

Tall Buildings in London – where next? The London Plan Perspective



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Introduction

- This talk will consider the future direction of Tall Buildings Policy in London.
- It will explore the most relevant very soon to be (finally) Published London Plan policies on tall buildings and the Secretary of State's directions in relation to them.
- It will seek to answer what these policies mean and whether they disclose an approach to tall buildings that is more restrictive than before.
- But, to understand where we (and these policies) are going it's important to grapple briefly with where we have been and why.

The unlikely birth of existing tall building policy: LPAC Guidance

In 1998 Parliament was told that an exhaustive study of tall buildings for the London Planning Advisory Committee (LPAC) concluded that **"there is no overwhelming evidence to suggest that there is a need for a radical change in London's skyline through the addition of high buildings in order to secure, sustain or enhance London's importance as a World City, or to create a new image of London for Londoners or the world"**. It stressed that **"economic analysis confirms that very high office buildings are not required for London to maintain and enhance its World City role. There is no evidence to support arguments that London will lose jobs to other World Cities if high buildings are not developed"**.

LPAC 1999 Advice

- As a result LPAC produced a Guidance Note relating to Tall Buildings in London. It was restrictive in tone and in substance.
- It reflected the left leaning stance of many of the Labour boroughs and the more protectionist position of many of the bluer outer London Boroughs. It pressed for more “gentle” density in the form of mansion blocks and ground-scrapers.
- See LPAC—SUPPLEMENTARY PLANNING ADVICE ON HIGH BUILDINGS AND STRATEGIC VIEWS IN LONDON
- It perpetuated a nervousness and lack of strategic London-wide thinking about the benefits of Tall Buildings which had left London with one of the most under-developed skylines in Europe.

So, with that guidance as the starting point, how did this.....



.....Become this within 22 years....

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And maybe this by 2023 if a number of appeals are granted?



and how did this happen at Canary Wharf.....



Or this in Croydon??



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Three reasons why. (1) Ken Livingstone



Mayor Livingstone...

- Believed profoundly in the concept of London as a World City.
- Knew from individual briefings and requests from international developers, banks etc that contrary to the LPAC advice there **was** very pressing need for further taller more prestigious buildings in the City and elsewhere.
- Understood that he could not simply ignore or rip up the recently published negative LPAC advice. He knew without it the vacuum would lead to “prematurity” refusals. There needed to be a policy framework in place.
- So instead, he subtly “added” to the negative criteria contained in LPAC.

Mayor Livingstone's Interim Guidance....2020.

THE MAYOR'S INTERIM GUIDANCE ON TALL BUILDINGS, STRATEGIC VIEWS AND THE SKYLINE IN LONDON

The **additional** criteria which the Mayor **added** to the LPAC were:

- — **contribution to a cluster**
- — **marking or drawing attention to locations of civic or visual importance such as town centres and major public transport interchanges**
- — **contributing to an interesting skyline when grouped together**
- — **giving focus, momentum and publicity to areas undergoing regeneration**
- — **performing objectives of long distance views**
- — providing long distance orientation points, whether singularly or in groups
- — creating new architectural icons for the new century
- — generating confidence in London's future both economically and aesthetically

The Guidance also goes on to note that the buildings should be:

- — of the highest architectural quality commensurate with their purpose and location.
- — the ground level should be largely accessible to the public
- — elevations should be varied and interesting
- — the tops of tall buildings should be well articulated
- — materials should be appropriate to their settings
- — the surrounding public realm should be capable of handling pedestrian movement
- — wind impact should be within acceptable limits

Mayor Livingston and the emergence of modern policy

- In this way, the Mayor shifted the entire tenor of the negative LPAC advice under the cover of amending it. It became criterion based and positive in principle.
- The relevance of this Interim Guidance note is that it became Policy 7.7 of the present (for now) London Plan and has, with minor amendments, been the policy that has allowed the alteration of the London skyline, the creation of significant clusters of high quality tall buildings and the radical densification of large parts of the capital.
- Large parts of this policy matrix remain also in the soon to be published new policy D9

Three reasons why.... (2) Heron Tower Inquiry and delivery of Gherkin

- H T. First big tall building inquiry post Interim Advice.
- Bridget Rosewell advises that in commercial terms and contrary to LPAC analysis, there was need for clustering, large floor plates: accepted by Sof S and City of London.



At the same time Gherkin built and hugely successful.....becomes an icon of WC underscoring the value of Tall Buildings.



Three Reasons why.....(3) relevant local authorities embrace tall buildings. Because they deliver.

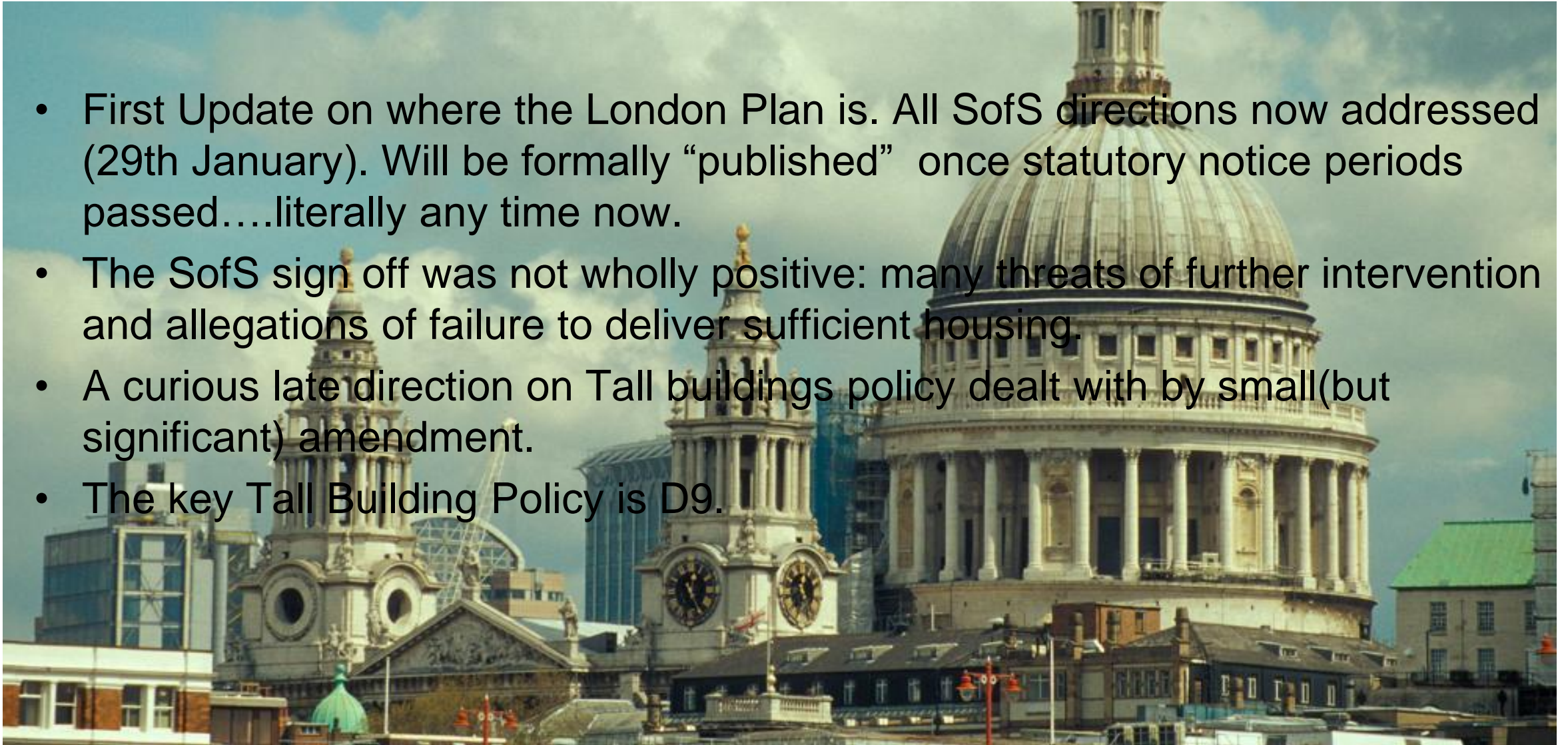
- City of London under Peter Rees and Maggie Hampson see the spatial challenge from CW and Frankfurt and the benefits of clustering set out above.
- Croydon sees opportunities of meeting office need quickly.
- Tower Hamlets accepts a cluster around Canada Square for the same reason.
- Once the potential for tall buildings was established the ability to deliver more slender more elegant smaller footprint residential development to meet housing need is inescapable: hence the rapid delivery of mixed clusters of tall buildings and eventually planned clusters of residential building at transport nodes e.g Lewisham

Adopted Plan (for days at least). Look how close Policy 7.7 reflects KL: general criterion based policy with no locational stymie.

- 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;
 - 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.
- 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

The New London Plan: how different is it?

- First Update on where the London Plan is. All SofS directions now addressed (29th January). Will be formally “published” once statutory notice periods passed....literally any time now.
- The SofS sign off was not wholly positive: many threats of further intervention and allegations of failure to deliver sufficient housing.
- A curious late direction on Tall buildings policy dealt with by small (but significant) amendment.
- The key Tall Building Policy is D9.



Tall Buildings Policy D9 IPLP.

- The Mayoral text for D9 reflects and continues much that was contained in Livingstone’s original Policy 7.7. The impacts section of the policy changes little.
- In addition, context remains important; thus “In large areas of extensive change, such as Opportunity Areas, the threshold for what constitutes a tall building should relate to the evolving (not just the existing) context”.
- So, much of Livingstone’s broadly supportive text remains...and low rise areas planned for extensive change can change by the addition of tall buildings.
- But..three important distinctions:
 - The policy and its supporting text give new and important locational and procedural guidance on how individual boroughs should identify appropriate sites/areas for tall buildings (see below).
 - Specific requirement to have regard to cumulative impacts of existing and proposed new tall buildings.
 - No specific necessary support in principle for Tall buildings in OA or in the CAZ or TC as before

D9 in locational terms.....

- 1) Boroughs should determine if there are locations where tall buildings **may be an appropriate form of development**, subject to meeting the other requirements of the Plan. This process should include engagement with neighbouring boroughs that may be affected by tall building developments in identified locations.
- 2) Any such locations and appropriate tall building heights should be identified on maps in Development Plans.
- 3) Tall buildings should only be developed **in locations that are identified** in Development Plans.
- So a restatement and some would say significant strengthening of the Plan – led approach to tall buildings. “Only in locations identified”.

In procedural terms....an important and detailed change

- Very detailed guidance on how such development plan locations are to be identified..... and supplementary guidance promised too....
- For example:
- Boroughs should determine and **identify locations where tall buildings may be an appropriate form of development** by undertaking the steps below:
 - 1) based on the areas identified for growth as part of Policy D1 London's form, character and capacity for growth, undertake a sieving exercise by assessing potential visual and cumulative impacts to consider whether there are locations where tall buildings could have a role in contributing to the emerging character and vision for a place
 - 2) in these locations, determine the maximum height that could be acceptable
 - 3) identify these locations and heights on maps in Development Plans.

The use of visual aids and techniques are specifically identified as necessary at this stage.

Heritage assets and tall buildings and the new LP

- New policies HC1 and HC2 protect heritage assets and WHS from any harm.
- Neither they nor D9 contains or even refers to the “balance” of harm against public benefit contained in the NPPF: a surprising omission ?
- However, in applying these draft policies to date and giving them great weight, the Secretary of State has recently found:
 - Tall buildings which cause any harm do breach the “no balance” policy but not necessarily the LP plan when read as a whole and
 - even where the LP as a whole is breached, schemes which bring public benefits which outweigh that harm result in circumstances where material considerations indicate a decision than in accordance with the plan.
 - **Called-in decision: land at Citroen Site, Capital Interchange Way, Brentford (ref: 3226914 - 10 September 2020)**

The Consequences of the Changes summarised

- Support of the LPA and eventually its development plan as to the location of tall buildings is enhanced as a material consideration.
- Developers much more than ever need to engage early in the LP process to ensure sites are now identified as appropriate locations for tall buildings..
- In framing their approach to LPs, developers must engage early with the procedural guidance contained in the supporting text and promised SPD. Much more hands on guidance as to how to identify locations scientifically needs to form part of the submission.
- Once a site is within an area suitable for tall buildings: the KL tests remain largely in place.
- The national policy on heritage harm is likely to be determinative on that issue.

The Secretary of State's late intervention on tall buildings- A curious tale !



Ministry of Housing,
Communities &
Local Government

- The Secretary of State intervened heavily in the London Plan issuing powerful and wide ranging directions in relation to housing delivery etc. There was no direction on Tall buildings at all.
- Until that is 10th December 2020. No explanation is given by the Secretary of State as to the lateness of the intervention.
- The extent of the intervention is puzzling. It was pre-advertised as a fundamental shift in power between the Mayor and LPAs on tall buildings... (and in practice it still might be) but the nature of the intervention is not immediately revolutionary

The nature of the Tall Buildings direction on its face.

- The Tall building Direction was summarised by the SofS in the following way “This Direction is designed to **ensure** that there is clear policy **against tall buildings outside any areas that boroughs determine are appropriate for tall buildings**, whilst ensuring that the concept of **gentle density** is embedded London wide.”
- The covering letter said this “I am issuing a new Direction regarding Policy D9 (Tall Buildings). There is clearly a place for tall buildings in London, especially where there are existing clusters. However, there are some areas where tall buildings don’t reflect the local character. I believe **boroughs should be empowered to choose where tall buildings are built within their communities**. Your draft policy goes some way to dealing with this concern. In my view we should **go further** and I am issuing a further Direction to strengthen the policy to ensure such developments are only brought forward in appropriate and clearly defined areas, as determined by the boroughs whilst still enabling **gentle density across London**. I’m sure you will make the required change which will ensure tall buildings **do not** come forward in inappropriate areas of the capital.

The alteration sought by the direction.

-involves the addition of two words to the text we looked at earlier.
- Thus....emboldened and in red....
- Locations
 - B 1) Boroughs should determine if there are locations where tall buildings may **be an appropriate** form of development, subject to meeting the other requirements of the Plan. This process should include engagement with neighbouring boroughs that may be affected by tall building developments in identified locations.
 - 2) Any such locations and appropriate tall building heights should be identified on maps in Development Plans.
 - 3) Tall buildings should only be developed in locations that are identified **as suitable** in Development Plans.

Two words that say nothing new but mean a lot??

- Mayoral Team mystified. Directions must be exceptional and timely. Here, the late addition of two words add little to what was on any sensible reading was already contemplated in the text and in the policy. The Direction has been accepted.
- But when read in a wider context (and having regard to the background noises emanating from the department): the words might (and I think do) signify:
 - The Governments view that greater weight should be given to the views of the local authorities and that tall buildings should not be foisted on authorities by strategic decision-making. “Borough’s should be empowered to choose”suggests a new balance.
 - Support for authorities who say in effect no tall buildings here: we want gentle densification.
 - A requirement that areas be positively and firmly identified as suitable in order for permission to be granted.
 - A greater intention to police tall buildings by call-ins or recoveries where sites are not deliberately and specifically identified through the specific process.

Conclusion: Main Message.

- The role of the development plan in specifically identifying suitable locations for tall buildings is now enhanced. Sites need to be positively identified as suitable.
- Developers MUST engage more in LP processes substantively and procedurally: the big take away from this talk
- The wishes of LPA will be afforded more weight by the decision maker. This cuts both ways. LPA's will be "empowered to choose" as well as to reject tall buildings.

Risks and personal thoughts.

- There is a long term risk to this potential “rebalanced” approach. And that is that the London-wide strategic approach to the delivery of tall building development at the **right** locations, an approach which in the round has been mostly successful since the creation of the MOL in delivering densification on brown-field sites across the capital well placed for public transport is inappropriately derailed by the natural “fear” of the change brought about by tall buildings by individual boroughs and communities.
- If Boroughs (especially Outer London Boroughs) are given the choice of something called “gentle densification” which sounds wholesome and brings with it the undeserved contrast with the “rougher densification” of tall buildings: its understandable why they (like LPAC) might take the “gentle” and politically easier route.
- That will not always be the correct approach in terms of spatial planning, sustainability architecture or beauty.



Thank you for listening

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