



**LONDON BOROUGH OF TOWER HAMLETS LOCAL PLAN HEARING STATEMENT
ST WILLIAM LLP AND BERKELEY HOMES**

MATTER 3, 5(5.7), 7(7.4), 8(8.4) AND 10 SITE ALLOCATION MARIAN PLACE GASWORKS (1.3) LEVEN
ROAD GASWORKS (3.2), BOW COMMON GASWORKS (2.1)

26 JULY 2018

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1 Introduction

- 1.1 St William Homes LLP ("St William") and the Berkeley Group submitted representations to the Tower Hamlets Local Plan 2031 Regulation 19 Version ("the Plan") on 10th November 2017 (**Appendix 1**), and prior to this the Regulation 18 plan. Representations have also been submitted to the Community Infrastructure Review undertaken by the Council.
- 1.2 The Berkeley Group will rely on this written submission, whilst St William will expand on the matters raised in their Regulation 19 submission within this hearing statement, referring to the Berkeley Group submission where necessary.
- 1.3 Where additional matters are raised, these are only in response to ongoing discussions regarding the preparation of Statements of Common Ground discussed with the London Borough of Tower Hamlets ("the Council"), or in response to the Council's proposed Minor Modifications.
- 1.4 St William is a joint venture between National Grid and the Berkeley Group, and therefore this hearing statement represents the joint views of each organisation.
- 1.5 This hearing statement relates principally to three site allocations Marian Place Gasworks, Leven Road Gasworks and Bow Common Gasworks and the planning issues associated with the viable and effective deliverability of these three sites.
- 1.6 St William has been in ongoing dialogue with the Council and has sought to agree a Statement of Common Ground for each site. This process, the Council's response and the outstanding concerns raised by St William are set out in tabular form at **Appendix 2** Marian Place Gasworks (1.3), **Appendix 3** Leven Road Gasworks (3.2) and **Appendix 4** Bow Common Gasworks (2.1).
- 1.7 St William has held extensive pre-application discussions with the Council regarding its development proposals at Leven Road Gasworks (3.2). These discussions are at an advanced stage with a planning application due to be submitted in autumn 2018. St William can therefore rely on detailed site analysis to inform the submissions for this site.
- 1.8 In contrast, there has yet to be this level of analysis and discussion for Marian Place Gasworks and Bow Common Gasworks. It is therefore imperative that the Plan provides sufficient flexibility to enable effective delivery of the policy objectives for these sites. It would not be sound to place overlapping policy burdens on strategic sites without allowing for flexibility, this could stymie development.
- 1.9 The Council's own viability analysis SED5 (Local Plan Viability Assessment December 2017) demonstrates that the policy objectives promoted by the Council for the three site would, unlike for the majority of other sites, result in very serious viability challenges which could render the sites undeliverable with a policy compliant level of affordable housing (35%).
- 1.10 St William is committed to working with the Council to deliver its vision within the Plan, but this vision must promote credible flexibility within the site allocations otherwise there is clear evidence that the vision may not be delivered, rendering the Plan unsound.
- 1.11 The Council has suggested that flexibility is required within its evidence base and within its response to the representations submitted at the Regulation 19 stage. We consider that further amendments are required

to the Plan, to make sure that meaningful flexibility is drawn through into the Plan policies and in particular the site allocation policies. Flexibility needs to be explicit and unambiguous.

2 Background

- 2.1 St William's portfolio relates to three gasworks sites. Development plan policy recognises the different characteristics of these sites.
- 2.2 The adopted London Plan (2016) Policy 5.22 Hazardous Substances and Installations relates to gasworks sites. It requires Boroughs, in preparing LDFs, to "ensure that land use allocations for hazardous installations take account of the need to incentivise and fund decommissioning". Viability of development is a key theme of development plan policy.
- 2.3 The new draft London Plan provides a clear direction of travel for gasworks sites, described collectively as surplus utility sites. They are identified as one of six strategic sources of housing. They are categorised separately from industrial sites and the no net loss of floorspace capacity test does not apply to them. The evidence base to the draft London Plan retains these sites for housing within the 10 year housing target and recognises the challenges of bringing these sites forward for housing "Land contamination can constrain the future of such land (e.g. for former gasworks sites): decontamination works are costly and can require the incentive of higher land values (e.g. from residential developments)" (London Industrial Land Demand Study 2017).
- 2.4 The Council also recognise the specific characteristics of these sites. The Statement of Common Ground acknowledges that "It is not considered, given the nature of gasholders, that they would meet the definition of Sui Generis industrial functions articulated in paragraph 5.6 of the Local Plan. As such, there would be no requirement to re-provide the gasholder floorspace as employment space".
- 2.5 Broadly Tower Hamlets has sought to adopt a similar approach to the London Plan. Housing is promoted on the gasholder sites, and the SED5 Viability Assessment recognises the significant viability challenges of these sites, and the need for a significant reduction in affordable housing provision.
- 2.6 However it is not obvious to us that these viability challenges are translated into in the Plan, with positive and effective remedies. The higher abnormal costs associated with bringing the gasworks sites forward which includes modernisation of gas infrastructure and decontamination works is materially affected by site specific policy requirements (open space and schools) which limit development capacity of the sites. These policy requirements are not flexibly applied. Further they are not positively offset by site allocations which promote minimum housing numbers or increased development scale which will help facilitate viable delivery.
- 2.7 Given the bespoke characteristics of the three gasworks sites, we consider that the Site Allocations of the Plan should include the relevant policy guidance for each site. Whilst helpful, we do not believe that generic supporting text within the Plan will drive the flexibility demonstrably required for each site.
- 2.8 The NPPF requires decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. Local plans should be aspirational but realistic (NPPF 2012 para 154). Local Plans should also "allocate sites to promote development and flexible use of land, bringing forward new land where necessary, and provide detail on form, scale, access and quantum of development where appropriate" (NPPF 2012 para 157, bullet point 4).
- 2.9 St William has therefore questioned the "soundness of the Plan", on the following grounds:-

- Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs;
- Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- Effective – the plan should be deliverable over its period; and
- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the NPPF

2.10 St William has proposed remedies to make the plan sound which are set out in the Appendices to this statement.

2.11 In the following sections, we address matters of deliverability, infrastructure and viability in Section 3. Section 4 considers housing numbers, employment, heritage and tall buildings expanding on the comments raised in Appendix 2, 3 and 4 and the Regulation 19 submission. We have used the Inspector’s Schedule of Matters and Issues for the Examination (ID-05) key questions as a structure for our response.

3 Matter 3: Deliverability, Infrastructure and Viability

3.1 The Inspector has raised the following issue:-

Issue 3 – Does the LP take a justified and suitably evidenced based approach to deliverability, infrastructure and viability? Is the LP consistent with national policy in this regard and will it be effective in terms of its implementation?

3.2 This is then followed by a series of sub questions. This statement responds to two of those.

Firstly: Are the viability assessments contained within Tower Hamlets Local Plan Viability Assessment 2018 (SED5) sufficiently robust and are they based on reasonable assumptions? Is the housing set out in Policy S.H1, and are the housing sites proposed as part of the Site Allocations financially viable?

3.3 Our answer is that that Viability Assessments, including amendments based on further information provided to the Council by St William, are broadly reasonable for plan making purposes. However, for the three St William sites they demonstrate that the cumulative impact of proposed obligations and strategic infrastructure does put the delivery of the sites at risk and that revised wording in both strategic and site allocations policies is necessary to reflect this and make the plan sound.

Secondly: Where, when and how will the additional school places and early education provision required as a result of the housing set out in Policy S.H1 be delivered?

3.4 Two of the St William sites have draft allocations that include Secondary Schools. The Council has already acknowledged, even on previous high forecasts that it was ‘over-allocating’ school sites. Projections have fallen since the production of the adopted Managing Development DPD, and the Council already has two sites secured. In this context we think that the Council could remove one of the site allocations, probably Bow Common as the least appropriate, and confirm that requirements for the remaining sites will be subject to evidenced need and allow for their release if they are shown to not be required.

3.5 We will expand on each of these points in more detail below.

Viability (Paragraph 3.2 Matters and Issues Paper)

3.6 Local Authorities are required by the NPPF to pay careful attention to viability and costs in plan making. Ensuring that “the **sites** and scale of development” identified in the plan should “not be subject to such a scale of obligations” that they cannot be delivered viably is an essential test of deliverability and therefore whether the ‘effective’ soundness test is met. For this reason the NPPF includes an entire section (paragraphs 173 to 177) on the issue.

3.7 This is a particularly important issue for complex brownfield sites like the Gasworks sites which are critical to the delivery of the Local Plan, not only because, as set out in our representations, they have significant capacity to meet the Borough’s housing target, but also because the Borough has allocated ‘strategic infrastructure’ (schools and strategic parks) to each of the sites. The sites are therefore critical to underpinning the delivery of the Local Plan as a whole and particular care should be taken to ensure that they can be viably delivered.

3.8 The Council has undertaken a series of viability assessments to support the development of the Local Plan. These follow a standard format which includes ‘generic’ site assessments alongside testing of ‘strategic sites’.

3.9 The most recently published is the Tower Hamlets Local Plan Viability Assessment (2018), (note report cover dated December 2017) (SED5). This appears to be a slightly updated version of that published alongside

the Draft Plan at Regulation 19 consultation stage, which was the subject of Quod’s response on behalf of St William to that draft plan. Those comments stand and we won’t re-state them here. Generally, although St William raises specific issues about some inputs, particularly on Marian Place which the Council are seeking to respond to, it regards the approach to the assessments as broadly appropriate to support the site allocations.

- 3.10 Tower Hamlets has also recently (11 January to 22 February 2018) consulted on a revised Preliminary Draft Charging Schedule for CIL. This was based on another viability assessment (dated September 2017). This is not part of the examination library but is included on the Tower Hamlets website at the following link: <https://democracy.towerhamlets.gov.uk/documents/s118792/5.8b%20Appendix%20B%20-%20Viability%20Study%20no%20appendices.pdf>
- 3.11 The revised Preliminary Draft Charging Schedule proposes increases to CIL rates across the Borough (including the strategic sites) and worsens the viability position of the three St William sites compared to that in the Local Plan version (SED5). The Mayor of London is also proposing to increase his CIL rates from £35/sqm to £60. The Viability Assessment in Document SED5 only includes the current MCIL (with indexation) – see para 2.26 of that document.
- 3.12 The NPPF (para 175) suggests that Councils should seek to test CIL Charging Schedules and Local Plan obligations together given the focus on cumulative impacts on key sites of all obligations set out in para 173 and 174 of the NPPF. This has in practice proven difficult given the differing consultation procedures and timescales for such assessments, but nevertheless if the Council is proposing to increase CIL rates we would suggest that these should at least be considered alongside the information included in the viability assessment for the Local Plan.
- 3.13 The table below shows for each of the three sites the viability position in each assessment:

Site	2018 Local Plan Viability Study (Excludes higher LBTH and MCIL)	2017 CIL Review Study (includes higher LBTH CIL and MCIL2)
Marian Place Gasworks and the Oval (1.3)	£755k surplus (note that further testing has reduced this to a significant deficit)	£2.9 million deficit (note that further testing will reduce this to a significant deficit)
Bow Common Gasworks (2.1)	£36 million deficit	£37.9 million deficit
Leven Road Gasworks (3.2)	5.88% IRR (compared to 13% to 20% benchmark)	5.36% IRR (compared to 13% to 20% benchmark)

- 3.14 Furthermore in respect of Marian Place, St William has provided further information to the Council on the abnormal costs related to the site which would be required to retain/and or refurbish two of the Gasholders (No. 2 and 5) on site as sought by the draft policy. It also notes that the developable area assumed in Appraisal 14, page 892, has not accounted for the retention of the gasholders. As noted in the Statement of Common Ground the Council’s advisers have re-tested the site adding in costs for Gasholder retention which are expected to result in an update to Table 7.11.1 of SED5. On the Council’s own figures (which have not been reviewed by St William) this results in a deficit of £16.7 million for the site. As we have not

seen the detailed inputs at the time of writing this statement we do not know what assumptions have been made but we assume it does not include the proposed increases in CIL rates. If this is the case the viability position would be worsened further.

- 3.15 The Council's own evidence therefore demonstrates that the combined weight of obligations being placed by the Council puts the development of these three sites at risk.
- 3.16 St William acknowledges that LBTH has in the past treated policy flexibly and, as in the case of Leven Road, is working in pre-application to seek an agreed position which can deliver an implementable planning permission with an appropriate balance of obligations (including affordable housing and social infrastructure) and density of development.
- 3.17 The opportunity to off-set affordable housing delivery against the provision of social infrastructure is now considerably more difficult to secure in planning permissions given the political aspirations in London by both the Mayor and Local Authorities. Therefore, it is reasonable for developers to assume that obligations relating to both infrastructure (CIL) and affordable housing are 'fixed' and subject to negotiation only in exceptional circumstances.
- 3.18 The revised NPPF and Planning Practice Guidance were published by the Government on 25 July 2018. The Examination of the Tower Hamlets Local Plan takes place in the 'transition period' set out in the new NPPF and the new policies therefore don't apply for the purposes of testing consistency with national policy.
- 3.19 However it is important to note that a key focus of revisions has been on viability. Planning Practice Guidance¹ is now emphasizing that as far as possible local plans should set out fixed, deliverable requirements based on robust evidence and that viability assessment should only then be required for development management purposes in exceptional circumstances.
- 3.20 Notwithstanding the 'transition period' point, the new NPPF and Planning Practice Guidance are already material consideration for determination of planning applications. Therefore, any planning applications coming forward on the St William sites, will be to the extent they are a material consideration, judged against the new policies described above. As the Inspector will be aware the Mayor of London has already implemented his 'threshold' approach prior to the examination or adoption of the new Draft London Plan.
- 3.21 It is therefore important for the Council to acknowledge specifically that it will need to apply policy flexibly to secure delivery of these specific sites.
- 3.22 The Council does acknowledge this within their evidence base. The SED5 Local Plan Viability Study at paragraph 7.16 states:-

"With respect to the small number of sites identified as being unviable at the full THDLP policy requirements we highlight that the flexibility provided within these policies will ensure that these sites are still able come forward. In particular the affordable housing policy provides that the Council will consider site specific issues to ensure that schemes can come forward whilst delivering the maximum reasonable quantum of affordable housing".

¹ <https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework>

The final version was unpublished at the time of writing this statement although Government has indicated that it will be published in the 'summer'

3.23 We set out our specific approach to resolving the outstanding issues, with reference to the relevant soundness tests below.

Soundness

3.24 Policy in Local Plan that is unsound?

Policy D.SG5

3.25 Soundness Test failed?

3.26 The policy is not **effective** because it makes the plan and sites within it undeliverable. Para 173 of the NPPF states: “Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.”

3.27 How can the plan be made sound?

3.28 Revision to policy D.SG5 and additional wording in site allocations. Proposed wording:

Policy D.SG5: Developer contributions

1. Developments will be expected to:

- a. pay community infrastructure levy charges required by any charging schedules which are in operation for the area within which the development is located, including the Mayor of London’s community infrastructure levy;*
- b. enter into section 106 agreements to provide affordable housing and make provision to mitigate the impacts of the development where necessary or appropriate, having regard to any relevant supplementary planning documents or guidance; and*
- c. for strategic site allocations where strategic/social infrastructure requirements are sought, the Council will apply policies flexibly to ensure that these sites are viable and deliverable.*
- d. submit a financial viability assessment as part of the planning application, where required, which may be subject to independent scrutiny by appointed experts, at the applicant’s cost, where they do not meet planning policy requirements or do not propose to deliver required section 106 planning obligations.*

2. Vacant building credit has the potential to adversely impact our ability to meet the affordable housing target and will not apply in the borough. This policy acts as an exemption from its application in Tower Hamlets.

3.29 For the site allocations, the Council has proposed wording as a preface to the Site Allocations in relation to flexibility as follows:-

“At the time a planning application is submitted, flexibility may need to be applied (based on an assessment of need and the agreed viability position of the scheme) to one or more of the site allocation requirements in order to ensure the site is deliverable in the context of the principles of sustainable development”.

3.30 As set out in the Statement of Common Ground, St William agrees with this wording but is also of the view that for those sites where the Council’s evidence identifies specific viability issues the site-specific policies should contain reference to viability (as proposed within Appendix 2, 3 and 4).

3.31 For Marian Place this has a significant inter-relationship with the policies that relate to the retention of heritage assets because, as the Council's own evidence demonstrates, this is a critical factor affecting the site's viability. Specific reference to a viable strategy for Gasholder No.2 and 5 is therefore necessary.

Schools (para 3.2, bullet point 4, Matters and Issues Paper)

3.32 The Plan allocates five sites in the Borough for Secondary Schools. Of these two: London Dock and the former Westferry Printworks have Outline Planning Permissions which include secondary schools, and S106 obligations giving the Council options for the take up of the school sites. Of the remaining three, two: Leven Road and Bow Common are sites in which St William has an interest. The other is Billingsgate.

3.33 LBTH is clearly correct to plan for its need for schools, as encouraged by the NPPF (paragraph 72). The Council has taken a positive approach to development in its area delivering the highest number of homes in London in recent years despite being the second smallest borough in London. The Council clearly needs to plan positively to ensure that the necessary infrastructure is required to support growth.

3.34 Leven Road and Bow Common are both currently allocated for primary schools in the adopted Managing Development DPD (2012). The Regulation 18 Draft Plan (2016) proposed to change these to 'primary or secondary' school allocations. The Submission Draft Plan now proposes only secondary schools. In terms of 'built area' required, a standard secondary school usually has roughly twice the number of pupils than the largest primary school (1,200 vs. 630). St William responded to both Regulation 18 and Regulation 19 draft plans on these issues.

3.35 The Council has undertaken several assessments of the number of secondary schools it anticipates that it will require and preferred locations. The latest findings are contained within 'Spatial Assessment Need for Schools (2018)' – SED72. This updates the Council's annual schools planning data which is produced for them by the Greater London Authority.

3.36 This evidence shows that forecast pressure on school places in the Borough has reduced significantly since the site allocations in the currently adopted plan were made in 2012. That year saw births in the Borough peak, and they have since fallen back, with fertility rates continuing to fall. This is a trend that is apparent across London and the UK and was confirmed in the most recent birth data in which numbers in Tower Hamlets remained flat. As a result, and as acknowledged by LBTH in document SED72, demand for primary school places is already falling. The peak in secondary school numbers has not yet been reached and continues to work its way through the system, but is expected to happen in 2022/23 or 2023/24². Numbers at secondary level are also now projected to fall back (based on actual births). The Council is therefore predicted to have a 'bulge' requirement of up to 4 6FE schools by 2023/24 falling to 2 to 3 by 2031. (SED72, para 4.14).

3.37 As the chart at **Appendix 6** shows, the actual numbers of secondary school children have been lower than projected and the rise has been slower than suggested by the successive Council/GLA forecasts. This in part reflects the falling birth rate/fertility rate, and also probably that the 'housing driven' part of the projections has not happened as fast as suggested and not had the impact on demand for school places that was assumed. This is not to criticise the approach taken, it was certainly a sensible and cautious approach and has allowed the Council and schools to ensure enough places were, and will be available. However, it does suggest that for future projections and demand the Council's already cautious approach (planning for five

² Based on the 1 year and 3 year projection scenarios at page 29 of document SED72 and para 4.14

schools when it needed four at peak) now puts unnecessary pressure for infrastructure on sites which, as we have demonstrated above, face significant viability challenges.

3.38 As we have noted the Council has already secured options on two sites with planning permission. St William has been working constructively with the Council to incorporate the requirement for a school at Leven Road. A planning application is expected later this year. These three sites, together with the Billingsgate site would provide sufficient capacity to meet the Council's identified requirements. The Billingsgate and Westferry Printworks sites are both well located to meet the main geographical source of demand: the Isle of Dogs and South Poplar.

3.39 The Council acknowledges the following position on Bow Common (SED72, para 4.19):

Table 7 below shows that Bow Common Gas Works is not able to deliver a fully policy compliant development, this is due to the size of the site along with other constraints. The council will need to work closely with the developer to resolve the matter of being able to deliver a school on site. The school has been retained within the site allocation as the delivery of a secondary school at the London Dock site allocation remains uncertain and the overall volatility in the provision of sufficient places, due to uncertainty over the impact of unplanned free school provision. The council will also work closely with the developer and continue to monitor the provision of free school provision."

3.40 The Bow Common site is only 3.96ha. The Council has proposed allocations of two items of strategic infrastructure for the site: a secondary school (indicatively 1.5 ha, but potentially smaller) and a strategic park (minimum 1 ha). This would leave a small developable area, and there is limited opportunity at this location to increase density significantly. Given the small size of the site and relatively poor location in relation to demand there are strong reasons for the secondary allocation to be removed given the over-provision that the Council is now planning for.

3.41 Even if the Inspector is not minded to remove the allocation now, there is clearly a need for future flexibility so as to not sterilise sites that can make a major contribution to increasing housing supply. This is equally the case for Leven Road for which capacity for a school has been identified in the emerging masterplan but there is uncertainty over whether it will be required. These two sites are identified in Table 7 of SED72 as being potentially not viable as a result of the secondary school allocations.

Soundness

3.42 Policy in Local Plan Unsound?

Policy D.CF3/Site Allocations

3.43 Soundness Test failed?

The policy is not **Justified**, because the Council is planning for more provision than required, and not **Effective** (deliverable) because it offers no certainty over on-site requirements, the timing of their delivery, or the potential for their review and release.

3.44 How can the plan be made sound?

3.45 Revision to policy D.CF3 and site allocations.

Proposed Wording

- 3.46 DCF3: Insert at point 3: *'On allocated sites unless evidence has demonstrated they are not required'*

Site Allocations

- 3.47 Leven Road (3.2) – In policy table insert after 'Secondary School' – *"subject to demonstrable demand"*
- 3.48 Bow Common Gasworks (2.1) - In policy table *remove 'Secondary School'* – or insert *'subject to demonstrable demand'*.
- 3.49 These proposals also appear in Appendix 3 and 4.

4 Matter 5: Housing (5.7)

4.1 The Inspector has raised the following issue:-

Matter 5 Housing (5.7) asks whether the Plan is clear in terms of the status of allocated sites and commitments and where the evidence is to explain this?

- 4.2 We consider that minimum indicative housing numbers used to inform the Council's SED5 Viability assessment which informs the soundness of the plan should be expressed within the site allocation for Marian Place Gasworks (1.3), Leven Road Gasworks (3.2) and Bow Common Gasworks (2.1).
- 4.3 The Council has not identified minimum indicative housing capacity targets for each of their site allocations, despite the Council's SED5 document being based upon housing capacity figures for each site. We consider the current approach to lack transparency and to be unsound.
- 4.4 Part 6: Appendices Appendix 7: Housing Trajectory indicates a supply of 13,546 homes from Allocations (without permissions) category. After the "Under Development Category" this is the largest contributor to the plan period housing supply.
- 4.5 To determine if the 13,546 figure is robust, we consider that third parties must be informed of the housing capacity assumptions for each allocation. They are material to the deliverability of each site.
- 4.6 Importantly NPPF 2012 para 157 (bullet point 4) confirms that site allocations should provide detail on the "quantum of development" where appropriate. It is appropriate in this instance given the challenging viability of each gasworks sites, and the need to maximise housing on site to take account of the need to incentivise and fund decommissioning (London Plan Policy 5.22). The Council's own evidence base confirms that the unit numbers assumed do not generate the necessary returns as therefore would be the absolute minimum required.
- 4.7 It is also important for the public to understand the future quantum of residential development for each allocation to manage future expectations. The Council has proposed quantum for open space. There is no reason why the same cannot be true for housing numbers given the importance of housing to this Plan.
- 4.8 The proposed revised wording is included at Appendix 2, 3 and 4.

5 Matter 7: Employment & Economic Growth (7.4)

5.1 The Inspector has raised the following issue:-

Matter 7: Employment & Economic Growth; 7.4 Are the proposed employment locations which have been identified by S.EMP1 the most appropriate when considered against all other reasonable alternatives?

5.2 We consider that Marian Place Gasworks should be removed from the Cambridge Heath Local Employment Location (“LEL”) allocation.

5.3 The Council defines LEL’s (Part 6: Appendices: Appendix 1: Glossary and acronyms) as having “unique individual characteristics. They are areas of high accessibility that provide or could provide significant capacity for employment accommodation meeting secondary, more local or specialist employment needs, and to support the needs of start-ups, small and medium enterprises and creative and digital industries”.

5.4 The Council accept that the gasworks site is a sui generis site. The Statement of Common Ground confirms that the site does not meet the definition of sui generis industrial uses prescribed by Chapter 5 Paragraph 5.6. This states that “This chapter relates to employment uses within the ‘B’ use classes (business, general industrial and storage and distribution) and sui generis industrial functions. While other use classes create employment these are covered within other policy sections within the Local Plan”.

5.5 Chapter 5 is the chapter devoted to “Delivering economic growth” and as the existing use does not comply with the purpose of the chapter, it should not be allocated as a LEL. There is no expectation to date that this site will, or can viably, provide ‘significant capacity’ for employment uses. The Council’s Viability assessment SED5 assumes no commercial floorspace.

5.6 Policy S.EMP1 Creating Investment and Jobs defines the LEL at Cambridge Heath as providing “a range of office, industrial and studio workspaces meeting the needs of businesses serving a more local need, start-ups, small-to-medium enterprises and creative industries”. This definition does not relate to Marian Place Gasworks. It refers to the land uses and operations around the gasholder site.

5.7 Policy D.EMP4: Redevelopment within designated employment areas Part 4 (f) deals with the development of non-employment uses in LELs, and specifically Cambridge Heath. Redevelopment will only be supported with a fixed requirement to “provide a range of units including industrial floorspace, small-to-medium enterprise space and studios to meet the needs of creative industries”.

5.8 We are concerned that this places an inflexible requirement on Marian Place Gasworks. For redevelopment to be supported, it requires industrial floorspace to be provided. This would be at odds with site allocation 1.3 which refers only to small-to-medium enterprise space, start-ups and creative and tech industries. It would also conflict with the Council’s agreed position that the site is not a sui generis industrial use requiring re-provision.

5.9 Without prejudice, if it is considered that Marian Place should remain within the Cambridge Heath Local Employment Location (“LEL”) allocation, we propose a revision to Policy D.EMP4(4)(f) as follows:-

D.EMP4(4)(f) provide a range of units including industrial floorspace small-to-medium enterprise space or studios to meet the needs of creative industries within the Cambridge Heath LEL

5.10 We consider that this amendment is acceptable to the Council and will be addressed in the Marian Place Statement of Common Ground.

6 Matter 8: Heritage, Design and Tall Buildings (8.4)

6.1 The Inspector has raised the following issue:-

Matter 8: Heritage, Design and Tall Buildings; 8.4 Is the Policy wording to D.DH6 specific and effective?

6.2 We consider that Marian Place Gasworks (1.3), Leven Road Gasworks (3.2) and Bow Common Gasworks (2.1) site allocations should include specific reference to the expectation that development scale, taller than the average buildings in the locality, may be necessary to deliver the policy objectives of the allocations. This could include the provision of tall buildings.

6.3 We also consider it necessary to refer to the Borough's site allocations explicitly within Policy D.DH6 Tall Buildings. Enclosed at **Appendix 7** is a summary document of our representations for Tall Buildings Policy D.DH6.

6.4 By their very nature, the Borough's site allocations are expected to deliver the Borough's infrastructure provision and housing. The Council in their Plan (D.DH6(3)) recognise that tall buildings can be located outside of tall building zones, subject to certain criteria. These criteria indirectly relate to the site allocations. We believe that the policy should directly relate to site allocations

6.5 In their Statement of Common Ground the Council has sought to try and strengthen the position with regards site allocations by including at the end of paragraph 3.75 the following text:-

"This includes proposals involving tall buildings located within site allocations where these are considered to be appropriate and in line with relevant policies.(MM79)".

6.6 Whilst welcomed, we believe that this sentence would only relate to working with developers to develop masterplans.

6.7 The Council's Viability SED5 document evidences that the sites are subject to very challenging viabilities at specific housing numbers, in addition to the other obligations placed upon them. As a result it is suggested that reduced levels of affordable housing will come forward. This might not actually be a realistic expectation of this Council, the Mayor of London or the Government.

6.8 The housing capacities for each allocation would therefore be an absolute minimum, most likely requiring increased intensification to secure deliverability. This would be in line with the Opportunity Areas and/or Housing Zones that the sites fall within which promote increased densities and tall buildings.

6.9 As an example, the Bow Common site is only 3.96ha. The Council has proposed a secondary school (indicatively 1.5 ha, but potentially smaller) and a strategic park (minimum 1 ha), leaving a developable area of 1.46ha, for a minimum of 500 homes (342 u/ha). There is 2 and 4 storey post war housing adjacent to the site. Similar circumstances apply at Marian Place and Leven Road.

6.10 It is very likely that tall buildings will be required to deliver the Plan objectives, and this should be recognised within Policy D.DH6 and the site allocations especially as the Council defines tall buildings as "buildings that are significantly taller than their surroundings and/or have a significant impact on the skyline", rather than the use of a metric definition.

We propose revised wording for the site allocations at Appendix 2, 3 and 4.

7 Matter 8/10: Heritage (Site 1.3)

- 7.1 We are concerned that the Marian Place Gasworks (Site 1.3) allocation may appear to pre-determine the retention of Gasholder No.2 and No.5 prior to a detailed heritage assessment required by national planning policy being undertaken which will need to consider a number of issues.
- 7.2 Our submissions at Appendix 2 Marian Place Gasworks (1.3) deals principally with the issue of retention of Gasholder No.2 and No.5 at Marian Place Gasworks however given its importance we also comment on the issue in this statement.
- 7.3 Gasholders No.2 and No.5 fall within the Regents Canal Conservation Area. They are non-designated heritage assets within a conservation area. As a result they already benefit from policies which deal with demolition within a conservation and the requirements of the Planning (Listed Buildings and Conservations Areas) Act 1990.
- 7.4 National Policy explains how to consider the loss of a building within a conservation area:-

138. Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

- 7.5 Where substantial harm occurs, a consideration of the substantial public benefits of the scheme should be undertaken to determine if they outweigh the harm or loss. Where less than substantial harm occurs, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 7.6 St William and the Council have not yet undertaken a detailed NPPF compliant assessment of the significance of the heritage asset, including any contribution made to its setting; economic viability; the harm that may or may not be caused, and whether substantial public benefits exist.
- 7.7 Local planning authorities should also assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.
- 7.8 St William propose neither to retain nor remove the holders at this point in time. Rather, it is proposed that effective policies are put in place now to allow for a compliant assessment as set out by national policy. We have suggested revised wording at Appendix 2.
- 7.9 This wording has been influenced by the recent local plan review at Newham Council. Newham Council, post its Examination in Public, has published its Main Modifications. It has issued revised wording for the site allocation at Bromley By Bow Gasworks which, unlike Marian Place, contains seven Grade 2 Listed Gasholders.
- 7.10 In this case the Inspector has suggested greater flexibility within the site allocation. The following text has been proposed:-

Proposals will require an assessment of and an appropriate viable strategy for the Grade II listed gasholders. This should take into account the impacts on the significance of the gasholders, including any effects on setting, recognise their role as heritage and character assets and their potential contribution to place making.

7.11 The revised site allocation is included below with the relevant heritage text.

Strategic Site Name	SS ref	Community Neighbourhood	Allocation including tall buildings specifications	Further Information
Parcellforce	S11	Canning Town & Custom House	Employment-led mixed use (linking to existing Cody Road industrial uses) area that contributes to the creation of a new neighbourhood and of a new local centre in the station vicinity of West Ham station and integration of the protected historic gasholders, along with delivery of a riverside open space. Proposals will require an assessment of and an appropriate viable strategy for the Grade II listed gasholders. This should take into account the impacts on the significance of the gasholders, including any effects on setting, recognise their role as heritage and character assets and their potential contribution to place making. facilitation of a possible future link to S10 Abbey Mills. Site access improvements will be required, including a-links to West Ham station, the neighbourhood beyond, and to S10 and to Bromley-by-Bow. Indicative residential typology — medium density, medium family. height of 8-12 storeys with lower development towards the west of the site sensitive to the heritage assets, and up to 19 storeys around the station, subject to addressing the sensitivity of existing homes on Manor Road.	<ul style="list-style-type: none"> Town Centre Study 2016 District Heat Network LDC HRA screening report (2018);
Map				<p>Constraints and Other Advisory Information</p> <ul style="list-style-type: none"> PTAL (2021): 6b – 3 Listed gasholders TPO 1101/1 Tree Preservation Order covers mature trees around the gasholders Major Hazards Site (former Bromley-by-Bow Gasholders) inner/middle/outer zone APA Tier 3 Significant contamination Flood zone 3/2 Critical Drainage Area (adjacent) Licensing Saturation Zone AQMA SINC (adjacent and partial) Thames Tideway Tunnel Safeguarding Parks deficiency Delivery of Lea River Park aspirations Airport Safeguarding: consult LCA for all works over 15m & 45m in height (see mapping) Sewers on site may not be diverted (Piling Method Statement and consultation with Thames Water required); surface water discharge expected from Channelsea River; Potential need for impact on Epping Forest SAC [SC1-5, INF2, INF6, INF7] (including through in-combination effects) to be considered through an HRA having regard to all relevant information available at the time;
			<p>See also Policies S1, S4, SP4, SP5, SP6, SP7, SP8, SP9, J1, J2, H3, INF1, INF2, INF4, INF5, INF6, INF7, and INF8 and INF9.</p>	
			<p>Partners</p> <p>LTGDC, LDA GLA / private developer(s)</p>	<p>Phasing</p> <p>Medium to long term</p>

our ref: Q70181
your ref:
email: tom.dobson@quod.com
date: 10 November 2017



BY E MAIL

Regulation 19 Consultation
Strategic Planning
London Borough of Tower Hamlets
PO BOX 55739
London
E14 1BY

Dear Sir/Madam

TOWER HAMLETS LOCAL PLAN 2031 (REGULATION 19)

We are writing on behalf of Berkeley Group in response to the consultation on your draft Local Plan.

a) Scope of Representations

Berkeley Group is a very active developer in Tower Hamlets and currently has an interest in six sites, five of which form all or part of Site Specific Allocations in the Draft Local Plan. We believe that part of one of these, South Quay, has been left within a site allocation inadvertently. These sites are being taken forward by four different Berkeley Group companies: Berkeley Homes (South-East London), Berkeley Homes (North East London), St. George and St. William. The latter is a Joint Venture with National Grid to bring forward former gasworks sites. These representations relate to the Borough-wide strategic and development management policies. St. George and St. William are submitting specific representations in relation to the relevant site allocations policies and these should be read alongside those representations.

This letter sets out the key areas of concern for the Group and identifies areas where it regards the plan as potentially unsound. It sets out constructive suggestions as to specific modifications that could be made to ensure the soundness of the plan. The Berkeley Group is keen to continue to engage with the Council, as it has done in both the plan making and development management process over recent years.



b) Berkeley Group in Tower Hamlets

Berkeley Group has made a major contribution to the delivery of new homes and investment in Tower Hamlets, helping deliver the targets in the current Local Plan. It is focussed on achieving planning permission for its sites, and then delivering new homes, workspace, open space and other amenities and facilities. Since its first Planning Permission in 2012, it has secured planning permission for 4,160 homes, including over 1,000 affordable homes. Of these it has completed around 750 with the balance currently under construction. These sites also include public spaces and community facilities, including health centres, a secondary school, commercial and hotel floorspace. It has an interest in the following sites, full details of each are set out in Appendix 1.

Site	Company	Status	Area Status	Homes
Goodmans Fields	Berkeley (North-East)	Under construction	City Fringe Opportunity Area	1,076
London Dock	St. George	Under construction	City Fringe Opportunity Area	1,800
South Quay	Berkeley (South East)	Under construction	Isle of Dogs Opportunity Area	1,284
Leven Road	St. William	Allocation	Lower Lea Valley Opportunity Area Poplar Riverside Housing Zone	1,485*
Bow Common	St. William	Allocation	Poplar Riverside Housing Zone	468*
Marian Place/Oval	St. William	Allocation	City Fringe Opportunity Area	630*
				6,743

* Indicative homes identified in LBTH Viability Study (2017)

Berkeley Group companies have worked closely with the Council, and in consultation with local residents and other stakeholders in the development of proposals for these sites, in securing planning permission, and in delivering the developments.

This has included a strong emphasis on placemaking and design quality. Large strategic sites cannot be considered in the same way as smaller sites and they require considerable investment and commitment to quality. At Goodman's Fields Berkeley has invested heavily in open space and public realm including Hamish Mackie's award-winning *Goodman's Fields Horses* sculpture. At London Dock over half the site (6 acres) will be public realm including investment in public art and bringing a listed building back into use.

Berkeley Group welcomes the proactive approach of the London Borough of Tower Hamlets in planning for and accommodating growth. They believe that it is important for such an approach to continue but are concerned that the additional requirements placed on development in the Borough as a result of the new Local Plan may put at risk the delivery of housing, and particularly affordable housing, at precisely the time when the Mayor of London and Central Government are intensifying their efforts to increase housing delivery.

c) Overall Approach

The current Tower Hamlets Local Plan consists of the Core Strategy (2010) and the Managing Development DPD (2013). The latter includes most of the development management policies and also site-specific allocations and should be regarded as ‘an up to date plan’.

The Managing Development DPD includes site specific allocations covering all of the Berkeley Group owned sites, with South Quay being part of the Millennium Quarter. This has given guidance to Berkeley Group companies in developing masterplans and planning applications for their sites, and, in planning for those sites (Leven Road, Bow Common and Marian Place) for which applications have yet to be submitted.

It is the view of the Berkeley Group that this Plan has been largely effective, albeit that it placed obligations on the sites in excess of what they were able to deliver, resulting in a level of uncertainty and in some cases an extended application negotiation process, both pre and post application.

Berkeley Group is concerned that the new Draft Plan is now placing additional onerous obligations and restrictions, which a series of the Council’s own Viability Studies (for the Managing Development DPD, CIL and this new plan) have demonstrated are not deliverable for several of the site allocations. Further additional requirements and restrictions in the new plan – on design, heritage, affordable housing, approach to viability and environmental contributions – will make it very difficult to optimise housing delivery on the sites, including affordable housing which are a priority of the Mayor of London and the Council. It is in this context that we approach the ‘Soundness Tests’ set out in the National Planning Policy Framework at paragraph 182.

With regard to the test of ‘Effectiveness’ it is important to consider this alongside paragraph 173 of the NPPF which states:

“Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, ***the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.*** To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”

We have emphasised above the reference to ‘sites and scale of development’ as it is critical to the delivery of the LBTH Local Plan. As noted above most of the Berkeley Group’s sites are located in Opportunity Areas, where the London Plan (Policy 2.13 C) requires Boroughs to:

*“contribute towards meeting (or **where appropriate, exceeding**) the **minimum** guidelines for housing”.*

It is clear that both the Mayor of London and the Government through the Housing White Paper and proposals in *Planning for the Right Homes in the Right Places* are re-doubling their efforts to drive up housing supply. They are also seeking to ensure that Councils ensure that obligations in their plans are viable and reduce the need for protracted post application negotiations on viability.

Appendix 7 of the Plan sets out the Council’s Housing Trajectory. This includes a net target of 58,965 homes. It includes 13,546 homes on allocations without permission, a 3,010 windfall allowance and a further deficit of 5,320 homes (excluding windfalls and identified sites). Together they form over a third of the total. Paragraph 7.4 states that:

“While there will be a shortfall towards the end of the plan period, we are committed to working with our partners (including the Greater London Authority) to maximise the supply and delivery of housing within the parameters of sustainable development and address this unmet need.”

The Government’s proposed methodology for identifying Objectively Assessed Housing Need (OAHN) shows an indicative target of 4,873 homes per year for Tower Hamlets compared to 3,931 in this Draft Plan. Although the transitional arrangements mean that this is unlikely to apply to this Plan, it is worth noting the direction of travel: it would add an additional requirement of 943 homes per year equivalent to 14,000 over the plan period, on top of the deficit identified above.

The Mayor of London has released what he expects to be his new housing targets during the Local Plan consultation period although not his updated Strategic Housing Market Assessment (2017) which will provide the detailed evidence behind this. The Mayor’s Press Release includes a notional target of around 3,500 homes per year for Tower Hamlets, a reduction on the current target of 3,998. As the Draft London Plan has not yet been published it is not certain that that number will be carried over into the Plan and it is at the very early stages of its development so the current adopted London Plan remains to most significant material consideration for the Council in setting its housing target. It is also lower than the indicative Objectively Assessed Housing Need in the Government consultation document and in any case London Plan targets are minima to be exceeded if possible.

The revised Draft London Plan is expected to be published for consultation on 29 November, after the end of the Local Plan consultation period, and is expected to contain some significant changes in strategic policy. It will be important that consideration is given to this emerging policy before the Tower Hamlets Plan is submitted for consultation, and Berkeley Group may have further comments on policies in the light of the draft document.

Although the Council has a strong track record in delivering new homes, the most recent London Plan Annual Monitoring Report (2017) shows that even in a relatively strong market the Council had only seen delivery of around 75% of its benchmark in 2015/16 (Table 3.6) and over the previous three years (Table 3.7), with average net completions of c. 2,500 homes each year. All of this results in a requirement for the Council through its Local Plan to ensure that all sites, and particularly strategic ones, can make the maximum contribution to meeting the Borough's housing target. The Council's own evidence base document, London Borough of Tower Hamlets Housing Delivery Strategy (September 2017) acknowledges this. In Section 8 it sets out how the Council intends to address its shortfall in supply. This notes that sites in Poplar Housing Zone for example, may have the ability to provide more homes at a higher density.

Achieving this will require avoiding unnecessary restrictions or obligations that stop them from doing so. Berkeley Group has demonstrated, in the Borough and across London that this can be achieved whilst delivering high quality sustainable development. It is our view that the Plan could have been more 'Positively Prepared' in relation to strategic sites, to meet overall need, and that, at present, it is not effective in ensuring that the sites and scale of development identified in the Draft Plan are deliverable. We will set out below areas where modifications could be made that would address this.

d) Developer Contributions and Planning Obligations

Policy D.SG5 sets out the Council's proposed approach to developer contributions. It states that development will be required to pay CIL charges, enter into S106 agreements to provide affordable housing, and mitigate the impacts of development and submit a viability assessment where they:

'do not meet policy requirements or do not propose to deliver required S106 planning obligations'.

The supporting text states that (at paragraph 2.43):

"Part 1 (c) aims to ensure developers maximise contributions towards the delivery of affordable housing and infrastructure in line with the vision and objectives of the plan, whilst still ensuring development can be delivered."

However, not only does the Draft Plan require housing contributions, along with CIL which sits outside the Plan, but it also places a range of other obligations which, if all were required would make several of the strategic allocations unviable. This both delays development and is contrary to national policy.

These policies are not only about mitigating the impacts of development but prescribing what development does and placing significant obligations on development. Policies include:

- Policy D.H2: Affordable Housing
- Policy D.EMP2/D.EMP set detailed requirements for replacement and new floorspace including requiring 'affordable' employment space;
- Policies D.TC3 and D.TC5 place restrictions on certain sizes and types of units outside Town Centres which reduce viability of such uses in Site Allocations where they might be appropriate;

- Policy D.CF3 requires new and enhanced community facilities, which are carried through to site allocations;
- Policy S.OSW1 and D.OSW3 set requirements for new and enhanced Open Spaces;
- Policy D.ES7 imposes substantial costs to meet carbon standards which exceed national Government policy. The zero carbon agenda was dropped by the Government when the housing standards were introduced in 2015 in recognition of the considerable progress already made in energy efficiency, and the costs involved. The Government has also made clear that energy efficiency should be addressed through building regulations rather than planning policy. It is not technically feasible to achieve zero carbon so it is essentially a tax and must be considered in the context of other obligations on development including CIL and affordable housing;
- Various site specific requirements including in relation to heritage assets.

Some, but not all of these policies have been accounted for in the Council's site-specific viability assessments, but they will all impact on the ability of developers to deliver.

The Mayor of London's *Affordable Housing and Viability Supplementary Planning Guidance (2017)* sets out what is described as a 'threshold' approach to viability. This includes (page 17) a 'Fast Track' route where:

Applications will not be required to provide viability information, nor be subject to review mechanisms provided an agreed level of progress is made following the grant of planning permission, where they:

- **deliver at least 35 per cent affordable housing on-site without public subsidy;**
- **are consistent with the relevant tenure split (see section on tenure below) and meet other obligations and requirements to the satisfaction of the LPA and the Mayor where relevant; and**
- **have sought to increase the level of affordable housing beyond 35 per cent by accessing grant.**

The inclusion of significant additional planning obligations and challenging policies in the Plan (for example on housing mix) are likely to mean that most strategic sites, containing a high proportion of housing supply, are unable to use this route and be subject to the delay and uncertainty of the 'Viability Tested Route' even if they provide the 35% affordable housing target.

In this context it is important that the Council identifies its priorities and is clear what is required in different circumstances as it will not be possible to meet all requirements on every site. It will also be necessary to ensure that policies in relation to design and density (including tall buildings) are flexible enough to allow the capacity of sites to be appropriately maximised given substantial infrastructure requirements.

Topic: Developer Contributions	
Soundness Test	
Positively Prepared	n/a
Justified	No, the evidence base does not test all policy requirements and obligations (details are set out in St. William's site specific representations for the Gasworks sites) and on several sites demonstrates that they are not achievable
Effective	No, the combined burden of obligations and proposed approach to viability does not demonstrate clearly what is required
Consistent with National Policy	No, para 173 of the NPPF, and specifically Policy D.ES7 where the Government has suggested authorities should not seek to set enhanced carbon standards through the planning system
Modifications to make sound <ol style="list-style-type: none"> 1. Revise Policy DSG.5 to make clear that Planning Obligations will meet the CIL Reg 122 tests, that Viability Assessment will be consistent with the Mayor of London's Affordable Housing and viability SPD 2. Remove policies D.ES7 and D.EMP2 (4) or make the latter subject to viability 3. Confirm that Policies D.TC3 and D.TC5 may not be appropriate for large Site Allocations 4. Ensure that Open Space and Community Facility costs/implications are properly assessed in site allocations 	

Design

Appropriate design is clearly a critical issue in a densely populated Borough like Tower Hamlets which also has significant heritage assets. Berkeley Group has worked, for example, at London Dock to respect and enhance local heritage, and provide new and enhanced public realm whilst optimising housing delivery on the site and introducing modern and high density new buildings.

Berkeley Group is concerned that the proposed plan policies could put this type of approach at risk by an overly restrictive policy framework which is not consistent with national policy in not differentiating between assets of different value (NPPF, Paragraphs 126 to 141).

Policy S.DH3 introduces a requirement that proposals must:

“preserve or where appropriate enhance the Borough’s historic designated and non-designated assets.”

The requirement in relation to ‘non-designated assets’ potentially places a major restriction and uncertainty over requirements for specific sites.

Part 2c of the policy states that proposals to ‘alter, extend or change the use of an historic asset or proposals that would affect the setting of a heritage asset’ will only be permitted where:

“they enhance they enhance or better reveal the significance of assets or their settings”.

This conflicts with Part 3 of the policy, which in the context of national policy correctly acknowledges:

“Any harm to the significance of a heritage asset must be justified having regard to the public benefits of the proposal.”

Part 2(c) should therefore be removed.

Policy D.DH6 Tall Buildings directs tall buildings to ‘Tall Buildings Zones’. Paragraph 3.64 defines Tall Buildings as:

“any building that is significantly taller than its local context and/or has a significant impact on the skyline. Within the borough, buildings of more than 30 metres, or those which are more than twice the height of surrounding buildings (whichever is less) will be considered to be a tall building.”

The latter criteria will apply in large parts of Tower Hamlets including Site Allocations outside of the designated zones. Although D.DH6(3) sets some criteria for buildings outside these zones it could be used as a ‘Reason for Refusal’ in many cases.

The Mayor of London’s 2016 Housing SPG makes a number of references to how large sites can accommodate higher densities and set their own ‘context’ which is relevant to sites in Tower Hamlets outside of the Tall Building Zones. It suggests that:

- **Large sites can define their own setting and accommodate higher densities (para 1.3.37)**

- **Large parts of London are currently underdeveloped and have no definable character, e.g. very large brownfield sites. This is especially true in the case of large industrial sites and, in such case, new development will “be unlikely to interfere with existing settings and offer particular scope for place shaping to create attractive new communities”. (1.3.47)**

This is not to say that large sites should have no regard to their setting, which will be a particularly important consideration on site boundaries, but that in maximising the potential of such sites buildings ‘taller than the local context’ can be appropriate.

The London Plan states (Policy 7.7C(a)) that Opportunity Areas and Areas for Intensification are appropriate areas for Tall Buildings subject to other criteria. As noted above four of the Berkeley Group sites are in Opportunity Areas and one is in a Housing Zone. London Dock already has planning permission for a building that would be regarded as ‘tall’ on the basis of para 3.64, and such buildings may also be appropriate on the three Gasworks sites subject to other planning considerations. It is therefore Berkeley Group’s view that part (3) of the policy should also refer either to Allocated Sites, or sites in Opportunity Areas or other designated areas as potentially appropriate for tall buildings.

Topic: Design	
Soundness Test	
Positively Prepared	No, doesn’t reflect need to optimise delivery of housing on allocated sites
Justified	No, LBTH has not published housing capacity or properly tested whether assumed capacity in the housing trajectory can be delivered on allocated sites in context of other obligations and design restrictions
Effective	No, not demonstrated that sites are deliverable given other requirements and restrictions
Consistent with National Policy	No, part 2(c) on heritage assets
Modifications to make sound Remove the word ‘non-designated’ from Policy S.DH3, and part 2(c) and/or change ‘must’ in the first line to ‘should seek to’. Policy D.DH6(3): Add ‘Site Allocations’, or ‘Site Allocations in Opportunity and Growth Areas’ as potential locations for Tall Buildings	

e) Housing

Tower Hamlets has been successful in delivering large numbers of new homes in recent years and Berkeley Group welcomes the Council's intention to continue to seek to meet its London Plan targets. It notes that these targets may be extended further and that Plan policies need to anticipate the need to increase delivery on both allocated and non-allocated sites given the current deficit in the housing trajectory.

The general policy thrust in Policy S.H1 (1) is supported. Berkeley Group request clarity on part (2) of the policy. This requires a target of 50% affordable housing overall (a) and a minimum provision of 35% affordable on sites, 'subject to viability'. The Policy as currently drafted is unclear as to whether the requirement for viability assessment in policy DSG.5 is engaged at the 35% or 50% target.

As noted above the Mayor of London has adopted a 'Threshold' approach to viability. It is currently unclear how (if at all) Tower Hamlets' draft policies relate to this approach, which clearly raises significant concerns about the effectiveness of the Local Plan in combination with strategic London policies. Part four of that Guidance sets out the Mayor of London's support for Build to Rent. Although the supporting text (para 4.21) refers to part 2(d) as supporting 'Build to rent' this isn't referred to explicitly in the policy, which currently refers only to self-build.

Policy D.H2 refers to affordable housing. Part 2(b) identifies the exceptional circumstances where off site affordable housing might be allowed. The Council could consider adding 'amendments to planning permissions' where off site contributions might be the most effective way of delivering additional affordable homes.

Part 2 (D) of the policy refers to developments where an application is amended. This suggests that any affordable housing calculation will relate to the 'whole development'. Such an approach, whether applied to Section 73 applications or with applications on adjacent sites or 'drop in' applications for parts of sites is not consistent with the NPPF and Planning Practice Guidance (PPG) on viability. Any existing permission sets the basis for a 'Competitive Return' and 'Incentive for the Landowner' to bring a site forward for development, as required in paragraph 173 of the NPPF and elaborated on in para 24 of PPG on viability (10-024-20140306).

Part 3 of the policy covers 'Housing Mix'. This appears to be based on the proposed mix in the most recent Tower Hamlets Strategic Housing Market Assessment (2017). This SHMA adopts a very different approach to the previous two SHMAs undertaken by the Council in 2009 and in 2014 which informed the currently adopted plan (Managing Development DPD) and the previous Regulation 18 draft of the new Local Plan.

	Market			Intermediate			Affordable Rent		
	Current (MDDPD DM3(7))	Reg 18 Draft	Reg 19 Draft	Current (MDDPD DM3(7))	Reg 18 Draft	Reg 19 Draft	Current (MDDPD DM3(7))	Reg 18 Draft	Reg 19 Draft
1 bed	50	n/a	30	25	56	14	30	35	25
2 bed	30	n/a	50	50	12	40	25	30	30
3 bed	20	n/a	20	25	16	45	30	30	30
4+ Bed		n/a		0	2		15	5	15

This shows that whilst the affordable rent mix has remained largely consistent, with some variation around one and two bed homes, there have been very significant changes to the market and intermediate mix. These changes are not due to underlying changes in housing need but almost entirely to the methodology adopted, with the 2015 SHMA being based on the GLA’s 2013 London SHMA methodology and the new SHMA being based on what its authors describe as a ‘National Methodology’. The section dealing with housing mix in the new SHMA is very short and does not make clear its assumptions and does not appear to deal with issues such as market demand or the deliverability of the market or intermediate mixes. However it has been translated directly into a plan requirement.

In the past this may not have mattered as such issues were often negotiated for strategic sites based on site specific issues, but the ‘Threshold Approach’ of the London Mayor and the requirement to meet the tenure split and other obligations and requirements as well as the affordable housing target means that an application could be forced into the ‘Viability Tested Route’ on the basis of the policy on market or intermediate housing mix which does not appear to be properly evidenced or justified. Unnecessary restrictions on market housing mix can also mean that developers are unable to maximise the value of the private dwellings in their developments, making it more difficult to support the provision of affordable homes.

The previous draft of the Plan did not include a mix for private dwellings and the Berkeley Group supported that approach, because such a mix should be determined by the developer responding to demand. If the plan is to include a mix it is the view of Berkeley Group that it should be expressed as a range and be subject to site specific circumstances and market conditions. For intermediate housing mix it is suggested that the Council may wish to consult registered providers to ensure that they regard it as deliverable. It is Berkeley’s experience that in many cases they are unable to sell or let larger intermediate homes and prefer smaller ones.

Policy (SH1.5) also includes reference to sales to Londoners, preferably owner occupiers. Berkeley Group has a commitment to market all new homes first in the UK, but is of the view that ‘Sales to Londoners’ as a policy is neither appropriate nor deliverable or enforceable.

Topic: Design	
Soundness Test	
Positively Prepared	N/a
Justified	No, SHMA evidence on Housing Mix is limited
Effective	No, in relation to clarity of housing target and relationship to strategic policy. Lack of flexibility over private housing mix
Consistent with National Policy	No, in relation to S73 applications and 'related' developments
Modifications to make sound Clarify relationship with strategic policy and Mayor of London's Housing SPG, which is to be incorporated into future London Plan policy Refer explicitly to Build to Rent in Policy SH1(2) Remove reference to Sales to Londoners, 'preferably owner occupiers' in Policy S.H1(5) Add 'amending planning permissions' to circumstances where off site contributions might be considered in Policy 2.b Remove Policy DH2(d) Remove 'Market' mix in Policy D.H2(3) or allow flexibility between 1 and 2 bed dwellings Introduce flexibility in the wording relating to housing mix allowing it to be considered flexibly in the context of new SHMAs and housing market assessments during the plan period.	

f) Schools, Open Space, and Other Community Facilities

The growth in population in Tower Hamlets as a result of new housing will require new supporting social and physical infrastructure. The Council has sought to plan for this infrastructure through its Infrastructure Delivery Plan and various other supporting documents.

Whilst such planning is inherently uncertain due to changing demographics and housing delivery rates the Council acknowledges that, for the largest item of social infrastructure, Secondary Schools, it has allocated more sites than it requires. Our review of the Council's background planning documents suggests that it may also not have properly taken into account the potential role that Free Schools and Academies – the Government's preferred approach to the delivery of new school places – can make to meeting these identified needs.

Policy D.CF3 sets out the generic policy for school provision stating:

Development of new early education and care facilities and primary and secondary schools which respond to local need will be supported where:

- a. they are in locations which are accessible to the residents of their indicative catchment areas;**
- b. they can demonstrate appropriate learning spaces (including external play space) can be provided; and**
- c. the design and layout of these facilities and play space provision reflects the relevant guidance from the Department for Education and Sport England, taking account of the level of air quality and other amenity considerations.**

This does not however provide helpful guidance to Developers – particularly those with such facilities allocated to their sites given the wide variations allowed by Building Bulletin 103, the current Department for Education Guidance.

The Council has then, on a site by site basis, allocated facilities to sites, notionally following its site allocations methodology. It has allocated five sites for Secondary Schools including the two with current planning permissions (London Dock and Westferry) when it acknowledges it only needs four in total and in practice this could be three or fewer if Free Schools come forward. The Council's most recent schools planning work notes that there are three Free Schools approved in the Borough, one of which has a site that has been purchased for it by the Education and Skills Funding Agency (ESFA).

Chapter 8, and policies S.OWS1 and D.OSW3 set out policies in relation to Open Space and Green Grid Networks. Policy DOWS3 (2) sets out criteria for strategic development meeting open space needs. Berkeley Group developments are already contributing to meeting open space needs at Goodman's Fields, London Dock and South Quay. The three Gasworks sites also all have allocations. Berkeley Group is committed to providing high quality spaces and has delivered or will deliver significant open space and public realm on all its sites. It needs to be recognised that there are potentially conflicts between some of the criteria in Policy D.OSW3 and the site specific allocations, and that the allocations themselves can have significant impacts on viability.

It would be useful if the Plan could clarify that the nature of the site-specific provision needs to reflect the design constraints and context of those sites and that policy DOWS3 (2) should be read in that context. These allocations will impact on the ability of sites to deliver other obligations, notably new homes including affordable homes, particularly where they have other allocations including for secondary schools. The site-specific representations for the Gasworks sites and London Dock will deal in more detail with these issues.

The Draft Plan also allocates other community provision to sites including health facilities and leisure centres. Although developers may be able to provide land or buildings for such provision, as Berkeley Group has done at Goodman's Fields for example for a health centre, there is no guarantee such provision will always be taken up by providers.

In order for the Plan to be effective (deliverable) it will be important for the Council to add some wording, either to the overarching policy (D.CF3) or the relevant site allocations, which allows flexibility in provision and the release of sites from Social Infrastructure requirements where there is no public take up or where up to date infrastructure planning demonstrates that sites are not required. This will allow Allocated Sites to make their full contribution to meeting housing need where social infrastructure is not required.

This could include reference to the criteria in D.CF3 (3) as a means of considering the release as well as allocation of sites: the demand for school places in that location, deliverability of appropriate buildings at a reasonable cost, and air quality.

Topic: Community Facilities and Open Space	
Soundness Test	
Positively Prepared	In part yes, but over-allocation of infrastructure can have the effect of reducing the ability of sites to deliver other targets, notably for housing including affordable homes
Justified	No, infrastructure planning has not fully tested options
Effective	No, over-allocation without flexibility leaves potential for parts of sites to be blighted by unnecessary infrastructure allocations
Consistent with National Policy	No, combined weight of obligations not consistent with para 173 of the NPPF
Modifications to make sound Amend Policy D.CF3 and relevant site allocations to allow process of release where infrastructure not required Ensure sufficient flexibility and clarity in site allocations about requirements, reflected in reductions in other obligations where Council's own evidence suggests impacts on viability	

g) Site Specific Points: Goodman's Fields and South Quay

Berkeley Group is not making separate site-specific representations on these two sites. We would however make two points here.

Firstly Goodman's Fields now includes a public open space as part of the development. This should be included on Figure 13.

Secondly, a small part of the South Quay Plaza site has been included in the Marsh Wall West site allocation. We believe this is an inadvertent error as the remainder of the site is excluded, we assume because it has planning permission and is being delivered. The attached plan shows the area which is part of a piece of land purchased later by Berkeley which has now also been granted planning permission. We would be grateful if the Council could amend the plan to exclude this area also.

h) Summary

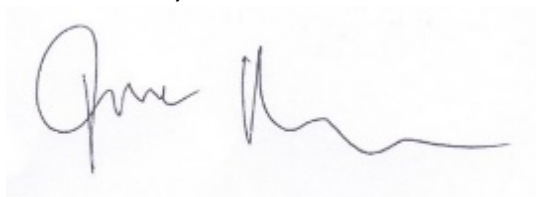
The Berkeley Group is a significant investor and developer in Tower Hamlets with sites with the capacity for the equivalent of more than 10% of the Borough's Housing Supply. It has worked with the Council to bring forward the first three of these sites and has delivered new homes, including affordable homes and a range of other benefits.

Berkeley Group is concerned that the Regulation 19 Draft Plan introduces additional obligations and restrictions on development which could mean that future delivery of allocated sites in the new Plan will be more difficult and which puts at risk the delivery of the Plan as a whole. We have set out in these representations constructive suggestions for modifications to the Plan that we believe will address these concerns and make it sound.

Comments on specific policies are attached as an appendix, including suggestions where other modifications might be made. For avoidance of doubt Berkeley Group retain opportunity to respond further, including to questions that the Inspector may have, and to attend hearings on the relevant topic areas.

Berkeley Group would be keen to continue to engage Council officers on these matters in advance of the submission of the Plan and examination. Please do not hesitate to contact me if you require further information.

Yours faithfully

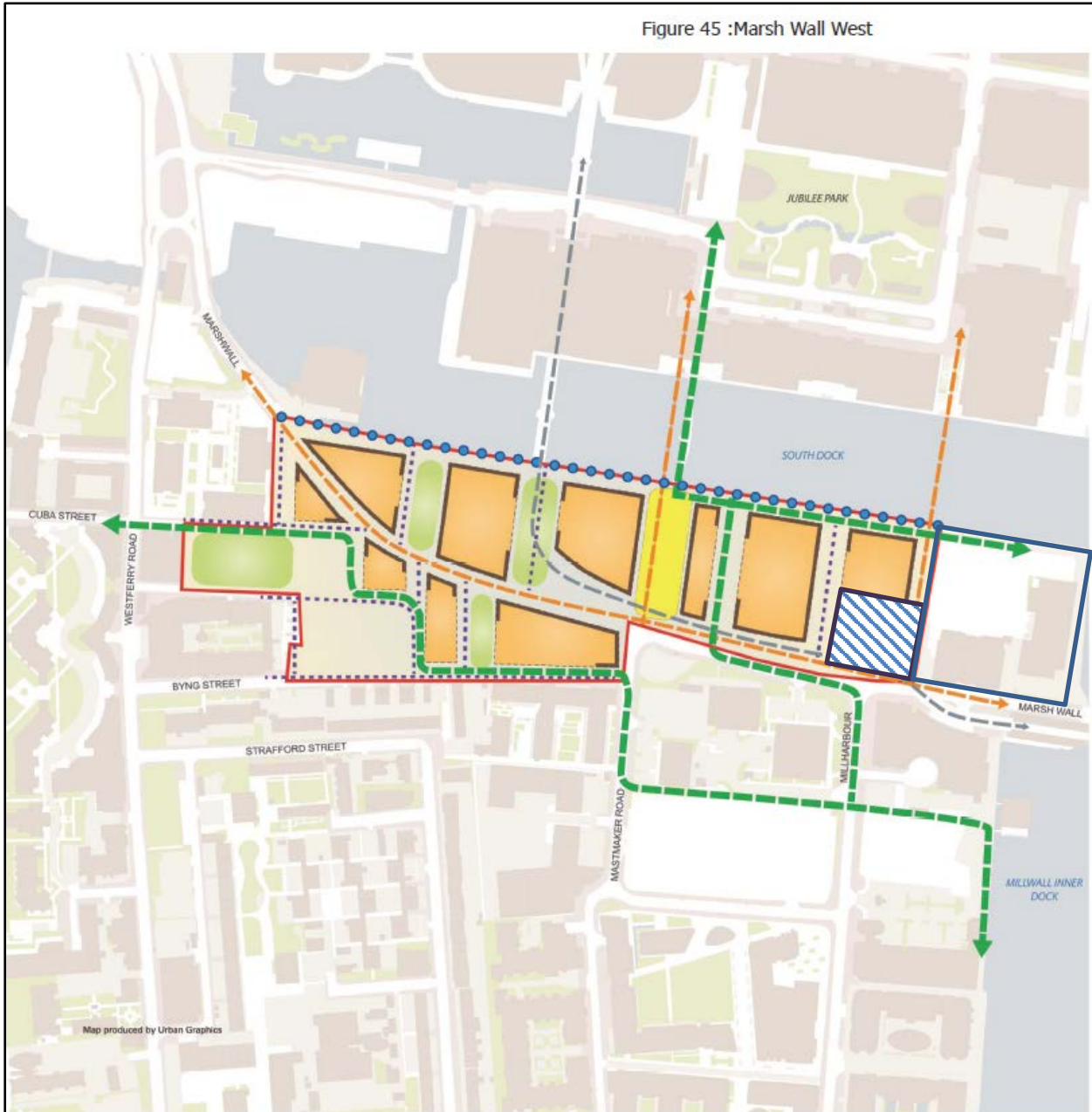


Tom Dobson
Director

cc. Simon Lewis, Paul Kelner, Judith Salomon, Emily McKenzie, Daniel Palman

Appendix 1: Berkeley Group Sites with Planning Permission

Site	Date of Planning Permission/s	Content	Delivered (October 2017)
Goodman's Fields	2010 - acquired 2012 (hybrid) 2015 (South East Block, Full)	<ul style="list-style-type: none"> • 1,076 homes, including 279 affordable • 618 student bed accommodation • 250 bedroom hotel • 8,550 sqm of commercial floorspace • 1,600 sqm health centre • 300sqm training centre • 1 acre of publicly accessible open space 	<ul style="list-style-type: none"> • 638 homes including 108 affordable homes • Student block • 250 bedroom hotel • 7,300sqm of commercial floorspace <p>The remaining homes and floorspace will be completed by late 2019</p>
London Dock	2012 - acquired 2014 – hybrid Planning Permission	<ul style="list-style-type: none"> • 1,800 homes, including 486 affordable • 20,000 sqm of commercial space and a secondary school • The Grade-II listed Pennington Street Warehouse will be refurbished and brought back to active use • New public realm and public square 	<ul style="list-style-type: none"> • 124 homes, 96 private, and 28 affordable • 26,000 sqft of commercial floorspace • 300 further homes to be delivered in 2018 and a further 274 in 2020/21
South Quay Plaza	2013 SQP1 and 2 acquired 2015 – Planning Permission 2015 – SQP4 acquired 2017 – Planning Permission	<ul style="list-style-type: none"> • 1,284 homes of which 237 affordable £7m offsite contribution affordable housing • Ground floor retail and leisure • Nursery • New park, public realm and riverside walkway with land safeguarded for new bridge with financial contribution 	Under construction

Appendix 2: South Quay Plaza and Marsh Wall West

South Quay Plaza site



Area to be removed from Site Allocation

Topic Area	Policies	Berkeley Group Comment	Soundness Test
Achieving sustainable growth	S.SG1: Areas of growth and opportunity within Tower Hamlets	The broad thrust of the Policy is supported. Flexibility should be added to the wording of part (2). As we note in our main representations the Council has overallocated for some uses (eg. schools, and should retain the flexibility to release certain obligations	Revise to make deliverable and therefore effective
	S.SG2: Delivering sustainable growth in Tower Hamlets	No comment	
	D.SG3: Health Impact Assessments	Part 1 should be revised to ensure that HIA is required for EIA developments rather than Major Developments. The requirement would be too onerous for all developments over 10 dwellings	Revise to make deliverable and therefore effective
	D.SG4: Planning and construction of new development	Wording could be tightened in relation to part (2) cumulative impact, to confirm that it relates to the construction phase and that more onerous requirements eg. assessment of all developments within a kilometre should only relate to EIA developments. Again they would be too onerous for all developments of over 10 dwellings	Revise to make deliverable and therefore effective
	D.SG5: Developer contributions	Revise Policy DSG.5 to make clear that Planning Obligations will meet the CIL Reg 122 tests, and that Viability Assessment will be consistent with the Mayor of London's Affordable Housing and viability SPD	Not justified as viability assessments do not include all policy requirements, not effective because combined weight of obligations puts plan delivery at risk, and not consistent with paragraph 173 of the NPPF
Creating attractive and distinctive places	S.DH1: Delivering high quality design	No comment	Not applicable
	D.DH2: Attractive streets, spaces and public realm	The requirement for all refuse/recycling facilities to be included within the "fabric of the building" may not always be possible. Suggest wording tightened to include "where feasible". The requirement to provide public art in all developments is onerous. Wording to include "where feasible" or "practical"?	Revise to make deliverable and therefore effective
	S.DH3: Heritage and the historic environment	Remove the word 'non-designated' from Policy S.DH3, and part 2(c) and/or change 'must' in the first line to 'should seek to'. Make parts (2) and (3) consistent by removing part 2c	Revise to make deliverable and therefore effective
	D.DH4: Shaping and managing views	No comment	
	S.DH5: World heritage sites	No comment	

	D.DH6: Tall buildings	Policy D.DH6(3): Add 'Site Allocations', or 'Site Allocations in Opportunity and Growth Areas' as potential locations for Tall Buildings	Revise to make deliverable and therefore effective. Consistency with London Plan policy 7.7
	D.DH7: Density	Density should be design led and each proposal assessed on its own merits. Cumulative impacts of development should in large part be mitigated by CIL, this is not an appropriate test for 'density'	Revise to make deliverable and therefore effective. Potentially inconsistent with Regulations 122 and 123 of the CIL Regulations (2010 as amended)
	D.DH8: Amenity	No comment	
	D.DH9: Shopfronts	No comment	
	D.D10: Advertisements, hoardings and signage	No comment	
	D.DH11: Telecommunications	No comment	
Meeting housing needs	S.H1: Meeting Housing Needs	Berkeley Group is broadly supportive of the policy. The Plan should make clear the relationship between this approach and the Mayor of London's 'threshold' approach to affordable housing. As noted in our covering letter part (5) of the policy is not deliverable and should be removed. The policy could also refer to 'Build to Rent' products as appropriate	Revise to make deliverable and therefore effective
	D.DH2: Affordable housing	Part (2) of the policy requires affordable housing to be 'maximised' on site. It is unclear how this relates to the 35% minimum target or viability requirements. This policy needs to make clear that if the 35% target is met viability and review requirements are not engaged as set out in the Mayor of London's SPG. Part (3) of the policy on housing mix should not include, or introduce flexibility on private housing mix, and Intermediate mix should be reviewed with providers. Paragraph D in part (2) should be removed	Mix not justified by evidence base. Not deliverable and therefore not effective. Potentially inconsistent with London plan policy and with national policy (on amendment applications).
	D.H3: Housing standards & quality	Part 5e of the Policy introduces a new Child Yield Calculator for calculating child play space. This unnecessarily duplicates the Mayor of London's SPG and potentially requires two sets of calculations for different decision makers. Remove Part E	Consistency with London Plan and deliverability (effectiveness)
	D.H4: Specialist housing	No comment	
	D.H5: Gypsies & travellers accommodation	No comment	
	D.H6: Student housing	No comment	
	D.H7: Housing with shared facilities (houses of multiple occupation)	No comment	

Delivering economic growth	S.EMP1: Creating investment and jobs	Policy 2c should include Opportunity Areas and Site Allocations	Positively prepared - strategic locations and allocations should have the flexibility to provide appropriate employment generating uses.
	D.EMP2: New employment space	Part 2 of the policy should include Opportunity Areas and Site Allocations.. Part (4) should be removed	Positively prepared - strategic locations and allocations should have the flexibility to provide appropriate employment generating uses. Not deliverable - not effective, affordable workspace has not been viability tested for site allocations.
	D.EMP3: Loss of employment space	Policy or relevant site allocations should confirm that 'Gasholders' are sui generis floorspace and not covered by this policy	Revise to make deliverable and therefore effective
	D.EMP4: Redevelopment within designated employment areas	Part 5 of policy or relevant site allocations should make clear that confirm that 'Gasholders' are sui generis floorspace and not 'industrial uses' which need to be replaced as they do not generate employment	Revise to make deliverable and therefore effective
Revitalising our town centres	S.TC1: Supporting the network and hierarchy of centres	No comment	
	D.TC2: Retail in our town centres	No comment	
	D.TC3: Retail outside our town centres	Part 1 should include Opportunity Areas and Site Allocations. 200 sqm restriction should be removed or made flexible as it is possible strategic site allocations might for example accommodate a medium sized food store as part of placemaking	Positively prepared - potentially limits mixed use on allocated sites
	D.TC4: Financial and professional services	No comment	
	D.TC5: Food, drink, entertainment and the night-time economy	Parts 1 and 5a should include site allocations	Positively prepared - potentially limits mixed use on allocated sites
	D.TC6: Short-stay accommodation	Parts 1 should include site allocations	Positively prepared - potentially limits mixed use on allocated sites
	D.TC7: Markets	No comment	
Supporting community facilities	S.CF1: Supporting community facilities	No comment	
	D.CF2: Existing community facilities	No comment	
	D.CF3: New and enhanced community facilities	The Council has deliberately 'over-allocated' secondary school sites. This policy and site allocation policies should allow for sites to be released according to appropriate criteria. Part 3c is too general given flexibility within that guidance and is any case required (outside the planning system) to be considered for new schools	Revise to make deliverable and therefore effective
	D.CF4: Public houses	No comment	

Enhancing open and water spaces	S.OSW1: Creating a network of open spaces	No comment	
	S.OSW2: Creating a network of water spaces	No comment	
	D.OSW3: Open space and green grid networks	Part 2 duplicates, and in some cases contradicts the site specific design guidance in Site Allocations policies. A line should be added saying, except where Site Allocations policies apply	Revise to make consistent and therefore effective
	D.OWS4: Water spaces	No comment	
Protecting and managing our environment	S.ES1: Protecting and enhancing our environment	Wording should be restricted to 'mitigating the adverse effects' of development rather than 'improving land and water quality'. Whilst most remediation schemes will improve land and water quality by their very nature, 'improving' is hard to quantify and may also lead to significant costs over and above a standard remediation/mitigation strategy. It should therefore be omitted	Revise to make deliverable and therefore effective
	D.ES2: Air quality	Part 2 should be revised to ensure that AQIA is required for EIA developments rather than Major Developments. The requirement would be too onerous for all developments over 10 dwellings	Revise to make deliverable and therefore effective
	D.ES3: Urban greening and biodiversity	No comment	
	D.ES4: Flood risk	No comment	
	D.ES5: Sustainable drainage	No comment	
	D.ES6: Sustainable water management	No comment	
	D.ES7: A zero carbon borough	The zero carbon agenda was dropped by the Government when the housing standards were introduced in 2015 in recognition of the considerable progress already made in energy efficiency, and the costs involved. The Government has also made clear that energy efficiency should be addressed through building regulations rather than planning policy. It is not technically feasible to achieve zero carbon so it is essentially a tax and must be considered in the context of other obligations on development including CIL and affordable housing	Remove, not justified or deliverable (effective)
	D.ES8: Contaminated land and storage of hazardous substances	No comment	
	D.ES9: Noise	No comment	
	D.ES10: Overheating	No comment	
S.MW1: Managing waste	No comment		

Managing our waste	D.MW2: New and Enhanced waste facilities	No comment	
	D.MW3: Waste collection facilities in new development	No comment	
Improving connectivity and travel choice	S.TR1: Sustainable travel	No comment	
	D.TR2: Impacts on the transport network	No comment	
	D.TR3: Parking and permit-free	No comment	
	D.TR4: Sustainable delivery and servicing	No comment	

our ref: Q70181
your ref:
email: tom.dobson@quod.com
date: 10 November 2017



BY E MAIL

Regulation 19 Consultation
Strategic Planning
London Borough of Tower Hamlets
PO BOX 55739
London
E14 1BY

Dear Sir/Madam

TOWER HAMLETS LOCAL PLAN 2031 (REGULATION 19)

a) Introduction and Scope

We are writing on behalf of St. William in response to the consultation on your draft Local Plan.

St. William, the joint venture between National Grid and the Berkeley Group, has an interest in three of the site allocations in the Draft Local Plan:

- Marian Place Gas Works and the Oval
- Leven Road Gas Works
- Bow Common Gasworks

These representations relate to the site-specific allocations for those sites. The Berkeley Group of which St. William is part, has submitted representations on the Strategic and Development Management policies in the revised Draft Plan. These cover four critical policy areas in the Plan which are of concern:

- Developer contributions and planning obligations
- Design
- Housing
- Schools, Open Space, and Other Community Facilities

All of these issues also cross-relate to the site-specific allocations, which illustrate some of the group's key concerns, and therefore the two sets of representations should be read alongside one another.



b) Overview

The table below shows the sites in which St. William has an interest. Leven Road and Bow Common Gasworks are in single ownership whilst the Gasworks part of the Marian Place/Oval site comprises approximately half of the site allocation. St. William welcomes their allocation in the Draft Plan.

Site	Area Status	Capacity
Leven Road	Lower Lea Valley Opportunity Area & Poplar Housing Zone	1,485*
Bow Common	Poplar Housing Zone	468*
Marian Place/Oval	City Fringe Opportunity Area	630*
Total		2,583

* Indicative homes identified in LBTH Viability Study (2017)

As current or former Gasworks sites they all have very significant remediation costs and also ongoing requirements to provide gas infrastructure including accessible underground gas pipelines and operational pressure reduction stations (PRS), which place ongoing development restrictions to accommodate the required easements and safety zones on parts of the sites. This reduces the developable area assumed by the Council. The retention of any Gasholders also has very significant cost implications. Even if not re-purposed for an active use their retention requires them to be dismantled, transported significant distances for refurbishment, reinforced when returned to the site during reassembly, and maintained and insured by future residents. For the two sites in the Draft Plan where the policy currently requires retention of some of the Gasholders this does not appear to have been taken into account in the viability assessments.

St. William is currently in pre-application discussions with the London Borough of Tower Hamlets on the Leven Road site. The other two sites are still at pre-planning stage.

The Draft Local Plan does not identify housing targets for the individual site allocations other than to note that they are sites with capacity for over 500 homes (para 2.11). However, the Viability Study (2017) includes indicative numbers of homes in the site-specific assessments and these are shown in the table above.

As far as we are aware none of the published evidence base identifies the contribution these sites are expected to contribute to the housing trajectory contained in Appendix 7 of the Draft Plan. However, both Bow Common Gasworks and Leven Road Gasworks are identified in Appendix B of the Five-Year Housing Land Supply and Housing Trajectory Statement as sites which have been assessed as being able to provide deliverable supply within the plan period.

The evidence base document, London Borough of Tower Hamlets Housing Delivery Strategy (September 2017) sets out in Section 8 how the Council intends to address its shortfall in supply. It specifically identifies (in paragraphs 8.18 to 8.20) the Poplar Housing Zone as a location where interventions are likely to mean that delivery will be greater than currently assumed. It also suggests that the GLA may produce an updated Lower Lea Valley Opportunity Area Planning Framework (OAPF) focused on Poplar Riverside to maximise the opportunity and the delivery of family housing.

Paragraphs 8.4 and 8.5 of the strategy note that average densities are used for site allocations without planning permission and where no further capacity details are available but that it is likely that:

“these sites may deliver more homes than has been currently assumed”.

If we use the assumptions in the Viability Study, which are based on assumed density ratios, they equate to just under 5% of the total known projected housing supply in the Borough (Draft Local Plan, Appendix 7), and 20% of capacity on site allocations without permission. They are therefore critical to the delivery of the Local Plan targets, particularly as the Council is relying on over 8,330 homes being delivered as windfalls or unidentified sites.

It is therefore critical that the indicative numbers above are seen as a minimum and the capacity of allocated sites is maximised. Our overriding concern is that the Council’s own evidence for these sites when it produced its Managing Development DPD demonstrated that the weight of obligations placed on the sites at that time meant that they weren’t viable. The new Draft Plan adds further requirements and restrictions on the sites, which reduce developable site area, limit development capacity and add further obligations. The Council has also introduced its Community Infrastructure Levy charging schedule, and has stated that it will be updating this alongside the Local Plan.

St. William is very keen to continue to work positively with the Council to ensure that the capacity of the sites to deliver housing, including affordable housing, and wider placemaking requirements, including social infrastructure and open space can be achieved whilst ensuring that the sites are viable and deliverable.

At present St. William is of the view that the Plan is unsound in relation to these three site allocations, because it is not effective (i.e. deliverable) and because it is inconsistent with the National Planning Policy Framework (NPPF), paragraph 173 which states:

Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”

We set out below some constructive suggestions in relation to each site which we believe can help make the Plan sound.

c) **Marian Place and Oval Gasworks**

i) Site Allocation 1.3

The site allocation (“SA1.3”) for Marian Place and Oval Gasworks covers at least 3.75 hectares. The St. William site (“the Site”) covers approximately half (1.85 ha), (49% of SA1.3). The Site is not occupied by buildings or employment floorspace. It is occupied by Sui Generis gas holder infrastructure. It is the only unused vacant site in SA1.3. It is the largest site and in single ownership.

There are considerable site constraints relating to the existing operational gas equipment. This sterilises large sections of the site reducing the developable area and ability to deliver the strategic objectives of SA1.3.

We would note that SA1.3 extends beyond the adopted Local Plan Site Allocation 2 Marian Place to include land at Hackney Road, Emma Street and Pritchard’s Road. The site area has remained at 3.75ha in this draft of the Local Plan but we suggest that the Council may wish to review this.

ii) Effective Delivery

The policy constraints imposed by SA1.3; D.H2 Affordable Housing; S.EMP1 Local Employment Location; and D.DH6 Tall buildings could prevent the effective delivery of housing at the Site required by Policy S.SG1: Areas of Growth and Opportunity within Tower Hamlets, Policy S.H1: Meeting Housing Needs, and strategic policy for the City Fringe Opportunity Area. As noted below the Gasworks Sites already have significant abnormal costs and constraints which are compounded by these additional requirements.

Flexibility should be introduced within SA1.3 to enable the policy objectives within the Plan to be delivered at the Site.

iii) Housing

SA1.3 does not include an indicative residential development capacity for new homes. It would be helpful for the purposes of the Plan examination if, in the evidence base the Council set out its assumptions for this, and the other Gasworks sites including housing capacity and other infrastructure requirements to allow a proper assessment of the soundness of the plan and whether the burden of obligations is deliverable. Whilst having some flexibility in the Policy itself is reasonable it is difficult to assess whether the site is deliverable without this.

By definition SA1.3 can accommodate at least 500 units (para 2.11 of the Local Plan). Table 1 Minimum Number of Additional Homes Across Sub-Areas (2016 - 2031) specifies a minimum of 9,330 new homes for the City Fringe. Paragraph 2.8 makes reference to Site Allocations 1.1 - 1.4 delivering at least 3,790 new homes. As noted above the Local Plan Policies Viability Assessment uses a capacity of 630 homes for SA1.3.

There is a reasonable prospect that the site could deliver more homes. 630 homes across the 3.75ha site equates to a density of 168 dwellings per hectare. This is well below the 260u/ha (Urban Location PTAL 4-6) and 405u/ha (Central Location PTAL 4-6) density range of the adopted London Plan. 630 homes may not be representative of SA1.3’s full development potential.

There is concern that the delivery of 630 homes might be restricted as a result of the obligations set out in SA1.3 and other policies within the Plan. This could undermine the Council's Five-Year Housing Land Supply and Housing Trajectory Statement: Position at August 2017.

SA 1.3 seeks to maximise family homes. This is not in accordance with S.H1 Meeting Housing Needs which requires a mix of sizes of all housing; and D.H2 Affordable Housing Part 3 Table which requires a range of unit sizes. Family homes will be an important component of SA1.3, but only as part of a balanced housing mix which maximises site capacity.

iv) Open Space

The 2017 Open Space Strategy identifies that SA1.3 is bound by Regents Canal a designated publicly accessible open space and waterway. It lies adjacent to sites which are 5 minutes walking distance from 1ha and 2ha open spaces and are within 15 minutes' walk of a Major Park. It is well connected to open space.

Figure 13 An Enhanced Network of Open Spaces and Water Spaces allocates SA1.3 for a Strategic Green Grid Project at SA1.3. SA1.3 proposes a minimum 1 ha of consolidated open space which is designed to be usable for sport and recreation.

The benefits of open space to development are supported by St. William. However such Open Space must reflect the high density nature of the site and be equitably shared across the allocation. The site is already well located for access to active sports uses with Victoria Park, Haggerston Park, Weavers and London Fields all within 1 kilometre. We would therefore suggest the reference to use for 'sport' could be removed. SA 1.3 Figure 25 suggests that the 1 ha of open space is located solely on the Site. This would reduce the developable area of the Site further and would represent a disproportionate infrastructure requirement. A proportionate requirement would be for the Site to accommodate around half of this for the Strategic Green Grid Project.

Figure 25 should be amended to refer to an indicative location of open space, noting that each site within SA1.3 should contribute proportionally to the infrastructure requirement.

We would note that no allowance appears to have been made for the cost of Open Space or enhanced public realm in the Council's Viability Assessment other than a deduction of land from the developable area and a general allowance for 'externals'.

v) Employment Floorspace

Policy S.EMP1: Creating Investment and Jobs Local Employment Locations (LEL) states that Cambridge Heath "provides a range of office, industrial and studio workspaces meeting the needs of businesses serving a more local need, start-ups, small-to-medium enterprises and creative industries." Figure 11 Distribution of Employment Hubs and Locations includes SA1.3 within the Cambridge Heath LEL.

S.EMP1 describes the land outside of the Site within SA1.3. This is economically active and thriving and contributes to the City Fringe Tech City which is emerging as one of London's most significant areas for economic growth and technology start-up clusters.

The Site does not contain such uses. It is a disused Sui Generis Gasworks site, and should be excluded from the LEL allocation. At the very least the Policy should confirm that the area of the Gasworks is not counted as employment floorspace that is required to be replaced.

The existing economic uses at SA1.3 are protected by the proposed Cambridge Heath Local Employment Location (LEL) Allocation. The loss or reduction of active viable employment floorspace within LELs is resisted by Policy D.EMP3 Loss of Employment Floorspace. This policy could limit redevelopment of this land for housing and its delivery towards the 630 home minimum target. This places greater emphasis on the St. William site to contribute to housing delivery.

Policy D.EMP4 Redevelopment Within Designated Employment Area (Part 4) states that redevelopment of Local Employment Locations (LELs) to include non-employment uses will only be supported if the existing level of employment floorspace is re-provided on-site. This would not apply to the Site as no floorspace exists at present. Part (f) relates to Cambridge Heath and requires “a range of units including industrial floorspace; small-to-medium enterprise space and studios to meet the needs of creative industries within the Cambridge Heath LEL”. The application of this policy for the Site should be applied flexibly otherwise it would limit the opportunity to meet other Plan policies.

Whilst St. William support the concept of a mixed-use residential led development as set out within SA1.3, this site comprises a disused sui generis gasworks which has not supported local employment for a number of years. Therefore, significant levels of employment should not be sought on the Gasworks site.

No allowance appears to have been made for this policy requirement in the Council’s Viability Assessment.

vi) Heritage

SA1.3 states that development at the Site is expected to “retain, reuse and enhance the existing heritage assets, including the gasholders and associated structures.... including the associated pebbled street and railings”. No allowance appears to have been made for this policy requirement in the Council’s Viability Assessment.

This requirement as drafted is potentially so broad, encompassing ‘associated structures’ that no development would be possible on the Gasworks part of the site at all. Whilst part of the site is in a Conservation Area there are currently no designated heritage assets within the site and the Gasholders themselves were issued with an Immunity from Listing by English Heritage in 2015 (COIL Number: 1424572).

As Berkeley Group has noted in relation to strategic policy SDH.3 the Council should distinguish between designated and non-designated heritage assets and should therefore remove the reference in the policy to the Gasholders and associated structures.

vii) Density and Tall Buildings

Design principle (i) states that development will be expected to “respond positively to the existing character, scale, height, massing and fine urban grain of the surrounding built environment, and specifically integrate heritage assets on site and in the surrounding areas”. As we have noted the site is in an Opportunity Area and is also, by definition, a strategic site allocation. St. William has an interest in approximately half of the site, and it is likely that proposals for other neighbouring sites will change the site context and the site is on a scale to in part set its own context, consistent with the Mayor of London’s Housing SPG. It is therefore suggested that the policy should refer to the existing and changing character of the area, and that specific reference to ‘scale, height and massing’ should be removed.

Policy D.DH6: Tall buildings allocates Tall Building Zones. SA1.3 is not within a Tall Building Zone. Part 3 (a-d) of the policy will apply to SA1.3.

Development of tall buildings at SA1.3 must (a) mark the location of civic or visual significance within the area (b) provide sufficient distance from other landmark buildings or clusters to create a landmark in the townscape; (c) unlock significant infrastructure constraints; and/or (d) deliver significant additional publicly accessible open space.

Supporting text at paragraph 3.74 states that “tall buildings will be expected to serve as landmarks and unlock significant infrastructure provision (in particular the provision of publicly accessible open space and social and community facilities) to address deficiencies within the area”.

Part 6: Appendices of the Plan define tall buildings as “Any building that is significantly taller than their surroundings and/or have a significant impact on the skyline”.

SA1.3 is one of only thirteen Site Allocations in Tower Hamlets. It falls within the City Fringe Opportunity Area where tall buildings are accepted. It is a site allocation of strategic importance.

The housing evidence base to the Plan allocates SA1.3 for 630 new homes. It is identified for a Strategic Green Grid Project - a new park of 1 ha, waterfront walk, green grid, strategic pedestrian cycle routes, public square (The Oval) and local pedestrian cycling routes. SA1.2 forms part of the Cambridge Heath Local Employment Location (LEL) Allocation which protects all existing viably active employment floorspace and requires new industrial floorspace to be delivered to enhance Tech City. There are both ongoing operational requirements and heritage assets of significance in the site allocation which will also limit developable area.

To help achieve some of these policy objectives, it is reasonable to consider that tall buildings will be required. The criteria within Part 3 (a)(c-d) of Policy D.DH6: Tall buildings are representative of the policy objectives in SA1.2 especially in the context of the delivery of publicly accessible open space. We don’t consider criterion (b) necessary as it would prevent clustering.

SA1.2 should include specific reference to appropriate tall buildings within the design principles as a necessary requirement to deliver SA1.2 and Plan policies at this strategic Site Allocation.

Berkeley Group in its overarching representations has suggested that the Borough wide policy D.DH6(3): should have added ‘Site Allocations’, or ‘Site Allocations in Opportunity and Growth Areas’ as potential

locations for Tall Buildings. The site is located within the City Fringe Opportunity area and should therefore be expected to accommodate appropriate tall buildings.

We would note that the Council's Strategic Development Committee (SDC) has recently refused permission for developments proposing Tall Buildings against officer recommendations. This includes the Empress Coachworks site, which is part of this Site Allocation and an application within a Tall Building Zone on the Isle of Dogs. Whilst the Site Allocation and the overarching policy (D.DH6) could be compatible with the delivery of appropriate tall buildings they provide no certainty. For the deliverability of the site it is important that the policy makes explicit that the Site could provide appropriate tall buildings.

Figure 25: Marian Place Gas Works and The Oval should be noted as being 'indicative only'.

viii) Summary

St. William welcomes the inclusion of the Gasworks site as part of the wider Marian Place Gasworks and Oval allocation. The site can play a very important role in delivering an exemplary high-quality development including new homes and open space as part of the wider Green Grid and contributing to the Regents Canal Conservation area.

However, the combined weight of requirements and obligations set out in the draft policy have a disproportionate impact on the Gasworks part of the site limiting its ability to achieve this. In particular, the type and amount of open space implied by the policy and indicative site plan, the extremely broadly drawn heritage restrictions, and requirements for employment uses and family housing risk making the delivery of the site unviable. We would therefore request that the Council considers allowing more flexibility in the site-specific policies and ensures that obligations are fairly allocated across land ownerships.

d) Leven Road Gasworks

i) Site Allocation 3.2

St. William is pleased that the site allocation for Leven Road is proposed within the draft Local Plan, situated as it is within the Lower Lea Valley Opportunity Area and Poplar Riverside Housing Zone. The allocation recognises the very significant role that the site will play in delivering regeneration, helping meet housing targets as well as infrastructure provision and placemaking in important parts of the Borough.

As with the other two sites it is necessary for the Council to be explicit in its evidence base about the assumed capacity of the site, for housing and other uses, to understand whether not only the baseline assumption can be delivered but whether the approach will, following London Plan Policy, maximise capacity, which it is a requirement to do, given its location in both an Opportunity Area and a Housing Zone.

ii) Impact of Obligations and Requirements on Deliverability

The regulation 19 Draft of the Local Plan very significantly increases the burden of obligations upon the site and now includes a Secondary School (currently a primary school in the adopted plan and a primary/secondary school in the previous Regulation 18 draft) and a 1 hectare open space. The Viability Assessment (2017) undertaken to support the Plan assumes that it would be 1.5 hectares. Together these allocations reduce developable area of the site by 2.5 hectares. We would highlight that two of the other allocated sites (London Dock and Westferry Printworks) have planning permissions which include c. 0.5 hectare secondary school sites.

The Council's own evidence (see Section F below) demonstrates that, taking the 2.5 hectare area combined with some of the significant abnormal costs for the development of a gasholder site, the current proposed obligations mean that the site is not viable., and this does not include some other policy requirements such as 'affordable workspace' and retention of the existing Gasholder. In order to demonstrate that the site is viable the Council needs to show how in practical terms the weight of obligations will be reduced and include that in the policy. In line with Berkeley Group's representations on the policy DCF.3 the Site Allocation should note that the need for secondary school provision should be monitored and the site released if demand does not come forward.

iii) Employment Floorspace

The site allocation includes the provision of housing and employment space. As with the other gasworks site, the previous Gasworks use on the site was Sui Generis and the existing use of the site for open storage does not involve any significant 'employment' floorspace. As such it is not considered accurate for the Land Use section to refer to the re-provision of existing employment. Policy reference to provision of small-to-medium enterprises, creative industries and retail uses is supported, and could also include other service sector employment.

We would also note that no allowance appears to have been made for this policy position in the Council's Viability Assessment.

iv) Design

The site allocation specifies Design Principles. The requirement that the heritage assets including the No 1 Poplar Gasholder be retained, re-used or enhanced should be amended to reflect the implementation of PA/16/02340/NC for the Demolition of three gasholders, meter house, small ancillary buildings and above ground pipework, approved 2 Sep 2016.

Following discussion with the Council, parts of the demolished gasholders are likely to be retained in storage with the aim of re-using them within the future development as recognition of the site's historical use. Accordingly the text should state the retention, reuse or enhancement of parts of the dismantled heritage asset should be considered in accordance with a Heritage Implementation Strategy or Public Arts Strategy to be agreed with the Council. We would note that no allowance appears to have been made for this policy position in the Council's Viability Assessment.

The site is outside a designated Tall Buildings zone but meets several of the criteria for tall buildings outside these zones set out in draft policy D.DH6 (3), including where such buildings allow capacity for new open space which is a requirement for the site. Berkeley Group has suggested that the criteria in this policy should also be expanded to include Opportunity Areas and other designated locations such as Housing Zones. For avoidance of doubt the design principles in the site allocation should refer explicitly to the potential for taller buildings on the site, subject to an appropriate relationship with surrounding uses set out in the first bullet point under Design Principles. This is implied in the policy but is not explicit.

v) Housing

The policy position to "maximise the provision of family homes" is supported, however, this is dependent upon the wider scheme delivery including a wide range of other social infrastructure aspirations. Accordingly the text should be amended to conclude "where feasible".

vi) Open Space

The text states "ensure the open space is designed and usable for sport and recreation and located adjacent to the River Lea...". The provision should be across the site rather than adjacent to the River Lea and is dependent on the evolution of the masterplan to take account of the wider proposal offer in line with deliverability and feasibility. The text continues to refer to the need when designing the open space for sport and recreation, this should also take into account "...water spaces." The River Lea is acknowledged as being an asset to be incorporated within the design and the opportunities for leisure and recreation it may provide. However, concerns are raised as to restrictions on constant access and use of the River Lea owing to its tidal nature, the local microclimate, the need for wider placemaking and final scheme delivery. This should be acknowledged in the text as potentially being a factor to prevent such use coming forward permanently in any future proposals.

The supporting text states “provide and secure the necessary land to facilitate the delivery of a new bridge over the River Lea.” It is a desirable long-term outcome to enable connectivity in and around the River Lea Park and the incorporation of land within the site allocation made available to the future provision of a footbridge is supported. However, the delivery of a bridge cannot be secured through the Local Plan given that the other side of the bridge would be outside LB Tower Hamlets, within LB Newham, and on land owned by a third party. Provision of such a bridge is not regarded as essential in order to unlock the site for development or as the only means to achieve good accessibility from the surrounding area. The text should be revised accordingly: “provide and secure the necessary land within the allocated site in order to facilitate the delivery of a new bridge within LB Tower Hamlets over the River Lea.”

We would note that no allowance appears to have been made for the cost of Open Space or enhanced public realm in the Council’s Viability Assessment other than a deduction of land from the developable area and a general allowance for ‘externals’.

vii) Transport

The text states “facilitate a new or extended bus route through the site to enhance access to public transport.” The text should be amended to reflect a new or extended bus route may not occur through the site, but may occur adjoining the site. Accordingly, the text should state “facilitate a new or extended bus route to the site to enhance access to public transport.”

viii) Delivery

Under “Delivery Considerations” costs associated with the decommissioning of the gasworks are acknowledged. Whilst, inter-alia, reference is made to the costs to address any environmental pollution caused by the gas works, inclusion of specific reference to de-contamination mitigation costs within the site should also be made.

Reference to encouraging sustainable modes of transport as an alternative to private car use is supported in principle, i.e. through public transport and a walking and cycling bridge. However, the text should be amended to reflect the limitations any new development would have to ensure such provision off site. This should be reflected by amending the text to state “facilitate access on site to public transport and delivery of a walking and cycling bridge...”.

The provision of new open space, both soft and hard, within any development of the site is supported. However, the delivery of the open space through the phased development is dependent on many conflicting and influencing factors, including the ultimate masterplan layout and technical implementation. Accordingly, the text should be amended to take account of these factors and recognise the delivery may be agreed once the acceptable scheme is arrived at and “...where feasible” should be added to the end of the text.

Figure 36: Leven Road Site allocation plan should be noted as being ‘indicative only’.

e) **Bow Common Gasworks**

i) **Site Allocation 2.1**

Bow Common Gasworks is the smallest of the three Gas Works sites (3.94 hectares). It forms part of the Poplar Housing Zone, designated by the GLA and has been identified by the Council as a deliverable part of its housing supply.

The Draft Plan policy requires a strategic open space (1 ha) and a secondary school, which as we have noted above is assumed in the Council's Viability Assessment to be 1.5 ha. Given the restrictions of ongoing and future operational gas infrastructure requirements on the site it is unlikely that this quantum of uses can be physically accommodated alongside enough homes to meet the 500 home threshold and certainly not in the configuration shown in Figure 30.

Leaving aside the physical capacity of the site, the Council's own viability evidence demonstrates that these obligations leave the site unviable.

Berkeley Group has noted in its representations to the Draft plan that the Council has allocated five sites to meet the notional need for four secondary schools, although if free schools and academies come forward this could be fewer. The site is also directly opposite an existing secondary school and is not located in a part of the borough where the Council has identified significant additional school demand.

In practice the only way this site will be able to come forward viably is if the secondary school and/or the strategic open space allocations are reduced or removed.

ii) **Design**

The site allocation refers to the need to "respond positively to the existing scale, height, massing and fine urban grain of the surrounding built environment". Given the other constraints on the site and the need to deliver over 500 homes it is inevitable that high density development, including tall buildings would be required on the site. The policy should state this explicitly.

The draft policy suggests a need to provide "active frontages along the railway to enhance the use and setting of the railway arches as a non-designated heritage asset. The railway arches provide the boundary between the site and Tower Hamlets Cemetery. It is not obvious that such uses would be appropriate or viable location for such uses which has been acknowledged in previous discussions with the Council. We would suggest the requirement for active frontages be removed.

iii) Family Housing & Open Space

The policy suggests that family housing should be provided overlooking the open space and that it should provide 'multi-functional leisure and recreation uses. It is not clear what the latter means but if sports pitches and floodlighting were required it would impact both on the amenity of housing and the usability of open space for other users. The site is located about half a mile from Mile End park which includes a range of active leisure uses including a stadium, leisure centre and all-weather sports pitches. We would therefore suggest that reference to multi-functional leisure and recreation uses is removed. As with the other sites the Viability Assessment does not appear to include costs for the Open Space other than removing the area from the site development capacity and a general external areas allowance.

Figure 30: Bow Common Gas Works should be revised to reflect our comments above on appropriate uses and deliverability and noted as being 'indicative only'.

iv) Employment Uses

The site currently has no employment uses taking place on it. There should therefore be no requirement to 'replace employment numbers'. Provision of SME spaces, creative uses and retail should be optional. These uses do not appear to have been considered in the Council's Viability Assessment.

f) Viability Assessment

The draft Local Plan is supported by London Borough of Tower Hamlets Local Plan Viability Assessment (September 2017). This includes, in Section 7, indicative viability assessments for the three Gasworks sites (sites 2, 11 and 14). Appendix 13 includes the full assumptions and results for each site.

Notwithstanding the concerns highlighted above about abnormal costs, ongoing operational requirements and restrictions on development to deliver the required development, the Council's own evidence concludes that both Leven Road and Bow Common Gasworks are unviable (Table 7.11.1, page 82) as a result of abnormal costs and the combined weight of planning obligations. It finds that Marian Place Gasworks is marginally viable. This assumes considerably higher densities than the other two sites which may not be achievable given the site-specific constraints and policy restrictions described above.

St. William is also concerned that the approach to site remediation costs and land value does not meet the requirements to provide 'competitive returns to a willing buyer and willing seller' of paragraph 173 of the NPPF. This is particularly important for sites that are owned by a utility company which needs to be appropriately incentivised to bring its land forward for development and can take a long-term view of that. Without this there is the risk that sites crucial to plan delivery will not be brought forward for development.

This emphasises the need for more clarity from the Council on its assumptions and specifically its priorities and approach to flexibilities in the application of policy to provide certainty that the sites are deliverable, as stated in the Five-Year Land Supply and Housing Trajectory Statement. This is required to ensure that the plan is effective, and therefore sound.

g) Summary

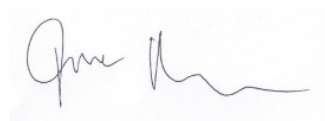
St. William has an interest in three of the sites identified in the Draft Plan, accounting for 20% of capacity on allocated sites that do not benefit from Planning Permission. It is keen to work positively with the Council, as Berkeley has done on other sites, to bring these sites forward for development and help deliver the new homes, open spaces and infrastructure that the Borough requires as part of high quality sustainable developments.

It is concerned that the Regulation 19 Draft Plan introduces additional obligations and restrictions on development which will mean that future delivery of these sites will be more difficult which puts at risk the delivery of the Plan as a whole. We have set out in these representations constructive suggestions for modifications to the Plan that we believe will address these concerns and make it sound.

For avoidance of doubt St. William would like to retain the opportunity to respond further, including to questions that the Inspector may have, and to attend hearings on the relevant topic areas.

They look forward to working constructively with the Council to address these matters.

Yours faithfully



Tom Dobson
Director

cc.

Simon Lewis, Ruth Cunningham, Joel Spittles, Ben Ford, Richard Evans

ST WILLIAM REPRESENTATIONS – Marian Place Gas Works and The Oval Site Allocation 1.3

Marian Place Gas Works and The Oval Site Allocation 1.3	Regulation 19	LBTH Response to Consultation	Proposed Minor Modifications (MM)	SoCG between LBTH and St William	Comment	St William Hearing Representation Summary
Address	Marian Place / The Oval / Emma Street	-	-	-		Site allocation 1.3 is a very broad allocation covering many sites, land uses and planning issues. The allocation should recognise that Marian Place Gas Works (1.85ha) is distinct from other sites in the allocation as it is a former gasholder site (Sui Generis) which is a specific type of site recognised by the adopted and Draft London Plan. Its identification in the site allocation would make the allocation more effective.
Size	3.75	4.4ha	4.4ha	-	-	-
PTAL	4-6a (2017) and 4-6a (2031)	-	-	LBTH proposed 5-6a (2031)	-	PTAL 5-6a (2031)
Floodzone	1	-	-	-	-	-
Housing Capacity (new column)	There is no reference to housing capacity	The capacity of the site will be addressed further through the development management process. However, the Council is confident in its approach in terms of defining site capacities for viability testing purposes.	-	St William proposed reference to housing capacity of 500 homes+ to reflect local plan (Part 6 Appendices, Page 280), and viability assessment capacity solely for Marian Gasworks of 630 homes. LBTH do not accept.	The draft Local Plan defines allocated sites as having capacity for over 500 homes and the Local Plan Viability Report December 2017 refers to 630 homes for Marian Place Gasworks Only. At least 630 homes is necessary for soundness to ensure that the policy is deliverable. The Local Plan Viability Report December 2017 indicates that 630 homes is marginally viable but this is without retention of the gasholders. The site includes quantitative figures for open space (1ha), and	A new column should be added to the allocation called " Housing Capacity " and the following indicative capacity should be included for the Marian Place Gas Works site " at least 630 homes " in accordance with NPPF para 157 Issue 10/10.1

Marian Place Gas Works and The Oval Site Allocation 1.3	Regulation 19	LBTH Response to Consultation	Proposed Minor Modifications (MM)	SoCG between LBTH and St William	Comment	St William Hearing Representation Summary
					therefore should include housing capacity figures.	
Land Use Requirements – Housing	Housing	-	-	-	-	-
Land Use Requirements – Employment	A range of floorspace sizes, including suitable units for the needs of small-medium enterprises, start-ups and creative and tech industries	Any employment uses on this site would be de minimise relative to the residential uses on site. Accounting for these employment uses will have minimal impact on the viability of the scheme but if anything would make the site marginally more viable.	A range of new units suitable for the needs of small-medium enterprises, start-ups and creative and tech industries (MM227)	LBTH have advised in SoCG that:- Given the nature of the gasholders, they fall outside of the definition of sui generis industrial functions. As such, there is no requirement to re-provide the gasholder floorspace as employment space.	The gasholder site is a sui generis use which does not meet Chapter 5 Paragraph 5.6 of the Plan definition. It offers no employment floorspace and does not contribute to the emerging LEL. The Local Plan Viability Report December 2017 assumed no commercial floorspace for this site. Policy D.EMP4(f) would need to be read flexibly in light of this.	The SoCG addresses the sui generis concern, and revises D.EMP4(f). Our representations regarding the soundness of allocating Marian Place gas works in the Cambridge Heath LEL remain.
Land Use Requirements – Other	Compatible community and social uses, including nurseries					A generic reference to “compatible community and social uses, including nurseries” is not sound as the uses have not been subject to viability testing and are not justified. This column should be deleted. Policy S.CF1: Supporting community facilities adequately addresses the need for new community facilities.

Marian Place Gas Works and The Oval Site Allocation 1.3	Regulation 19	LBTH Response to Consultation	Proposed Minor Modifications (MM)	SoCG between LBTH and St William	Comment	St William Hearing Representation Summary
Infrastructure requirements	Strategic Open Space (1ha)	The Viability Study does not need to account for the cost of open space or enhanced public realm – to the extent that these elements of the site are infrastructure then they will be funded using the Community Infrastructure Levy which has been accounted for in full.		<p>The Council propose a new Glossary definition of “Consolidated Open Space”.</p> <p>St William proposed the following additional items within the infrastructure category:-</p> <p>Make provision for necessary gas infrastructure on site at Marian Place Gas Works including gas pipelines and operational pressure reduction station (PRS)</p> <p>CIL</p>	The Council are consulting on its CIL review and the CIL Viability Report (September 2017) indicates that increased CIL will have a demonstrable impact on site viability. The payment of CIL will affect the deliverability of policy objectives at this site and the CIL rate at the time will need to be considered. Flexibility is therefore necessary.	<p>The following text should be included to make the policy sound:</p> <p>Open space and enhanced public realm will be considered infrastructure and funded by CIL</p> <p>CIL (existing or revised) Issue 10/10.1</p>
Design Principles	respond positively to the existing character, scale, height, massing and fine urban grain of the surrounding built environment, and specifically integrate heritage assets on site and in the surrounding areas	The site is within the conservation area and has to respond to its special character. Scale, height and massing are intrinsic to the special character. Whilst developments are not expected to replicate it, they are expected to respond positively to the conservation area. As such reference to scale height and massing should be retained.	respond positively to the existing special character of the Regents Canal conservation area and its setting , scale, height, massing and fine urban grain of the surrounding built environment, and specifically integrate heritage assets on site (MM230)		The allocation, and Marian Place Gasworks does not fall entirely within the Regents Canal Conservation, only part of the site. The policy should not suggests that it does.	<p>The following text should be included to make the policy sound:</p> <p>respond positively to the existing special character of the Regents Canal conservation area, and the and its setting, scale, height, massing and fine urban grain of the surrounding built environment, and specifically integrate heritage assets on site Issue 10/10.1</p>
	retain, reuse and enhance the existing heritage assets, including the gasholders and associated structures, Victorian buildings adjacent to Regents Canal, and Georgian cottages, including the associated pebbled street and railings	<p>In terms of the ongoing requirements to provide gas infrastructure on site, the council are reviewing the cost of retaining the gasholders.</p> <p>The Council notes the requirement to retain the gasholders and are considering information relating to the costs of doing so.</p>	retain, reuse and enhance the existing heritage assets, including the gasholders and associated structures gasholders no.2 and no.5 , Victorian buildings adjacent to Regents Canal, and Georgian cottages, including the associated setted pebbled street and railings (MM226)	<p>St William have proposed the following text in accordance with Para 134 of the NPPF:-</p> <p>“Retain, reuse and enhance the following existing heritage assets, gasholders no.2 and no.5, Victorian buildings adjacent to Regents Canal, and Georgian cottages, including the associated setted pebbled street and railings where practical and feasible. Where this cannot be achieved, harm should</p>	LBTH acknowledge there is uncertainty regarding the cost of retaining gasholder no.2 and no.5. Retention of the holders has not been part of the Local Plan Viability Report (December 2017), either in terms of the actual cost of removal, refurbishment and reinstatement of the holders to make safe or the opportunity cost of the	<p>The following text should be included to make the policy sound:</p> <p>Proposals will require an assessment of and an appropriate viable strategy for Gasholder No.2 and No.5. This should take into account public benefits of the proposal and the impacts on the significance of the gasholders, including any effects on setting, recognise their role as non-designated heritage assets and their</p>

Marian Place Gas Works and The Oval Site Allocation 1.3	Regulation 19	LBTH Response to Consultation	Proposed Minor Modifications (MM)	SoCG between LBTH and St William	Comment	St William Hearing Representation Summary
		<p>The Council notes that the costs of this requirement could vary widely depending on the extent of the retention which will depend on the specific design of the site.</p>		<p>be weighed against the public benefits of the proposal, including securing its optimum viable use”.</p>	<p>inability to build on land occupied by the gasholder(s). We therefore consider that it is not justified to require retention of the holders (without flexibility). It is also premature to propose this pending further investigation.</p> <p>In any event Gasholder no.2 and no.5 fall within the Regents Canal Conservation Area and are therefore afforded protection by statute and development plan policies including Policy S.DH3. This policy does not require retention of all non-designated heritage assets. In accordance with national policy (NPPF paragraph 138) it establishes a criteria based assessment including a consideration of public benefits to outweigh loss.</p>	<p>contribution to the Regent’s Canal Conservation Area.</p> <p>Proposals for the Victorian buildings adjacent to Regent’s Canal, and Georgian cottages, including the associated setted pebbled street and railings will also require assessment as set out above. -Issue 10/10.1, 10.3</p>
	<p>re-use The Oval as new public open space which positively contributes to the surrounding buildings and well-connected to the new open space. The Oval should be fronted by a continuous building line following its footprint</p>	-	-	-	Acceptable	-
	<p>provide active frontage set back from the canal, and positively frame the open space and The Oval to avoid excessive overshadowing</p>	-	-	-	<p>“Excessive overshadowing” is an ambiguous term</p>	<p>The following text should be included to make the policy sound:</p> <p>provide active frontage set back from the canal, and positively frame the open space and The Oval to</p>

Marian Place Gas Works and The Oval Site Allocation 1.3	Regulation 19	LBTH Response to Consultation	Proposed Minor Modifications (MM)	SoCG between LBTH and St William	Comment	St William Hearing Representation Summary
						avoid excessive overshadowing <u>provide an appropriate microclimate</u> Issue 10/10.1
	improve walking and cycling connections to, from and within the site: these should align with the existing urban grain to support permeability and link with Cambridge Heath neighbourhood centre;	-	-	-	Acceptable	-
	maximise the provision of family homes	Matters regarding family housing will be discussed further at the examination in public.		LBTH has confirmed in in SoCG (Rev4) "The council's priority is to ensure that family housing is provided across all tenures, however it recognises that in providing flexibility, there is greater certainty in delivery". St William have proposed the following text in SoCG (Rev4) to provide flexibility which LBTH have not accepted:- <i>Maximise the provision of family homes <u>where practical and viable taking into account other objectives of this allocation and the need to ensure a balanced housing mix</u></i>		The following text should be included to make the policy sound: <i>Maximise the provision of family homes <u>where deliverable and viable taking into account other objectives of this allocation and the need to ensure a balanced housing mix</u></i> Issue 6/6.2 and Issue 10/10.1
	improve biodiversity and ecology within open spaces and green infrastructure	-	-	-	Acceptable	-
	provide a minimum size of 1 hectare of consolidated open space which is designed to be usable for sport and recreation	The reference to 'sport' will not be removed. In line with the open space policies, strategic open spaces should provide opportunities for sport, however the type of provision will be addressed through the development management process.		LBTH SoCG (Rev 4) states that: "It is acknowledged that the site allocation is in multiple land ownership and it is not expected that all of the open space is delivered within the site that St. William currently have an interest in. The site allocation maps are indicative and the exact location of open space will be agreed through	St William recognise LBTH's objective for 1ha of open space across the whole allocation, but as a matter of fact, it is not deliverable as a single consolidated 1ha entity, which LBTH indicate is necessary.	The following text should be included to make the policy sound: provide a minimum size of 1 hectare of consolidated open space <u>across the site allocation</u> which is designed to be usable for sport and recreation. <u>As the site is in multiple ownerships a proportionate approach to provision will be required.</u>

Marian Place Gas Works and The Oval Site Allocation 1.3	Regulation 19	LBTH Response to Consultation	Proposed Minor Modifications (MM)	SoCG between LBTH and St William	Comment	St William Hearing Representation Summary
				<p>the development management process”.</p> <p>LBTH state SoCG (Rev4):</p> <p>“The council considers that the reference to sport and recreation should not be removed as this is an important function of open space as identified in the Open Space Strategy. The exact details of how the open space will function will be agreed through the development management process.”</p> <p>St W SoCG (Rev4) proposed the following wording:</p> <p>“Provide a minimum of 1 hectare of open space across the site allocation which is designed to be usable for recreation. Given the numerous ownerships across this allocation, it is recognised that a flexible approach to provision may be required. It is not expected that 1ha of open space will be provided within a single site ownership”</p>	<p>Marian Gas works (1.85ha) comprises the largest development site within the allocation (42% of the area) but is also subject to other policy objectives (gasholder re-use, permeability, desire lines etc). It would not be feasible for this site to deliver open space designed for sport in a consolidated area. The proportional requirement for the site would be 0.42ha.</p> <p>We welcome the proposed definition of Consolidated Open Space within the glossary.</p>	<p>Marian Place gas works would be required to deliver 0.42ha. Issue 10/10.1</p>
	integrate the development into the green grid network through new and improved access routes to the canal, the open space and The Oval, together with greening the public realm; and	-	-	-	Acceptable	-
	improve the public realm with active site edges, specifically along Hackney Road, Pritchard’s Road, Emma Street and The Oval. In addition, generous pavement and a linear landscaped square should be	-	-	-	Acceptable	-

Marian Place Gas Works and The Oval Site Allocation 1.3	Regulation 19	LBTH Response to Consultation	Proposed Minor Modifications (MM)	SoCG between LBTH and St William	Comment	St William Hearing Representation Summary
	provided along Hackney Road in order to mitigate the impacts of the heavy through traffic on the narrow street					
Design Principles – Tall Buildings	There is no reference to tall buildings within the allocation	The site is not within a tall building zone and it is not considered necessary to make reference to tall buildings. There is a policy that relates to tall buildings outside of designated Tall Building Zones and applications will need to demonstrate how they address the requirements of the policy.		<p>St William have proposed the following text in SoCG (Rev4) to provide flexibility which LBTH have not accepted:-</p> <p>“It is expected that development scale, taller than the average buildings in the locality, may be necessary to deliver the policy objectives of this allocation. This could include the provision of tall buildings”.</p> <p>This text is taken from the Inspector’s report to the LBTH Local Plan Report (17 December 2012 para 83 modification MM42) for London Dock.</p> <p>In response LBTH note SoCG (Rev4)</p> <p>“Inspector’s comments in relation to London Dock are noted. However the site allocations generally do not go into the level of detail regarding the expected scale of buildings, especially outside of tall building zones, other than that they have to positively respond to their surroundings. Details relating to tall building are covered by the tall buildings policy and will be addressed through the DM process.”</p> <p>LBTH propose SoCG (Rev4)</p> <p>“It is proposed that the following sentence is inserted as part of</p>	<p>St William consider that the paragraph 3.75 clarification is helpful, however it does not relate to the text within Policy D.DH6 which requires strengthening.</p> <p>Site allocations, by their very nature, contain the boroughs principal supply of housing and infrastructure requirements, and there is no harm in referring to tall buildings in the site allocations. -</p>	<p>It is considered that reference to tall buildings should appear in the site allocation as follows:-</p> <p>“It is expected that development scale, taller than the average buildings in the locality, may be necessary to deliver the policy objectives of this allocation. This could include the provision of tall buildings”. Issue 8/8.1, 8.4, 8.7 and Issue 10/10.1</p>

Marian Place Gas Works and The Oval Site Allocation 1.3	Regulation 19	LBTH Response to Consultation	Proposed Minor Modifications (MM)	SoCG between LBTH and St William	Comment	St William Hearing Representation Summary
				<p>paragraph 3.75: This includes proposals involving tall buildings located within site allocations where these are considered to be appropriate and in line with relevant policies.</p>		
Delivery Considerations	Family housing should be delivered in close proximity to the open space to increase recreational opportunities, access to and enjoyment of open space.	-	-	-	-	-
	Effective engagement between landowners, developers and leaseholders will be needed to facilitate potential land assembly and comprehensive redevelopment.	-	-	-	Acceptable	-
	Development should accord with any flood mitigation and adaptation measures stated within the borough's Strategic Flood Risk Assessment and the sequential test.	-	-	-	Acceptable	-
	Development should address any environmental pollution and land contamination caused by the gas works.		<p>The following modifications have been proposed (MM228) relating to the delivery consideration:</p> <p>Development should acknowledge the associated costs of decommissioning the gasworks and the relocation of any significant equipment and address any environmental pollution and on site decontamination</p>		The MM is broadly acceptable. The gas equipment will be relocated on site.	

Marian Place Gas Works and The Oval Site Allocation 1.3	Regulation 19	LBTH Response to Consultation	Proposed Minor Modifications (MM)	SoCG between LBTH and St William	Comment	St William Hearing Representation Summary
			requirements caused by the gasworks. (MM228)			
			Development will be expected to implement the actions identified in the Thames River Basin Management Plan to support delivery of the objectives of the plan, in accordance with regulation 17 of the Water Environment Regulations 2013. (MM229)	-	Acceptable	-
			An assessment should be carried out to understand the potential contamination on site prior to any development taking place. (MM229)	-	Acceptable	-
				<p>St William has proposed the following text in SoCG (Rev4) to provide flexibility which LBTH have not accepted:-</p> <p>“The Tower Hamlets Local Plan Viability Assessment, 2017 (Doc SED5) includes, at Chapter 7, an assessment of Strategic Sites. The appraisal does not consider the wider allocation (3.75ha), only the viability of the Marian Place Gasworks site, known as “Site 14”. Table 7.11 sets out the appraisal results showing marginal viability with 630 units and no commercial floorspace and 35% affordable housing. Para 7.20 confirms that decontamination has been considered. However the costs associated with the making safe, refurbishment and reinstatement of gasholder no.2 and no.5 have</p>		<p>The following text should be included to make the policy sound:</p> <p>“The Tower Hamlets Local Plan Viability Assessment, 2017 (Doc SED5) includes, at Chapter 7, an assessment of Strategic Sites. This includes Marian Place Gasworks site, known as Site 14. Table 7.11 sets out the appraisal results (as updated).</p> <p>It is recognised that there are significant viability challenges for this site and therefore a flexible application of policy including affordable housing policy is necessary to ensure that the homes and strategic infrastructure required by the site allocation can be delivered.” Issue 3/3.1, 3.2, 3.3 and Issue 10/10.1</p>

Marian Place Gas Works and The Oval Site Allocation 1.3	Regulation 19	LBTH Response to Consultation	Proposed Minor Modifications (MM)	SoCG between LBTH and St William	Comment	St William Hearing Representation Summary
				<p>not been considered (para 7.20 and Appraisal 14, page 892).</p> <p>The viability impacts of retaining gasholder no.2 and no.5 will need to be considered. On the basis of marginal viability, policy will need to be applied flexibly to ensure that homes and strategic infrastructure required by the site allocation can be viably delivered.</p> <p>Retention of gasholders no.2 and no.5, and the proportionate provision of open space, should be considered prior to provision of affordable housing for Marian Place Gasworks site to ensure that it is economically viable.”</p>		
Figure 25			Include correctly sized circles to represent the gasholders (MM231)		Gasholders No.2 and No.5 to be included, not all gasholders.	
Figure 25			Amend size of the site to: Size (ha) 4.4 (MM232)		Acceptable	
Figure 25			<p>Remove the local pedestrian/cycling route that extends from the public square adjacent to Hackney Road, through the green grid link in the western section of the site ending at the strategic pedestrian/cycling route intersecting the north-western section of the site.</p> <p>Remove the local pedestrian/cycling route extending from the public square in the eastern section of the site into the central open space.</p>		A revised plan to be issued prior to further comment.	

Marian Place Gas Works and The Oval Site Allocation 1.3	Regulation 19	LBTH Response to Consultation	Proposed Minor Modifications (MM)	SoCG between LBTH and St William	Comment	St William Hearing Representation Summary
			<p>Extend the existing strategic pedestrian/cycling route connecting from the public square in the eastern section of the site to Hare Row to run through the site from Hare Row in the east to Pritchards Road in the west.</p> <p>Amend the plans so that the strategic and local pedestrian/cycle routes do not pass through the gasholders that will also be shown on the map. (MM233)</p>			
Figure 25			<p>Show the location of the existing gas holders inserted to highlight important existing structures.</p> <p>Label the public square located in the eastern section of the site 'The Oval'.</p> <p>Remove the strategic pedestrian/cycling route through the southern section of the site from the Oval to Coate Street and replace with a local pedestrian/cycling route as the existing route does not link through to strategic roads.</p> <p>Re-align the local pedestrian/cycling route</p>		A revised plan to be reviewed prior to further comment.	

Marian Place Gas Works and The Oval Site Allocation 1.3	Regulation 19	LBTH Response to Consultation	Proposed Minor Modifications (MM)	SoCG between LBTH and St William	Comment	St William Hearing Representation Summary
			running from the public square adjacent to Hackney Road in the south of the site through to the green grid link running parallel to Regents Canal in the northern section of the site to improve site permeability for these users. (MM234)			
Figure 25				<p>LBTH have advised in SoCG (Rev4) that:-</p> <p>“The site allocation maps are indicative and the exact location of open space will be agreed through the development management process.”</p> <p>“It is proposed to include a paragraph in the introduction to the Local Plan and under each site allocation that confirms that maps are for illustrative purposes only”</p>	St William accept this approach.	
Figure 25	There is no reference to Marian Place Gas Works			<p>St W have advised in SoCG (Rev4) the following albeit LBTH have not accepted the text:-</p> <p>“The illustrative plan should delineate Marian Place Gas Works.”</p> <p>LBTH have responded “A number of site allocations are subject to various landowners but have not delineated sites due to the fact that land ownership is subject to change at any time. Minor modifications to site plan will show the location of the gasholders”</p>	The request in the SoCG (Rev4) to delineate Marian Place Gas Works is not due to land ownership, it is it because Marian Place Gasworks, unlike the rest of the allocation, is a “surplus utility site” recognised by the adopted and draft London Plan. Further (as LBTH state) the gasholder site is a sui generis use which does not meet Chapter 5 paragraph 5.6 definition. It is also the only site in the allocation subject to viability testing and housing capacity	Figure 25 should delineate the surplus utility site “Marian Place Gas Works” to make the site allocation sound. Issue 10/10.1

Marian Place Gas Works and The Oval Site Allocation 1.3	Regulation 19	LBTH Response to Consultation	Proposed Minor Modifications (MM)	SoCG between LBTH and St William	Comment	St William Hearing Representation Summary
					analysis. The site, irrespective of its ownership, requires delineation. This will also make the policy effective as the relevant policy requirements, bespoke to Marian Place, can be applied to that land.	

180726 ST WILLIAM REPRESENTATIONS Leven Road Allocation 3.2

St William Leven Road 3.1	Regulation 19	LBTH Response to Consultation	Proposed Minor Modifications (MM)	SoCG between LBTH and St William	Comment	St William Hearing Representation Summary
Address	Leven Road	-	-	-	-	-
Size	8.56	-	-	-	-	-
PTAL	0-2 (2017) and 0-2 (2031)	-	-	-	-	-
Floodzone	3a	-	-	-	-	-
Housing Capacity (new column)	There is no reference to housing capacity	<p>The capacity of the site will be addressed further through the development management process.</p> <p>The housing trajectory does not include details beyond the 5 year supply. Details regarding the capacity of sites within the 15 year period are confidential.</p> <p>The viability assessment shows that the site is viable alongside the provision of a lower level of affordable housing.</p>	-	St William proposed reference to housing capacity of 500 homes+ to reflect local plan (Part 6 Appendices, Page 280), and viability assessment capacity for Leven Road of 1,485 homes. LBTH do not accept.	<p>The draft Local Plan defines allocated sites as having capacity for over 500 homes and the Local Plan Viability Report December 2017 refers to 1485 homes for Leven Road.</p> <p>At least 1,485 homes is necessary for soundness to ensure that the policy is deliverable. The Local Plan Viability Report December 2017 indicates that 1,485 homes will be subject to viability challenges. The allocation includes quantitative figures for open space (1ha), and therefore should include housing capacity figures.</p>	A new column should be added to the allocation called " Housing Capacity " and the following indicative capacity should be included for Leven Road " at least 1485 homes " in accordance with NPPF para 157 Issue 10/10.1
Land Use Requirements – Housing	Housing	-	-	-	-	-

St William Leven Road 3.1	Regulation 19	LBTH Response to Consultation	Proposed Minor Modifications (MM)	SoCG between LBTH and St William	Comment	St William Hearing Representation Summary
Land Use Requirements – Employment	Provision of employment numbers through a range of floor space sizes which support small-to-medium enterprises, creative industries and retail	<p>Any employment uses on this site would be de minimise relative to the residential uses on site. Accounting for these employment uses will have minimal impact on the viability of the scheme but if anything would make the site marginally more viable.</p> <p>In terms of the provision of affordable workspace, the provision of employment uses on this site will be very minor relative to the provision of residential floorspace which has been the focus of the testing. If the Council were to include employment floorspace as part of its testing then it would make the site more viable, even after accounting for the affordable workspace policy.</p>	Employment: Provision of new employment floorspace numbers through a range of floor space sizes which support small-to-medium enterprises, creative industries and retail.(MM258)	-	<p>The Council recognise at Bow and Marian Place that:-</p> <p>Given the nature of the gasholders, they fall outside of the definition of sui generis industrial functions. As such, there is no requirement to re-provide the gasholder floorspace as employment space.</p> <p>The same is true for Leven Road and the text should be included in the delivery considerations.</p>	<p>The following text should be included:</p> <p>Given the nature of the gasholders, they fall outside of the definition of sui generis industrial functions. As such, there is no requirement to re-provide the gasholder floorspace as employment space .Issue 10/10.1</p>
Infrastructure requirements	Strategic Open Space (1ha)	<p>The Viability Study does not need to account for the cost of open space or enhanced public realm – to the extent that these elements of the site are infrastructure then they will be funded using the Community Infrastructure Levy which has been accounted for in full.</p> <p>1ha is the size that the London plan defines strategic open space. Strategic open space has been allocated to address the boroughs deficiencies and to accommodate active recreation in accordance with policies S.OWS1 and D.OWS.3</p>	-	-	<p>The Council are consulting on its CIL review and the CIL Viability Report (September 2017) indicates that increased CIL will have a demonstrable impact on site viability. The payment of CIL will affect the deliverability of policy objectives at this site and the CIL rate at the time will need to be considered. Flexibility is therefore necessary.</p>	<p>The following text should be included to make the policy sound:</p> <p>Open space and enhanced public realm will be considered infrastructure and funded by CIL</p> <p>CIL (existing or revised) Issue 10/10.1</p>
	Secondary school	-	-	-	<p>St William have been in detailed dialogue with LBTH to consider the deliverability of this policy objective, and its viability, alongside the other emerging policy</p>	<p>Revise text to:-</p> <p>‘Secondary school subject to demonstrable demand’.</p>

St William Leven Road 3.1	Regulation 19	LBTH Response to Consultation	Proposed Minor Modifications (MM)	SoCG between LBTH and St William	Comment	St William Hearing Representation Summary
					objectives of the site allocation.	
Design Principles	respond positively to the existing character, scale, height, massing and fine urban grain of the surrounding built environment, and its riverside location. It will require active frontages that fit well with the existing 2-3 storey terraced houses facing the site and sensitive to the scale of the adjacent 2-storey residential area, and the amenity of rear gardens backing onto the site	respond positively to the existing character, scale, height, massing and fine urban grain of the surrounding built environment and its riverside location. It will require active street frontages that fit well with the existing 2-storey terraced houses facing the site and sensitive to the scale of the adjacent 2-storey residential area, and the amenity of rear gardens backing on to the site. In particular, it should deliver an appropriate transition in scale, sensitive to the amenity of adjoining residential properties and buildings in close proximity. The new streets should complement the existing network and deliver active frontages.	respond positively to the existing character, scale, height, massing and fine urban grain of the surrounding built environment and its riverside location. It will require active street frontages that fit well with the existing 2-storey terraced houses facing the site and sensitive to the scale of the adjacent 2-storey residential area, and the amenity of rear gardens backing on to the site. In particular, it should deliver an appropriate transition in scale, sensitive to the amenity of adjoining residential properties and buildings in close proximity. The new streets should complement the existing network and deliver active frontages. (MM259)	-	The MM is acceptable	-
	strongly encourage the retention, reuse and enhancement of the existing non-designated heritage asset, Gasholder No.1, which is located in the south-west corner of the site, due to its local character and landmark merit;	The wording of the gasholders will be amended to reflect current situation: <ul style="list-style-type: none"> Retain and reuse parts of the dismantled gas holder no. 1 within the future development. 	strongly encourage the retention, reuse and enhancement of the existing non-designated heritage asset, Gasholder No.1, which is located in the south-west corner of the site, due to its local character and landmark merit; Retain and reuse parts of the dismantled gas holder no. 1 within the future development. (MM254)	-	The MM is acceptable	-

St William Leven Road 3.1	Regulation 19	LBTH Response to Consultation	Proposed Minor Modifications (MM)	SoCG between LBTH and St William	Comment	St William Hearing Representation Summary
	reflect the industrial heritage of the site through measures such as, but not limited to, public art, landscaping and building design	-	-	-	Acceptable	-
	step back from the River Lea to avoid excessive overshadowing and enable activation of the riverside	-	-	-	"Excessive overshadowing" is an ambiguous term	The following text should be included to make the policy sound: step back from the River Lea to avoid excessive overshadowing <u>provide an appropriate microclimate</u> and enable activation of the riverside Issue 10/10.1
	maximise the provision of family homes	Matters regarding family housing will be discussed further at the examination in public.		LBTH has confirmed in in SoCG (Rev4) Marian Place that "The council's priority is to ensure that family housing is provided across all tenures, however it recognises that in providing flexibility, there is greater certainty in delivery".		The following text should be included to make the policy sound: <i>Maximise the provision of family homes <u>where practical and viable taking into account other objectives of this allocation and the need to ensure a balanced housing mix</u> Issue 6/6.2 and Issue 10/10.1</i>
	consider opportunities to provide bespoke waste collection (e.g. Underground waste systems)	-	-	-	Acceptable	-
	ensure the open space is designed and usable for sport and recreation and located adjacent to the River Lea, featuring the Leaway and water spaces. It should meet the minimum size of 1 hectare	-	-	-	Acceptable	-
	improve walking and cycling connections to, from within the site - specifically to link with the river Lea Park walk, Aberfeldy neighbourhood centre to Langdon Park DLR station and East India DLR station	-	-	-	Acceptable	-

St William Leven Road 3.1	Regulation 19	LBTH Response to Consultation	Proposed Minor Modifications (MM)	SoCG between LBTH and St William	Comment	St William Hearing Representation Summary
	improve public realm with active site edges, specifically along Leven Road	-	-	-	Acceptable	-
	integrate the site with the green grid route to assist with activating the riverside and improve access from the open space to the wider Lea River Park and further north to the Queen Elizabeth Olympic Park	-	-	-	Acceptable	-
	provide safe pedestrian and cycling access to the secondary school	-	-	-	Acceptable	-
	improve biodiversity and ecology along the water edges and within open spaces	-	-	-	Acceptable	-
	provide and secure the necessary land to facilitate the delivery of a new bridge over the River Lea	-	provide and secure the necessary safeguard land within the site to facilitate the delivery of a new crossings bridge over the River Lea to improve access to the major transport interchange at Canning Town and ensure continuity of a green link to Cody Dock; and ensure that the safeguarded land is carefully incorporated into the future development and the Leaway (MM260)	SOCG (Rev7) confirms that "LBTH agree that the developer is not required to provide the bridge, just the land".	The MM is acceptable	-
	facilitate a new or extended bus route through the site to enhance access to public transport		Facilitate a new or extended bus route to serve through the site to enhance access to public transport. (MM259)		The MM is acceptable	-

St William Leven Road 3.1	Regulation 19	LBTH Response to Consultation	Proposed Minor Modifications (MM)	SoCG between LBTH and St William	Comment	St William Hearing Representation Summary
Design Principles – Tall Buildings	There is no reference to tall buildings within the allocation	<p>There is a policy on tall buildings outside of tall building zones. Applications that meet the policy requirements, along with the requirements of other applicable policies will be acceptable in principle. However additional wording will be included at the end of paragraph 3.75 in relation to tall buildings:</p> <p>Proposed wording:</p> <p>Where possible, we will seek to work with developers, landowners, statutory agencies and neighbourhoods to develop masterplans to guide the scale and location of tall buildings, taking account of their wider and cumulative impacts, in line with the requirements set out above. This includes proposals involving tall buildings located within site allocations where these are considered to be appropriate and in line with relevant policies.</p>	<p>Insert at the end of paragraph 3.75: This includes proposals involving tall buildings located within site allocations where these are considered to be appropriate and in line with relevant policies.(MM79)</p>		<p>St William consider that the paragraph 3.75 clarification is helpful, however it does not relate to the text within Policy D.DH6 which requires strengthening (see St William’s representations on this point).</p> <p>Site allocations, by their very nature, contain the boroughs principal supply of housing and infrastructure requirements.</p> <p>MM78 seeks to clarify the type of infrastructure required at Para 3.74 of the Local Plan (which St William have commented on). This infrastructure is proposed as part of this site allocation and therefore it would be effective and sound to include acceptability of tall buildings in the site allocation.</p> <p>Such an approach was suggested by the Local Plan Inspector in his report to the LBTH Local Plan Review (17 December 2012 para 83 modification MM42) for London Dock.</p>	<p>It is considered that reference to tall buildings should appear in the site allocation as follows:-</p> <p><u>“It is expected that development scale, taller than the average buildings in the locality, may be necessary to deliver the policy objectives of this allocation. This could include the provision of tall buildings”.</u> Issue 8/8.1, 8.4, 8.7 and Issue 10/10.1</p>
Delivery Considerations	Development should acknowledge the associated costs of decommissioning the gasworks and the relocation of any significant equipment and address any environmental pollution caused by the gas works	-	Development should acknowledge the associated costs of decommissioning the gasworks and the relocation of any significant equipment	-	The MM is acceptable	-

St William Leven Road 3.1	Regulation 19	LBTH Response to Consultation	Proposed Minor Modifications (MM)	SoCG between LBTH and St William	Comment	St William Hearing Representation Summary
			and address any environmental pollution and on site decontamination requirements caused by the gas works. (MM260)			
	Access to public transport and delivery of a walking and cycling bridge across the River Lea will need to be improved in line with the phasing of development and in coordination with London Borough of Newham	-	Access to public transport and pedestrian and cycle connectivity delivery of walking and cycling bridge across the River Lea will need to be improved in line with the phasing of development and in coordination with London Borough of Newham (MM260)	-	The MM is acceptable	-
	Open space should be delivered in the earliest phase of development	-	-	-	This is broadly acceptable subject to the completion of the wider remediation works	Open space should be delivered in the earliest phase of development subject to the completion of the wider remediation works Issue 10/10.1
	Development should accord with flood mitigation and adaptation measures in the borough's Strategic Flood Risk Assessment and sequential test.		Development should accord with flood mitigation and adaptation measures in the borough's SFRA Strategic Flood Risk Assessment and sequential test and the Thames Estuary 2100 Plan. (MM255)		The MM is acceptable	
			Additional bullet point: Development will be expected to implement the actions identified in the Thames River Basin Management Plan to support delivery of the objectives of the plan, in accordance with regulation 17 of the Water		The MM is acceptable	

St William Leven Road 3.1	Regulation 19	LBTH Response to Consultation	Proposed Minor Modifications (MM)	SoCG between LBTH and St William	Comment	St William Hearing Representation Summary
			Environment Regulations 2013. (MM256)			
			Additional bullet point: An assessment should be carried out to understand the potential contamination on site prior to any development taking place. (MM257)		The MM is acceptable	
		The Viability Assessment (2017) shows that the site is viable alongside the provision of a lower level of affordable housing.			Tower Hamlets Local Plan Viability Assessment, 2017 (Doc SED5) includes, at Chapter 7, an assessment of Strategic Sites. This includes Leven Road Gasworks (Site 11). Table 7.11 sets out the appraisal results. This shows for Leven Road Gasworks an IRR of 5.86%, below a reasonable IRR benchmark. In paragraph 7.16 the Council sets out how the Council will ensure such sites are able to come forward through the flexible application of policy including affordable housing policy. Paragraphs 7.17 and 7.19 make specific reference to the level of affordable housing (25%) that might be provided on site. Notwithstanding the views of the developer and the Council on the specific appraisal inputs it is agreed that policy will need to be applied flexibly to this site to ensure that it can be delivered to provide homes and strategic infrastructure required by the site allocation.	The following text should be included to make the policy sound: Tower Hamlets Local Plan Viability Assessment, 2017 (Doc SED5) includes, at Chapter 7, an assessment of Strategic Sites. This includes Leven Road Gasworks (Site 11). Table 7.11 sets out the appraisal results. It is recognised that there are significant viability challenges for this site and therefore a flexible application of policy including affordable housing policy is necessary to ensure that the homes and strategic infrastructure required by the site allocation can be delivered. Issue 3/3.1, 3.2, 3.3 and Issue 10/10.4

St William Leven Road 3.1	Regulation 19	LBTH Response to Consultation	Proposed Minor Modifications (MM)	SoCG between LBTH and St William	Comment	St William Hearing Representation Summary
					The Council is currently reviewing its CIL rates and has consulted on its revised Preliminary Draft Charging Schedule (PDCS) in January and February 2017. This increases residential CIL rates for the site. These rates are not included in the assessment in Document SED5. The Council and St William are discussing the implications of the proposed rates for the delivery of the site in advance of the next stage of Consultation	
Figure 36				<p>SOCG (Rev7) conforms that:-</p> <p>“The site allocation maps are indicative and the exact location of open space will be agreed through the development management process.”</p> <p>“It is proposed to include a paragraph in the introduction to the Local Plan and under each site allocation that confirms that maps are for illustrative purposes only”</p>	This is acceptable.	

180726 ST WILLIAM REPRESENTATIONS - Bow Site Allocation 2.1

Bow Common 2.1	Regulation 19	LBTH Response to Consultation	Proposed Minor Modifications (MM)	SoCG between LBTH and St William	Comment	St William Hearing Representation Summary
Address	Bow Common Lane	-	-	-	-	-
Size	3.94	-	-	-	-	-
PTAL	2 (2017) and 2 (2031)	-	-	-	-	-
Floodzone	1	-	-	-	-	-
Housing Capacity (new column)	There is no reference to housing capacity	<p>The capacity of the site will be addressed further through the development management process. However, the Council is confident in its approach in terms of defining site capacities for viability testing purposes.</p> <p>The housing targets in the plan are minimum targets. The density of the development will be determined through the development management process.</p> <p>The Viability Assessment (2017) shows that the site is viable alongside the provision of a lower level of affordable housing.</p>	-	<p>St William proposed reference to housing capacity of 500 homes+ to reflect local plan (Part 6 Appendices, Page 280).</p> <p>LBTH do not accept this.</p>	<p>The draft Local Plan defines allocated sites as having capacity for over 500 homes and the Local Plan Viability Report December 2017 refers to 468 homes for Bow Common.</p> <p>At least 468 homes (we would suggest 500 due to page 280 of the local plan) is necessary for soundness to ensure that the policy is deliverable. The Local Plan Viability Report December 2017 indicates that 468 homes gives rise to significant viability challenges when considered alongside on site infrastructure requirements.</p> <p>The site allocation includes quantitative figures for open space (1ha), and therefore should include housing capacity figures.</p>	<p>A new column should be added to the allocation called "Housing Capacity" and the following indicative capacity should be included for the site "at least 500 homes" in accordance with NPPF para 157 Matter 10/Issue 10/10.1</p>
Land Use Requirements – Housing	Housing	-	-	-	-	-

Bow Common 2.1	Regulation 19	LBTH Response to Consultation	Proposed Minor Modifications (MM)	SoCG between LBTH and St William	Comment	St William Hearing Representation Summary
Land Use Requirements – Employment	Provision of employment numbers through a range of floor spaces which support small-to-medium enterprises, creative industries and retail.	<p>Any employment uses on this site would be de minimise relative to the residential uses on site. Accounting for these employment uses will have minimal impact on the viability of the scheme but if anything would make the site marginally more viable.</p> <p>While the site is not a designated employment area, S.EMP1 makes clear that cumulatively non-designated sites can provide a significant quantum of floorspace. It would not be expected that the site would provide significant levels of employment floorspace, nonetheless there is an opportunity to provide some employment floorspace and as such the text within the land use requirements for the site are considered appropriate.</p>	-	<p>LBTH have advised in SoCG that:-</p> <p>Given the nature of the gasholders, they fall outside of the definition of sui generis industrial functions. As such, there is no requirement to re-provide the gasholder floorspace as employment space.</p> <p>Employment: Provision of employment numbers through a range of floor spaces which support small-to-medium enterprises; these can include creative industries and retail.</p>	The Council usefully recognise in the SoCG that “It would not be expected that the site would provide significant levels of employment floorspace”. It would be useful for the allocation to recognise this approach.	<p>The following text should be included to make the policy sound:</p> <p>Employment: Provision of employment numbers through a range of floor spaces which support small-to-medium enterprises; these can include creative industries and retail of a local scale Issue 10/10.1</p>
Infrastructure requirements	Strategic Open Space (1ha)	The Viability Study does not need to account for the cost of open space or enhanced public realm – to the extent that these elements of the site are infrastructure then they will be funded using the Community Infrastructure Levy which has been accounted for in full.	-	-	-	<p>The following text should be included to make the policy sound:</p> <p>Open space and enhanced public realm will be considered infrastructure and funded by CIL</p>
	Secondary school	It has been noted that more secondary schools have been allocated than are required and the rationale is outlined in the Site Allocations Methodology. Free schools have not been taken into account due to the uncertainty of their deliverability.	-	-	St William oppose this allocation as it is not sound. Issue 3/3.1, 3.2, 3.3 Issue 10/10.1	Remove ‘Secondary School’ – or insert ‘subject to demonstrable demand’.
Infrastructure requirements	Other			St William proposed the following additional items	The Council are consulting on its CIL review and the CIL Viability Report (September 2017) indicates that	The following text should be included to make the policy sound:

Bow Common 2.1	Regulation 19	LBTH Response to Consultation	Proposed Minor Modifications (MM)	SoCG between LBTH and St William	Comment	St William Hearing Representation Summary
				<p>within the infrastructure category:-</p> <p>Make provision for necessary gas infrastructure including gas pipelines and operational pressure reduction station (PRS)</p> <p>CIL</p>	<p>increased CIL will have a demonstrable impact on site viability. The payment of CIL will affect the deliverability of policy objectives at this site and the CIL rate at the time will need to be considered. Flexibility is therefore necessary.</p>	<p>CIL (existing or revised) Issue 10/10.1</p>
Design Principles	respond positively to the existing character, scale, height, massing and fine urban grain of the surrounding built environment		Respond positively to the existing setting of the two conservation areas (Tower Hamlets Cemetery and Swaton Road) and the local nature reserve, including as well as the scale, height, massing and fine urban grain of the surrounding built environment. (MM244)	<p>LBTH SoCG (Rev 3) confirmed that:-</p> <p>It is not considered appropriate to remove reference to the scale, height, massing and fine urban grain as the representation suggests, because the inclusion of the wording will help to ensure that design proposals positively take this into account. The wording is flexible enough to allow for development not to have a fine urban grain, or low massing, it simply needs to respond well to it.</p>	MM244 is acceptable	-
	integrate the site with Tower Hamlets Cemetery Park through new or improved pedestrian and cycle routes	-	-	-	Acceptable	-
	ensure safe pedestrian and cycling access to the secondary school	-	-	-	Subject to St William representations on the school allocation	-
	locate family housing overlooking the publicly accessible open space	-	-	-	Acceptable	-
	provide new open space with a minimum size of 1 hectare, which is consolidated and designed to provide multi-functional	As evidenced in the boroughs Parks and Open Space Strategy 2017-2027 Tower Hamlets needs more playing pitches to meet existing local demand. Population	-	The SoCG now includes a new definition of consolidated open space.	St William recognise the objectives of the Open Space Strategy 2017-2027. The previous approach to allocating 1ha of open space to include sports pitches is inflexible	-

Bow Common 2.1	Regulation 19	LBTH Response to Consultation	Proposed Minor Modifications (MM)	SoCG between LBTH and St William	Comment	St William Hearing Representation Summary
	leisure and recreational uses	growth is forecast to further increase this demand. In addition to this the borough currently has an open space deficiency which constrains the scope of the council to grow the playing pitch offer without displacing other park users in the borough. In order to mitigate this deficiency Bow Common Gas Works along with other key development sites in the borough has been identified to deliver a minimum of 1ha of consolidated strategic open space which is designated to provide multi-functional leisure and recreation uses. Due to the requirement to mitigate deficiency in the borough and the sites potential to accommodate pitches we do not consider that the reference to 'multi-functional leisure and recreation uses' be removed. The finer detail of how the open space will function will be addressed through the development management process.		Provide new open space with a minimum size of 1 hectare, which is consolidated and designed to provide multi-functional leisure and recreational uses. However, the precise details of how the open space will function will be agreed through the development management process, taking account the site specific circumstances.	when considered against the other objectives of the site allocation, and the extensive provision of facilities opposite the site (Bow Common 11 Aside Football Pitch) and Mile End Park Leisure Centre and Stadium. The site also falls outside the Figure 14 area of open space deficiency.	
	integrate the site into the green grid route along Knapp Road and Bow Common Lane	-	-	-	Acceptable	-
	improve biodiversity and ecology within open space and green infrastructure	-	-	-	Acceptable	-
	improve walking and cycling connections to, from and through the site, specifically to address poor permeability created by the site. These should align with the existing urban grain to support legibility, specifically joining Knapp Road to Bow Common	-	-	-	Acceptable	-

Bow Common 2.1	Regulation 19	LBTH Response to Consultation	Proposed Minor Modifications (MM)	SoCG between LBTH and St William	Comment	St William Hearing Representation Summary
	Lane					
	improve public realm with active site edges, specifically along Bow Common Lane	-	-	-	Acceptable	-
	provide active frontages along the railway to enhance the use and setting of the railway arches as a non-designated heritage asset	-	-	-	Acceptable	-
	implement noise screening measures/or a green buffer in areas bordering the railway line					The following text should be included to make the policy sound: "implement noise screening measures/or a green buffer in areas bordering the railway line where necessary "
Design Principles – Tall Buildings	There is no reference to tall buildings within the allocation	The site is not within a tall building zone and it is not considered necessary to make reference to tall buildings. There is a policy that relates to tall buildings outside of designated Tall Building Zones and applications will need to demonstrate how they address the requirements of the policy.		St William proposed the following text in SoCG (Rev3) to provide flexibility which LBTH have not accepted:- "It is expected that development scale, taller than the average buildings in the locality, may be necessary to deliver the policy objectives of this allocation. This could include the provision of tall buildings". This text is taken from the Inspector's report to the LBTH Local Plan Report (17 December 2012 para 83 modification MM42) for London Dock. In response LBTH note SoCG (Rev4) "Inspector's comments in relation to London Dock are	St William consider that the paragraph 3.75 clarification is helpful, however it does not relate to the text within Policy D.DH6 which requires strengthening. Site allocations, by their very nature, contain the boroughs principal supply of housing and infrastructure requirements.	It is considered that reference to tall buildings should appear in the site allocation as follows:- "It is expected that development scale, taller than the average buildings in the locality, may be necessary to deliver the policy objectives of this allocation. This could include the provision of tall buildings" .

Bow Common 2.1	Regulation 19	LBTH Response to Consultation	Proposed Minor Modifications (MM)	SoCG between LBTH and St William	Comment	St William Hearing Representation Summary
				<p>noted. However the site allocations generally do not go into the level of detail regarding the expected scale of buildings, especially outside of tall building zones, other than that they have to positively respond to their surroundings. Details relating to tall building are covered by the tall buildings policy and will be addressed through the DM process.”</p> <p>LBTH propose SoCG (Rev4)</p> <p>“It is proposed that the following sentence is inserted as part of paragraph 3.75 of the local plan: This includes proposals involving tall buildings located within site allocations where these are considered to be appropriate and in line with relevant policies.”</p>		
Delivery considerations	Development should address the impact of air quality through mitigation measures	-	-	-	Acceptable	-
	Development should accord with any flood mitigation and adaptation measures stated within the borough’s Strategic Flood Risk Assessment and the sequential test	-	-	-	Acceptable	-
				It is agreed that the following wording will be included within the delivery considerations for the purposes of clarification and context:	Acceptable.	-

Bow Common 2.1	Regulation 19	LBTH Response to Consultation	Proposed Minor Modifications (MM)	SoCG between LBTH and St William	Comment	St William Hearing Representation Summary
				Development should acknowledge the associated costs of decommissioning the gasworks and the relocation of any significant equipment and address any environmental pollution and on site decontamination requirements caused by the gasworks.		
		The Viability Assessment (2017) shows that the site is viable alongside the provision of a lower level of affordable housing.			<p>Tower Hamlets Local Plan Viability Assessment, 2017 (Doc SED5) includes, at Chapter 7, an assessment of Strategic Sites. This includes Bow Common Gasworks (Site 2). Table 7.11 sets out the appraisal results. This shows for Bow Common Gasworks a deficit against benchmark of £36 million. In paragraph 7.16 the Council sets out how the Council will ensure such sites are able to come forward through the flexible application of policy including affordable housing policy. Paragraphs 7.17 and 7.18 make specific reference to the level of affordable housing (0 to 5%) that might be provided on site. Notwithstanding the views of the developer and the Council on the specific appraisal inputs it is agreed that policy will need to be applied flexibly to this site to ensure that it can be delivered to provide homes and strategic infrastructure required by the site allocation.</p> <p>The Council is currently reviewing its CIL rates and has consulted on its revised Preliminary Draft Charging Schedule (PDCS) in January and February 2018. This increases residential CIL rates for the site. These rates are not included in the assessment in Document SED5. The Council and</p>	<p>The following text should be included to make the policy sound:</p> <p><u>“The Tower Hamlets Local Plan Viability Assessment, December 2017 (Doc SED5) includes, at Chapter 7, an assessment of Strategic Sites. This includes Bow Common Gasworks (Site 2). Table 7.11 sets out the appraisal results.</u></p> <p><u>It is recognised that there are significant viability challenges for this site and therefore a flexible application of policy including affordable housing policy is necessary to ensure that the homes and strategic infrastructure required by the site allocation can be delivered.”</u> Issue 3/3.1, 3.2, 3.3 and Issue 10/10.4</p>

Bow Common 2.1	Regulation 19	LBTH Response to Consultation	Proposed Minor Modifications (MM)	SoCG between LBTH and St William	Comment	St William Hearing Representation Summary
					St William are discussing the implications of the proposed rates for the delivery of the site in advance of the next stage of Consultation.	
Figure 30 :Bow Common Gas Works				<p>LBTH have advised in Marian Place SoCG (Rev4) that:-</p> <p>“The site allocation maps are indicative and the exact location of open space will be agreed through the development management process.”</p> <p>“It is proposed to include a paragraph in the introduction to the Local Plan and under each site allocation that confirms that maps are for illustrative purposes only”</p>	Acceptable	

Tower Hamlets London Borough Council Managing Development Local Plan, Inspector's Report November 2012
irrespective of their previous planning histories, recent permissions or current proposals. This does not prevent their coming forward for redevelopment, if appropriate, with schemes considered against relevant LP and CS policies and in the light of all other relevant material considerations, including the strategic need for new housing across London.

Issue 9 – Bow Common [SA8]

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

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

Issue 10 – Wapping [SA4]

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

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

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

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

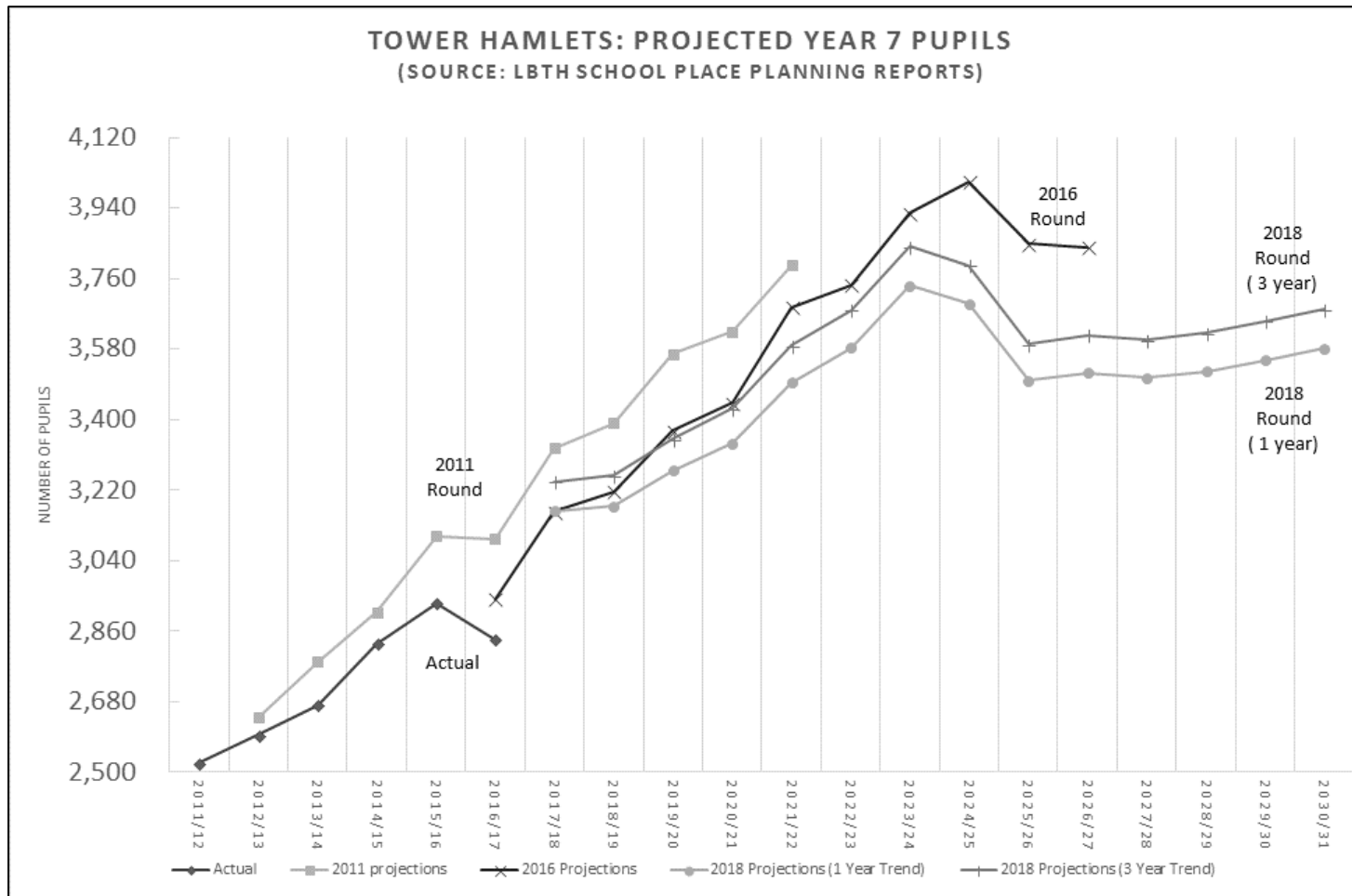
Issue 11 – Poplar Riverside [SA11 and SA12] and Leamouth [SA13]

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

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

Appendix 6: Tower Hamlets School Roll Projections

The chart below shows Tower Hamlets school roll projections (produced by the GLA) and actual pupil numbers from 2011 onwards. The 2011 projections were used to support the school site allocations in the adopted Managing Development DPD. The subsequent 2016 projections were the highest projections the Council has produced and were current at the time of the Regulation 18 New Local Plan Consultation. The 2018 projections are those set out in Appendix E of Examination Document SED72 – Spatial Assessment Need for Schools 2018. The pupil numbers on the y axis are shown at 180 pupil intervals, the equivalent of 6 forms of entry (6FE) which is LBTH’s preferred school size.



180726 ST WILLIAM REPRESENTATIONS – D.DH6 Tall Buildings

Other Policies	Regulation 19	LBTH Response to Consultation	Proposed Minor Modifications (MM)	Draft SoCG between LBTH and St William	Comment	St W Hearing Representation Summary
<p>DH6 Tall Buildings</p>	<p>DH6 does not support tall buildings with the site allocations, and is not therefore positively prepared.</p>	<p>There is a policy on tall buildings outside of tall building zones. Applications that meet the policy requirements, along with the requirements of other applicable policies will be acceptable in principle. However additional wording will be included at the end of paragraph 3.75 in relation to tall buildings:</p> <p>Proposed wording:</p> <p>Where possible, we will seek to work with developers, landowners, statutory agencies and neighbourhoods to develop masterplans to guide the scale and location of tall buildings, taking account of their wider and cumulative impacts, in line with the requirements set out above. This includes proposals involving tall buildings located within site allocations where these are considered to be appropriate and in line with relevant policies..</p>	<p>Insert at the end of paragraph 3.75: This includes proposals involving tall buildings located within site allocations where these are considered to be appropriate and in line with relevant policies.(MM79)</p>		<p>St William consider that the paragraph 3.75 clarification is helpful, however it does not relate to the text within Policy D.DH6 which requires strengthening.</p> <p>Site allocations, by their very nature, contain the boroughs principal supply of housing and infrastructure requirements.</p> <p>MM78 seeks to clarify the type of infrastructure required at Para 3.74 of the Local Plan.</p> <p>“tall buildings will be expected to serve as landmarks and unlock significant strategic infrastructure provision (in particular the provision of publicly accessible open space and social and community facilities, new transport interchanges, river crossings and educational and health facilities serving more than the immediate local area) to address existing deficiencies within the area and future needs (as identified in the Infrastructure Delivery Plan, the Regulation 123 List and other relevant strategies) and address the requirements set out in section 4.”</p> <p>St William consider that this infrastructure list should not be exhaustive and should be subject to deliverability and viability.</p>	<p>Include the following text within DH6 Tall Buildings Part 2 policy to make it sound:</p> <p>“2. Development of tall buildings will be directed towards site allocations and designated Tall Building Zones (as shown on the Policies Map and figure 8) and must apply the following design principles.”</p> <p>MM78 to be revised for soundness to include.</p> <p>“tall buildings will be expected to serve as landmarks and unlock significant strategic infrastructure provision (in particular for example the provision of publicly accessible open space, and social and community facilities, new transport interchanges, river crossings, and educational and health facilities serving more than the immediate local area) to address existing deficiencies within the area and future needs (as identified in the Infrastructure Delivery Plan, the Regulation 123 List and other relevant strategies) where necessary and viable and address the requirements set out in section 4.”</p>

STATEMENT OF COMMON GROUND

Between the London Borough of Tower Hamlets and St. William

In respect of representations in relation to Marian Place Gas
Works and The Oval (site allocation 1.3)

**London Borough of Tower Hamlets
Local Plan**

Statement of Common Ground – Marian Place Gas Works and The Oval, St. William

Tower Hamlets Local Plan Examination in Public

Date: July 2018

Parties: London Borough of Tower Hamlets (LBTH) and St. William

Issues Discussed

In relation to the representations from St. William in response to regulation 19 consultation response dated 13th November 2017, the following matters have been considered:

1. Site allocation maps
2. Heritage
3. Design principles
4. Housing
5. Local Employment Location (LEL) designation
6. Open space

This statement of common ground only relates to the part of the site owned by St. William.

Please note: existing modifications are in red (which were submitted to the Planning Inspectorate on 28th February 2018) and the proposed new modifications in response to the inspector's main matters are in green.

Agreed Actions

General flexibility

- It is agreed the proposed modification which will be included in the introductory section of the 'Delivering sustainable places' section addresses matters regarding the viability and deliverability of the site allocation

When determining a planning application, flexibility may be applied to the site allocation requirements, based on an up to date assessment of need and the agreed viability position of the scheme to ensure the site allocation is deliverable in the context of the principles of sustainable development.

Note: While St. William agree on the above wording and its insertion within in the introductory section of the 'Delivering sustainable places' chapter, they would also like the wording to be included in the delivery consideration of the site allocation (see outstanding matters)

Cost of gasholders – viability

- It is agreed that the viability evidence relating to this site that formed part of the submission to the Planning Inspectorate did not account for the costs of retaining the gas works structures. LBTH has undertaken additional testing to account for this. This testing is based on the testing undertaken on this site in the submission version of the Local Plan Viability Assessment (document SED5) and on cost estimates of retaining the gas works structures as provided by St William. The additional testing undertaken demonstrates the impact on viability of the inclusion of the costs of retaining the gas works structures which are set out in the Council's response to the main matters.

Site allocation maps

- A minor modification has been made to each map confirming that they are indicative:

For illustrative purposes (MM204)

Employment

- The following minor modifications are proposed (MM227):

*Employment: a range of **new** floorspace sizes, including units **suitable** for the needs of small-medium enterprises, start-ups and creative tech industries.*

- While the site falls within the Cambridge Heath Local Employment Location (LEL), it is not considered, given the nature of gasholders, that they would meet the definition of sui generis industrial functions articulated in paragraph 5.6 of the Local Plan. As such, there would be no requirement to re-provide the gasholder floorspace as employment space.
- It is agreed that the following wording will be included within the delivery considerations:

Given the nature of the gasholders, they fall outside of the definition of sui generis industrial functions. As such, there is no requirement to re-provide the gasholder floorspace as employment space.

- It is agreed that the following modification will be made to part 4 (f) of policy D.EMP.4

Provides a range of units including industrial floorspace, small-to-medium enterprise space ~~and~~ or studios to meet the needs of creative industries within the Cambridge Heath LEL.

Design principles (tall buildings)

- It is agreed that the following wording should be included for the purpose of context and clarification:
- It is proposed that the following sentence is inserted as part of paragraph 3.75:

This includes proposals involving tall buildings located within site allocations where these are considered to be appropriate and in line with relevant policies.

Open space

- It is agreed that the proposed definition of consolidated open space which will be included in the glossary is acceptable:

**A process of combining open space into a single more effective or coherent whole. The way in which these spaces will function will be assessed on a site-by-site basis and agreed through the development management process. At sites with multiple-ownership, this will mean that each site has to deliver their proportion of open space adjoining the open space which the adjoining landowner will deliver, or deliver it in such a way that the open space would still form a coherent whole over the entire site allocation. We strongly encourage landowners to work jointly to develop masterplans covering the entire site allocation to ensure consolidation can be achieved whilst balancing the impact on the landowners. Consolidation should also avoid fragmentation of open*

space and ensure that it fulfils the qualities and function of open space set out in the Open Space Strategy”.

Delivery considerations

- The following modifications have been proposed (MM228) relating to the delivery consideration:

Development should ~~acknowledge~~ ~~address the associated costs of decommissioning the gasworks and the temporary relocation of any significant equipment and address any environmental pollution and on site decontamination requirements and land contamination~~ caused by the gasworks.

Infrastructure requirements

- Strategic open space (minimum of 1 hectare).

It is acknowledged that the site allocation is in multiple land ownership and it is not expected that all of the open space is delivered within the site that St. William currently have an interest in. The site allocation maps are indicative and the exact location of open space will be agreed through the development management process.

Outstanding Issues

Heritage

- LBTH: The amended wording below provides clarity in terms of what is expected to be retained (MM226).

"retain, reuse and enhance the following existing heritage assets, ~~the gasholders and associated structures~~ gasholders no.2 and no.5, Victorian buildings adjacent to Regents Canal, and Georgian cottages, including the associated ~~settled pebbled~~ street and railings

- St. William: Given the land ownership and viability constraints of the site, the requirement is too restrictive. The Gasholders are located within a Conservation Area and the tests of the Conservation Area will apply to assess their retention. A blanket retention could restrict other benefits which may be of higher priority and could prevent the site coming forward.
- LBTH: Gasholders no.2 and no.5 are heritage assets and while they are non-designated they play a significant role with regards to the setting of the Regents Canal conservation area.

Design principles

- The following wording has been proposed in relation to the design principles (MM230):

Respond positively to the ~~existing~~ special character of the Regents Canal conservation area and its setting, scale, height, massing and fine urban grain of the surrounding built environment, and specifically integrate heritage assets on site ~~and in the surrounding area~~.

- St. William: Remove the reference to scale, massing and fine urban grain
- LBTH: The reference to scale, height, massing and fine urban grain because the inclusion of the wording will help to ensure that design proposals positively take this into account. The wording is flexible enough to allow for development not to have a fine urban grain, or low massing; it simply needs to respond well to it.

Maximise the provision of family housing

- St. William: Given the location and constraints of the site allocation it may not be appropriate for the provision of family housing to be maximised.
- LBTH: This is a good place making and health and well-being aspiration whereby we are seeking to maximise the provision of family housing on site allocations with strategic open space.

Open space

- The site allocation requires the following:

Provide a minimum size of 1 hectare of consolidated open space which is designed to be usable for sport and recreation.

- St. William: Remove the reference to sport. Given the constraints of the site and the way in which the open space is expected to come forward, it is not envisaged that the open space will be suited for formal sports.
- LBTH: Sport and recreation is an important function of open space as identified in the Open Space Strategy. The exact details of how the open space will function will be agreed through the development management process.

Viability/deliverability – location of the proposed wording

- St. William: The wording (see the first agreed action relating to viability/deliverability) should also be located in the delivery considerations of the site allocations in order to make it clear that the sites are unviable with the policy requirements.
- LBTH: The location of the wording in the introductory section is considered to be appropriate in order to address viability across all site allocations.

Tall buildings

- St. William: The design principles should include reference to tall buildings as being appropriate in this location due to the density that is required in order to deliver a viable development
- LBTH: It is not considered necessary to reference tall buildings. Details relating to tall buildings are covered by policy D.DH6 and will be addressed through the development management process.

Capacity figures

- St. William: The site allocation should include approximate housing capacity figures (set as a minimum) to give an indication of the level of housing that is expected on site.
- LBTH: The Site Allocations Methodology (SED64) confirms that site allocations are expected to deliver at least 500 homes. The finer details of capacity on individual sites will be addressed on a site by site basis through the development management process.

Signed on behalf of St. William


.....

Date: 26/7/18.....

Signed on behalf of London Borough of Tower Hamlets


.....

Date: 26/7/18.....

STATEMENT OF COMMON GROUND

Between the London Borough of Tower Hamlets and St. William

**In respect of representations relating to Leven Road Gas Works
site allocation (3.2)**

**London Borough of Tower Hamlets
Local Plan**

Statement of Common Ground – Leven Road Gas Works

London Borough of Tower Hamlets Local Plan Examination in Public

Date: July 2018

Parties: London Borough of Tower Hamlets and St. William

Issues Discussed

In relation to the representations submitted by St. William the following issues have been discussed:

1. Viability/deliverability
2. Site allocation maps
3. Employment provision
4. Design principles
5. Gasholder retention
6. Facilitating the bridge(s)
7. Delivery considerations including decontamination
8. School provision
9. Play space provision associated with the school
10. Open space
11. Viability Assessment
12. Capacity figures

Please note: existing modifications are in **red** (which were submitted to the Planning Inspectorate on 28th February 2018) and the proposed new modifications in response to the inspector's main matters are in **green**

Agreed Actions

Viability/deliverability

- It is agreed the proposed modification which will be included in the introductory section of the 'Delivering Sustainable Places' chapter addresses matters regarding the viability and deliverability of the site allocation

When determining a planning application, flexibility may be applied to the site allocation requirements, based on an up to date assessment of need and the agreed viability position of the scheme to ensure the site allocation is deliverable in the context of the principles of sustainable development.

Note: While St. William agree on the above wording and its insertion within the introductory section of the 'Delivering sustainable places' chapter, they would also like the wording to be included in the delivery consideration of the site allocation (see outstanding matters)

Site allocation maps

- A minor modification has been to each diagram confirming that they are indicative: **For illustrative purposes** (MM204)

Employment provision

- The following modifications have been made :

*Employment: Provision of **new employment floorspace** numbers through a range of floor space sizes which support small-to-medium enterprises, creative industries and retail.(MM258)*

Design principles

- The following modification has been made to the design principle:

*Respond positively to the existing character, scale, height, massing and fine urban grain of the surrounding built environment and its riverside location. ~~It will require active street frontages that fit well with the existing 2-storey terraced houses facing the site and sensitive to the scale of the adjacent 2-storey residential area, and the amenity of rear gardens backing on to the site.~~ **In particular, it should deliver an appropriate transition in scale, sensitive to the amenity of adjoining residential properties and buildings in close proximity. The new streets should complement the existing network and deliver active frontages.** (MM259)*

- It is proposed to insert the following sentence at the end of paragraph 3.75 of the supporting text: ***This includes proposals involving tall buildings***

located within site allocations where these are considered to be appropriate and in line with relevant policies. (MM79)

- It is proposed to amend the design principle to allow for a degree of flexibility in terms of public transport and the wording amended as follows;

facilitate a new or extended bus route to serve through the site to enhance access to public transport. (MM259)

Gasholder retention

- It is acknowledged National Grid obtained prior approval - dated 2 September 2016 - for the demolition of three gasholders, meter house, small ancillary buildings and above ground pipework (LPA reference: PA/16/02340/NC). The following minor modification has been made (MM254):

Retain and reuse parts of the dismantled gas holder no. 1 within the future development.

Facilitating the bridge(s)

- It is agreed that the developer is not required to provide the bridge, just the land.

In light of discussions of a new bridge, the following minor amendment has been made (MM260 – first bullet point):

~~provide and secure the necessary~~ safeguard land within the site to facilitate the delivery of new crossings bridge over the River Lea to improve access to the major transport interchange at Canning Town and ensure continuity of a green link to Cody Dock; and ensure that the safeguarded land is carefully incorporated into the future development and the Leaway

Delivery considerations

- For the purposes of clarification, the following modifications have been made :

Development should acknowledge the associated costs of decommissioning the gasworks and the relocation of any significant equipment and address any environmental pollution and on site decontamination requirements caused by the gas works. (MM260)

Access to public transport and pedestrian and cycle connectivity delivery of walking and cycling bridge across the River Lea will need to be improved in line with the phasing of development and in coordination with London Borough of Newham. (MM260)

The proposed changes by the Environment Agency are agreed and modifications have been made to reflect this.

An assessment should be carried out to understand the potential contamination on site prior to any development taking place. (MM257)

Development should accord with flood mitigation and adaptation measures in the borough's SFRA Strategic Flood Risk Assessment and sequential test and the Thames Estuary 2100 Plan. (MM255)

Development will be expected to implement the actions identified in the Thames River Basin Management Plan to support delivery of the objectives of the plan, in accordance with regulation 17 of the Water Environment Regulations 2013.(MM256)

School provision

- The requirement for a secondary school within the site allocation is accepted in principle.
- It is acknowledged that a secondary school can be delivered on a variety of plot sizes and can come forward on a site less than 1.5 hectares as calculated in the Viability Assessment (SED5) and Site Allocations Methodology (SED64).
- The size and configuration of the school is best resolved through the development management process, and from inception, at the pre-application stage, more detailed assessment of options for design should and can be explored.

Play space provision associated with the school

- It is proposed that the play space associated with the school will be provided on the roof of the school as opposed to using the existing multi-use games area (MUGA) opposite the site. Any arrangements relating to the use or enhancement of the MUGA will be assessed through the development management process.

Open space

- It is agreed that the proposed definition of consolidated open space which will be included in the glossary is acceptable:

A process of combining open space into a single more effective or coherent whole. The way in which these spaces will function will be assessed on a site-by-site basis and agreed through the development management process. At sites with multiple-ownership, this will mean that each site has to deliver their proportion of open space adjoining the open space which the adjoining landowner will deliver, or deliver it in such a way that the open space would still form a coherent whole over the entire site allocation. We strongly encourage landowners to work jointly to develop masterplans covering the entire site allocation to ensure consolidation can

be achieved whilst balancing the impact on the landowners. Consolidation should also avoid fragmentation of open space and ensure that it fulfils the qualities and function of open space set out in the Open Space Strategy”.

- It has been agreed that the position of the open space should be located adjacent to the River Lea as per the site allocation design principle. It should also meet the minimum requirement of 1 hectare, be consolidated and designed to be useable for sport and recreation.
- In regards to including additional text highlighting restrictions on access and use of the River Lea, the local microclimate and the need for wider place making; is considered that these factors will be assessed through the development management process.

Viability assessment

- The Local Plan Viability Assessment (SED5) does not need to account for the cost of open space or enhanced public realm and land for the secondary school– to the extent that these elements of the site are infrastructure then they will be funded using the Community Infrastructure Levy which has been fully accounted for.

Outstanding Issues

Viability/deliverability – location of the proposed wording

- St. William: The wording (see the first agreed action relating to viability/deliverability) should also be located in the delivery considerations of the site allocations in order to make it clear that the sites are unviable with the policy requirements.
- LBTH: The location of the wording in the introductory section is considered to be appropriate in order to address viability across all site allocations.

Capacity figures

- St. William: The site allocation should include approximate housing capacity figures (set as a minimum) to give an indication of the level of housing that is expected on site.
- LBTH: The Site Allocations Methodology (SED64) confirms that site allocations are expected to deliver at least 500 homes. The finer details of capacity on individual sites will be addressed on a site by site basis through the development management process.

Signed on behalf of St. William

Stewi3

Date: *26/7/18*

Signed on behalf of London Borough of Tower Hamlets

Philip Wadsworth

Date: *26.17.18*



STATEMENT OF COMMON GROUND

Between the London Borough of Tower Hamlets and St. William

**In respect of representations Bow Common Gas Works (site
allocation 2.1)**

**London Borough of Tower Hamlets
Local Plan**

Statement of Common Ground –Bow Common Gas Works, St. William

Tower Hamlets Local Plan Examination in Public

Date: July 2018

Parties: London Borough of Tower Hamlets (LBTH) and St. William

Issues Discussed

In relation to the representations dated 13th November 2017 submitted on behalf of St William in response to the Local Plan regulation 19 consultation, the following matters have been considered.

1. Viability/deliverability
2. Site allocation maps
3. Land use requirements
4. Design principles
5. Open space
6. Delivery considerations
7. Infrastructure requirements

Agreed Actions

Viability/deliverability

- It is agreed the proposed modification which will be included in the introductory section of the 'Delivering Sustainable Places' chapter addresses matters regarding the viability and deliverability of the site allocation

When determining a planning application, flexibility may be applied to the site allocation requirements, based on an up to date assessment of need and the agreed viability position of the scheme to ensure the site allocation is deliverable in the context of the principles of sustainable development.

Note: While St. William agree on the above wording and its insertion within in the introductory section of the 'Delivering sustainable places' chapter, they would also like the wording to be included in the delivery consideration of the site allocation (see outstanding matters).

Site allocation maps

A minor modification has been made to each map confirming that they are indicative: *For illustrative purposes* (MM204)

Land use requirements

- It is agreed that the following amendment will be made to the employment land use requirement:

Employment: Provision of employment numbers through a range of floor spaces which support small-to-medium enterprises; these can include creative industries and retail.

While the site is not a designated employment area, policy S.EMP1 makes clear that cumulatively non-designated sites can provide a significant quantum of floorspace. It would not be expected that the site would provide significant levels of employment floorspace, nonetheless there is an opportunity to provide some employment floorspace and as such the text within the land use requirements for the site are considered appropriate.

It is not considered, given the nature of gasholders, that they would meet the definition of sui generis industrial functions articulated in paragraph 5.6. As such, there would be no requirement to re-provide the gasholder floorspace as employment space.

It is agreed that the following wording will be included in the delivery considerations:

Given the nature of the gasholders, they fall outside of the definition of sui generis industrial functions. As such, there is no requirement to re-provide the gasholder floorspace as employment space.

Design principles

- Retain the following design principle:

Provide active frontages along the railway to enhance the use and setting of the railway arches as a non-designated heritage asset

It is acknowledged that active frontages do not necessarily mean a commercial use. The objective is to encourage activities in that area/locations so that it doesn't encourage anti-social behaviour. As long as the frontage encourages footfall then it will generally be acceptable. Active frontages should encourage footfall which helps to increase safety and may encourage activation of spaces within the railway arches.

It is agreed that the design principle relating to the family housing overlooking the open space is acceptable as it is an aspiration for the site to achieve good place making.

- Retain the following design principle:

Locate family housing overlooking the publicly accessible open space

It is envisaged that family housing will overlook the publicly accessible open space.

It is agreed the following design principles are acceptable:

- Provide active frontages along the railway to enhance the use and setting of the railway arches as a non-designated heritage asset.
- *Respond positively to the existing setting of the two conservation areas (Tower Hamlets Cemetery and Swaton Road) and the local nature reserve, including as well as the scale, height, massing and fine urban grain of the surrounding built environment. (MM244)*

Open space

- It is agreed that the proposed definition of consolidated open space which will be included in the glossary is acceptable:

"A process of combining open space into a single more effective or coherent whole. The way in which these spaces will function will be assessed on a site-by-site basis and agreed through the development management process. At sites with multiple-ownership, this will mean that

each site has to deliver their proportion of open space adjoining the open space which the adjoining landowner will deliver, or deliver it in such a way that the open space would still form a coherent whole over the entire site allocation. We strongly encourage landowners to work jointly to develop masterplans covering the entire site allocation to ensure consolidation can be achieved whilst balancing the impact on the landowners. Consolidation should also avoid fragmentation of open space and ensure that it fulfils the qualities and function of open space set out in the Open Space Strategy”.

- It is agreed that the following design principle in relation to open space is acceptable and will be retained.

Provide new open space with a minimum size of 1 hectare, which is consolidated and designed to provide multi-functional leisure and recreational uses.

However, the precise details of how the open space will function will be agreed through the development management process, taking account the site specific circumstances.

Delivery considerations

- It is agreed that the following wording will be included within the delivery considerations for the purposes of clarification and context:

Development should acknowledge the associated costs of decommissioning the gasworks and the relocation of any significant equipment and address any environmental pollution and on site decontamination requirements caused by the gasworks.

Outstanding Issues

Infrastructure requirements

- Provision of a secondary school

Design principle (associated with the secondary school)

- Ensure safe pedestrian and cycling access to the secondary school

Viability/deliverability – location of the proposed wording

- St. William: The wording (see the first agreed action relating to viability/deliverability) should also be located in the delivery considerations of the site allocations in order to make it clear that the sites are unviable with the policy requirements.
- LBTH: The location of the wording in the introductory section is considered to be appropriate in order to address viability across all site allocations.

Housing capacity figures

- St. William: The site allocation should include approximate housing capacity figures (set as a minimum) to give an indication of the level of housing that is expected on site.
- LBTH: The Site Allocations Methodology (SED64) confirms that site allocations are expected to deliver at least 500 homes. The finer details of capacity on individual sites will be addressed on a site by site basis through the development management process.

Signed on behalf of St. William

S. Lewis

Date: 26/7/18

Signed on behalf of London Borough of Tower Hamlets

Philip Widdowson

Date: 26/7/18