


<p><b>Cabinet</b></p> <p>30 January 2018</p>	
<p><b>Report of:</b> Ann Sutcliffe, Acting Corporate Director, Place</p>	<p><b>Classification:</b> Unrestricted</p>
<p><b>Neighbourhood Planning: Determination of Poplar Neighbourhood Area</b></p>	

<b>Lead Member</b>	Councillor Rachel Blake, Cabinet Member for Strategic Development and Waste
<b>Originating Officer(s)</b>	Marissa Ryan-Hernandez, Strategic Planning Manager and Ellie Kuper Thomas, Planning Officer
<b>Wards affected</b>	Poplar;
<b>Key Decision?</b>	Yes
<b>Community Plan Theme</b>	A Great Place to Live

### **Executive Summary**

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

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

The Council has received an application from the community organisation the 'Poplar regen alliance' to establish a Neighbourhood Planning Area in the wider Poplar area.

### **Recommendations:**

The Mayor in Cabinet is recommended to:

1. Approve the designation of the Poplar Neighbourhood Planning Area, as amended, and as defined in the plan contained in Appendix 1.

## **1. REASONS FOR THE DECISIONS**

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

## **2. ALTERNATIVE OPTIONS**

- 2.1 Section 61G of the TCPA 1990, requires the authority to exercise its power of designation where a valid application has been made so as to secure that some, or all, of the proposed area forms part of one or more areas designated (or to be designated) as neighbourhood areas where:
  - i) some or all of the proposed area has not been designated as a neighbourhood planning area; or
  - ii) the authority refuses the application because it considers that the proposed area is not an appropriate area to be designated as a neighbourhood area.
- 2.2 The authority may also modify designations already made and ensure that neighbourhood areas do not overlap.
- 2.3 In accordance with section 61H of the TCPA 1990, the authority has an additional option. Section 61H provides that the power of a LPA to designate a neighbourhood area, as a business area, is exercisable by the authority only if, having regard to such matters as may be prescribed, it considers that the area is wholly or predominantly business in nature.
- 2.4 Options available to the authority are therefore to: 1) designate all of the area proposed in the application; 2) designate the area applied for, with

modifications, ensuring some of the proposed area is in the designation; 3) modify existing designations; and 4) designate the area as a business area. These have been considered by the authority.

- 2.5 It is considered that the Area, with minor amendments, meets the relevant legislative requirements and guidance in paragraph 33 of the Planning Policy Guidance. It is not required to modify an existing designation. It is also not considered appropriate to designate the Area as a business area as officers do not consider the Area to meet the requirements of section 61H of the Town and County Planning Act 1990, as it is not wholly or predominately business in nature.

### **3. DETAILS OF REPORT**

- 3.1 This report provides an overview of the assessment of the Poplar Neighbourhood Planning Area application.

- 3.2 The content of this report is as follows:

- Section 4: provides an introduction to Neighbourhood Planning;
- Section 5: outlines the relevant legislative framework and guidance; and
- Section 6: provides a background to the Poplar Neighbourhood Planning Area application and details of the LPA's assessment.

### **4 INTRODUCTION TO NEIGHBOURHOOD PLANNING: A COMMUNITY LED PROCESS**

- 4.1 The Localism Act 2011 amended the TCPA 1990 to make provision for neighbourhood planning, which gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

- 4.2 The legislative provisions concerning neighbourhood planning within the TCPA 1990 are supplemented by the Neighbourhood Planning (General) Regulations 2012 (as amended by the Neighbourhood Planning (General) (Amendment) Regulations 2015) and the Neighbourhood Planning (Referendum) Regulations 2012 ("the 2012 Regulations").

- 4.3 PPG issued by the Secretary of State for Communities and Local Government provides detailed advice relating to the neighbourhood planning system introduced by the Localism Act 2011, addressing the key stages of decision-making including the designation of neighbourhood areas.

- 4.4 Neighbourhood planning provides communities with the ability to prepare a Neighbourhood Development Plan (NDP) and/or Neighbourhood Development Orders (NDO), in areas designated by the LPA on application

as a neighbourhood area. Neighbourhood planning powers may only be exercised by bodies authorised by the legislation. In a neighbourhood area where there is a parish council, only a parish council may make proposals for a NDP or NDO. In neighbourhood areas without a parish council, only a body designated by the LPA as a neighbourhood forum may bring forward a NDP or NDO(s) for that neighbourhood area.

- 4.5 NDPs set out policies in relation to the development and use of land in all or part of a defined neighbourhood area and may include site allocations, or development principles, for allocated sites. They may also include character appraisals and seek to establish community facilities and/or identify areas for public realm improvements. NDOs allow for planning permission to be granted in the circumstances proposed and exempt certain types of development, or development in certain areas, or on particular sites, from the usual requirement to apply to the LPA for a grant of planning permission.
- 4.6 Both NDPs and NDOs need to be in general conformity with the strategic policies of the Council's 'Local Plan': Core Strategy (2010) and Managing Development Document (MDD) (2013).
- 4.7 A NDP that has been 'made' in accordance with the relevant legislative provisions forms part of the Council's statutory 'Development Plan' (comprising the Local Plan and London Plan) and, as such, will be accorded full weight when determining planning applications in the neighbourhood area. NDPs will form a new spatial layer to the Council's planning policy and guidance.
- 4.8 NDP policies will be developed by a neighbourhood forum through consultation with stakeholders in their relevant neighbourhood area and through engagement with Council Officers. Proposed NDP policies must be supported by an up-to-date evidence base to ensure that they are reasonable, sound and justified. Before the NDP is 'made' it must be subject to pre-submission publicity and consultation, submitted to the LPA for a legal compliance check, publicised for consultation, submitted for independent examination, found by the independent examiner to meet the basic conditions proposed in the legislation, and passed at a referendum.

### **Community Infrastructure Levy**

- 4.9 The Community Infrastructure Levy Regulations 2010, as amended by the Community Infrastructure Levy (Amendment) Regulations 2013 ("the CIL Regulations") were supplemented by the Community Infrastructure Levy Guidance Note, published by DCLG on 26 April 2013. The 2013 guidance was replaced by the Government's PPG on 6 March 2014.
- 4.10 The CIL Regulations, as explained by the PPG, make provision for how CIL receipts may be used in relation to neighbourhood planning in those areas which have Parish Councils and those which do not. Tower Hamlets currently does not have any Parish Councils and, as such, the Council retains the revenue generated by CIL.

4.11 The Community Infrastructure Levy PPG (Ref ID: 25) states (at paragraph 072) that:

*"... In England, communities that draw up a neighbourhood plan or neighbourhood development order (including a community right to build order), and secure the consent of local people in a referendum, will benefit from 25 per cent of the levy revenues arising from the development that takes place in their area. This amount will not be subject to an annual limit. ..."*

4.12 Therefore, where a NDP or NDO has been adopted, the Council is required to consult with the local community as to how this 25 per cent proportion of CIL receipts will be spent. Irrespective of this regulation, the Cabinet in December 2016, agreed to undertake this for all areas of the borough whether or not an NDP or NDO has been adopted.

### **Overview of Neighbourhood Planning at LBTH**

4.13 The determination of applications to designate neighbourhood areas and neighbourhood forums are decisions exercised by the Mayor of Tower Hamlets.

4.14 Such applications are required by the Council to be submitted using the Council's neighbourhood planning application.

4.15 The Council has published Guidance and a Service Offer to assist prospective neighbourhood forums to understand what is involved in becoming a forum and designating an area, the criteria the Council use to make decisions and the support the Council provides at each stage.

4.16 This Guidance advises prospective forums to liaise with officers prior to applications being submitted. This allows those proposing to engage in the neighbourhood planning process to meet relevant legislative requirements.

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

- Government agencies
- Relevant Ward Councillors

## **5 NEIGHBOURHOOD PLANNING AREAS: RELEVANT LEGISLATION AND GUIDANCE**

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

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

### **Making an application**

- 5.3 In accordance with Regulation 5 of 2012 Regulations where a relevant body submits an area application to the local planning authority it must include:
- (a) A map which identifies the area to which the area application relates
  - (b) A statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and
  - (c) A statement that the organisation or body making the area application is a relevant body for the purposes of section 61G of the TCPA 1990.
- 5.4 A local planning authority (LPA) may decline to consider an area application if the relevant body has already made an area application and a decision has not yet been made on that application.
- 5.5 Upon receipt of an application, it is validated in accordance with the above.

### **Consulting on an application**

- 5.6 In accordance with regulation 6 of the 2012 Regulations, the LPA must publish the following on its website and in such a manner as to bring the application to the attention of people who live, work or carry on business in the area to which the application relates:
- (a) a copy of the area application;
  - (b) details of how to make representations; and
  - (c) the date by which those representations must be received, being not less than 6 weeks from the date on which the application is first published.

### **Designating an area**

- 5.7 In accordance with section 61G of the TCPA 1990, a LPA must exercise its power *"so as to secure some or all of the proposed area forms part of one of more areas designated as neighbourhood area"*. In so doing, the LPA (in non-parished areas such as Tower Hamlets) must have regard to:
- (1) The desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas (section 61G(4)(b));

- (2) Refusing the application because they consider that the proposed area is not an appropriate area to be designated as a neighbourhood area (section 61G(5)(c));
- (3) Exercising their power of designation so as to secure that some or all of the proposed area forms part of one or more areas designated (or to be designated) as a neighbourhood area (section 61G(5)(c));
- (4) Modification of designations already made (section 61G(6)); and
- (5) Ensuring that neighbourhood areas do not overlap (section 61G(7)).

5.8 In accordance with section 61H of the TCPA 1990, whenever a local planning authority exercises their power under section 61G to designate an area as a neighbourhood area, they must consider whether they should designate the area concerned as a business area.

5.9 Section 61H(c) specifies the criteria for determining if an area should be designated as a business area. It states that:

*"The power of a local planning authority to designate a neighbourhood area as a business area is exercisable by the authority only if, having regard to such matters as may be prescribed, they consider that the area is wholly or predominately business in nature."*

5.10 The PPG states at paragraph 035 that *"the local planning authority should aim to designate the area applied for"*.

5.11 Section 61O of the TCPA 1990 requires a LPA to take account of the guidance in paragraph 033 of the PPG, which lists considerations that may be relevant to determining the boundaries of a neighbourhood area. Paragraph 033 of the PPG also provides guidance on considerations when deciding the boundaries of areas. It states that *"electoral ward boundaries can be a useful starting point for discussions on the appropriate size of a neighbourhood area"*.

5.12 Other considerations outlined in the PPG relate to:

- (a) village or settlement boundaries, which could reflect areas of planned expansion;
- (b) the catchment area for walking to local services such as shops, primary schools, doctors' surgery, parks or other facilities;
- (c) the area where formal or informal networks of community based groups operate;
- (d) the physical appearance or characteristics of the neighbourhood, for example buildings may be of a consistent scale or style;
- (e) whether the area forms all or part of a coherent estate either for businesses or residents;

- (f) whether the area is wholly or predominantly a business area;
- (g) whether infrastructure or physical features define a natural boundary, for example a major road or railway line or waterway;
- (h) the natural setting or features in an area; and
- (i) size of the population (living and working) in the area.

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

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

## **6 NEIGHBOURHOOD PLANNING AREAS: POPLAR APPLICATION**

- 6.1 This section provides a background to the Poplar Neighbourhood Area application, public consultation and details of the assessment. The format of this section outlines how the Poplar Neighbourhood Area application was processed and assessed in relation to the criteria that an LPA must have regard to as it relates to: (1) making an application; (2) consulting on an application; and (3) designating an area.
- 6.2 The designation of an area is assessed against the criteria taken from sections 61G(1-5), 61H and paragraph 033 and 035 of the PPG.

### **Making an application**

#### Application submission and validation

- 6.3 An application was received from the Poplar regen alliance on the 3<sup>rd</sup> of November 2017. The application was to designate the Poplar Neighbourhood Planning Area. It contained:
- A map which identified the Area to which the area application relates;
  - A statement explaining why this Area is considered appropriate to be designated as a neighbourhood area in the application form; and
  - A statement that the organisation or body making the area application is a relevant body for the purposes of section 61G of the TCPA 1990 in the application form.
- 6.4 No other Area applications have been received by the Council for this area.
- 6.5 The application submission was validated in accordance with regulation 5 of the 2012 Regulations.



## **Consultation on application**

### Public consultation process

- 6.6 In accordance with regulation 6 of the 2012 Regulations, public consultation on the Area application was carried out for six weeks between 9<sup>th</sup> November 2017 and 21<sup>st</sup> December 2017.
- 6.7 The application consultation was advertised in the East London Advertiser and all application documents were made publically available on the Council's Website, in the Council Town Hall and in Idea Store, Chrisp Street.
- 6.8 The advertisement in the East London Advertiser, and other publicity material provided details of how to make representations; and the date by which those representations must be received, being not less than 6 weeks from the date on which the application was first published.

### Summary of Representations received:

- 6.9 All representations received during the consultation period have been taken into account in the determination of this application. The representations have been taken into account to the extent that the representations address considerations which are relevant to the Council's decision having particular regard to the statutory requirements for designation proposed in sections 61G and 61H of the TCPA 1990 and paragraph 033 of the Government's PPG.
- 6.10 14 individual representations were made regarding the proposed area. The nature and number of representations is as follows:
- No individually submitted objections
  - 6 individually submitted support statements
  - 5 individually submitted neutral statements
  - 3 individually submitted concerned statements
- 6.11 The 5 neutral statements are from statutory consultees who raise no objections to the proposed Area.
- 6.12 Matters raised as statements of concern regarding the proposed area stated that:

- The Area will leave some areas orphaned and outside of a neighbourhood planning area, such as Billingsgate Fish market.
  - The application references the Blackwall Reach regeneration project as a key consideration but the Area excludes Phase 4 entirely and part of Phase 1B, including the proposed areas for leisure and community space. As this is one of the key focuses of the group, it would be more appropriate for the boundary to be extended to include the whole of the scheme (this was raised by Swan Housing Association and the GLA Housing and Land Team).
- 6.13 A number of representations raised the importance of the forum being fully representative of the community, including extending the membership beyond SPLASH members and to include local businesses and landowners. This is not a matter which can influence the designation of the Neighbourhood Area, but it is officers' view that the prospective Forum should engage with residents and these groups before proceeding with their application to be designated as a Neighbourhood Forum and proceeding with developing a Neighbourhood Plan. This will be crucial to ensure successful neighbourhood planning in the Area.
- 6.14 Further detail on the public consultation representations can be read in Appendix 2: Public Consultation Summaries.
- 6.15 The consideration of these representations formed part of the assessment process by the LPA, and the representations were considered against the conditions for designation proposed in sections 61F and 61G of the TCPA 1990 (as amended) and the guidance within Section 4 (above), in particular paragraph 033 of the PPG.
- 6.16 Judgements as to the weight to be attached to any duly made representation must take account of the conditions for designation proposed in sections 61F and 61G of the TCPA 1990 and the purpose of the designation with the overall context of the statutory neighbourhood planning regime. Section 61O of the TCPA 1990 requires LPA's to take account of the guidance in paragraph 033, which lists considerations that may be relevant to determining the boundaries of a neighbourhood area, and is likely to influence the Council's judgement on weight.

#### **Determining an Application: Designating an Area**

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

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

- 6.18 The Area comprises part of the ward of Poplar, aligning with the ward boundaries along the west, south and north but excluding the part of Poplar ward east of Robin Hood Lane and the Blackwall Tunnel (northbound), which includes the East India Dock Office Complex (within which the Town Hall is located).
- 6.19 The proposed Area fits within the places of 'Blackwall' and 'Poplar' as defined in the Core Strategy, 2010.
- 6.20 The northern boundary is formed by East India Dock Road (A13), a key strategic route through the borough and part of the Transport for London Road Network. This is both a hard boundary and administrative boundary defining Poplar Ward. The northern boundary diverges from the administrative boundary at the junction with Cotton Street to exclude East India Dock Road and turn south down Robin Hood Lane.
- 6.21 The southern boundary is formed by West India Dock Road (A1261) and southern edge of the DLR tracks. West India Dock Road is another key strategic route through the borough and part of the Transport for London Road Network. This is both a hard boundary and administrative boundary defining Poplar Ward. The southern boundary diverges from the administrative boundary at the meeting point between the Canary Wharf, Cubitt Town and Poplar Wards, to continue to follow the DLR tracks and exclude the Aspen Way Roundabout.
- 6.22 The meeting of East India Dock Road and West India Dock Road forms the western boundary. This is both a hard boundary and administrative boundary defining Poplar Ward.
- 6.23 The eastern boundary is formed by Robin Hood Lane and the Blackwall Tunnel (northbound). This is not an administrative boundary. Robin Hood Lane is a hard boundary strengthened by running parallel to the A102, another key strategic route through the borough and part of the Transport for London Road Network. The Blackwall Tunnel (northbound) is not a hard boundary (as the tunnel is not a visible physical feature).

**(2) Assessment of the application – designating an area**

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

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

- 6.25 The proposed Area maintains the existing boundary of Limehouse Neighbourhood Area, whose north-eastern boundary meets the proposed south-western boundary of the proposed area. As such it is not necessary to alter the boundaries of areas already designated.

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

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

*(a) Village or settlement boundaries*

6.27 The proposed boundaries of the Area application do not align with the entirety of any single village, settlement or ward boundaries. In a dense urban context, the use of village or settlement boundaries is inappropriate. However, the Area boundaries do utilise some existing administrative boundaries: the western boundary, and majority of the northern and southern boundaries align with the Poplar Ward boundaries.

6.28 One consultation comment raised a concern that the Area boundary will leave some areas orphaned and outside of a neighbourhood planning area, such as Billingsgate Fish market.

6.29 While it is recognised that there are areas which would sit between the established Limehouse and Isle of Dogs Neighbourhood Area and the proposed Poplar Area, these are large enough and have enough of their own character to be able to come forward in their own right as a neighbourhood Area(s). It is not therefore considered necessary to change the boundaries to include these wider areas.

*(b) Catchment area*

6.30 The proposed Area is centred on Poplar Neighbourhood Centre which provides a local retail offer in the proposed area. Partly within the proposed Area but predominately to the north is the Chrisp Street District Centre which serves a wider catchment area, and as the application states: 'the roads form a natural severance separating us from Chrisp Street'.

6.31 The area is served by one main open space: Poplar Recreation Ground and a leisure centre: Poplar Baths. The location of both these facilities on the northern edge of the proposed Area, means they are likely to have a wider catchment area than the proposed Area. The Area is also home to New City College (formally known as Poplar College). The College is the only sixth form college in the borough and has a borough wide catchment area. The College's consultation response stated that 80% of its students come from a 5 mile radius.

6.32 In a dense urban context, where residents and visitors will use a range of services with overlapping and diverse catchment areas, it is inevitable that there will be alternative overlapping catchment areas which could be appropriate neighbourhood areas. The application's focus on a catchment

around Poplar Neighbourhood Centre is considered one such appropriate catchment area.

*(c) Community based groups*

- 6.33 Community groups that solely operate within the specific boundary of the proposed Area are not known to the LPA. There are a number of well-established community groups which operate within this Area. However, the majority of area-based community groups function within either smaller or larger areas.
- 6.34 SPLASH (South Poplar and Limehouse Action for Social Housing), which established the 'Poplar regen alliance' which has submitted this Area application, operates throughout the wider Area and into Limehouse (which is already covered by a separate Neighbourhood Area).
- 6.35 Area based groups that operate within the wider Area include a variety of Tenants and Residents Associations linked to the specific housing estates within the area.
- 6.36 As indicated in relation to criterion (a), the proposed boundaries for the Area would create a new boundary and as such it follows that there are no known existing community based groups that represent the Area, as applied for, other than the prospective forum.

*(d) Physical appearance or characteristics*

- 6.37 As stated above, the proposed Area aligns with two Place identified in the Core Strategy: 'Blackwall' and 'Poplar'. The Core Strategy describes the place of 'Blackwall' as defined by a mixed use area with a new town centre (through a strengthened and extended Poplar Neighbourhood Centre). The place of 'Poplar' emphasises the importance of the Poplar Baths redevelopment (since completed). The proposed Area's focus around Poplar Neighbourhood Centre and market is therefore sympathetic to one of the dominant characteristics identified in the Core Strategy.
- 6.38 The Area is primarily residential, and is served by the neighbourhood centre at Poplar High Street. Residential typologies are primarily post war housing estates, with some newer taller housing blocks at the eastern edge of the proposed Area.
- 6.39 There are two conservation areas: St Mathias Church, Poplar and All Saints Church, Poplar which contain a number of listed buildings. The prevailing character of the St Matthias Church Conservation Area is defined by its group of miscellaneous public buildings and a residential townscape, complementing the St Matthias Church and the Poplar Recreation Ground surrounding it. The churchyard is a large garden enclosed by railings and dominated by the landmark church in the centre. The square is enclosed on three sides by streets, largely residential in character, and by the major East India Dock Road to the north. The application notes that the 'area is rich in history' and highlights a number of notable buildings.

*(e) Coherent estate either for businesses or residents*

- 6.40 The Area applied for includes the entirety of the Poplar Neighbourhood Centre and provides a coherent estate for businesses.
- 6.41 The Area applied for only includes the small part of Chrisp Street District Centre on the south side of East India Dock Road. This part of the Town Centre includes mainly civic uses including Poplar Baths Leisure Centre, the Fire Station, All Saints DLR station and Newby Health and Wellbeing Centre. This is quite distinct from the primarily retail character of the majority of the District Centre, centred around Chrisp Street market square, located on the north side of East India Dock Road. As such, while this does create some incoherence for businesses, the benefits of retaining the hard boundary of East India Dock Road to provide distinct and clear boundaries, are considered to outweigh concerns about only including a small part of the District Centre within the Area.
- 6.42 The proposed Area includes a number of housing estates. All housing estates are included in the Area in their entirety and as such it provides a coherent area for residents.
- 6.43 The proposed Area includes one site allocation from the existing development plan: Blackwall Reach and one site allocation in the emerging Local Plan: Aspen Way.
- 6.44 The entire Aspen Way site is included in the proposed Area and so the boundary does not create incoherence for future residents or businesses.
- 6.45 The proposed boundary does cut through the Blackwall Reach site allocation. This site allocation has outline planning permission and the first three phases (1a, 1b and 2) have full planning permission and are being delivered. The proposed boundary excludes phase 4. Two consultation responses (from the GLA and Swan Housing association, who are both involved in funding and delivering the scheme) raise concerns about the Neighbourhood Area dividing the site allocation in two, when the Site Allocation and permitted scheme consider the area as a whole. It is their view that this boundary would create an incoherent estate for future residents and businesses. Given the above, and the guidance provided paragraph 033 in the PPG, the appropriateness of the proposed area is questioned on these grounds.

*(f) Wholly or predominantly a business area*

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

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

- 6.47 The Area as applied for uses infrastructure and physical features to determine the majority of the boundaries of the proposed Area. This includes the East India Dock Road (A13), West India Dock Road (A1261), DLR tracks and Robin Hood Lane.
- 6.48 The only boundary not determined by infrastructure or a physical feature is using the northbound Blackwall Tunnel (as the tunnel is not a visible physical feature) for the south eastern boundary. As such the appropriateness of the proposed area is questioned on these grounds.

*(h) the natural setting or features in an area*

- 6.49 The proposed Area is predominantly defined by transport infrastructure, as the application form states 'The area we have chosen is almost self-contained sitting between East India Dock Road on the North and Aspen Way on the South, bounded by Robin Hood Lane on the East and West India Dock Road on the West'. Poplar Recreation Ground and All Saints Poplar Churchyard are the key natural features of the area. Their inclusion within the proposed Area is therefore supported.

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

- 6.50 The proposed Area does not align with ward boundaries and, as such, it is difficult to calculate the population living and working in the Area. The 2011 Census population for the wards related to the Area as applied for, are used, as an approximate measure:
- Poplar: 6,957
- 6.51 This figure is considered to be fairly representative as the area of Poplar ward excluded by the proposed Neighbourhood Boundary is primarily employment and industrial in use with only a few residential dwellings along Naval Row.
- 6.52 It is noted that the population size of neighbourhood areas designated to date ranges significantly. It is noted that paragraph 033 of the PPG states that electoral 'ward boundaries can be a useful starting point for discussions on the appropriate size of a neighbourhood area; these have an average population of about 5,500 residents'.
- 6.53 Given the above, the size of the living and working population in the proposed area can be said to be appropriate for a neighbourhood area.

**Conclusion**

- 6.54 In conclusion, having assessed the proposed neighbourhood area proposed in the application against the considerations listed in paragraph 035 of the PPG (as detailed above), it is considered on balance that the proposed area is not an appropriate neighbourhood area as by drawing the boundary through the Blackwell Reach Site Allocation it does not create a coherent estate for

residents and businesses. In addition, the use of the Blackwall Tunnel as a boundary does not create a clear enough physical boundary to define the proposed Area. This means it is considered that the proposed area is not an appropriate area to be designated as a neighbourhood area and, as such, it does not accord with section 61G(5) of the 1990 Act.

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

**(3) Alternative area**

- 6.56 The Council has identified an alternative area, which aligns with the majority of the area proposed in the application, to be designated as a neighbourhood area in accordance with section 61G(4)(b).

- 6.57 Officers consider that the alternative area identified accords with relevant legislation and the guidance within paragraph 033 of the PPG. A map identifying the alternative area is attached as Appendix 1: Poplar Neighbourhood Area Map.

- 6.58 The appropriateness of designating the alternative area has been assessed by Officers by reference to the same the considerations applied to the area proposed in the application (at paragraphs 6.27 to 6.59 above). The results of that assessment are summarised in the following paragraphs.

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

- 6.59 The alternative Area maintains the existing boundary of Limehouse Neighbourhood Area, whose north-eastern boundary meets the proposed south-western boundary of the proposed area. As such it is not necessary to alter the boundaries of areas already designated.

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

- 6.60 The following paragraphs answer the above question addressing the appropriateness of the area to be designated by reference to the considerations listed within paragraph 033 of the PPG (as identified in paragraph 5.12 above)

*(a) Village or settlement boundaries*

- 6.61 The alternative Area boundaries do not align with the entirety of any single village, settlement or ward boundaries. In a dense urban context, the use of



village or settlement boundaries is inappropriate. However, the Area boundaries do utilise some existing administrative boundaries: the western boundary, and majority of the northern and southern boundaries align with the Poplar Ward boundaries.

*(b) Catchment area*

- 6.62 The alternative Area is centred on Poplar Neighbourhood Centre which provides a local retail offer in the proposed area. Partly within the proposed Area but predominately to the north is the Chrisp Street District Centre which serves a wider catchment area, and as the application states: ‘the roads form a natural severance separating us from Chrisp Street’.
- 6.63 The area is served by one main open space: Poplar Recreation Ground and a leisure centre: Poplar Baths. The location of both these facilities on the northern edge of the proposed Area, means they are likely to have a wider catchment area than the proposed Area. The Area is also home to New City College (formally known as Poplar College). The College is the only sixth form college in the borough and has a borough wide catchment area.
- 6.64 In a dense urban context, where residents and visitors will use a range of services with overlapping and diverse catchment areas, it is inevitable that there will be alternative overlapping catchment areas which could be appropriate neighbourhood areas. The application’s focus on a catchment around Poplar Neighbourhood Centre is considered one such appropriate catchment area.

*(c) Community based groups*

- 6.65 Community groups that solely operate within the boundary of the alternative Area are not known to the LPA. There are a number of well-established community groups which operate within this Area. However, the majority of area-based community groups function within either smaller or larger areas.
- 6.66 SPLASH (South Poplar and Limehouse Action for Social Housing), which established the ‘Poplar regen alliance’ which has submitted this Area application, operates throughout the wider Area and into Limehouse (which is already covered by a Neighbourhood Area).
- 6.67 Area based groups that operate within the wider Area include a variety of Tenants and Residents Associations linked to the specific housing estates within the area.
- 6.68 As indicated in relation to criterion (a), the proposed boundaries for the Area would create a new boundary and as such it follows that there are no known existing community based groups that represent the Area, as applied for, other than the prospective forum.

*(d) Physical appearance or characteristics*

- 6.69 As stated above, the alternative Area aligns with two Place identified in the Core Strategy: ‘Blackwall’ and ‘Poplar’. The Core Strategy describes the place

of 'Blackwall' as defined by a mixed use area with a new town centre (through a strengthened and extended Poplar Neighbourhood Centre). The place of 'Poplar' emphasises the importance of the Poplar Baths redevelopment (since completed). The proposed Area's focus around Poplar Neighbourhood Centre and market is therefore sympathetic to one of the dominant characteristics identified in the Core Strategy.

- 6.70 The Area is primarily residential, and is served by the neighbourhood centre at Poplar High Street. Residential typologies are primarily post war housing estates, with some newer taller housing blocks at the eastern edge of the proposed Area.
- 6.71 There are three conservation areas: St Mathias Church, Poplar, All Saints Church, Poplar and Naval Row which contain a number of listed buildings. The prevailing character of the St Matthias Church Conservation Area is defined by its group of miscellaneous public buildings and a residential townscape, complementing the St Matthias Church and the Poplar Recreation Ground surrounding it. The churchyard is a large garden enclosed by railings and dominated by the landmark church in the centre. The square is enclosed on three sides by streets, largely residential in character, and by the major East India Dock Road to the north. The character of the Naval Row Conservation Area is defined by the surviving structures associated with the historic port and shipbuilding activities of the 19<sup>th</sup> century. While this third conservation area is different in nature to the two on Poplar High Street, they are all associated with the historical development of the docks and the community which developed around them and therefore share characteristics.

*(e) Coherent estate either for businesses or residents*

- 6.72 The alternative Area includes the entirety of the Poplar Neighbourhood Centre and provides a coherent estate for businesses.
- 6.73 The alternative Area only includes the small part of Chrisp Street District Centre on the south side of East India Dock Road. This part of the Town Centre includes mainly civic uses including Poplar Baths Leisure Centre, the Fire Station, All Saints DLR station and Newby Health and Wellbeing Centre. This is quite distinct from the primarily retail character of the majority of the District Centre, centred around Chrisp Street market square, located on the north side of East India Dock Road. As such, while this does create some incoherence for businesses, the benefits of retaining the hard boundary of East India Dock Road to provide distinct and clear boundaries, are considered to outweigh concerns about only including a small part of the District Centre within the Area.
- 6.74 The alternative Area includes a number of housing estates. All housing estates are included in the Area in their entirety and as such it provides a coherent area for residents.
- 6.75 The alternative Area includes one site allocation from the existing development plan: Blackwall Reach and one site allocation in the emerging Local Plan: Aspen Way. The entire Aspen Way site is included in the

proposed Area and so the boundary does not create incoherence for future residents or businesses. The alternative Area includes the whole of the Blackwall Reach site allocation and so the boundary does not create incoherence for future residents or businesses.

*(f) Wholly or predominantly a business area –*

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

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

- 6.77 The alternative Area uses infrastructure and physical features to determine the boundaries of the proposed Area. This includes the East India Dock Road (A13), West India Dock Road (A1261), DLR tracks, Robin Hood Lane and Naval Row.

*(h) the natural setting or features in an area*

- 6.78 The alternative Area is still predominantly defined by transport infrastructure. Poplar Recreation Ground and All Saints Poplar Churchyard are the key natural features of the area. Their inclusion within the proposed Area is therefore supported.

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

The residential population

- 6.79 The proposed Area does not align with ward boundaries and, as such, it is difficult to calculate the population living and working in the Area. The 2011 Census population for the wards related to the Area as applied for, are used, as an approximate measure:
- Poplar: 6,957
- 6.80 This figure is considered to be fairly representative as the area of Poplar ward excluded by the alternative Neighbourhood boundary is primarily employment and industrial in use.
- 6.81 It is noted that the population size of neighbourhood areas designated to date ranges significantly. It is noted that paragraph 033 of the PPG states that electoral 'ward boundaries can be a useful starting point for discussions on the appropriate size of a neighbourhood area; these have an average population of about 5,500 residents'.
- 6.82 Given the above, the size of the living and working population in the proposed area can be said to be appropriate for a neighbourhood area.

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

- 6.83 The LPA is not proposing modifications as the boundaries of the Limehouse Neighbourhood Area (the only adjacent Neighbourhood Area) are coherent and deemed appropriate.

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

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

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

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

#### **Conclusion on alternative area**

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

#### **Officers' Recommendation**

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

### **7 COMMENTS OF THE CHIEF FINANCE OFFICER**

- 7.1 This report asks the Mayor in Cabinet to consider an application from the 'Poplar Regen Alliance' to designate an area within Poplar (as shown in the plan in Appendix 1) as a Neighbourhood Planning Area in accordance with the statutory requirements of the Localism Act 2011.
- 7.2 The Council has a duty to provide support and advice to Area Forums which will incur additional administration costs, and these must be contained within existing budgets. Funding was historically made available by the DCLG to assist with these costs, subject to an annual maximum sum dependent upon the number of determinations within the particular financial year. Since 1<sup>st</sup> April 2016 however, the funding arrangements were changed so that they are no longer year specific. A local planning authority is able to claim £5,000 for each of the first five area designations that it makes, with a further £5,000 for each of the first five forum designations. The Council has already designated

five neighbourhood planning areas and as a consequence it will therefore not receive any funding towards the costs associated with the Poplar Neighbourhood Planning Area.

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

## **8 LEGAL COMMENTS**

- 8.1 This report concerns an application, to designate a Neighbourhood Planning Area within Poplar (as shown in the plan at Appendix 1) and recommends the approval of an amended area.
- 8.2 This report sets out details of the statutory regime in respect of neighbourhood planning, as well as the relevant procedures and matters for consideration, both in terms of the statutory requirements and government guidance contained in the Planning Practice Guidance. Consultation in respect of the proposed neighbourhood planning area (as detailed at paragraphs 6.6-6.8 of this report) has been carried out in accordance with Regulation 6 of the 2012 Regulations.
- 8.3 In determining a neighbourhood area application, the Council needs to consider the factors set out in Section 61G and 61H of the TCPA 1990 and the 2012 Regulations, along with the guidance. The relevant factors are summarised at paragraphs 5.7-5.12 of this report and a thorough analysis against these factors has been carried out, starting at paragraph 6.18. Legal Services are satisfied that Officers have had proper regard to these factors in formulating their recommendation that the Poplar Neighbourhood Planning Area is designated.
- 8.4 The Council's decision on this area application must be publicised as soon as possible after the decisions have been taken (Regulation 7 of the 2012 Regulations).
- 8.5 In deciding whether to designate a neighbourhood area, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not. An Equality Analysis Quality Assurance Checklist has been

undertaken (see Appendix 3). It indicates that no negative equality impacts arise at this stage. A further assessment will be carried out if and when any proposed Neighbourhood Plan and/or Neighbourhood Development Order are brought forward by a forum for the relevant area.

## **9 ONE TOWER HAMLETS CONSIDERATIONS**

- 9.1 One Tower Hamlets principles have been considered so far as they impact upon the determination of the application to become a Neighbourhood Planning Area. The implications of determining these applications on the protected characteristics outlined in the Equalities Act 2010 have been considered using the Council's Equality Analysis Quality Assurance Checklist and it has been considered that no further action needs to be taken at this stage.
- 9.2 Due regard for the nine protected groups will be embedded in the preparation and production of any resultant Neighbourhood Development Plan (NDP) or Neighbourhood Development Order (NDO).
- 9.3 Furthermore, NDPs and NDOs are required to be in general conformity with the Council's Local Plan and as such will give due consideration to One Tower Hamlets considerations and the Community Plan.

## **10 BEST VALUE (BV) IMPLICATIONS**

- 10.1 Under Section 3 Local Government Act 1999 the Council 'must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness'.
- 10.2 During the determination of these applications the Council has worked with the relevant forum where appropriate, having regard to economy efficiency and effectiveness, and in conformity with statutory requirements as detailed in the TCPA (1990).
- 10.3 At the stage when Forums are developing Neighbourhood Development Plans (NDPs) and Neighbourhood Development Orders (NDOs), the plans and orders will add an additional layer of detail to the Council's Development Plan and look to steer the future development of land in the relevant area. This will better allow the existing and future community to contribute to economic, environmental and social improvements in their area and benefit from the resultant development.

## **11 SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 11.1 Determining Neighbourhood Planning Areas applications does not have any discernable impacts on the environment.
- 11.2 At the stage where established Neighbourhood Planning Forums are developing NDPs or NDOs for the designated Neighbourhood Planning Areas consideration will be given to action of a greener environment.

- 11.3 Under Article 3(3) and 3(4) of the Strategic Environmental Assessment (SEA) Directive 2001/42/EC an SEA may be required of plans and programmes which “determine the use of small areas at a local level. In accordance with Regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 (“the ‘Regulations’”), the responsible authority will determine whether a Strategic Environmental Assessment (SEA) is necessary. The Council will act as necessary to provide advice to designated Forums in respect of the requirements to carry out an SEA.

## **12 RISK MANAGEMENT IMPLICATIONS**

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

- Development & Renewal Directorate Management Team
- Corporate Management Team

## **13 CRIME AND DISORDER REDUCTION IMPLICATIONS**

- 13.1 Determining Neighbourhood Planning Forums and Areas applications does not have any discernible impacts on crime and disorder.
- 13.2 At the stage where established Neighbourhood Planning Forums are developing NDPs or NDOs for the designated Neighbourhood Planning Areas consideration may be given to crime and disorder where the Forum wish to pursue the implications of crime and disorder on the built environment.

## **14 SAFEGUARDING IMPLICATIONS**

- 14.1 There are no specific safeguarding implications associated with this report.

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### **Linked Reports, Appendices and Background Documents**

#### **Linked Report**

- NONE

#### **Appendices**

- Appendix 1: Poplar Neighbourhood Area
- Appendix 2: Consultation Summary Reports
- Appendix 3: Equality Analysis Quality Assurance Checklist

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

- NONE

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