



The Planning Inspectorate

Report to the London Borough of Tower Hamlets

by Christa Masters MA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Date: 20 September 2019

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Tower Hamlets Local Plan

The Plan was submitted for examination on 28 February 2018

The examination hearings were held between 6 September – 14 October 2018

File Ref: PINS/E5900/429/14

Abbreviations used in this report

AMR	Annual Monitoring Report
ALP	Adopted London Plan (2016)
BREEAM	Building Research Establishment Environmental Assessment Method
CAZ	Central Activities Zone
CD	Core Document
DLR	Docklands Light Railway
ELR	Employment Land Review
Framework	National Planning Policy Framework
GLA	Greater London Authority
HMO	Housing in Multiple Occupation
HRA	Habitats Regulations Assessment
IDP	Infrastructure Delivery Plan
IIA	Integrated Impact Assessment
LBTH	London Borough of Tower Hamlets
LEL	Local Employment Locations
LIL	Local Industrial Locations
MOL	Metropolitan Open Land
MM	Main Modification
OAN	Objectively Assessed Need
SCI	Statement of Community Involvement
SOCG	Statement of Common Ground
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SIL	Strategic Industrial Locations
The Plan	London Borough of Tower Hamlets Local Plan
TFL	Transport for London
THAA	Tower Hamlets Activity Areas
WMS	Written Ministerial Statement

Non-Technical Summary

This report concludes that the London Borough of Tower Hamlets Local Plan (the Plan) provides an appropriate basis for the planning of the Borough, provided that a number of main modifications (MMs) are made to it. The Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

All the MMs were proposed by the Council and were subject to public consultation over a six week period. In some cases, I have amended their detailed wording and/or added consequential modifications where necessary. I have recommended their inclusion in the Plan after considering all the representations made in response to the consultation on them.

The Main Modifications can be summarised as follows:

- To amend various development management policy criteria and supporting text throughout the plan to ensure that the policies are clear, up-to-date, internally consistent, justified and effective;
- Modifications to various site allocations to ensure that the policy requirements are justified and effective;
- Additional policy wording in relation to developer contributions to ensure flexibility is applied regarding site specific requirements;
- Modifications to ensure that the policies relating to Metropolitan Open Land (MOL) accord with the National Planning Policy Framework (the Framework);
- To ensure the Plan reflects a robust and justified approach to open space, green infrastructure, waste water and water spaces;
- To clarify the policy approach to a zero-carbon Borough so it is consistent with the Written Ministerial Statement on this issue;
- To amend the threshold for requiring affordable housing and to clarify policy requirements in relation to residential schemes with an existing planning permission;
- Additional policy wording in relation to affordable housing, housing mix, meeting housing needs and houses in multiple occupation in order to ensure the policy wording is effective in its application;
- Amending the threshold level for wheelchair accessible student housing to ensure the policy accords with building regulations;
- Additional policy wording in relation to design requirements to ensure the policy wording is effective in its application;
- To clarify the approach in relation to Tall Buildings and ensure the policy is justified, clear and effective in its implementation;
- To ensure that the policies in relation to the Borough's protected shopping frontages are justified and effective;
- To clarify the approach towards employment land;
- To ensure adequate monitoring of the Plan is proposed in order to ensure its effectiveness.

Introduction

1. This report contains my assessment of the Local Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers firstly whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements.
2. The National Planning Policy Framework 2012 (the Framework) (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy. The revised National Planning Policy Framework was published in July 2018 and subsequently updated in February 2019. It includes a transitional arrangement in paragraph 214 whereby, for the purpose of examining this Plan, the policies in the 2012 Framework will apply. Unless stated otherwise, references in this report are to the 2012 Framework and the versions of the PPG which were extant prior to the publication of the 2018 Framework.
3. 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 London Borough of Tower Hamlets Local Plan submitted in February 2018 is the basis for my examination. It is the same document that was published for consultation in October 2017.
4. The Council issued a tracked changes version of the Plan, (CD LBTH/LP/005) with a number of amendments made in response to consultees and also my Matters and Issues note. Whilst I acknowledge that this version of the Plan is different from the submitted version, it is nevertheless useful in understanding the Council's responses. This document, along with the evidence base, has been made available through the Council's website and I have not been made aware of any issues of concern regarding this document.

Main Modifications

5. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications (MMs) necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1, MM2, MM3** etc, and are set out in full in the Appendix attached to this report.
6. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out a sustainability appraisal of them (SA). The MM schedule was subject to public consultation for a six-week period between 25 March and 9 May 2019. I have taken account of the consultation responses in coming to my conclusions in this report and in light of this I have made some amendments to the detailed wording of the main modifications. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary, I have highlighted these amendments within my report.

Policies Map

7. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the plan identified as the Policies Map and set out in Core Document (CD SD2).
8. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies (**MM13, MM28, MM29, MM30 and MM33**) require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective. These further changes to the policies map (CD LBTH/LP/008) were published for consultation alongside the MMs (CD LBTH/LP/004b).
9. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the submission policies map (CD SD2) and the further changes published alongside the MMs (CD LBTH/LP/008) incorporating any necessary amendments identified in this report.

Assessment of Duty to Co-operate

10. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
11. The Duty to Cooperate Statement (CD SD11) February 2018 as well as the evidence contained within the hearing statements sets out the Council's position in this regard and explains how it has sought to discharge its duty. The evidence explains in detail how the Council has engaged appropriately in relation to the strategic matters affecting the Plan through various methods including stakeholder events, workshops and forum meetings. Detailed statements of common ground (SOCG) have also been prepared in conjunction with a number of key stakeholders including Thames Water, The Port of London Authority, Transport for London (TFL) and the neighbouring London Borough of Hackney as well as agreeing a memorandum of understanding with the London Legacy Development Corporation. In addition, the Council have ensured continuous engagement with the Greater London Authority (GLA) as the strategic planning authority throughout the Local Plan process.
12. In terms of economic growth, housing delivery and infrastructure provision, the Council has worked with a number of the neighbouring authorities through an extensive number of stakeholder meetings and forums. This approach has, where appropriate demonstrated the Council's commitment to addressing

cross boundary issues and the strategic priorities facing the Borough. For example, in relation to economic growth, the Council has worked with the City of London, the London Borough of Hackney and Association of London Borough Planning Officers to secure the future supply of employment land across the Borough, identify preferred office locations and measures to protect the character and function of the Central Activities Zone (City Fringe and Canary Wharf). These actions clearly demonstrate the Council's understanding of the importance of cross border issues.

13. Overall, I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

Assessment of Soundness

Main Issues

14. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified a number of main issues upon which the soundness of the Plan depends. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors. In addition, policies and designations which do not raise main issues and are considered to be sound have not been referred to within the report.

Issue 1 – Have the relevant legal requirements been met? Does the Plan contain a robust spatial vision and justified strategic objectives consistent with national policy and in general conformity with the Adopted London Plan (ALP)?

15. The London Borough of Tower Hamlets Legal Compliance Checklist (CD SD04) sets out how the legal requirements identified by the regulations have been addressed.
16. Chapter 1 of the Plan identifies a clear strategic vision for the Borough up until 2031. In particular, the vision notes that by 2031, Tower Hamlets will embrace its role as a key focus for London's growth. As well as continuing to build high quality residential neighbourhoods, the Borough will continue to strengthen its economic focus, which will be sustained through enhancement of the public transport network. This strategic vision is supported by a number of documents within the evidence base including the Tower Hamlets Community Plan (CD SED4), Tower Hamlets Strategic Housing Market Assessment (CD SED17), the Infrastructure Delivery Plan (CD SD06) and the Tower Hamlets Strategic Transport Assessment (CD SED61). The vision identified is also consistent with the ALP (CD SD07).
17. Two key objectives are identified to meet this vision. These are to manage the growth and shape change and secondly, sharing the benefits of growth. A significant number of aims are identified as to how each of the key objectives will be met. Whilst it is not necessary to repeat these here, it is important to note that they focus on a number of key areas including delivering London's housing and employment growth, supporting additional transport investment, strengthening the roles of town centres, delivering successful placemaking and

ensuring housing developments contribute towards creating socially balanced and inclusive communities.

18. Two policies provide the spatial framework as to how the vision will be achieved. Policy S.SG1 identifies areas for growth and opportunity within Tower Hamlets. It is a 7-part policy which identifies the broad locations and opportunity areas where growth and investment will be focused over the plan period. In addition, policy S.SG2 explains how the Plan aims to deliver sustainable growth in accordance with the areas identified above. Both of these policies are reflective of the vision setting a Framework for where housing development will be focused, how town centres will evolve and develop, and identify in strategic policy terms where employment development and new infrastructure to support the planned growth will be focused. Both of these policies identify the broad approach to the delivery of sustainable growth and development within Tower Hamlets. The overall approach is sound, it is consistent with the strategic objectives and spatial vision identified within the Plan. It is also an approach which is consistent with both national policy and the ALP.
19. A number of the SOCG demonstrate how the Council have sought to work in a collaborative manner in relation to a number of strategic planning matters identified. The SOCG have been prepared with a number of bodies including developers, statutory consultees as well as neighbouring Boroughs demonstrating a commitment to work collaboratively.

Conclusion on issue 1

20. Taking the above into account, I conclude the Plan complies with all the necessary relevant legal requirements in the 2004 Act. The spatial vision is robust, and the overall strategic objectives are appropriately justified, are in general conformity with the ALP and are consistent with national policy.

Issue 2 – Is the spatial strategy of the Plan supported by the Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA)?

21. The Integrated Impact Assessment (IIA) (CD SD6) dated September 2017 incorporates the Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) as well as the Habitats Regulations Assessment (HRA). It also encompasses a Health Impact Assessment and Equalities Impact Assessment. This document was updated in March 2019 (LBTH/LP/011a) to reflect the MMs proposed.
22. The ALP identifies three opportunity areas within the Borough where it anticipates that significant growth will be focused. These are City Fringe/Tech City, Isle of Dogs and South Poplar, and Lower Lea Valley. The ALP sets the framework for the SA and the spatial strategy adopted by the Borough. As a result, the scope for the consideration of alternatives is somewhat narrowed. However, as part of policy S.SG1, the Council have also identified the Central Sub Area in addition to the opportunity areas identified above as a focus for growth. All these areas have the potential to absorb significant growth and support urban renewal. The policy framework also recognises the unique characteristics and local distinctiveness of each of the areas concerned. These are the locations where the site allocations set out in Part 4 of the Plan propose to deliver the majority of the planned growth over the plan period.

23. The SA has used a framework to appraise each of the policies identified against set defined objectives. In common with other SAs, defined criteria are used to assess each of the proposed site allocations against SA objectives. For each of the sustainability objectives identified, there are targets set and a clearly defined basis for appraising the site allocations. In my view, the level of detail contained within the SA is proportionate and the reasons for selecting the site allocations are sufficiently detailed. Overall, it provides an appropriate approach and the assumptions and criteria used have also been adequately justified. As a result, I am satisfied that the general approach to the SA is a robust one and that the necessary procedural and legal requirements have been met accordingly.
24. In terms of the HRA, the initial assessment focused on five European sites within 15km of the London Borough of Tower Hamlets (LBTH). These are Epping Forest SAC, Richmond Park SAC, Wimbledon Common SAC, Lee Valley SPA and Lee Valley Ramsar. The HRA concluded that the plan will have no significant effects (either alone or in combination) on any European Sites. This is a reasonable conclusion to reach and Natural England have not raised any concerns.

Conclusion on issue 2

25. For the reasons outlined above, the spatial strategy for the Plan is supported by both the SA and HRA. Reasonable alternatives have been considered by the Plan and the Plan complies with all the necessary relevant procedural and legal requirements in this regard.

Issue 3 – Is the Plan’s approach to housing delivery justified and consistent with national policy and in general conformity with the ALP?

Housing Delivery

26. The approach to housing delivery is set out within the Five Year Housing Land Supply and Housing Trajectory Statement (CD SED27). This document is informed by a number of assumptions concerning future build out rates and lead times for housing delivery. Where relevant, bespoke phasing plans from specific developers of the individual sites concerned have also informed the trajectory. This evidence, taken with both surveys from existing developers as well as internal data on delivery rates has been used to inform the development trajectory. It presents a proportionate and satisfactory approach.
27. As an inner London Borough, Tower Hamlets has played an important role in housing delivery in recent years, delivering more homes than any other authority in England. The policies to deliver the supply of housing within the Borough over the plan period are set out within chapter 4 of the Plan. The text acknowledges the role that the existing ALP has in terms of the evidence base and setting the vision and quantum of housing development. For LBTH, this means a housing target of 39,314 homes over the period 2015-2025. The target equates to a minimum requirement of 3,931 homes per annum, and the ALP explains that it expects this target to be ‘rolled forward’ for the Plan period. As matters stand, the Plan would satisfy this annual requirement, however there is an acknowledged shortfall towards the end of the Plan period. The Framework acknowledges that the requirement is to identify a

supply of specific developable sites for the 6-10 year period and where possible for years 11-15.

28. The Housing Delivery Strategy (CD SED26) provides full details of how the LPA intend to reduce the current anticipated shortfall through a number of identified measures. These include the delivery of housing at greater density levels, Council delivery of Council enabled affordable homes (not included within the housing trajectory) and securing funding from the GLA to accelerate housing delivery through the GLA Housing Zones. It is also worth noting that the new London Plan proposes updated housing targets for each of the individual London Boroughs. Early iterations of the Plan indicate that the revised target for LBTH will be significantly reduced which could almost remove the anticipated shortfall. However, given the Inspector's report of the new London Plan is yet to be produced, this is not a position to which any tangible planning weight can be attached.
29. Paragraph 4.10 of the Plan sets out what actions the Council will take if the housing targets are not being met. However, **MM7** is necessary to ensure that specific steps are taken in relation to monitoring, with appropriate triggers and timescales as outlined within section 5 of the Plan. Overall, I am satisfied that the approach adopted is sound and in accordance with the requirements of the Framework I have summarised above. The shortfall identified towards the end of the plan period does not cause me concern in terms of housing delivery.
30. As I have also set out below, the capacity of a number of the more longer-term strategic development sites within the Plan is yet to be determined and these could potentially have a significant role to play in terms of the longer-term housing delivery picture. The evidence base (including CD SED17 Strategic Housing Market Assessment (SHMA) 2017) reflects a lower objectively assessed need (OAN) of 46,458 homes for a 15-year period (2016 – 2031) and is based on the most up-to-date population projections. It also demonstrates the fact that the Borough is expected to make a significant contribution to London's overall strategic need. Further Alterations to the London Plan which were published in March 2015 identified the minimum housing target for LBTH for a ten-year period of 39,314 dwellings.
31. Chapter 4 of the Plan presents the Council's policy approach to housing and meeting housing need. The approach is identified through policies S.H1 – D.H7 inclusive. The Council has at table 1 identified the expected number of additional homes to be delivered across each of the sub areas. The sub areas identified are consistent with the areas for growth identified by policy S.SG1.
32. Returning to the evidence base, the SHMA has been prepared with due regard to the Framework, the Planning Practice Guidance (PPG), the strategic vision as well as the ALP and the Further Alteration's to the London Plan (2015), as well as the Greater London Authority Housing SPG 2016 (CD SED21) . This evidence base and the conclusions reached confirm that the evidence is justified and provides an effective evidence base for the Plan policy framework.
33. The Five-Year Housing Land Supply and Housing Trajectory Statement (CD SED27) sets out the approach adopted by LBTH in the context of National

policy and the ALP. In the context of paragraph 47 of the Framework and the buffer requirement, the Council has over the last 5 years exceeded the housing target by some 417 homes. Whilst I acknowledge there has been a shortfall in the delivery of the target in two of the years, this cannot be regarded as a record of persistent under delivery. As a result, the application of a 5% buffer is a robust and sound approach to this issue.

34. In summary, the approach to housing delivery within the Plan is based on a robust and up-to-date evidence base which is consistent with both national policy and the ALP. The overall level of housing delivery will ensure that a rolling 5 year supply of land for housing will be achieved, at least for the next ten years of the plan period.

Affordable Housing

35. The Strategic Housing Market Assessment (SHMA) update, May 2017 (CD SED17) assesses affordable housing needs for the Borough, establishing current unmet need for affordable housing and projecting future affordable housing need. The methodology and approach adopted accords with the guidance contained within the PPG. The evidence base concludes that there is a need to provide additional affordable housing for 20,922 households over the 15 year period between 2016-2031, representing 55% of the demographic growth for Tower Hamlets. Providing affordable housing at this level would provide for current unmet needs in addition to projected future growth of affordable housing need.
36. As a result, it is clear that Tower Hamlets, in common with other central London Boroughs, has a very clear and pressing need for affordable housing to be provided over the plan period. The policy approach as set out within the Plan to achieve this includes Part 2 of policy S.H1, the thrust of which is to seek to set an overall target for 50% of all new homes to be affordable. This overall target has been informed by the evidence base and in particular the SHMA (2014, CD SED16 and 2017, CD SED17). The policy goes on to explain how the 50% target will be achieved.
37. **MMS** amends the affordable housing threshold levels to bring them in line with the 2019 Framework. Although this Plan is being examined under the transitional arrangements and against the 2012 Framework, I consider such an adjustment provides greater clarity in this instance and is justified accordingly. The MM also introduces corresponding changes to the supporting text to reflect the most up-to-date threshold levels. It also deletes the requirement for lower levels of affordable housing to be accepted in 'exceptional circumstances'. In my view, this is an unnecessary test in the context of this policy, where the policy wording already requires any lower levels of affordable housing provision to be robustly justified through viability evidence or where it can be demonstrated that there are clear barriers to delivery. In short, the proposed 'exceptional circumstances' test has no basis in national policy, would be overly and inappropriately restrictive and would run the risk of undermining the delivery of new housing. **MMS** is therefore necessary for the policy to be effective and thus sound.
38. The detailed policy approach to affordable housing can be found at policy D.H2 which is a 6 part policy. The policy sets out the detail of the tenure split

envisaged by the affordable housing provision. Part 1 of the policy stipulates that 70% is rented and 30% intermediate in terms of tenure split. The approach to affordable housing is supported by the evidence base including the Affordable Housing and Viability SPG (CD SED22). In particular, this document sets out how policy 3.11 of the ALP seeks to maximise affordable housing provision and identifies that 60% of the affordable housing provision should be for social and affordable rent and 40% for intermediate rent or sale. Leading on from this, the Affordable Housing and Viability SPG advises that the preferred tenure split is at least 30% low cost rent, 30% intermediate products and 40% to be determined by the LPA.

39. Part 3 of the policy gives high priority to the provision of family homes. This accords with policy 3.11 of the ALP which outlines this as a key objective. Part 2 of the policy identifies how development will maximise the delivery of affordable housing on site. **MM9** provides greater certainty to the policy wording and supporting text concerning how the application of affordable housing thresholds will be applied in situations where previous planning permissions have been granted and the schemes are subsequently amended or extended. The MM also introduces additional text in relation to the application of the housing mix requirements on schemes which propose to deliver at least 35% affordable housing. This modification provides greater flexibility for the Council in terms of the housing mix which can be achieved when the development exceeds 35% affordable housing, creating clearer alignment with the GLA's threshold approach to delivering affordable housing and is a justified approach. The modification will also provide greater clarity in relation to estate regeneration schemes and ensuring that they meet the latest decent home standards. This MM to both the policy wording and supporting text is necessary to ensure policy D.H2 is effective in its application and therefore sound.

General Housing Policies

40. Part 4 of policy S.H1: Meeting housing needs addresses development to support the needs of specific communities within the Borough. The specific communities identified by the policy include older people, disabled and vulnerable people, students and gypsies and travellers.
41. **MMS** deletes part 5 of the policy which required residential development to encourage increased housing sales to Londoners, preferably for owner occupation. Part 2 of the policy already places a significant emphasis on developments creating balanced and mixed communities, responding to local and strategic need. This local and strategic need includes all sectors of the population. In my view, part 5 of the policy as currently drafted would be contrary to the strategic vision of the plan which includes ensuring that Tower Hamlets continues to be home to a wide range of diverse communities, encouraging inclusive and cohesive neighbourhoods. In short, part 5 of policy S.H1 is neither necessary or effective. In its place, **MMS** introduces supporting text to the policy, recognising the policy requirements to respond to local and strategic market housing need, and acknowledging the difficulties facing residents within the Borough in terms of the impact of overseas investors on the affordability and availability of housing ownership. This is necessary for effectiveness.

42. Policy H4 addresses the protection of existing specialist housing provision. The policy notes that existing specialist and supported housing will be protected where it is suitable for its use and meets relevant standards for this form of accommodation. The supporting text for the policy provides an extensive list of examples which may constitute specialist housing. This includes but is not limited to sheltered housing, residential care homes, nursing homes and extra care homes. Part 2 of the policy sets a criteria based approach towards the redevelopment of any existing sites which include specialist and supported housing and part 3 of the policy presents a criteria based approach for the development of new specialist and supported housing. This policy is justified by the evidence base and as a result of the criteria and wording used, will be appropriately effective in its application. It is therefore sound.
43. There is a strong presence of further education establishments across the Borough, necessitating a policy in relation to student housing which is provided by policy D.H6. Part 1 of the policy recognises the need to support the delivery of student accommodation in appropriate highly accessible locations or in locations close to the Borough's Higher Education Institutions, measured against the priorities for other competing land uses. This requirement is in accordance with policy 3.8 (part Bh) of the ALP which acknowledges the challenges facing a number of London Boroughs in achieving housing for both conventional homes and student accommodation.
44. **MM10** revises the figure for wheelchair accessible student accommodation provision from 10% in the submitted Plan to 5% and provides additional text to the supporting text to justify this approach. This is necessary to ensure the Plan reflects the most accurate and up-to-date building regulations guidance on this issue. Part 2 of the policy seeks to protect the net loss of existing student accommodation, advising that it will only be supported where it can be demonstrated that the accommodation is no longer needed or adequate replacement housing will be provided.
45. It is important that an appropriate balance is struck between the policies in relation to both specialist housing (policy D. H4), student housing (policy D.H6) and housing with shared facilities (policy D.H7). To this end, the Council have provided a detailed analysis of how the policy requirements are balanced. There is a clear emphasis across the policy framework and all of these housing types to be in locations which are in areas of high transport accessibility. This is a sustainable approach which is to be supported.
46. Policy D.H7 seeks to address the acknowledged growth in purpose-built large scale houses in multiple occupation (HMOs) by providing a criteria based approach to any new proposals. **MM11** is necessary to ensure the policy is aligned with the overall objectives of policy S.H1 and also to ensure that any proposals meet an identified need going forward. For the same reasons, the modification also includes additional explanatory text.
47. Policy D.H5 addresses accommodation for gypsies and travellers and provides a criteria based approach towards any development proposals which may come forward within the Borough. The Gypsy and Travellers Accommodation Assessment (CD SED23) identifies the need for one additional pitch within the Borough over the plan period. The methodology used to inform this study has been clearly set out and provides an effective evidence base to support the

approach adopted. In terms of addressing this need and making provision for the existing gypsy and traveller community, policy S.H1(4)d seeks to safeguard the existing provision at Old Willow Close and any subsequent additional pitches to be delivered following the completion of the Elizabeth Line (Crossrail 1). However, the submitted Plan did not accurately reflect this safeguarded area in relation to the completion of the Elizabeth line works. The Council have proposed to rectify this by updating the adopted policies map in accordance with the schedule of changes to the policies map already consulted on (CD LBTH/LP/008). Overall, the approach to gypsies and travellers meets the need identified by the evidence base and is a sound approach.

48. The Council's requirements in relation to housing standards and quality are identified by policy D.H3. Space standards are set out in accordance with the London Plan space and accessibility standards, as well as minimum requirements in relation to the provision of amenity space provision on site. The policy is justified by the evidence base and appropriately worded so as to be effective in its application.

Conclusion on issue 3

49. Taking all of the evidence set out above into account, I conclude on issue 3 that the Plan's approach to housing delivery is both justified and effective, consistent with national policy and in general conformity with the London Plan. Subject to the MMs outlined above which are necessary for soundness, the Plan has been positively prepared and will be effective in meeting the housing needs of the Borough and its residents over the plan period. It will also go some way towards addressing affordable housing needs and overall, the approach is sound.

Issue 4 – Does the plan take a justified and robust approach to the delivery of the necessary infrastructure required to support the level of housing growth proposed? Will there be sufficient school places to support this growth? Overall, is the plan consistent with the ALP and national policy?

50. In accordance with the Framework, the ALP acknowledges at policy 3.16 that adequate provision for social infrastructure is an important area of new development and regeneration. My report deals firstly with the general infrastructure needs of the Borough arising as a result of the level of growth proposed over the plan period and separately the approach to school place planning and provision during the plan period.

General Infrastructure Provision

51. The Infrastructure Delivery Plan (IDP) (CD SD06) sets out details concerning engagement with infrastructure providers, key stakeholders and landowners to understand the estimated phasing and costs of the necessary infrastructure required to support the level of growth proposed over the plan period. In relation to certain infrastructure aspects such as open space, it also records existing infrastructure deficits. The document goes on to explain how the infrastructure necessary will be funded and provided. The Council has produced a detailed infrastructure phasing plan linked to the housing trajectory. From this document, a clearer picture is available of how the

infrastructure requirements and the planned growth will be aligned over the plan period.

52. The Local Plan Viability Assessment (CD SED5) 2018 and the IDP represent the Plan's evidence base in terms of testing the delivery of the necessary infrastructure required to support the planned level of growth as set out in the Plan up until 2031. These infrastructure requirements are set out in detail within the IDP which has been informed by the housing trajectory. A number of background studies have informed the infrastructure requirements, including but not limited to the Strategic Transport Assessment (CD SED61), Indoor Sports Facilities Strategy (CD SED38), Open Space Strategy (CD SED39) as well as the Green Grid Strategy (CD SED42).
53. This work includes the site specific testing of the individual site allocations taking into account the infrastructure requirements identified, as well as using growth projections to understand future infrastructure requirements and addressing these through the site allocations identified. This evidence base, supplemented by the infrastructure delivery and indicative housing trajectory work prepared by the Council demonstrates to me that the individual site by site infrastructure requirements have been considered in detail, including the phasing, timing of development and funding requirements. In particular, chapter 2 sets out in some detail the current and future projected developer contributions as well as the total costs of individual projects by infrastructure type. Overall, the evidence in this regard is sufficiently detailed and proportionate.
54. The Site Allocations Methodology (CD SED64) identifies each of the infrastructure requirements likely to be necessary as a result of the growth planned over the Plan period. A phasing programme has been identified which sets out what infrastructure requirements will be and when they will be delivered in order to support the Council's housing delivery target.
55. In the context of this background, the policy framework to deliver this infrastructure is set out at Chapter 2 of the Plan. Policy S.SG1 relates to the defined areas of growth and opportunity within Tower Hamlets and part 7 of the policy advises that development will be required to support the delivery of significant new infrastructure to support growth within the four sub areas. Specific infrastructure provision referred to by the policy includes improvements to the transport network, green grid projects and social infrastructure such as schools, open space, health centres and leisure facilities.
56. In addition to this, policy S.SG2 refers to the delivery of sustainable growth in Tower Hamlets. The second part of the policy refers to the delivery of social and transport infrastructure as well as public realm improvements which are inclusive and accessible to all. The mechanism through which developers will be expected to contribute towards infrastructure provision is outlined at policy D.SG5. In broad terms, the policy outlines the fact that developments will be expected to contribute towards improvements necessary for associated infrastructure to support the planned growth outlined within the Local Plan. The policy is consistent with both the ALP and the Framework. The policy also acknowledges the role that the existing Borough wide Community Infrastructure Levy charging schedule has in terms of delivering the necessary

infrastructure and outlines those impacts which would not be covered by the charging schedule (i.e affordable housing).

57. Health Impact Assessments are required to be submitted in accordance with policy D.SG3, this includes developments which are likely to impact on health outcomes or in locations which may impact on health outcomes. **MM1** amends the locational criteria to refer to major development within an area of sub standard air quality, and includes a reference to this designation on the policies map. This modification is necessary to ensure the policy is effective.
58. Policy D.SG5 sets the framework for developer contributions and sets out how contributions from developers to fund improvements to infrastructure and the environment will be obtained. The policy is appropriately justified by the evidence base and is clear in terms of other mechanisms to be used in order to secure infrastructure requirements across the Borough. **MM2** introduces specific wording to the policy to ensure that developer contributions are applied flexibly in relation to the site allocations contained within the Plan. This is necessary to ensure that the policy is effective in its application and additional explanatory text is also included as **MM3** to ensure the policy is appropriately justified.
59. The IDP will be reviewed annually and updated accordingly and **MM31** includes a new monitoring indicator to this effect. This is necessary to ensure that the approach is justified and effective. The Council has demonstrated that it has been able to update the IDP in an in-depth manner and has included with this dialogue with key infrastructure partners. To conclude, I am content that the IDP and supporting evidence base presents a robust assessment of the infrastructure necessary to be provided and the policies outlined will support the growth planned for the Borough over the Plan period and deliver the strategic objectives and vision of the Plan accordingly.
60. I am mindful that the latter part of policy D.SG5 states that vacant building credit (VBC) will not apply across the Borough. Although I recognise the weight to be afforded to national policy in relation to this matter, the local evidence base within the Borough provides sufficient justification for the approach adopted. It acknowledges the historical delivery of brownfield sites within the Borough which is considerable. The Local Plan Viability Assessment (CD SED5) also considers the effect of the VBC on the delivery of affordable housing, concluding that the introduction of a VBC would have a significant impact on the Council's housing supply. Taking all of these factors into account, I am of the view that the approach adopted to this issue is a sound one.

School Place Provision

61. The IDP (CD SD06) identifies the existing capacity and future needs of community facilities within the Borough. The provision of school places is fundamental to housing delivery given the significant population growth anticipated across the Borough over the plan period.
62. In addition to the IDP, the approach to school place provision is summarised in a number of background evidence documents including the Spatial Assessment Need for Schools (CD SED72) 2018, as well as the Matters and Issues 3 LBTH

response (CD LBTH/HS/003) and the LBTH post hearing clarification note (CD LBTH/LP/007a).

63. In essence, the approach adopted by the Council is one of over provision. In crude terms, the projected housing growth would require the provision of 6 new primary schools and 4 new secondary schools across the Borough. The Council's response is to plan for 9 primary schools and 5 secondary schools respectively. By including the requirement for new school provision within a number of the site allocations, the Council contend that the delivery of school provision can respond to the identified need when the site is delivered. Indicative delivery timescales have been identified by the Council. The Council have also helpfully identified (CD LBTH/AD/008) the locations of existing primary school provision across the Borough, the individual catchment areas and the site allocations which envisage the delivery of a primary school as part of the infrastructure requirements. This demonstrates that the new primary school provision will focus on the south east area of the Borough Area 3 (Poplar) and Area 4 (Isle of Dogs). Given the fact that the Isle of Dogs will see the largest concentration of housing growth over the plan period, this is a justified and effective approach.
64. The Council have also provided a detailed response to illustrate how air quality issues will affect the provision of schools across the site allocations. Figure 15 within the Plan illustrates the location of the areas of substandard air quality within the Borough and policy D.ES2 requires an air quality assessment to be submitted with any subsequent planning application for education use. I am satisfied that this issue has been suitably assessed for the purposes of the Local Plan and the issue of school place planning and the Council have taken a proportionate approach to this issue.
65. The Council have referred me to a number of factors justifying the approach adopted. These include the difficulty in projecting when development will come forward given the statutory requirement to deliver enough school places, the scarcity of land and complex land ownership issues within the Borough and the uncertainties of population projections and subsequent impact on school roll projections given the uncertainties of Brexit. I fully acknowledge that these factors can have a significant influence over the planning for school places and do not make the task of school place planning straightforward. Nevertheless, these are indeed factors facing a number of inner-city boroughs and I do not consider these factors alone to be particularly unique to the Borough of Tower Hamlets.
66. Nevertheless, the Council have explained that the approach adopted provides the Borough with the most responsive and resilient approach to school place provision across the Borough. Evidence has also been provided concerning the increasing proportion of children with complex needs who may require specialist or alternative education provision in this regard. There is also potential that existing schools may be expanded and therefore the position may change further. The Framework attaches great importance to ensuring that there is a sufficient choice of school places available. It also seeks to ensure that the capacity of education infrastructure is assessed and that any required infrastructure should be planned for. On balance, the Plan would meet these objectives and taken with the factors outlined above and set out

within the evidence base presented, I find the overall approach to school place planning adopted by the Council to be sound.

67. The approach adopted could have implications in terms of the deliverability and viability of a number of the site allocations. In order to address this, **MM3** seeks to ensure that when planning applications are determined, flexibility will be applied to the site allocation requirements based on the provision of infrastructure and other site specific requirements identified within the plan. The inherent flexibility to policy D.SG5 introduced by this modification is essential for soundness and acknowledges the approach adopted to school place planning and the flexibility which needs to be applied here.
68. In order for the approach to be effective, it is necessary for the plan to appropriately monitor the delivery of primary and secondary schools across the Borough and therefore ensure that planned delivery rates are kept proportionate to school place needs. **MM31** will achieve this objective by introducing a new monitoring target and indicator to this effect. This will allow for the monitoring of school delivery through the Plan which is essential for the approach adopted by the Council to be sound. This on-going monitoring will provide an opportunity to re-appraise and revisit the identified school place requirements and provision on a continuous basis.
69. Taking into account the modification put forward, the approach adopted is sound and justified. As a result, and taking all of the above factors into account, I conclude that the approach to school place planning and provision is justified and effective and will result in the provision necessary to support school age children in the Borough and the level of growth envisaged over the plan period.

Conclusion on Issue 4

70. To conclude, subject to the MM outlined above, the Plan takes a justified and robust approach to delivering the infrastructure necessary to support the planned growth. The approach adopted is supported by the evidence base and conforms with both the ALP and national policy. The approach to school places to support the planned growth is sound.

Issue 5 – Does the Plan provide the most appropriate strategy towards the economic growth of the Borough and designated town centres of the Borough?

Economic growth

71. As with the approach to housing, the ALP provides figures for projected employment growth across the Borough to 2031. Chapter 5 of the Plan identifies the relevant policies which will be applied to employment related development within the Borough. In essence, the policies aim to protect existing provision (policy D.EMP3) and provide a positive policy framework to support the strong local economy by encouraging new employment provision within appropriate locations (policy D.EMP2) as well as providing appropriate protection of the role and function of the Borough's designated employment locations (as defined by policy S.EMP1).

72. The evidence base which underpins this policy includes but is not limited to CD SED28 Employment Land Review (ELR), CD SED29 Preferred Office Location Boundary Review and CD SED30 Growth Sectors and SME Workspace Study. The ELR provides a comprehensive and objective assessment of the future requirements for employment provision across the Borough during the plan period. The evidence base as a whole is both robust and conforms with the wider approach to economic growth set out within the ALP.
73. Table 2 sets out the jobs and floorspace forecasts across the Borough during the plan period. Although there is a sufficient supply of sites identified for office development, there is an acknowledged shortfall of industrial floorspace compared to demand. This is attributed to the historical loss of industrial land within the Borough, a position explained in further detail by the ELR. The policy framework outlined below aims to address this issue by providing a level of protection towards existing provision as well as an appropriate policy framework for assessing new proposals which may come forward in appropriate locations.
74. Drawing on the policy recommendations set out within CD SED28, policy S.EMP1 sets the overarching policy framework for creating investment and jobs across the Borough. The policy seeks to maximise the provision of employment floorspace to meet the Borough's target of creating 125,000 new jobs (across all sectors) to the period to 2031. The policy provides a clear structure for the consideration of development proposals by clearly identifying the principal characteristics and role and function of each of the designated employment locations. These employment locations are illustrated at both figure 11 within the Plan as well as on the policies map.
75. The policy states that the Borough's Primary Preferred Office Location (POL) is recognised as the commercial core area to the north of the Isle of Dogs and including Canary Wharf. This area is, under the policy framework, identified as unsuitable for residential land uses or other land uses which could undermine the strategic function of this area. Given the global significance and acknowledged importance of this area to the employment role and function of the Borough and the wider London economy, this is a justified and effective approach.
76. The Secondary POL includes parts of the City Fringe and north of the Isle of Dogs and includes existing as well as potential employment locations. Whilst employment land remains as the dominant land use, the policy states that residential land uses will be acceptable subject to the application of a percentage threshold of 25% of the site area. The Preferred Office Location Boundary Review tests the application of this percentage threshold figure. The setting of a defined percentage is to a large degree a matter of planning judgement. Whilst I accept that concerns have been expressed regarding the application of a quantified percentage to preferred land uses, this policy wording stipulates that significant weight is given to office and other strategic Central Activities Zone (CAZ) uses as a first priority. On this basis, I am not persuaded that any change to the policy is necessary to achieve soundness. The application of a percentage threshold will ensure that the policy is effective and this is a justified approach which will ensure that the predominant employment function of these areas remain.

77. The remaining part of the CAZ is noted as zone C and encompasses areas of the CAZ outside of the Primary and Secondary POL. The strategic function of these areas is acknowledged by the policy, which will support larger purpose-built office buildings as well as the provision of employment and residential led schemes associated with the CAZ functions of the area. The remaining employment areas are classified as Local Employment Locations (LEL), Strategic Industrial Locations (SIL) and Local Industrial Locations (LIL). The policy notes that these areas provide opportunities for local and specialist employment needs, warehousing and waste management and light manufacturing/industry respectively. The policy also notes that the Tower Hamlets Activity Areas (THAA) and designated town centres provide opportunities for purpose-built office development with retail and leisure uses on the ground floor.
78. Overall, the policy approach to the individual employment locations identified is consistent and appropriately justified by the evidence base, in general conformity with the classifications provided within the ALP and will be effective in its implementation.
79. Policy D. EMP2 sets out the policy approach towards new employment space. It includes a number of criteria including a requirement that at least 10% of new floorspace should be provided as affordable workspace within major commercial and mixed-use schemes. The evidence to support this approach is provided within the Tower Hamlet's Growth Sectors and SME Workspace Study (CD SED30) as well as the Tower Hamlets Affordable Workspace Policy Review (CD SED31). This level of provision has also been tested as part of the viability evidence to support the plan. Given the very pressing need for affordable workspace provision identified by the evidence base, the policy is justified and sound.
80. Policy D.EMP4 provides specific guidance in relation to redevelopment proposals which may come forward within designated employment areas. Aligned with policy S.EMP1, it provides a stepped approach to the protection of the various designated employment areas. Flexibility is embedded in the wording of the policy, acknowledging that the site-specific circumstances of each individual proposal will be of primary importance. In light of the evidence contained within the ELR on this issue as well as the conclusions I have already drawn above regarding policy S.EMP1, this is a justified approach. The policy wording is clear, which will ensure that it is effective in its implementation. Overall, the policy presents a clear and justified approach which will be effective in its application.

Meeting retail needs over the plan period

81. In terms of new retail floorspace requirements over the plan period, table 4 provides a breakdown of the retail capacity requirements for both convenience and comparison goods across the different designated centres over the plan period. These figures are supported by the Town Centre Retail Capacity Study (CD SED33), informed by a number of assumptions and forecasts which are set out in detail within the evidence base. This includes an assessment of existing shopping patterns and market share across the Borough. The approach adopted accords with the Framework by providing a basis for

assessing the capacity of the existing centres to accommodate new town centre development.

Policies for the designated centres and frontages

82. The Framework is clear that retail policies should support the vitality and viability of recognised centres, define a network of centres as well as setting clear policies which identify what uses will be permitted within designated frontages. Recognising these objectives, policy S.TC1 defines the network of centres within the Borough. The classification of these centres is illustrated on both the policies map and figure 12 of the Plan. The boundaries are supported by the retail evidence base which includes the Town Centre Retail Capacity Study (CD SED33), Town Centre Strategy (CD SED34) and Town Centre Topic Paper (CD SED35). The definitions used within the policy accord with the Framework and the ALP, which defines at policy 2.15 and annex 2 the network of London's town centres and definitions. The policy plainly defines where each of the centres within the Borough fall within the hierarchy as well as clearly identifying the functions and roles associated with each of the centres.
83. Policy D.TC2 identifies both primary and secondary shopping frontages which have been appropriately justified by the evidence base including an assessment of retail need and town centre health checks (CD SED 33). However, in relation to some shopping areas, the submitted Plan did not reflect the evidence in terms of the shopping frontage recommendations as it failed to designate primary shopping areas within the major and district centres. The Council have proposed to rectify this by updating the adopted policies map in accordance with the schedule of changes to the policies map already consulted on (CD LBTH/LP/008).
84. The policy provides a threshold level approach to A1 (retail uses) within these defined frontages. The threshold levels have been set in order to maintain a dominance of A1 floorspace within the primary frontages, to support the vitality and viability of these centres. This approach is supported by the evidence base including Experian goad data and the annual monitoring report data. In light of this evidence, the approach to the protection of retail frontages within the designated centres is clear and justified. **MM12** seeks to amend the policy wording in relation to the threshold level application in secondary shopping frontages, acknowledging the wider mix of uses which are important to the role and function of secondary frontages and the centres generally. This MM is necessary to ensure the policy is effective in its application.
85. Retail development outside of the designated centres is addressed by policy D.TC3. The general thrust of the policy is to direct new retail development towards existing designated centres. Part two of the policy sets a criteria based approach towards development proposals which would result in the loss of A1 retail shops outside of the designated centres. This approach is consistent with both the Framework and the ALP. **MM12** amends the wording of the policy to specifically refer to Major, District and Neighbourhood Centres, as well as introducing additional supporting text to clarify that the extent of the primary shopping areas are shown on the policies map and to also provide greater clarity to the role of the CAZ and THAA. This modification is necessary to provide greater clarity to the policy by acknowledging the important role

that these areas play in the town centre hierarchy, and for consistency across the Plan as a whole.

Other retail policies

86. Policy D.TC5 defines appropriate locations for food, drink and entertainment uses as well as night time economy uses across the Borough. Part 3 of the policy provides a criteria based approach to the development of new hot food take away premises. This part of the policy introduces a relatively restrictive approach to the potential establishment of new hot food takeaways, and the criteria to be met sets a high threshold level. It includes a 200m walking distance buffer to new hot food takeaways around schools/local authority owned leisure centres. The approach is supported by the evidence base including the Town Centre Topic Paper (CD SED35).
87. The Council have produced evidence to illustrate the extent of such a restriction across the Borough. The evidence base demonstrates that the levels of obesity within Tower Hamlets are amongst the highest across all London Boroughs. The existing proportion of hot food takeaways in some of the centres is well above the national average. The approach will assist in protecting the vitality and character of the designated frontages, whilst balancing the needs of the Borough's residents. As a result, the approach is warranted by the Council and the policy wording ensures it is capable of being effective in its implementation.
88. The Annual Monitoring Report (AMR) will review the proportion of A1 uses within designated frontages, vacancy rates and levels of town centre uses within designated centres. **MM31** introduces a new monitoring target for no more than 5% of all town centre uses to be A5 uses as well as no new A5 uses to be permitted within 200m walking distance of an existing or proposed school. I have amended the wording of this modification to include reference to local authority owned leisure centres so the monitoring is consistent with the policy wording. The monitoring will be supplemented by an annual public health analysis of childhood obesity in Tower Hamlets. This information will be used to assist the monitoring of the town centre boundaries as drawn and ensure that the policies outlined above are effective in their approach.

Conclusion on Issue 5

89. To conclude, subject to the MMs outlined above, the plan takes a justified and robust approach towards economic growth and designated centres within the Borough. The approach adopted provides an effective and sound strategy, is supported by the evidence base and conforms with national policy as well as the ALP.

Issue 6 – Does the plan provide an appropriate strategy for open spaces, water spaces and sustainable design within the Borough? Is it consistent with national policy and the ALP?

The effectiveness of the Open Space policies

90. There are a number of important publicly accessible open spaces within the Borough. However, the Plan acknowledges the overall level of provision is low when compared with other inner London Boroughs. As a result, it is important

that the policy framework seeks to both protect and enhance the existing provision and promote and where possible, enhance provision.

91. Policies S.OWS1 and D.OWS3 set out the Plan's approach to the protection and enhancement of open spaces and indeed the open space and green grid networks across the Borough. Policy S.OWS1 seeks to protect and enhance the Borough's existing open spaces as well as promoting the creation of new publicly accessible open spaces. The policy provides clear definitions for the various open spaces within the Borough supported by clear definitions within the glossary at appendix 1 within the Plan.
92. This approach is supported by the evidence base which includes the Tower Hamlets Open Space Strategy and associated appendices (CD SED 39) 2017, Tower Hamlets Green Grid Strategy and associated appendices (CD SED 42) 2017, the Framework and the ALP. This evidence acknowledges the challenges facing the Borough in terms of green space provision. The overall level of publicly accessible open space is relatively low compared to other inner London boroughs, with acute areas of deficiency apparent in parts of the Isle of Dogs, Shoreditch and Whitechapel.
93. Policy 7.17 of the ALP stipulates that the Mayor of London strongly supports the current extent of Metropolitan Open Land (MOL). In the context of plan preparation, part D of the policy advises that in order for land to be designated as MOL, Boroughs need to establish that the land in question meets at least one of four identified criteria. The Council have advised that the Plan does not purport to carry out a review of existing the MOL boundaries. The Council state that the Plan did not necessitate any amendment to this boundary since all of the designated MOL met the criteria listed under Part D of the aforementioned London Plan Policy.
94. Notwithstanding this position, neither of the aforementioned policies refer to the MOL as part of the existing network of open space provision within the Borough. **MM13** will rectify this and ensure that the approach to MOL and its protection within the Borough is sound. The MM also corrects the naming of one of the locations identified which had been incorrectly referenced. With this modification, policy S.OWS1 effectively brings about the designation of the MOL as shown on the policies map. This modification ensures the Plan is consistent with both the ALP and the Framework on this issue.
95. Two representations received at both Regulation 18 and 19 stages of the consultation process sought to remove land from the MOL designation. I deal with each of these representations separately since they raise differing issues relating to the extent of the MOL boundary as currently defined. In relation to 82-84 Rhodeswell Road, Mile End, the Council had incorrectly concluded that this site formed part of the Mile End Park Site of Importance for Nature Conservation (SINC). There is no evidence to support this and the latest biodiversity surveys concludes the site itself has no or limited biodiversity value. Accordingly, the area of land in question would not meet the criteria identified by policy 7.17 of the ALP. The Council have acknowledged this drafting error. Given that I do not have the power to recommend main modifications to the policies map, it will be for the Council to amend the boundary of the policies map accordingly.

96. The second site is at 1-4 Canal Cottages. I have also considered the site against the criteria identified by policy 7.17 D of the ALP. The site is situated as part of Victoria Park which is grade II* and adjacent to the Union Canal. It is also located within the Victoria Park Conservation Area and part of the site is located within the SINC. I have no evidence to suggest that the land included does not fulfil this biodiversity criteria. As a result of these factors, the land would in my view meet criteria c of policy 7.17 D of the ALP. From what I have seen and from the evidence presented on this issue, the location of Canal Cottages is clearly distinguished as part of the Victoria Park and not the wider built up area. The site is surrounded on all sides by the Park save for the canal frontage. The presence of the canal clearly separates these cottages in physical terms from the wider built up area. As a result, the site would meet criteria a of policy 7.17 D of the ALP. The boundary broadly follows the building line of the properties. The site should be retained as part of the MOL.
97. Policy D.OWS3 relates to open space and the green grid network. The policy aims to protect the existing network of publicly accessible open spaces, whilst maximising opportunities to deliver new open spaces as well as enhancing accessibility and connectivity to the wider network. **MM14** is necessary to ensure the policy appropriately recognises the role of MOL in terms of open space provision across the Borough and is consistent with both the ALP and Framework in this regard.
98. In general terms, both policies contain an extensive range of terminologies in terms of the categorisation of open spaces within the Borough. However, the glossary at appendix 1 within the Plan provides clear guidance in terms of the interpretation of these terms and is sufficiently clear so as to be effective in this regard.

The effectiveness of the Plan's water space policies

99. Water space is recognised as the greatest natural asset within the Borough and given the Borough's rich Dockland heritage this is not surprising. The Tower Hamlets Water Space Study (CD SED 43) 2017 considers the importance of water space to the Borough and outlines a number of key issues to be addressed as part of the plan making process. The Borough is bounded to the south by the River Thames and to the east by the River Lea. The water spaces are made up from a variety of sources including rivers, canals, docks and basins. All of the Borough's canals and adjacent rivers are located at least in part within conservation areas with both the Regent's Canal and Limehouse Cut designated as conservation areas in their own right. They are also designated as SINCS.
100. A number of the water spaces are located in areas which are deficient in access to green space. The Water Space Study acknowledges the importance of these spaces in terms of open character and the positive contribution to the health and well being of residents as a result. The water spaces have an important and varied role in terms of representing heritage assets within the Borough, mooring locations, providing a public transport route via the Thames Clipper and walking and cycling routes where active frontages along the water spaces allow. In my view, the Water Space Study provides a suitably detailed evidence base in support of the water space policy framework within the Plan.

101. Policy S.OWS2 provides the strategic policy framework for water space within the Borough and seeks to ensure that proposals are required to support the creation of a network of high quality, useable and accessible water spaces through a number of different measures. It also seeks to ensure the water spaces are easily accessible, and that this accessibility can provide opportunities for local communities and visitors alike. The policy is sufficiently detailed and recognises the role of partnership working with both the Port of London Authority and the Canal and River Trust in achieving these objectives. The policy is appropriately justified and presents a sound approach.
102. Policy D.OWS4 provides a detailed policy for water spaces. It sets out a criteria based approach to ensuring the Borough's existing water spaces will be protected, maintained and enhanced. **MM15** proposes changes to the policy and supporting text. This MM will ensure that 'no unacceptable impacts on the openness of the water space' is recognised as a separate criterion within the policy with a corresponding change to the supporting text providing the written justification for this additional criterion. As I have explained above, given the importance of the open character of the water spaces as a defining characteristic, this modification is justified and necessary in order to ensure the policy is sound.

Sustainable Design

103. Policy D.ES7 sets out a number of standards which development is required to meet in the context of maximising energy efficiency. This approach is in accordance with the Framework and the focus that plans should develop robust and comprehensive policies which identify the quality of development which will be expected in an area. The policy and supporting text as currently drafted states that all new development and non self-contained residential accommodation over 500 sqm floorspace must meet or exceed Building Research Establishment Environmental Assessment Method (BREEAM) 'excellent' rating. However, this approach is not consistent with the Written Ministerial Statement (WMS) on this issue and the reference to non self-contained residential accommodation should be amended accordingly (**MM17**).
104. Policy D.ES3 sets out how the Plan will protect and enhance biodiversity throughout the Borough. It provides detailed guidance in terms of retaining existing habitats and features of biodiversity value as well as addressing the protection and provision of trees within the Borough. The evidence base to support this approach includes the Local Biodiversity Plan (CD SED49) 2014. In order to ensure that the policy is justified, and effective, **MM16** sets out additional explanatory text concerning replacement tree planting and how the Council will approach this in practical terms.
105. In the context of sustainable water management, policy D.ES6 identifies specific measures in terms of reducing water consumption, minimising pressure on the combined sewer network and demonstrating capacity in relation to the local water supply and public sewerage networks. In order to ensure water and wastewater network requirements are justified and effective, **MM18** introduces changes to the supporting text to clarify that developers should contact Thames Water as early as possible to assist in identifying any potential water and waste network reinforcement requirements. This addition is necessary and justified.

Conclusion on issue 6

106. To conclude, subject to the MMs outlined above, the Plan takes a justified and robust approach to delivering open spaces, water spaces and sustainable design within the Borough. The approach adopted is supported by the evidence base and conforms with both national policy and the ALP.

Issue 7 – Whether the policies concerning Tall Buildings and Heritage and the Historic Environment provide a justified and effective policy framework. Is the approach sound, does it accord with national policy as well as the ALP?

107. Chapter 3 of the Plan addresses creating attractive and distinctive places. The chapter includes a number of policies, which seek to ensure that new development is well designed, inclusive and respects the distinctive character of the Borough.

108. Policy S.DH1 is an overarching policy which seeks to ensure the delivery of high quality design across the Borough. The policy comprises a 10 point criteria based approach which is intended to outline the key elements of high quality design. The criteria identified and the wording proposed recognises the considerable variety in the built form across the Borough, including acknowledging the local character and distinctiveness of the Borough as key components of design.

109. The policy is justified in principle albeit a modification is required to provide greater effectiveness and detail to the policy wording in the form of **MM4**. This modification will ensure the policy wording at (b), (c), (f) and (h) is justified and effective and to also ensure that (h) incorporates a full range of potential harmful environmental effects. It is also necessary to ensure the supporting text is consistent with the policy wording and in order to ensure that the Plan acknowledges the correct evidence base. This approach is both consistent with national policy, and in particular paragraph 58 of the Framework which requires, amongst other things, that local plans develop robust and comprehensive policies which set out the quality of development that will be expected for an area. The approach is also consistent with chapter 7 of the ALP and the policies contained within which place a great emphasis on high quality design.

110. Policy D.DH2 is a general design-based policy concerned with creating attractive streets, spaces and public realm. The policy provides detailed guidance as to how connectivity, permeability and legibility can be improved across the Borough with additional detailed guidance in connection with making a positive contribution to the public realm. The policy as drafted is justified and effective. **MM5** provides further additional text to the supporting text to ensure the policy is justified and positively prepared and acknowledges the relevant guidance which has been produced to counter terrorism and in relation to crime prevention security. This is necessary to provide further clarification in relation to the application of the policy.

Tall Buildings

111. One of the particular challenges facing Tower Hamlets is the increasing number of tall buildings across the Borough. Tower Hamlets has become a focus for tall buildings, with 77 buildings of 20 storeys and above in the pipeline, equating to 17% of all proposed tall buildings in London¹. Policy D.DH6 seeks to introduce a new policy framework against which any new proposals will be assessed. The policy is set into three parts – the first part of the policy identifying a series of criteria against which all tall building proposals will be assessed. Part 1 of the policy contains 12 subsections and whilst I acknowledge it is a lengthy policy, it covers the fundamental considerations which will need to be taken into account in relation to any new tall building proposals.
112. Policy D.DH6 is informed by the Tall Buildings Study (CD SED10) 2018. This document provides the evidence base for the policy as to where tall building development should be directed. The Study is informed by a spatial analysis of the Borough, concluding with the identification of the tall building zones set out within part 2 of the policy. In particular, the study notes that the ALP advocates a plan led approach to tall and large buildings and that plans should identify appropriate and inappropriate locations for tall buildings. Policy 7.7 of the ALP provides specific guidance in relation to the location and design of tall and large buildings.
113. The evidence base is informed by a spatial analysis of the Borough and a review and assessment of the development pipeline for tall buildings across the Borough. The approach to the policy wording outlined by policy D.DH6 and the criteria used are reflective of the criteria set out within policy 7.7 of the ALP. In addition to this, the Urban Structure and Characterisation Study (CD SED 12) 2009 plus Addendum (2016) provide background to the individual sub areas including an assessment of individual character as well as sensitivities to change and potential areas for change. The Tall Buildings Study also sets tall buildings principles which are broad terms reflected in part 1 of policy D.DH6 and figure 9 provides a visual explanation of the principles of tall building clusters. It is my view that the evidence base in support of the tall buildings policy presents a proportionate and robust approach.
114. There is a fine balance between the policy actively acknowledging the existing and emerging development situation on the ground against the Council's policy aspirations as to where future tall buildings should be directed and providing an appropriate policy basis for this assessment to be made going forward. Additional text introduced by **MM6** states that building heights within the Canary Wharf cluster should 'step down' from the central location of One Canada Square. Taking into account the modification proposed, the policy achieves this balance.
115. Part 2 of the policy identifies tall building zones (as indicated on the policies map and figure 8) where clusters of tall buildings may be developed. All of these areas are within the CAZ and opportunity areas. Tall building zone 2 (Canary Wharf (Isle of Dogs)) covers an extensive area, and the policy text acknowledges the importance of One Canada Square within this zone. Given the prominence of this building, this approach is both justified and effective.

¹ Tall Buildings Study, CD SED10, 2018

Each of the 5 zones has specific characteristics and the design principles reflect these existing characteristics. For the Plan to be justified and positively prepared, **MM6** is necessary to strengthen the effectiveness of the policy, by introducing additional wording at criteria c, i, and l. The modification is also necessary to ensure that the text in relation to Canary Wharf (Isle of Dogs) is robust and effective, through the introduction of specific wording referencing the skyline of strategic importance. In relation to criteria (j) and (k), **MM6** originally sought to change the emphasis of the policy from 'does not adversely impact' to 'mitigate negative impacts'. In light of representations made at the MM stage, I have deleted this text from the MM as I do not consider the change in policy emphasis is necessary for soundness.

116. The Council have suggested additional policy wording emphasising that the silhouette of One Canada Square should be clearly visible in all relevant strategic views and Borough designated views, as defined by policy D.DH4. Policy D.DH4 relates to, amongst other things, the skyline of strategic importance and emphasises the role of the Canary Wharf cluster and Millwall Inner Dock cluster as part of this designation. The policy as drafted already acknowledges the iconic image and character of Canary Wharf and the central location of One Canada Square. As a result, this additional wording is neither justified or necessary for soundness and I have deleted it from the main modification accordingly.
117. There has been some debate regarding the requirement at part b of the policy to achieve 'exceptional' design quality and whether the use of this term is justified. The wording should be read as part of the policy as a whole and merely seeks to emphasise that the architectural quality sought in relation to tall buildings should be greater than usual. In order to meet the remaining policy objectives, most notably in seeking to achieve a positive contribution to the skyline (part d), the aspiration must be, at the very least, to achieve exceptional architectural quality. As a result of the size and scale of tall buildings alone, anything less could result in detrimental effects on the immediate environment and beyond. It is therefore a reasonable and justified part of the policy wording. Whilst there is no specific guidance within the Framework in relation to tall buildings, the evidence base and policy is consistent with the overall approach to design within the built environment. The criteria identified by policy D.DH6 is sufficiently detailed to ensure that there is an appropriate balance in terms of any development proposals which may come forward and the impacts on the built environment and public realm.
118. The evidence base considers in detail the existing building heights, historical developments and identifies sensitive areas such as world heritage sites, designated heritage assets and protected views and landmarks. It also provides an assessment of tall buildings in the pipeline. This work has informed the five zones/clusters identified. These zones comprise the following clusters: Aldgate, Canary Wharf, Millwall Inner Dock, Blackwall and Leamouth. Whilst the existing character and building heights represent part of this process, it does not and indeed should not follow that existing established building heights are the single most influential factor in determining whether further tall buildings are appropriate. This approach would be to assume that all existing tall buildings across the Borough have a positive impact on both the immediate and wider character of the area, when the evidence suggests otherwise.

119. I acknowledge that a number of representors have put forward that the tall buildings zone are too narrowly defined, do not reflect the existing situation on the ground and should be broader in scope. For the policy to be effective, it must naturally exclude specific areas of the Borough. The evidence base provides a proportionate approach to supporting the tall buildings zones as defined within the Plan and the extent of the tall buildings zones are suitably informed and justified by the evidence base and the characterisation work which has been undertaken.
120. **MM6** also introduces replacement wording for part 3 of the policy and is necessary to ensure that the policy is justified and effective and can respond to the development pressures outside of the tall building zones in the most appropriate manner. Additional supporting text proposed after paragraph 3.73 will assist with this objective, highlighting the importance of avoiding the merging of clusters and reinforcing the step down approach to development as highlighted by figure 9. In order to ensure the policy is justified and effective, **MM32** provides a definition of 'Tall Buildings' within the glossary contained at appendix 1 to the Plan, consistent with other key terminology definitions within the Plan.
121. Incorporating **MM6**, the policy provides a clear and justified approach to appropriate locations for tall buildings which can positively respond to the context and character of the surrounding area. Nevertheless, part 3 of the policy provides criteria for assessing the development of tall buildings outside of these zones. The tall buildings study also acknowledges that there may well be opportunities for tall buildings across the Borough where they act as landmarks. On balance, the approach set out within the policy is both justified and effective.
122. Overall and subject to the MMs outlined above, the policy approach to tall buildings development within the Borough is both justified, balanced and suitably supported by the evidence base.

Shaping and Managing Views

123. The requirement for policies relating to views within the Borough is justified by the evidence base which includes the Topic Paper entitled Views and Landmarks (CD SED15) 2018 as well as the London View Management Framework (CD SED14). The ALP has two policies relating to the London View Management Framework in the form of policy 7.11 and 7.12 which define strategically important landmarks and views within London. In the context of Tower Hamlets, this relates to Tower of London and Greenwich Maritime World Heritage Sites and the wider setting of the views of St Paul's Cathedral from Westminster Pier and King Henry VIII's Mound in Richmond Park. The policies go on to set a framework for assessing proposals which may affect these designations. Part J of policy 7.12 identifies that Boroughs should reflect the principles of this policy for the designation and management of local views.
124. Policy D.DH4 requires development to positively contribute to views and skylines that make up the character of individually defined places within Tower Hamlets. The policy will require development proposals to demonstrate how they will positively contribute to the skyline of strategic importance as well as preserving or enhancing Borough designated views and Borough designated

landmarks. Each of these individual skyline/landmark characteristics are clearly defined in the supporting text. The skyline of strategic importance designated within the submission version of the Plan covered the tall buildings zones of Canary Wharf and Millwall Inner Dock. However, the Council are proposing to modify this boundary by limiting the extent of this area to reflect the Canary Wharf tall building zone only. This is to ensure that the policy is effective. This will necessitate a change to the adopted policies map in accordance with the schedule of changes to the policies map already consulted on (CD LBTH/LP/008). It will also require a corresponding change to figure 7 of the Plan and I have added **MM34** to the schedule of MMs in order to address this. Although this modification was not consulted on, the reduction of the skyline of strategic importance was (CD LBTH/LP/008) and therefore no prejudice would be caused by my adding this MM to the schedule. Subject to the addition of the MM and on the basis of the evidence base presented, policy D.DH4 presents a reasonable and justified approach to shaping and managing views within the Borough.

Heritage and the Historic Environment

125. There is a rich and diverse historic heritage within the Borough encompassing a diverse and broad range of scheduled monuments, listed buildings and conservation areas. Policy S.DH3 defines how development proposals affecting the historic environment should be assessed and has been informed by the Tower Hamlets Conservation Strategy (CD SED11), Tower Hamlets Urban Structure and Characterisation Study Addendum and appendices (CD SED12) and the Tower Hamlets Conservation Area Appraisal and Management Guidelines (CD SED13). The policy places an emphasis on enhancing the distinctiveness of the Borough's defined 24 places. The approach provides an effective policy framework on such issues which is justified and consistent with national policy. The policy is also consistent with the ALP and in particular policies 7.8 and 7.9.

Conclusion on Issue 7

126. Subject to the MMs identified above, the policies concerning both tall buildings and heritage and the historic environment are justified and effective. They present a sound approach which accords with both the ALP and the Framework.

Issue 8– Are all the site allocations identified suitably justified by the evidence base, has the site selection process been based on a robust approach and are the sites deliverable and viable?

127. Paragraph 47 of the Framework requires local planning authorities to identify and update annually a supply of deliverable sites sufficient to provide five years' worth of housing requirements. The Framework goes on to note that local planning authorities should also identify a supply of specific deliverable sites or broad locations for growth, for years 6-10 and where possible for years 11-15.

128. The housing trajectory contained within the Plan sets out the existing pipeline of housing provision (i.e. those sites with planning permission which are already under construction) as well as identifying sites to deliver future housing growth in accordance with the Framework.

129. In order to inform this process, the GLA's Strategic Housing Land Availability Assessment (CD SED74) 2017 was used as a primary evidence source. This document assisted the Council in identifying appropriate housing capacity within the Borough. As with all site selection processes, the Council have utilised selection criteria. This includes that the site should be capable of delivering more than 500 net additional homes (in accordance with the ALP policy 3.7) or be above 0.25 hectares. There were arguments that this criteria was too narrow, and sites which could deliver a smaller number of homes should not have been discounted so early in the process. However, the Borough is looking at achieving one of the highest housing targets across London. It has a proven track record of delivering high density large scale development. The use of a threshold level in terms of the site sifting process is reasonable and proportionate approach to the task in hand.
130. The Site Allocations Methodology (CD SED64) sets out the Council's methodology for identifying sites to meet the identified growth needs over the Plan period. It details 5 stages in the form of detailed assessments to identify the most suitable sites for allocation. At each stage of the assessment, the sites are scored and weighted accordingly. Appendix 5 to the report details the final site assessment, where each of the site allocations are assessed for their suitability, availability, achievability and infrastructure requirements. Overall, it is my view that the sites were assessed against an appropriate range of criteria and the site selection process used has been robust.
131. In light of the above evidence base, the SA makes a proportionate assessment of the site allocations proposed. The 21 site allocations proposed are divided amongst the 4 sub areas defined earlier in the Plan. For each individual sub area, a vision setting out what the Plan anticipates can be achieved during the Plan period is identified. Several key objectives are then identified for each sub area to realise the vision. In addition, a number of guiding principles are set out for each sub area. Where relevant, these principles acknowledge land use and infrastructure provision as part of any existing planning consents within the individual sub areas. The design principles provide a sufficient level of detail so as to enable the effective delivery of the site. The Council are proposing to remove all of the indicative plots and active ground floor uses which had been annotated on the individual figures for each of the sites, as well as ensuring the figures are noted to be for '*illustrative purposes only*'. Whilst these amendments are not necessary for soundness, it does ensure that the detailed layout of each site can be fully informed by the design principles identified.
132. In the context of the City Fringe, **MM20** provides additional wording regarding the provision of necessary and suitable bus facilities in Whitechapel and supporting the existing and future operations of such facilities. This wording is necessary to ensure that the objectives are deliverable in the context of sustainable development. This approach is both supported by the evidence base and the policies contained within the Plan.
133. The PPG provides guidance in terms of viability and plan making. It advises that the evidence prepared should be proportionate to ensure plans are underpinned by a broad understating of viability. The viability work for the Plan comprises the Local Plan Viability Assessment (CD SED5). This report provides a broad assessment of viability in relation to the site allocations

proposed, taking into account the different types of development likely to come forward over the plan period, as well as the requirements of other local plan policies. The assessment indicates that a majority of the proposed site allocations will be able to deliver a policy compliant level of affordable housing.

134. For sites which are due to be delivered outside of the first five years, there are specific cases where the level of affordable housing provision or tenure mix demonstrate that the site is unviable. In order to address this, the addition of **MM19** will introduce greater flexibility to the application of policy requirements in the site allocations and is necessary for the policy to be justified and effective. The wording introduced will allow for flexibility to be applied to the site allocation requirements based on an up-to-date assessment of need and agreed viability position of the scheme. This is a justified approach in order to ensure the policy is effective.
135. Taking into account the viability evidence presented, such flexibility introduced by the above modifications is justified and necessary for soundness. The viability work has been scrutinised as part of this examination process. On the basis of the evidence presented, I conclude that the viability work is both proportionate to the purpose of supporting the Plan and will not undermine the delivery of the site allocations and therefore the Plan overall.
136. In general terms, a number of representors commented that the individual site allocation policies should set minimum indicative housing numbers, either through identifying upper or lower limits to development. The viability work has utilised the London Plan density matrix to inform site capacity. I acknowledge that within Tower Hamlets, this can present a relatively conservative picture in terms of site capacity, and the Council have provided detailed evidence of examples of schemes delivering at higher density rates. Some sites are at an advanced stage, have planning permission in place, and in some cases development may be well underway. Other sites are not envisaged to contribute towards the supply of housing until well towards the end of the plan period. In the context of the Framework, paragraph 157 advises that site allocations should provide detail on the quantum of development where appropriate. In light of the above evidence, the Council have taken a consistent and justified approach to this matter. In the circumstances of Tower Hamlets, I do not consider that capacity indicators or limits to development in numerical terms are appropriate or indeed necessary for the Plan to be found sound.
137. I do not propose to address all of the site allocations within my report where there is an absence of matters that require further examination or clarification. For ease of reference, I have utilised the site names as well as the site allocation reference numbers contained within the Plan.

Marian Place Gas Works and the Oval (1.3)

138. This site is located within the City Fringe sub area. It is identified within the Plan as being suitable for a range of land uses including housing, employment and community and social uses. The design principles place a proportionate emphasis on the existing designated and non designated heritage assets on and adjacent to the site including the gasholders, Regent's Canal Conservation Area and the Hackney Road Conservation Area. Given the importance of these

assets, this is a justified and appropriate approach. **MM21** clarifies that the gasholders on the site do not accommodate any employment floorspace and thus makes the position clear regarding the re-provision of such floorspace as part of any redevelopment proposal. This MM is necessary as the site is located within the Cambridge Heath LEL whereby employment floorspace is afforded protection under policy D.EMP3. The MM will ensure the effective delivery of the site allocation.

139. Cost estimates have been provided for the retention of the gas works structures on the site. As a result, additional viability work has been undertaken by the Council in conjunction with the developer and an additional SOCG has been prepared between the two parties on this matter. I acknowledge that concerns have been raised regarding a number of the assumptions used within this work and alternative variables have been presented. I am satisfied that the figures provided are sufficiently robust and present a suitable if not cautious approach for the purposes of the Local Plan viability work. Sufficient evidence has been provided to justify the assumptions used within the appraisal work undertaken. Put simply, it is not necessary for the methodology for decontamination and decommissioning of the gasholders to be identified or indeed agreed in order for the Plan to be found sound.
140. Taking into account these indicative costs, the viability work to date indicates that the site may not be able to viably deliver all of the policy requirements contained within the Plan. The appraisal work allowing for retaining both of the gas structures illustrates that 20-25% affordable housing would be viable. As a result, the inherent flexibility introduced by **MM19** to the site allocation requirements as well as **MM2** and **MM3** to policy D.SG5 in relation to developer contributions allows for such situations to be addressed accordingly. Furthermore, the site is not envisaged to contribute towards the housing land supply within the Borough until beyond 2023. On balance and based on the evidence presented, the evidence base and policy wording ensure that the site's inclusion within the Plan is sound.

Whitechapel South (1.4)

141. Also within the City Fringe sub area, this site allocation envisages employment and housing development, with an emphasis on employment uses focusing on life sciences, medical and research uses. This emphasis is supported by both the City Fringe Opportunity Area as well as the Whitechapel Masterplan Vision SPD. Through **MM22**, the provision of a district heating facility is removed as an infrastructure requirement and replaced as a delivery consideration. This is necessary to ensure the Plan is capable of effective implementation. In addition, **MM22** also provides the rewording of the reference to the existing sexual health facility on site to ensure that it is re-provided as part of any redevelopment proposal. This is both justified and necessary for soundness. Overall, the allocation is adequately justified by the available evidence and is sound.

Bow Common Gas Works (2.1)

142. This site comprises one of two allocations within the Central sub area. The allocation envisages both housing and employment uses as well as open space

provision and a secondary school. Subject to a modification to acknowledge that the gas holders did not provide employment use which is required to be re provided as well as an acknowledgement concerning the decommissioning of the gasworks (**MM23**), I find that the allocation is justified, sound and capable of effective implementation.

Chrisp Street Town Centre (2.2)

143. This is the second site allocation within the Central sub area, with the land use requirements focusing on retail and other compatible town centre uses as well as housing. The infrastructure and land use requirements have in part been influenced by the current planning application proposal for the site. The allocation is justified adequately by the available evidence, subject to a modification required to figure 31 to illustrate Kerbey Street as a strategic pedestrian/cycling route, (**MM24**) the allocation is sound.

Leven Road Gas Works (3.2)

144. The site is allocated for housing and employment use. Infrastructure requirements are identified as strategic open space and provision of a secondary school. Flexibility can be applied to these policy requirements as introduced by **MM3**, particularly in relation to the secondary school provision. **MM25** is necessary as it clarifies that prior to their demolition, the gasholders on the site did not accommodate any employment floorspace and thus makes the position clear regarding the re provision of such floorspace as part of any redevelopment proposal. This is necessary for the effective delivery of the site allocation. Subject to this MM, the allocation is sound.

Aspen Way (4.1)

145. The site is located within the Isle of Dogs and South Poplar sub area where there is the greatest concentration of site allocations across the Plan when considered as a whole. The site, which is located north of Aspen Way, has a number of infrastructure and land use requirements including strategic open space, the re-provision of an existing College facility, and the re-provision of a community centre and associated football pitches.

146. I am mindful of the different views expressed regarding the site's redevelopment during the examination. In terms of the height and scale of development which may or may not be permissible here, I do not propose to reiterate the conclusions I have already drawn above in relation to the tall buildings policy.

147. The site is in multiple land ownerships. There are clearly a number of land use and infrastructure requirements which will need to be addressed as part of any development proposal for the site. In order to ensure the effectiveness of the policy, **MM26** is necessary to include reference to the re-provision of the Docklands Light Railway (DLR) depot which will be a fundamental part of any scheme, as will maintaining the operation and service requirements as part of the site's redevelopment. In addition, the MM also includes reference to the improvement and enhancement of the existing pedestrian bridge over Aspen Way and routes to it. This modification strengthens the importance of these improvements which are also reflected within the design principles section of the policy.

148. The policy identifies the factors which will need to be considered in bringing forward any development proposals for the site. Given the strategic infrastructure requirements in terms of the site's redevelopment and the requirement for the re-provision of the DLR depot, the timing and phasing of any such development will be critical to its deliverability. The Council's trajectory indicates that the site will not deliver any units until 2021-2031. This development timetable aligns with the timeframe indicated for the adjacent site at Billingsgate Market (4.2). This site allocation includes reference to improving walking and cycling connections to and from the site, addressing the physical barrier of Aspen Way. I note the suggestion that the site should provide a new pedestrian link. Whilst that may be desirable, I have been given no compelling evidence to suggest such a link would be deliverable or viable. In this context, I consider the issues of connectivity and permeability between site 4.1 and the neighbouring allocations are adequately addressed by the existing policy wording contained within these site allocations. No further amendments are necessary for soundness in this regard.

149. Overall, I am satisfied that the allocation is justified, capable of effective implementation and therefore sound.

Milharbour (4.8)

150. This site has a number of prominent frontages including those to Marsh Wall and the Millwall Inner Dock. The infrastructure requirements are tailored towards a current planning application proposal and include open space, a health facility and, with the addition of **MM27** which is necessary for soundness, the re-provision of an existing secondary school. This is necessary as the Council are committed to the provision of a secondary school on the City Gateway College portion of the site. Subject to this MM, the allocation is justified and effective.

North Quay (4.9)

151. North Quay is a development site which runs on the southern side of Aspen Way. The site already has planning permission and the scheme currently being implemented will meet the land use requirements identified within the site allocation. The policy states that development should not undermine the delivery of the long term aspiration to provide new bridges or decking over Aspen Way. In the context of this site allocation, this policy wording is appropriate and justified. I am aware that the Council have considered amending the wording so that the emphasis would be on supporting/enhancing a new bridge(s) over Aspen Way to better connect Poplar and Canary Wharf. The policy wording as drafted already acknowledges improving strategic links from Canary Wharf to Poplar High Street in a proportionate way. I have no evidence to suggest that such a bridge link would comprise a viable or deliverable aspect of the scheme. As a result, I am not convinced that specific wording to support enhanced/new bridges is either necessary, justified or supported by the evidence base.

152. **MM28** seeks to introduce additional wording in relation to the design principles which includes reference to a new east to west pedestrian/cycle route through the site which will facilitate connections to the wider movement

network. I fully accept that there are significant variations in levels across the site. The proposed wording put forward by the modification acknowledges this by referencing the wider movement network rather than being specific to cycle networks. It introduces sufficient flexibility to the policy and will be addressed as part of any proposal for the site including the remaining design principles.

153. To give effect to site allocation 4.9, the Council will also need to update figures 19, 38, 39 and 48 as reflected by **MM28** as well as the adopted policies map to more accurately reflect the planning application boundary to ensure the policy is capable of effective implementation in accordance with the schedule of changes to the policies map already consulted on (CD LBTH/LP/008). Subject to the addition of the MM, the site allocation is sound.

Reuters (4.10)

154. This is a further site allocation along Aspen Way which sits flush to the river. Part of the site boundary as drawn includes an existing datacentre. The operators have advised that this part of the site is not available for development and will not be throughout the plan period. On the basis of this evidence and to give effect to site allocation 4.10, the Council will need to update the adopted policies map to exclude this part of the site from the allocation to ensure the site is deliverable during the plan period in accordance with the schedule of changes to the policies map already consulted on (CD LBTH/LP/008). The Council will also need to update figures 19, 38, 39 and 49. **MM33** provides for this corresponding change to the figures within the Plan. Although this modification was not consulted on, the removal of this part of the site was (CD LBTH/LP/008) and therefore no prejudice would be caused by my adding this MM to the schedule. Subject to the addition of the MM, the site allocation is sound.

Westferry Printworks (4.12) and Wood Wharf (4.13)

155. Both of these site allocations require modifications in the form of **MM29** and **MM30** respectively to amend the site boundaries within the plan in order for the site allocations to be deliverable. This change necessitates a change to figures 19, 38 and 39 as well as figures 51 (Westferry Printworks) only and figure 52 (Wood Wharf) only. These modifications are both necessary for soundness and consistency across the plan, to ensure that the sites are shown accurately reflecting recent planning applications and to ensure the deliverability of the sites over the plan period. The Council will need to update the adopted policies map to reflect these changes in accordance with the schedule of changes to the policies map already consulted on (CD LBTH/LP/008). Subject to the addition of these MMs, the site allocations are sound.

Conclusion on Issue 8

156. Overall and subject to the MMs identified, the site allocations proposed as part of the Plan are both justified by the evidence base and of a sufficient level of detail so as to be effective in their deliverability and viability to be sound.

Issue 9 – Are the monitoring targets identified justified and at an appropriate level of detail for the Local Plan?

157. Part 5 of the Plan identifies how the vision and policies set out within the Plan will be monitored and delivered against an extensive number of key indicators. It sets out in detail how each of the chapters of the Plan will be effectively monitored according to the individual objectives. Regular monitoring will also be undertaken in relation to the key monitoring indicators and targets identified by the Plan, which will be used to assess the effectiveness of the plan's policies as part of the AMR.
158. For reasons of effectiveness, **MM31** introduces additional targets and adjusts the indicators to a number of the key monitoring indicators identified which are necessary for soundness in order to ensure that the monitoring envisaged by the Plan is effective. A new indicator will be the delivery of primary and secondary school provision through the site allocations. The target will ensure that primary and secondary school provision will be delivered at a rate which keeps pace with the level of need identified by the Planning for School Places document. Without this indicator, the approach to school place provision which I have detailed above would be unsound.
159. Furthermore, the modification also introduces two new indicators and targets in relation to improving connectivity and travel choice. These include a target of decreasing the private car modal share from the baseline level (2016) and also monitoring the level of crowding on a number of key public transport routes within the Borough. Both of these are directly applicable to policy S.TR1 which requires, amongst other things, travel choice and sustainable travel to be improved within the Borough and beyond.
160. Subject to this modification, the effectiveness of the Plan can be monitored appropriately through the mechanism identified.

Conclusion on Issue 9

161. In conclusion and subject to **MM31** outlined above, I am of the view that the level of detail contained within the monitoring section of the Plan is appropriate, justified and effective.

Assessment of Legal Compliance

162. My examination of the legal compliance of the Plan is summarised below. I conclude that all aspects of legal compliance are met.
- The Local Plan has been prepared in accordance with the Council's Local Development Scheme (CD SD09) dated February 2018.
 - Consultation on the Local Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement (SCI) which was adopted in September 2017.
 - The Sustainability Appraisal has been carried out and is adequate.
 - The Integrated Impact Assessment (CD SD6) September 2017 and updated in March 2019 includes both the Sustainability Appraisal and the Habitats Regulations Assessment and sets out why an appropriate assessment is not necessary.

- The Local Plan includes policies designed to ensure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.
- The Local Plan is in general conformity with the spatial development strategy (the adopted London Plan).
- The Local Plan complies with all relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.
- I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. The Council's IIA includes an Equalities Impact Assessment which confirms that the two strategic objectives of the Plan will ensure that growth contributes to identified social and economic need and also ensuring that the principle of that growth will help reduce social, economic and environmental inequalities. As a result of the policy framework set by the Plan, I confirm I have had regard to the Equalities Act 2010 in reaching my conclusions on this matter.
- A number of the site allocations will assist in securing development and the use of land which will contribute to the mitigation of, and adaptation to, climate change. Accordingly, the plan taken as a whole, achieves this statutory objective.

Overall Conclusion and Recommendation

163. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

164. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix, the Tower Hamlets 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.

Christa Masters

Inspector

This report is accompanied by an Appendix containing the Main Modifications.