



**LONDON BOROUGH OF WANDSWORTH**  
**LOCAL PLAN INDEPENDENT EXAMINATION IN PUBLIC**  
**WRITTEN STATEMENT**

**MAIN MATTER 13:**  
**ACHIEVING HIGH QUALITY PLACES**  
**(POLICIES LP1 - LP9)**

**WEDNESDAY 16 NOVEMBER 2022**

## **Abbreviations**

LP – The London Plan

NPPF – National Planning Policy Framework

PLP – Publication London Plan

UDS – Urban Design Study

WLP – Wandsworth Local Plan

TCPA - Town and Country Planning Act

**Are the requirements of the Achieving High Quality Places policies justified by appropriate available evidence, having regard to national guidance, local context, and the London Plan?**

The requirements of the policies in Chapter 14 ‘Achieving High Quality Places and Design Excellence.’ are justified by appropriate available evidence and have had regard to national guidance, local context and the London Plan.

The primary sources of evidence used to develop policies where relevant are as follows:

- [Residential Conversion Policy and Meeting the Small Sites Housing Target Topic Paper](#) April 2022 (SD-050)
- [Urban Design Study](#) (2021) (SD-054)
- [Historic England 2022 Tall Buildings: Historic England Advice Note 4](#) 2022 (SD-055)
- [Strategic Flood Risk Assessment](#) 2020 (SD-099)
- [The National Design Guide](#) 2021
- [LB Wandsworth Conservation Area Appraisals and Statements](#)
- [The Westminster World Heritage Site Management Plan](#) 2007
- BRE Guidance on sunlight and daylight

The Urban Design Study (SD-054) and the Strategic Flood risk Assessment (SD-099) are also used to support the implementation of Policies.

Chapter 14 ‘Achieving High quality Places and Design Excellence’ of the Local Plan sets out the policies for the delivery of high-quality design. This not only includes the physical design of buildings, places and their wider context, but also their layout and access arrangements, sustainable design and construction methods, and design which responds to local constraints such as flood risk. It builds on the spatial vision set out in this Local Plan, setting out policies including the general development principles to be applied to individual schemes, as well as the protection of the historic environment, considerations in relation to tall buildings, residential extensions, basements, infill development, advertisements and shopfronts. These policies support the Government’s objective of creating beautiful buildings and places. They are in accordance with the National Planning Policy Framework (NPPF) and in general conformity with the London Plan.

The Council has prepared Chapter 14 of the Local Plan in accordance with the NPPF including making efficient use of land in Paragraph 124, design/place-making criteria of Paragraph 130, advertising control policy of Paragraph 136 and conserving and enhancing the historic environment of Paragraphs 189 – 208. Policies LP1-LP9 have been informed by

the characteristics of well-designed places set out in the National Design Guide and Chapters 3 and 7 of the London Plan. The London Plan provides a framework for delivering good growth through good design, in accordance with national policy and guidance and to inform the development of the boroughs own locally focussed policies.

The revised approach to tall buildings in Policy LP4 has been developed in the context of a fundamental shift in policy regarding density, design and characterisation. Nationally there is a focus on the central role of design which is reflected in the NPPF, including the requirement for Local Authorities to produce local design guides or codes to be consistent with the National Model Design Code. Regionally, the London Plan focuses on a design-led approach to development, with greater consideration of character and design. In particular the policies of the London Plan used to inform LP1-LP9 are: Policies D1 (London's form, character and capacity for growth), D3 Optimising site capacity through the design-led approach), D4 (Delivering good design), D5 (Inclusive design), D6 (Housing quality and standards), D8 (public realm), D9 (Tall buildings), D10 (Basement development), and D11 (Safety, security and resilience to emergency). The heritage policies of Chapter 7 which have also been used are: Policies HC1 (Heritage conservation and growth), HC2 (World Heritage Sites), HC3 (Strategic and Local Views) and HC 4 (London View Management Framework). Policies LP1 – LP9 are in general conformity with these policies.

The evidence which supports these policies (Policies LP1-9) is set out above. In particular, the Urban Design Study (SD-054) has provided an in-depth understanding of the character, context and sensitivity of different parts of the borough given the reality of future development pressures. The Study provides a robust evidence base including identifying locations where tall buildings will be an appropriate form of development in principle and identifying appropriate tall and mid-rise building heights for different identified zones within parts of the borough and show how heights should be dispersed across the tall buildings zones. The Study both informs and will be used in the implementation of Policies LP1, LP2, LP3, LP4, LP5 and LP7.

The Urban Design Study (SD-054) identifies areas that are capable of accommodating new homes through the development of small sites. This approach has informed Policy LP7: Residential Development on Small Sites. The identified areas are defined using a spectrum of sensitivity to change, based on local character, including having taken into account factors such as existing urban grain, historic evolution, building typologies, and spatial strategic growth and regeneration priorities across the borough. All proposals for additional housing on small sites will be expected to have regard to the Urban Design Study as a starting point for informing the design of any scheme in order to reflect and respond to the scope for

intensification in a given area and to demonstrate an appreciation of the key features of local character. The positive approach of LP7 supports housing delivery, optimising site capacity through a design-led approach as set out in London Plan Policy D3.

The Urban Design Study (SD-054) identifies areas across the borough which have a greater or lesser capacity for growth in relation to tall buildings and small sites, by assessing the sensitivity alongside probability (or 'likelihood') of change. Policy LP7 refers to the UDS, setting out that development proposals should have regard to the area's sensitivity to change as defined in the UDS (sensitivity and probability analysis).

The guidance set out in Historic England's Advice Note 4 on Tall buildings has also been used in drafting Policy LP4. The note includes making it clear that the existence of a tall building in a particular location will not in itself justify its replacement with a new tall building on the same site or in the same area, as it may improve the area to replace it with a lower building. This guidance has been reflected in the Urban Design Study, and therefore the identified mid-rise and tall building zones are not always aligned with the height of existing or consented schemes where such height is considered unjustified based on a design-led approach.

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

Policy LP4 (Tall and Mid-rise buildings) is consistent with Policy D9 of the London Plan. Policy D9 has four elements:

***A - Definition***

*Based on local context, Development Plans should define what is considered a tall building for specific localities, the height of which will vary between and within different parts of London but should not be less than 6 storeys or 18 metres measured from ground to the floor level of the uppermost storey.*

***B - Locations***

*1) Boroughs should determine if there are locations where tall buildings may be an appropriate form of development, subject to meeting the other requirements of the Plan. This process should include engagement with neighbouring boroughs that may be affected by tall building developments in identified locations.*

2) Any such locations and appropriate tall building heights should be identified on maps in Development Plans.

3) Tall buildings should only be developed in locations that are identified as suitable in Development Plans.

**C – Impacts**

Development proposals should address the following impacts:

- 1) visual impacts...
- 2) functional impact...
- 3) environmental impact..

**D - Public Access**

Free to enter publicly-accessible areas should be incorporated into tall buildings where appropriate, particularly more prominent tall buildings where they should normally be located at the top of the building to afford wider views across London.

Criteria A - Definition

Policy LP4 part A. defines tall buildings as:

‘Buildings which are 7 storeys or over, or 21 metres or more from the ground level to the top of the building (whichever is lower)...’

When drafting the policy, the Council considered that the use of a single definition of a tall building provides an approach which is simple and easy to understand. The London Plan tall building definition excludes the height of the uppermost storey and the Council considers that this ambiguous. Therefore, for the sake of clarity, the Council has defined a tall building as being either seven storeys or over, or 21 metres or more from the ground level (as defined in the Glossary to the Plan) to the top of the building. The supporting text of paragraph 14.27 explains this alongside figure 14.1 to visualise the definition.

A definition of “tall” which reflects the actual height of a building rather than its height from ground to the floor level of the uppermost storey was therefore preferred.

The Greater London Authority is supportive of the definition of a tall building in Policy LP4:

*‘The Mayor welcomes the clear whole-borough definition of a tall building proposed within Policy LP4 Tall and Mid-Rise Buildings. This is set at 7 storeys or 21m to the top of the building, which derives from the Urban Design Study (2021). This accords with LP2021 Policy D9’*

Part E of Policy LP4 sets out the borough’s definition of a mid-rise building. Separate from the London Plan definition of ‘tall’, the Council recognises that there may be mid-rise buildings in the borough which, whilst not defined as ‘tall’ in line with the London Plan, are of an increased height in the context of their surroundings. Such buildings have the potential to result in significant impacts to the roofscape, skyline, or townscape character. A mid-rise building is defined as: ‘5 storeys or over, or 15 metres or more from the ground level to the top of the building (whichever is lower)’. The Mid-rise approach therefore applies to buildings of 5-6 storeys or 15-18m from the ground level to the top of the building, whichever is lower.

The purpose of the designation is to provide a greater degree of control over buildings which seem tall in relation to the proportions of the surrounding townscape context; yet not sufficiently tall to be considered as a ‘tall’ building within the context of the London Plan definition. The Policy also recognises that there are locations across the borough where there is potential for buildings which are of an increased height to their surroundings.

The Greater London Authority are supportive of the approach to defining mid-rise buildings in Policy LP4:

*‘The Mayor also notes the additional policy approach of defining ‘mid-rise’ buildings of 5 storeys (or 15 metres) which will provide welcome clarity.’*

The Council engaged with neighbouring boroughs through their Duty to Cooperate meetings. Details of the engagement can be found in the minutes of the meetings within the Regulation 18 Statement of Consultation (SD-004) and the neighbouring Authorities Statement of Common Ground (WBC-005). There are no outstanding matters regarding Policy LP4 and the Council will continue to work with neighbouring Authorities through the Development Management process as part of ongoing engagement through planning application consultation.

### Criteria B – Locations

Policy LP4 Part B establishes that tall buildings may only be an appropriate form of development in tall building zones as identified on tall building maps included in Appendix 2 of the Local Plan. Part C establishes that tall buildings will not be permitted outside the

identified tall building zones. Part D establishes that proposals for tall buildings should not exceed the appropriate height ranges identified for each of the tall building zones as set out at Appendix 2 of the Local Plan. This approach is considered to be consistent, and in general conformity, with London Plan Policy D9 Part B. 1,2 and 3.

In accordance with London Plan Policy D9, tall building zone locations have been set out and each zone is supported by a description of the appropriate tall building height range for that zone. Evidence and information to support this approach is contained in Appendix A of the UDS (SD-054). The tall building zones have been defined through an analysis of whether they would impact the townscape, local views and nearby heritage assets positively, negatively or neutrally. This assessment has been undertaken using three core types of information depending on the specific zone: 1. Analysis of existing tall buildings; 2. Analysis of consented tall buildings or area masterplans; or Analysis of scenarios prepared specifically for the UDS.

The Greater London Authority is supportive of the locational approach of the tall building zones in Policy LP4:

*‘...He further welcomes the clear approach regarding the specific locations of such tall buildings, being those set out on in designated zones (clearly indicated on maps in an appendix to the plan) with a clear policy that tall buildings outside of these areas will not be acceptable – and that within these zones proposals need to meet the specified criteria.’*

The GLA response followed the previous comments of the representations at the Regulation 18 stage of the Plan which provided a clear direction that Local Plan policy LP4 should reflect Policy D9 part B3: *‘The PLP Policy D9 part B3) sets out that tall buildings should only be developed in locations that are identified as suitable in Development Plans. This should be clarified and reflected in the draft Plan.’*

A similar approach is also applied to mid-rise buildings as set out in parts E, G and H of Local Plan Policy LP4.

The Greater London Authority is supportive of the locational approach of the mid-rise building zones in Policy LP4:

*‘The Mayor also notes the additional policy approach of defining ‘mid-rise’ buildings of 5 storeys (or 15 metres) which will provide welcome clarity.’*

The Greater London Authority is supportive of the locational approach regarding B part 2 of London Plan Policy D9:



*‘Appendix 2 sets out clear appropriate heights in metres and storeys – expressed as a range, using a heat-map style visualisation to express appropriate heights within a range. This is clear and is supported.’*

Criteria C – Impacts and Criteria D Public Access

Policy LP4 Part B establishes that planning applications for tall buildings will be assessed against the criteria set out in Parts C and D of the London Plan Policy D9 and the local criteria as stated under the headings ‘Visual Impacts’, ‘Spatial Hierarchy’, ‘Tall Buildings near the River Thames Frontage’, ‘Microclimate and Lighting’ and ‘Ground Floor Uses and Public Realm’.

The Greater London Authority is supportive of the approach:

*‘...He further welcomes the clear approach regarding the specific locations of such tall buildings, being those set out on in designated zones (clearly indicated on maps in an appendix to the plan) with a clear policy that tall buildings outside of these areas will not be acceptable – and that within these zones proposals need to meet the specified criteria.’*

A similar criteria approach is also applied to mid-rise buildings as set out in Part F of Local Plan Policy LP4. The Greater London Authority is supportive of the approach:

*‘The Mayor also notes the additional policy approach of defining ‘mid-rise’ buildings of 5 storeys (or 15 metres) which will provide welcome clarity.’*

This approach is considered to be consistent with Criteria C and D of London Plan Policy D9.

LB Hillingdon v Mayor of London Master Brewer Judicial Review

A number of Representations at the Regulation 19 stage e.g. comment IDs 251, 234, 582, 666, suggest that the LB Hillingdon v Mayor of London Master Brewer [Judicial Review](#) is relevant as to how London Plan Policy D9 should be interpreted as it relates to Local Plan Policy LP4 and in particular that the provisions of Criteria C of Policy LP4 operate as a blanket ban on tall buildings outside the identified tall building zones and as such removes an applicant’s ability to provide a justification for a scheme for a tall building in an area outside the tall building zone.

The Council considers that it is important to consider two issues:-

- (i) the Master Brewer case and its relevance to the emerging Local Plan Policy LP4 and;
- (ii) how the current policy LP4 has been developed as part of the emerging Local Plan.

Relevance of the Master Brewer Case:

The case involved an application made to the London Borough of Hillingdon for the redevelopment of a former hotel site in the borough for a mixed-use development including an 11storey building.

The officers of the Council prepared a report containing 8 reasons for refusal. Policy DMHB 10 was the principal policy concerned with high buildings in the borough. The proposal was assessed by the officers against this policy and the draft version of London Plan Policy D9, and their advice was that the proposal would be contrary to both policies.

The report was submitted to the borough’s Major Applications Committee and the committee supported the officer’s recommendation of refusal.

As they were required to do the application was referred to the Mayor’s Office with a statement that it proposed to refuse the application. The Mayor’s Office indicated that it would exercise its right to determine the application. The Mayor’s Office prepared a report and having considered the application in the context of the Development Plan, it assessed the proposal as being in accordance with the Development Plan, despite the proposal not fully complying with Policy DMHB 10. LB Hillingdon made representations that it considered its officers report to still be correct in its approach.

A hearing was held on the 3<sup>rd</sup> September 2020 and the application was approved.

In December 2020 the then Secretary of State issued a direction to the Mayor of London in relation to the emerging London Plan which included an amended version of Policy D9 including an amendment to Part B3 as follows (with the change emboldened) :-

(3) Tall buildings should only be developed in locations that are identified **as suitable in** Development Plans

As a consequence of this change LB Hillingdon wrote requesting a reconsideration of the application, which the Mayor’s office agreed to. LB Hillingdon requested that a further hearing take place but this was not agreed to. LB Hillingdon made representations and the

Application was determined by the Mayor's Office and approved following the publication of an updated report.

The updated report concluded that 'overall the proposal accords with the Development Plan', it addressed the conflicts with the LB Hillingdon's adopted Local Plan and London Plan policies but concluded that on the planning balance the application should be approved.

The ground of challenge from LB Hillingdon in the case was that the decision maker (the Mayor's office) had mis-interpreted Policy D9, its submission being that Policy D9 gave primacy to the planning judgment of the LB Hillingdon in terms of the definition and location of all buildings, and that Policy D9 did not permit further considerations of proposals that fell outside the locations identified by LB Hillingdon. In essence Parts A and B of D9 had to be considered, if the proposal did not satisfy these limbs of the policy, Part C should not be considered.

The judgment provides at paragraph 83 that policy D9 is a planning policy that had to be considered as a policy in accordance with S70(2) of the TCPA and section 38(6) of the PCPA 2014, and that in effect the application must be considered against all parts of the Policy and the Development Plan. There was in effect no 'gateway' approach as advanced by LB Hillingdon, a proposal did not have to pass parts A and B of the policy before Part C could be considered.

The application should have been considered against Part C of the London Plan policy D9 as had been done by the Mayor's office.

In the case of Wandsworth, the context is significantly different. In particular there is an emerging local plan policy which has been drafted to be in general conformity with Policy D9 of the London Plan.

Therefore, the stated case revolves around the interpretation of Policy D9 and how the particular application was assessed against the LB Hillingdon's local policy for tall buildings and the emerging version of Policy D9. The case provides guidance as to how local plan and London plan policies should be applied in the case of tall buildings.

The case does not provide any clear advice against a local authority promoting a tall buildings policy as long as it is in conformance with the London Plan Policy D9. The case is primarily concerned with the approach taken by LB Hillingdon in taking a 'gateway' approach and that council's interpretation of Policy D9.

The case does not prevent the inclusion of a policy such as Part C of Policy LP4.

Indeed, if an application is made which is not in full compliance with Policy LP4, it will be for the applicant in making an application, to clearly identify and justify how any wider planning benefits of the scheme should outweigh any harm such that, in the planning balance, a planning permission should be granted. The approach of the Council in considering any such scheme will be informed by the approach outlined in the stated case.

#### Development of Policy LP4

In that regard the Council has drafted policy LP4 so as to follow the general thrust of London Plan Policy D9 but has sought to apply a local focus to the Policy to make it specific and appropriate to the Borough having regard to local evidence and the local environment. It has sought to identify zones within which tall buildings may be permissible, subject to a detailed application being presented to address the other parts of the policy requirements, it also considers proposals for mid-rise buildings.

It provides a framework against which tall buildings can be assessed as part of a planning determination. It seeks to promote development in areas it considers appropriate and then states (Part C) that applications outside the zones will not be permitted.

This is clearly not an absolute restriction on submitting an application for a tall building in the borough. If an application was made for a tall building outside the permitted zones, as part of the determination the Council would have to be considered the proposals against the Development Plan as a whole together with any material considerations before a determination is made. If there are other benefits to a scheme these may outweigh Policy LP4 Part C and could result in a positive recommendation of approval.

In terms of consultations with the GLA the comments are recorded in full in the response to the Regulation 19 consultation but can be summarised by this paragraph:-

*'The Mayor welcomes the clear whole-borough definition of a tall building proposed within Policy LP4 Tall and Mid-Rise Buildings. This is set at 7 storeys or 21m to the top of the building, which derives from the Urban Design Study (2021). This accords with LP2021 Policy D9. He further welcomes the clear approach regarding the specific locations of such tall buildings, being those set out on in designated zones (clearly indicated on maps in an appendix to the plan) with a clear policy that tall buildings outside of these areas will not be acceptable – and that within these zones proposals need to meet the specified criteria. The Mayor also notes the additional policy approach of defining 'mid-rise' buildings of 5 storeys (or 15 metres) which will provide welcome clarity. Appendix 2 sets out clear appropriate*

*heights in metres and storeys – expressed as a range, using a heat-map style visualisation to express appropriate heights within a range. This is clear and is supported.'*

Therefore, it is clear that the policy is consistent with Policy L9 of the London Plan and the case cited does not provide any justification or reason to amend Policy LP4.

***Do Policies LP1 – LP9 provide clear direction as to how a decision maker should react to a development proposal?***

The Council consider that Policies LP1 to LP9 are in accordance with Paragraph 16 of the NPPF, which requires that they are, '*clearly written and unambiguous*', and drafted in such a manner that it is '*evident how a decision maker should react to development proposals*'. Policies are positively worded unless local evidence suggests an alternative approach, and – where appropriate – set out the requirements for decision makers using a criteria-based approach. The thresholds to which a policy applies are clearly set out. The justification for each policy and how it will apply is clearly set out within the relevant supporting text.

The policies are clearly linked to the relevant environmental, social and economic objectives of the Local Plan, as set out in Chapter 2. These objectives, support the achievement of the Local Plan's vision and which form the basis of its spatial strategy. The Council has assessed the clarity and intent of the policies using the PAS Soundness Self-Assessment Checklist (SD-015), and in particular Q44 which asks; 'Are the objectives the policies are trying to achieve clear, and can the policies be easily used and understood for decision making?'

Following the public consultation on the Pre-Publication (Regulation 18) Local Plan, changes were made to Policies LP1 to LP9, including to expressly address matters of clarity. The Council's detailed responses and the outcome of the representations submitted with respect to the Local Plan are set out in the Council's Statement of Consultation Regulation 18, Appendix 5: Responses to Local Plan Pre-Publication Consultation and Officer Comments (SD-004), with those specific to policies LP1 to LP9 from pages 246 to 294.

The Publication (Regulation 19) Local Plan (SD-001) has been submitted to the Secretary of State for examination. However, the Council has reviewed the representations received and have set out detailed comments within the Schedule of Representations on the Publication (Regulation 19) Local Plan and the Council's Responses (WBC-007 and WBC-008). The responses identify, where considered appropriate, a small number of specific changes to the wording of policies and supporting text for the sake of clarity. These are set out within the Schedules of Proposed Main and Additional Modifications suggested by the Council (WBC-

010 References PPMM/059 - PPMM/060 and WBC-011 References PPMM/073 - 074), respectively.