

## **Matter 8 – Design, heritage and tall buildings**

### **Issue 1: Whether the Plan is justified, effective, consistent with national policy and in general conformity with the London Plan in relation to design, heritage and tall buildings.**

#### *Policy P20 – Conservation of the historic environment and natural heritage*

8.2 Is part 3 of the policy consistent with national policy at NPPF paragraphs 193-196 in relation to considering potential impacts of a proposed development on the significance of a designated heritage asset in respect of circumstances of substantial harm or loss and those of less than substantial harm?"

#### *Policy P25 – Local List*

8.9 Does the policy offer appropriate protection for non-designated heritage assets in the Borough consistent with paragraph 197 of the NPPF? Has there been progress on preparing a Local List in Southwark and how does this relate to the Heritage SPD?"

### **Issue 2: Whether the plan is justified and effective in its approach to managing tall buildings and protecting important views**

8.10 Do the proposed changes provide appropriate clarity on what is meant by tall building in a Southwark context?

8.11 Are the areas identified as being suitable for tall buildings consistent with the evidence, including the 2020 Tall Buildings Background Paper [EIP20], including the need to protect strategic and local views? Are they sufficiently clear?

8.12 Is there specific evidence to justify tall buildings on allocated sites outside of the identified areas for tall buildings in Figure 4 of the Plan? Are the area visions and relevant site specific allocations sufficiently clear on those locations not identified in Figure 4 where tall buildings may be considered appropriate in principle, subject to detailed matters of design and heritage impact?

8.13 Will the policy be effective in managing tall buildings in a way which is sympathetic to the character and urban grain of the Borough?

#### Relevant policies / evidence:

- Historic England Conservation Principles, Policies and Guidance 2008
- Historic England Guidance Note 7: Local Heritage Listing, Identifying and Conserving Local Heritage 2021
- Publication London Plan 2020,
  - GG1 Building strong and inclusive communities: A, G
  - GG2 Making the best use of land: E, F
  - Policy GG5 Growing a Good Economy: F(Heritage) H (Circular Economy)

- Policy GG6 Increasing efficiency and resilience: A (Circular Economy) D (Local Infrastructure)
- Policy SD1 Opportunity Areas: B 4
- Policy SD4 The Central Activities Zone (CAZ):A,C,K,L,N(2); 2.4.18, 2.4.19
- Policy SD10 Strategic and local regeneration: B, D; 2.10.3, 2.10.3-6
- Policy D1 London's form, character and capacity for growth: B (1-3); 3.1.1 - 3.1.8
- Policy D3 Optimising site capacity through the design-led approach; A-C
- Policy D5 Inclusive design: A (collaboration); 3.5.5 (involvement)
- Policy D9 Tall Buildings: A (Definition), B (Locations), C (Impacts)
- Policy S1 Developing London's social infrastructure: A
- Policy HC1 Heritage conservation and growth A-E
- Policy HC3 Strategic and Local Views
- Policy SI 7 Reducing waste and supporting the circular economy: A,C; 9.7.7
- Hammersmith and Fulham Local Plan 2018
- LB Newham Local Plan 2018: Introduction; S1 Spatial Strategy and Strategic Framework; Site Allocations and Evidence.
- Westminster Council Building Height Study 2019
- Bermondsey Street Conservation Area Appraisal 2003
- OBNF Draft Neighbourhood Plan 2020-2021

Part 3 of P20 is materially vague and the policy as a whole requires more structure, hierarchy and reference to proportionality to be sound in relation to the NPPF and Historic England (2008) - as is achieved in Hammersmith and Fulham's plan policies. The policy gives no ambition (required by the London Plan) or clarity and should refer to heritage led regeneration in strategic policy SP2. Protections of settings are notoriously hard to reinforce in Southwark, nowhere less so than in London Bridge where the Forum has documented many examples, the latest being the unexplained removal of the original hoist from the Vinegar Yard Warehouse (which features on the Forum's Local List and is part of the NSP51 Site Allocation) in the Bermondsey Street Conservation Area (which the Forum have a well supported draft policy to extend to the North) as part its continued deliberate neglect motivated by a proposal to gut the building, retaining only its facade and to drive a glass and 17 storey steel tower through the warehouse body (Application 19/AP/0404 was recommended for approval and is currently deferred). Given the climate emergency there should be more reference to demolition of fabric as an absolute last resort requiring genuine robust justification (rather than only with regard to significance/setting). The council should facilitate independent statements of significance to be carried out for all designated and non designated heritage assets and the process of their formulation should be in dialogue with the locality and support should be provided to asset owners/users. Conservation area appraisals should be updated through consultation to clarify local views of significance which are often ignored in planning decisions.

As per previous representations the Forum supports the council's overdue move to construct a borough wide Local List however P25 does not currently offer appropriate protection for non-designated heritage assets in the Borough - for it to be effective an interpretive framework is required to enable balanced judgement and the criteria should be fully defined and

grouped/structured through consultation. HE guidance makes clear that the selection criteria, nomination and adoption processes are key to a robust local list (affecting the weight of protection afforded) and it is not presently clear what the interrelations are between for example criteria 3 "Group value" and 4 "Historic, evidential, communal and social values". Definitions and explanations appear to be given in the Heritage SPD which is currently being consulted on however this has not allowed for consultation to happen in time for the EiP. By the Matter 8 hearing the Forum will attempt to analyse the SPD on which a chapter is given to the Local List. At an initial reading there appears to be a lack of ambition with regards to the potential that participation through the different criteria (e.g. social value), nomination and adoption processes could have for progressive heritage led regeneration and for social cohesion (also relevant to SP2 and the IIA indicators and plan monitoring). P25 does not make clear how the criteria have been chosen and does not give any justification or ambition as to the processes that could be involved in the processes of setting up and of maintenance/development/evolution of a local list - either in technical terms (e.g. photography, mapping, gaming, statements of significance etc) or in terms of the scope of the kinds of things that could be considered an asset - for example it is not clear how a historic street pattern, a local view, a modern space or place affording congregation over a period of time could be proposed/considered. It is also not clear how the council's draft list (previous NSP iteration) or the Forum's Local List policy in the neighbourhood plan will now be integrated - there is no mention of the Forum's Local List or of other Local List initiatives upon which representations were based to bring the policy into the NSP. A Local List has great potential to connect people to place and to each other and to enable participation in planning and placemaking in an accessible way - we look forward to discussing the policy further at the hearing after analysing the SPD without which the policy is currently not justified.

The definition of 30m does not take the opportunity to consider tall buildings relative to their context as does for example the Westminster Building Heights Study of 2019. The tall buildings area is not made clear in the plan itself as the area is only included in one borough wide map (repeated in the background paper) which is neither included in the online policies map nor shown at a recognisable scale or relative to important features for identification (other than unnamed roads) and is therefore not accessible raising a question as to its legality. The numerous site allocations outside of the tall buildings area in which tall buildings are deemed acceptable (on the plan's Key Diagram on which the tall buildings area is not shown) are not highlighted so there is no complete/concise indication of all areas where tall buildings are considered appropriate in the borough making it unsound in relation to the London Plan and ineffective. The policy and evidence do not show how alternatives have been considered. The whole of an opportunity area or area action plan is not automatically an appropriate location for a tall building and the policy is therefore unjustified in relation to the London Plan which requires such areas to be considered with sensitivity as to the varying constituent characters. How have the different characters of the various areas included been considered? Was there an alternative considered whereby for example any conservation areas were not automatically included/enveloped in the tall buildings policy areas? How has the consideration of the inherent harmful impact of large scale contrasting with areas like the Bermondsey Street Conservation Area for example (which is characterised by its particular scale) been given weight in the consideration of alternatives for the proposed policy area?

The site allocations outside of the policy area where tall buildings may be acceptable but on which tall/taller buildings are deemed potentially acceptable do not make clear (apart from in 1 allocation in Peckham) an appropriate height or range of heights making the plan unjustified ineffective and not positively prepared. The allocations could go much further in describing/drawing the approximate location in plan also. Newham's Site Allocations for example suggest a range of appropriate building heights across any given site allocation. The policy will not be effective in managing tall buildings in a way that is sympathetic to the character and urban grain of the borough (both due to the areas proposed and the lack of guidance in the site allocations) and is therefore not compliant with the London Plan. Exemplary design is not defined/justified by the reference to the 8 criteria (p67 of the Background Paper) or the AAP/SPDs and it is not clear to what extent and through what process (including what forms of consultation) the urban design studies and updates to conservation area appraisals have been undertaken - this evidence should be clearly mapped for clarity and made accessible for public consideration. The three single line references to 'urban grain' in the background paper do not indicate that existing and historic street patterns are being properly considered (as per SP2 and the London Plan) and the scale of change enabled by this policy is already causing disorientation / dislocation from place for many people. Again the Westminster approach to typologies of tall buildings relative to context would be a more positive approach for the plan to undertake which provides for typologies and legibility of the built environment. The current applications on NSP50-51 provide good evidence of how the policy evolution and present iteration are ineffective in framing sustainable development. The highrise applications 19/AP/0404 and 18/AP/4171 were both recommended for approval by the case officer 'in line with policy' despite clear harm to the conservation area due to contrast in scale being unjustified by the claimed public benefits (including 'high quality public realm' that was in fact going to be subject to dangerous wind and unacceptable levels of overshadowing) against the advice of Historic England, The Victorian Society, the Forum, the locality and others. If the Forum had not engaged the planning committee in walks of the area and provided visual information (both the developers own views and composite illustrations where the developers consistently refused to provide key views relating to the conservation area appraisal) it is unlikely that the plans would have been rejected and deferred. Whilst the Forum's engagement with the planning committee is positive and related to design review panel policies in the draft plan it should not be left to local groups only to have to make complex technical arguments against developments of this scale (especially given the resources and professional skills of the development teams) - rather it should be policy which does not in the first place suggest that 'tall/taller buildings' of an undefined maximum height with no material reference to context are considered likely to be appropriate in a historic environment characterised by its small scale as in this case.