



Historic England

Examination of the Lambeth Local Plan
Matter 8 – Quality of the Built Environment
Historic England, Hearing Statement
05/10/2020

Historic England is the principal Government adviser on the historic environment, advising it on planning and listed building consent applications, appeals and other matters generally affecting the historic environment. Historic England is consulted on Local Development Plans under the provisions of the duty to co-operate and provides advice to ensure that legislation and national policy in the National Planning Policy Framework are thereby reflected in local planning policy and practice.

The tests of soundness require that Local Development Plans should be positively prepared, justified, effective and consistent with national policy. Historic England's representations on the Publication Draft Local Plan are made in the context of the requirements of the National Planning Policy Framework ("the Framework") in relation to the historic environment as a component of sustainable development.

Historic England Hearing Statement

Introduction

- 1.1 This statement addresses the Inspector's questions with regards Matter 8 of the Local Plan.
- 1.2 This hearing statement should be read alongside Historic England's comments submitted at previous consultation stages of the Local Plan.

Matter 8 – Quality of the built environment

Question 8.1 Quality of urban design, public realm, construction detailing, alterations and extension and living conditions: (i) Are policies Q1- Q24 justified, effective and consistent with national policy?

- 2.1 Historic England strongly supports policies Q5; Q6; Q7; Q8; Q11; Q14; Q16; Q17; Q18; Q19; Q20; Q21; Q22; Q23; and Q24. We consider theses to be justified, effective, and consistent with the London Plan and national policy.
- 2.2 The above policies align with the emerging London Plan's (ELP) nuanced approach to new design, which sets out a design-led approach based on an understanding of local character (ELP policies GG2; D1; D3; and D4). The policies are based on sound evidence¹, and are justified. The historic environment is considered appropriately throughout the policies which are positively prepared, and set out a clear strategy for the conservation and enhancement of the historic environment. Q11; Q20; Q21; Q22; and Q23 contain a good level of detail which clearly sets out what is expected and clearly indicates how decision makers should react as required by NPPF

¹ Exam ref EB 74, Lambeth Local Distinctiveness Study (2012) https://www.lambeth.gov.uk/sites/default/files/EB08_13_Lambeth_%20Local_Distinctiveness_2012.pdf
Exam ref EB 75, Lambeth Conservation Area Appraisals <https://www.lambeth.gov.uk/planning-and-building-control/building-conservation/conservation-area-profiles-guide>

Chapter 12 and paragraph 16. These robust development management policies will therefore be effective and will provide a greater degree of certainty in the planning application framework.

- 2.3 We particularly support policy Q16. A standalone policy on shopfronts provides explicit recognition of how historic shopfronts can positively contribute to an area both aesthetically and economically.
- 2.4 Policy Q19 is an important policy that seeks to proactively address the findings of the 2017 UNESCO/ICOMOS Monitoring Mission². The Mission Report finds that the existing planning framework used to manage development within the setting of Westminster World Heritage Site (WWHS) is inadequate. The result is that developments being approved within the setting are having cumulative negative impacts upon the Outstanding Universal Value of the WWHS. Point 4 pg. 135 of the report specifically refers to developments in the Vauxhall area of Lambeth as some of those that have caused harm. The Mission report recommends that planning policies are reconsidered to better balance between the protection of OUV and other development benefits. Q19 b) actively seeks to respond to these findings and makes provisions to enhance, or at least not perpetuate, the cumulative harm identified. ELP policy D8 part 4, places an emphasis on cumulative impacts, which puts in place a more effective framework for managing the location of tall buildings than the previous draft of the London Plan. The proposed policy has been revised to align with the ELP.

Question 8.3 Tall buildings:

- (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**

² Exam ref EB 80, Report of the UNESCO/ ICOMOS Monitoring Mission to London, 2017
<https://whc.unesco.org/en/decisions/7056>

considerations, such as the Westminster World Heritage Site, is this approach both justified and realistic?

- 2.5 The heights set out in paragraph 10.147, along with Annex 11, explain what types of development would trigger the use of policy Q26. The parameters set are based on evidence and align with ELP 3.9.3 which defines tall buildings as those “substantially taller than their surroundings”. This ELP definition recognises the point that what is considered tall will be relative to a specific area. ELP D9-A also tells us that definitions should be based on local context. Therefore setting a locational based range, as is done in paragraph 10.14.7, is helpful in implementing a context based approach to what is considered “tall”. This approach is broadly in line with Historic England’s advice note 4: Tall Buildings, which states:

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

- 2.6 This approach also 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.

(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]

- 2.7 The provision of a range of definitions is a response to the context-led approach to building heights required by the ELP. The ranges would, in our view, provide consistency in the development management process as paragraph 10.147 and Annex 11 clearly explain when the policy should be used.

2.8 In our view definitions based on local circumstances and character, determined by the boroughs based on evidence, are preferable and reflect the aspirations of the NPPF.

2.9 Specifying a number of storeys is not helpful as it is difficult to define how tall a storey actually is. For example pent house storeys and ground floor storeys can often be double height. We advise that heights are always expressed in metres, at both AOD and ground level, in order for them to meaningfully applied.

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

2.10 Yes. This is required for the plan to align with ELP D9-B (also see 3.9.2; 3.9.3). We strongly support part a) of the policy which is justified by evidence that comprises testing, modelling, and robust, up-to-date baseline documents. This also aligns with NPPF 20 and NPPF Chapter 12.

2.11 The ELP has a strong focus on the locational principles for tall buildings so that they come forward in a plan-led way. This is a revised approach that directly responds to the issues surrounding tall buildings as they have become better understood. We would direct the Inspector's attention specifically to:

- ELP 3.9.1 – talks about the benefits that tall buildings can deliver when they are located “in the right place”, this recognises both the townscape benefits that they can provide but also responds to the harmful impacts which are evidenced from existing tall buildings that are considered to have had a harmful impact.
- ELP 3.9.2 – talks about the steps boroughs should take to determine areas that are suitable for tall buildings

2.12 Q26 part c) seeks to address harmful elements and sets out an emphasis on enhancement. This demonstrates a positive strategy for the conservation of the historic environment. We support part c).

2.13 We have raised serious concerns regarding part b) of the policy and we request that it is deleted and replaced (see suggested wording below). Consequently 10.150 should also be deleted. If the Council feel that there are further sites that could be appropriate for tall buildings then the most appropriate way to address this would be to bring them forward via the Site Allocations Development Plan Document (SADPD) where they can be properly evidenced. This will preserve the integrity of the plan-led system. If this is to work however, a policy provision will need to be added to ensure that additional tall building sites can be brought forward in the SADPD without the SADPD conflicting with the strategic local plan policy (Q26). We have provided some suggested wording that will make the policy sound:

b) Outside Annex 11 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.

2.14 NPPF 15 tells us that “*the planning system should be genuinely plan-led*” – therefore opening up the possibility for the entire borough to be considered appropriate for tall buildings, as part b) does, undermines this approach. Part b) would likely encourage speculative applications that could undermine the objectives of the plan. The policy would therefore not conform to national policy in this respect.

2.15 As drafted policy Q26 part b) is a departure from the approach required by the ELP, and the NPPF. It creates ambiguity which undermines the plan-led system, while encouraging development in untested locations that may result in harm to the historic environment. The policy is not consistent with the ELP

or NPPF, it is not positively prepared, not supported by evidence, nor will it be effective, and is therefore unsound.

(vi) Some of the representations express concern that the existing tall building policy has not been enforced; if this is true, what is the evidence that this Plan will be more successful than its predecessor?

2.16 It is worth noting that the findings of the 2017 UNESCO/ICOMOS Monitoring Mission also reflect this view. The revised policies do provide additional criteria that strengthen the policies and so should make them more effective. However decision makers need to have the confidence to implement them and consider the cumulative harm that tall building can cause to the historic environment. The new policies are based on up-to-date evidence which should help provide this confidence. However, as discussed above, the inclusion of Q26 part b), risks the policies being undermined.

(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?

2.17 No. National legislation, namely PCP Act 2004, section 38 (6); and NPPF paragraphs 2; 12; 47 tells us that a material consideration is a departure from the development plan. We are therefore of the view that, in the case of this policy, a criterion on material considerations is not a necessary component of a local plan. National legislation and the NPPF already make the provision for material considerations to be taken into account. The NPPF also contains the tests that set out how public benefits should be considered. The inclusion of this would unnecessarily duplicate national policy. What constitutes a public benefit and what can be delivered depends entirely upon the merits of individual schemes. Such weighing up exercises should also consider the public dis-benefits that stem from the harm potentially caused to the historic environment as result of building height. The inclusion of this criterion would introduce an element of predetermination as it provides a supportive policy

basis for any public benefit argument to be put forward. In contrast the NPPF sets out a more sophisticated test. In addition, it could be argued that to 'invite' applications for taller buildings where there is a public benefit case is not compliant with NPPF paras 124-126 which tells us that plans should set out clear design expectations. Having this reference to public benefits reduces clarity about design expectations

Conclusions

- 3.1 We are generally supportive of the policies that relate to the Quality of the Built Environment. These policies align with the ELP's nuanced approach to new design, which sets out a design-led approach based on an understanding of local character (ELP policies GG2; D1; D3; D4; D9; HC1; HC2; HC3; and HC4); and adopted London Plan policies 7.4; 7.8; and 7.9. The policies are based on sound evidence, and are justified. The historic environment is considered appropriately throughout the policies which positively prepared, and set out a clear strategy for the conservation and enhancement of the historic environment.
- 3.2 Concerns remain however regarding Policy 26, part b) which we consider to be unsound. We have suggested a way forward that would overcome these concerns to make the plan sound. This could be done as a modification.