

Objection on behalf of the Herne Hill Society

1. National Planning Policy Framework (2019)

For the reasons set out more fully below we submit that a decision to permit the proposed development would go against the overarching principles of the NPPF, in particular those in Section 12 which emphasise that buildings should add to the quality of the area, should be visually attractive and be sympathetic to local character and history, including the surrounding built environment and landscape setting.

2. Design response: London Plan and Lambeth Plan

Included in Policy D1 of the new (draft) London Plan is the requirement for development proposals to respond to local distinctiveness through scale and appearance and shape and to have due regard to existing and emerging street hierarchy, building types, forms and proportions. Policy D2 includes the requirement for consideration of urban form and structure (townscape, block pattern, urban grain, extent of frontages, building heights and density) and the delivery of good design under the policy is contingent on applying the principles in Policy D1.

The existing London Plan (Policy 7.4) includes the requirement of a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass.

Under Policies Q5 and Q7 of the Lambeth Plan development will be supported “where it is shown that design of development is a response to positive aspects of the local context and historic character in terms of: (i) urban block and grain, patterns of space and relationship, townscape/landscape character; (ii) built form (bulk, scale, height and massing) ...” and “where it has a bulk, scale/mass, siting, building line and orientation which adequately preserves or enhances the prevailing local character.” Amendments in the draft new Lambeth Plan speak of the need for “creative and innovative contextual response to positive aspects of the locality in terms of: (i) urban block and grain, patterns of space and relationship, townscape/landscape character; (ii) built form (bulk, scale, and massing)” (draft Q5); and the need for “bulk, scale/mass, siting, building line and orientation which is respectful of the prevailing local character” (draft Q7).

The current proposal signally fails to meet the policy criteria in both the London Plan and Lambeth Plan in both their current and new draft forms. Two towers rising to 29 and 20 storeys are not a positive, or contextual, response to the character of the area. On the contrary, they are wilfully antagonistic to that character, creating densely congested structures with an overbearing presence out of any reasonable scale with neighbouring buildings. The rationale of the design stems solely from the maximisation of housing capacity on a small site, not from any response to local context. A nearby recent example of how development can respond appropriately to local context without resorting to unsympathetic architectural idiom or excessive height can be seen in Camberwell in the proposed Butterfly Walk redevelopment.

3. Height

Policy 7.7 of the London Plan (D8 of the new London Plan) and Policy Q26 of the Lambeth Plan contain provisions regarding tall buildings.

Notwithstanding the provisions of the London Plan, there is nothing in the Lambeth Plan, or, to the best of our knowledge, in the preparation of a Loughborough Junction Masterplan, that identifies the site as a location suitable for tall buildings. Nevertheless justification is repeatedly claimed by reference to the recent Higgs Estate proposal 18/05425/FUL (a site likewise not identified as an appropriate location for tall buildings). The argument is misconceived because:

- (i) the towers proposed represent a 25% and 80% increase in height over the tallest building proposed on the Higgs Estate;
- (ii) the two sites are not comparable, in particular through the Higgs Estate not directly adjoining low-rise residential housing;
- (iii) the Higgs Estate decision provides a poor precedent, having relied on incorrect application of density criteria and a failure to take into proper account the absence of any identification of the site as suitable for tower blocks.

The London Plan and the Lambeth Plan stress that tall buildings require excellent design. Architectural quality should be of “exemplary standard”. Particular attention should be paid to the top of the building. Although the application repeatedly awards itself the highest marks for design and quality of the architecture, we submit this is undeserved. The towers stand out for their gross incongruity in the local context not for any outstanding design quality or distinct architectural expression. The top of the tallest tower has no especial quality.

Contrary to policies in the London Plan and Lambeth Plan, the proposed towers would have a harmful effect on heritage assets, in particular views from the Loughborough Park conservation area, from Ruskin Park and from Brockwell Park. We note in this context that the AVRs are selective, seriously undermining the professed objectivity in the Townscape Heritage and Visual Assessment. Other views, for example from the Loughborough Park Conservation Area, could be taken that would show the dominating presence the towers would have. Summer foliage obscures the impact in other views (e.g. View 13, wrongly identified as Lowden Road, in fact Poplar Road). No view is provided from Brockwell Park, a conservation area and a place with protected panoramic views: Lambeth Policy Q25(i). Consideration should also be given to the effect on protected panoramic views from Norwood Park, Gipsy Hill and Knight’s Hill: Lambeth Plan Policy Q25 (ii), (iii) and (iv).

The undeniable effect of the two towers on views from Grade II listed Ruskin Park is sought to be justified by it being “usual” for tall building to be visible from parks. This simply overlooks the fact that what is proposed is a markedly intrusive, permanent alteration to views from the park, one that makes no positive contribution to the park and its local context. Indeed, in our submission, the contribution is wholly negative.

4. Density

Policy D6 in the draft new London Plan removes a prescriptive density matrix measure. However, appropriate density does need to take account of site context, connectivity and infrastructure capacity. The high density proposed in this case is inappropriate because:

- (i) The site is in an area mainly comprising 19th-century housing, predominantly 3 storey, with some 2-storey examples and the site itself has comprised low-rise industrial units bounded on one side by a railway viaduct. These units replaced Victorian 2-storey terraces. The proposal relies heavily on the recent permission for development on the Higgs Estate, but the sites are not comparable. The Higgs site is far less constricted and is not in direct proximity to low-rise residential properties. In any event, compared to development on the Higgs site what is proposed in this application is, in terms of height, of a wholly different order of magnitude.
- (ii) Concerns were already expressed in relation to the Higgs Estate proposal about the additional burden imposed on the already overstretched rail service from Loughborough Junction (LJ). Assuming that proposal has been approved (the planning website refers to a decision being awaited), the problem becomes even more acute. There is nothing in the current proposal to indicate how or when the problem might be alleviated, whether any steps are proposed to deal with overcrowding on platforms and lack of step-free access at LJ station, and whether a new station on the London Overground line might be built in future.
- (iii) The applicants are inconsistent in their submissions relating to transport: at times acknowledging the shortcomings of LJ station and pointing to other means of transport in order to avoid such problems, at other times (see particularly the D&A statement) making much of the LJ station proximity and connectivity with central London by way of justification of the high density/high rise nature of the scheme. If, as is the reality, LJ station is not able to provide good connectivity, such justification is misconceived.
- (iv) The applicants also rely on Denmark Hill providing additional rail (and bus) connectivity with access on foot or bicycle through Ruskin Park; however, the closing of the park in hours of darkness is ignored. A 1km distance then becomes 1.5 or 1.7km (skirting south or north), invalidating the applicants' argument that the site's PTAL rating underestimates its connectivity.
- (v) The Higgs Estate proposal (assuming it has been approved) has made more acute the pressures on local infrastructure. The current proposal assumes it will cope with the addition of a further 170 dwellings on top of the 134 to be created on the Higgs Estate but fails to provide any sufficient evidence of the capacity of local services in terms of health, education and retail provision.
- (vi) The Higgs Estate development is problematic in terms of safe pedestrian access at the junction of Herne Hill Road and Coldharbour Lane. The proposed scheme will only exacerbate the problem. A potentially dangerous pinch-point also arises with access along Hinton Road towards Coldharbour Lane. There are no suggestions for how these problems can in practice be avoided.

5. Daylight/sunlight

An "unacceptable impact on levels of daylight and sunlight" on "adjoining property" is an indicator that a development will not be supported: Policy Q2 Lambeth Plan. Draft amendments to the Lambeth Plan add the words "including their gardens or outdoor spaces". The houses close to the proposed developments have gardens or outdoor spaces.

On the evidence of the applicants' own daylight and sunlight report, when tested against BRE guidelines there is very significant loss of daylight to the backs of houses on Hinton Rd, the N side of Wanless Rd and to the front of houses along the S side of Wanless Rd (including some of Lord Stanley Court). A large number of windows fail the BRE tests on multiple counts, some by very substantial margins. We submit that the BRE guidelines are entirely appropriate in the context of the sort of terraced and semi-detached houses found on Hinton and Wanless Roads. The applicants seek to argue that the area is a high density inner city urban area as opposed to one that is low density suburban and therefore the BRE guidelines do not apply or can be "flexibly" applied in such a way as to justify the loss of light that will be caused. The premise adopted by the applicants is wrong and should be rejected. Moreover, the proposed development on the Higgs Estate does not suddenly alter the established character of the area, and is in any event on the other side of the railway embankment and is not in direct proximity to low-rise low density housing.

6. Affordable Housing

We concur with the submission of the Brixton Society regarding Policies E7 and H6 of the draft new London Plan. Fast Track proposals which involve the development of industrial sites for mixed use should both retain industrial capacity AND meet a higher 50% threshold for affordable housing. In proposing 35% affordable housing the application fails to meet the threshold.

7. Loss of industrial floorspace

We also agree with the Brixton Society's objection to the proposed scheme as leading to likely loss of industrial floorspace and a detrimental effect on existing industrial activities in the railway arches in Hardess Street, contrary to Policy E7. E2 of the draft new London Plan. And we question whether the new residential use above the industrial floorspace will comply with the important Agent of Change principle introduced by Policy D12.

For these reasons we submit that permission for this application should be refused.

11 March 2020

Laurence Marsh

Vice Chair

The Herne Hill Society