

Cabinet 16 December 2020	 TOWER HAMLETS
Report of: Ann Sutcliffe, Place Corporate Director	Classification: Unrestricted
Adoption of the High Density Living Supplementary Planning Document	

Lead Member	Councillor Eve McQuillan, Cabinet Member for Planning and Social Inclusion
Originating Officer(s)	Lucia Cerrada Morato
Wards affected	All wards
Key Decision?	Yes
Forward Plan Notice Published	17 th November
Reason for Key Decision	Impact on Wards
Strategic Plan Priority / Outcome	A borough that our residents are proud of and love to live in

Executive Summary

The High Density Living SPD provides supplementary guidance on the design of high density residential and mixed use development as set out in the new Local Plan to 2031 (adopted January 2020), in particular policy *S.DH1- Delivering High Quality Design* and policy *D.DH7 - Density*. Furthermore, the SPD seeks to help to deliver the Mayor's manifesto pledges to improve the quality and fairness of housing and make development work for local people.

The High Density Living SPD has been through an extensive preparation process that includes project scoping (April 2018-July 2018); evidence gathering -including a large resident survey, workshops and interviews with residents, Council services and other stakeholders- (from August 2018-January 2019); preparation of draft document (February 2019-July 2019); option testing (September-December 2019) and public consultation (February 2020-June 2020). A wide range of community groups, residents, developers and other stakeholders made formal responses to the High Density Living SPD as part of the consultation process.

It is now necessary to adopt the High Density Living SPD to further enable clear and robust guidance to inform and be implemented in development proposals which will ensure the quality of life of residents in high-density developments is delivered and in accordance with corporate and Council objectives and the development Plan

(Local Plan and London Plan).

Recommendations:

Cabinet is recommended to:

1. To approve the High Density Living SPD (appendix 1) for adoption and authorise officers to prepare an adoption statement and publish the Regulation 18(4)(b) Statement and adoption statement so it can be considered a material planning consideration in the assessment of planning applications for high density and high-rise buildings.
2. Authorise the Corporate Director of Place to make any necessary factual or minor editing changes prior to publishing the final High Density Living SPD.
3. To note the Equalities Impact Assessment as set out in appendix 2.
4. To note the Representation schedule summarising representations received during the consultation and the responses to these representations as set out in appendix 3.

1 REASONS FOR THE DECISIONS

- 1.1 Tower Hamlets has the highest housing target under in the current London Plan and this has been only moderately reduced in the new draft London Plan. With limited land available for new development, significant emphasis has been placed on optimising housing density to deliver sufficient new homes. Increasingly, planning policy and guidance has supported the delivery of housing at high densities. This narrative has continued in the draft London Plan, which unlike its predecessor does not set out target density ranges, and instead leaves upper density levels open, allowing boroughs to determine the appropriate development in the context of their existing character and densities.
- 1.2 The new Tower Hamlets Local Plan sets out how the borough will grow and develop from now until 2031. It recognises that during this time Tower Hamlets will continue to be home to diverse communities and that it is important to support existing residents and welcome new people to make their home within liveable, mixed, stable, inclusive and cohesive neighbourhoods,

which contribute to a high quality of life. Among the many policies that will shape new development is one that seeks to manage the impacts of high density developments. This supports the Mayor of Tower Hamlets' manifesto commitment to continue to oppose development that is too tall or too dense.

- 1.3 The density of development has two important implications; it influences the number of people living in an area and it influences the nature of the urban form in which they are accommodated. Tower Hamlets has a rapidly growing population, with up to 400,000 new residents expected by 2031. However the land available for new development is decreasing. The borough has already undergone significant development in recent years limiting the number of sites that are available for redevelopment and intensification. This growth inevitably will result in an increase in residential densities that will focus in particular areas of the borough, such as the City Fringe, parts of the Isle of Dogs and Poplar Riverside. Increased densities will also mean that this growing population will be accommodated in a changing landscape of built form, particularly one that features an increased number of tall buildings. The Local Plan seeks to manage some of the implications of these changes, however given the cumulative number of high density developments it was agreed that a more detailed knowledge of the experiences of those who live in high density developments was necessary in order to understand how we can ensure new development provides a good and sustainable quality of life.
- 1.4 Evidence gathered through surveys and interviews pointed to important design issues that impact residents' quality of life. The High Density Living Supplementary Planning Document provides a series of design recommendations to support residents' quality of life.

2 ALTERNATIVE OPTIONS

- 2.1 The new Local Plan provides a vision and strategic development principles for residential and tall buildings (among other policy themes and spatial guidance). An alternative option would be to rely on this document to support and guide the development and assessment of high density and high-rise buildings in the Borough, without further detailed design guidelines.
- 2.2 This option was considered inadequate as it would not provide a sufficiently detailed understanding of the implications of high density and high-rise developments on resident's quality of life. Without the additional design guidelines provided by the SPD, the Local Plan does not provide in itself the

necessary level of detail to secure exceptional architectural quality and innovative and sustainable building design.

3 DETAILS OF THE REPORT

Background

- 3.1 The Strategic Planning service has prepared a Supplementary Planning Document (SPD) that provides additional guidance on the design of high density residential and mixed use development. The SPD supports the new Local Plan to 2031, in particular policy S.DH1 - Delivering high quality design and policy D.DH7 - Density. The project helps to deliver the Mayor's manifesto pledges to improve the quality and fairness of housing and make development work for local people. This responds to the National Planning Policy Framework (NPPF) and new London Plan, and has been prepared and will be adopted in accordance with the provisions in the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 3.2 The project responds to important recent changes in national and regional policy. Firstly, the significant emphasis that the new London Plan places on optimising housing density to deliver sufficient new homes and that, unlike its predecessor, the new London Plan does not set out target density ranges, and instead leaves upper density levels open, allowing boroughs to determine the appropriate development in the context of their existing character and densities. Secondly, the new NPPF and new London Plan place great emphasis on design quality to achieve high quality buildings and places. The NPPF encourages plans and supplementary guidance to provide maximum clarity about design expectations at an early stage through visual tools such as design guidelines. The high density living guidance seeks to provide a clear design vision and set expectations for future development in the borough.
- 3.3 The project's main objective is to ensure that the design of new high density development contributes toward a high-quality of life. It will also enable stakeholders, such as residents, Members, developers and officers, to better understand the role of design in high density residential and mixed-use development.

SPD process

Project scoping and evidence gathering

- 3.4 As part of this work, and in order to inform and provide a robust basis for drafting the supplementary policy, extensive research has been carried out into the design of high density residential development, with a particular focus on tall buildings as this type is particularly prevalent in the borough. Project scoping and evidence gathering took part between April 2018 and October 2018. This research and evidence gathering builds on work that has already been done, for example the new Local Plan, to respond to significant increases in the density and height of residential and mixed-use planning applications that have come forward in the borough in recent years. As part of the research and evidence base gathering, we;
- 3.5 First, undertook desk-based research in relation to existing policy and relevant evidence to understand and assess potential gaps.
- 3.6 Second, to gather primary data and inform the guidance, evidence was collected through a series of case studies. Case studies were selected across a range of residential densities and a range of building heights, as well as different tenure splits. The case studies were selected from different parts of the borough, and with a range of different building typologies.
- 3.7 Third, to understand the implications of living at high density, a framework against which high density living environments can be assessed was established. This was based on a set of quality of life indicators that were identified by carrying out a review of relevant literature and best practice.
- 3.8 Fourth, using the initial quality of life indicators, research was carried out to ascertain the ways in which the design characteristics of high density living environments impacted on the quality of life of residents across the nine case studies. The data was gathered through a desktop study, a resident survey, resident interviews, site visits, a neighbourhood survey and a desktop study.

In total 732 residents participated in the resident survey. The survey was then followed up with semi-structured interviews with fifty of the respondents to gain a deeper understanding of life in high density living environments. Site visits to the case study schemes, led by the building caretakers, were carried out and detailed observations were recorded. A second survey focused on residents living around the nine case studies, to understand the impact of high density buildings on neighbouring communities. A detailed examination of the planning application drawings and documents for the case study schemes was also carried out. This highlighted that there are a number of challenges on designing high density buildings such as overcoming social isolation, providing good quality play spaces, avoiding overheating in flats, etc.

- 3.9 This research and evidence gathering allowed for a draft or scoping document to be drafted in preparation for engagement and formal consultation.

Further engagement

- 3.10 The project has been informed by extensive engagement, November 2018 until January 2019, with a range of internal and external stakeholders such as ward Members, key public sector agencies, landowners and relevant Council departments. This is an important part of the preparation process, to ensure key issues are identified and resolved at the earliest opportunity. The principal methods of engagement were workshops, interviews, focus groups and sounding board sessions.
- 3.11 Internal stakeholders included a range of council services, such as those with a responsibility for safety, public health, housing and sustainability, public realm, transport and waste, and leisure. External stakeholders such as residents, experts, academics, housing associations, developers, architects and neighbouring local authorities, were also engaged with.
- 3.12 The project was also selected to participate in the GLA's first Social Integration Lab, which gave officers the opportunity to work with social integration experts, public sector innovators and residents to embed social integration principles into the guidance recommendations.

Drafting of document and option testing

- 3.13 The research and engagement outlined above informed the first draft of the design guidance. The drafting process spanned from February 2019 until July 2019.
- 3.14 Through a variety of engagement methods such as briefings, workshops, co-design workshops and various presentations, feedback was sought on options for guidance and recommendations. Some of the stakeholders engaged were Housing Associations, Developers, Services across the Council and built environment experts. Option testing took place between July 2019 and December 2019.
- 3.15 The document was informed by the option testing discussions and finalized between December 2019 and February 2020.

Formal Consultation

- 3.16 Consultation was undertaken in accordance with the Council's adopted Statement of Community Involvement (SCI), the Corporate Handbook and in collaboration with the Communications Team. The public consultation on the

draft was designed to test the content of the SPD and also to highlight the lived experiences of residents in high density buildings and high density neighbourhoods. A summary of the consultation methods are:

- Advertisement in the East End Life newspaper
- Information on the Council's website
- Series of events and exhibitions between March and April 2020. The events and exhibitions were designed to be accessible and open to everybody and tailored to address a range of audiences.
- Providing a telephone hotline and email address for queries on the SPD.

3.17 The consultation events were planned to take place in three areas; East (Aldgate), West (Bow) and South (Isle of Dogs). These are areas that currently feature high density development and that are expected to see further high density growth in the future. The case studies that informed that guidance are also based in these three areas.

3.18 The exhibitions displayed material, including photographs and videos, gathered through interviews and conversations with residents to show the lived experiences in high density environments. These were presented alongside exhibition panels illustrating the content of the SPD. The exhibitions and events were planned to move across the three areas during the consultation period, with two weeks at each area.

3.19 Unfortunately due to the Covid-19 pandemic and given the clear government guidance to stay at home and avoid all unnecessary travel all in-person consultation events had to be cancelled after the events in the Aldgate area.

3.20 In order to respond to the context and adapt the public consultation the Council undertook the following measures:

- The Consultation was extended by four weeks until the 15th of May
- All exhibition material was uploaded to the website (including videos and panels)
- Council invited questions from the public
- All the measures above were widely publicised through social media (including Facebook, Twitter and LinkedIn) and emails were circulated to the Strategic Planning contact list
- Extension to the Consultation and other measures were also presented at the Developers Forum

3.21 Over 50 people attended the consultation events held by the Council. In addition, 62 written representations were received via email and/or online

survey from Members, local residents, statutory consultees, (including, Greater London Authority (GLA), London Thames Gateway Development Corporation (LTGDC), Transport for London (TfL), Environment Agency and English Heritage) landowners and developers.

- 3.22 The Council has collated the individual comments made on the draft High Density Living SPD and formulated responses to themes (see next section) that have been used to inform the finalisation of the High Density Living SPD. In accordance with Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012, a statement setting out a summary of all of the representations received and the Council's proposed response to them has been appended to this Report, together with the final SPD, for approval.

Overview of Consultation Feedback

- 3.23 The overarching objectives for the High Density Living SPD to guide the development of good quality high density and high-rise buildings were generally supported by the community and key stakeholders. There was particular support for:
- Child friendly guidelines that seek to provide independent mobility and independent play for children
 - Community cohesion policies through how communal amenity spaces are connected and located within the development and in relation to the wider neighbourhood
 - Guidelines on how to achieve adaptable homes through careful consideration of flat layouts and storage
- 3.24 Representations expressed concerns on:
- The document being too lengthy
 - Some of the guidelines going beyond the scope of planning
 - The lack of clarity on what type of buildings the document applies to
 - The lack of clarity on how the document will be used to assess applications
 - The cumulative impact on economic viability
- 3.25 The document has been amended to respond to the representations above. Specifically:
- The document has been streamlined from 132 to 98 guidelines. Guidelines were combined when addressing recommendations for the same space. In doing so hierarchy and clarity on how applicants can achieve good design has been provided. When guidelines repeat or refer to existing guidelines, clear reference has been made. These

have been kept in order to provide an holistic view of the policy framework.

- Clarity provided on which guidelines are expected to be met at planning stage and which ones constitute only recommendations after planning consent.
- Introduction amended to clarify to what buildings this document applies. Clearer definition provided of high density and high rise in the context of Tower Hamlets as well as further guidelines on how to calculate density is now provided in the introduction. The introduction also clarifies that this document only applies to residential C3 uses.
- Introduction amended to clarify how the document will be used by different stakeholders. This includes how applicants are to demonstrate their consideration of the SPD in developing their proposal and how officers will use the document throughout the planning application process.
- Clarification on expectations about the compliance of guidelines, such that the applicants are not expected to meet all guidelines but need to prove how they achieve the main objectives of the SPD in supporting residents quality of life. This minimises concerns about cumulative impact on economic viability.

Next Steps

- 3.26 To make any necessary factual or minor editing changes prior to publishing the final High Density Living SPD.
- 3.27 To prepare an Adoption Statement to accompany the High Density Living SPD in accordance with Regulation 11 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Adoption Statement sets out:
 - a. date which the High Density Living was adopted; and
 - b. notice that any person with sufficient interest in the decision to adopt the supplementary planning document may apply to the High Court for permission to apply for judicial review of that decision, and

c. that any such application must be made promptly and in any event not later than 3 months after the date on which the supplementary planning document was adopted; and.

3.28 Subject to Cabinet adopting the High Density Living SPD, both the SPD and an adoption statement, will be finalised and published on the Council's web site and made available in the borough's Idea Stores, libraries and planning reception at the Town Hall. The High Density Living SPD will become a material consideration in the assessment of high density developments.

3.29 Under Regulation 11 of The Town and Country Planning (Local Planning) (England) Regulation 2012 section, an application can be made within three months of adoption to the High Court to have a judicial review of that decision. However, we can still put full weight on the policies in the plan during the challenge period. Therefore, following adoption of the High Density Living SPD there will be a statutory three months legal challenge period. The three months will commence from the date of adoption which will be the date of the Cabinet meeting. In the event of such a challenge, a further report will be presented to Cabinet to provide a suitable update on the expected process and associated risks.

4 EQUALITIES IMPLICATIONS

4.1 We have completed the Equalities checklist attached as appendix 2.

5 OTHER STATUTORY IMPLICATIONS

5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

5.2 None.

6 COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 There are no direct financial implications emanating from this report which provides guidance to developers when designing high density development proposals.
- 6.2 The cost of producing the high density living supplementary plan was met from existing budgetary provision and GLA funding.

7 COMMENTS OF LEGAL SERVICES

- 7.1 The Executive (Mayor and Cabinet as defined in section 9(c) of *the Local Government Act 2000*) is authorised to consider the proposed recommendations in this report by virtue of the SPD comprising a 'Key Decision' as defined in Section 3 of the Council's Constitution. Paragraph 6 of Section 3 of the Constitution defines 'Key Decision' as an executive decision which is likely to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions. As stated above in this report, this SPD if implemented will have a significant effect on all wards in the borough as it will comprise a material planning consideration in the assessment of new planning applications for high density and high rise buildings.
- 7.2 The SPD itself is a document defined in regulation 5 of the Town and Country (Local Planning) (England) Regulations 2012 ('the Regulations') to encompass any document prepared by a local planning authority which contains statements (insofar as they relate to this SPD) regarding:
 - 7.1.2 the development and use of land which the local planning authority wish to encourage during any specified period; and
 - 7.2.2 any environmental, social, design and economic objectives which are relevant to the attainment of the development and use of land.
- 7.3 The SPD comprises a category of planning documents, which only supplement the policies in a local plan. Unlike local plans, SPDs are not required to be submitted to independent examination. 2
- 7.4 The SPD has been prepared in accordance with the procedures set out in the Regulations.
- 7.5 Pursuant to s149 of the Equality Act 2010, the Council is under a duty to have due regard to think about the need to:
 - 7.5.1 Eliminate unlawful discrimination;
 - 7.5.2 Advance equality of opportunity between people who share a protected characteristic and those who don't;
 - 7.5.3 Foster or encourage good relations between people who share a protected characteristic and those who don't.

7.6 The completed Equalities checklist at Appendix 2 of this report demonstrates the Councils compliance with its public sector equality duty under the Equality Act 2010.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- Appendix 1 – High Density Living SPD
- Appendix 2 – Quality Assurance Checklist
- Appendix 3 – Consultation and Engagement

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

- None

Officer contact details for documents:

N/A