

Main Modifications Consultation Representations Table

M M Rep No	Respondent Name	MM Commented On	Comment
1	Scott Hudson on behalf of Aviva Investors	MM2	<p>Whilst we support strongly, in principle, flexibility in relation to developer contributions and viability, we do not consider Emerging Policy D.SG5 Modifications 2. and 2.46 to be sufficient in relation to flexibility on all sites. These modifications state that for allocated sites only, the policies set out in the DLP may be applied flexibly to ensure that sites are viable and deliverable. To increase the delivery of homes in the borough and bring Policy D.SG5 further in line with Adopted London Plan Policy 3.11 (Affordable Housing Targets), we propose to extend this flexible approach to all sites within the borough through the following alterations:</p> <p><u>2.For all sites the policies set out in this plan may be applied flexibly to ensure that the sites are viable and deliverable</u></p>
2	Scott Hudson on behalf of Aviva Investors	MM3	<p>Whilst we support strongly, in principle, flexibility in relation to developer contributions and viability, we do not consider Emerging Policy D.SG5 Modifications 2. and 2.46 to be sufficient in relation to flexibility on all sites. These modifications state that for allocated sites only, the policies set out in the DLP may be applied flexibly to ensure that sites are viable and deliverable. To increase the delivery of homes in the borough and bring Policy D.SG5 further in line with Adopted London Plan Policy 3.11 (Affordable Housing Targets), we propose to extend this flexible approach to all sites within the borough through the following alterations:</p> <p><u>2.46 Part 2 seeks to provide flexibility in the determination of planning applications relating to all sites to ensure that development is viable and can be delivered during the plan period, having regard to the provision of infrastructure and other site specific requirements.</u></p>

3	Scott Hudson on behalf of Aviva Investors	MM6	<p>We consider Emerging Policy D.H6 (2.) (Tall Buildings) of the DLP, which requires development of tall buildings to be directed towards designated Tall Building Zones (TBZs), to be restrictive and inflexible. This policy would have the effect of unnecessarily constraining development and design on sites outside of these zones, and would therefore not be effective in its delivery. Given the prescriptive nature of Emerging Policy D.H6, it could be held that it is not consistent with Draft London Plan Policy D6 (Optimising Housing Density) which seeks to optimise the use of land through a design led approach with regard to context, connectivity, infrastructure and capacity.</p> <p>Given this, we welcome the proposed addition to Emerging Policy D.H6 of (3.) which indicates support in the siting of tall buildings outside of TBZs and proposes a design led approach to mitigating the impact of tall building which makes D.H6 compliant with Draft London Plan Policy D6. Whilst in principle, as stated we support this addition, for greater clarity on circumstances when support for such developments will be given, we propose the following alteration to D.H6 3.</p> <p><u>a.be located in areas with high levels of public transport accessibility (PTAL 4-6) as defined in London Plan Policy 3.4 (Optimising Housing Potential)</u></p>
4	Scott Hudson on behalf of Aviva Investors	MM8	<p>As previously stated, we strongly advocate a flexible approach to DLP Policy when considering the viability and deliverability of sites within the borough. In line with this, we welcome DLP Policy S.H1 (Meeting Housing Needs) parts 2. a. ii) and iii) which state affordable housing delivery within the borough will be subject to viability, as well the proposed modification to Paragraph 4.18 of removing 'in exceptional circumstances' when describing sites where lower levels of affordable housing may be acceptable. In addition to S.H1 we propose a modification which provides greater clarity to Part a) iv) and makes it consistent with the rest of the policy:</p> <p><u>iv)requiring a mix of rented and intermediate affordable tenures to meet the full range of housing needs (subject to viability)</u></p>

5	Scott Hudson on behalf of Aviva Investors	MM17	<p>Policy D.ES7 (A Zero Carbon Borough) Part 2 seeks maximum energy efficiency on all 'major' non-residential developments within the borough by requiring that those developments meet or exceed a BREEAM rating of 'excellent'. In order to make this policy effective in its delivery and compliant with the Adopted and Emerging London Plan as well as with the Town and Country Planning (Development Management Procedure) Order 2015, being key regional and national documents which define 'major development' as that which exceeds 1,000 square metres, we propose the following alterations to D.ES7:</p> <p><u>a.All new non-residential development over 1,000 square metres floorspace must meet or exceed BREEAM 'excellent' rating.</u></p> <p><u>b.All non-residential refurbishment of existing buildings and conversions over 1,000 square metres floorspace (gross) must meet at least BREEAM non-domestic refurbishment 'excellent' rating.</u></p>
6	Tom Lawson on behalf of Ballymore Group	MM2	<p>We strongly support the new criteria for the policy on developer contributions as detailed below.</p> <p><i>2. For site allocations the policies set out in this plan may be applied flexibly to ensure that the sites are viable and deliverable.</i></p> <p>The recognition of the importance of strategic site allocations and associated infrastructure as catalyst for regeneration is supported. Reducing the burden on developers at application stage can help unlock these difficult sites promoting development and other infrastructure which in turn can itself unlock future sites.</p>

7	Tom Lawson on behalf of Ballymore Group	MM6	<p>We support the Council in the flexibility afforded by the amendments to policy D.DH6. The acknowledgement that tall buildings may be acceptable outside of designated areas is important in recognising the growing need for the sustainable densification of London.</p> <p>The relaxation of the step-down approach with tall building clusters is also supported in acknowledging the multitude of urban design and massing approaches which can facilitate good design. This is especially pertinent for the approach to the Canary Wharf Cluster recognising the importance of One Canada Square but also the need for substantial new development in the area. The removal of the step-down approach provides alternative means for retaining the substantial presence of the building within both close and wider views as creates flexibility for emerging development proposals.</p>
8	Tom Lawson on behalf of Ballymore Group	MM8	<p>We continue to support the Council on the ambitious housing targets adopted and the commitment to ensuring compliance with the draft New London Plan.</p> <p>We also support the Council in promoting the voluntary ‘first dibs’ offer to the Mayor of London through supporting text and not within policy. This enables developers to ensure a flexible approach to a multitude of housing products while ensuring the overarching demand from Londoners is met.</p>
9	Tom Lawson on behalf of Ballymore Group	MM9	<p>As stated above we support the Council in clarifying the intended approach to incremental development. S73 applications and amendments are common place and key to the effective and efficient delivery of schemes.</p> <p>Furthermore the above approach follows guidance from the draft London Plan set out by Mayor of London and need for conformity between the plans it is important that the two policies relate.</p>
10	Tom Lawson on behalf of Ballymore Group	MM15	<p>We strongly support the additional text introduced for policy D.OWS4 which gives greater clarity on the definition of the character of Water Spaces. The acknowledgment that development can bring forward positive impacts on the existing spaces is supported especially given the isolated nature of many of the dockside spaces with Tower Hamlets and the desire to address the open space deficiency within the Borough.</p>

11	Canal & River Trust	MM1	<p>It is disappointing that applicants for major developments will no longer be required to complete and submit a rapid health impact assessment as part of the planning application. We considered this to be a key way in which developers, the council and other stakeholders could consider how developments could achieve the aims of part 8 of the NPPF. If this was considered to be too onerous a burden to place on all major developments then we suggest that thought should have been given to an alternative trigger, such as developments referable to the Mayor of London. It is unfortunate that the plan will now require only applications for major developments in areas of sub-standard air quality, developments that are widely perceived to have an adverse impact on health or those where an improvement to health may be part of the justification for the development to be accompanied by a health impact assessment. This may result in potential adverse impacts of other forms of development not being identified and/or opportunities for improvement being missed. We do not consider this to be the most appropriate strategy and, therefore, unsound.</p> <p>We suggest that either the proposed changes are not made or point (a) is amended to refer to major developments referable to the Mayor of London.</p>
12	Canal & River Trust	MM6	<p>The proposed changes to parts (j) and (k) would result in developments of tall buildings being required to 'mitigate negative impacts' on the 'microclimate and amenity of the application site and the surrounding area' and 'biodiversity and open spaces, including watercourses and water bodies and their hydrology'. We believe that it is unsound for the plan not to expect developments to seek to avoid these adverse impacts in the first instance. We suggest that this is inconsistent with para 127 and 130 of the NPPF, particularly the need to ensure places 'will function well and add to the overall quality of the area' and that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area'. As such, we suggest that the policy would be unsound with this amendment made.</p> <p>We suggest that the proposed changes to (j) and (k) should not be made.</p>

13	Canal & River Trust	MM15	<p>The Trust does not consider the main modification to be sound. The stated rationale for the changes to D.OWS4 is that they ‘provide greater flexibility to development proposals which are water-related or water-dependent’. We question what greater flexibility is provided and suggest that the changes do not overcome the concerns that the Trust had about the soundness of the plan at regulation 19 stage. The changes made to points (b) and (c) appear to, in reality, simply move the protection of openness to a different part of the policy. We’re unclear how a requirement for there to be ‘no adverse impact’ on openness, as in the previous draft, is effectively different from there being ‘no unacceptable impacts on the openness’.</p> <p>The proposed change to the supporting text would see the following text inserted into the supporting text:</p> <p><i>The sense of openness greatly contributes to a person’s perception and enjoyment of water spaces. This is of particular importance in a borough like Tower Hamlets where there is a high deficiency of open space. When assessing planning applications, consideration will be given to the water coverage and human experience of the openness of water space in terms of its visibility and visual connections across the water from the surrounding public realm.</i></p> <p>We note that the council has presented no evidence to justify the assumption that ‘the sense of openness greatly contributes to a person’s perception and enjoyment of water spaces’. As well as boating (powered and unpowered) being a leisure activity for many users of the Trust’s waterways, we would suggest that the presence of activity on water is part of the character of waterways that attracts some visitors. The enjoyment of watching boats navigate waterways has even led to the term ‘gongoozler’ being included in the Oxford English Dictionary. Within the borough, businesses operating on the Trust’s waterways provide a variety of opportunities for people to spend time on or near water. The Trust also believes that having people undertaking activities on waterways can help to provide valuable natural surveillance for towpath users, which in turn increases the opportunities for these to have wellbeing and sustainable travel benefits.</p> <p>Our representations at regulation 19 stage highlighted how, on this point, we agree with the finding in the Council’s Water Space Study that sections of West India Quay docks are ‘sterile’ and ‘unused’. Within Tower Hamlets, we note that there is strong support amongst the community for on-water uses. The Draft Isle of Dogs Neighbourhood Plan states (para 5.3.27.4) ‘it would seriously damage the character and attractiveness of the Area if the docks</p>
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		<p>We suggest that the approach proposed in the modifications remains unsound, in that:</p> <ul style="list-style-type: none"> • It is not justified as it does not represent the most appropriate strategy for the borough’s waterspaces. Reasonable alternatives do not appear to have been considered and there is no evidence to justify the central premise of protecting openness because it is a key factor in people’s enjoyment of waterspaces. • It is not consistent with national policy as this (para 154 of the NPPF 2012) requires that only policies that provide a ‘clear indication of how a decision maker should react to a development proposal should be included in the plan’. The plan does not explain how the requirement to protect openness relates to the support for water-related uses that are otherwise supported by the policy. • It is inconsistent with policies 7.27 and 7.30 of the current London Plan, which identify docks and basins as locations that moorings should be directed towards. <p>We have no objection to the proposed amendment to (a), which would require development in or adjacent to water spaces to be of an appropriate scale.</p> <p>We suggest that the amendments to D.OSW4 (b) and (c) should not be made and the proposed new paragraph should not be inserted. We suggest that all of the modifications that we proposed at regulation 19 stage should be made but, in particular, that the following would better meet the justification for a proposed change:</p> <p><i>OSW4</i> <i>(b) there are no adverse impacts on the existing water spaces network, including navigation, biodiversity, water quality, visual amenity, openness and the character and heritage value of the water space, taking into consideration the adjacent land and the amenity of existing surrounding developments</i></p> <p><i>Reason: To ensure that the policy is internally consistent and provides ‘a clear indication of how a decision maker should react to a development proposal should be included in the plan’, in accordance with the NPPF.</i></p> <p>We suggest that the impact of a development on the character of the waterway will naturally include a balanced judgement about qualities that contribute to its character, which may include openness along with other characteristics.</p>
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14	Matthew Sherwood on behalf of Canary Wharf Group	MM6	<p>A proposed Main Modification to the Canary Wharf (Isle of Dogs) 'Tall Building Zone Principles' part of the policy is the insertion of the following text to bullet point 3:</p> <p><i>“The silhouette of One Canada Square should be clearly visible in all relevant strategic views and borough designated views, as defined in policy D.DH4.”</i></p> <p>Amended Figure 6 of the Plan shows both London View Management Framework (LVMF) (2012) (Strategic) and Borough designated views looking towards the Isle of Dogs from both the north and south. It is highly likely that any development on the Isle of Dogs that falls within these views will impact on the visibility of the silhouette of One Canada Square. Below is an image that was appended to our Matter 8: 'Heritage, Design and Tall Buildings' Hearing Statement which shows submitted (red), consented (yellow/blue) and under construction/completed (green) schemes on the Isle of Dogs:</p> <p>[3D model image inserted]</p> <p>A further image that is appended to our Matter 8 Hearing Statement shows these schemes in LVMF view 5A.1 from Greenwich:</p> <p>[Silhouette skyline image inserted]</p> <p>The proposed modified policy text is ambiguous as to whether it should be all; part; the top etc. of the silhouette of One Canada Square that should be “clearly visible” but as the above image demonstrates, half of One Canada Square will be obscured when the building outlined in green is completed. It is therefore somewhat perverse and confusing for the Council to include this wording, which if applied today could not be complied with and is already contrary to the reality. This does not provide a clear indication of how a decision maker should react to a development proposal contrary to paragraph 154 of the NPPF.</p> <p>We have also referred in previous Representations to the lack of detail around Borough Designated Views set out in the Council's evidence base. Whilst the 'Tower Hamlets Local Plan Topic Paper:</p>
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			<p>Views & Landmarks' (2018) (Examination Library Ref. SED15) provides a written description of the Borough Designated Views it is still unclear exactly what the view comprises. By comparison, the LVMF makes this very clear with regard to the views it describes through the use of photographs and precise Assessment Point Details. We would also add that the LVMF gives no specific protection to the silhouette of One Canada Square. The Local Plan should not be introducing guidance with regard to how LVMF (Strategic) views are considered and assessed, it has no place to.</p> <p>Given the above, we do not believe that this additional policy text has been properly thought through; no new evidence has been produced to justify it; and it will only serve to restrict growth in an area which is a focus for significant development and key to delivering the borough's development requirements over the Plan period as well as the GLA's housing and employment targets for the Isle of Dogs Opportunity Area.</p> <p>For these reasons the proposed modification is unsound and the proposed text should be deleted in full.</p>
15	City of London Corporation	MM6	<p><u>Ref 1 – Modification to sites outside tall buildings clusters (part 3)</u> Col would support additional text (new 4.d) for tall buildings to demonstrate how they will not undermine the prominence and/or integrity of existing landmark buildings and tall building zones Sound Y Legally compliant Y Any suggested changes N</p> <p><u>Ref 2 – Multiple changes (part1)</u> Col would support recognition of change in character Col would support use of the word 'designated' to recognise townscapes and landscapes Col would support diversity of use at ground floor of tall buildings Col would support policy recognition to mitigate against negative impacts on the microclimate, amenity, biodiversity and water Sound Y Legally compliant Y Any suggest changes N</p>

			<p><u>Ref 3 – Change to the Canary Wharf cluster definition and wording of LVMF</u> COL would support the expectation that tall buildings would be expected to positively contribute to the skyline of strategic importance. LVMF views from Alexander Palace and Parliament Hill and River Prospects of Waterloo Bridge, Jubilee Gardens and Queens Walk site Canary Wharf as notable. Sound Y Legally compliant Y Any suggest changes N</p> <p><u>Ref 7 – As per Ref 1</u></p> <p><u>Ref 8 – Para 3.75 Amplification of policy for sites outside tall building clusters</u> This is amplification to the policy re-wording and to ensure that tall buildings would contribute positively to the character of the site and surrounding area, which COL would support particular where located adjacent to City boundary. Sound Y Legally Compliant Y Any suggested changes N</p> <p>No changes.</p>
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16	Julian Carter on behalf of EID (General Partner) LLP	MM12	<p>This consultation response relates specifically to the wording of Policy D.TC3: Retail outside our town centres After paragraph 6.31.</p> <p>The wording states: <i>“The Central Activities Zone and Tower Hamlets Activity Areas have a unique role in the town centre hierarchy. New retail uses may be appropriate in these areas, especially those of a smaller scale, where they would not detrimentally affect the vitality and viability of Major, District or Neighbourhood Centres. We take a judgement-based approach to proposals within these areas and a sequential test and/or impact assessment may still be required where a proposal has a potentially adverse impact on a Major, District or Neighbourhood Centre.”</i></p> <p>We consider this to unnecessarily prejudice against other suitable mixed use locations that are not in the CAZ or the Activity Area. This could prevent appropriate development from coming forward which would therefore impact on the delivery of economic developments within the Borough, calling into question the soundness of the plan. We consider that an amendment to the wording of the policy is required to ensure that the plan is consistent with national policy and is therefore sound.</p> <p>In order to increase the flexibility of the policy and allow for the optimisation of suitable development sites we seek the following textual amendment to the policy: <i>“The Central Activities Zone, and Tower Hamlets Activity Areas <u>and other highly accessible mixed use locations</u> have a unique role in the town centre hierarchy. New retail uses may be appropriate in these areas, especially those of a smaller scale, where they would not detrimentally affect the vitality and viability of Major, District or Neighbourhood Centres. We take a judgement-based approach to proposals within these areas and a sequential test and/or impact assessment may still be required where a proposal has a potentially adverse impact on a Major, District or Neighbourhood Centre.”</i></p>
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17	Lucinda Rogers	MM2	<p><i>Policy D.SG5: Developer contributions Part 2</i></p> <p><i>2. For site allocations the policies set out in this plan may be applied flexibly to ensure that the sites are viable and deliverable.</i></p> <p>= Invalid change.</p> <p>The same applies to this addition. Flexibility has not delivered the housing that is needed across London yet flexibility continues to be used in planning at the request of developers. This is not sustainable and needs to be reformed. Viability testing is under resourced, not fool-proof and cannot be relied on to ensure fair contributions.</p>
18	Lucinda Rogers	MM6	<p><i>MM6 c. enhance the character and distinctiveness of an area without adversely affecting established designated valued townscapes and landscapes (including building/roof lines) or detracting from important landmarks, heritage assets, key views and other historic skylines, and their settings;</i></p> <p>= Invalid change.</p> <p>This change is detrimental to the value and integrity of local neighbourhoods because it requires a place to have an official designation (it does not say what kind) in order to be protected. The process of creating official designations is slow, inefficient and at the whim of the Council. If enough people say a place is “valued”, this should make it a consideration.</p> <p><i>MM6 j. demonstrate that the development mitigate negative impacts does not adversely impact on the microclimate and amenity of the application site and the surrounding area;</i></p> <p><i>MM6 k. demonstrate that the development mitigate negative impacts does not adversely impact on biodiversity and open spaces, including watercourses and water bodies and their hydrology;</i></p> <p>= Invalid change.</p> <p>There is a significant difference between avoiding negative impacts and the so-called mitigation of them. This is an unacceptable change and favours developer interests at the expense of biodiversity, open spaces, microclimates and waterways, which there is a strong and urgent need to look after in line with NPPF 2, 15, 14 and so on.</p>

19	Lucinda Rogers	MM8	<p><i>S.H1H1:Meeting housing needs Paragraph 4.18</i> <i>Lower levels will only be accepted in exceptional circumstances where robustly justified through viability evidence and where it is demonstrated that there are clear barriers to delivery.</i> = Invalid change.</p> <p>“In exceptional circumstances” should remain, as it is a stronger way to express the need to achieve correct levels of affordable housing. The collection of viability evidence is subject to error and should not be relied on.</p> <p>Paragraphs 4.17/4.18 5. Residential development should encourage increased housing sales to Londoners, preferably for owner-occupation. = Invalid change.</p> <p>Reference in policy to housing sales to Londoners should NOT be deleted. This major concern should be reflected in the policy. It is not sufficient to reference a GLA scheme and remove the issue from policy.</p>
20	Lucinda Rogers	MM9	<p><i>D.H2 Affordable housing and housing mix</i> <i>Paragraph 4.37</i> <i>The use of the fast track threshold approach where the unit mix and affordable housing product split is not being met must be confirmed as acceptable by our affordable housing team.</i> = Invalid change.</p> <p>This addition is a sad capitulation to developers and should be removed. What is the point of having a fast track approach if the rules can be broken? Why is the Inspector seeking to undermine those rules?</p>

21	Lucinda Rogers	MM12	<p><i>Policy D.TC2: Protecting retail in our town centres</i></p> <p><i>3. Within the Secondary Frontages, development should will be expected to: a. contribute to achieving a minimum of 40% ensure the proportion of ground floor units within as A1 (retail) use does not fall below 40% of the total number of units within the Secondary Frontage;</i></p> <p>= Invalid change.</p> <p>The policy is trying to retain retail / non-residential in our town centres. Below 40% will not qualify as a retail area. Workspace can replace retail and be flexible. It is unacceptable to prevent the Council trying to retain 40% retail / non residential use on the grounds of 'flexibility' when the result will be to undermine the town centre.</p>
22	Lucinda Rogers	MM15	<p><i>Policy D.OWS4: Water spaces</i></p> <p><i>The sense of openness greatly contributes to a person's perception and enjoyment of water spaces. This is of particular importance in a borough like Tower Hamlets where there is a high deficiency of open space. When assessing planning applications, consideration will be given to the water coverage and human experience of the openness of water space in terms of its visibility and visual connections across the water from the surrounding public realm.</i></p> <p>This is a good addition to the policy and the deficiency of open space is acknowledged.</p>
23	Lucinda Rogers	MM16	<p>Likewise the addition on Trees is good: <i>Due to the environmental importance of trees, at least a 'one-for-one' replacement rate is required for any trees affected by a development (see part 1 above). Where we are convinced these cannot be incorporated on site, we will consider the provision of a replacement tree on a suitable site, as close to the development as possible. We will also expect developments to incorporate additional trees, wherever possible. ETC</i></p>

24	Lucinda Rogers	MM19	<p><i>Part 4: Delivering Sustainable Places, after paragraph 1.7</i> <i>Addition: When determining a planning application, flexibility may be applied to the policies relating 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.</i> = Invalid change.</p> <p>It appears this addition along with others are the subject of a legal agreement / statement of common ground between Tower Hamlets and St William (see link). Yet this paragraph applies not just to St William site but all others. Is it right that the Council is arranging some kind of private deal over common ground that applies to policy covering all sites across the Borough? It is wrong and should not be allowed.</p> <p>In this addition, what is the “agreed viability position of the scheme”? At what point is this position agreed and how long does it last before developers can turn the figures to their advantage? The addition is poorly worded.</p> <p>Flexibility has not delivered the housing that is needed across London yet flexibility continues to be used in planning at the request of developers. This is not sustainable and needs to be reformed.</p> <p>For years, across the borough, it has been seen that if developers are refused permission they come back again with more acceptable schemes. They are not put off by having restraints.</p> <p>https://www.towerhamlets.gov.uk/Documents/Planning-and-buildingcontrol/Strategic-Planning/Local-Plan/Submission_2018/St_William_Marian_Place_The_Oval_Statement_of_Common_Ground.pdf</p>
25	Lucinda Rogers	MM21	<p><i>Marian Place Gas Works and The Oval site allocation (1.3)</i> <i>The gasholders do not accommodate any employment floorspace and therefore this floorspace does not need to be re-provided as part of any new scheme.</i></p> <p>I think this consideration should be for the site-specific plans when they are made, not part of the overall Policy because circumstances change and the need for employment / workspace is a valid consideration. There are other points made in the Statement of Common Ground which the Inspector should consider.</p>

26	Mayor of London	MM2,MM19	Delivering Sustainable Places, after paragraph 1.7: Object to the additional text. The additional text is not required as planning policies can be applied flexibly subject to the submission of a viability assessment.
27	Mayor of London	MM8 and throughout	Welcome the use of 'major development' ie 10 units or more as the threshold for the provision of affordable housing. This is in line with the current and draft new London Plans and the NPPF 2018.
28	Mayor of London	MM8	Paragraphs 4.17/4.18: Support the new paragraph and footnote which refers to the Mayor of London's voluntary 'first dibs' offer on new homes.
29	Mayor of London	MM9	Paragraph 4.37: The additional text should also make reference to the 50% threshold that applies to public sector land and industrial sites in line with the Mayor's Affordable Housing and Viability SPD and draft new London Plan policy H6.
30	Mayor of London	MM23	<p>Object to the additional text. The use of 'development' is unclear. In line with the PPG, development should be policy compliant. Where a scheme cannot meet a policy requirement a viability assessment can be submitted. It is in the viability assessment that abnormal costs should be taken into consideration through the benchmark land value.</p> <p>Delete the additional text or amend to read:</p> <p><i>Development should Where appropriate, the viability assessment can acknowledge the associated costs of decommissioning the gasworks and teh relocation of any significant equipment and address any environmental pollution and on site decontamination requirements caused by the gasworks.</i></p>
31	Mayor of London	MM26	Strongly welcome the additional text which is needed to ensure DLR operations and services.
32	Mayor of London	MM28 and other site allocations around North Quay and Billingsgate	Sites such as North Quay and Billingsgate should also play a role in delivering the improvement and enhancement of north-south infrastructure across Aspen Way up to Poplar High Street.

33	Mayor of London	MM29	The Site Allocation boundary should be updated to reflect the most recent planning application. The planning application has a red line boundary that includes Poplar footbridge and the link up to Poplar High Street.
34	Mayor of London	MM31	Welcome the inclusion of new mode share indicators and targets within the draft Plan that look to support travel to, from and within the borough by sustainable modes. Welcome the inclusion of a new public transport crowding indicator and target.
35	Michael Byrne	MM2	this unacceptably waters down the whole of the plan and actually reduces clarity. By allowing a 'flexible' approach to the implementation of the plan, this allows for parts of the plan to be ignored completely under the guise of flexibility. Where does flexibility start and end? It's just too woolly and allows for wholesale re-interpretation of the plan making a mockery of all of the effort that has gone into it (MM19 expresses it better, but is still too woolly);
36	Michael Byrne	MM6	point 3 changes significantly tone down the benefits of tall towers and major developments. For example, the previous version requires public space and transport improvements, but this new version requires almost no improvements for residents of the borough;
37	Michael Byrne	MM8	Policy S.H1 – paragraphs 4.17/4.18 – this change goes against local views. The local view is already that new housing is not for local people; the original statement was well received as something that can possibly turn that corner, but removal just re-enforces the view that new housing adds nothing for local people.
38	Michael Byrne	MM10	the reduction in provision of disabled accommodation is very unwelcome. It's difficult to find statistics on the level of disability amongst students, but we know two things – disability levels within children is about 7% and this increases with age, so anything less than 8% would be lower than the population as a whole – this excluding almost half of disabled students. Data from the government can be found here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/600465/family-resources-survey-2015-16.pdf it's possible that not all disabled rooms need to be wheelchair accessible, but it needs to allow for disabled students and perhaps a little more work could be done by the council to understand the real requirements

39	Michael Byrne	MM20	I think you need to be more specific around what kind of bus facilities you're talking about. You're not talking about supplying the buses themselves, but most bust stops are on the road, so what are you really talking about?
40	Michael Byrne	MM23	why would a developer be responsible for relocation of gas company equipment? It should either be the gas company itself or the equipment should be sold to cover costs.
41	Michael Byrne	MM28	why has the access to the Elizabeth line access been removed?
42	Julian Carter on behalf of New City College	MM6	<p>This consultation response relates specifically to the inclusion of the reference to the silhouette of One Canada Square within the Canary Wharf (Isle of Dogs) section of the Tall building zone table and the rewording of the building heights within Canary Wharf section of the table.</p> <p>The modification states that 'Building heights within the Canary Wharf cluster should step down from the central location at One Canada Square'. The modification has replaced the phrase 'drop away' with 'step down'. The modification also adds in the wording 'The silhouette of One Canada Square should be clearly visible in all relevant strategic views and borough designated views, as defined in policy D.DH4.'</p> <p>Turning first to modification regarding the silhouette of One Canada Square. It is acknowledged that the tall building cluster at Canary Wharf has contributed to the creation of a skyline of 'strategic importance'. Whilst individual buildings, such as One Canada Square, are considered to represent an iconic image of Canary Wharf, it is not the silhouette of the induvial buildings that forms the strategic skyline but rather the silhouette of the cluster itself. Therefore it is the silhouette of the cluster rather than individual buildings such as One Canada Square, that should remain visible in strategic and Borough views.</p> <p>To ascribe strategic importance to silhouette of One Canada Square in all views is to attach an inappropriate level of significance to a single component of the Canary Wharf skyline, potentially to detriment of both housing and economic delivery elsewhere in the Borough.</p> <p>There are four designated borough views located to the north of Apsen Way, view 3 (Regent's Canal), 4 (Salmon Lane), 5 (Langdon Park) and 6 (East India Dock Road). The protection of the silhouette of One Canada Square is far more restrictive than the protection of the silhouette of the cluster as a whole because the requirement for the</p>

		<p>silhouette of One Canada Square to remain visible in the Borough views, could prevent development of height coming forward north of Aspen Way between the viewpoints, that could otherwise be considered acceptable. This further restricts the ability for the optimisation of sites, which conflicts with the direction of both the NPPF and the London Plan, which both promote the optimisation of land.</p> <p>This restriction will impact on the opportunity to deliver the housing and infrastructure requirements outlined in the Aspen Way site allocation (policy 4.1). The inability to deliver the housing and infrastructure requirements outlined in the policy calls into question the soundness of the plan.</p> <p>The use of the phrase ‘drop away’ vs ‘step down’ was discussed at great length during the inquiry process. The requirement for buildings to step down from One Canada Square is considered to be inappropriate. The stepping down of building heights would require the height of buildings to reduce in regular increments downwards from the height of One Canada Square. This pattern of development conflicts with the existing pattern of development. There are a number of existing tall buildings that are located on the perimeter of the Canary Wharf cluster, therefore resulting in an undulating pattern of building heights. The requirement for building heights to step down from One Canada Square therefore conflicts with the existing building pattern.</p> <p>This further restriction on building heights will impact on the opportunity to optimise development sites and will therefore impact on the delivery of housing and economic developments within the Borough, once again calling into question the soundness of the plan. We consider that an amendment to the wording of the policy is required to ensure that the plan is consistent with national policy and is therefore sound.</p> <p>In order to increase the flexibility of the policy and allow for the optimisation of allocated sites we seek the following textual amendment to the policy:</p> <p><i>Building heights within the Canary Wharf cluster should step down drop away from the central location at One Canada Square. The silhouette of One Canada Square the Canary Wharf Cluster should be clearly visible in all relevant strategic views and borough designated views, as defined in policy D.DH4.</i></p>
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43	Hannah Blunstone on behalf of Queen Mary University of London	MM6	<p>Representations have previously been submitted in relation to the proposed Policy D.DH6 (Tall Buildings). QMUL are understanding of the need to develop policies which direct tall buildings within the Borough, however, are of the view that the proposed wording could be unduly restrictive for development of tall buildings outside of designated ‘Tall Building Zones’, and therefore object to the proposed amended wording of the policy.</p> <p>The concern relates to Part 3(a) which requires that tall buildings are located in areas with high levels of public transport accessibility within town centres and/or opportunity areas. We are of the view that indicating that a building be within a Town Centre and/or an opportunity area and having a high PTAL level is unduly restrictive to development coming forward. For example, Whitechapel is identified as a District Centre in the draft London Plan and Local Plan, has a high PTAL Level, and has seen a number of tall buildings been approved over recent years, but it is not in a Town Centre.</p> <p>Notwithstanding the above comment, Part (a) does not clearly specify what ‘centres’ within the town centre hierarchy would be appropriate for tall buildings². It is considered that the inclusion of Part (c) of the policy is enough to direct development alongside Part (a) as amended below.</p> <p>We would suggest that the policy is worded as follows:</p> <p><i>3. Outside these zones, tall building proposals (including those on site allocations) will be supported provided they meet the criteria set out in part 1 and can demonstrate how they will:</i></p> <ul style="list-style-type: none"> <i>a. be located in areas with high levels of public transport accessibility; within town centres and/or opportunity areas;</i> <i>b. address deficiencies in the provision of strategic infrastructure;</i> <i>c. significantly strengthen the legibility of a Major, District or Neighbourhood Centre or mark the location of a transport interchange or other location of civic or visual significance within the area; and</i> <i>d. not undermine the prominence and/or integrity of existing landmark buildings and tall building zones (taking account of the principles set out in figure 8).</i> <p>The current modifications would mean that the plan has not been positively prepared for future development and growth within the Borough.</p>
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44	Hannah Blunstone on behalf of Queen Mary University of London	MM15	<p>The boundary of QMUL's Mile End Campus fronts the Regent's Canal. One of the key benefits of the campus is the ability to deliver buildings which connect with and celebrate the water space alongside their campus. The proposed inclusion of Part (c) of Policy D.OSW4 (Water Spaces) is not considered to be justified and is not considered to lead to a positively prepared plan.</p> <p>We are of the view that Part (b) of the policy appropriately covers the requirement to maintain openness of the water spaces through the need to ensure no adverse impacts on the visual amenity, character and heritage of the water space. It is also not clear how the LBTH will assess 'openness' and given the strength of the policy wording it is considered that this needs to be clarified so as not to impact on development proposals.</p>
45	Hannah Blunstone on behalf of Queen Mary University of London	MM22	<p>QMUL welcome the proposed changes to the Whitechapel South Site Allocation as it removes the restrictive policy relating to the District Heating Network.</p>
46	Paul Newton on behalf of Sainsbury's Supermarkets	MM6	<p>The robustness of the Tall Buildings Study as an evidence base document and the detailed wording of Policy D.DH6 relating to tall buildings was discussed at length at the Examination and a number of amendments were 'verbally' agreed by LBTH. Unfortunately, a number of these amendments have not been carried forward into the Main Modifications.</p> <p>Part 1 of the policy applies to add developments with tall buildings and sets out a number of criteria (a. to l.) against which proposals would be considered. We set out below our comments in relation to the specific criteria:</p> <ul style="list-style-type: none"> a. No comments. b. At the Examination the requirement for tall buildings to 'achieve exceptional architecture quality' was discussed at length, with the Council agreeing to amend the wording. No changes are proposed as part of MM6. The word 'exceptional' should be replaced with 'a high', to ensure that proposals are deliverable. c. The proposed amendment to replace 'valued' with 'designated' is supported in line with our previous representations.

			<p>d. No comments.</p> <p>e. At the Examination it was agreed that additional clarity would be provided on what was meant by ‘prejudicing further development potential of adjacent/neighbouring sites’ and the specific requirements this should include (for example separation distances). However, no change is proposed by MM6. This should be addressed.</p> <p>f. No comments.</p> <p>g. At the Examination it was agreed that public safety and evacuation routes would be covered by Building Regulations and should therefore be deleted.</p> <p>h. No comments.</p> <p>i. No comments.</p> <p>j. The suggested modification is supported.</p> <p>k. The suggested modification is supported.</p> <p>l. No comments.</p> <p>In relation to Part 3 of the Policy which covers tall building proposals outside of the Tall Buildings Zone, it was agreed at the Examination that criteria a. should also include ‘Housing Zones’ as these also fall under areas of intensification in the London Plan. Further criterion b. as drafted is considered to be unduly onerous and requires additional flexibility. We therefore suggest the insertion of the words ‘seek to’ address deficiencies in the provision of strategic infrastructure.</p> <p>On the basis of the above, and unless the suggested (and agreed amendments) are made, the Policy is not sound as it is not positively prepared, not justified and would not be effective in achieving local and strategic plan outcomes, nor is it consistent with the NPPF.</p>
47	Ben Ford on behalf of St William	MM9	<p>Policy D.H2(2)(d) and Explanation Paragraph 4.36 will have a practical effect on the delivery of Site Allocations which are in multiple landownerships (for example 1.3 Marian Place Gas Works and the Oval).</p> <p>In these cases, applications which might extend an existing development on adjoining land to meet policy requirements such as strategic infrastructure, but which are in separate ownership should not be subject to an affordable housing calculation for the new housing units, based upon the combined number of units across the site. This could result in an unintended policy burden to the Site Allocation.</p> <p>Revised Wording (Paragraph 4.36 Insert After 1st Sentence)</p>

		<p><i>4.356 Part 2 (d) refers to incremental development. <u>This does not relate to extensions in Site Allocations which are in separate land ownerships.</u></i></p> <p>Explanation Paragraph 4.37 We welcome the intention of the explanatory text, however would like to raise the following concerns:-</p> <ul style="list-style-type: none"> • The term “exceptional circumstances” sets an unnecessarily high test. This term has been removed elsewhere in the plan (MM8 paragraph 4.19) because of the inflexibility that arises from it. • The Council and Local Plan Inspector have recognised the need for flexibility in the case of Site Allocations which are subject to challenging development constraints. MM2, MM3 and MM19 are proposed on this basis to ensure that Site Allocations can be delivered. <p>To avoid any ambiguity between MM9 Explanatory Paragraph 4.37 and MM2, MM3 and MM19 we consider that the following revised wording should be applied.</p> <p>Revised Wording (Paragraph 4.37) <i>Developments may be required to meet updated identified needs as a result of monitoring. Where a development proposes to deliver at least 35% affordable housing (to use the fast track approach) and in exceptional circumstances (for example, where applications propose to deliver a significantly higher quantum of affordable housing than 35%, whilst meeting the required affordable housing tenure mix, and/or propose to deliver significant social infrastructure on-site) <u>or where it is demonstrated that the Site Allocation policies require flexibility to ensure that the sites are viable and deliverable</u> we will consider a different housing mix, having regard to the following factors:</i></p> <ul style="list-style-type: none"> • <i>The proposal must meet the tenure split requirements outlined in part 1.</i> • <i>Proposals will be expected to meet our affordable housing product requirements outlined in paragraphs 4.29 and 4.30.</i> • <i>Greater unit mix flexibility can be applied to the market tenure unit mix, as opposed to the unit mix for affordable housing. However, the scheme must still provide a significant proportion of family housing in the market tenure and proposals will be expected to meet our unit mix requirements to deliver family housing in the affordable tenures.</i>
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48	Ben Ford on behalf of St William	MM15	<p>The wording “c. there are no unacceptable impacts on the openness of the water space” may result in ambiguity when read with paragraph 8.51, and in particular the consideration of “the water coverage”. It is unclear what coverage one should be considering (buildings or algae for example).</p> <p>Revised Wording (Paragraph 8.51) <i>8.51 The sense of openness greatly contributes to a person’s perception and enjoyment of water spaces. This is of particular importance in a borough like Tower Hamlets where there is a high deficiency of open space. When assessing planning applications, consideration will be given to the water coverage and human experience of the openness of water space in terms of its visibility and visual connections across the water from the surrounding public realm.</i></p>
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49	Transport for London	Site Allocations	<p>With reference to the updates to Site Allocations within the Local Plan, we are disappointed that many of our comments from the Regulation 19 consultation have not been acknowledged or addressed, for example those relating to Whitechapel South and Crossharbour District Centre.</p> <p>However, we welcome the additional infrastructure requirements including the requirement to re-provide the DLR Poplar Depot for the Aspen Way Site Allocation, which is needed to enable DLR operations and services. This is especially important in context of the successful HIF bid which will enable a fleet of new DLR trains. HIF funding will also help deliver new connections across Aspen Way to/from the Poplar DLR site. However, the improvement and enhancement of north-south infrastructure across Aspen Way should not purely relate to the Aspen Way Site Allocation. Other sites such as North Quay and Billingsgate should also play a role in delivering these connectivity improvements. This is not clearly acknowledged in the Local plan and is a core principle in the emerging South Poplar Delivery Framework Masterplan. Site Allocations in this area should be updated to reflect this to be consistent and ensure that all sites that should play a role do so. For example, in the Main Modifications Report for the North Quay Site Allocation, it is recommended that the Site Allocation Boundary is updated to reflect the most recent planning application. This application has a red line boundary that includes Poplar footbridge and the link up to Poplar High Street. As such, the Site Allocation should be amended to highlight what is expected to be delivered in terms of improving north-south connectivity up to Poplar High Street.</p> <p>The delivery of both strategic and local infrastructure will be reliant on organisations and stakeholders working together to realise the vision of the Local Plan, OAPFs, MTS and London Plan. Achieving a transport system and creating a sense of place that meets the needs of the present and future residents and employees of London requires a substantial funding package. Responsibility for its delivery does not sit with any one organisation and it will require collaboration between TfL, LB Tower Hamlets, the GLA and other stakeholders for it to come to fruition. This includes, for example, identifying and bidding for funding from Government to support the delivery of infrastructure and using evidence to identify the best use of borough CIL. Where appropriate, specific joint-funding strategies should be developed, as highlighted within the Isle of Dogs and South Poplar OAPF.</p>
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50	Transport for London	MM31	<p>Finally, we welcome the inclusion of new mode share indicators and targets within the plan that look to support travel to, from and within the borough by sustainable modes. In addition to this, we also welcome the inclusion of a new public transport crowding indicator and target. We will continue to engage with the borough to understand how this will be monitored and how it will feed into wider public transport planning and development.</p>
51	Transport for London Commercial Development	MM26	<p>TfL CD believes that modification MM26 regarding the Aspen Way site allocation may constrain essential bridging infrastructure from coming forward. The development of the Aspen Way site allocation offers the only opportunity for severance between Poplar and Canary Wharf, caused by the depot and Aspen Way, to be addressed. Local Plan policy provides the best opportunity to ensure that the large-scale site allocations at Aspen Way and in close proximity (eg. North Quay and Billingsgate Market) can come forward in a comprehensive and collaborative way which overcomes this severance and delivers environmental social and economic, improvements in the South Poplar Area.</p> <p><i>1. Modification number MM26 (4.1 Aspen Way site allocation additional Infrastructure Requirements)</i> <i>Relevant Modification text: To be inserted into infrastructure requirements:</i></p> <ul style="list-style-type: none"> - <i>“Reprovision of DLR depot (Transport for London)</i> - <i>“Improvement and enhancement of existing pedestrian bridge over Aspen Way and routes to it.”</i> <p>Modification MM26 is broadly welcome and is in line with the second Statement of Common Ground between TfL CD and the Council. However, the modification and site allocation as it is currently worded fails to promote new and improved north/south pedestrian and cycle etc links across Aspen Way and the DLR depot. As part of any development on the Aspen Way site allocation, it is imperative that a new bridge link over Aspen Way comes forward to address the social, economic and environmental disparities between Poplar and Canary Wharf. Overcoming the severance caused by Aspen Way and the DLR depot in line with the key objectives set out in paragraph 5.4 for the Isle of Dogs and South Poplar sub area in the on page 176 of the Local Plan.</p> <p>The policy focus is currently on improving the existing bridge link over Aspen Way which is included as an infrastructure requirement. However, the existing bridge cannot fully address the issues of severance in the area as improvements would be limited. A new bridge would provide a broader and more direct link from Poplar to Canary Wharf and new Elizabeth Line station addressing the issues of severance in the area and improving economic</p>

			<p>inequalities.</p> <p>To overcome the issues of severance caused by Aspen Way and The DLR depot, the provision of a new bridge link over Aspen Way should be included as an infrastructure requirement within the Site Allocations for Aspen Way, North Quay and Billingsgate Market.</p> <p>Further to this, £291 million Housing Infrastructure Funding has been announced to unlock 18,000 new homes in east London through improvements to the DLR. This includes a £20 million contribution to enabling works for the development opportunity over the DLR depot and a new bridge link over Aspen Way. The funding is conditional on the delivery of housing on the Aspen Way site allocation and funds need to be committed by 2021.</p> <p>Failure to include a new bridge link as an infrastructure requirement within the Aspen Way site allocation and surrounding site allocations introduces additional risk to the ability to use this funding to provide this new link. TfL CD continues to engage with the land owners of surrounding site allocations about the provision of a new bridge link.</p>
52	<p>Paul Latham on behalf of Tom Ridge The Regeneration Practice on behalf of East End Way Group</p>	MM1	<p>The provision of Education Facilities or Publicly Accessible Space in the Local Plan under policy D.SG3 is undermined by questions over the integrity and soundness of all viability testing undertaken for Tower Hamlets Council because of serious anomalies which have been found in Viability Testing for Scheme 14 - Marian Place Gasworks Site undertaken by BNP Paribas Real Estate at page 892 of LBTH Local Plan Viability Assessment December 2017.</p> <p>Refer to our Report attached; “Marian Place Gas Works and the Oval (Site Allocation 1.3 in LB Tower Hamlets Local Plan 2031) - Concerns over the soundness of the Council’s viability testing for Scheme 14- Marian Place Gasworks Site”.</p> <p>A satisfactory and detailed response to our report “Marian Place Gas Works and the Oval (Site Allocation 1.3 in LB Tower Hamlets Local Plan 2031) - Concerns over the soundness of the Council’s viability testing for Scheme 14- Marian Place Gasworks Site” establishing that the Viability Testing for Scheme 14 - Marian Place Gasworks Site undertaken for the Council by BNP Paribas Real Estate included at page 892 of LBTH Local Plan Viability Assessment December 2017 is sound is required to support MM1</p>

53	Matthew Roe on behalf of Unite Students	MM10	<p>It is positive that the student housing policy has been amended with regard to the wheelchair accessibility provision reducing the requirement from 10% - 5%, which is a direct outcome from Unite's input at the examination on 12th September 2018, alongside the GLA's London Plan EIP which also supports this position. This policy amendment is welcomed by Unite and strongly supported in light of the previous representations made.</p> <p>However, Unite are still concerned with part 'a' of the policy which states that 'it must not compromise the supply of land for self-contained homes'. At the EIP there was a lengthy discussion concerning this element where the Inspector questioned the Council on why the draft student housing policy was more stringent than the draft HMO policy (Draft Policy D.H7 'housing with shared facilities (houses in multiple occupation)'. At the EIP, the Inspector subsequently asked the Council to prepare a statement to justify their position on student housing in the context of the wider housing policy. This has been provided in a supporting statement following the examination to respond to the Inspector's comments, however, it is understood that the Council have strengthened their HMO policy instead to respond to the Inspector's comments rather than review the position on the student housing policy to remove part a which is considered contrary to the London Plan and NPPF. Draft Policy D.H7 'houses in multiple occupation' now includes additional wording which states that "applications should seek to address housing need, as outlined in policies S.H1 and D.H2. It is considered this is best delivered through a mixed tenure scheme which could meet a range of housing needs". The draft policy therefore requires proposals for HMOs to meet an identified need.</p> <p>Although Draft Policy D.H7 has been amended in response to the Inspector's comments as detailed above, it is still considered that draft Policy D.H6 needs to further recognise that student housing does not compromise the supply and delivery of land for self-contained homes but in fact contributes towards it. This key policy theme is identified in the Emerging Draft London Plan and this should be reflected at local level as a key priority. Further, it is clear that there is an overwhelming demand for PBSA within the Borough with only one bedspace for every 4.8 students per bedspace (excluding pipeline). Through the recognition of this key policy theme identified in the New Emerging London Plan and appeal decisions, the delivery of PBSA will result in self-contained dwellings being released back into the market and providing wider benefits to the Borough. Thus, PBSA should be positively planned for by Tower Hamlets</p>
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		<p>and there should be flexibility in the policy approach of D.H6 with regard to this requirement (a). It is clear that with the HEI offering in Tower Hamlets that students travel into the borough and some distance. Through the provision of more PBSA the students who study at these HEIs will bring about wider benefits.</p> <p>Unite consider this part of the policy should further be re-worded to ensure the delivery of student housing is not deterred unfairly. This is alongside other mechanisms which have been used to deter the delivery of student housing including CIL, which is highly set as a charging levy in Tower Hamlets on all new student housing schemes. Thus, the delivery and viability of student housing has been adversely impacted in prime Central London locations given an unfair advantage to competing land uses in terms of competitive returns and the deliverability of development.</p> <p>There is a clear need which has been demonstrated for PBSA within Tower Hamlets. Unite believe that greater consideration should be given to the wider benefits and that the delivery of PBSA can bring availability of more conventional forms of housing. As touched on earlier, the deliverability of student housing is paramount to solving the housing crisis in city-regions such as London with student housing known to impact on local housing markets and economies in the following ways:</p> <ol style="list-style-type: none">1. Release of other market housing on to the general market such as the alleviation of concentrations of HMOs to family housing. This can effectively relieve the current pressure of certain areas in the borough currently experiencing high concentrations of HMOs;2. Strong demand for higher quality university product amongst International and Postgraduate students thus stimulating further investment;3. PBSA has played an integral role in allowing the HE sector to expand over the past 20 years;4. PBSA can be far more suitable for certain central location sites, particularly wherein site circumstances would not allow for the levels of amenity space provision required in larger residential schemes. <p>It is therefore considered that the Council have gone far enough with their amendments and this draft policy needs to be brought in line with both the NPPF and the draft London Plan, particularly with regards</p>
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			to part a whereby there are clear appeal decisions and the draft London Plan policy position which confirms that purpose built student accommodation does not compromise the delivery of conventional housing. Our previous representations and relevant appeal decisions appended to this representation. We would therefore recommend that draft policy D. H7 removes the requirement as set out in part a to reflect the discussions at the EIP and bring the draft policy in line with both the draft London Plan and NPPF, as there is significant evidence which confirms that student housing does not compromise the supply of land for self-contained homes.
54	Jonathan Marginson on behalf of Westferry Developments	MM2	We support the additional text to Policy D.SG5 which states '2. For site allocations the policies set out in this plan may be applied flexibly to ensure that the sites are viable and deliverable'. This will ensure that the strategic sites, which are the main vehicle for housing delivery in the borough, remain viable and deliverable.
55	Jonathan Marginson on behalf of Westferry Developments	MM3	We support the additional text which states '2.46 Part 2 seeks to provide flexibility in the determination of planning applications relating to the site allocations (as outlined in section 4) to ensure that development is viable and can be delivered during the plan period, having regard to the provision of infrastructure and other site specific requirements set out in the plan'. This will ensure that the strategic sites, which are the main vehicle for housing delivery in the borough, remain viable and deliverable.
56	Jonathan Marginson on behalf of Westferry Developments	MM19	We support the additional text at paragraph 1.7 which states 'When determining a planning application, flexibility may be applied to the policies relating 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'. This will ensure that the strategic sites, which are the main vehicle for housing delivery in the borough, remain viable and deliverable.

57	Jonathan Marginson on behalf of Westferry Developments	MM29	<p>We consider the change to Site Allocation 4.12 to be sound and support the proposed modification. Removal of the leisure centre from the site allocation will ensure that the Westferry Printworks site is deliverable, removing a potential financial burden in relation to the delivery of a new leisure facility. The change was requested by DP9 in its previous representations and accepted by L B Tower Hamlets at the Examination.</p> <p>We note that the reference to a changed Figure 19 should be Figure 18 as indicated in the tracked change version of the Proposed Additional Modifications to the Local Plan. In addition, Figure 51 is now Figure 50 in the tracked change version of the Proposed Assitional Modifications to the Local Plan.</p>
58	The Regeneration Practice on behalf of East End Way Group	MM2	<p>The provision of Developer Contributions under Policy D.SG5 is undermined by questions over the integrity and soundness of all viability testing undertaken for Tower Hamlets Council because of serious anomalies which have been found in Viability Testing for Scheme 14 - Marian Place Gasworks Site undertaken by BNP Paribas Real Estate at page 892 of LBTH Local Plan Viability Assessment December 2017. Refer to our Report attached; "Marian Place Gas Works and the Oval (Site Allocation 1.3 in LB Tower Hamlets Local Plan 2031) - Concerns over the soundness of the Council's viability testing for Scheme 14- Marian Place Gasworks Site"</p> <p>A satisfactory and detailed response to our report "Marian Place Gas Works and the Oval (Site Allocation 1.3 in LB Tower Hamlets Local Plan 2031) - Concerns over the soundness of the Council's viability testing for Scheme 14- Marian Place Gasworks Site" establishing that the Viability Testing for Scheme 14 - Marian Place Gasworks Site undertaken for the Council by BNP Paribas Real Estate included at page 892 of LBTH Local Plan Viability Assessment December 2017 is sound is required to support MM2.</p>
59	The Regeneration Practice on behalf of East End Way Group	MM3	<p>The provision of Developer Contributions under Policy D.SG5 is undermined by questions over the integrity and soundness of all viability testing undertaken for Tower Hamlets Council because of serious anomalies which have been found in Viability Testing for Scheme 14 - Marian Place Gasworks Site undertaken by BNP Paribas Real Estate at page 892 of LBTH Local Plan Viability Assessment December 2017.</p> <p>Refer to our Report attached; "Marian Place Gas Works and the Oval (Site Allocation 1.3 in LB Tower Hamlets Local Plan 2031) - Concerns over the soundness of the Council's viability testing for Scheme 14- Marian Place Gasworks Site"</p>

			<p>A satisfactory and detailed response to our report “Marian Place Gas Works and the Oval (Site Allocation 1.3 in LB Tower Hamlets Local Plan 2031) - Concerns over the soundness of the Council’s viability testing for Scheme 14- Marian Place Gasworks Site” establishing that the Viability Testing for Scheme 14 - Marian Place Gasworks Site undertaken for the Council by BNP Paribas Real Estate included at page 892 of LBTH Local Plan Viability Assessment December 2017 is sound is required to support MM3.</p>
60	The Regeneration Practice on behalf of East End Way Group	MM4	<p>The determination of appropriate scale, height and mass “in its site and context” under Policy D.SH1 is undermined by questions over the integrity and soundness of all viability testing undertaken for Tower Hamlets Council because of serious anomalies which have been found in Viability Testing for Scheme 14 - Marian Place Gasworks Site undertaken by BNP Paribas Real Estate at page 892 of LBTH Local Plan Viability Assessment December 2017.</p> <p>Refer to our Report attached; “Marian Place Gas Works and the Oval (Site Allocation 1.3 in LB Tower Hamlets Local Plan 2031) - Concerns over the soundness of the Council’s viability testing for Scheme 14- Marian Place Gasworks Site”</p> <p>A satisfactory and detailed response to our report “Marian Place Gas Works and the Oval (Site Allocation 1.3 in LB Tower Hamlets Local Plan 2031) - Concerns over the soundness of the Council’s viability testing for Scheme 14- Marian Place Gasworks Site” establishing that the Viability Testing for Scheme 14 - Marian Place Gasworks Site undertaken for the Council by BNP Paribas Real Estate included at page 892 of LBTH Local Plan Viability Assessment December 2017 is sound is required to support MM4</p>
61	The Regeneration Practice on behalf of East End Way Group	MM6	<p>The requirement for public realm where residential uses are proposed around Tall Buildings under Policy D.DH6 is undermined by questions over the integrity and soundness of all viability testing undertaken for Tower Hamlets Council because of serious anomalies which have been found in Viability Testing for Scheme 14 – Marian Place Gasworks Site undertaken by BNP Paribas Real Estate at page 892 of LBTH Local Plan Viability Assessment December 2017.</p> <p>Refer to our Report attached; “Marian Place Gas Works and the Oval (Site Allocation 1.3 in LB Tower Hamlets Local Plan 2031) - Concerns over the soundness of the Council’s viability testing for Scheme 14- Marian Place Gasworks</p>

			<p>Site”</p> <p>A satisfactory and detailed response to our report “Marian Place Gas Works and the Oval (Site Allocation 1.3 in LB Tower Hamlets Local Plan 2031) - Concerns over the soundness of the Council’s viability testing for Scheme 14- Marian Place Gasworks Site” establishing that the Viability Testing for Scheme 14 - Marian Place Gasworks Site undertaken for the Council by BNP Paribas Real Estate included at page 892 of LBTH Local Plan Viability Assessment December 2017 is sound is required to support MM6.</p>
62	The Regeneration Practice on behalf of East End Way Group	MM8	<p>The proposed adjustments to affordable housing thresholds under Policy S. H1 is undermined by questions over the integrity and soundness of all viability testing undertaken for Tower Hamlets Council because of serious anomalies which have been found in Viability Testing for Scheme 14 - Marian Place Gasworks Site undertaken by BNP Paribas Real Estate at page 892 of LBTH Local Plan Viability Assessment December 2017. Refer to our Report attached; “Marian Place Gas Works and the Oval (Site Allocation 1.3 in LB Tower Hamlets Local Plan 2031) - Concerns over the soundness of the Council’s viability testing for Scheme 14- Marian Place Gasworks Site”</p> <p>A satisfactory and detailed response to our report “Marian Place Gas Works and the Oval (Site Allocation 1.3 in LB Tower Hamlets Local Plan 2031) - Concerns over the soundness of the Council’s viability testing for Scheme 14- Marian Place Gasworks Site” establishing that the Viability Testing for Scheme 14 - Marian Place Gasworks Site undertaken for the Council by BNP Paribas Real Estate included at page 892 of LBTH Local Plan Viability Assessment December 2017 is sound is required to support MM8.</p>
63	The Regeneration Practice on behalf of East End Way Group	MM19	<p>The proposed flexibility when determining a planning application based on an agreed viability position under Part 4: Delivering Sustainable Places, para 1.7, is undermined by questions over the integrity and soundness of all viability testing undertaken for Tower Hamlets Council because of serious anomalies which have been found in Viability Testing for Scheme 14 - Marian Place Gasworks Site undertaken by BNP Paribas Real Estate at page 892 of LBTH Local Plan Viability Assessment December 2017.</p> <p>Refer to our Report attached; “Marian Place Gas Works and the Oval (Site Allocation 1.3 in LB Tower Hamlets Local Plan 2031) - Concerns over the soundness of the Council’s viability testing for Scheme 14- Marian Place Gasworks Site”</p>

			<p>A satisfactory and detailed response to our report “Marian Place Gas Works and the Oval (Site Allocation 1.3 in LB Tower Hamlets Local Plan 2031) - Concerns over the soundness of the Council’s viability testing for Scheme 14- Marian Place Gasworks Site” establishing that the Viability Testing for Scheme 14 - Marian Place Gasworks Site undertaken for the Council by BNP Paribas Real Estate included at page 892 of LBTH Local Plan Viability Assessment December 2017 is sound is required to support MM19</p>
64	The Regeneration Practice on behalf of East End Way Group	MM22	<p>The proposed removal of a District Heating facility from infrastructure requirements for Whitechapel South site allocation (1.4) is undermined by questions over the integrity and soundness of all viability testing undertaken for Tower Hamlets Council because of serious anomalies which have been found in Viability Testing for Scheme 14 - Marian Place Gasworks Site undertaken by BNP Paribas Real Estate at page 892 of LBTH Local Plan Viability Assessment December 2017.</p> <p>Refer to our Report attached; “Marian Place Gas Works and the Oval (Site Allocation 1.3 in LB Tower Hamlets Local Plan 2031) - Concerns over the soundness of the Council’s viability testing for Scheme 14- Marian Place Gasworks Site”</p> <p>A satisfactory and detailed response to our report “Marian Place Gas Works and the Oval (Site Allocation 1.3 in LB Tower Hamlets Local Plan 2031) - Concerns over the soundness of the Council’s viability testing for Scheme 14- Marian Place Gasworks Site” establishing that the Viability Testing for Scheme 14 - Marian Place Gasworks Site undertaken for the Council by BNP Paribas Real Estate included at page 892 of LBTH Local Plan Viability Assessment December 2017 is sound is required to support MM22</p>
65	The Regeneration Practice on behalf of East End Way Group	MM23	<p>The requirement to “acknowledge associated costs of decommissioning the gasworks and relocation of any significant equipment and address environmental pollution and on-site decontamination” is undermined by questions over the integrity and soundness of all viability testing undertaken for Tower Hamlets Council because of serious anomalies which have been found in Viability Testing for Scheme 14 - Marian Place Gasworks</p> <p>Site undertaken by BNP Paribas Real Estate at page 892 of LBTH Local Plan Viability Assessment December 2017. Refer to our Report attached; “Marian Place Gas Works and the Oval (Site Allocation 1.3 in LB Tower Hamlets Local Plan 2031) - Concerns over the soundness of the Council’s viability testing for Scheme 14- Marian Place Gasworks</p>

			<p>Site”</p> <p>As well as acknowledging those costs, there should be added a requirement for evidence of competitive quotations for the work”. A satisfactory and detailed response to our report “Marian Place Gas Works and the Oval (Site Allocation 1.3 in LB Tower Hamlets Local Plan 2031) - Concerns over the soundness of the Council’s viability testing for Scheme 14- Marian Place Gasworks Site” establishing that the Viability Testing for Scheme 14 - Marian Place Gasworks Site undertaken for the Council by BNP Paribas Real Estate included at page 892 of LBTH Local Plan Viability Assessment December 2017 is sound is also required to support MM23</p>
66	The Regeneration Practice on behalf of East End Way Group	MM26	<p>The requirement to add “Re-provision of DLR depot (TFL) and Improvement and enhancement of existing pedestrian bridge over Aspen Way and routes to it” to infrastructure requirements for Aspen Way site allocation (4.1) is undermined by questions over the integrity and soundness of all viability testing undertaken for Tower Hamlets Council because of serious anomalies which have been found in Viability Testing for Scheme 14 - Marian Place Gasworks Site undertaken by BNP Paribas Real Estate at page 892 of LBTH Local Plan Viability Assessment December 2017.</p> <p>Refer to our Report attached; “Marian Place Gas Works and the Oval (Site Allocation 1.3 in LB Tower Hamlets Local Plan 2031) - Concerns over the soundness of the Council’s viability testing for Scheme 14- Marian Place Gasworks Site”</p> <p>A satisfactory and detailed response to our report “Marian Place Gas Works and the Oval (Site Allocation 1.3 in LB Tower Hamlets Local Plan 2031) - Concerns over the soundness of the Council’s viability testing for Scheme 14- Marian Place Gasworks Site” establishing that the Viability Testing for Scheme 14 - Marian Place Gasworks Site undertaken for the Council by BNP Paribas Real Estate included at page 892 of LBTH Local Plan Viability Assessment December 2017 is sound is required to support MM26.</p>
67	The Regeneration Practice on behalf of East End Way Group	MM27	<p>The requirement to add “Re-provision of existing alternative provision secondary school” to infrastructure requirements for Millharbour site allocation (4.8) is undermined by questions over the integrity and soundness of all viability testing undertaken for Tower Hamlets Council because of serious anomalies which have been found in Viability Testing for Scheme 14 - Marian Place Gasworks Site undertaken by BNP Paribas Real Estate at page 892 of LBTH Local Plan Viability Assessment December 2017.</p> <p>Refer to our Report attached; “Marian Place Gas Works and the Oval (Site Allocation 1.3 in LB Tower Hamlets Local</p>

			<p>Plan 2031) - Concerns over the soundness of the Council's viability testing for Scheme 14- Marian Place Gasworks Site"</p> <p>A satisfactory and detailed response to our report "Marian Place Gas Works and the Oval (Site Allocation 1.3 in LB Tower Hamlets Local Plan 2031) - Concerns over the soundness of the Council's viability testing for Scheme 14- Marian Place Gasworks Site" establishing that the Viability Testing for Scheme 14 - Marian Place Gasworks Site undertaken for the Council by BNP Paribas Real Estate included at page 892 of LBTH Local Plan Viability Assessment December 2017 is sound is required to support MM27</p>
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