

TOWER HAMLETS MANAGING DEVELOPMENT DPD

On behalf of St George

Position Statement for Examination in Public

September 2012

CONTENTS

1.0 Introduction	2
2.0 Housing.....	3
3.0 Employment.....	9
4.0 Transport.....	12
5.0 Design/Heritage/Climate Change.....	19
6.0 Wapping Site Allocation 4.....	25

Appendices

Appendix 1 - Diagram showing Impact of on-site school provision

1.0 Introduction

- 1.1 CBRE Ltd act as planning advisors to St George Central London Limited ('the client') with respect to their land interests at the former News International site at 1 Virginia Street, London E98 1XY ('the site') now known as London Dock.
- 1.2 We submit this Position Statement, in preparation for the upcoming hearing sessions for the Managing Development DPD (MD DPD) Examination in Public.
- 1.3 We duly enclose our client's position in relation to the following Issues 1 (Housing), 3 (Employment), 5 (Transport), 6 (Design/Heritage/Climate Change) and 10 (Wapping), stated in the 'Hearings Programme Issue 4-Draft' for the MD DPD Public Examination. Our position on each of these issues is addressed individually as per the sections below. We will be attending the hearings related to these issues except for Employment.
- 1.4 As per the correspondence from the Programme Office dated 30th August 2012, we shall be submitting a further separate position statement by 6th September 2012 in regards to Issue 4 (Education), as a result of the additional evidence being produced by the Council.
- 1.5 We note that the previous planning advisors, DP9 had submitted representations on behalf of News International Ltd on 9th March 2012, for the Proposed Submission Version of the MD DPD (January 2012). An additional representation was then made by DP9 on 10th April 2012 preparing a more detailed response to the Site Viability Testing Document. However, as the client only acquired the site from News International Ltd in May 2012, in the interim no representations were made to the Submission version of the MD DPD.
- 1.6 No further representations were made to the Submission Version of the MD DPD; published in May 2012.
- 1.7 The client has therefore requested that CBRE Ltd submit this Statement on their behalf, responding to each of the issues listed above.
- 1.8 The format of this Statement is such that we first address the general questions posed by each Issue; followed by the 'soundness' tests as identified in Paragraph 182 of the National Planning Policy Framework (NPPF) March 2012; where a local authority should submit a plan for examination which it considers sound, that is:
 - Positively Prepared
 - Justified
 - Effective
 - Consistent with National Policy.
- 1.9 Finally, we assess the consistency of the proposed policies with the adopted development plan and propose the precise Change/Wording sought in the policy.

2.0 Housing

Issue 1

Ref: 635625

Issue 1- Are the housing policies consistent with the NPPF, the London Plan and the Core Strategy and/or supported by clear and robust evidence; are they reasonable and realistic, clear, deliverable and appropriate to local needs and circumstances, including in relation to affordable housing?

General Response to question:

- 2.1 We consider that there are three main elements which need to be addressed in order to ensure that the approach to affordable housing in draft Policy DM3 is sound:
- Inconsistency with the NPPF and London Plan in the approach to affordable rent and intermediate tenures;
 - The need to reflect viability and site circumstances in accordance with the NPPF and London Plan Policy 3.12; and
 - Inconsistency with the NPPF in the approach to offsite provision.
- 2.2 It is important to address these issues to ensure that a range of homes is delivered in the borough to meet all demand. If affordable housing requirements are too onerous, this will make development unviable and undeliverable, and will undermine Government's, Mayor's and Tower Hamlets' policy objective to increase housing supply.

Not clear, realistic and deliverable

- 2.3 Core Strategy policy SP02 requires 35-50% affordable homes on sites providing ten new residential units or more (subject to viability). The policy should be amended to be consistent with the London Plan and NPPF in respect of the considerations when assessing affordable housing provision.
- 2.4 The clear priority in draft Policy DM3 for social rented tenure rather than affordable rent is inconsistent with the NPPF [Paragraph 50](#) and the Mayor's affordable housing policy in the London Plan.
- 2.5 The NPPF encourages a wide choice of high quality homes and widen opportunities for home ownership by requiring local planning authorities to adopt plans that:
- allow for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community;
 - identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
 - Where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified....Such policies should be sufficiently flexible to take account of changing market conditions over time.
- 2.6 These paragraphs emphasise the need to identify and meet the whole range of housing need.

- 2.7 Annex 2 to the NPPF sets out the Government’s definition of affordable housing covering social rent, affordable rented housing and intermediate housing. Policy 3.10 of the London Plan states that affordable housing includes social rented and intermediate housing. Draft Revised Early Minor Alterations to the London Plan (published for consultation in June 2012) amends this definition to also include affordable rented accommodation (in accordance with the NPPF).
- 2.8 In its current drafted form the definition given to affordable housing by the Borough is far too narrow, and would constrain delivery of housing schemes and raise a number of practical problems, such as keeping planning policies up to date as investment policies change. The NPPF is clear that identified need for social rented housing can be met either by social rented or by affordable rented housing and there should be no differentiation between these two in planning policies applied by local authorities.
- 2.9 In this current economic climate the delivery of more homes and a wider choice of high quality dwellings is one of the Government’s highest priorities. The policy thrust within the NPPF and particularly at Paragraph 47 is advanced to ‘boost significantly the supply of housing’ advocating that boroughs should adopt Local Plans that ‘meet the full, objectively assessed needs of the market and affordable housing in the market area, as far as is consistent with the policies set out in this framework.’
- 2.10 The London Plan and the NPPF both aim to maximise the provision of housing and therefore strongly discourage Local Plan policies such as DM3 that will have the effect of restricting housing supply and flexibility in the market.
- 2.11 Further guidance on how Local Plans should be prepared and address housing are not only dealt with at Paragraphs 47 and 50 of the NPPF but also Paragraph 159. It starts by identifying that boroughs should identify the full scale and mix and range of housing that the local population need, including affordable housing.
- 2.12 Para 154 identifies that local plans ‘should be aspirational but realistic’ therefore encouraging and supporting the delivery of housing, and to ensure viability allow the full costs of development and mitigation (including affordable housing) to be taken on board – whilst allowing the developer a competitive return (profit) to enable the successful delivery of development.
- 2.13 In a recent letter from Grant Shapps to the Mayor dated 2nd August 2012 on affordable rents and wider implications for housing policy, the then Housing Minister unequivocally supported the Mayor’s stance on affordable housing and re-affirms the Government’s view that affordable rent is seen as one of the most viable ways of securing new affordable housing.
- 2.14 The Minister states that ‘it is clear that unreasonable Section 106 agreements, planning conditions or affordable housing quotas do not result in more affordable housing,; rather, they make new development economically unviable, resulting in no development, no regeneration and no community benefits....This will not be in the public interest for London’.
- 2.15 Policy DM3 does not clearly define affordable housing (social rent, affordable rent and intermediate) or refer to that as defined in the NPPF or the London Plan. It is a clear policy requirement that there is a definition which recognises other forms of affordable accommodation such as affordable rent and a wide variety of immediate housing, including Discount Market Housing (DMS); especially as it has become a critical element of housing supply in London.

- 2.16 DMS homes have been used to great effect by developers such as St George, and are popular with boroughs as they meet the very large need for people who do not qualify for social homes but cannot afford to buy on the open market. This is a large cohort identified in boroughs' strategic housing market assessments. Critically, the homes are also delivered without the need for grant funding. The unsold equity is covenanted to the boroughs who are able to prudentially borrow against it.
- 2.17 Policy DM3 is therefore inconsistent with the definitions as stated in national and strategic guidance. DMS are classified as intermediate housing under the NPPF, provided at a cost above social rent, but below market levels and are provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices, consistent with the NPPF and London Plan.

Response to Soundness Tests:

- 2.18 Policy fails the following soundness tests:

Inconsistent with National Policy

- 2.19 Policy DM3 is inconsistent with the NPPF in seeking to maximise the delivery of affordable housing on-site. This is inconsistent with a key theme of the NPPF (summed up in Paragraph 173) which states that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking.
- 2.20 Paragraph 50 of the NPPF quite clearly requires local authorities to ensure that "Such [affordable housing] policies should be sufficiently flexible to take account of changing market conditions over time". Policy DM3 as drafted is insufficiently flexible and therefore is inconsistent with this requirement of the National Plan.
- 2.21 Paragraph 154 identifies that local plans 'should be aspirational but realistic' therefore encouraging and supporting the delivery of housing, and to ensure viability allow the full costs of development and mitigation (including affordable housing) to be taken on board – whilst allowing the developer a competitive return (profit) to enable the successful delivery of development.
- 2.22 It goes on to mention that to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, 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.

Inconsistent and non compliant with London Plan

- 2.23 Policy DM3 seeks to maximise the delivery of affordable housing on-site. However, London Plan Policy 3.12 seeks the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed use schemes; having regard to:
- a) Current and future requirements for affordable housing at local and regional levels
 - b) Affordable housing targets
 - c) The need to encourage rather than restrain residential development

- d) The need to promote mixed and balanced communities
- e) The size and type of affordable housing needed in particular locations
- f) The specific circumstances of individual sites

The London Plan also states that negotiations on sites should take account of their individual circumstances including development viability.

We therefore find that Policy DM3, by seeking to maximise on-site provision of affordable housing is not compliant with the approach in the London Plan, and still needs to be clarified to reflect individual site circumstances and viability assessments.

Not justified

- 2.24 The NPPF states that local planning authorities should have a clear understanding of housing needs in their area, and should prepare a Strategic Housing Market Assessment (SHMA) to identify the scale and mix of housing and range of tenures that the local population is likely to need over the plan period, which addresses the need of all housing types, including affordable housing.
- 2.25 The LBTH SHMA (2009) does not cover all tenure types particularly with regards to affordable rent. Also, the evidence base includes DMS within the definition of intermediate tenures but there is no recognition of benefits of allowing intermediate tenures including DMS within policy DM3. Therefore, the policy should be modified for increased flexibility in relation to Affordable Rent and intermediate tenures in line with the NPPF.

How could the document be made sound?

- 2.26 At present we consider that the affordable housing policy is not compliant with the approach in the London Plan or Core Strategy.
- 2.27 We are concerned that the lack of flexibility in relation to tenure type and quantum of affordable housing would have on the viability of development proposals.
- 2.28 Policy DM3, by seeking to maximise on-site provision of affordable housing is not consistent with this approach, and the wording needs to be clarified to introduce greater flexibility, acknowledging individual site circumstances and viability.
- 2.29 For consistency and clarity, policy DM3 should clearly define, or state whether the definition of affordable housing follows that within the NPPF and London Plan.

What is the precise Change/Wording sought?

- 2.30 The following amendments are considered necessary in order to satisfy the legal requirement for consistency with the adopted development plan and to make the policy sound.
- 2.31 All policy amendments follow the format of insertions being shown as bold and underlined and all removals are being shown as a strikethrough.

Policy DM3 – Delivering Homes

1. Where financially viable, Development will be required to provide affordable housing in accordance with the Council's tenure split (70% Social Rent and 30% Intermediate) as set out in the Core Strategy. Affordable Rent will be accepted where in the form of social rented housing, affordable rent and intermediate housing as set out in Policy SP02 of the Core Strategy and as defined in Part 8 below.

- ~~a. The required proportion of 70% for Social Rent homes is demonstrated to be unviable;~~
 - ~~b. The provision of Affordable Rent homes alongside Social Rent homes ensures the delivery of between 35% - 50% affordable housing; and~~
 - ~~c. The delivery of larger family homes is prioritised for Social Rent.~~
2. Affordable housing should be built to the same standards and should share the same level of amenities as private housing.
 3. Development should seek to maximise the delivery of affordable housing on-site. **Any such provision should be subject to appropriate viability testing to ensure the maximum reasonable amount of affordable housing, taking on board the full costs of development, mitigation and reasonable developer returns."**
 - a. Any off-site affordable housing will only be considered in circumstances where it can be demonstrated that:
 - i. It is not practical to provide affordable housing on-site;
 - ii. To ensure mixed and balanced communities it does not result in too much of any one type of housing in local area;
 - iii. It can provide a minimum of 50% affordable housing overall;
 - iv. It can provide a better outcome for all of the sites including a higher level of Social Rent family homes; and
 - v. Future residents living on all sites use and benefit from the same level and quality of local services
 - b. If a suitable site cannot be found, as stated in parts I to v, in exceptional circumstances the Council will consider payments in-lieu.
 4. Affordable housing provision will be calculated:
 - a. By using habitable rooms as a primary measure to allow for the most suitable mix of affordable housing; and
 - b. Based on the total housing provided on all sites and within all phases where a single development is proposed on more than one site and/or within different phases.
 5. Development that would involve a net loss of residential floorspace, residential units or any family housing will be resisted. Except if it accords with part 6 below.
 6. Estate regeneration development that proposes a net loss of affordable housing will only be allowed in exceptional circumstances where:
 - a. Development demonstrates that a limited loss of affordable housing is required to improve the tenure mix on site; or
 - b. Public open space or a non-residential use will benefit the overall estate regeneration scheme.

- 7. Development should provide a balance of housing types, including family homes, in accordance with the breakdown of unit types set out within the most up to date housing needs assessment as shown in table 1:

Table 1

Tenure	1 bed %	2 bed %	3 bed %	4 bed %
Market Sector	50	30	20	
Intermediate	25	50	25	0
Social Rented	30	25	30	15

Source: Table 1 (LBTH SHMA (2009), based on table 13-2 "Future Delivery by Tenure")

- 8. Affordable housing: Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.

Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.

Homes that do not meet the above definition of affordable housing, such as "low cost market" housing, may not be considered as affordable housing for planning purposes.

3.0 Employment

Issue 3

Ref: 635625

Issue 3-Are the employment policies consistent with the NPPF, the London Plan and the Core Strategy and/or supported by clear and robust evidence; are they reasonable and realistic, clear, deliverable and appropriate to local needs and circumstances, including in relation to small and medium sized enterprises?

General Response to question:

- 3.1 Whilst the News International Site Allocation 4 is now clearly identified as a site for comprehensive mixed-used development and other compatible uses including employment floorspace, and therefore not subject to this policy, our client' is on the inflexibility and lack of consistency with national and strategic guidance as set out below.

Not reasonable, realistic or deliverable

- 3.2 We welcome the principle of employment policy DM15 which seeks to support redevelopment of existing employment sites outside of spatial policy areas. However, we are concerned that the policy currently requires all sites to be actively marketed for approximately 12 months to demonstrate that it is unsuitable for continued use.
- 3.3 In view of the current economic climate and uncertain market conditions, it is important that owners of redundant employment sites are given every encouragement to pursue redevelopment proposals, meeting much needed housing and other supported land uses that meet local need.

Not supported by clear evidence base

- 3.4 There is no evidence base that justifies the reasoning behind the 12 month marketing period, or provides current assessment of existing and future employment floorspace in the borough.

Response to Soundness Tests:

- 3.5 Policy fails the following soundness tests:

Not justified

- 3.6 Lack of evidence base to support the policy requirement.

Not effective

- 3.7 The restrictive nature of the marketing of the site could frustrate the delivery of modern higher quality or intensified employment uses and/or mixed use development including residential accommodation; which could also assist the borough in meeting its London Plan housing target. The policy ignores employment and regeneration benefits of allowing regenerative redevelopment with a comparable or higher employment density, i.e. B8 to B1 use.
- 3.8 The policy fails to recognise that housing in itself delivers jobs both in terms of the construction industry and end occupation. The GLA Economics Research, More Homes More Jobs, January 2005, finds that for an increase of population of 1,000

people, 230 jobs are created in the local economy. Berkeley Group creates 3.5 jobs per new home.

- 3.9 The proposed development of London Dock would provide significant economic benefits for this area of Tower Hamlets. The quantum of floorspace and mix of uses has yet to be determined but current estimates suggest that the proposed development could generate over 3,000 jobs (FTE) directly from the operational phase, not including the temporary employment created through the construction phase and potential multiplier effects within the local area.
- 3.10 The 12 month marketing period is considered unsound as it would only serve to delay development sites coming forward, and would be inconsistent with the NPPF; principally as it is not sufficiently flexible and may preclude the delivery of development.
- 3.11 Paragraph 22 of the NPPF clearly states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.

How could the document be made sound?

- 3.12 We suggest that the policy DM15 is changed to remove the requirement to market the site for approximately 12 months, and that applications for alternative uses of land or buildings should be treated on their merits having regard to market signals as stated in the NPPF.

What is the precise Change/Wording sought?

- 3.13 The following amendments are considered necessary in order to satisfy the legal requirement for consistency with the adopted development plan and to make the policy sound.
- 3.14 All policy amendments follow the format of insertions being shown as bold and underlined and all removals are being shown as a strikethrough.

DM15 – Local Job Creation and Investment

- 1. ~~The upgrading and redevelopment of employment sites outside of spatial policy areas will be supported. Development should not result in the loss of active and viable employment uses, unless it can be shown, through a market exercise, that the site has been actively marketed (for approximately 12 months) and that the site is unsuitable for continued employment use due to its location, accessibility, size and condition.~~

“Net loss of B1 office floorspace, through change of use or redevelopment (including floorspace above shops), will not normally be permitted unless there is evidence which clearly illustrates that there has been no demand for such space and that there is not likely to be in the foreseeable future. Where this has been demonstrated to the Council's satisfaction, residential use may be appropriate on upper floors (subject to the relevant residential policies), any alternative use must be considered against the need to retain economic vitality and viability of the area.”

In assessing the level of any re-provision of commercial floorspace, account will be taken of the number of jobs to be provided and the extent to which the proposal will achieve both employment and wider regeneration benefits.”

-
2. Development which is likely to adversely impact on or displace an existing business must find a suitable replacement accommodation within the borough unless it can be shown that the needs of the business are better met elsewhere.
 3. Development of new employment floorspace will need to provide a range of flexible units including units less than 250 sq m and less than 100 sq m to meet the needs of Small and Medium Enterprise (SMEs).
 4. Development of employment and residential use in the same self-contained unit (i.e. live-work and work-live) will not be supported.

4.0 Transport

Issue 5

Ref: 635625

Issue 5- Are the transport policies consistent with national guidance in the NPPF, the London Plan and the Core Strategy, and appropriate for the locality; will they achieve their objectives and are they reasonably and realistically clear and deliverable by 2025?

General Response to question:

Inconsistent with the London Plan

- 4.1 The parking standards set out in the Managing Development DPD in Policy DM22 and Appendix 2 represent a significant departure from existing policies and established practice in Tower Hamlets and disregard the parking standards policies set out in the London Plan.

Inappropriate for the locality

- 4.2 The strategic importance of the London Dock site is recognised by its identification as both an allocated 'strategic housing development' site and as an 'Activity Area'. Delivery of this strategic site is therefore of critical importance to the successful regeneration of the area, delivery of much needed housing and employment of benefit to Tower Hamlets and London. Delivery will be undermined if development is not able to provide appropriate levels of parking. Appropriate provision of parking on new developments is also critical to their acceptability to the existing community. In the experience of St George, local communities are increasingly concerned about the parking implications of new development. Communities want new development to provide sufficient parking to ensure that new residents do not park on existing streets.
- 4.3 The parking standards need to reflect the transport needs of the site from an operational and viability standpoint. This will be managed by the use of Travel Plans and financial contributions to wider public transport improvements over the course of time.

Not reasonable or realistic

Benchmarking

- 4.4 A comparison of existing parking standards in London highlights the Managing Development DPD standards to be unreasonable. A table of standards is provided in Transport for London's Residential Parking Provision in New Developments report, and for ease is repeated below.

Table 1: Table of Standards, Transport for London’s Residential Parking Provision in New Developments Report (2012):

		Studio	1 bed	2 bed	3 bed	4 bed	5bed
London Plan			1	1	1.5	2	2
Barnet			1	1.5	1.5	2	2
B&D			1	1	1.5	2	2
Brent			1	1	1.5	2	2
Bromley	Market Housing - flats		1	1	1	1	1
	Market Housing - terraced houses / flats		1.5	1.5	1.5	1.5	1.5
	Market Housing - detached / linked houses		2	2	2	2	2
	Affordable		0.75	0.75	1	1	1
Camden	Low Parking Provision Areas		0.5	0.5	0.5	0.5	0.5
	Rest of borough		1	1	1	1	1
City of London			0.5	0.5	0.5	0.5	0.5
Croydon	Flats		1	1	1	1	1
	Houses & Flats		1.5	1.5	1.5	1.5	1.5
Croydon	Detached / Linked houses		2	2	2	2	2
Ealing			1	1	1	1	1
Enfield			1	1	1.5	2	2
Greenwich				1	1	1	1
Hackney			-	-	-	-	-
H&F			1	1	1.5	2	2
Haringey	Detached/Semi detached houses		1.5	1.5	1.5	1.5	1.5
	Terraced houses and flats (2 bedrooms or more)		-	1	1	1	1
	Flats/bedsits (1 bedroom)		0.33	-	-	-	-
Harrow			1	1	1	1	1
Havering	Flats		1	1	1	1	1
	Terraced houses / flats		1.5	1.5	1.5	1.5	1.5
	Detached, semi and terraced houses		1	1	1	1	1
Hillingdon	Detached/Semi detached houses		2	2	2	2	2
	Terraced houses and flats		1.5	1.5	1.5	1.5	1.5
Hounslow	For general residential	0.5 max	1.1	1.1	2	2	2
	For affordable residential	0.5 max	0.7	0.7	1.1	1.1	2
Islington			0.5	0.5	0.5	0.5	0.5
K&C	Affordable flats		0.66	0.66	0.66	0.66	0.66
	Affordable houses		1	1	1	1	1
	Converted flats		1	1	1	1	1
	Purpose built flats (up to 5 hab rooms)		1	1	1	1	1
	Purpose built flats (5+ hab rooms)		-	-	-	-	1.5
	Single family dwellings (up to 5hr +): minimum		1+	1+	1+	1+	1+
K&C	Single family dwellings (5+ hab rooms): preferable		-	-	-	-	2
KuT			1	1	1.5	2	2
Lambeth			1	1	1.5	2	2
Lewisham			1	1	1.5	2	2
Merton			1	1	1.5	2	2
Newham			1	1	1.5	2	2
Redbridge			1	1	1.5	2	2
RuT			1	1	2	2	2
Southwark	CAZ (highest PTAL)		0.4	0.4	0.4	0.4	0.4
	High PTAL		1	1	1	1	1
	Med PTAL		1	1	1	1	1
	Low PTAL		1.5	1.5	1.5	1.5	1.5
	Suburban (lowest PTAL)		2	2	2	2	2
Sutton	No allocated spaces		1	1	1	-	-
	1 allocated space per unit		1	1	1.5	-	-
	Up to 2 allocated spaces per unit		-	-	1.5	2	2
Tower Hamlets	Clear Zone		0	0	0.1	0.1	0.1
	Isle of Dogs		0	0	0.1	0.1	0.1
	PTAL 5-6		0	0	0.1	0.1	0.1
	PTAL 3-4		0.2	0.2	0.3	0.3	0.3
	PTAL 1-2		0.4	0.4	0.5	0.5	0.5
Waltham Forest	Low PTAL no CPZ		1	1	1.2	1.2	1.2
	Low PTAL in CPZ		0.75	0.75	1	1	1
	Med PTAL no CPZ		0.6	0.6	1	1	1
	Med PTAL in CPZ		0.4	0.4	0.75	0.75	0.75
	High PTAL no CPZ		0.3	0.3	0.75	0.75	0.75
Waltham Forest	High PTAL in CPZ		0.25	0.25	0.5	0.5	0.5
Wandsworth			1	1	1.5	2	2
Westminster			Min 0.5	Max 1	Min 0.75	Max 1.5	

- 4.5 The table demonstrates that the proposed policies are extreme when compared to all other boroughs, including those in Inner and Central London.
- 4.6 The London Plan seeks to limit parking in areas of high public transport accessibility to minimise additional car travel and encourage use of sustainable travel modes. It also recognises the need to support economic growth and development aiming for ‘an appropriate balance being struck between promoting new development and preventing excessive car parking provision.’ (Policy 6.13, London Plan, 2011).
- 4.7 The proposed level of parking provision is not consistent with the London Plan. If London Borough Tower Hamlets were to adopt such a low level of provision it would undermine the viability and delivery of a substantial number of new homes and employment floorspace.
- 4.8 Berkeley Group’s recent research, ‘Does Car Ownership Increase Car Use: a study of the use of car parking within residential schemes in London’, has demonstrated that there is no relationship between car ownership and peak hour car use, or between the desire to own a car and PTAL. Even in areas with low public transport accessibility most people commute by public transport, and in areas of high accessibility people still wish to own a car. Providing parking should not, therefore, contribute to congestion, especially when combined with travel plans and provision of alternative sustainable travel options. The research found that at some sites as little as one in 32 resident cars was used during peak hours.
- 4.9 Providing parking does not therefore increase congestion. The research also clearly proves that the lack of car parking impacts on the viability and attractiveness of development.

Commercial Viability

- 4.10 The availability of car parking spaces as part of this development and others in this part of the Borough will have a significant effect upon sales values and marketability for residential developments in central London.
- 4.11 It is recognised within the London Plan (Policy 6.13 Parking) that the development should seek the appropriate balance of parking reflecting viability, demand and impact on the road network, whilst encouraging travel by sustainable modes. On this basis it is considered that providing a parking ratio that is compliant with the London Plan will not have a detrimental impact on the surrounding highway network.

Response to Soundness Tests:

Not justified

Evidence Base

- 4.12 Policy DM22 is not robustly justified by its evidence base. The parking standards proposed in the DPD follow the recommendations of the 2011 review carried out by the borough (Review of Car and Cycle Parking Standards, Tower Hamlets, 2011). The review starts from the premise that existing residential (C3) parking standards should be significantly reduced and fails to consider the impact of reductions.
- 4.13 This review document considers increases in traffic flows on roads in the borough to 2028, as presented in Map 2. The only analysis presented in the review on traffic growth is the statement that ‘much of this growth is concentrated in the eastern part

of the borough, where the majority of new development is expected' (Paragraph 1.13). From this analysis the conclusion is drawn that 'additional vehicles would severely worsen traffic levels' (Paragraph 1.14).

- 4.14 Clearly from Map 2 it is self-evident that the greatest increases in traffic are on the borough's busiest roads, the A12 and A13 corridors, but this does not in itself imply unacceptable levels of congestion.
- 4.15 Furthermore, Map 2 does not show significant growth on roads in Wapping even though the analysis was carried out assuming future developments with levels of parking based on current standards.
- 4.16 It therefore cannot be implied from this analysis that the road network within and around Wapping are incapable of accommodating traffic growth from new developments implied by existing parking standards. This is supported independent research, identifying that there is no proven relationship between car ownership and peak hour car use.

Parking Levels

- 4.17 The Berkeley Group study looked at 18 car use surveys carried out at residential developments in London. All the survey data examined was less than five years old. By assessing key data from each survey, the study found that a number of factors come into play when people consider whether to own a car and then how they wish to use the vehicle, such as trip rates, car ownership and daily trip profiles.
- 4.18 One of the sites included in the survey, St George Wharf near Vauxhall Bridge, has 713 privately owned or rented units and 214 affordable units, a small supermarket, healthcare services and restaurants. It has an underground car park with 793 parking spaces, comprising 670 residential, 74 Blue Badge and 49 bays for visitors and staff. Some 54% of residents own a car.
- 4.19 However, car driver activity was consistently low throughout the survey period. The survey concluded that "clearly, the 54% car ownership recorded at this development generates a negligible level of car use," says the study. Indeed, at St George Wharf only one car in 32 was being used during the peak hour and demonstrates that high numbers of car parking spaces can be provided within development without significantly contributing to peak hour usage. For four of the 18 surveys the ratio was less than one car in 10. Three of these four surveys are outer London sites.
- 4.20 Based on data from the surveys, the study maintains that parking can be provided at new residential developments to meet the level of car ownership without generating significant extra traffic. "This means that all the problems associated with under-provision of car parking can be avoided without undermining the cycling, walking and public transport use. This reflects the 'appropriate balance' being sought by the Mayor in the London Plan."
- 4.21 Parking policies set out in London Plan 2011 should allow for parking provision to be agreed at a level that ensures the viability of new developments, the WSP study concludes.

Relationship between Car Use and Car Ownership

4.22 The WSP study also provides details of car ownership and peak hour trip rates for each of the developments surveyed. The table below provides a breakdown of car ownership and peak hour trip rates for those sites with varied PTAL (3 or less).

Site	PTAL	Car Ownership	Max. Peak Car Driver Trip Rate	Max Trip Rate/Car Ownership
Battersea Reach, Wandsworth	3	77%	0.095	0.12
Grosvenor Waterside, Westminster	2	66%	0.064	0.10
Imperial Wharf, Hammersmith & Fulham	3	55%	0.070	0.13
Kew Riverside Park, Richmond	1	58%	0.260	0.45
Riverside West, Wandsworth	3	51%	0.028	0.06
Stanley Close, Greenwich	3	68%	0.352	0.52
Kennington Park Square, Lambeth	3	11%	0.041	0.37
Beaux Arts, Islington	3	100%	0.074	0.07
New Providence Wharf, tower Hamlets	1	54%	0.047	0.09
The Hamptons, Sutton	1	150%	0.289	0.19
Average				0.21

- 4.23 As shown, the average car use/car ownership ratio in the peak hour at low PTAL sites was 0.21. This represents an average of just one car in 5 being used during the peak hour.

Inconsistent with National Policy

- 4.24 Policy DM22 sets restrictive parking standards which do not account for individual site characteristics; and is therefore inconsistent with the approach taken in the NPPF. Paragraph 39 of the NPPF states that in setting local parking standards for residential and non-residential development, local planning authorities should take into account the development's accessibility; type, mix and use of the development; availability of land opportunities for public transport; and local car ownership levels.

Inconsistent with the London Plan

- 4.25 The parking standards set out in the Managing Development DPD in Policy DM22 and Appendix 2 represent a significant departure from existing policies and established practice in Tower Hamlets and disregard the parking standards policies set out in the London Plan.
- 4.26 Specifically, the London Plan sets out maximum residential parking standards of 1 to 1.5 spaces per unit for 3 bedroom properties and less than 1 per unit for 1-2 bedroom properties.
- 4.27 A clear priority of the London Plan is to increase housing supply with the Plan's car parking policy and guidance clearly looking to support this objective by providing a suitably flexible approach to car parking in London.
- 4.28 Drastically limiting car parking for new homes will create a premium for existing homes that have car parking. This will adversely affect the value and therefore viability of new development. Unduly constraining car parking will also hamper the ability of housebuilders, registered providers and developers from delivering family housing – a priority for the Mayor – as families have a strong preference for housing that has sufficient car parking.
- 4.29 Different types of development have residents who have differing expectations about car parking levels. For example, those people purchasing prime residential dwellings in London expect car parking regardless of high levels of transport connectivity, although typically they do not use their car to commute and their use of the car in general is limited. The recent Berkeley Group research shows that residential traffic is not sensitive to the level of car ownership and parking in new developments. There is a distinction to be made between car parking for regular use and car parking for storage and infrequent use. The latter does not contribute to peak hour traffic.
- 4.30 The report recommends that parking capacity should therefore be set at a level to avoid off-site parking and to make new developments attractive to prospective buyers. If no or minimal parking is allowed or permitted by Tower Hamlets for new residential development, then this can in many cases result in overspill parking pressures and adverse impact on the surrounding community where no car parking restrictions are in place.
- 4.31 The study backs both the London mayor's aim to adopt a more balanced approach to residential parking and the coalition government's scrapping of national parking standards.

How could the document be made sound?

- 4.32 Policy DM22 is considered to be unsound as it seeks to set unrealistically low parking standards. It proposes significant reductions in parking standards compared with those in the adopted Interim Planning Guidance (IPG). St. George's objection is that the proposed standards are unduly restrictive and could render residential developments unviable.
- 4.33 The DPD proposes significant reductions in residential parking standards in almost all cases and introduces standards based on traffic congestion and public transport accessibility. The current policy allows up to 0.5 spaces per unit with car free agreements, i.e. residents are not eligible for on-street parking permits. The proposed standards are significantly below this level.
- 4.34 In summary, the client takes the view that the parking standards proposed by the Council for the Wapping area are inappropriate for the following reasons:
- The proposed standards do not accord with the London Plan standards for residential development.
 - Developers need to be able to offer car parking spaces in new developments to make them attractive and viable to purchasers.
 - The proposed standards are significantly out of line with those adopted by other central and inner London boroughs.
 - The failure to provide on-site parking could result in additional stress on on-street parking.
 - Based on data from the car use surveys analysed by Berkeley Group, their study maintains that parking can be provided at new residential developments to meet the level of car ownership without generating significant extra traffic.

What is the precise Change/Wording sought?

- 4.35 The following amendments are considered necessary in order to satisfy the legal requirement for consistency with the adopted development plan and to make the policy sound.

DM22 - Parking

That Appendix 2 entitled Standards should be amended to remove the ratios shown and fully comply with the maximum residential parking standards in Table 6.2 Car Parking Standards in the London Plan.

5.0 Design/Heritage/Climate Change

Issue 6

Ref: 635625

Issue 6-Are the design, heritage and climate change policies appropriate and justified, including in relation to the NPPF, the London Plan and Core Strategy and in terms of their environmental, economic and social impact; are they reasonable and realistic, clear and deliverable?

General Response to question:

Inconsistency within the Managing Development DPD

DM23 - Streets and Public Realm

- 5.1 Policy DM23 (Streets and Public Realm) is inconsistent (part 1.c) by ensuring development and the public realm are designed at a human scale. However, we consider that only the ground level of development should be designed at a human scale; to be consistent to with part 2.f. of policy DM26. In urban contexts, tall and large scale buildings can improve the accessibility, comfort and sense of enclosure for public realm, providing that context is acknowledged in the design of the lower level(s).

DM 26 (Building Heights)

- 5.2 Supporting text of Policy DM26 (Building Heights; Paragraph 26.7) states that the policy applies to proposals for tall buildings on existing tall building sites. The presence of an existing tall building on site will not be regarded by the Council as justification for replacement with another tall building or the commencement of a building cluster. However, this appears to contradict policy DM26 (1 and 2) which relates new development height to existing context heights and also promotes development that will mediate between existing tall and low building heights and consolidate cluster formations on the skyline (points 2.b. and 2.d).

Inconsistent with London Plan

DM23 (Streets and Public Realm)

- 5.3 Policy DM23 is also inconsistent with the London Plan (Policy 7.4) by seeking the design of development at a human scale to ensure a positive relationship with *street level* activity.

DM26 (Building Heights)

- 5.4 We welcome the designation of the site within the Activity Area in respect of the indicative building heights which are likely to be acceptable in relation to the town centre hierarchy. Whilst this gives support for building up to 150m, we would still seek clarification within Policy DM26 (Building Heights) in terms of the tall buildings criteria.
- 5.5 One of the criteria is that tall buildings assist to consolidate clusters within the skyline. It would be beneficial if this was amended in accordance with the London Plan (Paragraph 7.27) to form part of a cohesive building group that enhances the skyline and improves the legibility of the area, ensuring tall and large buildings are

attractive city elements that contribute positively to the image and built environment of London.

Not reasonable, not realistic

DM 24 (Place Sensitive Design)

5.6 We consider that Policy DM24 (Place sensitive design) is not reasonable or realistic in requiring to incorporate the principle that ensures design is sensitive to and enhances the local character and setting of the development. We agree that design should be sensitive to the character of its surroundings, but should only be designed to enhance those characteristics which are positive.

DM 26 (Building Heights)

5.7 Policy DM26 Figure 9 demonstrates indicative building heights for the town centre hierarchy. Whilst we support the indicative height of up to 150m for Activity Areas, the policy is restrictive in that tall buildings should “be of a height and scale that is proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings”. This limits height to the existing predominant context and does not allow for growth or change which can improve the existing townscape; which would be an unreasonable approach that does not reflect the same flexibility as that within EH/CABE Guidance (2007) on Tall Buildings. In particular, inter-alia this states that “tall buildings can make positive contributions to city life.....and in the right place can serve as beacons of regeneration, and stimulate further investment”.

5.8 To this end, it should be noted that the local authority and GLA have previously accepted the principle for a 27 storey commercial building on the ‘car park site’ of News International, and more recently supported the up to 19 storey residential buildings at 21 Wapping Lane adjacent to the Grade I listed Tobacco Dock; despite being located outside of the Activity Area.

5.9 The Guidance does not advise that development should be proportionate to its neighbours but gives advice for identifying sites where it may be appropriate for development to be “substantially taller” than its existing neighbours and the means of assessing how such a development can be designed to relate to a lower scale context without itself being of that lower scale. We therefore suggest that Policy DM26 is reworded for greater flexibility so that development should be sensitive to, but not proportionate to, the scale of its context.

5.10 Promotion of heights consistent with the predominant existing height can lead to a lack of variety and interest in the townscape and on the skyline, and can miss opportunities for the introduction of new public realm through the small footprint of a taller building.

Response to Soundness Tests:

5.11 Policy fails the following soundness tests:

Inconsistent with National Policy

DM 26 (Building Heights)

5.12 By applying a restrictive tall buildings policy, where tall buildings should “be of a height and scale that is proportionate to its location within the town centre hierarchy

and sensitive to the context of its surroundings”; Policy DM26 is inconsistent with the NPPF. The NPPF in Paragraph 59 states that “design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally”.

- 5.13 Furthermore, although the NPPF (Paragraph 61) says that although visual appearance and architecture and individual buildings are important factors, securing high quality design goes beyond aesthetic considerations, therefore policies and decisions should address factors such as the integration of new development into the natural, built and historic environment.

Policy DM27 (Heritage and the Historic Environment)

- 5.14 Policy DM27 (part 1) requires the enhancement of a heritage asset, whereas this is not a requirement of the NPPF but a “desirability” (Paragraph 131).
- 5.15 Policy DM27 (part 2a and c) is inconsistent with the NPPF, which does not prohibit harm to heritage assets. The NPPF requires the degree of harm proposed to be weighed against the degree and nature of the significance of the heritage asset and the degree and nature of the benefits of the proposals. The NPPF only sets out a presumption of refusal when substantial harm is proposed to a designated heritage asset (Paragraph 133).
- 5.16 Specifically with regard to demolition and other substantial direct adverse impacts and development which do not enhance a heritage asset, all of these negative impacts are allowed in certain circumstances. This is because some degree of harm can often lead to greater benefits and, in some instances, greater enhancement of more significant aspects of the heritage asset. The NPPF requires the degree of harm proposed to be weighed against the degree and nature of the significance of the heritage asset and the degree and nature of the benefits of the proposals. The NPPF only sets out a presumption of refusal when substantial harm is proposed to a designated heritage asset (Paragraph 133).
- 5.17 In Policy DM27 (part 2 and 3); a distinction should be drawn between designated and undesignated heritage assets, as it is in the NPPF (Paragraph 113). In relation to an undesignated heritage asset, “a balanced judgement will be required [by the NPPF] having regard to the scale of any harm and the significance of the heritage asset” (Paragraph 135). It is only in relation to designated heritage assets that the NPPF states that LPAs should refuse consent to substantial harm unless substantial benefits which outweigh it can be demonstrated (Paragraph 133).
- 5.18 In contrast to DM27 (part 2e), there is no presumption against change of use in the NPPF. Indeed in some circumstances the “existing use” of a heritage asset is not the same as its original use and contributes to the erosion of its significance. The NPPF looks positively on the securement of a heritage asset’s “optimum viable use” (Paragraph 134).
- 5.19 Policy DM27 (part 3) is inconsistent with the NPPF which states that demolition is “exceptional” only in relation to a Grade II listed building, park or garden. Substantial harm to Grade I and II* and World Heritage Site’s is “wholly exceptional” (Paragraph 133).

How could the document be made sound?

- 5.20 The wording of the policy text should be amended to allow for greater flexibility of development, following EH/CABE Guidance on Tall buildings and in line with the approach taken in the NPPF.

What is the precise Change/Wording sought?

- 5.21 The following amendments are considered necessary in order to satisfy the legal requirement for consistency with the adopted development plan and to make the policies sound.
- 5.22 All policy amendments follow the format of insertions being shown as bold and underlined and all removals are being shown as a strikethrough.

DM26 - Building Heights

1. Outside of those areas identified in the Core Strategy as acceptable for tall buildings, building heights will be considered in accordance with the town centre hierarchy (as illustrated in figures 9 and 10) and the criteria stated in part (2).
2. Proposals for tall buildings will be required to satisfy the criteria listed below:
 - a. Be of a height and scale that is ~~proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings~~ **sensitive and takes into account the scale of its context**
 - b. Within the Tower Hamlets Activity Area development will need to provide a transition between taller buildings in Aldgate and Canary Wharf Preferred Office Locations and the lower heights of the surrounding areas.
 - c. Achieve high architectural quality and innovation in design of the building, including a demonstrated consideration of its scale, form, massing, footprint, proportion and silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, watercourses and waterbodies or other townscape elements.
 - d. Provide a positive contribution to the skyline, when perceived from all angles during both the day and night, assisting to consolidate clusters within the skyline.
 - e. Not adversely impact on heritage assets or strategic and local views, including their settings and backdrops.
 - f. Present a human scale of development at the street level, **with only the ground level of development required to be designed at human scale.**
 - g. Where residential uses are proposed, include high quality and useable private and communal amenity space and ensure an innovative approach to the provision of open space.

- h. Not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces.
 - i. Not adversely impact on biodiversity or open spaces, including watercourses and waterbodies and their hydrology, as well as their settings and views to and from them.
 - j. Provide positive social and economic benefits and contribute to socially balanced and inclusive communities.
 - k. Comply with Civil Aviation requirements and not interfere, to an unacceptable degree, with telecommunication, television and radio transmission networks; and
 - l. Demonstrate consideration of public safety requirements as part of the overall design, including the provision of evacuation routes.
3. Proposals to replace existing tall buildings will need to be in accordance with part (1).

Policy DM27 - Heritage and the Historic Environment

- 1. Development will be ~~required~~ **sought** to protect and enhance the borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the borough's distinctive 'Places'.
- 2. Applications for the alteration, extension, change of use, or development within a heritage asset **(with distinction between designated and undesignated heritage assets)** will only be approved where:
 - a. ~~It does not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting~~ **Consideration to the degree of harm on a heritage asset is weighed against the degree and nature of the significance of the asset, against that of the proposals'**;
 - b. It is appropriate in terms of design, scale, form, detailing and materials in its local context;
 - c. It enhances or better reveals the significance of the asset or its setting **with consideration to the degree of harm on a heritage asset weighed against the degree and nature of the significance of the asset, against that of the proposals'**;
 - d. Opportunities to mitigate or adapt to climate change through the re-use or adaptation are maximised; and
 - e. In the case of a change of use, a thorough assessment should be carried out of the practicability of retaining its existing use and the wider benefits of the proposed use **to ensure greater flexibility in assessing the change of use of a heritage asset.**

3. Proposals for the demolition of a **designated** heritage asset will only be considered under exceptional circumstances where the public benefit of demolition outweighs the case for retention. Where exceptional circumstances require demolition to be considered, applications will be assessed on:
 - a. The significance of the asset, architecturally, historically and contextually;
 - b. The condition of the asset and estimated costs of its repair and maintenance in relation to its significance and demolition, and to the value derived from its continued use;
 - c. The adequacy of efforts made to retain the asset in use; and
 - d. The merits of any alternative proposal for the site.
4. For proposed development that lies in or adjacent to Archaeological Priority Areas, the Council will require the proposal to include an Archaeological Evaluation Report and will require any nationally important remains to be preserved permanently in site, subject to consultation with English Heritage.

Policy DM28 - World Heritage Sites

1. Development will need to ensure it does not negatively affect the UNESCO World Heritage Site status of the Tower of London or Maritime Greenwich. Development must be tested for its impact on the sites' Outstanding Universal Value (OUV) ensuring and illustrating that the proposals ~~respects, conserves and preserves~~ **sustain and enhance** the OUV of the World Heritage Sites. This also applies to development that would affect the setting of the Tower of Maritime Greenwich, particularly in the environs of Tower Hill and the Isle of Dogs, or would impinge upon strategic or other significant views to or from the sites.
2. Development proposals within the vicinity of the Tower of London will be expected to demonstrate how they will improve local access routes, including signage and wayfinding, to the Tower from the development site.

6.0 Wapping Site Allocation 4

Issue 10

Ref: 635625

Issue 10- Are the proposals for growth and change in this are appropriate and justified, including in relation to the NPPF, the London Plan and the Core Strategy in terms of environmental, economic and social impact; are they clear and deliverable by 2025?

General Response to question:

Inconsistent with the Core Strategy

- 6.1 For the reasons explained below, we consider the two prioritised options for infrastructure provision on the site (Option 1 - a secondary school, publicly accessible open space and a district heating facility; Option 2 - a primary school, a health facility, publicly accessible open space and a district heating facility), to be inconsistent with the Core Strategy.
- 6.2 For the reasons stated in the separate Position Statement on Education (Issue 4), the proposed schools fall outside the identified area of search in Core Strategy Policy.
- 6.3 The Core Strategy Annex 9 – Delivering Placemaking ‘Wapping LAP 3 & 4’ does not identify any of the infrastructure provision requirements sought under the Options in the Managing Development DPD site allocation. The introduction of such infrastructure provision requirements in this document is therefore inconsistent with the Core Strategy.
- 6.4 The Core Strategy Annex 9 – Delivering Placemaking ‘Wapping LAP 3 & 4’ seeks to improve Wapping’s north-south and east-west connections, and address the severance caused by the News International site and the Highway. This is clearly demonstrated in the Vision Diagram (Fig 50).
- 6.5 The provision of a school on the site, either in the form of Primary (0.4 ha) or Secondary (0.5), would severely impact the delivery of improved connectivity referred to in the ‘Vision’. Due to its strategic and unique positioning on the City Fringe, within which the London Dock site is critical to unlocking a number of sites by facilitating key movement ‘route to prosperity’ from the Tower of London, through St Katharine Dock, London Dock, to Tobacco Dock and the wider areas of Wapping beyond. The introduction of school provision requirements in this document is therefore inconsistent with the Core Strategy.
- 6.6 This impact of on-site school provision on the connectivity aspirations for the site are demonstrated in the diagram in **Appendix 1**, which reflects the Core Strategy Wapping Vision Diagram.
- 6.7 There is a disparity between the specific aspirations for achieving a Zero Carbon Borough and addressing Climate Change Policy DM29 which refers to the requirement for development to connect to or demonstrate a potential connection to a decentralised energy system. Therefore the site specific requirements to provide a physical district heating facility is disproportionate to the needs of the development and contrary to the requirements of Policy DM29.

Response to Soundness Tests:

6.8 Policy fails the following soundness tests:

Not justified

- 6.9 Further to this, we consider that there is no robust or credible evidence and the requirement is both unviable and inappropriate, and as such additional evidence is needed to justify the need for and timing of provision of such a facility. Based on an independent viability assessment of the site which is appended as an Appendix to the Employment (Issue 4) Position Statement submitted separately to this document, we consider that a primary or secondary school is not viable on the site.
- 6.10 The inputs and assumptions applied in the Viability Study by BNPP are not robust and are inconsistent with BNPP's own assumptions and approach adopted in other work for the LB of Tower Hamlets, such as the December 2011 Affordable Housing Viability Study. The costs associated with the News International site are significantly underestimated and, as such, are not considered to be a robust basis on which to inform the evidence base in the context of this site. As a consequence the conclusions drawn in respect of the News International site are misleading, in terms of the true scale of the funding gap compared to the other sites tested.
- 6.11 Against this background, in the context of the News International site, the study is not sufficiently robust to provide evidence to support the Sites and Place Making DPD, as it has failed to fully consider how the community infrastructure requirements would impact the development viability. Therefore, it is not consistent with the NPPF, which acknowledges the fundamental requirement to give careful attention to viability and costs in plan-making.
- 6.12 By the same token, the study is not sufficiently robust to provide evidence to support the district heating facility in both prioritised options for infrastructure provision.

Therefore, not clear and deliverable by 2025

- 6.13 Without accurate and comprehensive consideration of the impacts that the school option on site would have in terms of site viability, there is no certainty that they are deliverable by 2025.
- 6.14 There is a disparity between the specific aspirations for achieving a Zero Carbon Borough and addressing Climate Change Policy DM29 which refers to the requirement for development to connect to or demonstrate a potential connection to a decentralised energy system. Therefore on the basis that Policy DM29 only refers to the requirement for development to 'connect' to 'or demonstrate a potential connection' to a decentralised energy system, reference to a 'district heating facility' in the Site Allocation is inconsistent within this policy.

Not Effective

- 6.15 The site allocation option includes a primary/secondary school on site; which is not flexible, justified or deliverable.

Inconsistent with National Policy

- 6.16 The guidance set out in the recently published National Planning Policy Framework (NPPF). It states that "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” (Paragraph 173).

- 6.17 By providing an unjustified, restrictive site allocation requirement for a school on site, this would be inconsistent with a national planning policy.

How could the document be made sound?

- 6.18 In order to provide a viable and attractive residential led mixed use development, it is too early and overly prescriptive to identify specific infrastructure options at this stage. We recommend that subject to viability, due consideration should be given to making appropriate contributions towards social and community infrastructure.

What is the precise Change/Wording sought?

- 6.19 The following amendments are considered necessary in order to satisfy the legal requirement for consistency with the adopted development plan and to make the Site allocation policy sound.
- 6.20 All policy amendments follow the format of insertions being shown as bold and underlined and all removals are being shown as a strikethrough.

Site Allocation

A comprehensive mixed-use development required to provide a strategic housing development with publicly accessible open space ~~two prioritised options for infrastructure provision~~ and other compatible uses including employment floorspace.

~~Option 1 — a secondary school, publicly accessible open space and a district heating facility.~~

~~Option 2 — a primary school, a health facility, publicly accessible open space and a district heating facility.~~

New connections will improve the permeability of the site and within Wapping.

Appendix 1- Diagram showing Impact of on-site school provision

Secondary School Design Constraints

- Lack of east-west, north-west connectivity
- Lack of permeability
- Poor access for school
- Impact on setting of listed Rum Warehouse on northern edge of site
- Impact of interaction between listed Rum Warehouse and school
- Disconnection of site from Canal to the South
- Impact on setting of Grade I Tobacco Dock
- Major constraint on successful masterplan and wider regeneration

