

Problems building up for tall buildings

Tim Smith of looks at why the going may get tougher for "sky high" projects

The last few years have seen a preponderance of proposals for tall buildings, especially in and around the City of London. Whilst earlier schemes such as the Heron Tower and the Shard of Glass were promoted successfully recent indications are that tall building proposals will become much harder to drive through.

Tall buildings: fans and detractors

The planning term "tall building" does not necessarily imply a skyscraper.

The definition in the CABE/English Heritage policy guidance (see below) states that a tall building is one which is significantly taller than its surroundings. In a densely developed area like the City this will indeed usually mean a very tall building, but in terms of planning context is everything.

The Mayor of London has never made a secret of the fact that he supports the principle of tall buildings. The prospect of a large amount of floorspace on a relatively small development footprint is, he says, at the heart of sustainable planning in the capital.

Objectors to tall building proposals typically include **English Heritage** and local conservation groups. Although both Heron and the Shard succeeded at inquiry each was won in the face of concerted opposition from EH.

The "undecideds" may well include the relevant local planning authority (depending on which one the proposal falls within). Some authorities are more willing to contemplate tall building proposals than others. Perhaps the most important undecided will be the influential design advisory group **CABE**. The views of CABE will be scheme-specific and dependent upon the overall quality of the design and masterplanning, without any apparent predisposition for or against tall buildings.

Why are things becoming more difficult?

There are a number of reasons, but here are some of the more important ones:

1. CABE and English Heritage had published joint policy guidance advising on where tall buildings are appropriate. This guidance is in the process of being reviewed, and there is a consultation draft review out now (with the consultation being returnable in May 2007). As a consequence the Secretary of State appears if anything to be attaching greater weight to the views of CABE and EH currently

2. the protection of World Heritage Sites has become much more prominent politically. The designation of these sites falls to the UNESCO and it has begun to make its presence felt in the context of domestic planning applications.

Designated Sites in the UK include the Tower of London and the Palace of Westminster, and UNESCO has expressed concern about the effect of some tall building proposals on views of these sites. It is known from recent appeal and call-in decisions that the secretary of state takes UNESCO's criticisms seriously

3. partly as a product of the above many local planning authorities are in the process of revising their supplementary guidance on the protection of strategic views. In central London these include not just the Tower of London and the Palace of Westminster but also St Paul's Cathedral. As a consequence planning policies are becoming more restrictive

4. the likely enlargement of the Mayor's planning powers^[1] is causing a distraction in some quarters. In view of the Mayor's consistent support for the principle of tall buildings many commentators are noting his expected new powers and speculating on the tall building proposals he may wish to try and force through.

So what does the future hold?

In short: a more difficult passage for tall building proposals than they have experienced before.

In order to maximise prospects of success it is clear that:

A. tall buildings proposals will have to demonstrate architecture of the highest quality. CABE will continue to play a very important role in advising the Secretary of State and local authorities on the acceptability of schemes involving tall buildings.

In the past CABE has been criticised for being influenced more by the identity of the architect than the quality of the scheme, suggesting that investment by clients in top quality architectural practices will be money well spent

B. proposals will also need a strong foundation in planning policy. Schemes are much more likely to be rejected if policy does not specifically approve the location as one suitable for a tall building. In most cases this will mean a greater investment of time for clients in establishing with planning authorities a firm policy background, leading in turn to a longer period before applications can be submitted

Tim Smith
Berwin Leighton Paisner

[1] currently the Mayor has the power to direct the refusal of a strategic planning application by the Boroughs. If the new **Greater London Authority Bill** is enacted in its current form he will also have the power to intervene and recover a strategic planning application for the purposes of granting it.

The Bill is currently in the House of Lords and, all being well, is predicted to receive Royal Assent in the autumn of 2007.