

# Statement of Common Ground

Between the London Borough of Tower Hamlets and TfL Commercial  
Development

9 November 2018

*\*As part of this drafting process, the council reserves the right to make any changes until all sign offs have been agreed by Senior Management and Members*

**a) Role of this document:**

- To address concerns raised about the soundness of the Aspen Way site allocations 4.1 at LBTH Local Plan EIP i.e. is the site developable and therefore can be allocated through the purposes of the Local Plan examination.
- Note: This SoCG focus on the areas where agreement is being negotiated. There are areas of disagreement that were discussed and that have not moved forward from the Local Plan Hearing sessions. These are not noted in this statement and the views of the parties in respect of other unresolved matters still stand, as per the statements and discussions at the hearing sessions.

**b) Landover development aspiration for site**

- TfL CD have provided the following information on their site aspiration:

<b>TfL CD site</b>	
Site area (ha)	4.2 hectares
Approximate developable land (ha)	4.2 hectares
Existing land uses and approx. area (ha)	4.2 hectares comprising; DLR train stabling and maintenance depot, with ancillary offices and staff welfare facilities, and associated car parking (assumed to be B1 and B2 uses)
Proposed land uses and approx. area (ha)	4.2 hectares comprising; <ul style="list-style-type: none"> <li>• Replacement DLR train stabling and maintenance depot, with ancillary offices and staff welfare facilities, and associated car parking</li> <li>• C3 residential use</li> <li>• B1 office use</li> <li>• C1 hotel use</li> <li>• Public realm/open space</li> <li>• A1 retail use</li> <li>• A3 restaurants and café use</li> <li>• D1 community uses</li> </ul>
Number of units proposed (including density)	Units: 2,000+
	Density:500 u/ha
Phasing of development (completion of first units)	2024

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### c) Point specifically related to soundness

- To address issues related to soundness, LBTH asked TfL Commercial to confirm in principal that:

a) They would like their sites included in an allocation in the Local Plan:

TfL CD: confirm that they would like to see their landholdings included within the allocation in the draft Local Plan.

b) They consider the sites are developable in accordance to the NPPF definition i.e. 'To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged'

TfL CD agree that the site allocation is sound and developable. It is in a location that is suitable for housing development and there is reasonable prospect that the site is available and could be viably developed at the point envisaged.

However, TfL CD believe that a more positive approach to policy regarding the site allocation could be taken. While we welcome many of the amendments to policy that LB Tower Hamlets have made, the policy context still does not provide landowners with the scope and certainty to provide the tall buildings that are necessary to deliver the significant quantum of development that is required on the site allocation.

In both the Examination in Public and the statement of common ground discussions, LB Tower Hamlets have understood that tall buildings in planning policy terms will be necessary due to the level changes and enabling infrastructure requirements (such as re-providing the TfL DLR depot, providing open space, re-providing the college and overcoming severance between Poplar and Canary wharf via bridge links over Aspen Way). The suitability of the site for tall buildings is also recognised in the draft Isle of Dogs and South Poplar Opportunity Area Planning Framework.

While TfL CD welcome many of the proposed amendments made to policy D.DH6 (part 3) and the site allocation below, TfL CD believe that the policy could be utilised in a development management context to negatively impact the ability to deliver tall buildings on the site. This is due to the site allocation's unique location adjacent to both the Blackwall and Canary Wharf tall buildings clusters. Wording in the policy and amendments still specifically precludes the 'merging' of these clusters and states that these clusters should remain 'separate'. This could restrict our ability to bring forwards tall buildings on the site and we believe that a more positive approach to planning policy would be beneficial.

**d) Policy specific modifications:**

Each point below identifies an area of specific concern identified by TfL Commercial and New City College at a meeting to agree a Statement of Common Ground with the Council on 2 October 2018. The Council made a sincere effort to positively respond to the points raised through its response and modifications proposed below. The Council and TfL CD have resolved most though not all of the concerns noted. Where agreement has not been reached the position of both parties has been included for information.

Policy D:DH6 Tall buildings

1. Review the wording of part 2 of policy D.DH6 in relation to the Blackwall cluster and consider removing the word 'separate' from second bullet point to acknowledge that bridging of Aspen Way will connect areas more;

LBTH: Having considered this, officers do not accept the proposal, as it changes the meaning of the policy. The character and identity of the Blackwall cluster is different to the Canary Wharf cluster due to its context. By removing 'separate' the authority considers that the meaning changes and implies that the Blackwall cluster has a relationship with Canary Wharf that is similar to that of the Millwall Cluster. This is not the case and the inclusion of the 'separate' is therefore considered necessary.

TfL CD: We understand why LBTH would not want to change this because of wider policy implications, however the specific site is located between the Blackwall and Canary Wharf Clusters and therefore TfL CD consider that the word 'separate' in this context should be deleted from the policy as it reduces certainty that the site will be suitable for tall buildings. Clarity that tall buildings are appropriate within the site could be provided in the text of the site allocation.

2. Review the wording of part 3 of policy D.DH6 to consider the inclusion of reference that supports tall buildings on site allocations either to be inserted as new criterion or add to first line, without affecting the overall principal of the policy part 3 and working with part 1;

LBTH: Officers proposes the following addition, which is underlined:  
'Outside of these zones tall building proposals, including those on site allocations, will be ~~only~~ supported where they...'

TfL CD: TfL CD supports the LBTH amendment.

3. Requested removal of word 'only' from first sentence so it reads more positively;

LBTH: Officers accept the change proposed.

TfL CD: TfL CD supports the LBTH amendment.

4. Review the wording in paragraph 3.73 regarding:

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- i) 'the merging of clusters', concern that this conflicts with principal of part 3c) suggestion to delete or expand on meaning and flexibility here;

LBTH: Officers do not support the change proposed, however understands that the parties are concerned that this could be read very literally. With this in mind, officers propose the following addition which is underlined:

'Proposals involving tall buildings on the edge or within the vicinity of tall buildings zones will be expected to follow the step down approach from the cluster and demonstrate how the proposal will avoid the merging of clusters'. Consider that this communicates in a more positive way that the authority will positively consider how development can avoid merging. Officers consider that this helps facilitate development on the allocation coming forward.

**TfL CD: TfL CD supports the LBTH amendment. However, further clarity that tall buildings are appropriate within the site can be provided in the text of the site allocation.**

- ii) request to further consider also removing 'to follow the step down approach from the cluster', authority indicated less likely hood of making this change;

LBTH: Officers do not support this change. This is a key principal and therefore should remain. Officers consider that its remaining inclusion does not prevent development on the allocation coming forward or conflict with the parties' aspirations for their sites.

**TfL CD: TfL CD has no comment on this amendment.**

5. Review the wording in paragraph 3.73 (should read 3.74) around 'established' and either remove it and/or add predominately to make it clear where this is intended to apply;

LBTH: Officers accept the point made that the existing text could be read/applied very literally which is not the intention and proposes the following deletion, highlighted in strike through, to address:

'However, tall buildings will generally not be supported in sensitive locations (e.g. conservation areas) ~~and established low-rise residential areas~~'.

**TfL CD supports the LBTH amendment.**

6. Review the wording in the last sentence of paragraph 3.75 about adequate distances; if possible to provide specifics for purposes of application and further explanation of application. Request to delete it also put forward.

LBTH: Officers propose the following deletion and addition below:

'In addition, proposals should ensure that there is adequate distance between the proposed and existing tall buildings in the area, to ~~retain their landmark status~~ ensure that the positive aspects of the existing local character and legibility are maintained and/or enhanced'.

**TfL CD: TfL CD has no comment on this amendment.**

#### Aspen Way site allocation (4.1)

7. Review Infrastructure Requirements to include reference to
  - i. TfL re-provision of DLR depot
  - ii. Improvement and enhancement of existing pedestrian bridge over Aspen Way and routes to it

LBTH: Officers propose additional bullet points to the section, with the wording set out in i and ii.

LBTH: Officers also propose that part ii is also included in site allocation for North Quay for consistency.

**TFL CD: It is particularly welcome that TfL's re-provision of the depot has now been listed as an infrastructure requirement by the Council.**

8. Review first Design Principle and consider making it clear that it relates to heritage

LBTH: Officers propose the following addition to the first sentence, which is underlined below:

'Respond positively to the existing historic character, scale, height, massing and urban grain of the surrounding built environment including St. Matthias Church conservation area'.

**TfL CD has no comment on this amendment.**

9. Consider including a positive Design Principle about the site

LBTH: Officers propose the following new bullet point, which is underlined, to introduce the Design Principles section:

'Development of the site allocation provides a unique opportunity to positively address the social, economic and environmental disparities between Poplar and Canary Wharf'.

LBTH: Propose a similar bullet point is noted in the Design Principles of the site allocations for Billingsgate and North Quay for consistency. Suggest this reads 'Development of the site allocation provides a unique opportunity to positively address the social, economic and environmental disparities between Canary Wharf and Poplar'.

**TFL CD: This positive paragraph around the opportunities that come with the development of the site allocation is particularly welcome. It is also positive that the LB Tower Hamlets has recognised the need to include the paragraph in the North Quay and Billingsgate site allocations where bridge links from the Aspen Way site allocation would likely land**

10. Consider revised wording of second bullet point of Delivery Considerations to more positively encourage new crossings/connections over Aspen Way and remove references to decking

LBTH: Proposes the following additions and deletions to address this suggestion:

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'Development should ~~not undermine the delivery of~~ help deliver the long term aspirations for new bridges over Aspen Way to better connect Poplar and Canary Wharf'.

LBTH: Propose a similar bullet point is noted in the Delivery Considerations of the site allocations for Billingsgate and North Quay for consistency. Suggest this reads 'Development should help deliver the long term aspirations for new bridges over Aspen Way to better connect Canary Wharf and Poplar'.

TfL CD: Bridge links can only come forward as part of the development of the Aspen Way and Billingsgate Market/North Quay site allocations, which all landowners plan to bring forward for development within the short to medium term. Reference to the bridge links should be included within the infrastructure requirements section (rather than design considerations) of the site allocation to ensure that these essential links are delivered and reference to 'long term aspirations' should be removed due to the proposed timescales of development.

LBTH Update 8.11.18: The Council would like to introduce changes to the modifications proposed above to mediate concerns subsequently raised by the landowners for site allocations 4.2 Billingsgate and 4.9 North Quay. The change is to acknowledge that the delivery of any additional footbridge (s) is highly desirable but not a requirement at this stage because of the absence of evidence and potential impacts on site viability of the adjacent allocations. The Council's priority is to secure improvements to the existing footbridge, which is a key local link, in the first instance.

LBTH propose the following edit to relevant bullet point in Delivery Considerations in response:

Development should ~~not undermine the delivery of~~ the long term support aspirations for enhanced and/or new bridge (s) over Aspen Way to better connect Poplar and Canary Wharf.

TFL CD update 8.11.18: TfL CD believe a new bridge link over the aspen way offers a unique opportunity to address inequalities and overcome severance between South Poplar and the Isle of Dogs. We anticipate that this can be addressed through the proposed masterplanning process within the South Poplar and Isle of Dogs Opportunity Area Framework".

11. Consider including wording in the Delivery Considerations regarding joint working between landowners on this site allocation and on neighbouring allocations

LBTH: proposes the following new point, which is underlined:

'Landowners in the site allocations for Aspen Way, North Quay and Billingsgate are strongly encouraged to work together, ideally through a masterplan, to better connect Poplar and Canary Wharf and positively address the social, economic and environmental disparities between the areas'.

LBTH: Propose the same point is included in the Delivery Considerations of each allocation.

TfL CD is very happy to work with LB Tower Hamlets regarding the site. Contact has been made with all neighbouring landowners regarding the development. The Draft Isle of Dogs and South Poplar Opportunity Area Planning Framework offers an opportunity for the master planning of the wider area.



Signed on Behalf of the London  
Borough of Tower Hamlets

10.11.18

Date



Brendan Hodges  
Principal Planner

09/11/2018

Signed on Behalf of TfL Commercial Development Date

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