

Statement of Common Ground between  
London Borough of Barnet (LBB) and Historic England  
March 2022

## **1.0 Introduction**

- 1.1 This Statement of Common Ground (SCG) addresses the strategic planning matters specific to LB Barnet (LBB) and Historic England.
- 1.2 This SCG ensures that the requirements set out in the National Planning Policy Framework (NPPF) have been met. The NPPF<sup>1</sup> states, “Local planning authorities are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.”
- 1.3 The purpose of the SCG is to document the strategic matters being addressed and the progress in cooperating to address them. It focusses on areas of agreement or disagreement between both LBB and Historic England. Updates to this document will be agreed as matters progress and agreement is reached on any outstanding issues. It therefore includes details on mechanisms for review and updating. The SCG also forms part of the evidence to demonstrate compliance with the ‘duty to cooperate’.
- 1.4 In London, most strategic issues beyond borough boundaries (e.g. housing targets, major growth areas, etc.) are largely addressed by the London Plan.
- 1.5 Strategic matters overseen by other bodies such as the Environment Agency will be addressed in other SCGs. This will serve to make the documents more concise for relevant parties.
- 1.6 All agreements to proposed actions are subject to reaching agreement on the detailed wording where modifications to the Local Plan are proposed.
- 1.7 LBB has a good working relationship with Historic England. This has been best demonstrated through regular duty to co-operate meetings.
- 1.8 This iteration of the SCG applies to Barnet’s submission (Reg 22) Local Plan. It sets out details of the cooperation between LBB and Historic England and will inform further engagement to ensure effective development and implementation of Local Plan policies.

## **2.0 Strategic Matters**

- 2.1 LBB and Historic England have had ongoing dialogue on strategic planning issues for many years. Duty to Co-operate (DtC) liaison meetings have been held on an ad-hoc basis, most recently in January 2022.

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<sup>1</sup> Para 24

- 2.2 Officers from both organisations have an ongoing and close relationship with Greater London Authority (GLA) officers and attend regular meetings to discuss strategic matters.
- 2.3 Historic England consider the references to the historic environment both within the vision, themes and objectives section and policy BSS01 Spatial Strategy to be helpful as they help to set out LBB's and the Plan's overarching commitment to a positive strategy for the historic environment at the strategic level and contributes to achieving its conservation and enhancement.

### **3.0 Local Plan's approach to Tall Buildings**

- 3.1 Historic England have expressed concerns regarding this policy and do not consider that Barnet's approach conforms with London Plan Policy D9 (2021), which requires that appropriate heights (as well as locations) of tall buildings are defined in boroughs' development plans. Historic England note the intention within the Local Plan to prepare a Supplementary Planning Document (SPD) which would contain further detail on heights but not form part of the Local Plan itself. Historic England are concerned that an SPD is not the appropriate route to take and that issues integral to managing the delivery of tall buildings within the borough, such as height parameters, locations etc. need to be addressed in the plan. SPDs can provide additional detail to support the interpretation of policy, but they cannot introduce new policy. The London Plan requires such issues to be identified and addressed in development plans, rather than supplementary, non-statutory guidance. Historic England consider that the Plan is therefore ambiguous in relation to tall buildings, both with regard to the nine strategic locations identified in CDH04 and those site allocations where tall buildings are also identified as potentially appropriate. As a result, Historic England consider the Plan is contrary to para 16 d of the NPPF that requires local policies to be clearly written and unambiguous. Historic England consider that the policy would not be effective, nor would it align with the London Plan and is therefore unsound.
- 3.2 Historic England do not have any in-principle objection to tall building proposals in strategic locations, but at present the plan does not provide an adequate plan-led framework for delivering tall buildings in a sustainable way. Historic England therefore consider that further work is required to define appropriate height ranges within the relevant sites in the Schedule of Site Proposals at Annex 1.
- 3.3 Historic England have highlighted the need for the strategic tall buildings locations to be defined on a map and that the Local Plan should be clear that not all sites within these locations would be suitable for tall buildings. More clarity is required about the relationship between the strategic tall building locations and the site proposals in the Local Plan, in particular the emergence of proposals with tall buildings from the strategic locations as broad areas of search.

#### **Homebase Planning Appeal (Ref: APP/N5090/W/21/3271077)**

- 3.4 Historic England have requested further information on the outcome of planning appeal decision at North Finchley Homebase and its consequences for the Local Plan with regard to Policy CDH04.

- 3.5 The Homebase appeal site lies outside North Finchley Town Centre. It is therefore not a strategic location for tall buildings. The Homebase site did not come forward as a Local Plan proposal.

### **Map of Strategic Locations for Tall Buildings**

- 3.6 Local Plan Map 4 – Locally Important Views sets out the strategic tall building locations at a Boroughwide level. Tall Building Locations reflect:
- Established (Local Plan 2012) boundaries for Town Centres (Finchley Central and North Finchley);
  - New boundaries for Growth Areas (Brent Cross, Brent Cross West Staples Corner, Colindale, Cricklewood and Edgware). These are identified in Maps 3 (Brent Cross), 3A (Brent Cross Staples Corner), 3B (Cricklewood), 3C (Edgware) and 3D (Colindale).
  - Boundary for New Southgate Opportunity Area will be identified through a more detailed additional planning document
  - Boundaries for West Hendon Estate and the major thoroughfares of Edgware Road (A5) and Great North Road (A1000) are identified through the Key Diagram.
- 3.7 LBB proposes to make a number of modifications to the Growth Area maps to improve their clarity.

### **Site Proposals within Tall Building Locations**

- 3.8 Local Plan Site Proposals have emerged within these strategic tall building locations. Reference is made within the Site Proposal to Policy CDH04 if the site is within a tall building location. However, the appropriateness of the site for a tall building is set out in the Development Guidelines and it is clear that just by virtue of being identified in a strategic location a tall building is not necessarily considered appropriate.
- 3.9 Policy CDH04 states that tall buildings ‘may be appropriate’ in the identified strategic locations, and the third part of the policy (sub clauses i. to vi.) sets out assessment requirements for proposals, including consideration of the context and surroundings.

### **Mayor’s Response to Barnet’s Local Plan**

- 3.10 LBB consider that Policy CDH04 does provide a clear and robust framework for tall buildings in the Borough and that the policy fully complies with the requirements of London Plan Policy D9 and national guidance. The Mayor has not raised this as an issue of general conformity. However, the Mayor has requested clarification on whether the locations for ‘very tall’ buildings’ are the same as for tall buildings or is a subset of it.

### **Policy CDH04 – Tall Buildings**

- 3.11 Specific locations for tall buildings and requirements for proposed tall building are clearly set out within Policy CDH04. Appropriate height ranges have been identified within the Plan. Parameters are set within the remit of strategic locations for Tall Buildings (8 to 14 storeys) and Very Tall Buildings (15 storeys plus). Policy CDH04 clearly states that proposals for tall buildings will need to demonstrate compliance with Historic England guidance. LBB agree to reference the Historic England Guidance

(March 2022) <https://historicengland.org.uk/images-books/publications/tall-buildings-advice-note-4/>.

#### Proposed Modifications to Policy CDH04

- 3.12 The Council will produce the Designing for Density SPD which will set out, within the identified strategic locations, ~~the parameters for tall and very tall buildings~~ how the Council will assess the appropriateness of tall building proposals, setting out site-specific and character considerations including typologies related to uses, form, public realm, safety, amenity and microclimates.
- 3.13 LBB agrees to change Policy CDH04 and supporting text to clarify the role of the SPD in amplifying policy. The purpose of the new SPD retitled as 'Designing for Density' has been further clarified in LBB's revised Local Development Scheme (September 30<sup>th</sup> 2021).

#### **Proposed final para of CDH04**

***The potential for Tall Buildings are highly constrained in Barnet and represent only one model for delivering higher densities and maximising brownfield sites. There is a strong policy presumption in favour of maintaining this consistency, and the Council will carefully assess the design and townscape qualities of proposals that may otherwise gradually erode the Borough's predominant suburban and historic character.***

- 3.14 The remit of the Designing for Density SPD will be shaped by the progress of the EIP helping to get an appropriate balance between policy and more detailed guidance. Draft SPD is expected to be published for public consultation in early 2023 and adopted later that year.
- 3.15 **Change Site Proposal 30 (site requirements and development guidelines)** as follows
- Finchley Church End Town Centre is a strategic location. ~~for tall buildings of 8 storeys or more.~~ Tall buildings may be appropriate within the boundaries of the Town Centre however all tall building proposals will be subject to a detailed assessment of how the proposed building relates to its surroundings (with height of neighbouring buildings being of foremost consideration) responds to topography, contributes to character, relates to public realm, natural environment and digital connectivity.
- 3.16 This text update will also be included for the following sites where tall buildings may be appropriate:
- Site No's. 5 (Edgware Hospital), 7 (Beacon Bingo), 10 (Douglas Bader Park Estate), 11 (KFC/ Burger King), 12 (McDonalds), 13 (Public Health England), 14 (Sainsburys The Hyde), 27 (Edgware Town Centre), 28 (Edgware Underground and bus stations), 54 (Barnet House), 57 (309-319 Ballards Lane), 58 (811 High Rd & Lodge Lane car park), 59 (Central House), 60 (Finchley House), 61 (Tally Ho Triangle), 62 (Tesco Finchley), 63 (Philex House), 64 (744-776 High Rd), 66 (East Wing), 67 (Great North Leisure Park).

## 4.0 Policy CDH08 Barnet's Heritage

- 4.1 Historic England note and welcome the supporting text (paras 6.23.1-6.33.1) to policy CDH08 and consider this sets out a helpful understanding of Barnet's position in relation to the historic environment. Historic England support the separate sections of policy CDH08 relating to different types of heritage asset. Historic England question the repetition of national policy and whether this adds value to the Local Plan. Historic England would suggest that CDH08 could be made more straightforward through the removal of the first two overarching paras, which in effect repeat text elsewhere.
- 4.2 LBB shares Historic England's desire to make CDH08 more straightforward and proposes a modification to the section on Designated Heritage Assets to better reflect the NPPF

### Proposed Modifications to Policy CDH08

#### **Designated Heritage Assets**

*Great weight will be placed on the conservation of the Borough's designated heritage assets, including listed buildings and conservation areas, when considering the impact of development proposals irrespective of the level of harm. Any harm to, or loss of, the designated heritage asset will require clear and convincing justification.*

*Substantial harm to, or loss of, designated heritage assets should be exceptional and will not be permitted unless it can be demonstrated that substantial public benefits will be achieved that outweigh such harm or loss. Substantial harm to, or loss of assets of the highest significance should be wholly exceptional.*

*Where less than substantial harm will result from a development proposal, this harm will need to be balanced against any public benefits that emanate from the proposal.*

## 5.0 Policy ECC01 Mitigating Climate Change

- 5.1 Historic England support para 10.6.3 which provides helpful detail on potential refurbishment and retrofitting of existing and historic buildings. Similarly, Historic England consider para 6.27.1 in supporting text of CDH08 to also be helpful in highlighting the challenges of improving energy efficiency of historic buildings without adversely affecting heritage significance. Nevertheless, Historic England consider that it should be made clear (both at para 10.6.3 and clause h) of ECC01 that historic buildings may need different and non-standard interventions to reduce energy consumption and carbon emissions to avoid effects on significance. LBB agrees to change ECC01 and supporting text in response to Historic England's representation.

### **Agreements**

- 5.2 Insert text at the end of paragraph 10.6.3, and Policy ECC01, part h:
- *Historic buildings may need different and non-standard interventions to reduce energy consumption and carbon emissions to avoid effects on significance.*

## 6.0 Annex 1 – Schedule of Site Proposals

6.1 Historic England raise a general concern with the wording of the site requirements and development guidelines in that it is ambiguous as to what will be considered appropriate. Namely with regards to tall buildings some of the allocations say that sites *may* be suitable for tall buildings. Historic England consider that the requirements should be more definitive in saying where tall buildings will be appropriate. This does not preclude speculative applications coming forward that can then be assessed under CDH04, but when it comes to allocations it does afford the plan more certainty. Historic England also have concerns in relation to a number of sites where they consider the development guidelines are such that there remains a risk that proposals will come forward that would conflict with policies elsewhere in the plan, as well as tests set out in primary legislation and the NPPF, designed to conserve the historic environment. Historic England consider that further detail and refined wording will provide greater clarity and certainty for all stakeholders over what would be allowed on each site.

### Site 1 – Church Farm Leisure Centre

6.2 Given the number of designated heritage assets either adjacent to or in close proximity to the site, Historic England consider that there should be greater detail in the policy as to how effects of any development will be managed. This should include any potential effects on setting and a requirement for an archaeological assessment.

6.3 While further and more detailed design work will be carried out at the application stage, LBB will amend the development guidelines for this site in terms of consideration of the listed buildings and surrounding context.

### Agreements

6.4 Amend the text to Site No.1 Site requirements and development guidelines:

- *Proposals must consider and respect the adjacent and nearby statutorily listed buildings in terms of must be carefully considered in any redevelopment of the site, and proposals must also respect the scale and form of the surrounding buildings, Building heights must consider the adjacent Grade II listed water tower that stands as a prominent feature above its immediate surroundings, along with the nearby listed St Mary's Church. The scale of proposals should be modest across the site and reflect the existing cottages to the north.*

### Site 8 – Broadway Retail Park

6.5 Historic England note the new reference to nearby conservation areas. It would be helpful to include a requirement to take into account the relevant conservation area appraisals and any key views in the development guidelines (as has been included with Site 11). Outline planning permission (Ref 20/3564/OUT) has now been granted on this site and LBB agrees to reference this in the supporting text.

### Site 23 – Bobath Centre

- 6.6 Historic England highlight that it is important to be clear about the significance of any heritage assets present on site allocations. LBB notes that there is one listed building on the site.

#### Site 24 – East Finchley Station Car Park

- 6.7 Historic England supports the principle of development on this site and urge some analysis of the likely impacts to be able to make an informed decision as to the effects on the historic environment. It should also be made clear that this location is not appropriate for a tall building and that the policy should require alternative high density low to mid-rise typologies to be explored. Historic England consider the identified capacity on the site is such that there will undoubtedly be impacts on the listed station building. Historic England would expect site capacity to be design-led and based on a proportionate, yet adequate, understanding of the historic environment and significance of heritage assets and their setting. Where evidence already exists, Historic England advise that the allocation policy should be expanded upon to provide more detail based on the findings from that evidence base. The policy would also be improved by making reference to Historic England's advice note on this subject.
- 6.8 The site requirements set out that design proposals for the site must demonstrate how they will sensitively take account of the neighbouring listed building, with high quality public realm required to the front of the building. The Plan does not support tall buildings in this location. It is not a strategic location. Site Proposals reflect strategic locations where tall buildings may be appropriate. Making reference to all the other locations where tall buildings are not supported is not merited. While further and more detailed design work will be carried out at the application or masterplanning stage, LBB will provide further development guidelines for this site to reflect the listed building context.

#### Agreements

- 6.9 Amend the text to Site No.24 Site requirements and development guidelines:
- Sensitive design and careful Site layout is vital to conserve and enhance the adjacent Grade II listed station building and adjacent Hampstead Garden Suburb Conservation Area. will be important due to Site layout must take into account the surrounding residential and transport uses, along with the Grade II listed station building. It would might be advantageous to separate the needs of the station users from residents and visitors accessing the residential units. Access to the latter could be through Diploma Avenue, which would also provide a more direct route to the town centre, helping to integrate the new development into the surrounding area. Design proposals must demonstrate how they will sensitively take account of the neighbouring listed building, particularly with regard to building height, materials and architectural details. A building typology that favours high-density low to medium rise could provide the most suitable approach. with hHigh quality public realm is required to the front of the building to complement and enhance the existing station frontage.

#### Site 40 – Meritage Centre

- 6.10 Historic England consider that any buildings proposed to replace the existing Meritage Centre should be low-rise to avoid adverse impacts on the conservation area. Historic

England advised that the allocation policy should highlight that the historic environment in this area is particularly vulnerable to increased building heights. The policy should be expanded to provide more guidance on building heights and explain that some parts of the site will be more sensitive than others i.e. higher massing should be concentrated towards the eastern part of the site. Historic England also advise that specific elements identified as significant should be included in the policy so as to provide more detailed guidance. Furthermore, the policy could do more to highlight the opportunities for enhancement that redevelopment of the site could provide as key aspect of the plan's positive strategy for the conservation and enhancement of the historic environment. As written Historic England do not consider the policy inadequate to conserve or enhance the historic environment.

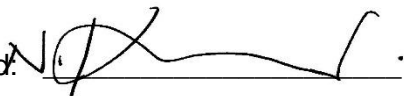
- 6.11 The site requirements set out that any proposals need to be sensitive in relation to the heritage assets and should reinforce local distinctiveness, with consideration given to the location within the conservation area and directly adjoining the Grade II\* listed St Mary's Parish Church. Planning permission (Ref 21/47722/FUL) has now been granted on this site and LBB agrees to reference this in the supporting text.

## 7.0 Governance arrangements

- 7.1 This SCG will be kept up-to-date and will form a key part of implementation of Local Plan policies and any future Local Plan review.

## 8.0 Signatories

- 8.1 Both signatories agree that this statement is an accurate representation of areas of agreement and disagreement between the two parties.

Signed: 

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London Borough of Barnet

Date: 31/03/2022

Signed: 

Name: Katie Parsons

Position: Historic Environment Planning Adviser

Historic England

Date: 06/04/2022