

JD/AC/P7120  
26 October 2022

London Borough of Wandsworth  
C/O Banks Solutions  
80 Lavinia Way  
East Preston  
West Sussex  
BN16 1DD

Via Email: [bankssolutionsuk@gmail.com](mailto:bankssolutionsuk@gmail.com)

Dear Sir/Madam,

**Examination of the Wandsworth Local Plan (November 2022)  
Hearing Statement submitted on behalf of Downing  
Main Matters 3, 13 and 16**

This Hearing Statement has been prepared by Rolfe Judd Planning on behalf of the Downing in reference to the hearing sessions for the examination of the Wandsworth local Plan (“WLP”) which are due to commence on the 15<sup>th</sup> November 2022.

The Statement principally responds to the following matters set out within the Inspector’s Matters, Issues and Questions (“MIQs”) for Examination:

- **Main Matter 3:** Wandsworth Town (Policies PM2, WT1 to WT22)
- **Main Matter 13:** Achieving High Quality Places (Policy LP1 – LP9)
- **Main Matter 16:** Providing Housing (Policies LP23 to LP32)

We understand that LB Wandsworth will be providing a response to all of the questions raised. Our response is intended to provide additional clarity/information to particular questions within Matters 3, 13 and 16.

This Statement builds on the previous representations submitted on behalf of Downing to the earlier rounds of public consultation on the emerging Wandsworth Local Plan. Downing have a significant interest in the Site Allocation WT4: Gasholder Cluster, in particular the land at 2 Armoury Way, SW18 1SH (“the site”) at the southern end of the site allocation. These representations principally focused on the following matters in relation to the site:

- **Policy LP4:** Tall and Mid-rise buildings
- **Site Allocation WT4:** Gasholder Cluster
- **Policy LP28:** Purpose Built Student Accommodation

The Local Plan Publication version will directly influence and impact the future development of this site and as such are keen to discuss the impact of the policies with the Council to ensure these are

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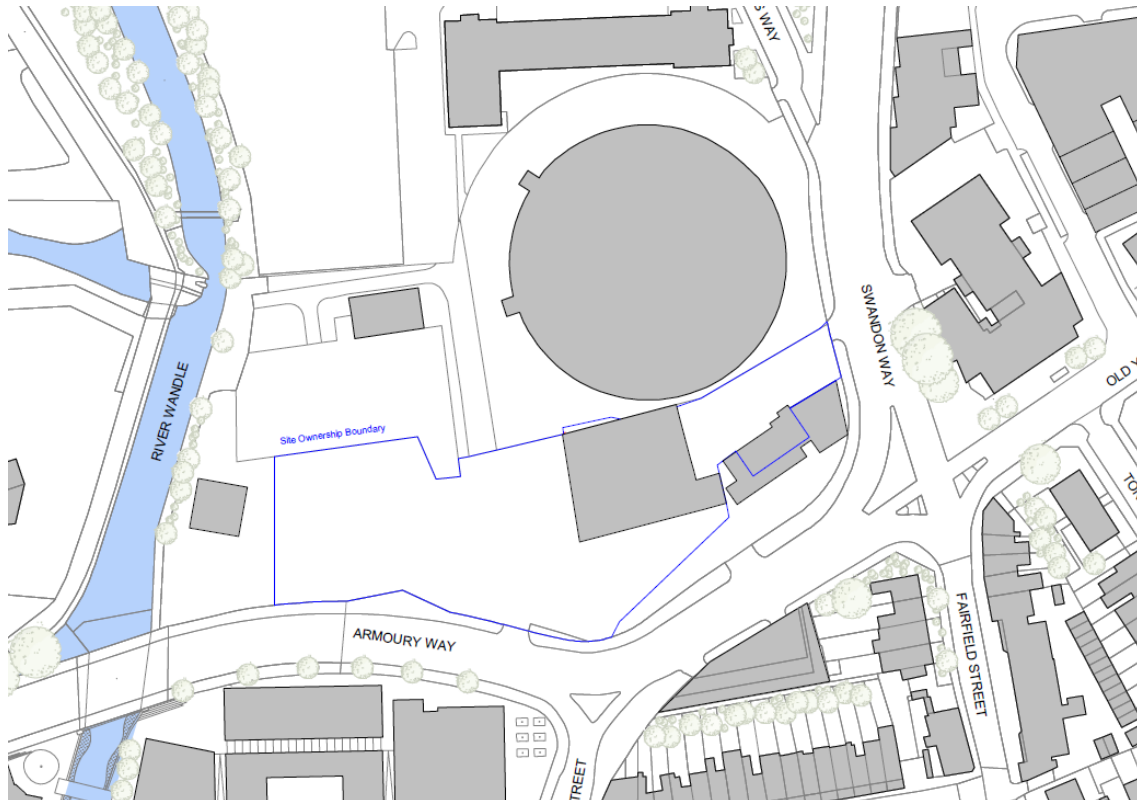
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appropriate to the area. Downing are currently exploring development options for the site, and have been in pre-application discussions with the London Borough of Wandsworth.

For ease, the site (known as 2 Armoury Way) within the ownership of Downing is outlined below in blue:



**Statements and Attendance**

Appended to this letter are the Statements relating to the three matters.

We look forward to the opportunity to attend the EiP and discuss these matters further at the forthcoming hearing sessions on Matters 3, 13 and 16 in November 2022

Should you have any questions, please do not hesitate to contact the undersigned.

Yours faithfully



For and on behalf of  
Rolfe Judd Planning Limited

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**Main Matter 13: Achieving High Quality Places (Policy LP1 – LP9)**

- **Question 2: Policy LP4 (Tall Buildings) - Is the policy consistent with Policy D9 of the London Plan?**

The site is located within the Tall Building Zone (TB-G1d-02) which indicates appropriate heights of 7-10 storeys or 21-30m. Downing support the inclusion of the site within the tall buildings zone, however the maximum height parameters are not supported.

Policy LP4 sets out the criteria for the appropriateness of tall buildings and the areas for which tall buildings are considered to be appropriate (Appendix 2). The Policy specifically states that proposals for tall buildings will only be appropriate in identified zones and they will be assessed against the criteria set out in Part B. Part D states that buildings should not exceed the appropriate height range identified for each of the tall building zones.

The tall building map has been based on an Urban Design Study (2021) which is a high-level assessment to identify suitable locations for tall buildings in the borough. Part C of Policy LP4 restricts any tall buildings outside of these zones, even where they demonstrate they meet the tall building criteria set out in Part B. Part D also restricts tall buildings to the 'appropriate height range' identified for each tall building zone, even if the site demonstrates they meet the criteria set by Part B.

It is considered that the policy is unduly restrictive and should not restrict building heights where it can be demonstrated they meet the requirements of Part B of the same policy. This approach does not accord with the new London Plan.

We refer to the recent High Court Judgement of London Plan Policy D9 (Mayor of London vs London Borough of Hillingdon, 15 Dec 21), which questioned how the policy is to be interpreted. Policy D9 (Tall Buildings) requires London Boroughs to define all buildings within their local plans (Part A), requires London Boroughs to identify within their local plans suitable locations for tall buildings (Part B), identifies criteria against which the impacts of tall buildings should be assessed (Part C) and makes provision for public access (Part D).

The High Court decision establishes that Policy D9 should be interpreted with flexibility and sites which are not designated in locations identified as suitable for tall buildings (Part B(3)) should not automatically be considered inappropriate.

The judgement ruled that in considering whether to grant planning permission for a tall building which did not comply with Part B because it was not identified in the development plan, it would surely be sensible, and in accordance with the objectives of Policy D9, for the proposal to be assessed by reference to the potential impacts which are listed in Part C.

The approach to the criteria assessment of Local Plan Policy LP4 is broadly supportive, however, there must be flexibility within the policy to allow for building heights to differ from the 'appropriate height range' where they satisfactorily demonstrate they meet the criteria of Part B. We therefore recommend the policy is updated to reflect the wording of the new London Plan and the implementation of this wording is further clarified.

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We therefore strongly recommend that Wandsworth amend Policy LP4 to remove maximum building heights to ensure it is consistent with the London Plan and reflect the High Court judgement and the GLA's interpretation of Policy D9.

- **Question 3:** *Do Policies LP1 - LP9 provide clear direction as to how a decision maker should react to a development proposal?*

The WLP Tall Buildings Zone indicates an appropriate height range for buildings within the zone, as guided by the Council's Urban Design Study (2021). In undertaking the Urban Design study, the Council has not considered all of the matters which would normally be included in a tall building assessment of an individual site. Whilst policy should give clear guidance of appropriate heights (as set out in London Plan Policy D9), there does need to be sufficient flexibility to allow a proper assessment of a tall building, by virtue of a planning application.

The use of an overly mechanistic approach to the allocation of tall building locations and heights in the Borough is overly prescriptive and does not accord with National or Strategic policies. The policy as currently drafted does not allow for sites to be tested through the planning process to determine whether a scheme is contextually appropriate. This approach allows very little flexibility for a design-led contextual response to site development, and buildings higher than the 'appropriate height range' should not automatically be considered inappropriate.

The use of maximum building heights, both in number of storeys and in metres above ground level, provides very little room for decision makers to assess the merits of a development proposal as Part D strictly states that tall buildings cannot exceed the specified building heights. Developments should be able to clearly demonstrate how height can be accommodated on a site and any impacts including on the character and appearance of the local area, which the decision maker can duly consider and assess on its merits. The use of maximum heights and the restriction it places on design development and innovation is not supported.

## **Recommendation**

Amendments sought as follows:

1. Delete Part C of Policy LP4.
2. Remove *maximum* heights from Tall Building Zones (Appendix 2).
3. Remove the first sentence of Policy LP4 Part D:  
~~*"Proposals for tall buildings should not exceed the appropriate be in general accordance with the height range identified for each of the tall building zones as set out at Appendix 2 to this Plan".*~~
4. Amend Policy LP4 wording to allow greater flexibility for building heights to differ from the 'appropriate height range' where they satisfactory demonstrate they meet the criteria of Part B.