

# **POSITION STATEMENT**

## **MGPA – LBTH Response**

In respect of issues 1, 2, 3, 6, 14  
DM3, DM1, DM15, DM26, SA20.

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

## **MGPA – Position Statement LBTH Response Statement**

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

### **Issue 1: Housing (DM3)**

Policy DM3 is unsound as it is not effective and is not consistent with national policy.

#### **Summary**

The approach taken in Policy DM3 provision of social rented homes alongside affordable rented homes is not sound as this is not deliverable as it fails to fully take account of viability issues, and is not compliant with national and regional planning policy.

#### **Response**

Disagree. Policy DM3 is consistent with current national and regional policy and provides additional guidance to address local circumstances. The Council maintains that the Core Strategy and Managing Development DPD provide a robust basis for the delivery of affordable housing that fully takes into account issues of viability. Core Strategy Policy SP02 states that 35-50% affordable homes are to be provided on sites providing 10 units or more, and that this is subject to viability. Policy DM3 seeks the provision of affordable homes to be 70% social rented, and 30% in intermediate tenures; where this is unviable affordable rent homes are to be provided alongside social rented homes to ensure 35-50% affordable housing is provided. The justification and evidence for this policy position is provided in the Council's updated Affordable Housing Viability Study (2011). In addition, the Council believes that in the majority of cases, it is feasible to deliver affordable housing on-site. This is justified by evidence contained within the Council's Affordable Housing Viability Study (2011). Part 3 A i-v of Policy DM3 sets out the circumstances where off-site provision will be considered. For off-site to be considered acceptable it must be demonstrated that all of the criteria can be met. Where it can be demonstrated that a suitable site cannot be found then in exceptional circumstances the Council will consider payments in lieu, ring fenced for additional affordable housing output.

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).

### **Issue 2: Tower Hamlets Activity Area (Policy DM1)**

Policy DM1 Part 2 is unsound as it is not justified and is not consistent with national policy.

#### **Summary**

The transition in scale between Canary Wharf and the Harbour Exchange site is not necessary or justifiable.

#### **Response**

Disagree. The Council views the policy approach to be the most appropriate in accordance with the Town Centre Spatial Strategy (2009) and the Town Centre Boundaries and Balance of Uses Review (2011). A further response to the issue of building heights is provided in response to Issue 6 below.

### **Issue 3: Employment (DM15)**

Policy DM15 Part 1 is unsound as it is not effective and is not in conformity with the National Planning Policy Framework (NPPF).

#### **Summary**

The requirement for marketing evidence in relation to the upgrading and redevelopment of employment sites is inflexible and fails to conform with the NPPF.

#### **Response**

Please note these issues were not stated within the original representations. 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.

### **Issue 6: Building Heights (Policy DM26)**

Policy DM26 Part 1 is unsound as it is not positively prepared, is not justified, and is not consistent with national policy.

#### **Summary**

The indicative building heights hierarchy is arbitrary and unjustified on the basis of national and best practice guidance, the Borough’s evidence base and existing permissions.

#### **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.

### **Issue 14: Cubitt Town (Site Allocation 20: Marsh Wall East)**

The Site Allocation is not sound as it is not effective and is not in accordance with the National Planning Policy Framework..

#### **Summary**

MGPA is concerned that Figure 48 of the Site Allocation and bullet 4 of the design principles for the site may stifle potential innovation in relation to the design of the site.

**Response**

LBTH maintains its position regarding the design principle in relation to delivering public realm and the stepping back of development, which alongside Policy DM12 provides sufficient policy guidance supported by appropriate evidence.