



Local Plan Review

Consultation on the Publication Draft Local Plan

10 January to 28 February 2022

RESPONSE FORM

The Council is inviting comments over a seven-week period on the Publication version of the Local Plan.

The Draft Local Plan sets out a vision and spatial strategy to guide the development of the borough from 2023, when the Plan is anticipated to be adopted, to 2038. It sets out key objectives for the borough, which are supported by planning policies, area strategies, and – at the smallest scale – detailed guidance for the development of specific sites. Collectively, these identify where development should be targeted and set out how the borough's neighbourhoods and places will change over the next 15 years.

This consultation is the final opportunity to comment on the Local Plan before it is submitted to the Secretary of State for independent 'examination in public'. At this stage in the plan-making process, in accordance with the national guidance, consultation responses should focus on whether the Local Plan has been developed in compliance with the relevant legal and procedural requirements, including the duty to cooperate, and with the 'soundness' of the Plan. Further detail on these concepts is provided in the accompanying guidance notes provided at the end of the form.

How to respond

Please read the consultation documents and other background information made available on the Local Plan website: <http://www.wandsworth.gov.uk/draft-local-plan-publication>

You can respond by completing this form, either electronically using Word or as a print out, and sending it to the Council by:

- Email to planningpolicy@wandsworth.gov.uk
- Post to Planning Policy and Design, Environment and Community Services, Town Hall, Wandsworth High Street, Wandsworth, SW18 2PU.

Alternatively, you can also make comments on the draft Local Plan online via our Consultation Portal, which is accessible at the website listed above.

All responses must be received by **11.59pm on Monday 28 February 2022**. The consultation is open to everyone; however please note that responses will not be treated as confidential and those submitted anonymously will not be accepted.

Part A: Personal Details		
	1. Personal details*	2. Agent's details (if applicable)
Title	Mrs	Miss
First name	Dinny	Alice
Last name	Shaw	Hawkins
Job title (where relevant)	Planning Director	Senior planner
Organisation (where relevant)	VSM (NCGM) Ltd	Turley
Address	see agent details	Lacon House 84 Theobalds Road London
Postcode		WC1X 8NL
Telephone		██████████
E-mail address		████████████████████

*If an agent is appointed, please complete only the title, name and organisation boxes for the respondent and complete the full contact details for the agent.

Part B: About You...		
3. Please tell us about yourself or who you are responding on behalf of.		
Do you live in the borough?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Do you work in the borough?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Do you run a business in the borough?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Are you a student in the borough?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Are you a visitor to the borough?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Data protection

Information provided in this form will be used fairly and lawfully and the Council will not knowingly do anything which may lead to a breach of the General Data Protection Regulation (GDPR) (2018).

All responses will be held by the London Borough of Wandsworth. They will be handled in accordance with the General Data Protection Regulation (GDPR) (2018). Responses will not be treated as confidential and will be published on our website and in any subsequent statements; however, personal details like address, phone number or email address will be removed.

For further details regarding your privacy please see the Council's information published at:

www.wandsworth.gov.uk/privacy

Part C: Your Response		
4. Do you consider the Local Plan is:		
4.1 Legally compliant	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
4.2 Sound	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
4.3 Complies with the duty to co-operate	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Further information on these terms is included within the accompanying guidance note, which can be found at the end of the response form.		
If you have entered 'No' to 4.2, please continue with Q5. Otherwise, please go to Q6.		
5. Do you think the Local Plan is <u>unsound</u> because it is <u>not</u>: <i>(Please tick all that apply)</i>		
5.1 Positively prepared	<input type="checkbox"/>	
5.2 Justified	<input checked="" type="checkbox"/>	
5.3 Effective	<input type="checkbox"/>	
5.4 Consistent with national policy	<input checked="" type="checkbox"/>	
6. Please give details of why you think the Local Plan is not legally compliant and/or is unsound and/or fails to comply with the duty to co-operate.		
<p>Please make it clear which consultation document your comments relate to and, where applicable, please include the relevant policy name/number, the site allocation name/reference, the Policies Map change, and/or the paragraph number. Please be as precise as possible.</p> <p>If you wish to provide comments in support of the legal compliance and/or soundness of the Local Plan, or its compliance with the duty to co-operate, please use this box to set out your comments.</p> <p><i>Please note your response should provide succinctly all the information, evidence and supporting information necessary to support / justify the response. After this stage, further submission will only be at the request of the Inspector, based on the matters and issues they identify for examination.</i></p>		
Please see enclosed letter		
<i>Please continue on a separate sheet / expand the box if necessary.</i>		

7. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, when considering any legal compliance or soundness matter you have identified at 5 above.

Please note that non-compliance with the duty to co-operate is incapable of modification at examination.

You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please note your response should provide succinctly all the information, evidence and supporting information necessary to support / justify the suggested change. After this stage, further submission will only be at the request of the Inspector, based on the matters and issues they identify for examination.

Please see summary in enclosed letter

Please continue on a separate sheet / expand the box if necessary.

8. If you are seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)? (Please tick box as appropriate)

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

9. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

VSM have an interest in developing land identified as a site allocation and are currently in the process of bringing forward large scale redevelopment under a existing hybrid consent at New Covent Garden Market.

Please continue on a separate sheet / expand the box if necessary.

If you are not on our consultation database and you respond to this consultation, your details will be added to the database. This allows us to contact you with updates on the progression of the Local Plan and other planning policy documents.

If you do not wish to be added to our database or you would like your details to be removed, then please tick this box.

Signature:

Alice Hawkins

Date:

28.02.2022

For electronic responses a typed signature is acceptable.

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Local Plan Publication Consultation

Guidance Notes to accompany the Representation Form

Introduction

1. The plan has been published by the Local Planning Authority [LPA] in order for representations to be made on it before it is submitted for examination by a Planning Inspector. The Planning and Compulsory Purchase Act 2004, as amended [PCPA] states that the purpose of the examination is to consider whether the plan complies with the relevant legal requirements, including the duty to co-operate, and is sound. The Inspector will consider all representations on the plan that are made within the period set by the LPA.

2. To ensure an effective and fair examination, it is important that the Inspector and all other participants in the examination process are able to know who has made representations on the plan. The LPA will therefore ensure that the names of those making representations can be made available (including publication on the LPA's website) and taken into account by the Inspector.

Legal Compliance

3. You should consider the following before making a representation on legal compliance:

- The plan should be included in the LPA's current Local Development Scheme [LDS] and the key stages set out in the LDS should have been followed. The LDS is effectively a programme of work prepared by the LPA, setting out the plans it proposes to produce. It will set out the key stages in the production of any plans which the LPA proposes to bring forward for examination.
- The process of community involvement for the plan in question should be in general accordance with the LPA's Statement of Community Involvement [SCI] (where one exists). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of plans and the consideration of planning applications.
- The LPA is required to provide a Sustainability Appraisal [SA] report when it publishes a plan. This should identify the process by which SA has been carried out, and the baseline information used to inform the process and the outcomes of that process. SA is a tool for assessing the extent to which the plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.
- The plan should be in general conformity with the London Plan.
- The plan should comply with all other relevant requirements of the PCPA and the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended [the Regulations].

Duty to Co-operate

4. You should consider the following before making a representation on compliance with the duty to co-operate:

- Section 33A of the PCPA requires the LPA to engage constructively, actively and on an ongoing basis with neighbouring authorities and certain other bodies over strategic matters during the preparation of the plan. The LPA will be expected to provide evidence of how they have complied with the duty.
- Non-compliance with the duty to co-operate cannot be rectified after the submission of the plan. Therefore, the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector cannot recommend adoption of the plan.

Soundness

5. The tests of soundness are set out in paragraph 35 of the National Planning Policy Framework (NPPF). Plans are sound if they are:

- Positively prepared – providing a strategy which, as a minimum seeks to meet the area's objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring authorities is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- Effective - deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in the NPPF.

6. If you think the content of the plan is not sound because it does not include a policy on a particular issue, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy (or the London Plan)? If so, does not need to be included?
- Is the issue with which you are concerned already covered by another policy in this plan?
- If the policy is not covered elsewhere, in what way is the plan unsound without the policy?
- If the plan is unsound without the policy, what should the policy say?

General advice

7. If you wish to make a representation seeking a modification to the plan or part of the plan you should set out clearly in what way you consider the plan or part of the plan is legally non-compliant or unsound, having regard as appropriate to the soundness criteria in paragraph 5 above. Your representation should be supported by evidence wherever possible. It will be helpful if you also say precisely how you think the plan should be modified.

8. You should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification. You should not assume that you will have a further opportunity to make submissions. Any further submissions after the plan has been submitted for examination may only be made if invited by the Inspector, based on the matters and issues he or she identifies.

9. Where groups or individuals share a common view on the plan, it would be helpful if they would make a single representation which represents that view, rather a large number of separate representations repeating the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

10. Please consider carefully how you would like your representation to be dealt with in the examination: whether you are content to rely on your written representation, or whether you wish to take part in hearing session(s). Only representors who are seeking a change to the plan have a right to be heard at the hearing session(s), if they so request. In considering this, please note that written and oral representations carry the same weight and will be given equal consideration in the examination process.

28 February 2022
Delivered by email

Planning Policy
Environment and Community Services
Town Hall
Wandsworth High Street
London
SW18 2PU

Dear Sir/Madam,

REPRESENTATIONS TO WANDSWORTH LOCAL PLAN (PUBLICATION VERSION REGULATION 19 CONSULTATION)

We write on behalf of our client, VSM (NCGM) Ltd (hereafter referred to as "VSM"), to make representations to London Borough of Wandsworth's (LBW) draft of the Wandsworth Local Plan (hereafter referred to as the "Local Plan"), which is a "publication" version of the Local Plan and is at the Regulation 19 stage in the development plan preparation process, pursuant to the Town and Country Planning (Local Planning) (England) Regulations 2012. The Local Plan is out for consultation from 10 January 2022 to 28 February 2022.

These representations focus on whether the Local Plan, as progressing, could meet the National Planning Policy Framework's (NPPF) (2019) four tests of soundness from paragraph 36, when submitted for examination at Regulation 19 stage in the development plan preparation process. For avoidance of doubt, the four tests are:

- **Positively prepared:** providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development.
- **Justified:** an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.
- **Effective:** deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground.

8th Floor
Lacon House
84 Theobald's Road
London
WC1X 8NL

T 020 7851 4010 turley.co.uk

- **Consistent with national policy:** enabling the delivery of sustainable development in accordance with the policies in the NPPF.

In assessing the potential for the Local Plan to be sound, we have regard to land at New Covent Garden Market (NCGM). VSM benefits from a hybrid planning permission (ref. 2014/2810, granted 12 February 2015) for the redevelopment of NCGM for the consolidation and re-provision of a new wholesale market and the delivery of a high-density mixed use development, including up to 3,019 dwellings and retail, office, leisure and community floorspace. The NCGM development is to be delivered across five distinct Development Zones: the Main Market Site, the Apex Site, the Thessaly Road Site, the Northern Site, and the Entrance Site (see the plan at **Appendix 1**). Further details of this permission, and how it relates to the Local Plan, are given in the content of this letter.

In addition to the NPPF tests of soundness, the Local Plan will be examined on the basis of fulfilling the duty-to-co-operate and meeting the legal requirements from the Section 19 Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012. We do not wish to make comments on these matters at this stage; except the legal requirement for the Local Plan to be in general conformity to the London Plan. Our views on the Local Plan's conformity with the London Plan (2021) are expressed throughout these representations.

The representations are set out in the following subheadings of this letter. For simplicity, each sub-heading reflects each chapter of the Local Plan and contained within it is a table which assesses the relevant policies of each chapter in terms of the legal requirement for general conformity with the London Plan and the NPPF tests of soundness. The table also contains a column for suggested amendments. We have not listed the wording of the proposed policies to avoid repetition (as they are listed in full in the Local Plan).

Not all policies are commented on at this stage, and the absence of a comment should not be taken as support for that policy. VSM reserves the right to make further comments at the next consultation stage of the Local Plan.

STRATEGIC CONTEXT, VISION AND OBJECTIVES

Policy	SDS1 Spatial Development Strategy 2023-2038
London Plan conformity	<p>Policy SDS1 seeks to direct new development homes to the Nine Elms area as defined by the Area Strategy (amongst other areas) as the first priority within the sequential approach. It aims to deliver the total capacity for new homes (8,417 within the Nine Elms area) by permitting development within the defined Area Strategy boundaries and associated Site Allocations where they comply with all other relevant policies of the Local Plan. It also aims to make the best use of land whilst ensuring that development densities are appropriate to the location and size of the site. Policy SDS1 Point E also seeks to provide for employment needs by supporting the development of a net increase in new office space within the emerging centres including at Battersea Power Station and Nine Elms.</p> <p>We consider this strategy to be in accordance with London Plan Policy SD1, which seeks growth at Opportunity Areas, of which Nine Elms is an Opportunity Area, and London Plan Policy D3 which seeks optimisation of site capacity through a design-led approach.</p>

NPPF: positively prepared	No comment.
NPPF: justified	We agree that directing development to the Nine Elms Opportunity Area is an appropriate strategy.
NPPF: effective	No comment.
NPPF: consistent with national policy	Policy SDS1 is consistent with the impetus of the NPPF in so far as it seeks growth in sustainable location (i.e. Opportunity Areas).
Suggested amendments to policy	No comment.

PLACEMAKING – AREA STRATEGIES

Policy	PM1 Area Strategy and Site Allocations Compliance
London Plan conformity	No comment.
NPPF: positively prepared	No comment.
NPPF: justified	No comment.
NPPF: effective	Policy PM1 allows for development not consistent with the Site Allocations to be approved where clearly evidenced that an alternative form of development can be justified. We would suggest that in addition, reference is also made to changes to London Plan and national policy as being circumstances in which development can deviate from Site Allocations. This flexible approach would ensure that the Local Plan can be deliverable in terms of meeting overarching growth objectives.
NPPF: consistent with national policy	No comment.
Suggested amendments to policy	Reference to be made to changes to London Plan and national policy, as being circumstances in which development can deviate from Site Allocations.

AREA STRATEGY FOR NINE ELMS

Policy	PM3 Nine Elms
London Plan conformity	<p>Policy PM3 seeks to deliver at least 8,414 homes in the Nine Elms area and will contribute to realising the overall housing capacity of the VNEB of 18,500 homes. VSM supports this inclusion of the contribution to the overall housing capacity of the VNEB as set out under London Plan Policy SD1.</p> <p>VSM agrees with Policy PM3's support for meanwhile uses on development sites, as this is in compliance with London Plan Policy D8.</p> <p>Policy PM3 requires development to make provision to connect to District Heat Networks and where these existing networks rely on CHP they should be</p>

	decarbonised by 2050. VSM recognises this as being in compliance with London Plan Policy S13 and its supporting paragraph 9.3.3.
NPPF: positively prepared	No comment.
NPPF: justified	VSM supports the promotion of the growth of three creative quarters, focussed on cultural activities that have an established legacy and relevance to local communities, including the Food and Horticultural Quarter focused around the New Covent Garden Market area. This is considered an appropriate strategy in line with the Cultural Strategy for Battersea and Nine Elms.
NPPF: effective	<p>The policy states that <i>“development proposals for tall or mid-rise buildings in Nine Elms will only be supported in zones identified in Appendix 2”</i>. This wording is considering to be overly stringent and inflexible for a policy that is to be in place for the next 15 years. Furthermore, it stymies sites to be developed to their full development potential, which does not accord with paragraph 125 of the NPPF, which states that <i>“plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport”</i>. Appendix 2 identifies wide areas as not being appropriate for tall or mid-rise buildings, despite being in accessible locations. It is also noted at NPPF Paragraph 130 point c) that planning policies should ensure that developments <i>“are sympathetic to local character and history, including the surrounding built environment and landscape setting, while <u>not preventing or discouraging appropriate innovation or change (such as increased densities)</u>”</i><i>[our emphasis]</i>.</p> <p>It is recommended that the wording of the proposed policy is allowed greater flexibility by including the wording <i>“<u>unless otherwise robustly justified and demonstrated that it will not prejudice the delivery of the Local Plan’s Vision and Objectives or Site Allocations on neighbouring sites.</u>”</i></p> <p>Part 4 of the policy states that <i>“consented development schemes should take place in accordance with their respective existing approved Design Codes. New or amended development proposals will be expected to meet the Vision for Nine Elms and to protect and enhance important views and vistas in the area”</i>. Whilst the acknowledgement of extant permissions and their own Design Codes and masterplans is supported, and it is accepted that any new development proposals in the area should accord with the Local Plan’s Vision for Nine Elms, it is not considered appropriate to require amendments to extant permissions to accord with the Local Plan’s Vision for Nine Elms and not with extant Design Codes, which is what the wording implies. Some of the approved developments, such as the New Covent Garden Market planning permission, span numerous development sites, blocks and buildings. Should amendments be made to one or a selection of blocks, it is not appropriate for the Local Plan’s Vision to become the overriding consideration for that amendment as it will still be important for the amended block(s) to accord and align with the wider approved/deliver blocks in the same permission. It is recommended that the wording is changed to <i>“consented development schemes should take place in accordance with their respective existing approved Design Codes. Where such schemes are amended, further</i></p>

<p>NPPF: consistent with national policy</p>	<p><i>consideration should be given to the Vision for Nine Elms as well as the approved Design Codes. New development proposals will be expected to meet the Vision for Nine Elms and to protect and enhance important views and vistas in the area”.</i></p>
<p>Suggested amendments to policy</p>	<p>No comment.</p> <p>Part 3 of the policy should be amended to allow instances for tall or mid-rise buildings to be approved outside zones identified in Appendix 2 where it is robustly justified and does not prejudice the delivery of the Local Plan’s Vision or neighbouring site allocations.</p> <p>Part 4 of the policy should be amended to recognise that where extant permissions are amended, consideration will need to be given to both the approved Design Code and the Local Plan’s Vision.</p>

<p>Policy</p> <p>London Plan conformity</p>	<p>Site Allocations NE12</p> <p>The supporting text to London Plan Policy D9 on Tall Buildings (paragraph 3.9.3) states that in large areas of extensive change, such as Opportunity Areas, the threshold for what constitutes a tall building should relate to the evolving (not just the existing) context. It is considered that in relation to the site allocations under NE12, the proposed heights do not reflect the existing consents on the site and also do not take account of the changing surrounding context since outline consent was granted. Indeed, the Urban Design Study prepared by Arup within the Council’s evidence base, dated December 2021, demonstrates at the figures on pages 8, 9 and 10, that the Nine Elms area is not only of low sensitivity but also subject to a high probability of change and a high capacity for development. As such, it is noted that the up-to-date evidence acknowledges the degree of urban design character and change in the area and therefore heights within the site allocations should reflect that.</p> <p>Currently, the heights set out within the site allocations for NE12 are not considered to have taken account of the changing and future context and therefore are not considered to be in accordance with the London Plan.</p>
<p>NPPF: positively prepared</p>	<p>No comment.</p>
<p>NPPF: justified</p>	<p>In relation to the Nine Elms Site Allocations NE12 (that are contained within the supporting text to Policy PM3), VSM supports the inclusion of the Apex, Thessaly and Entrance Development Zones of the development granted by 2014/2810, as these sites are not under construction and do not yet have reserved matters approval.</p> <p>However, VSM questions whether the approach to these Site Allocations, as they relate to NCGM, represent the most appropriate strategy. Each site will be dealt with in turn below.</p> <p><u>Entrance Site- NE12a</u></p>

The proposed allocation for the Entrance Site (allocation reference NE12a) is considered to be in general accordance with permission ref. 2014/2810 in regard to land uses, mix, and relationship with surrounding sites. VSM supports LBW's decision not to state or fix residential unit numbers or floorspace, or building heights, for the Entrance Site Allocation. It is suggested that the same approach is taken for the suggested Site Allocation for the Apex Site and Thessaly Road Site, in order to allow for flexibility and to respond to changing circumstances.

Thessaly Road- NE12b

The proposed allocation for the Thessaly Road Site (site allocation NE12b) is generally supported in terms of allocation for residential use and with a scale and massing that is sympathetic to the existing context. However, the context section notes *“The development should complete the east side of Thessaly Road in a harmonious manner and reflect the scale, width and proportion of the street”*.

It also notes in relation to building heights for the site that *“the maximum appropriate height for the zone is 6 storeys. The height of developments within that zone should not exceed the heights of, and be in accordance with, the mid-rise building map in Appendix 2”*.

It is acknowledged that this approach aligns with the approved application ref. 2014/2810 from 2015. However, VSM suggests that a limited description of the context and a prescriptive maximum building height do not take into account the changing context of the site and its surroundings. The context does not take into consideration wider context beyond the western side of the street. However, since the granting of permission 2014/2810, there are examples of a changing built context and townscape which would be perceived from the public realm in relation to Thessaly Road. For example, the Sleaford Industrial Estate and Dairy Crest Milk Distribution Depot lies to the north of the site on the opposite side of the railway lines at the northern end of Thessaly Road and forms Phase 4a of the Battersea Power Stations redevelopment. Application 2015/3555 was approved in December 2015. This allowed redevelopment of the site for seven new blocks containing 374 residential units, a health centre, business and flexible retail and commercial floorspace. These blocks predominantly range from 9 to 18 storeys, with the blocks stepping down towards Thessaly Road yet maintaining nine storeys. Another example is at the Lambeth College Vauxhall Centre site, where LB Lambeth Council approved outline planning permission (19/02643/OUT) in February 2021 for a part, 2, 4, 6, 7 10 and 20 storey series of blocks It is considered that both of these permissions represent an example of changing context surrounding the Thessaly Road Site Allocation. VSM suggests that a set maximum building height for the site is not appropriate and should be revised to provide a flexible range, as per the Entrance site, in order to allow for changing circumstances and context. Similarly, the context for the site does not consider wider context beyond the built form of the western side of Thessaly Road, which has changed since the granting of application ref. 2014/2810. It is considered that this site allocation's description of context is revised to include reference to the wider context to the north, and the building heights section is revised to provide either an acceptable height range of *“6-8 storeys”* or to reference that increased heights can be permitted subject to robust justification and demonstrable public benefit.

Apex Site

The proposed allocation for the Apex Site (allocation reference NE12c) reads:

“Residential and commercial uses (comprising retail, restaurant, business and leisure uses) with the creation of a new east-west pedestrian / cycle route connecting Pascal Street to the railway viaduct and the wider Nine Elms area to the north of the railway, and reuse of the railway arches immediately adjacent to the site for commercial uses.” This is supported by VSM as in accordance with permission ref. 2014/2810. The commentary on the relationship with the Main Market Site is also generally supported, although it is noted that the lower levels of the development should not solely be food-related, and suggest the revised wording to read *“provision for food related uses, alongside other uses where appropriate, on the lower levels of the development”*.

The commentary in relation to public realm notes that there should be *“a sequence of high-quality public spaces should be provided including a central square framing the Garden heart building”*. It is noted that the approved application 2014/2810 provides a ‘Garden Square’ which forms the public face of the market and frames the linear approach to the Garden Heart running from north to south along the Apex site. As such, this is considered in accordance with this consent.

The building heights section of the site allocation notes that the maximum height for tall buildings on the site (in accordance with the tall buildings map at Appendix 2) is 7 to 10 storeys and the maximum height for the mid-rise buildings is 6 storeys. VSM do not consider this approach to be justified or at all appropriate given the scale and massing approved for the site under planning consent 2014/2810 which provides consent for tall buildings on plots A1,A2, A3 and A4 of maximum heights of between 54m and 86m AOD. These buildings are all classed as being of a tower typology in the approved Design Code of G+>15 storeys. Reserved matters have recently been submitted for proposals on Building A1, within these highest parameters of 86m AOD, for a 26 storey tower. Similarly buildings A5 and A6 and have consent for heights of 12m and 17m AOD and a Design Code typology of G+ <11 Storeys. The approved height strategy under permission 2014/2810 was the subject of robust and thorough heritage and townscape analysis that demonstrated its acceptability. As such, it is proposed that this is revised to reflect the extant permission on the site to allow for tall buildings between 16 and 26 storeys. It is also suggested, that to allow for potential changing context, it is noted that proposals for taller buildings may be accepted if justified in accordance with LBW’s Tall Buildings Policy

NPPF: effective

No comment

NPPF: consistent with national policy

NPPF Paragraph 130 point c) notes that planning policies should ensure that developments *“are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)”*.

As demonstrated above, it is considered that already there is a demonstrable changing built environment context around site allocations NE12a (Entrance Site), NE12b (Thessaly Road) and NE12c (Apex Site). As such, the height restrictions on these sites are not considered to be sympathetic to the future emerging local character of the sites and would discourage appropriate change and increased

Suggested amendments to policy	densities. As such, it is suggested that the above recommendations for change are made as cited above in order to ensure that the policy is consistent with national policy.
	Building heights and context to be revised on site allocation NE12a, Entrance Site, NE12b, Thessaly Road and building heights to be revised on site allocation NE12c, Apex Site to take account of extant permission and potential changing context; update to Apex Site allocation (NE12c) to make clear that other uses alongside food-related provision may be provided at lower levels.

ACHIEVING DESIGN EXCELLENCE

Policy London Plan conformity	LP4 Tall Buildings
	<p>Policy LP4 notes that proposals for tall buildings will only be appropriate in tall building zones identified on tall building maps included at Appendix 2. Policy LP4 defines a tall building as one that is seven storeys or more; or 21m from the ground level, whichever is higher. This is a change from the previous Regulation 18 “pre-publication” version of the Local Plan which considered that buildings as low as five storeys could be considered tall in their context. This revision is considered to be in accordance with London Plan Policy D9 which states that the minimum height for a tall building must be at least six storeys.</p> <p>However, the supporting text to London Plan Policy D9 (paragraph 3.9.3) states that in large areas of extensive change, such as Opportunity Areas, the threshold for what constitutes a tall building should relate to the evolving (not just the existing) context. The blanket approach to any building above seven storeys being a tall building regardless of context is not consistent with the London Plan.</p> <p>In particular, Appendix 2 notes that both the Apex Site and Entrance Site of NCGM fall within ‘Tall Building Areas’ on Map 14.1. The Apex Site falls within sub-area code B3a-03 where appropriate tall buildings at 7-10 storeys. It is also noted that Thessaly Road falls under MB-B3a-02 where 6 storeys is highlighted as appropriate. This also has no regard to the emerging context of this Opportunity Area and the fact that there are buildings permitted / under construction for heights of 20, 30, 40 and 50 plus storeys. To suggest a six, seven or ten storey building is tall in this context is fundamentally flawed, especially as the Nine Elms area is identified in the relevant evidence based document (Arup Urban Design Study December 2021) (p8-10) as having a low sensitivity to change and high capacity for development and transformation, as set out in relation to the site allocations.</p> <p>Under the permission 2014/2810, the Apex Site allows for three buildings above 20 storeys and another building at 16 storeys – the principle of a tall building cluster</p>

	<p>has already been accepted for this location and this context must be acknowledged. As such, it is considered that it should be classed as B3 (same as the Entrance Site) not B3a.</p> <p>For the Thessaly Road site, it is also acknowledged, as set out in relation to the site allocations in N12 above, that the context of the Opportunity Area has changed since the consent under 2014/2810. As such, to allow for changing and evolving context within the Opportunity Area, in line with the London Plan, it is considered that the site should have <i>“opportunities for tall buildings if justified within a local context”</i> and subject to justification in the context of the design considerations of Policy LP4 and London Plan Policy D9 Parts C and D.</p> <p>The policy states that <i>“development proposals for tall or mid-rise buildings in Nine Elms will only be supported in zones identified in Appendix 2”</i>. This strict position is considered to not be in accordance with paragraph 125 of the National Planning Policy Framework, which states that <i>“plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate”</i>. Appendix 2 identifies wide areas as not being appropriate for tall or mid-rise buildings, despite being in accessible locations.</p>
NPPF: positively prepared	The ability to meet the housing needs for the Nine Elms Opportunity Area might be severely compromised by the current proposed tall building heights set out in Appendix 2, and the definition of tall buildings within policy LP4.
NPPF: justified	No comment.
NPPF: effective	No comment.
NPPF: consistent with national policy	<p>The strict position that mid-rise and tall buildings can only be appropriate for the next 15 years under the strict allocations of Appendix 2 to not be in accordance with paragraph 125 of the National Planning Policy Framework, which states that <i>“plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate”</i>.</p> <p>It is recommended that the wording of the proposed policy is allowed greater flexibility by including the wording <i>“<u>unless otherwise robustly justified and demonstrated that it will not prejudice the delivery of the Local Plan’s Vision and Objectives or Site Allocations on neighbouring sites.</u>”</i></p>
Suggested amendments to policy	The definition of a tall building should note that in other locations, particularly the Nine Elms Opportunity Area, the definition must take account of the emerging context (which includes buildings above 50 storeys) and not consider any building above seven storeys and above as tall, regardless of context. In particular in the

	context of the existing planning permission, the Apex Site should be classed as area B3 and allow for buildings between 16-26 storeys, and the Thessaly Road site should be noted as having opportunities for buildings above six storeys if robustly justified within a local context.
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TACKLING CLIMATE CHANGE

Policy LP10 – Responding to the Climate Crisis

Policy	Policy LP10 Responding to the Climate Crisis
London Plan conformity	<p>The requirement for BREEAM Outstanding on all non-residential buildings above 100 sqm is significantly more onerous than London Plan policy where there is no longer any requirement for BREEAM.</p> <p>The requirement for reducing carbon emissions by at least 35% on site with 10%/15% from energy efficiency alone is consistent with the new London Plan Policy SI2. The potential requirement for post-construction monitoring of renewable and low carbon installations is consistent with Policy SI2 of the new London Plan.</p> <p>The requirement for an overheating assessment is consistent with London Plan Policy SI4.</p>
NPPF: positively prepared	No comment.
NPPF: justified	No comment
NPPF: effective	No comment.
NPPF: consistent with national policy	No comment.
Suggested amendments to policy	Remove requirement for BREEAM 'Outstanding' and put emphasis on holistic sustainable design including reducing water use, reducing embodied carbon and health and wellbeing rather than BREEAM certification.

Policy LP11 – Energy Infrastructure

Policy	Policy LP11 Energy Infrastructure
London Plan conformity	Policy LP11 seeks to ensure that new developments, in areas without any existing or planned Decentralised Energy Networks, should incorporate on-site decentralised energy networks. Whilst this somewhat reflects the energy hierarchy set out in the London Plan , it is considered that this should be updated to include all options under this hierarchy.
NPPF: positively prepared	No comment.
NPPF: justified	Policy LP11 should also make consideration for alternative energy strategies/technologies that do not connect to an existing decentralised energy network, particularly if it can be demonstrated that it would be more efficient, clean and decarbonised than the decentralised energy network. Energy

	infrastructure technologies are rapidly evolving and the DHN's that have been installed in the last five years are already dated – policy should try and look to the future for accepting potential new approaches.
NPPF: effective	No comment.
NPPF: consistent with national policy	No comment.
Suggested amendments to policy	Make reference to London Plan energy hierarchy; and allow for alternative strategies that can be demonstrated as being more efficient, clean and decarbonised than the decentralised energy network.

PROVIDING FOR WANDSWORTH'S PEOPLE

Policy	Policy LP20 New Open Space
London Plan conformity	No comment.
NPPF: positively prepared	No comment.
NPPF: justified	No comment.
NPPF: effective	No comment.
NPPF: consistent with national policy	<p>Policy LP20 states that all major developments are required to provide a financial contribution to open space, if on-site open space cannot be provided. VSM does not consider this to be consistent with the NPPF paragraph 56, which states that planning obligations must only be sought where they meet the tests from Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.</p> <p>It might be the case that the open space requirements of new development can be accommodated by existing open space, such that the payment of a financial contribution would not meet the policy/legal tests. Policy LP20 should be amended to remove the blanket requirement for all major development needing to pay a financial contribution and instead regard should be had to the tests and the need for open space.</p>
Suggested amendments to policy	Policy LP20 should be amended to remove the blanket requirement for all major development needing to pay a financial contribution and instead regard should be had to the tests and the need for open space.

AFFORDABLE HOUSING

Policy	LP23 Affordable Housing
London Plan conformity	Policy LP23 seeks to maximise delivery of affordable housing to contribute towards the Mayor's strategic target of 50% of all new homes to be affordable. The policy specifies that development sites must provide affordable housing on-site in accordance with the threshold approach set out in London Plan Policy H5 which

	<p>requires 35% minimum on site provision (50% on public land) and a policy compliant tenure mix (according to London Plan Policy H6) to follow the Fast Track Approach.</p> <p>The policy also seeks for a tenure split of 50% low-cost rent, 25% first homes and 25% intermediate products. This is not considered to be in accordance with London Plan Policy H6 which notes that a minimum of 30% of homes should be provided as intermediate products. It is noted that the London Plan minimum tenure split requirements (30% low cost rent, 30% intermediate and the remaining 40% to be determined by the local authority) are required in order for schemes to follow the Fast Track approach as set out in London Plan Policy H5. Therefore, Policy LP23 currently does not allow for proposals to follow the threshold approach set out in London Plan Policy H5 by the fact that the required tenure mix does not comply with London Plan Policy H6. Therefore, the draft Policy LP23 is not considered to allow for both the Fast Track Route as set out in the London Plan, and compliance with LP23.</p>
NPPF: positively prepared	No comment.
NPPF: justified	<p>The Council’s evidence base has recently been updated with a <i>Wandsworth Reg 19 Local Plan Viability Study</i> dated January 2022 which provides a high-level viability assessment review of the cumulative impact of the ‘Wandsworth Regulation 18 Pre-publication Draft Local Plan’ . This notes that this viability testing was based on high level Residual Land Values (RLVs) for different site typologies and scheme types. However, at paragraph 1.10 it states <i>“the inputs to the calculation are hard to determine for a specific site (as demonstrated by the complexity of many section 106 negotiations). The difficulties grow when making calculations that represent a typical or average site. Therefore, our viability assessments in this report are necessarily broad approximations based on a typology of sites that may only slightly reflect future delivery”</i>.</p> <p>Given the context of a number of specific sites, such as the NCGM sites, throughout Wandsworth and the complicated nature of the S106 agreements already agreed and signed, it is considered that sites that have historic planning permission may not be able to achieve 35% given the committed costs and obligations that have already been set and this would need to be assessed against viability.</p> <p>As such, it is suggested that the policy wording is revised to allow for flexibility to account for viability assessment and amendments to sites with existing planning consents. It is suggested that <i>“subject to viability”</i> is added to points A and B of Policy LP23.</p>
NPPF: effective	No comment.
NPPF: consistent with national policy	<p>Paragraph 22.14 of the Publication Local Plan states:</p> <p><i>“The Council has undertaken a ‘whole Plan’ viability assessment. However, it is recognised that the housing and commercial property markets are inherently cyclical such that a fully policy compliant scheme may make some development proposals unviable at the time of submitting a planning application. The Plan sets out the approach that the Council will take to assessing such proposals and the mechanisms that it will adopt to ensure that schemes contribute fully should viability improve.”</i></p>

	<p>This is not considered to be in compliance with the approach established in national policy. The NPPF begins from an assumption that all policies in an up-to-date local plan are achievable and hence viable, and therefore the scope for applicants to contest the viability of policies is much reduced. The obligation, therefore, at the plan-making stage is on the plan-maker to ensure that the policies in the local plan are viable and will not jeopardise delivery of the plan objectives.</p> <p>The <i>Local Plan Viability Study</i>, dated January 2022 observes at paragraphs 7.20 and 7.21 that the 50% affordable housing target could cause difficulties against some typologies. Table 7.5 on pages 88-89 further shows that some typologies are unviable. As such, it is considered that the policy should be updated to ensure that these requirements and targets are '<i>subject to viability</i>'.</p>
Suggested amendments to policy	Revision to the proposed affordable housing tenure mix to reflect London Plan Policy H6 and the Fast Track Approach; Addition of ' <i>subject to viability</i> ' to points A and B of the policy.

BUILDING A STRONG ECONOMY

Policy	LP34 Managing Land for Industry and Distribution
London Plan conformity	Policy LP34 seeks to protect the primary function of NCGM for a wholesale retail facility. This accords with London Plan Policy E4 and its requirement to make provision for the operation of wholesale markets.
NPPF: positively prepared	No comment.
NPPF: justified	Policy LP34 states that the railway arches adjacent to NCGM should be protected for wholesale retail purposes. It is noted that this policy has been updated since the Regulation 18 "pre-publication" version to clarify that this relates to the railway arches immediately adjacent to the wholesale market and not those other arches near to the wider NCGM surplus land sites, particularly at the Apex Site. This change is supported by VSM.
NPPF: effective	No comment.
NPPF: consistent with national policy	No comment.
Suggested amendments to policy	None

Policy	LP36 Railway Arches
London Plan conformity	No comment.
NPPF: positively prepared	No comment.

<p>NPPF: justified</p>	<p>Policy LP36 states that the railway arches immediately adjacent to NCGM should be protected for wholesale retail purposes, as per the change in above policy LP34.</p> <p>For the other arches near to the NCGM site, VSM considers that a range of commercial (Use Class E) and appropriate sui generis uses should be permitted – this will allow for flexibility particularly in the current economic climate.</p> <p>It is noted that additional text has been added to clarify the use of the railway arches specifically within the NCGM site and this states that <i>“The use of railway arches adjacent to the rest of the NCGM site should support the creation of the Food and Horticultural Quarter as set out in the Nine Elms Cultural Strategy and should reflect the connectivity and place-making role that these locations will perform”</i>. This approach is generally supported by VSM, however it is recommended that further clarification is provided as to the uses that would be considered acceptable (i.e. Class E retail, restaurants / café, business / light industrial and leisure).</p> <p>It is noted that the recently adopted LB Lambeth Local Plan (2021) has a railway arches policy (ED6), which states <i>“the use of railway arches within London Plan Opportunity Areas and major district and local centres for commercial, business, service, leisure and community uses and appropriate sui generis uses will be supported...”</i>. The railway arches in the Nine Elms area fall within the same wider Vauxhall, Battersea and Nine Elms Opportunity Area that straddles both LB Wandsworth and LB Lambeth. It is considered appropriate and robust that railway arches within the same Opportunity Area should be treated the same across both authority boundaries.</p> <p>In light of the above, it is recommended that as a minimum part A.1. of the draft policy LP39 is amended to state <i>“the use of railway arches within town and local centres, the CAZ <u>and London Plan Opportunity Areas</u> for town centre uses (including community business, retail, leisure and appropriate sui generis uses) and distribution uses (B8) will be supported....”</i>.</p>
<p>NPPF: effective</p>	<p>No comment.</p>
<p>NPPF: consistent with national policy</p>	<p>No comment.</p>
<p>Suggested amendments to policy</p>	<p>The policy wording should be amended as above to include town centre uses as appropriate in railway arches within the CAZ and updated to note which uses would be appropriate to support the Food and Horticultural Quarter.</p>

CONCLUSIONS

VSM considers that at this stage, various policies of the Local Plan are not consistent with the London Plan and do not meet the NPPF’s tests of soundness. Amending those policies in line with the aforementioned suggestions would help make the Local Plan legally compliant and sound.

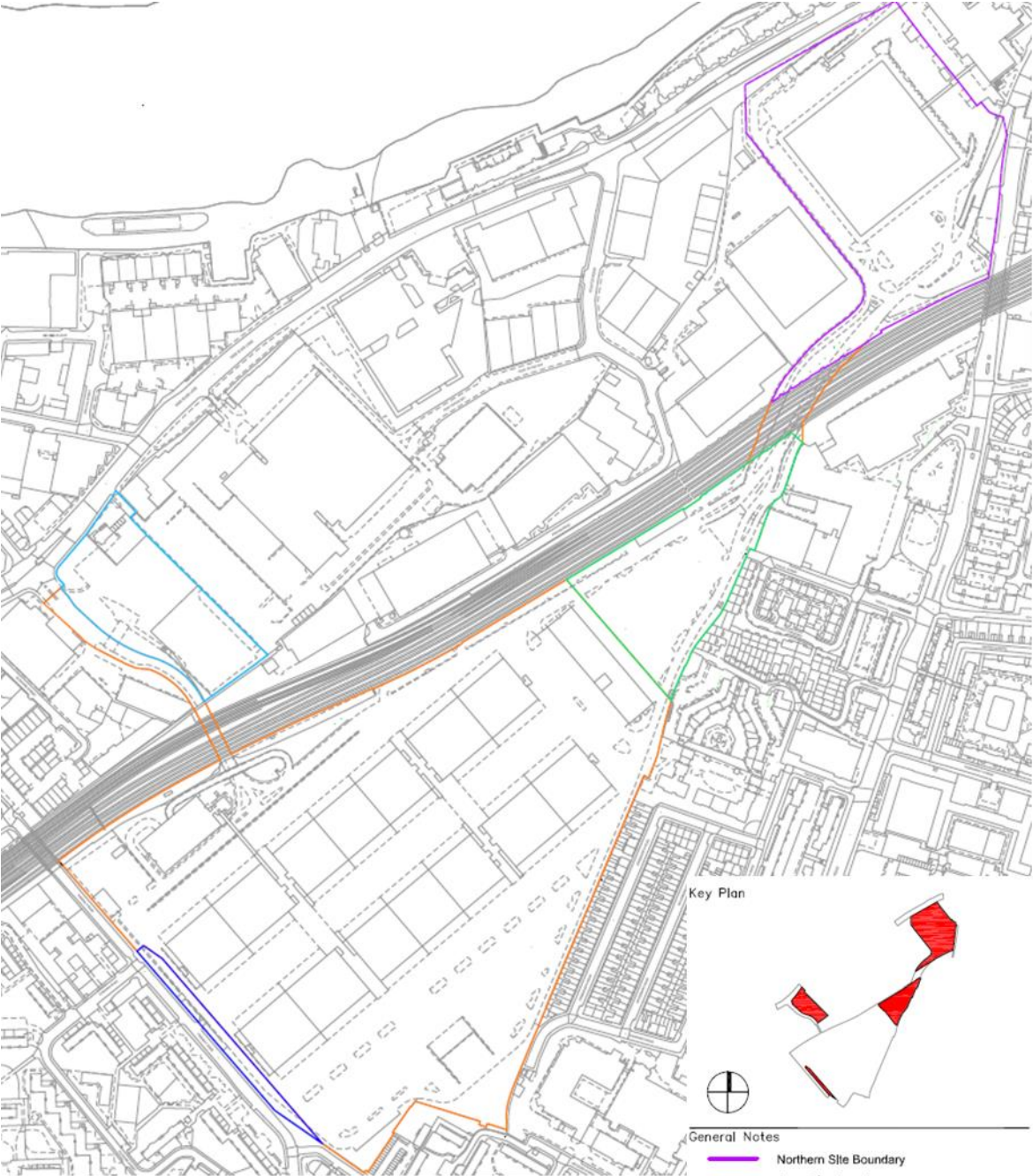
We trust that you will consider our comments and respond accordingly. We would like to highlight that this is an interim representation and that VSM reserves the right to submit further representations in due course as the review of the Local Plan progresses.

In the meantime we welcome the opportunity to discuss the comments with you further should you find this of assistance. If you have any queries, please do not hesitate to contact Freya Turtle or Alice Hawkins at our London office.

Yours faithfully,

Turley

Appendix 1: New Covent Garden Market Development Site and Development Zones



Key Plan

General Notes

- Northern Site Boundary
- Apex Site Boundary
- Entrance Site Boundary
- Thessaly Road Site Boundary
- Market Site Boundary