



APPENDIX 8.1

LEGISLATION, PLANNING POLICY AND GUIDANCE

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Legislative Context

- 1.1 The European Landscape Convention¹, which came into force in the UK in 2007, commits member states to the protection, management and planning of all landscapes (which are assumed to include urban landscapes). There is otherwise no national legislation relating specifically to landscape.

National Planning Policy

- 1.2 National planning policy is set out in the National Planning Policy Framework² (NPPF). Chapter 12, Achieving well-designed places, states that “The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve” (NPPF 124). It then sets out a series of principles with which development should comply. Those of particular relevance to proposals of this type include the need for development to:

- a) “...add to the overall quality of the area...”;
- b) “ be visually attractive as a result of good architecture, layout and appropriate an effective landscaping”;
- c) “...be sympathetic to local character and history, including the surrounding built environment and landscape setting...”; and
- d) “establish or maintain a strong sense of place...”

- 1.3 NPPF Chapter 15, Conserving and enhancing the natural environment, requires planning policies and decisions to “contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes...” It can be assumed that similar principles apply to urban landscape (i.e. townscape) as well as rural landscape (or countryside) (NPPF 170).

Regional Planning Policy

- 1.4 The London Plan³ 2016 sets out the current spatial development strategy for Greater London. Chapter 7: London’s Living Places and Spaces sets out a range of policies relevant to townscape and visual matters, which may be summarised as follows:

- Policy 7.4: Local Character – Requires development to consider the townscape character of an area and to provide enhancement where necessary.

¹European Landscape Convention, 2007. Guidelines for Managing Landscapes.

² Ministry of Housing, Communities and Local Government (MHCLG), 2018. National Planning Policy Framework (Re-issued with minor clarifications, 2019).

³ Greater London Authority, 2016. The London Plan - Spatial Development Strategy for London Consolidated with Alternations since 2011, March 2016

APPENDIX continued

- Policy 7.5: Public Realm – Requires development to provide high-quality, accessible and legible areas of public realm.
- Policy 7.6: Architecture – Requires architecture to make a positive contribution to the public realm, streetscape and wider cityscape, incorporating the highest quality materials and design.
- Policy 7.7: Location and Design of Tall and Large Buildings – A plan-led approach should be adopted to guide the location of tall buildings, which should generally be within opportunity areas or town centres. Tall buildings should not have an unacceptably harmful impact on their surroundings. The policy goes on to set out a number of aesthetic and functional criteria to be met by tall buildings.
- Policy 7.21: Trees and Woodlands – Trees should be protected in accordance with the London Tree and Woodland Framework. Existing trees of value should be retained and any loss should be replaced.

Local Planning Policy

Barnet Core Strategy

1.5 London Borough of Barnet’s (LBB) Core Strategy, Development Plan Document⁴ Policy CS5 deals with “Protecting and enhancing Barnet’s character to create high quality places”. It seeks to ensure that “development...respects local context and distinctive local character, creating places and buildings of high-quality design”. The key themes of the policy of relevance to this assessment include the need:

- To refer to national design guidance such as “By Design”;
- For buildings and public spaces to be “attractive”;
- For development to “respect and enhance the distinctive natural landscapes of Barnet”;
- To “protect important local views”; and
- To “enhance the borough’s high-quality suburbs and historic areas through the provision of buildings of the highest quality”.

1.6 The policy goes on to state that:

- Development affecting the setting of heritage assets should demonstrate how the proposal would “respect and enhance the asset”;

⁴ London Borough of Barnet, (2012). Barnet’s Local Plan (Core Strategy), September 2012.

APPENDIX continued

- The “key characteristics of Barnet’s landscape (Barnet Plateau and Finchley Ridge)” [will be] “protected and enhanced” [through the] Green Infrastructure Supplementary Planning Document⁵ (SPD); and
- The Barnet Characterisation Study⁶ provides the baseline for “the identification of places with a consistent and coherent architectural character”, in the context of which “high quality suburbs in Barnet not protected by Conservation Area designations” will be protected and enhanced through the LBB Development Management Policies (LBB DM Policies) Development Plan Document⁷ (DPD) and Residential Design Guidance SPD⁸.

1.7 The policy also considers tall buildings, which are defined as buildings of “8 storeys (or 26m) or more”. Such buildings are considered to be “appropriate” within “Priority Town Centres” and in five “strategic locations”, one of which is the Grahame Park estate, located to the south-west of the Site beyond the M1. Proposals for tall buildings outside of these locations “will not be supported”. Reference is made to London Plan policy 7.7 (see above), policy DM05: Tall Buildings (see below) and the English Heritage/CABE Guidance on Tall Buildings (2007)⁹.

1.8 Policy DM05 sets out the criteria for assessing proposals for tall buildings. It states that such proposals will need to demonstrate (inter alia) that they:

- Can be integrated successfully into the existing urban fabric;
- Have regard to topography;
- Have no adverse impact on Local Viewing Corridors, local views and the skyline; and
- Do not cause harm to heritage assets and their setting.

1.9 The accompanying text (LBB DM Policies page 28) refers to national (NPPF para 60 and CABE/English Heritage) and London Plan (policy 7.7) guidance. The Barnet definition of a tall building is reiterated, as well as the London Plan (7.25) definition of a building “that is substantially taller than its surroundings or [which] significantly changes the skyline”. Key issues include impact on the “immediate street” and “how the design integrates with the wider urban fabric”.

1.10 The text states that “obstructing or harmfully impacting” Local Viewing Corridors, as shown on Core Strategy map 8, will not be acceptable. The emphasis is on obstruction and harm, not simply prominence; the text acknowledges that “some proposals can assist in land-marking an important location within the

⁵ London Borough of Barnet, (2012). Barnet’s Local Plan, Supplementary Planning Document: Green Infrastructure

⁶ London Borough of Barnet, (2010). Characterisation Study of London Borough of Barnet, May 2010

⁷ London Borough of Barnet, (2012). Barnet’s Local Plan (Development Management Policies) Development Plan Document, September 2012

⁸ London Borough of Barnet, (2013). Barnet’s Local Plan, Supplementary Planning Document: Residential Design Guidance, April 2013

⁹ English Heritage and CABE, 2007. Guidance on Tall Buildings, July 2007

APPENDIX continued

view, provided they don't impede or block its main subject." Impacts on other (undesigned) views, such as "an existing street view or a view from an open space", also need to be considered. The Barnet Characterisation Study is referred to as the appropriate starting point for the design appraisal of a tall building.

Draft Planning Brief

1.11 The Pentavia Retail Park Draft Planning Brief (September 2016) requires any redevelopment proposals for the Site to consider their potential effects on townscape and views, with specific reference to:

- Views from the Mill Hill Conservation Area;
- The setting of the Watling Estate Conservation Area;
- Integration with the existing urban fabric, and particularly the scale relationship between the proposals and the surrounding low-rise built-up areas of Grahame Park Way, Bunns Lane and Mill Hill;
- Local Plan policies relating to the location and design of tall buildings;
- Impacts on Viewing Corridor A (the Locally Important View from Mill Hill Field); and
- Detailed design of massing, facades and rooflines.

Guidance

1.12 The assessment has had regard for the Guidelines for Landscape and Visual Impact Assessment (Landscape Institute and Institute of Environmental Management and Assessment, Third Edition, 2013)¹⁰ (GLVIA 3), in so far as these apply to urban, rather than rural landscapes.

¹⁰ Landscape Institute and Institute of Environmental Management and Assessment, 2013. Guidelines for Landscape and Visual Impact Assessment, Third Edition