

4. EMPTY SITES POLICY

CONTEXT

4.1 The Isle of Dogs and South Poplar Opportunity Area contains a number of empty or under-utilised sites. For example as at July 2019:

- The former Barclays Bank office building on West India Quay was demolished in order to allow construction of The Spire. That development is now on hold and the site has been hoarded up.
- The 30 Marsh Wall office building has been largely empty for some years now, after a planning application to build a 50+ storey building was rejected. It did contain charitable meanwhile use for a period of time. There is a similar situation at 225 Marsh Wall currently.
- The McDonalds restaurant was demolished by the Preston Road roundabout in order to allow development of the Helix. That development is now on hold and the site has been hoarded up. This has resulted in the loss of the only 24-hour restaurant locally.
- The JP Morgan office site by Westferry Circus was cleared and construction was started and then stopped once the basement was built, and has been empty for almost ten years now. The way it has been left makes it difficult to use for meanwhile use purposes.¹⁸
- The site between Manilla and Cuba Street has been left empty for years. It has been used as a construction manufacturing site, has been considered for use as a carpark or for modular temporary affordable homes, and now has a planning application submitted for a modular temporary hotel.

4.2 The above are only a few examples of empty or under-utilised sites. Other sites have historically been left empty for years before development eventually takes place. As a result of delayed construction, valuable land is being wasted and utilised neither for commercial, residential nor community use for many years, and is often unsuitable for meanwhile use as a result of being covered in construction materials or being otherwise left unsafe to use.¹⁹

4.3 Meanwhile uses have been successfully applied to some sites, for example:

- Canary Wharf Group introduced a number of meanwhile uses on Bank Street and Wood Wharf before construction of schemes on those sites, including temporary parks and a small street market.
- The office buildings between Millharbour and Pepper Street Bridge have been used by the charity One Love on a meanwhile use basis for the last few years while planning permission is sought via an appeal to the Planning Inspector.

4.4 It is therefore desirable to encourage developers to release land awaiting development for meanwhile uses by the community, and to discourage demolition of useful buildings before developers are ready to build out their approved schemes.

¹⁸ See pictures in the Forum's Evidence base, paragraph 4.9 at page 47

¹⁹ See the Forum's Evidence Base, *ibid.*

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
- E. 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.

REASONS FOR POLICY ES1

- 4.5 Given economic uncertainty, sites may lie unused for extended periods. But in view of the lack of available land in the Area, it is in the interest of the community not to let land lie fallow and unused. Developers should be encouraged to use land in a way that will benefit the community, and which is also in the interest of developers and landowners.²⁰
- 4.6 This policy ES1 will encourage developers and landowners to make good use of their land pending their building out the development in accordance with the substantive planning application.
- 4.7 An example of such a temporary and attractive use is the pocket park on the south side of Bank Street, before 1 and 10 Bank Street started construction. Other examples include

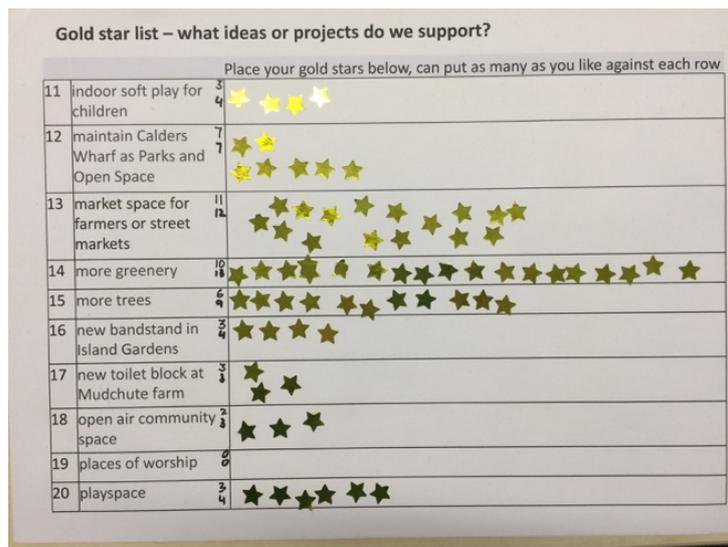
²⁰ Draft London Plan, Policies D4, H4, HC5 and G8.

Container City II at Trinity Buoy Wharf, Containerville at 35 Corbridge Crescent in Tower Hamlets, and the PLACE / Ladywell pop-up village in Lewisham.

4.8 The South Quay Masterplan Supplementary Planning Document in October 2015 provides the following suggestions:²¹

- *“Temporary uses and landscaping of decanted/vacant development sites and dock edges including:*
- *Pop-up retail*
- *Affordable workspace*
- *Cultural & sporting activities*
- *Public art and lighting installations”*

4.9 The draft London Plan Policy H3 encourages meanwhile uses for housing. The suggested meanwhile uses in the policy are based on a series of consultation events held by the Forum in March 2018 at Pepper Street where residents were asked what their priorities were. Each resident was given 10 gold stars to place on a series of boards (see one board below as an example). This informed the above priorities for empty site meanwhile uses.



HOW POLICY ES1 WORKS

4.10 The planning application should include a section detailing how and what the site could be temporarily used for if there were to be more than twelve months’ delay in building out the development in accordance with the substantive planning application. This would be subject to public consultation. Any such meanwhile use could be made a provision of a Section 106 agreement stating that the length of planning permission will be extended to five years if the developer makes reasonable endeavours to make the site available for a meanwhile use within 12 months of the substantive planning application gaining consent.

²¹ South Quay Masterplan, page 53, Table 2

- 4.11 Such reasonable endeavours may include making the site available at an appropriate cost and for an appropriate length of time, and undertaking suitable marketing activities towards or engagement with suitable organisations that may be interested in delivering a meanwhile use on the site.
- 4.12 If additional planning permissions are required for change of use for some meanwhile uses, such as without limitation for the construction of affordable workspaces, this should be identified on submission of the original substantive planning application as part of the detail of the proposed meanwhile use.