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Dear Sir / Madam

## WANDSWORTH LOCAL PLAN: PUBLICATION DRAFT LOCAL PLAN (REGULATION 19) REPRESENTATIONS ON BEHALF OF WATKIN JONES PLC

We write on behalf of our client, Watkin Jones PLC (the “Client”) who have instructed us to make written representations in relation to the Publication Draft Local Plan (“Draft Local Plan”) which was published on 4 January 2021 for consultation 2021 until 28 February 2022.

By the way of background, in February 2021, we made representations on behalf of our Client in the consultation on the Draft Local Plan (Regulation 18 version). A copy of the Regulation 18 representations can be found in **Appendix 1**. We have also been progressing with pre-application discussions with both the London Borough of Wandsworth (“LBW”) and the Greater London Authority (“GLA”) in relation to our Client’s proposals for the redevelopment of its site (“the Site”) on Battersea Park Road (41-49 and 49-59 Battersea Park Road) for mixed use development comprising Purpose Built Student Accommodation (“PBSA”), housing and flexible commercial and community uses.

### About Watkin Jones PLC

Watkin Jones are a leading provider of ‘residential for rent’ property. With increasing pressure on many areas to quickly create new housing, WJG an excellent track record of delivering homes fast without compromising on quality. Over 95% of its developments are on site within six months of the grant of planning permission and its in-house construction capacity means that it can rapidly boost local housing supply. Over the last 25 years WJG have delivered over 43,000 student beds across 130 sites, with a pipeline of over 12,300 BTR, student or co-living homes currently. It has delivered, or is currently delivering, over 5,000 units within London.

Today, WJG successfully works across every part of the UK and closely engages with local authorities, neighbours, and a wide range of relevant stakeholders to focus on investing in central brownfield sites that make the best use of land, and create high quality, appropriately designed places. Its end-to-end delivery model means that it acquires, designs and build places, and often stays to manage them as a valuable long-term member of the community.

Fresh is its multi award-winning operator and manager of residential for rent schemes and works on behalf of a wide range of clients, managing over 20,000 rental homes and student bed spaces at over 60 sites across the UK and Ireland. Fresh achieves 95% customer satisfaction, and cares for its residents with a range of wellbeing and community building activities.

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## Scope of Representations

Our Client's representations are focussed towards the land use policies in the Draft Local Plan relevant to the sectors that it operates in. As such, the representations focus primarily on the following policies:

- Draft Allocation NE2 - 41-49 Nine Elms Lane, and 49-59 Battersea Park Road, SW8;
- LP23 – Affordable Housing;
- LP28 – Purpose Built Student Accommodation;
- LP29 – Housing with Shared Facilities; and
- LP30 – Build to Rent.

These are addressed in turn along with our proposed recommendations to the policies to ensure that the Plan as a whole meets the tests of soundness established by Paragraph 35 of the National Planning Policy Framework ("NPPF"). For the avoidance of doubt, Plans are 'sound' if they are:

*a) 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;*

*b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*

*c) 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; and*

*d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.*

## Draft Allocation NE2 - 41-49 Nine Elms Lane, and 49-59 Battersea Park Road, SW8

As currently drafted, Draft Allocation NE2 states the following:

### **Draft Allocation NE2 - 41-49 Nine Elms Lane, and 49-59 Battersea Park Road, SW8**

#### Site Description

5.42 This site is south of the A3205 (Battersea Park Road) and extends south to the train tracks that bisect Nine Elms. To the east of the site is 'A Road' which separates it from Covent Garden Market and to the west is Sleaford Street. Currently the site comprises Booker Wholesale Cash and Carry to the north west of the site. Site Area: 0.81ha.

#### Site Allocation

5.43 Mixed use development, including residential and business uses, with frontages onto Battersea Park Road, Sleaford Street and the street adjacent to New Covent Garden Market. Development should include the creation of a boulevard to the east of the site that provides links further north and is a pleasant place where all users can be accommodated in a balanced way.

#### Development Considerations

5.44 **Uses** - A high-quality, mixed-use development would be appropriate with street frontages on to Battersea Park Road, Sleaford Street and the street adjacent to New Covent Garden Market. Suitable ground floor uses include independent shops and businesses, emphasising local makers and artisans and complimenting the incubator units being delivered as part of the neighbouring Sleaford Street site.

5.45 **Access** - Pedestrian entrances to ground and upper floor uses should be directly from the surrounding streets.

5.46 **Parking** - A car club should be provided for residential/commercial use and surrounding area.

5.47 **Public Transport** - Opportunities should be taken to enhance bus journey times especially on Battersea Park Road-Nine Elms Lane and Queenstown Road corridors. Proposals will be required to provide road space along with financial contributions to design and construct TfL's Nine Elms Corridor proposal which will deliver consistent bus infrastructure. Developers will be expected to bring forward improvements such as the upgrading of the signalised junction of the CGMA/BPR/Pump House Lane junction or to fund improvements if these are to be delivered as part of the Nine Elms Corridor Scheme.

5.48 **Active Travel** - Improve north-south active travel links including to the Thames riverside. Proposals should make improvements to Sleaford St, including ensuring a usable footway width on the eastern side, as it is currently of a sub-standard width. To the south, the site should ensure the continuation of the east-west cycle route along the viaduct, and the potential cycling and walking bridge across the CGMA access road, including land access.

5.49 **Relationship with other allocated sites** – The New Covent Garden Market access road to the east of the site (NE12) is primarily used for overnight market operations so development proposals should consider this and how it will be maintained, mitigation of impacts on residential uses and the enhancement of the urban realm in that area. Ensure that any development does not have a detrimental impact on the security and operation of the existing MPS facility (site allocation NE4) so long as it remains in use as an MPS facility.

5.50 **Address social, economic and environmental disparities** - The Cultural Strategy for the site should give specific consideration to how it contributes to the Food and Horticultural Quarter, linking with the proximity to the New Covent Garden Market site (NE12).

#### Design Requirements

5.51 **Built Form** - Improve frontages, public realm and signage along Battersea Park Road/Nine Elms Lane. Active building frontages on to Nine Elms Lane, Sleaford Street and the entrance road into the market site should be provided.

5.52 **Movement** – Establish a wayfinding strategy, connecting and promoting active use of new public spaces through integrating facilities and events. Enhance the pedestrian crossing across Nine Elms Lane and on to the riverside. Proposals should also improve pedestrian connections between the new Nine Elms Park and the existing residential estates to the south-west. This scheme will be expected to contribute TfL's Nine Elms Corridor scheme which provides a holistic approach to transforming Nine Elms Lane.

5.53 **Context** - The north-east corner of the site is the transition between the Thessaly Road and Park Side neighbourhoods. It has the potential to act as the 'entrance' to the park for people coming from the Thessaly area to the west and to the Thessaly neighbourhood for those travelling from the Park.

5.54 **Nature** – Tree planting and other green features should be incorporated to the eastern edge of the site to help create green corridors from the Nine Elms Park to other green and blue infrastructure.

5.55 **Building heights** - 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 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 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).

### Site Description / Context

Firstly, we welcome that the site allocation seeks to combine the Bookers site and the BMW site into one single site allocation as under the current development plan, both uses have separate allocations. However, Paragraph 5.42 only references the “Bookers” element of the Site and does not include reference to the southern part of the Site currently occupied by BMW. We assume that this has been missed following the combination of the two allocations and therefore request that the description is updated to account for this.

We note that the redline boundary used for the Site is outdated and does not reflect the current ownership boundary / extant planning permission boundary. As such, we request the plan is updated to reflect the redline boundary at **Appendix 2**.

### 5.43 Site Allocation

As noted in National Planning Guidance, student accommodation contributes to overall residential housing need, indeed, supporting paragraph 4.15.1 of the London Plan states that the housing need of students in London, whether in PBSA or shared conventional housing, is an element of the overall housing need for London determined in the 2017 London SHMA. London’s overall housing need in the SHMA is expressed in terms of the number of conventional self-contained housing units. However, new flats, houses or bedrooms in PBSA all contribute to meeting London’s housing need as established by paragraph 4.1.9 of the London Plan. The completion of new PBSA therefore contributes to meeting London’s overall housing need and is not in addition to this need. As such, it is important to consider the addition of PBSA in the context of overall housing need.

Whilst student accommodation falls under the overall “umbrella” of residential use, given the advanced discussions that have taken place between Watkin Jones and the Council in relation to a PBSA scheme on the Site, and formal pre-application response from LBW, we request that the allocation is updated so that it is explicit that student accommodation is appropriate on the Site in addition to residential use.

### 5.47 Public Transport

The proposed road improvements fall outside of the red line boundary of the allocation and outside the ownership of the landowner. As such, we do not envisage that the development would be required to facilitate this. During pre-application discussions with TfL, we understand that works are progressing on improving the Battersea Park Road junction where it connects with Pump House Lane and the New Covent Garden Market Access road. Our client is supportive of such works which it considers will improve general pedestrian experience and safety in the locality.

Therefore, since this work is already being progressed by TfL, we suggest that the requirement for “developers” to provide contributions and to deliver the forthcoming road improvements is removed from this paragraph. This should be replaced with the requirement for “developers” to continue working collaboratively with TfL.

#### 5.48 Active Travel

Our Client welcomes the requirement to make improvements to Sleaford Street as part of future development proposals and considers that the proposed development will provide an opportunity to provide greater active frontage on the western side of Sleaford Street.

Our Client can also confirm that the south of the Site will be safeguarded to facilitate the east-west cycle route along the viaduct, in line with the extant permission on the Site. However, we would question whether access to the cycle route should be made available from our Site given how close the Site is from Thessaly Road which we understand will be the primary access point for the east-west cycle route.

As such, we suggest that the land access requirement is removed from this paragraph since primary access is already provided adjacent to the Site.

#### **LP23 – Affordable Housing**

As currently drafted, Draft Policy LP23 states the following:

##### **LP23 Affordable Housing**

- A. The Council will seek to maximise the delivery of affordable housing in accordance with the London Plan. This will contribute to securing the Mayor’s strategic target of 50 per cent of all new homes to be affordable.
- B. Development that creates 10 or more dwellings (gross) on individual sites must provide affordable housing on-site in accordance with the threshold approach set out in London Plan Policy H5.
- C. The Council will require an affordable housing tenure split of 50% low-cost rent products, 25% First Homes and 25% other intermediate products. A minimum discount of 30% will be applied to First Homes.
- D. Affordable housing will be required on site. Off-site provision of affordable housing will only be accepted in exceptional circumstances where it can be clearly demonstrated that affordable housing cannot be delivered on-site or where it can be demonstrated that off-site provision on another site in the borough would better deliver the creation of mixed and balanced communities than through on-site provision. Applicants will be required to identify a site(s) which would be acceptable for the development of affordable housing. In exceptional circumstances when it is clearly demonstrated to the Council’s satisfaction that an alternative site cannot be identified will the payment of a financial contribution to support the delivery and supply of affordable housing on another site in the borough be considered. The provision of affordable housing on another site(s) will be at least equivalent to the increased development value if affordable housing is not provided on-site and will be provided prior to, or tied to, the completion of the on-site market housing, subject to such a contribution being viable. Further guidance will be provided in the Planning Obligations SPD.

- E. Site-specific viability information will only be accepted in exceptional cases, as set out in Policy H5 of the London Plan. 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.
- F. The management of the affordable housing provided (other than in Build to Rent schemes and in relation to First Homes) should be undertaken by a Registered Provider which is a Preferred Partner of the Council, unless otherwise agreed by the Council. Any relevant scheme will need to demonstrate that the design, siting and phasing of affordable homes provides for its proper integration and timely provision as part of the wider development.
- G. The application of the Vacant Building Credit (VBC) is not appropriate in Wandsworth. The use of VBC will only be considered in limited circumstances, where applicants clearly demonstrate there are exceptional reasons why it is appropriate, and all of the following criteria are met:
1. The building is not in use at the time the application is submitted.
  2. The building is not covered by an extant or recently expired permission.
  3. The site is not protected for alternative land use.
  4. The building has not been made vacant for the sole purpose of redevelopment.
- H. The provision of affordable housing or financial contributions will be sought from any development making provision for new dwellings or the provision of residential accommodation with shared facilities.

We welcome the specification in Part F, that the affordable units for BTR do not have to be managed by a registered provider which is a Preferred Partner of the Council.

As per our Regulation 18 Representations, we agree with this approach since we suggest that on-site affordable housing could be operated under the same management as market housing and secured on a Discount Market Rent (DMR) basis controlled by rent levels associated with London Affordable Rent and London Living Rent.

Our view, is consistent with the Glossary of the NPPF, which states that landlords of BTR schemes do not need to be a registered provider, and London Plan Policy H11 which states there should be “*unified ownership and unified management of the private and Discount Market Rent elements of the scheme*”. This therefore allows the provision of market and affordable to be provided in the same building in an integrated manner.

## **LP28 – Purpose Built Student Accommodation**

As currently drafted, Draft Policy LP28 states the following:

### **LP28 – Purpose Built Student Accommodation**

- A. Proposals for Purpose Built Student Accommodation will be supported where the development:
1. meets all requirements for student accommodation, including affordable provision through the threshold approach, as set out in London Plan Policy H15;
  2. is supported by evidence of a linkage with one or more higher education provider (HEP) in Wandsworth, or within a reasonable travelling distance of Wandsworth;

3. is accompanied by a site management and maintenance plan which demonstrates that the accommodation will be managed and maintained over its lifetime so as to ensure an acceptable level of amenity and access to facilities for its occupiers and would not give rise to unacceptable impacts on the amenities of existing residents in the neighbourhood.
4. has access to good levels of public transport, and to shops, services and leisure facilities appropriate to the student population;
5. would not result in an over-concentration of single-person accommodation at the neighbourhood level which may be detrimental to the balance and mix of uses in the area or place undue pressure on local infrastructure;
6. provides a high-quality living environment, including the provision of appropriate space standards and facilities, well-integrated internal and external communal areas, and a high level of amenity (providing good levels of daylight and sunlight, and natural ventilation); and
7. provides at least 10% of student rooms which are readily adaptable for occupation by wheelchair users.

B. The loss of existing student accommodation will be permitted when it is demonstrated that the facility no longer caters for current or future needs and the floorspace is replaced by another form of residential accommodation that meets other Local Plan housing requirements. Proposals for a change of use of existing student accommodation which result in the net loss of residential floorspace will only be permitted when:

1. the loss of student accommodation would be solely at ground floor level; and
2. the development would replace the ground floor student accommodation with active ground floor uses; and
3. the proposed ground floor uses would pass the sequential test for main town centre uses in accordance with LP43 (Out of Centre Development).

A.1. meets all requirements for student accommodation, including affordable provision through the threshold approach, as set out in London Plan Policy H15

Whilst Part A.1. of Draft Policy LP28 refers to “all” requirements of H15, since specific reference is being made to the “threshold approach”, we suggest that reference is also made to viability testing and engagement with HEPs. Accordingly, part A4 which states the following should be included:

- a. *“to follow the Fast-Track Route, at least 35 per cent of the accommodation must be secured as affordable student accommodation or 50 per cent where the development is on public land or industrial land appropriate for residential uses in accordance with Policy E7 Industrial intensification, co-location and substitution*
- b. *where the requirements of 4a above are not met, applications must follow the Viability Tested Route set out in Policy H5 Threshold approach to applications, Part E.*
- c. *the affordable student accommodation bedrooms should be allocated by the higher education provider(s) that operates the accommodation, or has the nomination right to it, to students it considers most in need of the accommodation.”*

A.2. is supported by evidence of a linkage with one or more higher education provider (HEP) in Wandsworth, or within a reasonable travelling distance of Wandsworth

It should be noted that London Plan Policy H15 part A.3. states:

*“The majority of the bedrooms in the development including all of the affordable student accommodation bedrooms are secured through a nomination agreement for occupation by students of one or more higher education provider.”*

As such, nomination agreements are already required for the majority of the bedrooms and therefore the above addition is unnecessary. Indeed, this existing London Plan Policy provision already deters speculative student applications and ensure that applications that come forward are driven by demonstrable need. Furthermore, our concern with the current wording of Part A.2. is certain cases, it is unlikely that it will be possible to present evidence of a ‘linkage’ (a phrase which has the potential for wide interpretation) with a HEP at the time a planning application is submitted. Whilst letters of support can potentially be obtained by HEPs to demonstrate that there is an in-principle support for the proposed development, a HEP will not enter into contract with a provider until way after planning permission has been granted and until a point where there is greater certainty on the quantum of bedrooms being delivered and the academic year that the development will be available from, the latter of course being influenced by construction of the development. This is clearly set out in the notes of the Mayor’s Academic Forum available on the GLA’s website. As currently worded, the requirement that a planning application for PBSA is supported with a linkage with a HEP is unnecessary if the London Plan Policy H15 is to be followed. As such, this element of the policy is not positively prepared, justified, or effective.

Further the requirement for a HEP to be based in Wandsworth is unnecessary as the London Plan is clear that London Boroughs have a role to play in meeting a pan-London strategic need. PBSA need only be restricted to locations with good accessibility to public transport and services. This geographical provision in draft policy should also be deleted as being unnecessary and not in accordance with the adopted London Plan.

#### Identified need in the London Plan and the Wandsworth Local Housing Needs Assessment

We note that the beginning of the policy does not include our request in our Regulation 18 Representations to specify the need identified in the London Plan and the Wandsworth Local Housing Needs Assessment.

We maintain that our Client’s general observation is that the Policy does not provide a clear strategy to meet the demand for student accommodation identified in the London Plan (2021) and the Wandsworth Local Housing Needs Assessment (2020). Indeed, Paragraph 4.15.2 of the London Plan states that there is a requirement for 87,500 (3,500 annualised over 25 years) PBSA bed spaces but does not provide specific Borough targets. Furthermore, the Local Housing Needs Assessment identifies a need for circa 788 student bed spaces between 2018-2019 and 2024-25 to meet the planned growth associated with the University of Roehampton and a further need for 41 bed spaces to meet the planned growth associated with St George’s – University of London over the same six-year period.

On the basis of the above, we consider that there is not a robust or effective strategy in place which can be relied on to meet the identified student housing needs of the universities in the Borough, since specific sites have not been identified to deliver the above need. Furthermore, there is also no attempt to meet the strategic student housing needs of London, which Wandsworth, as a London Borough, is required to plan for in accordance with the London Plan (2021). As an Inner London Borough with good public transport accessibility and short journey times to a number of London’s Higher Education Institutions, it would be reasonable to expect that the Borough would make a significant and sustainable contribution to meet the strategic London requirement. As a general comment therefore, we recommend that Draft Policy LP28 is amended to ensure the Plan has been positively prepared and is effective. The Policy must specifically recognise and positively address the strategic need for student accommodation identified by the London Plan and the Local Housing Needs Assessment, and we also recommend that the Draft Local Plan considers the allocation of specific sites to meet the unmet local student housing need as a minimum.

5. would not result in an over-concentration of single-person accommodation at the neighbourhood level which may be detrimental to the balance and mix of uses in the area or place undue pressure on local infrastructure

As requested in our Regulation 18 Representations we note that the wording of this section has been updated to provide clarity on the measure of over-concentration, namely confirming that the “neighbourhood level” is considered to be within an 800 metres radius of a site and that “single person accommodation” is defined as all types of non-self-contained dwellings (such as student accommodation and HMOs) and self-contained studios.

Firstly, the Plan does not make clear the planning purpose behind this part of the policy. However, whilst we welcome the clarity as it provides an insight into how the Council will assess PBSA applications, a quantitative approach is only one measure of assessing overconcentration and it has its limitations as a one-size fits all tool. For example, in a high density part of the Borough such as Vauxhall and Nine Elms, the cumulative impacts of single person accommodation within in an 800 metres of the site are likely to be much less profound than they would be in more suburban parts of the Borough, as there would a number of intervening other uses to contribute to a mixed and balanced community and which would effectively dilute the proportion of single person accommodation in an area as percentage of other uses. We therefore consider that it should be recognised that this element of the policy will be applied flexibly and as a guide, rather than a requirement.

We also question the inclusion of self-contained studios into the definition of “single person accommodation”. Whilst we agree that studios are typically occupied by single people, they are a C3 conventional housing product and appeal to a different market to specialised accommodation such as PBSA. We therefore consider that it is unreasonable to count both together under the assessment of overconcentration as they are not similar uses in terms of the profile of residents that occupy them, or the periods of occupation. We also note that occupants of studios, like any other unit sizes within Class C3, are required to pay Council Tax and therefore it is unjustified to suggest that the studios place undue pressure on local infrastructure. We also note that the Borough has a CIL charging schedule in place so, in theory, any development that comes forward, whether that be PBSA or Class C3, will contribute to local infrastructure with the Borough responsible to ensure that any squeeze on infrastructure is alleviated.

In addition to the above, we note that in some areas there are already high levels of HMOs, and since they are included in the assessment, this may result in an “over-concentration” being concluded. In turn, this would make it difficult for the Council to readdress the challenge of high levels of students occupying HMOs. Instead, this policy should seek to encourage the delivery of PBSA to free up housing stock that can delivery family sized housing and we therefore suggest it is updated to remove HMOs from the over-concentration assessment.

6. provides a high-quality living environment, including the provision of appropriate space standards and facilities, well-integrated internal and external communal areas, and a high level of amenity (providing good levels of daylight and sunlight, and natural ventilation)

As requested in our Regulation 18 Representations we note the size requirements have been amended from “good” to “appropriate space standards”. We support this change since it allows the decision-maker to draw on precedent developments with a view to understanding what the market expectation is for room sizes.

However, we maintain our recommendation that “natural ventilation” is replaced with “ventilation” as there are instances where mechanical ventilation is a more suitable alternative to natural ventilation, particularly when there are local noise and / or air quality constraints in highly accessible environments.

## LP29 – Housing with Shared Facilities

As currently drafted, Draft Policy LP29 states the following:

### **LP29 – Housing with Shared Facilities**

- A. Development proposals for new Houses in Multiple Occupation (HMOs) will be supported where they:
1. do not result in the loss of housing suitable for occupation by families as defined in Part A of Local Plan Policy LP26 (Conversions);
  2. do not result in an overconcentration of HMOs and other single-person accommodation at the neighbourhood level;
  3. do not give rise to adverse impacts on the amenity of the surrounding properties and the character or the neighbourhood, including as a result of cumulative impacts;
  4. have access to good levels of public transport (PTAL 4 or higher), and to shops and services appropriate to the needs of the intended occupiers; and
  5. provide a good quality of accommodation, in line with Policy LP27 (Housing Standards).
- B. Development proposals that result in the loss of an HMO will be resisted unless:
1. it can be demonstrated that the existing building does not meet the appropriate standards for an HMO and has no realistic prospect of meeting the standards; or
  2. adequate replacement provision can be secured within the borough, having regard to the requirements of Part A above, such that there would be no net loss in HMO floorspace
- C. Development proposals for large-scale purpose-built shared living accommodation which is defined as being a 'sui generis' use will generally be resisted. Such accommodation will only be permitted where:
1. it is proposed on a site which is not suitable for conventional housing;
  2. it is clearly demonstrated that large-scale purpose-built shared living accommodation is better suited to meeting the local housing needs than conventional housing; and
  3. it would not lead to an overconcentration of single-person accommodation at the neighbourhood level.
- D. Where the principle of large-scale purpose-built shared living accommodation is accepted in line with Part C, proposals must:
1. meet criteria A1-A10 of London Plan Policy H16;
  2. demonstrate through the submission of a management plan that the development will be managed and maintained over its lifetime so as to ensure an acceptable level of amenity and access to facilities for its occupiers and would not give rise to unacceptable impacts on the amenities of existing residents in the neighbourhood; and
  3. provide a financial contribution towards the provision of affordable housing in the borough, in accordance with the London Plan.

C. Development proposals for large-scale purpose-built shared living accommodation which is defined as being a 'suitable' use will generally be resisted. Such accommodation will only be permitted where:

As a general point, we would note that the tone of the policy is negative in so far that it seeks to “generally resist” such development. We therefore consider that the policy is not positively prepared or consistent with national policy i.e. being prepared with the objective of contributing to the achievement of sustainable development (Paragraph 16a of the NPPF). It is also not consistent with the London Plan which adopts a more positive approach to the provision of largescale purpose-built shared living.

We also note Paragraph 041 (Reference ID: 68-041-20190722) of the NPPG which states that communal accommodation can count towards the Housing Delivery Test and this is reinforced by Paragraph 4.1.9 of the London Plan which suggests a ratio of 1.8 non-self-contained bedrooms to 1 standard dwelling. In our view, it is implicit that there is a role for large-scale purpose-built shared accommodation to play in meeting objectively assessed housing needs and therefore it should be positively planned for and also reflect the London Plan.

In respect of the proposed criteria under Part C of Policy LP29 for which the Council will assess applications for largescale purpose-built shared living accommodation, we note these have remained largely unchanged and make the following recommendations:

1. *it is proposed on a site which is not suitable for conventional housing;*

According to Paragraph 17.43 of the supporting text of this policy, the reason for this criterion is to ensure that development does not compromise opportunities for more conventional forms of self-contained housing to be delivered. Whilst it is accepted that the local planning authority has a duty to plan appropriately to meet its objectively assessed housing needs over the plan period, our view is that this need should be planned positively through specific positively worded housing policies and site allocations, and not through other land use policies, particularly where a need for co-living has been identified.

Indeed, Paragraph 67 of the NPPF states that planning policies should identify specific deliverable sites in the short term and specific developable sites in the medium to long-term to meet housing needs. We note that Wandsworth as a Borough purports to be able to achieve this through the Housing and Economic Land Availability Assessment (2021) which identifies that it can demonstrate a pipeline of housing that exceeds the London Plan target of 19,500 homes over the next 10 years. As such, it is evident that the Borough can demonstrate sufficient sites to meet its housing needs without having to apply a residential land use suitability test against sites that come forward for other land uses. For this reason and as this element of the policy is not positively prepared, our Client recommends that this criterion is removed. In our Regulation 18 representations, we called for greater clarification on how the decision-maker might assess whether a site is suitable for residential development for conventional units, particularly as one would expect site suitability for large-scale purpose-built shared living or Class C3 conventional units to be precisely the same given that they are both ultimately providing homes for people. Clarification has been provided in the supporting text of paragraph 17.44 which states that

*“when considering whether a proposal for large-scale purpose-built shared living would be located on a site which is suitable for conventional units the Council will have regard to:*

- *whether a proposal would displace existing C3 residential accommodation;*
- *whether a site has been identified in the Local Plan housing trajectory and/or Housing and Economic Land Availability Assessment as having capacity for conventional housing; and*

- *whether a site has an extant planning permission for C3 housing.”*

Whilst clarification is welcome, we wholly dispute the reasoning. For example, we note bullet point 2 refers to a site being identified in Housing Trajectory or having an extant permission, however, it should be noted that a Housing Trajectory or HELAA is not a development plan document, and is essentially a list of sites that speculative landowners or developers have promoted with the intention that the Council, following an evidence based review, will potentially allocate for development. These sites do not form part of planned residential growth therefore and should not be used to limit the potential for a relatively new form of housing.

We also note that bullet point 3 refers to whether a site has an extant planning permission, however there could be many reasons why a site with an extant permission for C3 residential may not come forward and why it may instead be appropriate for other uses such as co-living. We suggest that this requirement is removed to allow more flexible delivery of accommodation that can contribute to housing need.

2. *it is clearly demonstrated that large-scale purpose-built shared living accommodation is better suited to meeting the local housing needs than conventional housing; and*

We have reservations about this strand of the policy as Paragraph 47 of the National Planning Policy Framework states that housing policies should be based on full objectively assessed needs for market and affordable housing in the market area. The market area, however, can be different to the local area and therefore we would argue that the current wording is not consistent with national policy.

We would also note that this policy is based on an up-to-date assessment of housing need through the Wandsworth Local Housing Needs Assessment which identifies a need for such co-living accommodation. Moreover, paragraph 4.1.9 of the London Plan states that *“all other net non-self-contained communal accommodation should count towards meeting housing targets on the basis of a 1.8:1 ratio, with one point eight bedrooms/units being counted as a single home”*. As such, we question why such a criterion is required in any instance, since it is clear that such accommodation is an integral part of delivering housing need.

We would therefore recommend that this strand of the policy is removed or, at the very least, it is amended. The term “local” should be omitted as its meaning is not clear or defined (leading to unclear planning application assessments) and conflicts with national policy. Notwithstanding this, we support the use of “identified need” since it still fulfils the objectives of this aspect of the policy which is to ensure that applications are not speculatively driven and are meeting a need that is currently not being provided.

We also note that supporting text 17.45 states:

*“It is important to ensure that large-scale purpose-built shared living accommodation can effectively contribute to the accommodation needs of its main target group, which includes young professionals and other single persons on lower quartile and median incomes. Applicants will therefore be required to demonstrate the contributions of the scheme from the perspective of the housing need of the main target group rather than from the demand point of view which is a market driven concept. It is inevitable that any form of housing will somehow contribute to meeting housing need or demand in the borough; however, given that the borough continues to face intense development pressures from different competing land uses, it is important to protect scarce land for housing which is best suited to meeting the local need. Applicants will therefore be required to demonstrate that shared-living*

*units would be more affordable for people on lower-quartile and median incomes than conventional units (including 'room only' options)."*

Whilst we understand the sentiment of the paragraph, we believe that this comment, to some extent, misunderstands the co-living housing tenure. Whilst it is considered a more affordable option to C3 housing tenures, a driving factor of co-living is not just affordability; it is that it provides accommodation that allows local communities to be fostered, is of high quality and amenity (allowing an attractive 'plug and play' offer), and offers secure tenancy. It is therefore an attractive alternative to residents that may otherwise use HMOs. This has an added benefit of reducing the demand for HMOs allowing them to be recycled into conventional housing stock. We would therefore question the accuracy of this paragraph and its purposes as supporting text within the wider Policy. Finally, we also note that the final sentence introduces a new standard/requirement that is not set out in policy, and we would like to point out that supporting paragraphs should not introduce new criteria.

3. *it would not lead to an overconcentration of single-person accommodation at the neighbourhood level.*

Similarly to the comments made in respect of Policy LP28 above, Policy H16 (Large-scale purpose-built shared living) of the London Plan requires such accommodation "to contribute to a mixed and inclusive neighbourhood" at the neighbourhood level. As part of this assessment, we consider that the decision-maker has the discretion to consider the matter of over-concentration as one of a number of indicators to determine whether proposed development would contribute to a mixed and inclusive neighbourhood. As Criterion C1 of Policy LP29 requires development to meet all requirements of Policy H16, we consider that the inclusion of a specific criterion in relation to over-concentration is unnecessary and superfluous as such an assessment is already provided for, under Policy H16. Should the Council be minded to retain this aspect of the policy, our concerns raised in respect of the measure of "overconcentration" in relation to PBSA also apply here.

### **LP30 – Build to Rent**

As currently drafted, Draft Policy LP30 states the following:

#### **LP30 – Build to Rent**

- A. Development proposals for Build to Rent housing must follow the policy approach set out in London Plan policy H11, subject to the following additional requirements:
1. Where a development has potential to include more than one residential core and/or block, applicants should use this separate core and/or block to provide low cost rented housing to be managed by a registered provider. To follow the Fast Track Route, 50 per cent of the overall affordable housing requirement should be provided as low-cost products within this separate core and/or block, with the remaining 50 per cent at a range of genuinely affordable rents to meet priority housing need in Wandsworth. If the above requirements are not met, the scheme must follow the Viability Tested route. In these circumstances, the Council will seek from the applicant the optimum affordable housing offer for the development as a whole.
  2. Where an applicant can demonstrate to the Council's satisfaction that it is not feasible in design terms to include a separate residential core and/or block in the development proposal, the Council will accept the full affordable housing requirement for the scheme as discount market rent units managed alongside the market rent units, in accordance with the requirements of London Plan policy. To follow the Fast

Track Route, the Council will seek 30 per cent of the affordable provision at rents equivalent to London Living Rent level, with the remainder at a range of genuinely affordable rents to meet priority housing need in Wandsworth. If these requirements are not met, the scheme must follow the Viability Tested route.

3. Build to Rent housing should provide a mix of dwelling sizes that meets identified local housing needs, in accordance with Policy LP24 (Housing Mix).

### Discount Market Rent

In our previous Regulation 18 Representations we requested that clarification was provided so that it is clear that the on-site affordable housing could be operated under the same management as the market housing and secured on a Discount Market Rent (DMR) basis controlled by rent levels associated with London Affordable Rent and London Living Rent.

Whilst our recommendation to explicitly specify that DMR affordable housing can be under the same ownership as the private elements has not been included, we think this is implied in *“the Council will accept the full affordable housing requirement for the scheme as discount market rent units managed alongside the market rent units, in accordance with the requirements of London Plan policy”*. We request the wording is updated to provided clarity.

1. Where a development has potential to include more than one residential core and/or block, applicants should use this separate core and/or block to provide low cost rented housing to be managed by a registered provider.

We note that as currently worded, this part of the policy favours the use of a separate BTR core and separate affordable rent core to be managed separately. We disagree, however, with this requirement as it is contrary to the NPPF and London Plan which advocates that the affordable housing as part of a BTR development can be on a DMR basis and controlled by the operator of the market development. To split the site into two elements, a BTR element and an affordable element undermines the whole BTR policy in the London Plan. We therefore strongly recommended that this element of the policy is amended to accord with National and London Plan policy.

We note that Draft Policy LP23 states that *“any relevant scheme will need to demonstrate that the design, siting and phasing of affordable homes provides for its proper integration and timely provision as part of the wider development”*. It is clear that these two draft policies are conflicting since by having separate cores, affordable homes will not be properly “integrated” into the wider development. We suggest that this part of the draft Policy LP30 is updated to ensure consistency.

3. Build to Rent housing should provide a mix of dwelling sizes that meets identified local housing needs, in accordance with Policy LP24 (Housing Mix).

We consider that this criterion is acceptable on the basis that Policy LP24 makes it clear that the borough’s housing mix targets are indicative proportions and, as set out under Criterion B, as *“planning applications will be required to be supported by evidence, proportionate to the nature and scale of development proposed, to justify the mix of new market homes to be provided.”* We therefore trust that the Council will consider this element of the policy flexibly when assessing BTR schemes which typically have an evidenced-based need for one and two bedroom dwellings and limited demand for larger dwellings.

In support of the above, we note that the findings of the British Property Federation report “Who Lives in Build-to-Rent” (Nov 2021)<sup>1</sup> outlines the following:

**Proportion of BTR Occupiers**

- Ages 16-24 - 31%; and
- ages 25-43 - 45%.

**BTR Household Type**

- Couples/share - 58%;
- Single – 35%; and
- Families – 7%.

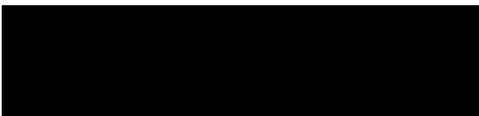
The above findings highlight just one piece of evidence that demonstrates the higher need for predominately one- and two-bedroom units and the limited demand for larger units. As explained above, we trust that the Council will apply this policy flexibly when assessing BTR schemes, or otherwise demonstrate through an evidence base which would justify otherwise

In accordance with the above, we suggest that Part E of Policy LP24 (Housing Mix) is updated to provide clarity that the site-by-site basis for assessing dwelling mix includes consideration of the explicit evidence-based need for BTR. This should be clarified by inserting a new criterion in Part E which refers to “*consideration of the specific evidence-based need for BTR in accordance with Policy LP30*”.

**Closing Remarks**

We trust that our Client’s representations on these aspects of the Draft Local Plan are of assistance to the Council in making the Draft Local Plan sound in the context of the NPPF and will be taken into account to inform the Submission version of the Plan. Our Client would be more than willing to meet with officers should they have any points of clarification. In the meantime, please do not hesitate to contact Simon Marks, Sam Stackhouse or James Ainsworth of this office if you have any queries.

Yours sincerely



**MONTAGU EVANS LLP**

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<sup>1</sup> <https://www.londonfirst.co.uk/sites/default/files/documents/2021-11/who-lives-in-btr-nov21.pdf>

# APPENDIX 01

## Regulation 18 Representations

PD13291/SM/SS

Planning Policy Department  
London Borough of Wandsworth

5 Bolton Street  
London  
W1J 8BA  
Tel: +44 (0) 20 7493 4002  
Fax: <Add fax number in INI>

By email only: [planningpolicy@wandsworth.gov.uk](mailto:planningpolicy@wandsworth.gov.uk)

26 February 2021

Dear Sirs

**Wandsworth Local Plan: Pre-publication Draft Local Plan (Regulation 18)  
Representations on behalf of Watkin Jones PLC**

We write on behalf of our client, Watkin Jones PLC (“the Client”) who have instructed us to make written representations in relation to the Pre-publication Draft Local Plan which was published for consultation on 4 January 2021.

**About Watkin Jones PLC**

With a focus on delivering for our customers since 1791, the Watkin Jones Group PLC (WJG) is the UK’s leading developer and manager of residential for rent homes.

By spearheading this emerging sector, WJG are creating the future of living for a diverse and growing group of people who want flexibility, convenience and a strong sense of community alongside the best location and value. Its purpose-built build to rent (BTR), co-living and student homes are designed and built sustainably, and welcome people from all backgrounds to enjoy a great way of life, generating a positive impact for wider communities. Beyond residential for rent, its successful and well-established home-building division has an increasing focus on the delivery of affordable housing products.

With increasing pressure on many areas to quickly create new housing, WJG an excellent track record of delivering homes fast without compromising on quality. Over 95% of its developments are on site within six months of the grant of planning permission and its in-house construction capacity means that it can rapidly boost local housing supply. Over the last 25 years WJG have delivered over 43,000 student beds across 130 sites, with a pipeline of over 12,300 BTR, student or co-living homes currently. It has delivered, or is currently delivering, over 5,000 units within London.

Today, WJG successfully works across every part of the UK and closely engages with local authorities, neighbours, and a wide range of relevant stakeholders to focus on investing in central brownfield sites that make the best use of land, and create high quality, appropriately designed places. Its end-to-end delivery model means that it acquires, designs and build places, and often stays to manage them as a valuable long-term member of the community.

Fresh is its multi award-winning operator and manager of residential for rent schemes and works on behalf of a wide range of clients, managing over 20,000 rental homes and student bed spaces at over 60 sites across the UK and Ireland.

Fresh achieves 95% customer satisfaction, and cares for its residents with a range of wellbeing and community building activities.

### **Scope of Representations**

Our Client's representations are focussed towards the land use policies in the Draft Local Plan relevant to the sectors that it operates in. As such, the representations focus primarily on the following policies:

- LP30 – Purpose Built Student Accommodation;
- LP31 – Housing with Shared Facilities; and
- LP32 – Build to Rent and, by consequence, LP25 – Affordable Housing.

These are addressed in turn along with our proposed recommendations to the policies to ensure that the Plan as a whole meets the tests of soundness established by Paragraph 35 of the National Planning Policy Framework (NPPF). For the avoidance of doubt, Plans are 'sound' if they are:

- a) 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;*
- b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
- c) 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; and*
- d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.*

### **LP30 - Purpose Built Student Accommodation (PBSA)**

As currently drafted, Draft Policy LP30 states the following:

#### **LP30 Purpose Built Student Accommodation**

A. Proposals for Purpose Built Student Accommodation will be supported where the development:

1. meets all requirements for student accommodation, including affordable provision, as set out in the emerging London Plan Policy H15;
2. has access to good levels of public transport, and to shops, services and leisure facilities appropriate to the student population;
3. would not result in an over-concentration of similar uses at the neighbourhood level;
4. meets the need for such accommodation as identified in the Wandsworth Local Housing Need Assessment or in any Accommodation Strategy of a recognised educational institution which has been agreed by the Council;
5. provides a high quality living environment, including the provision of good-sized rooms, well-integrated internal and external communal areas, and a high level of amenity (providing good levels of daylight and sunlight, and natural ventilation);

6. provides at least 10% of student rooms which are readily adaptable for occupation by wheelchair users; and  
7. is accompanied by a site management and maintenance plan which demonstrates that the accommodation will be managed and maintained over its lifetime so as to ensure an acceptable level of amenity and access to facilities for its occupiers and would not give rise to unacceptable impacts on the amenities of existing residents in the neighbourhood.

B. The loss of existing student accommodation will be resisted unless it is demonstrated that the facility no longer caters for current or future needs and the floorspace is replaced by another form of residential accommodation that meets other Local Plan housing requirements.

Our Client's general observation in relation to Draft Policy LP30 is that it does not provide a clear strategy to meet the demand for student accommodation identified in Publication London Plan (2020) and the Wandsworth Local Housing Needs Assessment (2020). Indeed, Paragraph 4.15.2 of the Publication London Plan states that there is a requirement for 3,500 PBSA bed spaces to be provided annually over the Plan period. Furthermore, the Local Housing Needs Assessment identifies a need for circa 788 student bed spaces between 2018-2019 and 2024-25 to meet the planned growth associated with the University of Roehampton and a further need for 41 bed spaces to meet the planned growth associated with St George's – University of London over the same period.

In relation to meeting the University of Roehampton's student housing needs, Paragraph 11.102 of the Local Housing Needs Assessment references that the additional capacity could come from the newly permitted Urbanest development at Palmerstone Court (Ref: 2020/2837). However, we would note from the GLA Stage 2 Report dated 25 January 2021 (**Appendix 1**) that Urbanest is in discussions with the London School of Economics (LSE) pursuant to a potential nominations agreement, which, incidentally, would contribute to meeting the wider London need for student accommodation. Whilst it is acknowledged that there is no guarantee that this nominations agreement will come to fruition, these discussions suggest that limited reliance can be attributed towards the Urbanest scheme meeting the identified needs of the University of Roehampton as alluded to in the Local Housing Needs Assessment. Paragraph 11.103 of the Local Housing Needs Assessment also states that the University is considering building two new halls of residence with a capacity to house 800 students on University owned land but that these are currently at an early stage of design and there is no evidence of an imminent planning application forthcoming. In relation to the student housing needs associated with the St George's - University of London, the Local Housing Needs Assessment states (Paragraph 11.110) that the University's *"strategy for how to house these additional students was unclear..."*.

On the basis of the above, we consider that there is not a robust or effective strategy in place which can be relied on to meet the identified student housing needs of the universities in the Borough. Furthermore, there is also no attempt to meet the student housing needs of London which Wandsworth, as a London Borough, is required to plan for in accordance with the Publication London Plan (2020). As an Inner London Borough with good public transport accessibility and short journey times to a number of London's Higher Education Institutions, it would be reasonable to expect that the Borough would make a significant and sustainable contribution to meet the annual London requirement of 3,500 PBSA bed spaces per year. As a general comment therefore, we recommend that Draft Policy LP30 is amended to ensure the Plan has been positively prepared and is effective. The Policy must specifically recognise and positively address the need for student accommodation identified by the London Plan and the Local Housing Needs Assessment and we also recommend that the Draft Local Plan considers the allocation of specific sites to meet the unmet student housing need.

With regards to a more forensic analysis of the wording of Policy LP30, we would also make the following recommendations:

3) would not result in an over-concentration of similar uses at the neighbourhood level

Policy H15 (Purpose-built Student Accommodation) of the Publication London Plan requires student accommodation to contribute to a mixed and inclusive neighbourhood at the neighbourhood level. As part of this assessment, we consider that the decision-maker has the discretion to consider the matter of over-concentration as one of a number of indicators to determine whether proposed development would contribute to a mixed and inclusive neighbourhood. As Criterion 1 of Policy LP30 requires development to meet all requirements of Policy H15, we consider that the inclusion of a specific criterion in relation to over-concentration is unnecessary and superfluous as such an assessment is already provided for under Policy H15.

Without prejudice to our recommendation, should the Council seek to retain the wording we would recommend that greater clarity is provided in respect of how the Council would interpret what would be considered to represent over-concentration and what the impacts of over-concentration are. In our opinion the current drafting would render the Plan unsound as this strand of the policy is not justified and would not make the Plan effective. For example, we are aware that the London Borough of Brent in respect of the Wembley Area Action Plan used a quantitative approach to define over-concentration by setting a maximum percentage of 20% of the Wembley population comprising students before an over-concentration was considered to occur. We also recommend that greater clarification is given towards how one should interpret what is considered to be the 'neighbourhood level' as neither policy nor supporting text currently seeks to define it.

4) meets the need for such accommodation as identified in the Wandsworth Local Housing Need Assessment or in any Accommodation Strategy of a recognised educational institution which has been agreed by the Council

We consider that this criterion is not consistent with the Publication London Plan as it does not account for the London-wide student housing need of 3,500 bed spaces per year. We also consider that the requirement for need to be demonstrated through an Accommodation Strategy of a recognised educational institution as unnecessary when criterion 3 of Policy H15 of the Publication London Plan already requires the majority of bedrooms in a development to be secured through a nominations agreement with one or more higher education providers. Indeed, this provision already deters speculative student applications and ensure that applications that come forward are driven by need.

5) provides a high quality living environment, including the provision of good-sized rooms, well-integrated internal and external communal areas, and a high level of amenity (providing good levels of daylight and sunlight, and natural ventilation):

We are of the view that the wording of "good-sized rooms" is vague and imprecise. As an alternative, we would suggest "appropriately-sized rooms" as a replacement as it allows the decision-maker to draw on precedent developments with a view to understanding what the market expectation is for room sizes. We would also recommend that "natural ventilation" is replaced with "ventilation" as there are instances where mechanical ventilation is a more suitable alternative to natural ventilation, particularly when there are local noise and / or air quality constraints.

Proposed Amendments to Policy LP30

Our recommended amendments to Policy LP30 are set out below in red.

**LP30 Purpose Built Student Accommodation**

A. To meet the need identified in the London Plan and the Wandsworth Local Housing Needs Assessment, Proposals for Purpose Built Student Accommodation will be supported where the development:

1. meets all requirements for student accommodation, including affordable provision, as set out in the emerging London Plan Policy H15;
  2. has access to good levels of public transport, and to shops, services and leisure facilities appropriate to the student population;
  - ~~3. would not result in an over-concentration of similar uses at the neighbourhood level;~~
  4. meets the need for such accommodation as identified in the **London Plan** or Wandsworth Local Housing Need Assessment ~~or in any Accommodation Strategy of a recognised educational institution which has been agreed by the Council;~~
  5. provides a high quality living environment, including the provision of **good-sized appropriately sized** rooms, well-integrated internal and external communal areas, and a high level of amenity (providing good levels of daylight and sunlight, and **natural** ventilation);
  6. provides at least 10% of student rooms which are readily adaptable for occupation by wheelchair users; and
  7. is accompanied by a site management and maintenance plan which demonstrates that the accommodation will be managed and maintained over its lifetime so as to ensure an acceptable level of amenity and access to facilities for its occupiers and would not give rise to unacceptable impacts on the amenities of existing residents ~~in the neighbourhood—~~ **in the vicinity of the site.**
- B. The loss of existing **purpose-built** student accommodation will be resisted unless it is demonstrated that the facility no longer caters for current or future needs and the floorspace is replaced by another form of residential accommodation that meets other Local Plan housing requirements.

### **LP31 – Housing with Shared Facilities**

Our Client's representations to Policy LP31 are limited to Part C only which relates to large-scale purpose-built shared living accommodation, also commonly known as Co-living . Part C currently states:

#### **LP31 Housing with Shared Facilities**

C. Large-scale purpose-built shared living accommodation which is defined as being a 'sui generis' use will generally be resisted. Such accommodation will only be supported where it is clearly demonstrated that:

1. such development meets all of the criteria set out in the emerging London Plan Policy H16;
2. it can be clearly demonstrated that there is an identified local need for the type of accommodation proposed;
3. it would not lead to an overconcentration of single-person accommodation at the neighbourhood level;
4. it can be clearly demonstrated that the site is not suitable for development for conventional units;
5. it would not give rise to adverse impacts on the amenity of neighbouring properties, the character of the neighbourhood or would not support the creation of mixed and balanced communities;
6. it can be demonstrated that the development would be capable of adaptation to alternative residential use should there no longer be a need for such accommodation;
7. it has been demonstrated through the submission of a management plan that the development will be managed and maintained over its lifetime so as to ensure an acceptable level of amenity and access to facilities for its occupiers and

would not give rise to unacceptable impacts on the amenities of existing residents in the neighbourhood; and  
8. a financial contribution has been secured towards the provision of affordable dwellings in the borough in accordance with the emerging London Plan policies and those contained in this Plan.

As a general point, we would note that the tone of the policy is negative in so far that it seeks to generally resist such development. We therefore consider that the policy is not positively prepared or consistent with national policy i.e. being prepared with the objective of contributing to the achievement of sustainable development (Paragraph 16a of the NPPF). It is also not consistent with the Publication London Plan which adopts a more positive approach to the provision of large-scale purpose-built shared living.

We would also note Paragraph 041 (Reference ID: 68-041-20190722) of the NPPG which states that communal accommodation can count towards the Housing Delivery Test and this is reinforced by Paragraph 4.1.9 of the Publication London Plan. In our view, it is implicit that there is a role for large-scale purpose built shared accommodation to play in meeting objectively assessed housing needs and therefore it should be positively planned for.

In respect of the proposed criteria under Part C of Policy LP31 for which the Council will assess applications for large-scale purpose-built shared living accommodation, we would make the following recommendations:

*2. it can be clearly demonstrated that there is an identified local need for the type of accommodation proposed;*

We have reservations about this strand of the policy as Paragraph 47 of the National Planning Policy Framework states that housing policies should be based on full objectively assessed needs for market and affordable housing in the market area. The market area, however, can be different to the local area and therefore we would argue that the current wording is not consistent with national policy. We would also note that this policy is based on an up to date assessment of housing need through the Wandsworth Local Housing Needs Assessment which identifies a need for such accommodation and therefore we would question why such a criterion is required anyway. We would therefore recommend that this strand of the policy is removed or, at the very least, it is amended so that the term “local” is omitted as its meaning is not clear or defined and conflicts with national policy. If necessary, we consider that demonstrating an “identified need” would still fulfil the objectives of this aspect of the policy which is to ensure that applications are not speculatively driven and are meeting a need that is currently not being provided.

*3) it would not lead to an overconcentration of single-person accommodation at the neighbourhood level;*

Similarly to the comments made in respect of Policy LP30 above, Policy H16 (Large-scale purpose-built shared living) of the Publication London Plan requires such accommodation to contribute to a mixed and inclusive neighbourhood at the neighbourhood level. As part of this assessment, we consider that the decision-maker has the discretion to consider the matter of over-concentration as one of a number of indicators to determine whether proposed development would contribute to a mixed and inclusive neighbourhood. As Criterion C1 of Policy LP31 requires development to meet all requirements of Policy H16, we consider that the inclusion of a specific criterion in relation to over-concentration is unnecessary and superfluous as such an assessment is already provided for under Policy H16.

*4) it can be clearly demonstrated that the site is not suitable for development for conventional units.*

According to Paragraph 17.63 of the supporting text of this policy, the reason for this criterion is to ensure that development does not compromise opportunities for more conventional forms of self-contained housing to be delivered. Whilst it is accepted that the local planning authority has a duty to plan appropriately to meet its objectively assessed housing needs over the plan period, our view is that this need should be planned positively through specific positively-

worded housing policies and site allocations, and not through other land use policies, particularly where a need for such uses has been identified. Indeed, Paragraph 67 of the NPPF states that planning policies should identify specific deliverable sites in the short term and specific developable sites in the medium to long-term to meet housing needs. We note that Wandsworth as a Borough purports to be able to achieve this through the Housing and Economic Land Availability Assessment (2021) which identifies that it can demonstrate a pipeline of housing that exceeds the London Plan target of 19,500 homes over the next 10 years. As such, it is evident that the Borough can demonstrate sufficient sites to meet its housing needs without having to apply a residential land use suitability test against sites that come forward for other land uses. For this reason and as this element of the policy is not positively prepared, our Client recommends that this criterion is removed. Should the Council seek to retain this element of the policy, we strongly recommend that greater clarification is provided in respect of how the decision-maker might assess whether a site is suitable for residential development for conventional units, particularly as one would expect site suitability for large-scale purpose-built shared living or Class C3 conventional units to be precisely the same given that they are both ultimately providing homes for people. As things stands, the policy strand is not effective or justified. We would also note the criterion directly conflicts with Criterion 6 which requires the development to demonstrate that it would be capable of future adaption to residential use.

#### Proposed Amendments to Policy LP31

Our recommended amendments to Policy LP31 are set out below in red.

#### **LP31 Housing with Shared Facilities**

C. Large-scale purpose-built shared living accommodation which is defined as being a 'sui generis' use will be supported ~~generally be resisted. Such accommodation will only be supported~~ where it is clearly demonstrated that:

1. such development meets all of the criteria set out in the emerging London Plan Policy H16;
2. it can be clearly demonstrated that there is an identified ~~local~~-need for the type of accommodation proposed;
3. ~~it would not lead to an overconcentration of single person accommodation at the neighbourhood level;~~
4. ~~it can be clearly demonstrated that the site is not suitable for development for conventional units;~~
5. it would not give rise to adverse impacts on the amenity of neighbouring properties, the character of the neighbourhood or would not support the creation of mixed and balanced communities;
6. it can be demonstrated that the development would be capable of adaptation to alternative residential use should there no longer be a need for such accommodation;
7. it has been demonstrated through the submission of a management plan that the development will be managed and maintained over its lifetime so as to ensure an acceptable level of amenity and access to facilities for its occupiers and would not give rise to unacceptable impacts on the amenities of existing residents in the neighbourhood; and
8. a financial contribution has been secured towards the provision of affordable dwellings in the borough in accordance with the emerging London Plan policies. ~~and those contained in this Plan.~~

#### **LP32 – Build to Rent and by consequence LP25 – Affordable Housing.**

As currently drafted, Draft Policy LP32 states the following:

**LP32 Build to Rent**

A. Development proposals for purpose built self-contained, private rented homes must:

1. meet all criteria set out in emerging London Plan Policy H11;
2. provide a mix of dwelling sizes that meets identified local and strategic housing needs, in accordance with Policy LP 26 (Housing Mix);
3. provide on-site affordable housing, in line with the threshold approach set out in the emerging London Plan. The tenure of the affordable housing delivered as part of the development will be required to be London Affordable Rent (50%) and London Living Rent (50%); and
4. provide high quality housing, in line with Policy LP 29 (Housing Standards).

Whilst broadly supportive of this policy, our Client has the following observations on the following criteria:

2) provide a mix of dwelling sizes that meets identified local and strategic housing needs, in accordance with Policy LP 26 (Housing Mix)

We consider that this criterion is acceptable on the basis that Policy LP26 makes it clear that the borough's housing mix targets are indicative proportions and, as set out under Criterion B, as *"planning applications will be required to be supported by evidence, proportionate to the nature and scale of development proposed, to justify the mix of new market homes to be provided."* We therefore trust that the Council will consider this element of the policy flexibly when assessing BTR schemes which typically have an evidenced-based need for one and two bedroom dwellings and limited demand for larger dwellings.

3) provide on-site affordable housing, in line with the threshold approach set out in the emerging London Plan. The tenure of the affordable housing delivered as part of the development will be required to be London Affordable Rent (50%) and London Living Rent (50%)

Whilst our Client is generally supportive of this criterion, we would recommend that clarification is provided so that it is clear that the on-site affordable housing could be operated under the same management as the market housing and secured on a Discount Market Rent (DMR) basis controlled by rent levels associated with London Affordable Rent and London Living Rent. In its current wording and when read alongside Part F of Policy LP25 (Affordable Housing) which states that the management of the affordable housing will be undertaken by a registered provider, it is not clear whether the affordable housing secured under a BTR scheme could be DMR under the same ownership and management as the market housing and not managed by a registered provider, or, what might be considered to be 'traditional' affordable housing i.e. separated from the market housing and managed by a registered housing provider.

Our view, consistent with the Glossary of the NPPF, which states that landlords of BTR schemes do not need to be a registered provider, and the Publication London Plan, which states that BTR schemes should be under single management with affordable housing being DMR, is that the policy should made clear that the affordable housing sought by this criterion could be wholly DMR at the rent levels identified i.e. 50% London Affordable Rent and 50% Living Rent and not managed by a registered provider.

Finally, whilst we have not expressly recommended a policy wording change as such, we suggest that further justification is provided by the Council in respect of how the proposed affordable tenure split has been derived and for consideration whether a blended approach would be more suitable that seeks a range of 'genuinely affordable rents' provided that they do not exceed a defined cap.

### Proposed Amendments to Policy LP32

Our recommended amendments to Policy LP32 are set out below in red.

#### **LP32 Build to Rent**

A. Development proposals for purpose built self-contained, private rented homes must:

1. meet all criteria set out in emerging London Plan Policy H11;
2. provide a mix of dwelling sizes that meets identified local and strategic housing needs, in accordance with Policy LP 26 (Housing Mix);
3. provide on-site **Discount Market Rent** affordable housing **under the same ownership as the private elements of the scheme**, in line with the threshold approach set out in the emerging London Plan. Subject to viability, the **rental levels** of the affordable housing delivered as part of the development will be required to be in line with London Affordable Rent (50%) and London Living Rent (50%) levels; and
4. provide high quality housing, in line with Policy LP 29 (Housing Standards)

### Proposed Amendments to Policy LP25

Our recommended amendments to Policy LP25 are set out below in red.

#### **LP 25 Affordable Housing**

F. The management of the affordable housing homes provided will be undertaken by a Registered Provider which is a Preferred Partner of the Council unless otherwise agreed by the Council **or if the development is Build to Rent in which the provisions of Policy LP32 apply**. Any relevant scheme will need to demonstrate that the design, siting and phasing of affordable homes provides for its proper integration and timely provision as part of the wider development.

#### **Closing Remarks**

We trust that our Client's representations on these aspects of the Pre-publication Draft Local Plan are of assistance to the Council in making the Draft Local Plan sound in the context of the NPPF and will be taken into account to inform the Regulation 19 iteration of the Plan. Our Client would be more than willing to meet with officers should they have any points of clarification. In the meantime, please do not hesitate to contact Simon Marks or Sam Stackhouse if you have any queries.

Yours sincerely



**MONTAGU EVANS LLP**

# APPENDIX 01

## PALMERSTONE COURT

## GLA STAGE II REPORT

# MAYOR OF LONDON

**Narinder Lakhan**  
**Wandsworth Council**  
Environment and Community Services  
Directorate  
The Town Hall Wandsworth High Street  
London SW18 2PU

**Our ref:** GLA/6564/02  
**Your ref:** 2020/2837  
**Date:** 25 January 2021

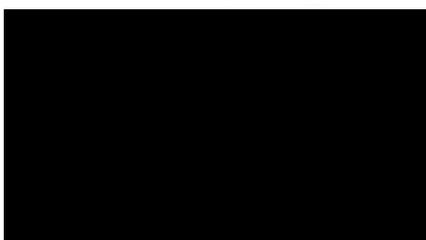
Dear Narinder,

**Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008**  
**Palmerston Court, Battersea**  
**Local Planning Authority reference: 2020/2837**

I refer to your correspondence of 25 November 2021 informing the Mayor that the local planning authority is minded to approve planning permission for the above planning application. I refer you also to the notice that was dated 25 November 2021 under the provisions of article 5(1)(b)(i) of the above Order.

Having now considered a report on this case (GLA ref: 6564/02, copy enclosed), I am content to allow the local planning authority to determine the case itself, subject to any action that the Secretary of State may take, and do not therefore wish to direct refusal or to take over the application for my own determination.

Yours sincerely,



**Sadiq Khan**  
Mayor of London

cc Leonie Cooper, London Assembly Constituency Member  
Andrew Boff, Chair of London Assembly Planning Committee  
National Planning Casework Unit, MHCLG  
Danny Calver, TfL  
Nick Brindley, Gerald Eve

25 January 2021

**Palmerston Court, Battersea**

in the London Borough of Wandsworth

planning application no. 2020/2837

**Strategic planning application stage 2 referral**

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

**Development proposal**

Mixed use redevelopment of the site comprising 868 student bed spaces, approximately 6,125 sq.m. of B1 office space; 1,758 sq.m. of B1 enterprise use; a 320 sq.m. public house and a 70 sq.m. cafe/retail unit within four buildings ranging from 13 to 21-storeys, together with public realm, landscaping and other associated works.

**The applicant**

The applicant is **Urbanest** and the architect is **AHNN**

**Key dates**

**Pre-application meeting:** 18 June 2020

**Stage 1 representation issued:** 28 September 2020

**Wandsworth Planning Committee:** 25 November 2020

**Strategic issues summary**

**Principle of development:** A high density student accommodation-led mixed use development within the CAZ and VNEB opportunity area including office, public house and affordable workspace is strongly supported. The replacement pub and affordable workspace has been secured (paragraphs 11 to 14).

**Student accommodation:** 35% affordable student accommodation has been secured and would be allocated to eligible students via a nominations agreement with one or more Higher Education Institution. An Early Stage Review Mechanism has been secured and the application complies with the Fast Track Route criteria. Affordability levels and a management plan has been secured (paragraphs 15 to 18).

Outstanding issues relating to **urban design, heritage and climate change** have been resolved (paragraphs 19 to 23).

**Transport:** Financial contributions towards the proposed healthy streets improvements along Battersea Park Road / Nine Elms Lane have been secured (£814,147), as well as a replacement cycle hire docking station. The cycle parking has been re-designed to ensure compliance with the Publication London Plan (paragraph 24 to 27).

**The Local Planning Authority's decision**

Wandsworth Council has resolved to grant permission, subject to conditions and a Section 106 agreement.

**Recommendation**

Wandsworth Council be advised that the Mayor is content for it to determine the application itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal.

## Context

1 On 23 July 2020, the Mayor of London received documents from the Wandsworth Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses.

2 The application was referred under the following categories of the Schedule to the Order 2008:

- *Category 1B - Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings outside Central London with a total floorspace of more than 15,000 square metres.*
- *Category 1C - Development which comprises or includes the erection of a building that is more than 30 metres high and is outside the City of London.*

3 On 28 September 2020, the Mayor considered planning report GLA/6453/01 ([link here](#))<sup>1</sup> and subsequently advised Wandsworth Council that, whilst the proposed scheme was generally supported in strategic planning terms, the application did not fully comply with the London Plan and the Intend to Publish London Plan, for the reasons set out in paragraph 72; however, the possible remedies set out in the report could address these deficiencies. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report.

4 On 25 November 2020, Wandsworth Council resolved to grant planning permission subject to planning conditions and conclusion of a Section 106 agreement. Wandsworth Council formally referred the application back to the Mayor on 15 January 2021. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged; direct the Council under Article 6 to refuse the application; or, issue a direction to the Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application (and any connected application). The Mayor has until 28 January 2021 to notify the Council of his decision and to issue any direction.

5 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 has been taken into account in the consideration of this case.

6 The Mayor of London's statement on this case will be made available on the GLA website, [www.london.gov.uk](http://www.london.gov.uk).

## Consultation stage issues summary

7 At consultation stage on this application, Wandsworth Council was advised that, whilst the proposed scheme is generally supported in strategic planning terms, the application did not fully comply with the London Plan and the Intend to Publish London Plan, for the reasons set out below:

- **Principle of development:** A high density student accommodation-led mixed use development within the CAZ and VNEB opportunity area comprising office, public house and affordable workspace is strongly supported, subject to the replacement pub, student accommodation and affordable workspace being appropriately secured.

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<sup>1</sup> <https://planning.london.gov.uk/pr/s/planning-application/a0i4J000002SjKDQA0/20206453>

- **Student accommodation:** 35% of the student bedrooms would be affordable, in line with the Intend to Publish London Plan and Fast Track Route criteria. A S106 obligation to enter into a nominations agreement with one or more registered higher education provider for all of the affordable student accommodation and the majority of the student accommodation should be secured.
- **Urban design and heritage:** The layout, design, public realm, height and massing and architectural quality of the scheme is generally supported. Further information should be provided on the layout and design of the half-suite rooms. The application would cause less than substantial harm to designated heritage assets which could be outweighed by the public benefits proposed by the application.
- **Climate change:** The energy, sustainable urban drainage and urban greening strategies are supported, subject to obligation and conditions being secured.
- **Transport:** Further discussion is required to agree the relocation of the existing cycle hire standards and cover the full costs of these works and to clarify the quantum of disabled parking and means of securing its delivery. Management and maintenance of the foldable cycle parking for student hire should be secured and all cycle parking should be designed in accordance with the London Cycling Design Standards. A financial contribution is sought towards proposed healthy streets improvement works along Battersea Park Road / Nine Elms Lane, which should be secured via s106 agreement. The submission and approval of detailed delivery and servicing plans, travel plans and construction logistics plan should be secured via condition.

## Update

8 Since consultation stage GLA officers have engaged in joint discussions with the applicant, the Council and TfL officers with a view to addressing the above matters. Furthermore, as part of the Council's draft decision on the case, various planning conditions and obligations have been secured. An update against the issues raised at consultation stage is set out below.

## Relevant policy and guidance update

9 The Report of the Examination in Public of the draft London Plan was published in October 2019, and the Intend to publish London Plan version (December 2019) was subsequently submitted to the Secretary of State. On 13 March and 10 December 2020, the Secretary of State issued the Mayor with directions under Section 337 of the Greater London Authority Act 1999.

10 On 21 December 2020 the Mayor submitted to the Secretary of State his Publication London Plan with amendments designed to address these directions. This is the most up to date version of the Mayor's London Plan and should be taken into account as a material consideration on the basis described in the NPPF.

## Principle of development

11 As set out in the Mayor's initial Stage 1 consultation response, the principle of the redevelopment of the site to construct a high density student accommodation-led mixed use development comprising office, affordable workspace, public house and cafe uses was strongly supported, noting the site's location with the CAZ and the VNEB opportunity area. However, this was subject to the replacement pub, student accommodation and affordable workspace being appropriately secured.

12 As detailed at Stage 1, the site includes two existing pubs – the Pavillion and Flanigan's. The latter of which is identified as an Asset of Community Value (ACV). The Pavillion is included within Wandsworth Council's Article 4 list but has been vacant since 2016. Although it is not of historic value, Flanigan's is recognised as having social value to the local community. The loss of Flannigan's public house (which is an Asset of Community Value) has been the subject of a

number of objections and a petition from the local community, as well as an objection from the 'Campaign for Real Ale' (CAMRA).

13 Whilst the loss of Flannigan's public house would not comply with Policy HC7 of the Publication London Plan, the replacement pub would ensure no net loss compared to the existing situation. The construction of the new pub to shell and core standard is secured in the Section 106 prior to occupation of the student accommodation or commercial floorspace. In addition, the S106 agreement includes obligations to ensure the space is designed to accommodate a designated music venue, with the submission and approval of a Public House Management Plan also required to set out and secure details of the music venue use and access for community use. This approach mirrors the approach taken in the extant permitted scheme as detailed at Stage 1 and is, on balance, acceptable. Overall, GLA officers consider that the harm caused by the loss of the two pubs and an ACV would be outweighed by wider public benefits associated with the proposed development and would be sufficiently mitigated through the provision of a replacement pub which has been appropriately secured.

14 Turning to the affordable workspace, an Enterprise Business Unit (EBU) is proposed at ground floor level would provide 1,758 sq.m. of employment workspace suitable for start-up and small and medium sized enterprises (SMEs). As required by the Mayor's Stage 1 consultation response, the provision of this facility has been appropriately secured in the Section 106 prior to occupation and with rents discounted to no more than £20 per square foot for 20 years. A preferred operator / tenant has been identified by the Council (Sustainable Workspaces) who are expected to let the space, with any alternative operator also needing to be approved by the Council. A management plan will need to be submitted and approved. The student accommodation has also been appropriately secured, as set out in more detail below. As such, the principle of the development is acceptable and accords with the London Plan and Publication London Plan relating to opportunity areas, the Central Activities Zone, offices, low cost workspace, pubs and student accommodation.

## **Student accommodation**

15 As detailed at Stage 1, 35% of the student accommodation would be affordable (304 units). This has been secured in the Section 106 agreement, with rents in the affordable student units capped at the levels set by the Mayor's London Plan Annual Monitoring Report (currently £6,245 per year), with no additional charges. Affordable student accommodation would be allocated to students who are eligible for the income assessed UK government funded loan for living expenses for the academic year. The Section 106 agreement includes an obligation to enter into a nominations agreement with a Higher Education Institution to ensure the allocation of affordable student accommodation to eligible students, in accordance with Publication London Plan Policy H15. The S106 agreement also includes a further obligation that the owner will use 'reasonable endeavours' to enter into a nomination agreement for the allocation of the majority of the student accommodation overall (51% of the units). This is met where 16% of market tenure student units are secured by nominations agreement.

16 Whilst the requirement for a nominations agreement is absolute in relation to the affordable accommodation, the applicant has requested a greater degree of flexibility on the requirement for a nominations agreement to be entered into on the overall majority of student accommodation due to the present uncertainty within the academic sector through the 'reasonable endeavours' clause in the S106 agreement. GLA officers understand that the applicant is in discussion with London School of Economics (LSE) in relation to the proposed student accommodation. However, any nominations agreement would only be entered into following planning permission and closer to construction of the scheme.

17 The occupation of the accommodation by students during the academic year has been secured, together with a Student Accommodation Management Plan which has been secured in the S106 agreement. An Early Stage Review Mechanism has been secured and the application complies with the Fast Track Route criteria. The s106 agreement also requires the affordable student accommodation to be designed to the same standard as market student accommodation and students provided with the same access to services, facilities and utilities.

18 The applicant's proposed bursary programme – comprising the provision of 2 three-year bursaries for students of local academies to provide free accommodation and living allowances, on a rolling annual basis for a 20-year period has also been secured, which would have a capitalised value of £2.236 million. To conclude, the application complies with Policy H15 of the Publication London Plan.

## **Urban design**

19 The layout, design, public realm improvements, height and massing and architectural quality of the scheme was supported at Stage 1. Minor design revisions have been made to some of the elevations and columns within the base of the towers, following comments made as part of the Council's Design Review Panel. These changes are detailed in an Addendum to the Design and Access Statement but did not require further public consultation. The design changes do not raise any strategic issues and are supported. As required in the Mayor's Stage 1 consultation response, further information has been provided on the layout and design of the half-suite rooms. This demonstrates that these rooms would be of an acceptable design standard. The overall quality of the student accommodation is therefore acceptable. Conditions have been included to require further details of materials, boundaries, site levels and landscaping treatments to be submitted and approved, as required at Stage 1. The provision of accessible and adaptable housing (10% of bedrooms) would be secured across both market and affordable student accommodation. A fire strategy was submitted which was considered acceptable and further conditions have been included in relation to fire safety and fire hydrants as required at Stage 1. As such, the application complies with the design policies in the London Plan and Publication London Plan.

## **Heritage and strategic views**

20 As detailed in the Mayor's initial Stage 1 consultation response, GLA officers consider that the proposals would not harm the setting of the Grade II\* listed Registered Battersea Park, or the Grade II\* listed Battersea Power Station. GLA officers also considered that the scheme would not be visible within LVMF River Prospects 15A.1 and 15A.2 from Waterloo Bridge, which both feature the Palace of Westminster World Heritage Site. GLA officers do consider the proposal would cause less than substantial harm to setting of the Grade II listed railway bridge and the Battersea Park Conservation Area and Park Town Conservation Area, albeit this harm would be spatially localised and limited in scale given the existing and emerging context, the visibility of the proposed scheme and the significance of the designated heritage assets which are impacted. As detailed at Stage 1, the level of harm caused would therefore be at the lower end of the scale of less than substantial harm in relation to these heritage assets.

21 This less than substantial harm would be clearly and convincingly outweighed by the wider public benefits proposed by the development, including: the overall and affordable student accommodation, including the applicant's bursary programme; the quantitative and qualitative improvement in office floorspace with the CAZ and opportunity area; affordable workspace provision; and public realm, landscaping and inclusive access improvements along Battersea Park Road, Bradmead and Havelock Terrace, including an £814,147 Healthy Streets payment towards the costs of delivering the Nine Elms Lane and Battersea Park Road highway improvements. All of these public benefits have been secured in the Section 106 agreement as set out below. As such, the application is acceptable in relation to heritage assets and complies with the heritage policies in the London Plan and Publication London Plan.

## **Climate change**

22 The applicant is proposing a Passive House certified student accommodation scheme. The Passive House standards and accreditation process aims to ensure ultra-low energy buildings which require little energy for heating and cooling. The overall energy strategy which comprises very high levels of energy efficiency, air source heat pumps, solar panels and a whole house mechanical heat and ventilation and heat recovery system and triple /solar glazing is strongly supported. Conditions have been included to require the delivery of the energy statement and Passive House design proposals, as well as BREAM certification.

23 The potential for the development to connect to the closest District Heat Network (DHN) has been considered and discussed. However, the operator of the DHN Engie has confirmed that connection to the DHN is not viable. The scheme has been future proofed to ensure that a connection could be possible in the future, which is secured via the S106 agreement. Other conditions required at Stage 1 in relation to flood risk management, sustainable urban drainage and urban greening have been included in the draft decision notice. The application therefore complies with the climate change, energy, drainage and urban greening policies in the London Plan and Publication London Plan.

## **Transport**

24 Since Stage 1, cycle parking has been redesigned to ensure full compliance with the quantitative standards of the Publication London Plan, where bike lockers have been replaced with 2-tier racks. This is welcomed. The design of cycle parking generally accords with the key principles of the London Cycling Design Standard, with a passenger lift provided to ensure step-free access and 5% of spaces designed for non-standard cycles. The cycle parking provision and design has been secured by condition.

25 As required at Stage 1, a financial contribution towards the Nine Elms Lane / Battersea Park Road Healthy Streets corridor scheme, which is being delivered by TfL in partnership with Wandsworth Council, has been secured through the S106 agreement. The S106 agreement secures a £814,147 payment towards the costs of delivering these improvements, which must be paid prior to commencement.

26 The replacement of the existing cycle hire docking station on the site has also been secured, with full costs to be paid by the developer and the new docking station location to be agreed with TfL prior to occupation. It should be noted that full costs entail the costs to remove, store and install the cycle hire docking station in its new location. Section 278 works to install concrete bollards along Battersea Park Road have also been secured.

27 No disabled parking is proposed on site. The disabled parking would be accommodated on-street along Palmerston Way within the future road layout of the Battersea Design Tech Quarter public realm improvements, with details secured by condition and TMO costs covered in the S106 agreement. CPZ restrictions have also been secured. Conditions have been secured in relation to deliveries and servicing, construction logistics and a student and commercial travel plan.

28 The application therefore complies with the transport policies in the London Plan and Publication London Plan.

## **Response to consultation**

### Response from neighbours

29 Wandsworth Council undertook public consultation on the planning application in accordance with the statutory and Council requirements by displaying a site notice, advertising the application via a press notice and by sending 992 consultation notification letters to neighbouring

and nearby properties. The Council received a total of 12 responses, which included 11 objections and 1 supportive comment. The objections can be summarised as follows:

- **Loss of Flanagan's Pub:** which should be protected as it has a community value and function; the replacement pub is not suited to the local area; the new pub would not meet the needs of the local community; the design of the new pub is more suited to central London location / Canary Wharf; general related concerns about the area's character being chipped away.
- **Design:** The proposed development is ugly, poorly designed; out of character with local area and would be an eyesore which would fail to reflect or blend in with the surrounding area; concerns regarding the proposed materiality and colour palette which should be reconsidered; the design is not reflective of local area more suited to business district; public spaces are not inviting or inclusive to the local community and would promote a sense of segregation; overdevelopment of the site; there would be impact on the listed Battersea Power Station;
- **Local facilities:** The scheme does not include any facilities which the local community could benefit from e.g. gym, pool.
- **Impact on amenity:** the proposal will result in loss of sunlight to nearby residential properties on Battersea Park Road.
- **Parking and Access:** The proposal would exacerbate current parking and congestion issues on Havelock Terrace and would impact local businesses. The on-street parking should be for businesses only.
- **Petition (52 signatures):** A petition was submitted objecting to the development for the following reasons: loss of Flanagan's PH which is an ACV; student accommodation is unsuitable and there is no local Higher Education Institute in the vicinity; the scheme will result in increased vehicular traffic and congestion; the viability of the development is in question when the developer shows significant financial losses.
- **Ward Councillors:** Cllr Dikerdem, Cllr Macleod and Cllr Walker objected to the development on the following summarised grounds:
  - Loss of local businesses including Philip Treacy Hats;
  - Loss of Flanagan's PH which is a designated Asset of Community Value (ACV);
  - Student use does not meet local community needs; concerns regarding short-term residency;
  - The priority should be for affordable housing meeting local housing need;
  - The extant permission provided housing and affordable housing; this application is even worse;
  - There is an existing Urbanest housing development in Vauxhall;
  - Concerns that the proposals would not provide genuine affordable student housing accommodation;
  - The height at 20 storeys is excessive and out of character with its surroundings.

30 A letter generally supporting the application was received from the management partner of the industrial estate at 1-4 Havelock Terrace (Capital Industrial), providing the existing one-way access and egress not being compromised any further.

#### Response from statutory and non-statutory bodies

31 The following responses were received from statutory consultees and other organisations:

- **Environment Agency:** No objection subject to conditions (*which have been included in the draft decision notice*).

- **Historic England (Archaeology):** No objection subject to conditions (*which have been included in the draft decision notice*).
- **Thames Water:** No objection subject to conditions (*which have been included in the draft decision notice*).
- **London Heliport:** No objections subject to conditions/informative (*which have been included in the draft decision notice*).
- **Network Rail:** No comments, subject to same informative(s) as per last consent.
- **Heathrow Safeguarding:** No objection.
- **Port of London Authority (PLA):** No objections.
- **Campaign for Real Ale (CAMRA):** The scheme would result in loss of two local pubs; provide valuable community function; Flanagan's is a thriving local community pub and its loss will affect its regulars; Flanagan's has its own character and cannot be replicated by a soulless replacement pub; its value has been recognised by its ACV status; its interior (fixtures and fittings) have significant historic value. The proposal therefore conflicts with Wandsworth Local Plan Policy DMTS8.
- **Wandsworth Conservation Area Advisory Committee (WCAAC):** Support the proposal and consider the application is a significant improvement to the earlier 2016 application. Support improved access to the site, especially from Battersea Park Station. While the WCAAC had some initial concerns about the bright colouring to be used on individual blocks, overall, they supported this approach and consider the colours were new and fresh. The WCAAC raised some concerns regarding outlook from lower level windows of the student block facing the office building. Given the location and setting of the buildings, the WCAAC agreed that the proposed development would not have a detrimental impact on the neighbouring Battersea Park Conservation Area.
- **Battersea Society:** Objects to the proposal on the grounds of height, density, daylight and sunlight levels within the student accommodation; design of the office block (which they considered would not relate well to the student blocks or its surroundings); lack of justification or evidence for the demand for office and business use in this location and current market uncertainty; lack of clarity on pedestrian and cycle access to the site from the surrounding area and public transport facilities and in relation to inclusive access from Battersea Park Road; loss of Flanagan's Public House; passive house should be widened to the office element; loss of nine existing trees.
- **Battersea Power Station Development Company Ltd:** Support proposal. Consider that the mix of uses would complement those at the BPS masterplan site, VNEB OA and the BDTQ. The AHMM design is supported and would provide a positive contribution to the new urban fabric, increasing permeability and linkages.

### Consultation conclusion

32 Having considered the above consultation responses, Wandsworth Council has provided a full planning assessment of the issues raised in its Committee Report and has proposed various planning conditions and Section 106 obligations in response to the issues raised. Having had regard to these, GLA officers are satisfied that the statutory and non-statutory responses to the public consultation process do not raise any material planning issues of strategic importance that have not already been considered in this report, the Council's committee report, or the consultation stage report GLA/6453/01.

### **Draft Section 106 agreement**

33 The Section 106 agreement will secure the following obligations:

#### Student accommodation

- 35% affordable student units (304 units) secured for eligible students (students which are eligible for income assessed UK government funded loan for living expenses for the academic year), with its provision linked to the occupation of market units.
- Affordable student rents capped at the levels set by the Mayor's London Plan Annual Monitoring Report (currently £6,245 per year), with no additional charges
- Monitoring arrangements requiring the owner to notify the Council to confirm the overall number of affordable student to be let to eligible students and annual rents to be charged.
- Construction of affordable accommodation to the same design and accessibility standards as open market student accommodation and with unrestricted access to all communal facilities, services and utilities as open market units.
- An absolute obligation to enter into a Nominations Agreement with one or more Higher Education Institutions for the allocation of affordable student accommodation prior to occupation.
- An obligation (subject to reasonable endeavours) to enter into a Nominations Agreement with one or more Higher Education Institutions for the allocation of the majority of the overall student accommodation (minimum of 51% of all units). This is met where 16% of market tenure student units are secured by nominations agreement.
- Occupation of affordable student accommodation as affordable student accommodation during the Academic year and not for any other purpose during this period (minimum 38 weeks).
- Early stage viability review to be undertaken if the scheme has not achieved an agreed level of progress within two years of planning permission being granted.
- Bursary programme - provision of 2 three-year bursaries for students of local academies, which would provide free accommodation and living allowances, on a rolling annual basis for a 20-year period.
- Compliance with the approved Student Accommodation Management Plan.

#### Enterprise Business Units (EBU)

- Completion to an agreed specification prior to first occupation of the student accommodation.
- Affordable rent levels of no more than £20 per square foot for 20 years, excluding VAT, service charge and insurance.
- Submission, approval and ongoing compliance with a Business and Management Plan.
- The owner to use reasonable endeavours to enter into the Lease with Sustainable Workspaces or another operator approved by the Council on the same terms, with occupants to be small and start up organisations.

#### Public House

- Practical completion to shell and core standard before occupation
- Detailed internal layout plans for the pub to be submitted and approved prior to commencement, showing plans for designated music venue and electrical services to encourage live music events.
- Submission and approval of a Public House Management Plan to include details of music venue use and access for community use

### Urban design

- Architect retention scheme – retention of AHMM as design architect through to practical completion, subject to the site not being sold to another developer
- Unrestricted public access to all public open spaces
- Completion of open space and the submission and approval of an open space management and maintenance plan.
- Delivery of the cultural strategy and payment of £150,000 cultural infrastructure and public art contribution prior to commencement.

### Energy

- Future proofing of the design of the scheme to enable the connection of the development to a District Heat Network, through the submission and approval of a District Heat Network Statement

### Transport

- £230,000 payment towards the re-provision of the existing cycle hire docking station (inclusive of all costs), with the new location to be agreed with TfL prior to occupation.
- £814,147 Healthy Streets payment towards the costs of delivering the Nine Elms Lane and Battersea Park Road highway improvements, paid prior to commencement.
- Section 278 Highway Agreement to construct concrete bollards at the southern edge of the footway on Battersea Park Road, steps, ramp to Bradmead and other works to including street furniture and planters, together with agreed highways works on Palmerston Court and Havelock Terrace, with £13,200 payment towards TMO costs.
- CPZ restrictions and notification.

### Local Employment Agreement

- Payment of £351,656 prior to the commencement of development towards the Local Employment Agreement to maximise business, employment and training opportunities for local people and businesses.

## **Legal considerations**

34 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. The Mayor may also leave the decision to the local authority. In directing refusal, the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames.

35 The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice.

## **Financial considerations**

36 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government Planning Practice Guidance emphasises that parties usually pay their own expenses arising from an appeal.

37 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or, behaved unreasonably during the appeal. A major factor in deciding whether the

Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

## **Conclusion**

38 The strategic issues raised at consultation stage regarding the student accommodation, affordable workspace, public houses, urban design, heritage, climate change and transport have been satisfactorily addressed, and appropriate planning conditions and obligations have been secured. As such, the application complies with the London Plan and the Publication London Plan, and there are no sound reasons for the Mayor to intervene in this particular case. Therefore, it is recommended that the Mayor allows Wandsworth Council to determine the application, subject to any action that the Secretary of State may take.

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for further information, contact GLA Planning Unit (Development Management Team):

**Lucinda Turner – Assistant Director, Planning**  
[REDACTED]

**John Finlavson. Head of Development Management**  
[REDACTED]

**Allison Flight, Deputy Head of Development Management**  
[REDACTED]

**Katherine Wood, Team Leader, Development Management**  
[REDACTED]

**Andrew Russell, Principal Strategic Planner (case officer)**  
[REDACTED]

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# APPENDIX 02

## Site Ownership Boundary

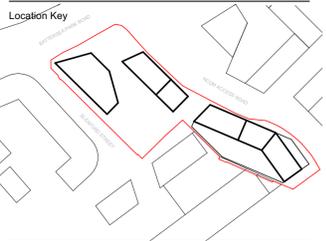


**Notes & Key**  
 DIMENSIONS NOT TO BE SCALED FROM THIS DRAWING.  
 CONTRACTORS TO NOTIFY ARCHITECTS OF SITE VARIATIONS AFFECTING INFORMATION ON THIS DRAWING.  
 THIS DRAWING IS COPYRIGHT OF GLENN HOWELLS ARCHITECTS.

- Site Ownership Boundary
- Bookers Wholesale Site
- BMW Garage Site
- TXX Existing Tree References

**Revisions**

Date	Rev	By	Description
18/02/2022	P01	JA	Initial Issue for Information



**S0-INITIAL STATUS**

<b>Project</b>		GHA No.
Battersea Park Road		2278
<b>Client</b>		
Watkin Jones		
<b>Drawing Title</b>		
Site Allocation Plan		
<b>Drawing No.</b>	<b>Revision</b>	
BPR-GHA-ZZ-00-DR-A-10020	P01	
<b>Scale</b>	<b>Date</b>	<b>Checked</b>
Scale - As indicated@A1	FEB.22	RK



## Local Plan Review

### Consultation on the Publication Draft Local Plan

10 January to 28 February 2022

#### RESPONSE FORM

The Council is inviting comments over a seven-week period on the Publication version of the Local Plan.

The Draft Local Plan sets out a vision and spatial strategy to guide the development of the borough from 2023, when the Plan is anticipated to be adopted, to 2038. It sets out key objectives for the borough, which are supported by planning policies, area strategies, and – at the smallest scale – detailed guidance for the development of specific sites. Collectively, these identify where development should be targeted and set out how the borough's neighbourhoods and places will change over the next 15 years.

This consultation is the final opportunity to comment on the Local Plan before it is submitted to the Secretary of State for independent 'examination in public'. At this stage in the plan-making process, in accordance with the national guidance, consultation responses should focus on whether the Local Plan has been developed in compliance with the relevant legal and procedural requirements, including the duty to cooperate, and with the 'soundness' of the Plan. Further detail on these concepts is provided in the accompanying guidance notes provided at the end of the form.

#### How to respond

Please read the consultation documents and other background information made available on the Local Plan website: <http://www.wandsworth.gov.uk/draft-local-plan-publication>

You can respond by completing this form, either electronically using Word or as a print out, and sending it to the Council by:

- Email to [planningpolicy@wandsworth.gov.uk](mailto:planningpolicy@wandsworth.gov.uk)
- Post to Planning Policy and Design, Environment and Community Services, Town Hall, Wandsworth High Street, Wandsworth, SW18 2PU.

Alternatively, you can also make comments on the draft Local Plan online via our Consultation Portal, which is accessible at the website listed above.

All responses must be received by **11.59pm on Monday 28 February 2022**. The consultation is open to everyone; however please note that responses will not be treated as confidential and those submitted anonymously will not be accepted.

Part A: Personal Details		
	1. Personal details*	2. Agent's details (if applicable)
Title	Mr	Mr
First name	Ben	Sam
Last name	Wrighton	Stackhouse
Job title (where relevant)		
Organisation (where relevant)	Watkin Jones PLC	Montagu Evans LLP
Address		70 St Mary Axe London
Postcode		EC3A 8BE
Telephone		██████████
E-mail address		████████████████████

\*If an agent is appointed, please complete only the title, name and organisation boxes for the respondent and complete the full contact details for the agent.

Part B: About You...		
3. Please tell us about yourself or who you are responding on behalf of.		
Do you live in the borough?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Do you work in the borough?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Do you run a business in the borough?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Are you a student in the borough?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Are you a visitor to the borough?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

#### Data protection

Information provided in this form will be used fairly and lawfully and the Council will not knowingly do anything which may lead to a breach of the General Data Protection Regulation (GDPR) (2018).

All responses will be held by the London Borough of Wandsworth. They will be handled in accordance with the General Data Protection Regulation (GDPR) (2018). Responses will not be treated as confidential and will be published on our website and in any subsequent statements; however, personal details like address, phone number or email address will be removed.

For further details regarding your privacy please see the Council's information published at:

[www.wandsworth.gov.uk/privacy](http://www.wandsworth.gov.uk/privacy)

<b>Part C: Your Response</b>		
<b>4. Do you consider the Local Plan is:</b>		
4.1 Legally compliant	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2 Sound	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3 Complies with the duty to co-operate	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Further information on these terms is included within the accompanying guidance note, which can be found at the end of the response form.		
<b>If you have entered 'No' to 4.2, please continue with Q5. Otherwise, please go to Q6.</b>		
<b>5. Do you think the Local Plan is <u>unsound</u> because it is <u>not</u>:</b> <i>(Please tick all that apply)</i>		
5.1 Positively prepared	<input type="checkbox"/>	
5.2 Justified	<input type="checkbox"/>	
5.3 Effective	<input type="checkbox"/>	
5.4 Consistent with national policy	<input type="checkbox"/>	
<b>6. Please give details of why you think the Local Plan is not legally compliant and/or is unsound and/or fails to comply with the duty to co-operate.</b>		
Please make it clear which consultation document your comments relate to and, where applicable, please include the relevant policy name/number, the site allocation name/reference, the Policies Map change, and/or the paragraph number. Please be as precise as possible.		
If you wish to provide comments in support of the legal compliance and/or soundness of the Local Plan, or its compliance with the duty to co-operate, please use this box to set out your comments.		
<i>Please note your response should provide succinctly all the information, evidence and supporting information necessary to support / justify the response. After this stage, further submission will only be at the request of the Inspector, based on the matters and issues they identify for examination.</i>		
Please Refer to Covering Letter		

*Please continue on a separate sheet / expand the box if necessary.*

**7. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, when considering any legal compliance or soundness matter you have identified at 5 above.**

**Please note that non-compliance with the duty to co-operate is incapable of modification at examination.**

**You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.**

*Please note your response should provide succinctly all the information, evidence and supporting information necessary to support / justify the suggested change. After this stage, further submission will only be at the request of the Inspector, based on the matters and issues they identify for examination.*

Please Refer to Covering Letter

*Please continue on a separate sheet / expand the box if necessary.*

**8. If you are seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)? (Please tick box as appropriate)**

**No**, I do not wish to participate in hearing session(s)

**Yes**, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

**9. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

*Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

Please Refer to Covering Letter

*Please continue on a separate sheet / expand the box if necessary.*

**If you are not on our consultation database and you respond to this consultation, your details will be added to the database. This allows us to contact you with updates on the progression of the Local Plan and other planning policy documents.**

If you do not wish to be added to our database or you would like your details to be removed, then please tick this box.

Signature:

Montagu Evans LLP

Date:

28.02.2022

*For electronic responses a typed signature is acceptable.*

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## Local Plan Publication Consultation

### Guidance Notes to accompany the Representation Form

#### Introduction

1. The plan has been published by the Local Planning Authority [LPA] in order for representations to be made on it before it is submitted for examination by a Planning Inspector. The Planning and Compulsory Purchase Act 2004, as amended [PCPA] states that the purpose of the examination is to consider whether the plan complies with the relevant legal requirements, including the duty to co-operate, and is sound. The Inspector will consider all representations on the plan that are made within the period set by the LPA.

2. To ensure an effective and fair examination, it is important that the Inspector and all other participants in the examination process are able to know who has made representations on the plan. The LPA will therefore ensure that the names of those making representations can be made available (including publication on the LPA's website) and taken into account by the Inspector.

#### Legal Compliance

3. You should consider the following before making a representation on legal compliance:

- The plan should be included in the LPA's current Local Development Scheme [LDS] and the key stages set out in the LDS should have been followed. The LDS is effectively a programme of work prepared by the LPA, setting out the plans it proposes to produce. It will set out the key stages in the production of any plans which the LPA proposes to bring forward for examination.
- The process of community involvement for the plan in question should be in general accordance with the LPA's Statement of Community Involvement [SCI] (where one exists). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of plans and the consideration of planning applications.
- The LPA is required to provide a Sustainability Appraisal [SA] report when it publishes a plan. This should identify the process by which SA has been carried out, and the baseline information used to inform the process and the outcomes of that process. SA is a tool for assessing the extent to which the plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.
- The plan should be in general conformity with the London Plan.
- The plan should comply with all other relevant requirements of the PCPA and the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended [the Regulations].

#### Duty to Co-operate

4. You should consider the following before making a representation on compliance with the duty to co-operate:

- Section 33A of the PCPA requires the LPA to engage constructively, actively and on an ongoing basis with neighbouring authorities and certain other bodies over strategic matters during the preparation of the plan. The LPA will be expected to provide evidence of how they have complied with the duty.
- Non-compliance with the duty to co-operate cannot be rectified after the submission of the plan. Therefore, the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector cannot recommend adoption of the plan.

## Soundness

**5.** The tests of soundness are set out in paragraph 35 of the National Planning Policy Framework (NPPF). Plans are sound if they 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 authorities 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; and
- Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in the NPPF.

**6.** If you think the content of the plan is not sound because it does not include a policy on a particular issue, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy (or the London Plan)? If so, does not need to be included?
- Is the issue with which you are concerned already covered by another policy in this plan?
- If the policy is not covered elsewhere, in what way is the plan unsound without the policy?
- If the plan is unsound without the policy, what should the policy say?

## General advice

**7.** If you wish to make a representation seeking a modification to the plan or part of the plan you should set out clearly in what way you consider the plan or part of the plan is legally non-compliant or unsound, having regard as appropriate to the soundness criteria in paragraph 5 above. Your representation should be supported by evidence wherever possible. It will be helpful if you also say precisely how you think the plan should be modified.

**8.** You should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification. You should not assume that you will have a further opportunity to make submissions. Any further submissions after the plan has been submitted for examination may only be made if invited by the Inspector, based on the matters and issues he or she identifies.

**9.** Where groups or individuals share a common view on the plan, it would be helpful if they would make a single representation which represents that view, rather a large number of separate representations repeating the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

**10.** Please consider carefully how you would like your representation to be dealt with in the examination: whether you are content to rely on your written representation, or whether you wish to take part in hearing session(s). Only representors who are seeking a change to the plan have a right to be heard at the hearing session(s), if they so request. In considering this, please note that written and oral representations carry the same weight and will be given equal consideration in the examination process.