

Barnet Local Plan Examination

Matter 8: Design, Tall Buildings and Heritage

Hearing Statement

Prepared by Savills on behalf of Casa Bella Developments Ltd

Respondent Reference: 027

September 2022

Issue:

Whether the Plan has been positively prepared and whether it is justified, effective, consistent with national policy and in general conformity with the London Plan in relation to design, tall buildings and heritage?

Questions:

- 4) Policy CDH04 seeks to provide an approach to tall buildings in strategic locations, is it positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan in those respects? Responses should address the following:
- a) Is the overall policy approach consistent with the expectations of Policies H1 and D9 of the London Plan in terms of identification of locations for tall buildings and optimising housing delivery in PTAL3 to 6 locations or within 800m distance of a station or town centre boundary, and the Framework insofar as it seeks to achieve well-designed places?

1. London Plan (LP) Policy H1 requires the preparation of delivery-focused Development Plans which encourage sources of housing supply listed in part B2; this includes optimising the potential for housing delivery on brownfield sites with existing or planned public transport access levels 3-6 or which are located within 800m from a station or town centre. The Local Plan does not include encouragement for optimising the potential of sites in these locations, and the tightly defined approach taken in Policy CDH04 would risk constraining development potential in such locations outside of tall buildings locations. This is inconsistent with LP Policy H1, and Policy D3 which requires the best use to be made of land.
2. Our client owns a site along the A5 Edgware Road (hereafter referred to as the A5) close to a district centre, with good access to public transport connectivity¹, local facilities and amenities. The A5 is a Major Thoroughfare where the borough plans to direct new homes to². In accordance with the NPPF,

¹ Sites across the length of the A5 are well connected and present sustainable sites for optimisation. Many of the sites along the route are serviced by numerous major bus routes running along the length of the road. A number of underground stations are also within walking distance of the A5, providing access to Northern Line services into Central London, with Hendon station also providing access to Thameslink rail services.

² Refer to Draft Local Plan Policy GSS01



LP Policy H1 and D3, given the need to significantly boost housing supply and meet housing need, it is imperative that the policy approach to tall buildings does not preclude the optimisation of sites. For the reasons explained later, the restrictive approach taken in relation to the A5 is not justified, effective or positively prepared. Policy GSS11 recognises that the thoroughfares can provide a significant supply of sites for growth and acknowledges that further sites will come forward along them. The A5 has already undergone significant growth and transformation and it will continue to be transformed. The plan should therefore remain sufficiently flexible to allow for sustainable growth.

3. LP Policy D9 requires the Local Plan to define what is considered to be a tall building for specific localities and to identify where new tall buildings may be appropriate. Whilst the Local Plan defines a height for Tall Buildings (and Very Tall Buildings) and identifies localities where tall buildings may be appropriate, the approach taken is not justified by the high-level nature of the evidence base. The approach taken tightly defines the locations for tall buildings in relation to the A5. The plan is therefore not positively prepared and will not be effective in ensuring the optimisation of sites.
4. The draft Key Diagram³ shows that the A5 is one of the most accessible parts of the borough. It is well located in relation to town centres, with six centres located along the route or in close proximity. Acknowledging this sustainability, also located along the A5 are four growth areas, parts of which are also Opportunity Areas (OA)⁴. High density growth (including tall buildings) beyond the OAs has already been approved along the A5⁵, for example at the Crown Honda site for up to 24-storeys and The Rushgroves for 14-storeys. Both sites are located outside of but between the OA's. These schemes were recognised as suitable for intensification due to their 'sustainable location', despite being outside of OA and town centre boundaries. In relation to OA's and existing areas of high density, LP Policy D3 requires boroughs to positively consider the expansion of these areas, including the expansion of OA boundaries where appropriate. It is not clear whether this has been considered.
5. Given the above, other sites along the A5 could also be appropriate for tall buildings. The Strategic Tall Buildings Locations (Map 4) and the associated policy text (inc. proposed modifications) is therefore not justified, effective or positively prepared. It would not be sound to restrict tall buildings to only those sites identified within Annex 1 Schedule of Proposals. There are other locations along the A5 including close to town centres and OAs, where there is an opportunity to provide optimisation and

³ Map 2 in Draft Local Plan.

⁴ Combined indicative capacity for 16,500 homes and 28,000 jobs (LP table 2.1).

⁵ See Appendix 1.



this may include tall buildings, where justified via a design-led approach. This is not reflected in the policy approach, which is too prohibitive in that it prevents tall buildings other than on Annex 1 sites.

b) Is the identification of the strategic locations listed in the policy where ‘tall’ buildings (defined as 8 to 14 storeys or 26 to 46 metres) are appropriate, informed and justified by robust evidence, and are the locations sufficiently precise?

6. The evidence base used to identify strategic locations for tall buildings is outdated in respect of the A5, and not detailed enough to justify the prescriptive approach applied in Policy CDH04.
7. The primary source of evidence for Policy CDH04 is Barnet’s Tall Buildings Update⁶. This study is over two years old, was developed in the context of the draft London Plan, and refers back to a Characterisation Study carried out over a decade ago. It does not reflect the existing and emerging character of the throughfare following recent approvals. It refers to the Barnet Characterisation Study, including the recommendation that *“Proposals should use the Characterisation Study as a starting point for a 360° appraisal of the impact of the design of tall, medium-rise and very tall buildings on their surrounding area”*. This is repeated in the draft plan (paragraph 6.18).
8. Supporting text⁷ to LP Policy D9 states that boroughs should identify locations where tall buildings may be an appropriate development form by undertaking three steps; the first involves the identification of areas for growth as required by LP Policy D1 and then a sieving exercise to assess potential visual and cumulative impacts. LP Policy D1 requires area assessments to develop an understanding of the capacity for growth in different areas. Boroughs are required to plan to meet growth requirements, including their housing targets, by using the findings of the area assessments to identify suitable locations for growth, and the potential scale of that growth.
9. The Characterisation and Growth Strategy (CGS) LPG (draft) identifies that characterisation studies *“form a key part of evidence base for local plans”*. The LBB Characterisation Study was produced in 2010, prior to the first NPPF publication which has sought to significantly boost housing supply/delivery. Since 2010 the LP has had a number of iterations, each of which has sought to tackle the desperate need for housing, with increasing housing targets established with each iteration. The latest LP recognises that that all parts of London will need to embrace and manage change. In outer London, the suburban pattern of development is noted as having significant potential for intensification

⁶ Evidence base document ref: EB_DH_04

⁷ LP Paragraph 3.9.2



(LP Paragraph 2.0.3). It is also important to note that over 10,000 new homes have been built in the borough since 2011⁸, with higher density development, including tall buildings and flatted developments, now forming established parts of the character of parts of the borough including the A5. The LBB Characterisation Study fails to capture the significant change in character that has occurred particularly along the A5, and the need for change and significant growth. Neither does it identify suitable locations for growth, and the potential scale of growth.

10. In relation to the A5, the Officer Report⁹ for the Crown Honda site recognised the ‘emerging context’ and the ‘fundamental change’ in character that has occurred and is occurring along the thoroughfare. It stated:

“Paragraph 9.5 - The key consideration is therefore whether material planning considerations exist which justify the tall buildings in this location. ... officers consider that the principle of tall buildings at this location is acceptable for a number of reasons. Most pertinently, is the emerging context within which the application site is located”.

“Paragraph 9.6 - Notwithstanding its location outside of the identified strategic tall building locations..., it is therefore clear that the character of surrounding area has been subject to a fundamental change in terms of the prevailing architectural typologies and in terms of the scale of development”....

11. The Characterisation Study is therefore dated in relation to the A5. The reliance of the tall buildings evidence on it means that the evidence base supporting Policy CDH04 is not sufficient to justify the proposed policy approach. Further, the evidence base is high-level and the level of sieve analysis undertaken is not as detailed as envisaged by the LP. Also, no townscape or visual impact analysis has been undertaken.
12. The Tall Buildings Update (2019) recognises that *“Reflecting development since 2010 new tall buildings have now become a feature of Barnet’s townscape”* and demonstrates the following in respect of the A5:

⁸ Key Facts Evidence Paper (June 2021) – Document reference: Core_Gen_20

⁹ See Appendix 3 - Officers Report for Application ref: 20/3906/FUL, for erection of three buildings ranging in height from 20 to 24 storeys providing a range of uses including up to 470 residential units, office and workspace, self-storage, flexible community space and a café.

- It has been the focus of continual renewal and intensification and includes a spread of tall buildings (page 12);
- The two Locally Important Views affect small areas. The assessment also confirms that tall buildings in key views may be appropriate (page 17 and 18);
- It lies in a valley floor where taller buildings are less likely to have a significant impact on key views (page 19);
- It is located in the more accessible part of the borough (page 20 and 24);
- Whilst it is noted that there are two conservation areas (CA's) adjacent to the A5, Both CA's take up a very small proportion of the total length of the thoroughfare. Further the assessment does not exclude the possibility of tall buildings within a CA (page 21 and 25);
- A number of town centres and OA's are located along it and there is capacity for additional growth along the A5 (page 22, 26 and 27); and
- Tall buildings are part of the character (page 28 and 29).

13. Barnet's Growth Strategy (2020-2030) also identifies the key role of the A5 in delivering growth: *"The A5 Corridor links all the growth areas across the west of the borough, presenting a key initial corridor of change that should be the focus of a healthier approach to placemaking and streetscape"*.

14. The A5 is therefore not a sensitive location where character needs protecting. It is suitable for extensive growth, high density development inclusive of tall buildings. As noted, the study is dated as it no longer accurately reflects the existing and emerging character of the A5. Significantly sized schemes have been approved since the assessment¹⁰. The evidence base does not account for these fundamental changes to the A5 character.

15. The CGS LPG (draft) states that where boroughs apply a lower tall building definition than 30m, there are likely to be many more locations where tall buildings may be an appropriate form of development, including areas with good public transport accessibility. This would apply to the approach being taken by the Council, noting the lower tall building definition proposed. The guidance confirms that the evidence base would therefore need to be more extensive / detailed to account for the need to assess many more locations. The proposed approach to tall buildings is therefore not sufficiently justified, taking account of the high-level nature of the evidence base. The evidence demonstrates the thoroughfare is not sensitive and that it may be appropriate for tall buildings, such that greater flexibility should be provided by the policy. The policy approach is therefore not positively prepared and will undermine the effectiveness of the plan in optimising housing delivery.

¹⁰ See Appendix 1.

16. The NPPF requires that policies should be underpinned by adequate and proportionate up-to-date evidence. At plan-making stage it would not be proportionate to assess every single possible development site and carry out a design-led exercise to determine appropriate buildings heights. Not least because there may be more than one way in which a development could occur. As such, despite the concerns identified above, the plan could be made sound with the recommended modifications (see answer to Question 4) k)) by providing flexibility for the A5 and for windfall sites.

c) Are there any other locations where evidence suggests that 'tall' buildings may be suitable and if so, should these be reflected in the policy?

17. The principle of tall buildings should not be constrained to specific sites or clusters on the A5 for the reasons outlined.

18. Draft Policy GSS11 as submitted, states: *"The A5...may have potential for residential led tall building development in certain locations optimising site availability and good public transport accessibility, providing the opportunity for revitalising these areas. ... Proposals for tall buildings (8 storeys or more) must be assessed with reference to Policy CDH04."* It also confirms *"... along Major Thoroughfares ... it is expected that further sites will come forward in response to the opportunities for growth"*. Draft Policy CDH04 as submitted, states tall buildings may be appropriate along the A5. The policy wording does not refer to specific locations along the A5, albeit Map 4 identifies broad locations for tall buildings. The Proposed Modifications would make the policy more restrictive with reference to Annex 1 Schedule of Proposals. This restrictive approach is not sufficiently justified for the reasons outlined.

19. The Tall Buildings Study does not undertake any site-specific analysis and only provides a high level review of opportunities for tall buildings. The policy approach is therefore not sufficiently justified, and could stifle development opportunities where a design-led approach would otherwise allow for optimisation as advocated by the LP and elsewhere in the Local Plan. Policy CDH04 should therefore be amended to acknowledge that tall buildings may be appropriate on the A5 (without reference to specific sites/mapped locations).

20. Where justified the policy should also allow for the appropriateness of tall buildings to be considered outside of identified locations. This approach was found sound in the Lambeth Local Plan (September



2021), specifically within Policy Q26¹¹. The policy states that proposals for tall buildings will be supported where they are in locations identified as appropriate for tall buildings. Part B of this policy states that:

“Outside the locations identified in Annex 10 or as identified in site allocations, there is no presumption in favour of tall building development. Should tall buildings be proposed outside the locations identified in Annex 10 or as identified in site allocations, the applicant will be required to provide a clear and convincing justification and demonstrate the appropriateness of the site for a tall building having regard to the impact on heritage assets, the form, proportion, composition, scale and character of the immediate buildings and the character of the local area”

21. The supporting text (paragraph 10.130) states:

“From time to time windfall sites may provide the opportunity for tall building development in locations that have not been anticipated through the plan-led process. Part (b) of this policy is intended to deal with these situations. It should be recognised that outside the Annex 10 locations there is not a presumption in support of tall development and therefore, in these instances, the onus will be upon the applicant to fully meet all of the policy tests...”

22. The approach taken represents an effective approach in allowing for design-led optimisation. The Inspectors examination report concluded (paragraph 206): *“I am satisfied that as worded, the policy secures a positively prepared and robust stance on the development of tall buildings...”*.

d) Would the policy approach be consistent with and support the delivery of the specific strategic requirements of Policies GSS01 to GSS12 and the density expectations and site capacities of the proposed site allocations identified in Annex 1 of the Plan?

23. Policy CDH04 would not be consistent with Policy GSS01 and GSS11.

24. Policy GSS01 requires that all development must make the best use of land by taking a design-led approach that optimises the capacity of sites. By restricting tall buildings to specific locations this could preclude the optimisation of site capacity along the A5, and on windfall sites.

¹¹ Appendix 2

25. Policy GSS11 confirms that “... along Major Thoroughfares ... it is expected that further sites will come forward in response to the opportunities for growth”. This is not recognised within Policy CDH04 as it would preclude other sites from providing tall buildings where justified.

e) Is there sufficient evidence to support the approach to 'very tall' buildings of 15 storeys or more and if so, why are exceptional circumstances required to be demonstrated rather than the identification of specific suitable locations?

26. Based on the concerns identified in our earlier responses in relation to the evidence base, no. A design-led approach should be applied at application stage to determine the appropriate development height having regard to the site specific context.

g) Are the policy requirements which defer specific parameters for tall and very tall buildings in identified strategic locations to the preparation of and compliance with a Building Heights SPD; positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan?

27. It is not appropriate to defer to an SPD to provide specific parameters. By its very nature, the SPD can only provide guidance on the policies already in the Local Plan. If parameters were to be specified they should be considered in the Local Plan and be based on detailed site specific evidence base. This would need to be robustly consulted upon and tested through examination with consideration also given to viability testing. It would be more appropriate to carry out the assessment of appropriate heights via the development management process at application stage, when townscape and visual impact assessment and other technical assessments can be undertaken.

j) The Council's proposed modifications, include changes to Map 4 of the Plan and seek to reinforce the need for careful consideration of heritage assets. Why are such changes necessary for soundness and would they require any consequential modifications to the policy, its supporting text or other parts of the Plan?

28. For the reasons explained above, it is not justified for Map 4 to show specific tall building locations along the A5. Instead, the A5 in its entirety should be shown as a strategic tall building location where tall buildings may be appropriate.



k) Would any other changes to the policy or its supporting text, including the Council's proposed modifications relating to character and appearance and fire safety considerations, be necessary to achieve soundness?

29. The identification of strategic locations suitable for tall buildings in relation to the A5 in particular, and more generally, is not sufficiently justified. The evidence base is not as detailed as expected by the LP. As a consequence, the draft policy and proposed modifications are not sound. The potential for tall buildings along the length of A5 should be recognised as appropriate, subject to a design-led approach. Greater flexibility should be introduced, including to account for the possibility that locations outside of the specified locations may be suitable for tall buildings, as found sound in Lambeth.

It is strongly recommended that Policy CDH04 is amended as outlined within Appendix 4. Supporting text to the policy should be modified to reflect the recommended changes, and Map 4 should be modified accordingly to remove the specific locations along the A5.



Appendix 1

Table of Tall Buildings along A5 Thoroughfare

Appendix 1: Table of Tall Buildings along A5 Thoroughfare

- i. The following table schedules out the existing and proposed tall buildings along the A5 Thoroughfare (Edgware Road) and its vicinity.

Application Ref	Scheme Name	Quantum of Development	Storey Height
BARNET: 19/1049/FUL	Tesco / 100 Burnt Oak	100 residential units with 1718.8sqm of Class A1/D2 uses at lower ground, ground floor and part first floor levels.	14
BRENT: 08/2823	Capitol Way / Everly House	460 self-contained flats, 5,360m ² of retail (Use Class A1 bulky goods), a 734m ² garden centre, 1922m ² of floorspace for alternative uses falling within Use Classes A uses (A1, A3) or B1 (a-c), and 649m ² for alternative uses falling within Use Classes A uses (A1, A3),	17
BARNET: H/04167/10	Zenith House	309 residential units, 1611sqm of Class B1 or D1 floorspace and 97sqm of Class A1 or Class A3 floorspace	16
BARNET: 19/2897/FUL	Imperial House	102 residential units (Use Class C3) and 499sqm of replacement commercial floorspace (Use Class A3/B1a/D1/D2).	16
BRENT: 17/2284	Park Parade Mansion	970m ² of retail uses (Class A1, A2 A3), 155m ² of office use (Class B1) and 110 residential units	18
BARNET: H/01110/13	Stay Club	55 room Apart-Hotel (Use Class C1), 319 student accommodation units (Sui Generis), four commercial units (Use Class A1/A3) and gym (Use Class D2)	18
BARNET: 19/0859/OUT	Colindale Station	860 sq.m of flexible A1/A2/A3/A4/A5 and B1/D1/D2 uses and up to 313 residential units (Class C3)	29
BARNET: Emerging LP Site Allocation no. 13	KFC Restaurant	175 units indicative	Tall / tbc.

BARNET: Emerging LP Site Allocation no. 13	McDonald's Restaurant	162 units indicative	Tall / tbc.
BARNET: 17/5297/FUL	Premier Inn / Hyde House	133 bedroom spaces (as per 17/5297/FUL)	12
BARNET: 18/0352/FUL	Colindale Telephone Exchange	505 residential units & 743 sqm of flexible commercial floorspace (within Use Class A1, A2, A3, B1, D1, and D2)	17
BARNET: H/05828/14	The Rushgroves/Rookery Way	386 residential units (Class C3) , 936sqm of Class B1 (Business Hub), 97sqm of Class A3 use (Cafe), 295sqm of Class D1 use and 96sqm of Class D2 use	14
BARNET: 20/3906/FUL	Crown Honda	470 units	24
BARNET: 19/4661/FUL	Silk Park / Sainsburys	386 residential units (Class C3) 936sqm of Class B1 c.400 sqm of Class D1-D2	28
BARNET: H/01054/13	West Hendon	2000 residential units, a new 2 form entry primary school, community building and commercial uses	29
BRENT: 17/0837 Site Allocation BNSA1	Capitol Way Valley	4,051m of flexible commercial floorspace (B1(a),(b) and (c), B8, D2 and A3) across the site and 414 residential units including a mix of studio, 1, 2 and 3 bedroom units	9
BRENT: Site Allocation BNSA2	Colindale Retail Park	500 dwellings indicative mixed use development	Tall / tbc.
BRENT: 21/1124	363 Edgware Road	1,262sqm of commercial floorspace (Class E), 165 residential units	19
BARNET: H/04143/14	Green Point	86 residential units, 1181 metre square of A1 non-food retail floor space (Class A1) and 569 metre square of either office	8



		(Class B1) or livework accommodation	
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Appendix 2

Extracts from Lambeth Local Plan and Examination



Policy Q26 Tall buildings

The following definitions of building heights are defined for Lambeth:

	Low rise	Mid rise	Tall (this policy applies to these buildings)
South Lambeth (south of the South Circular Road)	Up to 9m	Between 9m and 25m	Above 25m
Middle and north Lambeth (north of the South Circular Road)	Up to 15m	Between 15m and 45m	Above 45m

- A. Having particular regard to the international obligation to preserve the OUV of the Westminster World Heritage Site and taking into account the desirability of preserving the settings of heritage assets, proposals for tall buildings will be supported where they are in locations identified as appropriate for tall buildings in Annex 10 and where:
- i. will not adversely impact on strategic or local views;
 - ii. design excellence is achieved (form, proportion, silhouette, detailing and materials etc.);
 - iii. the proposal makes a positive contribution to public realm and townscape including at street level, whether individually or as part of a group;
 - iv. where proposed near existing tall building groups, proposals should follow the established principles of group composition such as noticeable stepping down in height around cluster edges;
 - v. the proposal adequately addresses the criteria in London Plan policy D9C in terms of acceptable visual, environmental and functional impacts including microclimate, wind turbulence, noise, daylight and sunlight, reflective glare, aviation (including the safeguarded zones around Heathrow Airport, London City Airport, Battersea Heliport and the helipad at Kings' College Hospital), navigation and electronic communication or broadcast interference; and
 - vi. it can be shown that the site can accommodate the uses and quantum of development proposed in terms of meeting acceptable standards of amenity, access, transport accessibility and servicing.
- B. Outside the locations identified in Annex 10 or as identified in site allocations, there is no presumption in favour of tall building development. Should tall buildings be proposed outside the locations identified in Annex 10 or as identified in site allocations, the applicant will be required

to provide a clear and convincing justification and demonstrate the appropriateness of the site for a tall building having regard to the impact on heritage assets, the form, proportion, composition, scale and character of the immediate buildings and the character of the local area (including urban grain and public realm/landscape features) and ensure points (a) (i) - (vi) are met. In addition:

- i. proposals for tall buildings will only be considered acceptable in established low rise residential neighbourhoods where they are part of a comprehensive scheme which integrates well with the locality.
- C. Where existing tall buildings are identified (through CA appraisals, characterisations and other similar studies) as negative elements in strategic or local views, heritage setting or townscape terms etc., the council will encourage and support proposals which lessen the adverse impact through redevelopment, height reduction or re-cladding.

Supporting text

10.128 In the right locations tall buildings can make important contributions towards delivering new homes, economic growth and regeneration. The locations identified as appropriate for tall buildings in Annex 10 are situated in those parts of Vauxhall and Waterloo that are Opportunity Areas and in Brixton town centre. Place specific policies for these locations are provided in Section 11: Places and Neighbourhoods, along with a small number of retained policies. The council is also preparing a Site Allocations DPD which may identify sites suitable for tall building development.

10.129 High level visual impact analysis, taking into account heritage asset settings, views and, where relevant, existing guidance on cluster formation and rudimentary 3D modelling, has been used to identify the general heights shown on the Annex 10 maps. See Topic Paper 8 Tall Buildings and the supporting evidence base documents listed in Annex 1. Applicants should use this information to inform their proposals. Given the high level nature of the analysis that informed them, these heights should be considered indicative as careful siting and massing informed by detailed site specific analysis may show greater heights can be achieved without harm. Where it is proposed to exceed the Annex 10 heights the council will expect the verified technical evidence supporting that approach and the proposed massing to be subject to review from Lambeth's independent Design Review Panel (DRP) at master-planning stage and again when a detailed proposal has been developed. Applicants should also seek pre-application advice from Historic England.

10.130 From time to time windfall sites may provide the opportunity for tall building development in locations that have not been anticipated through the planned process. Part (b) of this policy is intended to deal with these situations. It should be recognised that outside the Annex 10 locations there is not a presumption in support of tall development and therefore, in these instances, the onus will be upon the applicant to fully meet all of the policy tests. Where

it is proposed to bring forward proposals under part (b) the verified technical evidence supporting that approach and the proposal should be independently reviewed by the DRP at master-planning stage and again at detailed design stage during the pre-application process. The Design Code SPD provides further guidance on heritage impact assessments. Applicants will also be required to seek Historic England’s pre-application advice.

- 10.131 All proposals for tall buildings should be accompanied by a detailed urban design assessment including accurate information on the townscape impact assessment. This should include a map showing the Zone of Theoretical Visibility (ZTV) of the proposal, verified digital modelling showing the impact on its immediate locality, on local and strategic views; and on any affected heritage asset settings. Any digital models submitted for assessment should be in a VUCity compatible format. Important views from within adjoining boroughs should also be included in any assessment. Historic England Advice Note 4 - Tall Buildings (2015) should also be used to inform the development and assessment of tall building proposals.
- 10.132 The safeguarded area around the Battersea Heliport is in place to ensure its operation is not inhibited by development. The safeguarded area is marked on the Local Plan policies map. In accordance with ODPM Circular 01/2003 (as updated), certain applications within that area will be subject to consultation with the Civil Aviation Authority and the Heliport operator. Restrictions may affect building height and design, or for development that might create a bird hazard (impacting on helicopter safety).
- 10.133 Development which results in canyon-like environments due to tall buildings being in uncomfortably close proximity, will not be permitted on design and amenity grounds. Given the hilly character of some parts of South Lambeth the influence of the topography on the visual and environmental impact of the proposal will be a consideration in assessing schemes.
- 10.134 Low rise and mid rise proposals will be assessed against Local Plan policies Q6 and Q7. See also Local Plan policies Q19 and Q25 in relation to the Westminster World Heritage Site and views.

Policy Q27 Basement development

- D. The council will support basement and associated development (light wells, basement area excavation, access ramps etc.) where applicants can demonstrate that no unacceptable impacts will result to:
- i. subterranean ground water flow (ground water);
 - ii. slope stability (land stability);
 - iii. surface flow and flooding (see also Local Plan policy EN5 and Annex 4);
 - iv. the ability of trees and soft landscaping (existing and proposed) to thrive without irrigation;



The Planning Inspectorate

Report to the London Borough of Lambeth Council

by Mike Fox

an Inspector appointed by the Secretary of State

Date: 22 July 2021

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Revised Lambeth Local Plan

The Plan was submitted for examination on 22 May 2020

The examination hearings were held between 27 October and 12 November 2020

File Ref: PINS/N5660/429/7

view north-east from the Queen's Walk to St Paul's cathedral between Waterloo Bridge and the Borough boundary with Southwark, are important in contributing to London's international heritage standing as well as for local residents, workers and visitors.

Tall buildings

199. Policy Q26 sets the parameters for tall buildings across the Borough and it is informed by the Council's Tall Buildings Topic Paper⁵⁵ and Tall Buildings Studies for Waterloo, Vauxhall and Brixton⁵⁶, which seek to identify locations within the Borough that are 'appropriate' for tall development. In particular, it highlights the importance heritage constraints and local context. Policy Q26 is an important policy for Lambeth, where tall buildings are an established part of the Borough's built form, especially in Brixton, Vauxhall and Waterloo.
200. The submission Plan sets out a robust definition of tall buildings, accompanied by a table in its supporting text which defines low rise, mid-rise and tall buildings in the area of the Borough lying to the south of the South Circular Road, and the area lying to the north of this road. In essence, the area to the north of the South Circular contains the existing clusters of high rise or tall buildings, and the definitions of tall buildings (as well as low rise and mid-rise buildings) are significantly higher than in the southern half of the Borough.
201. Almost inevitably, some concerns were expressed that the definitions were too severe, or even that there should be complete design freedom with no height restriction imposed anywhere, whilst another group of concerns was expressed over the policy not being strict enough. Yet other representors considered the South Circular policy division to be too simplistic or 'binary', given the complexity of building heights in the Borough. These representations are also addressed in Annex 11 to the Plan, which sets out on maps eight locations appropriate for tall buildings in Waterloo (ranging from 60-130m AOD), six locations in Vauxhall (ranging from 90-150m AOD) and two locations in Brixton (65m AOD)
202. In my view, the Plan accords with national and London Plan policy on tall buildings and strikes a sustainable balance which considers both the context and the considerable experience the Borough has in dealing with planning applications for tall buildings. Also, in line with the London Plan, the policy defines tall buildings in terms of metres rather than storeys.
203. The policy also reflects the fact that most of the existing tall buildings are situated to the north of the South Circular Road, and in my view, this division adds clarity as a starting point for the decision-making process, which is also criteria based.
204. I am also not persuaded that a policy free-for-all in relation to height would be appropriate for Lambeth, especially given the proximity of certain parts of the Borough to the Westminster World Heritage Site just across the Thames from Waterloo/Vauxhall, and the sensitivity in terms of amenity/living conditions and important conservation/design/street scene considerations, where the quality of many parts of the Borough would be vulnerable to tall, out of

⁵⁵ LB Lambeth Topic Paper 8 Tall Buildings [Examination Document TP08].

⁵⁶ Lambeth Tall Buildings Study; August 2014 [Examination Document EB82].

context buildings and structures. As some representations state, the danger of alienation from surrounding lower rise buildings, 'dead space' and negative features such as wind tunnels, are very real, and clear direction needs to be set in what I consider is a complex policy area.

205. **MM131 and MM134** move the definition of tall buildings from the supporting text into the heart of the policy, together with the table illustrating the north/south policy divide in the Borough in terms of definition of what constitutes a tall building. This adds necessary clarity and gives it an 'up front' message, so that the policy is positively prepared. **MM132** adds acceptable standards of public transport to a number of other important criteria in policy Q26 (a) (iv), such as strategic views, design excellence and positive contribution to the public realm. This is necessary for the Plan to be justified, bearing in mind the additional pressures on the movement of people that are generated by tall buildings.
206. **MM133** introduces further flexibility by referring to future site allocations as possible sites for tall buildings, whilst keeping the Borough-wide message that in areas outside Annex 11 (or identified in site allocations) very strict criteria must be met if tall buildings are to be considered. As the SCG between the Council and Historic England states⁵⁷, concern exists on the part of Historic England regarding the danger of speculative applications coming forward. However, policy Q26 (b) clearly states that there is no presumption in favour of tall buildings outside the locations identified in Annex 11, and I am satisfied that as worded, the policy secures a positively prepared and robust stance on the development of tall buildings in Lambeth.

Basement development

207. Policy Q27 covers basement development, and it is informed by an independently commissioned study⁵⁸, which concluded: "*There are unlikely to be any cases where a basement excavation would be technically impossible*". It is also modified following a SCG between the Council and London Hotel Group, which has led to differentiating between policy application to commercial as opposed to residential basement development⁵⁹. A key issue is not necessarily the impact of the final scheme, which is largely below ground, but the disturbance caused at construction stage.
208. **MM135** adds archaeology to the list of impacts to be considered, to ensure consistency with national policy. **MM136** restricts the requirement, for basement developments not to exceed the existing footprint, to residential buildings, whilst stating that for wholly non-residential buildings, the scale and quantum of development must be appropriate to the site and its context. **MM137** adds sustainable urban drainage to the list of considerations in the supporting text which need to be assessed when planning basement excavations. These modifications add necessary flexibility to ensure policy Q27 and its supporting text are justified.

⁵⁷ SCG between LB Lambeth and Historic England – Matter 8.3 Tall Buildings – 01 December 2020 [Examination Document LBL16].

⁵⁸ ARUP Lambeth Residential Basement Study [Examination Document EB89].

⁵⁹ SCG between LB Lambeth and London Hotel Group- Matter 8.4 Basement development – 25 November 2020 [Examination Document xx].

Appendix 3

Crown Honda Application– Officer Report



LOCATION: Crown Honda
Hyde Estate Road
London
NW9 6JX

REFERENCE: 20/3906/FUL Validated: 02.09.2020

WARD: Colindale Expiry: 02.11.2020

CASE OFFICER: Carl Griffiths

APPLICANT: Parkside Investments Limited

PROPOSAL: Phased redevelopment of site comprising the demolition of all existing buildings and structures and construction of a mixed-use development to comprise a two storey podium level with three buildings above ranging in height from 20 to 24 storeys providing a range of uses including up to 470 residential units (Class C3), office and workspace (Class B1), self-storage (Class B8), flexible community space (Class D1) and a café (Class A3), associated car and cycle parking, public open space, landscaping, vehicular and pedestrian routes, servicing and access arrangements and other associated works. (The application is accompanied by an Environmental Statement)

RECOMMENDATION

Recommendation 1

The application being one of strategic importance to London it must be referred to the Mayor of London. As such any resolution by the committee will be subject to no direction to call in or refuse the application being received from the Mayor of London.

Recommendation 2

Subject to Recommendation 1 above, the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes of seeking to secure the following, subject to any changes as considered necessary by the Head of Development Management:

- Legal Professional Costs Recovery

needed family sized affordable accommodation for the borough. The raison d'être of affordable housing policies is to maximise the amount of affordable housing secured from residential developments and in this case, adjusting the tenure split allows the scheme to maximise its affordable housing delivery.

- 8.5 Whilst in line with the Mayor's SPG and qualified for the 'fast track' approach, the scheme is still below the local target of 40% as set out within Policy CS4 of Barnet's Local Plan. It is however acknowledged that for fast track schemes, applicants are not required to submit viability information and will only be subject to an early review if the agreed level of progress is not made in a two-year time frame. It should also be noted that the GLA indicated support for the affordable housing proposals within the Stage 1 response subject to confirmation on the affordability of the Affordable Rented units.
- 8.6 Having regard to all of the above, officers consider that the 36.5% of the habitable rooms being provided as affordable is acceptable and is a significant benefit to the scheme which must weigh heavily in favour of the application in the context of the holistic assessment.

9.0 Design, Appearance and Visual Impact

- 9.1 The proposes 3 blocks across 2 phases with varying heights and forms. The following table summarises the heights of each of the blocks across both phases.

Building	Height (Storeys)
Building A	24
Building B	20
Building C	23

- 9.2 As is clear from the table above, all of the blocks would constitute a tall building for the purposes of assessment, with the Barnet Local Plan defining a tall building as one which is 8 storeys or above. The height of the proposed buildings therefore necessarily dictates that a full tall buildings assessment of the application must be undertaken.

Tall Building Assessment

- 9.3 Policy D9 of the London Plan 2021 sets out that locations for tall buildings should be plan-led, and that development proposals for tall buildings should address their visual, functional, environmental and cumulative impacts.

- 9.4 Core Strategy Policy CS5 of the Barnet Core Strategy identifies those areas of the borough where tall buildings will be suitable. These include the nearby Regeneration Areas at Brent Cross and Colindale, but not the application site itself. The application therefore represents a departure from development plan policy and it should be noted that it was advertised as such as part of the consultation exercise.
- 9.5 Notwithstanding the departure from the development plan, Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 state that all applications must be determined in accordance with the development plan, unless material planning considerations dictate otherwise. The key consideration is therefore whether material planning considerations exist which justify the tall buildings in this location. In this case, officers consider that the principle of tall buildings at this location is acceptable for a number of reasons.
- 9.6 Most pertinently, is the emerging context within which the application site is located. To the north of the site is the Colindale Telephone Exchange which has consent for comprehensive redevelopment that would rise to a maximum of 17 storeys with other building heights ranging between 3 and 12 storeys. Further to the north of the Colindale Telephone Exchange site is the former Homebase site, currently being built out as 'The Rushgroves' which rises to a maximum of 14 storeys. To the south of the application site is the existing Sainsburys site which has consent for comprehensive redevelopment to provide 1309 residential units, a new supermarket in buildings of up to 28 storeys in height. Notwithstanding its location outside of the identified strategic tall building locations of Policy CS5, it is therefore clear that the character of surrounding area has been subject to a fundamental change in terms of the prevailing architectural typologies and in terms of the scale of development.
- 9.7 The proposed development in this case would be complimentary to the taller emerging character of the surrounding area. The image below, extracted from the applicant's Design and Access Statement (DAS) shows the emerging context with the massing of the proposed development plotted (in brown tone).



(image looking from NE to SW)

- 9.8 Whilst there is lower rise development in the wider context, as can be seen above the site itself lies directly between the tall building development approved at the adjoining Sainsburys and Colindale Telephone Exchange sites so is congruent with the emerging height and scale of its environment.
- 9.9 In light of the above, officers consider that the emerging context provides a material planning justification for a departure from Policy CS5 of the Core Strategy and that the principle of tall buildings is acceptable in this location.
- 9.10 Having established the acceptability of the principle of tall buildings in this location, it is also necessary to carry out further assessment in respect of Policy DM05 of the Local Plan which identifies 5 criteria which tall buildings would adhere to. These criteria are set out below with an assessment of the application against each criterion.
- i) An active street frontage
- 9.11 Within the ground floor level of Phase 2, fronting the A5 and Hyde Estate Road, the development would incorporate active frontages in the form of flexible B1, A3, residential entrances (Use Class C3) as well as entrances to the cycle store and B* storage premises. These can be clearly seen on the image below.

Appendix 4

Recommended Modifications to Policy CDH04

Appendix 4: Recommended Modifications to Policy CDH04

- i. It is strongly recommended that Policy CDH04 (as modified) is amended to reflect the following modifications:

Policy CDH04	Justification
<p>Reflecting the historical and suburban character of the Borough the potential for Tall Buildings is highly constrained in Barnet.</p>	<p>Not justified or positively prepared and will undermine effectiveness of plan for the reasons explained in the Hearing Statement.</p>
<p>a. Tall buildings (8 to 14 storeys (26 to 46 metres above ground level)) may be appropriate in the following strategic locations:</p> <ul style="list-style-type: none"> • Brent Cross Growth Area (Policy GSS02); • Brent Cross West Growth Area (Policy GSS03); • Colindale Growth Area including Grahame Park Estate (Policy GSS06); • Cricklewood Growth Area (Policy GSS04); • Edgware Growth Area (Policy GSS05); • West Hendon Estate (Policy GSS10); • New Southgate Opportunity Area (Policy GSS09); <u>and</u> • <u>Edgware Road (A5 Corridor).</u> 	
<p>Sites where Tall Buildings may be appropriate have been identified in Annex 1 - Schedule of Proposals for the Town Centres of Finchley Central and North Finchley (Policy GSS08). and the Major Thoroughfares— Edgware Road</p>	

<p>(A5) and Great North Road (A1000) (Policy GSS11).</p>	
<p><u>Outside the locations identified in Part a., there is no presumption in favour of tall building development. Should tall buildings be proposed outside the strategic locations identified in Part a., the applicant will be required to provide a clear and convincing justification and demonstrate the appropriateness of the site for a tall building having regard to the impact on heritage assets, Locally Important Views (where applicable), the form, proportion, composition, scale and character of the immediate buildings and the character of the local area</u></p>	
<p>b) Tall buildings of 15 storeys or more ('Very Tall') will not be permitted unless exceptional circumstances can be demonstrated, such as appropriate siting within an Opportunity Area or Growth Area may be appropriate where justified via a design-led approach.</p>	<p>See response to Q4)e)</p>
<p>c) Any proposal for a 'Very Tall' building must have a legible and coherent role, integrating effectively to its location in compliance with part d)</p>	<p>See response to Q4)e)</p>
<p>d) The Council will produce SPD on Building Heights which will set out, within the identified strategic locations, the parameters for tall and very tall buildings.</p>	<p>See response to Q4)g)</p>
<p>e) Proposals for Tall and Very Buildings will be assessed in accordance with the visual, functional, environmental and cumulative</p>	



<p>impacts set out in London Plan Policy D9 – Tall Buildings. Particular attention will be given to assessing the following:</p>	
<p>i. how the building relates to its surroundings, both in terms of how the top affects the skyline and how its base fits in with the streetscape, and integrates within the existing urban fabric, contributing to pedestrian permeability and providing an active street frontage where appropriate,</p>	
<p>ii. how the building responds to topography, with no adverse impact on longer range Locally Important Views (as shown in Map 4), as well as mid-range and intermediate views</p>	
<p>iii. the buildings contribution to the character of the area. Proposals should take account of, and avoid harm to, the significance of Barnet's and neighbouring boroughs heritage assets and their settings. <u>Proposals resulting in harm will require clear and convincing justification, demonstrating that alternatives have been explored and that there are clear public benefits that outweigh that harm.</u></p>	<p>To be consistent with LP Policy D9.</p>
<p>iv. the relationship between the building and the surrounding public realm, ensuring that the potential microclimatic impact does not adversely affect levels of comfort, including wind, daylight, temperature and pollution</p>	



<p>v. the relationship between the building and the natural environment, including public open spaces and river corridors Taller elements should be set back from any rivers and water courses and designed so as not to cause harm to the wildlife, including directing artificial light away from the river corridor.</p>	
<p>vi. buildings should not interfere with digital connectivity in compliance with Policy TRC04 nor have a possible negative <u>significant detrimental effect-impact</u> on solar energy generation on adjoining buildings</p>	<p>To be consistent with LP Policy D9.</p>
<p>Proposals for tall and very tall buildings will need to provide evidence of how they have complied with the criteria in this policy as well as the London Plan Policy D9 and <u>had regard to</u> Historic England guidance on tall buildings.</p>	<p>Guidance does not need to be complied with, but regard should be had to it.</p>
<p>Proposals for redevelopment or refurbishment of existing tall buildings will be required to make a positive contribution to the townscape.</p>	
<p>Proposals should be of an exemplary standard in architectural quality and materials to ensure the appearance and architectural integrity of the building is maintained</p>	
<p>Barnet's definition of a Tall Building and identification of strategic locations where tall buildings may be appropriate does not mean</p>	



<p>that all buildings up to 8 storeys or to a height of 26 metres are acceptable in these locations or elsewhere in the Borough. Such proposals will be assessed in the context of other planning policies, in particular Policy CDH01 – Promoting High Quality Design, to ensure that they are appropriate for their location and do not lead to unacceptable impacts on the local area.</p>	
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