

Spitalfields Neighbourhood Plan London Borough of Tower Hamlets Regulation 16 Response

1. This document forms the response of the London Borough of Tower Hamlets (“the Council”) to the Regulation 16 consultation on the Spitalfields Neighbourhood Plan, as prepared by the Spitalfields Neighbourhood Forum (“the Forum”).
2. The Council is supportive of the aims and intentions of the neighbourhood plan, which seeks to protect the extensive heritage of the Spitalfields area, protect local green spaces, encourage further greening of the area, and deliver affordable workspace. A lot of work has gone into the neighbourhood plan during the five years since the Spitalfields Neighbourhood Forum was first designated, and we commend the Forum on a thoughtful, well-written plan that has been the product of much engagement with the local community.
3. We also note that the Forum has carefully taken into account the Council’s Regulation 14 consultation response, and has set out in the Consultation Statement how and why our proposed changes have or have not been incorporated into the submission draft of the plan. We are satisfied with the Forum’s response in this regard.
4. Following this consultation, the neighbourhood plan will be submitted to an independent examiner, who will determine whether the plan meets the ‘basic conditions’ as set out in the Town and Country Planning Act (TCPA) 1990, Schedule 4B, Section 8(2). The Council’s position on each of these basic conditions is set out below.
5. Where textual changes are suggested throughout this document, deleted text is indicated in strikethrough, and new text is indicated in red.

The Basic Conditions

6. ***Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order:*** With regard to this basic condition, the Council is generally satisfied that the neighbourhood plan is in line with national planning policy and guidance. None of the policies contradict national policy, and all policies are evidenced and explained.
7. Paragraph 16(d) of the National Planning Policy Framework (NPPF) states that plans should “contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”; and the Neighbourhood Planning PPG states that “a policy in a neighbourhood plan should be clear and unambiguous” (ID 41-041-20140306). In this regard, we have some suggestions for minor changes of wording that are needed to ensure policies and their supporting text have sufficient clarity.
8. Policy SPITAL4, Clause B should include a reference to the urban greening factors in the London Plan, to be clear that these factors are the ones that a development’s score will be based on – this context is set out in the supporting text, but a minor change would clarify the policy text as well. The policy also refers to the B1 use class, which has been removed by recent changes to the Use Classes Order, and this wording should be updated to reflect this. We suggest the following changes are made: “All major residential development proposals must seek to achieve

an Urban Greening Factor (UGF) score of at least 0.4 and all major ~~Class B1 commercial office,~~ **research and development, or light industrial** schemes a UGF score of at least 0.3, **based on the factors set out in London Plan Policy G5**".

9. Similarly, the supporting text in paragraph 5.9 should be updated to reflect the change to the Use Classes Order. We suggest the following: "In the absence of a target in a lower tier plan, draft London Plan Policy G5 (Urban greening) proposes a UGF score of 0.4 for predominantly residential development and 0.3 for predominantly ~~B1 commercial office,~~ **research and development, or light industrial** development (~~offices and light industrial~~)."
10. Policy SPITAL5, Clause B currently states that "local policy for managing development on a Local Green Space should be consistent with national planning policy for Green Belts". The intention here is clearly in line with national policy, and the wording reflects that of paragraph 101 of the NPPF – however, we feel a slight re-wording is necessary for clarity. The wording in the NPPF reflects that the purpose of that document is, at least in part, to direct how local authority planning policy should be written. The purpose of the neighbourhood plan is different, as it forms part of that local policy, and should instead set out how decisions are made on development proposals. We suggest the following change is made: "~~Local policy for managing~~ **Decisions on planning applications for** development on a Local Green Space should be consistent with national planning policy for Green Belts".
11. In paragraph 6.12, which is supporting text to Policy SPITAL7, the wording of the penultimate sentence is unclear – it appears to exclude the possibility of affordable workspace being managed by a provider that is part of a Council-approved list, which we assume is not the intention. We suggest the following change: "Applicants can manage the space either themselves or in association with a provider, **whether chosen from an approved list prepared by the Council or otherwise** ~~not included on an approved list, provided the terms can be agreed with the Council~~".
12. The Neighbourhood Planning PPG also states that "wider community aspirations than those relating to the development and use of land, if set out as part of the plan, would need to be clearly identifiable (for example, set out in a companion document or annex), and it should be made clear in the document that they will not form part of the statutory development plan" (ID 41-004-20190509). We suggested in our Regulation 14 response that the neighbourhood plan needed to provide greater clarity of the status of the appendices. The Forum has taken this into account, and added text at paragraphs 1.9 and 1.10 to reflect this. That text notes that appendices A and B relate directly to Policy SPITAL1 and should be read in conjunction with it – when a decision-maker applies SPITAL1 to a development proposal, they will need to use appendices A and B to evaluate the proposal. Appendix C is noted to be part of the evidence base for Policy SPITAL5, but does not directly impact on the implementation of that policy; and appendix D is said to be for information purposes only.
13. There is clearly a very different status between the first two appendices and the latter two. Given this, it is still the Council's position that it would provide more clarity if appendices C and D were removed from the neighbourhood plan and provided as part of a suite of companion documents, in the same way as the rest of the evidence base. To be clear, we have no argument with the content of the appendices; this suggestion is simply to ensure there is a clear and unambiguous separation between what is policy and what is not.

14. ***The making of the order contributes to the achievement of sustainable development:*** The Council has no objections in relation to this basic condition, and we believe that the policies of the plan will contribute to sustainable development in social, economic, and environmental terms.
15. ***The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area):*** The Council has not identified any areas where the neighbourhood plan conflicts with the policies in the Local Plan or the London Plan.
16. ***The making of the order does not breach, and is otherwise compatible with, EU obligations:*** The Council is not aware of any areas where the neighbourhood plan breaches any EU obligations as transcribed into UK law. To assist the Forum in this regard, the Council published a Strategic Environmental Assessment and Habitats Regulation Assessment screening exercise on 12 October 2020. The finding of that screening exercise was that full SEA or HRA were not necessary. This conclusion was supported by the three statutory consultees – the Environment Agency, Natural England, and Historic England.
17. ***Prescribed conditions are met in relation to the order and prescribed conditions have been complied with in connection with the proposal for the order:*** The Neighbourhood Planning PPG sets out one prescribed order relating to neighbourhood plans, which is compliance with the Habitats Regulation Assessment procedure (ID 41-079-20190509). As noted in the previous paragraph, the Council has undertaken an HRA screening exercise of the neighbourhood plan, and concluded that a full HRA is not necessary.

Referendum Area

18. The TCPA 1990 also sets out, in Schedule 4B, Section 8(1), other things that the examiner must consider in assessing the neighbourhood plan, as well as whether the plan meets the basic conditions. One of these issues is the area in which the referendum should take place, and whether this should be identical with the neighbourhood area or extend beyond it. We believe that the referendum area should be identical with the designated neighbourhood planning area.

Other Issues

19. We note some references to the 2016 London Plan and the ‘intend to publish’ version of the new London Plan, which may need to be updated by the time the examiner’s report is submitted, if the new London Plan has been adopted by that time. If the new London Plan is adopted, references to the 2016 London Plan or the ‘intend to publish’ London Plan should be updated to refer to the 2021 London Plan.
20. Point 6 of table 4.1 on priority heritage projects for CIL funding states that “the seats should be designed to prevent people sleeping on them”. This is a form of design that is often referred to as ‘hostile architecture’ or ‘exclusionary design’, which aims to restrict the range of behaviours that can be undertaken in public spaces with the aim of reducing the perception of crime or

antisocial behaviour. However, in doing so, they also contribute to the perception of public spaces as controlled, restricted, and only available for the 'right type' of person.

21. Strategies already exist to reduce rough sleeping, including the Mayor of London's Rough Sleeping Plan of Action and the Tower Hamlets Homelessness and Rough Sleeping Strategy. These strategies aim to prevent rough sleeping through the provision of appropriate social services, but will take time to be fully implemented. The level of rough sleeping in the borough is also likely to be impacted by London-wide and national economic trends that are not entirely within the borough's control. While rough sleeping continues to take place within London, hostile architecture strategies do nothing to address the root causes of the problem, and only punish those experiencing homelessness, and push the problem into other areas.
22. We are not aware of any national, regional, or local planning policy that explicitly stands against hostile architecture of this kind, and it is therefore difficult to argue that this requirement in the neighbourhood plan breaches any of the basic conditions. However, for the reasons stated above, we would not encourage this kind of hostile architecture to be mandated as part of a planning document.

Conclusion

23. The Council is of the view that with some minor changes to aid clarity, the Spitalfields Neighbourhood Plan will meet the basic conditions required of neighbourhood plans, and should be recommended to proceed to the referendum stage.