

## Planning in London

### Schemes involving Tall Buildings

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#### Why Tall Buildings matter



1. They have impacts which are orders of magnitude greater than other schemes in London and pose complex development management issues
2. They change the character of the city itself – compare the effects of 1960s tower blocks to that of the ‘Walkie Talkie’
3. Their visual impact is often greater than can be predicted and can affect – for good or ill – and can change historic environments in highly contested ways
4. They are potent signifiers – but of what?

We will aim to conduct a survey of key policies on Tall Buildings in London and draw out some ongoing lessons for the future

## What is a tall building?



- Tall buildings are those that are substantially taller than their surroundings, causing a significant change to the skyline: Commission for Architecture and the Built Environment (CABE) and English Heritage - *Guidance on Tall Buildings* (July 2007).
- Replacing it, Historic England's *Advice Note 4* (December 2015), para 1.2 – 'tall' is a relative matter – eg 10 st in a predominantly 2 st area.
- 20 storeys or more: New London Architecture Annual Tall Buildings Survey.

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## Tall buildings in London - statistics



### NLA Tall Buildings Survey (March 2017):

- A record number of 26 tall buildings completed in 2016, compared to 10 in 2015, and an annual average of 6 over the last decade.
- A record number of starts – almost 1 a week. 48 tall buildings started construction in 2016, an increase of 68% on 2015, when it was 29.
- 83 new tall buildings were submitted for planning consent in 2016 – down 30% on the year before at 119, which saw 40+ tall buildings submitted in Greenwich Peninsula.



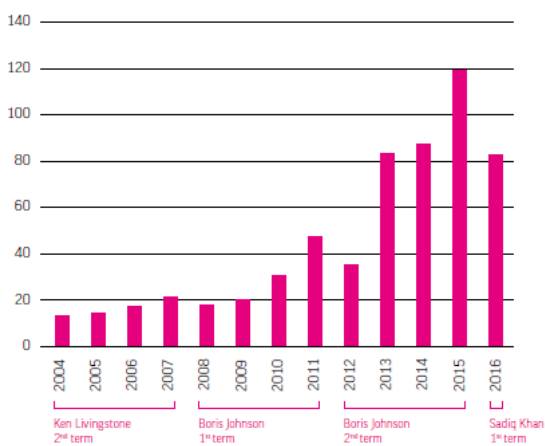
- The total pipeline of tall buildings in London which are proposed, approved and under construction increased marginally to 455 in 2016, up from 436 in 2015.
- 24 of London's 33 boroughs have a tall building pipeline. We are seeing a small shift towards outer London, with 82 tall buildings in zones 3-4 and 25 in zone 5.
- An estimated 30% of homes currently under construction in London are in tall buildings.



- 256 tall buildings currently have planning permission to go ahead and are awaiting construction. But 31 tall buildings which received planning over 5 years ago are still not on site.
- 100,000 new homes are estimated across the entire tall buildings pipeline, or two years' worth of housing need based on GLA requirements of 50,000 new dwellings per annum.
- The entire pipeline is estimated to cover 38 hectares.



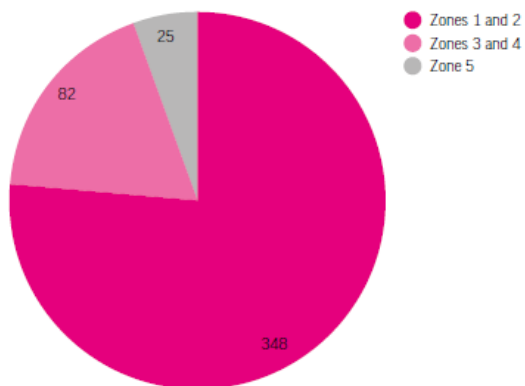
### Application rate



Source: NLA Tall Buildings Survey: March 2017



### Tall buildings by TfL zone



Source: NLA Tall Buildings Survey: March 2017



## Height – how high can you go?



Mean average height of tall buildings in the pipeline: 30 storeys.

6 tall buildings currently in the pipeline that are 60+ storeys.

Relevant factors influencing height: construction economics (especially the mix between commercial and residential), “buildability”, development risk, viability and financing of the building, policy and political influences.

Since 2010, the tallest structure in London has been The Shard, at 309.6 metres.



## Current policy



The current London Plan (March 2016):

Policy 7.7: Location and Design of tall and large buildings

### “Strategic

Tall and large buildings should be part of a plan-led approach to changing or developing an area by the identification of appropriate, sensitive and inappropriate locations. Tall and large buildings should not have an unacceptably harmful impact on their surroundings.”



## Policy 7.7 of the London Plan continued:



### “Planning decisions

“Applications for tall or large buildings should include an urban design analysis that demonstrates the proposal is part of a strategy that will meet the criteria below. This is particularly important if the site is not identified as a location for tall or large buildings in the borough’s LDF.”



Tall and large buildings should:

- (a) generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport;
- (b) only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building;
- (c) relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level;



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- (d) individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London;
  - (e) incorporate the highest standards of architecture and materials, including sustainable design and construction practices;
  - (f) have ground floor activities that provide a positive relationship to the surrounding streets;
  - (g) contribute to improving the permeability of the site and wider area, where possible;
  - (h) incorporate publicly accessible areas on the upper floors, where appropriate;
  - (i) make a significant contribution to local regeneration.
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Tall buildings:


- (a) should not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunication interference
  - (b) should not impact on local or strategic views adversely
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The impact of tall buildings proposed in sensitive locations should be given particular consideration. Such areas might include conservation areas, listed buildings and their settings, registered historic parks and gardens, scheduled monuments, battlefields, the edge of the Green Belt or Metropolitan Open Land, World Heritage Sites or other areas designated by boroughs as being sensitive or inappropriate for tall buildings.

#### LDF preparation

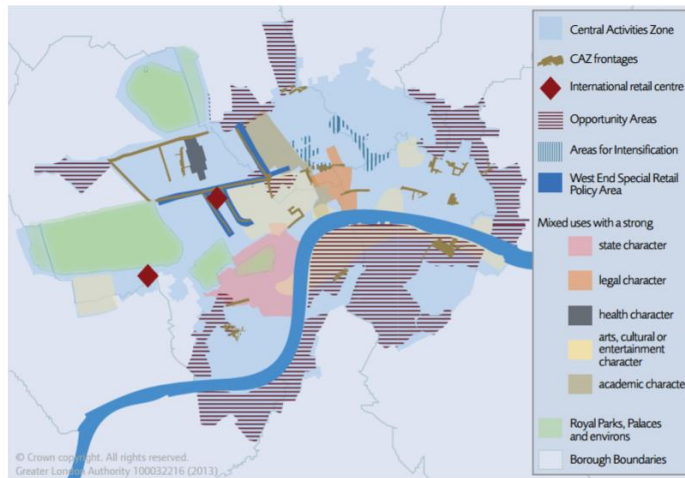
Boroughs should work with the Mayor to consider which areas are appropriate, sensitive or inappropriate for tall and large buildings and identify them in their Local Development Frameworks. These areas should be consistent with the criteria above and the place shaping and heritage policies of this Plan.

See also:

- supporting text to policy 7.7.
  - SPG: London View Management Framework (March 2012)
  - Local Plans for London boroughs + City of London Local Plan 2015, policy CS14 on Tall Buildings
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Map 2.3 The CAZ Diagram



## Mayoral powers

The Mayor is consulted on all planning applications that are of potential strategic importance (PSI) to London.

PSI categories are in the Schedule to the Town and Country Planning (Mayor of London) Order 2008:

*Category 1C Development which comprises or includes the erection of a building of one or more of the following descriptions—*

- (a) the building is more than 25 metres high and is adjacent to the River Thames;*
- (b) the building is more than 150 metres high and is in the City of London;*
- (c) the building is more than 30 metres high and is outside the City of London.*

## Mayoral powers continued



- Mayor has 6 weeks to provide consultation response on whether application complies with the London Plan policies.
- The application is then considered by the LPA.
- LPA then required to refer the application to the Mayor for final decision
- Mayor has 14 days to make a decision to allow the local planning authority decision to stand, to direct refusal, or to take over the application, thus becoming the local planning authority.



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## Case law



*Ashburton Trading Ltd v Secretary of State for Communities and Local Government* [2014] EWCA Civ 378

- Application for PP for 25-storey building in Islington – Council refuse permission, Secretary of State grants permission, High Court quashes the permission, Court of Appeal dismisses appeal.
- Key issue was impact of the proposal on the character and appearance of the area.

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- Islington Core Strategy policy CS9E stated that  
*“Tall buildings (above 30m high) are generally inappropriate to Islington's predominantly medium to low level character, therefore proposals for new tall buildings will not be supported. Parts of the Bunhill and Clerkenwell key area may contain some sites that could be suitable for tall buildings”*
  - Inspector relied on word “generally” and found the appeal site to be in an area of unusually large and tall buildings when compared to most of Islington.
  - Council challenged decision on basis that CS9 properly interpreted means that “generally” = not in the “key area” specified in the Policy.
  - Judges in High Court and Court of Appeal agreed.
  - Remitted back to new Inspector, who dismissed the appeal due to conflict with policy CS9.
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## Case law continued



*Ashton v Secretary of State for Communities and Local Government and Coin Street Community Builders Ltd* [2011] 1 P. & C.R. 5

43-storey tower on Doon Street. Secretary of State called-in. Inspector held public inquiry and recommended refusal due to impact on setting of conservation areas and important public buildings. Secretary of State did not follow recommendation, and granted permission due to benefits outweighing the harm.

High Court dismissed challenge, and Court of Appeal dismissed the appeal.



## Appeal decisions

Two towers (32 and 41 storeys) at Vauxhall Island: Secretary of State granted permission on recovered appeal - 20 August 2012. Chimed with the recently published Vauxhall, Nine Elms and Battersea Opportunity Area Framework.



- Swiss Cottage Tower – 24 storeys (and 5/7 storeys) at the Swiss Cottage roundabout next to Sir Basil Spence’s Listed Library and present in views from 6 Conservation Areas and multiple Listed Buildings
- Key issues was – assessment of heritage impact: was it intrusive or would it simply appear “beyond” and “different”?
- Also, social factors: shading and usability of the Swiss Cottage open space; the transience of the future resident population (it is a PRS scheme); whether the “outer central London” areas should have tall buildings – whether it would be a 21<sup>st</sup> century version of the 1960s estates; policy – did the Plan support “Tall” as opposed to “taller”
- Housing need and design quality won out

## Conclusions



- Towers are market-driven and their viability follows a series of S-curves based on construction costs (number of cores in particular)
- There may be safety in numbers (on clusters like Vauxhall), but Plan Led locations and town centre/hubs are likely to be the focus
- As the environment changes, will Londoners become more tolerant of the new high-rise environment? Making them inclusive will be critical
- In the past, towers = failed social engineering and central planning leading to deprivation. In the future, will they = the surrender of the capital to foreign investment and the rich?



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