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# **Report to Tower Hamlets London Borough Council**

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

**Date 17 December 2012**

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

## **REPORT ON EXAMINATION INTO THE MANAGING DEVELOPMENT LOCAL PLAN**

Document submitted for examination on 18 May 2012

Examination hearings held between 18 and 21 September 2012

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## Abbreviations Used in this Report

AAP	Area Action Plan
AHVA	Affordable Housing Viability Assessment
CS	Core Strategy
GLA	Greater London Authority
HMA	Housing Market Area
LDS	Local Development Scheme
LIL	Local Industrial Location
LOL	Local Office Location
LP	London Plan
MDLP	Managing Development Local Plan
MM	Main Modification
NPPF	National Planning Policy Framework
POL	Preferred Office Location
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SIL	Strategic Industrial Location
TfL	Transport for London

### Non-Technical Summary

This report concludes that the Managing Development Local Plan provides an appropriate basis for the planning of the Borough over the next 15 years providing a number of modifications are made to the Plan. The Council has specifically requested that I recommend any modifications necessary to enable them to adopt the Plan. Nearly all of the modifications to address this were proposed by the Council and I have recommended their inclusion after full consideration of the representations from other parties on these issues.

The modifications can be summarised as follows:

- Inclusion of a model policy containing a presumption in favour of sustainable development (DM0);
- Delete priority for social rented housing over affordable rent (policy DM3);
- Confirm supporting uses as acceptable with offices in POLs (policy DM16);
- Clarify new parking standards (policy DM22 and App 2);
- Revise application of building heights policy (DM26 and Fig 9) and
- Confirm that new secondary school sites are required on SA4 and SA10 and that the development viability implications must be taken into account.

## Introduction

1. This report contains my assessment of the Managing Development Local Plan (MDLP) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (para 182) makes clear that to be sound, a plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The basis for the examination is the submitted draft plan of May 2012; essentially the same as the document published for consultation in January 2012.
3. My report deals with the main modifications that are needed to make the plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act, the Council requested that I should make any modifications needed to rectify matters that make the plan unsound and thus incapable of being adopted. These main modifications are set out in the Appendix. Those that go to soundness have been subject to public consultation and I have taken all the consultation responses into account in writing this report. As most concern clarity and effectiveness, and based on the absence of effect on the overall aims, objectives and main elements of the plan, I am satisfied that a further Sustainability Appraisal (SA) is not necessary in this instance.

## Assessment of Duty to Co-operate

4. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the Act in relation to the plan's preparation. In London, to an extent, the duty to co-operate is achieved through the workings of the Mayor's London Plan. With one important exception relating to affordable housing in policy DM3 (see Issue 1), the Mayor has confirmed that the Managing Development Local Plan (MDLP) is in general conformity with the London Plan (LP).
5. Regulation 4 of the Town and Country Planning (Local Plans) (England) Regulations 2012 prescribes those bodies required by Section 33A of the 2004 Act to co-operate in maximising the effectiveness of the preparation of a development plan, so far as relating to a strategic matter. In the Statement of Engagement (April 2012) and elsewhere the Council has provided satisfactory evidence of its engagement with all those prescribed, where appropriate, and the relevant public bodies having planning and related responsibilities in the area, including adjoining Boroughs, during the plan preparation process.
6. This includes regular meetings of an external working group involving, amongst others, Greater London Authority (GLA), Transport for London (TfL), London Thames Gateway Development Corporation, English Heritage, Environment Agency and the Olympic Park Legacy Company (now succeeded by the London Legacy Development Corporation).

7. The Council is also required by law to incorporate the provisions of the Lee Valley Regional Park Authority's Plan in to the MDLP, so far as relevant. The Authority has been consulted and provided some modifications for inclusion in the MDLP that the Council has accepted, so I conclude that the duty to incorporate the relevant provisions of the Plan has been met. All of the above factors lead me to conclude that the duty to co-operate in respect of the preparation and progress of the MDLP has been satisfied.
8. The Borough's waste apportionment targets derive directly from the LP and the waste management hierarchy and strategy similarly from the CS, notably policy SP05. Neither can be renegotiated or arbitrarily amended through the vehicle of a development management policies and site allocations plan, which properly seeks only to set out in more detail how they should be met in policy DM14. Consequently, and in the absence of any representations from the Mayor/GLA or any other relevant public bodies to the contrary, there is no strategic level cross boundary issue involved here from which a specific "duty to co-operate" obligation arises in respect of waste matters in this plan.

## Assessment of Soundness

### Overview

9. The MDLP has been prepared in the context of the LP, an up to date adopted Core Strategy (September 2010) (CS) and a detailed Area Action Plan for Fish Island in the north east of the Borough (adopted September 2012). It is in accord with the strategy set by both of the former and with much of the evidence base in common with all three. Its policies and proposals seek to promote appropriate new development in the borough and it follows that, in general, the plan has been positively prepared; based on meeting objectively assessed local needs and infrastructure requirements.
10. Amongst other things, the examination tests the plan for consistency with national policy, as set out in the National Planning Policy Framework (NPPF) (March 2012). As submitted it complies in nearly all respects, one of which relates to para 15. This supersedes the requirement, formerly in para 4.30 of PPS 12, which advised against repeating or reformulating national policy in Local Plans, as it was unnecessary.
11. The NPPF now requires all plans to reflect the presumption in favour of sustainable development, clearly stating how it will be applied locally and a model policy has been prepared for use in Local Plans. Consequently, a new initial policy (DM 0), rather than the submitted text in paras D10 to D12 inclusive, is recommended to achieve full compliance with the requirements of para 15 of the NPPF (**MM 1**). As this represents an essential restatement of national policy to comply with the NPPF, which has itself been the subject of Sustainability Appraisal (SA) and is fully consistent with the aims and objectives of the MDLP, I conclude that no further SA is required.
12. In relation to para 157 of the NPPF, I agree with the Council that, in order to retain some flexibility on the strategic sites identified as largely mixed use redevelopment opportunities, it would not be appropriate in this particular plan to set out specific/detailed amounts of each type of development anticipated on each one over the plan period. To do so in the current local context could well act as an unnecessary constraint on the potential viability and delivery of particular schemes coming forward, given their inevitable complexity.

13. The Council's Note of October 2012 confirms that all the remaining saved and retained policies of the adopted Unitary Development Plan (1998), not already superseded by the adopted Core Strategy (CS) (2010) or the adopted Fish Island Area Action Plan (AAP) (2012), will be superseded by this Local Plan when adopted. This includes the UDP Proposals Map which will be superseded by this Local Plan's Policies (formerly Proposals) Map, except where it has already been superseded by the adopted Fish Island AAP (2012).

## **Main Issues**

14. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings, I have examined the plan in accordance with the four criteria for soundness set out in para 182 of the NPPF (para 1 above). From this examination I have identified fifteen main issues upon which the soundness of the plan depends. Representations on the submitted plan have been fully considered insofar as they relate to its soundness but are not reported on individually.

### **Issue 1 – Housing**

*Are the housing policies consistent with the NPPF, the London Plan and the Core Strategy and/or supported by clear and robust evidence; are they reasonable and realistic, clear, deliverable and appropriate to local needs and circumstances ?*

15. In relation to policy DM3, the GLA and developers consider that prioritising Social Rent dwellings and requiring any Affordable Rent units to be specifically justified in each case would seriously constrain the Council's ability to maximise the total provision of affordable housing, due to the inevitable impact on scheme viability, in most cases at least. At best, the policy requirement would delay the negotiations over applications. At worst, especially under the current national economic conditions, it would inhibit overall delivery by adding an undue burden onto the financial viability of many projects, in conflict with national guidance in paras 173 and 174 of the NPPF.
16. In addition, at the national and strategic levels both the government and the Mayor/GLA clearly intend that new Affordable Rent dwellings should essentially address the same housing needs as Social Rent, without any preference for one or the other, or including a "cascade" approach, depending on scheme viability, whereby the latter is always prioritised. This is evidenced in the Ministerial letter of 2 August 2012 and emerging policy 3.11 of the Revised Early Minor Alterations to the London Plan (June 2012).
17. The Council's Affordable Housing Viability Study (2011) and Briefing Note on Affordable Housing (September 2012) confirm the present high levels of local need for new rented housing in the borough. They also show the difficulties likely to arise for some local residents in meeting even 80% of current average market rents in many parts of the borough, if not all.
18. Nevertheless, in this particular context, the borough must be seen as part of the effective single housing market across London and therefore play its part in helping to meet wider strategic, not just local, housing needs. Failure to do so would only exacerbate difficulties for other parts of the city. The fact that the borough has a relatively good supply of Intermediate type housing at present does not alter this conclusion.

19. Even though policy DM3 would now contain the phrase "maximise affordable housing output", the achievement of this objective would be negatively affected by the prioritisation of social rented housing, ahead of the new affordable rent type provision, particularly as available resources are very limited at present. Similarly, the implied introduction of maximum rents via Table 2 in para 3.3 would also have the direct result of reducing the total number of new dwellings available for rent in new housing schemes, due to the viability implications for providers.
20. Accordingly, it would be in conflict with the NPPF (see also para 216 thereof) and out of general conformity with the LP to always require priority be given to Social Rent provision and to larger family houses, as in the submitted version of part 1 of policy DM3. Moreover, the imposition of maximum percentages for Affordable Rent levels, in paras 3.3/3.4 and Table 2 in particular, does not constitute an appropriate element in a planning policy for the whole borough as, amongst other things, it would also restrict the total number of new rental units provided overall for viability reasons. Both would be contrary to the firm intent of the NPPF and out of general conformity with the LP.
21. In the light of all of the above, as recommended by the GLA, policy DM3 needs to be modified by adding "/Affordable" between "Social" and "Rent" in the first sentence and deleting the second sentence starting "Affordable Rent", including parts a, b and c (**MM 3**). Paras 3.3 and 3.4 as well as Table 2 referring to Affordable Rent levels also need to be deleted (**MM 9**), with consequential changes made to paras 3.1, 3.2 and Table 1 (**MMs 6-8**). Of course, the Council may still use other powers and their own resources to help meet specific local housing needs in particular areas, where possible.
22. The requirement under part 1.b of policy DM4 for all new affordable homes to have a separate kitchen and living room is unreasonably restrictive and may also result in the provision of fewer new units in total, due to the design constraints and additional costs imposed. It could not realistically be applied to any new private housing. Whilst, as para 4.2 of the plan says, "many prefer separate rooms", it is not always essential as distinct from desirable in non or smaller family units and should be deleted as unsound (**MM 11**).
23. In contrast, the expectation in part 2 of policy DM5 that specialist housing units should normally be replaced within a redevelopment scheme, unless there is no continuing need, is entirely reasonable and should be retained. The Council now recognises the need for further clarity in both policy DM3.3.b and para 3.8 of the text in relation to the circumstances where off site provision or payments in lieu of onsite affordable housing would be acceptable and proposes modifications accordingly (**MMs 4/5 and 10**). Subject to the modifications referred to above the housing policies are considered sound.

## **Issue 2 – Retail and Other Policies**

*Are these policies consistent with the NPPF, the London Plan and the Core Strategy and/or supported by clear and robust evidence; are they reasonable and realistic, clear, deliverable and appropriate to local needs and circumstances ?*

24. Neither the existing, the permitted nor the proposed uses envisaged during the plan period for the West India Quay area, including Hertsmere House, provides a clear justification in land use planning terms for the area to be

Tower Hamlets London Borough Council Managing Development Local Plan, Inspector's Report November 2012 added to the Canary Wharf Major Centre designation under policy DM1 (see also Issue 12 below) as they are not specifically town centre related. The same conclusion applies in respect of the Safestore site in relation to the Whitechapel District Centre, where additionally the scale of the land involved would constitute a major extension without particular justification, contrary to the relevant policies of the CS, the Town Centre Spatial Strategy (2009) and the Town Centre Boundaries and Balance of Uses Review (2011).

25. At Brick Lane the Council accepts that small anomalies in the definition of the District Centre should be rectified (by including nos. 107 and 115B Brick Lane) and will alter the boundary on the policies map accordingly. However, in common with other minor amendments, this does not relate to the overall soundness of the plan and therefore does not need to be listed as a main modification in the Appendix to this report.
26. The Old Truman Brewery at Brick Lane comprises roughly 50% of the district centre and is not yet fully re-developed whilst, at present, restaurants and hot food take-aways are mainly concentrated in the southern part of the district centre. Nevertheless, the restriction in policy DM1 to a 25% limit on the number of units in the centre as a whole occupied by such uses only applies to this one type of commercial operations and not to shops, offices, other businesses or dwellings.
27. It is clearly necessary in policy terms to help implement the CS objective of enhancing the centre as a location for a wider choice and mix of facilities to serve the general public, not just a concentration of restaurants and takeaways and/or a location for the evening/night time economy to flourish, as well as to limit impacts on the living conditions of local residents. Making an exception for the Old Brewery would undermine the effectiveness of the policy and is not essential to ensure that the ongoing regeneration of the site continues, given that alternative (including creative and cultural) uses, some of which are already becoming established in the locality, seem likely to prove equally viable over the plan period.
28. Additions to policy DM10 (Open Space) and supporting text are required for consistency with the Lea Valley Regional Park Authority's Plan (**MM 13**) (see para 7 above). However, it is not essential to include a reference to the Park Authority's statutory duty or the provisions of the Park Act in the Glossary, nor to add an unreasonable requirement for ongoing management, in addition to the justified one for restoration, to part 2 of policy DM12 (Water Space).
29. In policy DM12 the wording of the Council's proposed modification is unclear and the first sentence of part 2 should read "Development will need to provide suitable setbacks, where appropriate, from water space edges" for effectiveness and consistency with para 12.4 of the text (**MM 14**). Whilst reasonable for the policy to refer to "restoration", there is no planning justification for adding "and management" in this context. For the same reasons and general conformity with policy 7.28 of the LP, "and maintenance" should be deleted from the second sentence of para 12.4 (**MM 14**).
30. The Council's modification to part 1a of DM14 changing "elsewhere in the borough" to "within London" does not alter the need to comply with policy 5.17 of the LP but rather simply recognises that compliance may be achievable other than through re-provision within the borough itself (**MM 15**). In all other respects, these policies are considered to be reasonable and realistic, as

### Issue 3 – Employment

*Are the employment policies consistent with the NPPF, the London Plan and the Core Strategy and/or supported by clear and robust evidence; are they reasonable and realistic, clear, deliverable and appropriate to local needs and circumstances ?*

31. As submitted, part 1 of policy DM15 requires a 12 month marketing exercise to be undertaken before consideration can be given to alternative uses on an existing employment site. Bearing in mind the guidance in the NPPF, including paras 22 on reasonable prospects and 173 on viability, as well as the debate at the hearings, it is clear that this provision should not apply to the plan's site allocations to avoid any unnecessary delay to their implementation. Para 15.4 needs a new sentence at the end for clarification accordingly (**MM 18**).
32. Moreover, for the same reasons, including in terms of economic viability, the Council now accepts that where a site is demonstrably unsuitable for continuing employment use from the outset, it should not be necessary to undertake the marketing exercise and thereby place an unjustified burden on redevelopment or alternative use proposals. Part 1 of the policy should therefore be modified to reflect this and also by adding "viability" to the other relevant criteria for consistency with the NPPF, improved effectiveness and so as not to hinder the delivery of appropriate schemes (**MM 17**).
33. Regarding policy DM16 relating to Local Office Locations (LOLs), the requirement in part 3a for a two year active marketing period of vacant sites/space is also excessive in terms of identifying the relevant "market signals", as referred to in para 22 of the NPPF. It should be reduced to 12 months, to assist effectiveness, which would also provide consistency with policy DM15 (**MM 19**).
34. In the four Preferred Office Locations (POLs), an addition to para 16.3 is necessary to clarify that supporting uses, including hotels, restaurants, leisure and retail, are acceptable in principle alongside major office schemes to help achieve viable and sustainable environments, as put forward by the Council (**MM 20**). The words "and intensify" and "growing" should also be deleted from the last sentence as not strictly essential/accurate at present (**MM 21**), particularly in the light of the latest London Office Policy Review (Sep 2012).
35. However, the general acceptance of new residential uses in POLs in policy terms would be inappropriate as specifically contrary to CS policy SP06 2a, as well as the current objectives of the CS relating to these areas. Any change of policy in this respect is for the forthcoming CS Review to consider in the light of the NPPF guidance, including on "market signals", and the LP strategy.
36. The priority in policy DM17 is to safeguard industrial floorspace (use classes B1c, B2 and B8) but this does not preclude mixed use redevelopment schemes, including residential, providing that there is no net loss of the former involved. This is entirely consistent with the relevant policies of the LP and SP06 of the CS, as well as taking into account the wide range of business and related activities that fall principally within these use classes.
37. Moreover, the list in para 17.1 is not exhaustive and new social/community



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facilities as referred to in policy DM8, such as for the police, are not excluded subject to meeting the criteria set out in the policy. Accordingly, there is no necessity to make any special policy provision for police and/or other emergency services, as any such proposals can be considered on their own merits and on a case by case basis, including in respect of on site parking.

38. In the light of the above modifications and particularly also the flexibility now inherent in each of these policies, the boundaries for both POLs and LOLs are considered to be coherently defined in the plan, in accordance with strategic planning objectives and local circumstances, with no changes required for soundness. This includes in respect of the Tower Gateway and Blackwall LOLs, despite their somewhat different characteristics. Subject to the modifications referred to, the employment policies are considered to be sound, supported by suitable evidence, and relevant to local needs, as well as clear, deliverable and consistent with national and strategic guidance.

#### **Issue 4 – Education**

*Are the education policies consistent with the NPPF, the London Plan and the Core Strategy and/or supported by clear and robust evidence; are they reasonable and realistic, clear, deliverable and appropriate to local needs and circumstances, including in relation to student accommodation ?*

39. Part b of policy DM6 on student accommodation conflicts with guidance in the LP in seeking to restrict the provision of new, purpose built, units to universities in the borough only. In particular, this rather parochial approach fails to recognise that student housing needs in London are more strategic in nature and may well cross borough boundaries depending on the exact location of institutions and their public transport links, in addition to also arising from further education colleges.
40. As well as potentially restricting legitimate choice, such a policy limitation might also act as a form of precedent for other boroughs to follow, thereby creating difficulties across the capital, including in the implementation of policy 3.8 of the LP. Accordingly, to be sound, the words "within the borough" should be deleted from the policy, with "colleges and" added after "accredited" (**MM 12**). With this modification it would be reasonable in principle in planning policy terms to require an appropriate affordable housing contribution from any "speculative" projects not directly linked to such institutions, but that also meet the other criteria listed in the policy, as they would be effectively the same as normal market housing.
41. Concerning policy DM18 on schools, there are criticisms regarding consistency with policy SP07 of the CS, notably in relation to secondary provision and the identification of new sites. In particular, it is argued that sites outside the 3 "areas of search" set out in part 2a of the CS policy should not be pursued as they are neither necessary overall nor justified in these particular locations. Part 2c says that the Sites and Placemaking DPD, which has now been subsumed into this plan, will identify the most suitable sites for new schools within the areas of search, amongst other things.
42. However, part 2d adds that future needs for additional school places will be monitored throughout the lifetime of the plan, whilst part 3b also seeks to ensure that secondary schools are located in highly accessible locations and integrated into movement routes as they generate trips from a wide

Tower Hamlets London Borough Council Managing Development Local Plan, Inspector's Report November 2012 catchment area. Therefore, it does not follow from policy SP07 that over the plan period new secondary school sites can only be identified in the 3 areas of search set out therein, or that policy DM18 is in conflict with the CS if this proves necessary to find additional sites to meet emerging local needs.

43. Furthermore, since the evidence supporting SP07 was prepared in 2009, directly relevant new material considerations have emerged that the Council must now take into account in relation to local needs for new school places, leading to a different scale of demand for new sites. Firstly, para 72 of the NPPF says clearly that Councils should give "great weight" to the need to create, expand or alter schools and this must logically apply to Local Plans assessing needs over the plan period just as to specific proposals.
44. Secondly, London as a whole is currently experiencing acute problems with school places. Thirdly, there has been a significant increase in the total population of the borough between 2001 and 2011, as revealed in the initial 2011 Census results (the highest percentage rise in the UK). Fourthly, existing secondary schools in the locality, including in adjoining boroughs, are largely at capacity, with considerable pressure on the existing education estate to provide new places in an already densely built up area.
45. Whilst the Council has a recent track record of delivering new schools and providing the necessary funding from various sources (including recently at Bow Lock - thereby also facilitating other improvements elsewhere), this cannot continue without suitable sites being available. It is especially difficult for secondary schools, which require about 1.5ha of land each under normal circumstances, and may take 2-5 years from start to completion to deliver.
46. Non traditional options, including as part of mixed uses with new housing above or the reuse of office buildings, might be possible in certain circumstances but are unlikely to provide a complete solution. Therefore, whatever the exact figures, the likely scale of need for new secondary school places in the borough over the plan period justifies, in principle, the Council's search for additional sites in the plan, over and above those in the 3 areas of search set out in policy SP07 of the CS.
47. Clearly, the identification of new school sites, both primary and secondary, needs to take into account the locations most likely to generate the extra pupils given that new housing rather than local population growth is the main source (around two thirds) of the increasing numbers. It is also common ground that, taking into account schemes already in the development pipeline, the majority of new housing over the plan period is likely to be in the east of the borough, rather than the west. Moreover, around two thirds of existing secondary school places are presently also in the western part of the borough. Consequently, the need is clearly greater and more urgent in the east.
48. However, bearing in mind the relatively limited geographical extent of the borough, the extensive and improving public transport network across the area and part 3b of SP07, this does not mean new provision in the west of the borough will not be required and/or should be ruled out over the plan period. This is especially so if suitable (and viable) opportunities arise as part of major redevelopment schemes that themselves include strategic levels of new housing but were not anticipated when the CS was drawn up. Furthermore, secondary school catchment areas are often flexible, influenced by parental choices as well as public transport links, and/or adjustable if necessary.

49. Turning to the likely level of need over the plan period, the Council's estimates of new secondary school places are partly based on an average scale of new housing delivery (about 4,300 per year) that significantly exceeds not only the number of units delivered over the last few years but also, more importantly, the strategic requirements of the LP (around 2,900 per year).
50. Recent local experience indicates that actual final densities on specific sites may well be in excess of the original, understandably cautious, expectations and that total delivery in the borough would be higher as a result. Moreover, it is entirely appropriate to plan for the delivery backlog of earlier years to be made up later in the plan period. Nevertheless, a scale of new dwelling delivery in the borough of above 5,000 in some years, as assumed by the Council, would be difficult to achieve in practice and seems to be something of an overestimate. This has led to a small degree of overestimation of the new secondary school places required accordingly, albeit tempered by the need to also cater for population growth.
51. However, the need for new school sites is properly based on a standard size of 900 – 1,200 pupils (6 – 8 form entry). Therefore, taking all of the above into account, including the NPPF guidance on this matter, it is reasonable to conclude that at least 2 new secondary school sites, in addition to existing commitments, are likely to be required to meet local needs in the borough over the plan period and that Table 6, as modified for clarity, (**MM 23**) is sound accordingly.
52. Matters relating to the viability of development on specific sites are addressed under other issues later in this report. Nevertheless, in the light of all of the above, policy DM18, including Table 6, is considered consistent with the NPPF, the LP and the CS, reasonable and realistic in relation to all relevant current circumstances and supported by clear and robust evidence of local needs.

## **Issue 5 – Transport**

*Are the transport policies consistent with the NPPF, the London Plan and the Core Strategy and/or supported by clear and robust evidence; are they reasonable and realistic, clear, deliverable and appropriate to local needs and circumstances ?*

53. Part 1 of policy DM22 confirms that all new development will be required to comply with the parking standards set out in Appendix (App) 2 of the plan. In response to criticisms over implementation the Council proposes to modify the wording of para 22.2 of the supporting text (**MM 24**), which is necessary for clarity and effectiveness. In respect of emergency (fire, police, ambulance) service facilities, App 2 treats such uses as "sui generis" and an appropriate, site specific, level of parking provision would be considered on a case by case basis. This is entirely consistent with the NPPF and the LP, including the Parking Addendum to Chapter 6.
54. In respect of the parking standards for office (B1a) and residential (C3) development in Table 1 of App 2, representors say the maxima are significantly reduced from those currently applied via non statutory Interim Planning Guidance, not consistent with the LP, unreasonably and unrealistically low and would be the most extreme in the capital if adopted. In contrast the Council's evidence, including in the 2011 Review of Parking Standards, predicts an increase of around 50% in vehicle trips locally arising from the

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growth anticipated over the CS period, based on analysis of the TfL sub regional model for east London. There are some doubts about the accuracy of the 50% figure, not least as to whether traffic generation from existing, alternative and/or permitted uses has been fully taken into account in relation to growth. Nevertheless, in general, it supports the case for a reduction in the maximum permissible on site parking levels for these uses, mainly for road traffic congestion and air quality reasons.

55. However, bearing in mind the factors listed in para 39 of the NPPF and the overall need to plan positively for new development, the strategic importance of the CAZ and POLs, including Canary Wharf, for the local and national economy, the absence of analysis of the potential effects of such a change in the 2011 Review and the clear risks that imposing such stringent parking restrictions could pose for the economic viability of new office schemes, the existing LP standards should continue to apply to new offices (B1a) and hotels (C1) in Table 2 of App 2 (**MM 52**). The ongoing vitality and viability of the borough's town centres is also relevant in this context.
56. Turning to residential standards, the Council now acknowledges that it would be more effective in practice to base the maximum levels on PTAL ratings alone, rather than singling out Canary Wharf and/or the Isle of Dogs as separate geographical zones and this is entirely appropriate in principle. However, for the same reasons as set out above concerning offices, there is a significant risk that very restrictive new standards in Table 1 of App 2 would have a materially adverse effect on the economic viability of new housing schemes, alongside the cumulative impact of all other policy requirements, including affordable housing, and thus on delivery.
57. Taking into account the evidence provided on the relationship between car ownership and frequency of use in recent housing schemes in London, particularly during peak hours, the parking standards do not need to vary so much from the existing to have a positive effect in reducing the potentially harmful impacts of increased traffic congestion and reduced air quality locally.
58. Therefore, Table 1 should be modified as set out in the Appendix, albeit retaining the distinction between new dwellings of 3 bedrooms or more and of less than 3 bedrooms across the borough for the sake of clarity and effectiveness (**MM 53**). Importantly, this would also maintain a greater level of consistency with the LP, notably policy 6.13, and equivalent standards in other generally comparable boroughs. With these modifications the transport polices would meet the tests set out in the issue above.

## **Issue 6 – Design/Heritage/Climate Change**

*Are the design, heritage and climate change policies consistent with the NPPF, the London Plan and the Core Strategy and/or supported by clear and robust evidence; are they reasonable and realistic, clear, deliverable and appropriate to local needs and circumstances ?*

59. As submitted, parts 1 and 1a of policy DM25 are too restrictive and inflexible in relation to protecting the amenity and privacy of local residents to be consistent with the objectives of the NPPF (para 58), the LP (policy 7.6) and the CS (policy SP10). The Council acknowledges the need for rewording for effectiveness and to provide clarity (**MM 25**).

60. Regarding building heights in policy DM26, the Council confirmed at the hearings that Figure 9 was only ever intended to be illustrative, rather than necessarily seeking to impose specific maximum limits on particular areas. This being so, various modifications thereof are essential for clarification (**MMs 26 + 28**). Nevertheless, the clear policy intention that new proposals for tall buildings, as distinct from those already permitted, should take into account the town centre hierarchy, remains appropriate in principle and is therefore properly retained in part 1.
61. Similar conclusions apply in respect of part 2b of the policy, where a specific requirement for always providing a clear transition in heights between the Aldgate and Canary Wharf POLs and their surrounding areas would not be reasonable or realistic in all respects, not least in the light of outstanding permissions. Accordingly, the Council proposes that this is replaced by a more flexible expectation that each scheme should demonstrate how it responds to the differences in scale (**MM 27**).
62. This provides suitable scope for site specific circumstances (including PTALs) and individual design solutions to be properly taken into account, within the context of the overall CS objectives, any existing/future SPG, and the CABE/English Heritage "Guidance on Tall Buildings" (2007), as well as the London View Management Framework (March 2012) where relevant. The Council's proposed modifications to paras 26.1 and 26.4 (**MMs 29 + 30**), including adding references to the latter two documents, are therefore also recommended for clarity and consistency with the NPPF, the LP and the CS.
63. For consistency with the NPPF, notably para 133, policy DM27 needs to acknowledge in part 3 that only "designated" heritage assets are subject to demolition control (**MM 31**) and "sustains and enhances" should replace "respects, conserves and preserves" in part 1 of policy DM28 regarding World Heritage sites for consistency with the NPPF (**MM 32**).
64. In relation to policy DM29, addressing climate change, the submitted wording is not fully consistent with the NPPF (para 96) or the LP (policy 5.2) in failing to acknowledge that circumstances may occur where it is simply not feasible or economically viable to connect to a decentralised energy system. It should be modified accordingly (**MM 33**) by adding "unless it can be demonstrated that this is not feasible or viable". Consequential amendments are also required for consistency in respect of all Site Allocations that refer to district heating systems in the plan through adding ", where possible," (**MM 54**), with a definition added to the Glossary (**MM 51**).
65. Similarly, the Council's latest text for para 29.4 should also recognise the need for viability and site specific circumstances to be taken into account regarding mitigation measures to include "may" not "will" in line 11 and adding "having regard to viability and site specific circumstances" at the end (**MM 34**). With these modifications, the design, heritage and climate change policies would be sound and justified by appropriate evidence, as well as clear and deliverable.

## **Issue 7 – Shoreditch [SA1]**

*Are the proposals for growth and change in this area appropriate and justified, including in relation to the NPPF, the London Plan and the Core Strategy and in terms of environmental, economic and social impact; are they clear and deliverable by 2025 ?*

66. The Council now acknowledges an inconsistency between the MDLP text relating to the design principles for SA1 and the Bishopsgate Goods Yard Interim Planning Guidance (EB30) (2010), adopted by the Council and the LB of Hackney. This concerns the joint objective of focussing larger scale buildings to the west of Braithwaite Street around Shoreditch High Street Overground Station in the LB of Hackney.
67. As agreed at the hearings, this needs to be rectified for clarity and effectiveness by deleting the reference to "scale decreasing from west to east" from the list of design principles (**MM 37**). The Council will also be adding references to the latest supplementary planning guidance, where appropriate, to the plan's text for all Site Allocations, but this is not a soundness matter. Otherwise, the proposals for Shoreditch are satisfactory in all respects and require no further changes for soundness.

### **Issue 8 – Bethnal Green [SA2]**

*Are the proposals for growth and change in this area appropriate and justified, including in relation to the NPPF, the London Plan and the Core Strategy and in terms of environmental, economic and social impact; are they clear and deliverable by 2025 ?*

68. It is common ground that the demolition/remediation/equipment relocation costs for a former gas works are likely to be higher than average for previously developed land in London. Consequently, the Council proposes adding a statement to this effect under the implementation considerations for SA2 (Marion Gas Works and The Oval) (**MM 40**). Despite the up to date higher costs for this work now available, other robust evidence indicates that the comprehensive mixed use redevelopment envisaged, including a new local park, would still be economically viable under current conditions.
69. Furthermore, it was confirmed at the hearings that there are no longer any operational or other constraints to the site coming forward for redevelopment immediately, rather than "not before 2016" as originally stated in the plan. Therefore, this statement should be deleted as proposed (**MM 39**).
70. The exact alignments of the Green Grid routes through the site shown on the SA2 map/Fig. 16 will be a matter for detailed resolution at the planning application (or masterplan) stage. Nevertheless, the approximate "desire lines" are necessary to provide links with existing public highways adjoining the site and need to be shown on the plan for the benefit of all interested parties, including prospective developers and local residents.
71. Similar conclusions apply in respect of the final form and extent of the new local park as part of an overall scheme, although it remains necessary to specify a minimum size to ensure that all the sport and recreation uses that it is expected to accommodate can be included, in accord with the Council's open space standards. Therefore, the restriction specifically requiring it to be in a particular part or parts of the site, in advance of any masterplan or planning application, should be deleted (**MM 38**). No further changes are required to the plan in respect of site SA2 as the proposals for this area are otherwise sound, reasonable and realistic.
72. Sites of a non strategic scale, on which the plan does not rely to achieve its objectives, do not need to be identified as allocations or opportunities,

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irrespective of their previous planning histories, recent permissions or current proposals. This does not prevent their coming forward for redevelopment, if appropriate, with schemes considered against relevant LP and CS policies and in the light of all other relevant material considerations, including the strategic need for new housing across London.

### **Issue 9 – Bow Common [SA8]**

*Are the proposals for growth and change in this area appropriate and justified, including in relation to the NPPF, the London Plan and the Core Strategy and in terms of environmental, economic and social impact; are they clear and deliverable by 2025 ?*

73. As with SA2 at Bethnal Green, it is necessary to acknowledge that the costs of redeveloping the Bow Common Gas Works site are very likely to be above average for brownfield sites in London and add it to the list of implementation considerations (**MM 43**). Notwithstanding, other clear evidence confirms that, in general terms, a comprehensive redevelopment scheme on this site remains economically viable under present circumstances. Similarly, as the site is no longer subject to any operational or other constraints delaying its release for redevelopment this also needs to be reflected (**MM 43**). Subject to the above, the proposals for this area are sound.

### **Issue 10 – Wapping [SA4]**

*Are the proposals for growth and change in this area appropriate and justified, including in relation to the NPPF, the London Plan and the Core Strategy and in terms of environmental, economic and social impact; are they clear and deliverable by 2025 ?*

74. Regarding SA4, evidence from the Council's consultants and others confirms that, under current market conditions, the likely cumulative impact of all relevant, national, strategic and local standards, including for affordable housing and on site infrastructure, would mean that the scheme envisaged in the plan is not deliverable. In particular, the provision of around 1.5 ha for a new secondary school site within the area available for redevelopment would render any project that also meets all other requirements, such as for improved transport connections, economically unviable at present.
75. A rise in values may reasonably be anticipated over the plan period, particularly as regeneration takes place in other parts of the borough as well, including under the Olympic Legacy Scheme. Nevertheless, guidance in paras 173/174 of the NPPF, augmented by advice in Viability Testing Local Plans (June 2012), makes it clear that this should not be relied on to bring forward a project that is otherwise unviable now, if only to avoid the inherent uncertainty for all concerned. Accordingly, and also taking into account para 154 of the NPPF in particular, regarding clarity of expectation in relation to development proposals, the Council now proposes a number of modifications relating to this site.
76. In addition to updating the name to "London Dock" and deleting the first point under implementation considerations as the area is, theoretically, available now, the Council also acknowledges the need to avoid uncertainty by omitting policy references to alternative options/expectations in connection with the redevelopment of this significant strategic site (**MM 42**).

77. In line with the conclusions in respect of other sites (see SA18 below), it is not reasonable or realistic for the policy to require provision of a district heating facility without qualification. It may not prove feasible in practice and/or economically viable in the light of all relevant material considerations, including other service and infrastructure priorities. Therefore, whilst desirable in principle in accord with LP 5.2, the policy should be changed to add a further point stating the need to examine the options for such a facility, similar to that in relation to SA18, but omitting the requirement in the opening statement of SA4 (**MM 42**).
78. Notwithstanding the above, the available evidence indicates that, even with these changes, the scheme as anticipated in the plan would still not be financially viable as things stand. This includes reasonable basic assumptions on relevant build costs and land/housing values that are sufficiently detailed for the land allocation, as distinct from full application, stage of the planning process. However, taking into account the needs likely to be generated by new housing across the borough, the lack of capacity in existing schools (including in adjoining boroughs) and the population growth revealed in the 2011 Census results (the highest percentage in the country), there can be no doubt of the need for new secondary school sites locally (see Issue 4 above).
79. Given the significant total of new dwellings expected to come forward on this site and on others relatively close by, as well as the number of existing primary schools in the locality, this is likely to prove a sustainable location for a new secondary school to serve the area. There is also strong local community support for such provision. Although many other options have been considered, the evidence provided is not convincing in relation to all relevant factors, notably minimum size, but also location, availability and/or practical delivery, that any presents a superior alternative to positively meet this essential local need.
80. Nor is there any evidence to support the unprecedented claim that the mere presence of a new secondary school alongside new housing would, of itself, materially reduce final sales values. Taking into account the latest government guidelines allowing more design flexibility (**MM 22**), the relevant evidence nevertheless indicates that at present there are no better opportunities available on land owned or controlled by the Council that could reasonably and realistically provide an additional secondary school site of the necessary size and standards.
81. In particular, it is unlikely that the Council would be pursuing privately owned sites for new secondary schools, with all the attendant difficulties of securing their delivery, including possible compulsory purchase orders, if more straightforward options, such as land within their own estate or even the ownership of other public bodies, were genuinely available instead. Furthermore, the Council is clear that the necessary funds to build a new secondary school on this site (and others) would be raised from various sources, including government grants, once the land is available.
82. As modified, the plan properly places no timing, phasing or numerical restrictions on the redevelopment of SA4. Consequently, in accord with the guidance in para 72 of the NPPF regarding education, it is essential that the provision of a new secondary school site is confirmed as the first, non transport, infrastructure priority for the redevelopment of London Dock, despite the economic viability implications arising.



83. However, given the relevant evidence on residual land values and likely housing density in relation to the PTAL, this clearly means that other such requirements (apart from the Community Infrastructure Levy) that might otherwise be sought or expected by the Council will have to be scaled back, or even omitted entirely, for viability reasons. Additionally, a larger number of new dwellings/percentage of new housing than originally envisaged, possibly at a higher density and perhaps in taller than average buildings for the locality may well have to be permitted to achieve a deliverable scheme. The only other realistic option to comply with the relevant NPPF guidance would be to omit London Dock as a strategic allocation from the plan entirely.
84. In the light of the above, for clarity, certainty and soundness a new point needs to be added to the relevant text, relating to the new secondary school site; "A new secondary school site takes first priority over all other non transport infrastructure requirements including affordable housing, in relation to the redevelopment of this site, to ensure that it is economically viable and that the new school is provided in a sustainable location to help meet education needs arising across the borough." (**MM 42**).
85. With these modifications it should be possible for the Council, landowners and developers to devise a deliverable mixed use redevelopment scheme for London Dock that is sustainable, economically viable and provides the essential new secondary school site, even under current market conditions. However, it is very likely to have to have a greater number and/or percentage of new market housing, compared to affordable, amongst other changes from the scheme originally envisaged by the Council to accord with policy DM3.
86. In all the relevant local circumstances this outcome is clearly preferable to withdrawing the identification of London Dock from the plan as a non deliverable opportunity for viability reasons and/or failing to positively identify a new secondary school site, given the significant local need. Overall, taking into account the modifications, it may now be concluded that the plan is sound and clear in respect of the future of this site and likely to prove achievable.

### **Issue 11 – Poplar Riverside [SA11 and SA12] and Leamouth [SA13]**

*Are the proposals for growth and change in this area appropriate and justified, including in relation to the NPPF, the London Plan and the Core Strategy and in terms of environmental, economic and social impact; are they clear and deliverable by 2025 ?*

87. At Ailsa Street the submitted plan, at policy DM14b and para 14.5, and also in SA11, sought to safeguard the northern part of the overall site for an extended waste management facility; incorporating a smaller area of land currently occupied by an existing waste operation. This present facility does not have the benefit of planning permission and an enforcement notice was recently served (August 2012) to address the inadequate arrangements of waste transfer and storage activities.
88. Despite this, the Council is obliged, in accord with the LP and the CS, to identify sufficient land in the borough to meet its current waste apportionment. The available evidence is clear that it can only do so at present by the inclusion of the existing Ailsa Street site, at least for the time being, and that the location is suitable, in principle, for such provision.

89. However, it is now equally clear that an extended facility here, over and above the size of the existing one, is not essential to meeting that requirement and therefore the Council proposes to amend SA11 accordingly. This would restrict the land safeguarded for a new waste facility to the northernmost part of the site (Fig. 32), with the remainder of the area identified for a mixed use redevelopment, including new housing, employment and a primary school. For clarity, added references to the new waste facility being on the smaller safeguarded area only are also necessary in the text (**MMs 44/45**). The Ailsa Street Development Brief (2003), an adopted SPG, is already referred to as part of the key evidence base for this site.
90. With these modifications there would be a realistic prospect of an economically viable redevelopment scheme coming forward on the whole of the allocated land, incorporating a new waste facility on the northernmost part of the site. Subject to a suitable layout, access arrangements and detailed design, including compliance with CS policy SP05, it should prove possible to create local environmental conditions suitable for new housing and a primary school, amongst other things, on the larger southern part of the site, despite the proximity of a new waste facility to the north.
91. Therefore, the SA11 proposals represent an example of positive planning in delivering new development on a constrained site, without compromising the Council's ability to continue to meet its waste management obligations arising from the LP and in accord with CS policy SP05 and policy DM14 of this plan within the borough. As a result of the modifications necessary to make the SA11 proposals sound, it is also essential to modify policy DM14 by omitting the references to extending the Ailsa Street site in part 1b and para 14.5 of the supporting text (**MM 16**).
92. Regarding site SA12 (Leven Road Gas Works) the same conclusions apply as in respect of sites SA2 and SA8. Therefore, relevant modifications to acknowledge the costs of decommissioning, the delivery of new open space and the timing of land availability are also required (**MM 46**).
93. In relation to land at Leamouth South, adjoining SA13, the fact that a site is not allocated for development in the plan does not preclude it coming forward before 2025 if available and deemed suitable in the context of relevant adopted LP and CS policies, as well as those in this plan. This applies equally to sites not previously appraised at earlier stages of the plan process and whether or not it is, potentially at least, of a strategic scale, i.e. capable of delivering around 500 net new dwellings or more. However, there is no firm evidence of need for additional or extended strategic allocations at present.

## **Issue 12 – Canary Wharf [SA15 and SA16]**

*Are the proposals for growth and change in this area appropriate and justified, including in relation to the NPPF, the London Plan and the Core Strategy and in terms of environmental, economic and social impact; are they clear and deliverable by 2025 ?*

94. At Wood Wharf (SA16), the plan identifies a major mixed use redevelopment opportunity, incorporating both new housing and commercial space amongst other things, to the east of Canary Wharf Major Centre. Accordingly, it is appropriate that the policy should reflect this proximity, as well as the Council's proposed modifications to policy DM26 and Figure 9 in respect of new

Tower Hamlets London Borough Council Managing Development Local Plan, Inspector's Report November 2012 building heights and in the light of recent planning permissions in the locality. Consequently, the words "Complement the tall building cluster in Canary Wharf etc ..." should be added at the start of the first point under design principles, for clarity and consistency (**MM 47**).

95. Otherwise, the proposals for Canary Wharf and both SA15 (Billingsgate Market) and SA16 (Wood Wharf) are appropriate, justified by evidence, clear and deliverable by 2025. This includes in respect of the defined boundaries of the Activity Area and Major Centre, which are both logical and coherent in accord with the CS, and the Town Centre Spatial Strategy (2009) (EB70) and the Town Centre Boundaries and Balance of Uses Review (2011) (EB68). Moreover, notwithstanding the arrival of Crossrail, neither needs to be extended nor further site specific allocations made in order that suitable redevelopment schemes for complementary uses can come forward on adjoining/nearby sites, such as Hertsmere House and Cuba Street.

### **Issue 13 – Millwall [SA17 and SA18]**

*Are the proposals for growth and change in this area appropriate and justified, including in relation to the NPPF, the London Plan and the Core Strategy and in terms of environmental, economic and social impact; are they clear and deliverable by 2025 ?*

96. Although the Millennium Quarter Master Plan was published in 2000 and has not been properly updated since, it remains relevant to the sustainable development of the locality, albeit non statutory. It is therefore appropriate to introduce a direct reference to it into SA17, as the Council will do for all sites, albeit not a soundness matter. It is equally appropriate that the Council has also agreed to reflect the potential of the Glengall Bridge site by identifying it as a "development parcel" in Fig. 43 (**MM 48**).
97. The potential provision of moorings (residential and/or tourist) along the docksides does not need to form part of the strategic delivery of this scheme or of new housing on this site and so does not need to be referred to in the policy wording. Any specific proposals can be considered on their own merits in relation to the relevant adopted policies of the LP, the CS and this plan once adopted. The matter of a new walking/cycling link across the dock in this locality is dealt with under Issue 14 below.
98. In urban areas the boundaries of site allocations are not normally determined by land ownerships, but rather by clear and logical physical limits within which a comprehensive development is most likely to be feasible within the plan period. In the case of SA18 (Westferry Printworks) the inclusion of the existing Tiller Leisure Centre, on the northern edge of the site fronting Tiller Road, may not be essential to the delivery of redevelopment on adjoining land in other ownerships. But, importantly, it provides additional access options as well as the potential for the provision of leisure facilities in connection with any scheme. In such circumstances there is a clear balance of advantage for inclusion within a slightly larger allocation, compared to exclusion, and no need to change Fig. 44 accordingly.
99. Nevertheless, it cannot be assumed that improving or replacing the existing centre is the only possible way that suitable leisure facilities can be provided in connection with a redevelopment scheme on SA18. Moreover, it would clearly be unreasonable to refuse permission for a scheme that excluded the leisure

Therefore, the penultimate point of the policy under important considerations needs to be deleted for effectiveness (**MM 50**).

100. Reflecting potential health and safety concerns, as well as the need to allow greater flexibility of layout to assist overall viability and thus delivery, the Council now acknowledges that the last point of policy SA18 requiring the new school site to be alongside the dock frontage, under design principles, is not appropriate and should also be omitted (**MM 50**). It is also common ground that a site allocation in a plan of this nature has to be clear and unambiguous in policy terms in the expectations applied to schemes. To that end, it is essential for clarity and effectiveness to delete any reference to different options for infrastructure requirements (**MM 50**).
101. Moreover, whilst desirable in principle in accord with LP policy 5.2 and potentially cost effective in practice, it is inflexible to insist on the inclusion of a district heating facility to serve the site when neither the practical arrangements nor the financial viability of such provision have yet been examined in any detail. Consequently, the opening statement for SA18 should omit that element as a requirement of any scheme and the fourth point under implementation modified to replace "connect to, or demonstrate" with "must examine" for effectiveness (**MM 50**).
102. Questions of viability concerning the delivery of redevelopment on this site and in particular the expected provision of a new secondary school site within the scheme are essentially the same as those dealt with under SA4 – London Dock – Wapping above. Consequently, the conclusions are also the same and thus similar modifications are necessary to make this allocation sound (**MM 49**).
103. In the light of the above, for clarity, certainty and soundness a new point needs to be added to the relevant text, relating to the new secondary school site; "A new secondary school site takes first priority over all other non transport infrastructure requirements including affordable housing, in relation to the redevelopment of this site, to ensure that it is economically viable and that the new school is provided in a sustainable location to help meet education needs arising across the borough." (**MM 50**). Overall, taking in to account the modifications, it is concluded that the plan is sound and clear in respect of the future of this site and likely to prove achievable over time.

#### **Issue 14 – Cubitt Town [SA19 and SA20]**

*Are the proposals for growth and change in this area appropriate and justified, including in relation to the NPPF, the London Plan and the Core Strategy and in terms of environmental, economic and social impact; are they clear and deliverable by 2025 ?*

104. The design principles set out in the plan regarding these sites are considered to be justified and likely to prove effective. However, the provision of fully accessible active frontages on the northern and western sides of SA20 (Marsh Wall East) only on the ground floor of new buildings may not always prove acceptable in the local circumstances, depending on detailed design and all other relevant site specific considerations. Therefore, to limit the requirement to the ground floor only in the plan would not only introduce an unnecessary level of detail at this stage of any redevelopment process but also reduce flexibility and the opportunities for innovative design solutions to address this

105. The inclusion of a walking/cycling only link from the site directly north to Canary Wharf would be an important element of any suitable scheme to enhance accessibility in the area, as part of an overall movement network in the locality. However, it is also essential to ensure that the continuing use of the South Docks by larger vessels, such as those that visited Docklands during the recent Olympics/Paralympics, is not precluded by new physical constraints.
106. Notwithstanding the scale and nature of the structure likely to be required, it should be possible to design and build a pedestrian/cycle only crossing that spans the water but also creates no permanent barrier to the passage of larger vessels when necessary; potentially involving moving parts. Detailed design and implementation is a matter for a specific planning application rather than this plan. Therefore, there is no justification for this element of the proposals to be deleted from the text or Fig. 47 of the plan. As stated in Issue 13 above, the potential provision of moorings does not need to be in the policy.
- 107.** Suggestions that identified sites should be extended or additional sites allocated in the plan do not take account of the need for allocations to be strategic in nature, including in respect of associated infrastructure provision, and of a significant scale; the delivery of which is critical to achieving the overall vision for the borough and always with clearly defined boundaries on the ground enclosing coherent areas. Importantly, the absence of allocation/identification in the plan does not prevent their coming forward for appropriate redevelopment when available, in accordance with the relevant plan policies for the locality and the strategic need to maximise new housing provision across London. No such changes are needed for soundness regarding Cubitt Town and in all other respects the proposals are clear and likely to be delivered by 2025.

## **Issue 15 – Other Areas**

*Are the proposals for growth and change in these areas appropriate and justified, including in relation to the NPPF, the London Plan and the Core Strategy and in terms of environmental, economic and social impact; are they clear and deliverable by 2025 ?*

108. In relation to SAs 3, 6/7, 9/10 and 14/15, some are already being redeveloped (e.g. SA3 – Goodman's Fields), in accord with the expectations set out in the plan. SA5 (Southern Grove Lodge) and SA6 (Bow Locks) are intended exclusively for education use, whilst SA9 (Chrisp Street town centre) relates to the regeneration of an existing district centre and SA10 (Poplar Baths) solely to the restoration and re-use of a Grade II Listed Building.
109. As of 1 October 2012, SA7 (Bromley by Bow North East Quadrant) falls under the jurisdiction of the LLDC as the local planning authority concerning implementation and there is nothing to suggest that the plan's proposals for this area are not realistic and deliverable over the plan period. Given the element of flexibility in the relevant policies, similar conclusions can be drawn in respect of the comprehensive mixed use re-development of both SA14 (Blackwall Reach) and SA15 (Billingsgate Market). Accordingly, in the light of all of the above and taking into account the modifications proposed, it is reasonable to conclude that the proposals for growth and change in these areas are essentially sound and should prove deliverable by 2025.

## Assessment of Legal Compliance

110. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Managing Development Local Plan (merged from the Site & Place Making DPD and the Development Management DPD) is identified within the approved LDS (December 2010), which sets out an expected adoption date of March 2013. The content is compliant with the LDS and the timing is in advance.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in July 2012 and consultation has been compliant with the requirements therein, including that on the post-submission proposed 'main modification' changes ( <b>MM</b> )
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report (November 2011) sets out why AA is not necessary.
National Policy	The Managing Development Local Plan complies with national policy, except where indicated and modifications are recommended.
London Plan (LP)	The Managing Development Local Plan is in general conformity with the LP, except where indicated and modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act (as amended) and 2012 Regulations.	The Managing Development Local Plan complies with the Act and the Regulations.

## Overall Conclusion and Recommendation

**111. The Plan has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.**

**112. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Managing Development Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.**

*Nigel Payne*

Inspector

This report is accompanied by the Appendix containing the Main Modifications