



Wandsworth Local Plan Review Hearing Statement on behalf of SGN Mitheridge Ltd

Main Matter 13 – Achieving High Quality Places (Policy LP1 – LP9) Wandsworth Local Plan Policy LP4 Tall Buildings and Appendix 2

1 Introduction

1.1 Scotia Gas Network (SGN) and Mitheridge formed a Joint Venture Partnership called SGN Mitheridge Ltd which is the owner of the Wandsworth Gasworks and Calor site (the 'Site') in Wandsworth Town. SGN Mitheridge Limited is also the applicant for hybrid planning application 2022/3954 which seeks comprehensive redevelopment of the site. Common Projects is managing the project on behalf of SGN Mitheridge Limited.

2 Background

2.1 SGN first engaged Wandsworth Council in 2013 to create an appropriate policy framework for decommissioning the gas works and the creation of a new residential led, missed use quarter for Wandsworth Town. SGN has been involved in, and made representations to, each stage of the Wandsworth's Local Plan review since then. This includes detailed representations to the Regulation 18 (submitted on 1st March 2021), and Regulation 19 Wandsworth Local Plan (submitted on 28th February 2022).

2.2 Redevelopment of the site represents an exciting opportunity and one that will help complete the transformation of this important, but underutilised, contaminated brownfield site located along the River Wandle in Wandsworth Town.

2.3 SGN Mitheridge Limited has held discussions with the London Borough of Wandsworth (the 'Council'), the Greater London Authority and the Council's Design Review Panel since 2020 regarding the challenges of redevelopment, the opportunities to deliver development plan policies and public benefits.

2.4 These detailed discussions have informed proposals for the site, and our representations to the Wandsworth Local Plan, and this hearing statement.

2.5 SGN Mitheridge Limited has met with Wandsworth Council eighteen times; the Greater London Authority twice; and the Wandsworth Design Review Panel three times. A full list of meetings is enclosed at **Document 1**.

2.6 Despite requests to meet the local plan team at Wandsworth, SGN Mitheridge Limited were not offered a meeting date. As explained in our representations, and this hearing statement, our concern that the local plan would be, and has been, prepared in isolation of these detailed and very relevant discussions, has unfortunately materialised.

2.7 SGN Mitheridge Limited, and other stakeholders, are now faced with Policy LP4 and Appendix 2 which has not been consulted on meaningfully, and has been prepared in conflict with the advice given by the Council, the GLA and Wandsworth Design Review.



Note continued

3 Test of Soundness

- 3.1 Policy LP4 and Appendix 2 is not sound, it is neither justified nor effective¹.
- 3.2 It is not positively prepared, or deliverable, and has not been shaped by early, proportionate, and effective engagement².
- 3.3 The policy does not support development that makes efficient use of land and does not consider local market conditions and viability³.
- 3.4 The policy does not optimise the use of land in the area to meet as much of the identified need for housing as possible⁴.

4 General Conformity with the London Plan

- 4.1 The Wandsworth Local Plan must be in general conformity with the London Plan under section 24(1)(b) of the Planning and Compulsory Purchase Act 2004.
- 4.2 London Policy D9 B (2) requires boroughs to determine locations and “appropriate” tall building heights to be identified on maps in development plans.
- 4.3 Part B (3), the primacy of the policy (a direction by the Secretary of State⁵) states that tall buildings should only be developed in “locations” that are identified as suitable. It does not say “in locations and at heights that are identified as suitable”.
- 4.4 The supporting text to London Policy D9, paragraph 3.9.2, does requires Boroughs to undertake a sieving exercise by assessing the potential visual and cumulative impact of tall buildings. They should also determine the “maximum height that could be acceptable”.
- 4.5 This does not translate into a requirement to set an absolute height, beyond which development should not be permitted as Policy LP4 is currently drafted. This would be incredibly onerous, and indeed is not something that London Plan Policy D9 requires, nor national policy.
- 4.6 London Plan Policy D9 suggests in justifying text (not policy), the identification of maximum building heights that the Council believe could be acceptable. This is in terms of design only - based upon the visual and cumulative assessment / information that the Council has available at that point in time, which for Wandsworth is a high-level assessment.
- 4.7 Due to the limitations of the assessment, using a limited number of viewpoints, testing massing blocks only, with no architecture; viability, or cognisance of other development plan policies, it is right to explicitly recognise the limitations of the policy within the justifying text where maximum building heights are referenced.

¹ NPPF paragraph 35

² NPPF paragraph 16 (b) and (c)

³ NPPF paragraph 124 and (b)

⁴ NPPF paragraph 125(a)

⁵ Secretary of State Direction DR12, dated 10th December 2020 “(3) Tall buildings should only be developed in locations that are identified as suitable in Development Plans”.



Note continued

- 4.8 This is particularly important given the intense scrutiny that all tall building proposals are subject to. Without this clarification, there is a concern that the community might believe that buildings will only be built up to the maximum building height, which is not the case as we discuss.
- 4.9 For this reason, we do not believe that Section 38(6) of the Planning and Compulsory Purchase Act 2004, taken with Section 70(2) of the Town and Country Planning Act 1990 (“TCPA 1990”) can be relied upon. Something more substantive is necessary within the supporting text of Policy LP4 and Appendix 2.

5 Representations

- 5.1 Policy LP4 and Appendix 2 result in excessively prescriptive mid-rise and tall building zones / maximum building heights across Site Allocation WT4.
- 5.2 Appendix 2 (Map 23.25 and Map 23.36) applies a medium tall building zone (up to 6 storeys) along the River Wandle and a tall building zone (7-10 storeys) across the rest of WT4.
- 5.3 The policy states that tall⁶ and mid-rise⁷ buildings will not be permitted outside the zones and should not exceed the height ranges proposed. The 2021 Whole Plan Viability Assessment reinforces this approach stating that “*The revised tall buildings policy is intended to strictly apply so that proposals exceeding the appropriate height range will be refused on design grounds*”⁸. The approach is inconsistent with London Plan D9, and there is no justification for proposing mid-rise building zones and heights.
- 5.4 The prescriptive nature of the zones and heights required by Policy LP4 and Appendix 2 is not supported by an equivalent up to date and detailed evidence base. The Council’s Urban Design Study (the ‘UDS 21’) is a high-level massing assessment and Quod has commented on the evidence base in detail.⁹ We have identified inconsistencies between the document and the Wandle Delta Masterplan SPD (2021); and the allocation of WT4 as a site of low sensitivity; high probability of change; and high development capacity. A maximum building height of 10 storeys is not substantiated by the analysis, does not reflect the local tall building character (see **Document 2**) or recognise the emerging Ram Brewery development of 36 storeys¹⁰. UDS 21 promotes heights up to 15 storeys to the north across the railway line (Site Allocation WT14, WT15 and WT17) but it is unclear what differentiates WT4 from this tall building zone, other than the railway. UDS 21 is not a proportionate evidence base which supports the overly restrictive approach of LP4 and Appendix 2. PPAM/093 (Proposed Additional Modification) paragraph 23.15 to read “Further detail for each zone is set out in the council’s Urban Design Study (2021)” is therefore opposed.

⁶ LP4 (C&D)

⁷ LP4 (G&H)

⁸ Whole Plan Viability Assessment January 2022, paragraph 1.47.

⁹ See Quod comments, page 17 to 26 of the Regulation 19 representations

¹⁰ The 36 storey Ram Brewery tall building is identified as medium tall building zone Map 23.36 (MB-G1-08)



Note continued

- 5.5 Whilst SGN Mitheridge Ltd supports the principle of the tall building zone across WT4, it appears that the zoning boundary and proposed building heights have been informed in policy isolation. The zone has had no regard to the formal pre-application advice of the Council's planning, design and heritage officers; the advice of the Mayor of London; and the advice of the Wandsworth Design Review Panel. It has also taken place without cognisance of the detailed townscape and heritage assessment prepared for the site.
- 5.6 It is agreed with the Council, from the detailed analysis undertaken that tall buildings (greater than 6 storeys) are acceptable as a matter of principle along the River Wandle, so long as they are set back and create a linear park. Despite this agreement, Appendix 2 medium tall building zone has been drawn without cognisance of these discussions.
- 5.7 It is also agreed that building heights above 7-10 storeys are acceptable across WT4. It is recognised that the final heights are yet to be agreed. Despite representations to the local plan review, the advice given by the Council, the GLA and Design Review has not been taken account of in preparing Appendix 2. This is an unusual and inconsistent approach.
- 5.8 At **Document 3**, we enclose an overlay of Appendix 2 Map 23.25 (Medium) and Map 23.36 (Tall) with the masterplan agreed with the Council. It demonstrates that Building A1, A2 and A3 fall within a zone where buildings above 6 storeys are not proposed to be permitted, yet the Council has agreed to their location, and buildings above 6 storeys. Plot B is designated within the tall building zone. All buildings exceed 10 storeys.
- 5.9 We enclose the relevant extracts of advice given
- GLA Pre-Application Report¹¹ - *Para 44: Having undertaken a site visit to the site and surroundings and reviewed the applicant's initial views assessment, GLA officers generally consider that the potential for harm to designated heritage assets is limited; Para 58: Whilst noting the plan-led principles set out above in terms of height are noted, GLA officers generally consider that the massing strategy represents a design-led approach which responds to the site opportunities and constraints. This seeks to locate the tallest block adjacent to the River Wandle, new riverside park, footbridge and reactivated railway arches; Para 59: The presence of the tower in this particular location of the site would positively contribute towards wayfinding and legibility of the area, helping to mark the Wandle Trail and the new riverside park and river crossing which leads towards the Wandle Delta and River Thames.*
 - DRP No.3¹² - *"We are comfortable with the height for Plot A1 (30 storeys) and Plot B (16 storeys). As discussed in the previous design review we accept the rationale for a marker building on the north/west corner and are more comfortable with a unified height for Plot B".*

¹¹ GLA Pre-Application Report 3rd May 2022.

¹² DRP Meeting No.3, 2nd November 2021



Note continued

- Wandsworth Council¹³ - *Plot A1: The siting of the proposed 28-storey tower has been amended so it is offset from the railway arches to allow for more public open space. As advised above, the principle of this is supported in the interests of creating distinct public realm to the north of the building. As advised during our meeting, Officers do feel that a case can be made for a tower in this location. This is based upon our recent site visit, a consideration of the local context and the townscape views which have been submitted. The Council, without prejudice, considers a building of around 22 storeys may be acceptable subject to testing the visual impacts upon the wider townscape. Plot A2: The Council, without prejudice, considers a building of up to 12 storeys high may be acceptable subject to this being tested with 3D modelling within VuCity; Plot A3: To lessen the visual dominance of this building on the local townscape, you are without prejudice, advised to reduce the height of this building to 8 – 10 storeys. Plot B: you are without prejudice recommended to explore reducing the heights of each of the three towers at Plot B by four storeys (to 14, 12 and 10 storeys).*

5.10 Whilst we recognise that the local plan process sets a higher threshold for proportionate evidence base to support policies than that required for planning applications, where policies are drafted which limit building heights; it is material to consider the advice provided by the Council in respect of current discussions. The two cannot, and should not be separate, and would be inconsistent with national policy.

5.11 Whilst the final detail of design and building heights remains subject to detailed discussion via a planning application, the clear advice of the Council, GLA and Design Review confirms that tall buildings are justified in design terms in the medium building zone MB-G1d-03; and buildings taller than 10 storeys are justified in the tall building zone TB-G1d-02.

5.12 Modifications are therefore required to reflect this.

5.13 Modifications are also required to ensure flexibility of wording to reflect the current/future instances where detailed design analysis is undertaken outside of the local plan process.

6 Other Matters

Deliverability

6.1 The effect of LP4 / Appendix 2 (zone and heights) on development capacity has been tested and would result in c.360 homes across that part of the WT4 allocation that it controls, or 481 homes across WT4 in totality (at heights of 4 – 10 storeys).

6.2 It has been agreed by the Council, their viability advisors and GLA that there are substantial abnormal costs associated with delivering part of site allocation WT4 (c. £20M+).

6.3 Whilst Site Allocation WT4 is deliverable and financially viable, the agreed viability position with the Council and GLA evidences that at least 640+ homes are required to meet the

¹³ Wandsworth Council pre-application advice 21st May 2021



Note continued

Council's 35% affordable housing threshold, but flexibility is still required in terms of affordable housing tenure and building heights.

- 6.4 Modifications are therefore required to LP4 / Appendix 2 to bring the site forward for development.

Baseline

- 6.5 The gasometer¹⁴ was demolished recently at the end of 2020, following revocation of the Hazardous Substances Consent for the site in 2019, to facilitate occupation of recently developed sites around the Site such as the Ram Brewery.

- 6.6 Whilst no longer in existence, the gasometer was a fundamental part of the townscape in Wandsworth town for many years, with the earliest photo of the gasometer taken in 1960, and it first appearing on OS maps dated 1958. It comprised c.15 storeys (45m) and would therefore constitute a tall building.

- 6.7 The gasometer is a material consideration to the determination of building height at WT4.

- 6.8 This approach is accepted by the Secretary of State and the Planning Inspectorate who also support such assessments¹⁵.

- 6.9 Within his conclusions, the Inspector Paul Griffiths BSc(Hons) BArch IHBC considered the 'baseline' at paragraph 12.4 to 12.7. In that case Edith Summerskill House was demolished in 2018 (4 years before the Secretary of State's decision, and 2 years before the planning application was validated). The Inspector noted the following principles.

"12.7 That said, the fact that the site was occupied by a tall building for more than 50 years is not something that can be completely ignored. It is a material consideration, as I explain below".

- 6.10 Recognition of the gasometer is particularly relevant, as UDS 21 seeks to "restore" the "existing character" by "restoring historic characteristic features that have been lost over time". The architecture and form of Building B specifically references the former gasometer.

- 6.11 The evidence base, and Policy LP4 and Appendix 2 do not take into account this material consideration.

7 Proposed Modifications

- 7.1 We have set out our detailed modifications within our Regulation 19 representations.

- 7.2 The modifications can be summarised as follows.

¹⁴ Document 3, Figure 4-2 The former gasometer, Wandsworth Gasworks

¹⁵ Secretary of State decision APP/H5390/V/21/3277137, dated 4th July 2022 Edith Summerskill House, SW6 7TW



Note continued

Modification 1

- 7.3 To address the factual inaccuracies, and ensure a consistent approach, we propose that the mid-rise zone (MB-G1d-03) should be deleted. It should be replaced with the Tall Building Zone (TB-G1d-02).
- 7.4 Tall Building Zone (TB-G1d-02) heights should be revised, we consider, up to 30 storeys; or at least to the height of 22 storeys advised by the Council within their pre-application letter of May 2021.

Modification 2

- 7.5 Policy LD4 and Appendix 2 are not sound and require modification to ensure consistency with the London Plan and national policy.
- 7.6 We propose the following text, to be included as supporting text to Policy LP4 and Appendix 2:

“Appendix 2 indicates the appropriate heights that could be acceptable to the council, based upon the strategic design analysis undertaken in UDS 21. There may be circumstances where, following detailed assessment visual, functional, environmental, and cumulative impacts are such that taller buildings in these locations could be shown by applicants to be acceptable.

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.”

- 7.7 As explained in our Regulation 19 representations, this text reflects the requirements of London Plan D9, the flexibility necessary given the high level visual assessment undertaken to support to local plan, and reflects text within the recently adopted Brent Local Plan tall building policy, which was found sound.



Document 1

SCHEDULE OF MEETINGS



Note continued

Document 1 – Schedule of Meetings

Date	Planning Authority / Organisation	Meeting
13 th January 2021	LB Wandsworth	Pre-Application Meeting No.1
3 rd March 2021	LB Wandsworth	Pre-Application Meeting No.2
16 th March 2021	Environment Agency	Environment Agency Meeting
22 nd March 2021	LB Wandsworth	Pre-Application Meeting No.3
9 th April 2021	LB Wandsworth	Pre-Application Meeting No.4
23 rd April 2021	LB Wandsworth	Site Visit
30 th April 2021	Greater London Authority	Pre-Application Meeting No.1
6 th May 2021	LB Wandsworth	Pre-Application Meeting No.5
2 nd June 2021	Transport for London	Pre-Application Meeting No.1
9 th June 2021	LB Wandsworth	Wandle Delta SPD Meeting
11 th June 2021	Environment Agency	Pre-Application Meeting No.2
16 th June 2021	Design Review Panel	DRP No.1
17 th June 2021	LB Wandsworth	Pre-Application Meeting No.6
21 st July 2021	Design Review Panel	DRP No.2
10 th August 2021	LB Wandsworth / Climate Integrated Solutions (CIS)	Sustainability Meeting with LBW external consultants, CIS
12 th August 2021	LB Wandsworth	Pre-Application Meeting No.7
31 st August 2021	Environment Agency	Pre-Application Meeting No.3
15 th September 2021	South East Rivers Trust	Pre-Application Meeting No.1
22 nd September 2021	Secure by Design (SbD)	Pre-Application Meeting No.1
29 th September 2021	LB Wandsworth	Pre-Application Meeting No.8
11 th October 2021	Design Review Panel	DRP No.3
12 th October 2021	LB Wandsworth	Pre-Application Meeting No.9
12 th October 2021	Environment Agency	Pre-Application Meeting No.4
5 th November 2021	Transport for London	Pre-Application Meeting No.2
15 th November 2021	LB Wandsworth	Ecology Pre-application Meeting No.1
16 th November 2021	Environment Agency	Pre-Application Meeting No.5
2 nd December 2021	Greater London Authority	Pre-Application Meeting No.2
15 th December 2021	LB Wandsworth	Pre-Application Meeting No.10
2 nd March 2022	LB Wandsworth	Ecology Pre-application Meeting No.2
24 th March 2022	LB Wandsworth	Pre-Application Council Meeting No.11
4 th May 2022	LB Wandsworth	Pre-Application Council Meeting No.12
24 th May 2022	LB Wandsworth (Transport)	Pre-Application Council Meeting No.13



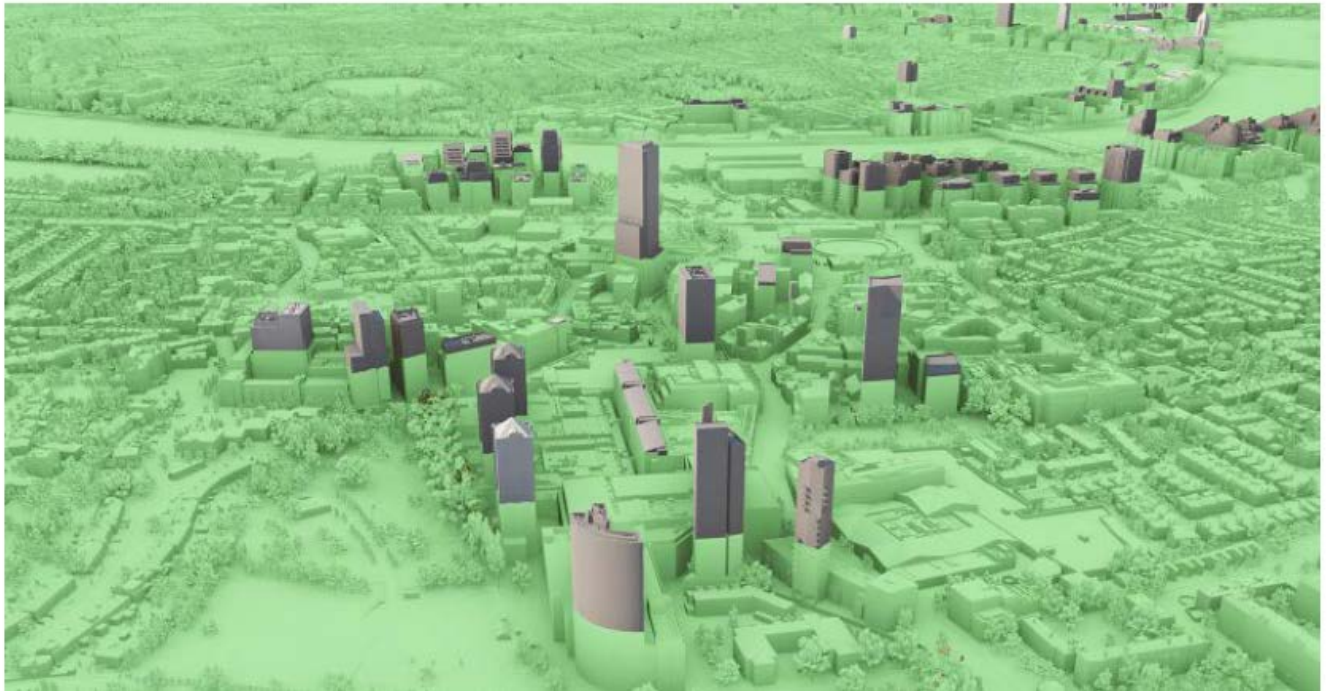
Document 2

VUCITY MODEL OF TALL BUILDINGS IN WANDSWORTH TOWN CENTER OVER 10 STOTEYS



Document 2 – Tall Building Character within Wandsworth Town and Wandle Delta

Figure 4 – VuCity Model of Tall Buildings in Wandsworth Town Centre over 10 storeys





Document 3

TALL BUILDING ZONE OVERLAY



NETWORK RAIL VIADUCT

THE CAUSEWAY

SMUGGLERS YARD & ARCHES

PLOT A1 'DETAIL'

WANDLE WHARF

PLOT A2 'OUTLINE'

PLOT B 'DETAIL'

GASHOLDER GARDENS

KINGFISHER STREET

PLOT A3 'OUTLINE'

GASHOLDER WAY

SWANDON WAY

BELL LANE CREEK

FUTURE BELL LANE CREEK PARK

RIVER WANDLE

THE WANDLE TRAIL

RIVERSIDE PARK

PLAY PARK

WANDLE WALK

GG

HEAD HOUSE

ARMOURY WAY

BLOCK 7

BLOCK 9

THE RAM QUARTER

BLOCK 6

BLOCK 8

key

- Purple - Wandsworth Local Plan Appendix 2 Map 23.36 MB-G1d-03 overlay
- Yellow - Wandsworth Local Plan Appendix 2 Map 23.25 TB-G1-03 overlay

Gasholder Way



Appendix 4

THE FORMER GASOMETER, WANDSWORTH GASWORKS



Note continued

Document 4 - Figure 4-2 The former gasometer, Wandsworth Gasworks

