


<p style="text-align: center;"><b>Cabinet</b></p> <p style="text-align: center;">10 May 2016</p>	
<p><b>Report of:</b> Aman Dalvi, Corporate Director Development and Renewal</p>	<p><b>Classification:</b> Unrestricted</p>
<p><b>Planning Policy Explanatory Note on Tall Buildings</b></p>	

<b>Lead Member</b>	<b>Councillor Rachel Blake, Cabinet Member for Strategic Development</b>
<b>Originating Officer(s)</b>	Adele Maher, Strategic Planning Manager
<b>Wards affected</b>	All wards
<b>Key Decision?</b>	Yes
<b>Community Plan Theme</b>	<b>A Great Place to Live</b>

## Executive Summary

- 1.1 The Mayor, Councillors and our community have expressed concern that the development industry is increasingly seeing much of the Borough as an opportunity for “Tall Buildings”. This is resulting in planning applications being received for developments that the Council considers are inappropriate for their local context and as such fail to satisfy the planning policy requirements of London Borough of Tower Hamlets adopted Local Plan (Core Strategy 2010 and Managing Development Document DPD 2013).
- 1.2 The Council is in the process of preparing a new Local Plan that will include a new policy on “Tall Buildings”. These policies are anticipated to be published in draft in autumn 2016 and adopted in 2017. In the interim however, more applications for “Tall Buildings” are likely to be received.
- 1.3 The Mayor has therefore requested that an explanatory note is published to ensure that the Council’s policy on “Tall Buildings” is made clear to interested parties. The ‘Planning Policy Explanatory Note on Tall Buildings’, which is attached in Appendix 1 to this report, has been produced for this purpose.

## Recommendations:

The Mayor in Cabinet is recommended to:

1. Approve the Planning Policy Explanatory Note on Tall Buildings.

## **1. REASONS FOR THE DECISIONS**

- 1.1 There is concern that the Council's adopted policies on "Tall Buildings" set out in London Borough of Tower Hamlets Local Plan are not being fully considered in the design of new developments. As a result planning applications for new developments in the Borough are increasingly failing to satisfy the Council's planning policy requirements for "Tall Buildings".
- 1.2 The Explanatory Note has been produced to help address this and to reassert the Council's existing planning policy position on "Tall Buildings".
- 1.3 The purpose of 'The Planning Policy Explanatory Note on Tall Buildings' is to help communicate and ensure that these policies are understood and are interpreted as intended. 'The Planning Policy Explanatory Note on Tall Buildings' does not introduce new planning policy or guidance, and does not have a material weight in making planning decisions.
- 1.4 With regard to residential buildings, it is important to note that high density does not necessarily mean tall buildings.

## **2. ALTERNATIVE OPTIONS**

### **ALTERNATIVE OPTION: NO EXPLANATORY NOTE**

- 2.1 The Council could decide not to produce 'The Planning Policy Explanatory Note on Tall Buildings'. The Council's planning judgement is that this would be unhelpful and would fail to utilise an opportunity to manage the application of the Borough's Local Plan policies.
- 2.2 It is considered that publication of the 'The Planning Policy Explanatory Note on Tall Buildings', which reasserts the Council's existing planning policy position, will positively contribute to the more effective and timely delivery of sustainable development in the Borough.

## **3. DETAILS OF REPORT**

### **BACKGROUND**

- 3.1 Planning applications for "Tall Buildings" in the Borough need to take into account a range of national, regional and local planning policies and guidance. London Borough of Tower Hamlets has an up-to-date adopted Local Plan that includes specific policies to manage the appropriateness of "Tall Buildings" in this area. This includes policy DM26 Buildings Heights in the Managing Development Document 2013.
- 3.2 In recent years, updates to national and regional policies and legislation, have led to a surge of development in London and increased development interest

in Tower Hamlets, in order to satisfy London's demand for new homes and jobs.

- 3.3 This has resulted in a significant increase in the number of planning applications for "Tall Buildings" coming forward in Tower Hamlets. Recent research by New London Architecture and GL Hearn in 2016 shows that the greatest concentration of planning applications for Tall Buildings in London is in Tower Hamlets.
- 3.4 The London Borough of Tower Hamlets Local Plan Spatial Vision (chapter 2 Core Strategy 2010), makes it clear that the existing distinct and identifiable places of Tower Hamlets are what makes this Borough unique and what it is; and that this respect for the existing context must be taken as a cornerstone around which all new development in the Borough is designed. This central part of the Local Plan Spatial Vision is reinforced by policies, including DM26 Building Heights which requires new development to respect Tower Hamlets' unique and identifiable places and context.
- 3.5 While the Council acknowledges the significant housing target it has been allocated in the London Plan, and appreciates the economic and regenerative benefits that new development for housing and commercial uses brings, it is essential that new development is appropriate for Tower Hamlets and takes into full account all the policies in our Development Plan, including Local Plan policy DM26 and its reference to respect for local context.
- 3.6 There is concern that the development industry is increasingly seeing the Borough as an area for optimising development potential. While this is acknowledged, there is a danger that ambitions to maximise site potential may result in developments of substantial and inappropriate heights for the local area. This is contrary to the Local Plan Spatial Vision and its policies.
- 3.7 The Mayor, many Councillors and members of the local community have expressed concern that this respect for local context and the policies in the Council's Local Plan do not appear to have been fully taken into account in the design of many new developments.
- 3.8 In advance of the publication of the new Local Plan, it is considered a timely opportunity to reiterate the Council's Local Plan policies in respect of "Tall Buildings" through this 'Planning Policy Explanatory Note on Tall Buildings', which is attached as an appendix to this report.

#### **4. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 4.1 In advance of the publication in 2017 of an updated policy within the new Local Plan, an explanatory note has been prepared in order to clarify the existing planning policies that are in effect in relation to the development of tall buildings within the borough. The Mayor in Cabinet is asked to approve the publication of this document as a guide to support the planning application process.

- 4.2 There are no direct financial implications arising from this report. The main costs associated with the future development of the new Local Plan will be staffing related and financed from within existing resources. The consultation process will incur expenditure on items such as advertising, printing, hiring venues and facilitating public meetings. There is existing budgetary provision to fund this expenditure.

## **5. LEGAL COMMENTS**

- 5.1 This report to the Cabinet identifies a need to explain to the public the key issues and objectives of the Council's existing adopted Local Plan policies on tall buildings. Such policies are contained the Council's adopted Core Strategy 2010 and the Managing Development Document DPD 2013, which together comprise the "**Local Plan**").
- 5.2 The Local Plan policies referred to in this report and the Appendix annexed are material considerations in the determination of planning applications submitted to the Council for the development of tall buildings. The Explanatory Note highlights the relevant policies in order to aid the public's understanding of these policies and to inform the understanding the prospective applicants for planning permission in their formulation of their development proposals.
- 5.3 The Explanatory Note is not a statutory requirement but is considered to be necessary to satisfy a need expressed by some members of the public for an explanation of the Council's policies with particular regard to planning applications for tall buildings.
- 5.4 The Explanatory Note, if agreed by Cabinet, would not form part of or be an addition to the Council's existing Local Plan and could not (and should not) be taken into account as a material consideration in the determination of planning applications. It would solely act as an interpretative aid to the public understanding of the Council's existing Local Plan Policies on tall buildings.
- 5.5 There is no statutory or constitutional requirement that the Explanatory Note must be consulted upon.
- 5.6 In publishing the Explanatory Note, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not. An equalities impact assessment was completed for the adoption of the Local Plan; since the Local Plan remains unchanged by the Explanatory Note there are no new implications raised for the Council's equalities assessment in respect of the Explanatory Note.

## **6. ONE TOWER HAMLETS CONSIDERATIONS**

- 6.1 The policy Explanatory Note does not introduce new policy; this is covered under the existing Local Plan equalities impact assessment and therefore there are no specific considerations.

## **7. BEST VALUE (BV) IMPLICATIONS**

- 7.1 There are no specific implications associated with this report.

## **8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 8.1 There are no specific implications associated with this report.

## **9. RISK MANAGEMENT IMPLICATIONS**

- 9.1 There are no specific implications associated with this report.

## **10. CRIME AND DISORDER REDUCTION IMPLICATIONS**

- 10.1 There are no specific implications associated with this report.

## **11. SAFEGUARDING IMPLICATIONS**

- 11.1 There are no specific implications associated with this report.

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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- NONE

### **Appendices**

1. 'Planning Policy Explanatory Note – Tall Buildings'

### **Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012**

- NONE

**Officer contact details for documents:**

Hong Chen  
Plan Making Team Leader  
[Hong.Chen@towerhamlets.gov.uk](mailto:Hong.Chen@towerhamlets.gov.uk)  
020 7364 4778