

# **POSITION STATEMENT**

**CBRE on behalf of St George – LBTH Response**

In respect of Sessions 1, 3, 5, 6, 10  
DM3, DM15, DM22, DM23, DM24, DM26, DM27, DM28, Site  
Allocation 4

**London Borough of Tower Hamlets  
Managing Development – Development Plan Document  
Local Development Framework  
7 September 2012 2012**

## **DP9 on behalf of St George LBTH Response Statement**

This statement provides the Council's response to the issues stated by CBRE on behalf of St. George's Position Statement for the Managing Development – Development Plan Document (MD DPD) Examination in Public. This statement does not seek to repeat information relating to the Council's position as stated elsewhere.

### **1. DM3**

DM3 is not consistent with national policy, not in conformity with the London Plan, not justified and as such not sound.

#### **Summary**

- Inconsistency with the NPPF and London Plan in the approach to affordable rent and intermediate tenures;
- The need to reflect viability and site circumstances in accordance with the NPPF and London Plan Policy 3.12; and
- Inconsistency with the NPPF in the approach to offsite provision.

#### **Response**

Disagree. Please note that the issues stated relating to Affordable Rent were not included in the original representations submitted by DP9. However, this issue has been identified by other parties. The response given to other parties is as follows:

*“The Council maintains its position regarding the policy guidance provided in relation to the provision of Affordable Rented accommodation.”*

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).”*

Noted. The Council has agreed to amend the wording of paragraph 3.8 to read: “If affordable housing is proposed to be provided off-site there should be no over-concentration of one type of housing in any one place and a minimum of 50% affordable housing must be provided overall (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).

## **2. DM15**

There is no evidence base that justifies the reasoning behind the 12 month marketing period, or provides current assessment of existing and future employment floorspace in the borough.

### **Summary**

Lack of evidence to support approximately 12-month marketing evidence.

### **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.

## **3. DM22**

The parking standards set out in the Managing Development DPD in Policy DM22 and Appendix 2 represent a significant departure from existing policies and established practice in Tower Hamlets and disregard the parking standards policies set out in the London Plan.

### **Summary**

Parking standards have a negative impact on the operations and viability of a proposed development.

### **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.

## **4. DM23, DM24, DM26, DM27**

Design and heritage policies are inconsistent within the document, with national and regional policy and are not effective.

### **Summary**

Building heights and heritage guidance is too restrictive.

### **Response**

Disagree. Please note that the issues stated relating to policies DM23 and DM24 were not included in the original representations submitted by DP9. However the Council and the GLA consider these policies to be in general conformity with the London Plan. The Council also considers these to be currently consistent with the NPPF.

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 considers the policy to be currently consistent with the NPPF, specifically paragraphs 56 to 66. 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.

Disagree. The Council maintains that policy DM27 is currently consistent with the NPPF providing sufficient flexibility in the development management process. The NPPF is also recognised in paragraphs D.10, D.11 and D.12.

## **5. Site Allocation 4**

The two prioritised options for infrastructure provision on Site Allocation 4 are not consistent with the Core Strategy.

### **Summary**

The site allocation is not within an area of search for a school and would have a negative impact on connectivity aspirations within Wapping. The Sites Viability Testing Report (2012) is considered to not be robust enough to support schools and the district heating facility.

Further clarity is also required regarding how the delivery of a district heating facility will be managed.

### **Response**

Disagree. LBTH maintains its position regarding DM18 and the allocation for Site Allocation 4 for either a primary or secondary school, as proposed within DM18 and Site Allocation 4, supported by evidence including the Infrastructure Delivery Plan (2009 Update), Site Selection Methodology Note (2011), Site Viability Testing Report (2012), and additional evidence in the “Planning for school places 2012–2022” Report noted by Cabinet on 5th September 2012. It considers the allocation to be consistent with the NPPF.

With regard to the differing levels of housing delivery within the “Planning for school places 2012–2022” Report and the London Plan targets, the elevated figure is derived from development figures provided to the GLA by the Council which shows an increase in housing outputs.

The delivery of a district heating facility will be managed as per paragraph SA.12 as part of the development management process.

The Sites Viability Testing Report (2012) identifies the site would be viable following a degree of sales value growth with the provision of land for a primary or secondary school.

BNP Paribas respond as follows:

St. George assert that the Council has adopted an inflexible approach to affordable housing tenures. This assertion is not supported by the actual wording of the DPD, which indicates a willingness to consider Affordable Rent when viability issues emerge.

The respondent asserts that “developers need to be able to offer car parking spaces in new developments to make them attractive and viable to purchasers”. This is not always the case 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.

The representor makes comments in relation to viability at paras 6.10, 6.11 and 6.12, suggesting that costs are underestimated and that assumptions are not consistent with BNPP’s “own assumptions and approach adopted in other work” for the Council. No specific inputs are mentioned or alternative assumptions provided. We note that we have never tested this particular site for other work we have undertaken for the Council, so we are somewhat at a loss to understand how we have been inconsistent.

Our appraisals assume the provision of a full 35% affordable housing, with the rented element provided as social rent. The Council can, if needed, vary the tenure mix to assist in remedying any viability issues.