



Report for: Cabinet

Date of Meeting:	27 th July 2023
Subject:	Tall Buildings ('Building Heights') Supplementary Planning Document (SPD)
Key Decision:	Yes – affects more than two wards
Responsible Officer:	Dipti Patel, Corporate Director Place; Viv Evans, Chief Planning Officer
Portfolio Holder:	Cllr Marilyn Ashton - Deputy Leader of the Council and Portfolio Holder for Planning and Regeneration
Exempt:	No
Decision subject to Call-in:	No
Wards affected:	All Wards
Enclosures:	Appendix 1 – Consultation Statement: Schedule of Representations and Responses summary and officer response Appendix 2 – Tall Buildings ('Building Heights') SPD Recommendation from the Planning Policy Advisory Panel (13 July 2023)

Section 1 – Summary and Recommendations

This report documents the outcomes of consultation on the Tall Buildings ('Building Heights') Supplementary Planning Document ("SPD"). The report specifically sets out the public consultation undertaken, the consultation responses received and comments on these, and the proposed changes to the SPD following consultation. It recommends that Cabinet adopt the revised Tall Buildings ('Building Heights') SPD.

The purpose of the SPD is to provide guidance for new development with the suburban areas of Harrow, to ensure that the prevailing pattern of

development is respected, and that proposals do not harm this through excessive height and poor design.

Recommendations:

Cabinet is requested to:

- 1) Adopt the Tall Building ('Building Heights') SPD attached at Appendix 2, which responds to the consultation responses received.
- 2) Note the contents of this report, and the consultation feedback with responses (Appendix 1)
- 3) Note the amended SPD which is considered to address the consultation responses where appropriate (Appendix 2)
- 4) Delegate authority to the Chief Planning Officer, in consultation with the Portfolio Holder for Planning & Regeneration, to make any minor amendments (including formatting and/or grammatical matters) to finalise the SPD.
- 5) Delegate authority to the Chief Planning Officer, in consultation with the Portfolio Holder for Planning and Regeneration, to undertake any necessary statutory process required for the formal adoption of the document.

Reason: (for recommendations)

To amend the SPD to reflect the consultation responses where appropriate and adopt the SPD so that it is afforded weight as a material consideration in the determination of relevant planning applications.

Section 2 – Report

1.0 Introduction

- 1.1 The Council has committed to prepare a Tall Buildings Supplementary Planning Document (SPD)¹, which responds directly to meeting a stated priority of the Council to provide guidance on tall buildings in suburbia to maintain the character of the area while allowing for growth.
- 1.2 This report provides an update to the public consultation that has been undertaken, the responses that were received during the consultation period, officer response to these representations with suggested amendments to the draft SPD. Appendix 1 provides a comprehensive table of consultation responses from public and stakeholders, including from but not limited to the online engagement platform and online consultation events.
- 1.3 A revised SPD incorporating the changes considered to be appropriate and resulting in an improvement to the SPD is attached as Appendix 2.

¹ See Cabinet meeting 24 May 2022, item 5

<https://modern.gov.harrow.gov.uk/documents/s176909/Cabinet%20Report%20-%20May%202022%20-%20Tall%20Buildings%20and%20Conversions%20-%20FINAL%20V2%20-%2020220517.pdf>

- 1.4 The SPD does not (cannot) introduce new policy, rather it provides guidance to adopted policy(ies) within the Harrow Local Plan. Specifically, the draft Tall Buildings ('Building Heights') SPD would provide further guidance to Policy DM1 (Achieving a High Standard of Development) of the Harrow Development Management Policies Local Plan (2013). This policy in particular provides the basis on which this SPD may be brought forward, and therefore, the SPD will assist in giving effect to, and delivering against this policy across the borough (excluding the Opportunity Area). The SPD is unable to identify specific locations considered appropriate for tall buildings, or to set maximum heights (in terms of storeys / meters) for any buildings. This approach would fall outside of the remit of a SPD, but such matters will be dealt with through the local plan review (to be in general conformity with the requirements of (in particular) Policy D9 of the London Plan (2021)).
- 1.5 This SPD does not apply within the Harrow & Wealdstone Opportunity Area. Opportunity Areas are designated through the London Plan and are noted as areas where growth is directed to and are subject to more significant change (as opposed to suburban areas for example, where change is incremental and character evolves over an extended period of time). It is recognised that the Harrow & Wealdstone Opportunity Area represents where growth has been strategically directed to over the current local plan period, and as such has already undergone significant change including many taller building developments. This SPD will only apply to the suburban context of Harrow, which is outside of the designated Harrow & Wealdstone Opportunity Area, where the development plan does not envision such significant change and development opportunities.
- 1.6 Once the SPD has been formally adopted it will become a material consideration in the determination of relevant planning applications.

2.0 Preparation of the Tall Building ('Building Heights') Supplementary Planning Document

- 2.1 In preparing the draft SPD, officers engaged informally with key external and internal stakeholders, to ensure that any key points would be able to be addressed at an early stage. Based on the informal consultation, the SPD was drafted and enabled formal consultation to be undertaken.

3.0 Formal Consultation

- 3.1 In undertaking formal consultation on the draft SPD, this followed the statutory process for the preparation and adoption of SPDs, including consultation in accordance with the Harrow Statement of Community Involvement (SCI). All consultation material was reviewed by the Harrow Communication Team. The following consultation approach was set out in the report to Cabinet² on 16th

² See Cabinet meeting 16 February 2023, Item 9
<https://moderngov.harrow.gov.uk/documents/g65431/Public%20reports%20pack%20Thursday%2016-Feb-2023%2018.30%20Cabinet.pdf?T=10>

February 2023, when authority to consult in accordance with the below consultation methods was approved.

- a. SPD published on Harrow online engagement portal, including a consultation questionnaire.
- b. Harrow Council website – Local Plan page
- c. Harrow Press notice
- d. Harrow Council social media
- e. Email to be sent to MyHarrow accounts
- f. Emails / letters sent to consultees on the Local Plan database, who have indicated they are interested in Planning Policy consultations;
- g. Two online engagement sessions (held on Zoom)

3.2 Following the authority to consult from Cabinet, the following information was provided on the Council's new online engagement platform (EngagementHQ);

- Draft SPD
- Background evidence (Characterisation & Tall Buildings Study (2021))
- Key dates for consultation period opening and closing
- Public events held (x2) – including dates / times and joining details
- Frequently asked questions page (nine questions)
- Online survey with level of agreement / disagreement polls and free / open text option.
- Questions tab to ask the planning policy team a question directly.
- Alternative methods of contacting the planning policy team (email/post)

3.3 A copy of the draft SPD was also available on the Harrow Council website, with alternative options to provide comment.

3.4 The consultation period was open for seven weeks and commenced on Monday 27th February 2023 and ran until midnight Monday 17th April 2023. The consultation period was extended to seven weeks (from the usual six weeks) to account for the Easter Holiday period. The outcomes of the consultation, and any resulting amendments to the SPD, are set out below and within the full consultation feedback as Appendix 1 (including online event summary) and the amended SPD attached as Appendix 2. In accordance with the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012, the Council must publish a consultation statement explaining how any issues raised in representations have been addressed in the SPD. This is attached as Appendix 1.

3.5 The EngagementHQ platform was promoted as being the primary point of contact for engaging with the Council in relation to the SPD, associated information and providing any feedback on the draft SPD. Over the consultation period the following data was able to be collected in terms of traffic on the website;

- Total Visits to the site; 1.9K

- Engaged Visitors: 151
- Informed Visitors 786

- 3.6 As a result of the consultation arrangements available on the EngagementHQ platform, there were a total of **151** completed online surveys. This consisted of responses from residents, voluntary organisation and other respondents.
- 3.7 Aside from responses submitted through the EngagementHQ platform, 27 emails responses were also received. The content and responses to these are attached in Appendix 1.
- 3.8 As part of the consultation engagement, two online events were advertised (on EngagementHQ and through other platforms as set out above, such as Twitter) and held via Zoom on Wednesday 8th March 2023 and Tuesday 21st March 2023. Both events were held between 6.00pm and 7.30pm. Over the two events, officers provided a presentation of the draft SPD and following this were available for a question-and-answer session. Over the two events, a total of **15** people attended.
- 3.9 In the lead up to each of the public online consultation events, each of the events were publicised further on all Harrow Council social media platforms. This included direct email reminders to all persons who had up until that time registered on the EngagementHQ platform in relation to this consultation.
- 3.10 Whilst it is acknowledged that the attendance of the online consultation events was relatively low, officers are confident that significantly more people were informed of the events (as confirmed by the data collected through EngagementHQ) and therefore had the opportunity to attend. Furthermore, when taken collectively with the amount of visitors to the EngagementHQ platform who were 'informed' (visiting pages on the website) and then those who were 'engaged' (by completing the survey), it is clear that a sufficient quantum of people were aware of the online events. When taken across the entire consultation event, officers are satisfied that a sufficient number of people were aware of the draft SPD, and were aware of the online events that were being held. Furthermore, officers are satisfied that a satisfactory response was received in relation to the draft SPD, when taken across all of the consultation avenues. Consideration will however be given to how engagement and attendance levels can be increased in future consultations.

4.0 Draft Tall Buildings ('Building Heights') Supplementary Planning Document: Public Consultation Outcomes

- 4.1 The substantive points raised in the responses are detailed, alongside the Councils' responses, in the Schedule of Representations and Responses at Appendix 1 to this report. The main issues raised and proposed responses are summarised below. These are separated into Statutory consultees and then wider stakeholders / members of the public.

Statutory Consultee Responses

Greater London Authority / Mayor of London

- 4.2 All Local Development Documents in London must be in general conformity with the London Plan under section 24(1)(b) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004). Whilst a SPD is not a Development Plan Document (DPD), it's a Local Development Document as, as such, the Mayor of London may give an opinion to its general conformity with the London Plan. The Mayor is supportive of further design guidance such as the draft SPD in terms of its intent. However, three elements of concern with the draft SPD have been raised as conflicting with the London Plan (2021). GLA officers have delegated authority from the Mayor of London to provide comment in relation the draft SPD.
- 4.3 The GLA raised concern that the draft SPD does not, when referring to a London Plan (2021) tall building, fully reflect the definition set out within Policy D9 (Tall buildings) of that plan. This could lead to ambiguity or confusion for users as to what the overall height of a tall building could be.
- 4.4 *Officer Response: Officers agree that the definition for a tall building as set out in Policy D9A (Tall buildings) of the London Plan (2021) should be set out verbatim to avoid any confusion. Any reference across the SPD to the London Plan definition follows this definition.*
- 4.5 GLA officers are concerned with the term 'contextually tall', which is considered to create an alternative and competing local tall building definition below the minimum definition set out within the London Plan (2021). GLA officers are of the opinion that the competing local definition for a tall building therefore results in the draft SPD being in direct conflict with Policy D9 of the London Plan (2021). Any local definition of a tall building should not be less than that as defined within the London Plan (2021), and a definition should be set out within a Local Plan document that has been through an Examination in Public (where a SPD is not subject to such a process).
- 4.6 *Officer Response: The GLA's concerns are noted, although these are arguably semantic. Consideration has been given to an alternative term that is able to be used to replace 'contextually tall' buildings, when referring to such proposals that are equal to or twice the height of the surrounding context, but less than that of the London Plan (2021) definition of a 'tall' building. It is considered that 'contextually high' is an appropriate alternative term which ensures that any consideration of a scheme still requires a contextual analysis, specifically in relation to the impacts of height. The use of this term resolves the concern raised by the GLA in relation to any potential confusion between the London Plan (2021) definition of a tall building (by avoiding the word 'tall'), and the context-based approach used within the SPD.*
- 4.7 GLA officers consider that the existing name of the document 'Tall Buildings ('Building Heights') SPD could result in a misleading and confusing message about the purpose and function of the document.

4.8 *Officer Response: The SPD seeks to provide guidance to ensure that suburban Harrow is protected from inappropriately tall buildings (among other material considerations), and to ensure high quality of design.*

4.9 The title of the SPD provides a clear indication that the guidance within it relates to tall buildings. The content within the SPD however is very clear that the guidance for what would be a contextually high building in a suburban location, is not in conflict with definition of a tall building as set out in Policy D9 (Tall buildings) of the London Plan (2021). Chapter 1 of the SPD makes it clear where and when the SPD should be engaged, and that the London Plan (2021) as the spatial strategy still provides the definition of a tall building. Chapters 1 and 2 are clear that a context-based analysis for proposals in suburban Harrow is undertaken, with Chapter 3 providing design guidance for contextually high buildings and also tall buildings (as per the London Plan (2021) definition).

Transport for London (Spatial Planning)

4.10 TfL (Spatial Planning) have provided a response to the draft SPD to reflect TfL's statutory duties as the strategic transport authority. The response received from TfL (Spatial Planning) amount to a number of minor amendments suggested to more accurately reflect relevant policy and guidance. Such amendments were limited to Design Principles C1 (Sustainable Locations), D5 (Transport and Parking), and D10 (Air, Noise and Microclimate).

4.11 *Officer Response: It is considered that the proposed amendments are minor, and would assist in better reflecting the relevant policy and guidance which the SPD seeks to be in general conformity. Including the amendments where appropriate would continue to ensure that the guidance set out in the SPD would remain robust.*

Transport for London (Infrastructure Protection)

4.12 TfL (Infrastructure Protection) is noted as responding to confirm no formal comments in relation to the draft SPD. However, to confirm that developments adjacent to TfL infrastructure will require consultation with TfL to be undertaken.

4.13 *Officer Response: This response is noted and consultation would be carried out as this is already undertaken. No amendments to the draft SPD are required.*

Environment Agency

4.14 The Environment Agency is in general support of the draft SPD and confirm that the SPD will support the Local Plan's commitments to sustainable development and positive environmental outcomes. The response notes the design principles and does not state that there are any further required to assist in addressing their concerns. Notwithstanding this, the Environment Agency has made a number of suggestions in relation to the guidance covering biodiversity, green infrastructure and lighting. Minor amendments under these

design guidance principles have been made where appropriate and ensure the guidance meets the intent and purpose of the SPD.

Historic England

- 4.15 Historic England is the Government's advisor on the historic environment and seek to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process.
- 4.16 Historic England has provided a number of general comments in relation to the draft SPD, which generally seek to place more emphasis on heritage assets. Following the general comments, the Historic England response provides an appendix with a number of suggested amendments. The proposed amendments are minor in nature and are intended to assist in ensuring that heritage matters are addressed as robustly as possible to ensure ongoing protection of assets and their significance.
- 4.17 *Officer Response: The majority of the proposed minor amendments have been incorporated into the guidance, which still ensure the intent and purpose of the SPD would be achieved. It is considered that the SPD through guidance set out in the Assessing context (Section 2.2) and design principles (Section 3) provide sufficient emphasis on the importance of heritage assets and how proposals should address these as part of the design process.*

Natural England

- 4.18 Natural England provided a response to confirm that the topic of the Supplementary Planning Document did not appear to relate to their interests to any significant extent. No formal comment was therefore provided. Natural England also had no comment to make on the Strategic Environmental Assessment.

General Responses

- 4.19 As set out in section 3 above, a total of 178 responses were received in response to the consultation. The substantive comments received, officer responses, and proposed amendments to the draft SPD are set out in Appendix 1. However, the following provides a summary of responses received and officers responses.
- 4.20 *Officer Response: Across the consultation responses, multiple suggestions of definitions of what a tall building should be were provided. Definitions ranged from anything higher than the existing height, up to a maximum height of 12 storeys.*
- 4.21 *A SPD is unable legally to set a height or location for tall buildings, as that would fall outside the legal remit of a SPD. Rather, this would have to be set through a Local Plan policy as part of the Local Plan review and would ensure general conformity with the London Plan (2021). The SPD is seeking to provide guidance to buildings that are less than the tall building definition as set out in policy D9A (Tall buildings) of the London Plan (2021).*

- 4.22 The SPD is overreaching its remit and does not accord with the London Plan (2021) by introducing a definition less than that set out in Policy D9 (Tall buildings) of the London Plan (2021). It will reduce affordable housing delivery.
- 4.23 *Officer Response: The SPD is clear that the guidance does not set a definition for a tall building. The SPD is clear that Policy D9 (Tall buildings) of the London Plan (2021) sets out a tall building definition and provides policy on how boroughs, through development plans must address tall buildings. The SPD provides guidance on how to contextually determine what would be a high building within a certain location within suburban Harrow, which would be less than what is defined as a tall building in the London Plan (2021). The SPD does not provide a presumption against high buildings, rather it seek to ensure height is progressed appropriately and any proposals are of a high quality design. The delivery of housing, especially affordable housing, will continue to a key pressure to deliver. However, the delivery of housing should not be at the expense of high-quality design.*
- 4.24 *It is noted that the GLA in their response (summarised above) has not objected to the SPD in relation to conformity with the London Plan (2021) and is supportive of the guidance (subject to their suggested amendments).*
- 4.25 *The Harrow local plan review is currently being progressed and this will address tall buildings and will seek to be in general accordance with D9 (Tall buildings) of the London Plan (2021).*
- 4.26 The proposal needs more consultation
- 4.27 *Officer Response: The SPD has been consulted in accordance with the Harrow Statement of Community Involvement, with the consultation undertaken agreed by Harrow Cabinet. Furthermore, the statutory timeframe was extended to seven weeks to allow for the Easter Holiday period. All relevant consultation material has been available online and in hard copy (Greenhill Library) and advertised through numerous channels as set out above under section 3. Online public consultation events were held to allow further information to be sought and questions to be asked of officers in relation to the proposed SPD. Any development proposals will be subject to consultation as part of the planning application stage. Officers are satisfied that the consultation undertaken is appropriate.*
- 4.28 The draft SPD Is not definitive enough
- 4.29 *Officer Response: A SPD is a guidance document to adopted policies within the Local Plan, and is unable to be as definitive as a policy within the Local Plan. The draft SPD must allow sufficient flexibility to allow applicants to achieve an appropriate development without stifling creativity. The draft SPD provides guidance to assist in developments achieving appropriate height and a high quality of design.*
- 4.30 Need to clarify both floors and meters when referring to a building height.

- 4.31 Officer Response: *It is agreed that providing both floors and meters would provide greater clarity where appropriate and this is reflected in the revised SPD.*
- 4.32 Existing developments are not of a high quality.
- 4.33 Officer Response: *The draft SPD is unable to influence existing developments that have already been implemented, however would be able to assist in improving the design quality of future developments.*
- 4.34 A number of precedents were considered to not be representative of good quality development examples.
- 4.35 Officer Response: *Precedents were provided where they were able to visually demonstrate a successful element of design that is seeking to be achieved through the design principles. The precedents have been reviewed and updated examples provided where appropriate from across London which are considered to be of high-quality design.*
- 4.36 Clarification of overly prominent definition
- 4.37 Officer Response: *It is noted that the term overly prominent is a relatively subjective term. However, what would be overly prominent can only be determined following the context-based analysis (following the process set out in the SPD) and will be defined on a case by case basis.*
- 4.38 There should be a clear presumption against any development above the current height in the area. Also, the policy should operate only by reference to current heights as of 2023 (i.e. any future development of taller buildings shouldn't "move the goal posts" and make it easier to develop more tall buildings.)
- 4.39 Officer Response: *The Harrow Characterisation & Tall Building Study (2021) sets out that at twice the prevailing height there is the potential for harm to the character of the area. Furthermore, the London Plan (2021) sets out that in development plans, boroughs must recognise that local character evolves over time. Whilst the SPD does not form part of the development plan, it must be drafted in a manner that will comply with policy set out in the new local plan (which will have to demonstrate general conformity with the London Plan). Whilst character will evolve over the time, the SPD seeks to ensure that this will occur appropriately.*
- 4.40 The Harrow & Wealdstone Opportunity Area is not included within the remit of the SPD as there are residents within this who would wish to be protected from tall buildings.
- 4.41 Officer Response: *The SPD does not include the Harrow & Wealdstone Opportunity Area (as set by the London Plan (2021)), as this is an area that is where growth is directed and is subject to more significant change. Conversely, the suburban areas of Harrow as an outer London borough, are much more susceptible to the impacts of development. For this reason, the SPD seeks to*

ensure development in the suburban context of Harrow respects that character of that area.

- 4.42 *Whilst the SPD would not be applicable to developments within the Harrow & Wealdstone Opportunity Area, they would nonetheless be subject to the Development Plan (Harrow Local Plan (2013) and London Plan (2021)), which would provide relevant policies for assessment.*
- 4.43 *Going forward, the Council has committed to reviewing its local plan, which in seeking to ensure general conformity with the London Plan (2021), will need to proactively plan for tall building developments (as required by Policy D9 (Tall buildings) of the London Plan (2021)). This will involve identifying appropriate locations for tall buildings, what height of a building would constitute a tall building, and also appropriate heights of such developments. Following the local plan review, further mechanisms such as design codes are also available for the Council to consider.*
- 4.44 *Lack of infrastructure to support new development (Such as highways / doctors / school places)*
- 4.45 *Officer Response: New development attracts a 'tax' through the Community Infrastructure Levy (CIL), which is collected by the Mayor of London and also by the Council. The purpose of collecting CIL money is to assist in the funding of new infrastructure.*
- 4.46 *Furthermore, the Council has an ongoing dialogue with infrastructure providers such as the NHS to understand their needs and look to secure floor space for them within new developments where they have identified a need.*
- 4.47 *The SPD is not proposing a presumption in favour of new development, rather setting out guidance to assist in new developments being appropriate in height and of a high-quality design. Such proposals have been and are coming forward already, and without such detailed guidance. Funding infrastructure through the CIL is considered the appropriate mechanism for infrastructure improvements.*

Ward Councillors' comments

- 4.48 *The SPD was submitted to the Planning Policy Advisory Panel (PPAP) throughout the drafting of the SPD, which is a cross party advisory panel. Members of the Panel are able to express views and give comment in relation to the drafting of the SPD and other members can attend / ask questions. Ward members were also able to provide feedback through the online EngagementHQ platform, through emailing direct to the Planning Policy Team, and / or by attending the two online engagement workshops.*
- 4.49 *Comments received from Ward Councillors, along with all responses are included within the Schedule of Representations and Responses attached as Appendix 1.*

4.50 The SPD has been presented on four occasions to the Planning Policy Advisory Panel (PPAP), during the scoping, drafting and both pre and post formal consultation. Matters raised during this forum have been addressed throughout the drafting of the document. The final presentation to PPAP was on the 13th July 2023, where the panel concluded to commend the SPD to Cabinet for its consideration to adopt. The minutes of the PPAP meeting of 13th July 2023 are available as a background paper.

5.0 Proposed amendments

5.1 In light of the representations received and the Council's response to them (summarised in section 3 above and detailed in Appendix 1), a number of amendments have been made to the draft SPD (comprehensive list attached as Appendix 2). The majority of the amendments have been minor and have sought to provide more clarity or consistency with other legislation and / or guidance. The following amendments are considered those more notable;

- a) The term 'contextually tall building' has been replaced with the term 'contextually high building'.
- b) Greater clarity of scope of where to use / how to use the SPD in terms of location and for types of development.
- c) Review and update of particular precedents which better reflect high quality design as sought by the design principles within the SPD.
- d) Removal of the traffic light system flow chart under Chapter 1 – How to use this document. This has been replaced by a more simplified diagram for assessing context in Chapter 2.
- e) Greater clarity between the role of the SPD in dealing with context and the much separate role of Policy D9 of the London Plan (2021).
- f) Minor text changes with respect to consistency of terminology and with other relevant policy and guidance.

5.2 Prior to final publication, the SPD will be subject to desktop publishing to improve its legibility. It should be noted that some additional, or minor, modifications to the SPD have also been made. These are minor changes that have been made to provide clarity, improve grammar, spelling corrections and factual changes where needed (for example, the document no longer being in draft form).

5.3 It is considered that the amendments made to the draft SPD result in a more robust document, respond to the consultation responses where appropriate, and would continue to assist in ensuring new development within suburban Harrow would respect the character of the that area. It would continue to deliver against the priority of the Council in putting residents first.

6.0 Options Considered

- 6.1 An alternative option considered is to not amend the SPD to reflect the consultation undertaken and the corresponding responses. Whilst not all consultation responses are able to be included as amendments as they are not all appropriate / would not improve the application of the SPD, failing to amend the SPD where appropriate would result in a less robust document. Not including appropriate amendments to the SPD from the consultation process is not considered an appropriate option.
- 6.2 An alternative option to the adoption of an SPD which is to do nothing (i.e. not to adopt the amended SPD). If the 'do-nothing' option was pursued Council officers, the Planning Committee and in certain cases, Planning Inspectors, would continue to exercise judgement when making decisions on specific proposals that developers put forward, but without the guidance the SPD would provide. However, such an approach without this overall agreed guidance for determining contextually tall buildings and associated guidance, will lessen the tools available to the Council to resist developments that are contextually inappropriate within suburban Harrow.

Conclusion

- 6.3 The draft SPD seeks to provide a context-based approach to addressing height across the suburban areas of the borough, and to ensure that developments are of a high design quality specifically where they are taller than the surrounding buildings and pattern of development. The SPD has been subject to a wide and thorough consultation process that is in compliance with the adopted Harrow Statement of Community Involvement and wider Council consultation standards. All of the consultation responses have been reviewed and considered, and where appropriate amendments made to the draft SPD.
- 6.4 The amendments to the SPD following the consultation process are considered to provide a robust document, that will continue to meet the intention of the council priority of putting residents first and protecting Harrow suburbs from inappropriate development.

7.0 Implications of the Recommendations

Considerations

8.0 Resourcing

- 8.1 The project has been resourced internally by the Planning Policy Team, from the existing revenue budget. Significant input has been required from the Council's Principal Urban Design Officer (located within Development Management).

9.0 Ward Councillors' comments

9.1 Ward Councillor input was able to be received through the formal consultation on the draft document.

10.0 Performance Issues

10.1 The SPD will assist in delivering high quality development that respects the suburban character of Harrow.

11.0 Environmental Implications

11.1 Sustainability appraisals for supplementary planning documents are only required in exceptional circumstances, but the Council must still consider whether there is a requirement for strategic environmental assessment (SEA). The Harrow Core Strategy (2012) and the policies contained within it were subject to a Sustainability Appraisal. The proposed SPD does not (cannot) introduce new policy but simply supplements / guides new development within the borough in relation to development policies located within the current London Plan and Harrow Local Plan, and any relevant new policy within the revised Local Plan.

11.2 The Council undertook a SEA as part of the consultation package for the draft SPD. It concluded that the SPD would not require a SEA. The three statutory bodies were consulted. Historic England, Environment Agency and Natural England, each confirmed they agreed or had no comment on the content of the SEA. The Council therefore confirm that a SEA is not required in the preparation of the SPD.

12.0 Data Protection Implications

12.1 Consultation was undertaken in a manner that complies with the relevant requirements of the General Data Protection Regulations (GDPR), including the collection, processing, retention and disposal of personal data of those responding.

13.0 Procurement Implications

13.1 There are no procurement implications in the drafting of the Tall Building ('Building Heights') SPD, which has been drafted by London Borough of Harrow officers. The external consultancy support (for the facilitation of online consultation events and external legal advice) was modest in value and procured in accordance with the applicable procurement procedures. Funding for this was from the existing Planning Policy budget.

14.0 Risk Management Implications

Risks included on corporate or directorate risk register? **No**

Separate risk register in place? **No**

The relevant risks contained in the register are attached/summarised below. **N/A**

The following key risks should be considered when agreeing the recommendations in this report:

Risk Description	Mitigations	RAG Status
Non-compliance with regulatory requirements for the preparation of any guidance (i.e. scope of guidance, process.)	<ul style="list-style-type: none"> ▪ Scope of guidance has had regard to previous Counsel advice regarding this. ▪ Process (including formal consultation) has been managed to ensure it complies with regulatory requirements. 	Green
Non-(general) conformity / consistency with Harrow development plan (i.e. London Plan, Harrow Local Plan)	<ul style="list-style-type: none"> ▪ Drafting has been undertaken in context of existing development plan. ▪ Drafting of the SPD has been undertaken with development of relevant policy as part of Local Plan review to be considered in an effort to reduce any potential conflict with future Local Plan policy. ▪ Informal consultation has been undertaken with the Greater London Authority (GLA) to ensure compliance with the London Plan (2021) and the document amended in response to formal representations from the GLA. 	Green
Residents and Members not satisfied with the document and proposed amendments to address consultation responses.	<ul style="list-style-type: none"> ▪ Consultation feedback addressed and amendments made to SPD to address appropriate comments received. ▪ It may however not be possible to fully address all concerns raised in relation to the draft document given the broader policy context and range of competing views 	Green
The change to the title of the document as suggested by the Mayor of London (Greater London Authority) has not been made. The Mayor of	<ul style="list-style-type: none"> ▪ The Council has made it clear that this is for use in Harrow within a local context and is content to retain the title using the word 'Tall'. 	Amber

Risk Description	Mitigations	RAG Status
London may request the Secretary of State to call in the document. The SPD may be found unsound, or directions imposed to amend it, leading to a change in the published title.	The GLA could refer this to the Secretary of State and this might entail the Council reviewing the SPD title	

15.0 Legal Implications

- 15.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 15.2 The Town and Country Planning (Local Planning) (England) Regulations 2012 provide guidance on the preparation and adoption of supplementary planning documents.
- 15.3 Although the proposed draft SPD is not a development plan document it will, on adoption, be a material consideration in the determination of tall building development proposals within the London Borough of Harrow.
- 15.4 The Council is required by law to consult on the draft SPD and to consider all consultation responses received before adopting the SPD. As soon as reasonably practicable after adopting an SPD, the Council must (i) make available the SPD and an adoption statement and (ii) send a copy of the adoption statement to any person who asked to be notified of the adoption of the SPD.
- 15.5 By definition, supplementary planning documents cannot introduce new policies nor modify adopted policies and do not form a part of the development plan. Rather, their role is to supplement a 'parent' policy in a development plan document. The SPD supplements Policy DM1 (Achieving a High Standard of Development of the Harrow Development Management Policies Local Plan (2013)).

16.0 Financial Implications

- 16.1 The cost of preparing and implementing the SPD has been met from Planning Policy Team and Development Management (Urban Design) resources.

17.0 Equalities implications / Public Sector Equality Duty

- 17.1 The Equality Act 2010 outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies to have due regard to the need to:

- a) Eliminate discrimination, harassment and victimisation and other contact prohibited by the Equality Act 2010.
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The broad purpose of this duty is to integrate considerations of equality into day-to-day business and keep them under review in decision making, the design policies and the delivery of services.

17.2 The relevant protected characteristics are age, race, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation.

17.3 The SPD aims, among others, for an inclusive and safe development for all and therefore advances equality of opportunity for all and is not considered to adversely impact on persons within the protected characteristic.

17.4 In addition, the proposed SPD the subject of this report will provide guidance and supplement adopted policies within the Harrow Core Strategy and Development Management Policies in the Local Plan. A full equalities impact assessment was carried out at each formal stage in the preparation of the Core Strategy and Development Management Policies Local Plan.

18.0 Council Priorities

18.1 Putting residents first.

1. The progression of a Tall Buildings ('Building Heights') Supplementary Planning Document is a priority of the administration. This report sets out the drafting of a Tall Buildings ('Building Heights') SPD, which would reflect the priorities of the Council to put residents first. Any changes proposed to the draft SPD in response to consultation feedback, is considered to still to meet the intent of this council priority.

2. A borough that is clean and safe

The Tall Buildings ('Building Heights') SPD will provide guidance in terms of high-quality design for buildings and also public realm. Along with good design principles underpinning this guidance, consultation with relevant authorities (waste, Metropolitan Police) to assist in new developments contributing to the borough being both clean and safe.

3. A place where those in need are supported

The Tall Buildings ('Building Heights') SPD provides guidance on ensuring that new developments optimise sites and deliver against the requirements of the development plan. This would ensure that developments are able to

provide for infrastructure such as wheelchair accessible units and affordable housing.

Section 3 - Statutory Officer Clearance

Statutory Officer: Jessie Man

Signed on behalf of the Chief Financial Officer

Date: 16/07/2023

Statutory Officer: Jimmy Walsh

Signed on behalf of the Monitoring Officer

Date: 17/07/2023

Corporate Director: Dipti Patel

Signed by Corporate Director

Date: 17/07/2023

Chief Officer: Viv Evans

Signed off by the Chief Planning Officer

Date: 17/07/2023

Head of Procurement: Nimesh Mehta

Signed on behalf of the Head of Procurement

Date: 15/07/2023

Head of Internal Audit: Neale Burns

Signed on behalf of the Interim the Head of Internal Audit

Date: 16/07/2023

Has the Portfolio Holder(s) been consulted? Yes

Mandatory Checks

Ward Councillors notified: No, as it impacts on all Wards. Cabinet consideration will be a Key Decision.

EqIA carried out: No: refer to paragraph 17 above

EqIA cleared by: N/A

Section 4 - Contact Details and Background Papers

Contact: Callum Sayers, Principal Planning Policy Officer, 077 3159 1724, callum.sayers@harrow.gov.uk

Background Papers:

- [National Planning Policy Framework \(2021\)](#)
- [London Plan \(2021\)](#)
- [Harrow Local Plan](#)
- [Agenda for Planning Policy Advisory Panel on Thursday 13 July 2023, 6.30pm – London Borough of Harrow](#)