

London Borough of Tower Hamlets: Local Plan 2031**Inspector's Matters and Issues for the Examination – Stage 1****Matter 8: Heritage, Design and Tall Buildings**

Representations prepared by Lichfields on behalf of Aberfeldy New Village LLP

Issued 27 July 2018

1.0 Matter 8; Issue 8 - Does the LP take a justified and suitable evidence based approach to heritage, design and tall buildings? Is the LP consistent with national policy in relation to these matters and will it be effective in implementation?

Question 8.1

1.1 *Are the policies relating to heritage, design and tall buildings sufficiently positive, clear and consistent with both the London Plan and national policy objectives?*

1.2 This representation on behalf of Aberfeldy New Village LLP sets out comments on Policies S.DH3, D.DH4 and D.DH6; the latter of which will be covered in response to the relevant questions.

1.3 It is not considered that the policies relating to heritage, design and tall buildings have been positively prepared and are not clear. The proposed policies are also inconsistent with the NPPF.

1.4 While it is recognised that paragraph 214 (Annex 1) of the 2018 NPPF clarifies that policies in the 2012 NPPF will apply for the purpose of examining plans where plans are submitted on or before 24 January 2019, this representation has made reference to the new guidance where applicable to reiterate the Government's position moving forward.

Policy S.DH3: Heritage and the Historic Environment

1.5 Balfron Tower is a Grade II listed building and therefore a designated heritage asset. This means that it is protected by statute; Section 66 (1) of the P(LBCA) Act 1990 requires LPAs to give special regard to preserving the setting of a listed building when considering whether to grant planning permission for development. This is reinforced by the NPPF, for example para 129, which requires LPAs to "*identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) ... They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.*"

1.6 This is further reinforced by draft Local Plan Policy S.DH3: Heritage and the historic environment which states at sub-point 2 that proposals "*that would affect the setting of a heritage asset will only be permitted where a) they safeguard the significance of the heritage assets, including its setting, character, fabric or identity; b) they are appropriate in terms of design, height, scale, form, detailing and materials in their local context*" and at sub-point 5 "*...development in the vicinity of listed buildings will be expected to have no adverse impact on...their settings.*"

1.7 As such, there is a very robust legal and policy framework in place to protect the setting of the Balfour Tower. It is, therefore, unnecessary to introduce the designation of the Balfour Tower as a Local/Borough Designated Landmark and to seek to preserve it in strategic and locally important views as defined in proposed policy D.DH4. What is understood by 'Designated' in heritage terms is clearly set out in Annex 2 of the NPPF. It is also confirmed in paragraph 3.32 of the proposed supporting text which states "designated heritage assets include listed buildings and structures, registered parks and gardens and conservation areas". Introducing a new layer of a local designated landmark introduces confusion, is unnecessary and inconsistent with the NPPF.

1.8 In order to make the Policy S.DH.3 Sound, part 2 of the policy should be amended to remove part 2, D which relates to preserving strategic and locally important views, as defined in policy D.DH4.

Question 8.4 - Tall Buildings

In relation to Policy D.DH6 –Is the policy wording as currently drafted specific and effective?

Question 8.7

1.9 ***Is Policy D.DH6 sufficiently clear, capable of effective implementation and consistent with national policy and guidance? Is the policy supported by a robust evidence base?***

1.10 The Council's Tall Buildings Study was completed in September 2017, sometime after the final date for representations on the Draft Local Plan under Regulation 18 (2nd January 2017).

1.11 The Aberfeldy New Village lies within the Lower Lee Valley Opportunity Area and an Intensification Area (Policy 2.13, London Plan). It is a location where emphasis is placed on realising growth potential, by seeking to "... *optimise residential and non-residential output and densities, provide necessary social and other infrastructure to sustain growth, and, where appropriate, contain a mix of uses.*" It goes on to state that the location should "... *contribute towards meeting (or where appropriate, exceeding) the minimum guidelines for housing and/or indicative estimates for employment capacity ...*"

1.12 Aberfeldy also lies within an Area for Regeneration (Policy 2.14, London Plan) where local authorities should work with partners to "... *co-ordinate their sustained renewal by prioritising them for neighbourhood-based action and investment.*"

1.13 Policy 7.7 of the London Plan 'Location and Design of Tall and Large Buildings' states that tall buildings should be located within opportunity areas, areas of intensification, or town centres that have access to public transport.

1.14 The Aberfeldy New Village Masterplan already has planning permission for a series of tall buildings (using the London Plan definition) of ten storeys and parameter plans approved for taller buildings (up to 41 metres AOD). The Masterplan establishes a wider context creating a new place and streetscape to support tall buildings that has been tested and fully assessed with the Council and considered not to adversely affect, by scale, mass or bulk, or by views, any adjacent buildings or conservation area.

1.15 Despite this, the site was omitted from the Council's Tall Building Study. In this respect, the Local Plan is not proposing the most appropriate strategy based on sound evidence base.

- 1.16 The Council’s Tall Buildings Study, together with the wording of Policy D.DH6: Tall Buildings is not effective as it fails to properly consider the changing nature of the Aberfeldy Estate and the development already taking place here. As such, the Local Plan is not justified and is not proposing the most appropriate strategy based on a sound evidence base.
- 1.17 The Aberfeldy New Village Masterplan is delivering tall buildings within a well-considered urban design response which includes the introduction of additional infrastructure and services. To make the policy Sound, the Aberfeldy Masterplan area should be included within the Blackwall Tall Buildings Zone and as shown on the Proposals Map: Tall Buildings Zone. The boundary of this proposed Tall Building Zone should extend beyond the north side of the A13 and along the eastern side of the A12 to incorporate the Aberfeldy New Village Masterplan area. Extending the boundary of the Tall Building Zone would bring this policy in line with the Mayor of London Opportunity Areas (which as noted above are considered the most appropriate locations for tall buildings) and the 2012 and 2018 NPPF which guides planning authorities to adopt strategic policies that “makes as much use as possible of previously-developed or ‘brownfield’ land” (paragraph 117, NPPF).
- 1.18 Part 3 of the policy states that tall buildings proposed outside of Tall Building Zones should achieve ‘significant’ benefits. While the word ‘significant’ is repeatedly used it is not qualified and it is, therefore, not clear what is intended or required or what is meant by benefits. Increasing density to deliver more homes should be regarded as a sufficient benefit in itself. As such, this part of the policy is not effective.

Proposed Change

- 1.19 To make the policy **Sound** the wording of the policy should be amended to:
- 1.20 “3. *Development of tall buildings proposed outside of these zones must:*
- a. ~~significantly strengthen~~ enhance the legibility of a town centre or mark the location of transport interchange or other location of civic or visual significance within the area;
 - b. ~~provide sufficient distance~~ be separate from other landmark buildings or clusters to create a landmark in the townscape; and/or
 - c. ~~unlock significant~~ unlock infrastructure constraints;
 - d. ~~deliver significant additional publicly accessible open space.~~

Question 8.6

- 1.21 ***Is policy D.DH4 supported by a robust evidence base?***
- 1.22 Linked to the above, it is not necessary to introduce a further layer of protection of the ‘borough-designated landmarks’ and views towards them. All four of these are statutorily listed buildings but not all the entries for the borough-designated landmarks on the proposals map identify their statutory designation. This introduces a layer of confusion.
- There is no need to introduce a policy which states “*Intrusive elements in the foreground, middle ground and backdrop of such views will be resisted*”. It is also unnecessary to include accompanying sub-point C of D.DH4 to preserve or enhance the prominence of the borough-designated landmarks. The significance, including setting, of these statutorily listed structures is protected by law.

The glossary of the new Local Plan defines ‘Intrusive Elements’ as “*Elements harmful for the designated view from example through: obscuring the landmark or protected skyline, adversely affecting the prominence of the landmark by scale and/or proximity including coalescence and visuals dominance.*” This is not necessary, as the settings of the listed buildings, which encompasses those elements listed, is protected by law and it should therefore be deleted.

- 1.23 Furthermore, the borough-designated views as defined in Figure 7 are not clearly defined. Paragraphs 3.15 and 3.46 require development to be tested “*against their impact on the prominence of borough designated landmarks in borough designated views as per figure 7.*” This is not possible as Figure 7 does not provide a defined enough location to test the view from.
- 1.24 From the Proposals Map Viewpoint 6 (East India Dock Road (E) towards Balfron Tower) is located in between the carriage ways of the East India Dock Road. It appears to be taken from the carriage way where the direction of traffic is eastbound, where motorists are looking eastwards rather than westwards towards the Balfron Tower/Canary Wharf. Viewing Google Streetview images from this location also suggests the Balfron Tower is not even visible from these views. For this reason, it is an unnecessary inclusion and should be deleted. The sensitivity of this viewpoint is also questionable, particularly, as it is not an area of historic townscape or open space where viewers are focussed on amenity.
- 1.25 In addition, sub-point e of proposed Policy S.DH1 Delivering high quality design which seeks to “*protect important views of and from landmark buildings and vistas*” is unnecessary based on the current selection of statutorily listed buildings. The supporting paragraph 3.8 states “*Part e refers to views which are locally distinctive and which residents, workers and visitors of the borough recognise and value. In particular, development proposals will need to take account of the views identified in policy D.DH4 and shown on figure 7*”. It is considered that the inclusion of viewpoint 6/viewpoint 2 unnecessary, as it is not a highly sensitive view that can be valued by many people and it should, therefore, be deleted.

In summary, this part of Tower Hamlets is changing, with tall buildings emerging. This inevitably means that there would be some change to the setting of the listed buildings identified as important by the Council, such as Balfron Tower. Rather than identify specific Borough Designated Views (the location and direction of which are not defined or thoroughly tested) it would be more appropriate for a policy that states that applications for development that may affect the landmark status of listed buildings, such as the Balfron Tower, and that would be seen together with the Canary Wharf Skyline will require townscape and visual assessment, including AVRs, (the scope of which should be agreed with the Council) to test their acceptability.

Proposed Change

- 1.26 To make Policy D.DH4 Sound it should be amended as follows:
- “Development is required to positively contribute to views and skylines that are components of the character of the 24 places in Tower Hamlets. ~~Intrusive elements in the foreground, middle ground and backdrop of such views will be resisted.~~ Development will be required to demonstrate how it:*
- a *complies with the requirements of the London View Management Framework and World Heritage Site Management Plans (Tower of London and Maritime Greenwich);*

- b *positively contributes to the skyline of strategic importance, forming from the silhouettes of tall building clusters around Canary Wharf (as defined as the Policies Map);*
~~*preserves or enhances the prominence of the borough designated landmarks and the skyline of strategic importance in the borough designated views (as defined in figure 7);*~~
- c *preserves or enhances local views identified in conservation area appraisals and management guidelines;*
- d *preserves or enhances visual connection of the public realm with water spaces;*
- e *enhances townscape and other local views which are important to the identity and character of the place; and*
- f *applications for development that may affect the landmark status of listed buildings and that would be seen together with the canary Wharf Skyline will require a townscape and visual assessment, including AVR's (the scope of which to be agreed with the Council) to test their acceptability"*

London Borough of Tower Hamlets: Local Plan 2031**Inspector's Matters and Issues for the Examination – Stage 1****Matter 8: Heritage, Design and Tall Buildings**

Representations prepared by Lichfields on behalf of Aberfeldy New Village LLP

Issued 27 July 2018

1.0 Matter 8; Issue 8 - Does the LP take a justified and suitable evidence based approach to heritage, design and tall buildings? Is the LP consistent with national policy in relation to these matters and will it be effective in implementation?

Question 8.1

1.1 *Are the policies relating to heritage, design and tall buildings sufficiently positive, clear and consistent with both the London Plan and national policy objectives?*

1.2 This representation on behalf of Aberfeldy New Village LLP sets out comments on Policies S.DH3, D.DH4 and D.DH6; the latter of which will be covered in response to the relevant questions.

1.3 It is not considered that the policies relating to heritage, design and tall buildings have been positively prepared and are not clear. The proposed policies are also inconsistent with the NPPF.

1.4 While it is recognised that paragraph 214 (Annex 1) of the 2018 NPPF clarifies that policies in the 2012 NPPF will apply for the purpose of examining plans where plans are submitted on or before 24 January 2019, this representation has made reference to the new guidance where applicable to reiterate the Government's position moving forward.

Policy S.DH3: Heritage and the Historic Environment

1.5 Balfron Tower is a Grade II listed building and therefore a designated heritage asset. This means that it is protected by statute; Section 66 (1) of the P(LBCA) Act 1990 requires LPAs to give special regard to preserving the setting of a listed building when considering whether to grant planning permission for development. This is reinforced by the NPPF, for example para 129, which requires LPAs to "*identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) ... They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.*"

1.6 This is further reinforced by draft Local Plan Policy S.DH3: Heritage and the historic environment which states at sub-point 2 that proposals "*that would affect the setting of a heritage asset will only be permitted where a) they safeguard the significance of the heritage assets, including its setting, character, fabric or identity; b) they are appropriate in terms of design, height, scale, form, detailing and materials in their local context*" and at sub-point 5 "*...development in the vicinity of listed buildings will be expected to have no adverse impact on...their settings.*"

1.7 As such, there is a very robust legal and policy framework in place to protect the setting of the Balfour Tower. It is, therefore, unnecessary to introduce the designation of the Balfour Tower as a Local/Borough Designated Landmark and to seek to preserve it in strategic and locally important views as defined in proposed policy D.DH4. What is understood by 'Designated' in heritage terms is clearly set out in Annex 2 of the NPPF. It is also confirmed in paragraph 3.32 of the proposed supporting text which states "designated heritage assets include listed buildings and structures, registered parks and gardens and conservation areas". Introducing a new layer of a local designated landmark introduces confusion, is unnecessary and inconsistent with the NPPF.

1.8 In order to make the Policy S.DH.3 Sound, part 2 of the policy should be amended to remove part 2, D which relates to preserving strategic and locally important views, as defined in policy D.DH4.

Question 8.4 - Tall Buildings

In relation to Policy D.DH6 –Is the policy wording as currently drafted specific and effective?

Question 8.7

1.9 ***Is Policy D.DH6 sufficiently clear, capable of effective implementation and consistent with national policy and guidance? Is the policy supported by a robust evidence base?***

1.10 The Council's Tall Buildings Study was completed in September 2017, sometime after the final date for representations on the Draft Local Plan under Regulation 18 (2nd January 2017).

1.11 The Aberfeldy New Village lies within the Lower Lee Valley Opportunity Area and an Intensification Area (Policy 2.13, London Plan). It is a location where emphasis is placed on realising growth potential, by seeking to "... *optimise residential and non-residential output and densities, provide necessary social and other infrastructure to sustain growth, and, where appropriate, contain a mix of uses.*" It goes on to state that the location should "... *contribute towards meeting (or where appropriate, exceeding) the minimum guidelines for housing and/or indicative estimates for employment capacity ...*"

1.12 Aberfeldy also lies within an Area for Regeneration (Policy 2.14, London Plan) where local authorities should work with partners to "... *co-ordinate their sustained renewal by prioritising them for neighbourhood-based action and investment.*"

1.13 Policy 7.7 of the London Plan 'Location and Design of Tall and Large Buildings' states that tall buildings should be located within opportunity areas, areas of intensification, or town centres that have access to public transport.

1.14 The Aberfeldy New Village Masterplan already has planning permission for a series of tall buildings (using the London Plan definition) of ten storeys and parameter plans approved for taller buildings (up to 41 metres AOD). The Masterplan establishes a wider context creating a new place and streetscape to support tall buildings that has been tested and fully assessed with the Council and considered not to adversely affect, by scale, mass or bulk, or by views, any adjacent buildings or conservation area.

1.15 Despite this, the site was omitted from the Council's Tall Building Study. In this respect, the Local Plan is not proposing the most appropriate strategy based on sound evidence base.

- 1.16 The Council's Tall Buildings Study, together with the wording of Policy D.DH6: Tall Buildings is not effective as it fails to properly consider the changing nature of the Aberfeldy Estate and the development already taking place here. As such, the Local Plan is not justified and is not proposing the most appropriate strategy based on a sound evidence base.
- 1.17 The Aberfeldy New Village Masterplan is delivering tall buildings within a well-considered urban design response which includes the introduction of additional infrastructure and services. To make the policy Sound, the Aberfeldy Masterplan area should be included within the Blackwall Tall Buildings Zone and as shown on the Proposals Map: Tall Buildings Zone. The boundary of this proposed Tall Building Zone should extend beyond the north side of the A13 and along the eastern side of the A12 to incorporate the Aberfeldy New Village Masterplan area. Extending the boundary of the Tall Building Zone would bring this policy in line with the Mayor of London Opportunity Areas (which as noted above are considered the most appropriate locations for tall buildings) and the 2012 and 2018 NPPF which guides planning authorities to adopt strategic policies that "makes as much use as possible of previously-developed or 'brownfield' land" (paragraph 117, NPPF).
- 1.18 Part 3 of the policy states that tall buildings proposed outside of Tall Building Zones should achieve 'significant' benefits. While the word 'significant' is repeatedly used it is not qualified and it is, therefore, not clear what is intended or required or what is meant by benefits. Increasing density to deliver more homes should be regarded as a sufficient benefit in itself. As such, this part of the policy is not effective.

Proposed Change

- 1.19 To make the policy **Sound** the wording of the policy should be amended to:
- 1.20 "*3. Development of tall buildings proposed outside of these zones must:*
- a. ~~significantly strengthen~~ enhance the legibility of a town centre or mark the location of transport interchange or other location of civic or visual significance within the area;*
 - b. ~~provide sufficient distance~~ be separate from other landmark buildings or clusters to create a landmark in the townscape; and/or*
 - c. unlock ~~significant~~ infrastructure constraints;*
 - d. ~~deliver significant additional publicly accessible open space.~~*

Question 8.6

- 1.21 ***Is policy D.DH4 supported by a robust evidence base?***
- 1.22 Linked to the above, it is not necessary to introduce a further layer of protection of the 'borough-designated landmarks' and views towards them. All four of these are statutorily listed buildings but not all the entries for the borough-designated landmarks on the proposals map identify their statutory designation. This introduces a layer of confusion.
- There is no need to introduce a policy which states "*Intrusive elements in the foreground, middle ground and backdrop of such views will be resisted*". It is also unnecessary to include accompanying sub-point C of D.DH4 to preserve or enhance the prominence of the borough-designated landmarks. The significance, including setting, of these statutorily listed structures is protected by law.

The glossary of the new Local Plan defines ‘Intrusive Elements’ as “*Elements harmful for the designated view from example through: obscuring the landmark or protected skyline, adversely affecting the prominence of the landmark by scale and/or proximity including coalescence and visuals dominance.*” This is not necessary, as the settings of the listed buildings, which encompasses those elements listed, is protected by law and it should therefore be deleted.

- 1.23 Furthermore, the borough-designated views as defined in Figure 7 are not clearly defined. Paragraphs 3.15 and 3.46 require development to be tested “*against their impact on the prominence of borough designated landmarks in borough designated views as per figure 7.*” This is not possible as Figure 7 does not provide a defined enough location to test the view from.
- 1.24 From the Proposals Map Viewpoint 6 (East India Dock Road (E) towards Balfron Tower) is located in between the carriage ways of the East India Dock Road. It appears to be taken from the carriage way where the direction of traffic is eastbound, where motorists are looking eastwards rather than westwards towards the Balfron Tower/Canary Wharf. Viewing Google Streetview images from this location also suggests the Balfron Tower is not even visible from these views. For this reason, it is an unnecessary inclusion and should be deleted. The sensitivity of this viewpoint is also questionable, particularly, as it is not an area of historic townscape or open space where viewers are focussed on amenity.
- 1.25 In addition, sub-point e of proposed Policy S.DH1 Delivering high quality design which seeks to “*protect important views of and from landmark buildings and vistas*” is unnecessary based on the current selection of statutorily listed buildings. The supporting paragraph 3.8 states “*Part e refers to views which are locally distinctive and which residents, workers and visitors of the borough recognise and value. In particular, development proposals will need to take account of the views identified in policy D.DH4 and shown on figure 7*”. It is considered that the inclusion of viewpoint 6/viewpoint 2 unnecessary, as it is not a highly sensitive view that can be valued by many people and it should, therefore, be deleted.

In summary, this part of Tower Hamlets is changing, with tall buildings emerging. This inevitably means that there would be some change to the setting of the listed buildings identified as important by the Council, such as Balfron Tower. Rather than identify specific Borough Designated Views (the location and direction of which are not defined or thoroughly tested) it would be more appropriate for a policy that states that applications for development that may affect the landmark status of listed buildings, such as the Balfron Tower, and that would be seen together with the Canary Wharf Skyline will require townscape and visual assessment, including AVRs, (the scope of which should be agreed with the Council) to test their acceptability.

Proposed Change

- 1.26 To make Policy D.DH4 Sound it should be amended as follows:
- “Development is required to positively contribute to views and skylines that are components of the character of the 24 places in Tower Hamlets. ~~Intrusive elements in the foreground, middle ground and backdrop of such views will be resisted.~~ Development will be required to demonstrate how it:*
- a *complies with the requirements of the London View Management Framework and World Heritage Site Management Plans (Tower of London and Maritime Greenwich);*

- b *positively contributes to the skyline of strategic importance, forming from the silhouettes of tall building clusters around Canary Wharf (as defined as the Policies Map);*
~~*preserves or enhances the prominence of the borough designated landmarks and the skyline of strategic importance in the borough designated views (as defined in figure 7);*~~
- c *preserves or enhances local views identified in conservation area appraisals and management guidelines;*
- d *preserves or enhances visual connection of the public realm with water spaces;*
- e *enhances townscape and other local views which are important to the identity and character of the place; and*
- f *applications for development that may affect the landmark status of listed buildings and that would be seen together with the canary Wharf Skyline will require a townscape and visual assessment, including AVR's (the scope of which to be agreed with the Council) to test their acceptability"*

London Borough of Tower Hamlets: Local Plan 2031**Inspector's Matters and Issues for the Examination – Stage 1****Matter 8: Heritage, Design and Tall Buildings**

Representations prepared by Lichfields on behalf of Aberfeldy New Village LLP

Issued 27 July 2018

1.0 Matter 8; Issue 8 - Does the LP take a justified and suitable evidence based approach to heritage, design and tall buildings? Is the LP consistent with national policy in relation to these matters and will it be effective in implementation?

Question 8.1

1.1 *Are the policies relating to heritage, design and tall buildings sufficiently positive, clear and consistent with both the London Plan and national policy objectives?*

1.2 This representation on behalf of Aberfeldy New Village LLP sets out comments on Policies S.DH3, D.DH4 and D.DH6; the latter of which will be covered in response to the relevant questions.

1.3 It is not considered that the policies relating to heritage, design and tall buildings have been positively prepared and are not clear. The proposed policies are also inconsistent with the NPPF.

1.4 While it is recognised that paragraph 214 (Annex 1) of the 2018 NPPF clarifies that policies in the 2012 NPPF will apply for the purpose of examining plans where plans are submitted on or before 24 January 2019, this representation has made reference to the new guidance where applicable to reiterate the Government's position moving forward.

Policy S.DH3: Heritage and the Historic Environment

1.5 Balfron Tower is a Grade II listed building and therefore a designated heritage asset. This means that it is protected by statute; Section 66 (1) of the P(LBCA) Act 1990 requires LPAs to give special regard to preserving the setting of a listed building when considering whether to grant planning permission for development. This is reinforced by the NPPF, for example para 129, which requires LPAs to "*identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) ... They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.*"

1.6 This is further reinforced by draft Local Plan Policy S.DH3: Heritage and the historic environment which states at sub-point 2 that proposals "*that would affect the setting of a heritage asset will only be permitted where a) they safeguard the significance of the heritage assets, including its setting, character, fabric or identity; b) they are appropriate in terms of design, height, scale, form, detailing and materials in their local context*" and at sub-point 5 "*...development in the vicinity of listed buildings will be expected to have no adverse impact on...their settings.*"

1.7 As such, there is a very robust legal and policy framework in place to protect the setting of the Balfour Tower. It is, therefore, unnecessary to introduce the designation of the Balfour Tower as a Local/Borough Designated Landmark and to seek to preserve it in strategic and locally important views as defined in proposed policy D.DH4. What is understood by 'Designated' in heritage terms is clearly set out in Annex 2 of the NPPF. It is also confirmed in paragraph 3.32 of the proposed supporting text which states "designated heritage assets include listed buildings and structures, registered parks and gardens and conservation areas". Introducing a new layer of a local designated landmark introduces confusion, is unnecessary and inconsistent with the NPPF.

1.8 In order to make the Policy S.DH.3 Sound, part 2 of the policy should be amended to remove part 2, D which relates to preserving strategic and locally important views, as defined in policy D.DH4.

Question 8.4 - Tall Buildings

In relation to Policy D.DH6 –Is the policy wording as currently drafted specific and effective?

Question 8.7

1.9 ***Is Policy D.DH6 sufficiently clear, capable of effective implementation and consistent with national policy and guidance? Is the policy supported by a robust evidence base?***

1.10 The Council's Tall Buildings Study was completed in September 2017, sometime after the final date for representations on the Draft Local Plan under Regulation 18 (2nd January 2017).

1.11 The Aberfeldy New Village lies within the Lower Lee Valley Opportunity Area and an Intensification Area (Policy 2.13, London Plan). It is a location where emphasis is placed on realising growth potential, by seeking to "... *optimise residential and non-residential output and densities, provide necessary social and other infrastructure to sustain growth, and, where appropriate, contain a mix of uses.*" It goes on to state that the location should "... *contribute towards meeting (or where appropriate, exceeding) the minimum guidelines for housing and/or indicative estimates for employment capacity ...*"

1.12 Aberfeldy also lies within an Area for Regeneration (Policy 2.14, London Plan) where local authorities should work with partners to "... *co-ordinate their sustained renewal by prioritising them for neighbourhood-based action and investment.*"

1.13 Policy 7.7 of the London Plan 'Location and Design of Tall and Large Buildings' states that tall buildings should be located within opportunity areas, areas of intensification, or town centres that have access to public transport.

1.14 The Aberfeldy New Village Masterplan already has planning permission for a series of tall buildings (using the London Plan definition) of ten storeys and parameter plans approved for taller buildings (up to 41 metres AOD). The Masterplan establishes a wider context creating a new place and streetscape to support tall buildings that has been tested and fully assessed with the Council and considered not to adversely affect, by scale, mass or bulk, or by views, any adjacent buildings or conservation area.

1.15 Despite this, the site was omitted from the Council's Tall Building Study. In this respect, the Local Plan is not proposing the most appropriate strategy based on sound evidence base.

- 1.16 The Council’s Tall Buildings Study, together with the wording of Policy D.DH6: Tall Buildings is not effective as it fails to properly consider the changing nature of the Aberfeldy Estate and the development already taking place here. As such, the Local Plan is not justified and is not proposing the most appropriate strategy based on a sound evidence base.
- 1.17 The Aberfeldy New Village Masterplan is delivering tall buildings within a well-considered urban design response which includes the introduction of additional infrastructure and services. To make the policy Sound, the Aberfeldy Masterplan area should be included within the Blackwall Tall Buildings Zone and as shown on the Proposals Map: Tall Buildings Zone. The boundary of this proposed Tall Building Zone should extend beyond the north side of the A13 and along the eastern side of the A12 to incorporate the Aberfeldy New Village Masterplan area. Extending the boundary of the Tall Building Zone would bring this policy in line with the Mayor of London Opportunity Areas (which as noted above are considered the most appropriate locations for tall buildings) and the 2012 and 2018 NPPF which guides planning authorities to adopt strategic policies that “makes as much use as possible of previously-developed or ‘brownfield’ land” (paragraph 117, NPPF).
- 1.18 Part 3 of the policy states that tall buildings proposed outside of Tall Building Zones should achieve ‘significant’ benefits. While the word ‘significant’ is repeatedly used it is not qualified and it is, therefore, not clear what is intended or required or what is meant by benefits. Increasing density to deliver more homes should be regarded as a sufficient benefit in itself. As such, this part of the policy is not effective.

Proposed Change

- 1.19 To make the policy **Sound** the wording of the policy should be amended to:
- 1.20 “3. *Development of tall buildings proposed outside of these zones must:*
- a. ~~significantly strengthen~~ enhance the legibility of a town centre or mark the location of transport interchange or other location of civic or visual significance within the area;
 - b. ~~provide sufficient distance~~ be separate from other landmark buildings or clusters to create a landmark in the townscape; and/or
 - c. ~~unlock significant~~ unlock infrastructure constraints;
 - d. ~~deliver significant additional publicly accessible open space.~~

Question 8.6

- 1.21 ***Is policy D.DH4 supported by a robust evidence base?***
- 1.22 Linked to the above, it is not necessary to introduce a further layer of protection of the ‘borough-designated landmarks’ and views towards them. All four of these are statutorily listed buildings but not all the entries for the borough-designated landmarks on the proposals map identify their statutory designation. This introduces a layer of confusion.
- There is no need to introduce a policy which states “*Intrusive elements in the foreground, middle ground and backdrop of such views will be resisted*”. It is also unnecessary to include accompanying sub-point C of D.DH4 to preserve or enhance the prominence of the borough-designated landmarks. The significance, including setting, of these statutorily listed structures is protected by law.

The glossary of the new Local Plan defines ‘Intrusive Elements’ as “*Elements harmful for the designated view from example through: obscuring the landmark or protected skyline, adversely affecting the prominence of the landmark by scale and/or proximity including coalescence and visuals dominance.*” This is not necessary, as the settings of the listed buildings, which encompasses those elements listed, is protected by law and it should therefore be deleted.

- 1.23 Furthermore, the borough-designated views as defined in Figure 7 are not clearly defined. Paragraphs 3.15 and 3.46 require development to be tested “*against their impact on the prominence of borough designated landmarks in borough designated views as per figure 7.*” This is not possible as Figure 7 does not provide a defined enough location to test the view from.
- 1.24 From the Proposals Map Viewpoint 6 (East India Dock Road (E) towards Balfron Tower) is located in between the carriage ways of the East India Dock Road. It appears to be taken from the carriage way where the direction of traffic is eastbound, where motorists are looking eastwards rather than westwards towards the Balfron Tower/Canary Wharf. Viewing Google Streetview images from this location also suggests the Balfron Tower is not even visible from these views. For this reason, it is an unnecessary inclusion and should be deleted. The sensitivity of this viewpoint is also questionable, particularly, as it is not an area of historic townscape or open space where viewers are focussed on amenity.
- 1.25 In addition, sub-point e of proposed Policy S.DH1 Delivering high quality design which seeks to “*protect important views of and from landmark buildings and vistas*” is unnecessary based on the current selection of statutorily listed buildings. The supporting paragraph 3.8 states “*Part e refers to views which are locally distinctive and which residents, workers and visitors of the borough recognise and value. In particular, development proposals will need to take account of the views identified in policy D.DH4 and shown on figure 7*”. It is considered that the inclusion of viewpoint 6/viewpoint 2 unnecessary, as it is not a highly sensitive view that can be valued by many people and it should, therefore, be deleted.

In summary, this part of Tower Hamlets is changing, with tall buildings emerging. This inevitably means that there would be some change to the setting of the listed buildings identified as important by the Council, such as Balfron Tower. Rather than identify specific Borough Designated Views (the location and direction of which are not defined or thoroughly tested) it would be more appropriate for a policy that states that applications for development that may affect the landmark status of listed buildings, such as the Balfron Tower, and that would be seen together with the Canary Wharf Skyline will require townscape and visual assessment, including AVRs, (the scope of which should be agreed with the Council) to test their acceptability.

Proposed Change

- 1.26 To make Policy D.DH4 Sound it should be amended as follows:

“*Development is required to positively contribute to views and skylines that are components of the character of the 24 places in Tower Hamlets. ~~Intrusive elements in the foreground, middle ground and backdrop of such views will be resisted.~~ Development will be required to demonstrate how it:*

 - a *complies with the requirements of the London View Management Framework and World Heritage Site Management Plans (Tower of London and Maritime Greenwich);*

- b *positively contributes to the skyline of strategic importance, forming from the silhouettes of tall building clusters around Canary Wharf (as defined as the Policies Map);*
~~*preserves or enhances the prominence of the borough designated landmarks and the skyline of strategic importance in the borough designated views (as defined in figure 7);*~~
- c *preserves or enhances local views identified in conservation area appraisals and management guidelines;*
- d *preserves or enhances visual connection of the public realm with water spaces;*
- e *enhances townscape and other local views which are important to the identity and character of the place; and*
- f *applications for development that may affect the landmark status of listed buildings and that would be seen together with the canary Wharf Skyline will require a townscape and visual assessment, including AVR's (the scope of which to be agreed with the Council) to test their acceptability"*