



Examination into London Borough of Barnet Local Plan

Stage 2 (Matters 8 – 12)

Matter 8

Representations on behalf of
DTZ Investors UK Ltd (on behalf of Strathclyde Pension Fund)

(Respondent reference number 41)

MATTER 8: DESIGN, TALL BUILDINGS AND HERITAGE

MATTER STATEMENT – MATTER 8

1. These Representations are made on behalf of “DTZ Investors UK Ltd” (“DTZ”), in response to the Inspectors’ Matters, Issues and Questions published on 12 July 2022. DTZ submitted written representations to the Regulation 19 Consultation of the Barnet Draft Local Plan in August 2021, in relation to the New Southgate Opportunity Area (“NSOA”) and tall buildings.
2. These representations address only questions that are of relevance to DTZ’s interests. The order that the questions have been answered prioritises the principal points raised by DTZ.
3. These representations do not deal with heritage matters on the basis that all heritage assets have been identified, given the advanced stage of the plan making process, and there are none in relation to the NSOA.

MIQ 8.4 Policy CDH04 seeks to provide an approach to tall buildings in strategic locations, is it positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan in those respects? Responses should address the following:

d) Would the policy approach be consistent with and support the delivery of the specific strategic requirements of Policies GSS01 to GSS12 and the density expectations and site capacities of the proposed site allocations identified in Annex 1 of the Plan?

What particular part of the Plan is not legally compliant and/or unsound and why does it fail?

4. Policy CDH04 identifies opportunity areas as strategic locations that may be appropriate for tall buildings, which is supported, and it is acknowledged that the NSOA is referred to in Policy GSS01 as an opportunity for new homes.
5. However, whilst we acknowledge that the NSOA is located across three Boroughs, it is identified by Policy GSS01 for only 250 homes. This is not reflective of the potential capacity of tall buildings, which would be of a much higher density and able to provide significantly more homes. Nor is it representative of Opportunity Areas, which the London Plan defines as principal opportunities for accommodating large scale development to typically provide more than 2,500 homes¹.

What legal compliance issue or soundness test(s) does it fail and why does it fail?

6. Policies CDH04 and GSS01 are therefore not effective, as currently worded they would not achieve sustainable development, and they do not conform with the London Plan. This is because the artificially low housing target will act as a cap to prevent tall buildings coming forward on the NSOA which is the antithesis of the correct approach to OAs and which contradicts other parts of the plan that encourage tall buildings to come forward on OAs².

How could the Plan be made legally compliant or sound?

¹ The London Plan Definitions (Page 514) https://www.london.gov.uk/sites/default/files/the_london_plan_2021.pdf

² See for instance paragraph 16.5.2, where OAs are referred to as “the capital’s principal opportunities for accommodating large scale development.”

7. The capacity potential of the NSOA referred to in Policy GSS01 should be amended to reflect an appropriate level of development that is suitable for, and expected of, an opportunity area. The NSOA should be dealt with in a specific strategic policy of its own (as set out below and in our previously submitted representations to Matter 1 – Legal Compliance and the Duty to Co-Operate, Matter 2 – Spatial Strategy And Strategic Policies and Matter 4 – Planning for the Borough’s economy, including employment, retail and other main town centre uses).

What is the precise change sought?

1. A draft additional policy is set out below and in our previously submitted statements to Matters 1, 2 and 4:

POLICY GSS0X New Southgate Opportunity Area

The New Southgate Opportunity Area is designated within the London Plan as one of the capital’s principal opportunities for accommodating large scale development. The New Southgate Opportunity Area provides an opportunity for regeneration and intensification, supported by high existing PTALs and potential future transport infrastructure improvements, along with the availability of substantial underused sites. The Council will support planning proposals that optimise residential and employment density, including co-location, on suitable sites while delivering improvements to the amenity of the area.

To deliver growth and regeneration at New Southgate, the Council will seek the following from development within the part of the Opportunity Area which lies within LB Barnet:

- ***Up to 1,000*** new homes throughout the Plan period, with the potential to increase further upon delivery of public transit infrastructure improvements;
- ***Up to 1,000*** new jobs throughout the Plan period, across a range of employment uses including distribution and logistics, and retail; and
- ***Appropriate levels of floorspace*** for community, leisure, and commercial uses.

The Council will seek to prepare a more detailed planning framework for this area, such as through an Area Action Plan or Supplementary Planning Document, working with LB Haringey and LB Enfield to achieve a comprehensive approach.

a) Is the overall policy approach consistent with the expectations of Policies H1 and D9 of the London Plan in terms of identification of locations for tall buildings and optimising housing delivery in PTAL3 to 6 locations or within 800m distance of a station or town centre boundary, and the Framework insofar as it seeks to achieve well-designed places?

What particular part of the Plan is not legally compliant and/or unsound and why does it fail?

8. Draft Policy CDH04 is inconsistent with London Plan Policy H1 as it doesn’t treat access to sustainable transport infrastructure as a key consideration for higher density / tall buildings. It fails to integrate with the NSOA, meaning that the opportunity to optimise its development potential may not be realised.

9. The draft Local Plan also fails to properly identify locations for tall buildings, which is a requirement of London Policy D9³, as the boundary of the NSOA is not clearly defined.

What legal compliance issue or soundness test(s) does it fail and why does it fail?

10. As currently worded, the policy is inconsistent with the London Plan and so is not effective or positively prepared.

How could the Plan be made legally compliant or sound and what is the precise change sought?

11. As per paragraph 8 above, draft Policy CDH04 should be amended to highlight that sites served by sustainable transport infrastructure are, generally, better able to support the higher densities associated with tall buildings, and so are preferred locations for such buildings.
12. Whilst the supporting text for Policy CDH04 states that the Council will consider a joint area planning framework with the London Boroughs of Enfield and Haringey for the NSOA, the boundary of the NSOA should be clearly defined on a map in the Local Plan before this is prepared. LB Enfield have already defined their boundary as well as made site allocations within it⁴. There is no reason why the London Borough of Barnet cannot take a similar approach especially as defining land use designations such as OA boundaries is the archetypal local plan making function, the exercise on which the LPA is currently engaged.

b) Is the identification of the strategic locations listed in the policy where ‘tall’ buildings (defined as 8 to 14 storeys or 26 to 46 metres) are appropriate, informed and justified by robust evidence, and are the locations sufficiently precise?

What particular part of the Plan is not legally compliant and/or unsound and why does it fail?

13. Whilst we support the identification of opportunity and growth areas, including the NSOA, as strategic locations where tall buildings may be appropriate, the locations are not of practical assistance as the boundaries of the opportunity areas are not clearly defined.

What legal compliance issue or soundness test(s) does it fail and why does it fail?

14. As stated in paragraph 10 above, the policy is inconsistent with the London Plan.

How could the Plan be made legally compliant or sound and what is the precise change sought?

15. Please refer to paragraph 12 above which applies equally in response to this question, but which is not repeated here for brevity.

c) Are there any other locations where evidence suggests that ‘tall’ buildings may be suitable and if so, should these be reflected in the policy?

What particular part of the Plan is not legally compliant and/or unsound and why does it fail?

16. Tall buildings represent higher density development and London Plan Policy H1 suggests that higher density development should be accommodated where new sustainable transport infrastructure is

³ London Plan Policy D9 states that appropriate locations for tall buildings should be identified on maps in Development Plans.

⁴ See for example the Draft Proposals Map (2021) ([https://www.enfield.gov.uk/_data/assets/pdf_file/0022/12667/Draft-Policies-Map-Planning.pdf-local-plan](https://www.enfield.gov.uk/services/planning/new-https://www.enfield.gov.uk/_data/assets/pdf_file/0022/12667/Draft-Policies-Map-Planning.pdf-local-plan))

planned. Therefore, locations that are well served by new and existing sustainable transport infrastructure should be specifically identified as potentially suitable locations for tall buildings.

What legal compliance issue or soundness test(s) does it fail and why does it fail?

17. The policy is not effective as it fails to identify any potential opportunities for tall buildings and the associated higher density development. Planning policies should be framed to encourage tall buildings to come forward and such locations should be clearly identified on the Policies Map.

How could the Plan be made legally compliant or sound and what is the precise change sought?

18. Draft Policy CDH04 should be amended to include highly accessible sites as appropriate locations for tall buildings.

19. An additional bullet point should be added to the first part of draft Policy CDH04 (a.) stating:

- *Sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m distance of a station or town centre boundary.*

e) Is there sufficient evidence to support the approach to ‘very tall’ buildings of 15 storeys or more and if so, why are exceptional circumstances required to be demonstrated rather than the identification of specific suitable locations?

What particular part of the Plan is not legally compliant and/or unsound and why does it fail?

20. DTZ is broadly supportive of the proposed approach to very tall buildings. Albeit, as per paragraph 5 above, the London Plan defines opportunity areas as the principal opportunities for accommodating large scale development, and this clarity is presently missing from the Emerging Plan. Therefore, Opportunity Areas should be identified at the beginning of the policy as being locations that are particularly appropriate for very tall buildings, in addition to already being identified as appropriate locations for tall buildings.

What legal compliance issue or soundness test(s) does it fail and why does it fail?

21. As stated in paragraph 6 above, Policies CDH04 and GSS01 are not effective because, as currently worded, they would not achieve sustainable development, and they do not conform with the London Plan.

How could the Plan be made legally compliant or sound and what precise change is sought?

22. Draft Policy CDH04 should clarify that opportunity areas are entirely appropriate locations for very tall buildings.

f) Why would ‘appropriate siting in an Opportunity Area or Growth Area’ constitute exceptional circumstances?

23. Please see paragraphs 5 and 20 above, which apply equally to this response but are not repeated here for brevity.

j) The Council’s proposed modifications, include changes to Map 4 of the Plan and seek to reinforce the need for careful consideration of heritage assets. Why are such changes necessary for soundness



and would they require any consequential modifications to the policy, its supporting text or other parts of the Plan?

24. The need for careful consideration of heritage assets is clearly important. However, Map 4 is not helpful with regard to understanding whether or not a site falls within a locally important view. It is presently very difficult to consider the impact of a proposal on those views, based on this map. The views are shown more clearly on the Tall Buildings Update (2019) because they are represented as cones that define the zone within and outside the view.
25. Map 4 should therefore utilise view “cones” rather than the proposed arrows formed of a single straight line to limit the amount of subjective interpretation to which the policy will be subject.
26. Map 4 also fails to identify the NSOA as a strategic location for tall buildings, despite it identifying other OA’s as locations for such development. This inconsistency is further compounded by the NSOA being specifically identified within draft Policy CDH04 as being appropriate for tall buildings.
27. Map 4 should therefore be amended accordingly to specifically identify the NSOA as a strategic location for tall buildings.