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Dear Sir/Madam,

**Barnet Local Plan Examination - Comments on Examination Documents
Land at The Hyde, 1606 The Hyde, Edgware Road NW9 6NW**

Thank you for your email dated 24th April 2023 in relation to the Inspector Led Consultation on the EXAM documents relating to the Barnet Local Plan Examination. We write on behalf of Casa Bella Developments Ltd to make written comments on document EXAM79 (Note on Tall Buildings). This follows on from representations made in Summer 2021 at Regulation 19 stage, as well as Matter 8 (Design, Tall Buildings and Heritage) of the Barnet Local Plan Examination (respondent reference: 027) (both within a Hearing Statement¹ and through participation at the public hearing).

Within EXAM79 the Council confirm that following discussions at the EIP hearing session, there are a number of further proposed modifications that they propose to the wording of both Policy CDH04 and supporting text as well as designations on the Policies Map. We provide our comments on these below.

Major Thoroughfare - A5 Edgware Road

In their response to Section 3, the Council states that: "*Barnet's historical and suburban character is generally not considered suitable for tall buildings outside the strategic locations outlined in Policy CDH04*". The Council reaffirm this position in their response to Section 18, suggesting that tall buildings are therefore not the preferred model of housing delivery. The Council go on to suggest that historic routes such as the Edgware Road (A5) and the Great North Road (A1000) comprise of "*more sensitive townscapes*" and that tall building developments along these locations would therefore present "*greater challenges*". As such, the Council conclude that tall buildings along these routes should be restricted to the "*specific site opportunities*". The Council outline the evidence that they consider supports this approach in their answer to Section 5; however, for the reasons set out within our Hearing Statement and below, the evidence is inadequate and does not justify the restrictive approach proposed by the Council for the A5 Edgware Road.

This position stands in contrast to Barnet's Tall Buildings Update (2019) which acknowledges the significant change in character that has occurred along the A5 Edgware Road, and the need for change and significant growth along it. The Tall Buildings Update (2019) recognises that "*Reflecting development since 2010 new tall buildings have now become a feature of Barnet's townscape*" and demonstrates the following in respect of the A5 Edgware Road:

¹ [Matter 8 Written Statement - Savills for Casa Bella Developments.pdf \(barnet.gov.uk\)](#)



- It has been the focus of continual renewal and intensification and includes a spread of tall buildings (page 12) (also acknowledged in Section 10 of EXAM79);
- It lies in a valley floor where taller buildings are less likely to have a significant impact on key views (page 19);
- The two Locally Important Views affect small areas. The assessment also confirms that tall buildings in key views may be appropriate (page 17 and 18);
- It is located in the more accessible part of the borough (page 20 and 24);
- Whilst it is noted that there are two conservation areas (CA's) adjacent to the A5 Edgware Road, Both CA's take up a very small proportion of the total length of the thoroughfare. Further the assessment does not exclude the possibility of tall buildings within a CA (page 21 and 25);
- A number of town centres and OA's are located along it and there is capacity for additional growth along the A5 Edgware Road (page 22, 26 and 27); and
- Tall buildings are part of the character (page 28 and 29).

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

The A5 Edgware Road is therefore not a sensitive location. It is suitable for growth, and high density development inclusive of tall buildings. It is also pertinent to note that as outlined within our Hearing Statement, the Tall Buildings Study Update is dated as it does not accurately reflect the existing and emerging character of the major thoroughfare which has been transforming, and will further transform over the coming years, due to significantly sized schemes which have been approved since the study was prepared². The evidence base does not account for these fundamental changes to the character of the thoroughfare.

Taking account of the above, the Councils assertion that that the A5 Edgware Road is a *"more sensitive townscape.."* is not justified.

The Council are intending to maintain their approach to removing reference to Major Thoroughfares as a broad location where tall buildings may be acceptable, as per the main modifications proposed in EXAM4. For the reasons outlined within our Hearing Statement and this letter, the Council's suggested modifications are not justified. The further modifications within EXAM79 do not go far enough with regards to recognising the suitability of the A5 Edgware Road major thoroughfare for tall buildings. Despite the Councils assertion in their response in Section 11 and consistent with their response to Section 13, the evidence base has not led to the determination of exact site locations for tall buildings along the A5. The evidence base does not provide a site by site analysis along the A5 therefore it does not justify restricting the tall buildings locations to only allocated sites. Indeed this conflicts with Policy GSS11 which confirms that *"further sites will come forward..."*. Policy CDH04 should therefore revert back to its submitted wording insofar as recognising that tall buildings may be appropriate along the Edgware Road (A5) Major Thoroughfare.

In Section 15 of EXAM79, the Council states that whilst their Characterisation Study is over 10 years old, *"most of the character areas have not changed much over the years so the Study remains relevant"*. This implies that

² In addition to the schemes listed in Appendix 1 of the Hearing Statement, Planning Permission ref: 22/1065 has also received a resolution to grant planning permission from Brent Council for a 20 storey development at Symal House and 421 Edgware Road, London NW9.

there are indeed areas across the Borough which have changed. Over 10,000 new homes have been built in the borough since 2011³, with higher density development, including tall buildings and flatted developments, now forming established parts of the character of parts of the borough including along the A5. The LBB Characterisation Study fails to capture the significant change in character that has occurred; neither does it capture the necessary need for change and significant growth. Neither does it identify suitable locations for growth, and the potential scale of growth.

The change in character along the A5 Edgware Road is recognised within the Officer Report⁴ for the Crown Honda site, in which Officers commented that a key material planning consideration was that *“the character of surrounding area has been subject to a fundamental change in terms of the prevailing architectural typologies and in terms of the scale of development”*. The Characterisation Study is therefore dated in relation to the A5 Edgware Road. The reliance of the tall buildings evidence on it means that the evidence base supporting Policy CDH04 is not sufficient to justify the Councils policy approach.

The approach proposed by the Council for the A5 Edgware Road is not justified. The evidence base is not as detailed as expected by the London Plan. As a consequence, the draft policy and proposed modifications are not sound. The potential for tall buildings along the length of major thoroughfare should be recognised as appropriate, subject to a design-led approach.

Tall Building Proposals Outside of Identified Locations

In Section 3, the Council confirms that they have reviewed approaches to tall buildings outside of strategic locations taken by two recently adopted Local Plans in London (Lambeth and Brent). The Council recognise that as per London Plan Policy D9, in areas where tall buildings already exist, there may be sites appropriate to introduce further tall buildings which fall outside of the strategic locations. As such, they acknowledge within their response that:

“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”

This is the correct approach to apply having regard to the outcome of the High Court case *R (LB of Hillingdon) v Mayor of London* [2021] which found that tall buildings outside of a strategic location can be acceptable. The Council also acknowledge in their response to Section 14 that the policy wording is drafted intentionally using ‘may’, because the locations listed are not automatically considered appropriate for tall buildings. In a similar way they state that *“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”*. Further, their response to Section 18 acknowledges that there may be opportunities for windfall sites or other development opportunities to come forward in locations that have not been anticipated through the plan-led process.

³ Key Facts Evidence Paper (June 2021) – Document reference: Core_Gen_20

⁴ See Appendix 3 - Officers Report for Application ref: 20/3906/FUL, for erection of three buildings ranging in height from 20 to 24 storeys providing a range of uses including up to 470 residential units, office and workspace, self-storage, flexible community space and a café.

The Councils acknowledgement of these principles in their responses is welcome; however, in order for the Plan to be positively prepared, the potential for tall buildings coming forward outside of identified locations should be explicitly expressed within the Local Plan policy. This is necessary to address the requirements of NPPF paragraph 16 which requires policies to be clearly written and unambiguous, so that it is evident how a decision maker should react to development proposals. It would not be appropriate to leave this for a future SPD to outline as suggested by the Councils response in Section 20. Further modifications are therefore considered necessary to confirm how development proposals for tall buildings outside of strategic locations would be assessed. Acknowledgement of how tall buildings would be considered outside of identified location would also help to overcome the shortfalls identified in the Councils evidence base.

Other Matters

Very Tall Buildings - The Council propose to direct very tall buildings of 15 or more storeys to Growth Areas through further modifications outlined in Section 19. However, this is at odds with other responses within EXAM79 where the Council express that massing should be informed by site specific analysis, visual impact assessment and individual assessment of proposals.

As expressed by the Council in a number of their responses in EXAM79, where heights have been indicated in the evidence base, these are indicative and the final determination on heights should be informed by detailed site specific analysis and visual impact assessment. The same principles should apply to all tall buildings proposals, such that the final height should be the output of a design-led approach.

Fire Safety (Second Staircases) - As outlined within the Councils response to Section 22, they propose that Policy CDH04 requires all residential buildings over 30 metres to have two staircases. This is in light of the Mayor's statement on fire safety released in January 2023. It is noted that the Government consulted on the requirement for second staircases between December 2022 and March 2023. The outcomes of the consultation are not yet known; therefore, it would be more appropriate for the policy to refer to the need for tall buildings to meet relevant Building Regulations standards on fire safety. If the regulations evolve over the plan period, the policy will become outdated and therefore, the policy should simply refer to the need to meet Building Regulations as relevant at the time of the application.

Conclusions

Thank you for the opportunity to provide further comments as part of the Local Plan Examination process. We have reviewed EXAM79 (Note on Tall Buildings) which has been produced by the Council following the public hearing sessions. For the reasons outlined above, it is considered that the further modifications proposed by the Council do not go far enough to address the concerns raised within our Hearing Statement and during the public hearing. The modifications proposed are not justified having regard to the evidence base that has been produced in respect of tall buildings, particularly in relation to the A5 Edgware Road. This Major Thoroughfare should be re-instated as a location where tall buildings may be appropriate, and further clarity should be added into the policy in relation to how sites outside of tall buildings locations should be treated.

Yours faithfully,

Samruti Patel
Director

cc. Ian Kemp (programme Officer) - ikemp@icloud.com