

# **Barnet Local Plan EIP – Note on Tall Buildings**

## **Reason for producing this note**

At the hearing session on Wednesday 2<sup>nd</sup> November that considered Matter 8 – Design, Tall Buildings and Heritage, Inspector Philpott requested provision of a Note covering a number of issues relating to Policy CDH04 on Tall Buildings. This note, including any resultant proposed modifications, covers the following:

- 1. Council to add High Court case *R (London Borough of Hillingdon) v Mayor of London [2021] EWHC 3387 (Admin)* to Examination webpages.**
- 2. Reflect on High Court case with regards to its intended restrictive approach to proposals in areas not identified as strategic locations. Subject to reflection on High Court case, re-consider approach to tall buildings in other potential locations if all criteria of Policy D9C of London Plan and dev mgt requirements of CDH04 would be satisfied.**
- 3. Representors have specifically highlighted 2 recently adopted Local Plans in London (Lambeth and Brent). Council to review the approaches to tall buildings outside supported locations in those plans.**
- 4. Further clarification may be merited about why references to Opportunity Areas is to be removed in MM153 and MM162.**
- 5. Evidence required to support approach of MM162 with regards to Major Thoroughfares, North Finchley and Finchley Central.**
- 6. Clarification required on 16 site proposals in Annex 1 that cross-refer to CDH04 but are not within areas supported by CDH04, e.g. East Finchley, High Barnet, and A406.**
- 7. Clarify Council's intention for those 16 sites and evidence to support that approach.**
- 8. Clarify implications for Matter 10 in terms of capacities and use of Density Matrix. Clarify influence of tall building locations on capacities in the Annex**
- 9. Review implications of MM162 for GSS08 and GSS11 to ensure no consequential impacts arise.**
- 10. Clarify what evidence exists in terms of analysis equivalent to that done for the A5 and A1000 for other areas of the borough, including accessible locations identified in H1 of the London Plan and where there are existing tall buildings.**
- 11. Clarify relationship between the Plan, the Tall Buildings Study Update and other evidence, and explain the justification for CDH04 differing from the evidence, including Tall Buildings Study Update outputs such as storey heights, especially pages 30, 31 and 39.**
  - a. Helpful for the Note to include reasoning for excluding broad areas including those identified by representors, e.g. Mill Hill, Hendon Station, North London Business Park, Whetstone and other town centres**
  - b. Study doesn't provide definitive evidence on suitability of tall building development. It flags further work on visual impact. Clarify if this is to be done through individual proposals.**
- 12. Clarify if evidence is sufficient to maintain restrictive approach in CDH04(a), particularly where criteria in D9(c) are met?**

13. Clarify the role of Characterisation Study from 2010 in supporting Council's approach to Tall Buildings and whether it remains relevant and accurate.
14. Clarify why New Southgate Opportunity Area (NSOA) identified in CDH04 is not specifically covered in Tall Buildings Study Update.
15. Clarify within CDH04 rather than through a footnote the appropriateness of NSOA as a location for tall buildings. How should proposals in NSOA be considered in advance of a joint area planning framework?
16. Explain the purpose of MM149 and 169 in terms of tall buildings not being a preferred model. Need to clarify what is the Council's preferred method of delivery. If those statements are justified, should they be done in a more positively phrased manner and potentially be supporting text?
17. Despite MM163, CDH04 is still unclear on exceptional circumstances for Very Tall Buildings. Council to clarify/provide examples.
18. Change to para 6.18.5 to reflect MM165 required to remove reference to SPD setting out parameters. Needs more emphasis on how SPD would provide guidance, not set out parameters. Potential for more detail to be given to decision-makers on tall buildings outside the locations in CDH04(a).
19. Consider merits of cross-reference to CDH08 instead of heritage requirements at CDH04(e)(iii) and reference to Historic England guidance.
20. Clarify CDH04(e) differences with London Plan D9 and highlight these more clearly in policy.
21. Clarify "possible negative impact" on solar energy generation and is it appropriate to only consider adjoining buildings, or should wider impacts be included too? Re-check London Plan D9.
22. Para 6.18.2 views from the top of the tall building and intermediate views. Are modifications needed to change this to immediate / "top of"?
23. Explain the difference in approach between the Plan and the Tall Buildings Update in terms of uses of corridors vs cones for Map 4.
24. Correct Map 4 discrepancies e.g. potentially exclude Mill Hill and include accurate boundaries of Growth Areas, Burnt Oak, Edgware, New Southgate Opportunity Area.
25. Make clear whether Map 4 or policy is definitive regarding potentially acceptable locations for tall buildings.
26. Para 6.18.3 should it be changed to reflect D9 and "addressing", rather than complying with?

## **Background**

Following submission of the Barnet Local Plan in November 2021 the Council in June 2022 produced a table of proposed modifications (EXAM 4). This document was produced after consideration of the Reg 19 soundness representations received, together with subsequent discussions with parties on the drafting of Statements of Common Ground. EXAM 4 includes proposed modifications to policies and supporting text pertaining to policy CDH04 and the supporting reasoned justification paragraphs in section 6.18 of the Draft Local Plan.

During the examination hearing session where under Matter 8 Policy CDH04 was discussed, proposed modifications were considered, together with aspects of wording of policy and supporting text in the submission Plan. (EXAM 4 MM149 to MM169 refer) In light of that

discussion, the Inspector has requested further clarification, explanation and justification of the matters detailed in this note; the Council now proposes a series of additional further modifications as set out below.

The following format has been used in this Note to denote further proposed modifications to the submission version of plan as revised by the proposed modifications listed in EXAM 4.

~~Strikethrough text~~ to indicate text proposed for removal.

Underlined text to indicate additional text.

## Consideration

### 1. **The Council to add High Court case *R (London Borough of Hillingdon) v Mayor of London* [2021] EWHC 3387 (Admin) to Examination webpages.**

The *LB Hillingdon vs Mayor of London* High Court Judgment has been added to the examination webpage as EXAM 44.

### 2. **Reflect on High Court case with regards to its intended restrictive approach to proposals in areas not identified as strategic locations. Subject to reflection on High Court case, re-consider approach to tall buildings in other potential locations if all criteria of Policy D9C of London Plan and development management requirements of CDH04 would be satisfied.**

The High Court case *R (LB of Hillingdon) v Mayor of London* [2021] relates to an application for the construction of a mixed-used development, comprising buildings up to 11 storeys in height that the LPA (LB Hillingdon) resolved to refuse. However, the application was identified as one of potential strategic importance referable to the Mayor of London who then proceeded to determine the application himself. The Mayor's decision to grant permission was then subsequently challenged by LB Hillingdon

This High Court case considered the interpretation that should be given to Policy D9 in the London Plan 2021 (EXAM Core\_Gen\_16). Paragraph 81 of the judgment states that "read straightforwardly, objectively and as a whole, policy D9:

- i) requires London Boroughs to define tall buildings within their local plans, subject to certain specified guidance (Part A);
- ii) requires London Boroughs to identify within their local plans suitable locations for tall buildings (Part B);
- iii) identifies criteria against which the impacts of tall buildings should be assessed (Part C); and
- iv) makes provision for public access (Part D)."

The Hillingdon judgment concluded (para 82) that there is no wording indicating that Part A and/or Part B of London Plan Policy D9 are gateways, or preconditions, required in order to then proceed to consider Part C of the policy which outlines the impacts that development proposals should address. If this had been the intention, then words to that effect would have been included within Part B of the policy making clear that the application of Part C of

the policy only relates to development proposals in locations identified in development plans under Part B of the policy. The Judgment is clear therefore that, when considering a tall buildings proposal in a location not identified within a development plan as being suitable for tall buildings, “it would surely be sensible, and in accordance with the objectives of Policy D9, for the proposal to be assessed by reference to the potential impacts listed in Part C.”

With regards to Policy CDH04 in Barnet’s emerging Local Plan the Council is satisfied that, as currently drafted (with proposed MMs from EXAM 4), the policy accords with Policy D9 in the London Plan. The policy approach defines what tall (and very tall) buildings are considered to be, in accordance with Part A of policy D9. Having regard (MM161 also refers) to local context as well as the London Plan minimum stipulated threshold (6 storeys or 18 metres), part a of the policy defines what is considered in LB Barnet to constitute a tall building.

The policy also sets out the locations where Tall (and Very Tall) buildings may be appropriate, in accordance with Part B of policy D9. Part B of London Plan Policy D9 states that boroughs should determine if there are locations where tall buildings *may* be appropriate subject to meeting other plan requirements and that then any such locations (and appropriate heights) should be identified on maps included in the development plan. The third section of Part B states that tall buildings should only be developed in locations identified as suitable in development plans. Part a of Barnet’s Policy CDH04 identifies locations across Barnet that may be appropriate for tall buildings. Tall building locations are identified on the Policies Map. Having defined what is considered to be a tall building, Policy CDH04 in part b) then defines, as a subset of tall buildings, very tall buildings of 15 storeys or more and part c) of the policy (as proposed to be amended by MM164 & MM165) commits the Council to producing a SPD setting out design guidance for tall and very tall buildings within the identified locations.

Policy CDH04(d) also makes clear that all proposals for tall or very tall buildings (therefore irrespective of their location), need to be assessed in accordance with the impacts outlined in London Plan Policy D9 Part C as well as other relevant Local Plan policies. This also accords with the decision of the Court in *Hillingdon*.

Having reflected on the wording of Policy D9 in the London Plan, the Council does not consider it necessary to reconsider its policy approach to tall buildings in order to comply with Policy D9 as interpreted in *Hillingdon*. However, arising from the discussions at the EIP hearing session, there are a number of further proposed modifications to the content and wording of both policy CDH04 and supporting text as well as designations on the Policies Map that the Council invites the Inspectors to consider recommending. These additional modifications are set out and explained within this Note.

In respect of MM161 outlined in EXAM 4, having regard to the discussion at the EIP, the Council accepts that this proposed modification providing details of local Barnet context in terms of the appropriateness for the location of tall buildings constitutes more supporting text than policy. Therefore, it is proposed that this sentence be included at the start of para 6.18.1 rather than forming a new sentence at the start of policy CDH04.

Further to this the Local Plan Policies Map will include the Tall Building locations, and the Changes to the Policies Map will be made available for comment as part of the Main Modifications consultation.

**3. Representors have specifically highlighted 2 recently adopted Local Plans in London (Lambeth and Brent). Council to review the approaches to tall buildings outside supported locations in those plans.**

The Council's approach to tall buildings outside the strategic locations outlined in Policy CDH04 is largely consistent with the approaches of LB Brent and LB Lambeth as set out in their recently adopted Local Plans. The similarity of approach is set out below.

The London Plan (D9) also states that Borough's should determine if there are locations where tall buildings may be appropriate and should then only be developed in locations identified as suitable in Development Plans. Barnet's historical and suburban character is generally not considered suitable for tall buildings outside the strategic locations outlined in Policy CDH04. In areas/town centres where tall buildings already exist, there may be sites appropriate to introduce further tall buildings. However, evidence will be required to demonstrate if such a development integrates well within the locality, if it has an appropriate siting within the area and complies with the contents of other Local Plan policies and the Plan itself when read as a whole. The presence of tall buildings in an area is not meant to set a precedent as each proposal should be considered in terms of its compliance with policy and cumulative impacts of development.

Therefore, development proposals for tall buildings that come forward outside the strategic locations identified in CDH04 should provide a clear justification and demonstrate appropriateness in terms of following a design-led approach that will consider siting, scale, height and form, together with visual, functional, environmental and cumulative impact in accordance with the London Plan policy D9. Further clarification is also provided under points 18 and 20 of this Note.

**4. MM153, MM162 – Further clarification may be merited about why references to Opportunity Areas to be removed.**

Within the Council's Proposed Modifications (EXAM 4) MM03 and MM04 clarify the relationship between the Opportunity Areas of Brent Cross Cricklewood and Colindale with the Growth Areas of Brent Cross, Brent Cross West (Staples Corner) and Cricklewood Town Centre. MM05 explains that the boundaries of the New Southgate Opportunity Area have not yet been agreed.

Further clarification on the mapping of the Opportunity Areas is set out in EXAM 27.

With specific regards to the Brent Cross Opportunity Area the Council refers back to the 2012 Local Plan (Core\_Gen\_14) which sets out the strategic intentions of both the Mayor of London and the Council for the Opportunity Area. A Development Framework for the Opportunity Area was adopted in 2005 following collaboration with the Mayor and the Greater London Authority, landowners and developers. This has helped to guide and inform the design and delivery of

the development with the aim of achieving high quality comprehensive redevelopment of the area around a new sustainable mixed use town centre spanning the North Circular Road.

These ambitions for the comprehensive regeneration of Brent Cross are reflected in the draft Local Plan and supported by the Mayor of London.

The Council has set out a number of proposed modifications in EXAM 4 (in particular MM20 and MM22) to remove ambiguity between the terminology of Opportunity Areas and Growth Areas. The Council's intention in making modifications has been to provide more certainty regarding the strategic locations within the wider defined Opportunity Areas where growth is particularly encouraged, and therefore where tall buildings may be appropriate. These modifications were proposed in response to representations at Reg 19 stage from a number of stakeholders including LB Brent and Brent Cross South Ltd Partnership about the terminology around Brent Cross Growth Area and Opportunity Area being confusing. The Mayor has raised no concerns about the terminology used and the Council considers that ambiguity about Opportunity Areas and Growth Areas has been resolved.

#### **5. Evidence required to support approach of MM162 with regards to Major Thoroughfares, North Finchley and Finchley Central**

The 2020 Tall Buildings Update (EB\_DH\_04) provides an update to the 2010 Tall Buildings Study 2010 (EXAM 45), and sets out a contextual and spatial analysis of the A5 and A1000 corridor (Major Thoroughfares) including North Finchley and Finchley Central Town Centre. Modifications were proposed through EXAM4 in order to clarify locations (through site proposals) along the A5 and A1000 Major Thoroughfares where tall buildings may be appropriate. The Council proposes to specifically reference those proposals sites in North Finchley, Finchley Central Town Central and along the A5 and A1000 Major Thoroughfares. These are highlighted in Appendix 1/Table A.

Detailed urban design analysis and evidence will be required for tall buildings to establish if they are appropriate in principle and meet all of the policy tests. Development proposals for tall buildings that come forward in these areas should provide a clear justification and demonstrate appropriateness in terms of following a design-led approach that will consider siting, scale, height and form, together with visual, functional, environmental and cumulative impact in accordance with the London Plan policy D9.

#### **6. Clarification required on 16 site proposals in Annex 1 that cross-refer to CDH04 but are not within areas supported by CDH04, e.g. East Finchley, High Barnet, and A406.**

There are 38 proposals sites where a reference to Policy CDH04 is made. The Council acknowledges that reference to CDH04 may be interpreted as the proposal having potential as a location for a tall building. However, the Council's intention was to highlight the unsuitability of the proposal site, by virtue of it being within the category of a Major Thoroughfare ie A1000 and A5, that has been identified as a strategic location for tall buildings. The A1000 is along a well-defined ridge and therefore tall buildings are likely to be highly visible due to the elevated topography, with significant impact on the skyline. The town centres of East Finchley and High Barnet whilst being located on a Major Thoroughfare (ie the A1000) are not considered suitable locations for tall buildings.

Although the A406 is a Major Thoroughfare it is not a tall buildings location.

The Council has reviewed all proposals with a cross-reference to CDH04. This review highlights those proposals that are identified in CDH04 Tall Building Locations as set out in Table A. Further clarification on the Council's intentions is set out at Point 7.

There are 14 (rather than 16 as Proposal Site 53 – Allum Way and Proposal Site 54 – Barnet House are on a Major Thoroughfare) proposals where, although the site is not specifically identified to be in a Tall Building Location (i.e. by virtue of it being on a Major Thoroughfare), it is expressly stated within the site requirements and development guidelines section that the site is not considered to be one appropriate for tall buildings. The Council acknowledges that the proposed wording promoted by MM162 stating that "sites where tall buildings may be appropriate have been identified in Annex 1 – Schedule of Proposals ....." Requires further clarification. The Council proposes to modify MM162, so as to read:

~~Sites where Tall Buildings may be appropriate have been identified in Annex 1 – Schedule of Proposals – also includes a number of sites within the Town Centres of Finchley Central and North Finchley (Policy GSS08) and the Major Thoroughfares – Edgware Road (A5) and Great North Road (A1000) (Policy GSS11).~~ The details provided in the site requirements and development guidelines indicate that these sites may be appropriate for tall buildings.

#### **7. Clarify Council's intention for those 16 sites and evidence to support that approach**

The Council refers to Appendix 1/Table A which highlights all sites where reference is made to Policy CDH04. These 14 sites are not in Tall Building Locations so therefore it is inappropriate to make specific reference to CDH04 as these sites will be considered in the same way as any other proposal site that makes no specific reference to CDH04. The Council intends to remove these references through a further proposed modifications to the Schedule of Proposals.

#### **8. Clarify implications for Matter 10 in terms of capacities and use of Density Matrix. Clarify influence of tall building locations on capacities in the Annex**

The Council's response is covered in the Note on Matter 10 – Site Allocations (EXAM75) .

#### **9. Review implications of MM162 for GSS08 and GSS11 to ensure no consequential impacts arise.**

The Council's response is covered in the Note on Matter 10-Site Allocations (EXAM75).

#### **10. Clarify what evidence exists in terms of analysis equivalent to that done for A5 and A1000 for other areas of the borough, including accessible locations identified in H1 of the London Plan and where there are existing tall buildings.**

In line with London Plan Policy H1 that expresses particular support for developments that optimise the potential for housing delivery on sites with PTAL 3-6, and in addition to Policy D3 that supports higher density development in well-connected locations, the Council has

considered the areas that meet these criteria. These were previously referred to as the Council's main town centres Burnt Oak, Chipping Barnet, Cricklewood, Edgware, Finchley Central, Golders Green and North Finchley together with the Growth Areas of the Borough. In consideration of PTAL, topography, conservation areas, existing building heights and character, the analysis undertaken focused on the A5 Edgware Road, the A1000 and Ballards Lane. These historic routes have been the focus for continual renewal and intensification over time and include a spread of tall buildings. An important objective of the evidence was to inform the Local Plan in terms of identifying suitable areas for tall buildings and therefore promote a coordinated proactive approach to development rather than an ad-hoc reactive approach to individual planning applications as they come forward.

Other town centres such as New Barnet and East Finchley with PTAL levels 3-6 were also considered, however, according to the Barnet Characterisation Study, (EB\_DH\_01) their existing suburban context, the consistency of massing within the built form and the impact of heritage assets and conservation areas, it was concluded that these areas are not appropriate for tall building developments considering the potential impact on local townscape, skyline, heritage assets and character.

**11. Clarify relationship between the Plan, the Tall Buildings Study Update and other evidence, and explain the justification for CDH04 differing from the evidence, including Tall Buildings Study Update outputs such as storey heights, especially pages 30, 31 and 39.**

The evidence has led to determination of appropriate locations for tall buildings. However, the building heights shown on the graphs are indicative to inform policy, which also considered London Plan policies H1, D3 and D9. They also highlight the importance of the townscape analysis and the variation in building heights which is a key parameter to avoid a continuous wall-like corridor and merging clusters. Regardless of the indicative heights, proposals would still need to be assessed on their own merits and meet all of the policy tests, as clearly specified on the Tall Buildings Study Update (page 30). Building heights should be consistent with the general existing building heights, which is indicated by the ranges shown on page 31 of the Tall Buildings Study Update. Additionally, it is important to note that height is only one element of considering acceptability and suitable design to fit within the site/area. All proposals for tall buildings should be accompanied by a detailed urban design assessment including analysis of the townscape impact assessment.

**12. Helpful for the Note to include reasoning for excluding broad areas including those identified by representors, e.g. Mill Hill, Hendon Station, North London Business Park, Whetstone and other town centres**

Although additional areas have been proposed by representors as being suitable for tall buildings, the design-led Tall Buildings Study has identified the areas that are considered appropriate by applying each of the criteria to assess suitability. The approach taken considered the existing context and capacity for growth, including planning and existing infrastructure. It has also been highlighted that intensified development is not always achieved most effectively through tall buildings, which is underpinned by a high-quality design-led approach establishing parameters for suitable scale and height across the Borough. It is considered that the Study has taken a robust approach to provide analysis on



siting, scale, height and form, together with visual, functional, environmental and cumulative impact in accordance with the London Plan policy D9.

The Council refers to its response at Point 10 with regards to selection of locations. In terms of the excluded areas:

The surrounding area of the North London Business Park is suburban in character, comprising predominantly two storey semi-detached and terraced housing. The site is remote from the nearest station, Arnos Grove which is located 2km to the south. The PTAL of the site ranges from a very poor 1b to a low 2. Tall buildings would not be in keeping with the suburban character of the area.

Similarly, the overall pattern of development in Mill Hill East and around Hendon Station is low to mid rise.

With regards to Whetstone Town Centre the Council refers to its Site Allocations Note (EXAM75) with reference to Site 53 Allum Way. The Note considers that with regards to topography there is potential on this large 4.27 ha site for increased height, including tall buildings close to the existing tall building Northway House.

**13. Study doesn't provide definitive evidence on suitability of tall building development. It flags further work on visual impact. Clarify if this is to be done through individual proposals.**

The methodology adopted for the Study is consistent with the approach suggested by the London Plan in supporting a design-led approach to the identification of the areas that are appropriate for tall buildings. Given the borough-wide nature of the Study, exact site locations for new tall buildings were not identified as it is considered that this should be done through the individual assessment of proposals. The evidence does not give presumption in favour of tall building development, but rather sets out which areas are considered suitable for buildings within a specific heights range. The acceptability of individual proposals will be dependent of wider assessment of policy and site-specific consideration of visual impact.

The heights shown on the graphs in the Study is for indicative purposes as careful siting, design and massing informed by detailed site-specific analysis and visual impact assessment may show that greater heights could be achieved without harm. This is in line with Part C of London Plan Policy D9 which states that the appropriateness of a location for a tall building will be assessed against visual, functional, environmental and cumulative impacts.

**14. Clarify if evidence is sufficient to maintain restrictive approach in CDH04(a), particularly where criteria in D9(c) are met?**

The Council does not consider that the Tall Buildings Policy CDH04 promotes an overly restrictive approach. Part a of the policy sets out the locations where tall buildings may be appropriate. In steering tall buildings to these locations, the policy serves to help direct growth and development; providing certainty for developers with regards to the locations within the Borough that may be considered appropriate for tall buildings, as well as according with the

expectations of development plans as set out in part B of London Plan Policy D9. The Council also highlights the use of the word “may” in part a of the policy – meaning therefore that the locations listed here are not automatically considered as being appropriate locations for tall buildings, nor is the possibility precluded of a tall building being allowed elsewhere provided that the criteria in London Plan Policy D9 part c are met.

**15. Clarify role of Characterisation Study from 2010 in supporting Council’s approach to Tall Buildings and whether it remains relevant and accurate.**

The Characterisation Study (EB\_DH\_01) was the starting point in providing underpinning evidence to the Council’s approach to Tall Buildings and a helpful guide to identify the potential areas/corridors for tall building developments. The Study explains that Barnet is predominantly suburban in character and that the Borough is under increasing development pressure with a risk that this special suburban character could be undermined by inappropriate development.

Although the Study is over 10 years old, most of the character areas have not changed much over the years so the Study remains relevant. The Council have updated the evidence by producing the 2019 Tall Buildings Update, to ensure that the Local Plan policy reflects any wider legislative impacts as well as updates within evidence including the Characterisation Study. In respect of character and appearance, section D11 of London Plan Policy D3 confirms that development should respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.

**16. Clarify why New Southgate Opportunity Area (NSOA) identified in CDH04 is not specifically covered in Tall Buildings Study Update.**

The Council acknowledges the absence of a strategic policy and a planning framework for this new London Plan Opportunity Area. The Council has signalled its intention at EXAM 18 that it will bring forward an early review of the Local Plan. This will be set out at Section 1.7 of the Local Plan. The Council will, as part of the review, progress a joint planning framework with the GLA, LB Enfield and LB Haringey that will further assess the development potential of the Opportunity Area. The Council will also work together to generate a joint business case for future orbital public transport investment. As part of joint working the Council will expect to commission evidence on the potential for tall buildings in this geographic area.

**17. Clarify within CDH04 rather than through a footnote the appropriateness of NSOA as a location for tall buildings. How should proposals in NSOA be considered in advance of a joint area planning framework?**

As set out in EXAM 27 the Council does not consider that the London Plan through Figure 2.6 defines the boundaries of the Opportunity Area. Proposed Modification MM05 highlights that the boundaries of the Opportunity Area have not yet been defined and will be initially established through a planning framework produced jointly between the Council, LB Enfield

and LB Haringey with the GLA. The Council considers that following this initial establishment a future Local Plan will define the boundaries of the Opportunity Area.

The Council's approach is that tall and very tall buildings in the NSOA will not be supported, (as caveated through Footnote 27), prior to production of joint area planning framework with LB Enfield, LB Haringey and Mayor of London. The Council intends to progress the joint area planning framework for NSOA as part of the review of the Local Plan. On the basis of this anticipated framework (and the evidence, including evidence on the potential for tall buildings that informs it), the appropriateness of New Southgate as a strategic location for tall buildings can be more firmly established. The Council therefore proposes that reference to New Southgate Opportunity Area be removed from Policy CDH04 and new supporting text added at 6.18.5A to clarify that, although the strategic objective to fully realise regeneration opportunities is to require all stakeholders to work together to unlock sites and drive the right sort of development. Proposals that come forward in advance of the Opportunity Area Framework will be considered in accordance with Policy GSS01 and London Plan Policy SD1 Opportunity Areas. Policy SD1 sets out 11 specific considerations for decision making by Boroughs in areas designated as Opportunity Areas.

Proposed Modification for CDH04a)

- ~~New Southgate Opportunity Area<sup>27</sup> (Policy GSS09);~~

~~Footnote 27— Subject to production of joint area planning framework with LB Enfield, LB Haringey and Mayor of London~~

6.18.5

~~Within the New Southgate Opportunity Area the Council will consider bringing forward a joint area planning framework with LB Enfield and LB Haringey. Consideration of the parameters for tall buildings in New Southgate will be a key feature of the area planning framework. The Council has signalled its intention at Section 1.7 to facilitate the early review of the Local Plan through formal publication of a new Local Development Scheme. As part of that review a strategic policy and joint area planning framework with LB Enfield and LB Haringey for the New Southgate Opportunity Area will be established. On the basis of this strategic policy parameters will be set for the consideration of tall buildings in the Opportunity Area.~~

**18. Explain the purpose of MM149 and 169 in terms of tall buildings not being a preferred model. Need to clarify what is the Council's preferred method of delivery. If those statements are justified, should they be done in a more positively phrased manner and potentially be supporting text?**

Tall buildings will be supported in the locations identified as appropriate if they meet the criteria for tall buildings. Outside these locations, given Barnet's suburban and historical character, it will be difficult for tall buildings to integrate successfully into the surroundings and positively respond to the local distinctiveness through their layout, scale, appearance and shape without eroding the existing character. It is more appropriate to say that tall buildings are not the only way to deliver higher-density, new homes as is noted in paragraph 3.9.1 of the London Plan. Here it is outlined that whilst high density does not need to imply high rise, tall buildings can form part of a plan-led approach to facilitating regeneration

opportunities and managing future growth, which is the approach that the Council have taken in terms of identifying the most appropriate areas in this context. There may be opportunities that windfall sites or other development opportunities come forward in locations that have not been anticipated through the plan-led process and, if policy compliant, could be built out in an area outside those identified in the Local Plan. Likewise, there is no automatic presumption in support of development within the identified areas as all applications must be considered on their merits, meeting the Local Plan policies and the requirements of the plan when read as a whole.

To help convey this, the following modifications revise what is proposed in MM149 and MM169 and incorporate this into supporting text. MM149 and MM169 are therefore replaced by the following modification to Para 6.18.2

Tall Buildings can form part of a strategic design-led approach to optimising the capacity of sites through comprehensive redevelopment. Tall Buildings and Very Tall Buildings are not the only way to deliver higher densities and optimise the potential of brownfield sites. As referred in the London Plan, a design-led approach to optimising site capacity should be based on an evaluation of the site's attributes, its surrounding context and its capacity for growth to determine the appropriate form of development for that site. Therefore, the Council will carefully assess the design and townscape qualities of proposals that may otherwise gradually erode the Borough's predominant suburban and historic character. Such Sites in strategic locations where Tall Buildings may be appropriate must be well-connected by public transport and have good access to services and amenities. Tall Buildings that are of exemplary architectural quality can make a positive contribution to Barnet and become a valued part of the identity of places Growth Areas such as Brent Cross, Colindale, Cricklewood and Edgware. Within more sensitive townscapes as well as town centres such as Finchley Central and North Finchley and along historic routes such as the Edgware Road (A5) and the Great North Road (A1000) this form of development presents greater challenges in addressing more constrained site locations. The Council will therefore carefully assess the design and townscape qualities of proposals that may otherwise gradually erode the Borough's predominant and historic character. Reflecting these constraints, the Council has identified specific site opportunities for high density development within the town centres. These are set out in Annex 1 – Schedule of Proposals.

**19. Despite MM163, CDH04 is still unclear on exceptional circumstances for Very Tall Buildings. Council to clarify/provide examples.**

The Council acknowledges that Policy CDH04 has identified the strategic locations where tall buildings may be appropriate and that the Local Plan through Policy CDH04 and the Policies Map should provide direction on locations that may be appropriate for tall buildings and locations that may be appropriate for very tall buildings. Upon reflection the Council considers that the reference to exceptional circumstances at CDH04B makes the policy less effective as it is clear that the Council will not support proposals for Very Tall Buildings outside the following locations: Brent Cross Growth Area; Brent Cross West Growth Area; Colindale Growth Area; Cricklewood Growth Area and Edgware Growth Area. Reference is made to appropriate siting within one of the aforementioned locations as an example of exceptional circumstances. Appropriate siting is already a key consideration of London Plan

policy D9C and the Council has clarified with MM165, and further modifications as proposed in this Note, that its approach to proposals for tall buildings is fully consistent with Policy D9. Similarly, the Very Tall Building having a legible and coherent role, integrating effectively to its location is a key consideration addressed by London Plan policy D9C.

In order to improve the effectiveness of Policy CDH04 the Council proposes to withdraw MM163 and replace it with the following proposed modification

*b) ~~Very 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 a Growth Area. Very Tall Buildings are not acceptable outside New Southgate Opportunity Area or a Growth Area identified as a strategic location in CDH04A. Very Tall Buildings are not acceptable outside an Opportunity Area or Growth Area identified as a strategic location in CDH04A. Any proposal for a Very Tall Building must have a legible and coherent role, integrating effectively to its location in compliance with part D.~~*

**20. Change to para 6.18.5 to reflect MM165 required to remove reference to SPD setting out parameters. Needs more emphasis on how SPD would provide guidance, not set out parameters. Potential for more detail to be given to decision-makers on tall buildings outside the locations in CDH04(a).**

MM165 provided clarification within the policy (CDH04dc)) on the role of the Designing for Density SPD in terms of setting out guidance rather than parameters and therefore not intended to be prescriptive. The amendments below show the proposed changes already made in MM151 to paragraph 6.18.5 , with additional amendments to reflect MM165 and include consideration within the SPD of proposals for tall buildings outside the areas identified in the Local Plan. Paragraph 6.18.5 to read as follows:

Barnet's Tall Buildings Study Update informs Barnet's Local Plan, providing detailed contextual and spatial analysis to establish a design-led approach to future development of Tall Buildings in the Borough. The Study Update ~~investigates~~ where this form of development may be appropriately sited ~~the potential opportunity for development of tall buildings,~~ and considers ~~ing~~ existing and approved development to help identify and establish the suitable locations and heights outlined in Policy CDH04. ~~these areas. The Update provides the basis for identifying strategic locations where proposals for tall buildings may be appropriate. These locations include Opportunity Growth Areas such as Brent Cross, -Cricklewood Brent Cross West (Staples Corner) and Colindale as well as town centres such as Cricklewood and Edgware. The Update also highlighted the long established association of the A5 and A1000 major thoroughfares which have a long established association with buildings of 8 storeys or more. The Update provides a contextual and spatial analysis of the A5 and A1000 corridors as well as Finchley Central Town Centre covering all (with the exception of New Southgate Opportunity Area) the identified strategic locations. It therefore helps~~ and set the basis for a design led approach to provide guidance on covering parameters, scale, and height and key design considerations that will be established through a Supplementary Planning Document on Building Heights Designing for Density. The SPD will provide guidance on providing a well-

considered response to achieving higher density development that takes account of best practice, providing suitable examples and guidance to optimise land use and development capacity. The SPD will further articulate and visualise the implementation of Policy CDH04 and will distinguish between the character and context of each of the identified 'appropriate' locations to provide greater certainty around heights in sensitive townscapes such as Finchley Central, and North Finchley and along the Major Thoroughfares. Any applications that may come forward in locations that have not been anticipated within the Local Plan, will need to have strong justification of compliance with the London Plan and Policy CDH04 to help determine the appropriateness of tall buildings at a site specific level. Within the New Southgate Opportunity Area the Council will consider bringing forward a joint area planning framework with LB Enfield and LB Haringey. Consideration of the parameters for tall buildings in New Southgate will be a key feature of the area planning framework.

Additionally, to ensure consistency in terms of supporting text and to reiterate that the SPD will provide further guidance the following update to part c) of the policy is proposed.

c) The Council will produce ~~SPD on Building Heights~~ the Designing for Density SPD which will set out, within the identified strategic locations, ~~the parameters for tall and very tall buildings~~ guidance on how the Council will assess the appropriateness of Tall Building proposals. This will provide further guidance on address the impacts detailed in London Plan Policy D9C, setting out good practice design guidance on site-specific and character considerations including typologies related uses, views, form, public realm, safety, amenity and microclimates.

## **21. Consider merits of cross-reference to CDH08 instead of heritage requirements at CDH04(e)(iii) and reference to Historic England guidance.**

The Council acknowledges the merits in making a cross-reference to CDH08 as proposed, which is outlined below at 22.

## **22. Clarify CDH04(d) (as updated in MM167) differences with London Plan D9 and highlight these more clearly in policy.**

In order to demonstrate consistency with London Plan policy D9, each part of CDH04 has been considered in turn and suggested modifications outlined below. Part i. and ii. address D9 1) visual impacts part a) as two separate criterion. The Policy states that proposals will be assessed in accordance with Policy D9, with reference to visual, functional, environmental and cumulative impacts. The criteria listed sets out elements that should be given particular attention, which has a focus on visual impacts, as well as wider impacts of design, siting and topography, which is an important consideration in the Borough that could have significant impact on longer range views. The functional and environmental impacts as outlined in London Plan Policy D9, have been considered to be covered in other Local Plan policies such as CDH01-03 and ECC01-2. To help clarify this Policy CDH04 will be subject to a further modification to cross-reference to other policies within the Barnet Local Plan.

Part iii. of the Local Plan policy aligns to part d) of D9 to consider heritage assets and more generally the character of the area. Additionally, the Policy refers to Historic England guidance

on tall buildings, which is not part of the criteria but could be added, together with the text on architectural quality and townscape to reflect parts c) and b) of London Plan Policy D9. Paragraph 6.18.8 refers to the need for proposals to 'reinforce the spatial hierarchy of the local and wider context and aid legibility and wayfinding. Varying heights, proportion, silhouette and facing materials at the design stage will help assess how to lessen any negative impacts including light pollution, reflected glare.' On reflection, this should be included within the policy to help ensure compliance with the London Plan.

In light of the Mayor's statement on fire safety<sup>1</sup> that took immediate effect following release in January 2023, it is also proposed that the Policy reflects the requirement for all residential buildings over 30 metres to have two staircases before they are referred to Stage 2 for the Mayor's final decision.

Part d) (as updated in MM167) of the policy should therefore be modified as follows:

~~e)-d) Proposals for Tall and Very Buildings must adequately address the criteria in London Plan policy D9C in terms of acceptable cumulative visual, environmental and functional impacts including siting, microclimate, wind turbulence, noise, daylight and sunlight, reflective glare, aviation, navigation and electronic communication or broadcast interference; set out in London Plan Policy D9 — Tall Buildings. Particular attention will be given to assessing the following:~~

- ~~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,~~
- ~~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~~
- ~~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.~~
- ~~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~~
- ~~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.~~
- ~~vi. buildings should not interfere with digital connectivity in compliance with Policy TRC04 nor have a possible negative impact on solar energy generation on adjoining buildings~~

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~~ and London Plan Policy D9, as

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<sup>1</sup> <https://www.london.gov.uk/programmes-strategies/planning/planning-applications-and-decisions/referral-process-lpas#statement-regarding-fire-safety-and-tall-buildings-title>

~~well as related policies (In particular CDH01, CDH08, ECC01, ECC02 and TRC04) contained within the Local Plan, and Historic England guidance on tall buildings. Proposals for redevelopment or refurbishment of existing tall buildings will be required to make a positive contribution to the townscape. Proposals should be of an exemplary standard in architectural quality and materials to ensure the appearance and architectural integrity of the building is maintained. Planning applications that involve residential buildings over 30 metres in height will need to provide two staircases to meet Building Regulations standards on Fire Safety.~~

**23. Clarify “possible negative impact” on solar energy generation and is it appropriate to only consider adjoining buildings, or should wider impacts be included too? Re-check London Plan D9.**

Policy D9 of the London Plan considers the functional impact on tall buildings, which refers, within part f), to avoidance of ‘significant detrimental effect on solar energy generation on adjoining buildings’. The Council has proposed further modifications as set out above to remove any ambiguity about compliance with the London Plan. The policy has been amended as outlined above, therefore removing this as a specific part of the policy.

**24. Para 6.18.12 views from the top of the tall building and intermediate views. Are modifications needed to change this to immediate / “top of”?**

Paragraph 6.18.12 should be modified to clarify how visual impact is addressed, ensuring that text is consistent with London Plan policy D9 part C1(a).

The Council requires that visual impact is addressed in terms of long range views ~~from~~ of the top of the building, mid-range views from the surrounding neighbourhood and intermediate views from the surrounding streets.’

**25. Explain difference in approach between the Plan and Tall Buildings Update in terms of uses of corridors vs cones for Map 4.**

The Council considers that cones are more representative of Locally Important Views than viewing corridors and that the Policies Map is the right platform on which to show them.

The Council refers to its Statement of Common Ground with LB Brent (EB\_SoCG\_01) which clarified that LB Barnet will show unverified cones rather than straight lines (as set out in Map 4 of the Reg 19 Local Plan) to represent the 4 Locally Important Views. The Council originally agreed that this would be best represented by a modification to Map 4. After further reflection the Council now considers that these Views can be more appropriately set out on the Policies Map. Such a depiction of views is also consistent with the approach taken by LB Brent in their Local Plan policies map. The Council proposes to remove Map 4 – see 27 below.

The new Local Plan Policies Map will include the Locally Important Views as depicted on Map 4 within the Local Plan. The Changes to the Policies Map will be made available for comment as part of the Main Modifications consultation.



**26. Correct Map 4 discrepancies e.g. potentially exclude Mill Hill and include accurate boundaries of Growth Areas, Burnt Oak, Edgware, New Southgate Opp Area.**

The Council proposes to remove Map 4 – see 27 below.

**27. Make clear whether Map 4 or policy is definitive regarding potentially acceptable locations for tall buildings.**

Policy CDH04 has proved to be one of the most contentious policies in the emerging Barnet Local Plan. It is therefore important for the policy and supporting text to be clear and unambiguous. The Council has reflected on the indicative value of Map 4 and considers that it is open to misinterpretation with regards to tall building locations and viewing corridors. The Policies Map is the best platform to provide more definition on tall building locations and viewing corridors. This is similar to the approach adopted by LB Brent in their local plan. The Council through a further proposed modification will make this cross-reference to the Policies Map in the supporting text for CDH04..

The Council has also considered that there are merits in clearly setting out within Policy CDH04 the site proposals along the Major Thoroughfares of the A5 and A1000, as well as those within the town centres of North Finchley and Finchley Central where tall buildings may be appropriate.

The Council considers that Map 4, by virtue of its scale cannot be definitive with regards to strategic locations for tall buildings as well as the 4 viewing corridors. The information provided in Map 4 with regards to Conservation Areas, Green Belt and existing tall buildings is already set out in 2020 Tall Buildings Update (EB\_DH\_04).

The Council proposes to delete Map 4 and remove the reference to Map 4 from para 6.18.12 and replace it with reference to the 4 locally important views which will be depicted on the Policies Map.

Proposed Modification to para 6.18.12

The Council requires that visual impact is addressed in terms of long-range views of the top of the building, mid-range views from the surrounding neighbourhood and intermediate views from the surrounding streets. The Council has identified 4 long established important local views within the Borough. These are: 1. from Mill Field towards Harrow-on-the-Hill; 2. from Golders Hill Park towards Harrow-on-the-Hill; 3. from Hampstead Heath Extension towards Hampstead Garden Suburb; and 4. from King George Fields, Hadley Green across Central London including Canary Wharf. ~~Map 4 shows locally important views, conservation areas in the Borough, Green Belt / MOL and the location of existing tall buildings together with the strategic locations (including Opportunity Areas) identified for tall buildings. The Council will seek to ensure that development is compatible with such views in terms of setting, scale and massing.~~ Proposals for buildings of height that the Council considers cause harm to these views will be resisted.

The Council also proposes to replace CDH04 (e ii) as follows:

(as shown in ~~Map 4~~ on the Policies Map)

The new Local Plan Policies Map will include Tall Building locations as discussed above. The Changes to the Policies Map will be made available for comment as part of the Main Modifications consultation.

**28. Para 6.18.3 should it be changed to reflect D9 and “addressing”, rather than complying with.**

The Council seek to endorse the approach outlined in the London Plan with regard to determining which locations within the Borough are most suitable for tall buildings. The supporting text in the Local Plan could reflect some of the key benefits of higher density development, which does not need to imply high right (as stated in para 3.9.1). It is also important to recognise the constraints that need to be considered when determining suitable locations and aspects of design when proposals come forward to help understand the impacts of development. It is therefore proposed that the following changes are made to paragraph 6.18.3. This includes MM150.

~~While tall buildings offer the opportunity for intensive use, their~~ The siting and design of tall buildings should be carefully considered ~~so not to detract from the nature of surrounding places and the quality of life for those living and working around them to make optimal use of the capacity of sites, which are well-connected by public transport and have good access to services and amenities.~~ A design-led approach is essential to determine the most appropriate form of development that responds to existing context and capacity for growth, with due consideration to existing and planned supporting infrastructure. Tall buildings of a high quality design, in the right location can make a positive contribution to the townscape; however they can also have detrimental visual, functional and environmental impacts. Due to their potential impact, development proposals that include tall buildings ~~will need to~~ must demonstrate compliance with address all relevant parts of Policy CDH04 as well as the requirements listed in the London Plan (Tall Buildings policy D9) which ~~emphasises that~~ outlines the issues that proposals for tall buildings should address to minimise the visual, functional and environmental impacts of such structures. Proposals are therefore as a minimum required to address site specific and character considerations including typologies related to proposed uses, views, form, public realm, safety, amenity and microclimate. Regard should also be made to Historic England’s guidance on tall buildings. Proposals for tall buildings of more than 30 metres in height (equivalent to 9 storeys) will be referred to the Mayor of London}.

## **Conclusion**

The Council invites the Inspectors to consider and recommend that the Council makes the additional further modifications set out in this paper recognising that those considered to be Main Modifications will need to be formally consulted upon following the examination hearing sessions. The new Local Plan Policies Map will include the Locally Important Views and Tall Building locations and will be made available for comment through an update to the Changes to the Policies Map document as part of the Main Modifications consultation.



**TABLE A**

<b>Proposal Sites in Annex 1 with reference to Policy CDH04</b>				
<b>Site Number</b>	<b>Location</b>	<b>Designation</b>	<b>Tall Building Location</b>	
2	North London Business Park		NO	
5	Edgware Hospital	(Major Thoroughfare)	YES	
6	Watling Avenue car park & market	(Burnt Oak Town Centre)	NO	
7	Beacon Bingo	(Cricklewood Growth Area)	YES	
8	Broadway Retail Park	(Cricklewood Growth Area)	YES	
9	Colindeep Lane (adjacent to Northern Line)	(Colindale Growth Area)	YES	
10	Douglas Bader Park Estate	(Estate Regeneration and Infill)	YES	
11	KFC/ Burger King Restaurant	(Colindale Growth Area)	YES	(Colindale Growth Area) To be added as a proposed modification.
12	McDonald's Restaurant	(Colindale Growth Area)	YES	(Colindale Growth Area) To be added as a proposed modification.
13	Public Health England	(Colindale Growth Area)	YES	(Colindale Growth Area) To be added as a proposed modification.
14	Sainsburys The Hyde	(Major Thoroughfare)	YES	
15	Tesco Coppetts Centre	(Major Thoroughfares)	YES	
16	45-69 East Barnet Rd	(New Barnet town centre)	NO	
20	Fayer's Building Yard & Church	(New Barnet Town Centre)	NO	
22	Sainsburys	(New Barnet Town Centre)	NO	
24	East Finchley station car park	(East Finchley Town Centre)	NO	
25	East Finchley substation	(East Finchley Town Centre)	NO	
26	Park House	(East Finchley Town Centre)	NO	

27	Edgware Town Centre	(Edgware Growth Area)	YES	
28	Edgware Underground & Bus Stations	(Edgware Growth Area)	YES	
30	Finchley Central Station	(Finchley Central/ Church End Town Centre)	YES	
31	Brentmead Place	(Major Thoroughfare)	NO	
44	High Barnet Station	(Chipping Barnet Town Centre)	NO	
50	Watford Way & Bunns Lane	(Major Thoroughfare)	NO	
52	Kingmaker House	(New Barnet Town Centre)	NO	
53	Allum Way	(Whetstone Town Centre)	YES	
54	Barnet House	(Whetstone Town Centre)	YES	
55	Woodside Park Station East	(Existing Transport Infrastructure)	NO	
56	Woodside Park Station West	(Existing Transport Infrastructure)	NO	
57	309-319 Ballards Lane	(North Finchley Town Centre)	YES	
58	811 High Rd & Lodge Lane car park	(North Finchley Town Centre)	YES	
59	Central House	(Finchley Central Town Centre)	YES	
60	Finchley House (key site 3)	(North Finchley Town Centre)	YES	
61	Tally Ho Triangle (key site 1)	(North Finchley Town Centre)	YES	
62	Tesco Finchley	(Finchley Central Town Centre)	YES	
63	Philex House	(Major Thoroughfare)	YES	

64	744-776 High Rd	(North Finchley Town Centre)	YES	
66	East Wing (key site 4)	(North Finchley Town Centre)	YES	
67	Great North Leisure Park	(Major Thoroughfare)	YES	To be added as a proposed modification.