

## Lambeth EIP - Matter 8 Statement

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### Introduction

1. This written statement is submitted to the Lambeth EIP on behalf of Kessler (SLR) Limited in response to Questions and Matters raised by the Inspector in relation to Matter 8 Quality of the Build Environment.
2. Responses are set out below in relation to questions 8.3 and 8.4.

### Tall buildings

#### Question 8.3:

- (i) **There is no ‘up front’ definition of tall buildings in policy Q26 (tall buildings), although there is the table in the explanatory text (paragraph 10.147) and the range of heights which are set out in Annex 11. In view of the relative complexity of developments in parts of Lambeth and some very important townscape considerations, such as the Westminster World Heritage Site, is this approach both justified and realistic?**
3. We consider that it would be inappropriate to set a singular definition of a tall building for the entirety of Lambeth and support the principle of assessing the appropriateness of building heights based on the characteristics of different areas across the Borough. The draft explanatory text in paragraph 10.147 is unsound on the basis that it not consistent with National Policy or positively prepared. The wording is ambiguous and does not accord with NPPF Paragraph 16, Historic England guidance and emerging Draft London Plan (SD03).
4. The text states the following:

*Paragraph 10.147 of the supporting text in Policy Q26 states “Tall Buildings are those that are substantially taller than their surroundings, cause a significant change to the skyline or are larger than the threshold sizes set for the referral of planning applications to the Mayor. In accordance with London Plan Policy D9a to inform the application of this policy, the following definitions at building heights are defined for Lambeth. (emphasis added)*
5. As the referability criteria relating to building heights varies across London, there will be lots of areas where the prevailing building heights and the referability criteria are not aligned, for instance in areas like the Nine Elms Opportunity Area in Lambeth.
6. The emerging Policy D9(a) of the Draft London Plan (SD03) expressly sets out how the context of specific sites should define the definition of a tall building, stating that “based on local context, development plans should define what is considered a tall building for specific localities, the height of which may vary in different parts of London”. There is no reference made to the referability criteria.

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7. Historic England's advice note for tall buildings notes:

**“what might be considered a tall building will vary according to the nature of the local area. A 10-storey building in a mainly 2 storey neighbourhood will be thought of as a tall building by those affected, whereas in the centre of a large city it may not.**

**This approach accords with the NPPF which requires plans and decisions to respond to local circumstances, and take account of the different roles and character of different areas. This policy will also allow plans and development to respond to different opportunities for achieving sustainable development (NPPF paragraphs 10 and 17).”**

8. From the Draft Local Plan supporting text paragraph 10.147 it is not clear whether a proposal within the Nine Elms Vauxhall Opportunity Area which was 30 metres in height, would be defined as a tall building for the purposes of the policy.
9. The Opportunity Area comprises of numerous tall buildings between 100 metres and over 150 metres, so in that context a building of 30 metres should not be considered to be a tall building for the purposes of policy Q26. It also would not be above the 45 metres height defined as being tall within the middle and north of Lambeth. However, it would breach the threshold size set for the referral of planning applications to the Mayor and therefore on that basis it would be considered a tall building. This could lead to a situation, should the draft policy wording be adopted, where there was a presumption against a proposal for a building of over 30 metres within an Opportunity Area, notwithstanding the fact that the majority of buildings around that site were between 100 and 150 metres. This would not secure the objectives of making the most efficient use of land and therefore would be inconsistent with Paragraph 7.25 of the London Plan, Draft London Plan (SD03) Policy GG2 and D3 and Policy Q6 of the Draft Revised Lambeth Local Plan (PD01).
10. In addition, the wording of Paragraph 10.147 is not consistent with paragraph 16(d) of the NPPF which states that policies should be unambiguous.
11. Given that Policy D9a of the Draft London Plan (SD03) requires that Development Plans define tall buildings at a local level, it is not considered necessary to refer to the Mayor's referability criteria, as these would apply only where there is no local definition of a tall building (as identified in Paragraph 3.9.3 of The London Plan Intend to Publish Version SD03).
- (ii) ***Does the range of definitions for tall buildings provide some consistency for development management purposes, and if not, what would be appropriate for Lambeth? [Some London Boroughs specify a number of storeys or heights as a yardstick]***

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12. As set out above, building heights should be determined based on the character of that area with consideration given to the existing and emerging site context and skyline. A blanket approach to building heights across the Borough would not be appropriate and would not be in accordance with the NPPF or the adopted and emerging Draft London Plan (SD03).
13. NPPF Paragraph 117 states that planning policies and decisions should promote the effective use of land in meeting the need for homes and other uses.
14. In addition, the London Plan Policy 7.7 states that Boroughs should define what is a tall building based on the surrounding townscape and referability criteria. This is also important in order to make the most efficient use of land in accordance with London Plan paragraph 1.48 and Draft London Plan (SD03) Policies GG2 and D3. However, there needs to be greater clarity around what height would constitute a tall building in specific areas and an awareness that the policy wording needs to be sufficiently flexible to enable emerging schemes to respond to the evolving townscape context throughout the plan period.
15. The provision of rigid storey heights for certain areas would remove this important flexibility and would not accord with the adopted and emerging Draft London Plan (SD03) policies detailed above.

**(iii) *There is no inclusion of any criteria in the policy to relate tall buildings to public transport accessibility, which is a crucial relationship; in this regard, should the policy relate to PTAL levels, and if so, how?***

16. In accordance with the NPPF paragraphs 7 to 14, London Plan Policy 1.1, Draft London Plan (SD03) Paragraph 0.0.18, any scheme coming forward in Lambeth should deliver sustainable development. When considering the appropriateness of various building heights in a particular context, the PTAL is only one of the factors that should be considered in the delivery of sustainable development. While the delivery of new tall buildings in accessible locations is supported, in accordance with Policy 7.7 Part C (a), it is not necessary to prescribe specific acceptable PTAL ratings in the policy.
17. London Plan Policy 7.7 Part C (a), states that tall and large buildings should “generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport”. In addition, Draft London Plan (SD03) Policy D9 sets out a list of criteria which should be used to assess the acceptability of tall buildings. The policy simply states that it must be demonstrated that the capacity of the area and its transport network is capable of accommodating the quantum of development proposed in terms of access to facilities, services, walking and cycling networks and public transport. So, neither the adopted nor draft London Plan policies specify a requirement for schemes to be located within a particular PTAL. Therefore, it is not necessary to prescribe certain PTAL ratings within the Lambeth tall buildings policy.

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18. Townscape context should be a key consideration along with the need to optimise the use of sites in accordance with Paragraph 7.25 of the London Plan, Policy D3 of the Draft London Plan (SD03) and Policy Q6 of the Draft Revised Lambeth Local Plan (PD01). There should not be too much emphasis placed on the exact PTAL rating as this could result in schemes underutilising land where the PTAL rating is lower, but where there is a sustainability case and townscape case for a tall building.

**(iv) *How valid are the concerns that tall buildings cause alienation, e.g. in relation to daylight, overshadowing, mutual privacy, microclimate, wind deflection and turbulence, and impact at street level, or is this a matter that can be overcome by sensitive design?***

19. Issues associated with daylight sunlight, overshadowing, mutual privacy, microclimate, wind deflection and turbulence and the impact at street level are not concerns that are exclusive to tall buildings. All schemes coming forward of whatever height must consider these factors, albeit that as the height of a building increases, depending on the site context, some of these issues require a greater degree of consideration. However, the key to mitigating these impacts is the delivery of a high-quality design.

20. As has been established through the multiple tall buildings that already existing across Lambeth, it is possible to mitigate these concerns through the design process both in terms of high-quality architecture and landscaping. Mitigation through the introduction of additional elements within the building façade, or amended landscaping strategically placed within the public realm to create a suitable pedestrian experience are long established approaches to delivering successful tall buildings.

21. It is therefore important that a flexible policy framework is in place to enable individual schemes to come forward that are assessed on their own merits, enabling the delivery of a design response that is suitable for the site and surrounding context, while ensuring that there is no detrimental impact on the existing context. This approach enables the optimal use of land in accordance with London Plan paragraph 1.48 and Draft London Plan (SD03) Policies GG2 and D3.

22. Both the adopted (Policy 7.7) and Draft London Plan (SD03) (Policy D9) policies in relation to tall buildings specify environmental criteria which should be used to assess any application for a tall building coming forward. In accordance with these policies, the emerging Local Plan Policy Q26 also includes these criteria to ensure that all the environmental impacts of that scheme are satisfactorily addressed and the necessary supporting information submitted with the application.

**(v) *Is the presumption against tall buildings in certain areas in Lambeth consistent with national policy?***

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23. Draft Local Plan Policy Q26 (PD01) identifies locations within the Borough that may be appropriate for tall buildings in Annex 11 and the policy contains a presumption in favour of tall buildings within those 16 locations. However, outside the locations within Annex 11, there is no presumption in favour of tall buildings.
24. Whilst the Lambeth Tall Building topic paper (November 2019) notes at paragraph 4.1 that following discussions with Historic England the areas are defined as “locations” as opposed to “sites”, in reality, given the extent of land within each, the areas defined are little more than sites i.e. location V1 – 4-6 Albert Embankment; location V2 – 36-46 Albert Embankment; location V3 – 10 Wandsworth Road etc.
25. The fact that there is no presumption in favour presumption of tall buildings outside the areas defined within Annex 11 of the Draft Local Plan (PD01) is considered contrary to paragraph 11 of the NPPF which contains a presumption in favour of sustainable development, including positively seeking opportunities to meet development needs. This approach would constrain development opportunities and would not promote sustainable development in these locations.
26. NPPF Paragraph 35 sets out the tests of soundness and states under part d that local plans should be sustainable and consistent with national policy. As set out below, the draft Local Plan (PD01) policy wording is not consistent with the adopted and emerging Draft London Plan (SD03).
27. This policy approach is inconsistent with the London Plan Policy 2.13 part B (b) as it will not maximise the potential of the Opportunity Areas for residential and non-residential output and densities or Policy 7.7 Part C (a), which states that tall and large buildings should “generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport” As Annex 11 identifies essentially sites and not locations, there will be areas within both of the Lambeth Opportunity Areas and town centres which have been excluded.
28. The draft policy is also inconsistent with Policy GG2 of the Draft London Plan (SD03) which seeks to make the best use of land, particularly in the Opportunity Areas.
29. London and Lambeth in particular have limited land capacity and therefore the limited land that is available needs to be planned positively in order to deliver growth in jobs and houses.
30. Paragraph 2.18 of the proposed Submission Version of the Revised Lambeth Local Plan notes that Lambeth is an important part of London’s economy, which has experienced growth more strongly than the rest of the UK as a whole. The north of Lambeth is an integral part of London’s Central Activity Zone (CAZ) home to significant employers.

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31. London has limited opportunities for accommodating large scale development. Lambeth contains two of London's Opportunity Areas, which are London's major source of brownfield land with significant capacity for development.
32. The Waterloo Opportunity Area is identified within the Draft Revised Lambeth Local Plan (PD01) and the London Plan as having the "remaining potential for an additional 1,500 homes and 6,000 jobs between 2019 and 2041 and the Nine Elms Vauxhall Opportunity Area is also identified within both Plans as having the remaining potential of 18,500 new homes and 18,500 jobs. Opportunity Area Planning Frameworks promote the optimum level of development within those areas consistent with London Plan Paragraph 7.25 and Draft London Plan (SD03) Policy GG2 and D3 as stated above.
33. Draft London Plan (SD03) Policy D8 recognises that tall buildings have a role to play in helping London accommodate its expected growth. However, within the context of limited land supply, the need to make the most efficient use of land and a recognition that tall buildings can assist in this objective particularly within Opportunity Areas which are areas for potential significant growth, only 16 sites have been identified within the Revised Lambeth Local Plan as being appropriate for tall buildings, of which only 6 are located within the Nine Elms Vauxhall Opportunity Area.
34. Given paragraph 10.1.47 of the Draft Revised Lambeth Local Plan (PD01) defines tall buildings as being inter alia larger than the threshold sizes set out for the referral of planning applications to the Mayor, (i.e. 25 metres adjacent to the Thames or 30 metres elsewhere within the City) there would be no presumption in favour of development of over 30 metres height across Lambeth, with the exception of the 16 sites in Annex 11.
35. It is also considered that the text *"the applicant will be required to provide a clear and convincing justification"* within criteria b of Policy Q26 is ambiguous as it does not identify what is meant by a clear and convincing justification. Elsewhere within the draft revised Lambeth Plan (PD01) there is a recognition that high density is essential to meet needs (paragraph 2.132), in underpinning the Local Plan the need to maximise the contribution of Lambeth's limited employment land resources (paragraph 2.93) and the guiding spatial approach as set out at paragraph 3.9 of the Draft Revised Lambeth Local Plan (PD01) includes "an approach to density that reflects the London Plan Approach of Design Led Optimisation and support for tall buildings in appropriate locations to deliver regeneration and economic objectives in accordance with the Local Plan".
36. There is therefore already a clear and convincing justification for the need to optimise land which includes where appropriate tall buildings.
37. We have set out below proposed amendments to Policy Q26 and paragraph 10.147 to make the policy sound.

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**Policy Q26**

- A. *Having particular regard to the international obligation to preserve the OUV of the Westminster Royal 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 11 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 proposals adequately addresses the criteria in London Plan Policy D9c in terms of acceptable visual, environmental and functional impacts including micro climate, 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 show that the site can accommodate the uses and quantum of development proposed in terms of meeting acceptable standards of amenity, access, accessibility and servicing.*
- B. **~~Outside the Annex 11 locations there is no presumption in favour of tall building development.~~** *Should tall buildings be proposed outside the locations identified in Annex 11, 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:*
- (vii) 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 their 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 re-development, height reduction or re-cladding.*

We would suggest that paragraph 10.147 is amended as follows:

“Tall buildings are those that are substantially taller than their surroundings or cause a significant change to the skyline. **or are larger than the threshold sizes set for the referral of planning applications to the Mayor.** In accordance with Draft London Plan



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(SD03) Policy D9a and to inform the application of this policy, the following definitions of building heights are defined for Lambeth **outside the Opportunity Areas**:

	Low Rise	Mid Rise	Tall
South Lambeth (South of the south circular road)	Up to 9 metres	Between 9 metres and 25 metres	Above 25 metres
Middle & North Lambeth (north of the south circular road)	Up to 15 metres	Between 15 metres and 45 metres	Above 45 metres

**(vii) Is it appropriate for the policy to specify that a public benefits case can be a material justification in relation to proposals to breach the height limits in the table in paragraph 10.147?**

38. The exact height of a proposal should be determined on a case by case basis and, in some instances, it will be appropriate to exceed the height criteria set out in Paragraph 10.147. The table is intended to categorise building heights and not to prohibit the development of tall buildings. Given the nature of the townscape within these two parts of the Borough, and their continual evolution that will be ongoing through the plan period, it is not possible to set heights that consider the characteristics of every site context. As approved schemes are completed and design innovation continue to advance, it may be possible during the plan period to deliver schemes that would substantially exceed the tall building criteria for that area while being in accordance with the rest of the policies in the Development Plan.
39. The heights in Paragraph 10.147 are intended to provide a benchmark for the definition of what would constitute a tall building in the two parts of the Borough. It is then for schemes to be assessed in light of the requirements set out in Policy Q26. Should a scheme come forward in South Lambeth for example that is in excess of 25m, the policy should allow for an assessment of the appropriateness of that scheme on its own merits against the policy criteria.
40. In such cases, Officers should consider the scheme as a whole and weigh up any perceived harm against the public benefits proposed.
41. As detailed above in relation to the other questions, schemes need to be assessed against the entire Development Plan and it is important to consider other policy priorities such as the efficient use of land, promoted in London Plan paragraph 1.48 and Draft London Plan (SD03) Policies GG2 and D3. Tall buildings provide a design solution that often optimises the use of land and which provides the opportunity to deliver high quantum's of floorspace that will in turn make contributions to the Boroughs land use related targets.





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42. Where a tall building accords with the other policies and guidance within the Development Plan and delivers a number of positive public benefits, this public benefits case should be a key consideration in the determination as to the acceptability of the proposals and should be enshrined within the policy.