

**London Borough of Wandsworth
Local Plan Examination**

Hearing Statement on behalf of Safestore PLC
Matter 13 – Achieving High-Quality Places (Policy LP1 – LP9)

27th October 2022



1. Executive Summary

1.1 Savills has been instructed by Safestore PLC ('Safestore') to prepare a statement and participate in the forthcoming examination of the London Borough of Wandsworth ('the LB of Wandsworth') Local Plan in response to Matter 13 – Achieving High-Quality Places (Policy LP1 – LP9), which poses the following questions:

- *'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?'*
- *'Policy LP4 (Tall Buildings) – Is the policy consistent with Policy D9 of the London Plan?'*
- *'Do Policies LP1-LP9 provide clear direction as to how a decision maker should react to a development proposal?'*

1.2 This statement identifies the following issues with the LB of Wandsworth's Draft Local Plan:

- Draft Local Plan Policy LP4 sets building height limits, such as those for Ingate Place (NE7) and 19 Lombard Road (RIV8), which prevent viable development coming forward and therefore sterilising the development potential of available, deliverable and allocated sites¹;
- By capping building heights, Draft Local Plan Policy LP4 is not in conformity with London Plan Policy D9 which provides the flexibility for a judgement to be made about appropriate heights against the impact criteria set out in Part C of Policy D9; and
- Draft Local Plan Policy LP4 conflicts with Draft Local Plan Policy LP1 which advocates for the optimisation of sites through the design-led approach, in line with London Plan Policy D3.

1.3. The points outlined above reflect a contradictory policy framework that fails to support the delivery of the strategic objectives of the Draft Local Plan (with specific reference to Site Allocation RIV8 and NE7), including the intensification of Focal Points and Strategic Industrial Locations.

1.4. As such, we consider the Draft Local Plan to be **unsound** with reference to Paragraph 35 of the National Planning Policy Framework (NPPF)².

¹ See previous representation made on behalf of Safestore within the Regulation 19 Local Plan Consultation

² See NPPF test of soundness set out in paragraph 1.3 of this Hearing Statement.

2. Introduction

- 2.1. Safestore is the owner of three sites within the London Borough of Wandsworth (LBW): Ingate Place in Battersea, 19 Lombard Road in Battersea and 1 Bendon Valley on Garrett Lane. Safestore maintains its commitment to exploring the redevelopment potential of these Sites with the LBW in order to contribute to the wider growth ambitions of the Borough. This statement references two of these sites, Ingate Place and Lombard Road, in order to demonstrate the deficiencies of the Draft Plan's evidence base, concluding that the Draft Plan is not sound
- 2.2. Ingate Place, located within the Battersea Design and Technology Quarter (BDTQ) Cluster, is allocated for development in the Draft Local Plan under Site Allocation Reference **NE7**.
- 2.3. Lombard Road, located within the Lombard Road/York road Riverside Focal Point, is allocated for mixed-use development in the Draft Local Plan under Site Allocation Reference **RIV 8**.
- 2.4. Savills has made representations in respect of Ingate Place and Lombard Road during previous consultations on the Draft Local Plan. The most recent representations were made in response to Regulation 19 LB of Wandsworth Draft Local Plan in February 2022³. This representation included townscape, viability and feasibility analysis of the two sites compiled by Montagu Evans, Savills Viability and Collado Collins respectively.

³ See Appendix 1 – LB of Wandsworth Draft Local Plan Regulation 19 Representation made on behalf of Safestore.

3. Planning Policy Context

National Planning Policy Framework ('NPPF')

3.1. Paragraph 35 of the NPPF (July 2021) states that for an emerging Local Plan to be found “sound”, it must be:

- ***Positively prepared;***
- ***Justified;***
- ***Effective; and***
- ***Consistent with national policy.***

3.2. Further, Local Plans in London are also required to be in “**general conformity**” with the London Plan.⁴

London Plan (2021)

3.3. London Plan Policy D3 encourages all development to make the best use of land by following the design-led approach to optimise site capacity. It also directs higher-density developments to locations that are well connected to jobs, services, amenities and infrastructure.

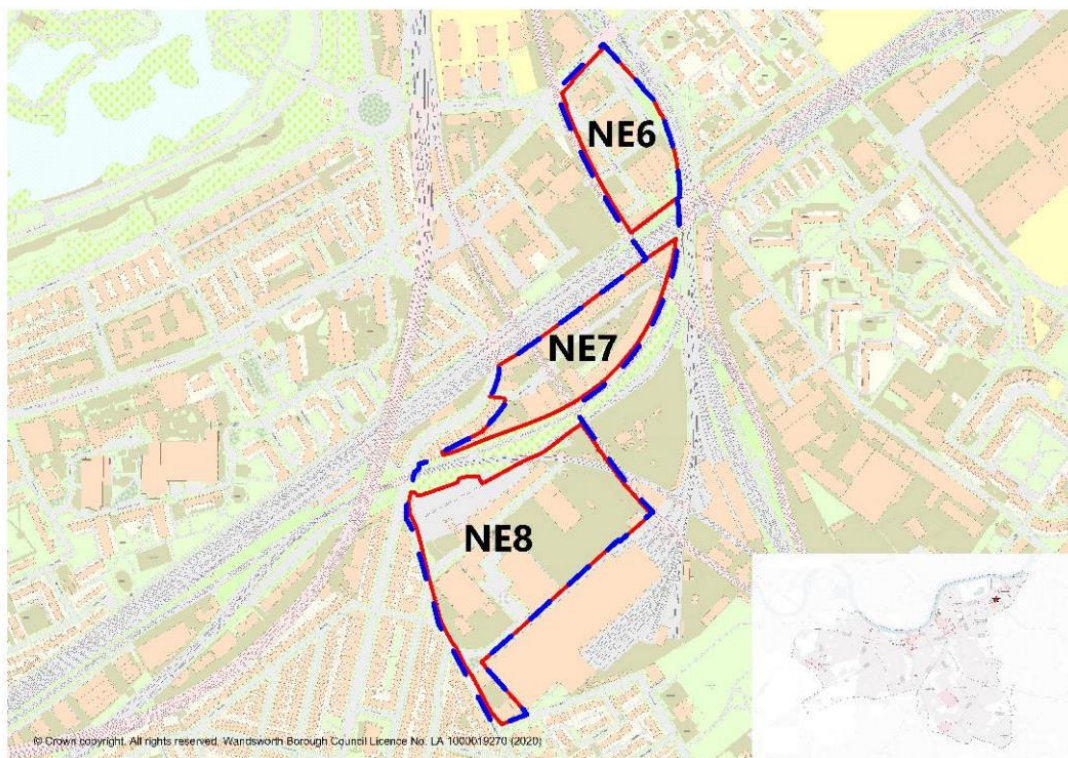
3.4. London Plan Policy D9 establishes a framework for the appropriateness of tall buildings to be assessed against, including functional, visual, environmental and cumulative impacts (Policy D9, Part C). Policy D9 supports the development of different design solutions without defining prescriptive outcomes at the plan-making stage.

⁴ Section 24 (1)(b) Planning and Compulsory Purchase Act 2004

4. Main Representation

- 4.1. Draft Local Plan Policy SDS1 sets out the overarching Spatial Development Strategy which seeks to address the long-term needs of the LB of Wandsworth over the 15-year plan period (2023 – 2038). In order to enable the delivery of this strategy, the Draft Local Plan has identified 73 Site Allocations which will play a key role in delivering the Borough’s identified development needs, alongside the infrastructure required to support growth, renewal and regeneration⁵.
- 4.2. Ingate Place is allocated for development in the Draft Local Plan (Site Allocation Reference **NE7**). The site is allocated for the following uses:

“A mix of workshops and studio uses, office space for SMEs, open space, and industrial uses including yard space and amenity space. Development should have regard to the Council’s Vision for the area, which is set out in the BDTQ Economic Appraisal and Development Framework (EADF).”



Map 5.7 Battersea Design and Technology Quarter

Figure 1: Map 5.7 from the Draft Local Plan

- 4.3. 19 Lombard Road is allocated for development in the Draft Local Plan (Site Allocation Reference **RIV8**). The site is allocated for:

“Mixed-Use development incorporating replacement economic floorspace and residential use. Buildings fronting Lombard Road and Gwynne Road should define the street frontages with active uses at ground floor level. There is potential for new public realm on the Lombard Road frontage, especially at the junction with Gwynne Road.”

⁵ Site Allocations Methodology Paper (January 2022) - https://www.wandsworth.gov.uk/media/10144/site_allocation_assessment_methodology_paper.pdf

4.4. As stated in the Site Allocations Methodology Paper (published by LBW in January 2022)⁶ which forms part of the Draft Local Plan Evidence Base, Site Allocations are key opportunity sites that particularly benefit from site-specific policy (in addition to borough-wide policy) to promote investment, optimise capacity and secure the best development outcome.

Draft Local Plan Policy LP4

4.5. Draft Local Plan Policy LP4 outlines general building heights for tall and mid-rise zones within the LB of Wandsworth. The general heights specified in draft Local Plan Policy LP4 are as follows:

- 'Tall' buildings are defined as 7-storeys or over, or 21m (whichever is the lower); and
- 'Mid-rise' buildings are defined as 5-storeys or 15m (whichever is the lower).

4.6. Appendix 2 of the Draft Local Plan identifies specific heights across the tall and mid-rise building zones within the Borough and part D of Draft Policy LP4 states that “*Proposals for tall buildings should not exceed the appropriate height range identified for each of the tall building zones as set out at Appendix 2 to this Plan.*”

Ingate Place

4.7. In the Adopted Local Plan (2016), Ingate Place is located within Area C (Vauxhall / Nine Elms / Battersea) within which tall buildings are likely to be inappropriate and proposals will be considered ‘tall’ at 11 storeys.

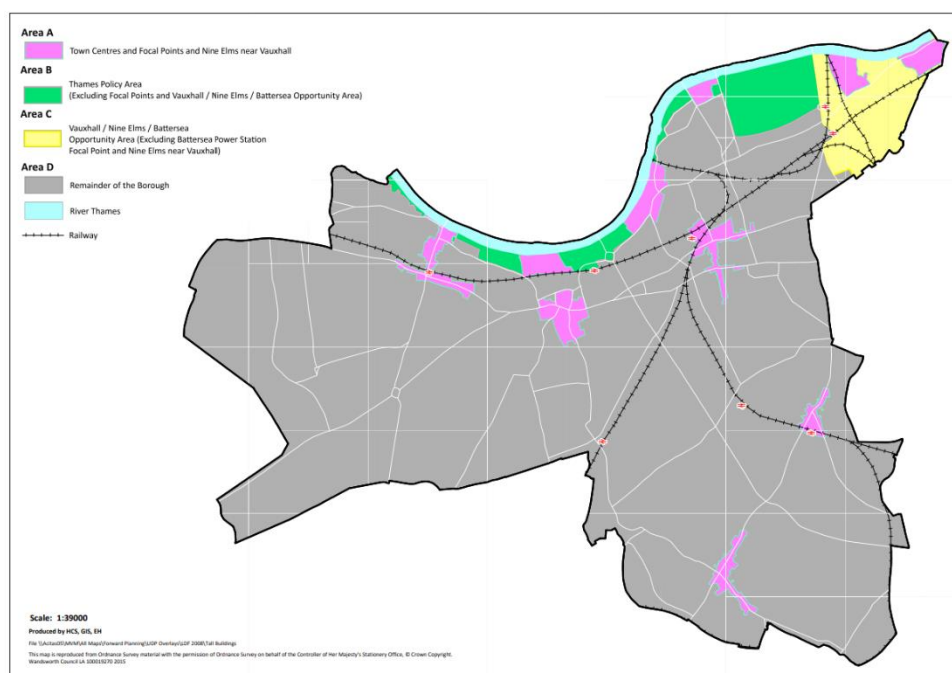


Figure 2: Map A1 Tall Buildings policy areas from the Adopted Site Specific Allocations Document (2016)

4.8. In the Regulation 18 Draft Local Plan, Ingate Place was located in a tall building zone considered to have opportunities for tall buildings within a local context. The height at which buildings were to be considered as ‘tall’ was proposed as 8 storeys.

⁶ Site Allocations Methodology Paper (January 2022) - https://www.wandsworth.gov.uk/media/10144/site_allocation_assessment_methodology_paper.pdf

- 4.9. In the Regulation 19 Draft Local Plan, Ingate Place has been removed from the tall building zone and placed into a mid-rise building zone where buildings should not exceed 6 storeys.
- 4.10. In 2019, LBW commissioned Arup to undertake an Urban Design Study (UDS) as part of the Draft Local Plan evidence base. The UDS was first published in December 2020, prior to the consultation on the Regulation 18 Draft Local Plan. Appendix A of the UDS (2020) identified Ingate Place as being located within the Battersea Design and Tech Quarter (A.2.9), which was considered to have low sensitivity and higher capacity, across an extensive masterplan of new tall buildings.
- 4.11. An updated revision of the UDS was published in December 2021, following the consultation on the Regulation 18 Draft Local Plan, but prior to the publication of the Regulation 19 Draft Local Plan within which Ingate Place was removed from a tall building zone. It is unclear as to how this 2021 revision of the UDS supports removing Ingate Place from a tall building zone and locating it within a mid-rise zone. In the same vein, the evidence base should take into account the emerging context of townscape character areas as a means to assess their 'Probability of Change'.
- 4.12. Further to this, Ingate Place has been excluded from the tall building zone adjacent to the site (see Figure 3 below).

A.3.11 TB-B3a-02: Nine Elms Mixed Use sub area B3a

Existing prevailing height: 2-5 storeys

Appropriate height: 7-11 storeys (21-33m)

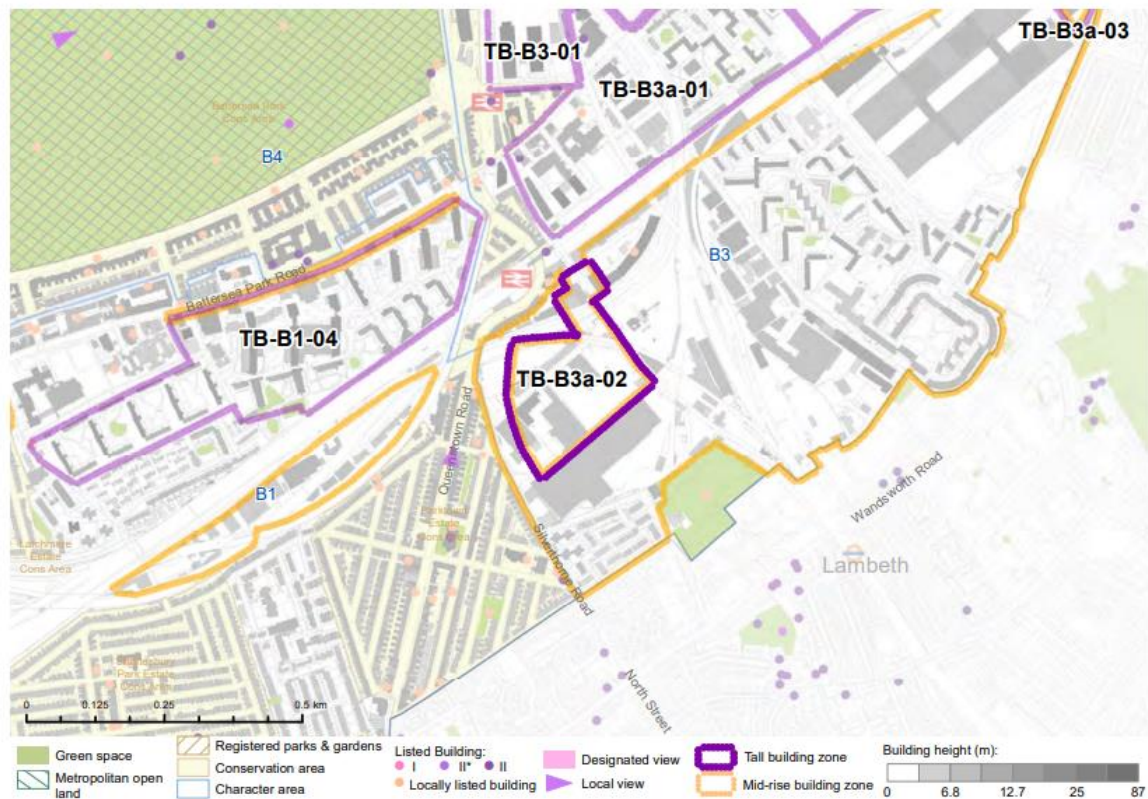


Fig. 294: TB-B3a-02 context map

Figure 3: Map from the UDS showing TB-B3a-02

- 4.13. As stated above, we do not consider there to be a robust justification to support the tall building zone not including the full extent of Ingate Place. Crucially, this would allow viable development to come forward and optimise the development potential of the site, as well as enabling greater flexibility to introduce a varied composition of massing and heights, as suggested by We Made That in the BDTQ Framework.

Lombard Road

- 4.14. With regards to Lombard Road, the tall building allocation of 7-10 storeys is subjective. The site presents an opportunity to deliver significant benefits through the delivery of homes, jobs and public realm improvements which can only be facilitated through the delivery of taller buildings on the site. The UDS (2021) outlines that heights in this area are capped to ensure there is no detrimental impact on the adjacent York Gardens and Battersea Square Conservation Area.
- 4.15. However, the extent of visibility of new and existing development on the setting of a conservation area does not necessarily constitute harm and the degree of any harm for each individual case should be assessed on its own merits. Indeed, there are many instances of where tall or large-scale development appear as prominent features in the wider context of conservation area settings and this does not necessarily result in a negative impact. In fact, this may have a positive impact on the existing townscape setting, such as the juxtaposition of new and old, legibility and wayfinding and composition of tall building clusters.
- 4.16. It also fails to consider that Lombard Wharf is visible, most notably from the western edge of the Battersea Square conservation area as a standalone building with a modern architecture that contrasts with the low-rise historic character. The 14-storey Gwynne Road development is also visible as an isolated feature.
- 4.17. Annex 2 of the NPPF 2021 defines “Setting of a heritage asset” as “The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral
- 4.18. Each building therefore forms part of the conservation area’s setting. and the introduction of additional building forms of a similar or comparable scale to respond to these standalone buildings may be beneficial in creating an improved composition of taller elements forming the backdrop in views looking southwards towards an emerging riverside cluster.

Draft Local Plan Policy LP1

- 4.19. Draft Local Plan Policy LP1 requires development proposals to follow a design-led approach to optimise the potential of sites, in conformity with Policy D3 of the London Plan (2021), as outlined in paragraph 1.6 of this statement.
- 4.20. Whilst we fully support the premise of Draft Local Plan Policy LP1 in encouraging the design-led optimisation of sites, we consider that, in setting prescriptive building height limits for mid and tall building zones, Draft Local Plan Policy LP4 is inconsistent with Policy LP1.
- 4.21. A design-led approach provides the flexibility for an Applicant and the Council to consider a range of design options to determine the most appropriate form of development that responds to a site’s context and capacity for growth. This approach seeks to ensure that development

proposals have sufficient regard to planning policy whilst also demonstrating that the site has been optimised to deliver the most appropriate form and land-use. Ultimately, it is for the Development Management process to determine the most appropriate form of design for individual sites – this is not the role of the Development Plan.

London Plan Policy D9

- 4.22. As currently drafted, Draft Local Plan Policy LP4 reflects a rigid approach that prematurely and unnecessarily restricts building heights, removing the ability for applicants to pursue a design-led approach, as advocated by Draft Local Plan Policy LP1 and London Plan Policy D3.
- 4.23. London Plan Policy D9 (Part A) states that ‘Development Plans should define what is considered a tall building for specific localities...but should not be less than 6 storeys or 18 metres...’
- 4.24. Part B (2) of Policy D9 goes on to add that ‘Any such locations and appropriate tall building heights should be identified on maps in Development Plans’. However, Policy D9 does not direct Local Plans to set building height limits in such locations. Rather, it allows for Local Plans to cite what may be ‘appropriate’ but provides the flexibility for a judgement to be made through the Development Management process with regards to what an acceptable height may be, having due regard to the impact tests set out in Part C of Policy D9.
- 4.25. Draft Local Plan Policy LP4 (Part D) goes beyond the requirements of London Plan Policy D9 by stating that ‘proposals for tall buildings should not exceed the appropriate height range identified for each of the tall building zones’. We consider this policy wording to be unduly restrictive and not in general conformity with the London Plan.
- 4.26. London Plan Policy D9 (Part B (3)) states ‘Tall buildings should only be developed in locations that are identified as suitable in Development Plans.’ Draft Policy LP4 (Part C) states that proposals for tall buildings will not be permitted outside of the identified tall building zones. We note that Policy D9 uses the word ‘should’ (which indicates a number of possible outcomes), compared to Draft Policy LP4 (Part B) where it is stated that proposals ‘will only be appropriate in tall building zones.’ (which suggests a mandatory requirement to comply). We therefore consider that this policy wording lacks flexibility, is not in general conformity with the London Plan and is not effective.
- 4.27. Furthermore, preventing the development of tall buildings outside of identified zones as per Draft Local Plan Policy LP4 (Part C) does not align with the High Court decision in London Borough of Hillingdon, R (On the Application Of) v Mayor of London [2021] EWHC 3387 (Admin) (15 December 2021). In that case Hillingdon LBC refused to grant planning permission for the construction of buildings up to 11 storeys high located within an Air Quality Management Area. In dismissing the claim, the Court held that the Mayor of London had not misinterpreted Policy D9 of the London Plan 2021 concerning appropriate locations for tall buildings and had not failed to take into account evidence of the alleged air quality impacts of the proposed development, in deciding subsequently to grant planning permission.
- 4.28. In reaching that conclusion the Court confirmed that read straightforwardly, objectively and as a whole, policy D9:
- required London boroughs to define tall buildings within their local plans, subject to certain specified guidance (Part A);

- required London boroughs to identify within their local plans suitable locations for tall buildings (Part B);
- identified criteria against which the impacts of tall buildings should be assessed (Part C);
- made provision for public access (Part D).

4.29. However, there is no wording in DP9 to indicate that Part A and/or Part B above were gateways or pre-conditions to Part C. The context was critical to the interpretation. Policy D9 was a planning policy in a development plan. Section 70(2) of the 1990 Act and the Planning and Compulsory Purchase Act 2004 s.38(6), states that there is a presumption that application should be determined in accordance with the development plan, unless material considerations indicated otherwise. As such, the decision-maker would have to decide whether there were considerations of such weight as to indicate that the development plan should not be accorded the priority which the statute had afforded it.

4.30. As currently drafted, Draft Local Plan Policy LP4 excludes engagement with Part C and prohibits the development of tall buildings outside of tall building zones, irrespective of the wider regenerative benefits which a tall building might be capable of delivering.

5. Conclusion

5.1. This statement has been written in direct response to Matter 13 - Achieving High Quality Places (Policy LP1 – LP9). We set out our conclusions below.

- By capping building heights, Draft Local Plan Policy LP4 is not in conformity with London Plan Policy D9 which provides the flexibility for a judgement to be made about appropriate heights against the impact criteria set out in Part C of Policy D9;
- Draft Local Plan Policy LP4 conflicts with Draft Local Plan Policy LP1 which advocates for the optimisation of sites through the design-led approach, in line with London Plan Policy D3;
- In prohibiting the development of tall buildings outside of tall building zones, Draft Local Plan Policy LP4 does not accord with London Plan Policy D9 and legal precedents which demonstrate that, whilst Policy D9 directs tall buildings to locations identified as appropriate within development plans, ultimately tall building proposals should be assessed against the potential impacts outlined in London Plan Policy D9 (Part C); and
- The effects of the Draft Local Plan Policy LP4 through setting building height limits, such as those for Ingate Place (NE7) and 19 Lombard Road (RIV8), prevents viable development coming forward and therefore sterilising the development potential of available, deliverable and allocated sites⁷;
- The points outlined above reflect a contradictory policy framework that fails to support the delivery of the strategic objectives of the Draft Local Plan;
- As such, we consider that the Draft Local Plan to be unsound with reference to Paragraph 35 of the National Planning Policy Framework (NPPF) given that, when read as a whole, the Draft Local Plan is not:
 - ***Positively prepared;***
 - ***Justified;***
 - ***Effective; or***
 - ***Consistent with national policy.***

⁷ See previous representation made on behalf of Safestore within the Regulation 19 Local Plan Consultation