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Email: [REDACTED]
Date: 28th February 2022



Planning Policy
Environment and Community Service
Wandsworth Council
The Town Hall
Wandsworth
London
SW18 2PU

By Email: planningpolicy@wandsworth.gov.uk

Dear Sir or Madam,

Consultation on the Wandsworth Publication Draft Local Plan (Regulation 19) Representations made on behalf of London Square and Sainsbury's The Town and Country Planning (Local Planning) (England) Regulations 2012

Quod is instructed by London Square and Sainsbury's to submit representations to the Wandsworth Publication Local Plan Regulation 19 (hereby the "Reg 19 Plan"). These representations are submitted within the consultation period that runs from 10th January to 28th February 2022, and principally relate to the Sainsbury's car park site in Balham town centre (Site Allocation BA1).

1 Executive Summary

Site Allocation BA1 Sainsbury's car park is a well-used car park owned by Sainsbury's which supports the Sainsbury's store which anchors Balham High Street.

Quod raises several concerns with the Reg 19 Plan as policies within it do not meet the tests of soundness. We have identified mitigating measures, through modifications, to make the policies sound, and would welcome the opportunity to work with Wandsworth Council (the 'Council') to address these prior to submission to the Secretary of State.

This is a complex site, as any redevelopment will need to maintain the retail car parking function of the site which supports the Sainsbury's store, and at the same time provide a well-designed, phase development which contributes to the economic success of Balham Town Centre.

The principal concern is that the Council has taken an overly mechanistic approach to building heights across the borough without undertaking the necessary evidence-based assessment required by London Plan Policy D9. The approach that the Council is seeking is summarised in the Whole





Plan Viability Assessment ***“The revised tall buildings policy is intended to strictly apply so that proposals exceeding the appropriate height range will be refused on design grounds”¹***.

The very detailed and intricate tall and mid-rise building zones and buildings heights proposed are not justified. Further, in respect of the proposed heights and tall building zone applied to Site Allocation BA1, it is apparent that the limited evidence-based assessment has not been carried across into the maps contained within Appendix 2.

Policy LP4 Tall Buildings requires forty criteria to be assessed for tall building proposals (seven storeys and above) which is not a proportionate and succinct approach. It results in duplication. The policy does not recognise that there may be some circumstances, where compliance with the plan (when read as a whole) requires flexibility to be applied for building heights and zones at the determination stage of a planning application. Without modification, the approach to building heights may undermine the deliverability of the plan.

A summary of our objections is set out in Table 1 below.

Table 1: Summary of Reg 19 Plan Objections

Policy	Reason for non-conformity
Strategic Policies	We believe that Policy LP4 Tall Buildings and Appendix 2 should be included within the strategic policy schedule due to the strategic implications that this has on the plan as a whole. The deliverability of the housing capacities resulting from LP4 should be viability tested taking into account other strategic policies of the Reg 19 Plan.
Succinct Plans	The NPPF requires succinct plans which avoid duplication. The Reg 19 Plan contains duplication across several policies. It is an important planning principle that the development plan should be read as a whole and therefore duplication across policies should be avoided. Design guidance duplication occurs in Chapter 8 Placemaking – Area Strategies; Chapter 4 to 12 Area Strategies including the Site Allocations; and Chapter 14 Achieving Design Excellence. Inconsistencies also occur between the Reg 19 Plan and the Council’s 2021 Arup Urban Design Guide (the ‘UDS 21’).
Early and Effective Engagement	The NPPF requires plans to be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators, and

¹ Whole Plan Viability Assessment January 2022, paragraph 1.47.



	<p>statutory consultees. The Reg 19 Local Plan consultation is the first opportunity that stakeholders have been able to review and comment on the draft Plan, including notably the Council's proposed approach to tall buildings (LP4 an Appendix 2). Given the wider implications of this policy, it is considered that earlier and more effective engagement should have been undertaken.</p>
<p>SDS1 - Spatial Development Strategy 2023 - 2038</p>	<p>The policy has not been positively prepared or justified. The housing target for the plan period should be revised to 29,250 homes to accord with Table 4.1 of the London Plan.</p> <p>The policy underestimates the housing capacity of Balham (72 homes in total). SDS1(B) is inconsistent with Housing and Economic Land Availability Assessment (the 'HELAA') (130 homes) and the UDS 21 which indicates a housing capacity solely for the Sainsbury's car park site of 130 homes and 4,500sqm of non-residential. Our own analysis indicates that housing capacity could be c.160 within the height parameters defined by the UDS 21.</p>
<p>Chapter 3 PM1</p>	<p>Whilst we support the statement at paragraph 3.11 and PM1 (B) Area Strategy and Site Allocation compliance, it is unclear whether this policy applies to LP4 and Appendix 2. Further clarification is required.</p>
<p>Map 3.2 Site Allocations</p>	<p>London Square and Sainsbury's supports the allocation of Sainsbury's car park as a development plan allocation recognising its important car park function and the opportunity for development optimisation above this.</p>
<p>PM8 – Balham</p>	<p>The policy is not justified due to inconsistencies with the Council's evidence base.</p>
<p>Site Allocation BA1 Sainsbury's Car Park, Bedford Hill, SW12</p>	<p>London Square and Sainsbury's support the site allocation for mixed use development including residential, commercial and open space with the re-provision of the car park. There are however inconsistencies with national policy which require modification.</p>
<p>LP4 - Tall Buildings and Appendix 2</p>	<p>The policy is not justified or effective. It is inconsistent with Policy D9 of the London Plan. Whilst it proposes very detailed tall and mid-rise building zone boundaries and heights which must be adhered to, it has not been subject to the analysis required by LPD9 Part (c) to justify such a restrictive approach. The zones and heights are not therefore justified</p>



	<p>by the UDS 21, and on occasion directly conflict with the undertaken analysis.</p> <p>The policy is also inflexible as it does not permit heights beyond those prescribed or buildings at height outside of the prescribed zones. This is necessary given the broad assumptions undertaken in the evidence base, and the overly constrained zones and heights applied in policy.</p> <p>Site Allocation BA1, a tight urban 0.6ha site, is subject to three different height parameter zones including 0-4 storeys; 5 storeys (incorrectly applied as this should be 6 storeys); and 7-8 storeys. The heights and zones are based upon the high-level analysis of one triangular design solution tested for the site, which creates impacts related only to that design, and which can be mitigated by alternative designs. LD4 does not, allow for alternative design solutions which may not have the same impacts, and may yield an enhanced proposal.</p> <p>London Square and Sainsbury's consider that the tall building zone should be expanded across the whole site and should increase to nine storeys.</p> <p>London Square and Sainsbury's has tested the effect of the draft zones and heights proposed by LP4 Appendix 2. This could result in a residential capacity of 140-160 homes at BA1, which is above the capacity identified in SDS1 for the whole of Balham Town Centre. A revised capacity should be applied to Balham.</p> <p>London Square and Sainsbury's has tested the financial deliverability of 72 homes (SDS1); 130 homes (UDS 21); and 160 homes (site capacity within height parameters) taking into account the Council's affordable housing policy. It can be demonstrated that a proposal of 72 homes is not deliverable; and at 130 homes and 160 homes the development would fall significantly short of the Council's affordable housing policies. It is therefore necessary to modify Policy LP4 to permit flexibility in order to meet other policies within the plan.</p>
<p>Policy LP23 - Affordable Housing</p>	<p>To ensure consistency with the London Plan and National Policy.</p>
<p>Policy LP24 – Housing Mix</p>	<p>To ensure consistency with the London Plan.</p>



Policy LP38 - Affordable and Open Workspace	To ensure consistency with the London Plan and National Policy.
Policy LP51 - Parking, Servicing and Car Free Development	We strongly encourage the Council to build flexibility into Policy LP51 to reflect the wording of London Plan paragraph G of Policy T6.3

2 London Square

London Square is a specialist in developing homes that truly enhance the capital, delivering much needed high-quality housing and responding to the needs of the capital. London Square has completed 17 first class development sites in the capital and has a proven track record in delivering high-quality homes in places people love to live. London Square's award-winning approach to design has been recognised by the industry with numerous awards, including an impressive collection from WhatHouse, Evening Standard and RESI.

London Square has been appointed by Sainsbury's long leasehold owners of the 147-151 Balham High Rd, London SW12 9AU store and car park; to consider proposals for the store's car park for a mixed use housing-led redevelopment.

3 Test of Soundness

London Square and Sainsbury's broadly welcomes the approach taken by Wandsworth Council to renew its local plan and add further guidance on how it seeks to transform its town centres into major assets for the Borough and deliver new homes in accordance with the increasing housing targets identified in the London (1,950 homes per annum).

To meet the tests of soundness, the Regulation 19 Plan must remain in general conformity with the London Plan under section 24 (1)(b) of the Planning and Compulsory Purchase Act 2004. It must also meet the tests set out in paragraph 35 of the National Planning Policy Framework ('NPPF') being positively prepared; justified; effective; and consistent with national policy. The tests will be applied to non-strategic policies in a proportionate manner.

Section 38(6) of the Planning and Compulsory Purchase Act 2004, taken with Section 70(2) of the Town and Country Planning Act 1990 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. For this reason, it is imperative that the development plan is fit for purpose and sound.



The NPPF requires plan-making to achieve the following²:-

- Succinct and up-to-date plans (paragraph 15)
- Be prepared positively, in a way that is aspirational but deliverable (paragraph 16)
- Be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees (paragraph 16)
- Serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant) (paragraph 16)

Our representations consider the soundness of the Reg 19 Plan and specifically those policies that relate to the Sainsbury's Balham car park site (Site Allocation BA1).

4 Strategic Polices

Paragraph 1.12 of the Reg 19 Plan lists the strategic policies of the plan. This includes, inter alia, Policies SDS1 Spatial Development Strategy; PM1 Area Strategy and Site Allocations Compliance; and PM2 to 10 – Place-based policies for each Area Strategy.

Policy LP4 Tall Buildings is not included, which we consider is an omission. Strategic policies are subject to full weight of the soundness tests³, and set out an overall strategy for the pattern, scale and design quality of places⁴ and strategic priorities. Given the impacts on the whole plan viability, we consider that the policy (and resulting housing capacities) should be subject to viability testing when considered against other policies within the plan, including affordable housing.

5 Succinct Plans

The NPPF requires succinct plans which avoid duplication⁵. The Reg 19 Plan contains significant duplication across policies. It is a fundamental planning principle that the development plan should be read as a whole and therefore duplication across policies should be removed.

The design guidance is unnecessarily duplicated in Chapter 8 Placemaking – Area Strategies; Chapter 4 to 12 Area Strategies including the Site Allocations; and Chapter 14 Achieving Design Excellence. Inconsistencies occur where there is reference to the Council's UDS 21.

6 Flexibility in Plan Making

² NPPF (2021) Chapter 3

³ NPPF paragraph 36

⁴ NPPF paragraph 20 and 21

⁵ NPPF paragraph 15 and 16



The NPPG (Paragraph: 001 Reference ID: 61-001-20190315, Revision date: 15 03 2019) confirms that the plan-making framework allows flexibility in the way policies for the development and use of land are produced.

Whilst we support the statement at paragraph 3.11 of the Reg 19 Plan that when determining planning applications, consideration of principles applied to site allocations will be important, subject to an up-to-date assessment of need and the agreed viability position of the scheme to ensure that site allocations remain deliverable, it is unclear if this statement applies to LP4. We believe that it should.

We also support PM1 (B) which states that proposals which do not comply with the relevant development plan policies, Area Strategy and Site Allocations will be resisted unless it is clearly evidenced that an alternative type of development can be justified. In such circumstances, the development must not prejudice the delivery of the Local Plan's Vision and Objectives, the Objectives of the Area Strategy or Site Allocations on neighbouring sites. It is unclear if this policy applies to LP4 and Appendix 2. Further clarification is required.

7 Policy SDS1 (A) Spatial Development Strategy 2023 - 2038 & Table 2.2 – OBJECT

Policy SDS1 (A) sets a strategic target to provide a minimum of 20,311 new homes by 2038 (1,354 homes per annum for 15 years). We are concerned that this underestimates the housing need required by Table 4.1 of the London Plan which seeks 19,500 homes across ten years (1,950 homes per annum for 10 years). Extrapolated across the 15-year period this would require at least 29,250 homes.

Supporting text to Policy SDS1 indicates that the Council has adjusted its figures due to the oversupply of housing completions achieved and forecast to be delivered up to 2026, however as these completions are not guaranteed, the Council should be seeking to exceed its minimum targets. It is not considered appropriate to manually adjust down the annual housing target required by the London Plan.

This is particularly important as the Council has failed to deliver against the current target of 1,950 homes in the last three years (18/19 - 1,877; 19/20 – 1,359; 20/21 – 1,422)⁶ highlighting the challenges of meeting this figure.

Table 2.2 'New Homes Distribution' indicates a capacity of 24,380 homes, which would represent a short-fall against the revised 15-year target of 29,250 homes based on the London Plan annual targets for Wandsworth. We consider that the minimum housing requirement should be revised to 29,250 homes.

⁶ Reg 19 Plan Table 2.3



8 Policy SDS1 (B) Spatial Development Strategy 2023 - 2038 & Table 2.2 – OBJECT

London Square and Sainsbury's support the identification of Balham within Policy SDS1 'Spatial Development Strategy' as a location with a strategic economic role and/or opportunities for regeneration. The Council's capacity for new homes in Balham is identified as 72 homes over the total Local Plan period (i.e. equating to 4.8 homes a year over the Local Plan period or just 0.35% of the strategic housing target in Policy SDS1 (A)). Footnote 2 states that this capacity is derived from the Council's HELAA for the period 2023/24 to 2037/38.

We have reviewed the HELAA and it is unclear how a capacity of 72 homes has been derived. It is also unclear if the capacity referred to in SDS1 Table 2.2 relates to Balham town centre as a whole, or the only site allocation within Balham which is Site Allocation BA1 Sainsbury's Car Park, Bedford Hill. Further explanation of this is required.

We are concerned that the proposed housing capacity of 72 homes significantly underplays the capacity of Balham town centre, which is identified in Draft Policy SDSI(A)(I) as a priority location for development. The proposed housing capacity is also an underutilisation of accessible brownfield land contrary to paragraph 125 of the NPPF.

We also note that the proposed housing capacity does not align with the HELAA, which suggests a capacity for 130 homes in Balham⁷. The UDS 21⁸ indicates a capacity solely for the Sainsbury's car park site of 130 homes. It is therefore unclear why Policies SDS1 and PM8(B)(1) 'Balham' are inconsistent with the UDS 21. London Square and Sainsbury's has tested the effect of LP4 Appendix 2 (zone and heights) and notes that this could result in a residential capacity of 140-160 homes. The inconsistencies between SDS1, HELAA, UDS 21 and actual site capacities should be resolved.

In review of the Council's own evidence base: we note that the UDS 21 allocates Site Allocation BA1 within character Area A1, which it is identified as having low sensitivity whilst being a location with a higher probability of change, and therefore it is identified as a site with the highest probability for development capacity⁹. The supporting text states that these areas "are the most likely to have the greatest development capacity, with a high probability of change compared against a low sensitivity, including areas such as some estates in East Putney Residential, Battersea Residential and Tooting Residential; Wandsworth Town Centre; some industrial plots within the Wandle Valley; parts of Clapham Junction Town Centre and Balham Town Centre; and Nine Elms Opportunity Area".

The resulting capacity of 72 homes for Balham, one of the Borough's major district centres, is not commensurate with these characteristics. If the capacity is applied 100% to Site BA1, it would

⁷ HELAA (2021) Appendix A Additional Housing Supply Tables

⁸ Arup Design Study Urban Design Study - Executive Summary Characterisation, development capacity and design guidance (December 2021) page 216

⁹ Arup Design Study Urban Design Study - Executive Summary Characterisation, development capacity and design guidance (December 2021) page 8, 9 and 10



represent a housing capacity of only 114 dwellings per hectare ('dph'), which is substantially below the policy expectations for a highly accessible town centre site. As a PTAL 4-6 site, and with an urban/central character using the former London Plan (2016) density matrix (Table 3.2), a density of 240 - 405 dwellings per hectare would be deemed appropriate, equating to a housing capacity of 144 - 255 homes for Site BA1.

It is also unclear why other town centres, the rest of the borough, and borough wide small sites have been identified for greater housing growth despite having less appropriate characteristics in which to accommodate it and be sequentially a lower destination for housing delivery as set out in Policy SDSI(A)(I).

Please also see our objections in respect of Site Allocation BA1 and LP4 which promote an increased housing capacity for Balham, and the Sainsbury's car park site itself.

9 Chapter 3 Placemaking – Area Strategies Policy PM8 Balham and Map 10.1 Spatial Area Map: Balham

Map 3.2 Site Allocations – Support

London Square and Sainsbury's supports the allocation of BA1 as a site allocation. It comprises the only strategic site for Balham Town Centre. This is a deliverable site allocation, which requires flexibility within the development plan as a whole, and in particular Policy LP4 to ensure its deliverability.

PM1. Placemaking – Area Strategy and Site Allocations Compliance – Comment

Whilst we support the statement at paragraph 3.11 of the Reg 19 Plan that when determining planning applications, consideration of principles applied to site allocations will be important, subject to an up-to-date assessment of need and the agreed viability position of the scheme to ensure that site allocations remain deliverable, it is unclear if this statement applies to LP4. We believe that it should.

We also support PM1 (B) which states that proposals which do not comply with the relevant development plan policies, Area Strategy and Site Allocations will be resisted unless it is clearly evidenced that an alternative type of development can be justified. In such circumstances, the development must not prejudice the delivery of the Local Plan's Vision and Objectives, the Objectives of the Area Strategy or Site Allocations on neighbouring sites. It is unclear if this policy applies to LP4 and Appendix 2 and further clarification is required.

The Whole Plan Viability Assessment advocates this approach. Paragraph 8.11 states that for future developments, principally retail and other town centre use developments (excluding offices), where the Reg 19 Local Plan may raise the risk of development being unviable, there may need to be provision for some flexibility to ensure a fully deliverable plan. This may include introducing flexibility in on-site and off-site developer contributions, and leaving the market to deliver the sites.

PM8 A. Placemaking – Limb 1 – Support



London Square and Sainsbury's supports the ambition for new development to strengthen the northern, southern and eastern ends of the town centre, and reduce the dominance of surface car parking particularly to the eastern end of the centre.

PM8 A. Placemaking – Limb 3 – Object

We acknowledge the principle of the Reg 19 Plan in seeking to reinstate a consistent building height along Balham High Road. Allowances should be made that where a four-storey height is delivered along the primary frontage of the High Road, building heights behind may exceed four storeys, where appropriate. There are already several instances where a four-storey frontage is provided with taller buildings set back behind the High Road elevation and therefore this appears to be an overly conservative approach and flexibility should be applied.

We also note that Map 23.30 allocates much of the High Road within a mid-rise building zone, which indicates that buildings of 5 to 6 storeys may be appropriate. This appears to conflict with the expectation of four storeys building along Balham High Road and Appendix 2 Tall Building Zone.

PM8 A. Placemaking – Limb 7 – Object

This limb requires proposals for tall and mid-rise buildings in Balham to only be supported in zones identified in Appendix 2 and that address the requirements of Policy LP4.

Please see our comments on Policy LP4, requesting deletion of this limb and the introduction of greater flexibility.

PM8 A. Placemaking – Limb 8 – Object

Limb 8 requires development proposals to respect and enhance the views and vistas established in the UDS 21. Appendix 1 'Views and Vistas of Interest' of the UDS 21, only shows one view for Balham - I.2.1 A2 Balham Residential Fig.508: Alderbrook Rd looking south. This is endorsed by Figure 240 'TB-A1a-01 context map', which identifies no designated views or local views.

In contrast, Reg 19 Plan Map 10.1 Spatial Area Map: Balham appears to identify seven valued views and vistas around the Sainsbury's car park site. This is inconsistent with this evidence base. The annotations on Map 10.1 should be deleted.

PM8 B. Inclusive Growth – Limb 1 – Object

Please see our objections made to Policies SDS1 (Part B) and LP4, and Site Allocation BA1 whereby we promote an increased housing capacity for Balham, and the Sainsbury's Car Park site.

Map 10.1 Spatial Area Map: Balham – Object

The following annotations on Map 10.1 should be revised:-

- The dark green arrows do not benefit from a key and should be omitted as they could be mistaken for the "valued view and vista" key



- The suggested location for new public open space should be relocated to reflect pre-application advice by Council officers, and to reflect the existing open space along Bedford Hill opposite Sistova Road.

10 Site Allocation – BA1 Sainsbury’s Car Park, Bedford Hill, SW12 – OBJECT

Reg 19 Site Allocation BA1 (Sainsbury’s Car Park, Bedford Hill, SW12) is the sole development site allocation for Balham Town Centre. The 0.63ha site relates only to the Sainsbury’s car park site, it does not relate to the wider Sainsbury’s store which is not available for development. It is an appropriate site for design led optimisation due to its high PTAL levels (PTAL 4-6) and central character which under the former London Plan (2016) would equate to a site capacity of 144 - 255 homes.

Policy Context

It is useful to explain the Government’s policy for the optimisation of accessible brownfield land, in particular car parks in locations well served by public transport, which are underutilised by virtue of having no built development above the ground level of car parking. For the avoidance of doubt, the car park is well used and supports the Sainsbury’s store which anchors Balham High Street, it is essential that its car parking function is retained.

We consider that the essential objectives of the Government’s policy have not yet been achieved with the emerging Site Allocation BA1. In response to the Government’s commitment to delivering 300,000 homes a year by the mid-2020s, the Government published its report Fixing our Broken Housing Market (2017) which sought to make more land available for homes in the right places, by maximising the contribution from brownfield and surplus public land. It addressed the particular scope for higher-density housing in urban locations that are well served by public transport; that provide opportunities to replace low density uses such as car parks in areas of high housing demand; or which offer scope to extend buildings upwards in urban areas by making good use of the ‘airspace’ above them.

The NPPF subsequently set out policies to support the Government’s objective of significantly boosting the supply of homes. It seeks a sufficient amount and variety of land to come forward where it is needed; that the needs of groups with specific housing requirements are addressed; and that land with permission is developed without unnecessary delay. It also establishes a clear policy objective to optimise surplus brownfield land in accessible locations giving substantial weight and support to the development of under-utilised land and buildings where this would meet identified needs for housing. Building on car parks is given as a specific example.

The London Plan (‘LP’) also recognises the importance of redeveloping car park sites, particularly those in accessible town centre locations. Policy GG2 ‘Making the best use of land’ seeks to create successful, sustainable mixed-use places on brownfield land. The policy prioritises sites that are well-connected by existing or planned public transport and seeks to proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density



development particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.

LP Policy D3 outlines that if London is to accommodate the growth identified by the Plan in an inclusive and responsible way, every new development will need to make the most efficient use of land by optimising site capacity. All development is expected to make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth. Higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure, and amenities by public transport or walking and cycling in order to achieve sustainable densities. Where these locations have existing areas of high-density buildings, expansion of these areas should be positively considered by Councils, where appropriate.

The principal housing policy within the LP is Policy H1. It seeks to increase housing supply having identified a need for 66,000 additional homes per year, including a target of 1,950 homes per annum for Wandsworth Council. The Mayor recognises that development of this scale will require not just an increase in the number of homes approved but also a fundamental transformation in how new homes are delivered. Policy H1 requires Councils to optimise the potential for housing delivery and lists six sources of future supply. Three of these sources set out at Part B(2) (a, b and c) of the policy directly relate to the characteristics of the Sainsbury's car park site indicating its suitability for residential intensification. The policy refers to locations with existing or planned public transport accessibility levels (PTAL) of 3 to 6, which are located within 800m distance of a station or a town centre. Part B2(b) seeks the mixed-use redevelopment of car parks and Part B2(c) outlines support for housing intensification on other appropriate low-density sites in commercial, leisure and infrastructure uses.

LP Policy E9 requires development proposals to comprehensively redevelop out-of-centre retail for a diverse mix of uses in accordance with LP Policy SD7 to release the full potential of these sites for housing intensification; reducing car use and dependency; and improving access by walking, cycling and public transport.

LP Policy SD7 (town centres development principles) considers the strategic intensification of London's town centres. Councils are required to identify suitable sites for higher density, mixed use residential intensification that capitalises on the sustainability advantages of the locally available services and facilities within walking and cycling distance and current and future public transport provision. It provides specific examples of suitable sites including the comprehensive redevelopment of low-density supermarket sites and surface car parks.

Application of National Policy and the London Plan to Site Allocation BA1

The site represents one of the only major and available developable sites in Balham Town Centre, and therefore represents a key allocation in supporting Balham and the wider borough's housing and economic needs across the next plan period. Accordingly, the site allocation should identify a



minimum quantum of residential homes and/or commercial floorspace that may be deemed acceptable upon this Site. A minimum capacity will provide a more accurate housing capacity for BA1 and resolve the ambiguity between SD1 and the evidence base.

Any minimum housing capacity must also ensure a viable and deliverable site allocation. Quod has tested the mix of homes and commercial space referred to in policy SDS1 (72 homes) and the local plan evidence base (130 homes). Adopting all inputs from the Porter Planning Economics local plan viability study (January 2022) results in a negative residual land value for both options, allowing for modest abnormal costs to ensure Sainsburys can continue trading. This negative residual land value is prior to any allowance for a benchmark land value. Increased densities, again adopting all of the local plan viability study inputs, result in a positive residual land value. Given these points flexibility for a greater quantum of homes must be included if the site allocation is to be deliverable.

We make some detailed comments below.

Policy Reference	BA1 - Site Allocation
Proposed Modification	10.14 Mixed use development including residential, commercial, cultural, community and open space re-provision of the car park in at ground floor podium and/or basement level . Development may would trigger, subject to viability, community and cultural obligations that should be used to enhance the existing adjacent local cultural offer.
Justification	There is no evidence to suggest that the site should be used for cultural or community uses, or that these uses are viable. The broad policies which seek the consideration of cultural and community impacts and mitigation sufficiently address the issue. These uses should be removed. Pre-application advice has identified the scope for basement car parking which should be included in the allocation as referenced within paragraph 10.16 Access and 10.21 Site Layout.

Policy Reference	BA1 - Development Contributions
Proposed Modification	10.17 Parking - Car club provision should be provided on site . Proposals should designate an area provision to the south west corner of the site or an alternative appropriate location to allow Transport for London and/or other providers to provide cycle parking infrastructure to support commuters using Balham Station as a transport interchange where demand is identified. may be considered acceptable in lieu of residential car parking
Justification	The current wording should be revised to accord with London Plan (Para 10.6.15) in respect of the delivery of car clubs. The intended provision of cycle parking to support commuters is understood, however, it should be made clear that the cost of delivering and maintaining this infrastructure will be the responsibility of Transport for London and should



	not be the liability of a developer, and only delivered where demand is identified.
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Policy Reference	BA1 – Design Requirements
Proposed Modification	<p>10.18 Movement – A north/south pedestrian route shall be provided between Bedford Hill and Balham Station Road to improve permeability in moving around the town centre. Proposals should include a permeable site layout to ensure the open space is accessible and the frontage does not dominate the townscape.</p> <p>10.21 Site Layout – A triangular-shaped perimeter block with retail/commercial uses on the ground floor with active frontages to all three sides, and with a basement and first floor car park as part of the podium is suggested. The interior of the block above the podium would be suitable for private amenity space to serve the residential units. Street frontages are required on all sides of the site, including to the elevated railway line to the south of the site with active retail and commercial uses on the ground floor. Whilst some retail/commercial use could be accommodated at first floor level, Upper floors should accommodate residential units. Opportunities to improve pedestrian links along the western edge from north to south should be considered. Frontages to the east should replicate the retail and commercial uses opposite it on Bedford Hill.</p> <p>10.22 Massing - Taller elements should be located close towards the west frontage to face the existing Sainsbury’s building. Heights should reduce towards the existing four-storey town centre character low-rise development along Balham Station Road and Bedford Hill. Massing should be considerate of the modest buildings on all sides of the site and the existing local detailing and materials when preparing proposals. The frontages on to Bedford Hill and Balham Station Road should be broken down consider daylight/sunlight impacts on residential properties along Bedford Hill properties.</p> <p>10.23 Nature - Green roofs should be provided to the built form to enrich biodiversity and trees should be planted to frontages.</p> <p>10.24 Building Heights (<i>Revised in accordance with our comments on LP4 and Appendix 2</i>) – In accordance with the tall building maps in Appendix 2, part of the site is located in the Balham tall building zone TB-A1a-01 and mid-rise building zone MB-A1a-01 and should be developed in broad accordance with LP4. The maximum appropriate height range for the zone is 7 to 8 storeys, and the appropriate height range for the site must be in accordance with Policy LP4 and 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</p>



	<p>appropriate within the identified zone where they address the requirements of Policy LP4 (Tall and Mid-rise Buildings).</p> <p>In accordance with the mid-rise building maps in Appendix 2, the remainder of the site is located in mid-rise building zone MB-A1a-01 (which acts as a transition zone for to tall building zone TB-A1a-01) to which the maximum appropriate height for the zone is 5-6 storeys. The height of developments within this at zone should not exceed the heights of, and be in accordance with Policy LP4, and the mid-rise building maps in at Appendix 2, which set out the identified maximum appropriate heights in line with Policy LP4. Development proposals for mid-rise buildings will only be appropriate within the identified zone where they address the requirements of Policy LP4 (Tall and Mid-rise Buildings). Development proposals for mid-tier buildings up to 6-storeys will not be supported.</p>
Justification	The proposed revisions are necessary to make the policy succinct, avoid duplication and sound.

11 Chapter 14 Achieving Design Excellence - Policy LP4 Tall Buildings / Appendix 2 Tall Building and Mid-rise Building Maps - OBJECT

Summary

The Council has taken an overly mechanistic approach to the allocation of tall building locations and heights in the Borough, supported by an unnecessary layer of policy which allocates mid-rise building locations and heights. The approach is overly complex, is inconsistent with national and London Plan policies, has not been viability tested and may prejudice the ability of development sites to achieve other policies in the plan such as the required affordable housing levels and tenure and housing delivery targets.

LP4 and Appendix 2 result in building heights which are not supported by a sufficiently robust evidence base. It is not therefore a sound approach to prescribe very detailed and inflexible medium and tall building zones and building lines for each allocation. The tall building zones prescribed in Appendix 2 do not reflect pre-application advice provided by Wandsworth Council to date, and in respect of BA1 do not correlate with the proposed site allocation boundaries.

London Plan Policy D9 ('LP Policy D9')

Policy D9 sets a minimum requirement for tall building in London to be no less than 6 storeys or 18 metres measured from ground to the floor level of the uppermost storey. This is the equivalent of 7 storeys in total. It is therefore unclear why the Policy LP4 has applied the spirit of Policy D9 to mid-rise buildings of 5 and 6 storeys. This approach is onerous and does not conform with the London Plan. We consider that it would be more succinct to have a single tall building policy that defines zones up to a specific storey height; the final height of which would be subject to detailed testing at the application stage in accordance with LP Policy D9 and Policy LP4.



LP Policy D9(B) 'Locations' (1) requires boroughs to determine if there are locations where tall buildings may be an appropriate form of development, subject to meeting the other requirements of the Plan. (2) Any such locations and appropriate tall building heights should be identified on maps in Development Plans. (3) Tall buildings should only be developed in locations that are identified as suitable in Development Plans.

Notably, LP Policy D9 explicitly requires the consideration of "other requirements of the plan"; that "locations and appropriate tall building heights should be identified on map in the development plan"; and that "tall buildings should only be developed in locations that are identified as suitable in Development Plans". Where location and heights are prescribed in the development plan these should be informed by Part C of Policy D9 (Impacts).

LP Policy D9 does not require inflexible parameter heights, nor does it require tall buildings to only be developed at the heights identified in the development plan. It does however expect a detailed sieving analysis to be undertaken to identify appropriate locations for tall buildings.

This approach was recently tested by the Planning Inspectorate at the Brent Local Plan Review. The Report on the Examination of the Brent Local Plan 2019 -2041 published 17 January 2022 stated the following:-

- The Brent Tall Building Strategy which outlined an assessment of suitable locations based on an assessment of the identified growth areas, existing building heights and townscape considerations such as protected views as well as areas with high public transport accessibility did not undertake a level of sieve analysis as detailed as that envisaged by the London Plan.
- Subject to the main modifications identified, the approach to both tall buildings and the Intensification Corridors presents a sound approach which accords with both the London Plan and the Framework.

The Brent Council Tall Building Local Plan Policy BD2 was found sound on the following grounds, which included a degree of flexibility: -

- It requires heights to be consistent with the general building heights shown on the plans¹⁰
- The plans indicate the heights likely to be generally acceptable to the council¹¹.
- Proposals will still need to be assessed in the context of other policies to ensure that they are appropriate in that location¹².

¹⁰ Brent Local Plan Policy BD2

¹¹ Brent Local Plan paragraph 6.1.15

¹² Brent Local Plan paragraph 6.1.15



- There might be circumstances where the quality of design of a development and its impact on character is such that taller buildings in these locations could be shown by applicants to be acceptable¹³.

LP Policy DP9 does not require a rigid inflexible approach, and as demonstrated, the flexible approach employed by Brent Council was deemed as sound by the Inspectors.

Application of Policy D9 within the Reg 19 Plan – Appendix 2

The Reg 19 Plan seeks to implement the requirements of London Plan Policy D9 at Appendix 2, and in respect of the Sainsbury's car park site at the following diagrammatical parts of the Reg 19 Plan:-

- Map 14.1 Tall Buildings
- Appendix 2 - Tall Building Map 23.1 Balham Tall Building Zone TB-A1a-01 and Map 23.2 Tall Building Zone TB-A1a-01 (appropriate heights 7-8 storeys)
- Appendix 2 – Mid-rise Building Map 23.30 Balham Mid-rise Building Zone MB-A1a-01

Map 23.2 Tall Building Zone TB-A1a-01 and Mid-rise Building Map 23.30 Balham Mid-rise Building Zone MB-A1a-01 are enclosed at Figure 1.

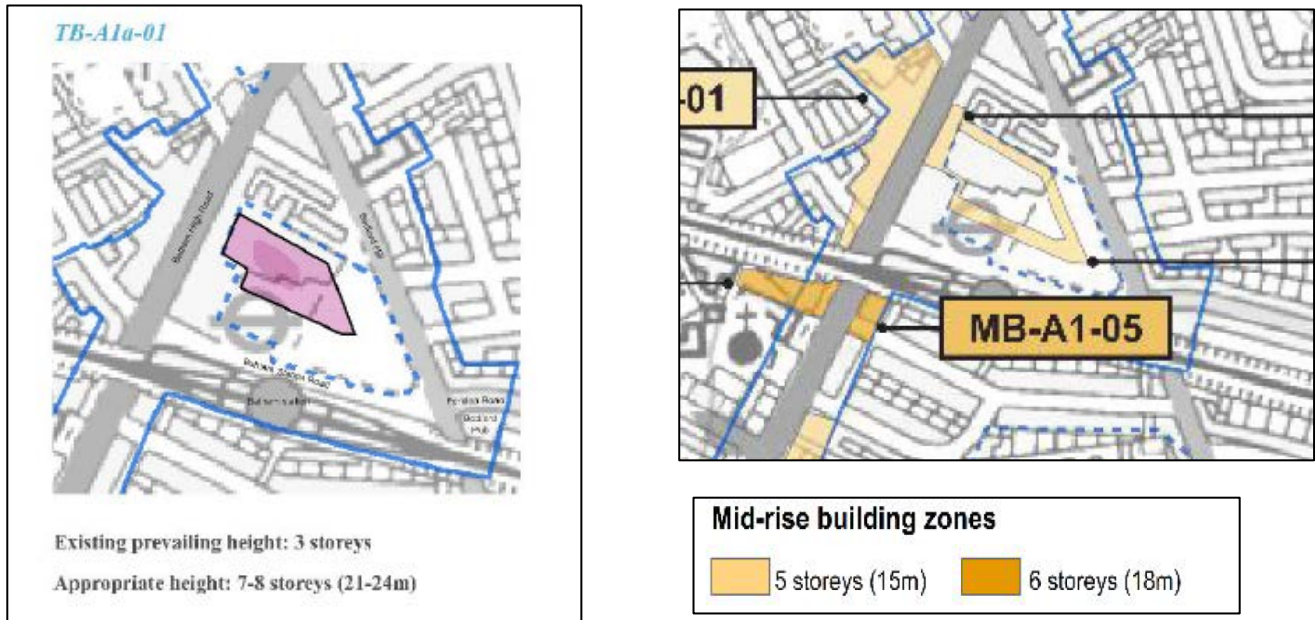
London Square and Sainsbury's welcome the allocation of the Sainsbury's Car Park as an appropriate location for tall buildings, which would also reflect wider policies of the plan that seek to optimise the development potential of centrally located and accessible car park sites.

In this instance, the practical response by the Council to the requirements of LP Policy D9 has been to identify a tall building zone which is broader than the boundary for Site Allocation BA1, resulting in only a very small component of Site Allocation BA1 comprising a tall building zone of 7-8 storeys or 21-24m. This appears to conflict with the UDS 21 which uses one specific development scenario for BA1, which identifies 8 storeys at the rear of the site next to the Sainsbury's store as being acceptable. A further small strip of land around the tall building zone is identified as a mid-rise building zone (5 storeys or 15m). This is another non-compliance with the UDS 21, which identifies this as a 6 storey zone. The remainder of the site falls within neither zone indicating that buildings of up to 4 storeys only are acceptable. This again appears to be an error as the UDS 21 scenario testing supports buildings of 6 storeys along Balham Station Road. Only the perimeter of the site at the Bedford Hill junction with Station Road is considered sensitive in the UDS 21 thus requiring development up to 4 storeys (which we disagree with). These zonal graphical errors require addressing.

¹³ Brent Local Plan paragraph 6.1.15



Figure 1 – UDS 21 Appendix 2 Tall Building and Mid-Rise Extract



When comparing the tall building zone at Appendix 2 (see Figure 1) to Site Allocation BA1 and UDS 21: Figure 242 (see Figure 2) it appears that the zoning has slipped and inaccurately moved the tall building zone westwards and incorrectly away from Balham Station Road.

Figure 2 - Site Allocation BA1 Map 10.2 and UDS 21 Figure 242



Notwithstanding these inaccuracies (which without prejudice should be addressed) we consider that the mid-rise tall building zone should be deleted, and that the tall building zone (up to 8 storeys) should be extended to cover the whole of Site Allocation BA1, supported by design criteria within the Site Allocation BA1. LP Policy D9 does not promote the identification of mid-rise building zones and heights. There are several policies (including LP1 to LP3) in the Reg 19 Plan, including the site



allocation itself, which will inform more detailed design such as the design principal to step down massing towards the permitter edge.

From our own analysis of UDS 21, it is unclear how the evidence concluded that, when undertaking a detailed sieve assessment using the criteria in London Plan D9 (C) that 0-4 storeys; 5 storeys; and 7-8 storeys are the appropriate heights for this site. Appendix A (page 213) 'Tall Buildings' confirms that tall building zone: TB-A1a-01: Balham Town Centre is justified by the undertaken analysis scenario presented at page 215 for the Balham Town Centre sub-area (A1a). However, the evidence base for TB-A1a-01 (page 216) appears to only consider the site area of BA1 and outlines a development capacity of 130 homes and 4,500sqm of non-residential floorspace.

At Figure 3, we enclose the relevant extract for TB-A1a-01 (Figure 242) detailed in the UDS 21.

The assessment considers that the car park is a negative feature in a key town centre location with a relatively lower sensitivity to change. The zone of theoretical visibility (ZTV) indicates that visibility of the scenario is likely to be relatively contained to the residential streets surrounding the site. The assessment, and the resulting tall and mid-tier building zones are then defined by the impacts that this specific massing would have, rather consider a more generic form of development and encourage a design-led and more flexible approach to height and density.

Figure 3 - Urban Design Study (2021) – Figure 242

Urban design study	
Character area - (and strategy)	A1 Balham Town Centre - (Conserve/Restore)
Other character areas within 250m	• A2 Balham Residential
Sensitivity	Low
Probability	High/Very high
Capacity	High/Higher
Sainsbury's Car Park, Bedford Hill Scenario	
Site Area	0.63 ha
Total residential units	130
Non Residential GEA	4,500 sqm
Density (dph)	206

The assessment suggests that along Bedford Hill and the junction with Station Road, modelling of taller building scenarios for the site showed that a built form taller than 4 storeys would be likely to result in an unacceptable effect on townscape and views. This modelling does not form part of the evidence base, and independent modelling undertaken at the pre-application stage would indicate otherwise. It also advises that mid-rise building zones of 6 storeys would be acceptable, which conflicts with the Reg 19 Plan Site Allocation BA1 and Map 23.30 'Balham Mid-rise Building Zone' which identifies areas of 5 storeys only.

Along Balham Station Road, the study states that modelling of taller scenarios on the site showed that built form taller than 4-6 storeys would be likely to result in unacceptable effects on townscape and views, in particular because of the perceived tunnelling effect of the railway retaining wall (equivalent to three storeys) on the opposite side, which would create a perception of little space for people or perception of green. Therefore, the scenario illustrates a mixture of 4-6 storeys in this area is considered appropriate in principle where set back from the road behind an area of public realm. This is a very specific impact arising from one tested design scenario, which has gone on to inform



the Reg 19 Plan tall building zone and height contour. Our concern is that this assesses just one development scenario, which has been used to inform the applied conclusion on acceptable massing for Site Allocation BA1, and thus appears to discount and remove any flexibility on alternative scenarios that might not result in a tunnelling effect or create a perception of little space for people or greenery. It also disregards other planning benefits associated with additional height and any positive townscape contributions a tall building of high design quality can make – for example, assisting legibility or marking public realm.

In its current form, if a development at seven storeys was able to achieve these design benefits and positive impacts, Policy LP4 would “not permit” the proposal. This is an extremely inflexible approach particularly as it concerns the sole draft allocation site designated in Balham Town Centre (i.e., a site identified as necessary to meet housing need). We therefore recommend the need for greater flexibility throughout the Plan because alternative design solutions could readily address the issues raised by the UDS 21 (or a change in height parameter to allow for increased site capacity).

The UDS 21 assessment concludes that:-

- The scenario shows building heights stepping up to 8 storeys/24m in a small part of the site, which is considered appropriate in principle, and does not sit uncomfortably with the modest scale of the surrounding buildings. However, the relationship with the adjacent 3 storey buildings to the west would need further design consideration.
- The scenario is considered not to adversely affect views from the railway, assuming good design principles, details, materials and quality ensure its frontages respond positively in all directions, enhancing overall identity and sense of place in these views. Views along well-balanced and tree-lined streets punctuated by landmarks.
- None of the valued features, views or key features would be adversely affected by developments of up to 7-8 storeys if well designed and planned. Buildings of 7-8 storeys is considered to be the absolute maximum this site could accommodate, and this would depend entirely on a high quality design that is carefully placed within the plot in response to all the surrounding constraints and considerations.

The site does have potential for tall buildings, as a matter of principle, and that heights of 7-8 storeys are acceptable. The drafting of Policy LP4 does not however allow for this potential to be explored further.

The resulting drafting of Appendix 2 has resulted in the incorrect tall building zone; an incorrect height for the mid-tier zone, and an inflexible approach to interpreting the limited evidence base undertaken that does not appear to have robustly considered the impact tests of LP D9(C).

We therefore propose the following modifications.



Policy Reference	APPENDIX 2 - Tall Building Map 23.1 Balham Tall Building Zone TB-A1a-01 and Map 23.2 Tall Building Zone TB-A1a-01 (appropriate heights 7-8 storeys)
Proposed Modification	Revise the Tall Building Map 23.1 Balham Tall Building Zone TB-A1a-01 and Map 23.2 Tall Building Zone TB-A1a-01 (appropriate heights 7-8 storeys) to extend across the Sainsbury's Car Park site and revise heights to 8-9 storeys.
Justification	To reflect detailed pre-application advice from Wandsworth Council, the Design Review Panel and the GLA following site specific analysis.
Policy Reference	Mid-rise Building Map 23.30 Balham Mid-rise Building Zone MB-A1a-01
Proposed Modification	Delete Mid-rise Building Zone MB-A1a-01
Justification	To reflect detailed pre-application advice from Wandsworth Council and site specific analysis.

Application of Policy D9 within the Reg 19 Plan – LP4

In addition to our concerns in respect of Appendix 2 and the UDS 21, we are also concerned with the approach taken for Policy LP4. Despite the policy defining very strict tall building zones and heights based upon the UDS 21. Policy LP4 still states that tall buildings in Tall Building Zones would only be appropriate where the development would not result in any adverse visual, functional, environmental and cumulative impacts. It requires planning applications for tall buildings to be assessed against the criteria set out in Parts C and D of the London Plan Policy D9 (this comprises twenty one criteria) and an additional nineteen local criteria set out at Policy LP4 (1 to 19). This would indicate that the analysis undertaken to define tall building locations and heights in Wandsworth by the UDS 21 is not sufficient in supporting the very detailed tall building zoning, particularly for BA1. If robust, then it would not be necessary to require planning applications to address a total of forty criteria to justify a tall building application that has been prescribed to a very small area of the town centre at a modest 7-8 storeys.

This does not appear to be proportionate and succinct planning that avoids duplication, particularly where LP4 (C) states that proposals for tall buildings will not be permitted outside the identified tall building zones; and (D) proposals for tall buildings should not exceed the appropriate height range identified for each of the tall building zones, and the height of tall buildings will be required to step down towards the edges of the zone (unless it can be clearly demonstrated that this would not result in any adverse impacts including on the character and appearance of the local area).

In our opinion, it would be more succinct to retain the policy as is but introduce flexibility which can be tested during the planning application process, as is the case with the Brent Local Plan.

We would suggest that the following wording is introduced as a modification: -



- Heights to be consistent with the general building heights shown on the Tall Building Zone Maps.
- Maps indicate the heights likely to be generally acceptable to the council.
- Proposals will still need to be assessed in the context of other policies to ensure that they are appropriate in that location and deliverable when the plan is read as a whole.
- Apply flexibility whereby circumstances where the quality of design of a development and its impact on character is such that taller buildings that exceed the general heights in these locations could be shown by applicants to be acceptable.

This is a necessity for Site BA1 as the evidence base has only tested one bespoke development scenario and has drawn the tall building zone and mid-tier zones based specifically on this proposal, which has inherent design faults.

This would also address paragraph 14.31 which states that “Development proposals exceeding the appropriate height will not be supported on design grounds”. Duly, we suggest that the following modifications are undertaken to make Policy LP4 sound:

Policy Reference	LP4 - Tall and Mid-rise Buildings
Proposed Modification	<p>C. Proposals for tall buildings should will not be permitted outside the identified tall building zones.</p> <p>D. Proposals for tall buildings should be consistent with the general not exceed the appropriate height range identified for each of the tall building zones as set out at Appendix 2 to this Plan. The height of tall buildings may will be required to step down towards the edges of the zone as indicated on the relevant tall building map unless it can be clearly demonstrated that this would not result in any adverse impacts including on the character and appearance of the local area.</p> <p>G. Proposals for mid-rise buildings should will not be permitted outside the identified tall and mid-rise building zones.</p>
Proposed Modification to Supporting Text	<p>The plans indicate the heights likely to be generally acceptable to the council. Proposals will still need to be assessed in the context of other policies to ensure that they are appropriate in that location and that the site allocation is deliverable when the plan is read as a whole.</p> <p>Paragraph 14.31 - Development proposals exceeding the appropriate height will not be supported on design grounds unless it can be demonstrated through successfully addressing the tests in LP4(B) that there are circumstances where the quality of design of a development and its impact on character is such that taller buildings in these locations could be shown by applicants to be acceptable.</p>



Justification	<p>The policy should allow a degree of flexibility so that tall and mid-rise building may be permitted outside of the designated zones in exceptional circumstances.</p> <p>This is particularly pertinent to mid-rise buildings, to which the Policy D9 of the London Plan makes no allowance for the identification of non-tall building zones (i.e. mid-rise buildings) through a Development Plan.</p>
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12 Policy LP23 (Affordable Housing) – OBJECT

London Square support the Council’s intention to adopt the London Plan’s Fast Track Route for affordable housing. However, the Policy LP23 should define that the Fast Track Route will be available to developments that deliver a minimum of 35% affordable housing in line with Policy H5 of the London Plan. Accordingly, the following amendments are recommended:

Policy Reference	LP23 – Affordable Housing (B)
Proposed Modification	B. Development that creates 10 or more dwellings (gross) on individual sites must provide a minimum of 35% affordable housing on-site (measured by habitable room) to qualify for the Fast Track Route threshold approach set out by London Plan Policy H5.
Justification	In order to align with Policy H5, the draft policy wording should also be updated to define that the percentage of affordable housing shall be measured by habitable rooms (as detailed at Para 17.16).

London Square object to the Council’s proposed tenure split at 50% low-cost rent products, 25% First Homes and 25% other intermediate products as this limits flexibility within the intermediate tenure. To remedy this, the following modification is proposed.

Policy Reference	LP23 – Affordable Housing (C)
Proposed Modification	C. The Council will require an affordable housing tenure split of 50% low-cost rent products, and 50% intermediate products, which should aim to provide 25% as First Homes and 25% other intermediate products. A minimum discount of 30% will be applied to First Homes.
Justification	Whilst the affordable housing mix aligns with the adopted London Plan Policy H7 (30% low cost rent, 30% intermediate and 40% to be determined by the borough) and the national policy to provide a minimum of 25% of new homes as discounted First Homes, it is considered that the proposed affordable housing mix does not provide sufficient flexibility, and may discourage developers who are unable to accommodate First Homes within their business model, which may curtail the borough’s ability to deliver the affordable homes it needs.



London Square and Sainsbury's support the amendments to LP25 (Part G), which now allow the use of Vacant Building Credit in specific circumstances. The following amendments are proposed to streamline the policy wording.

Policy Reference	LP23 – Affordable Housing (G)
Proposed Modification	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.

London Square and Sainsbury's object to Part H) of Policy LP23, which requires affordable housing or financial contributions to be sought on all developments delivering new dwelling. To make the policy sound, the following amendment is proposed:

Policy Reference	LP23 – Affordable Housing (H)
Proposed Modification	H. The provision of affordable housing or financial contributions will be sought from any major development creating 10 or more making provision for new dwellings (gross) or the provision of residential accommodation with shared facilities.
Justification	The Planning Obligations NPPG (2019) is clear that obligations for affordable housing should only be sought for 'major residential developments', which is defined as 10 or more homes. Affordable housing contribution should therefore not be sought on residential development providing 9 or less homes, as this conflicts with the NPPG.

13 Policy LP24 (Housing Mix) – OBJECT

Policy LP24 is not in general conformity with LP H10 Housing Site Mix which acknowledges¹⁴ that a higher proportion of one and two bed units is appropriate in locations which are closer to a town centre or station or with higher public transport access and connectivity.

Policy Reference	LP24 – Housing Mix
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¹⁴ LP Policy H10 (6)



Proposed Modification	E. The dwelling mix will be considered on a site by site basis and in applying the preferred housing mix regard will be given to: 1. current evidence in relation to housing need; 2. the surrounding context and character; 3. the overall level of affordable housing proposed; and 4. the financial viability of the scheme. 5. generally a higher proportion of one and two bed units in locations which are closer to a town centre or station or with higher public transport access and connectivity
Justification	To be in general conformity with the London Plan Policy H10(6)

14 Chapter 18 Building A Strong Economy - Policy LP38 (Affordable and Open Workspace) – COMMENT

London Square and Sainsbury’s object to the current policy that requires all development delivering any economic floorspace, regardless of size, to make a contribution to the provision of affordable and/or open workspace. Accordingly, a floorspace threshold should be set whereby only when exceeding the specified economic floorspace amount will a contribution towards affordable workspace be requested. The impact of delivering affordable workspace also needs to be assessed as part of the scheme’s viability as a whole.

To resolve our concerns, the following changes to Policy LP38 are recommended:

Policy Reference	LP38 – Affordable and Open Workspace
Proposed Modification	A. Subject to scheme viability all development that provides economic floorspace in excess of 1,000sqm (GIA) will be expected to contribute to the provision of affordable and/or open workspace, for a period of 30 years unless otherwise agreed in-perpetuity , which will be secured by way of S106 planning obligation and/or conditions, with details provided in an Affordable Workspace Management Plan. Planning applications will be assessed in accordance with the following: 1. Developments that would provide less than 1,000 sqm of economic floorspace will be expected to provide for a range of unit sizes, unless a specific end user has been identified and there is sufficient certainty regarding their occupation at the time of submitting the application, or if the proposed development is for a co-working space (or similar open workspace models). 12. Developments that would provide more than 1,000 sqm of economic floorspace will, subject to scheme viability, be expected to.
Justification	The draft Policy does not provide sufficient flexibility and cannot therefore respond to changes in market conditions and demand. It should relate specifically to proposals which provide over 1,000sqm of economic floorspace only. Policy LP38(A)(1) is ambiguous and ineffective and should be deleted.



We consider it unreasonable to apply a period of perpetuity without including a mechanism for release from this restriction. There are several scenarios whereby the developer could be prejudiced through application of this policy in the long term. For example: during a recession or if the existing business was poorly managed.

As there is no flexibility to the current policy, this could also lead to the unintended consequence of workspace being vacant if neither a local business nor start-up space operator is willing, or able to take on the space. Flexibility to the wording should be added to allow for the workspace to revert to being a market unit for an agreed period of time (i.e. 1-3 years) post-practical completion, if an occupier that meets the above requirements cannot be found during a 6-month marketing period.

Chapter 19 Ensuring the Vitality, Vibrancy and Uniqueness of the Borough's Centres

LP 42 Development in Centres

London Square and Sainsbury's welcome and support the acceptability of residential uses in designated centres as set out at Policy LP42(D) where it comprises high-density, mixed-use development.

Chapter 20 Sustainable Transport

LP51 Parking, Servicing and Car Free Development

London Square and Sainsbury's welcome the support in principle for the redevelopment of existing car parks for alternative uses where it can be shown that the provision of car parking can be met now and in the future. This position accords with London Plan Policy H1.

We strongly encourage the Council to build flexibility into Policy LP51 to reflect the wording of London Plan paragraph G of Policy T6.3 which states that Boroughs may consider amended standards in defined locations consistent with the relevant criteria in the NPPF where there is clear evidence that the standards in Table 10.5 would result in: 1) A diversion of demand from town centres to out of town centres, undermining the town centres first approach. And 2) A significant reduction in the viability of mixed-use redevelopment proposals in town centre.

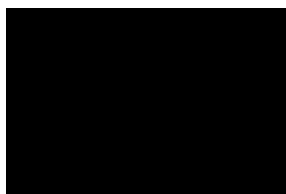
15 Conclusion

On behalf of London Square, Quod reserves the right to add to or amend these representations. This may be required where the Council issues new guidance or there is a change in policy at a local, regional or national level.

Quod would like to engage further with the Council's policy team and would welcome the opportunity to meet with the Council and discuss these representations in greater detail, prior to submission to the Secretary of State.



Yours sincerely



Ben Ford
Board Director