

POSITION STATEMENT

Commercial Estates Group – LBTH Response

In respect of Sessions 1, 2, 3, 5, 6
DM1, DM3, DM15, DM22 and DM26

**London Borough of Tower Hamlets
Managing Development DPD
Local Development Framework
11 September 2012**

Commercial Estates Group – Position Statement

LBTH Response Statement

This statement provides the Council's response to the issues stated within Commercial Estates Group Position Statement for the Managing Development DPD Examination in Public. This statement does not seek to repeat information relating to the Council's position as stated elsewhere.

1. New site allocation

The Managing Development DPD does not recognise Hertsmere House as a site allocation.

Summary

Specific site allocation for Hertsmere House as part of the wider West India Quay area.

Response

Disagree. Disagree. Site allocations have been identified for locations that are capable of delivering 500 new net additional homes using the sites identified in the Council's Planning for Population Change and Growth Model and the Call for Sites in accordance with local and London Plan policy. However this does not preclude other sites delivering more than 500 new net additional homes. This will be managed through the use of London Plan Policies Core Strategy Spatial Policies, Development Management Policies and other supplementary guidance as part of the development management process.

2. DM1

Major Centre boundary is not justified or consistent with national policy.

Summary

Hertsmere House should be located within the Major Centre.

Response

The Council recognises that the Hertsmere House site was originally identified in the Preferred Office Location (POL) and the Major Centre. This reflected the extant planning permission for a tall large floorplate office building. Following discussions with representors on the aspirations for the site, the POL designation was removed from the site to facilitate uses not appropriate for the POL. The Major Centre designation was also removed as the proposed uses for the site and wider West India Quay area accord with the principles for the Activity Area stated in the Town Centre Spatial Strategy (2009) on p.28 and in Core Strategy Spatial Policy 01(1).

The Council does not consider West India Quay, including the Hertsmere House site, to accord with the principles stated for the Major Centre during the lifetime of the Managing Development DPD.

3. DM26

Building heights in Canary Wharf (DM26)

Summary

Policy DM26 does not sufficiently manage building heights for sites within Canary Wharf, specifically between those within and outside of the Preferred Office Location.

Response

Disagree. The Council views DM26 to provide an appropriate level of guidance to manage building heights across the borough in relation to the town centre hierarchy and through a series of detailed criteria. This approach has been confirmed by the GLA to be in accordance with the London Plan. The Council maintains that the Building Heights Evidence Note forms sufficient evidence to justify DM26 as a development management policy.

LBTH reiterate that the guidance provided in Figure 9 is indicative. It provides an indication of the heights likely to be acceptable in the absence of more detailed guidance. This figure does not preclude development exceeding this height provided that any proposal exceeding those heights demonstrates a strong case in line with the policy DM26(2) criteria. The guidance is provided to balance the requirements of statutory stakeholders such as English Heritage as well as developers, landowners and residents.

Proposals are able to demonstrate a site specific response through the local context criteria in policy DM26(2).

The linkages between building heights and office land use were established in Core Strategy Spatial Policy 10(5a). Further clarification is being made through a proposed minor modification to DM26 to state:

“Building heights will be considered in accordance with the town centre hierarchy (as illustrated in figure 9) and the criteria stated in part (2).”

Amend Figure 9 to state:

“First row, first grey box – Core Strategy tall building locations (Aldgate Preferred Office Location and Canary Wharf Preferred Office Location)

First row, second grey box – Other Preferred Office Locations, Central Activity Zone, Activity Areas and Major Centre.”

Insert new second sentence in paragraph 26.1:

“Following the criteria stated in Core Strategy SP10(5) these tall building locations are defined to be the Aldgate and Canary Wharf Preferred Office Locations”

Local evidence of extant permissions – Local extant permissions will be considered in accordance with DM26(2) as part of the development management process.

4. DM15

Managing employment floor space (DM15)

Summary

Policy DM15 does not provide sufficient flexibility in managing the loss of employment floor space. Specifically marketing evidence should not be required for sites within the Major Centre.

Response

Disagree. The Council views policy DM15 to be sufficiently flexible in accordance with the NPPF in managing employment floorspace by requiring a marketing exercise for “approximately 12 months”. This change in the marketing period required has been in response to market signals and is a significant decrease from the previous Unitary Development Plan policy of four years and Interim Planning Guidance Core Strategy and Development Control Plan of two years. It also reflects discussions with development management colleagues in light of their experiences with applications for change of use from B class.

DM15 will consider viability in accordance with paragraphs D.10, D.11 and D.12 reflecting the National Planning Policy Framework.

The Council considers employment floorspace to be appropriately managed through Core Strategy Spatial Policy 06 and policies DM15, DM16 and DM17 (including for SMEs). To ensure economic sustainability, DM15 provides guidance to manage employment floorspace outside of employment designations (POL, LOL, SIL and LIL), including areas of the Major Centre outside of the POL. This follows guidance stated in paragraph 2.31 in the LBTH Spatial Economic Study (2011) which recognises that a significant amount of employment floorspace has been lost to non-employment uses, above and beyond that envisaged by the Core Strategy.

Extant permissions for any site will be a material consideration in the development management process.

5. DM22

Parking standards are not justified or consistent with regional policy.

Summary

Parking Standards are considered to be too restrictive and have negative implications for development viability.

Response

Disagree. LBTH maintain that the guidance in Policy DM22 and the parking standards in Appendix 2 are consistent with the NPPF, London Plan and the Adopted Core strategy, as well as being supported by evidence. The Council have specifically addressed the issues raised, through the LBTH Transport Planning Strategy 2011-2031 (2011), LBTH Parking Stress Study (2011) and LBTH Review of Car and Cycle Parking Standards (2011).

With regard to the point that “developers need to be able to offer car parking spaces in new developments to make them attractive and viable to purchasers”, the Council do not believe this is always the case, particularly in areas that are popular, even if PTAL is relatively low. For example, 87 private units in “The Arc” development at Prebend Street, N1 has no car parking for purchasers (who will also be barred from applying for on-street parking permits). The scheme has a PTAL of 3-4. All the units sold off plan prior to completion.

6. DM3

Viability of affordable housing (DM3)

Summary

Policy DM3 does not make reference to viability in delivering affordable housing.

Response

Disagree. The Council continues to maintain that the existing policy wording and supplementary text in DM3, and references to the Core Strategy Spatial Policy 02 in DM3(1) and in paragraph 3.1, provides sufficient consideration regarding the provision of affordable housing in relation to viability. Core Strategy SP02(3) states:

“Set an overall strategic target for affordable homes of 50% until 2025. This will be achieved by:

- a. Requiring 35%-50% affordable homes on sites providing 10 new residential units or more (subject to viability).”*

Further evidence has been provided as part the Council’s response to Position Statements. See “Response to Housing Issues – LBTH Response”, attachment 1 – Briefing Note on Affordable Housing, Pod (September, 2012).