

Isle of Dogs Neighbourhood Planning Forum Assessment of the:

Demolition of the existing buildings and structures and construction of a mixed use development comprising residential dwellings (Use Class C3) and non residential uses (Sui Generis), a basement, public realm works, landscaping, access, servicing, parking and associated works.

15-27 Byng Street (odd), 29 Byng Street (Flats 1-6 Dowlen Court) and 1-12 Bellamy Close, London, E14



LBTH ref: PA/20/01065/A1

As at the 19th April 2021

Introduction

Section 38 of the Planning and Compulsory Purchase Act 2004 says

(2) For the purposes of any area in Greater London the development plan is—

(a) the spatial development strategy

(b) the development plan documents (taken as a whole) which have been adopted or approved in relation to that area [F2, and.

(c) the neighbourhood development plans which have been made in relation to that area.

The Isle of Dogs Neighbourhood Plan Examination report was issued on the 14th April 2020 and was approved to go to referendum by Mayor John Biggs on the 12th May 2020. It has had significant weight in the planning system since 12th May 2020.

Decision-making: *Where the local planning authority has issued a decision statement (as set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012) detailing its intention to send a neighbourhood plan to referendum, that plan can be given significant weight in decision-making, so far as the plan is material to the application.*

<https://www.gov.uk/guidance/neighbourhood-planning--2#the-neighbourhood-planning-referendum>

This planning application was registered as valid on the 2nd June 2020 more than two weeks after the Plan carried significant weight and more than 6 weeks after the Examiners report was issued. The Forum was first founded in 2014, approved in 2016 and OHG were aware of both the 1st (as they objected to parts of it) and the 2nd Neighbourhood Plans.

So we are disappointed that the Report of the Corporate Director of Place does not use the words significant weight in the report to describe the Plan. It says “*The plan currently awaits the referendum which is expected to take place in May 2021*” as postal ballot papers go out this week it is no longer expected but actually happening on the 6th May. The report has almost nothing to say about the

Neighbourhood Plan and makes no comment on the policies even though most are relevant and applicable.

As this is the first development to come to the Strategic Development Committee in the Forum area since the Plans approval last May and three weeks before a public vote on whether to approve it or not, we find this odd. The Forum is currently encouraging residents to vote Yes in the Referendum on the 6th May. This report seems to be suggesting why bother to vote, the policies will be ignored by the local planning authority. The Forum is not sure how to communicate that to voters given the cynicism about the planning process in Tower Hamlets which we have attempted to reverse by pointing out the importance of planning policies and then writing some new ones.

Ultimately it is for the local planning authority (or another authority) to determine whether or not an application is compliant with all aspects of planning policy including the Isle of Dogs Neighbourhood Plan. The Forum has no formal role laid out in legislation to do that.

But given that the Report says nothing about the compliance of this application with the Neighbourhood Plan, in its absence the Forum believes it would be useful if it were to lay out its views on whether or not this application is compliant in its judgement with its policies.

The simple answer is we do not know for many of our Policies whether this application is compliant or not. There is very little information available in the report about the compliance of this application with the Neighbourhood Plan policies except for Policy RB1. Reading the detail of the application only helps a little as we can find there that Policy 3D1 has been complied with but we cannot find detail on the other policies.

The cover letter 7th May 2021 from Tony Walter at Quod does not list any of the required documents like an Infrastructure Impact Assessment. But does refer to a Vu.City 3D model having been supplied which means Policy 3D1 has been complied with.

The report does not state what the density of the scheme (which is very unusual for a Report) but does confirm that it has a PTAL of 4. But in the detail of the Planning Statement the density is confirmed as 1,482HR/ha or 452units/ha so the Neighbourhood Plan policies do all apply. But none of this is summarised or confirmed in the report.

The Planning Statement written by Quod is dated May 2020 but contains out of date information as regards the Neighbourhood Plan.

There are many attractive elements to this application in terms of its height (relatively speaking), the ballot in favour of redevelopment and the excellent affordable housing % and we are conscious of the need for existing residents to be decanted quickly.

But this application is within a 150 meter radius of ten major sites: those under construction now (Consort Place, Ballymore Millharbour), finishing construction (Landmark Pinnacle, Wardian), with planning permission (Quay House, Natwest (may have lapsed), at the pre-application stage (Ensign

House), with live planning applications (Ballymore Cuba/Manilla, 30 Marsh Wall) or are expected to be developed one day (Britannia Hotel).

The construction management plan takes no account of this nor of the Liveable Street proposals. So we welcome the condition that a “Construction Environmental Management Plan and Construction Logistics Plan” be submitted pre-commencement. But the Report should have made clearer how the Neighbourhood Plan policies on construction apply and that this change to the submitted Construction Management Plan needs to be consulted on as per Policy CC1.

Lastly the Forum will have to consider the workload impact on volunteers of responding in detail to planning applications in the Forum area (as well as our re-recognition) if future Reports are also to be similarly silent on the Neighbourhood Plan policies.

Summary of Compliance

The application site is wholly within the Neighbourhood Plan area and is of sufficient size for all of its policies needing to be considered.

Summary of Policy Relevance and Compliance to the Neighbourhood Plan

Policy	Relevant to this application?	Compliant with Neighbourhood Plan	Comment
D1 Infrastructure Impact Assessment	Yes	? unknown	Unclear as have not found a summary detailing how the Infrastructure Impact Assessment has been carried out.
D2 High Density Developments	Yes	? unknown	Unclear as have not found a summary detailing how or whether compliant with Housing SPG
ES1 Empty sites	Yes	? unknown	Unclear, the risks maybe lower on this site of work not progressing after demolition but they are not zero.
CC1 Construction co-ordination	Yes	Unknown but see comment	A basic construction management plan has been submitted but one of the conditions of pre-commencement is that a “Construction Environmental Management Plan and Construction Logistics Plan” be submitted. We assume this will

			respond to the Neighbourhood Plan policies in more detail.
CC2 Construction communication	Yes	“ “	“ “
CC3 Control of dust	Yes	“ “	“ “
SD1 BREAAAM	Yes	To be imposed	Excellent to be imposed by condition
SD1 Home Quality Mark	Yes	? unknown	Unknown if compliant
3D1 3D Model	Yes	Yes	3D model delivered according to the letter but unclear if LBTH confirm that
RB1 Residents ballot	Yes	Yes	A residents ballot was held. We believe OHG applied for extra grant funding.

For the sake of clarity, the Neighbourhood Plan policies are in *Blue Italics*

POLICY D1 – INFRASTRUCTURE IMPACT ASSESSMENT

A. To support Sustainable Development and in view of the strain on Infrastructure in the Area and the shortage of publicly owned land, applicants for residential developments exceeding 1,100 habitable rooms per hectare in locations with a PTAL of 5 or less are required to complete and submit an Infrastructure Impact Assessment as part of the planning application.

Does the development exceed 1,100 hab rooms & PTAL 5 or under?	Yes
Has an Infrastructure Impact Assessment been completed?	No

Comment

We cannot find an Infrastructure Impact Assessment. There is some detail about DLR and Underground transport impacts in the report but that is about it.

B. Where the Infrastructure Impact Assessment indicates that there is sufficient planned and delivered Infrastructure capacity to support proposed densities, the proposal will be supported.

Comment

See comments above.

C. Where the Infrastructure Impact Assessment indicates that there is insufficient planned and delivered infrastructure capacity to support proposed densities then potential improvements

to Infrastructure capacity should be assessed and proposed, having regard to the CIL contribution that the development will make, and the requirement for planning obligations to be necessary, directly relevant, and reasonably related in scale and kind to the development.

Comment

See comments above.

POLICY D2 – HIGH DENSITY DEVELOPMENTS

Planning applications for residential developments exceeding 1,100 habitable rooms per hectare in locations with a PTAL of 5 or less shall specify how they conform to paragraphs 1.3.51 to 1.3.52 of the GLA’s Housing SPG, and not only that they are of a high design quality. Applications that do not adequately demonstrate this will be considered unacceptable.

<i>Does the development exceed 1,100 hab room</i>	<i>Yes</i>
<i>Does the application specify how it confirms to the GLA Housing SPG</i>	<i>Not known</i>
<i>Does the application demonstrate conformity to the SPG?</i>	<i>Not known</i>

Comment

We have not yet found a summary in the application detailing how the developer believes that they have met the specifications in the GLA Housing SPG.

POLICY ES1 – USE OF EMPTY SITES

To support Sustainable Development in the Area and the productive use of available land:

- A. Applications for Strategic Development should submit a feasibility study for one or more potential meanwhile uses on their sites (including for existing buildings) which could be implemented – whether by the applicant or by third parties – if the development is not begun in accordance with the substantive planning application for more than twelve months after gaining final planning consent*
- B. An obligation will be made part of any Section 106 agreement on Strategic Developments within the Area, stating that the length of planning permission will be extended to five years if the developer takes reasonable endeavours to make the site available for a meanwhile use within twelve months of the substantive planning application gaining consent. If such reasonable endeavours are not made, the permission will remain at three years.*
- C. If a proposed meanwhile use requires planning permission, this will be the subject of a separate planning permission.*
- D. Such meanwhile uses should be for one or more of the following purposes, subject to site specific constraints:*
 - Temporary pocket parks*
 - Affordable workspace or housing*
 - Temporary farmers’ markets or commercial markets*
 - Pop-up retail and/or restaurants*

- *Cultural and sporting activities*
- *Public art and lighting installations*
- *Other purposes agreed with LBTH*

Such sites should be used for meanwhile uses on the basis that they can be recalled by the developer to build out the development in accordance with the substantive planning application, on reasonable notice in the context of the meanwhile use to which each site has been put.

Is this a Strategic Development	Yes
Has a feasibility study been undertaken?	No
Has a Meanwhile use been identified?	No

Comment

We have not yet found a summary in the application detailing how the developer believes that they have met this Policy or why it should not apply. We know OHG are keen for work to go ahead and believe that this project is unlikely to stall after demolition unlike some others so there is an argument that this policy does not need to apply on this site but that argument has not been attempted as far as we can see.

POLICY CC1 – CONSTRUCTION COORDINATION

To support Sustainable Development in the Area, no construction management plan changes should be agreed unless and until the local community has been publicly notified in advance and has had a reasonable opportunity to be consulted.

Comment

The application contains a bare bones construction management plan with little local detail except for a few diagrams. It does not reflect the impact of construction at nearby sites nor Liveable Streets proposals. But the condition to submit a Construction Environmental Management Plan and Construction Logistics Plan should include the need for that to be consulted on in order to be policy compliant.

POLICY CC2 – CONSTRUCTION COMMUNICATION

To support Sustainable Development in the Area, applicants or their relevant contractors shall notify all affected local residents as soon as reasonably practicable: whenever they propose a change to normal working hours or conditions for which they have to seek consent from LBTH; and of such consents being granted.

Comment

Will apply at a later stage of construction but should be referenced in the Construction Management Plan.

POLICY CC3 – CONTROL OF DUST AND EMISSIONS DURING CONSTRUCTION AND DEMOLITION

To support Sustainable Development in the Area, construction management plans shall specify how they comply with the GLA's Dust and Emissions SPG.

Comment

We have not yet found a summary in the application detailing how the developer believes that they have met this Policy or why it should not apply. But see comments in response to CC1.

POLICY SD1 – SUSTAINABLE DESIGN

To support sustainable development in the plan Area all Major and Strategic Developments are strongly encouraged to meet the highest levels of design and environmental standards, including:

- *For non-residential buildings, the BREEAM Excellent standards; and*
- *For residential buildings, the Home Quality Mark.*

<i>Is the development Major or Strategic</i>	<i>Yes</i>
<i>What is the BREEAM standard for Non- Residential?</i>	<i>Excellent to be imposed by condition</i>
<i>Has the Home Quality Mark being used?</i>	<i>Not known</i>

Comment

BREEAM standard being imposed by condition is Excellent. The status of the Home Quality Mark is unknown as we could not find it in the application material nor Report.

POLICY 3D1 – 3D MODEL FOR APPLICATIONS

All applications for Strategic Developments must be accompanied by a 3D model and in a form that is compatible with the model used for assessment as part of the development management process.

<i>Has a 3D model been submitted?</i>	<i>Developer says a 3D model was submitted</i>
<i>Is it in a compatible form?</i>	<i>In theory yes, as a Vu.City model</i>

Comment

In theory this policy has been complied with. But it will be interesting to see how it is used in the SDC meeting.

POLICY RB1 – RESIDENT BALLOT

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A. To support Sustainable Development in the Area by ensuring positive engagement of the directly affected community and to maximise the delivery of affordable housing through maximising the funds available, any landlord or developer pursuing an estate regeneration project which involves the demolition of social homes in the Area will be expected to apply for GLA grant funding and, if successful, must comply with the GLA's funding requirements, including without limitation the GLA's Resident Ballot Requirement Funding Condition.

B. Where GLA funding is not granted, estate regeneration projects that include the demolition of social homes will still be encouraged to hold a ballot of affected residents in accordance with the guidelines provided by the GLA for such ballots.

Comment

A ballot was held and reported in the Report even though there was no reference to this policy. We understand OHG applied for or will apply for GLA grant money

COMMUNITY ASPIRATIONS

These are not land use policies, but they have been included here for completeness.

ASPIRATION ER1 – Estate Small Business, Retailers, and Community Organisations

Not applicable

ASPIRATION ER2 – Public Reinvestment

Applicable

ASPIRATION GR1 – Helping Establish New Residents' Associations

Applicable

ASPIRATION AQ1 – Air Quality

Applicable – given the size of the site and its close proximity to existing very dense residential areas we hope that all can be done to meet this aspiration.