partnership in achieving the required savings and in the context of reduced public finances. The consultation will also focus on how to unlock the potential of communities to play a more active and independent role in their local areas and consider the citizens' role in the delivery of the Community Plan.

The development of new local governance arrangements is a key part of the emerging Citizen Engagement Strategy and it is planned that a proposed way forward will be agreed by the Partnership by November 2010. Any new model must respond to the way citizens and local

residents want to stay engaged and hold public services to account including improved communications and methods for consultation.

The Partnership Executive and Board have already had initial discussions about these matters and a LAP Steering Group conference is planned for July/August to consult more widely.

Summary of supplementary question from Councillor David Snowdon:

I know there are plans on the table because I have seen them and Councillor Jackson has seen them but they cannot be explained by the officers. Can the Leader of the Council explain how the new plans will work?

Summary of Lead Member's response:

The current structure costs £2M and with the cuts the coalition government are proposing, we cannot sustain that structure. But we are committed to partnership working through the challenging times ahead and a consultation process is in place. I look forward to your comments.

7.7 Question from Councillor Shafiqul Haque to the Lead Member for Environment, Councillor Shahed Ali

“Could the Lead Member confirm what steps he has taken to address the parking and CCTV issue surrounding Whitechapel, New Road and adjacent to Royal London Hospital, Whitechapel?”

Response of the Lead Member:

There are essentially two issues here; the management of parking and the use of CCTV for enforcement.

Tower Hamlets is a densely populated borough and experiences high volumes of traffic throughout the day. The primary purpose of the road network is the safe and unimpaired passage of vehicles, not the parking of cars.

As a result of the exceptionally high demand for parking, almost all of the borough is covered by Controlled Parking Zones (the exceptions being Cadogan Terrace and Fish Island). Within each of the CPZs, parking is prioritised for people with disabilities, residents, businesses and visitors.

In these circumstances, there is only limited scope for revising on-street parking arrangements to meet the competing needs of residents and businesses, while maintaining the free movement of traffic and promoting road safety.

Following a study in 2008 undertaken by consultants appointed by Transport for London, it was identified that New Road was subject to indiscriminate/illegal parking resulting in severe delays to the flow of traffic, not least London Bus services. Accordingly, a scheme was introduced to:

(a) provide better facilities for buses to pull in to the kerb, which assists passengers to enter/exit the bus safely and without difficulty; (b) provide Loading Only bays in certain locations and (c) prohibit waiting/loading at other sections of New Road.

The new scheme was brought in following full consultation with residents and local traders and has since been amended as a result of representations made by local traders. However, it is obvious that any scheme designed to improve the flow of traffic previously impeded by parked vehicles and allow buses to access the kerbside is likely to result in an overall loss of parking availability. This can only mean a rebalancing of the needs of residents, local businesses and their customers, which our officers have attempted to achieve through further consultation.

Whitechapel is a busy thoroughfare as well as the site of a thriving local market. Whitechapel Road is managed by Transport for London who have recently embarked on a new enforcement initiative. Again, this is intended to improve the flow of traffic and in particular reduce bus journey times.

The London Hospital attracts many car borne visitors and the local road network simply cannot accommodate such volumes. The extensive redevelopment of the site means that it will attract even more visitors in the future and does not include any additional off-street parking. It is therefore inevitable that while using a car might be the preferred method of travel to the hospital, more journeys will have to be made using public transport.

In order to assist the dropping off/picking up of passengers attending the London Hospital, a limited stay "free parking bay" was introduced last Autumn on Turner Street, by Stepney Way. The bay, which accommodates two vehicles, was introduced partially on previous yellow lines and partially on a previous Pay & Display bay. In order to encourage turnover and assist as many people as possible, it has a maximum stay of ten minutes with no return within forty minutes. The hours of the bay were initially operative during the basic zone times of 0830 and 1730, Monday to Friday, but in March this year increased to 24/7 to assist those attending Accident and Emergency.

The parking controls introduced by the Council will only deliver the desired benefits if motorists comply with the regulations. A degree of enforcement is required to achieve this and in some parts of the borough, a considerable degree is necessary.

Where it is possible to enforce by CCTV, it is generally recognised as the most effective method and best use of the Council's limited resources. Nevertheless, it has the disadvantage of not having the same visibility as patrols by Civil Enforcement Officers, which it could be argued deters the motorists from flouting the regulations or taking the risk of not being caught.

In order to improve motorists' awareness of the use of CCTV in the Borough and to improve compliance as a result, in December 2009 and January 2010 an additional 300 advisory signs were placed on lamp posts near or at the entry of the streets where the 44 CCTV cameras used for parking enforcement are located. Depending on the location, leaflets were also issued to motorists and shop keepers, drawing attention to the use of CCTV for parking enforcement. The Council also carried out a media campaign, encouraging motorists to consider other road users when parking and explaining how to avoid being given a parking ticket.

The Council has also carried out three trials to examine the relative effectiveness of CEO patrols and CCTV in deterring and detecting parking infringements. These trials concluded that in some areas and in relation to some types of infringement, the highly visible, real time problem solving and preventative benefits of targeted CEO deployment is a useful supplementary tool to CCTV. However, for reasons of cost and practicality, CEO patrols cannot provide a constant presence in any locality.

The three trial sites of Brick Lane, Turner Street and Roman Road, showed that the use of CEOs cannot match the use of CCTV in the detection of parking contraventions. Given that parking controls are primarily to protect residents' parking, business servicing, public safety and free flow of traffic where there is the greatest potential for conflicts to occur, the use of CCTV is an appropriate measure. During the pilot the substantial fall in the number of PCNs issued, where CCTV was suspended during patrol periods, shows a high level of parking infringements occur without detection or penalty. Ultimately, this means that the Council would not be effectively pursuing its parking policies and actively managing parking, for the benefit of the whole community, if it decided not to use CCTV.

PCNs are designed to have a deterrent effect on motorists and whilst their impact is not immediate, they do serve to prevent many motorists from re-infringing parking regulations. CCTV is likely to promote a reduction of infringements over time and experience shows that this is the case, but it is essential that its use is clearly communicated by displaying clear and highly visible signs.

The use of CCTV, coupled with clear and visible signage, provides the most cost effective and efficient option to reduce parking contraventions and fulfil the Council's responsibilities for road safety and the safety of pedestrians.

I had an on-site meeting with officers from Parking Services on 8 July to better understand the issues they have in enforcing the regulations either by patrols or CCTV and to express my views.

Summary of supplementary question from Councillor Shafiqul Haque:

Thank you. You used to raise concerns on issuing tickets. What steps have you taken since you have taken on your new Lead Member role?

Summary of Lead Member's response:

If you go to the area now you will see that my predecessor, Councillor Abdal Ullah has taken on this concern and there are now two pick up and drop off points at the hospital where cars can stand for ten minutes whilst dropping off and picking up patients. CCTV is not an ideal scenario but it allows the attendants to keep a check on the area which parking attendants alone cannot.

You will be pleased to learn that we have decided to carry out a thorough consultation exercise that will most probably take place later in the year. This will enable us to obtain feedback from residents, businesses and all categories that make use of either parking permits or Pay and Display bays. I hope that with the information gathered, we can adopt policy that will become much more responsive to the parking demands of our borough.

7.8 Question from Councillor Peter Golds to the Lead Member for Regeneration and Employment, Councillor Sirajul Islam

"As only 62 Tower Hamlets residents secured jobs on the Olympic Site as a result of applications advertised in through borough's Job Brokerages Scheme, what steps are the Development and Renewal directorate taking to improve this?"

Response of the Lead Member:

Skillsmatch is the lead brokerage organisation for Tower Hamlets for handling vacancies connected to the Games and receives these from the Joint Coordination Team at Jobcentre Plus. It is responsible for the submission of Tower Hamlets residents who are capable of fulfilling the roles, and these are considered alongside applicants from other Host Boroughs.

The job outcomes for local residents through this network via Skillsmatch since its establishment in 2007 are: 2007/2008 – 41; 2008/2009 – 59; and 2009/2010 – 62 (these 62 during 2009/10 are in addition to a minimum of 100 throughout the two years before). I should point out that for 07/08 and 08/09 data protection guidelines at

the ODA prevented us from receiving comprehensive confirmation on numbers. However, from our own records the figures shown for those years can be used as a guideline for minimum numbers.

Thus the number of jobs on the Olympic Park through the brokerage to date is a minimum of 162.

Despite a number of barriers to employment on the Olympic Park – outlined below - we are working closely with the ODA and through the established referral network to improve forward knowledge of contractor future job requirements and thus hope that numbers will continue to grow over the next financial year.

It is important to note that there have been a number of fundamental restraints on our ability to place higher numbers of residents into Olympic related roles. Notably evidence suggests that due to the economic downturn and significant slow down in the development industry Olympic Park contractors are moving existing workforce from other sites to the Olympic Park (avoiding lay offs etc.) and this is having a consequential impact on recruitment of new workers onto the site, thus squeezing the number of roles available to local residents.

In addition to this, the expected demand for apprentices has been far lower than expected, with the ODA advising that the bulk of opportunities will become available later on this year. Discussions have already been had with colleagues in the 14-19 teams to ensure that the Council can respond to these opportunities and maximise results.

In seeking to maximise the opportunities for local residents from the Olympics the London Development Agency established with the Host Boroughs the Local Employment and Training Framework (LETF) fully funded by the LDA to train and support local Host Borough residents to develop skills in construction and security to support referrals for Olympic jobs. The programme (and funding) ran from June 2007 until March 2010 and in Tower Hamlets over 400 residents achieved a job through this programme, although not all of these have been on the Olympic Park (i.e. jobs on other sites e.g. Canary Wharf) were obtained. Over 1,000 residents received training through this programme.

The member will be pleased to learn that Skillsmatch is currently finalising a delivery plan for the Tower Hamlets element of a new Host Borough Employment and Skills investment programme funded by the LDA which will continue this and wider activities over the next three years.

Following this year's Big Build period it is likely that the nature of the vacancies will shift from construction more towards operational vacancies through LOCOG such as hospitality and catering as the event approaches. Although these are likely to be short term jobs Skillsmatch and the other 5 Boroughs are in dialogue with LOCOG

over how these short term opportunities might link to routeways into work for local residents in sectors such as hospitality, catering, security and retail.

Summary of supplementary question from Councillor Peter Golds:

The Olympic site adjoins the borough but the figures are very small relative to levels of unemployment. What is the Lead Member going to do to make sure that young people and those with the appropriate skills get jobs?

Summary of Lead Member's response:

We are not the only borough as there are five host boroughs. I agree we have to maximise our opportunities as we have lots of young people in the borough. As Lead Member I am committed to that and to working with the partners to skill up young people to secure jobs.

7.9 Question from Councillor Carlo Gibbs to the Lead Member for Culture and Creative Industries, Councillor Denise Jones

“How many more young people, adults and over 60s have taken up swimming as a result of the free swimming initiative and what impact will the cancellation of funding by the coalition government have?”

Response of the Lead Member:

Free swimming was a Labour Government initiative. The number of free swim visits in 2009 under this scheme was 46,961. Of these 29,542 participants were under 16s and 17,419 over 60s. The health benefits of swimming are well documented and we know that on average older people in Tower Hamlets exercise less than older people in London and this programme has helped encourage them to do more. Swimming also provides an excellent diversion for young people who have made great use of this opportunity. For this reason we have decided to continue the programme until 31 October, despite the Coalition Government cutting the programme and we intend to fund this by cutting Councillors' special responsibility allowances and reducing catering arrangements at Council meetings. We will also continue to provide Free Swim Friday for Tower Hamlets residents and Family Swim Saturday. Free swimming for women is still, at this time, being funded through the Healthy Tower Hamlets allocation.

Summary of supplementary question from Councillor Carlo Gibbs:

This is another cut which will affect the poorer areas more. Free swimming provides young people with positive activities to address problems such as anti-social behaviour and obesity - how can we afford not to continue with it? Doesn't this show that the Conservatives know the cost of everything and the value of nothing?

Summary of Lead Member's response:

I could not have put that better myself.

7.10 Question from Councillor Gloria Thienel to the Lead Member for Community Safety, Councillor Abdal Ullah

"Given the recent incidents around the Blackwall and East India DLR station, including muggings reported in, what will the Lead Member be doing to reassure local residents and combat the problem?"

Response of the Lead Member:

There are a range of policing initiatives to deal with the problem and other problems across the borough.

The police ensure that their 'robbery task force' patrol all areas that are experiencing crime problems related to robbery. In addition the boroughs Safer Transport Team will be paying attention to the area along with the SNT and the Council funded joint enforcement team.

No supplementary question was asked by Councillor Theinel.

In accordance with Rule 12.10 (expiry of time limit), questions 11 – 32 were not put. Written responses would be forwarded to the questioners.

8. REPORTS FROM THE EXECUTIVE AND THE COUNCIL'S COMMITTEES**8.1 Annual Report of the Overview and Scrutiny Committee**

Councillor Sirajul Islam **MOVED** and Councillor Stephanie Eaton **SECONDED** – "That the recommendations set out in the report be agreed."

Councillor Sirajul Islam addressed the meeting on the annual report of the Overview and Scrutiny Committee 2009/10. After discussion, the recommendations were put to the vote and were **AGREED**, with no Member voting against. Accordingly it was:

RESOLVED

1. That the annual report of the Overview and Scrutiny Committee for 2009-10 be noted.
2. That the number of positions for Parent Governor representative co-optees to the Overview and Scrutiny Committee be increased from two to three; and the Committee's terms of reference at Part 3.3.2 of the

Council's Constitution and the Overview and Scrutiny Procedure Rules at Part 4.5 of the Constitution be amended accordingly.

8.2 Members' Allowances Scheme: Changes to Special Responsibility Allowances (TABLED)

The tabled report was considered as an urgent item with the agreement of the Mayor. The recommendations to the Council contained therein arose from a Cabinet meeting which took place after the publication of the Council agenda. A decision was required at the current meeting because no further Council meetings were scheduled before the proposed effective date of the changes recommended by the Cabinet (1st August 2010).

Councillor David Edgar **MOVED** and Councillor Joshua Peck **SECONDED** the recommendation as set out in the report.

Councillor David Snowdon under Rule 14.1, then **MOVED** and Councillor Tim Archer **SECONDED** an amendment to the recommendation – "That the Conservative Group notes the decision by the Cabinet as a first step in the right direction and the Council believes that all Members allowances and SRAs should be reduced by 5%."

After discussion, the amendment moved by Councillor Snowdon was put to the vote and was **defeated**.

The substantive motion was then put to the vote and was **agreed**, with no Member voting against. Accordingly it was:-

RESOLVED

That all Special Responsibility Allowances payable under the Members' Allowances Scheme to Members of this Authority be reduced by 5% with effect from 1st August 2010.

9. TO RECEIVE REPORTS AND QUESTIONS ON JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS (IF ANY)

There was no business to be considered under this heading.

10. OTHER BUSINESS

10.1 Petition Scheme

An addendum report was tabled at the meeting, setting out a revised draft Petition Scheme incorporating comments raised at the Overview and Scrutiny Committee and the Cabinet meetings.

Councillor Joshua Peck **MOVED** and Councillor Helal Abbas **SECONDED** the revised recommendations as set out in the addendum report.

After discussion, the recommendations were put to the vote and were **agreed**, with no Member voting against. Accordingly it was:-

RESOLVED

1. That the duty to respond to petitions included in the Local Democracy, Economic Development and Construction Act 2009 and the consequent requirement on the Council to agree a Petition Scheme be noted; and
2. That the comments of the Overview & Scrutiny Committee and Cabinet be noted and the draft petition scheme as set out at Appendix 'B' to the tabled addendum report be adopted.

10.2 Draft Statement of Accounts 2009-2010

This report had been dealt with earlier in the agenda.

10.3 Appointment of Independent Members of the Standards Committee

Councillor Helal Abbas **MOVED** and Councillor Joshua Peck **SECONDED** the recommendation as set out in the report.

The recommendation was put to the vote and was **agreed**, with no Member voting against. Accordingly it was:

RESOLVED

That the following persons be appointed as Independent Members of the Standards Committee, each to serve a three year term of office expiring on the date of the Annual Council meeting in May 2013, subject to annual confirmation by the Council:-

- Ms. Sue Rossiter (new appointment); and
- Mr. Patrick (Barry) O'Connor (re-appointment)

11. TO CONSIDER MOTIONS SUBMITTED BY MEMBERS OF THE COUNCIL

11.1 Motion proposed by Councillor Stephanie Eaton regarding youth offenders

The motion as printed in the agenda was **MOVED** by Councillor Stephanie Eaton and **SECONDED** by Councillor Harun Miah.

Councillor Shiria Khatun then **MOVED**, and Councillor Sirajul Islam **SECONDED**, an **AMENDMENT** to the motion as follows:-

“Under “This council notes” add

“That this Labour Council’s Youth Offending Team (YOT) have made good progress in ensuring that 85% of the young offenders they have assisted in the last year are either in education training or employment at the end of their youth justice orders.”

“That the Tower Hamlets YOT has a series of successful partnerships with voluntary sector agencies as well as trainers that aim to place young people into training and work which lead to successful placements and positive outcomes for young offenders”

Under “This Council resolves” add

“To fully assess the cost implications before commissioning projects or developing new services for Young Offenders in light of the current financial circumstances.”

After discussion, the amendment moved by Councillor Shiria Khatun was put to the vote and was **agreed**.

The substantive motion as amended was then put to the vote and was **agreed** with no Member voting against. Accordingly it was:-

RESOLVED

This Council notes:

1. 60-80 young people come off criminal justice orders every quarter in Tower Hamlets, of which 30-40 young people are of school age.
2. That a reduction in re-offending is closely linked to successful settlement into work.
3. There are often difficulties placing young ex-offenders into work placements and other forms of employment or training as employers are cautious about employing ex-offenders, and the young people often require support in the workplace.
4. There is a tendency for employers to view the recruitment of young offenders as a corporate social responsibility when a solid business case could be developed to give employers confidence and justify employing young ex-offenders.
5. Many employers outsource roles which might be appropriate to young people leaving the criminal justice system, however, the outsourced companies have stringent screening processes which inhibit young offenders from recruitment.

6. KPMG and Freshfields have delivered successful employment programmes targeted at the homeless and these programmes may provide models for employment of young ex-offenders. Such programmes have been successful because both employers and employees are offered support such as an employer's helpline.

7. That opportunities provided for the small number of young ex-offenders in the Borough would benefit other young people through a reduction in victimisation; the development of positive role models; and the demonstration of the longer term benefits of work and training.

8. That this Labour Council's Youth Offending Team (YOT) have made good progress in ensuring that 85% of the young offenders they have assisted in the last year are either in education training or employment at the end of their youth justice orders.

9. That the Tower Hamlets YOT has a series of successful partnerships with voluntary sector agencies as well as trainers that aim to place young people into training and work which lead to successful placements and positive outcomes for young offenders.

This Council resolves:

1. To develop an effective training into work model which reduces the risk associated with employing young ex-offenders, and which can be used to support firms to employ young ex-offenders.

2. To ensure the Youth Justice Board is working with organisations such as Community Links and East Potential to ensure there is a smooth transition into employment and training after criminal justice orders are concluded.

3. To work with partners such as Community Links and East Potential to develop a training programme for motivated ex-offenders who wish to become self-employed.

4. To investigate the potential for employment opportunities for young ex-offenders among the Council's larger contractors e.g. Veolia, and larger employers in the borough e.g. Tesco to discuss with them their attitude to employment of ex-offenders.

5. That the East London Business Alliance undertakes a project to investigate the business case, costs and opportunities for employing young ex-offenders based on their potential contribution to a company.

6. To fully assess the cost implications before commissioning projects or developing new services for Young Offenders in light of the current financial circumstances.

The meeting ended at 9.28 p.m.

Mayor

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LONDON BOROUGH OF TOWER HAMLETS

COUNCIL MEETING

WEDNESDAY 15TH SEPTEMBER 2010

PETITIONS AND DEPUTATIONS

**REPORT OF THE SERVICE HEAD,
DEMOCRATIC SERVICES**

SUMMARY

1. The Council's constitution provides that a maximum of six petitions and deputations in total are received at any meeting. These are taken in order of receipt within each category. This report sets out the valid petitions and deputations submitted by members of the public for presentation at the Council meeting on Wednesday 15th September 2010.
2. The deadline for receipt of deputations and petitions for this meeting is noon on Thursday 9th September 2010. At the time of agenda despatch one petition had been received. Any further valid petitions or deputations received before the deadline will be notified to Members before the commencement of the Council meeting.
3. In each case the members of the deputation/petitioners may address the meeting for no more than three minutes. Members may then question the deputation/petitioners for a further three minutes. The relevant Lead Member or Chair of Committee may then respond to the deputation or petition for up to three minutes.
4. Any outstanding issues will be referred to the relevant Corporate Director for attention who will respond to those outstanding issues in writing within 28 days.
5. Members should confine their contributions to questions and answers and not make statements or attempt to debate.

5.1 PETITIONS

One petition has been received as set out below:-

5.1.1 Petition from Ms. Sapna Begum and others regarding the closure of Inside Out Health & Wellbeing Ltd. at Stroudley Walk, Bow, E3:

“We present this petition drawn up by the local community protesting against the closure of Inside Out Health & Wellbeing Ltd. at Stroudley Walk, Bow, E3.

This is the only accessible community gym facility we have available in the heart of our neighbourhood.

The atmosphere at IOHW is very approachable and relaxing and we feel encouraged to take part in the activities regularly.

The majority of the users are Bengali women who are either retired or housewives with no or very little command of English. Therefore having a community facility as IOHW is very conducive to the health and wellbeing of these women who are by and large isolated from mainstream society. This allows them a chance to come out and mingle/socialise with other members of the community and at the same time be active or learn alternative ways to manage their health conditions.

The Bromley-by-Bow area is one of the most deprived wards in the borough with high incidence of multiple deprivations specifically high unemployment and ill health.”

5.2 DEPUTATIONS

No deputations have been received at the time of printing the agenda.

LONDON BOROUGH OF TOWER HAMLETS

COUNCIL MEETING

WEDNESDAY 15TH SEPTEMBER 2010

**QUESTIONS SUBMITTED BY
MEMBERS OF THE PUBLIC**

**REPORT OF THE SERVICE HEAD,
DEMOCRATIC SERVICES**

SUMMARY

1. Set out overleaf are the questions submitted by members of the public, for response by the appropriate Cabinet Member or committee chair at the Council Meeting on 15th September 2010.
2. The Council's Constitution provides a maximum time limit of thirty minutes for this item.
3. A questioner who has put a question in person may also put one brief supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original or the reply. Supplementary questions and Members' responses to written and supplementary questions are each limited to two minutes.
4. Any question which cannot be dealt with during the thirty minutes allocated for public questions, either because of lack of time or because of non-attendance of the questioner or the Member to whom it was put, will be dealt with by way of a written answer.
5. Unless the Mayor decides otherwise, no discussion will take place on any question, but any Member of the Council may move, without discussion, that the matter raised by a question be referred for consideration by the Cabinet or the appropriate Committee or Sub-Committee.

QUESTIONS

One question has been submitted as set out below:-

6.1 Question from Mr. Ian Godfrey to the Lead Member for Housing, Heritage and Planning, Councillor Marc Francis:

“What reports or consultations were conducted into the need for shoppers’ parking at the Roman Road market in Bow, before the Council decided that the 140 space Safeway site car park could be sold off for private flats?”

LONDON BOROUGH OF TOWER HAMLETS

COUNCIL MEETING

WEDNESDAY 15TH SEPTEMBER 2010

**QUESTIONS SUBMITTED BY
MEMBERS OF THE COUNCIL**

**REPORT OF THE SERVICE HEAD,
DEMOCRATIC SERVICES**

SUMMARY

1. Set out overleaf are the questions submitted by Members of the Council for response by Members of the Executive at the Council meeting on Wednesday 15th September 2010.
2. Questions are limited to one per Member per meeting, plus one supplementary question unless the Member has indicated that only a written reply is required and in these circumstances a supplementary question is not permitted.
3. Oral responses are time limited to one minute. Supplementary questions and responses are also time limited to one minute each.
4. There is a time limit of thirty minutes for consideration of Members' questions with no extension of time allowed and any question not answered within this time will be dealt with by way of a written response. The Mayor will decide the time allocated to each question.
5. Members must confine their contributions to questions and answers and not make statements or attempt to debate.

MEMBERS' QUESTIONS

19 questions have been received from Members of the Council as follows:-

7.1 Question from Councillor Judith Gardiner to the Lead Member for Children's Services, Councillor Shiria Khatun

"Can the Lead Member tell us how Tower Hamlets' students did in their GCSE and A-Level exams this year and how this compares to previous years? "

7.2 Question from Councillor Zara Davis to the Lead Member for Children's Services, Councillor Shiria Khatun

"In the light of this year's A Level results in Tower Hamlets, which shows that the percentage of entries achieving an A grade is significantly below the national average, what measures are being taken by the Council and the schools and colleges in the borough to deliver a drastic improvement?"

7.3 Question from Councillor Kosru Uddin to the Lead Member for Environment, Councillor Shahed Ali

"How is Tower Hamlets moving towards being a greener borough and how are we performing against targets for recycling?"

7.4 Question from Councillor Gloria Thienel to the Lead Member for Housing, Heritage and Planning, Councillor Marc Francis

"Will the Lead Member announce when the new lettings policy agreed at Cabinet in March 2010 will be implemented?"

7.5 Question from Councillor Aminur Khan to the Lead Member for Community Safety, Councillor Abdal Ullah

"Can the Lead Member give an update on the various community safety initiatives taking place over the summer including the use of CCTV in Whitechapel and tell us how successful they have been so far?"

7.6 Question from Councillor Peter Golds to the Deputy Leader of the Council, Councillor Joshua Peck

"Does the CCTV facility within the council chamber have a "record" programme?"

7.7 Question from Councillor Amy Whitelock to the Lead Member for Housing, Heritage & Planning, Councillor Marc Francis

“What are the likely effects on the residents of Tower Hamlets of the Coalition Government’s proposed cut to Housing Benefit and their comments about ending lifetime tenancies?”

7.8 Question from Councillor David Snowdon to the Lead Member for Culture & Creative Industries, Councillor Denise Jones

“Will the Lead Member please outline the council's current position on replacing the Isle of Dogs library with an Ideas Store or Ideas Store Local/Metro, and how far this plan has progressed?”

7.9 Question from Councillor Alibor Choudhury to the Lead Member for Health & Wellbeing, Councillor Rachael Saunders

“Can the Lead Member explain what steps the Council has recently taken to tackle the high levels of childhood obesity in the Borough?”

7.10 Question from Councillor Dr. Emma Jones to the Lead Member for Community Safety, Councillor Abdal Ullah

“Will the Lead Member outline the Council's acceptable timeframe for re-housing an individual who is at risk of domestic violence, and has not been provided with suitable accommodation in a refuge?”

7.11 Question from Councillor Ohid Ahmed to the Lead Member for Resources, Councillor David Edgar

“What is the expected annual budget gap for next three years for Tower Hamlets because of Tory/Lib Dem Local Government funding Cuts and what will the leadership will be doing to mitigate the risk of losing the services this council has developed over the years and to continue supporting schemes like buy back to tackle the shortage of family homes?”

7.12 Question from Councillor Mohammed Maium Miah to the Lead Member for Housing, Heritage & Planning, Councillor Marc Francis

“There have been a number of incidents of severe flooding in properties on the Isle of Dogs owned and managed by One Housing which are entirely due to the incompetence of contractors working on the current building works. This has resulted in residents having to leave their homes, often with little assistance from One Housing or their contractors. At the same time, One

Housing is shifting water charges on to tenants. Does the administration still have confidence in One Housing?"

7.13 Question from Councillor Anwar Khan to the Lead Member for Environment, Councillor Shahed Ali

"Can the Lead Member explain how the Council plans to minimise the disruption to residents when events are held in Victoria Park?"

7.14 Question from Councillor Tim Archer to the Lead Member for Housing, Heritage & Planning, Councillor Marc Francis

"Will the Lead Member explain the reasons for not exercising proportionality regarding council nominations to the membership of the boards of RSLs?"

7.15 Question from Councillor Rabina Khan to the Lead Member for Children's Services, Councillor Shiria Khatun

"How many schools in Tower Hamlets have taken up Education Secretary Michael Gove's offer to become academies so far?"

7.16 Question from Councillor Craig Aston to the Lead Member for Health & Wellbeing, Councillor Rachael Saunders

"Will the Lead Member for Health and Wellbeing outline any proposals she has to urge the tightening of regulatory procedures to reduce the increasing number of fast food outlets commonly known as "chicken shops" throughout the borough, in light of the ruling by Judge Cranston whereby he ruled that health and wellbeing is a material consideration on this issue?"

7.17 Question from Councillor Helal Uddin to the Lead Member for Community Safety, Councillor Abdal Ullah

"Can the Lead Member explain what he hopes the current Council consultation on a violence against women and girls strategy will achieve and how it will help to tackle this issue?"

7.18 Question from Councillor Stephanie Eaton to the Lead Member for Environment, Councillor Shahed Ali

"Does the Lead Member share my concern at the recent findings from the Fire Brigade that showed 51.4% of fires in Tower Hamlets are due to dumped rubbish within communal areas being set alight? What does he intend to do to ensure there is less dumped rubbish and fewer fires?"

7.19 Question from Councillor Ann Jackson to the Lead Member for Housing, Heritage & Planning, Councillor Marc Francis

“Can the Lead Member give us an update on the proposed sale of homes within the Crown Estate?”

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LONDON BOROUGH OF TOWER HAMLETS

COUNCIL MEETING

WEDNESDAY 15th SEPTEMBER 2010

LDF CORE STRATEGY: ADOPTION OF THE PLAN.

REPORT OF THE CORPORATE DIRECTOR, DEVELOPMENT & RENEWAL

1. **SUMMARY**

- 1.1 Council officers have been working toward preparing the Local Development Framework– Core Strategy. The Core Strategy is the most important part of the Local Development Framework as it sets the spatial vision and the priorities for the next 15 years and beyond.
- 1.2 The Core Strategy has been through an extensive preparation process over the last 3 years, including evidence base collection, option testing, public consultation, member approval and independent examination. The Core Strategy has now been found sound by the Planning Inspector and therefore is now able to be considered by the Council for its adoption.
- 1.3 The Core Strategy and other Development Plan documents form part of the Council's Policy Framework. In line with the Budget and Policy Framework Procedure Rules, the Core Strategy is to be considered by the Overview & Scrutiny Committee (7 September) and Cabinet (8 September) before adoption by Council. Any further comments or recommendations arising from those meetings will be circulated to Members before the Council meeting.
- 1.4 A copy of Appendix 1 (the Core Strategy document) was sent separately to each Councillor prior to the cycle of meetings at which it is scheduled for consideration. Members are requested to bring this document with them to the Council meeting as it forms part of the agenda papers for the meeting.

2. **RECOMMENDATIONS**

- 2.1 That the Council consider:-
- a) the Final Local Development Framework Core Strategy at Appendix 1 and the Inspector's report and three Annexes at Appendix 2; and
 - b) any further information circulated following the meetings of Overview & Scrutiny Committee on 7 September and Cabinet on 8 September 2010.
- 2.2 That the Council adopt the Local Development Framework Core Strategy (including the Inspectors required amendments) to be a part of the borough's Development Plan.

3. REASONS FOR THE DECISIONS

- 3.1 The decision to adopt the Core Strategy is required in accordance with Planning and Compulsory Purchase Act 2004 (Section 23 – Adoption of an Local Development Document), if the local authority seeks to enact the policies included in the plan.
- 3.2 It should be noted that, in accordance with Section 23 (3) and (4), the planning inspector's report is binding, meaning that the local authority must adopt the plan with the changes that are recommended.

4. ALTERNATIVE OPTIONS

- 4.1 The Council may alternatively choose not to adopt the Core Strategy, including choosing not to adopt any one of the Inspectors binding recommendations. This would mean that the work undertaken would be aborted and work would start again on the production of the Core Strategy.
- 4.2 There are substantial risks and implications associated with this option including risks of not having an up to date planning framework to manage growth and change, as well as significant cost implications. It would also undermine for the current work being undertaken on the second tranche of plans coming forward as a part of the Local Development Framework.
- 4.3 This in turn would significantly limit the Council to deliver other priorities such as the delivery of new homes, including family homes, new jobs and critical infrastructure including a possible new in borough waste facility, new primary and secondary schools and other essential infrastructure critical to support the development of sustainable communities and deliver the borough's Community Plan vision and objectives.

5. BACKGROUND

- 5.1 The adoption of the Local Development Framework - Core Strategy is the last step in a long process of developing a core strategy for the Council. The Core Strategy has regularly been reported to the Cabinet and Council throughout its stages of production, including most recently been approved by Council on 9 December 2009 for its submission to the Secretary of State.

6. BODY OF REPORT

- 6.1 The Local Development Framework – Core Strategy is the spatial interpretation of the Community Plan and thus is one of its central delivery tools. The Core Strategy sets out the strategy for how the borough will seek to manage physical change, including illustrating where and when growth and change will happen in the borough. In Tower Hamlets context this

strategy outlines an ambitious growth strategy, as the borough takes on its role as one of the fastest growing borough in country.

- 6.2 The Core Strategy has been through an extremely comprehensive process of production and approval. Previous reports considered by the Council, including the report to Council on 9 December 2009, outline in detail the extensive work, including the development of evidence base, the testing of options and the public consultation and partnership working that underpins this strategy.
- 6.3 Following Council resolution, the Council submitted the Core Strategy to the Secretary of State on the 18 December 2009. The Secretary of State then appointed Sue Turner to undertake an examination into the soundness of the Core Strategy.
- 6.4 The examination comprised nine hearings over five days between 13 and 21 April 2010. These were attended by Cllr Francis, the Chief Executive, the Director of Development and Renewal as well as a number of senior managers over the course of the examination.
- 6.5 On 15 July 2010 Council received the Final Report from the Planning Inspectorate. This report found that the Core Strategy was sound subject to a number of minor amendments.
- 6.6 The Inspectors report, including all the required changes that have been made to the Core Strategy prior to adoption, are included in Appendix 2 of this report.
- 6.7 The adoption of the Core Strategy brings to an end a long and at times difficult preparation process. The radical overhaul of the planning system in 2004 was subject to some well publicised 'teething troubles', which Tower Hamlets experienced first hand in 2007.
- 6.8 The Tower Hamlets Core Strategy 2010 has now been recognised by number of bodies as an example of best practise for the country. In particular the Council has been recognised for its work on place-making, incorporating design into planning and for its collaborative working with the local strategic partnership (in particular our work on infrastructure planning and working with NHS Tower Hamlets to address issues of health and planning).
- 6.9 The production of this plan represents a truly collaborative and innovative process; across both the Council and the wider partnership. The strategic planning team would like to take this opportunity to thank officers from across the Council, key external stakeholders, the corporate management team, the Partnership, the Chief Executive, members and local people for their significant contributions that have shaped development of this plan over a number of years.

Next Steps

- 6.10 Subject to the Council resolving to adopt the Core Strategy in accordance with the recommendation of this report, the Core Strategy will become the principle plan within the Tower Hamlets Local Development Framework. This decision will be published in local press, on the Council website and all interested parties who have involved in the production of these plans will be notified of this decision.
- 6.11 Work has already started on the development of next phase of local development plan documents which will support the Core Strategy. These include: the Site and Place-making DPD, the Development Management DPD and the Fish Island Area Action Plan.

7. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 7.1 This report seeks approval by Cabinet to submit the Core Strategy (including the Inspectors required amendments) to full Council, for adoption towards the Local Development Framework.
- 7.2 As outlined in the report to Cabinet in September 2009, the Core Strategy will underpin key decisions in relation to the allocation of the limited resources available within the Borough, and will influence the shaping of the Council's Capital Strategy.
- 7.3 The ongoing medium and long term financial planning of the Council will need to take account of the growth pressures contained within the Core Strategy. A robust monitoring process will review the reported outputs of the population change and growth model, including assessments of housing completions and their implications on infrastructure. Reports will be considered quarterly by the Council's Asset Management and Capital Strategy Board.
- 7.4 Following adoption of the Core Strategy by full Council, there will be revenue expenditure incurred in the production of the document. This will be funded through existing identified resources.

8. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 8.1 The Core Strategy is adopted by a local planning authority under section 23 of the Planning and Compulsory Purchase Act 2004 (as amended). The authority may only adopt the Core Strategy if they accept the modifications to the Core Strategy suggested by the Inspector to this report as these modifications are binding on the authority.
- 8.2 The Cabinet are being asked to decide whether or not to recommend to Full Council that the Core Strategy is adopted with the required amendments.

This is because the Local Authorities (Functions and Responsibilities) (Amendment) (No.2) Regulations 2005 provide that the process of preparation of development plan documents is an Executive responsibility but the formal process of submission to the Secretary of State and adoption are the responsibility of Full Council.

9. ONE TOWER HAMLETS CONSIDERATIONS

- 9.1 The Core Strategy delivers the spatial component of the Community Plan. It is the principal strategy that will deliver One Tower Hamlets through proactively planning and designing for the different places that make up Tower Hamlets.
- 9.2 The Core Strategy recognises that each place is different, and how they all have their role and function but all come together to help build an outward looking One Tower Hamlets. Through extensive consultation in conjunction with the Partnership, the quality and needs of each place have been addressed and visions have been generated to shape the future of each place in the borough.
- 9.3 Full consideration and engagement has ensured that the vision of One Tower Hamlets is embedded throughout the Core Strategy, in order to translate that vision in a spatial sense for the borough by delivering high quality places through place-making.
- 9.4 The Core Strategy is also supported by an Equalities Impact Assessment. The Equalities Impact Assessment considered impacts which are relevant for the Core Strategy as well as for development more generally. As a result the suggested mitigated activities have been embedded within the Core Strategy and will also be taken forward through the forthcoming development plan documents. This is in accordance with the Equalities Impact Assessment golden thread approach for the Local Development Framework. The Core Strategy Equalities Impact Assessment specifically recognised place-making as a vital component of this Strategy and recognised its importance in designing and developing places.

10. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 10.1 The Core Strategy has been subject to a Sustainability Appraisal and Strategic Environmental Assessment in accordance with the Planning and Compulsory Purchase Act 2004 and the Directive 2001/42/EC. The Core Strategy includes strategies and policies to assist mitigate and adapt to climate change and will assist the Council to meet Ni186, which looks to reduce CO₂ emissions per capita across the borough by 60% in 2025 and contributes to meeting Ni197 for biodiversity improvements.

11. RISK MANAGEMENT IMPLICATIONS

- 11.1 A risk management matrix has been developed for this project in accordance with Corporate Policy. The key risks have been regularly discussed with the Core Strategy Steering Group and reported to the Council's Corporate Management Team. Many of the identified risks have been successfully mitigated through robust evidence base, as well as proactively engagement of partners and key stakeholders. The most significant risk relates to the ongoing changes to national planning policy and legislation and the plan making guidance, although recent changes have allowed for a greater degree of flexibility.
- 11.2 An LDF Programme Board has now been established, which is chaired by the Director of Development and Renewal, to ensure the effective implementation of the Core Strategy, through effective management of the forthcoming plans.

12. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 12.1 The Core Strategy function is to best manage the physical environment such that we achieve the Community Plan theme of a Great Place to Live. The Core Strategy includes a priority of 'Creating attractive and safe streets and spaces'. Its focus on the importance of design seeks to design out crime through high quality and intelligence design solutions.
- 12.2 Officers have worked with the Borough Commander and other representatives the Tower Hamlets Borough Police throughout the development of this Strategy. The future infrastructure needs for police has also been addressed.

13. EFFICIENCY STATEMENT

- 13.1 Much of the evidence base prepared to inform the Core Strategy has been designed to provide both evidence for the Core Strategy, as well as informing other reports and strategies. This shared evidence includes (but is not limited to), the Town Centre Spatial Strategy, the Population Change and Growth model, the Strategic Housing Market Assessment, the Waste Evidence Report, the Urban Structure and Characterisation report and the Infrastructure Delivery Plan. Where appropriate, costs have also been shared between parties.
- 13.2 One key example is Population Change and Growth model which the Partnership's Joint Intelligence Group will use to understand the nature and location of population growth across the borough and how that will impact on service provision in Tower Hamlets over time.

14. APPENDICES

Appendix 1 – The Tower Hamlets Core Strategy (circulated separately to all Councillors and available for inspection at the Town Hall and on the Council’s website)

Appendix 2 – The Inspector’s Final Report on the examination into the Tower Hamlets Core Strategy (including Annexes 1,2 and 3) – attached.

**Local Government Act, 1972 Section 100D (As amended)
List of “Background Papers” used in the preparation of this report**

Brief description of “background papers”	Name and telephone number of holder and address where open to inspection.
Equalities Impact Assessment	Jennifer Richardson, x5375

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Report to the London Borough of Tower Hamlets

by Sue Turner RIBA MRTPI IHBC

an Inspector appointed by the Secretary of State
for Communities and Local Government

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15 July 2010

PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

REPORT ON THE EXAMINATION INTO THE LONDON BOROUGH OF TOWER HAMLETS CORE STRATEGY

DEVELOPMENT PLAN DOCUMENT

Document submitted for examination on 18 December 2009

Examination hearings held between 13 and 21 April 2010

File Ref: E5900/429/9

ABBREVIATIONS

AAP	Area Action Plan
AHVS	Affordable Housing Viability Study
CAZ	Central Activity Zone
CIL	Community Infrastructure Levy
CS	Core Strategy
DPD	Development Plan Document
EIA	Equalities Impact Assessment
ELS	Employment Land Study
IDP	Infrastructure Delivery Plan
IDPR	Infrastructure Delivery Plan Report
LAP	Local Area Partnership
LDF	Local Development Framework
LIL	Local Industrial Location
LOL	Local Office Location
OSS	Open Spaces Strategy
POL	Preferred Office Location
PPCG	Planning for Population Change and Growth
PPS	Planning Policy Statement
SHLAA	Strategic Housing Land Availability Assessment
SHMNA	Strategic Housing Market and Needs Assessment
SCI	Statement of Community Involvement
SFRA	Strategic Flood Risk Assessment
SIL	Strategic Industrial Land
SME	Small and Medium Enterprise
SMOWS	Small and Medium Office and Workplace Study
SO	Strategic Objective
SPD	Supplementary Planning Document
TCSS	Town Centre Spatial Strategy
THHS	Tower Hamlets Housing Strategy
USCS	Urban Structure and Characterisation Study
WEB	Waste Evidence Base Report
WHS	World Heritage Site

Non-technical Summary

This report concludes that the Tower Hamlets Core Strategy provides an appropriate basis for the planning of the Borough over the next 15 years. The Council has sufficient evidence to support the strategy and can show that it has a reasonable chance of being delivered.

A limited number of changes are needed to meet legal and statutory requirements. These can be summarised as follows:

- Wording changes suggested by the Council to ensure that there is better explanation of how and when policy tools and designations will be designated and defined;
- Extension of the timescale for delivery of infrastructure on the Leven Road Gasworks site to ensure delivery timescales are realistic;
- Amended wording to allow the potential for developer contributions to be managed via the Community Infrastructure Levy;
- Re-organisation of the Programme of Delivery to improve its clarity and strengthen the key role it plays in the implementation of the plan;
- Amendments to improve consistency with the London Plan; and
- Re-location of the placemaking section to an Annex to avoid inconsistencies within the main part of the strategy.

Most of the changes recommended in this report are based on suggestions put forward by the Council during the Examination in response to points raised by participants. They do not alter the essential thrust of the Council's overall strategy.

1. INTRODUCTION

- 1.1 Under the terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004, the purpose of the independent examination of a development plan document (DPD) is to determine:
- (a) whether it satisfies the requirements of s19 and s24(1) of the 2004 Act, the regulations under s17(7), and any regulations under s36 relating to the preparation of the document
 - (b) whether it is sound.
- 1.2 This report contains my assessment of the *London Borough of Tower Hamlets Core Strategy DPD* in terms of the above matters, along with my recommendations and the reasons for them, as required by s20(7) of the 2004 Act.
- 1.3 I am satisfied that the Core Strategy (CS) meets the requirements of the Act and Regulations. My role is also to consider its soundness against the three criteria of soundness set out in Planning Policy Statement 12: creating strong, safe and prosperous communities through Local Spatial Planning (PPS12) paragraphs 4.51-4.52. In line with national policy, the starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The changes I have specified in this report are made only where there is a clear need to amend the document in the light of the legal requirements and/or the criteria of soundness in PPS12. None of these changes should materially alter the substance of the plan and its policies, or undermine the sustainability appraisal and participatory processes undertaken.

Post Publication Minor Changes

- 1.4 The submission CS was accompanied by a *Matrix of Changes Table* (Core Document 60). Changes in this document correct typographical errors, address points of clarification and deal with factual updates. They do not undermine the sustainability appraisal or the participatory process previously undertaken and they do not affect or change the overall strategy or any policies in the CS. For these reasons I endorse the changes in the *Matrix of Changes Table* and the starting point for the examination is the submitted CS as amended by the matrix.

Organisation of the report

- 1.5 Section 2 of this report considers the legal requirements and Sections 3 and 4 address the main issues and other matters considered during the examination in terms of testing justification, effectiveness and consistency with national policy.

Recommended changes

- 1.6 A number of changes have been suggested by the Council and these are presented, together with changes that I consider

necessary to ensure soundness, in three Annexes attached to this report.

Annex A: Council's changes C1 – C23
Required for soundness

This is a list of changes that the Council has suggested. These changes are taken from the *Matrix of suggested changes* (Core Document 161B) which the Council prepared during the examination and publicised on its website. However not all of the changes suggested in the Council's matrix are required to ensure soundness. Annex A therefore only lists only the Council's suggested changes that are essential for soundness.

Annex B: Inspector's changes IC1 – IC6
Required for soundness

IC1 – IC3 and IC6 all support or expand upon changes that the Council has suggested in **Annex A**. IC4 is based on a statement of common ground between the Council and National Grid. IC5 relates to the placemaking section of the CS.

None of the changes in **Annex A** or **Annex B** undermines the *Sustainability Appraisal* or the participatory process previously undertaken. They do not affect or change the overall strategy or any policies in the CS. They are all addressed in this report.

Annex C: Council's minor amendments
Not required for soundness

This is a schedule of minor changes suggested by the Council or participants during the examination, set out in the *Matrix of Post Submission Changes* (Core Document 161) and published on the Council's website during the examination. These changes are not required to address soundness and are not referred to in this report. They ensure consistency and correct inaccuracies and drafting errors. I endorse them as they add coherence and clarity to the CS and ensure consistency.

- 1.7 A recurrent difficulty in this CS is the reliance on endnotes which refer to evidence base documents to justify the strategy. The endnotes refer to entire documents and in order to fully understand the reasoning and justification for some policies a detailed reading of these documents is required. This has been exacerbated because the "why we have taken this approach" sections, which are intended to justify and explain policies and link them to the supporting evidence, are placed after the policies. Consequently the CS does not flow or unfold in a logical way and is not an easily accessible document. **This has represented a barrier to engagement with the local community.**

- 1.8 In most cases this does not make the CS unsound and justification for all policies can be found in the evidence base. However in several instances the absence of narrative to explain the approach taken is a serious deficiency, with some policies unsupported by reasoning within the CS. Some of the changes that the Council has suggested are required to make the CS a coherent and accessible document and facilitate participation in future DPDs.

2. LEGAL COMPLIANCE

- 2.1 The *Tower Hamlets Core Strategy DPD* is contained within the Council's *Local Development Scheme* the updated version being approved in November 2009. There, it is shown as having a submission date of December 2009.
- 2.2 The Council's *Statement of Community Involvement* (SCI) was adopted in 2008. Following the introduction of the Town and Country (Local Development) (England) (Amendment) Regulations 2008 the Council began a review of the SCI and an amended SCI was adopted in November 2009. The Council's Regulation 30(1) (d) statement explains that engagement and consultation was carried out in accordance with the requirements of the 2008 SCI but taking account of changes in the 2008 Regulations and PPS12.
- 2.3 During the examination some participants were critical of the accessibility of the CS and of the effectiveness of the consultation process. However having considered the SCI and the Council's *Statement of Participation* together with all the points put forward in the examination hearings I am satisfied that the consultation process has been carried out in accordance with the SCI.
- 2.4 Alongside the preparation of the CS it is evident that the Council has carried out a parallel process of sustainability appraisal.
- 2.5 In accordance with the Habitats Directive the CS has been the subject of a screening exercise which concludes that there is no need for an Appropriate Assessment to be undertaken.
- 2.6 I am satisfied that the CS has regard to national policy. In a letter dated 29 October 2009 the Mayor of London has indicated that the CS is in general conformity with the approved *London Plan* and I am satisfied that it is in general conformity. I am satisfied that the CS has had regard to the sustainable community strategy for the area.
- 2.7 I am satisfied that the CS complies with the specific requirements of the 2004 Regulations (as amended) including the requirements in relation to publication of the prescribed documents; availability of them for Inspection and local advertisement; notification of DPD bodies and provision of a list of superseded saved policies.
- 2.8 Accordingly, I am satisfied that the legal requirements have all been satisfied.

3. SOUNDNESS – MAIN ISSUES

- 3.1 PPS12 states that for a Core Strategy to be sound it should be justified, effective and consistent with national policy. Taking account of all the written evidence together with discussions that took place at the examination hearings I have identified nine main issues that require detailed consideration.

Issue 1: Setting the scene and the big spatial vision.

Does the strategic vision address the priorities identified in the Community Plan and embrace the critical issues for the Borough?

- 3.2 The CS vision statement is entitled "Reinventing the Hamlets." Tower Hamlets will play a significant part in developing London as a sustainable, global city but there will also be an emphasis on regeneration and the prosperity of the economic hubs will filter down to the "places" of Tower Hamlets. The five key priority outcomes of the CS flow from the *Community Plan* and the CS sets out five transformational programmes which outline the ways in which the spatial vision will be delivered.
- 3.3 The *Community Plan* identifies a number of challenges faced by the borough in its aim of improving the quality of life for everyone who lives and works in the borough. These include low housing affordability, a legacy of poor quality social housing, stark inequality, with Tower Hamlets the third most deprived borough in the country, ethnic diversity and high unemployment levels. Clearly some policy solutions to these challenges lie outside of spatial planning. However it is clear that the overall strategy is underpinned by regeneration and sustainable growth.
- 3.4 The transformational delivery programmes indicate that regeneration, housing investment and the provision of open space will help to address critical issues identified in the *Community Plan*. It is also evident that many of the strategic objectives (SOs) and policies will play a key role in tackling poverty and inequality.

Does the spatial vision make it clear that the CS will address these issues and deliver regeneration as well as growth?

- 3.5 Community groups have raised concerns that addressing deprivation, diversity and housing need is given insufficient prominence in the spatial vision. There is a perception that it has been given lower priority than driving sub regional growth and delivering the *London Plan* growth agenda and targets. Furthermore there is scepticism about reliance on economic prosperity "filtering down" to benefit the borough's communities.
- 3.6 Thus it seems that the CS is not successful in explaining the context, "telling the story" of how the strategy has emerged and summarising the overall strategy. Some contextual information is

set out in "diverse communities and distinct places" but this does not describe clearly the social and economic challenges facing the area. "Why we have taken this approach" which follows the Vision Statement and which should explain the issues that it will address focuses almost entirely on "place making."

- 3.7 A clear and coherent urban structure can undoubtedly contribute to sustainable growth and regeneration, but an over emphasis on the physical environment has led members of the local community to fear that the social and economic priorities from the *Community Plan* have been overlooked. There is no mention in this section of the regeneration, economic diversification and growth which are key to the vision and strategy.
- 3.8 It is clear from reading the CS and the evidence base that critical issues from the *Community Plan* feed directly into the overall vision. Furthermore the five priority outcomes, especially "Strengthening neighbourhood well being" and "Enabling prosperous communities" are aligned with the themes of the *Community Plan* and the CS strategic objectives provide strong links with its priorities.
- 3.9 To demonstrate that the CS is based on a clear and complete understanding of all the issues facing the borough the Council has suggested that diagrams in *Options and Issues for Places* which show deprivation, ethnicity and demographics and the accompanying text should be inserted into the description of the borough on pages 20 and 21 [C1].

Is the overall strategy the most appropriate given the alternatives?

- 3.10 It is not for a development plan document to set out all the options that have been considered in detail. However the CS gives no indication at all as to how the chosen strategy has emerged. For this it is necessary to look at the evidence base. Early work in *Options and Alternatives 2008* identified two options: refocusing on town centres or organic growth across the borough. The second phase of consultation, *Options and Alternatives for Places 2009*, tested a combined approach with a focus on Town Centres but accepting that there will be organic growth adjacent to the City Fringe and Canary Wharf. This is the approach adopted in the CS.
- 3.11 Clearly the development of the overall strategy has been a complex task. Refocusing on the town centres has had to be balanced with the concentration of development in the *London Plan Opportunity Areas* at Leaside, the Isle of Dogs and the City Fringe, together with areas of regeneration. This is in the context of a shift away from industry to a different range of products and services.
- 3.12 The background evidence does provide an audit trail to demonstrate how and why the preferred strategy was arrived at and demonstrates that this strategy has been developed in parallel with a process of sustainability appraisal. However the evidence base is

extensive, dense and complex and it has been criticised by the local community as being inaccessible. The Council has suggested change C2 to add a summary of how the preferred strategy evolved. This change, which will add clarity and confirm that it is the most appropriate strategy, is required to make the CS sound.

Has the strategy been developed through work with strategic partners and cross boundary working?

3.13 It is clear from the evidence base that the CS has been prepared in partnership with a range of agencies and through working closely with the neighbouring boroughs of Hackney, Newham, Greenwich and the City of London. The delivery partners are not listed in the CS but I am satisfied that they are set out in detail in the *Infrastructure Delivery Plan Final Report (IDPR)*.

3.14 In conclusion, I am satisfied that the overall spatial vision is justified by robust evidence and is the most appropriate given the reasonable alternatives. To make the CS sound changes C1 and C2 are necessary to ensure clarity and internal consistency. These changes are summarised below and set out in full in Annex A.

C1	Insert diagrams and text from evidence base to expand on "Setting the Scene"
C2	Insert additional text to explain how the preferred approach for the overarching strategy was developed

Issue 2: Refocusing the town centres.

Is the approach to refocusing the town centres justified by robust evidence?

3.15 Policy SP01 defines the town centre hierarchy and how the network of town centres will be extended to achieve strategic objective SO4, a hierarchy of interconnected, vibrant and inclusive town centres. It describes the relationship between the scale and type of uses and explains the scale and role of the town centres.

3.16 The Council has undertaken detailed research into the uses, accessibility and urban design of the borough's town centres in the *Borough Portrait of Tower Hamlets*, the *Retail and Leisure Capacity Study* and the *Spatial Baseline Studies*. These studies feed into the *Town Centre Spatial Strategy (TCSS)*. I am satisfied that the methodology used in this research is robust and its scope is comprehensive. It has informed an up to date picture of the borough's town centres and proposes an effective strategy to 2025.

3.17 The TCSS sets out the existing and proposed hierarchies and the designation criteria on which the new hierarchy is based. It identifies a new policy mechanism for "Activity Areas" at City Fringe and Canary Wharf which will differ from but compliment the London Plan Central Activities Zone (CAZ). It also identifies new District

Centres at Bromley-by-Bow and Brick Lane and a range of new Neighbourhood Centres. The new hierarchy of town centres is set alongside the existing hierarchy in Appendix 4 of the CS.

- 3.18 The CS is informed by the TCSS and its supporting documents. The new designations recommended in the TCSS are put forward in Policy SP01 and the net increase in comparison and convenience retail floorspace, for which the *Retail and Leisure Capacity Study* identified a potential, is directed to town centres as recommended in the TCSS. Policy SO1 does not make it clear that the town centre hierarchy aligns with the *London Plan* and does not explain the identification of the two Activity Areas. The Council has suggested changes to address these matters [C3], [C4] and I agree that these changes are necessary to ensure that the CS is justified and effective.
- 3.19 There is little explanation for the approach taken to refocusing on the town centres and the CS relies on broad references to the TCSS for the reasoning behind the choices that have been made. Rather than providing clear links to the evidence that has informed Policy SP01, figures 17 – 20 of the CS are generic, theoretical diagrams imported from the baseline studies.
- 3.20 I recognise that diagrams can be helpful in explaining the relationship between, for example, urban form and accessibility. But taken out of context these diagrams do not explain the reasoning set out in the TCSS. Furthermore despite attempts in Figure 18 to give local examples of spatial layout types these diagrams are not locally distinctive. Their inclusion does not make the CS unsound but at the examination hearings the local community was very critical of them, finding them unhelpful and irrelevant. It is certainly hard to see how they inform the adjacent policy SP01. In order to make the CS a more accessible document that will encourage participation the Council may wish to consider removing Figures 17 – 20 when the CS is reviewed.
- 3.21 The TCSS recommends undertaking a review of the town centre and activity area boundaries which will be dealt with in lower level DPDs and the Proposals Map. However this intention is not carried through into the CS, where there should be an explanation of how detailed policies for the town centres will be progressed. Change C5 sets out the Council's additional wording to address this matter.

Is the approach to development at the edge of and outside town centres consistent with government guidance in PPS4?

- 3.22 Strategic objectives SO5 and SO6 promote mixed use on the edge of centres and along main streets and areas outside town centres for residential and supporting uses. This approach, set out in Policy SP01.5 is clear and consistent with guidance in PPS4 which, whilst in draft during preparation of the CS, was published during the examination. I am satisfied that it provides a hook for more

detailed policies on small scale uses and provision for day to day shopping to be provided in forthcoming DPDs.

- 3.23 Subject to the changes summarised below and set out in full in Annex A, which are necessary to ensure soundness, the CS approach to refocusing on the town centres is consistent with national and regional guidance, justified by robust evidence and capable of delivery.

C3	Explain the basis for the town centre hierarchy
C4	Explain reason for identifying Tower Hamlets Activity Areas
C5	Explain that the town centre hierarchy will be carried forward in lower level DPDs

Issue 3: Housing supply.

Is the approach to the delivery and location of housing justified and consistent with national planning policy and with the London Plan?

- 3.24 The CS sets out a target of 43,275 new homes for the plan period from 2010 to 2025, equating to 2885 homes per year. This figure is consistent with the borough's housing target in the emerging replacement *London Plan (2009)*, which is in turn informed by the *London Strategic Housing Land Availability Assessment 2009* (London SHLAA). The housing trajectory is presented as a table in Appendix 2 of the CS. It demonstrates when and where homes will be delivered over the three five year periods to 2025 and is accompanied by detailed information to indicate the timing of delivery in the paired Local Area Partnership areas (LAPs).
- 3.25 The CS housing trajectory is informed by evidence in the *Planning for Population Change and Growth* (PPCG) model. This monitoring and management tool is led by the Local Strategic Partnership. As a live model it enables population change and growth to be monitored to inform infrastructure planning and is based on the expected development of sites with planning permission and potential sites. The evidence base demonstrates that the PPCG model is based on a local understanding and rigorous examination of sites that are capable of coming forward.
- 3.26 The *PPCG Baseline Report* (PPCG Report) sets out key findings from the borough's capacity assessment exercise that was undertaken in July 2009. The PPCG model has enabled the Council to predict with some accuracy the scale and pattern of housing development across the borough. Potential development sites have been identified in accordance with the government's SHLAA process and the suitability, availability and deliverability of the sites has been tested. Although there are some variations between the inputs to the London SHLAA and PPCG model, the housing outputs are closely aligned. I am satisfied that the housing trajectory is based on an up to date and realistic understanding of identified sites in the borough.

- 3.27 Raw data from the PPCG model shows that sites with planning permission will provide the majority of the housing for the first five years of the plan period and will continue to contribute to the supply throughout the plan period. The model indicates that 13,914 homes will be developed in the first five years of the plan period, a shortfall of 511 homes on the draft *London Plan* target. This represents 102/3 homes per annum.
- 3.28 The Council contends that this shortfall will be more than made up by homes provided on sites of 9 or less units, which are excluded from the model and from the London SHLAA. Historic evidence for the last 5 years shows that an annual average of 151 units has been delivered on sites providing 9 or less units and it would be reasonable, in the context of an inner city borough, to assume that this rate would continue. However PPS3 states that unidentified sites such as this should not be included in the first 10 years of land supply unless there is robust evidence of local circumstances to prevent specific sites being identified.
- 3.29 The housing trajectory indicates that sites with planning permission carry through into second and third five year periods of the plan. Figure 23, placed adjacent to Policy SP02, illustrates the permitted and potential amount of housing development each year set against the emerging *London Plan* target. This shows the high level of activity in years 6 – 11 with a total of 21,442 homes coming forward in this five year period. The bulge in the middle part of the plan period relates to the timing of the release of industrial land and the interdependence between regeneration and growth, which is evident from the CS transformational delivery programmes.
- 3.30 The comprehensive regeneration areas and housing investment and delivery programme include, for example, the *Ocean Estate Regeneration Programme*, which is expected to deliver over 900 units in 2017, and the *Fish Island Area Action Plan*. This DPD, programmed for adoption in 2011, will provide the strategy for mixed use development that is expected to deliver over 2,000 units in Fish Island North and East in 2017.
- 3.31 The supply of housing land in Tower Hamlets is inextricably linked to regeneration, the managed release of industrial land and projects which are to be delivered in partnership with other bodies such as Thames Gateway Development Corporation and other London Boroughs. This leads me to conclude that there are genuine local circumstances that determine the rate of housing land supply and prevent specific sites being identified to deliver the required target for years 1 – 5 of the plan period. On this basis I am satisfied that the reliance on some windfalls for this period and the overall approach to the supply and delivery of housing land is sound.
- 3.32 The map of the borough in CS Figure 21 illustrates the differing rates of growth across the borough and Appendix 2 plots in more

detail how this growth will occur in each of the borough's hamlets in each of the three five year periods covered by the strategy. This provides a very useful indication of where and when high growth will take place. It reflects the areas for greatest regeneration and the *London Plan* Opportunity Areas. The Council has indicated that the target bands in Figure 21 require amendment to ensure accuracy and I support this change [C6].

- 3.33 Figure 21 shows that growth will take place predominantly in the eastern part of the borough where it is focussed on the Lower Lea Valley and Isle of Dogs Opportunity Areas. It was confirmed at the examination hearings that the lower level of housing growth in the central parts of the borough is indicative of the limited availability of land.
- 3.34 In conclusion I am satisfied that subject to change C6 to ensure accuracy the CS approach to the supply and location of housing is justified and deliverable.

C6	Amend housing target bands to ensure accuracy
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Issue 4: Providing for a mix of housing type and tenure, specialist housing needs and housing quality.

Are the targets for affordable homes underpinned by a robust assessment of affordable housing economic viability?

- 3.35 Policy SP02 sets an overall target of 50% for affordable homes throughout the borough. This reflects the borough's annual affordable need shortfall of 2,700 identified in the *Strategic Housing Market and Needs Assessment 2009* (SHMNA) and the level of over occupation which at 16.4% is a great deal higher than the national average of 2.7% of all units. It carries forward the *Community Plan* priority of delivering a range of affordable, family homes for local people and is supported by data in the *Annual Monitoring Report* which identified that the gross affordable homes delivered in 2008/9 were 52% of total homes completed.
- 3.36 Policy SP02 requires 35% - 50% affordable homes on all sites providing 10 new residential units or more, subject to viability. This is in line with emerging *London Plan* policies on affordable housing. The SHMNA notes that the current 50% target has rarely been achieved across London but recognises that it may be achieved with major grant support on some sites.
- 3.37 The Council's *Affordable Housing Viability Study 2009* (AHVS) tested a range of sample sites across the borough with varying characteristics against varying affordable housing percentages, tenure splits and sales values. It took account of current market conditions, future market uncertainty and considered the effect of a range of projected sales values on affordable housing viability. It also took account of potential conflict between existing and

alternative use values in high value parts of the borough and was based on the *London Plan* threshold of 10 units.

- 3.38 The study concluded that the delivery of the upper end of the required range, 50% affordable housing, is an ambitious target that many of the sites coming forward will be unable to achieve without grants or funding. Historically sites in the borough have yielded 35% and it is clear that achieving the lower end of the range is realistic. The proposed range reflects a pragmatic balance between viability, the significant local need for affordable housing identified in the *Community Plan* and the SHMNA and consistency with the emerging *London Plan*.
- 3.39 Concerns have been raised that the targets would not be achievable when replacing existing affordable homes. However it would be appropriate for the test of viability to be applied in such cases. As recommended in the AHVS Policy SP02 is supported by a requirement for detailed and robust financial statements to demonstrate why the targets cannot be met. I consider that with this flexibility incorporated into the policy the proposed target range is justified.

Is the tenure split for affordable housing locally justified?

- 3.40 The CS reflects the tenure split for affordable housing in the adopted *London Plan*, with a requirement for 70% social rented and 30% intermediate housing. This target is supported by evidence in the SHMNA, which draws attention to the existing social stock scale and re-let levels and the problem of affordability of shared ownership for local households forming in Tower Hamlets.
- 3.41 The proposed target differs from the emerging *London Plan* which proposes a London wide target of 40% intermediate housing. However I am satisfied that there is sufficient local justification in the SHMNA and the *Tower Hamlets Housing Strategy 2009/12* (THHS) to maintain the higher level of social rented housing proposed in the CS.

Are the targets for family housing justified?

- 3.42 Policy SP02 sets an overall target of 30% of all new housing to be suitable for families (3 beds plus) with 45% of new social rented housing for families. This aligns with the *Community Plan* priority of delivering social and family housing above all other forms of housing and is supported by evidence in the THHS and the SHMNA. The latter identifies a very high level of flats and maisonettes in the borough and recommends that the CS should direct both market and affordable housing to address the impact of future demographic change and household formation change and the needs of larger families.

3.43 The SHMNA provides the base figures from which the targets in SP02 are derived and I am satisfied that these figures are justified by the evidence base. However SP02.5.c, which refers to the identification of locations where larger family housing (of four bed plus) will be sought, omits to refer to the vehicle through which such locations will be identified. To ensure that this part of the policy is effective the Council has suggested appropriate wording to confirm that identification of locations will be dealt with in the *Site and Placemaking DPD* and the *Development Management DPD* [C7].

Is the approach to student housing justified?

3.44 Policy SP02 (7) proposes to provide student accommodation through working with the borough's universities and focusing on locations with high accessibility and proximity to the universities. *Student Accommodation in Tower Hamlets 2009* provides the background information that feeds into this policy and notes that provision of student housing needs to be balanced with competing land needs, including other housing priorities such as affordable housing. In this context I consider that the broad intentions set out in Policy SP02 are appropriate to guide the provision of housing for this specialist group.

Does the CS make appropriate provision for gypsy and traveller pitches?

3.45 The borough has one Gypsy and Traveller site at Eleanor Road. Policy SP02 sets out the requirement to safeguard this site and to identify new sites to meet targets in *London Plan* though the *Site and Placemaking DPD*. The criteria which sites should meet are defined in the evidence base in *LBTH Gypsies and Travellers: Criteria for additional sites in Tower Hamlets (2009)* and are set out in the CS. I am satisfied that this part of the policy is clear, is supported by robust evidence and meets national and regional guidance and targets.

Does the CS make it clear that requirements for design standards will be implemented?

3.46 Part 6 of Policy SP02 lists a range of criteria to ensure that all housing is "appropriate, high quality, well-designed and sustainable". In order to ensure that this part of the policy is effective, clear reference should be added to refer to the relevant DPD's which will implement the criteria [C8].

3.47 Subject to changes C7 and C8, to confirm the delegation of detailed matters to lower level DPDs, I am satisfied that the CS is justified and effective in its approach to delivering a mix of housing type and tenure and housing design.

C7	Explain how locations for seeking larger family houses will be identified
C8	Identify the policy vehicle for achieving design standards

Issue 5: Successful employment hubs.

Does the CS provide for a range of employment sizes and types?

- 3.48 Strategic objectives SO15 and SO16 set the overall objectives to support the global economic centres of Canary Wharf and the City Fringe whilst supporting the growth of existing and future businesses in accessible and appropriate locations. The 2009 *Employment Land Study* (ELS) identifies the need to plan for a net increase in office floorspace. The ELS demand forecasting exercise calculates a demand for between 685,000 and 905,000 square metres of office floor space to 2026. It anticipates that 70% of this additional demand is likely to be accommodated in Canary Wharf, 25% in the City Fringe and 5% in the "Local" office market.
- 3.49 Policy SP06 reflects these findings. It directs intensification of office floorspace and larger floor plate offices towards Preferred Office Locations (POLs) in Canary Wharf and the City Fringe areas of Bishopsgate Road, Aldgate and Tower Gateway. The POLs are indicated on CS Figure 30 as irregular shapes, suggesting that their exact boundaries have been decided. However this is not the case and the Council will define and designate the POLs in the *Site and Placemaking DPD* and the *Development Management DPD*. To avoid the impression that these designations have already been made the Council suggests amending Figure 30 to show that the POL locations are indicative [C8A]. To ensure that the CS is sound this should be supported by additional text in Policy SP06.2 to explain that the POL areas will be defined in future DPDs [IC1].
- 3.50 The CS supports a range and mix of employment uses through the designation of Local Office Locations (LOLs), the retention and promotion of flexible workspace and the encouragement and retention of small units of less than 250 sq m suitable for small and medium enterprises. The Council intends to designate and define the LOLs through the *Site and Placemaking DPD* and to ensure soundness this should be clearly stated in the policy [IC2].

Does the CS place sufficient emphasis on micro businesses and their role in addressing the employment needs of the local community, particularly the Black and Ethnic Minority sector?

- 3.51 Concerns were raised during the examination that continued growth in the POLs will be at the expense of smaller businesses and that the role of micro businesses in providing jobs for local people is not recognised in the CS. The POLs will clearly continue to provide a range of jobs for local residents as well as opportunities for suppliers within the borough. However the need to ensure a range of different sized businesses within the borough is supported by the *Small and Medium Office and Workspace Study* (SMOWS), which found in 2006 that 19,000 of the 38,000 jobs in Tower Hamlets were within Small and Medium Sized Enterprises (SMEs).

- 3.52 The SMOWS, whilst including micro businesses within the overall SME definition, further defines them as start up businesses and those employing less than five or so people. However the CS does not distinguish micro businesses from SMEs, which are defined in the CS glossary as businesses with less than 250 employees (medium) and less than 50 employees (small).
- 3.53 In considering SMEs and diversity the SMOWS identified that 25% of businesses in London with less than 5 employees were Black and Minority Ethnic (BME) owned and that around 53% of BME owned enterprises employ less than 5 people. This link between micro businesses and BME community is reflected in the SMOWS conclusion that access to good quality, affordable space for small businesses employing less than five people is important to sustain the BME sector in Tower Hamlets. Whilst based on data collated in 2006 this link is recognised in the more recent *Equality Impact Assessment of the CS* (EIA), which identifies the likely effects of the policy on minority owned businesses.
- 3.54 The evidence base demonstrates that micro businesses will play an important role in providing a range of businesses of different sizes in the borough and addressing the *Community Plan* priority of reducing worklessness, particularly for the BME community. Policy SP06.3 sets out a clear direction for delivering a range and mix of employment uses throughout the borough and will encourage and retain units suitable for small and medium enterprises. I am satisfied, from the approach taken in the SMOWS, that the CS definition of small and medium sized enterprises includes micro businesses. The Council has suggested changes to the wording of Policy SP06 to refer specifically to micro businesses, but a minor amendment to the glossary is all that is needed to ensure clarity and make the CS sound [IC3].

C8A	Amend figure 30 to clarify that POLs are indicative only
IC1	Confirm vehicle for designating POLs
IC2	Confirm vehicle for designating LOLs
IC3	Confirm that SME definition includes micro businesses

Issue 6: Strategic Industrial Land (SIL).

Is the proposed release of SIL justified by evidence in the Employment Land Study (ELS)?

- 3.55 The CS records that since 1998 between 130 hectares and 140 hectares of industrial land has been released for other uses, contributing to regeneration in the east of the borough. The decline of industrial employment leads to a recommendation in the ELS that the CS should plan for a further release of between 20 and 50 hectares of industrial employment land over the plan period. Policy SO6 proposes a managed approach to industrial land, safeguarding and intensifying its use in the SILs and Local Industrial Locations (LILs) identified in the ELS and setting out criteria for intensification

through mixed use in some of the LILs. It also proposes partnership working to coordinate the release of SIL at Fish Island North and Fish Island Mid.

- 3.56 The ELS identifies that existing industrial uses at Fish Island North sit uncomfortably with adjacent emerging land uses in the regeneration area at Stratford City and the Olympic Park. It identifies scope for a reduction of B2 (general industrial) and growth of B1 uses as part of an Industrial Business Park. The strategy for releasing SIL at Fish Island is set out in *Fish Island: A Rationale for Regeneration 2009*. The managed and phased release proposed in Policy CP06 is in conformity with the *London Plan*.
- 3.57 Work on the boundaries between the sub areas of Fish Island and the exact amount and location of SIL release will need to be considered together with regeneration aspirations for the wider area. This exercise is being carried out through the *Olympic Legacy Strategic Planning Guidance* and the emerging *Fish Island Area Action Plan (AAP)* and these two delivery mechanisms will set out the exact location of SIL release.
- 3.58 Concerns have been raised that the masterplan framework is progressing slowly and that a firm commitment in the CS to release SIL, not conditional upon a future DPD, is needed to provide clarity and investor confidence and address decline and policy stagnation. However it is clear that work is ongoing on both the *Olympic Legacy Strategic Planning Guidance* and the *Fish Island AAP*, which is included in the LDS as due for adoption in 2011. I am satisfied that through SP06 and the *Fish Island AAP*, which is recognised in the Infrastructure Delivery Plan as a critical priority, the CS provides a clear framework and timescale for the release of SIL at Fish Island.
- 3.59 Fish Island South is sufficiently distant from the Olympic Park to avoid having an impact on the proposed uses there. It has good access and is located away from residential areas. Consequently the ELS recommends that Fish Island South should be retained, enhanced and promoted as SIL, with industrial uses consolidated and relocated from Fish Island North where appropriate. I recognise that there are some non industrial uses in Fish Island South, such as live work units, some B1 uses and a training centre with student accommodation. However I do not consider that the presence of these uses outweighs the clear strategic direction that the evidence base provides. I am therefore satisfied that the CS takes an appropriate approach to the managed release of SIL that is consistent with national guidance and justified by robust and up to date evidence.

Issue 7: Provision of public open space.

Does the CS address effectively the existing deficiency and declining provision of accessible public open space in the borough?

- 3.60 Providing access to nature and open space is one of the key principles of the *Community Plan* and one of the borough's major challenges, with impacts on health, quality of life and biodiversity. The Council's *Open Spaces Strategy 2006 – 2016* (OSS) identifies deficiencies in access to publicly accessible open space and sets out a development standard of 1.2 hectares per 1,000 of population. Annual monitoring reports over the past 5 years indicate that this has not been achieved, with provision of 1.14 per hectare achieved in 2007/8 and 1.12 per hectare in 2008/9.
- 3.61 This evidence of deficiency and declining provision and the physical constraints of a densely developed urban area, where further growth is planned, raise the question of whether the 2006 open space standard can ever be achieved. The Council acknowledges that the OSS is out of date and thus relies on the IDP Report to provide an up to date picture of the borough's open spaces.
- 3.62 The IDP Report provides a fine grain of information on current open space levels based on paired LAP areas. It uses the PPCG model to calculate an overall requirement of 99 hectares which is set out in the CS. The report acknowledges that achieving the quantitative requirement for open space is neither feasible nor practical. The CS therefore takes a pragmatic approach based on "Protect, Create, Enhance and Connect" with the 1.2 hectares per 1,000 as a monitoring standard.
- 3.63 CS Policy SP04 lists projects in the OSS which the PPCG model identifies as being required to support the scale of development in the borough to 2025. The IDP (in Appendix 2 of the CS) sets out timescales for these projects and recognises that their non delivery would have an impact on growth targets and trigger a review of the programme. Policy SP04 also refers to strategic projects which are outside the control of the Council, such as Lea River Park, FAT walk and Olympic Park. These projects, together with their delivery teams and timescales, are also listed in the *Programmes of Delivery* in CS Appendix 2.
- 3.64 Enhancing existing public open spaces and improving accessibility is also addressed in Policy SP04, with individual projects detailed in Appendix 2. A reference to improving access to Metropolitan Open Land needs to be added to ensure consistency with the *London Plan* and to present a complete picture of the strategically important open spaces available to residents of the borough [C9]. The Council's *Green Grid Strategy*, also listed in the *Programmes of Delivery*, takes a management approach to addressing the questions of deficiency and access to open spaces and to create a network of green walking routes to connect open spaces and waterways throughout the borough. This is at an early stage, with only a draft baseline report available to support the CS. However it is included in the *Delivery Programmes* as a key programme and will be taken forward through lower level DPDs.

- 3.65 I have considered the suggestion that additional references should be made to Lee Valley Park to highlight the contributions it will make to strengthening neighbourhood well being and enhancing biodiversity. However I do not consider that the absence of these references makes the CS unsound.
- 3.66 Subject to a minor correction to include reference to Metropolitan Open Land to ensure soundness I am satisfied that the CS takes a realistic approach to providing accessible open space which is justified by detailed research and can be implemented in co-ordination with delivery partners.

C9	Include reference Metropolitan Open Land
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Issue 8: Infrastructure, delivery and monitoring.

Is there a clear strategy for delivering the key infrastructure requirements?

- 3.67 The CS places the *Programme of Delivery* at the beginning of the document, following on from the *Vision Statement and Key Principles*. This demonstrates recognition of the essential role that delivery and implementation will play in achieving the CS vision. However there is a confusing relationship between the five programmes in the *Programme of Delivery* and the IDP which is one of these programmes and is set out in detail at the end of the CS (Appendix 2). Furthermore the listing of some, but not all of the projects for each programme early in the CS is imprecise and inconsistent. Changes are needed to provide an accurate and internally consistent summary of the delivery programmes, the projects within them and by whom and when they will be delivered.
- 3.68 The Council has suggested changes to the way in which this information is presented. The *Programme of Delivery* adjacent to the vision statement will be amended to simply summarise the five delivery programmes [C10]. All of the programmes, their projects, key partners and timescale, will be set out in detail in Appendix 2 [C11] under the heading *Programme of Delivery*. The IDP will therefore become one of the five programmes set out in Appendix 2. However it will retain a greater level of detail than the other programmes, including costings, links to policy and risks/contingencies as in existing Appendix 2. These changes are necessary to ensure that the way in which the CS will be delivered is set out in a coherent and consistent way.
- 3.69 The delivery programme is informed by the PPCG Report, which identifies where new social infrastructure will be required to support growth and from the IDP Report which is a supporting document to the CS. The higher density option of the PPCG model, which is required to meet the housing target, is the base on which both reports identify future demand.

- 3.70 The IDP Report, dated September 2009, takes a methodical approach, addressing the questions of why, what, how, where and when for each piece of infrastructure required to deliver the CS. It has a corporate role, supporting and informing other borough strategies and decisions relating to the distribution of funding. Its governance arrangements, which include strategic partners, give it a high level role as a project planning tool. The Council intends to update the IDP annually alongside the AMR.
- 3.71 The IDP, set out in Appendix 2 of the CS, identifies the key pieces of infrastructure needed to support the CS. It categorises each project as critical, necessary or preferred and this informs the identification of risks and contingencies for each project. It identifies those areas where a failure to deliver or delay will trigger a review of the plan. Clearly the annual review of the IDP will provide a sensitive monitoring vehicle, enabling problems with funding, delays or the need for acceleration to be identified at a sufficiently early stage to manage delivery of the CS effectively.
- 3.72 In most cases the location and phasing or timing for each project is set out in the IDP. However some items such as the provision of health care schemes and idea stores have broad timescales or grouped provision and rely on the IDP Report to provide detailed information about phasing. I consider this is appropriate, keeping the IDP in the CS as a concise summary which is supported by more detailed information in the IDP Report which can be kept up to date by annual review.
- 3.73 In general the CS identifies broad areas for development and delegates the allocation of sites to lower level DPD's. However in some cases it is evident that particular sites will be necessary to deliver a particular element of infrastructure. It has been demonstrated that reliance on the Leven Road Gasworks to deliver a new primary school by 2017 and open space from 2010 - 2015 is unrealistic as the site will not be available in time to meet these timescales.
- 3.74 The Council has agreed that the IDP should be amended to reflect a realistic timescale and ensure soundness in this area, changing delivery of the primary school to 2020 and open space from 2015 - 2020 [IC4]. The risks/ contingency column of the IDP highlights that later provision of these facilities at Leven Road will lead to a requirement to review the programme of housing growth in this area. This is an area where a high level of housing growth is anticipated in the second five year period of the plan. In these circumstances I am satisfied that there is sufficient flexibility to address any necessary adjustment to the rate and location of growth in this particular area without undermining the overall rate of housing delivery in the second five year period of the plan.
- 3.75 The CS indicates that an SPD will outline the approach to securing developer contributions which it states will be pooled to meet

significant infrastructure requirements. The IDP and the IDP Report set out detailed and comprehensive information regarding the nature and location of the major infrastructure needed to support the planned growth in different parts of the borough. In this context I am satisfied that the methodology for securing pooled infrastructure can appropriately be dealt with in a future SPD. However in response to the CIL regulations the Council has suggested changes to the "Delivery and Implementation" section of the CS to include a policy hook to allow the option of applying the CIL charging schedule [C13/C14]. These changes will allow the Council flexibility to consider the most effective way to manage the pooling of developer contributions.

Does the CS set out clear targets and measurable outcomes for monitoring the delivery of the strategy?

- 3.76 The Monitoring Framework, set out in Appendix 3, is based on the strategy's 25 strategic objectives (SOs) which the CS policies will deliver. For each SO it sets out Core Output Indicators, Local Output Indicators or Significant Effect Indicators as appropriate and measurable outcomes. Subject to replacing references to N/A with "monitor trend" [C12] to ensure that all outcomes can be monitored I am satisfied that the monitoring framework is based on clear and measurable targets which relate to the delivery of the CS Policies.
- 3.77 Subject to changes C10 – C14 and IC4, which are required to ensure soundness, I am satisfied that the Programmes of Delivery and in particular the IDP identify the key infrastructure projects that are necessary to deliver the CS policies. They provide a clear and realistic framework setting out the responsibilities, funding sources, timing and critical dependencies for each project. The monitoring framework in Appendix 3 of the CS provides structured framework which will enable the progress of the spatial strategy to be monitored.

C10	Simplify list of delivery programmes to ensure consistency
C11	Extend Appendix 2 to include all programmes for delivery
C12	Add monitoring trend as a target for outcomes with no numerical target
C13	Add reference to CIL
C14	Add reference to CIL
IC4	Amend timescale for infrastructure dependant on Leven Road Gasworks site

Issue 9: Delivering placemaking.

Does the inclusion of a vision diagram and opportunities, priorities and principles for each of the borough's "places" contribute to the effectiveness of the CS?

- 3.78 Policy SP12 draws together the main themes of the CS that will contribute to improving the quality of the built and natural environment. It is effectively a summary which repeats the content of other policies. The adjacent Figure 36 sets out a strategic vision with a short statement for each of the borough's hamlets. This is a succinct, focused way of capturing the essential issues for each hamlet and it makes a useful contribution to the CS.
- 3.79 The pages that follow SP12 set out the vision, priorities and principles for each hamlet. Whilst PPS12 requires core strategies to set out the local challenges and opportunities for the future of its places, taking the strategy to a finer level of detail requires accuracy, consistency and completeness. I recognise that the Council has sought to be selective of what is important to each place. However this section of the CS raises more questions than it answers. Inaccuracies and inconsistencies in the level of detail provided and the decision to capture some but not all of the spatial issues from the overall strategy is not clearly explained or justified.
- 3.80 I set out below some examples of areas of concern:
- The diagrams for Millwall, Cubitt Town and other growth areas **do not acknowledge the high levels of planned growth** that are so well illustrated on Figure 23. Failure to reconcile this most significant change with the urban design and connectivity aspirations shown on diagrams 59 and 60, for example, means that this part of the CS does not address spatial planning in its true sense. Furthermore it results in a "mixed message" which leaves members of the local community uncertain about the intentions for their areas.
 - Town centres are recognised on the "place" diagrams, but absence of detail about the type of centre leaves **unanswered questions regarding the type and scale of commercial development planned**. For example neither the priorities nor the vision diagram (Fig 39) for Bethnal Green reflect its inclusion in Policy SP01.4 as one of the district town centres to which 16,600 square metres of comparison floorspace will be directed. This has leaves local residents feeling inadequately informed and anxious about the level of retail floorspace likely to take place in their areas.
 - The POL designations are shown on some of the vision diagrams, such as Aldgate (Figure 42) but not on others such as Canary Wharf (Figure 58) and there is no mention of the POL designation in the vision, priorities or principles for Canary Wharf. The City Fringe is not overlaid on the vision diagram for the "places" in the east of the borough or referred to in the priorities. This **failure to represent key spatial planning tools** on the diagrams contrasts with the decision to drill down in great detail, to specific street level, in some areas.

Developers participating in the examination expressed frustration at this lack of clarity and consistency.

- Policy SP01 describes the Tower Hamlets Activity Areas as requiring a distinctive policy response due to their location, characteristics, mix of uses and accessibility. This suggests they will have a key influence over the way in which hamlets such as Spitalfields or Aldgate will develop. However these **important designations are not acknowledged** on the vision diagrams, priorities or principles for these places.
- **Boundaries between the places diagrams are inconsistent.** For example diagrammatic links/ routes and green corridors do not connect on diagrams for adjacent places. Examples include Bow/ Victoria Park, Poplar/Poplar Riverside, Mile End/Bow Common and Bromley-by-Bow/ Bow Common. The interface between the vision diagrams for the adjoining places of Millwall and Cubitt Town is unclear. These matters are not crucial to the information that the diagrams seek to convey, but they raise local concerns and questions about the accuracy and utility of all of the vision diagrams.
- **Lack of sensitivity to local concerns** undermines the credibility of the vision diagrams. For example it was highlighted at the examination hearings that the new shopping centre indicated at Mile End (Figure 51) incorporates residential areas and listed terraced houses.
- **Inconsistencies between the vision diagrams** and text lead to confusion and leave the reader unsure about priorities. For example Figure 38 (Spitalfields) identifies "Regeneration of Bishopsgate Goods Yard" and the Bishopsgate Masterplan is identified as a critical priority in the IDP. However there is no reference to this in the vision, opportunities, priorities or principles for Spitalfields.
- In some cases text on the vision diagrams, for example the new green space referred to at Bromley by Bow (Figure 52) does not make it clear where aspirations are part of **wider comprehensive redevelopment schemes.**

3.81 The Council has suggested extensive changes to this section of the CS to deal with inaccuracies and inconsistencies identified during the examination. However these changes relate to just 6 of the borough's 24 hamlets and would only deal with matters raised at the examination by local residents, landowners and developers. Further work is required to ensure that there are no deficiencies in the placemaking pages for the remaining 18 hamlets.

3.82 Attempting to change the CS at this stage, as suggested by the Council, would be therefore be inequitable and would result in an uneven spread of detail and accuracy through the placemaking

pages. In their current form these pages provide a useful basis for work on lower level DPDs and SPDs. However a considerable amount of further work, including further engagement with the local community, is required to ensure that they are an effective spatial planning tool which will help deliver the overall strategy.

- 3.83 The Council has confirmed that the vision diagrams are not intended as site specific, detailed or technical drawings. To reflect this and to indicate that the placemaking pages complement rather than form an integral part of the strategy, I recommend that they are placed in an annex to the CS.

IC5	Place pages 90 – 114 of the CS in an Annex.
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4. CONSIDERATION OF OTHER MATTERS RELATING TO SOUNDNESS

- 4.1 **Flood risk.** The Council has carried out a *Strategic Flood Risk Assessment* (SFRA) which identifies the parts of the borough that are at risk of flooding. This includes some of the Opportunity Areas where development will be focused, particularly to the east of the borough. Leaside lies within flood zones 2 and 3 and the entire Isle of Dogs is in flood zone 3. To the west of the borough the southern part of the City Fringe lies within flood zones 2 and 3. The main risks to these areas are from fluvial flooding from the River Lea, tidal surge breaches of the Thames Tidal Defences and surface water flooding from impermeable surfaces.
- 4.2 Strategic Objective SO13 sets out the objective of reducing the risk and impact of flooding and the SFRA has informed a *General Sequential Test* which provides a basis for sequential and if necessary exceptions testing to inform the allocation of individual sites. Policy SP04 indicates how the sequential test will be used to determine the suitability of land for development. In the justification of the policy in “Why we have taken this approach” paragraph 4.20 needs to be amended to include an explanation of how the SFRA has informed the policy.

C15	Explain the way in which the SFRA has informed the strategy
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- 4.3 **Waste:** The borough operates as a single waste disposal authority and this is reflected in the CS. It is proposed to safeguard all existing waste management sites unless they can be replaced by more sustainable alternative sites which maintain capacity. In addition, informed by the *Waste Evidence Base Report* (WEB), the CS identifies a need for a land area of between 5 – 10 hectares to accommodate house waste facilities with sufficient capacity to meet *London Plan* targets for managing waste. Policy SP05 identifies 4 areas of search for new waste treatment facilities. These areas flow from the short list of suitable sites identified in the WEB report, where sufficient land is identified to allow flexibility in the case of some of the sites not coming forward. The timescale for delivery is

included in the IDP. On this basis I am satisfied that there is robust evidence to demonstrate that there is sufficient land to meet the *London Plan* targets during the plan period.

- 4.4 **Working towards a zero carbon borough** sets out the objective (SO24) of achieving a 60% reduction in carbon emissions by 2025. Policy SP11 sets out goals which are consistent with national guidance and the *London Plan* and provides a hook for more detailed guidance in lower level DPDs. I consider that these goals are justified in the *Climate Change and Mitigation Evidence Base* and the final report of *Sustainable Energy and Biodiversity Enhancement Opportunities in LBTH*. To ensure that the CS is sound minor changes are needed to allow for feasibility to be taken into account when considering requirements for on site renewable energy generation [C16], to ensure that the area based approach to carbon reduction is explained [C17] and to define Energy Opportunity Areas [C18].

C16	Add feasibility test to ensure flexibility and consistency with London Plan
C17	Explain area based approach to carbon emissions
C18	Define Energy Opportunity Areas

- 4.5 **Creating distinct and durable places** sets out in Policy SP10 the CS priorities for managing the historic environment and promoting a high standard of design. It includes the requirement for strategic and local views to be protected but there is no explanation of these designations and they are not identified on the accompanying Figure 34. To ensure effectiveness the "Why we have taken this approach" section which follows SP10 should explain that strategic views are designated in the *London Plan* and that local views will be defined and designated in forthcoming DPDs [C19].

- 4.6 Figure 34 includes shaded areas which refer to "areas of priority....." and "areas of established character and townscape." It is clear that these broad areas flow from the *Urban Structure and Characterisation Study (USCS)* and conservation area studies and appraisals. The Council has explained that they will be used to inform conservation of existing character in some areas and improvements to character and distinctiveness in others. However with no reference to this in the policy or the accompanying text they have no meaning. The Council has suggested additional wording which will explain their purpose [C20]. However to ensure that the CS is effective further explanation is needed to describe how these areas will be taken forward [IC6]. Both of these changes are required to ensure soundness.

C19	Confirm consistency of approach to strategic and local views with London Plan and explain vehicle for identification of views
C20	Explain map based identification of townscape character

	areas (on Figure 34)
IC6	Explain vehicle/s for defining and setting criteria for townscape areas

- 4.7 **Tall Buildings** are addressed in Policy SP11 which identifies the preferred locations and the criteria which they meet. The selection of these locations is supported by evidence in the USCS and has been developed in collaboration with English Heritage. Additional wording is required, as suggested by the Council, to confirm the consistency of this approach with the *London Plan* [C21]. It is clear that the policy does not preclude the identification of other areas or individual applications for tall buildings outside the preferred areas. To ensure that the CS is sound the Council has suggested an explanation to confirm the way in which such instances will be dealt with [C22].

C21	Clarify consistency with London Plan
C22	Explain vehicle for identifying sites/locations and criteria for tall buildings

- 4.8 **Historic heritage:** Whilst the CS sets out the need to protect, manage and enhance the Tower of London World Heritage Site (WHS) and its setting it does provide equal protection for the buffer zone and setting of the Maritime Greenwich WHS. I consider that the additional wording to Policy SP10 suggested by the Council is required to ensure soundness by addressing cross boundary issues [C23].

C23	Add reference to protection of the setting of Maritime Greenwich WHS
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5 OVERALL CONCLUSIONS

- 5.1 I conclude that, with the amendments I recommend, the Tower Hamlets Core Strategy DPD satisfies the requirements of s20 (5) of the 2004 Act and meets the criteria of soundness in PPS12.

Sue Turner

INSPECTOR

Annex A

Annex B

Annex C

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Annex A – Council’s changes

No	Core Strategy section	Page	Description of recommended change	Text (if any)
C1	Diverse communities and distinct places	20/21	Insert Figures 1.8, 1.9 and 1.10 and accompanying text from Options and issues for places (CD158)	
C2	Setting the Scene	15	Further explanation of how the Core Strategy emerged from the Options and Alternatives Consultation Document, Options and Alternatives for Places Consultation Document and the Community Plan.	<p>New paragraph - 1.5</p> <p>1.5 The first round of consultation identified within the Options and Alternatives Consultation Document two potential overarching strategies. One strategy was looked to refocus on our town centres, and the other advocated for organic growth across the borough. This Consultation Document also looked at options for each of the borough wide policies coming forward.</p> <p>1.6 In selecting the overarching strategy, consultation findings and further evidence base suggested a combined approach which sought to refocus on town centres, while still recognising the organic nature of growth in the areas adjacent to the City Fringe and Canary Wharf. This preferred approach for the overarching strategy, along with the preferred approach for the borough-wide policies, was tested as part of the second consultation phase – Options and Alternatives for Places. This phase also tested options for how the borough-wide policies would affect the 24 identified individual places of Tower Hamlets. It also tested the vision for each place, which included engagement with the community and stakeholders about what each place would look like in the future and how that might be delivered.</p> <p>1.7 The preferred approach for the overarching strategy is stated within chapter 3 “Refocusing on our town centres”.</p> <p>Previous 1.5 now becomes 1.8</p>
C3	Refocusing on our town centres	39	Refer to the adopted London Plan (2008) as an initial basis for the town centre hierarchy.	Para 3.2 The boroughs’ town centres continue to evolve, they have changed in the way they look, the purposes they serve, the types of shops they have and the way they are accessed and used. With the London Plan as the starting point, the town centres of Tower Hamlets have been configured in a hierarchal

No	Core Strategy section	Page	Description of recommended change	Text (if any)
				manner ⁵² which has been made locally specific to Tower Hamlets through extensive spatial baseline research. The creation of new town centres is proposed over the lifetime of the plan, in order to support population growth or to reflect existing town centre activity in some areas.
C4	Refocusing on our town centres	39	Include explanation of Tower Hamlets Activity Areas	<p>Para 3.3 In addition two Activity Areas have been identified. The Tower Hamlets Activity Areas resulted from the Town Centre Spatial Strategy (2009) identifying specific areas bordering the Central Activities Zone and the major town centre of Canary Wharf where the scale, continuity and intensity of town centre activity and land use is different to that found across the rest of the borough. Specific challenges in policy terms of these areas required a new policy mechanism as a distinctive policy response to ensure these areas are successfully managed.</p> <p>Re-number paragraphs 3.3 – 3.6 to be 3.4-3.7</p>
C5	Refocusing on our town centres	37	Provide reference to Development Management DPD and Site and Place Making DPD in SP01.	SP01 – Further detailed policies relating to town centres will be provided within the Development Management DPD and Site and Place Making DPD. (NB. This will be similar text format to the blue text on page 35)
C6	Urban Living for Everyone	42	Amendment to Figure 21 to depict amended housing target bands.	<p>Low growth (1001 – 1500 units)</p> <p>Medium growth (1501 – 2500 units)</p> <p>High growth (2501 – 3500 units)</p> <p>Very high growth (3501 + units)</p>
C7	Urban Living for Everyone	44	Clarification of how locations for seeking larger family housing will be identified.	Identifying locations within the Site and Place Making DPD and Development Management DPD where larger family housing sizes (four-bed plus) will be sought.
C8	Urban Living for Everyone	45	Clarification of how 6. a-f will be delivered by identifying delivery mechanisms such as forthcoming DPDs.	<p>Ensuring all housing is appropriate, high-quality, well-designed and sustainable. This will be achieved by:</p> <ol style="list-style-type: none"> Setting housing design standards. Working with housing partners to facilitate existing homes to be brought up to at least the Decent Homes standard. Requiring new developments to comply with accessibility standards, including “Lifetime Homes” requirements.

No	Core Strategy section	Page	Description of recommended change	Text (if any)
				<p>d. Requiring adequate provision of housing amenity space for new homes (including specialist homes where appropriate), including private amenity space in every development, and communal amenity space for developments providing 10 units or more.</p> <p>e. Requiring sites that are providing family homes to provide adequate space for play space for children.</p> <p>f. Requiring new homes to respond to climate change, including achieving a stepped-target for carbon emissions standards in-line with government guidance.</p> <p>Further detail will be developed through the Development Management DPD and other guidance, including Supplementary Planning guidance.</p>
C8A	Delivering successful employment hubs	60	Amendment of Figure 30 - Preferred Office Location blob to be more illustrative and less specific.	
C9	Creating a green and blue grid	52	Provision of reference to the protection of Metropolitan Open Land in accordance with the London Plan (2008).	SP04 (1f) Improving access to the strategically important publicly accessible open spaces, which currently include Metropolitan Open Land (East India Dock Basin and Brunswick Wharf, Island Gardens, Lee Valley Regional Park, Meath Gardens, Mile End Park, Mudchute Park and Millwall Park, Tower Hamlets Cemetery, Victoria Park) as well as the Olympic Park, Lea River Park and the FAT Walk.
C10	Programme of Delivery	26	Remove reference to some of the programmes and simplify to a list of headings	<p>Programme of Delivery</p> <p>Delivery of the spatial vision is an essential element of the Core Strategy; without which the vision will not be achieved. The council and its key partners are committed to ongoing delivery and pro-actively drive five transformational programmes that form a 'Programme of Delivery' to assist in the delivery of the spatial vision. The programmes are:</p> <ul style="list-style-type: none"> • Comprehensive regeneration areas • Infrastructure Delivery Plan

No	Core Strategy section	Page	Description of recommended change	Text (if any)
				<ul style="list-style-type: none"> • Housing investment programmes • Policy and strategy programmes • Tower Hamlets Green Grid <p>This Programme of Delivery (<i>refer to Appendix 2</i>) underpins the delivery and implementation of the Core Strategy and its spatial themes. This ensures that a clear, consistent and wide-ranging delivery approach is embedded throughout the Core Strategy.</p>
C11	Programme of Delivery	130	Extend to include all vehicles for delivery	Amended Programme for Delivery as set out in CD 161A – revised CS Appendix 2
C12	Appendix 3	142	Replace “N/A” with “Monitor trend”	“Monitor Trend”
C13	Delivery and Implementation	118-119	Updating of text in light of amended government guidance.	<p>Amend para 8.8</p> <p>The Council may pool contributions relating to significant infrastructure i.e. transport, education and health. The Council may chose to achieve this through adopting the Community Infrastructure Levy in the future and / or through the use of planning obligations.</p> <p>Any pooling of contributions, including the calculation of planning contribution requirements or a CIL levy will be determined through either a SPD on planning contributions or through a CIL charging schedule.</p>
C14	Delivery and Implementation	118-119	Updating of text in light of amended government guidance.	For further information see Circular 05/05: Planning Obligations, LBTH Planning Obligations SPD and the Community Infrastructure Levy Regulations 2010.

No	Core Strategy section	Page	Description of recommended change	Text (if any)
C15	Creating a green and blue grid	54	Further explanation of how the SFRA has been carried through into the Core Strategy within "Why we have taken this approach" text (para 4.21).	4.20 The Blue Grid addresses the issues relating to the borough's water spaces and flood risk. The Strategic Flooding Risk Assessment (SFRA) (2009) identifies that parts of the borough are at potential risk of flooding within Flood Zones 1, 2 and 3. It states that the current main risks of flooding in the borough are fluvial flooding in the Lower Lea catchment, breaches in the Thames Tidal Defences during tidal surge events and surface water flooding from impermeable surfaces. It also identifies areas which are subject to actual risk, including Poplar Riverside and Fish Island. The Strategic Flood Risk Assessment was used to Sequentially Test the Core Strategy to ensure it addresses areas of potential risk to all types of flooding across the borough. However further sequential testing of sites will come forward as a part of the Site and Place making DPD.
C16	Working towards a zero-carbon borough	84	Review of SP11(7) in light of London Plan.	Require all new developments to provide 20% reduction of carbon dioxide emissions through on-site renewable energy generation where feasible.
C17	Working towards a zero-carbon borough	85	Further explanation of the area based approach stated within SP11(5) within the "Why we have taken this approach" text (para 6.26) with reference to figure 35.	6.26 Focusing higher proportions of carbon emissions reduction measures in specific areas will help to capture and maximise the cumulative benefits. The most appropriate areas are those with larger concentrations of identified development sites. Current identified clusters correspond with the low carbon areas on Fig 35.
C18	Appendix One	125	Definition of Energy Opportunity Areas	Areas of new development where more energy efficient solutions can be applied by considering potential sites together. It is in these areas that the principles of Mayor of London's Energy Action Areas will be best applied.
C19	Creating distinct and durable places	81	Add reference to strategic and local views to Why we have taken this approach text.	New Para 6.18 Strategic views guidance is provided within the London Plan (2008) with local views to be set out in the forthcoming Development Management DPD and Proposals Map.

No	Core Strategy section	Page	Description of recommended change	Text (if any)
C20	Creating distinct and durable places	81	Provision of clarification of linkages between Figure 35 and "Why we have taken this approach" text.	Addition to Para 6.15 (prior to change 1 above): Figure 34 identifies broad areas of different townscapes currently existing in the borough. These areas require different responses when managing growth and change.
C21	Creating distinct and durable places	78 / 80	To clarify linkages between the Core Strategy policies for tall buildings and those within the London Plan (2008) by referencing economic clusters.	Figure 34 key – Tall building locations for economic clusters of large floor plate offices. SP10 5.a. Be part of an existing economic cluster and respond to existing built character of the area. Para 6.17 As such, tall buildings are best suited to established economic clusters at Canary Wharf and Aldgate, where they complement the existing context.
C22	Creating distinct and durable places	80	Add reference to Site and Place Making DPD for allocating preferred sites for tall buildings.	b. Appropriate sites for tall buildings will be identified within the Site and Place Making DPD. All tall buildings including those outside of the above locations will be assessed against criteria set out in the Development Management DPD.
C23	Creating distinct and durable places	79	Add reference to protection of the Maritime Greenwich World Heritage Site.	Change 1 – amend text of SP10(1) to read: 1. Protect, manage and enhance the Tower of London World Heritage Site, its setting, and surrounding area, as well as the buffer zone and setting of the Maritime Greenwich World Heritage Site through: a. The respective World Heritage Site Management Plans and associated documents.

Annex B – Inspector’s changes

No	Core Strategy section	Page	Description of recommended change	Text (if any)
IC1	Delivering successful employment hubs	61	State that POLs will be defined and designated through future DPDs This change supports and is consistent with the Council’s change C9	Policy SP06.2 - after “in the following areas” insert “ which will be defined in the Site and Placemaking DPD:”
IC2	Delivering successful employment hubs	61	State that LOLs will be defined and designated through future DPDs This was agreed at the examination hearings	Policy SP06.3.a – after Designating locations” insert “through the Site and Placemaking DPD”
IC3	Glossary Appendix 1	127	Inclusion of reference to micro businesses in definition of SME This change avoids the need for more significant changes to SP06 which were suggested by the Council.	After 50 employees (small) add: “and including micro businesses”.
IC4	Infrastructure Delivery Plan	130 135	Amend to reflect the availability of Leven Road Gasworks. This change is based on agreed wording set out in Statement of Common Ground No 5 – LBTH/ National Grid.	P130 Up to 8FE of primary school provision – amend timescale to 2020 P135 Leven Road open space – amend timescale to 2015 - 2020
IC5	Placemaking			Place pages 90 – 114 of the Core Strategy in an Annex.
IC6	Creating distinct and durable places	81	Further explanation of townscape areas. This change supports and is consistent with the Council’s change C20.	Further addition to paragraph 6.15. These areas will be identified and detailed policies stated in the Development Management DPD and the Site and Placemaking DPD.

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Annex C – Council’s minor amendments

No	Core Strategy Section	Original Text	Amended Text	Page
0	Entire Document			
		Table of contents	Add Strategic objectives and Spatial Policies	6/7
		Tower of London & St Katharine’s	Tower of London and St Katharine Docks	42, 141
1	Setting the Scene			
1.1		Legacy Masterplan	Legacy Masterplan Framework	18
1.2		Site Allocations DPD	Site and Place Making DPD	14
1.3		Place and Site Making DPD	Site and Place Making DPD	15
1.4		Proposals Map DPD	Proposals Map	14
1.5		Community Plan 2020	Community Plan	14
1.6		Proposals Map DPD (Fig 2)	Proposals Map	15
1.7		CS Options Paper One July 2008	LBTH Options and Alternatives Consultation Document 2008	15
1.8		CS Options Paper Two Feb 2009	LBTH Options and Alternatives for Places Consultation Document 2009	15
1.9		Community Plan 2020	Community Plan	21
2	The Big Spatial Vision			
2.1		Legacy Masterplan	Legacy Masterplan Framework	29
2.2		Town Centre Implementation Programme	Town Centre Implementation Plans	26
2.3		Removed by Inspector - change to Programme of Delivery moved to Annex A		26
2.4		Sustainable Communities Plan 2003	Sustainable Communities Plan (Sustainable Communities: Building for the future), 2003	31
3	Refocusing on our Town Centres			
3.1		Proposal Map DPD	Proposals Map	38
3.2		St Paul’s Way Development Programme	St Pauls Way Transformation Project	38
3.3		Council Asset Management Programme	Council Asset Management Strategy	38
3.4			Addition of the following text to the end of para. 3.4 This has been reflected in the amendments to the town centre hierarchy, key examples of which have been the development of the Tower Hamlets Activity Areas and the establishment of a new town centre at Bromley-by-Bow.	39
3.5		See appendix four for detailed town centre hierarchy and see the Town Centre Spatial Strategy for further information.	See Appendix Four for the detailed town centre hierarchy and see Chapter 4 of the Town Centre Spatial Strategy (2009) for further information about each town centre.	35
3.6		See Retail Capacity Assessment 2009 for further details	See Retail and Leisure Capacity Study (2009) for further details	37
3.7		LBTH Town Centre Spatial Strategy Retail Capacity Assessment (2009)	LBTH Retail and Leisure Capacity Study (2009)	39
3.8		The council looked at the challenges facing the borough’s town centres to understand how to ensure they retain their vibrancy, competitiveness and strengths while respecting their different roles. According to the measures of town centres’ health ⁵⁶ , most town centres in Tower Hamlets are in reasonable health ⁵⁷ .	The council looked at the challenges facing the borough’s town centres to understand how to ensure they retain their vibrancy, competitiveness and strengths while respecting their different roles. According to the measures of town centres’ health ⁵⁶ (which do not reflect overtrading ⁵⁷), most town centres in Tower Hamlets are in reasonable health ⁵⁸ .	39
3.9			Addition of title “ Programme of Delivery” above text “This strategy will be implemented through a number of key projects including:”	38
3.10		Poplar Area Action Plan	Poplar Area Area Action Plan	38
4	Strengthening Neighbourhood Well-being			
4.1		Masterplans & Area Action Plans (All)	Masterplans and Area Action Plans (All)	45
4.2		Proposals Map DPD	Proposals Map	45
4.3		Proposals Map DPD	Proposals Map	53
4.4		Proposals Map DPD	Proposals Map	56
4.5		St Paul’s Way Development Programme	St Pauls Way Transformation Project	45
4.6		SP05.5	Delete SP05.5 it’s the same as SP08.4	56
4.7		Local Biodiversity Action Plan 2004	Local Biodiversity Action Plan 2009	54
4.8		Tower Hamlets Housing Investment Programme	Borough Investment Plan (Tower Hamlets Housing Investment Programme)	45
4.9		LBTH Housing Implementation Strategy	Remove text	45
4.10		Seek to deliver approximately 43,275 new homes (equating to 2,885 per year) from	Seek to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line	43

		2010 to 2025 in line with the housing targets set out in the London Plan.	with the housing targets set out in the London Plan.	
4.11			Addition of title “ Programme of Delivery” above text “This strategy will be implemented through a number of key projects including.”	38, 45, 49, 53, 56
4.12		Ensure any new waste management facility is integrated into its surroundings, is modern, innovative and well designed to minimise negative impacts and robust enough to alter its operation and capacity as circumstances change. Further criteria will be set out in the Development Management DPD.	Ensure any new waste management facility is integrated into its surroundings, is modern, innovative and well designed. The facility should minimise negative environmental, transport and amenity impacts on the surrounding area (including within neighbouring boroughs). It should be flexible enough to alter its operation and capacity as circumstances change without materially increasing these impacts. Further criteria will be set out in the Development Management DPD.	56
4.13		Work with British Waterways to deliver a network of high-quality, usable and accessible waterspaces, through:	Change 1 – SPO04 (4) amend text to: “Work with British Waterways and the Port of London Authority to deliver a network of high quality, usable and accessible waterspaces, through:”	53
4.14		Place and Site Making DPD	Site and Place Making DPD	45
4.15		GLA London Plan 2008 & GLA Housing in London 2008	GLA London Plan 2008 and GLA Housing in London 2008	46
4.16		LBTH Planning for PC&G – Baseline Report 2009	LBTH Planning for Population Change and Growth Capacity Assessment - Baseline Report, 2009	46
4.17		LBTH Affordable Housing Viability – LDF Review	LBTH Affordable Housing Viability Assessment	46
4.18		LBTH Children’s Play Space Strategy	LBTH Play Space Strategy 2007	46
4.19		LBTH Planning and Play Design Principle for Playable Space in LB Tower Hamlets	LBTH Planning and Play Design Principle for Playable Space in LB Tower Hamlets 2008	45
4.20		Poplar Area Action Plan	Poplar Area Area Action Plan	49
4.21		Leisure Strategy x2	LBTH Leisure Facilities Strategy (Sporting Places)	49
4.22		Multi-faith burial ground	Criteria for Multi-Faith Burial Ground Report	49
4.23		Air Quality Management Framework	LBTH Air Quality Action Plan	49
4.24		Clear Zone	Clear Zone Partnership	49
4.25		NHS Tower Hamlets Health and well-being strategy (Draft) 2009	Improving Health and Well-being in Tower Hamlets 2006	50
4.26		NHS Tower Hamlets Joint Strategic Needs Assessment, 2008	NHS Tower Hamlets Joint Strategic Needs Assessment, 2008/09	50
4.27		Air Quality Management Plan 2004	Air Quality Action Plan 2004	50
4.28		LBTH Multi Faith Burial Site Report	Criteria for Multi-Faith Burial Ground Report 2009	50
4.29		LBTH Leisure Strategy 2009	LBTH Leisure Strategy (Sporting Places) 2009	50
4.30		LBTH Open Space Strategy	LBTH Open Space Strategy	53
4.31		Local Biodiversity Action Plan	LBTH Local Biodiversity Action Plan	53
4.32		European Union Water Framework Directive	European Union Waste Framework Directive	54
4.33		Thames Estuary 2100 Action Plan 2009	Thames Estuary Action Plan Consultation Document 2009	54
4.34		Poplar Area Action Plan	Poplar Area Action Plan	56
5	Enabling Prosperous Communities			
5.1		Proposals Map DPD	Proposals Map	62
5.2		St Paul’s Way Transformation project	St Pauls Way Transformation Project	66
5.3		LBTH Strategic Business Case (BSF), 2006	Remove bullet point	67
5.4		LBTH Strategy for Change Part One, 2008	Remove bullet point	67
5.5		LBTH Economic Strategy	Remove bullet point	62
5.6		MAA Worklessness	Remove bullet point	62
5.7			LBTH Regeneration Strategy	62
5.8			Employment Strategy	62
5.9			Addition of title “ Programme of Delivery” above text “This strategy will be implemented through a number of key projects including.”	62, 66
5.10		Poplar Area Action Plan	Poplar Area Area Action Plan	62
5.11		LBTH Economic Strategy	LBTH Regeneration Strategy	62
5.12		City Fringe Opportunity Area Planning Framework 2006	City Fringe Opportunity Area Planning Framework (draft) 2006	62
5.13		Poplar Area Action Plan	Poplar Area Area Action Plan	66
6	Designing a High Quality City			
6.1		Housing estate regeneration	Housing estate regeneration projects	84
6.2		Local Implementation Plan (transport)	Local Implementation Plan	72
6.3		Millennium Quarter	Millennium Quarter Masterplan	80
6.4		Proposal Map DPD	Proposals Map	80
6.5		Proposals Map DPD	Proposals Map	72
6.6		St Pauls Way Transformational Project	St Pauls Way Transformation Project	76
6.7		Town Centre Implementation Plan	Town Centre Implementation Plans	76

6.8		City Fringe Conservation Plan	Remove text	80
6.9		Energy Action Areas	Energy Opportunity Areas	84
6.10			Addition of title “ Programme of Delivery” above text “This strategy will be implemented through a number of key projects including:”	72, 76, 80, 84
6.11				
6.12		Poplar Area Action Plan	Poplar Area Area Action Plan	72
6.13		East London Line Extension	London Overground	72
6.14		Making Connections	Making Connections: Towards a Climate Friendly Transport Future	72
6.15		Mayor’s Transport Strategy	GLA Transport Strategy	72
6.16		“Making Connections” Transport Strategy	“Making Connections” strategy	72
6.17		, the East London Line Extension,	, the incorporation of the East London Line into the London Overground network,	73
6.18		Making Connections 2008	Making Connection: Towards a Climate Friendly Transport Future, 2008	73
6.19		LBTH Planning for PC&G – Baseline Report 2009	LBTH Planning for Population Change and Growth – Baseline Report 2009	73
6.20		secured by design	Secured by Design	77
6.21		Manual for Streets	DfT Manual for Streets	77
6.22		The World Heritage Site Management Plan and associated documents	The Tower of London World Heritage Site Management Plan and associated documents	79
6.23		Conservation Area Management Plans	Conservation Areas Character Appraisals and Management Guidelines	79
6.24		Conservation Area Character Statements and Management Plans	Conservation Areas Character Appraisal and Management Guidelines	80
6.25		Code for Sustainable Homes	Code for Sustainable Homes: Setting the standard in sustainability for new homes	80
6.26		Heritage Counts	English Heritage Heritage Count 2008	81
6.27		Urban Design Compendium 1&2	Urban Design Compendium 1&2 2007	81
6.28		Sustainable Energy & Biodiversity Enhancement Report 2008	Opportunities for Sustainable Energy and Biodiversity Enhancement 2008	84
6.29		Mayor’s Climate Change Action Plan	GLA Climate Change Action Plan	85
7	Delivering Place-making			
7.1		To promote a mix of uses that successfully reinforce the city fringe character of small shops and businesses, alongside residential.	Promote a mix of uses that successfully reinforce the city fringe character of small shops and businesses, alongside residential.	91
7.2		To structure and positively plan for development that will address the severance caused by the A12, the railway and the waterspace.	To structure and positively plan for development that will address the severance caused by the A12, the railway and waterspaces including the River Lea.	106
7.3			Addition of Northumberland Wharf on Vision Diagram with the following text “Safeguarding Northumberland Wharf”.	111
7.4			Add the following priority: “To continue to protect Northumberland Wharf for cargo-handling uses including the transport of waste. Development that prejudices the operation of the wharf for these purposes will not be supported”.	111
7.5			Add the following principle: “Effective buffers are needed to protect the amenity of surrounding uses and the future operation of Northumberland Wharf.”	111
7.6		PPS1: Local Spatial Planning	PPS12: Local Spatial Planning 2008	89
7.7		CLG World Class Places 2009	DCLG World Class Places 2009	89
8	Delivery and Implementation			
8.1A		Healthy Borough programme	Tower Hamlets Green Grid	118
8.1		Proposals Map DPD	Proposals Map	
9	Appendices			
	Appendix Two: Infrastructure Delivery Plan (IDP)			
9.1A			Number items within Appendix 2	130
9.1		Aldgate Master Plan	Aldgate Masterplan	136
9.2		Aspen Way Master Plan	Aspen Way Masterplan	135
9.3		Bishopsgate Master Plan	Bishopsgate Goodsynd Masterplan	136
9.4		Bromley-by-Bow Master Plan	Bromley-by-Bow Masterplan	133
9.5		Bromley-by-Bow Master Plan	Bromley-by-Bow Masterplan	136
9.6		Hackney Wick / Fish Island Master Plan	Fish Island Area Action Plan	133
9.7		Hackney Wick / Fish Island Masterplan	Fish Island Area Action Plan	132
9.8		Hackney Wick Fish Island Master Plan	Fish Island Area Action Plan	136
9.9		Idea Store Strategy (draft)	Idea Store Strategy	138
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LONDON BOROUGH OF TOWER HAMLETS

COUNCIL MEETING

WEDNESDAY 15th SEPTEMBER 2010

LONDON LOCAL AUTHORITIES (TRAVEL CONCESSIONS) BILL

**REPORT OF THE ASSISTANT CHIEF EXECUTIVE
(LEGAL SERVICES)**

1. SUMMARY

- 1.1 This report informs the Council of the proposed deposit in Parliament of the London Local Authorities (Travel Concessions) Bill in November 2010, and recommends that Tower Hamlets Council, alongside the other London Boroughs, approves the deposit and passage of the Bill in Parliament.
- 1.2 The proposed Bill would alter the application of the Greater London Authority Act 1999 in relation to travel concessions so as to give London Borough Councils more power and flexibility in relation to the Freedom Pass scheme and minimise possible future risks in connection with the application and costs of the scheme.
- 1.3 The proposal to promote the Bill has been agreed by the London Councils Leaders' Committee. London Councils has no power to promote bills in its own right so, as for previous London Local Authorities Private Bills, the proposed Bill will be promoted by Westminster City Council at the request of the other 32 London Boroughs. The parliamentary process will be funded and coordinated centrally by London Councils.
- 1.4 As part of the statutory procedure every London Borough that wishes to participate must, before the Bill is deposited in November 2010, pass a resolution in full Council approving the promotion of the Bill. After the Bill is deposited the Council will be invited to pass a further resolution confirming its participation.

2. RECOMMENDATIONS

- 2.1 The Council is recommended to approve the resolution attached at Appendix 1 to this report.

3. BACKGROUND

- 3.1 London Local Authorities Bills are Private Bills which apply only to the Greater London area and confer additional powers on London local authorities in specified service areas. Tower Hamlets has participated along with other London Borough Councils in approving previous London Local Authorities Bills.
- 3.2 On 13th July 2010 the Leaders' Committee of London Councils agreed in principle to promote a Private Bill which would provide flexibility in relation to travel concessions on railways and also an arbitration mechanism in relation to the cost of any reserve scheme that Transport for London (TfL) may seek to impose where agreement has not been reached on a scheme within the statutory timetable.
- 3.3 London Councils has appointed Sharpe Pritchard to act as Parliamentary Agents and legal advisers to the Bill which will again be promoted through the City of Westminster (Parliamentary rules dictate that one borough must act as the lead borough and London Councils does not have powers to promote Bills in its own right).
- 3.4 The proposed text of the Bill is attached at Appendix 2 to this report. The draft Bill is currently subject to consultation with stakeholders.
- 3.5 There is only one opportunity each year to deposit private Bills before Parliament. In order for the Bill process to start in this Parliamentary session, the draft Bill text must be deposited with the House of Commons' private bill office by Friday 26 November, in time for a first reading in January 2011.
- 3.6 In order for this to happen, a strict statutory set of procedures must be followed. Each London Borough must individually pass a resolution in support of the Bill, in the form attached at Appendix 1. After the Bill is deposited in Parliament, the Council will be invited to confirm its participation by passing a further resolution.
- 3.7 In order to be valid, the attached resolution must be passed in accordance with the provisions of section 87 of the Local Government Act 1985. In summary, the requirements of section 87 are as follows:-
- The resolution must be passed at a full Council Meeting
 - At least half the total number of councillors must be present and voting in favour of the resolution
 - The meeting and its purpose must be advertised in a newspaper circulating in the area of the authority at least 30 clear days before the date of the meeting and this must be separate from any other usual advertisement for the meeting (a composite advertisement has been drafted by Sharpe Pritchard and placed in the London Evening Standard on behalf of all the London Boroughs).

4. THE CONCESSIONARY TRAVEL SCHEME IN GREATER LONDON

- 4.1 London has the most extensive concessionary travel for older and disabled people in the UK. The current scheme is managed by London Councils on behalf of the 32 London boroughs and the City of London. It offers free travel on all Transport for London (TfL) services and on most national rail services in Greater London. However, whilst passes are valid 24 hours a day on TfL services (including TfL run rail services - Underground, Overground and DLR), the arrangements on national rail services are negotiated separately, and access to services on National Rail agreed through the Association of Train Operating Companies (ATOC) excludes the Monday – Friday morning peak period.
- 4.2 There are three categories of passes available to people who have their sole or principal residence in Greater London. The older persons' pass is available to people who have reached the age for women to receive a state pension. Until 5 April 2010, this was age 60 but it is moving gradually to 65 so that most people born in 1955 will not get their pass until they are 65. The statutory disabled pass is available to people who meet criteria set out in national legislation. In addition some boroughs choose to offer a pass on a discretionary basis to disabled people who do not meet the national criteria. The older person's pass and the statutory disabled pass are also valid on buses on local buses in England outside London between 9.30am and 11pm Monday to Friday and anytime at weekends and public holidays. There are currently about 1.2m Freedom Pass holders.
- 4.3 The Freedom Pass scheme operates under powers in the Greater London Authority Act 1999, as amended in particular by the Concessionary Bus Travel Act 2007. The legislation which governs concessionary travel arrangements in London differs from the rest of England. One key difference is that whilst in the whole of England there is a minimum requirement to offer free travel to eligible older and disabled people on local buses, in London there are additional statutory requirements.
- 4.4 The London legislation requires there to be a concessionary scheme on the London local transport network, in effect this is all the services operated or managed by TfL. There are separate categories for bus, railway, tramway and river services, but railway is not divided into individual services such as London Underground, London Overground or Docklands Light Railway. For each category of pass holder, there has to be a uniform offer on each category of TfL service. So this means that the offer to Freedom Pass holders has to be the same over the entire route of every single railway service operated by TfL.

5. THE PROPOSED CHANGES: (i) RAILWAY SERVICES

- 5.1 The effect of the requirement at 4.4. above is that at present, the same times of eligibility must be offered on all railway services operated or managed by TfL even if they are outside Greater London or where there are parallel

national rail services serving the same stations which have a different eligibility to TfL. When TfL took control of the former Silverlink Metro services in November 2007, London Councils was advised that it had to offer the same times of eligibility as on other TfL rail services. This was a relatively small change but if more franchises are transferred to TfL, under the current arrangements London Councils would be obliged to offer the same concession on all, either extending the concession into the morning peak on National Rail services – at high cost – or uniformly restricting existing access to TfL services.

- 5.2 Following the TfL takeover of the former Silverlink Metro services to form London Overground mentioned above, there are now a couple of places where parallel services with different eligibility exist - e.g. Clapham Junction to Harrow & Wealdstone/Watford Junction and New Cross Gate to West Croydon/Crystal Palace. This will become a major issue if TfL takes charge of more suburban rail services e.g. in south London.
- 5.3 The Government has suggested that it wants to give TfL more say over National Rail services in London and it is possible TfL could gain control over franchises in London in the same way as with London Overground.
- 5.4 As part of the general extension of Freedom Pass into the morning peak in 2008 ATOC gave an indication of the cost by Freedom Pass holders to national rail services during the morning peak. It is possible that costs could be in excess of £100m. The risk is, therefore, that without any legislative change, boroughs would be faced with a choice either of extending Freedom Pass into the morning peak on National Rail services at a cost which might exceed £100m or having to reduce the current scheme by removing the concession during the morning peak on the Underground, Overground and DLR. What is clear is that under these circumstances the current status quo could not be continued.
- 5.5 The proposed Bill will therefore include an amendment to the existing legislation to introduce more flexibility in relation to the concession on railway services. This would allow London boroughs and Transport for London (TfL) to negotiate different eligibility for different railway services (or parts of railway services) operated or managed by TfL.
- 5.6 The proposal would also allow the concession to be limited to Greater London. At present, Freedom Pass holders can travel to the ends of the Metropolitan and Central lines on London Underground and to Watford Junction on London Overground. However concessionary travel pass holders in those areas do not have any travel concessions on these rail services and often complain to London Councils that this is unfair.

6. THE PROPOSED CHANGES (ii) – ARBITRATION ON THE RESERVE SCHEME

- 6.1 The existing London legislation also requires there to be in place a concessionary travel scheme for TfL services by 31 December prior to the beginning of each financial year. If London Councils and TfL do not agree on a scheme that meets the statutory requirements by this date, then a statutory reserve scheme comes into effect and TfL can charge London boroughs for its costs. There is no negotiation or appeal mechanism if the reserve scheme is invoked, so neither London Councils nor individual boroughs would have a say in how much the scheme would cost or how the costs were to be apportioned.
- 6.2 Hitherto London Councils and TfL have always been able to negotiate settlements within the statutory timetable and so the reserve scheme has never had to be invoked. London Councils and TfL wish this to continue. However London Councils feels strongly that the way in which the legislation on the reserve scheme has been drawn up gives too much control to TfL.
- 6.3 The proposed Bill therefore includes a second amendment to introduce the possibility of an arbitration process if London boroughs were unhappy with TfL's proposals in relation to the costs of the reserve scheme. This would give the London Councils an opportunity to contest the fees imposed by TfL, and should there be a dispute, it would be settled by an arbitrator from the Chartered Institute of Arbitrators. This would only affect the amount the scheme cost London boroughs and would not impact on the concessions available to pass holders.

7. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 7.1 One purpose of the proposed Private Bill is to limit the potential future costs to London Boroughs of the Concessionary Travel scheme agreed with TfL.
- 7.2 In relation to the costs of promoting the Bill itself, these are expected to be relatively low given the brevity of the text, and the scope to minimise objection through the consultation process. Initial estimates of the external cost of co-ordinating the Bill through Sharpe Pritchard were between £10,000 and £15,000 although this sum is likely to increase as a result of additional advertising in certain boroughs where the Evening Standard is no longer widely distributed.
- 7.3 The costs are being borne centrally by the London Council's Services Directorate and are low compared with the potential additional cost of extending 24 hour Freedom Pass eligibility to future London Overground services as outlined in the report.

8. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

8.1 The comments of the Assistant Chief Executive (Legal Services) have been incorporated into the body of this report.

9. IMPLICATIONS FOR ONE TOWER HAMLETS

9.1 The enactment of the Bill proposals could affect details regarding future delivery of the Freedom Pass scheme provided to elderly and disabled Londoners.

**LOCAL GOVERNMENT ACT, 2000 (SECTION 97)
LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT**

Brief description of "background paper"	Name and telephone number of holder and address where open to inspection
None	N/A

APPENDIX 1

FIRST RESOLUTION OF COUNCIL

TOWER HAMLETS LONDON BOROUGH COUNCIL

RESOLVED -

That the Council approves the inclusion in a bill to be promoted by Westminster City Council of provisions effecting all or some of the following purposes -

- (a) to alter the application of Chapter VIII of Part IV of the Greater London Authority Act 1999 so that different provision may be made for travel concessions in relation to different railway services and journeys on railway services on the London Local Transport Network and so as to make provision for arbitration in cases where London Authorities consider that charges notified by Transport for London under the reserve free travel scheme are excessive;
- (b) to enact any additional, supplemental and consequential provisions that may appear to be necessary or convenient.

I HEREBY CERTIFY THAT -

- (1) the above Resolution is a true copy of a Resolution passed by the Tower Hamlets London Borough Council on the 15th day of September 2010;
- (2) the said Resolution was passed by a majority of the whole number of the members of the Council; and
- (3) the meeting at which the said Resolution was passed was held after thirty clear days' notice of the meeting and of the purposes thereof had been given by advertisement in a local newspaper circulating in the borough such notice being given in addition to the ordinary notice required to be given for the convening of a meeting of the Council.

Dated this [] day of [] 2010.

[Chief Executive] [or other appropriate officer]

APPENDIX 2

Consultation Version August 2010

DRAFT

London Local Authorities (Travel Concessions) Bill

EXPLANATORY MEMORANDUM

This Bill is promoted by Westminster City Council at the request of the other 32 London Borough Councils.

The Bill relates to the concessionary travel scheme that operates in Greater London for the benefit of persons of pensionable age and the disabled who, in either case, are resident in Greater London ("eligible persons"). The legislation underpinning the scheme is Chapter VIII of Part IV of the Greater London Authority Act 1999 ("the 1999 Act").

Section 240 of the 1999 Act provides, amongst other things, that any local authority, or any two or more local authorities acting jointly, may enter into arrangements with Transport for London ("TfL") under which TfL grants, or arranges for others to grant, travel concessions for eligible persons and under which the local authority or authorities reimburse TfL the cost in granting the concessions.

Under section 240 and its predecessor, arrangements have been in place between all of the London borough councils and TfL for a number of years. The arrangements provide for free travel on services provided by TfL, including London Underground services, the Docklands Light Railway, London Overground services, London buses and Thames river boat services.

Section 241 of the 1991 Act makes provision about a reserve free travel scheme. The scheme would automatically come into effect where it appears to TfL that there are not for the time being in force arrangements under section 240(1) for travel concessions which meet the requirements of section 242 as to scope and the requirements of section 243 as to uniformity in respect of the next following financial year. Schedule 16 to the 1999 Act makes further detailed provision in relation to the reserve free travel scheme.

The effect of this is that there has to be in place some scheme, whether it be agreed between the London boroughs councils and TfL under section 240, or under the reserve free travel scheme. Since 1999 (and before then under previous similar legislation) the reserve free travel scheme has never needed to be implemented.

Section 242 of the 1999 Act sets out the requirements for scope which must be met under the arrangements under section 240 in order for the reserve free travel scheme to be avoided. Section 243 sets out the requirements as to uniformity which must be met.

Clause 1 of the Bill makes provision about citation and commencement. The Bill, if enacted, would come into operation on the date on which it is passed.

Clause 2 alters the way in which section 242 of the 1999 Act (the requirements as to scope) applies as regards London Borough Councils. Section 242 lists three main requirements in subsection (1). Only one of those three requirements is affected by the Bill, namely the requirement of subsection (1)(a). It provides that in order for the arrangements to meet the requirements as to scope they must provide for the grant of travel concessions to all eligible London residents on journeys falling within subsection (2). These are journeys between places in Greater London, between such places and places outside but in the vicinity of Greater London, or between places outside but within the vicinity of Greater London and which are on the "London Local Transport Network". The London Local Transport Network is, in summary, bus services which make up the London bus network, TfL guided transport services (of which there is currently none), TfL railway services, TfL tramway services and TfL River Thames services.

Clause 2 would alter section 242 in relation to the provision of TfL railway services. "Railway services" include the whole of the London Underground network and the London Overground network, the latter of which currently consists of two former network rail lines which have been taken under the control of TfL. The TfL railway services also include the Docklands Light Railway.

Section 242 currently requires concessions to be given on all of the TfL railway services and the same concessions to be given on each journey. *Clause 2* would alter subsection (5) of section 242 by enabling the arrangements to make different provision for different railway services, categories of railway services or sections of a journey on a railway service.

Clause 3 amends Schedule 16 to the 1999 Act. As mentioned above, Schedule 16 sets out details in relation to the reserve free travel scheme, which would take effect if it appeared to TfL that there were no arrangements in place for the forthcoming financial year which met the requirements as to scope and uniformity. Schedule 16 provides TfL with control over the amount that the London borough councils would have to pay to finance the reserve scheme. The effect of the amendment proposed in *clause 4* would be to provide a mechanism for arbitration in cases where a London authority considered the amount to be excessive.

DRAFT

London Local Authorities (Travel Concessions) Bill

CONTENTS

- 1 Citation and commencement
- 2 Application of section 242 of 1999 Act
- 3 Amendment of Schedule 16 to 1999 Act

A
BILL

To amend certain provisions of the Greater London Authority Act 1999 relating to travel concessions.

WHEREAS—

- (1) It is expedient that section 242 of and Schedule 16 to the Greater London Authority Act 1999 (c. 29) (“the 1999 Act”) should be amended as they apply in relation to London Authorities:
- (2) It is expedient that the other provisions contained in this Act should be enacted:
- (3) The objects of this Act cannot be attained without the authority of Parliament:
- (4) In relation to the promotion of the Bill for this Act the Westminster City Council have complied with the requirements of section 239 of the Local Government Act 1972 (c. 70) and the other participating London borough councils have complied with the requirements of section 87 of the Local Government Act 1985 (c. 51):
- (5) In relation to the promotion of the Bill for this Act the requirements of section 79 of the 1999 Act have been complied with:
- (6) In relation to the promotion of the Bill for this Act the London borough councils have acted through their representation in London Councils, a statutory joint committee whose membership is made up from members of all the London borough councils.

1 Citation and commencement

- (1) This Act may be cited as the London Local Authorities (Travel Concessions) Act 2011.
- (2) This Act shall come into operation on the date on which it is passed.

2 Application of section 242 of 1999 Act

- (1) In its application to arrangements between a London Authority and Transport for London, section 242 of the Greater London Authority Act 1999 (c. 29)(requirements as to scope) has effect as follows.
- (2) In subsection (5) after “preclude” insert—
 - “(a) the making of different provision for different railway services, categories of railway service or sections of a journey on a railway service; or
 - (b)”.

- (3) In subsection (1), “London Authority” has the same meaning given to it in section 240 of the said 1999 Act.

3 Amendment of Schedule 16 to 1999 Act

- (1) Schedule 16 to the Greater London Authority Act 1999 (the free travel scheme) is amended as follows.
- (2) After paragraph 5(7) insert—
- “(7A) If within 7 days of being notified by Transport for London of the charge under paragraph 5(1) a London authority gives to Transport for London notice that it considers the charge to be excessive, the question of the amount of the charge shall be referred to arbitration.
- (7B) Where under subsection (7A) a question is to be referred to arbitration, the question shall be referred to, and settled by, a single arbitrator to be agreed between the parties or, in default of agreement, to be appointed on the application of either party, after notice in writing to the other, by the President of the Chartered Institute of Arbitrators.
- (7C) If the arbitrator decides that the proposed charge is excessive, he shall determine the amount which the authority shall pay and notify Transport for London and the authority by means of a written and reasoned decision.
- (7D) The President of the Chartered Institute of Arbitrators may, on request or otherwise, direct that—
- (a) a group of arbitral proceedings under subsection (7A) is to be consolidated, or
- (b) concurrent hearings are to be held in a group of arbitral proceedings under subsection (7A).
- (7E) A request for a direction under subsection (7D) may be made by the arbitrator or any of the arbitrators (as well as by a party).
- (7F) A direction under subsection (7D) shall specify the terms on which the proceedings are to be consolidated or on which concurrent hearings are to be held.
- (7G) Where a direction under subsection (7D) provides for the consolidation of proceedings that do not all have the same arbitrator, the terms that may be specified in the direction include (in particular)—
- (a) terms specifying the person who is to be the arbitrator in the consolidated proceedings;
- (b) terms under which that person is selected for appointment as the arbitrator.”.
- (3) In paragraph 6(1)(a) after “fixed by Transport for London” insert “or notified by an arbitrator as the case may be”.

DRAFT London Local Authorities (Travel Concessions) Bill

A
BILL

To amend certain provisions of the Greater London Authority Act 1999 relating to travel concessions.

SESSION 2010-11

SHARPE PRITCHARD
Elizabeth House
Fulwood Place
London WC1V 6HG
Parliamentary Agents

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LONDON BOROUGH OF TOWER HAMLETS

COUNCIL MEETING

WEDNESDAY 15th SEPTEMBER 2010

**LOCAL GOVERNMENT OMBUDSMAN FINDINGS AGAINST
THE COUNCIL**

**REPORT OF THE ASSISTANT CHIEF EXECUTIVE
(LEGAL SERVICES)**

1. **SUMMARY**

- 1.1 To consider the report and findings of the Local Government Ombudsman in respect of Investigation No.08 002 912 concerning the finding of maladministration causing injustice resulting from the grant of Planning Permission by the Council.

2. **RECOMMENDATIONS**

Council is recommended to:-

- 2.1 Note the report and finding of maladministration against the Authority by the Local Government Ombudsman in respect of the investigation attached to the report to the Strategic Development Committee of the 10th November 2009 annexed hereto.
- 2.2 Confirm that the Authority accepts the recommendations in full and instructs officers to make the relevant payments of compensation to the complainant and to instruct independent valuers to carry out the comparative valuation set out in the Ombudsman's report.

3. **BACKGROUND**

- 3.1 On 6 August 2009 the Ombudsman made a finding of maladministration against the Council in respect of a Planning Application that was granted to properties at 18-22 River Street to erect balconies. A report (attached at Appendix 1) was submitted to the Strategic Development Committee as the sub-committee of Council with delegated responsibility to consider planning matters in order that that committee could be satisfied that appropriate steps had been taken to revise the planning procedures as required by the Ombudsman.
- 3.2 In general the findings of fact of the Ombudsman cannot be challenged. Therefore it was not recommended to challenge the maladministration decision. However the recommendations of the Ombudsman can be accepted or rejected by the Authority. In the Council's response to the Ombudsman report (see letter of 15 June 2009 attached at Appendix 3) officers addressed the issue of injustice caused by loss of amenity through overlooking. The Planning Officer's opinion was that the balcony did not result in an unacceptable level of overlooking in "*planning terms*" as there is no direct overlooking. In order to overlook the property the observer would have to whilst on the adjoining balcony turn, look to the building at 180 degree angle in order to see into the adjoining living room. This type of overlooking is not uncharacteristic of balconies erected on riverside properties. The amenity value is afforded by the views of the river and the view is unaffected by the adjoining balcony. Therefore the conclusion was that there was no injustice in relation to overlooking.
- 3.3 Since the committee meeting the Monitoring Officer has been in correspondence with the Ombudsman office to clarify the issue of lost of amenity due to overlooking. As the Strategic Development Committee Report states in the legal comments at paragraph 7.10 of the Strategic Development Committee Report '*there is no legal right to privacy in the context of not having ones property overlooked*'. The officers have asked the Ombudsman to modify the last recommendation regarding the re-evaluation of the property which it is believed is not a reasonable solution in this case. The officers have suggested that window treatment which prevents observers from looking into the property in daylight would be more appropriate as it is considered that this will stop the overlooking in daylight and a valuer would not be able to value the difference in value with or without an adjoining balcony as there is no direct overlooking.
- 3.4 Nevertheless the Ombudsman has reconsidered the position but will not modify his recommendation on this point and has stated that unless the Authority accepts his recommendations in full he will publish a further report which would also have to be considered by the Authority. Therefore the Monitoring Officer is recommending acceptance of the full recommendations and the appointment of an independent valuer to make the assessment.

4. COMMITTEE OF THE CHIEF FINANCIAL OFFICER

4.1 The cost of the compensation will be met within the Directorate budget.

5. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)

5.1 The legal comments are set out in the Strategic Development Committee report at Appendix 1 and the body to this report.

6. ONE TOWER HAMLETS CONSIDERATIONS

6.1 By having regard to the Ombudsman report the Council is demonstrating that it seeks to treat all systems equally and to ensure that services are carried out effectively.

7. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

7.1 There are no issues arising out of this report.

8. RISK MANAGEMENT IMPLICATIONS

8.1 The Ombudsman report highlights that unless the Council has in place high quality systems for managing processing of planning applications error can arise which give rise to adverse publicity and poor public perception of planning procedures. The system has improved and appropriate measures have been put into place to ensure that errors are avoided.

9. EFFICIENCY STATEMENT

9.1 There are no issues arising out of this report.

10. ANTI POVERY IMPLICATIONS

10.1 There are no issues arising out of this report.

**Local Government Act, 1972 Section 100D (As amended)
List of “Background Papers” used in the preparation of this report**

Brief description of “back ground papers”	Name and telephone number of holder and address where open to inspection.
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APPENDICES

- Appendix 1: Report to the Strategic Development Committee,
10 November 2009
- Appendix 2: Minutes of the Strategic Development Committee,
10 November 2009
- Appendix 3: Letter to the Ombudsman dated 15 June 2009

Committee: Strategic Development Committee	Date: 10 November 2009	Classification: Unrestricted	Report No:	Agenda Item:
Report of: Monitoring Officer Originating officer(s) Isabella Freeman Assistant Chief Executive (Legal Services)		Title: Local Government Ombudsman – Findings Against the Council Wards Affected: Limehouse		

1. SUMMARY

- 1.1 To consider the report and findings of the Local Government Ombudsman in respect of Investigation No. 08 002 912 concerning maladministration causing injustice resulting from the grant of Planning Permission by the Council.

2. RECOMMENDATIONS

Committee is recommended to:-

- 2.1 Note the report and finding of maladministration against the authority by the Local Government Ombudsman in respect of the investigation attached to this report
- 2.2 Note the assurance from the Service Head Planning and Building Control that action has already been taken by the department to ensure that the problems which led to the maladministration do not occur again

3. BACKGROUND

- 3.1 Attached as Appendix A is a copy of the Ombudsman’s report on an investigation into Complaint No. 08 002 912 concerning the allegation that the Council failed to properly advertise a planning application it received for a property next to their home, denying them the opportunity to object to the works. It was further complained that the Council did not consider the application properly and granted Planning Permission even though it contravened its adopted policy.
- 3.2 Paragraphs 33 to 43 summarise the findings of the Ombudsman and recommends the remedy for the injustice caused to the complainants.

4. BODY OF REPORT

- 4.1 The complainants live at 24 Narrow Street which is a converted warehouse overlooking the Thames. A planning application was made for the erection of two balconies on the riverside elevation of buildings next to their home. The complainants complain that they were not notified about this Planning Application and did not find out about it until work started on the balconies. They state that had they been informed they would have objected to the Planning Application.
- 4.2 The complainants also claim that the Council did not consider the loss of amenity they would suffer by having their living room overlooked by their neighbours standing on the new balcony. They believe that if the Council had properly considered how they would be overlooked Planning Permission would not have been granted.
- 4.3 The Council received a Planning Application for works to be carried out to adjoining properties in July 2005. The location of the works was described in the Planning Application as Flats 2A and 3A, 18-22 Narrow Street London. On its internal documentation, the Council entered the location of the works as Flat 3A 18 Narrow Street. The site map filed with the Planning Application papers showed the correct address for the works, 18-22 Narrow Street. It would however appear that every document the Council subsequently generated with regard to the Planning Application showed the incorrect address of Flat 3A 18 Narrow Street. This would make it appear that the development was on a different level not adjacent to the complainant.
- 4.4 In accordance with standard practice for Planning Applications the Council notified nearby properties about the proposal. It would appear that because of the error in recording the address of the works neighbours would not have appreciated that they would be affected. A number of local residents have stated that they did not get any notice even though the Council's records indicate they would have been sent to them.
- 4.5 Internal documents produced by the Council in respect of the Planning Application show the incorrect address and this would confirm the fact that notification letters would have had an incorrect address.
- 4.6 When dealing with Planning Applications the Council has adopted in accordance with best practice a procedure called Fast Track for dealing with applications for minor matters. It is normally used when there are no major planning considerations involved. This Planning Application fell within the range of matters covered by this procedure and was used. The report indicated that the application was acceptable because other flats in the block (including the complainant) have balconies. Council policy is to encourage balconies as they

provide additional amenity space for flat dwellers and the borough is short of amenity space.

- 4.7 Planning Permission was granted on 12th September 2005 and was issued with the incorrect address, Flat 3A 18 Narrow Street. Work on the construction of the new balcony did not commence until 2008 and the complainants only discovered matters when they returned from holiday in February 2008.
- 4.8 The complainants contacted the Council and were initially advised that no Planning Permission had been given for works at 22 Narrow Street but subsequently it was confirmed by the Council confirmed that Planning Permission had in fact been given in September 2005. An officer from the Council's Enforcement team visited the premises in July 2008, at which time he was not aware that Planning Permission had been granted and wrongly expressed the view that there was a problem with overlooking. Later the same month the officer advised that no action would be taken as the balcony had been constructed in accordance with the Planning Permission granted.
- 4.9 The Council has accepted that the wrong address details were used when processing the Planning Application and generating notification letters. The planning officers are of the view that the balcony does not cause an unacceptable level of overlooking and had it received objections from the complainants it would still have granted Planning Permission.
- 4.10 In paragraphs 33 to 43 of his report the Ombudsman sets out his conclusions. In summary, he has found that the Council did make a mistake at the outset of the matter by using the wrong address to record the details of the Planning Application. He also concludes that it cannot be conclusively proved that the Council sent out notification letters or that they got to the intended recipients. The Ombudsman has been very harsh in this respect as the officers have confirmed that the system generates the letters so there is no reason to suspect they were not sent and delivered by post. The Council cannot send letters by registered delivery as it inconveniences people if they have to go and collect them.
- 4.11 The Ombudsman goes on to find that there is no evidence to support the Council's claim that a site inspection was carried out notwithstanding that the officer concerned confirmed that she did visit the property. The Ombudsman expresses concern about the content of the report prepared in respect of the Planning Application. He is of the view that greater detail should be contained in the report in respect of the planning issues, which are material to the application. This has since been rectified by the department . See paragraph 5 below.
- 4.12 The Ombudsman concludes that maladministration has occurred due to his perceived failings on the part of the Council.

5. REVISED PLANNING PROCEDURES

- 5.1 When a planning application is received it is registered and validated in accordance with accepted criteria, including verification of the description of development the address of the premises to which the application relates and the public consultation that will occur. When this case was considered, a Fast Track procedure was adopted as was considered appropriate for dealing with proposals which do not raise major planning issues. This was based on a template outlining those issues to which the Planning Case Officer should have regard in considering the planning application.
- 5.2 This procedure has been reviewed following the Ombudsman's investigation and a new, more comprehensive template has been introduced which ties in with the Council's computerised planning application processing system, Acolaid. A copy of the new template is appended to this report. Appendix B. The new template specifically requires the case Officer to consider and report on the nature of the advertising of the application. It is not practicable to change our existing postal consultation procedure, to ensure that proof of delivery of consultation letters is obtained. The volume of consultation letters generated within the department would make such a procedure prohibitive. The template also requires explicit referencing to the date of the posting of the site notice together with a photographic record of that event and the date that the site visit occurred. It is considered that with these changes, the concerns identified by the Ombudsman in his investigation of this case have been overcome.

6. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 6.1 The costs of the compensation will be met from within the Directorate budget.

7. CONCURRENT REPORT OF THE MONITORING OFFICER (ASSISTANT CHIEF EXECUTIVE (LEGAL))

- 7.1 The powers of the Ombudsman concerning the outcome of investigations he has conducted are contained in sections 30, 31, 31A and 31B Local Government Act 1974(LGA 1974). It should be noted that any recommendation of the Ombudsman is not binding on a local authority. Where the Ombudsman reports that there has been maladministration, a failure in service or a failure to provide a service the report must be laid before the authority. The authority is under a duty to consider the report and within three months (or such longer period as the Ombudsman may agree in writing) to notify the Ombudsman of the action which the authority has taken or proposes to take.
- 7.2 If the Ombudsman does not receive the notification within the period allowed, or is not satisfied with the action taken or proposed, or does not within a further three months (or agreed longer period) receive confirmation that the proposed

action has been taken, he must make a further report setting out those facts and making recommendations. This also has to be considered by the authority.

- 7.3 If there is still no satisfactory response, the Ombudsman may require the authority to arrange for a statement outlining the position to be published in a local newspaper. The statement will consist of details of any action recommended by the Ombudsman in his further report which the authority have not taken, such supporting material as the Ombudsman may require and if the authority require a statement of the reasons for their having taken no action on, or not the action recommended in the report.
- 7.4 On the issue of what power, the Ombudsman had to recommend compensation for loss of value Members are advised that section 31(2B) LGA 1974 states that the Ombudsman may make recommendations, which in his opinion should be taken to remedy any injustice sustained by a person in consequence of maladministration. It would seem the Ombudsman has a wide discretion as to what he views are ways of remedying injustice. However, the authority does not have to agree all the recommendations. In this regard the Monitoring Officer does not consider that the authority should agree to the recommendation for loss of value to the property to be assessed for the overlooking. This would set a precedent that is unacceptable as it overturns planning policy and case law which does not hold planning officers responsible for mistakes in the procedure. The Council has responded to the Ombudsman in respect of compensation – see letter at Appendix C.
- 7.5 English law does not contain any express legal right that a person is entitled not to have their land overlooked by a neighbour. Under the Human Rights legislation there are a series of rights bundled together which have been given the common term 'rights relating to privacy'.
- 7.6 These 'rights' are more accurately described as a person's right to respect for their private life and family life, their home and their correspondence. The protection afforded is that there should be no interference by a public authority with these rights except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, or for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.
- 7.7 Confusion has arisen in public circles with the reference to respect for home. Put simply this right is a right to occupy and not to be expelled or evicted and peaceful enjoyment of a home. You will note it does not talk about not being overlooked.
- 7.8 In the Planning field a number of issues are taken into account when considering an application and one of those is the amenity of an individual. It is in this regard

that the Planning system talks about issues such as privacy and overlooking. What the Planning system accepts is that houses, flats and gardens tend to be all shapes and sizes, at different distances from, and in a unique orientation to, any neighbouring buildings. Due to these constraints, it has not been possible to devise any practical, reasonable and enforceable design guides, which would allow the full use of land whilst guaranteeing privacy for every householder.

- 7.9 In paragraph 39 of his report, the Ombudsman uses the sentence 'I do not accept that a neighbour has no right to privacy.' He goes on to quote a planning application the Council refused based on policy DEV2, causing loss of privacy to the neighbouring property. What the policy in question does is to try to indicate that new developments should be designed in such a way as to reduce inter visibility to an acceptable degree; it does not seek to prevent it completely.
- 7.10 Thus, there is no legal right to privacy in the context of not having one's property overlooked. The Planning system does try to minimise the impact of overlooking via the adoption of guidelines but does not prevent it. As stated above officers have confirmed that if the complainant's objection had been received the planning consent would still have been granted on the basis of amenity.
- 7.11 It is suggested that any concerns about privacy can be remedied through special treatment to be applied to the window which precludes looking in but allows clear views out.

8. HUMAN RIGHTS IMPLICATIONS

- 8.1. Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way that is incompatible with the European Convention on Human Rights. Various convention rights are likely to be relevant to the Order, including:
- **Entitlement to a fair and public hearing** in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process.
 - **Peaceful enjoyment of possessions** (First Protocol Article 1). This right includes the right to peaceful enjoyment of property and is subject to the State's right to enforce such laws, as it deems necessary to control the use of property in accordance with the general interest.
 - **Right to life**, in respect of which the likely health impacts of the proposals, will need to be taken into account in evaluating the scheme (Convention Article 2).

8.2 The European Court has recognised that "*regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole*". Both public and private interests are to be taken into account in the exercise of the Council's powers and duties as a local planning authority. Any interference with a Convention right must be necessary and proportionate.

8.3 The Council is therefore required to consider whether its actions would infringe the human rights of anyone affected by the granting of Planning Permission. The Council must carefully consider the balance to be struck between individual rights and the wider public interest.

9. ONE TOWER HAMLETS CONSIDERATIONS

9.1 The consideration of this matter will contribute to One Tower Hamlets objectives. The three objectives are to reduce inequalities; ensure community cohesion; and, strengthen community leadership.

9.2 By having regard to the Ombudsman's report, the Council is demonstrating that it seeks to treat all citizens equally, that it wishes to ensure that any decisions it makes do not lead to disharmony and that it wishes to demonstrate effective leadership of the community.

10. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

10.1 There are no sustainability issues arising from this to this report.

11. RISK MANAGEMENT IMPLICATIONS

11.1 The report from the Ombudsman highlights that unless the Council has in place high quality systems for managing the processing of Planning Applications errors can arise which give rise to adverse publicity and public perception of the ability of the Council to process such matters.

11.2 A further adverse impact is the financial implications arising from errors. As highlighted, in this case the Council can be recommended to pay compensation.

12. EFFICIENCY STATEMENT

12.1 No efficiency issues arise from this report.

**Local Government Act, 1972 Section 100D (As amended)
List of "Background Papers" used in the preparation of this report**

Brief description of "back ground papers"	Name and telephone number of holder and address where open to inspection
Report of Local Government Ombudsman in to complaint No. 08 00 912 dated 14 th August 2009-10-29	Isabella Freeman London Borough of Tower Hamlets Town Hall Mulberry Place 5 Clove Crescent London E14 2BG 0207 364 4810

11. APPENDICES

Appendix A - Report of Local Government Ombudsman in to complaint No. 08 002 912 dated 14th August 2009

Appendix B -New Template for Fast Track Planning Reports

Appendix C - Council letter to Ombudsman in respect of compensation dated 30 October 2009.

Report

on an Investigation into
Complaint No 08 002 912 against the
London Borough of Tower Hamlets

6 August 2009

Investigation into Complaint No 08 002 912 Against the London Borough of Tower Hamlets

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Key to names used

Mr and Mrs Page	The Complainants
Officer A	An enforcement officer employed by the Council

Report Summary

Subject

Mr and Mrs Page (not their real names for legal reasons) complain that the London Borough of Tower Hamlets did not advertise a planning application it had received for development at a property next to their home, denying them the opportunity to object to the works. They further complain that the Council did not consider the application properly and granted consent for it even though it contravened its adopted policy.

Mr and Mrs Page suffered injustice through loss of amenity by overlooking and in the loss of value to their home.

Finding

Maladministration causing injustice.

Recommended remedy

The Local Government Ombudsman recommends that the Council pays the following compensation to the complainants in recognition of the injustice suffered.

A payment to reflect the disappointment felt by the complainants that their amenity had not been properly considered by the Council and to assist them in taking any measures they feel necessary to mitigate their loss of amenity	£1000
Time and trouble	£300
Loss of value of the complainants' property	to be determined by comparing the value of their property now with that if consent had been allowed for a balcony which did not allow overlooking of their living accommodation

In addition the Ombudsman recommends the Council takes the following steps to avoid further incidents:

- The council ensure that it has procedures which require the findings of a case officer's site visit to be fully recorded
- That the Case Officer's report on an application accurately describes the planning history of the site, the policies relevant to the application and the material planning matters which were considered in reaching the Officer's recommendation and the planning decision.

Introduction

1. Mr and Mrs Page live at 24 River Street in the London Borough of Tower Hamlets. Their home is a converted warehouse overlooking the River Thames. The living area of the property is open plan, and extends to the full width of the flat.
2. A planning application was made for the erection of two balconies on the river-front elevation of buildings next to their home. Mr and Mrs Page complain that they were not notified about this planning application and did not find out about it until work had started on the balconies. They say that if they had been notified when the planning application was under consideration by the Council they would have objected to it.
3. Mr and Mrs Page believe that the Council did not consider properly the loss of amenity they would suffer by having their living room overlooked by their neighbours standing on the new balcony. They believe that if the Council had properly considered how they would be overlooked, planning consent would not have been granted for the erection of the balconies as submitted.
4. For legal reasons¹ the names used in this report are not the names (apart from that of the authority concerned) of the people and places involved.

Legal and Administrative Background

5. In order that interested parties have an opportunity to comment on planning proposals, councils are required to publicise the applications they receive. In the case of minor developments the local planning authority has a duty to give publicity either by posting a site notice or by serving notice on adjoining owners or occupiers.
6. The Council's notification policy is that generally all neighbours who are considered to be immediately affected by a proposal are notified of an application by letter.
7. The law² requires councils to determine planning applications in accordance with the Local Development Plan unless the weight of other considerations tells against it. In addition to its planning policies, therefore, a council must take into account other material planning considerations before reaching a decision, including the impact on the amenity of neighbouring properties and objections by members of the public. Councils are required to reach a decision about planning applications on the balance of all these factors.

¹ Local Government Act 1974, Section 30(3)

² Town and Country Planning (General Development Procedure) Order 1995.

8. The Council's policy relevant to the complaint is Policy DEV2 of the adopted Unitary Development Plan (1998). This states:

All development should seek to ensure that adjoining buildings are not adversely affected by loss of privacy, or a material deterioration of their daylighting and sunlighting conditions.

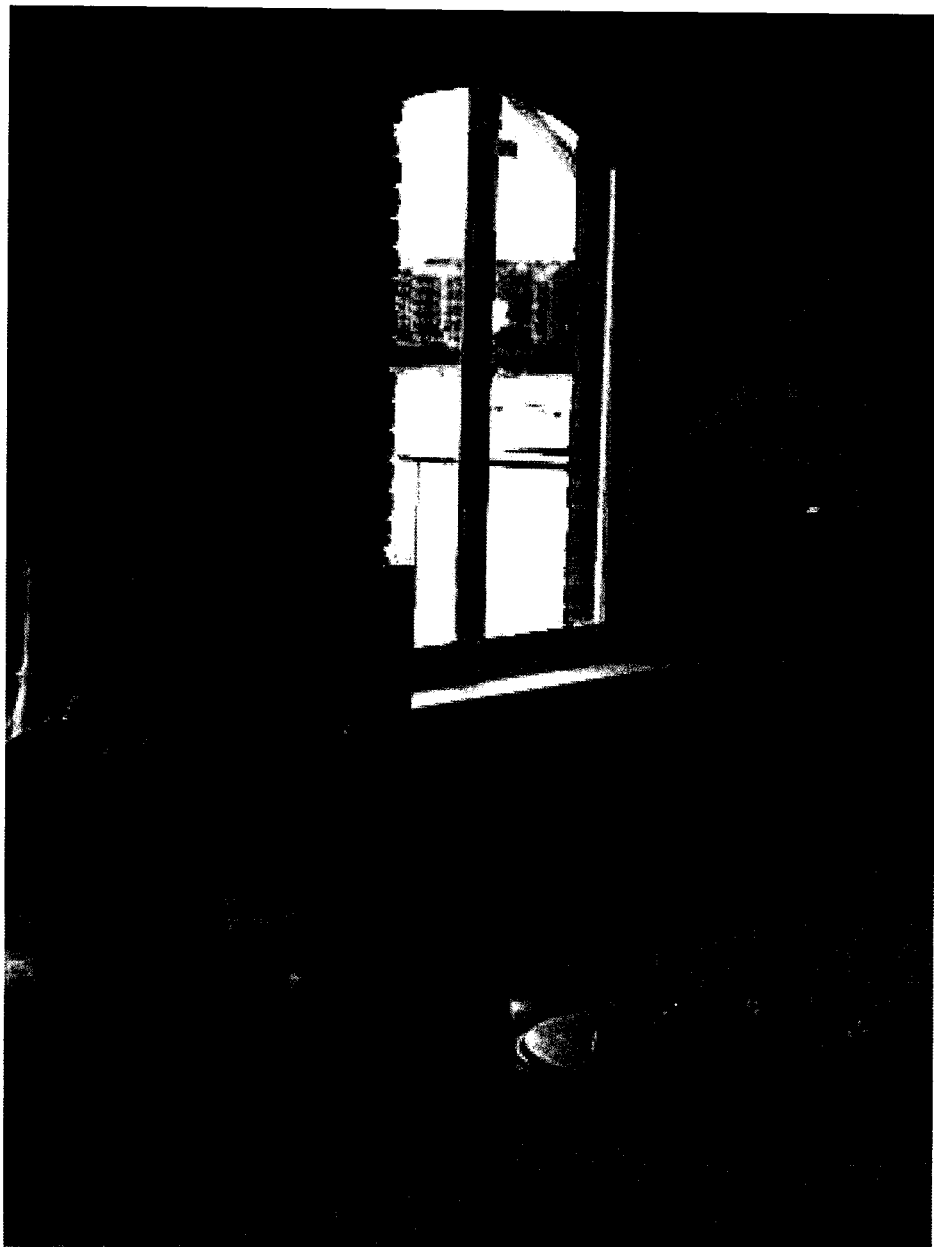
Investigation

9. A planning application was made on the 20 July 2005 for work to be carried out at Flats 2A and 3A, 18-22 River Street, London. These properties are two converted warehouses, separated by an atrium. The work was described on the application form as
 - level 2: erection of balcony
 - level 3: erection of balcony and wintergarden
 - roof level: erection of movable sunshading screens.
10. The application was accompanied by an Ordnance Survey plan showing the properties 18-22 River Street surrounded by a thick black line.
11. The Council received the application on 21 July 2005 and completed what it refers to as a 'Reception Worksheet'. The location of the works was entered on the sheet as, 'Flat 3A, 18 River Street', and not 'Flats 2A and 3A, 18-22 River Street', as stated on the application form. The 'Validating Officers Site Map', filed with the papers, correctly shows the properties at 18-22 River Street edged in black.
12. My investigator, when he inspected the Council's files, found that once the application had been registered, every document created by the Council relating to the application showed the address incorrectly as 'Flat 3A, 18 River Street'.



13. The Case Officer wrote to the applicant's agent on 25 July 2005 asking for confirmation that the description of the proposed works was correct. The Agent replied on 1 August, confirming that the description of the works was correct. The Agent's letter was headed, in a bold typeface, 'Flat 3A, 18-22 River Street'.
14. The drawings submitted by the applicant clearly show that balconies were to be erected on 18 and 22 River Street. The elevation drawings show that the proposed balcony at 22 River Street was to be immediately adjacent to a window in the riverside elevation of 24 River Street, the home of the complainants.
15. The Council says that neighbours were notified about the planning application by post. The notification letter refers to development at Flat 3A, 18 River Street, not Flats 2A and 3A, 18-22 River Street', the actual location of the works.
16. The Council has provided a list of the properties it says were notified about the proposals. The Council has also confirmed that, in accordance with its normal notification procedure, a site notice was not displayed at, or near, the development.
17. The complainants say they received no notification of any works, either to 18 or 22 River Street. They have produced affidavits from the owners of twelve properties in River Street which were included in the Council's list of notified properties. Each of the statements affirms that no neighbour notification letter was received by the occupier of the property.
18. Even if neighbours had received notification letters, these would have given the wrong location for the development – Flat 3A, 18 River Street. Mr and Mrs Page live at 24 River Street and so are separated from the property at 18 River Street by the atrium and the property at 22 River Street. So, if they had received notification of the development as described by the Council, they would have believed the development was some 20 metres from their home and so would not have been concerned at being overlooked from a balcony.
19. There was one objection to the proposal and that was from a resident to the rear of, and some distance from, the development. His representation refers to development at '18 River Street'.
20. Internal consultation letters were sent to the Council's Environmental Health Department, and the Conservation and Urban Design Team. All consultation letters and responses referred to development at 'Flat 3A, 18 River Street', and not 'Flats 2A and 3A, 18-22 River Street'.
21. A 'Fast Track Report' was prepared by the Case Officer. In the report, the site is referred to as 'Flat 3A, 18 River Street'. The report contains a pre-printed line saying, "The application is acceptable in amenity terms because", followed by a hand written note, "other apartments have balconies / privacy as existing".
22. The report has a pre-printed heading, Recommendation: Approve/Refuse. Neither is marked.

23. The report records that one objection had been received.
24. The scheme was approved under delegated powers and a decision notice was issued on 12 September 2005 granting consent for development at 'Flat 3A, 18 River Street', and not 'Flats 2A and 3A, 18-22 River Street' as on the application.
25. Work on the balconies did not commence until 2008. The complainants say the first they knew about the proposals was when they returned from holiday in February 2008 and found work in progress at 22 River Street. They discovered a balcony was under construction approximately one metre from their living room window. They realised that anyone standing on the balcony would have an uninterrupted view across the whole of the living area of their home.
26. They asked the Council if consent had been obtained for the work and initially were told that no approval had been granted for 22 River Street. Subsequently the Council confirmed that consent had been granted for the work at 22 River Street in September 2005.



27. Mr and Mrs Page complained again when the balconies were completed. Officer A, from the Enforcement Team, visited the property in July 2008. At the time he inspected the property he was under the impression that no consent existed for the balcony that had been built. His written report on his visit states, "Having looked at the balcony (and not knowing the planning history) there did appear to be an overlooking issue if people stood right at the end of the balcony and if they turned around as they could then see into the lounge of 24 River Street."
28. On 21 July, Officer A confirmed that the Council could take no enforcement action with regard to the balconies as they had been built in accordance with the drawings approved by the consent granted in September 2005.
29. In November 2005, the Council considered an application for the erection of balconies at 26 River Street. This is the property on the other side of the complainants' home. These proposed balconies were further from the windows of Mr and Mrs Page's property than those which had been approved at 22 River Street.
30. The Council refused this application. The reason given for the refusal was as follows:

The proposed enlarged balconies would enable overlooking of the neighbouring properties Nos 24 and 28 River Street, resulting in a loss of privacy to the occupiers thereof. As such, the proposal is contrary to Policy DEV2 of the adopted London Borough of Tower Hamlets Unitary Development Plan (1998).
31. An amended application was submitted and approved in August 2006. The Case Officer's report on this amended scheme says that the proposals overcame the previous reasons for refusal because an obscure glazed screen had been introduced between 24 and 26 River Street, preventing direct views into the windows on the riverside elevation of number 24 River Street.

The Council's view

32. The Council accepts that the wrong address details were published in the notification letters sent to neighbours and that no details of a site visit were recorded. It remains of the view that the balcony does not cause an unacceptable level of overlooking. It believes that even if the complainants had been properly consulted and been able to make representations to the Council that the decision by the planning officer may have been the same. It says that there is no right to privacy or to a view

Conclusion

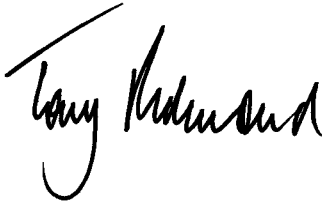
33. It appears that the Council made a mistake at the outset by registering the application as development at 18 River Street instead of 18-22 River Street as set out in the application and shown on the submitted drawings. All subsequent documentation, including internal and external consultation referred to this incorrect address.
34. The Council says that it sent out letters notifying neighbours that it was considering an application for development at 18 River Street. Twelve neighbours who should have received these notification letters have said they were not received. I cannot be sure if the Council sent out these notification letters or whether they may have been mislaid in the post. But even if the letters were sent and had been received by neighbours, the notification was for the wrong address, and so neighbours could not have come to a proper judgement of how what was proposed may affect them.
35. The Council says that an officer carried out a site inspection. It is not possible to view the southern elevation containing the proposed balconies except from a boat or from the opposite side of the river because the development has a river frontage and there is no riverside footpath. There is no record on the planning file that any visit took place and the Council has produced no evidence to support its assertion that a visit was made. An inspection could have taken place from the windows of 18 or 22 River Street, but there is no record that the Case Officer made an appointment with the occupiers of either of these flats to carry out an inspection from inside the properties.
36. I am satisfied that either no site visit was made, or the site visit failed to identify the proximity of the complainants' living room window to the proposed balcony.
37. I consider the Case Officer's report to be inadequate. It is my view that a case officer's report on an application which is to be considered under delegated authority should essentially be an abbreviated version of the report which would be put to a planning committee. It should contain as a minimum a description of the proposed development, a planning history of the site and a note of policies which are particularly relevant to the application under consideration. It should set out the material planning matters relevant to the application and the case officer's assessment of the proposals and recommendation. The report on this application did not contain this essential information.
38. I do not believe that a proper assessment of the loss of amenity by overlooking was carried out by the Case Officer. Because the development was wrongly registered as work to be carried out at 18 River Street, I cannot be sure that the Case Officer considered the proximity of the balconies on 22 River Street to the windows of the complainants' property at 24 River Street.

39. The Council says that it believes the new balcony at 22 River Street does not result in an unacceptable level of overlooking in “planning terms” and it says that a neighbour has no right to privacy or a view. I do not accept that a neighbour has no right to privacy. The Council refused a similar application for balconies at 26 River Street for that very reason – it contravened its policy DEV2, causing loss of privacy to the neighbouring property. Consent for the balcony on this property was only allowed once an opaque screen was incorporated into the design to protect the neighbours’ privacy.
40. I accept that this would not have been a satisfactory measure in this case as such a screen would have interfered with the complainants’ river views. But a possible solution was available. The Council could have negotiated with the applicant to shorten the proposed balcony so that its end was further from the complainants’ window. This would have allowed the applicant the amenity afforded by the balcony while protecting the privacy of the complainants.
41. I consider that these failings on the part of the Council amount to maladministration. Mr and Mrs Page suffered injustice through loss of amenity through overlooking, the loss of value of their property and the time and trouble they were put to in making their complaint to the Council and to me. To remedy that injustice the Council should compensate the complainants as follows:

A payment to reflect the disappointment felt by the complainants that their amenity had not been properly considered by the Council and to assist them in taking any measures they feel necessary to mitigate their loss of amenity	£1000
Time and trouble	£300
Loss of value of the complainants’ property	to be determined by comparing the value of their property now with that if consent had been allowed for a balcony which did not allow overlooking of their living accommodation

42. I note that the Council now uses a more comprehensive template when considering minor planning applications. Whilst I welcome this change I have seen no evidence that the current template provides sufficient information to allow officers with delegated authority to come to robust planning decisions.

43. The Council should therefore review its procedures with a view to ensuring that:
- a. evidence of site visits are saved on its files, either in the form of photographs or notes; and
 - b. The Case Officer's Report contains, as a minimum, a full description of the proposed development, the planning history of the site, the policies against which the development is to be considered, the assessment of material planning matters and the officer's recommendation.



Tony Redmond
Local Government Ombudsman
10th Floor
Millbank Tower
Millbank
London SW1P 4QP

6 August 2009

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**Development Decisions
Officer Report**

Delegated Report

File Reference: Needs to be brought through from
accolaid.
Case officer: As above
Date: As above
Deputy Team leader: _____
Manager: _____

PROPOSAL: (description needs to be brought through from accolaid)

CHECK LIST

Has statutory CONSULTATION and neighbour NOTIFICATION been properly carried out? Click and choose:
Has the application been properly ADVERTISED? Click and choose:

- the decision would not conform to the provisions of the Development Plan
- was accompanied by an EIA is a major/strategic development is of wide public interest
- would affect a public right of way affects a listed building affects a conservation area

Date of site notice:
(N.B Photograph attached on file)

Date of Site Visit:

Is the application subject to Referral to the MAYOR of London? Click and choose:

Is it necessary to consult Secretary of State before determining this application? Click and choose:

Circular 02/2009T&CP (Consultation) (England) Direction 2009

Do the matters considered in this report raise any unique HUMAN RIGHTS issues? Click and choose:

Special decision issuing instructions

[eg letter with decision notice, if not applicable click here and type "None"]

REPORT

RELEVANT PLANNING HISTORY

[click here and type text]

CONSULTATIONS

[click here and type text]

CONSULTATION RESPONSE

[click here and type text]

PLANNING POLICY

Unitary Development Plan 1998 (saved policies): **[click here and type text]**

Interim Planning Guidance (September 2007): **[click here and type text]**

Core Strategy (September 2009): **[click here and type text]**

Supplementary Planning Guidance: **[click here and type text]**

London Plan: **[click here and type text]**

Government Policy: **[click here and type text]**

MATERIAL PLANNING CONSIDERATIONS

[click here and type text]

OTHER MATERIAL CONSIDERATIONS

[click here and type text]

CONCLUSIONS

[click here and type text. NOTE - forms Summary of Reasons on decision notice]

8.3 24 Narrow Street, London E14 - Local Government Ombudsman

Mr Mario Leo, Head of Legal Services (Environment) introduced the report concerning the finding by the Local Government Ombudsman of maladministration causing injustice resulting from the grant of planning permission by the Council. He explained the process for consideration of complaints of maladministration and indicated that, in this case, the complaint related to a failure to consult.

The Ombudsman had recommended a remedy of a payment to the complainants of £1,000 for disappointment in their amenity not being properly considered by the Council and £300 for time and trouble in pursuing the complaint, along with an unspecified amount for loss of value of their property. Officers had accepted some of the Ombudsman's findings but considered the figure of £1,000 to be excessive and proposed that a payment of £500 be made for this element of compensation plus the £300 for time and trouble. The offer had been notified to the Ombudsman under delegated authority. Following queries from Members, Mr Leo commented that the compensation was in line with payments made in other such cases and the report did not invite further offers.

RESOLVED

- (1) That the report and finding of maladministration against the authority by the Local Government Ombudsman in respect of the investigation attached to the report be noted.
- (2) That the assurance from the Service Head Planning and Building Control that action has already been taken by the department to ensure that the problems which led to the maladministration do not occur again be noted.
- (3) That a report be made to a future meeting of the Committee on the outcome of the compensation offer made by the Council.
- (4) That Councillor Marc Francis be informed of the amount of Officer time involved in dealing with this case.

The meeting terminated at 8.09 p.m.

The meeting ended at 8.09 p.m.
Chair, Councillor Shafiqul Haque
Strategic Development Committee

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Chief Executive's Office
Corporate Complaints

The Commission for Local Administration in
England
By email only

Town Hall
Mulberry Place
5 Clove Crescent
London
E14 2BG

Mr Paul Conroy
Assistant Ombudsman

Tel: 020 7364 4162
Fax: 020 7364 4300
Email: ruth.dowden@towerhamlets.gov.uk

15 June 2009

www.towerhamlets.gov.uk

My Reference: L/OMB/1-31255625/RD
Your Ref: 08 002912/PBM
Enquiries to: Ruth Dowden

Dear Mr Conroy

Complaint by [REDACTED] **Narrow Street London E14** [REDACTED]

Thank you for your letter dated 26 May 2009 regarding the draft report into [REDACTED] complaint.

The Council's response is drafted against your covering letter and provides commentary on the points as follows:

- *The Council failed to notify neighbours that an application had been made for the development at Flat 2A and 3A, 18-22 Narrow Street.*

We do have evidence that we sent the letters but accept that we have no proof of the delivery or receipt. Given the volume of consultations that are generated from planning applications being considered in the borough, it would be prohibitively expensive to use a recorded or proof of delivery service. It is also accepted that the wrong address details were selected.

- *There is no evidence that the Case Officer visited the site.*

The Case Officer, who no longer works for the Council, has confirmed that she did visit the site, but I accept that this was not recorded on the case file. Case officers have always been required to make site visits to allow a proper and informed consideration of the planning issues raised by a planning application.



2008 - 2009
Reducing Re-offending

2003 - 2008
Winner of 6 previous
Beacon Awards



POSITIVE ABOUT
PEOPLE
Page 129

Chief Executive
Martin Smith

The Council revised its procedure some time ago to ensure that there is documentary evidence of site visits as well as photographic evidence of the erection of site notices.

- *The Case Officer's report is inadequate.*

We partly agree with this conclusion as the report did not explicitly refer to DEV2 and the reasoning behind the decision. However, we would again stress that although the Council still uses a template for Case Officer's to use when dealing with minor planning applications, this is more comprehensive than the version used in this instance.

- *The Case Officer failed to recognise that the application was contrary to Policy DEV2 of the Council's adopted Unitary Development Plan.*

The Case Officer did address this issue in her report, because she specifically says that that amenity was acceptable and that privacy was acceptable. It was the Case Officer's view that these matters were satisfactory, and how she could have come to that view is explained below. Therefore in her judgement the requirements of Policy DEV2 had been met.

Turning to the points on injustice

- loss of amenity through overlooking and loss of value of their property

It is our opinion that the balcony does not result in an unacceptable level of overlooking in "planning terms" and this is what the LPA is tasked to consider. Rather than allowing direct overlooking it is a very oblique view that is achieved. Policy DEV2 is clear in this regard as this issue is expanded on in the explanatory text at Paragraph 4.9. It states:

"New developments should be designed to ensure that there is sufficient privacy for residents. A distance of about 18 metres (60 feet) between **opposite** (my emphasis) habitable rooms **reduces** (my emphasis) inter-visibility to a degree acceptable to most people"

The intention of the policy is not to obliterate any opportunity to overlook as this would render development in inner London almost impossible. Rather, the intention is to reduce the intensity to an acceptable level, and whilst this instance does not involve opposite habitable rooms, the principle remains the same.

It requires the observer to consciously turn and look back at the face of the building at an angle of almost 180° to look into the adjoining property's living room. This type of overlooking is not uncharacteristic afforded by the balconies erected on these riverside properties. The highest amenity value is afforded by the views of the Thames on this stretch of the river. I would therefore suggest that it is these river views that create the highest amenity value for these properties. These views are largely unaffected by the balcony.

Given the above, it is entirely possible that had the [REDACTED] been properly consulted, the outcome would have been the same.

- *the time and trouble she has been put to*

We accept this point.

- *loss of value of the property*

We agree to the points relating to disappointment and time & trouble. However for reasons suggest above, we consider that there is no injustice in relation to overlooking and therefore no loss of monetary value. Nevertheless we are willing to seek the view of the District Valuer in respect of this development.

Yours sincerely



Ruth Dowden
Corporate Complaints Manager

Cc Martin Smith –Chief Executive

Isabella Freeman – Assistant Chief Executive, Legal Services

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LONDON BOROUGH OF TOWER HAMLETS

COUNCIL MEETING

WEDNESDAY 15TH SEPTEMBER 2010

**MOTIONS SUBMITTED BY
MEMBERS OF THE COUNCIL**

**REPORT OF THE SERVICE HEAD,
DEMOCRATIC SERVICES**

SUMMARY

1. Two motions have been submitted by Members of the Council under Council Procedure Rule 13 for debate at the Council meeting on Wednesday 15th September 2010.
2. In accordance with the protocol agreed by the Council on 21st May 2008, the order in which the motions are listed is by turns, one from each group, continuing in rotation until all motions submitted are included. The rotation starts with any group(s) not reached at the previous meeting.
3. Motions must be about matters for which the Council has a responsibility or which affect the Borough. A motion may not be moved which is substantially the same as a motion which has been put at a meeting of the Council in the previous six months unless notice of motion is given signed by at least twenty Members.
4. There is no specific duration set for this agenda item and consideration of the attached motions may continue until the time limit for the meeting is reached. The guillotine procedure at Council Procedure Rule 9.2 does not apply to motions on notice and any of the attached motions which have not been put to the vote when the time limit for the meeting is reached will be deemed to have fallen. A motion which is not put to the vote at the current meeting may be resubmitted for the next meeting but is not automatically carried forward.

MOTIONS

Set out overleaf are the motions that have been submitted.

11.1 Henry Moore Statue

Proposed: Councillor Tim Archer

Seconded: Councillor Peter Golds

This Council notes that:

- The original Henry Moore sculpture entitled Draped Seated Woman is worth several million pounds and is currently housed in the Yorkshire Sculpture Park in Wakefield, a 400 mile round trip from Tower Hamlets.

This Council believes that:

- local residents should be able to enjoy and benefit from our cultural heritage

This Council resolves: -

- to commence negotiations with Canary Wharf Group with a view to the sculpture being relocated to the Canary Wharf estate on loan where it could be put on public display.

11.2 Publication of Council expenditure

Proposed: Councillor Zara Davis

Seconded: Councillor David Snowdon

This Council notes:

- The Government will soon require all councils to publish expenditure above £500;
- Many councils across London including Islington, Wandsworth, Hammersmith & Fulham and Richmond Councils are already publishing all payments over £500.

This Council believes:

- That residents have a right to know how the Council is spending taxpayers' money and to be able to access this information quickly and easily;
- That in this time of financial restraint, residents can play a key role as armchair auditors helping the Council to find savings;
- That publishing our expenditure as soon as possible will ensure maximum openness, enable savings to be found now and improve our accountability to residents in Tower Hamlets.

This Council resolves:

- To publish details of all Council expenditure above £500 on the Tower Hamlets website within one month of this meeting.
- To update this data on the website every month.