

LAMBETH LOCAL PLAN EXAMINATION OCTOBER/NOVEMBER 2020

Statement of Common Ground between London Borough of Lambeth and Historic England

Matter 8.3 – Tall buildings

Context

This is a statement of common ground (SCG) between the London Borough of Lambeth ('**LB Lambeth**') and Historic England ('**HE**') to support the examination of the Draft Revised Lambeth Local Plan Proposed Submission Version January 2020 (the '**Draft Plan**').

During the examination hearing session on 5 November 2020 relating to Matter 8.3 Tall buildings, the Inspector asked LB Lambeth to respond to HE's suggested rewording of section (b) of draft Policy Q26, with a view to a possible SCG with HE. This was recorded as action 29 in the Inspector's list of actions arising from the examination hearing ([INS06c](#)).

HE's proposed rewording of Q26 (b)

HE's proposed wording is set out on page 6 of their [statement on Matter 8](#). The proposed rewording reads as follows:

"b) Outside Annex 1 locations there is no presumption in favour of tall building development. Additional areas may however be identified through the forthcoming Site Allocations Development Plan Document."

HE also propose to delete supporting paragraph 10.150.

LB Lambeth's response to HE's proposed wording changes

The Council respectfully refers the Inspector again to its response to question (v) under Matter 8.3 in its [statement on Matter 8](#) (pp7-8) and to section 8 of [Topic Paper 8 \(TP08\)](#). In addition, the Council has set out below a supplementary response.

The approach the Council has taken to locations suitable for tall buildings has been found to be in general conformity with the London Plan by the GLA.

In assessing locations for tall buildings, the Council has concentrated resources on the Opportunity Areas and Brixton Town Centre, as these are the areas where greater growth is anticipated. This approach is intended to provide more clarity on suitable locations for height than has been provided in the Lambeth Local Plan in the past.

However, it is not realistic, nor desirable, to seek to map the entirety of the borough and to try and model every eventuality for development so as to prescribe locations for height across the whole borough. There are a number of reasons for this:

1) Resources - to model height scenarios across all possible locations in the borough is not feasible given the resources available to the Council, despite having a well-resourced Policy and Placeshaping team at Lambeth.

2) It is also not desirable to seek to model all eventualities across the borough, as the local planning authority cannot anticipate how sites may come forward in every location. Even if resources were available to do this, it would involve trying to second guess what would come forward where often there is no current indication of site owner willingness or developer interest.

3) Site allocations do play an important role across the borough, and as the Inspector is aware, the Council is currently preparing a Site Allocations DPD which is concentrating on strategic development sites. However, as explained in the Local Plan hearing, it cannot be expected to deal with all potential development sites in the borough. Resources will be focussed on those sites where, for reasons of complexity, a design-led capacity assessment will add most value to help bring forward optimum capacity. Moreover, the Site Allocations DPD is looking at opportunities often where there is known site owner and/or developer interest in bringing the sites forward, and the site allocation can therefore be informed to some extent by their intentions, and importantly there is the prospect of deliverability. For these reasons the SADPD is not a full substitute for part (b) of draft Policy Q26, as is suggested by HE's proposed rewording.

4) The approach taken within part (b) of draft Policy Q26 emphasises that there is no presumption in favour of tall building development outside of the locations identified in Annex 11 of the plan. Accordingly, and contrary to HE's suggestion, it is clear that tall buildings are *not* being encouraged by the policy outside of the Annex 11 locations. To underpin the exacting approach in part (b) of the policy, the criteria that are applied involve all of those within part (a), which include a very clear requirement to consider heritage assets. There is then the additional requirement to consider carefully '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).'¹ And in addition, at sub-section (i), the policy adds further safeguards in established low-rise neighbourhoods making clear that tall buildings will only be potentially acceptable where they are part of a comprehensive scheme which integrates well with the locality.

5) Paragraph 10.150 acknowledges that from time to time windfall sites may provide the opportunity for tall building development in locations not anticipated during the plan-making and states that part (b) of the policy is intended to deal with these situations. It adds that proposals and supporting evidence required to address the policy tests will be reviewed by the Lambeth Design Review Panel; that the Design Code SPD provides further guidance on heritage impact assessments; and that applicants will be required to seek Historic England's pre-application advice.

6) This approach is entirely consistent with NPPF paragraphs 126 to 131. Without part (b) and paragraph 10.150, the Plan would not provide a comprehensive policy basis for the

determination of planning applications in all parts of the borough and would not be able to address in full the requirements of paragraph 16 and section 12 of the NPPF. In the Council's view, this stringent approach provides a clear set of safeguards against harm to the historic environment, contrary to HE's suggestion that it risks encouraging harmful development.

In recognition of HE's support for site allocations to be used to direct tall buildings outside of the Annex 11 locations, LB Lambeth proposes the amendments to the wording of draft Policy Q26(b) set out in red in Appendix 1 of this SCG.

However, for the reasons set out above, LB Lambeth does not consider it is able to move further than this and respectfully submits that it is necessary to maintain the remainder of part (b) in draft Policy Q26, along with the supporting text in paragraph 10.150. Without the remainder of part (b) and paragraph 10.150, the Draft Plan would not be positively prepared or deliverable because it would not provide a comprehensive policy basis for the determination of planning applications in all parts of the borough as required by NPPF paragraph 16. Nor would the Draft Plan be able to address in full the requirements in section 12 of the NPPF, and in particular paragraphs 126 to 131.

HE's comments

Areas of agreement

We agree with the Council's summary in the *Context* and *HE's proposed rewording of Q26 (b)* sections above.

Areas of disagreement

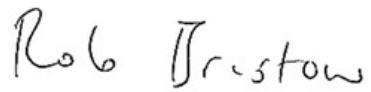
The core basis of concern remains and we are unable to reach agreement on this matter. It is our view that the policy (as proposed with amendments) does not align with the emerging London Plan (particularly D9.B.2; D9.B.3; 3.9.2) which is clear as to where tall buildings should and should not be planned. The proposed policy could easily be misinterpreted and so poses a risk to heritage, and therefore it is not something we can support. The emerging London Plan tells us that tall buildings can make a positive contribution to London's cityscape *if they are in the right place*, equally they can have detrimental impacts in inappropriate locations (3.9.1). It is therefore reasonable to expect the Council to set a clear direction in this respect and not to leave such a strategic issue, of importance to the character of London as a whole not just the borough of Lambeth, to planning application stage.

Despite the inclusion of wording to say that there is no presumption in favour of tall buildings outside identified areas, part b does go on to provide a degree of policy support for tall buildings outside the areas identified as appropriate. The absence of part b in the plan does not preclude speculative applications coming forward, and if such applications have material considerations that justify a departure from the development plan then those applications can still be approved. Having part b however is an unnecessary risk and adds confusion contrary to NPPF 16.D which tells us that policies should be clearly written and unambiguous.

It is our view that the policy as amended would not be effective, nor would it align with the emerging London Plan and is therefore unsound.

Signatures

For LB Lambeth

Handwritten signature of Rob Bristow in black ink.

Rob Bristow
Director Planning Transport and Development

Date: 01/12/2020

For HE

Handwritten signature of Katie Parsons in black ink, overlaid on a faint, repeating watermark of the word "electronic".

Katie Parsons
Historic Environment Planning Adviser

Date: 01/12/2020

Appendix 1

LB Lambeth's proposed amendments to Policy Q26 (b) are set out below in red:

- b) Outside the ~~locations identified in Annex 11~~ or as identified in site allocations, ~~locations~~ there is no presumption in favour of tall building development. Should tall buildings be proposed outside the locations identified in Annex 11 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 ~~etc.~~) 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 will with the locality.