

**LONDON BOROUGH OF TOWER HAMLETS**

**COUNCIL MEETING**

**WEDNESDAY 16<sup>th</sup> MAY, 2012**

**LOCAL DEVELOPMENT FRAMEWORK (LDF):  
MANAGING DEVELOPMENT – DEVELOPMENT PLAN DOCUMENT AND  
FISH ISLAND AREA ACTION PLAN  
SUBMISSION TO THE SECRETARY OF STATE FOR INDEPENDENT  
EXAMINATION**

**REPORT OF THE CORPORATE DIRECTOR,  
DEVELOPMENT AND RENEWAL**

1. **SUMMARY**

- 1.1 Following the adoption of the Council's Local Development Framework (LDF) Core Strategy by Full Council in September 2010, the Council is now finalising work on the other Development Plan Documents (DPDs) which will form part of the LDF. These are the,
- § Managing Development – Development Plan Document (DPD); and
  - § Fish Island – Area Action Plan (AAP).
- 1.2 Following approval of the proposed submission version documents by Cabinet in December 2011, the Council undertook a statutory 6-week 'Call for Representations' period which concluded on 9 March 2012. The Managing Development DPD and Fish Island AAP have been progressed, taking on board the comments received during this period.
- 1.3 It is now necessary to submit the DPDs to the Secretary of State for Independent Examination, which is planned for autumn 2012.

## 2. **DECISIONS REQUIRED**

Council is recommended to:-

- 2.1 Approve the Managing Development DPD and Fish Island AAP attached at Appendix 1 and Appendix 2 of the report, incorporating the minor amendments detailed at Appendix 3 and Appendix 4 of the report, for submission to the Secretary of State in accordance with regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012, and the Council's Statement of Community Involvement.
- 2.2 Approve the submission of the documents which support the Managing Development DPD and Fish Island AAP (Appendix 5 to 9) and have been developed in accordance with regulation 22 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. These are:
  - (a) the Sustainability Appraisal reports;
  - (b) the proposals map;
  - (c) the Statements of Engagement;
  - (d) copies of representations made and the Council's response
  - (e) the Equalities Assessments; and
  - (g) the evidence base.
- 2.3 Authorise the Corporate Director of Development and Renewal, after consultation with the Mayor and Lead Member for Housing, to make any appropriate and necessary minor amendments to the Managing Development DPD and Fish Island AAP and their supporting evidence base prior to submission to the Secretary of State.

## 3. **REASONS FOR THE DECISIONS**

- 3.1 For the local authority to adopt the policies included in the Managing Development DPD and Fish Island AAP it is required, in accordance with relevant planning legislation, to undertake an independent Examination in Public for the purposes of finding the documents sound.
- 3.2 The Managing Development DPD and Fish Island AAP are necessary to provide further detail to deliver the spatial vision set out in the 2010 Adopted Core Strategy and the Community Plan vision to ensure:
  - § New development meets the needs of the borough and is designed to the highest standards.
  - § Sites are identified to deliver strategic housing development and important infrastructure to support an increasing population.
  - § That the release of industrial land in Fish Island is carefully managed to maximise its regeneration potential within the wider context of the Olympic Legacy.
- 3.3 The progression of the Managing Development DPD and Fish Island AAP will provide the Council with updated and detailed policies and guidance used to determine planning applications and manage development.

Guidance has been developed, taking account and being generally consistent with the recently published National Planning Policy Framework (March 2012) and the new London Plan (July 2011). The documents will replace the 'saved and retained' development control policies in the 1998 Adopted Unitary Development Plan and 2007 'Interim Planning Guidance'.

#### **4. ALTERNATIVE OPTIONS**

- 4.1 An alternative option would be to rely on the adopted Core Strategy, the 2011 London Plan and the Council's existing planning guidance contained within the 1998 Unitary Development Plan and the 2007 'Interim Planning Guidance'.
- 4.2 This would mean that the Borough would not be able to respond to the challenges of recent changes in national and London planning policy, as well as emerging development pressures, to address specific issues affecting Tower Hamlets. For example, without a more detailed policy on affordable housing, there is a risk that the new 'affordable rent' product will result in new homes that are not affordable for the Borough's residents.
- 4.3 It would also mean that the Council would not have sites identified to provide the necessary infrastructure to support an increasing population.
- 4.4 Without more detailed planning guidance for Fish Island, there is a risk that development will not come forward in a coordinated manner, making it difficult to deliver the social and physical infrastructure necessary to support the anticipated number of new homes and jobs.
- 4.5 It would also mean that Tower Hamlets would not have a detailed planning document for Fish Island prior to the London Legacy Development Corporation (LLDC) taking over planning powers from the Council on 1 October 2012, although the timetable for Examination may mean the Council is not able to be formally adopt the Fish Island AAP prior to this date.

#### **5. BACKGROUND**

- 5.1 Following the adoption of the Council's Local Development Framework (LDF) Core Strategy by Full Council in September 2010, the Council has been progressing work on two development plan documents (DPDs):
  - § Managing Development – Development Plan Document (DPD); and
  - § Fish Island – Area Action Plan (AAP).
- 5.2 The LDF Core Strategy provides an overall spatial vision for the development of Tower Hamlets over the next 15 years and in order for this vision to be delivered, it is necessary to adopt more detailed guidance coming forward in the DPDs.

5.3 The Managing Development DPD and Fish Island AAP will sit under the Core Strategy as part of the borough's LDF and have the same status in terms of the determination of planning applications. A summary of the key aims and objectives of the two DPDs is provided below:

5.4 Managing Development (DPD):

- § Identifies sites for important services – primary and secondary schools, IDEA Stores, Leisure Centres, waste management facilities and open space – and sites capable of accommodating 500+ new homes;
- § Defines boundaries for planning policy areas including town centres and employment areas; and
- § Includes detailed development management policies against which planning applications will be assessed.

5.5 The Fish Island Area Action Plan (AAP):

- § Provides detailed planning guidance for the regeneration of Fish Island, managing the release of industrial land for other uses such as housing and modern employment opportunities;
- § Identifies the potential for between 2300 and 2700 new homes including a substantial provision of affordable and family housing;
- § Sets out priorities for new connections across the A12 and into the Olympic Park, improvements to Hackney Wick Station and introduction of new bus routes;
- § Promotes a new neighbourhood centre with local shops and services at Hackney Wick; and
- § Identifies sites for key infrastructure requirements

**6. BODY OF REPORT**

6.1 Development Plan Documents are prepared in accordance with the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012.

6.2 This requires the DPDs to be subject to public consultation, a Call for Representations period and an independent Examination in Public (EiP) as set out in the Town and Country Planning (Local Planning) (England) Regulations (18 to 26) 2012.

6.3 Pursuant to legislative requirements, the Council has undertaken a Sustainability Appraisal Habitat Regulations Assessment and Equalities Assessment for the DPDs. These are included as part of the Evidence Base (Appendix 9).

6.4 The detailed timetable for the preparation of the DPDs is set out in the Council's latest Local Development Scheme, approved by Cabinet in December 2010. The process to date is illustrated below and described in the following sub-section.

### DPD process

- 6.5 Work commenced on the DPDs shortly after the adoption of LDF Core Strategy in September 2010.
- 6.6 The development of the DPDs has been carried out during a time of extensive planning reform:
- § Facilitating ‘development management’ – under the previous Labour Government the process of development management was sought to be implemented as a positive approach for shaping, considering, determining and delivering development. This has been embedded within the Coalition Government policy and is reflected in the DPDs.
  - § National Planning Policy Framework (NPPF) – the NPPF was published in March 2012 and replaced all previous national Planning Policy Statements and Guidance documents. Officers are confident that the content and the preparation of the DPDs are consistent with new national policy having drafted the documents in light of the draft NPPF.
  - § National legislation changes – the Localism Act gained Royal Assent in November 2011. This has subsequently been accompanied by new ‘Local Planning’ Regulations and ‘Neighbourhood Planning’ Regulations that seek to simplify the development process of DPDs in line with the NPPF and make provision for the development of Neighbourhood Plans and associated elements. Officers have monitored the legislative changes to ensure the DPDs accord with all relevant legislation.
  - § London Plan – the London Plan was reviewed and published in July 2011 to reflect national guidance and help reflect London Mayoral policy. The Council has worked closely with the Greater London Authority to ensure Tower Hamlets’ aspirations are reflected in the document.

### Consultation

Informal consultation:

- 6.7 An extensive consultation and engagement process was undertaken in accordance with the Council’s Statement of Community Involvement (SCI) and national legislation.
- 6.8 Residents were invited early on in the process, to have their say about how they wanted to be consulted for the emerging DPDs. This was carried out in December 2010 and discussions subsequently informed the approach taken for the first round of consultation – the Council identified this as the Engagement period.

#### Engagement stage:

- 6.9 The Engagement period took place from May to June 2011 with 26 place-based events taking place around the borough. The events were carried out in a structured discussion and workshop format. At this stage three Engagement DPDs were prepared - the Development Management DPD, the Sites and Placemaking DPD and the Fish Island Area Action Plan. In response to the earlier discussions with the public (Dec 2010), the documents were drafted in a way that they set out planning principles and 'direction of travel', and not necessarily providing the finer detail, therefore providing more accessible documents, which the public felt had more room for comments and suggestions. The outputs from the workshop were taken on board to inform the 'proposed submission' versions of the DPDs. A summary of issues raised in the engagement period are stated within the respective 'Statement of Engagements' (Appendix 5 and 6).

#### Proposed submission stage:

- 6.10 The drafting of the 'proposed submission' DPDs resulted in merging the Development Management DPD and the Sites and Placemaking DPD to form the 'Managing Development – Development Plan Document' to simplify the planning framework. In addition, the policy detail, site allocations and supporting text was developed taking account of the draft National Planning Policy Framework and the new London Plan (July 2011).
- 6.11 A number of technical evidence based documents have also been produced to provide an objective assessment of development needs and pressures and to ensure that the DPDs are robust, deliverable and take into account viability. The evidence base documents are provide at Appendix 9 to this report.
- 6.12 The 'proposed submission' DPDs were approved by Cabinet (December 2011) to undergo final statutory consultation known as the 'Call for Representations'. This took place between 23 January and 9 March 2012, for the Call for Representations period and the public, landowners, developers, businesses and key stakeholders were invited to make formal representations on the DPDs.
- 6.13 During the Call for Representations period, the Council organised and facilitated 10 drop in sessions in the borough's Idea Stores and libraries. This provided an opportunity for the public to discuss the process for making a duly made representation.
- 6.14 86 respondents made a total of 482 formal representations on the Managing Development DPD and 38 respondents made a total of 236 formal representations on the Fish Island AAP.

6.15 The key issues raised during the consultation included:

- Affordable Housing – The GLA and a number of developers objected to the Council's approach to prioritising social rented affordable homes and controlling the rental levels of Affordable Rented homes as it was seen that this could reduce the overall supply of affordable housing.
- Waste Allocation Site – A number of landowners and local residents objected to the allocation of Ailsa Street as a potential waste site on amenity grounds
- Allocation of sites for schools and local parks – A number of landowners and developers objected to the allocation of sites based on viability, deliverability and lack of justification of need.
- Building Heights Policy – A number of landowners and developers objected to the policy as they considered its rigid application could unduly restrict building heights and development potential.
- Strategic Industrial Land boundary in Fish Island – A number of landowners and developers objected to the extent of the boundary on the basis that it limits the redevelopment potential of their sites whilst local residents have objected in terms of impact on amenity.
- Employment Policies – A number of developers and landowners have objected to each of the Employment policies on the basis that they are over protective of employment uses and will prejudice redevelopment opportunities.

6.16 The process, analysis and responses to these key issues and all of the other representations are set out in the following documents,

- § The Statement of Engagement which includes a summary of the representations, issues raised and how they were addressed (Appendix 5,6)
- § The Council's response to each representation (Appendix 7,8)
- § The Minor Amendment Tables which identify minor changes proposed for the Managing Development DPD and Fish Island AAP (Appendix 3,4)

6.17 Having reviewed all of the representations, it is not considered that it is necessary to undertaken anything other than minor amendments to the DPDs prior to submission to the Secretary of State and that the Management Development DPD and Fish Island AAP remain sound and should be submitted.

6.18 The Mayor of London has confirmed that the DPDs are in conformity with the London Plan, with the exception of the affordable housing policy. The Council's response to this is dealt with in the Statement of Engagement (Appendix 5, 6) and Response to Representations (Appendix 7, 8).

- 6.19 The Council in preparing development plan documents has a duty to cooperate as set out in s33A of the Planning and Compulsory Purchase Act 2004, and to this end the Council has engaged constructively, actively and on an on-going basis with the relevant bodies in the process of preparing the DPDs. This is demonstrated in the Statement of Engagement (Appendix 5, 6), which specifically shows how the Council has gone beyond simple consultation and how it has ensured engagement and cooperation between the Council and statutory consultees, neighbouring boroughs and other key stakeholders.

### Next Steps

- 6.20 Subject to Full Council approving the Managing Development DPD and the Fish Island AAP, the documents (and supporting materials) will be submitted to the Secretary of State in accordance with the recommendation of this report and regulation 22 of The Town and Country Planning (Local Planning) (England) 2012. The Council will also enter into a Service Level Agreement with the Planning Inspectorate for the Examination in Public preparations.
- 6.21 This decision will be published in local press, on the Council website and all interested parties who have been involved in the production of these documents will be notified of this decision. The Council will also publish the DPDs and supporting materials in the borough's Idea Stores and libraries and planning reception.

## **7. COMMENTS OF THE CHIEF FINANCIAL OFFICER**

- 7.1 Following the completion of the statutory consultation process, this report seeks approval from Council to submit the two new Local Development Framework documents - the 'Managing Development' Development Plan Document, and the Fish Island Area Action Plan – to the Secretary of State for examination.
- 7.2 Whilst there are no specific financial consequences arising directly from the recommendations in the report, ultimately the Local Development Framework and its constituent elements 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 Appendices 5 and 6 to the report outline the key issues arising from consultation. These set out some of the challenges that the Authority and its partners may face over coming years as a result of demographic and economic growth. Individual infrastructure developments will need to be subject to detailed planning at the appropriate time, including consideration of the financial impact on both partner organisations and on the Council.
- 7.4 The main costs associated with the production of the Local Development Framework are staffing related and have historically been part supported



through Housing and Planning Delivery Grant. The two development plan documents included within this report have been the subject of on-going consultation processes which incurred costs on items such as advertising, printing, hiring venues and facilitating public meetings. Although the Housing and Planning Delivery Grant regime ended in 2009-10, resources have been earmarked to fund this expenditure. The final stage of the LDF process is an 'inspection in public' for which the Authority must incur all costs, including those of the appointed inspectors. Resources have previously been set aside as part of the budget process to contribute towards the funding of these costs.

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

- 8.1. The Local Development Framework (LDF) consists of a suite of documents which set out planning policy. As the report notes, the Council has already adopted its principal DPD, being the Core Strategy, which establishes the general spatial vision and planning objectives for the borough. Two further DPDs are now required in order to deliver this vision - The 'Managing Development DPD and The Fish Island AAP (note: AAPs have the same status in legislation as a DPD). The DPDs are required to be in conformity with the Council's adopted Core Strategy and the Regional Spatial Strategy (or the Spatial Development Strategy in London).
- 8.2. The preparation, consultation upon, examination and adoption of a DPD is controlled by the Planning and Compulsory Purchase Act 2004 and the new Town and Country Planning (Local Development) (England) Regulations 2012 ("2012 Regs"). This report confirms that the requirements leading up to submission have been satisfied. It is noted that such requirements were carried out in accordance with the previous regulations - the Town and Country Planning (Local Development) (England) Regulations 2004 - and the now revoked Planning Policy Statement 12. However regulation 38 of the 2012 Regs confirms that anything done pursuant to the 2004 Regulations will be considered to accord with the corresponding 2012 Regs.
- 8.3. This report seeks members' approval to submit the two DPDs (along with all relevant documents and information as required pursuant to Regulation 22 of the 2012 Regs) to the Secretary of State for public examination as to the soundness of the DPDs.
- 8.4. Pursuant to section 9D(2) of the Local Government Act 2000 and regulation 4 and Schedule 3 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, the formulation or preparation of a DPD is a function that is not to be the sole responsibility of a local authority's executive. Regulation 4 specifies elements of the process of preparing a DPD that shall not be the responsibility of the executive and this includes approval of the DPDs for submission to the Secretary of State for approval. The recommendations in the report reflect this division of responsibilities.

- 8.5 Following public examination the Inspector will issue a report making recommendations as to the soundness of the DPDs which the Council must publish. Following receipt of the report the Local Authority will seek to formally adopt the DPDs in line with the Inspectors recommendation. Full Council will be asked to formally endorse adoption at a future date.
- 8.5. In carrying out the function of preparing a DPD, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't. The report indicates that an equality analysis has been carried out and no negative equality impacts arise.

## **9. ONE TOWER HAMLETS CONSIDERATIONS**

- 9.1 Equalities Assessments have been undertaken in support of the Managing Development DPD and Fish Island AAP. The EqAs assess issues relating to the diversity of the borough including, race, gender, disability, age, sexual orientation faith and deprivation. The EqA Reports are included as part of the evidence base provided at Appendix 9 to this Report. The consultation did not disclose any impacts that required re-assessment of the equalities analyses.
- 9.2 It should also be noted that the Managing Development DPD and Fish Island AAP are looking to support the delivery of the Council's LDF Core Strategy, which was itself subject to EqA.

## **10. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 10.1 Detailed Sustainability Appraisals have informed the preparation of the Managing Development DPD and Fish Island AAP. The Sustainability Appraisal Reports are included as part of the evidence base provided at Appendix 9 to this Report.
- 10.2 In accordance with the LDF Core Strategy, the Managing Development DPD and Fish Island AAP will help ensure a greener environment in a number of ways, including: helping improve existing areas of open space and secure new areas of open space; promoting biodiversity; promoting sustainable transport options; and ensuring new buildings meet the highest environmental standards.

## **11. RISK MANAGEMENT IMPLICATIONS**

- 11.1 An LDF Board was established in May 2010, chaired by the Corporate Director of Development & Renewal, to lead on the preparation of future planning documents within the LDF. Risk Management and mitigation is a standard item at monthly LDF Board meetings. As part of the Borough's

LDF, the Managing Development DPD and Fish Island AAP have been subject to this risk management process.

## **12. CRIME AND DISORDER REDUCTION IMPLICATIONS**

- 12.1 The Managing Development DPD and Fish Island AAP have specific policies to improve the safety and security of new developments and the surrounding public realm. These policies will contribute to ensuring that communities feel safe and secure.

## **13. EFFICIENCY STATEMENT**

- 13.1 The Managing Development DPD and Fish Island AAP have been prepared in the context of the LDF Core Strategy and other relevant Council Strategies, such as the IDEA Store Strategy, Employment Strategy and Leisure Strategy. This means the Managing Development DPD and Fish Island AAP closely reflect Council priorities and the Council's capital planning process and fully compliments the Core Strategy vision of ensuring the timely provision of necessary social and physical infrastructure to support the growth in population and jobs in the Borough over the next 15 years.
- 13.2 The Managing Development DPD and Fish Island AAP will also ensure the Council has a fully up-to-date suite of planning documents which responds to the identified needs of the Borough and provides a more efficient basis for the determination of planning applications.

## **14. APPENDICES**

Appendix 1 – Managing Development DPD, Proposed Submission Version, January 2012  
Appendix 2 – Fish Island AAP, Proposed Submission Version, January 2012  
Appendix 3 – Table of Minor Amendments to Managing Development DPD  
Appendix 4 - Table of Minor Amendments to Fish Island AAP  
Appendix 5 – Statement of Engagement - Managing Development DPD  
Appendix 6 – Statement of Engagement - Fish Island AAP  
Appendix 7 – Response to Representations - Managing Development DPD  
Appendix 8 – Response to Representations - Fish Island AAP  
Appendix 9 – Evidence Base

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### **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.
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N/A