

Briefing Note

543 Lea Bridge Road - Representation Notes Rev A

1. Representation Notes

- 1.1 Thank you for giving me the opportunity to speak on behalf of London Hotel Group, and in particular on the Council's intended approach to the tall building and building heights policies.

Background

- 1.2 I will set out the chronology of our representations and the position of my client. They own 543 Lea Bridge Road, a hotel outside of the Bakers Arms District Centre, and on their behalf, we have made representations throughout both the LP1 and LP2 consultation processes.
- 1.3 Our focus has been on the Council's emerging approach to tall and taller buildings, and the inclusion of the site as a Site Allocation.
- 1.4 In December 2020 we made representation to both the Reg 19 version of Local Plan (LP1), in particular Tall and Taller Buildings policy (Policy 57), and Reg 18 version of Site Allocation Document (LP2). For the former we supported the Council's Evidence Base, and the policy wording that supported a tall building on such Transitional sites. To build in the positive approach to building heights in the Evidence Base, we suggested a positively worded justification for sites outside of Strategic Locations, and this aligned with the Council's then Table 14.1
- 1.5 Our approach to the LP2 consultation process was to promote the inclusion of the site for a mixture of uses and to support a high density of development.
- 1.6 At this time, LHG were in pre-application discussion with the Council since 2019 in relation to a comprehensive redevelopment of the site for the construction of buildings up to 13 storeys. The Council has responded positively to these emerging principles, which were then paused following COVID-19 and the subsequent impacts upon the hotel industry.

December 2020 Representations

LP1

- 1.7 In December 2020 the Council consulted on their Regulation 19 version of the LP1 document. We made representations on the Evidence Base – the Characterisation, and Intensification Study (2019), and their Policy 57. The Evidence Base established the parameters for transitional sites, and the Policy 57 established the preferred locations and assessment criteria, and heights of tall and taller buildings.
- 1.8 In submitting what they believed to be a sound plan and suite of policies, the Council sought to direct these buildings to Strategic Locations and Opportunity Areas. Outside of these areas, tall and taller buildings could be acceptable, subject to an opportunity for Transition and Transformation. This was

underpinned by the then Table 14.1 of the Plan that included 6-9 storey Taller Buildings and 10+ storey tall buildings.

- 1.9 In applying the Council evidence base, the site has the characteristics of a transitional character areas, as defined in the Characterisation, and Intensification Study (2019). In such areas, the Study explains tall buildings would be acceptable in transition areas (see p.18 for Transition intensification, and p.14 for an explanation of the Floor Area Ration suitable in such Transition areas). Furthermore, the Study also stipulates that the appropriateness of locations for tall buildings should be based on assessment of the character and opportunities native to the site, with some exceptional circumstances suiting buildings up to 17 storeys (stated as Category B on p.29).
- 1.10 Therefore, plainly put, a clear and sound link exists between the Evidence Base and the submitted Policy that support Tall Buildings up to 17 storeys in Transition areas.
- 1.11 We did made representations that a subtlety in the policy positivity would make the Policy sound by re-wording to support tall and taller buildings outside Strategic Locations and Opportunity Sites subject to where an opportunity for Transition or Transformation is justified, i.e. consistent with the subsequent Table 14.1 of the Plan, and also therefore consistent with the Evidence Base.
- 1.12 In this approach, the Council are aligned with their strategic objectives of optimising the use of brownfield land and meeting the pressing need in the Borough for housing from such sites.

LP2

- 1.13 We also made representations at this time for the inclusion of the site as part of an allocation in the Reg 18 version of LP2 on the basis of the 2019 pre-application scheme, supported by a Townscape Assessment by Montagu Evans which concluded some additional and substantial massing could be achieved.

January 2022 Representations

- 1.14 In January 2022, the Council consulted on their Regulation 19 version of the Site Allocation Document (LP2). This positively responded to our December 2020 representations and the site has been identified as being Transition area and could take 90 new homes as part of a mixed-use development. In response, we made further representations that that the site is suitable for a tall building, given its corner block typology as identified in the Characterisation, and Intensification Study (2019).
- 1.15 This process has not been concluded and we understand a further round of consultation is pending.

January 2023 Representations

- 1.16 We observed the Examination in Public and understand that prior to the EiP, the Council and the GLA agreed a Statement of Common Ground on several revisions to the Plan. This effectively changed the approach to tall buildings, introducing a map for areas where tall buildings are appropriate and a new policy for tall buildings.
- 1.17 We note that the Inspectors wrote to the Council on 5th May 2022 where you noted that “this represents a significant change, for which clear evidence and justification for the revised approach, including the selection of the areas suitable for tall buildings, will be required”.
- 1.18 Our significant objections in January of this year align with the Inspectors concerns, and relate to the substantial nature of changes to the wording of the Policy 57 and the introduction of an unnumbered Policy (what has become Policy 58). The fundamental issues relate to two fundamental points:

Soundness

- The scope of the changes sought through the Statement of Common Ground with the GLA go substantially beyond what was needed to make the Plan sound.
- The Inspectors can only entertain a main modification where it is necessary to make the Plan sound. As such, to propose these modifications the LPA will need to demonstrate how the Plan as submitted and in particular policy 57, at the point of submission, was not sound, i.e. why they needed to make the changes
- Despite the warning by the Inspectors, is no justification from the Council as to why the scope of changes to policy 57 are necessary to make the plan sound. We acknowledge that the plan needs a definition of tall buildings and which is necessary to achieve general conformity with the LP. However, no such justification is available or has been provided by the Council for the modification which substantially reduces the spatial extent of the Borough suitable for tall buildings.

Evidence Base

- The Characterisation and Intensification Study was part of the evidence base for the form of policy 57 in the Regulation 19 version submission of the Plan, and this supported the wider location of tall buildings and not the substantially narrower version in the form of the modifications.
- In response to the Inspectors comments and MIQs, the LPA – through the Topic Paper, Statement of Common Ground with the GLA, and recent document titled ‘Response to Further Matters, Issues and Questions’ dated January 2023, has provided no material justification for why Policy 57 was unsound at the Reg 19 stage – beyond the introduction of the definition of a tall building – to justify those modification that are being proposed.
- There is no reference to the Evidence Base documents in the justification text, nor any clear path as to how this substantially tighter approach to Tall buildings (either the identification of Sites, the reference to Strategic Locations, etc) has been achieved from the continued reliance upon the Characterisation, and Intensification Study as part of the Evidence Base.
- The scope of the changes to the policies are not necessary to achieve general conformity with the London Plan. The Council should have restricted the scope of modification to the policies to provide an explicit definition of a tall building. In the submission version, the policy 57 wording already identifies the locations where tall buildings may be appropriate (See Policy D9(B) of the London Plan). No further changes are needed to make the policy sound.
- The additional Evidence Base document, the Skyline Study, wholly fails to suitably assess the impact of tall buildings in any reliable form of evidence. It looks only at certain selected site. Its scope and methodology does not extend to assess the suitability of wider areas of the Borough of tall buildings, and it does not provide the clear evidence that was recommended by the Inspectors. Indeed, the Skyline Study is inconsistent in scope, methodology and use alongside the Characterisation, and Intensification Study.
- Ultimately, there is no additional or revised Evidence Base documentation to corroborate the revised policy approach.

January 2023 Policy Wording Position

- 1.19 In our January 2023 representations, we explained our significant concerns to this new approach,
- 1.20 We have suggested that Policy 57 be revised to allow flexibility in the policy for Local Plan 2 (Site Allocation) sites to include references to tall buildings, but on the basis that we can further make representations in the stalled LP2 document. This suggestion was aligned with Table 14.1 of then unnumbered Policy XX – effectively taken from Policy 57, which clearly supported Tall Buildings in Transition Areas.
- 1.21 It would be our intention to make further representations to the LP2 process, which we understand is going for further consultation, to ensure that the draft Site Allocation includes an explicit reference to a tall building being potentially acceptable on this Site.
- 1.22 It is noted that 'Policy XX' clearly makes reference to the Characterisation and Intensification Study which supported tall buildings on Transition location

February 2023 Policy Wording Position

- 1.23 Our issue on the approach to tall and taller buildings has been further compounded in the Council's document titled 'Response to Further Matters, Issues and Questions' dated January 2023. There is no substantial response to the Inspectors question 6.6 – 'whether the main modifications are necessary for soundness', which follows the Inspectors concerns in the correspondence of 5th May 2022.
- 1.24 The Council has instead further contracted the Policy 57 by removing the reference to 'Transitional' Local Plan 2 (Site Allocation) sites to include tall buildings. We object to this removal given that it seeks to now only allow Transformation sites to be allocated as Tall Buildings through LP2. We also note that the third paragraph of Policy 57 substantially changes the criteria from that identified in Criteria B of the Regulation 19 version of Policy 57.
- 1.25 Policy 58, formerly the unnumbered Policy, has also been revised in its approach to Transition character locations, omitting the reference to Local Plan 2 (Site Allocation).
- 1.26 This suggests therefore that no Transitional Sites not already identified can be granted planning permission for tall buildings through a planning application or via a Site Allocation.
- 1.27 Again, we therefore strongly question whether these changes / modifications, are necessary to make the Plan sound. The reasons previously explained remain, in so far as that there is a further shift away from the Regulation 19 version of the Plan, there is a lack of evidence base, and the scope of changes go excessively in advance of what is necessary to make the plan sound, and are arguably now not consistent with the London Plan which allows tall buildings to be identified through Site Allocation documents.

Conclusions

- 1.28 We have made rewording suggestions to the Regulation 19 version of the Policy 57 of Plan in our December 2020 representation to make the Plan sound.
- 1.29 We subsequently made representation to the GLA Statement of Common Ground wording of Policy 57 in our January 2023 representations.
- 1.30 Given that we do not agree the scope of the Council's suggested modifications to Policy 57 are justified and necessary to make the Plan sound, we suggest that the Inspector rejects the suggested modifications. The Regulation 19 version of Policy 57, subject to our minor re-wording, is, we submit, sound.

1.31 In the alternative, if the Inspector does find that the principle of the Council's modifications to be sound, we make further based on our January 2023 representations or request the ability to submit further representations following this session. I have text to hand up and these are suggested:

- to omit the unnecessary requirement for matters to be agreed with the Council,
- for the omission of Strategic Locations as being a defining criteria – given that this was not a criteria in the Regulation 19 drafting, there is no basis for this in the Evidence Base documents, nor does the inclusion of this criteria recognise the acknowledged development potential and capacity of sites outside of these location in the Regulation 19 wording of policy 57.

2. Suggested Policy Wording

Policy 57 – December 2020 Regulation 19 Version

B. Taller and Tall buildings ~~are unlikely to~~ may be supported outside Strategic Locations and Opportunity Sites. ~~In some limited circumstances however,~~ subject to local character and context, and where an opportunity for Transition or Transformation is justified and agreed (~~normally at pre-application stage~~) in accordance with the approach to intensification set out in Policy 8, (Character-Led Intensification) , Taller and/or Tall buildings may be considered appropriate.

Note - it is suggested that this Policy should include a definition of a tall building and the following wording is recommended:

“For the purposes of these policy tests, the definition of a tall building in the borough is any building of 10 storeys or more in height .”

Policy 57 – March 2022 Statement of Common Ground Version

For the purposes of these policy tests, the definition of a tall building in the borough is any building of 10 storeys or more in height. Tall buildings will only be supported on some sites identified for a Transition or Transformation approach to character-led intensification, in line with Policy 8 of this Plan (Character-Led Intensification). These sites have been identified on Figure XX (map). The acceptability of tall buildings on these sites remains subject to thorough contextual analysis, a robust place making strategy, and meeting the policy tests below.

In general, the appropriate range of heights for new tall buildings is between 10 and 17 storeys in height. Detailed proposals for the heights of tall buildings must be informed by, and fully satisfy all policy tests set out below.

On some transformational sites, subject to contextual analysis, a robust place making strategy, and the following policy tests being met, buildings of 18 storeys or more may be acceptable. Indicative ranges of potentially acceptable heights for these sites will be provided in Local Plan 2 (Site Allocations).

In other ~~identified strategic~~ locations ~~that are not identified in Figure XX, and subject to a Council-led assessment of local character and context,~~ a tall building may be considered where an opportunity for transition or transformation is justified ~~and agreed by the Council,~~ on sites which benefit from good local public transport connectivity. Such sites will be identified in Local Plan 2 (Site Allocations) and/or other subsequent Development Plan Documents.

Any proposal for a tall building will only be supported where it fully satisfies the following policy tests, (including Visual Impacts, Environmental Impacts, Functional Impacts and Cumulative Impacts). These will apply to tall buildings in addition to the high quality design considerations set out in Policy 56 (High Quality Design) and other Building Heights considerations set out in Policy XX (Building Heights).

Visual Impacts

- i. Impact on the existing character and townscape of their surroundings considered in long-range, mid-range and immediate views;
- ii. Impact on the existing streetscape, including the provision of active frontages and sufficient, high quality public realm at ground level;
- iii. Impact on the existing, and where relevant emerging, skyline;
- iv. Contribution to existing and proposed spatial networks and hierarchies, wayfinding, and legibility;
- v. Impact on local heritage assets, their settings, and views into and from them. Heritage assets include conservation areas, listed or locally listed buildings and parks and gardens;
- vi. High quality design with careful attention paid to form and proportionality, materials, finishes, and details;

Environmental Impacts

- vii. Avoidance of harmful overshadowing or other impacts that would compromise the comfort and enjoyment of surrounding public open space, private or communal outdoor spaces, private amenity of neighbouring properties, watercourses and canals;
- viii. Avoidance of harmful environmental impacts in relation to overcrowding, overheating, wind movement, solar glare, microclimatic conditions, air, noise and light pollution and bird and bat strikes;
- ix. Use of sustainable design, materials and construction methods;

i Functional Impacts

- x. Demonstration of the safety of all occupants, including considerations such as internal and external design, construction detailing, materiality, and emergency exit routes;

- xi. The impacts of servicing, maintenance, and building management on safety, quality, and enjoyment of the surrounding public realm;
- xii. Connection to public transport, walking and cycling networks and access to nearby facilities such as shops, community facilities and social infrastructure.
- i. The avoidance of interference to aviation, navigation and/or telecommunications; and

Cumulative Impacts

- ii. The cumulative visual, functional, and environmental impacts of proposed, consented and planned tall buildings in the surrounding area.

Policy 57 – January 2023 LBWF Versions

For the purposes of these policy tests, the definition of a tall building in the borough is any building of 10 storeys or more, or 30m or more when measured from ground level. Tall buildings will ~~only~~ be supported on some sites identified for a Transition or Transformation approach to character-led intensification, in line with Policy 8 of this Plan (Character-Led Intensification). These sites have been identified on Figure XX. This remains subject to thorough contextual analysis, a robust place making strategy, and all the following policy tests.

In general, the appropriate range of heights for new tall buildings is between 10 and 17 storeys in height. On some Transformational sites however, there may be the opportunity to exceed this and, subject to contextual analysis, a robust place making strategy and all of the following policy tests, buildings of 18 storeys or more may be acceptable. Indicative ranges of potentially acceptable heights for these sites, and those Transitional sites, will be provided in Local Plan 2 (Site Allocations).

In some other ~~limited~~ circumstances, ~~and subject to a Council led assessment of local character and context~~, a tall building may be considered where an opportunity for Transition or Transformation is justified ~~and agreed by the Council~~ on sites:

- ~~– within Strategic Locations;~~
- which benefit from good local public transport connectivity; and
- where a tall building fully satisfies all policy requirements, including the design considerations below (including Visual Impacts, Environmental Impacts, Functional Impacts and Cumulative Impacts).

Policy 58 – January 2023 LBWF version

Agreed response to surrounding character	Indicative range of typical building shoulder heights	Indicative range of heights for buildings that exceed typical shoulder heights	Approach to Tall Buildings
Transformation	4-9 storeys	Refer to Policy 57 – Tall Buildings	
Transition	3-5 storeys	6-9 storeys	<p>Refer to Policy 57 – Tall Buildings</p> <p><u>Depending on the context and character of the site and its surroundings, either:</u></p> <p><u>a. 10-13 storeys: or</u></p> <p><u>b. 14-17 storeys</u></p> <p>and</p> <p><u>Refer to Policy 57 – Tall Buildings and relevant</u></p>

			Local Plan 2 Site Allocations
Reinforcement	2-5 storeys	Not appropriate, other than in exceptional circumstances where the site context and proposed land uses would be enhanced by taller buildings. In such circumstances, 6-9 storeys may be considered appropriate.	Not appropriate