

Isle of Dogs Neighbourhood Plan Policies



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Summary of status;

This is the Regulation 14 consultation document containing the Neighbourhood Plan policies. There are two documents, the policies document and the backup to the policies. The policies chapter has been saved in a separate file for ease of access.

If you wish to comment on this draft Neighbourhood Plan you must do so by midnight Wednesday 19th April 2017, our contact details are below.

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This chapter (and only this chapter) details the legally binding policies which form the basis of the Isle of Dogs Neighbourhood Plan (the Plan). They are identified by being **in blue**. The policies will be in place for fifteen years after the final approval of this Plan, subject to its being replaced by the 'long' Plan.

Glossary of Terms

1. Area – the word Area with a capital A is shorthand for the area recognised as the Isle of Dogs Neighbourhood Plan Area on the 5th April 2016 by LBTH
2. BREEAM – The world's leading sustainability assessment method for master planning projects, infrastructure and buildings.
3. CIL – Community Infrastructure Levy – a tax on developers to pay for infrastructure
4. Draft Local Plan – new draft LBTH Local Plan released for public consultation 11th November 2016
5. Forum – The Isle of Dogs Neighbourhood Planning Forum
6. GLA – Greater London Authority – the Mayor of London
7. GLA's Housing SPG – the GLA's Housing Supplementary Planning Guidance
8. Infrastructure – [All physical and social infrastructure and services used to support residents and workers in the Area, as defined by the LBTH Regulation 123 list as well as utilities and the infrastructure required to provide fuel to vehicles]
9. IoD – Isle of Dogs
10. Key Sector – employees of NHS GP surgeries and state funded schools
11. LBTH – London Borough of Tower Hamlets – Tower Hamlets Council
12. London Plan – The GLA's plan for the whole London area
13. Long Plan – A comprehensive neighbourhood plan for the Area which the Forum proposes to prepare in due course to replace this Plan
14. MUGA – Multi Use Games Area
15. Neighbourhood Pot – The proportion of CIL collected from developers in the Area for use in the Area
16. OAPF – Isle of Dogs & South Poplar Opportunity Area Planning Framework – GLA led Masterplan for the Isle of Dogs & South Poplar
17. ONS – Office for National Statistics
18. Paris Agreement - An agreement within the United Nations Framework Convention on Climate Change (UNFCCC) dealing with greenhouse gases emissions mitigation, adaptation and finance starting in the year 2020.
19. Plan – this plan, also referred to as the 'quick' Plan
20. PTAL – Public Transport Accessibility Level, used as a measure to determine appropriate maximum development densities
21. TfL – Transport for London

1. SUMMARY OF POLICIES

This section is a summary for information only, and does not constitute the Plan Policies.

Density

D1 – Density and Infrastructure. Applications for developments at levels above the maximum recommended densities in the London Plan should only be approved if supported by sufficient Infrastructure to sustain the increase in population in the Area.

D2 – GLA’s Housing SPG. Strengthen the GLA’s Housing SPG recommendations on density.

Community Infrastructure Levy

CIL1 – Neighbourhood Pot. Ensuring that at least 25% of CIL is available for the Area.

CIL2 – CIL for long term community financing. CIL to be invested to support the community long term.

CIL3 – CIL to project manage infrastructure projects. CIL to be spent helping to write the Long Plan and to pay for projects required to support development.

CIL4 – All CIL for the Area. All CIL generated in the Area should be spent here.

Estate regeneration

ER1 – Right to vote to approve or reject final proposals

ER2 – Conduct of elections

ER3 – Resident participation in a transparent, inclusive, objective decision making process

ER4 – Right of return

ER5 – Tenants rights and costs

ER6 – Leaseholder and freeholder rights

ER7 – Estate small businesses, retailers, and community organisations

ER8 – Public profit reinvestment

ER9 – Recommendations for housing regeneration

Empty sites

ES1 – Use of empty sites. Encourage developers to release empty land on a temporary basis for community use (e.g. as a pocket park, market, etc.) pending the start of construction.

Grandfathering new residents’ associations

GR1 – Helping establish new residents’ associations. Developers to help new large developments establish residents’ associations from the outset.

3D Model

3D1 – 3D model for planning. Encourage more effective planning using 3D models.

3D2 – 3D model for applications. Developers to use 3D modelling in their applications.

Broadband Access

BBA1 – Fibre to the premises. New developments to have high quality broadband.

BBA2 – Broadband choice. New developments to have resilient broadband.

BBA3 – Mobile network resilience. New developments should not impact mobile phone networks

Construction Management and Communication

CC1 – Construction coordination. Developers to consult the community before finalising a construction management plan.

CC2 – Construction communication. Communication with local residents and other stakeholders before changing normal working hours and methods.

CC3 – Control of dust and emissions during construction and demolition

Sustainable Design

SD1 – Sustainable Design. Planning applications should include pre-assessments demonstrating how BREEAM standards (or any future replacement standards) will be met.

Air Quality

AQ1 – Air Quality. Minimising adverse air quality impact of planning and development.

2. POLICY – DENSITY AND INFRASTRUCTURE

D1 – DENSITY AND INFRASTRUCTURE

- 1) In view of the strain on Infrastructure in the Area, and the shortage of publicly owned land, applications for developments exceeding 1,100 habitable rooms per hectare in locations with a PTAL of 5 or less should only be approved after all the Infrastructure needed to sustain the population in the Area generated by the proposed development, and all existing and approved developments, has been specifically identified and guaranteed. Such Infrastructure should reflect the character accessibility and infrastructure of the area and must be evidence based which may include reference to relevant public authority regulations and policies. Applications must make it clear how, where and when such Infrastructure will be supplied, whether by the relevant developer or by others. Payment of CIL or other financial contributions by developers without such specific Infrastructure identification and guarantees is insufficient.
- 2) Subject always to the broad principle in Policy D1(1), such developments must where feasible include new community facilities incorporated into, or within reasonable walking distance of, the development site. Payment of CIL or other financial contributions by developers to the Council in lieu is insufficient. Such facilities – subject to demand anticipated at the time of the application and established by reference to relevant public authority regulations and policies – should include one or more of the following as determined by the relevant planning authority, and be proportionate to the scale of the proposed development:
 - a) A secondary school; a primary school; education and training facility or a large nursery
 - b) Key Sector employee housing
 - c) A publicly accessible MUGA; sports facility; or a public swimming pool
 - d) An NHS health facility
 - e) A police station
 - f) A fuel station for vehicles
 - g) A community and cultural centre (minimum 400 square meters)
 - h) A Scout or other youth facility
 - i) A bridge landing point
 - j) Mobile phone base station or other telecoms infrastructure to support mobile data access
 - k) Other infrastructure where agreed to by LBTH and the Forum
- 3) Delivery may be shared with other development sites where appropriate but must be specifically identified and guaranteed.

D2 – GLA'S LONDON HOUSING SPG

Below is a section from the updated London Housing Supplementary Planning Guidance (SPG) Including some of it in our Neighbourhood Plan would give it greater legal weight as policy, not just guidance. Note that the latest version of the SPG is in favour of high density in targeted areas, but still exceptional and subject to local conditions, which is where this Neighbourhood Plan is relevant.

- 1) Design and build standards should as a minimum be generally compliant with the London Housing Supplementary Planning Guidance (SPG) or any revision of it, in particular policy 1.3.50, 1.3.51 and 1.3.52 set out below.
- 2) The 'long' Plan will include clear design expectations. For the purpose of this Plan the use of nationally accepted design codes is strongly encouraged.

Developments above the density ranges

1.3.50 The London Plan and this SPG confirm that it is not appropriate to apply Table 3.2 mechanistically and advise that the density ranges should be considered as a starting point rather than an absolute rule when determining the optimum housing potential of a particular site. As confirmed in Section 1.1, meeting London's housing requirements will necessitate residential densities to be optimised in appropriate locations with good public transport access. Consequently, the London Plan recognises the particular scope for higher density residential and mixed use development in town centres, opportunity areas and intensification areas, surplus industrial land and other large sites. In addition, the Plan confirms that the Housing SPG will provide general and geographically specific guidance on the justified, exceptional circumstances where the density ranges may be exceeded.

1.3.51 In appropriate circumstances, it may be acceptable for a particular scheme to exceed the ranges in the density matrix, providing important qualitative concerns are suitably addressed. However, to be supported, schemes which exceed the ranges in the matrix must be of a high design quality and should be tested against the following considerations: the factors outlined in Policy 3.4, including local context and character, public transport capacity and the design principles set out in Chapter 7 of the London Plan:

1. the location of a site in relation to existing and planned public transport connectivity (PTAL), social infrastructure provision and other local amenities and services;
2. the need for development to achieve high quality design in terms of liveability, public realm, residential and environmental quality, and, in particular, accord with the housing quality standards set out in Part 2 of this SPG;
3. a scheme's overall contribution to local 'place making', including where appropriate the need for 'place shielding';
4. depending on their particular characteristics, the potential for large sites to define their own setting and accommodate higher densities;
5. the residential mix and dwelling types proposed in a scheme, taking into account factors such as children's play space provision, school capacity and location;

6. LBTH cycle parking facilities; and

7. whether proposals are in the types of accessible locations the London Plan considers appropriate for higher density development (eg. town centres, opportunity areas, intensification areas, surplus industrial land, and other large sites).

1.3.52 Where these considerations are satisfactorily addressed, the London Plan provides sufficient flexibility for such higher density schemes to be supported. It should, however, be recognised that this is not an exhaustive list and other more local or site specific factors may also be given appropriate weight, taking into account the particular characteristics of a proposed development and its impact on the surrounding area.

Explanation:

As Sir Ed Lister said in the introduction to the first draft of the South Quay Masterplan;

“Located within the Isle of Dogs Opportunity Area, South Quay is an area capable of substantial change, with the potential to deliver significant and much-needed housing growth. However, it is vital that this growth is captured and delivered in a planned, sustainable and responsible way. It is essential that we secure the comprehensive delivery of high-quality public realm, accessible open spaces, and active and well-designed streets, with excellent legibility and permeability. Exceptional residential quality is also paramount given the unique and high-density nature of emerging proposals. The necessary social infrastructure must also be delivered to support and realise this growth.”

If growth is to continue then the necessary Infrastructure must also be delivered. If insufficient Infrastructure can be provided, then growth – especially high density growth – cannot happen.

But LBTH is limited in its ability to deliver new Infrastructure because there is little publicly owned land outside of the DLR line, GP surgeries, schools and parks. The only principal exceptions are:

- Jack Dash House, Lawn House Close – Council offices
- 107 Mellish Street porta cabin – former NHS GP surgery, now a community centre
- Cubitt Town Library Grade 2 listed
- Tiller Road Leisure Centre
- Isle of Dogs police station
- Docklands Sailing Centre and the slipway opposite

Except for the Mellish Street site (which is a small site) none can be easily developed to provide new Infrastructure (and some should not be developed at all). This is another reason why we are looking at floating solutions in the docks and river as the only way to make ‘new’ land.

Because LBTH cannot easily acquire new land for new Infrastructure, increasingly that new Infrastructure must be provided by developers as part of new developments either on-site or close by. Otherwise this Area could not continue to grow.

3. POLICY – COMMUNITY INFRASTRUCTURE LEVY (CIL)

CIL1 – NEIGHBOURHOOD POT

As the Forum, has been officially recognised, 15% of CIL from developments in the Area is known as the Neighbourhood Pot, the neighbourhood portion of the levy can be spent on a wider range of things than the rest of the levy, provided that it meets the requirement to 'support the development of the area'. The Neighbourhood Pot can be spent on projects identified in this Plan, and it increases to 25% of CIL from developments approved after this Plan is adopted.

Source:

National Planning Guidance - Guidance on the operation of the Community Infrastructure Levy.
Updated: 16 11 2016

<http://planningguidance.communities.gov.uk/blog/guidance/community-infrastructure-levy/spending-the-levy/>

Explanation:

This is simply a repeat of government regulations but added to the Neighbourhood Plan for clarity since it has not been made explicit in the draft Local Plan.

Justification:

As the fastest growing place in the UK, the community will have a wide range of projects that it will wish to invest in. It is essential that the Neighbourhood Pot is used only for that purpose unless otherwise agreed by the community through a Neighbourhood Plan.

Draft Local Plan:

No comment or policy in the draft Local Plan can be found.

CIL2 – LONG TERM COMMUNITY FINANCING

A fixed percentage of the Neighbourhood Pot will be invested to generate a financial return that can be used as ongoing grants to support local community organisations in the Area. The fixed percentage will initially be determined by the Forum following community consultation, and subsequently both the percentage and the grant awarding process will be ratified at the Forum's Annual General Meetings.

Source:

See CIL1

Explanation:

CIL is usually a one-off capex type spend, but the Neighbourhood Pot can be spent to 'support the development of the area'. If for example the community builds a new community centre with CIL, it will also need to fund its operation longer term.

Justification:

S106 funds have been granted to organisations like the East End Community Foundation, based on the Isle of Dogs (Rich Mix is another example in Tower Hamlets). They have invested the money and then in subsequent years paid out grants using the income from that investment.

The East End Community Foundation was similarly set up by a grant from the London Docklands Development Corporation.

Draft Local Plan:

No comment or policy in the draft Local Plan can be found, but other Neighbourhood Plans are doing the same.

CIL3 – CIL TO PROJECT MANAGE INFRASTRUCTURE PROJECTS

CIL generated in the Area may be used to develop a 'long' Neighbourhood Plan that is intended to enhance and replace this Plan in order to address the detailed demands that development places on the Area. This CIL (up to 15% of the total CIL generated in the Area) may also be used to pay for the delivery of projects identified by the GLA, TfL, LBTH and/or the Forum.

CIL maybe be spent on the following (although where appropriate other sources of funds should also be used including New Homes Bonus), and may include but not be limited to:

1. Project managers to deliver projects in the Isle of Dogs & South Poplar OAPF area
2. 3D model
3. Water Management Strategy (Thames Water)
4. Air Quality Monitoring
5. Waste & recycling management strategy including analysis on an Envac solution (the Swedish underground vacuum tube extraction system)
6. Transport, freight delivery and last mile delivery strategy
7. Public realm strategy
8. Communications and connectivity
9. Security
10. Stock conditions survey of estates
11. Options appraisal of estate
12. Advice and support to residents in estate regeneration
13. Construction management
14. Any other project-related spend that supports planning for the growth of the Area.

These meet the requirements to 'support the development of the Area'. Spend on projects can only be by agreement between LBTH and the Forum and should take place after appropriate consultation has taken place on the scope of the project.

Source:

National Planning Guidance - Guidance on the operation of the Community Infrastructure Levy.
Updated: 16 11 2016 Paragraph: 072 Reference ID: 25-072-20140612

"Areas could use some of the neighbourhood pot to develop a [neighbourhood plan](#) where it would support development by addressing the demands that development places on the area."

Paragraph: 078 Reference ID: 25-078-20140612

"The neighbourhood portion of the levy can be spent on a wider range of things than the rest of the levy, provided that it meets the requirement to 'support the development of the area'"

Paragraph: 079 Reference ID: 25-079-20140612

"Where a neighbourhood plan has been made, it should be used to identify these priorities."

Paragraph: 072 Reference ID: 25-072-20140612

"The use of neighbourhood funds should therefore match priorities expressed by local communities, including priorities set out formally in neighbourhood plans.... This should include working with any designated neighbourhood forums preparing neighbourhood plans that exist in the area."

<http://planningguidance.communities.gov.uk/blog/guidance/community-infrastructure-levy/spending-the-levy/>

Explanation:

LBTH may lack the human resources to deliver all the projects required and identified by the GLA, TfL, its own Local Plan and the Neighbourhood Plan. The London Docklands Development Corporation delivered projects because it was dedicated to a specific area and had dedicated resources.

This policy therefore requires LBTH to use some of the CIL monies already received to employ for a fixed period of time project managers and other dedicated staff to be based in the Isle of Dogs & South Poplar OAPF area or to be dedicated to that area. Those project managers will be dedicated to assisting in the delivery of projects identified by LBTH, TfL, GLA and the Forum.

Those CIL funds can also be used to pay for external assistance and consultants required in the delivery of those projects and the Long Plan.

Justification:

It is clear that the next phase of development of the Isle of Dogs will require a significant spending of public funds, and it is beyond the current capacity of LBTH to deliver all of those projects in a timely manner. There is also a material risk that S106 funds will not be spent within the seven years required under S106 rules.

With £24 million pounds of CIL having already been received by LBTH from developments in the Area (as at January 2017) the cash exists to fund these projects.

CIL4 – ALL CIL TO BE SPENT IN THE AREA

As LBTH has determined that the cost of new Infrastructure needed to support development in the Area will exceed all the CIL likely to be generated in the Area, the remaining CIL (in addition to the Neighbourhood Pot) should be spent on projects inside the Area. [Once the GLA's Development Infrastructure Funding Statement has been completed for the Isle of Dogs and South Poplar OAPF and all the related Infrastructure projects have been identified and their funding established, this policy CIL4 will be reviewed by the Forum]

Unspent S106 earned in the Area should also be spent in the Area given the demands on the Area.

Explanation:

The GLA is producing a Development Infrastructure Funding document which should identify the scale of the publicly acknowledged gap between Infrastructure available today and that required in the future. This should be available in 2017. Until it is available, LBTH should not be spending CIL generated in the Area elsewhere.

Justification:

CIL has never been intended to fulfil all of the infrastructure spending required for an area, especially not one with as many infrastructure demands as this Area.

The Area has also seen a historical underspend of S106. As a result, the Area has already accumulated a long list of existing Infrastructure needs: not just those required to cope with future development.

The draft Local Plan has identified a £640 million funding gap between the infrastructure needs of Tower Hamlets as a whole and the likely income over the next 15 years. LBTH therefore does not have enough funding to provide for all of its Infrastructure needs, and therefore must focus CIL & S106 spending on those areas undergoing the greatest and most intensive development, especially the Isle of Dogs.

This will encourage other communities in Tower Hamlets to encourage development in their own area if they want additional infrastructure spending.

4. POLICY – ESTATE REGENERATION

ER1 – RIGHT TO VOTE TO APPROVE OR REJECT FINAL PROPOSALS

Estates will include developments where there are multiple leaseholders but only one freeholder, these policies will therefore apply to estates managed by housing associations as well as other organisations.

In considering the regeneration of estates in the Area:

- 1) Residents of each estate facing potential redevelopment must be enabled to participate fully in the redevelopment process of their own estate.
- 2) They must be kept informed at every stage of the process through publicly available information.
- 3) They must be consulted on and, where possible, actively engaged in the selection of contractors, architects and other consultants involved in the project.
- 4) Possible development options and rules must be discussed in advance with residents through as many different venues as possible, in person, through workshops, online and via surveys before any final options are agreed.
- 5) The final step in the involvement of residents should be a vote by the affected residents between multiple options for the re-development of their estate.
- 6) A vote would be triggered by any proposal that would involve the demolition of blocks or the addition of an extra 10% of homes through other methods like infill or adding extra floors.
- 7) The vote must take place before any related planning application is submitted.

ER2 – CONDUCT OF ELECTIONS

- 1) The vote should be a clear choice between different options, the wording of which to be approved by LBTH Democratic Services in advance as being clear and unbiased. One option shall be a no, or minimum, change proposal.
- 2) If more than two options exist, then either multiple voting rounds must take place to narrow down the options to two, or a single transferable voting system can be used, in the reasonable judgement of LBTH Democratic Services.
- 3) Votes should be conducted and counted by an independent organisation approved by LBTH Democratic Services as an independent organisation and reputable in the field (the Independent Organisation).
- 4) Every reasonable effort should be made to maximise turnout by having the voting period over several days, and by ballots being able to be submitted electronically given appropriate security controls, as determined by the Independent Organisation.

The electorate shall be all residents of the estate regardless of tenure, with one vote per property. Where the landlord is non-resident, the ballot papers will be sent to the address on the estate but a copy of the information shall also be submitted to the landlord's home address. [In the Regulation 14 Consultation we shall consult on having one vote per adult resident.]

- 5) The offer document detailing the options on the ballot paper shall be sent to residents at least 28 days in advance of the vote. The pros and cons of each option must be clearly set out in the document. The offer document must be reviewed by LBTH to ensure its accuracy and completeness.
- 6) When such offer document is distributed, recognised resident's associations shall be able to add their own literature stating their view on the options, which may include opposition to the proposals. The cost of printing and distribution shall be borne by the developer.
- 7) Counting of votes and declaration of results shall be by estate. Results should also be aggregated by block or street as appropriate and by type of tenure and publicly made available as well as the same time as the final vote result. The specific arrangements shall be determined by the Independent Organisation.
- 8) The vote shall be binding by estate on a simple majority basis. Both the developer and residents shall be bound by the result, without prejudice to residents' other rights. The vote is just an agreement over whether or not the development can proceed to a formal planning application.

ER3 – RESIDENT PARTICIPATION IN A TRANSPARENT, INCLUSIVE, OBJECTIVE DECISION MAKING PROCESS

In order to ensure residents can make informed decisions, the following are required before any final decisions are made or a vote is taken:

- 1) A stock condition survey must be carried out by an independent body appointed by affected residents, the cost to be borne by the developer. LBTH shall validate the results and process.
- 2) The social, economic, and environmental costs and benefits of all proposed options for the future of an estate should be assessed in detail to ascertain which are viable, as well as the pros and cons of each scenario.
- 3) Independent advice must be made available to residents. The selection of independent advisers shall solely be made by recognised residents associations, but the cost shall be borne by the developer.

ER4 – RIGHT OF RETURN

Any resident regardless of tenure must have the right of return, and specifically:

- 1) Residents must be enabled to stay in the Area throughout the process of demolition and construction if that is their choice.

- 2) Relocation of residents should be on a one-move-only principle where possible, with residents moving from their old home straight into their new home, as happened in New Union Wharf, through a phased demolition and construction programme.
- 3) Residents must be able, through the planning process, to have an understanding of where they will be living in the future.
- 4) Residents must be enabled to return to the same general area in which they originally lived, and at least within the Forum's Area.
- 5) Residents must be enabled to retain access to a car parking space if they already have that right.
- 6) There should be no adverse financial consequences for residents as a result of their relocating, which would prevent their being able to return.
- 7) Where practically possible, residents should be re-homed close to their original neighbours, with groups of residents ideally being kept together.
- 8) Residents with direct access to gardens should be enabled to retain access to gardens or equivalent outside space wherever practically possible.
- 9) All reasonable costs directly incurred by affected residents' moving home must be borne by the developer.

ER5 – TENANTS' RIGHTS AND COSTS

- 1) The existing rights of affected tenants must remain unchanged, with no change to their existing tenancy terms.
- 2) Any expected cost changes, whether positive or negative, should be expressly and clearly made known to all affected tenants in advance of any vote or change (this applies to all tenures). Without limitation, this includes:
 - a) Heating and hot water costs
 - b) Service charges
 - c) Council tax
 - d) Insurance
 - e) Rent changes from taking a smaller or larger property
 - f) Any other costs which maybe applicable
- 3) Unless there is a material change in the number of rooms in a property (even if the new home has larger rooms), rent levels must be unchanged, except for normal annual increases.

ER6 – LEASEHOLDER AND FREEHOLDER RIGHTS

- 1) Affected leaseholders and freeholders must have the right to receive a new property of equivalent size and location without paying either additional monies up-front or in rent after occupation.
- 2) They must retain (as a minimum) an equity share in their new property equivalent to the true market value of their existing property as determined by the Independent Organisation, and shall not be less than the price which the freeholder or leaseholder paid for their existing property.
- 3) They must be able at some point in the future to obtain 100% ownership of the new property without having to pay any additional sums. The exact length of time shall be determined in advance of any public vote.
- 4) Policy ER2 (2) also applies.
- 5) If leaseholders and freeholders wish to upsize or downsize, a fair process must be agreed for this in advance of any public vote, to be determined by the Independent Organisation.

ER7 – ESTATE SMALL BUSINESSES, RETAILERS, AND COMMUNITY ORGANISATIONS

- 1) If a landlord proposes to demolish commercial premises on an estate, affected leaseholders using them should be formally consulted by the landlord in their own distinct group from an early stage, and represented on a formal consultation body alongside tenants and resident leaseholders if they wish.
- 2) If market rents for new premises will be higher than existing rates, commercial leaseholders should be offered sub-market rents to match their old rates per square metre, and premises of suitable size with long leases.

Source:

Explanation:

The Area includes many housing association managed estates, some of which were built some years ago. The question of their long-term future is therefore a live subject on the Isle of Dogs not least the Project Stone related consultation underway on the future of the four estates managed by One Housing Group: Barkantine, St Johns, Samuda & Kingsbridge.

There are however other estates on the island so this policy will apply to all estates where there is a single landowner.

Justification:

There have been many estate regenerations in Tower Hamlets in recent years. They have all included a public vote between different options, for example at New Union Wharf within the area or Robin Hood Gardens and the Ocean Estate.

Residents 'own' the buildings they live in, whether they are freeholders, leaseholders or tenants. They must be actively involved in the decisions over their future homes.

Other Plans & Draft Local Plan:

ER8 – PUBLIC PROFIT REINVESTMENT

Any profit generated by public bodies in the Area should be re-invested in the Area, either through Infrastructure investment or additional affordable housing in the Area. Where such a profit is generated, the public body must indicate in advance to all directly affected parties and to the Forum how it intends to deal with that profit.

Source:

<http://www.towerhamletsfoi.org.uk/documents/4625/15%20Fourteenth%20Schedule.pdf>

Explanation:

LBTH, due to the stock conditions transfer terms, may be in line to receive a 50% share of any profits from estate regeneration. For example, the Toynbee Island Homes Development Clawback agreement, schedule 14.

Canal & River Trust is a public body that also generates large sums in the Area which has historically been spent elsewhere.

Justification:

To ensure that any decisions made by LBTH are seen as impartial, it should be made explicit that any profit it makes from estate regeneration is re-invested back into the local community.

ER9 – RECOMMENDATIONS FOR HOUSING REGENERATION

In addition to the above policies, this Plan endorses the recommendations for housing regeneration areas put forward in the George Clarke review for the Department of Communities and Local Government:

1. Refurbishing and upgrading existing homes should be the first and preferred option rather than demolition. Full engagement with the community is required for any existing homes regeneration programme. The local community and stakeholders should be able to make informed decisions about the future of their homes and areas and consultation with them should be clear, open and unbiased. Demolition of existing homes should be the last option after all forms of market testing and options for refurbishment are exhausted.

2. If, following an open and transparent community consultation process and after rigorous market testing for refurbishment, demolition is still the preferred choice of the community, then tenants/owners should be offered 'like for like' properties. Temporary accommodation should be a last resort. Where possible, people should be offered the choice to move to accommodation more suited to their needs.
3. If owners/tenants are moved to a new property, they should suffer no net financial loss beyond what they would expect as a reasonable increase if they remained in their existing home and in line with inflation.
4. Areas should not be systematically 'wound down', which is a process that destroys communities and reduces house prices in the area. Where people are required to move out of their homes, this should be done in a considered and co-ordinated way which supports residents and prevents individuals being left in deserted streets. If homes are to be demolished, they are to be emptied and demolished as quickly as possible to make way for new development.
5. Homes should not be emptied at all until full planning permission has been fully approved for demolition and new build development in advance (with majority support from the local community) and the required funding for the new development is fully secured with a clear timetable for delivery.
6. If an area of existing housing requires improvement, remodelling or redevelopment, then a 'mixed and balanced' urban design scheme should be considered where existing properties are retained and improved while being mixed with appropriate new build development.
7. Local Authorities and Housing Associations should promote and encourage alternative methods of project procurement for the refurbishment of empty homes such as Homesteading, Co-operatives and Sweat Equity schemes. These are community-based schemes that encourage community involvement while providing better value for money.
8. Wherever possible, displaced occupiers should be given a "right to return" following the completion of a housing renewal programme. In practice this means giving first refusal to new or refurbished houses at the same price as the compensation paid to the occupier when they were displaced.
9. Where a regeneration scheme is withdrawn or partly withdrawn prior to demolition, owners should be given first refusal to have their home back (where safely habitable). The property should be offered at the same price as the compensation they received minus any compensation due for remedial work to return the property to the condition it was in prior to sale.
10. Where properties decanted for renewal schemes are left empty for more than six months, and where decency levels permit, they should be openly offered for temporary accommodation.

In April 2012, the Department for Communities & Local Government appointed George Clarke as empty homes adviser. On the 20th June, they published his ten point recommendations,

listed as policies above. The Minister for Communities, Don Foster MP then called on councils to sign up to T George Clarke's ten-point review for housing regeneration areas.

This Plan converts those recommendations into Policy.

<https://www.gov.uk/government/news/91-million-cash-to-tackle-over-6000-empty-and-derelict-homes>

5. POLICY – EMPTY SITES

ES1 – USE OF EMPTY SITES

Developers should release empty sites in their possession for temporary community use, where construction has been delayed for more than [6] months after gaining full planning consent.

Such sites may be used on a temporary basis for one or more of the following purposes by agreement between the developer, LBTH and the Forum:

1. Temporary pocket parks
2. Pop-up retail and/or restaurants
3. Affordable workspace or housing
4. Cultural and sporting activities
5. Public art and lighting installations
6. Temporary farmers' markets or commercial markets
7. [Other]

Such sites will be provided on the following basis:

- They can be recalled for development with reasonable notice in the context of the temporary use to which each has been put.
- Any current planning application does not run out as long as the site is in active use by the community subject to a maximum cap of five years.
- Any reasonable costs incurred by the developer to make the land available for such community purpose may be deducted from future CIL or S106 contributions, provided that such costs are not part of normal development costs and are truly incremental and incurred solely for the temporary community use.

Explanation:

There are a number of empty sites hoarded up awaiting development. Given the vagaries of demand for new development, some of those sites (e.g. JP Morgan, MacDonald's and Cuba/Manilla Street) have been empty for long periods.

There is also an issue in that sites are being developed to ground floor level and work then stops as developers wish to prove construction has started in order to not lose planning permission that has been granted (e.g. JP Morgan site). However, that land is then often unavailable for wider use as being covered in construction material or unsafe.

This policy, by freezing planning consents when land is being used for community use, will encourage developers and landowners to make use of their land while they wait for development to re-start.

We are conscious that the Housing White Paper released in 2017 may urge developers to build more quickly but it is not yet Policy.

Justification:

Given economic uncertainty, it is possible that sites may lie unused for extended periods. But given 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.

An example of such a temporary and attractive use was the pocket park on the south side of Bank Street where 1 & 10 Bank Street are now under construction. Other examples include Container City II at Trinity Buoy Wharf, Containerville at 35 Corbridge Crescent in Tower Hamlets & the PLACE / Ladywell pop-up village in Lewisham.

Draft Local Plan:

The South Quay Masterplan Supplementary Planning Document October 2015 has this comment on page 53 - Table 2: Suggestions for further work

“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”*

6. POLICY – GRANDFATHERING RESIDENTS’ ASSOCIATIONS

GR1 – HELPING ESTABLISH NEW RESIDENTS’ ASSOCIATIONS

To facilitate the establishment of recognised residents’ associations in large residential developments, as a condition of planning consent for new developments with at least [50] residential units, developers must ensure that:

- The principal landlord includes in all its residential unit leases automatic membership of a formally recognised residents’ association, with authority for the landlord or its agent to collect appropriate funds for the association as part of the service charge; and
- Before leasing any residential unit, such landlord establishes a model constitution for the association (in a form approved by the Forum) and all other necessary arrangements for it to function effectively; and
- Appropriate parties independent of such landlord or developer are appointed to act as the initial association committee pending their substitution by residents of each development.

Explanation:

Residents of new developments typically discuss with each other common issues, may set up Facebook groups to communicate with each other, and slowly start to form residents’ associations to have a formal role in the buildings they live in. Especially in large high rise residential developments, such a process can take a long time, be extremely frustrating, and lead to difficulties for landlords and their managing agents.

This is because regulatory guidance for residents’ associations is that at least 60% of the leaseholders must be members before an association should be recognised. However, it is practically impossible for a resident group in a modern high rise residential building to achieve such a threshold, especially where the majority of the flats in the building are owned by foreign investors, so only a minority can be contacted. Moreover, the security in modern large residential buildings is such that residents may well be unable to access the homes of residents on other floors. Achieving a 60% mandate is therefore probably impossible after the building is populated.

But if a landlord formally recognises an association when the mandate is less than the 60% the regulations generally require before they could have recognition forced on them by a property tribunal, they could be criticised by residents who have not mandated the association to agree to spending decisions on their behalf, and who might then refuse to pay the service charges incurred to fulfil those spending decisions.

Hence the grandfathering policy. If all leaseholders are by default signed up to a recognisable and recognised association when they take their lease from the landlord, this entire problem evaporates.

Justification:

Having a formally recognised residents' association will enable landlords to have an organisation to discuss issues with, and enable residents to have a formal role in the management of their buildings.

Other Plans & Draft Local Plan:

No comment or policy in the draft Local Plan can be found.

7. POLICY – 3D MODEL

3D1 – 3D MODEL FOR PLANNING

Planning in the Area shall be conducted using a 3D model with the following capabilities:

- Fidelity – to within 15 centimetre accuracy for the existing area, and to within 1 centimetre for new developments.
- It should cover the OAPF area plus Limehouse ward: not just the Area.
- To capture the wider impact of development, including without limitation daylight/sunlight or wind flow, the boundaries of the model should extend by 500 meters beyond the boundary of the area, or to the opposite bank of the River Thames, whichever is closer.
- It should encompass LVMF protected views.
- It should include consented schemes.
- It should have rights of light and sunlight study capability.
- It should allow for real time transport overlays.
- It should enable fly-through visualisations from different points and perspectives.
- It should enable wind flow modelling.
- It should be publicly accessible online.
- It should include underground as well as above-ground maps and features.
- It should be able to integrate Building Information Modelling information in order to be able to view inside the building where appropriate e.g. emergency services access
- Reasonable one-off set up costs can be met from CIL.

The model must be part of any presentation to the Development Committees of LBTH

Explanation:

There are a number of detailed 3D models available which show what is possible. The Vucity model www.vucity.co.uk model is one example that can be viewed.

Justification:

It is no longer sustainable to plan an area of such complexity, density and scale in 2D. The GLA are themselves building a digital model of the East of the City. That model should be extended not just to approve planning applications, but as a live model to plan everything in the area from new CCTV cameras to new cycle parking to the location of street bins.

The GLA ‘City in the East’ document released in 2015 on page 8 says this

“Building a digital model of City in the East

The GLA digital 3D model for City in the East covers large parts of the Thames Gateway. This model coverage will be gradually increased and the model updated in partnership with public and private sector stakeholders, with the objective to eventually cover all of London. It will provide a platform to inform spatial design and planning as well as consultation processes as an interactive live 3D model. Developers of individual sites will be expected to provide 3D models of their schemes in an agreed format which will be used to populate the GLA’s model as schemes come forward. Developers will also be expected to contribute to the cost of locating their schemes within the GLA’s wider model.”

It was illustrated with an old and out of date 3D model picture of the Isle of Dogs

<https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/opportunity-areas/city-east>

Other Plans & Draft Local Plan:

3D2 – 3D MODEL FOR APPLICATIONS

When submitting a planning application for any development over [ten] units in size, or which has to be dealt with by a development committee of LBTH, developers must submit a 3D model outline to allow the model described in policy 3D1 to be updated for the proposed application, and with sufficient fidelity to carry out all the requirements described in policy 3D1. Developers should also make available internal information about the layout of buildings where it assists emergency services or other interested parties. These models should be updated when any revisions are made to the application.

Explanation:

In order to keep the 3D model ‘live’ any applications submitted must include 3D models to allow the model to be updated.

The emergency services are seeking more information about buildings including the number of storeys, internal layouts, emergency access points, lift locations, fire hydrant locations etc. in order to better be able to respond in an emergency.

Justification:

See Policy 1

Other Plans & Draft Local Plan:

See Policy 1

8. POLICY – BROADBAND ACCESS

BBA1 – FIBRE TO THE PREMISES

Where practically feasible, each new development must provide fibre optic cabling to each individual home or work space capable of carrying at least fast broadband, telephone and television signals (known as Fibre To The Premises or FTTP).

Explanation:

A number of recent developments in the Area do not have fibre to the home, requiring expensive or difficult retro-fitting. Without dedicated fibre, it will be impossible to supply broadband delivering super-fast broadband to all homes. Given our closeness to Canary Wharf and several data centres of national importance in the wider area it is essential for the competitiveness of the Area that all new developments can supply the fastest possible speeds.

Justification:

The Government's aim is to provide superfast broadband (speeds of 24Mbps or more) to 95% of homes by 2017. The government has this to say about superfast broadband;

“Superfast broadband makes home life more fun, connected and productive. It opens up a vast world of learning and entertainment; provides better, cheaper and easier ways to keep in touch with friends and family across the world; and creates opportunities to work and learn successfully from home, revolutionising our lives.”

<https://www.gov.uk/guidance/broadband-delivery-uk>

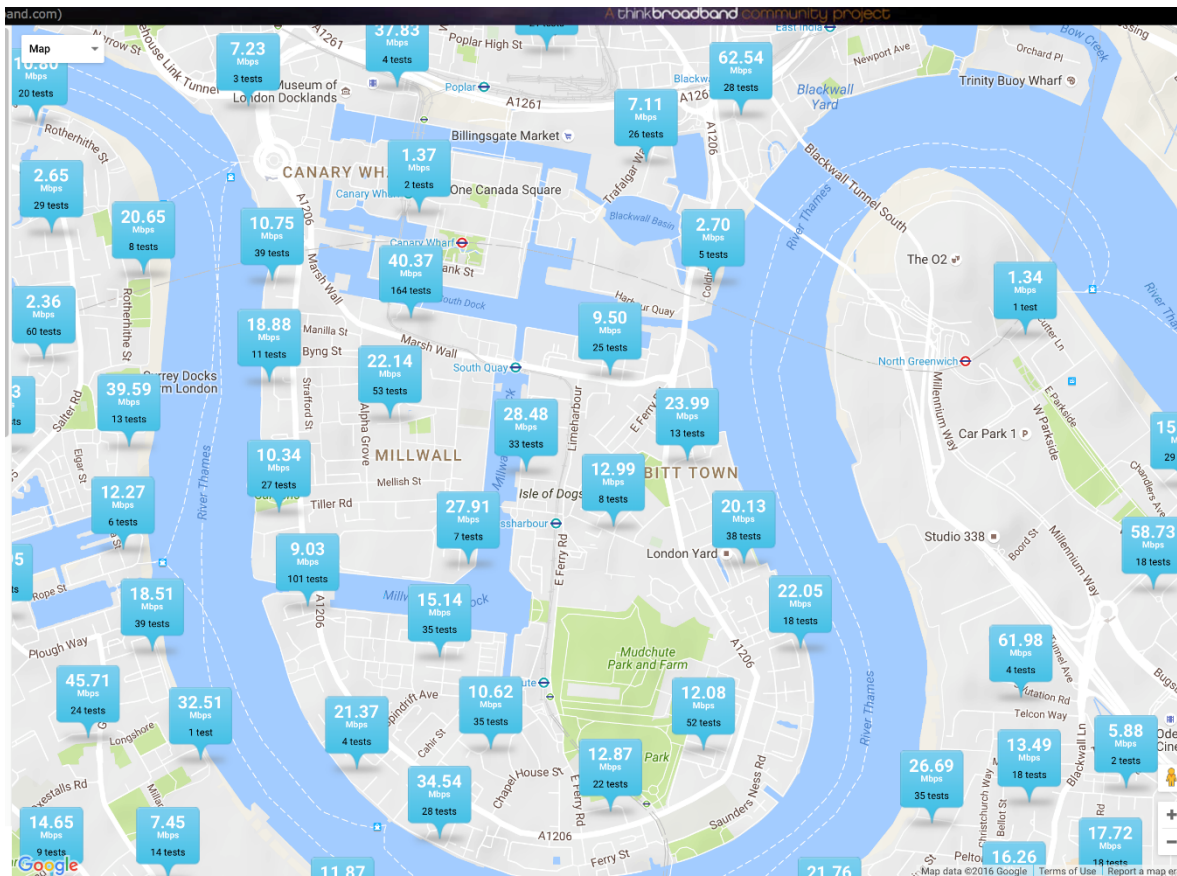
When new residents arrive in the Area they are often shocked by how poor broadband speeds are in recently completed developments.

The Government describes Fibre to the Premises (FTTP) thus;

“This is where optical fibre is run from the exchange all the way through to the premises, allowing for a very quick and fully future proofed internet connection. Speeds offered over FTTP are far above the national average - typically up to 1gbps - and very high upload speeds are also offered, which is particularly useful for businesses or those working from home.”

The attached speed map run November 2016 shows how poor broadband speeds are in large parts of the wider area.

<http://maps.thinkbroadband.com/#!/lat=51.50067824937107&lng=-0.01398833305052527&zoom=15&type=terrain&speed-cluster>



Other Plans & Draft Local Plan:

BBA2 – BROADBAND RESILIENCE AND CHOICE

Where practically feasible, occupiers of each new development must be able to connect to two separate superfast broadband providers, providing users with a choice to ensure competition and redundancy. This will require connecting to two separate networks: not two providers using the same network.

Explanation:

BT/Openreach has historically under invested in the area due to limitations within the Poplar Exchange. As a result, some residents experience broadband speeds far below those recommended by the government even though many can see the data centres in Blackwall which handle almost 50% of the UK’s internet traffic.

With BT/Openreach, Hyperoptic and Virgin Media all active in the Area as of November 2016 there are now multiple providers available.

This policy could be met by having the normal BT phone line which is also capable of connecting to the Internet plus a connection to one other network.

Justification:

To ensure consumers have a competitive choice of products for what is an essential component of modern life.

Other Plans & Draft Local Plan:

The UK has a strong record of competition policy and having regulators like the Competition & Markets Authority. But that in this area there is little policy on ensuring that residents have access to a competitive range of products.

BBA3 – MOBILE NETWORK RESILIENCE

Mobile phone companies must be statutory consultees in the planning application process. Developers must co-ordinate with any mobile phone providers who have base stations within 500 meters of a relevant development location about the impact their development will have on mobile phone signals from such mobile base stations.

If a development site already contains communication infrastructure it must be re-provided in any new development such that there is no loss of connectivity to the wider area.

Explanation:

The O2 network has been suffering from network issues since September 2016 when a new building started to block signals from an existing base station. As it can take 18 months or more to implement a new mobile phone base station, this means O2 users will suffer from an extended period of poor service. The more advance notice that mobile phone providers have of disruption, the quicker they can re-configure their network.

Justification:

To ensure residents, visitors and workers do not suffer from poor mobile phone access. Mobile broadband is a critical feature of modern life but tall buildings can block mobile phone signals and, given the scale, height and density of development already experienced in the Area, poor network reliability and access results.

9. POLICY – CONSTRUCTION MANAGEMENT AND COMMUNICATION

CC1 – CONSTRUCTION COORDINATION

Construction companies shall consult the Forum (or any successor organisation) when producing, or making any material changes to, a construction management plan.

Explanation:

Construction companies should consult the Forum when drawing up their construction management plan especially when that construction will have an impact on the wider area.

Justification:

Residents are often the last to know what is happening on their own door step. Through the local community's local knowledge, awareness of other developments and ability to communicate with the wider community, by working with developers the community and the Forum can materially improve construction management, making life easier for the developer and residents.

CC2 – CONSTRUCTION COMMUNICATION

Construction companies shall inform the Forum (or any successor organisation) as soon as reasonably practicable whenever they propose a change to normal working hours or conditions for which they have to seek the permission of LBTH, and of such permissions being granted.

Explanation:

The Forum should be emailed when there is a change. Some developers in the Area already do this but others currently do not.

Justification:

Residents are often the last to know about any change to allowable hours, this often results in frustration and extra work as they then try and find out if the work had been allowed or not. There is also sometimes a lack of communication between different developers and other stakeholders as to what is happening in a small area with tightly packed and large developments.

The Forum can disseminate any changes of working practises or hours to the wider community and to other stakeholders. Simply being copied into any email communication to or from LBTH would meet this policy requirement.

CC3 – CONTROL OF DUST AND EMISSIONS DURING CONSTRUCTION AND DEMOLITION

Adopting The GLA Supplementary Planning Guidance “THE CONTROL OF DUST AND EMISSIONS DURING CONSTRUCTION AND DEMOLITION’ released in July 2014 as a Plan Policy, with the following two additions:

- When construction management plans are submitted, they must detail how construction will meet the recommendations of this policy; and
- Where the policy says that data should be shared with LBTH, it must also be shared at the same time with the Forum (or a successor organisation) through a method determined by the Forum.

Source:

GLA Website contains the original SPG

<https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/supplementary-planning-guidance/control-dust-and>

Explanation:

The aim of making the supplementary planning guidance (SPG) Neighbourhood Plan policy is to reduce emissions of dust, PM₁₀ and PM_{2.5} from construction and demolition activities in London. It also aims to control nitrogen oxides (NOx) from these same activities by introducing an Ultra-Low Emissions Zone (ULEZ) for non-road mobile machinery.

Justification:

With more intense construction underway in the Area than anywhere else in the UK, and in a geographically limited space, it is essential that construction is undertaken to the highest standards.

10. POLICY – SUSTAINABLE DESIGN

SD1 – SUSTAINABLE DESIGN

Proposals should be accompanied by a pre-assessment, demonstrating how the following BREEAM standards (or any future replacement standards) will be met:

- All new non-residential developments and non-self-contained residential accommodation are expected to meet at least BREEAM 'Excellent' rating.
- All major non-residential refurbishment of existing buildings and conversions over 500sqm floor space (gross) are expected to meet at least BREEAM non-domestic refurbishment 'Excellent' rating.
- Residential developments should use and comply with the Home Quality Mark, launched in 2015. This especially applies to developments exceeding London Plan recommended density limits

Source:

Strategic Policy SG1 Sustainable Growth in Tower Hamlets in the draft Local Plan.

Explanation:

These policies are in the draft LBTH Local Plan but, as the new Local Plan is likely to be adopted after the Neighbourhood Plan, it is desirable to set these standards as soon as possible.

Justification:

LBTH has said it will strongly encourage schemes to use the Home Quality Mark.

Other Plans and the Draft Local Plan:

Strategic Policy SG1 Sustainable Growth in Tower Hamlets in the draft Local Plan.

11. POLICY – AIR QUALITY

AQ1 – AIR QUALITY

- 1) Development must not damage the health of the air. It must also contribute to the rapid achievement of the most ambitious goals in the Paris Agreement.
- 2) New development or substantial refurbishment of existing buildings must be designed to have zero local emissions to air now, and zero total emissions to air by 2020. In particular:
 - a) Such development, including its associated vehicle movements, must demonstrate that it is 'air quality positive' and must contribute to helping the Isle of Dogs reduce all air pollutants to levels below World Health Organisation (WHO) guidelines everywhere within the Area by 2020.
 - b) Such development will not be granted planning permission where it worsens air quality, even by a negligible degree, at any receptors where levels of pollutants at those receptors already exceed WHO guidelines. In this regard, a predicted or actual increase in the annual mean concentration of pollutants of 0.1 microgram per cubic metre or more is considered significant.
 - c) Such development will not, under any circumstances, be granted planning permission where it worsens air quality at any receptors so that previously compliant receptors exceed WHO guidelines as a result of the development.
 - d) Such development which worsens the quality of the air where WHO guidelines are already complied with can only be justified by the principle of sustainable development as understood in International Law. Development which significantly increases the risk to human and ecological health will never constitute sustainable development.
 - e) All such development has a continuing obligation to improve air quality to achieve the best standard of air quality practically possible. Occupiers of development should take proactive steps to adopt measures which will reduce their impact on air quality. This requirement applies even where WHO guidelines are complied with.
 - f) Such development must avoid contributing to the deterioration of air quality throughout its lifespan as far as practically possible.
 - g) All such development must ensure that standards of indoor air quality for carbon dioxide (CO₂), fine particles (PM_{2.5}), nitrogen dioxide (NO₂), formaldehyde and volatile organic compounds (VOCs) comply fully with the most ambitious international standards such as ASHRAE's Air Quality Guide: Best Practices for Design, Construction and Commissioning, BREEAM, BS:EN 13779 (2012), ISO 16890, LEED and WELL Building Standard. Air handling equipment must be regularly maintained.

- 3) All such development should, where necessary, include measures to minimise residual environmental impacts on those using the development and on all those who may be affected by the development.
- 4) Proposals for restaurants and cafés (Class A3), drinking establishments (Class A4) or hot-food take-away (Class A5) to place tables and chairs on the pavement will only be permitted if the World Health Organisation's guideline for hourly mean exposure to nitrogen dioxide is unlikely to be exceeded in that location.

Source:

Knightsbridge Neighbourhood Plan POLICY KBR41: HEALTHY AIR

http://www.knightsbridgeforum.org/media/documents/part_one_knightsbridge_neighbourhood_plan_pre-submission_consultation_081216.pdf

Explanation:

Air Quality is a major concern of residents both within the Area and London as a whole.

Justification:

Health impact of air pollution