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Insights

WHAT DOES THE ADOPTION OF THE LONDON PLAN MEAN FOR DEVELOPMENT OF TALL BUILDINGS IN LONDON?

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SUMMARY

Following Secretary of State intervention, the planning policy for tall buildings in the adopted version of the London Plan was changed to allow borough-level development plans to lead on the detail. What does this mean for developers and investors interested in tall buildings?

Introduction

Sadiq Khan's new London Plan was adopted, finally, on 2 March 2021 following a lengthy and politically-charged exchange with the Secretary of State, Robert Jenrick ("SoS"). See our recent blog on the highlights of the new London Plan. On 10 December 2020, the SoS suggested amendments to the draft London Plan policy that had two effects:

(a) to lower the minimum height for a tall building from 25m/30m (depending on location) to 6 storeys/18m (measured from ground to floor level of the uppermost storey) ("tall building"); and

(b) to add additional tests into how boroughs treat tall buildings in their development plans (they can only be developed in suitable and appropriate locations and not lead to unacceptable impacts).

London Plan Policy

The London Plan sets out its policy at D9, which makes clear that:

- borough-level development plan policies must identify suitable locations for tall buildings;
- development proposals must address the impacts of tall buildings and goes on to list typical impacts in some detail, including environmental and functional impacts; and
- tall buildings should, where appropriate, accommodate free to enter public areas to enable the public to visit and take in the views.

The reduction of the minimum height for a tall building as described above threatens to have a significant effect on the number of development proposals that will become subject to policy D9 and so be under arguably a greater level of examination of its impacts.

For example, the London Plan requires "*architectural quality and materials […] of an exemplary standard*" and "*jobs, services, facilities and economic activity that will be provided by the development and the regeneration potential this might provide should inform the design so it maximises the benefits these could bring to the area, and maximises the role of the development as a catalyst for further change in the area*".

Many schemes will, of course, aspire to and achieve the above and other policy requirements. We will see how schemes that are on the edge of the threshold react – some may choose to stay just beneath, and some may consider that if they are to be subject to the policy anyway they may as well go as tall as circumstances will allow.

What about the Boroughs?

The reality is, however, that many boroughs have their own tall building policy, including identified sites deemed appropriate for tall buildings. For example:

City of London operates a permissive policy context for tall buildings – CoL has a unique multi-functional role in London and its policy CS14 emphasises support of high quality, sustainable tall buildings.

In *Westminster* context is everything. The new City Plan identifies the Paddington and Victoria Opportunity areas as examples of locations suitable for tall buildings. However, in recognition of the large proportion of the city that is in a conservation area, the number of heritage assets and protected views, it is the appropriateness of a building in context that drives whether a proposal is acceptable.

Camden does not identify locations as suitable for tall buildings and its policy is generally cautious. Camden's policy is to look at proposals on a site by site basis, and while that might create tension with the London Plan and therefore with the GLA at Stage 2 referrals, it is more likely that the merits of the individual proposals will continue to be most important.

Policy in *Islington and Southwark* already identifies areas appropriate for tall buildings: Bunhill and Clerkenwell in Islington and the clusters around Elephant and Castle and London Bridge station (among others) in Southwark.

Further afield, *Ealing, Greenwich and Croydon,* for example, all have clearly stated policy expectations for locations suitable for tall buildings.

So what does it all mean?

Two things are clear: firstly, more development will be caught and treated as a “tall building” for the purposes of London Plan policy, and so more schemes will have to pay closer regard to design quality and impact – perhaps no bad thing; and secondly, many of the Boroughs already have very clear policy (as well as political views) on how to treat proposals for tall buildings in their area – for good or ill.

For those boroughs who do not have well-defined policies on tall buildings, perhaps the London Plan will encourage more proactivity. However, development of tall buildings can be some of the most controversial proposals (particularly outside central London) and, as such, local political priorities may still prove too strong to ignore.

So what does this mean for developers and investors? A development opportunity that might engage this tall building policy (particularly around the fringes of the threshold) might need to commit more development cost to design quality and supporting assessment work, particularly if the scheme is likely to be referable to the GLA during the planning process. There may also be less scope for opportunistic development as the London Plan states tall buildings can “only” be developed where sites have been identified in local plans.

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