



These are officer comments submitted on behalf of the London Borough of Richmond upon Thames.

Matter 8: Design, Tall Buildings and Heritage

2) Policy CC3 relates to tall buildings; is it positively prepared, effective, justified and consistent with national policy and in general conformity with the London Plan 2021?

There continue to be strategic, cross-boundary issues in relation to tall buildings and the impact on views and settings of key heritage assets, especially on the Royal Botanic Gardens Kew (RBG Kew) World Heritage Site (WHS) and its buffer zone, as well as Conservation Areas and river views, within the London Borough of Richmond upon Thames (LBRuT).

Whilst work has been ongoing between LBRuT, the London Borough of Hounslow (LBH) and RBG Kew to aim to resolve these issues through modifications set out in our Statement of Common Ground, LBRuT continues to have concerns relating to the policy approach, and an apparent disconnect with the evidence base which would not allow for an effective policy upon which to base future planning application decisions.

The lack of sufficient evidence to test the full impact of tall buildings in the locations and of the maximum heights specified in the Great Western Corridor is of particular concern, alongside the failure to take into account appeal decisions in particular the Chiswick Curve appeal, which are highly relevant. This, coupled with the lack of clarity as to the definitions of what constitutes a tall building in different parts of the borough risks the policy not being able to operate effectively when planning proposals are assessed.

We note that LBH has agreed suggested modifications with The Mayor of London and Historic England in Statements of Common Ground respectively. Whilst some of these modifications are not objected to, they do not resolve the fundamental soundness concerns we have with the evidence and the way the policy operates. LBRuT reserves its position in relation to these modifications.

A proposed modification agreed with the Mayor of London in his Statement of Common Ground however introduces a further concern. It proposes a change to the reference in table CC3.2 from 'maximum permissible' heights to 'appropriate' heights. Introducing this additional level of discretion into the policy wording would risk even greater potential harm to Kew.

An explanatory note has been prepared by LBH to set out how the RBG Kew has been taken into account as part of the Tall Buildings Study (2024) which is included as an

appendix to the Statement of Common Ground with Historic England. In our view, the note does not resolve the previously highlighted deficiencies with the evidence.

The policy approach to defining tall buildings, clusters and groupings is not supported by the evidence base, which draws from two separate studies – the Great Western Corridor Masterplan (2020) and the Tall Buildings Study (2024). These two studies establish different thresholds and definitions, and LBRuT contends that the two, inconsistent, approaches have not been reconciled in the policy wording, supporting text and accompanying maps, rendering the policy ineffective and confusing.

- a) *Is the approach of identifying two definitions of tall buildings (higher scale areas -above 30m from ground level to the top of the building, excluding rooftop plant, and lower scale areas - above 21m from ground level to the top of the building, excluding rooftop plant) as given in Policy CC3, justified?***
- b) *Is the identification of the locations in Figure CC3.1 that are considered suitable for higher scale tall buildings and lower scale tall buildings appropriate, informed and justified by robust evidence, and are the locations sufficiently precise?***

We acknowledge that modifications are proposed to amend this map to extend the lower scale tall building definition to the areas that were previously left undesignated, which makes the policy clearer and more effective. However LBRuT's concern remains that the policy approach would mean that buildings up to 21m across most of the borough and 30m in height within the defined areas including Brentford Town Centre and the Great West Corridor would not be considered 'tall buildings', and have not been adequately tested in the evidence base studies that the policy relies on: the Tall Buildings Study (2024) and the Great Western Corridor Masterplan (2020). Buildings of 30 metres are still of substantial height that can have significant townscape and visual impacts including on views from the borough, such as within RBG Kew WHS and its buffer.

- c) *Whether Policy CC3 Part K is sufficiently clear to be effective in guiding development proposals to the respective locations identified in Figure CC3.1***

Modifications have been proposed to correct the error referring to the wrong map, as this should refer to Figure CC3.3 to CC3.8. However there remains a disconnect between the policy wording and the information contained within the maps – which set out different tiers and related heights for different parts of some tall building locations. The maps are taken directly from evidence base studies, and introduce additional complexity which is not in the policy wording, rendering the policy wording ambiguous and not effective.

d) Are the maximum permissible heights set out in Table CC3.2 and referred to in Policy CC3 for sites, areas and existing tall building clusters, justified by evidence and in general conformity with London Plan Policies D3 and D9 - particularly in terms of the design-led approach and consideration of impacts arising from development proposals?

There remains concern that the maximum permissible heights within the Great West Corridor could harm the Outstanding Universal Value of RBG Kew, as the evidence base has not adequately demonstrated that it has tested the impact of the tall building locations/heights from locations within Kew Gardens taking into account views at different times of year including during winter when there would be less visual screening as trees would not be in full leaf. There is also concern that the policy approach and evidence does not have due regard to relevant appeal decisions and court rulings. As set out in LBRuT's Regulation 20 Representation, this approach does not reflect the Inspector's findings in relation to the Chiswick Curve Scheme (Appeal Refs: APP/F5540/W/3180962 and APP/F5540/Z/17/3173208). Central to this decision was the Inspector's finding that the very visibility of a tall building would amount to harm to designated heritage assets at Kew Gardens. This indicates that a cautious approach must be taken with regards to establishing maximum building heights across the area, and this would provide a sufficient basis for the policy to be strengthened to include explicit wording that further tall buildings will not be acceptable where they encroach on views from within Kew Gardens, and that the locations and parameters set out in Table CC3.2 and Figure CC3.3 should be reviewed to take into account and reflect this. Any further assessment should be undertaken the latest guidance and toolkit for impact assessments in a World Heritage Context at the plan-making stage.

It is understood that LBH has agreed to a proposed modification to change the reference in table CC3.1 from 'maximum permissible' heights to 'appropriate' heights. As previously stated, introducing this additional level of discretion into the policy wording would risk even greater potential harm to Kew, and LBRuT would request that the existing wording be retained or alternatively changed to 'maximum appropriate' heights.

f) Is the approach to buildings that do not meet the tall building definition, but which are still considered to be prominent in their surrounding context, justified and sufficiently clear to be effective, insofar as being evident how a decision maker should react to development proposals?

g) Whether the definitions of metropolitan scale, district scale and local scale tall buildings relating to context height ratio as set out in paragraph 6.15 are justified? If so, is the influence of those definitions on the suitability of a development proposal for a tall building sufficiently clear in Policy CC3 to be effective, insofar as being evident how a decision maker should react?

These additional definitional tests for development add further complexity and confusion to the operation of the policy rendering it ineffective. Policy wording relating to building heights for development that does not meet the definition of a tall building should be addressed elsewhere through other design and heritage policies.

h) Is the approach of Policy CC3, when taken with Figure CC3.1 and Table CC3.2, justified and consistent with national policy when having regard to the presence of Public Safety Zones relating to Heathrow Airport? If so, for effectiveness, should the Plan be clearer in terms of the locations where such a designation applies?

No comment

i) Whether the approach of Policy CC3, when taken with Figure CC3.1 and Table CC3.2, has taken sufficient account of the presence of designated and nondesignated heritage assets and their settings, and is consistent with the relevant statutory duties and associated national policy seeking to conserve and enhance the historic environment?

As set out above, there is concern that the evidence base has not adequately demonstrated that it has tested the impact of the tall building locations/heights from locations within Kew Gardens, taking into account views at different times of year when trees are in full leaf and in winter. There is also concern that the policy approach and evidence does not have due regard to appeal decisions and court rulings, which provide sufficient basis for the policy to be strengthened to include explicit wording that further tall buildings will not be acceptable where they harm the OUV of RBG Kew WHS by encroaching on views from within RBG Kew WHS or its buffer. Evidence of the impact of buildings should be accurately modelled, to ensure they do not harm the OUV of the WHS.

LBH has prepared an explanatory note regarding the evidence base relating to RBG Kew WHS as part of its Statement of Common Ground with The Mayor of London, however LBRuT does not find this convincing. There remains concern that the maximum permissible heights within the Great West Corridor in particular, as well as Hounslow Town Centre, could harm the Outstanding Universal Value of RBG Kew. Furthermore, the proposed modification to change to references in Table CC3.2 from 'maximum permissible height' to 'appropriate height' would further weaken the policy by not setting an upper limit on height which has been tested in the evidence, and potentially allowing a higher level of discretion for greater heights in these locations.

j) Should the Plan be clearer in terms of any zones of influence and key views intended to be preserved, particular in terms of the setting of the Royal Botanical Gardens Kew World Heritage Site and any buffers zones that are justified in the context of Policy CC4?

Yes, the plan should be clearer about the zones of influence, and identify locations where buildings of particular heights are explicitly not appropriate because they would harm the significance of heritage assets or their settings.