

AC/P08029  
28 February 2022

Policy and Design Team  
London Borough of Wandsworth  
The Town Hall  
Wandsworth High Street  
London  
SW18 2PU

Dear Sir/Madam,

**Wandsworth Local Plan (Regulation 19) Publication Version – Public Consultation  
Representations made on behalf of Peabody and Mount Anvil**

We write on behalf of Peabody and Mount Anvil to make representations on the London Borough of Wandsworth's Local Plan (Regulation 19 publication version) which is currently out for public consultation. These representations relate to the Peabody Estate, SW11 1UR. Refer to the Site Location Plan at Appendix 1 of this letter.

Our clients welcome the opportunity to work collaboratively with LB Wandsworth to formulate a new Local Plan for the Borough. In particular, our clients are keen to promote a positive planning policy framework for the mixed-use regeneration of the estate which delivers significant social, cultural and environmental benefits for the local area. A review of the draft Local Plan policies as they relate to the site is therefore essential to ensure the development potential of the site is recognised and secured.

This representation principally relates to:

- **Tall Buildings Zone**
- **Policy LP4:** Tall and Mid-rise buildings
- **Site Allocation CJ6:** Peabody Estate, St John's Hill
- **Town Centre Boundary**

**The Site and Background**

The Peabody Estate covers approximately 2.3 hectares and is bounded by St John's Hill to the north, Strath Terrace and Boufflower Road to the southwest, Comyn Road to the southeast, Eckstein Road to the east and railway lines to the north-west. The site is positioned opposite the Brighton Yard entrance to Clapham Junction railway station.

The site currently benefits from an extant planning permission approved in January 2019 (LPA ref: 2017/5837). Overall, the development scheme involves the demolition of all existing buildings, and the construction of five new buildings up to 12 storeys in height, providing a total of 599 residential units (284 private and 315 affordable units), 530 sqm of community space, and 569 sqm of

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commercial space, with ancillary car parking, cycle parking and open space.

Delivery of the scheme has been split into three phases of development. Phase 1 of the development, delivering 153 units, is complete and occupied. Phase 2 of the development, delivering 198 units, is currently under construction, and Phase 3 of the development has planning permission for 248 units.

Peabody own and manage the Peabody Estate, and have brought Mount Anvil on as a joint venture partner to help deliver the third and final phase of the development. A planning application has been submitted to LB Wandsworth for minor material amendments to the scheme (reference: 2021/5678) which is currently being determined by officers.

#### *Current Planning Policy Designations*

- Clapham Junction Town Centre
- Site Specific Allocation 64 (Peabody Estate) which supports residential use with a small amount of town centre use along the St John's Hill frontage
- Decentralised Energy Opportunity Area

#### **Representations on the draft Local Plan Publication Version**

Under the currently adopted local plan, the Peabody Estate is identified as providing an opportunity to deliver a modern residential development to meet housing needs, and to provide mixed use development along the St John's Hill frontage to integrate the site within the wider town centre. This policy direction for the site was supported by the site specific allocation, as well as the inclusion of the northern part of the site within the town centre boundary.

Although planning permission has already been approved to deliver high density residential development with supporting commercial and community uses on the site, construction of Phase 3 has not yet started (Phase 2 currently under construction), which is due to deliver a number of significant benefits for the site. It is therefore important for our client that the policy direction set out in the Local Plan continues to support the undeveloped part of the site as an appropriate location for mixed use development and tall buildings, given the existing planning permission.

#### **Tall Buildings**

##### *Tall Building Zone*

The northern part of the site (comprising Phases 2 and 3) has been included in the Tall Building Zone TB-B5-02 which sets an appropriate height of 7-12 storeys (21-36m).

Peabody and Mount Anvil support inclusion of the site within the Tall Building Zone as the site is characteristically suitable for tall buildings due to its highly sustainable and accessible location, its position on a strategic route and within the Clapham Junction Town Centre.

Appendix 2 sets out an 'appropriate height' by number of storeys and in metres above ground level. For the subject site, the height in metres is very specific and does not allow for any flexibility for the height to exceed this, even if complying with the number of storeys. For instance, the approved planning permission for the site (reference 2017/5837) includes a 12 storey building (Plot 7) which has a building parapet height of 38.9m, with roof plant to 41.1m above ground level. The inclusion of

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both height ranges (no. of storeys and metres above ground level) is overly onerous and provides very little flexibility in the building design, particularly with regards to floor-to-floor heights, and the inclusion of plant and servicing, or lift overruns. Specification of the appropriate number of storeys is considered to be sufficient to guide development in these Tall Building Zones, which is consistent with the London Plan.

We therefore seek for the appropriate height range of “21-36m” to be struck from Appendix 2 Tall Building Zone TB-B5-02.

*Policy LP4: Tall and Mid-rise buildings*

Policy LP4 sets out the criteria for the appropriateness of tall buildings and Appendix 2 sets out the areas for which tall buildings are considered to be appropriate. The Policy specifically states that proposals for tall buildings will only be appropriate in identified zones and they will be assessed against the criteria set out in Part B.

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

In undertaking the Urban Design study, the Council has not considered all of the matters which would normally be included in a tall building assessment of an individual site. Whilst policy should give clear guidance of appropriate heights (as set out in London Plan Policy D9), there does need to be sufficient flexibility to allow a proper assessment of a tall building, by virtue of a planning application.

It is considered that the policy is unduly restrictive and should not restrict building heights where it can be demonstrated they meet the requirements of Part B of the same policy. The policy as currently drafted does not accord with the new London Plan, nor does it allow for sites to be tested through the planning process to determine whether a scheme is contextually appropriate.

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

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

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

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

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

### **Site Specific Allocation**

The site has been given the Site Allocation CJ6 "Peabody Estate, St John's Hill". Peabody and Mount Anvil are supportive of the re-inclusion of this site allocation in the Local Plan Publication Version and are committed to continue working with the Council to deliver the overall aims for the allocation.

#### *Land Use*

Peabody and Mount Anvil support the site allocation requiring a mix of residential units as part of a higher density development to the north of the site, with mixed-use development fronting St John's Hill frontage. This is consistent with the current Site Specific Allocation 64 under the adopted Local Plan.

The allocation does however refer to "retail units" anticipated at ground floor, which does not provide the flexibility envisaged for these spaces to respond to the needs of the community and is not consistent with the range of uses permitted by the extant permission (including former Use Classes A1-5 and B1). It is sought that this wording is amended to "commercial units".

#### *Building Heights*

The allocation makes reference to the site's location within the tall building zone TB-B5-02 which is supported, as set out above. The allocation does however state that the *maximum* appropriate height range for the zone is 7 to 12 storeys (21-36m), and that the height of developments within the zone should not exceed the heights of, and be in accordance with, the tall building maps in Appendix 2.

The tall building maps in Appendix 2 set out an appropriate range of building heights for the site, with no explicit mention of 'maximum' building heights. Whilst it is appropriate for policy to establish a suitable height range for the zone, this should not be an absolute maximum as this allows very little flexibility for a design-led contextual response to site development, and buildings higher than the 'appropriate height range' should not automatically be considered inappropriate.

For the same reasons set out in the analysis of the 'Tall Building' policy and designation above, we recommend that the wording of the allocation is amended to remove reference to maximum building heights.

### **Town Centre Boundary**

The northern part of the site (comprising Phases 2 and 3) has been included in the Clapham Junction Town Centre boundary. Peabody and Mount Anvil are supportive of the re-inclusion of this site within the Town Centre boundary in the Publication Version of the plan as this was previously not included

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in the pre-publication version. The inclusion of the site within the Town Centre is supportive of the land use aspirations for the site as set out in Site Allocation CJ6, which envisaged a mix of town centre uses fronting St John's Hill.

**Proposed Area for Review**

As set out above, a number of changes are sought to the Local Plan Regulation 19 version as it relates to the 'Peabody Estate' site. These changes are summarised below:

- Remove reference to the height range of "21-36m" above ground level from Appendix 2 Tall Building Zone TB-B5-02;
- Amend Policy LP4 wording to allow greater flexibility for building heights to differ from the 'appropriate height range' where they satisfactorily demonstrate they meet the criteria of Part B;
- Amend the reference "retail units" in Site Allocation CJ6 to "commercial units" to reflect the range and flexibility of uses permitted through the extant planning permission 2017/5837;
- Remove reference to "maximum" building height in Site Allocation CJ6.

**Summary**

We would welcome the opportunity to meet with the Wandsworth Policy team to review the matters raised above and collectively work towards the formulation of a positive planning policy framework. Any future Local Plan should recognise the scale of development, and the mix of uses already established through the extant planning permission for the site.

We trust the above will be taken into consideration during the Consultations. Should you have any questions, please do not hesitate to contact the undersigned.

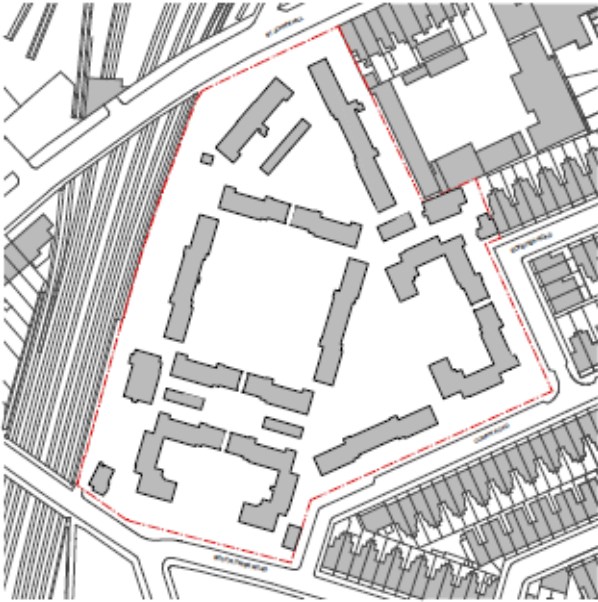
Yours faithfully



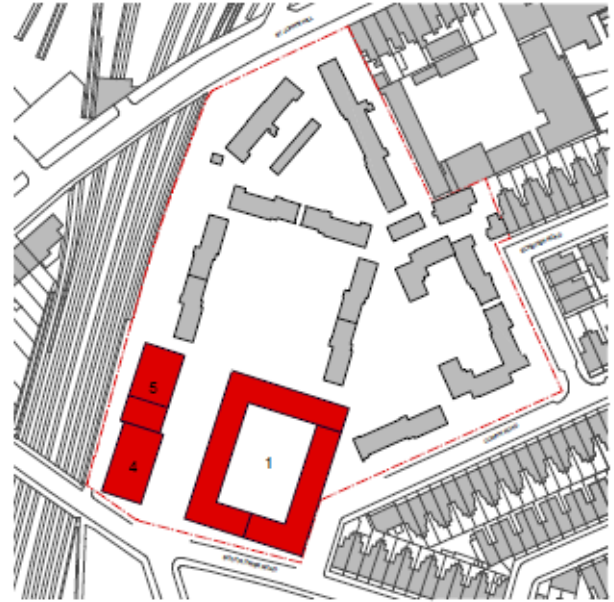
For and on behalf of  
Rolfe Judd Planning Limited

**APPENDIX 1**

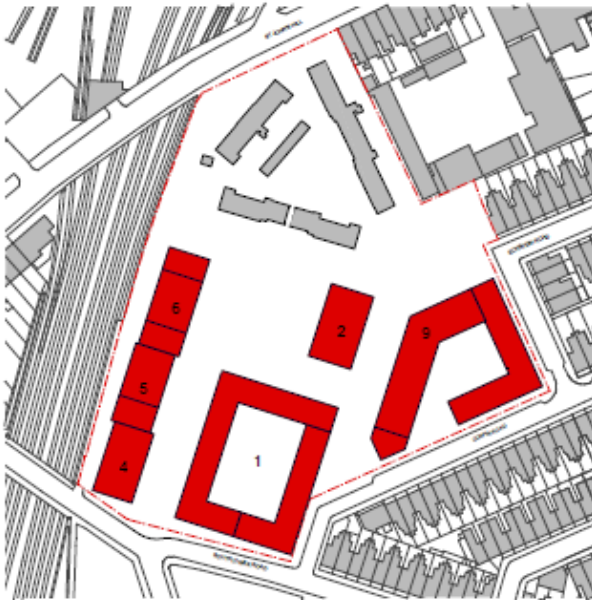
**SITE LOCATION AND PHASING PLANS  
PEABODY ESTATE**



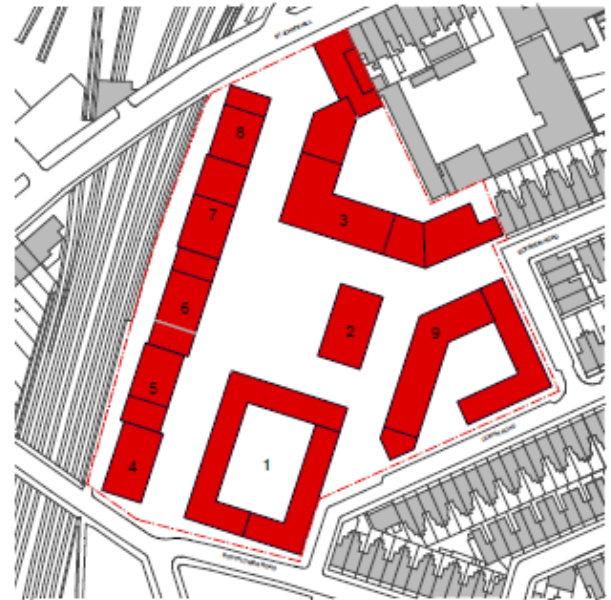
**Previous Estate**



**Phase 01**



**Phase 02**



**Phase 03**