

LONDON BOROUGH OF RICHMOND UPON THAMES
LOCAL PLAN INDEPENDENT EXAMINATION IN PUBLIC
WRITTEN STATEMENT

MAIN MATTER 18:
IMPROVING DESIGN, DELIVERING BEAUTIFUL BUILDINGS AND HIGH-QUALITY
PLACES (Policies 44 – 46)

TUESDAY 9 JULY 2024

COUNCIL RESPONSES TO MAIN MATTER 18

Abbreviations

BRE – British Research Establishment

BTM – Building of Townscape Merit

DAS – Design and Access Statement

DtC – Duty to Cooperate

GLA – Greater London Authority

LBRuT – London Borough of Richmond upon Thames

LP – The London Plan

LPG – London Plan Guidance

LVMF – London View Management Framework

NPPF – National Planning Policy Framework

PPA – Planning Performance Agreement

PPG – Planning Practice Guidance

RDRP – Richmond Design Review Panel

RLP – Richmond Local Plan

SoCG – Statement of Common Ground

SPD – Supplementary Planning Document

SPG – Supplementary Planning Guidance

UDS – Urban Design Study

WMS – Written Ministerial Statement

WHS – World Heritage Site

Question 18.1 Are the requirements of the Improving design, delivering beautiful buildings and high-quality places policies justified by appropriate available evidence, having regard to national guidance, and local context, and meeting the requirements of the London Plan?

The requirements of the policies in Chapter 22 ‘Improving design, delivering beautiful buildings and high-quality places’ are justified by appropriate evidence and have regard to national guidance, local context and the London Plan.

The primary sources of evidence used to develop policies, where relevant, are as follows:

- BRE Guidance - Site layout planning for daylight and sunlight: a guide to good practice BR209 2022
- Design Review: Principles and Practice (Design Council CABE/Landscape Institute/RTPI/ RIBA 2013)¹
- Historic England 2022 Tall Buildings: Historic England Advice Note 4²
- LBRuT SPDs:
 - Buildings of Townscape Merit (SD-106)
 - Draft Local Views SPD (SD-125)
 - Design Quality SPD (SD-107)
 - House Extensions and External Alterations (SD-109)
 - Kneller Hall SPD (SD-120)
 - Old Deer Park SPD (SD-122)
 - Planning Obligations (SD-110)
 - Residential Development Standards (SD-112)
 - Small and Medium Housing Sites (SD-114)
 - Stag Brewery Planning Brief SPD (SD-121)
- LBRuT Urban Design Study 2023 (SD-052)
- LBRuT Village Planning Guidance SPDs (SD-119)
- London Design Review Charter³
- London Plan Guidance:
 - Fire Safety (draft)⁴

¹https://www.designcouncil.org.uk/fileadmin/uploads/dc/Documents/Design%2520Review_Principles%2520and%2520Practice_May2019.pdf

² <https://historicengland.org.uk/images-books/publications/tall-buildings-advice-note-4/>

³ www.london.gov.uk/programmes-strategies/shaping-local-places/advice-and-guidance/about-good-growth-design/london-design-review-charter

⁴ <https://www.london.gov.uk/programmes-strategies/planning/implementing-london-plan/london-plan-guidance/fire-safety-lpg>

- Housing Design Standards (SD-114)
- Optimising Site Capacity: A design-led approach (SD-132)
- Small Site Design Codes (SD-133)
- London Plan Practice Note:
 - Heritage Impact Assessments and the Setting of Heritage Assets
- London Plan SPGs:
 - London View Management Framework (SD-149)
 - London’s World Heritage Sites – Guidance on Settings (SD-150)
- National Design Guide 2021 (SD-156)
- National Model Design Code 2021⁵
- The Urban Design Study (SD-052) is also used to support the implementation of policies.

Chapter 22 of the Local Plan sets out the policies for delivery of high-quality design. This includes the physical design of buildings, the urban design and spatial character of places and their wider context, layout, public realm and access arrangements, and also how design should respond to local constraints. It builds on the spatial vision set out in this Local Plan, setting out policies including the general development principles to be applied to individual schemes, as well as the protection of the historic environment, and considerations in relation to tall buildings. These policies are in accordance with the NPPF and in general conformity with the London Plan, and support the Government’s objective of creating beautiful buildings and places.

The Council has prepared Chapter 22 to be consistent with the requirements of NPPF paragraph 132, which stipulates: “Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable”. Design policies are underpinned by the Urban Design Study 2023 (SD-052), in compliance with NPPF Paragraph 129 which encourages the use of area-based character assessments and design guides and codes, to help ensure that land is used efficiently while also creating beautiful and sustainable places. The UDS is a townscape character assessment and evaluation of the Borough’s capacity for growth, as well as identifying opportunities for tall and mid-rise building zones. It thus complies with NPPF Paragraph 129, as well as the design and place-making criteria of Paragraph 135, and criteria for conserving and enhancing the historic environment set out in Paragraphs 200-

⁵ www.gov.uk/government/publications/national-model-design-code

214. Policies have also been informed by the characteristics of well-designed places, as set out in the National Design Guide and the National Model Design Code.

Chapter 22 is also consistent with the London Plan, which provides a framework for delivering good growth through good design in accordance with national policy and guidance, and to inform the development of a borough's own locally-focussed policies.

The evidence which supports these policies (Policies 44-46) is set out above. The UDS (SD-052) in particular has provided an in-depth understanding of the character, context and sensitivity of different parts of the Borough in recognition of the reality of future development pressures. As set out in the Council's response to Main Matter 2, the Open Land Review together with the UDS formed the basis for a holistic understanding of the borough's constraints and capacity for growth. It recognises a large proportion of the borough has high sensitivity to change, including the large open spaces and river corridors, and there are few areas of lower sensitivity to change.

The UDS provides a robust evidence base, including identification of where tall and mid-rise buildings will be appropriate forms of development in principle, and appropriate heights within the identified zones. The UDS sets out an overall development strategy (as shown at Map 4.2 in the RLP), with the broad areas that form part of the strategy for tall and mid-rise buildings, although there are only a few contained areas within the borough which have capacity for tall buildings, within town centres, and/or within previously developed sites, along with some capacity for mid-rise buildings. The UDS both informs and will be used, in the implementation of Policies 44 and 45. This is consistent with Policy D1 of the London Plan which requires boroughs to undertake area assessments to define the characteristics, qualities and value of different places within the plan area to develop an understanding of different areas' capacity for growth, and policies comply with London Plan Policy D4 which requires the delivery of good design. The need for a design-led approach, and the positive approach of Policies 44 and 45 is in compliance with London Plan Policy D3 'Optimising site capacity through the design-led approach'. In light of the borough context, the Plan sets out the need for a design-and character-led approach, as the policies in chapter 22 have also been informed by Chapter 7 of the Local Plan regarding the heritage approach (see further details in the Council's response to Main Matter 16).

The approach to tall buildings complies with Policy D9 of the London Plan, and is addressed in the Council's response to question 18.6 below. The guidance as set out in Historic England's Advice Note 4 of Tall Buildings has also been used in the drafting of this policy. The note makes it clear that the existence of a tall building in a particular location will not in itself justify its replacement with a new tall building on the same site or in the same areas, as

it may improve the area to replace it with a lower building. This guidance has been reflected in the UDS, and therefore the identified tall and mid-rise building zones are not always aligned with the height of existing or consented schemes where such height is considered unjustified based on a design-led approach.

Policy 45 also complies with the updated requirement from the Mayor of London that all referable residential development over 30m in height must include two staircases. A response was received from Avanton Richmond Developments LTD (Rep No. 512) to the Publication Local Plan (Regulation 19) consultation suggesting that the policy should be amended to also ensure that height thresholds are in accordance with the most recent Building Regulations. An additional modification is suggested to update the supporting text to refer to the Government's updated position on fire safety in high-rise residential buildings. The suggested amendments to the text for Policy 45 are referenced in the 'Summary of main issues raised during the Publication Local Plan (Regulation 19) consultation and Summary of the Council's response on main issues (January 2024) including summary of each response' (SD-013), with those specific to fire safety regulations and Policy 45 on pages 25 and 99. The proposed modification (P45.3) is detailed in the Schedule of Proposed Modifications suggested by the Council (LBR-002), and see the table at end of this statement for relevant extracts.

Policy 46 Amenity and Living Conditions aims to protect the living conditions and amenity of occupants of new, existing, adjoining and neighbouring buildings as far as possible from unreasonable impacts of new development. These are important aspects related to design and the impacts of new development. The policy approach has been taken forward from the adopted Local Plan, and updated to accord with the London Plan Policy D13. There were no comments made to the Publication (Regulation 19) consultation in respect of this policy.

Question 18.2 Do the policies provide clear direction as to how a decision maker should react to a development proposal?

The Council's response to Main Matter 1 sets out the general context for the Plan as a whole, providing clear direction for a decision-maker. The Council considered that Policies 44-46 of Chapter 22 of the Local Plan are in accordance with Paragraph 16 of the NPPF, which requires that policies are 'clearly written and unambiguous' and drafted in such a manner that it is 'evident how a decision maker should react to development proposals. Policies are positively worded, unless local evidence suggests an alternative approach, and – where appropriate – set out the requirements for decision-makers using a criteria-based

approach. The thresholds to which a policy applies are clearly set out. The justification for each policy and how it will apply is clearly set out within the relevant supporting text.

The policies in this chapter, particularly Policy 44, give emphasis to the planning process and the tools that enable a decision maker to make a clear assessment of good design. The encouragement of pre-application advice and community engagement, as proportionate to the nature of the proposal, are to enable a design-led approach to be embedded in the process from initial design to delivery. The Council's response to question 18.4 below provides further details as to how use of such tools is geared towards reducing overall delays and more likely to result in approval of a scheme at the decision-making stage. Policy 46 is considered to provide a clear framework for detailed assessments in relation to amenity and living conditions, including daylight and sunlight, visual intrusion, privacy and outlook.

The Publication (Regulation 19) Consultation Version Local Plan (SD-001) has been submitted to the Secretary of State for examination. However, the Council has reviewed the representations received and has set out detailed comments within the 'Schedule of Responses to the Publication Local Plan (Regulation 19) consultation (in plan order) with the Council's response' (SD-014). The responses identify, where considered appropriate, a small number of specific changes to the wording of Policy 45 and supporting text for the sake of clarity. No suggestions were made for Policies 44 and 46. The suggested amendments to the text for Policy 45 are set out within the 'Summary of main issues raised during the Publication Local Plan (Regulation 19) consultation and Summary of the Council's response on main issues (January 2024) including summary of each response' (SD-013), with those specific to Policy 45 on pages 25-26.

Question 18.3 Do the policies serve a clear purpose, avoiding unnecessary duplication of national policy? Is the wording consistent with national policy?

There is reference to national policy in the Local Plan; however, generally policies do not repeat wording or criteria and are considered either necessary to clarify the application of the policy, or helpful for purposes of signposting. National policy is often set out in a format to inform plan-making, rather than directly applicable to decision-making. As outlined above in response to question 18.2, effort has been made to avoid repetition but to also take into account local circumstances where this is relevant.

Question 18.4 Policy 44 (E) – Design Process – Are the requirements to enter into a PPA; engage with the Richmond Design Review Panel; and provide 3D digital massing models justified by specific local evidence? Are the requirements deliverable?

Planning Performance Agreements (PPAs)

The requirement to enter into a PPA, as set out in Local Plan Policy 44 (E), is justified by local evidence. NPPF Paragraph 46 states: ‘Applicants and local planning authorities should consider the potential for voluntary planning performance agreements, where this might achieve a faster and more effective application process. Planning performance agreements are likely to be needed for applications that are particularly large or complex to determine.’

Policy 44 is underpinned by the UDS (SD-052), which is a high-level townscape assessment of the character, context and sensitivities of the Borough. It is understood from and within the UDS that the London Borough of Richmond upon Thames has ‘an exceptional historic townscape, extensive high quality open spaces and a long, scenic riverside frontage’ (p ii). It is also identified that more than a third of the Borough’s land area is designated open space, and many areas are designated for their high quality, with the Borough being made up of 85 Conservation Areas, 14 Registered Parks and Gardens and also Kew World Heritage Site. Thus, given the very sensitive nature of the Borough, and the high number of constraints, the requirement to enter into a PPA as set out in Policy 44, is considered to be justified by local specific evidence.

The requirement to enter into a PPA for major developments is considered to be deliverable on the grounds of the tangible benefits for the applicant it provides. These include: the identification of key issues and relevant consultees at an early stage; the setting of timescales with a structure of deadlines and action points; the prioritisation of officer time and resources to the assessment of the scheme, including at pre-application and post-application stages; and greater commitment from relevant consultees to respond in a timely manner, particularly internal consultees. These benefits provide greater certainty for any developer. The ability to identify, discuss and negotiate issues early on reduces the risk of costs and delays in the planning process, and is also more likely to result in approval of a scheme. Furthermore, planning applications, where relevant, will also be assessed against policies in the London Plan and relevant regional planning guidance. PPAs are one such mechanism to provide assistance on how to guide developers through the cumulative impact of these policies. The complexities of the combination of the London context together with the sensitivities of the Borough are another reason PPAs are intended to be a helpful

approach for applicants and, rather than a burden, are intended as a path to planning approval.

The requirement, as set out in Policy 44 (E), is therefore considered to be of significant benefit to the applicant, rather than an unnecessary and disproportionate onus. For these reasons, the requirement is considered to be deliverable.

Richmond Design Review Panel (RDRP)

The requirement to engage with the RDRP, as set out in Local Plan Policy 44 (E), is justified by local evidence. The NPPF mentions DRPs in Paragraph 138, where it states that Local Planning Authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. It goes on to state that these are of most benefit 'if used as early as possible in the evolution of schemes, and are particularly important for significant projects such as large scale housing and mixed use developments'. There has been an increased emphasis nationally from the Government on the need to build 'beautiful' buildings and places, as reflected in the Written Ministerial Statement from the Secretary of State on 20 July 2021 to put beauty and design at the heart of the planning system, and subsequent publication of the National Model Design Code. The RDRP also adheres to the principles of the GLA's London Quality Review Charter, which incorporates the widely-accepted best practice document Design Review: Principles and Practice (Design Council CABE/Landscape Institute/RTPI/ RIBA 2013), as well as following guidance set out in the NPPF.

The RDRP has been in operation in its current form since 2018, and has its own terms of reference (as set out in SD-157). Criteria for triggering a design review are currently:

- Major applications of 10 or more residential units (C3) (excluding hotels & co-living schemes),
- Non-residential floorspace of 2,500 sq. m and above, including co-living, hotel, retail, education, industrial, health and leisure
- All tall building proposals (6 storeys (18 m) and above)
- Significant public realm schemes
- Schemes with a significant impact on heritage assets and
- Other schemes at the discretion of the Chairman of the Environment, Sustainability, Culture & Sports Committee.

The inclusion of a requirement for applicants of major developments to engage with the RDRP is therefore a continuation of an existing process.

Policy 44 is underpinned by the UDS (SD-052), which is a high-level townscape assessment of the character, context and sensitivities of the Borough. It is understood from and within the UDS that the London Borough of Richmond upon Thames has ‘an exceptional historic townscape, extensive high quality open spaces and a long, scenic riverside frontage’ (p ii). It is also identified that more than a third of the Borough’s land area is designated open space, and many areas are designated for their high quality, with the Borough being made up of 85 Conservation Areas, 14 Registered Parks and Gardens and also Kew World Heritage Site.

Thus, given the very sensitive nature of the Borough, and the high number of constraints, the requirement to engage with the RDRP as set out in Policy 44, is considered to be justified by local specific evidence.

The requirement to engage with the RDRP is considered to be deliverable on the grounds of the tangible benefits for the applicant it provides. These include raising the architectural and urban design quality of proposals in compliance with the Government’s emphasis on the importance of ‘beauty’, and ultimately reducing the risks and costs of delays in the planning process that can result from inadequate design policy. It also increases public confidence in the planning process, which is likely to result in greater community ‘buy-in’ to a scheme and fewer objections at assessment stage. These benefits provide greater certainty for any developer, and the ability to identify, discuss and negotiate issues early on in the application process reduces overall delays and is more likely to result in approval of a scheme.

The requirement, as set out in Policy 44 (E), is therefore considered to be beneficial to the applicant, rather than an unnecessary onus. For these reasons, the requirement is considered to be deliverable.

3D Digital Massing

The requirement to provide 3D digital massing, as set out in Local Plan Policy 44 (E), is justified by local evidence. The Government’s National Model Design Code guidance notes encourage the use of digital models to help visualise concepts and the wider effects of development.

Policy 44 is underpinned by the UDS (SD-052), which is a high-level townscape assessment of the character, context and sensitivities of the Borough. It is understood from and within the Study that the London Borough of Richmond upon Thames has ‘an exceptional historic townscape, extensive high quality open spaces and a long, scenic riverside frontage’ (p ii). It is also identified that more than a third of the Borough’s land area is designated open space, and many areas are designated for their high quality, with the Borough being made up of 85

Conservation Areas, 14 Registered Parks and Gardens and also Kew World Heritage Site. Large-scale and/or tall development could likely have a visual impact on local settings and designations beyond the immediate setting of the development. It is therefore vital that the visual impacts of development, where relevant, are understood, and the use of 3D modelling is the most appropriate tool to be able to achieve this. Thus, given the very sensitive nature of the Borough, and the high number of constraints, the requirement to provide 3D digital modelling, as set out in Policy 44, is considered to be justified by local specific evidence.

The requirement to provide 3D digital modelling is considered to be deliverable on the grounds of the tangible benefits for the applicant it provides. These include raising the architectural and urban design quality of proposals in compliance with the Government's emphasis on the importance of 'beauty', identifying potential harmful impacts early on to allow for early-stage amendments to a scheme, and ultimately reducing the risks and costs of delays in the planning process that can result from inadequate design policy. It also increases public confidence in the planning process, which is likely to result in greater community 'buy-in' to a scheme and fewer objections at assessment stage. The provision of 3D modelling is also considered likely to improve the quality of engagement with the RDRP and the panel's feedback, which is in the applicants' favour. These benefits provide greater certainty for any developer, and the ability to identify, discuss and negotiate issues early on in the application process reduces overall delays and is more likely to result in approval of a scheme. The requirement is therefore considered to be beneficial to the applicant, rather than an unnecessary onus for the Council's benefit. For these reasons, the requirement is considered to be deliverable.

Question 18.5 Policy 44 (F) – Design Process – Is the requirement for design codes on all major planning applications justified by specific local evidence?

The requirement for design codes, as set out in Local Plan Policy 44 (F), is justified by local evidence. Nationally there has been a recent shifting of focus on the central role of design, which is reflected in the NPPF, including the requirement for Local Authorities to produce local design guides or codes to be consistent with the National Model Design Code. The London Plan also focusses on a design-led approach to development, with greater consideration of character and design informing the policies of Chapter 3 'Design'.

Policy 44 is underpinned by the UDS (SD-052), which is a high-level townscape assessment of the character, context and sensitivities of the Borough. It is understood from and within the UDS that the London Borough of Richmond upon Thames has 'an exceptional historic

townscape, extensive high quality open spaces and a long, scenic riverside frontage’ (p ii). It is also identified that more than a third of the Borough’s land area is designated open space, and many areas are designated for their high quality, with the Borough being made up of 85 Conservation Areas, 14 Registered Parks and Gardens and also Kew World Heritage Site.

Policy 44 (F) requires the mandatory submission of design codes for major development sites which are subject to outline and hybrid applications. This is standard practice and a continuation of an existing arrangement. The Council has routinely required outline planning applications to be accompanied by a design code, for example, the developments at the Stag Brewery site, Barnes Hospital, and the Richmond upon Thames College campus development. This is because, by their very nature, outline and hybrid planning application submissions include fewer details about the development proposal, and instead seek approval of the general principles of how a site can be developed. The submission of a design code sets the parameters for an agreed set of design principles which future iterations of the development proposal must meet, thus ensuring the delivery of high-quality design.

It should be noted that Policy 44 (F) does not require the mandatory submission of design codes for all other applications; rather it states: ‘The use of design codes is encouraged for large developments especially those that will involve construction over multiple years’ (emphasis via italics and underline added). Thus, the wording of Policy 44 (F) is considered to reflect the Council’s overall approach, which is that the requirement of certain details at planning stage is always intended to be proportionate to the scale and type of development. The use of design codes is widely accepted as a tool which drives up design quality, and thus given the shift in national focus combined with the sensitivities and constraints of the Borough, as evidenced in the UDS (SD-052), it is considered justified to encourage their application. These have been applied previously in the assessment of non-outline applications in the Borough, including, but not limited to:

- large developments, where it has been particularly helpful in cases where ownership of the site has changed hands, thus ensuring agreed design parameters can be used as a reference point during future negotiations with new site owners who might be looking to amend an extant permission;
- phased schemes so that the delivery of high-quality and consistent design is secured as the development progresses;
- blocks of flats where a design code has ensured the build-out of the roofscape for each individual flat is consistent and within acceptable design parameters, thus protecting the roofscape in sensitive locations such as Conservation Areas;

- agreement of design details, such as fenestration details, grilles, etc, rather than a reliance on details being secured by condition, allowing for the front-loading of assessment and better public involvement who have a more meaningful say as part of the full planning application consultation than they might do via the submission of a discharge conditions application which is not always publicly consulted on.

Thus, for the reasons outlined above, the policy as worded is considered to be justified.

Question 18.6 Policy 45 – Tall and Mid-Rise Buildings – Is the policy consistent with Policy D9 of the London Plan?

Policy 45 of the Local Plan is consistent with Policy D9 of the London Plan. Policy D9 is comprised of four elements, and Local Plan Policy 45 complies with each of these.

Criteria A - Definition

Part A requires Development Plans to, based on local context, define what is considered a tall building for specific localities, and sets out the parameters of what those defined heights should be, which is 'not less than 6 storeys or 18 meters measured from ground to the floor level of the uppermost storey'.

When drafting the policy, the Council considered that the use of a single definition of a tall building provides an approach which is simple and easy to understand. The London Plan tall building definition excludes the height of the uppermost storey, which the Council considered to be ambiguous. Thus, for the sake of clarity, the Council has defined a tall building as 'buildings which are 7 storeys or over, or 21 metres or more from the ground level to the top of the building (whichever is lower)', as defined in the text box of Policy 45. A definition of 'tall' which reflects the actual height of a building rather than its height from ground to the floor level of the uppermost storey was therefore preferred. The GLA, in their response to the Local Plan Publication (Regulation 19) consultation (Rep. No 514) supported the definition: 'Policy 45 sets out a definition of Tall Buildings that is in line with the minimum height stated in Policy D9 of the LP2021 and as such is welcomed'.

Separate from the London Plan definition of 'tall', Local Plan Policy also sets out the definition of a mid-rise building, which is defined in the text box as 'buildings which do not trigger the definition of a tall building set out above, but are 5 storeys or over, or 15 metres or more from the ground level to the top of the building (whichever is lower) will be considered to be mid-rise buildings'. The supporting text explains that there may be mid-rise buildings in

the borough which, whilst not defined as ‘tall’ in line with the London Plan, are of an increased height in the context of their surroundings. Such buildings have the potential to result in significant impacts to the roofscape, skyline, or townscape character. The purpose of the definition is to provide a greater degree of control over buildings which seem tall in relation to the proportions of the surrounding townscape context, yet not sufficiently tall to be considered a ‘tall’ building within the context of the London Plan definition. The Policy also recognises that there are locations across the borough where there is potential for buildings which are of an increased height to their surroundings.

The GLA is supportive of this approach though did make a suggestion in their response to the Publication Local Plan (Regulation 19) consultation (Rep No. 514) that the use of a gradient to show the suitability for respective heights means the maps are unclear as to which areas are appropriate for tall buildings and which are appropriate for mid-rise buildings, and as such, a clearer spatial definition of Tall Building appropriate zones is sought. Historic England (Rep No. 506) also raised a concern about clarity of mapping.

In respect of mapping, there is an explanation at paragraph 22.24 and at the start of Appendix 3 in the Local Plan. An interactive online policies map is also available alongside the Plan, which allows users to toggle layers on and off and see what applies in a particular location. However, a modification is suggested which clarifies in paragraph 22.24 and the Appendix 3 text that red areas denote tall building zones and orange areas denote mid-rise building zones. If there continue to be concerns it may be appropriate during the Examination to consider further mapping improvements. The suggested amendments to the supporting text to Policy 45 are referenced in the ‘Summary of main issues raised during the Publication Local Plan (Regulation 19) consultation and Summary of the Council’s response on main issues (January 2024) including summary of each response’ (SD-013), with those specific to paragraph 22.24 on page 25. The proposed modification (P45.2) is detailed in the Schedules of Proposed Modifications suggested by the Council (LBR-002), and see also the table at the end of this statement for relevant extracts.

Criteria B – Locations

Part B of London Plan Policy 45 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. Part B.1 requires and that this process should include engagement with neighbouring boroughs that may be affected; Part B.2 requires any such locations and appropriate building heights to be identified on maps in the Local Plan; and Part B1.3 requires that tall buildings should only be developed in locations that are identified as suitable in Local Plans.

Policy 45 (A) states: 'Proposals for tall buildings will only be appropriate in Tall Building Zones identified on the Policies Map and in Appendix 3, where the development would not result in any adverse visual, functional, environmental or cumulative impacts, having regard to all criteria set out in London Plan Policy D9'. This approach is consistent, and in general conformity with, London Plan Policy D9 Parts B.1, B2 and B.3.

In accordance with London Plan Policy D9, tall building zone locations have been set out and each zone is supported by a description of the appropriate tall building height range for that zone. Evidence and information to support this approach is contained in the UDS (SD-052), in particular Appendix A. The tall building zones and height parameters are based on a characterisation process which is informed by industry guidance set out by the Landscape Institute, Natural England and the GLA. The methodology is refined to suit particular characteristics and constraints of LBRuT. The tall building zones have been defined through an assessment of the capacity for growth using the character area assessment in the UDS as an evidence base, by assessing the sensitivity of character areas to establish high sensitivity areas unlikely to have capacity for development without adverse effects on the townscape, alongside areas of medium and low sensitivity with the potential for targeted or larger-scale growth. Simultaneously, the 'probability of change analysed the borough in terms of aspects such as public transport accessibility, land availability and planning policies. Sensitivity and probability were then considered together to understand the potential development capacity for the borough. Areas of potential opportunity for tall (and mid-rise) buildings were mapped, and formed the basis of the tall (and mid-rise) building zones.

Tall building zones, and the appropriate heights defined within them, have been tested using analysis of potential impacts on character, views, visual amenity and local heritage assets. The analysis was informed by a combination of information including: scenarios developed specifically for the UDS, consented tall buildings and/or masterplans, and existing tall buildings and how they contribute (positively, negatively or neutrally) to the existing character of an area.

The GLA, in their response to the Local Plan Publication (Regulation 19) consultation (Rep No. 514), were supportive of the approach: 'Policy 45 sets out a definition of Tall Buildings that is in line with the minimum height stated in Policy D9 of the LP2021 and as such is welcomed, as is the policy stating that such buildings are only appropriate in the identified Tall Building Zones.'

A number of representations were received during the Local Plan (Regulation 19) consultation in relation to particular aspects of the policy or specific sites. These are set out below.

St George plc and Marks & Spencer commented (Rep No. 508) that the policy wording should be less restrictive, particularly the reference that tall buildings should not exceed the identified maximum height range.

Reselton Properties (Rep No. 516) also commented that the policy is too restrictive, adding that it gives no opportunity for the consideration of detailed design (which might allow for a taller height to that cited in the Tall and Mid-Rise Building Zones set out in Appendix 3), and that the policy approach should be that tall buildings will *normally* only be considered appropriate in designated tall building zones.

Royal Botanic Gardens Kew (Rep No.511) raised an interest in the Tall and Mid-Rise Building Zones in close proximity to Kew WHS (Richmond Station, North Sheen and Kew Retail Park), and raised a concern that the supporting text and Appendix 3 does not specify that identified heights are a maximum in line with the London Plan.

The Environment Agency (Rep No. 515) raised the issue of overshadowing and its impact on fish species and requested that the requirement of a submission of an Overshadowing Assessment with an application be included in the policy.

London Historic Parks and Gardens Trust (Rep No. 510) requested an additional bullet in the policy requirement that tall buildings should have due regard to open spaces.

The Royal Parks (Rep No. 511) resubmitted comments made to the Local Plan Pre-Publication (Regulation 18) consultation raising concern about how tall and mid-rise buildings might impact on designated parks, including Bushy Park.

A response was received from Avanton Richmond Developments Ltd (Rep No. 512) citing general support for the overall approach but suggesting that the policy should be amended to ensure that height thresholds are in accordance with the most recent Building Regulations.

Turning to the comments about Policy 45 being too restrictive with regards the maximum identified building heights, the cited appropriate heights defined with the UDS are based on a methodology which is considered sound. The basis for the analysis is cited elsewhere in this Written Statement. However, it is also worth noting here that the methodology is the same as that which was used to underpin the UDS for the London Borough of Wandsworth (also undertaken by Arup) Local Plan. The Wandsworth Local Plan has since been adopted (July 2023) including Policy LP4, Part B of which states: ‘Proposals for tall buildings will only be appropriate in tall building zones identified on tall building maps included at Appendix 2 to this Plan...’ The approach in the UDS recognises the necessary strategic scale of the

analysis undertaken for each of the tall building zones, given that it is a borough-wide study. The methodology for defining the tall building zones and appropriate heights has been developed in discussion with the GLA to ensure the approach is in accordance with London Plan Policy D9. Further, Policy 45 is a design-led approach which is about what is appropriate for the character of an area and making an informed judgement based on the local circumstances / site specific and surrounds, rather than being dictated by what is viable at the site specific level which is what would be assessed at the application stage. As iterated elsewhere in the Council's response to question 18.6, the GLA have confirmed that they are supportive of the approach.

With regards to Royal Botanic Gardens Kew's comment, Part A.10 of Policy 45 states that proposals for tall buildings should not exceed the appropriate height range identified for the Tall Building Zones in Appendix 3. The colour coding of these zones in the Policy Map indicates where these maximum identified heights could be suitably located, though how they are dispersed across the zone is a matter for consideration at full planning stage and/or pre-application, when greater design detail/modelling/views and heritage analysis etc. of the proposed development etc. has been provided, to allow for a comprehensive assessment of impacts.

With regards to the Environment Agency's comment, there is sufficient reference in other policies in the Local Plan to enable and ensure assessment of the impact of a tall building on a river's ecosystem, specifically Policies 39, 40 and 42. The submission of a transient overshadowing analysis could therefore be requested as part of the planning application process in line with these policy requirements, where deemed relevant; thus there is no need to duplicate them here.

With regards to London Historic Parks and Gardens Trust's comment, it is noted that there are policies already within the Local Plan against which these impacts would be appropriately assessed at full planning stage, namely Policies 28, 31, 35, 36, 44, 46 and the supporting text of Policy 45, paragraph 22.25 of which states that the policy should be read in conjunction with other Local Plan policies.

With regards to The Royal Parks' comment, it is noted that Part A.7 of Policy 45 requires that: 'The massing of tall buildings to respect the proportions of their local environment, including the consideration of the width of adjacent streets as well as public open spaces, parks and watercourses, and should be designed so as not to overwhelm the street and adjacent context.' Further, part A.3 refers to views and vistas and Policy 31. Views from Richmond and Bushy Park were considered as part of the methodology which underpins Arup's testing of tall building scenarios for zones identified in the UDS. The Royal Parks

would also have the opportunity to comment on any future planning applications which impact on the park as part of the planning application process.

An additional modification is suggested to refer to updated Building Regulations and fire safety. Please see the Council's response to question 18.1 above.

There were also a number of comments received during the Local Plan Publication (Regulation 19) consultation in relation to specific sites and/or tall and mid-rise building zones:

- *Teddington (Railway Side) Mid-Rise Zone* – Comments were received from local residents advocating the removal of this site from Appendix 3 as a Mid-Rise Building Zone. (The majority of these comments were made in consideration against the place-based strategy for Teddington & Hampton Wick) (Rep Nos 134 to 177 inclusive, and 505).
- *LGC site* – LGC Ltd responded to comment that the LGC site is one of the few areas in the Borough that can accept change and should be assessed in more detail, with the probability of change, as defined with the UDS, being increased to high. Given its suitability and moderate sensitivity to change, LGC Ltd suggested that the site should be designated as a mid-rise building zone (Rep No. 507).
- *Kew Retail Park Tall and Mid-Rise Zone* – As already referenced above, St George plc and Marks & Spencer (Rep No. 508) commented that the cited maximum building height parameters are not justified by the evidence base which supports them, and are unnecessarily restrictive. The probability of change, as cited in the UDS, was queried, as was the visibility and adverse impacts. The respondent also sought further testing and suggested that the cited appropriate heights be increased to 7-8 storeys. Please also see the comment from Royal Botanic Gardens Kew (Rep No. 511) above, with regards to concern that the supporting text and Appendix 3 do not specify that identified heights are a maximum in line with the London Plan.
- *Ham Close, Ham* – Ham & Petersham Association & Amenities Group commented against the place-based strategy (Rep No. 230) that six storey buildings are too high for the area and the Mid-Rise Building Zone goes against the policies within the Ham & Petersham Neighbourhood Plan.

- *St Clare (Hampton Hill) Mid-Rise Zone* – Notting Hill Genesis (Rep No. 517) welcomed the designation. A number of local residents (Rep No.s 33, 34, 87 to 119 inclusive, and 566) commented that the designation is inappropriate on grounds of incompatibility with the Hampton & Hampton Hill place-based strategy on the basis of a mid-rise development not being in-keeping with the local area. It was commented that the designation was inappropriate given that a (then) live planning application for the site had not yet been considered by the Planning Committee. (The majority of these comments were made in consideration against the place-based strategy for Hampton & Hampton Hill).
- *Richmond Station Tall and Mid-Rise Zone* – Baden Prop Ltd (Rep No. 250) commented that the tall building zone should be amended to include Westminster House. (This comment was made against Site Allocation 25.) Prospect of Richmond (Rep No. 518), the Old Deer Park Working Group (Rep No. 519), The Richmond Society (Rep No. 246) and a local resident (Rep No. 239) all commented to raise concern about the support for a tall building development on this site. Please also see the comment from Royal Botanic Gardens Kew above, with regards concern that the supporting text and Appendix 3 do not specify that identified heights are a maximum in line with the London Plan.
- *North Sheen Tall and Mid-Rise Zone* – Prospect of Richmond (Rep No. 518) and the Old Deer Park Working Group (Rep No. 519) raised concern about support for a tall building development on this site. Please also see the comment from Royal Botanic Gardens Kew above, with regards concern that the supporting text and Appendix 3 do not specify that identified heights are a maximum in line with the London Plan.

The justification for the approach to tall and mid-rise building zones is set out in the UDS (SD-052), in particular in Appendix A, and is addressed above. As set out above, the UDS has followed a well-established methodology, and the findings of the characterisation study were used to identify capacity for growth and an overall development strategy, with tall and mid-rise building zones based on scenario testing of heights and their impacts on the surrounding townscape. The UDS is therefore considered to provide a sound and proportionate evidence base to justify the zones.

With regards the Teddington Mid-Rise Zone, following the Pre-Publication (Regulation 18) consultation, various amendments were made to the UDS to the character profile, design guidance and the mid-rise zone text, particularly to reference heights of recent and existing

developments, and to state that proposed buildings should respond to the surrounding context, stepping down in scale where appropriate to the lower prevailing context.

With regards the LGC site, this has not been included as a mid-rise building zone, noting that its assessment within the UDS concludes that it has a low probability of change, largely due to its designation as a Key Business Area and Locally Important Industrial Land & Business Park designation (as part of the West Twickenham cluster), together with it having a medium sensitivity to, and capacity for, change. Further, Policy 45 (D) recognises that proposals for mid-rise buildings may be considered suitable outside of the designated zones, subject to certain criteria and meeting Part C of the policy. Its omission as a designated Mid-Rise Building Zone, therefore, does not preclude such a development coming forward.

With regards to St Clare, the planning application to which residents referred was granted a resolution to approve (subject to finalisation of a S106 Agreement) by Richmond Planning Committee on 11 October 2023 (planning application reference 22/2204/FUL). The officer report set out that despite concerns raised, the overall contemporary design, as well as the layout, scale, mass and height (including a mix of four and five storeys for the residential block area), were considered to be acceptable in relation to the surrounding area and compliant with policy.

With regards the respondent's comment that the Mid-Rise Building Zone is incompatible with the Ham & Petersham Neighbourhood Plan, it is noted that Policy H2 B(2) of the NP states: 'Developments over 4 storeys will be considered acceptable if the proposal demonstrates positive benefits in terms of the townscape and local aesthetic quality and relate well to their local context. Please also note that planning application 22/1442/FUL was granted planning permission in 2023.

With regards to Richmond Station, the UDS references the more modest buildings on the Quadrant, which is a relatively small-scale road with a four-storey building line, and that any new development should step down in scale to existing smaller scale residential buildings and Buildings of Townscape Merit.

Royal Botanic Gardens Kew's comments (Rep No. 513) are addressed earlier in the Council's response to question 18.6 above. It is also noted that following the Local Plan Pre-Publication (Regulation 18) consultation, the relevant text in the UDS was amended to reflect the context for Kew Gardens WHS in the Richmond Station tall building zone.

Criteria C and D

Part C of London Plan Policy D9 requires development proposals for tall buildings to assess the following impacts: visual impacts; functional impact; environmental impact; cumulative impacts. Part D requires the incorporation of free-to-enter publicly-accessible areas into tall buildings, where appropriate.

Local Plan Policy 45 (A) states that: 'Proposals for tall buildings will only be appropriate in Tall Building Zones identified on the Policies Map and in Appendix 3, where the development would not result in any adverse visual, functional, environmental or cumulative impacts, having regard to all criteria set out in London Plan Policy D9.' It then goes on to list criteria which proposals should address to take account of the local context. These are headed under 'visual impacts', 'spatial hierarchy', and 'fire safety'. Policy 45 (B) applies specifically to proposals near the River Thames frontage, and lists additional criteria which development must address. The criteria of London Plan Policy Parts C and D are addressed within the criteria set out in Local Plan Policy 45 (A) and (B).

The GLA have raised no objections to this approach in their response to the Local Plan Publication (Regulation 19) consultation (Rep No. 514), whilst also adding: 'The policy also takes account of the protected strategic views and the Kew World Heritage Site which is consistent with Policies HC3 and HC2 in the LP2021 respectively.' Historic England, in their response to the Local Plan Publication (Regulation 19) consultation (Rep No. 506), support the policy and consider it appropriately underpinned by evidence, though also suggested that the policy text should refer to a need to 'avoid' harm', rather than 'respect' the views and vistas. A modification to reference at Part A the avoidance of harm is proposed (P45.1) in LBR-002, and see also the table at the end of this statement for relevant extracts.

A similar criteria is also applied to mid-rise buildings as set out in Local Plan Policy 45 (B), (C) and (D). No objection has been raised by the GLA.

Table of Proposed Modifications

Details taken from the Schedule of Proposed Modifications suggested by the Council (May 2024) (LBR-002).

Change Ref.	Response Ref(s)	Page	Section of the Plan	Proposed Modification
				Policy 45 Tall and Mid-Rise Building Zones
P45.1	Historic England (comment 506)	328	Policy 45 Tall and Mid-Rise Building Zones, Part A Point 1)	<p><i>[See also Statement of Common Ground with Historic England (to be confirmed once signed)]</i> Amend the policy text at part A:</p> <ol style="list-style-type: none"> Tall buildings should respect avoid harm to the views and vistas towards heritage assets across the borough and in neighbouring boroughs, including distinctive roof line features.
P45.2	GLA on behalf of Mayor of London (comment 514), Historic England (comment 506)	331	Policy 45 Tall and Mid-Rise Building Zones, Paragraph 22.24	<p>See proposed change to text in Appendix 3 which should also be amended at paragraph 22.24:</p> <p>Tall building maps in Appendix 3 identify an appropriate tall building height range for each zone and show how heights should be dispersed across the zone. Darker Red colours show areas appropriate for tall buildings and orange colours show areas appropriate for mid-rise buildings. Darker indicate more potential for height and the lighter colours indicate less potential for height. ...</p>

P45.3	Avison Young on behalf of Avanton Richmond Developments Ltd (comment 512)	333	Policy 45 Tall and Mid-Rise Building Zones, Paragraph 22.32	<p>Update the supporting text to refer to the latest GLA and Government position on fire safety requirements:</p> <p>The Mayor of London has advised that all referable residential development over 30m in height must include two staircases as a fire safety requirement. Similar measures are expected to come into force nationally via an amendment to Building Regulations following a <u>and</u> Government consultation in 2022 have been introducing new fire safety requirements including a requirement of two staircases for new residential buildings in tall buildings, with this requirement becoming mandatory in all new residential buildings above 18m from 2026 through Building Regulations. Applicants are advised to consult the Government’s most recent fire safety and high-rise residential buildings guidance for up-to-date information and requirements. Applicants are further advised that these The measures are in addition to the fire safety requirements set out in London Plan Policy D12, with which all development is expected to comply, <u>and the Mayor’s Fire Safety London Plan Guidance (LPG)</u>.</p>
Appendix 3: Tall and Mid-Rise Building Zones				
APP3.1	GLA on behalf of Mayor of London (comment 514), Historic England (comment 506)	413	Appendix 3: Tall and Mid-Rise Building Zones, First paragraph	<p><i>[See also Statement of Common Ground with the GLA on behalf of Mayor of London, and Statement of Common Ground with Historic England (to be confirmed once signed)]</i> Amend the text:</p> <p><u>Darker Red</u> colours on the Tall and Mid-Rise Building Zone maps show areas appropriate for tall buildings and orange colours show areas appropriate for mid-rise buildings. <u>Darker colours</u> indicate more potential for height and the light colours indicate less potential for height.</p>