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Date: 26 April 2023



Planning Policy Team
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London NW9 4EW

Dear Madam/Sir

Barnet Local Plan EXAM Documents and Statements of Common Ground Policy CDH04 Tall Buildings

I write on behalf of Regal JP North Finchley Ltd (“Regal JP”) to submit representations in respect of the EXAM documents and Statements of Common Ground prepared by the Council following the Examination in Public into the draft Barnet Local Plan.

As the Council is aware, Regal JP’s interest in the Local Plan is focused upon North Finchley Town Centre. Regal JP entered into a Site Assembly and Land Agreement in October 2021 to facilitate the comprehensive regeneration of North Finchley, and since that point has been working closely with the Council to develop the overall spatial vision and wider growth strategy for the town centre. As a result, Regal JP’s representations to the Local Plan to date and their attendance at the examination hearings was with a view to ensuring the emerging Local Plan reflected the evidence base and proposed vision for the scale of development and regeneration envisaged across North Finchley Town Centre.

Post the hearing sessions Regal JP has continued to work proactively with the Council who have jointly signed a Statement of Common Ground in connection with amendments to Policy GSS08.

Beyond Policy GSS08, the other key area of concern for Regal JP was Policy CDH04 regarding tall buildings. Regal JP provided extensive representations on the policy and appeared at the hearing to explain the nature of changes required to the policy, in particular to ensure consistency with London Plan Policy D9. Regal JP were unsurprised that a number of other respondents shared similar views and were pleased that the Inspector requested the Council carefully consider the wording of the policy.

Since the Examination, the Council has issued EXAM 79 which provides officers rationale for the policy wording. The document confirms that officers now accept the need for extensive amendments throughout the policy and its supporting text.

Regal JP has carefully analysed the proposed modifications to the policy wording. Given the scale of change envisaged across North Finchley, as set out in various evidence base documents including



the Council's Growth Strategy and the North Finchley Town Centre Development Framework SPD, Regal JP continue to be of the view that North Finchley should be identified as a strategic location within limb a) of the Policy. However, Regal JP note that limb d) of the proposed amends to Policy CDH04 has been updated to identify the criteria that any tall building proposal must address, regardless of location. As such, consistent with the London Plan Policy D9(C), the policy does not prevent tall buildings where the policy tests are satisfactorily addressed. This is consistent with the proper application of Policy D9 following the Master Brewer case.

However, the policy adopts an alternative and inconsistent approach to 'very tall' buildings. The Council's proposed modifications to Policy CDH04(b) suggests that 'very tall' buildings are not acceptable outside of the identified Growth Areas. As set out in our previous representations, the Council's evidence base does not provide a sufficient basis to reach this conclusion. The policy as now proposed to be modified in CDH04(b) would be far more restrictive than the approach in Policy D9 and would depart from the NPPF, because:

(A) It seeks to prohibit buildings over a set height in specific locations without:

(i) specific evidence, which is as a result not Justified; or

(ii) allowance for application of the London Plan D9(C) filters (which as a result is not in conformity with the London Plan or consistent with the NPPF approach to see effective use of land in urban areas and criteria-based approach to design excellence);

(B) The blanket prohibition outside of the stated locations is not consistent with the submitted evidence base, which:

(i) recognises that positive contribution taller buildings can make in areas like North Finchley;

(ii) makes clear that tall buildings should be considered via a "full site appraisal [...] with particular consideration for existing form and high quality design to promote integration of taller buildings" (Tall Buildings Study Update (2019)). [emphasis added]

The Local Plan is not supported by that level of site assessment, and it is exactly this kind of assessment (in line with the NPPF principles) that criteria-based policy filters as found in London Plan D9(C) provide to allow a Positive approach.

As recognised by the Study Update, the kind of blanket prohibition in limb (b) of the Policy would require far greater detail than found anywhere in the evidence base: "full site appraisal" with "particular consideration" of design specifics. The evidence base does not include that. Nor would it be appropriate to allow an SPD process which will lack Examination in Public scrutiny to supplant the role of the DPD in that sense.



A 'very tall' building already exists in North Finchley Town Centre (see site allocation 61). This location represents the focal point within the town centre, linked to public transport and shops/facilities etc. The redevelopment of the existing 'very tall' building itself with another 'very tall' building or the provision of other 'very tall' buildings in this location is a sound urban design response, subject to detailed testing.

As explained in our previous representations this approach was recently tested by the Planning Inspectorate at the Brent Local Plan Review. The January 2022 Report on the Examination of the Brent Local Plan found the Tall Building Policy BD2 to be sound. The adopted Brent Local Plan acknowledges "heights likely to be generally acceptable to the council"; however, paragraph 6.1.15 of the Brent Local Plan states: "There might however also be circumstances where the quality of design of a development and its impact on character is such that taller buildings in these locations could be shown by applicants to be acceptable". Policy BD2 thus includes the necessary level of flexibility to support the planning application process, and the need to meet other policies of the development plan. This is consistent with the D9(C) and wider Framework approach we note above.

In light of the above, to satisfy the soundness tests of the NPPF, limb b) of Policy CDH04 should be deleted (or amended as per limb a) to state that very tall buildings may be appropriate in identified Growth Areas), and proposals for tall or very tall buildings should be assessed in line with the criteria set out in limb d) of Policy CDH04 which reflects the approach set out in London Plan Policy D9(C) and is consistent with the proper application of that policy as per Master Brewer.

Please do not hesitate to contact me if you wish to discuss the matter further.

Yours sincerely



Philip Murphy
Senior Director

cc. Ian Kemp