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Dear Ms Glancy,

HEARING STATEMENT – MAIN MATTER 13: ACHIEVING HIGH QUALITY PLACES

On behalf of our client – Heliport London Ltd – we hereby issue the following Written Statement ahead of the public examination of the London Borough of Wandsworth’s draft Local Plan. Our client has a contractual position on the land currently accommodating Heliport House and made representations on Policy LP4 (Tall and Mid-rise Buildings) and Appendix 2 (Tall and Mid-rise Building Map) at the regulation 19 stage of the Local Plan Review.

As set out in our previous representations, our client is seeking a change to the wording of the Policy LP4 and amendments to the Tall and Mid-rise Building Map in Appendix 2 to facilitate greater flexibility to provide increased height on the Dovercourt site (henceforth: “the site”).

This Statement is made with respect to Main Matter 13: Achieving High Quality Places and is structured to address the questions raised by the Inspector in the Main Matters, Issues and Questions document. Each question is quoted in bold and italics, with a response provided below.

This Statement sets out the same arguments put forward in our Hearing Statement for Main Matter 10, which related to the draft Site Allocation RIV2. These arguments are repeated in this Statement to emphasise that the Dovercourt site represents a useful case study that highlights the importance of incorporating flexibility into tall building policies.

“Are the requirements of the Achieving High Quality Places justified by appropriate available evidence, having regard to national guidance, local context and the London Plan?”

Using the site as an example, the current wording of Policy LP4 is overly restrictive, does not allow for sites to be optimised and does not reflect the general necessity for tall buildings policies to incorporate flexibility with respect to site circumstances. Part D of the Policy states that:

“Proposals for tall buildings should not exceed the appropriate height range identified for each of the tall building zones as set out at Appendix 2 to this Plan. The height of tall buildings will

be required to step down towards the edges of the zone as indicated on the relevant tall building map unless it can be clearly demonstrated that this would not result in any adverse impacts including on the character and appearance of the local area.”¹

Map 23.9 at Appendix 2 sets a height range of 7-10 storeys for the area in which the site is located². It is our client’s position that this height range is not justified by the appropriate available evidence.

In this case, the evidence upon which the Council have justified this height limit is the Urban Design Study (henceforth: UDS) published by Arup in December 2021. An executive summary of this document was submitted by the Council to the Planning Inspectorate with reference SD-054.

The UDS assessed the sensitivity to and probability of tall buildings in areas within LB Wandsworth, from which a ‘development capacity’ was derived. It is this development capacity that determines the height ranges specified in the draft Local Plan. In general, specifying rigid height limits does not afford sufficient flexibility to assess proposals on their individual merits.

It is clear that the site falls within an area with low sensitivity to tall buildings. Figure 1 below shows a selection of existing sites (in green) and consented sites (in yellow), in the immediate vicinity of the Dovercourt site (in red). The maximum height in storeys within each site is also shown on Figure 1. It should also be noted that there is an implemented consent³ for a 20-storey building at Heliport House, within the Dovercourt site.

¹ Draft Local Plan, Policy LP4, p. 289

² Draft Local Plan, Map 23.9, p. 447

³ Ref: 2013/6052, varied by 2016/2315, implementation confirmed by 2018/5315

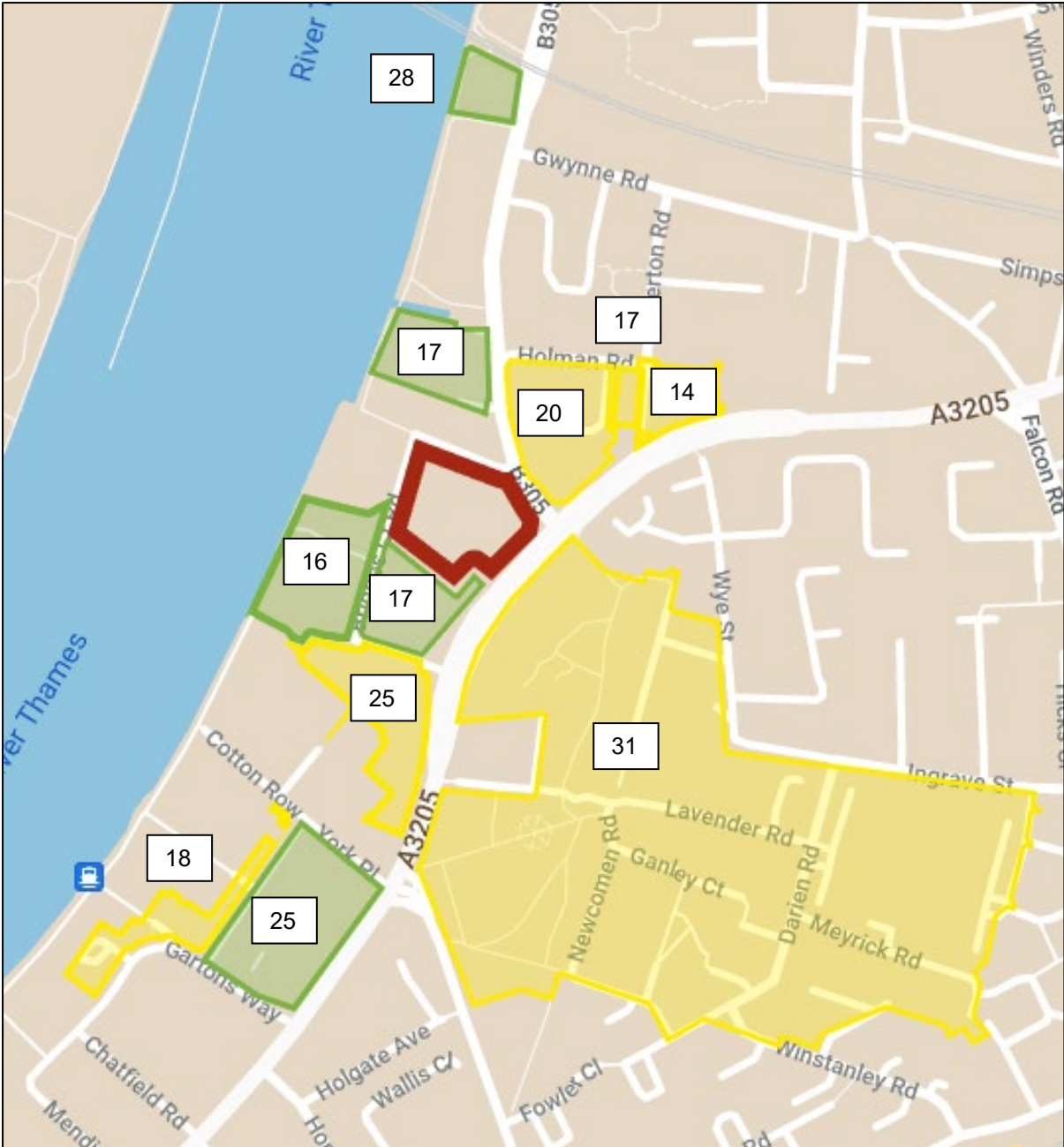


Figure 1: Existing (Green) and Consented (Yellow) Buildings and Sites in the Vicinity of the Dovercourt Site with Maximum Height in Storeys

In addition, Figure 2 below demonstrates the emerging context in a 3D space and emphasises that the character of the local context is defined by tall buildings, with several exceeding 20 storeys. The images include an indicative 10, 20 and 30-storey mass at Heliport House:

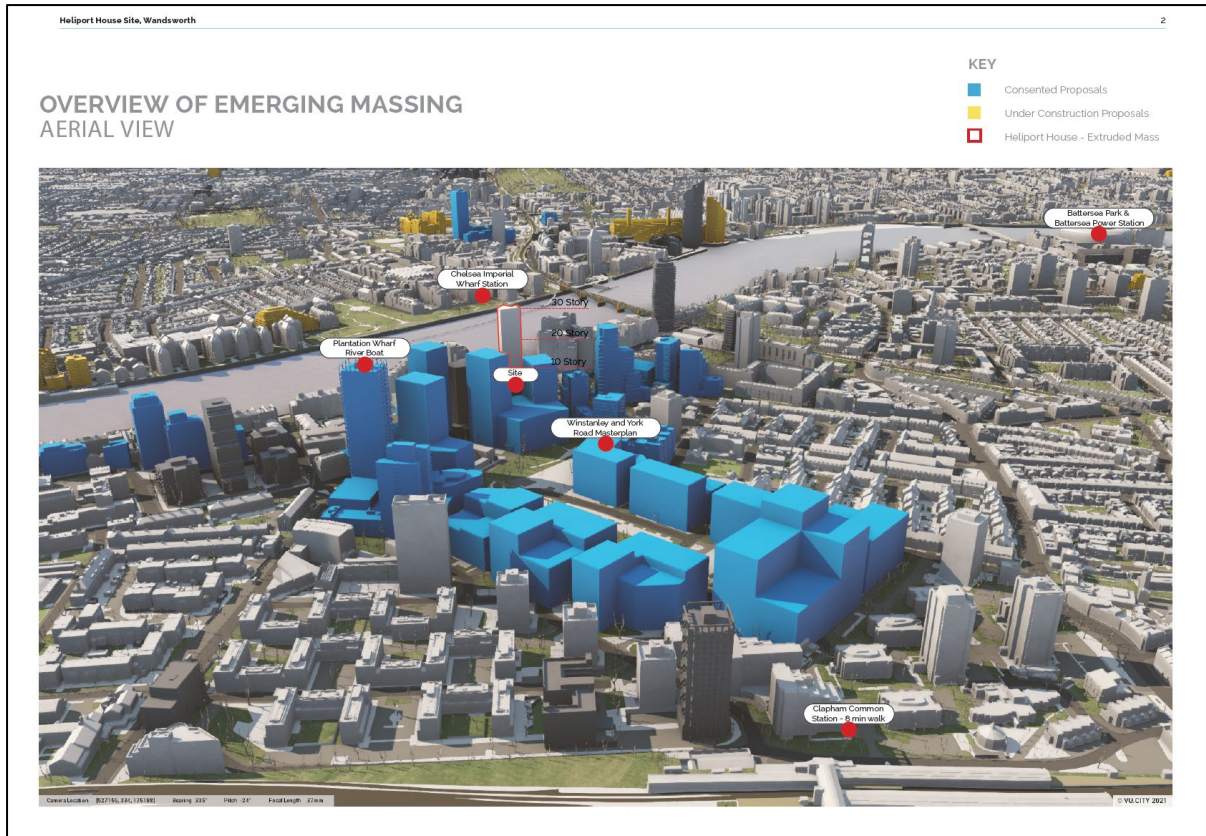


Figure 2: Aerial View of Emerging Context

Map 23.9 in the draft Local Plan acknowledges this, stating that the existing prevailing height is “2-20+ storeys”⁴. Furthermore, the UDS itself confirms that the site is within an area of low sensitivity, by concluding that “overall, Battersea Riverside has a low sensitivity to change with potential for targeted growth, with the exception of Battersea Square Conservation Area, which has high sensitivity.”⁵ As is demonstrated by Figure 3, the site (outlined in red) is circa 300 metres to the south of the Battersea Square Conservation Area and circa 300 metres to the east of the Sands End Conservation Area, both of which are marked in green:

⁴ Draft Local Plan, Map 23.9, p. 447

⁵ Urban Design Study (2021), p. 63

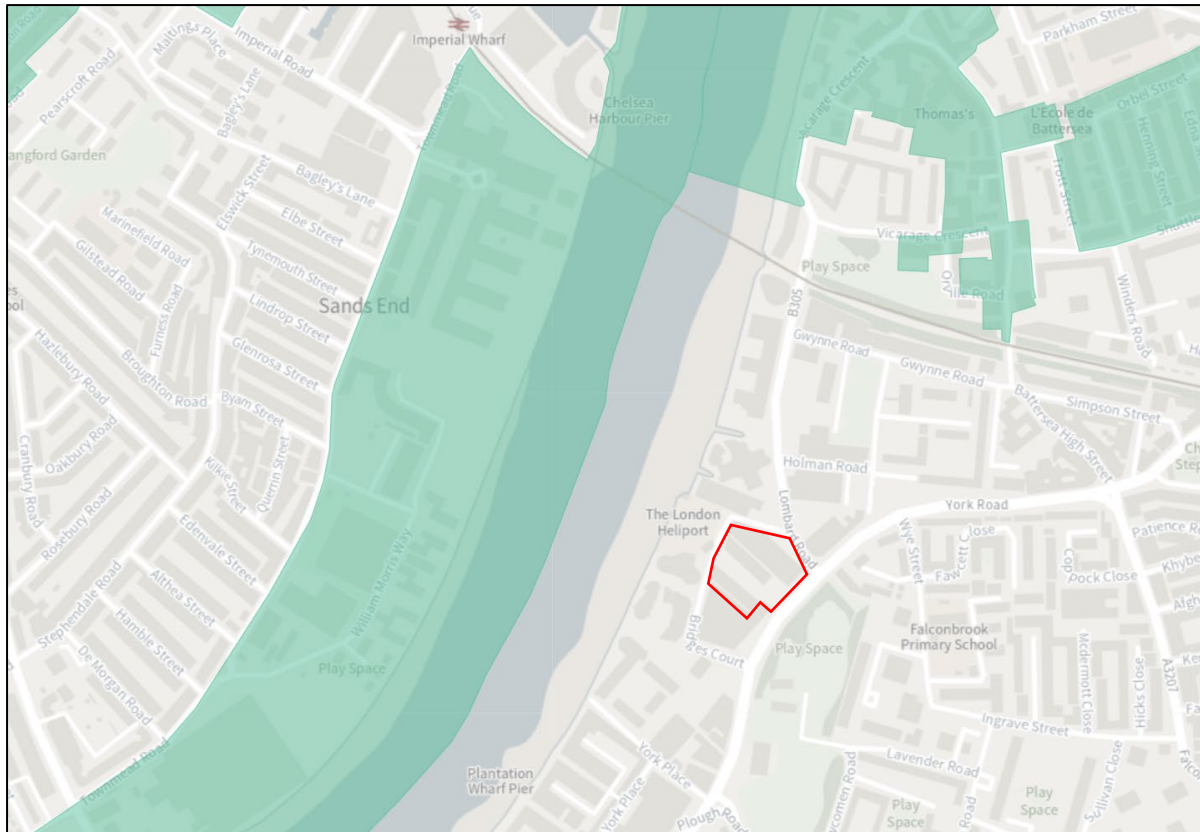


Figure 3: Distance of the Site (outlined in red) from the Nearest Conservation Areas (in green)

Figure 3 provides further street evidence that the site has a low sensitivity to development.

The height range defined in Appendix 2 appears to have instead been derived by the perception that the site has a lower 'probability' of development. As explained above, the site has an implemented consent for a 20-storey building. It is allocated within the adopted Local Plan⁶ and is draft allocated Site RIV2) within the emerging Local Plan. has the highest possible PTAL score of 6b. These factors are listed in the methodology of the UDS as being indicators of sites with a higher probability for development.

Using the methodology of the UDS itself, the site has a high capacity for development and buildings up to and possibly exceeding 20 storeys would be appropriate, as it has low sensitivity and high probability of development. Nevertheless, the UDS states that *"to preserve the character of the retained period buildings and to avoid over-development of the River Thames frontage, the appropriate height range for further buildings is considered to be 7-10 storeys."*⁷

This directly contradicts the earlier conclusion of the UDS that the area has a low sensitivity to change. It is also not clear which 'period buildings' are being referred to here and Figure 3 shows that the nearest Conservation areas are circa 300 metres away. Figure 4 below displays that there are no statutorily listed buildings (shown by blue triangles) within a 300-metre radius of the site (circled in red) using Historic England's mapping tool.

⁶ Site Specific Allocations Document (2016), Site 10.3, p. 198

⁷ Urban Design Study (2021), p. 181

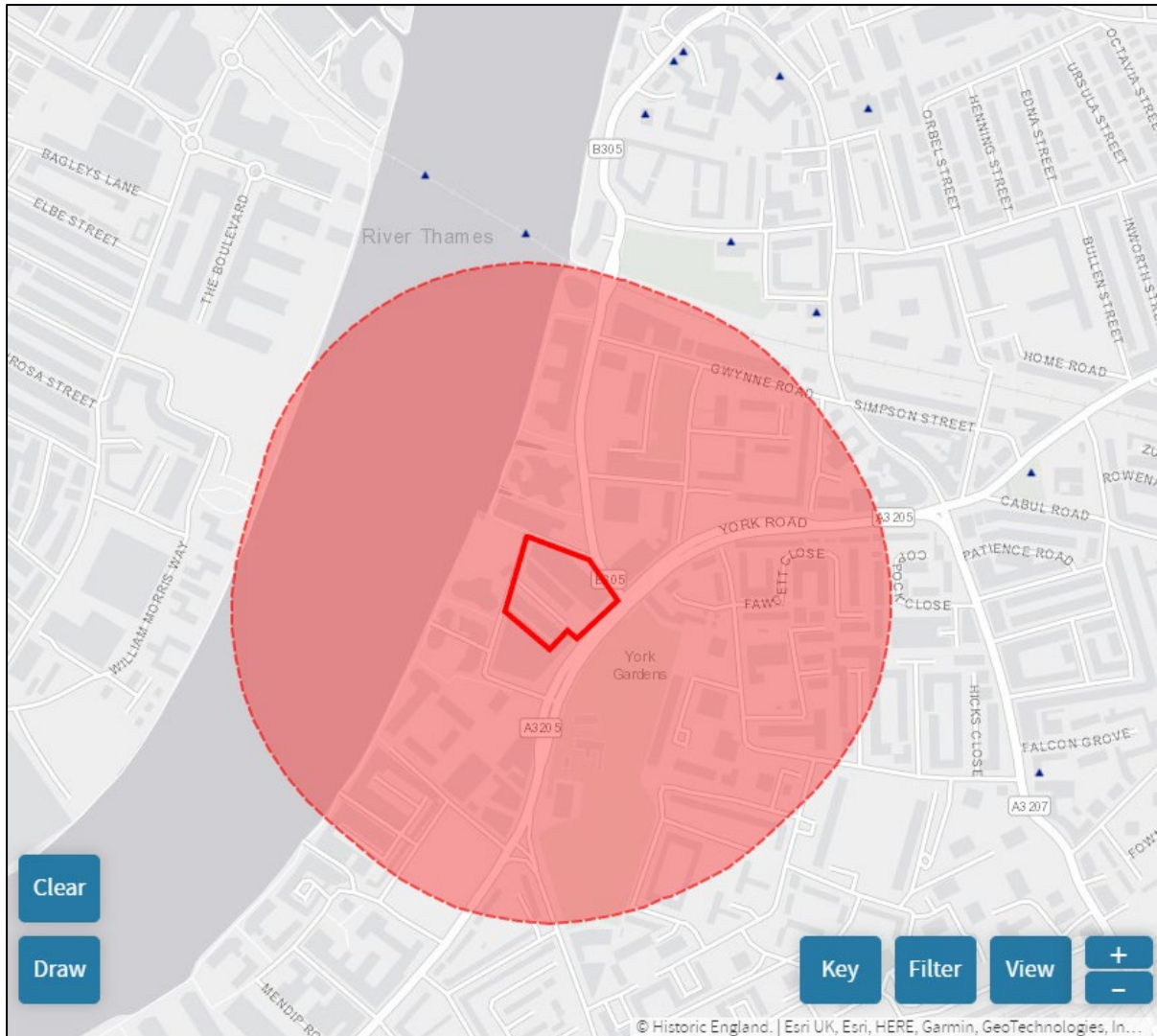


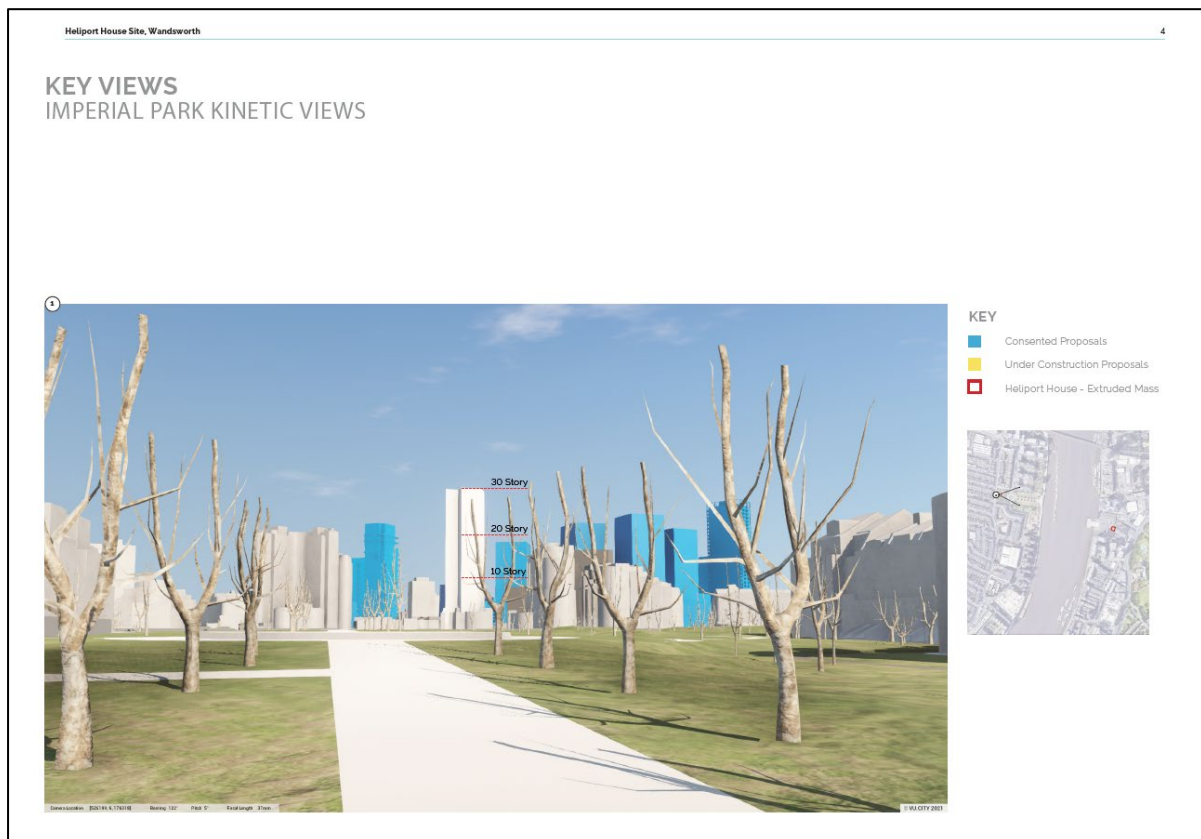
Figure 4: Historic England Map of Listed Buildings within a 300m Radius of the Dovercourt Site

Some locally listed heritage assets fall within this range, including the Harroway Gardens open space 150 metres to the north of the site, but this is a weak justification to impose a 10-storey height restriction on the entire area and contradicts the earlier position of the UDS that the area has low sensitivity to development. In any case, the Dovercourt site would likely not be visible from this space if the consented developments reaching 20, 17 and 14 storeys to the northeast of the site (see Figure 1) are constructed.

A similar contradiction is made on page 235 of the UDS which states that “*there is not considered capacity for any further very tall buildings over 10 storeys in the zone, principally due to the potential impacts on the character of the River Thames which is already substantially developed with tall buildings both up and downstream.*”⁸ This appears to justify the height restriction in terms of sensitivity – but it has already been concluded earlier in the UDS (on page 63) following objective analysis that the area has a low sensitivity to development. The conclusion made by the UDS is therefore divorced from its own analysis and is therefore spurious.

⁸ Urban Design Study (2021), p. 235

In response to UDS comment relating to a perceived 'over development of the River Thames Frontage', Figure 5 below shows six indicative views of the site with a 10-, 20- and 30-storey building on the Heliport House portion of the Dovercourt site, each taken from the opposite side of the river:



Heliport House Site, Wandsworth 5

KEY VIEWS IMPERIAL PARK KINETIC VIEWS

KEY

- Consented Proposals
- Under Construction Proposals
- Heliport House - Extruded Mass

Scene: 020415_174025 | Bearing: 124° | Pitch: 0° | Field of View: 37.00° | © WJGTY 2011

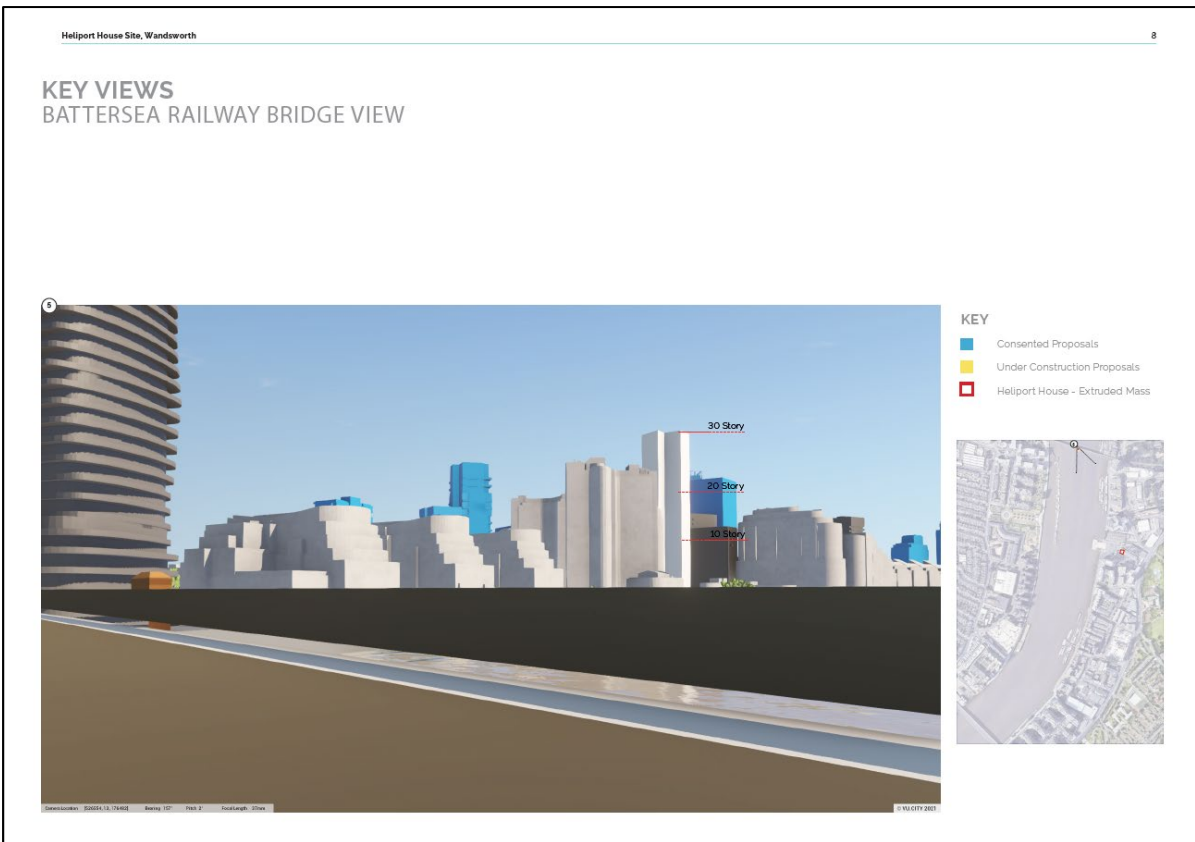
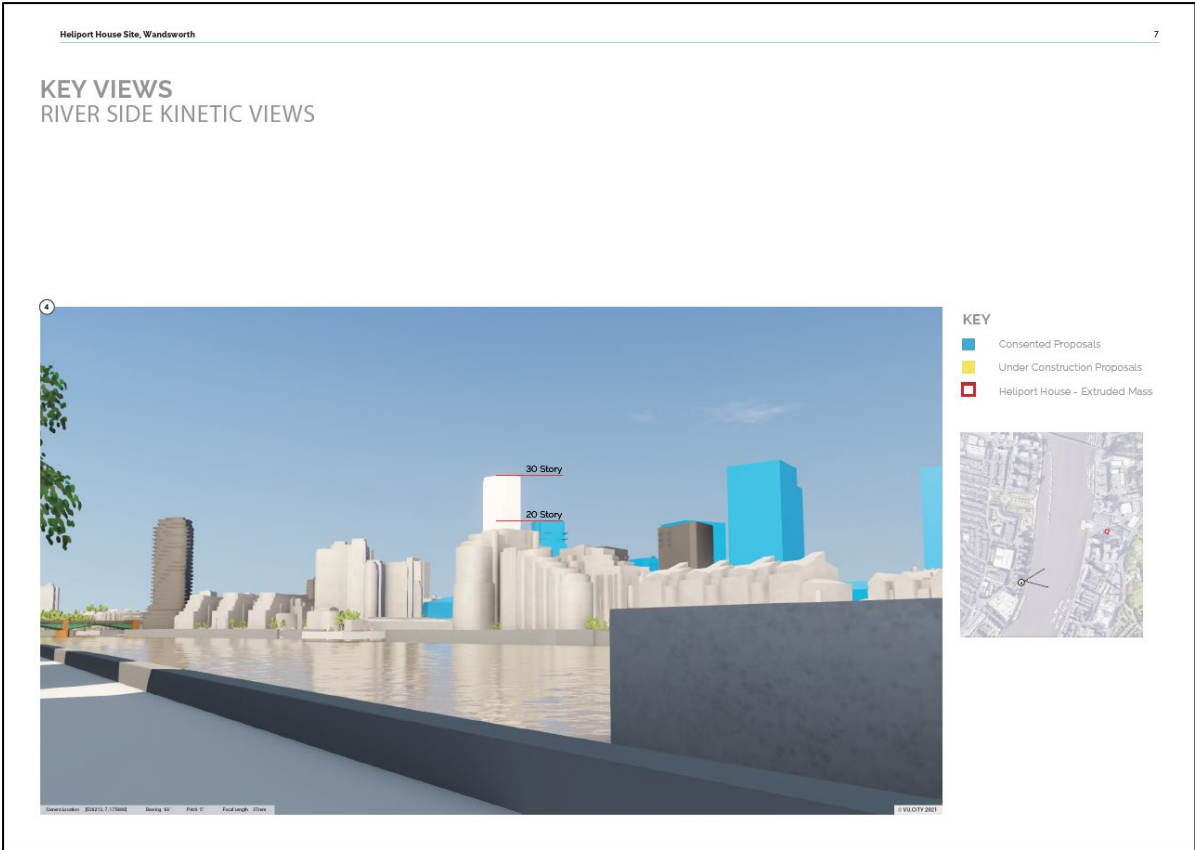
Heliport House Site, Wandsworth 6

KEY VIEWS RIVER SIDE KINETIC VIEWS

KEY

- Consented Proposals
- Under Construction Proposals
- Heliport House - Extruded Mass

Scene: 020415_174025 | Bearing: 124° | Pitch: 0° | Field of View: 37.00° | © WJGTY 2011



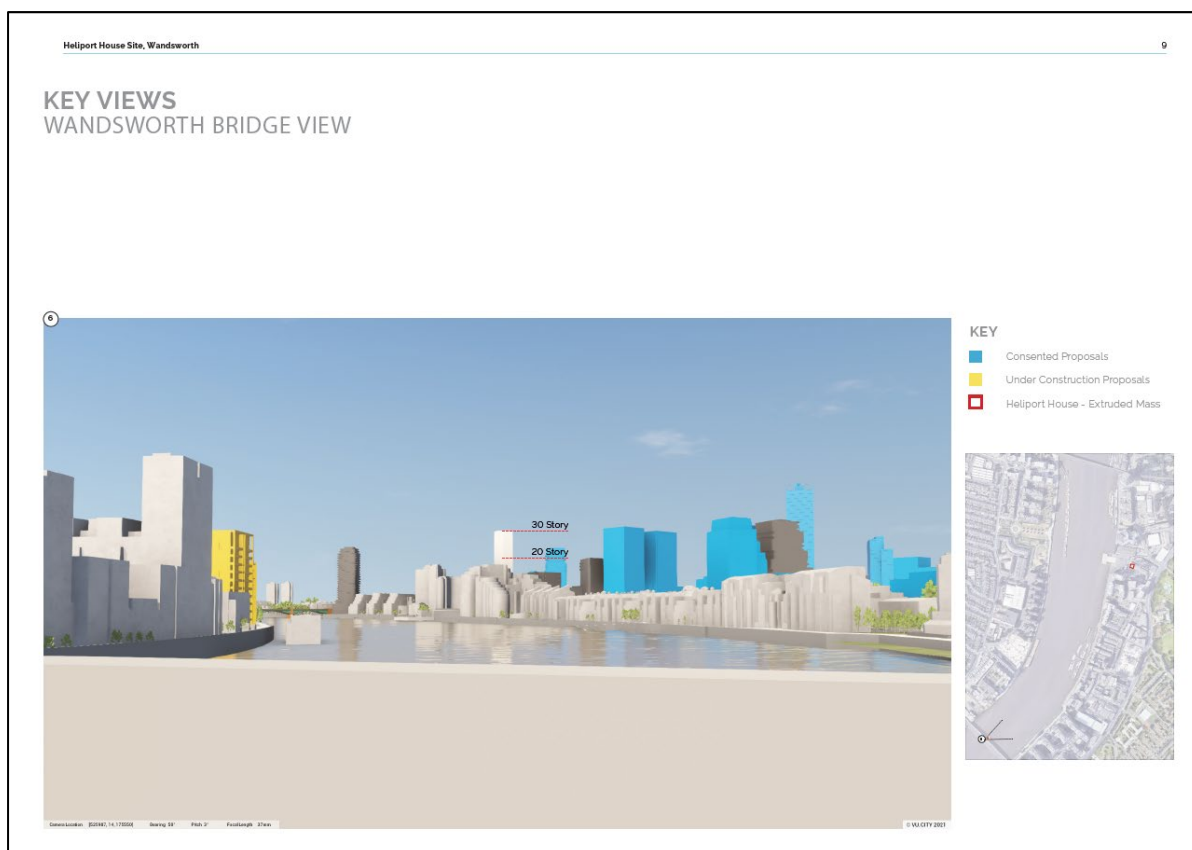


Figure 5: 6 Key Views of a 10-, 20- and 30-Storey Mass at Heliport House

Figure 5 demonstrates that even a 30-storey building would sit comfortably with the surrounding building heights and would not constitute over-development of the River Thames frontage. The red lines on each view indicate that a 20-storey mass would also be acceptable in townscape terms. Once again, it must be emphasised that a building 20 storeys tall in this location has already been consented.

It is also clear from these images that a 10-storey building at Heliport House or the wider Dovercourt site would not optimise the land, given the low sensitivity of the local context and therefore setting a 10-storey limit on the site would be contrary to London Plan Policy D3, which emphasises the need to deliver high density developments in sustainable locations. Furthermore, the height restrictions stipulated by Policy LP4 and Appendix 2 are contrary to Paragraph 125(a) of the NPPF, which states that: “*plans should optimise the use of land in their area and meet as much of the identified need for housing as possible*”⁹ (emphasis added). Policy LP4 and Appendix 2 would therefore not accord with national guidance.

The considerations above demonstrate that the UDS sets a height restriction for the site that does not accord with its own methodology of using sensitivity and probability to assess development capacity. The height restrictions set out by Appendix 2 and Policy LP4 are therefore not justified by appropriate evidence with regard to local context and national guidance.

It is also important to consider Policy LP4 in the context of London Plan Policy D9. Part B of Policy D9 defines the ‘plan-making’ guidance on the locations of tall buildings. The Policy defers to the boroughs to determine the locations of buildings and appropriate heights. There is little guidance for how to

⁹ NPPF (2021), Paragraph 125(a)

prescribe height recommendations as Paragraph 3.9.2 of the supporting text for Policy D9 simply states that: *“Boroughs should determine and identify locations where tall buildings may be an appropriate form of development”* and that *“in these locations, [boroughs should] determine the maximum height that could be acceptable”*.

It is already agreed that the Dovercourt site is an area that is suitable for tall buildings, but it is the appropriate maximum height of the site that is in question. On this latter point, Policy D9 and its supporting text offers limited guidance. It is assumed therefore that height ranges should be justified through appropriate evidence based on the local context. The arguments set out earlier in this letter demonstrate the limitations of the evidence available and that the site’s low sensitivity to and high probability of development indicate that a height range of 7-10 storeys is not appropriate.

London Plan Policy D9 instead places more emphasis on the criteria for assessing specific development proposals in the context of their surroundings, This suggests that the specific circumstances of a site and the proposed design are more important considerations in assessing the acceptability of tall buildings than height restrictions defined in advance without regard for these more detailed aspects. The intention of London Plan Policy D9 is therefore to set a criteria relating to specific development proposals, rather than to impose height restrictions.

For all of these reasons, it remains our client’s position that the following changes (in italics and underlined) should be made to Policy LP4 to afford sufficient flexibility to sites that can accommodate additional height than is specified in Appendix 2:

Proposals for tall buildings should *generally* not exceed the appropriate height range identified for each of the tall building zones as set out at Appendix 2 to this Plan, *unless sufficient justification is provided to demonstrate that this threshold can be exceeded*. The height of tall buildings will be required to step down towards the edges of the zone as indicated on the relevant tall building map unless it can be clearly demonstrated that this would not result in any adverse impacts including on the character and appearance of the local area.

Similarly, Map 23.9 should disaggregate Tall Building Zone TB-B2-05 from the other Tall Buildings Zones it is grouped with (TB-B2-02 and TB-B2-06). Once disaggregated, the appropriate height for TB-B2-05 should be listed as 7-20 storeys, rather than 7-10 storeys.

The case of the Dovercourt site serves to emphasise that it is not prudent to rigidly specify maximum heights in advance and that tall buildings policies should accommodate flexibility. It should be noted that there is a useful precedent for providing the appropriate amount of flexibility on tall building policy by LB Brent Council. LB Brent adopted its Local Plan in February 2022, which included Policy BD2 (Tall Buildings), which was endorsed by the Local Plan Inspectors. Paragraph 6.1.15 of the supporting text of this policy states that height ranges are specified as *“the heights likely to be generally acceptable to the Council”* and that *“proposals will still need to be assessed in the context of other policies to ensure that they are appropriate in that location”*. It also states that *“there might however also 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 acceptable”*¹⁰.

The approach taken by LB Brent is sensible guiding the maximum general heights appropriate whilst building in some flexibility for to allow individual site considerations to be factored, in line with the intentions of London Plan Policy D9.

¹⁰ LB Brent Local Plan (2022), Paragraph 6.1.15

For all the reasons given above, draft Policy LP4 should be amended in accordance with our suggested text.

“Policy LP4 (Tall Buildings) – Is the policy consistent with Policy D9 of the London Plan?”

The relationship of Policy LP4 to London Plan Policy D9 has been considered above.

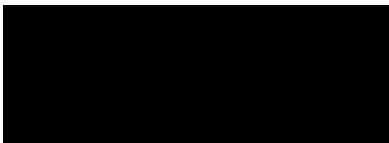
“Do Policies LP1-LP9 provide clear direction as to how a decision maker should react to a development proposal?”

It is recognised that in the case of Policy LP4, there is clear direction as to how a decision maker should react to the height of a development proposal – that they should be within the ranges specified in Appendix 2. Our client’s objection is that the application of this Policy would be overly prescriptive and that the height range specified in the case of the Dovercourt site is not justified by the appropriate evidence due to the flaws of the UDS. These considerations are explained in more detail above

Conclusion

We consider that the proposed revisions are justified and would bring LB Wandsworth’s draft Local Plan into soundness, in accordance with Paragraph 35 of the NPPF. We look forward to hearing from you in due course.

Yours faithfully,



Tarun Cheema
Planner
Centro Planning Consultancy