

## 1. Introduction

- 1.1. Savills has been instructed by Promontoria Battersea Limited ('PBL') to prepare this representation in response to the London Borough of Wandsworth ('LBW') Local Plan Main Modifications.
- 1.2. PBL exchanged contracts to purchase 1 Battersea Bridge Road ('the site') in 2021, an unallocated site within the Ransomes Dock Area of Focal Activity, with the aim of bringing it forward for residential-led mixed-use redevelopment. The site is a significantly underutilised office building that is not built for modern use. The building occupies a highly sustainable, well-located site and therefore presents an excellent opportunity to help LBW deliver a number of policy ambitions, in particular making a significant contribution towards market and affordable housing.
- 1.3. PBL have engaged throughout the LBW Local Plan Review process and have submitted representations since the Regulation 19 consultation in early 2022. PBL welcome the opportunity to comment on the LBW's Main Modifications to the Draft Local Plan, in line with the Town and Country Planning (Local Planning) (England) Regulations 2012. PBL support LBW's ambition to produce an up to date development plan document which aligns with National and Regional policy and considers the emerging challenges and opportunities for the Borough. PBL share the view that a positive policy framework can and should be used to plan for the scale of growth that London requires in a sustainable and inclusive way.
- 1.4. This representation sets out PBL's position in respect of the following Main Modifications (See in full at Appendix 1):
  - **MM4** – SDS1 Spatial Development Strategy 2023-2038
  - **MM146** – LP4 Tall and Mid-rise Buildings
  - **MM153** – LP12 Water and Flooding
  - **MM171** – LP12 Water and Flooding
  - **MM173** – LP12 Water and Flooding
- 1.5. This representation builds on PBL's position outlined in the Hearing Statements submitted in October 2022 on the following Examination Matters:
  - **Matter 2** (Spatial Development Strategy (Policies SDS1 and PM1)) (including PBL's response to the Statement of Common Ground between the London Borough of Wandsworth and the Home Builders Federation submitted in November 2022);

- **Matter 13** (Achieving High Quality Places (Policy LP1 – LP9)); and
- **Matter 14** (Tackling Climate Change).

## 2. Main Representation

### ***MM4 – SDS1 Spatial Development Strategy 2023-2038***

2.1. We acknowledge that LBW have proposed to amend the wording of paragraph 2.104 to ensure that it references the most up-to-date LBW AMR position (2021/22) and correlates with the Draft Local Plan period of 2023 – 2038. We note that this proposed change is a result of discussions between LBW and the Homebuilders Federation that have been agreed through a SoCG. As noted in paragraph 1.5, PBL previously submitted comments on the SoCG which reflect the position outlined below.

2.2. LBW's Draft Local Plan sets a housing delivery target of 20,311 homes. This figure represents a significant shortfall against the objectively assessed local housing need figure (LHNF, 2020) of 2,537 homes per annum or 45,666 homes between 2019 and 2037, as set out in the LBW's Local Housing Needs Assessment (LHNA, 2020). LBW's schedule of Main Modifications proposes no change to this figure. As such, and as outlined in PBL's Matter 2 Hearing Statement, the Draft Local Plan:

- Does not accord with paragraph 35 (a) of the NPPF which states that plans should be positively prepared and provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs;
- Conflicts with the recommendation made in the LHNA which states that *"The Council should consider its objectively assessed need for housing to be 2,537 dwellings per annum and seek to meet this as much as possible."*; and
- By simply adopting the London Plan housing target, the Draft Local Plan has no regard to the fact that a review of the London Plan should be undertaken at the earliest opportunity where all identified housing need is not being met to ensure the plan in place reflects current national policy (as noted in the letter written to Mayor of London from the then Secretary of State for Housing, Communities and Local Government, James Brokenshire, dated 27 July 2018).

2.3. In order for the Draft Local Plan to satisfy the NPPF test of soundness, it should have due regard to the Draft Local Plan evidence base in seeking to meet its own identified housing need figure rather than defaulting to the London Plan 10-year housing target which is informed by an out-of-date evidence base and very likely to undergo a review.

2.4. In addition to the Draft Local Plan housing delivery target being unjustifiably low, we note that a number of site allocations which have been identified as having the ability to

contribute towards this target are considered to be undeliverable, as stated in some of the Regulation 19 representations submitted in respect of the Draft Local Plan.<sup>1</sup>

- 2.5. As such, we consider that Draft Policy SDS1 is not only unsound on the grounds that it does not positively plan to meet LBW's objectively assessed housing need, but it also fails to set out an effective Policy framework to facilitate the delivery of housing on allocated sites.

#### **MM146 – LP4 Tall and Mid-rise Buildings**

- 2.6. Throughout the LBW Local Plan Review, PBL have consistently requested that LBW identify the site as being located within a tall building zone. The site presents a clear opportunity at the bridgehead of Battersea Bridge to deliver a legible and visually coherent scheme which acts as a distinct marker of entry into the LBW. In this context, we consider the site capable of accommodating a building taller than "mid-rise" in this location. PBL maintain this position and consider this to be the fundamental amendment required to make Draft Policy LP4 sound.
- 2.7. Notwithstanding, PBL welcome the recognition by LBW that Draft Policy LP4 should be more flexible to allow tall or mid-rise buildings to come forward outside of identified tall building zones. The Councils justification for MM146 is as follows (bold emphasis added):

*'To enable **more flexibility** in recognition that there **may be instances where tall or mid-rise buildings may be appropriate outside these zones based on a more detailed assessment at planning application stage**. The Council wishes to maintain the thrust of its position by seeking to restrict proposals for tall and mid-rise buildings outside these zones. However, the proposed wording is considered more flexible than stating that proposal will not be permitted, to potentially allow for such proposals.'*

- 2.8. Whilst PBL fully support the councils justification case, we do not consider that the proposed wording of MM146 accurately reflects it. The evidence base which underpins Draft Policy LP4 – Arup's Urban Design Study (2021) – acknowledges at Appendix A that:

*'In all cases, further analysis will be required to determine actual proposals for individual sites on the basis of detailed review and analysis of the specific local context which is not part of the scope of this borough-wide study.'*

- 2.9. Given the above, PBL consider that the wording of Draft Policy LP4, which, even with the proposed amendments of MM146, sets out a strict approach to the development of tall buildings, does not align with the Draft Local Plan evidence base which recognises that further analysis and detailed review is required to determine site specific proposals.

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<sup>1</sup> Savills obo Safestore (247); Rolfe Judd obo Downing; Tim Price obo Charities Property Fund c/o Savills Investment Management LLP, and; Ben Ford on behalf of St George South London.

2.10. By seeking to restrict the development of tall buildings outside of tall building zones, without a proportionate evidence base, Draft Policy LP4 is not justified or positively prepared. PBL consider that the proposed wording of MM146 takes a particularly negative approach to the development of tall buildings and cannot be considered sound.

2.11. As outlined in PBL’s Matter 13 Hearing Statement, we suggest that Draft Policy LP4 is amended as set out in the table below in order to be considered sound and legally compliant.

Draft Policy	Current Policy Wording	Proposed Policy Wording
LP4 (B)	Proposals for tall buildings will only be appropriate in tall building zones identified on tall building maps included at Appendix 2 to this Plan, where the development would not result in any adverse visual, functional, environmental and cumulative impacts. 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 those set out below as follows:	Tall buildings should be developed in tall building zones <del>Proposals for tall buildings will only be appropriate in tall building zones</del> identified on tall building maps included at Appendix 2 to this Plan, or where the development would not result in any adverse visual, functional, environmental and cumulative impacts. 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 those set out below as follows:
LP4 (C)	The Council will seek to restrict proposals for tall buildings outside the identified tall building zones	The council will seek to restrict proposals for tall buildings <del>will not be permitted</del> outside the identified tall building zones <b>except where they would not result in any adverse visual, functional, environmental and cumulative impacts in accordance with London Plan policy D9(c).</b>
LP4 (D)	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. The height of tall buildings will be required to step down towards the edges of the zone as indicated on the relevant tall building map unless it can be clearly demonstrated that this would not result in any adverse impacts including on the character and appearance of the local area	<del>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.</del> Proposals for tall buildings may exceed the height of the relevant definition established in Appendix 2 where they would not result in any adverse visual, functional, environmental and cumulative impacts in accordance with London Plan policy D9(c). The height of tall buildings will be required to step down towards the edges of the zone as indicated on the relevant tall building map unless it can be clearly demonstrated that this would not result in any adverse impacts including on the character and appearance of the local area.
LP4 (G)	The Council will seek to restrict proposals for mid-rise buildings will	The council will seek to restrict proposals for mid-rise buildings <del>will not be permitted</del>

	not be permitted outside the identified tall and mid-rise building zones.'	outside the identified tall and mid-rise building zones <b>except where they would not result in any adverse visual, functional, environmental and cumulative impacts in accordance with London Plan policy D9(c).</b>
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**MM153 – LP12 Water and Flooding**

2.12. We understand that LBW have removed the word ‘*minimise*’ from Draft Policy LP12 A so as not to duplicate with the word ‘*reduce*’. However, the word ‘*avoid*’ remains. This word goes further than London Plan Policy SI 12(c) which states that (bold emphasis added):

*‘Development proposals should ensure that flood risk is **minimised** and **mitigated**, and that residual **risk is addressed**.’*

2.13. As such, we consider that the wording proposed in MM153 is not compliant with the London Plan. We suggest that Policy LP12 A is amended to read as follows:

*‘All planning applications will need to clearly demonstrate that the proposals ~~avoid, minimise, or~~ reduce contributing to all sources of flooding, including fluvial, tidal, surface water, groundwater, flooding from sewers, take account of climate change (including predicted future changes), and would not increase flood risk elsewhere.’*

**MM171 – LP12 Water and Flooding**

2.14. PBL acknowledge that LBW has amended the wording of draft Policy LP12 H.3 around set back distances to add a degree of flexibility. However, LBW appear to have misread London Plan Policy SI 12(f) and has therefore proposed a stricter policy approach which is not in conformity with the London Plan. London Plan Policy SI 12(f) states that:

*‘Unless exceptional circumstances are demonstrated for not doing so, development proposals should be set back from flood defences to allow for any foreseeable future maintenance and upgrades in a sustainable and cost-effective way.’*

2.15. London Plan Policy SI 12 does not specify that, where exceptional circumstances are not demonstrated, a 16m / 8m set back must be adhered to. However, the proposed wording in MM171 LBW’s suggests that a 16m setback distance **must** be adhered to **unless** exceptional circumstances apply. This is not compliant with the London Plan.

2.16. The wording of draft Policy LP12 H.3 should be amended to reflect that, whilst the 16m / 8m setback distance should be achieved ‘*wherever possible*’, there may be instances where the setback distance has to be less and, as long as this still enables ‘*any foreseeable future maintenance and upgrades – to be undertaken – in a sustainable and cost-effective way*’, this is acceptable in policy terms. Without this amendment, we do not consider MM171 to be in general conformity with the London Plan.

### **MM173 – LP12 Water and Flooding**

2.17. We acknowledge that LBW have amended the wording of paragraph 15.54 around set back distances to add flexibility and acknowledge that there may be instances where a 16m / 8m setback cannot be achieved. However, we consider the requirement to agree the justification case for departing from these standards with the Environment Agency to be particularly stringent and unnecessary. As such, we suggest that the text is amended as follows:

*'There may be situations where it is not feasible to set back development by the above amounts. Where applicants wish to depart from these standards, full justification must be provided at planning application stage ~~and agreed with the Environment Agency.~~'*

### **3. Conclusion**

3.1. Having reviewed the Main Modifications to the Draft Local Plan, we consider that there are a number of issues with the proposed modifications and the prescriptive approach to several policies. Fundamentally, PBL consider that the amendments outlined in this representation are necessary if the Draft Local Plan is to be **effective** in its delivery, **consistent with national policy** and **sound**.

3.2. Thank you for the opportunity to comment on the Main Modifications. PBL would welcome any further engagement with LBW and the Inspectors as the Local Plan Review progresses. Please do not hesitate to contact me on the details below should you require any further information.

Lucy Wakelin

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Appendix 1

Main Modification Number	Section of the Plan	Proposed Main Modification	Justification	Reason for change																														
MM4	SDS1 Spatial Development Strategy 2023-2038	<p>Amend para 2.104 as follows:</p> <p>‘The number of new homes to be provided between 2023 and 2038, as set out in SDS1, has had regard to the housing target for the borough set out in the London Plan of a minimum of 1,950 dwellings per annum to 2028/29. The Council’s latest Authority Monitoring Report, <u>2021/22</u>, demonstrates that there is sufficient capacity provided for through the Wandsworth Local Plan <del>2016</del> (taking into account Site Allocations, extant and implemented planning permissions which have yet to be completed) to deliver 1,950 dwellings per annum for the period 2019/20 (which is the start date of the London Plan) to 2022/23 – i.e. the period prior to the start date of this Plan. <u>It also demonstrates an expectation to meet the 10 year London Plan target.</u></p> <table border="1" data-bbox="584 887 1200 1289"> <thead> <tr> <th>Year</th> <th>Completions</th> </tr> </thead> <tbody> <tr><td><del>2015/2016</del></td><td><del>2,735</del></td></tr> <tr><td><del>2016/2017</del></td><td><del>2,710</del></td></tr> <tr><td><del>2017/2018</del></td><td><del>2,025</del></td></tr> <tr><td><del>2018/2019</del></td><td><del>1,877</del></td></tr> <tr><td><del>2019/2020</del></td><td><del>1,359</del></td></tr> <tr><td><del>2020/2021</del></td><td><del>1,422</del> <u>1,470</u></td></tr> <tr><td><del>2021/2022</del></td><td><del>2,571 (projected)</del> <u>1,974</u></td></tr> <tr><td><del>2022/2023</del></td><td><del>2,169</del> <u>2,108</u> (projected)</td></tr> <tr><td><del>2023/2024</del></td><td><del>2,392</del> <u>3,712</u> (projected)</td></tr> <tr><td><del>2024/2025</del></td><td><del>2,460</del> <u>2,846</u> (projected)</td></tr> <tr><td><del>2025/2026</del></td><td><del>1,414</del> <u>4,008</u> (projected)</td></tr> <tr><td><del>2026/2027</del></td><td><del>2,424</del> (projected)</td></tr> <tr><td><del>2027/2028</del></td><td><del>2,957</del> (projected)</td></tr> <tr><td><del>2028/2029</del></td><td><del>1,934</del> (projected)</td></tr> </tbody> </table> <p>Table 2.3 Housing Delivery (Source: <del>2019/20</del> <u>2021/22</u> Authority Monitoring Report)’</p>	Year	Completions	<del>2015/2016</del>	<del>2,735</del>	<del>2016/2017</del>	<del>2,710</del>	<del>2017/2018</del>	<del>2,025</del>	<del>2018/2019</del>	<del>1,877</del>	<del>2019/2020</del>	<del>1,359</del>	<del>2020/2021</del>	<del>1,422</del> <u>1,470</u>	<del>2021/2022</del>	<del>2,571 (projected)</del> <u>1,974</u>	<del>2022/2023</del>	<del>2,169</del> <u>2,108</u> (projected)	<del>2023/2024</del>	<del>2,392</del> <u>3,712</u> (projected)	<del>2024/2025</del>	<del>2,460</del> <u>2,846</u> (projected)	<del>2025/2026</del>	<del>1,414</del> <u>4,008</u> (projected)	<del>2026/2027</del>	<del>2,424</del> (projected)	<del>2027/2028</del>	<del>2,957</del> (projected)	<del>2028/2029</del>	<del>1,934</del> (projected)	To provide update to current AMR position, and to illustrate a how the London Plan target will be met over the London Plan period.	In response to the Homebuilders Federation and to provide a clear target and trajectory in the plan to assist with monitoring the Local Plan’s performance.
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		<p>Add to the beginning of para 2.105 as follows:</p> <p><u><i>'The Local Plan sets out a housing trajectory for the ten-year period of the London Plan, 2019/20 – 2028/29, which identifies an annualised target against which the Council will monitor progress. This is included at Appendix 1.'</i></u></p>		
MM146	LP4 Tall and Mid-rise Buildings	<p>Amend parts C and G of LP4 as follows:</p> <p>C. <u><i>'The Council will seek to restrict P</i></u>proposals for tall buildings <del>will not be permitted</del> outside the identified tall building zones.'</p> <p>G. <u><i>'The Council will seek to restrict P</i></u>proposals for mid-rise buildings <del>will not be permitted</del> outside the identified tall and mid-rise building zones.'</p>	<p>To enable more flexibility in recognition that there may be instances where tall or mid-rise buildings may be appropriate outside these zones based on a more detailed assessment at planning application stage. The Council wishes to maintain the thrust of its position by seeking to restrict proposals for tall and mid-rise buildings outside these zones. However, the proposed wording is considered more flexible than stating that proposal will not be permitted, to potentially allow for such proposals.</p>	<p>As a result of Hearing discussion.</p>



MM153	LP12 Water and Flooding	<p>Amend Policy LP12 A as follows:</p> <p>'All planning applications will need to clearly demonstrate that the proposals avoid, <del>minimise</del>, or reduce contributing to all sources of flooding, including fluvial, tidal, surface water, groundwater, flooding from sewers, take account of climate change (including predicted future changes), and would not increase flood risk elsewhere.'</p>	To ensure the latest EA Technical guidance is captured and for greater clarity.	As a result of Reg 19 Reps and subsequent Statement of Common Ground.
MM171	LP12 Water and Flooding	<p>Amend Policy LP12 H.3 as follows:</p> <p><u>'All development proposals should be set back 16 metres from the landward side of any tidal Thames flood defences, unless exceptional circumstances are demonstrated for not doing so, which has to be justified by evidence submitted at planning application stage and agreed by the Environment Agency. All developments along other main rivers (including culverted main rivers) should be set back by 8 metres from the top of the bank or from the outer edge of the culvert unless significant constraints for not doing so are evidenced at planning application stage and agreed by the Environment Agency. This is to allow for any foreseeable future maintenance and upgrades in a sustainable and cost-effective way.'</u></p> <p><del>That any physical structures are set back from river banks and existing flood defence infrastructure unless it can be clearly demonstrated that the effectiveness of such infrastructure would not be compromised (the distances being 16 metres for the tidal Thames and 8 metres for other rivers including those culverted).'</del></p>	To require a justification for exceptional circumstances in assessing meterage set back in the application of the policy.	As a result of Hearing discussion.
MM173	LP12 Water and Flooding	<p>Amend paragraph 15.54 of the supporting text as follows:</p> <p>'Proposals for redevelopment should seek opportunities to set back the development from existing <u>main rivers and</u> flood defences. The Council, in conjunction with the <u>Environment Agency</u>, will require a buffer zone</p>	To require a justification for exceptional circumstances in assessing meterage set	As a result of Hearing discussion.

		<p>of 8 metres on the borough's <i>main</i> rivers and (<i>including</i> culverted <i>main</i> rivers) and 16 metres for the tidal Thames <i>flood defences</i>. <i>These distances were developed to protect the structural integrity of the defences and riverbanks</i> This is to allow for the maintenance and future upgrading of the flood defences <i>and riverbanks</i> as well as for improvements to flood flow and flood storage capabilities. <i>There may be situations where it is not feasible to set back development by the above amounts. Where applicants wish to depart from these standards, full justification must be provided at planning application stage and agreed with the Environment Agency.</i> Applicants are strongly encouraged to liaise with the <i>Environment Agency</i> for any development that could affect flood defence infrastructure <del>as their consent will be required for any works that could affect the flood defences.</del> <i>and/or main rivers at the pre-application stage, especially as additional permits from the Environment Agency may be required for any works within these zones that could affect the flood defences and/or main rivers, as required by the Environmental Permitting (England and Wales) Regulations 2016.'</i></p>	<p>back in the application of the policy.</p>	
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