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**Delivered by courier and email**

**Issue Number 6  
Representor Number 635200**

Dear Sir

**LB TOWER HAMLETS 'MANAGING DEVELOPMENT' DPD PUBLIC EXAMINATION  
Position Statement Submitted on behalf of Bishopsgate Goods Yard Regeneration Limited  
Policy DM25**

On behalf of our client, Bishopsgate Regeneration Limited, we wish to submit the following 'Position Statement' in advance of appearing at the Public Examination of the LB Tower Hamlets Managing Development DPD. This Position Statement is submitted in respect of Policy DM25 'Amenity'.

We recognise that the scope of the Public Examination is to consider whether the DPD meets the 'soundness' tests set out in the National Planning Policy Framework. However, it should be noted that the previous written representations on the 'Proposed Submission Version' of the Managing Development DPD on 8<sup>th</sup> March 2012 provided comments on a number of policies including Policy DM25, and the representations within that letter remain valid in respect of this particular issue.

This 'Position Statement' is provided in respect of Issue 6, as follows:

*"Are the design, heritage and climate change policies appropriate and justified, including in relation to the NPPF, the London Plan and the Core Strategy and in terms of their environmental, economic and social impact; are they reasonable and realistic, clear and deliverable?"*

The section below sets out the reasons why the proposed wording of Policy DM25 is not consistent with the NPPF, the London Plan and the Core Strategy.



## Policy Framework

Following the submission of representations to the 'Proposed Submission Version' of the DPD, the National Planning Policy Framework (NPPF) was published on 27<sup>th</sup> March 2012. The NPPF replaces a raft of previous national guidance, including PPGs, PPSs and circulars, with one consolidated statement of national planning policy. One of the twelve 'Core Principles' set out in the NPPF at paragraph 17, advises that planning should, *"always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings."*

Policy 7.6, part B (d) 'Architecture' of the London Plan advises that buildings should, *"not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. This is particularly important for tall buildings."*

Core Strategy SP10, part 4 (a) seeks to ensure that development, *"Protects amenity, and promotes well-being (including preventing loss of privacy and access to daylight and sunlight)"*.

The current proposed wording of Policy DM25 sets out that, *"Development will be required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm by:*

- a. not resulting in the loss of privacy, nor enable an unreasonable level of overlooking or unacceptable increase in the sense of enclosure;*
- d. not resulting in an unacceptable material deterioration of the sunlighting and daylighting conditions of surrounding development including habitable rooms of residential dwellings..."*

As set out above, the proposed wording of Policy DM25 seeks to *"protect"* (ie preserve or not worsen) the amenity of surrounding residents. Criterion (d), however, advises that development should not result in an unacceptable material deterioration of sunlight and daylight to surrounding residential dwellings. The wording of criterion (d) advocates that there is no requirement for development to *"protect"* amenity of surrounding residents, but the impact of development should not result in an unacceptable deterioration. There is therefore a conflict in the proposed wording of the policy.

For underdeveloped sites, such as Bishopsgate Goods Yard, any development proposals reflecting the future high density mixed use of this strategic site, will fail to *"protect"* the amenity of surrounding residents, as any development will worsen the existing situation.

## Consideration of 'Soundness'



For the above reasons, the proposed wording of Policy DM25 is considered 'unsound' as the policy approach is not consistent with that set out in London Plan policy. Furthermore, the proposed wording of the policy is unclear and undeliverable.

### **Proposed Change**

To make Policy DM25 'sound', it is suggested that the following changes be made to the wording of the policy:

*"Development will be required to ~~protect~~, **minimise impact** and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm by:*

- a. not resulting in the **unacceptable** loss of privacy, nor enable an unreasonable level of overlooking or unacceptable increase in the sense of enclosure;*
- b. not resulting in the unacceptable loss of outlook;*
- c. ensuring adequate levels of daylight and sunlight for new residential developments..."*

We confirm that we wish to attend the hearing session scheduled for Wednesday 19<sup>th</sup> September, at which this policy is to be discussed.

If you would like to discuss any aspect of these representations in more detail please feel free to contact Julian Shirley of this office, otherwise we look forward to discussing this issue at the upcoming examination.

Yours faithfully,

**DP9**