

16 March 2023

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 – PROPOSED MAIN MODIFICATIONS

We write on behalf of our client, Vinci UK Developments Limited and St Modwen Developments Ltd (NCGM) Ltd (hereafter referred to as “VSM”), to make representations to the London Borough of Wandsworth’s (“LB Wandsworth”) Local Plan Main Modifications. The Draft Local Plan was submitted to the Planning Inspectorate on 29 April 2022, and the hearing sessions for the examination of the Local Plan began on 15 November 2022 and concluded on 30 November 2022. Following the Examination hearings, Inspectors have proposed a list of main modifications and policy map changes considered necessary to make the plan sound and/or legally compliant. These modifications are out for consultation until 17 March 2023.

These representations focus on the proposed Schedule of Main Modifications currently out for consultation and whether these ensure that the proposed policies meet the National Planning Policy Framework’s (NPPF) (2019) four tests of soundness from Paragraph 36, when submitted for examination. 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.

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

OUR COMMENTS – IN RELATION TO NEW COVENT GARDEN MARKET (NCGM), SW8

In assessing the potential for the Local Plan to be sound, we have regard to land at New Covent Garden Market (NCGM), SW8. 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 site plan at **Appendix 1**).

To inform the Local Plan Review, we have made representations on behalf of VSM to the LB Wandsworth's Draft Local Plan at Regulation 18 (Pre-Publication Version) and Regulation 19 (Publication Version) stages in the development plan preparation process. Our most recent representations on Regulation 19 were submitted on 28 February 2022. A copy of the previous presentations has been included in **Appendix 2**.

Having reviewed the Proposed Main Modifications document as a part of the Local Plan Examination, our representations to the Proposed Main Modifications are set out below in this letter, particularly in relation to the relevant policies for NCGM and Site Allocation Policy NE12 – New Covent Garden Market (NCGM), SW8.

Relevant Policies

Main Modification Number	Section of the Plan	Proposed Main Modification	Our Comments
MM5	PM1 Area Strategy and Site Allocations Compliance	Delete Policy PM1 criteria B as follows: ‘B. Proposals which do not comply with the relevant development plan policies, Area Strategy and Site Allocations will be resisted unless it is clearly evidenced that an alternative type of development can be justified. In such circumstances, the development must not prejudice the delivery of the Local Plan’s Vision and Objectives, the Objectives of the Area Strategy, or Site Allocations on neighbouring sites.’	<p>It is noted that this text is proposed to be deleted as it represents a repetition of section 38(6) of the Planning and Compulsory Purchase Act 2004.</p> <p>However, it is considered appropriate that this clarification as to the application of the policy is made clear within the policy wording. NPPF Paragraph 16 notes that plans should, inter alia, “<i>contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals</i>”.</p> <p>As such, explicit guidance to decision makers should not be deleted where it clarifies that 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.</p> <p>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 and is future-proof for the Plan period.</p>

MM146	LP4 Tall and Mid-rise Buildings	<p>Amend parts C and G of LP4 as follows:</p> <p>C. <i>'The Council will seek to restrict Pproposals</i> for tall buildings will not be permitted outside the identified tall building zones.'</p> <p>G. <i>'The Council will seek to restrict Pproposals</i> for mid-rise buildings will not be permitted outside the identified tall and mid-rise building zones.'</p>	<p>These modifications are supported in that they provide flexibility for taller buildings (tall or mid-rise buildings) where they are justified in terms of context subject to more detailed assessment at planning application stage. It is recommended that for greater clarity the wording is further changed as follows:</p> <p>C. <i>'The Council will seek to restrict Pproposals</i> for tall buildings will not be permitted outside the identified tall building zones <i>unless robust justification and exceptional design can be demonstrated.'</i></p> <p>G. <i>'The Council will seek to restrict Pproposals</i> for mid-rise buildings will not be permitted outside the identified tall and mid-rise building zones <i>unless robust justification and exceptional design can be demonstrated.'</i></p>
MM179 and LP23 Affordable Housing MM181	<p>Amend wording in Policy LP23 C as follows:</p> <p>'The Council will require an affordable housing tenure split of <i>at least</i> 50% low-cost rent products, 25% First Homes and 25% <i>with a balance of</i> other intermediate products. A minimum discount of 30% will be applied to First Homes.'</p> <p>Amend the first sentence of para 17.11 as follows:</p> <p>'A tenure split of <i>at least</i> 50% low-cost rented, 25% First Homes and 25% <i>with a balance of</i> other intermediate products will be required.'</p>	<p>Whilst the removal of First Homes requirements from the policy is supported, it is noted that the Local Plan Viability Study, dated January 2022, did not consider affordable housing tenure split scenarios that did not include a proportion of First Homes (with varying levels of discount) for conventional for-sale homes. As such, it is unclear whether requiring a minimum of 50% of affordable homes to be low-cost rent products, above the minimum requirements of London Plan Policy H6 of 30%, would have a detrimental impact on viability. We would suggest the proposed affordable housing tenure mix to be revised and amended to reflect London Plan Policy H6 minimums for tenure split of 30% low-cost rent and 30% intermediate, unless it can be clearly</p>	

			evidenced that 50% low cost rent would be viable on the majority of schemes.
MM180	LP23 Affordable Housing	<p>Amend wording in Policy LP23 E as follows:</p> <p><u>'In line with the threshold approach of London Plan Policy H5, applications not delivering the relevant minimum threshold must undergo the Viability Tested Route. Site-specific viability information will only be accepted in exceptional cases, as set out in Policy H5 of the London Plan.</u> The Council will undertake an independent review of that assessment for which the applicant will bear the cost. Review mechanisms will be required in accordance with the approach set out in the London Plan and relevant Supplementary Planning Guidance.</p>	<p>We welcome the removal of 'exceptional cases' from the policy wording as it is much clearer when viability is required and the wording now aligns with the London Plan. This is also considered to align with the NPPF requirements under paragraph 16 (as mentioned above) that require policies to be "clearly written and unambiguous"</p>
MM183 And MM184	LP27 Housing Standards	<p>Amend the wording in Policy LP27 A.2 as follows:</p> <p><u>'...meet all requirements for housing standards <i>and private internal space</i> set out in the Policy D6 of the London Plan, <i>and provide private outside space to a minimum of 10 sqm for 1 and 2 bedroom dwellings and 15 sqm for dwellings with 3 or more bedrooms (excluding footpaths, parking areas, access ways, side, or front gardens).'</i></u></p> <p>Add a new paragraph, 17.30 as follows:</p> <p><u>'In respect of private outside space, Policy D6 of the London Plan allows local standards to be applied at a higher level than it advocates. For a long time, Wandsworth has used an established and evidenced</u></p>	<p>The modifications to LP27 set higher requirements for external amenity spaces than those set out in London Plan Policy D6. It is noted that this modification reflects currently adopted policy, however it is unclear as to the up-to-date evidence or justification for this within the evidence base and therefore the increased requirements are not considered to be justified in accordance with the requirements of the NPPF.</p> <p>In the absence of an evidence base for this higher requirement, it is our view that having a blanket approach for amenity standards for all developments across the Borough which have different levels of density would not be effective or appropriate.</p> <p>We would therefore suggest that the modification reflects that the London Plan standards would be used as the baseline minimum, and for a flexible approach to be</p>

standard for external amenity space, which seeks 10sqm of space in non-family sized units and 15sqm in family sized units. It remains appropriate – particularly in light of the importance of having private outdoor space during the pandemic - to continue to apply these standards to new residential development.'

applied to the higher targets where justification is provided (including the potential for additional external amenity space above the London Plan minimums to be incorporated into external or internal communal amenity space where appropriate).

Site Allocations – NE12 New Covent Garden Market (NCGM), SW8

Main Modification Number	Section of the Plan	Proposed Main Modification	Our Comments
MM75	NE12a, New Covent Garden Market (NCGM), SW8	<p>Amend paragraph 5.101 as follows:</p> <p>'In accordance with the tall building maps in Appendix 2, the site is located in tall building zone TB-B3-01. The maximum appropriate height range for the zone is 8 to 25 storeys, and the maximum appropriate height range for the site must should be in accordance with the tall building maps in Appendix 2. The height of developments within that zone should not exceed the heights of, and should be in accordance with, the tall building maps in Appendix 2, which sets out the identified maximum appropriate heights in line with Policy LP4. Development proposals for tall buildings or mid-rise buildings will only be appropriate within the identified zone where they address the requirements of Policy LP4 (Tall and Mid-rise Buildings).'</p>	<p>We support the softening of the policy wording from 'must' to 'should' in order to align with the wording of Policy LP4. This minor change in policy wording provides more flexibility in relation to the permitted height of tall buildings within the Site Allocation, and therefore is welcomed.</p>
MM76	NE12b, New Covent Garden Market (NCGM), SW8	<p>Amend paragraph 5.115 as follows:</p>	<p>Similarly to our comments on MM75, we support the softening of the policy wording to align with LP4 to provide for further flexibility for building heights.</p>

'In accordance with the mid-rise building maps in Appendix 2, the site is located in mid-rise building zone MB-B3a-02, and the maximum appropriate height for the zone is 6 storeys. The height of developments within that zone should not exceed the heights of, and ***should*** be in accordance with, the mid-rise building maps in Appendix 2, which set out the identified maximum appropriate heights in line with Policy LP4. Development proposals for mid-rise buildings will only be appropriate within the identified zone where they address the requirements of Policy LP4 (Tall and Mid-rise Buildings). Development proposals for tall buildings will not be supported.'

However, the maximum building height on this site remains at 6 storeys (18m) despite our comments made at Regulation 19. It is acknowledged that this approach to limit the maximum appropriate height to be 6 storeys aligns with the approved application ref. 2014/2810. However, it is our view that this is 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 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 and be increased to enable the effective delivery of design and contextual led development.

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 at NE12a. 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 (ref. Application 2015/3555), and the application was approved in December 2015 for a redevelopment of the site to deliver seven new blocks predominantly range from 9 to 18 storeys, with the blocks stepping down towards Thessaly Road yet maintaining nine storeys. An application is also currently submitted and pending determination at the former Booker site fronting Battersea Park Road (ref. 2022/1835) for 15 and 22 storeys in height. This would be readily visible in the context of site allocation NE12b in views from the south, further re-emphasising the cluster of tall buildings emerging to the north of the site, and the potential for the site NE12b to accommodate a taller building.

We would therefore suggest that the set maximum building height for the site is not appropriate, nor justified and that the modification does not fully address the comments or conformity with the London Plan guidance to consider evolving contexts. In order to fully address this, the site allocation text should be revised to reference that increased heights can be permitted subject to robust justification and demonstrable public benefit.

MM77

NE12c, New Covent Garden Market (NCGM), SW8

Amend paragraph 5.129 as follows:

‘In accordance with the tall building maps in Appendix 2, part of the site is located in tall building zone TB-B3a-03. The maximum appropriate height range for the zone is 7 to 10 storeys, and the appropriate height range for the site **must should** be in accordance with the tall building maps in Appendix 2. The height of developments within that zone should not exceed the heights of, and **should** be in accordance with, the tall building maps in Appendix 2 which set out the identified maximum appropriate heights in line with Policy LP4. Development proposals for tall buildings or mid-rise buildings will only be appropriate within the identified zone where they address the requirements of Policy LP4 (Tall and Mid-rise Buildings).

In accordance with the mid-rise building maps in Appendix 2, part of the site is located in mid-rise building zone MB-B3a-02, which acts as a transition zone to tall building zone TB-B3a-03. The maximum appropriate height for the zone is 6 storeys. The height of developments within that zone should not exceed the heights of, and **should** be in accordance with, the mid-rise building maps in Appendix 2, which set out the identified maximum appropriate heights in line with Policy LP4. Development proposals for mid[1]rise buildings will only be appropriate within the identified zone where they address the requirements of Policy LP4 (Tall and Mid-rise Buildings). Development proposals for tall buildings will not be supported.’

As per above, the modification to add ‘should’ in the policy wording is welcomed in regard to flexibility towards heights.

However, similarly to our comments for MM76, it is our view that this modification does not take into account the Regulation 19 representations made that point out the inconsistency between the tall building allocation max heights and the extant permission (2014/2810) which allows for significantly taller buildings on the Apex site (79.8m AOD on Block A2, 76.6m AOD on Block A4, 54.6m AOD on Block A3 and tallest at 86.2m AOD on Block A1). Block A1 now benefits from reserved matters permission (ref. 2021/5032), which was granted in 2022, and allows for a 26 storey residential building; far exceeding the 6 storey limit set in the draft allocation.

We would therefore suggest for building heights and context to be revised on Site Allocation NE12c and to take into account of extant permission and potential changing context. To reflect the permissions that already exist on this site, at least 26 storeys should be allowed under the site allocation.

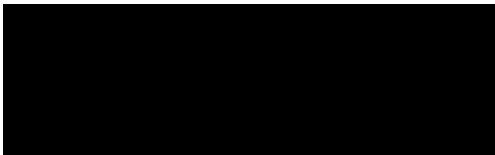
SUMMARY

Overall, we welcome some of the modifications contained within the Inspector's Schedule of Proposed Main Modifications on the Wandsworth Draft Local Plan. However, it is considered that some of these modifications are either missing the requisite evidence base (as required by the NPPF) and therefore should allow for some flexibility in policy wording, or that they do not fully address the key issue and the modification should be extended further. In particular, we note that the modifications to Site Allocation NE12 – New Covent Garden Market (NCGM), do not fully reflect the requisite flexibility on heights and as a result do not comply with the existing extant permission for the site, nor do they take account of the evolving context, in accordance with the London Plan.

We would welcome LB Wandsworth to make alterations as per our suggestions and we trust that you will consider our comments and respond accordingly.

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 me, or my colleagues Freya Turtle (Freya.Turtle@turley.co.uk) or Kinari Tsuchida (Kinari.Tsuchida@turley.co.uk), at these offices.

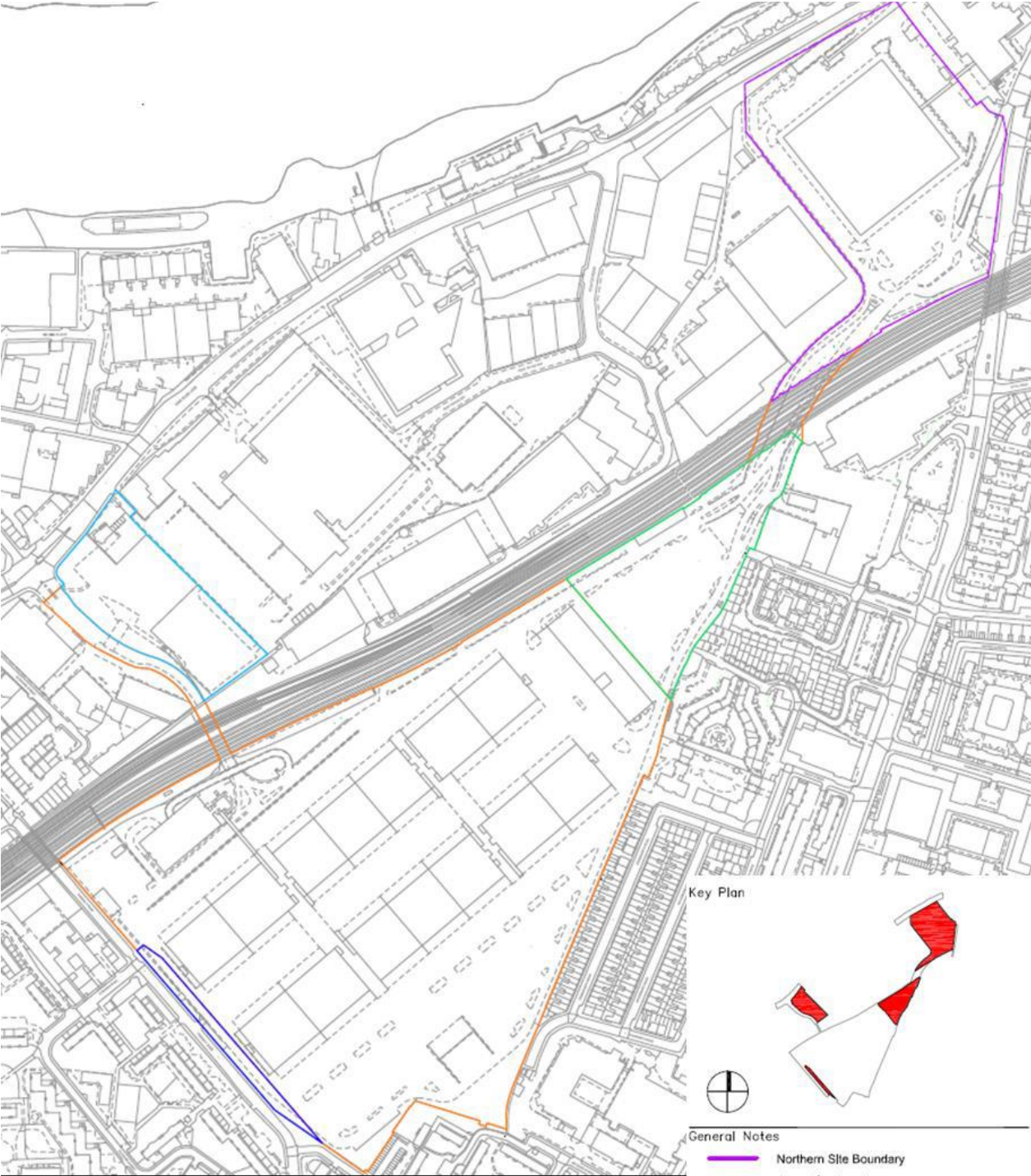
Yours faithfully



Alice Hawkins
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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

Appendix 2: Representations to Wandsworth Local Plan (Publication Version Regulation 19 Consultation) (February 2022)

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.

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- **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

