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Report on the Greater Carpenters Neighbourhood Plan 2019 - 2028

An Examination undertaken for the London Legacy Development Corporation with the support of the Greater Carpenters Neighbourhood Forum on the Regulation 15 submission version of the Plan.

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Date of Report: 18 March 2020

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Main Findings - Executive Summary

From my examination of the Greater Carpenters Neighbourhood Plan (the Plan/GCNP) and its supporting documentation, including the representations made, I have concluded that, subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- the Plan has been prepared and submitted for examination by a qualifying body – the Greater Carpenters Neighbourhood Forum (GCNF);
- the Plan has been prepared for an area properly designated – the Greater Carpenters Neighbourhood Area as shown on page 4 of the submitted Plan;
- the Plan indicates the period in which it is to take effect: 2019–2028; and
- the policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Greater Carpenters Neighbourhood Plan 2019–2028

- 1.1 The Greater Carpenters Neighbourhood, with a population of 7207¹, is a densely developed built-up area lying to the south of Stratford Regional Station, bounded on its north eastern and north western sides by railway tracks which lead to and from the station, its south eastern side by Stratford High Street and its south western side by Waterworks River.
- 1.2 The core of the area is primarily residential, comprising a mixture of two storey houses and three storey apartment blocks interspersed with three tall tower blocks which visually dominate the centre of the Plan area. However, other tall buildings predominate around the periphery of the residential core, along the High Street and near the Waterworks River.

¹ Estimate by the GCNF in response to Q2 dated 9 January 2020. View at: <https://www.queenelizabetholympicpark.co.uk/-/media/lldc/planning/neighbourhood-planning/greater-carpenters-neighbourhood-plan/greater-carpenters-forum-replies.ashx?la=en>

- 1.3 The Development Plan for the area, which includes The London Legacy Development Corporation (LLDC) Local Plan 2015, defines the Greater Carpenters District as Site Allocation SA.3.4, a mixed-use area with potential for extensive redevelopment. This description is carried forward in the emerging Revised Local Plan 2019.
- 1.4 The formal process to commence preparation of the GCNP began in July 2015 when the Greater Carpenters area was designated as a Neighbourhood Area by the LLDC. The preparation of the GCNP developed following the publication of the Carpenters Community Plan in 2013. Work on the GCNP continued through 2014, 2015, 2016 and 2017 when a pre-submission version of the Plan was publicised. The GCNP now represents over five years work for those involved.
- 1.5 The vision for Greater Carpenters is described in the Plan (page 7), the gist of which is to aim for a community which is revitalised, vibrant and inclusive, resilient, healthy and physically active, empowered, engaged and better integrated socially and physically with the surrounding area.
- 1.6 The means to achieve the broader vision is then developed through objectives which consider economy and employment; green space, biodiversity and community gardening; housing refurbishment and sensitive infill, transport connections and movement; community ownership and empowerment, with health and wellbeing representing an overarching objective. These objectives form the logical subheadings for the policies of the Plan.

The Independent Examiner

- 1.7 As the Plan has now reached the examination stage, I have been appointed as the examiner of the GCNP by the LLDC, with the agreement of the GCNF.
- 1.8 I am a chartered town planner and former government Planning Inspector with previous experience of examining neighbourhood plans. I am an independent examiner and do not have an interest in any of the land that may be affected by the draft Plan.

The Scope of the Examination

- 1.9 As the independent examiner, I am required to produce this report and recommend either:
 - (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

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1.10 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:

- Whether the Plan meets the Basic Conditions;
- Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development';
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
 - whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

1.11 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

1.12 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the GCNP must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;

- be compatible with and not breach European Union (EU) obligations; and
- meet prescribed conditions and comply with prescribed matters.

1.13 Regulation 32 and Schedule 2 to the 2012 Regulations prescribe a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.²

2. Approach to the Examination

Planning Policy Context

- 2.1 The Development Plan for this part of the LLDC is The London Plan March 2016 and the LLDC Local Plan adopted in 2015, both of which are being reviewed. The draft new London Plan was published for public consultation in December 2017 and the Inspectors' report into its examination was published in October 2019 with recommended modifications which are to be the subject of publicity. The LLDC Revised Local Plan is undergoing examination, hearing sessions having been held in September 2019. The report of the Inspector is awaited but he has issued a letter to LLDC which outlines and explains modifications which are likely to be required to make the Local Plan sound.³
- 2.2 The GCNP must be in general conformity with the strategic policies of the Development Plan. Accordingly, in my conclusions in the report about whether the Basic Conditions are met, my principal focus is on consideration of the general conformity of the GCNP policies against the strategic policies of the extant Development Plan, comprising the adopted London Plan and the LLDC Local Plan, in order to assess the legal requirement under section 8(2)(e) of the 1990 Act. I also comment on the emerging London Plan and the Revised Local Plan given their advanced stage, albeit I recognise that they are not yet part of the statutory Development Plan for the area and thus do not fall under the assessment required by paragraph 8(2)(e). However, Planning Practice Guidance (PPG) states that it is important to minimise any conflicts between policies

² This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

³ See Appendix 1 to the letter from the LLDC dated 6 January 2020. View at: <https://www.queenelizabetholympicpark.co.uk/-/media/lldc/planning/neighbourhood-planning/greater-carpenters-neighbourhood-plan/examiners-questions-lldc-response-060120.ashx?la=en>

in a neighbourhood plan and those in an emerging local plan.⁴ I consider that the LLDC and GCNF have attempted to work together to ensure that conflicts between the two plans have been minimised.

- 2.3 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF) and the PPG offers guidance on how this policy should be implemented. The NPPF of July 2018, and the February 2019 revision, replaces the first NPPF published in March 2012. The GCNP was submitted to LLDC in June 2019, so it is clear from paragraph 214 that this Plan is to be tested against the revised NPPF.⁵

Submitted Documents

- 2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted, which comprise:
- The Greater Carpenters Neighbourhood Plan 2019–2028;
 - The map on page 4 of the Plan, which identifies the area to which the proposed Neighbourhood Plan relates;
 - the Consultation Statement, May 2019;
 - the Basic Conditions Statement, May 2019;
 - all the representations that have been made in accordance with the Regulation 16 consultation;
 - the Strategic Environmental Assessment (SEA) Screening Opinion, dated July 2017; and
 - the requests for additional clarification sought in my letters of 22 November 2019, 11 December 2019 and 14 January 2020 and the responses dated 5 December 2019, 6 and 28 January 2020 from the LLDC, 9 and 28 January 2020 from the GCNF and 6 January 2020 from the London Borough of Newham (Newham LB), all of which are available on the LLDC's website.⁶

Site Visit

- 2.5 I made an unaccompanied site visit to the Neighbourhood Plan Area on 27 November 2019 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and the representations.

⁴ PPG Reference ID: 41-009-20190509.

⁵ See paragraph 214 of the NPPF. The Plan was submitted under Regulation 15 to the local planning authority after 24 January 2019.

⁶ View at: <https://www.queenelizabetholympicpark.co.uk/planning-authority/planning-policy/neighbourhood-planning>

Written Representations with or without Public Hearing

2.6 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum. As noted in paragraph 2.4 above, the GCNF, LLDC and Newham LB helpfully answered in writing the questions which I put to them in my letters 22 November, 11 December 2019 and 14 January 2020.

Modifications

2.7 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The GCNP has been prepared and submitted for examination by the GCNF, which is a qualifying body. It extends over the whole of the Greater Carpenters area, which constitutes the area of the Plan designated by LLDC on 21 July 2015.
- 3.2 It is the only Neighbourhood Plan for the Greater Carpenters area and does not relate to land outside the designated Neighbourhood Plan Area.

Plan Period

3.3 The Plan specifies clearly the period during which it takes effect, which is between 2019 and 2028.

Neighbourhood Plan Preparation and Consultation

- 3.4 The Consultation Statement, dated May 2019, indicates that the GCNF took the first steps in the preparation of the Plan in 2014 and 2015 with a series of meetings to gauge opinion on key themes for local residents, agree the Plan area, write a constitution and set up a web site. Public meetings took place in July and November 2014 which were advertised by printing and distributing 6000 leaflets to about 1100 households, the local school, the Builders Arms pub and other buildings used by the community.
- 3.5 Public meetings also took place in February and June 2015 which preceded the drafting of a vision for the Plan, which was circulated to Intelligent Plans and Examinations (IPE) Ltd, 29 Monmouth Street, Bath BA1 2DL

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members of the GCNF and then published in a newsletter in April 2016. Consultation events were held in May and July 2016, with workshops held on key themes within the Plan. From December 2016 to August 2017, one to one discussions were held with key stakeholders and further workshop meetings held on specific topics in the Plan. Drafts of the Plan were produced in September 2016, February 2017, May 2017 and October 2017, modified as a result of the continuing consultations.

- 3.6 The formal consultation on the GCNP under Regulation 14 of the 2012 Regulations took place during a period of just over seven weeks between 30 October and 18 December 2017. The publicity given to this stage of the Plan was very wide ranging. 10,000 survey forms and fliers were distributed. Exhibitions, drop-in sessions and two public meetings were held. 256 responses were received to the consultation. The GCNP was then submitted to the LLDC in June 2019 and was subject to consultation under Regulation 16 between 3 July 2019 and 31 August 2019. 61 representations were received.
- 3.7 Both the LLDC and Newham LB expressed reservations about the effectiveness of the engagement with the public on the draft Plan and the public consultation process. However, although the indications are that the membership of the GCNF only extended to perhaps over 100 people, which would be a very small proportion of the resident population, public meetings were well advertised, together with exhibitions and the widespread distribution of leaflets. People cannot be compelled to attend events or participate in surveys and other parts of the preparation process.
- 3.8 Therefore, all in all, I am satisfied that a transparent, fair and inclusive consultation process has been followed for the GCNP, that has had regard to advice in the PPG on plan preparation and is procedurally compliant in accordance with the legal requirements.

Development and Use of Land

- 3.9 I consider that the Plan, as proposed to be modified, sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

- 3.10 The Plan does not include provisions and policies for 'excluded development'.

Human Rights

- 3.11 The Basic Conditions Statement (BCS) states that the Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and it also complies with the Human Rights

Act 1998. The GCNF were advised by the LLDC that it did not need to produce an Equalities Impact Assessment. The GCNP has been prepared with extensive input from the community and stakeholders, as set out in the Consultation Statement. The LLDC has not raised any issues concerning a breach of, or incompatibility with Convention rights (within the meaning of the Human Rights Act 1998). I have considered the matter independently and I have found no reason to come to a different conclusion.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The GCNP was screened for SEA on behalf of the LLDC. The Screening Opinion is available on the web site of LLDC.⁷ The LLDC found that it was unnecessary to undertake SEA. When consulted, neither Natural England (NE) nor the Environment Agency (EA) disagreed with that assessment.⁸ In the Regulation 16 response, Historic England did not seek the undertaking of a SEA.⁹ Having read the very thorough SEA Screening Opinion, and considered the matter independently, I agree with those conclusions.
- 4.2 The GCNP was further screened on behalf of the LLDC for Habitats Regulations Assessment (HRA), which concluded that HRA was not required. NE agreed with that conclusion and had no further comments in its Regulation 16 consultation response.¹⁰ Based on my independent consideration on the information provided, I support the above conclusion.

Main Issues

- 4.3 Following the consideration of whether the Plan complies with various procedural and legal requirements, it is now necessary to deal with whether it complies with the Basic Conditions; particularly the regard it pays to national policy and guidance, the contribution it makes to the achievement of sustainable development and whether it is in general conformity with strategic development plan policies. I test the Plan against the Basic Conditions by considering specific issues of compliance with the Plan's sixteen policies.

⁷ View at: <https://www.queenelizabetholympicpark.co.uk/planning-authority/planning-policy/neighbourhood-planning>

⁸ Emails from Natural England; 12 April 2017 & The Environment Agency; 17 May 2017.

⁹ Regulation 16 response; 25 July 2019.

¹⁰ Regulation 16 response; 24 July 2019.

- 4.4 As part of that assessment, I consider whether the policies in the GCNP are sufficiently clear and unambiguous, having regard to advice in the PPG. A policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.¹¹
- 4.5 Accordingly, having regard to the GCNP, the consultation responses, written evidence¹² and the site visit, I consider that the main issues for this examination are whether the Plan policies (i) have regard to national policy and guidance, (ii) are in general conformity with the adopted strategic planning policies and (iii) would contribute to the achievement of sustainable development? I shall assess these issues on the basis of broadly grouping the themes which have been identified in the GCNP, but altering the sequence by considering (a) Homes, Refurbishment and Sensitive Infill (b) Economy and Employment; (c) Green Space and Biodiversity; (d) Transport Connections and Movement; and finally, (e) Community Facilities.

Topic (a): Homes, Refurbishment and Sensitive Infill (Policies H1, H2 and H3)

- 4.6 The London Plan provides the context for the housing requirements for the LLDC Local Plan and, indirectly, the GCNP. The adopted London Plan indicates a 10 years minimum housing target for the LLDC of 14,711.¹³ Policy SP.2 of the adopted LLDC Local Plan 2015 to 2031 provides for delivering in excess of the London Plan target of 1,471 houses per annum in its area.
- 4.7 The LLDC Local Plan divides the Corporation into Areas and Sub Areas. The Site Allocation SA3.4: Greater Carpenters District is virtually identical to the area of the GCNP.¹⁴ The first two supporting development principles of SA3.4 relate to housing numbers and state that proposals should seek to optimise and increase the residential capacity of the area subject in particular to Policy SP.2 of the Local Plan. (Policy SP.2 seeks to maximise housing and infrastructure). The second development principle is that densities and uses should reflect location and public transport accessibility.

¹¹ PPG Reference ID: 41-041-20140306.

¹² The other evidence includes my letters of 22 November, 11 December 2019 and 14 January 2020 to the GCNF, LLDC and Newham LB seeking clarification and the replies referred to above.

¹³ The London Plan: Table 3.1. View at: <https://www.london.gov.uk/what-we-do/planning/london-plan>

¹⁴ The diagram on page 205 of the LLDC Local Plan is on a slightly different map base to that on page 4 of the GCNP, but the boundaries of the areas appear to be very similar.

- 4.8 The reviews of both plans are being undertaken simultaneously and have reached a late stage in their preparation.¹⁵ Policy H.1 of the new London Plan, as about to be published following the receipt of the Panel recommendations, provides for Table 4.1 which sets out a target for net housing completions in the LLDC of 21,540 between 2019/2020 and 2028/2029.
- 4.9 The LLDC Revised Local Plan continues the definition of Site Allocation SA3.4: Greater Carpenters District from the adopted Local Plan. Many of the supporting development principles continue unchanged, but the site allocation is expected to yield a minimum of 2,300 new homes (gross).
- 4.10 Policy H2 of the GCNP states that the target for housing is to provide 650 new homes and bring back 300 – 350 empty homes back into use. The locations of the allocations for new homes are shown on Figure 4 .6 of the Plan. Policy H1 of the Plan indicates that refurbishment of all existing homes has the highest priority and it is evident from the second paragraph of Policy H2 that, should any redevelopment propose the demolition of existing homes, refurbishment should be one of the options considered.
- 4.11 I consider that Policies H1 and H2, when taken together, fail to significantly optimise and increase the residential capacity of the area of the Plan and do not reflect its location adjoining Stratford Regional Station and the public transport accessibility. Therefore, the policies do not generally conform with the Greater Carpenters District development principles within the adopted Local Plan (and the policies also conflict with the development principles contained within the Draft Revised Local Plan, especially the minimum housing target of 2,300 new homes).
- 4.12 However, following the hearing sessions into the Draft Revised Local Plan, the Inspector has listed main modifications (MMs) which are likely to be necessary to make the Plan sound which, although including the development principles, deletes the 2,300 new homes figure. The precise size of the housing allocation is to be determined following the outcome of the consideration of a range of options including refurbishment, infill opportunities, comprehensive redevelopment and combinations of those options and which would involve full community consultation.¹⁶
- 4.13 The modifications which the Inspector considers are likely to be necessary to make the Revised Local Plan sound include MM27 which states that:

¹⁵ See paragraph 2.1 above.

¹⁶ For the Inspector's explanatory letter and the schedule of Main Modifications, including MM27, MM28 and MM29 which are pertinent to the GCNP, see Appendix 1 of the letter from the LLDC dated 6 January 2020.

"The detailed development principles for this area will be formulated through the emerging Greater Carpenters Neighbourhood Plan."

- 4.14 In response to one of my questions, the GCNF helpfully commented that they believed 1000 new homes could be provided in the Plan area, an increase from the 650 in the Plan; the additions being located within the two parcels of land shown in Map 4.6a which accompanied the response.¹⁷ Whereas the additional locations may be suitable for residential development in some form, I have very strong reservations about recommending the allocation of these sites or even confirming those proposed in the Plan.
- 4.15 The three high rise blocks; Lund Point, Dennison Point and James Riley Point provide 168, 134 and 132 homes respectively.¹⁸ The GCNF estimate that about 50 households still live in the blocks, the remainder being "decanted" by the housing authority and landowner Newham LB, to live elsewhere, mostly locally, pending redevelopment and who have a right to return.¹⁹ However, even though reoccupying the vacancies within the blocks would add to the availability of accommodation, I do not have any convincing evidence submitted to suggest that the high rise blocks could be viably refurbished to current residential standards taking into account health, safety, energy and climate change requirements, such as is sought for new housing development in Policy H3 of the Plan
- 4.16 It is evident that, in order to achieve the degree of increase in residential density sought in the adopted Local Plan without undermining the strategic policies in the London Plan, taller buildings than currently exist, other than the three high rise blocks, will be required. Depending on their height, they may be subject to Policy BN.10 of the adopted Local Plan and Policy BN.5 of the emerging Revised Local Plan. In addition, the proposals would be subject to the detailed design requirements of Policies BN.1 and BN.4 of the adopted Local Plan and the same numbered policies of the emerging Revised Local Plan.
- 4.17 The Plan proposes delivering the housing in blocks of buildings at a height of up to 8 storeys, some with mixed uses, with the locations shown on Figure 4.6, although the GNCf has suggested that building heights could be up to 15 storeys by the railway lines and at the periphery of the Carpenters estate.²⁰ The Plan refers to a report prepared by AECOM for the GCNF as evidence to justify the allocations. However, deficiencies in the report which are identified by the LLDC show that not all the potential sites available for housing were considered and there was no information

¹⁷ Site C: The TfL Triangle; Site G: The Yard.

¹⁸ See Q4 response from GCNF, dated 9 January 2020.

¹⁹ See response from Newham LB, dated 6 January 2020.

²⁰ See response to Q5 from GCNF, dated 9 January.

on the methodology by which the actual proposed housing numbers were determined. Furthermore, there is no evidence on the deliverability of the housing numbers proposed in the locations in the Plan. Additionally, there is no analytical evidence to indicate that the new buildings would comply with the design requirements of Local Plan Policies BN.1 and BN.4.

4.18 Therefore, in order to make the Plan generally conform with the strategic policies of the adopted LLDC Local Plan, the adopted London Plan (and to minimise conflict with the emerging London Plan and the Revised LLDC Local Plan, particularly if MM27, MM28 and MM29 become part of the Local Plan), I recommend the following modifications to the GCNP, including the deletion of Policies H1 and H2 and Figure 4.6. The modifications take the form of further detailed development principles for the Plan area, to be read alongside those in the Local Plan, which include early community consultation on specific development proposals or regeneration plans and residents' ballots. **(PM1)**

4.19 The further detailed development principles are:

(a) There is no minimum housing target but, due to the proximity of the Stratford transport hub and the potential for redevelopment of significant areas, the residential density within the area of the Plan should be substantially increased.

(b) The increase in density should be predominantly (i) alongside the rail corridor forming the western boundary of the Plan area, whilst respecting the safeguarding necessary for the Dockland Light Railway (DLR) North Route Double Tracking phase 2, and (ii) towards the north of the Plan area reflecting the potential of the Transport for London (TfL) land shown on Figure 4.6a and the proximity of the town centre.

(c) New residential development should be provided by refurbishment, opportunities for infill and/or comprehensive redevelopment, subject to viability considerations and the overall design of schemes which are proposed, including the need for tall buildings to be in accordance with Policy BN.5 of the Local Plan and for the whole development to be subject to Policies BN.1 and BN.5.

4.20 The second paragraph in Policy H2 requires the submission of details of environmental costs and alternative options in the event of a proposal to demolish existing houses. I consider that any significant redevelopment scheme would fall within Schedule 2 of the Town and Country (Environmental Impact Assessment) Regulations 2017 and so would already be subject to the measures which the policy seeks to achieve.²¹

²¹ See Regulation 18(3)(d). View at:

<http://www.legislation.gov.uk/ukxi/2017/571/contents/made>

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- 4.21 The third paragraph of Policy H2 concerns affordable housing and sets a target for all sites of 10 houses or more of 50% being not-for-profit community led housing and social rented housing. Having regard to the advice in the PPG²², I note this approach conflicts with the emerging London Plan and the emerging Revised Local Plan. These differentiate between publicly and privately owned land and also include within Policies H4 to H6 of the emerging London Plan and Policy H.2 of the Revised Local Plan a far more comprehensive set of criteria to be satisfied in order to obtain the appropriate mix and tenure of affordable housing in specific situations. My principal concern in relation to meeting the Basic Conditions is that the broad approach of the third paragraph of Policy H2 of the GCNP would not contribute to securing the achievement of sustainable development. Other aspects of Policy H2 consider housing for the elderly which is dealt with in Policy H.3 of the emerging Revised Local Plan and the Home Quality Mark, which is a form of certification from housebuilders to those who then buy or rent the homes and is not a neighbourhood planning matter. Therefore, I shall recommend the deletion of those parts of Policy H2 as part of PM1.
- 4.22 Paragraph 4.4.1 refers to a resident-led master plan for the Carpenters Estate. There is no reason why an informal master plan cannot be prepared by the residents, but its function would be to inform any consultation carried out by the LLDC as the local planning authority, or Newham LB as the major landowner.
- 4.23 Policy H3, which should be renumbered H2 if the above recommendations are accepted, considers environmental standards for new housing and generally conforms with Policies SP.5, S.2, S.3 and S.4 of the adopted Local Plan (and emerging Revised Local Plan) and has regard to national guidance.²³

Topic (b): Green Space, Biodiversity and Community Gardening (Policies G1, G2, G3, G4 and G5)

- 4.24 Policy G1 seeks to protect and enhance green spaces. The policy is in general conformity with Policy BN.7 of the adopted Local Plan (and does not conflict with Policy BN.8 of the emerging Revised Local Plan). The policy also has regard to national guidance.²⁴ However, in order to be effective for development management and ensure subsequent maintenance, I shall recommend a modification to require the submission of an appropriate scheme. **(PM2)**

²² Reference ID: 41-009-20190509.

²³ NPPF: paragraph 150 b).

²⁴ NPPF: paragraph 92.

- 4.25 Policy G2 and Figure 4.3 identify communal green spaces which have the potential to provide community facilities. The policy describes the green spaces as Local Green Space (LGS). Figure 4.3 describes them as public green space. LGS is provided for in the NPPF where paragraph 100 describes the criteria to be met. Although the evidence to support definition as LGS is not explicit in the Plan, I consider that the proximity of the areas of land to the community, the value placed on them and their modest size would mean that the criteria are satisfied. However, NPPF paragraph 99 states that the LGS should be capable of enduring beyond the end of the Plan period.
- 4.26 In my opinion, some open spaces may be lost or altered by any scheme for regeneration which could occur before 2028, which is the end date for the period of the Plan. Therefore, I shall recommend modifying the policy by identifying the green spaces as Public Green Space. The spaces will still retain protection, where appropriate, under Policy G1. The phrase within Policy G2 "... Development will contribute to ..." is insufficiently flexible and I shall recommend a modification so that a contribution will be sought, where appropriate. **(PM3)** Subject to those modifications, the policy would generally conform with strategic Policy BN.7 of the adopted Local Plan (would not conflict with Policy BN.8 of the Revised Local Plan) and would have regard to national guidance.²⁵
- 4.27 Policy G3 deals with biodiversity. Policy G4 supports tree planting and maintenance. I consider both policies are in general conformity with Policy BN.3 of the adopted Local Plan (and do not conflict with Policy BN.3 of the emerging Revised Local Plan) and have regard to national guidance.²⁶
- 4.28 Policy G5 supports local food growing and community gardening and is in general conformity with Policy S.7 of the adopted Local Plan (and is not in conflict with Policy S.9 of the Revised Local Plan). The policy has regard to national guidance.²⁷ However, to require composting facilities, water butts and "food growing spaces" on all housing development is too restrictive and may be impractical for all units in any tall buildings. Therefore, I shall recommend the deletion of those requirements. **(PM4)**

Topic (c): Economy and Employment (Policies E1, E2 and E3)

- 4.29 Policy E1 seeks to persuade developers to support the Neighbourhood Education Partnership which is intended to be based in a new multi-purpose community hub. The location of the hub is not specified in the Plan. However, the aspirational policy generally conforms with the Local

²⁵ NPPF: paragraph 92.

²⁶ NPPF: paragraph 170 d).

²⁷ NPPF: paragraph 91 c).

Plan Policies SP.1 and B.5 (and does not conflict with the similarly phrased Revised Local Plan Policies SP.1 and B.5) which aim to promote access to skills and employment training. Policy E1 also has regard to national guidance.²⁸ Nevertheless, the policy as drafted is too prescriptive and I shall recommend a modification to make it one of support. **(PM5)**

- 4.30 Policy E2 encourages local businesses and local employment. The thrust of the policy generally conforms with Local Plan Policy B.1 section 5. Although the Plan area is outside an employment cluster as defined in the Local Plan, paragraph 4.14 states that the intention of the policy is to maintain employment outside the clusters as it plays a pivotal role in the economic performance of the area. The details within Policy E2 also generally conform with strategic Local Plan Policies B.3, B.4 and B.5. However, in my opinion, targeting “young people” is too imprecise to be effective in development management, as well as being discriminatory.
- 4.31 The requirement to pay at least the London Living Wage is not a land use planning matter and, in any event, would not be enforceable. In addition, the phraseology of Policy E2 makes it mandatory to provide all the elements within it which I consider is unreasonable and may prejudice employment development proposals which might otherwise be sustainable and acceptable. Therefore, I shall recommend modifying the policy by excluding the words to which I refer above and also by encouraging the provision of the details within the policy, rather than compelling them to be provided. **(PM6)**
- 4.32 Furthermore, paragraph 4.1.5 of the Plan states that target rents for low cost workspace will be 50% of market value, which is tantamount to policy. There is no evidence to justify such a figure, which does not conform with Policy B.4 and paragraph 4.32 of the Local Plan (and conflicts with paragraph 4.36 of the Revised Local Plan). Accordingly, I shall recommend deleting the final two sentences of paragraph 4.1.5 of the Plan. **(PM7)**
- 4.33 Figure 4.1 identifies the blocks of single storey lock up garages in the Plan area, together with a diagram illustrating how they could be converted to low cost workspace. The Plan does not show them as proposals, although should the garages remain available to be used in this way, they may offer an opportunity for innovative development or redevelopment including low cost workspace. However, the sites may also provide opportunities for redevelopment for residential purposes.
- 4.34 Policy E3 states that new retail development will be permitted where it includes shops and services needed in the neighbourhood. I note the justification in the Plan, which indicates a need for local shops and

²⁸ NPPF: paragraph 20.

services such as a pharmacy, launderette, post office and hairdresser. I do not consider that these are necessarily town centre uses and are frequently found in residential areas with no demonstrable detrimental effect on town centre vitality and viability. Should a proposed unit exceed 200 sq.m, it would be the subject of a retail impact assessment in order to test whether its presence could threaten any nearby centres such as the Stratford Town Centre.

- 4.35 The phrasing of the policy suggests that the inclusion of such shops and services could be used as a device in order to permit a major retail development. Furthermore, in addition to the reference in the policy to "over-concentration", which is too ambiguous to be an effective development management mechanism, the brand name of shops or cafes cannot be prescribed in planning control. Planning policy does not allow for specific types of development to be banned outright. There is no evidence to justify a 333m buffer zone restricting fast food outlets around schools. However, Policy E9 D of the emerging London Plan indicates a threshold of 400m, which is appropriately evidenced, with details about how that is to be implemented.
- 4.36 Therefore, rather than duplicate the Policy E9 D policy from the emerging London Plan, I shall recommend deleting that element of Policy E3 from the GCNP, but adjusting Figure 4.2 to illustrate a 400m boundary given the existence of evidence to justify this. I shall also recommend rephrasing Policy E3 to take account of the deficiencies noted above. **(PM8)** With the recommended modifications, Policy E3 would generally conform with Policies 4.8 B (b) and Policy 7.1 of the adopted London Plan (and would not conflict with Policy E9 of the emerging London Plan). It would enable the provision of a range of services appropriate to meet the different needs of the diverse community which makes up the neighbourhood. The policy would also have regard to national guidance for promoting healthy and safe communities.²⁹

Topic (d): Transport Connections and Movement (Policies T1, T2 and T3)

- 4.37 The three policies which are grouped into the Transport section generally conform with strategic Policies T.3 and T.4 of the adopted Local Plan (and minimise conflicts with Policies T.3 and T.4 of the emerging Revised Local Plan). They each have regard to national guidance.³⁰ However, there are deficiencies within the phrasing of the policies in that the terminology is too restrictive and I shall recommend modifying the first phrases of Policies T1 and T2 to make them less compelling. In addition, the final sentence in Policy T1 is an aspiration rather than a land use policy and I

²⁹ NPPF: paragraphs 91 & 92.

³⁰ NPPF: paragraph 104.

recommend that it should be transferred to a new paragraph preceding 4.4.1. **(PM9)**

4.38 Policy T2 includes a reference to bike hire schemes, space for which might be accommodated on either privately or publicly owned land. I shall recommend that the policy is recast in order to encourage support of the extension of bike hire schemes and the provision of car parking to the London Plan standards. The encouragement of low carbon and diesel free cars is outside the scope of a neighbourhood plan. **(PM10)**

4.39 The final two bullet points in Policy T3 identify actions to be taken rather than policy and I recommend that they are transferred to paragraph 4.4.7. **(PM11)**

Topic (e): Community Facilities, Ownership and Empowerment (Policies C1 and C2)

4.40 Policy C1 deals with community empowerment and I have noted the representation by the LLDC which correctly refers to the respective roles of the LLDC as the local planning authority and the Neighbourhood Forum as a consultee in the planning process. Therefore, I shall recommend modifying the policy so that it expresses support for involvement of the Forum in the development management process but deletes the requirement to submit development briefs to the Forum, the need to agree with the Forum a programme of active engagement and the requirement to submit a Social Impact Statement. **(PM12)** Subject to those modifications, the policy would generally conform with the supporting development principles of Site Allocation SA3.4 of the adopted Local Plan (and would not conflict with those in the emerging Revised Local Plan) and would have regard to national guidance.³¹

4.41 Policy C2 seeks the provision of community facilities when major development is permitted and generally conforms with strategic Policy CI.1 of the adopted Local Plan (and does not conflict with Policy CI.1 of the emerging Revised Local Plan), subject to the modification of the final sentence to overcome the deficiency caused by specifying the length of any lease in a planning policy document. **(PM13)** The policy will then also have regard to national guidance.³²

Other Comments

4.42 When assessing whether the Plan is in general conformity with the strategic policies for the area, I have considered the policies against those of the LLDC Local Plan and the London Plan. Unless otherwise stated, the

³¹ NPPF: paragraph 17 c).

³² NPPF: paragraph 92.

policies generally conform with the London Plan (and have minimised conflict with the emerging London Plan), have regard to national policy and guidance and would contribute to the achievement of sustainable development.

- 4.43 The Plan includes Section 5: Delivery. It does not form part of the statutory plan and is not the subject of this examination. Nevertheless, it is a valuable component of the Plan which will assist in monitoring the implementation of the various policies. The GCNF is to be commended for recognising that the neighbourhood planning process does not end with the preparation and making of the Plan.

5. Conclusions

Summary

- 5.1 The Greater Carpenters Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard to all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Greater Carpenters Neighbourhood Plan, as modified, has no policy which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the boundary of the Plan.
- 5.4 I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

Overview

- 5.5 In conducting the examination, I enjoyed reading the Plan and visiting the Greater Carpenters area. The Plan is challenging and the GCNF may feel understandably disappointed that I have rejected the policy of prioritising refurbishment over redevelopment or regeneration. I note from the Consultation Statement that the precursor of the GCNP was the Carpenters Community Plan published in 2013 as a response to the "top

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down” plans for the estate and this may have influenced the overall strategy for housing in the Neighbourhood Plan.

- 5.6 Nevertheless, the recognition by the GCNF that the overall housing density in the Plan area has to be significantly increased is a welcome sign that the consultation process with Newham LB about seeking an appropriate balance between refurbishment and comprehensive redevelopment should be productive.
- 5.7 The GCNF are to be congratulated for their efforts in producing the document which, incorporating the modifications I have recommended, will make a positive contribution to the Development Plan for the Greater Carpenters area and will assist in creating sustainable development.

Andrew Mead

Examiner

Appendix: Modifications

Proposed modification number (PM)	Plan reference	Modification
PM1	Policies H1 and H2	<p>Delete Policy H1, H2 and Figure 4.6.</p> <p>Replace with a new Policy H1: New and Existing Homes as follows:</p> <p>“(a) There should be no minimum housing target but, due to the proximity of the Stratford transport hub and the potential for redevelopment of significant areas, the residential density within the area of the Plan should be significantly increased.</p> <p>(b) The increase in density should be predominantly (i) alongside the rail corridor forming the western boundary of the Plan area, whilst respecting the safeguarding necessary for the DLR North Route Double Tracking phase 2 and (ii) towards the north of the Plan area reflecting the potential of the TfL land shown on Figure 4.6a and the proximity of the town centre.</p> <p>(c) New residential development should be provided by refurbishment, opportunities for infill and/or comprehensive redevelopment, subject to viability considerations and the overall design of schemes which are proposed, including the need for tall buildings to be in accordance with Policy BN.5 of the Local Plan.”</p>
PM2	Policy G1	<p>Add at the end of the second paragraph: “... by the submission and approval by the local planning</p>

		authority of a maintenance scheme for the green spaces which should include details of management and maintenance costs."
PM3	Policy G2	Delete: "... Local Green Space ..." and substitute: "... Public Green Space ...". Delete: "Development will contribute..." and substitute: "... Contributions from development will be sought where appropriate towards: ... ".
PM4	Policy G5	Delete the final two sentences of the policy.
PM5	Policy E1	Delete: "Developers will work with ..." and substitute: " The Neighbourhood Forum will encourage developers to work with ... ".
PM6	Policy E2	Delete: "In particular they will provide..." and substitute: " In particular, the following will be sought... ". First bullet point; delete: "... young people and ...". Third bullet point; delete: "and paying at least the London Living Wage."
PM7	Paragraph 4.1.5	Delete the final two sentences.
PM8	Policy E3	Policy E3 (i) replace "includes" with " comprises. " (ii) Delete: "betting shops, money shops and brand name cafes" and replace with " betting shops and money shops. " Delete: "No fast food shops will be permitted in the plan area". Adjust Figure 4.2 to show a buffer zone of 400m.

PM9	Policy T1	<p>Delete the policy wording and substitute:</p> <p>“Development which provides improved integration of the Greater Carpenters neighbourhood area with its surroundings will be supported.”</p> <p>Transfer the final sentence in the policy to a new paragraph preceding 4.4.1.</p>
PM10	Policy T2	<p>Delete the policy wording and substitute:</p> <p>“All development should provide small scale infrastructure, including cycle storage to at least London Plan standards, in order to increase the proportion of journeys made on foot or by bike and to increase the accessibility of bus services across the Plan area.</p> <p>Measures to extend the London bike scheme and local bike hire schemes will be supported.</p> <p>All development should provide car parking spaces to the standard within the London Plan.”</p>
PM11	Policy T3	<p>Transfer the final two bullet points to paragraph 4.4.7.</p>
PM12	Policy C1 Paragraph 4.5.2	<p>Amend the first sentence of the policy to: “Developers will be encouraged to engage with the community, undertake investments, etc...”.</p> <p>Delete the second sentence, including the times listed from (i) to (iii).</p> <p>Delete the paragraph and substitute: “The Neighbourhood Forum should be involved in developing the scope of any social impact assessment to be submitted with a planning application.”</p>
PM13	Policy C2	<p>Delete the final sentence and substitute: “Community floor space</p>

		should be affordable for renting for the length of lease secured through a S106 Legal Agreement.”
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