

**Council****4 July 2007****Lambeth Replacement Unitary Development Plan (UDP):  
Response to Proposed Further Modifications and  
Adoption of the UDP****Item XX**

All Wards / All Areas

**Report authorised by:** Executive Director of Regeneration and Housing: Chris Lee**Executive summary**

The preparation of the Replacement Unitary Development Plan (UDP) began in 2001. The process has involved considerable consultation and stakeholder engagement at various stages of the process. A public inquiry to hear objections took place between March and May 2005. The UDP Inspector's Report on these and other objections submitted in writing was received in February 2006. The Inspector's Report made recommendations on all the policies and proposals within the Plan, which were subject to objection. In response the Council proposed various modifications to the UDP, which were placed on deposit from 20 October - 1 December 2006.

As a result of representations received, including those by GOL, the GLA and the South Bank Centre, further modifications to address the issues raised were approved by Cabinet at its meeting on 19 April 2007. In accordance with statutory requirements these were placed on deposit for a six week period between 4 May and 15 June 2007.

No material objections have been received and the Council is now in a position to adopt the Replacement UDP.

**Summary of financial implications**

This is a policy statement not requiring additional funding to implement.

**Recommendations**

- (1) That the Council agrees to give notice of intention to adopt the Replacement Lambeth UDP as modified and set out in the Appendix; and
- (2) That the Council adopts the Replacement Lambeth UDP after the expiry of the notice of intention to adopt.
- (3) That the Divisional Director (Planning) Regeneration and Housing has authority to make any further typographical or similar corrections required in producing the final version of the adopted Plan.

Name of consultee	Directorate or Organisation	Date sent to consultee	Date response received from consultee	Comments appear in report para:
Internal				
Chris Lee	Executive Director, Regeneration and Housing	18.06.07		
Peter Flockhart	Directorate of Legal and Democratic Services	18.06.07		
Les Warren	Head of Housing Finance	18.06.07	18.06.07	Cleared
Councillor Paul McGlone	Cabinet Member for Regeneration & Enterprise	18.06.07	18.06.07	Cleared
<b>Entered in Consultation and Events Diary?</b>				
No				

## Report history

<b>Decision type:</b> Key decision.		<b>Urgency item?</b> No.	
<b>Authorised by Executive member:</b> Paul McGlone	<b>Date report drafted:</b> 15.06.07	<b>Report deadline:</b>	<b>Date report sent:</b>
<b>Report no.:</b>		<b>Report author and contact for queries:</b>	
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## Background documents

Adopted Unitary Development Plan, August 1998  
 Revised Deposit Draft Unitary Development Plan, June 2004  
 Lambeth Replacement Unitary Development Plan Inspector's Report, February 2006  
 The Town and Country Planning Act 1990  
 The Town and Country Planning (Development Plan) (England) Regulations, 1999  
 The Planning and Compulsory Purchase Act 2004  
 Town and Country Planning (Local Development) (England) Regulations, 2004  
 Lambeth Replacement Unitary Development Plan incorporating Proposed Modifications  
 Proposed Modifications October 2006  
 Response to Inspector's Recommendations, October 2006  
 Council response to representations on Proposed Modifications, April 2007  
 Further Proposed Modifications, April 2007

## **Appendices**

### **1. Replacement Lambeth UDP, July 2007**

## **Lambeth UDP – Inspector’s Report and Proposed Modifications**

### **1. Context**

- 1.1 The Unitary Development Plan (UDP) is a key strategic document. It sets out the framework and strategy for how development will shape the Borough in the future and deliver the Council’s priorities in meeting the needs of residents, businesses and other stakeholders. The UDP contains policies that are used to negotiate and decide planning applications, ranging from residential extensions and alterations through to major development proposals such as those for tall buildings and housing estate regeneration schemes such as Clapham Park. It provides the tools with which to achieve regeneration objectives and maximise community and other benefits through development.
- 1.2 Policies contain requirements for affordable housing, the mix of uses, safeguarding open space and protecting listed buildings and the historic environment. Policies promote development and resultant investment to provide new jobs, homes, different forms of commercial activity as well as leisure and essential community uses serving local and wider needs in different locations, such as the town centres, Vauxhall and Waterloo. It also includes over 120 Major Development Opportunity sites spread throughout the Borough indicating the way these sites should be developed.
- 1.3 The preparation of a new UDP began in 2001 to replace the UDP adopted in 1998 and the process is now nearing the end. The process has involved substantial consultation and opportunities for representations at various stages. A public inquiry took place in 2005 to hear objections and the Inspector’s Report on these and objections submitted in writing was received in February 2006 and published in March 2006.
- 1.4 Following receipt and publication of the Inspector’s Report, the Cabinet on 18 September 2006 considered the Inspector’s recommendations and agreed the Council responses to the recommendations together with Proposed Modifications to the UDP. These were then placed on deposit for a 6-week period between 20 October and 1 December 2006. Cabinet also approved the use of the proposed modifications together with unaltered parts of the Replacement UDP for development control purposes.
- 1.5 After considering the representations received to the Proposed Modifications, the Council approved further modifications to the UDP to address the issues raised. These were placed on deposit for a 6 week period between 4 May and 15 June 2007 in accordance with the statutory requirements.
- 1.6 At its meeting on 19 April 2007 the Cabinet agreed that if following deposit, there were no material objections to the Further Proposed Modifications, the Replacement Lambeth UDP should be taken to a Council meeting for resolution of intention to adopt the UDP.

1.7 No objections have been received.

## **2. Proposals and reasons**

2.1 The further proposed modifications involved:

- withdrawing changes made by the Council to the house conversions policy (Policy 17) and reverting to the wording as recommended by the UDP Inspector. This was in order to overcome GOL's objection and statement by GOL that it would issue a direction if the Council persevered with the changes made;
- expressing the safeguarding of existing waste management sites not as recommended by the UDP Inspector as supporting text but as a policy as sought by GOL and the Mayor. Also the listing of waste management sites in the supporting text to the policy to clarify which sites this policy would apply to. This was sought by GOL;
- reverting to the wording recommended by the UDP Inspector in respect of various Major Development Opportunity sites. These related to the South Bank Arts Complex, Gabriel's and Prince's Wharves, Founders Place. These all involved minor wording qualifications put forward by the Council in respect of considerations of future development. However, the UDP Inspector had concluded that these qualifications were not necessary as there is adequate provision in the policies in the UDP to deal with future proposals; and
- various non-material changes including cross reference to the London Plan policy on Lifetime Homes and wording corrections.

2.2 In accordance with the Regulations, all organisations and individuals, including statutory consultees were notified of the deposit of the Further Proposed Modifications as at the previous Proposed Modifications stage. The document was placed on deposit (made available for inspection) in all Lambeth libraries and in the Town Planning Advice Centre and published on the Council's web site. Statutory notices were published publicising the deposit and a press release was issued.

2.3 The scope for representations at this stage just applied to the Further Proposed Modifications.

2.4 In all, responses were just received from the GLA and Kennington Association. GOL did not respond within the deadline but indicated informally that they no longer had any objections.

2.5 The GLA responded stating that the Proposed Further Modifications address the Mayor's earlier outstanding objections, and that there are no further strategic objections to the adoption of the Replacement Unitary Development Plan.

2.6 The Kennington Association commented that it was disappointed that the Council had decided not to accept its previous objection to the UDP Proposed Modifications which suggested that there should be a specific reference in the reasoned justification to Policy 73 (Waterloo Development Framework) to

Lambeth consulting residents living outside the Waterloo Development framework boundary. This was not a duly made objection to the Further Proposed Modifications, nevertheless officers have sent a separate reply to the Association on this matter giving it re-assurance that this matter will be addressed in forthcoming consultation exercises.

#### General Conformity with the London Plan

- 2.7 The Replacement UDP is required to be in general conformity with the London Plan. However, it is a matter for boroughs to determine whether policies are in general conformity with the London Plan. The Council considers that the Replacement UDP is in general conformity with the London Plan. The GLA in its response confirms this view.

#### Importance of the Adoption of the UDP

- 2.8 Adoption of the UDP is important as it will give its policies a statutory basis and more weight in the negotiation and decision-making process. The Replacement UDP contains many policies specific to different parts of the Borough with visions and strategies for these areas accompanied by sites (MDOs) to support the realisation of these. These policies will give added weight to the Council's Regeneration Delivery Plan which was approved by the Cabinet in April 2007.
- 2.9 In addition, various Supplementary Planning Documents will be prepared. These cannot introduce new policies but can expand policy and provide further detail on the implementation of policies or guidance on the development of sites or wider areas.
- 2.10 In order for Supplementary Planning Documents (SPDs) to have weight in the determination of planning applications they need to be linked to saved policies in adopted plan and comply with the requirements in the Regulations as set out in PPS12. This involves the preparation of a Sustainability Appraisal and public consultation.
- 2.11 The preparation of SPDs is already well underway. Cabinet has already approved a draft SPD on new build housing and house conversions for consultation at its meeting in June 2007. Other proposed SPDs include planning obligations; sustainable development; shopfronts; personal safety and security; and residential extensions. Draft site specific guidance (development briefs) has been approved for consultation in March 2007 for the Clapham Leisure/Depot site; and for West Norwood High Street (MDO49/Brooks Laundry), in April 2007. Area guidance will include that for Vauxhall and Waterloo, as well as guidance on the development of various sites in Brixton Town Centre as part of the Council's Regeneration Delivery Plan.

#### EU Directive on Strategic Environmental Assessment (SEA)

- 2.12 The EU Directive on Strategic Environmental Assessment came into effect on 21 July 2006. This requires that all development plans not adopted by 21 July 2006 should be the subject of an SEA, subject to certain provisions.
- 2.13 Work on the Replacement UDP began before Government Regulations and guidance on implementing the Directive were issued. A key feature of the SEA is

that it must be carried out throughout the policy making process. It is therefore not feasible to carry this out retrospectively. There is also a need to set out a baseline report at the start of the plan making process against which policy options can be assessed. In order to comply with the newly published SEA Regulations, the Replacement UDP would have had to have been abandoned at an advanced stage.

- 2.14 The Replacement UDP has been subject to a sustainability appraisal in accordance with the relevant regulations that were applicable at the time. The Environmental Assessment of Plans and Programmes Regulations 2004 allow for circumstances where an SEA is not feasible, as is the case here, subject to a requirement that the Council explains the reasons for this and publicises this.
- 2.15 A report on this issue explaining the reasons in detail why an SEA of the UDP was not feasible was submitted to the Council's Executive in January 2006. The Executive endorsed that it was not feasible to carry out a SEA. Following this the Government Office for London was informed of this as well as the GLA, other statutory consultees, and everyone who had made representations on the UDP. The report to the Executive was published on the Planning Service pages of the Council's web site.

#### Process of adoption

- 2.16 As there are no further objections to the Plan the Council is in a position to resolve to adopt the Plan and agree to give notice of its intention to adopt the Plan after the expiry of the statutory 28 days.
- 2.17 Following the expiry of this period the Replacement UDP becomes adopted. There is then a need to publish a notice that the Council has adopted the Plan, and then there is a period of six weeks where action can be potentially brought in the High Court on the grounds that it goes beyond the statutory powers or that procedures have not been complied with properly.
- 2.18 Following adoption the Plan will be printed and published and placed on the Council's website.
- 2.19 On adoption the new UDP will replace the existing 1998 UDP and the policies in the UDP will automatically be saved for three years.
- 2.20 It is important to ensure that any minor typographical corrections, including necessary re-numbering of policies and so on can be carried out through delegation of responsibility for this to the Divisional Director (Planning) Regeneration and Housing in preparing the Plan for publication

### **3. Comments from Executive Director of Finance**

- 3.1 There are no additional financial implications in this report.

### **4. Comments from Director of Legal and Democratic Services**

- 4.1 On adoption, the Replacement UDP, together with the London Plan, becomes the statutory development plan for the Borough. In dealing with any application for planning permission the Council must have regard to the provisions of the Development Plan (i.e. the adopted UDP and London Plan) so far as material to the application and to any other material considerations (Section 70 of the Town and Country Planning Act 1990). In having regard to the Development Plan, the Council must make its decision in accordance with the Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004). Up to now the weight that could be given to emerging policies had been increasing as the process progressed.
- 4.2 The Secretary of State (via GOL) has powers of direction to require the Council to modify a Plan at any time before it is adopted if it is considered that the Plan is unsatisfactory in respect of its interpretation of national or regional (London Plan) policies. She also has reserve powers to call in all or part of the plan at any time before its adoption, although this power is only used in limited circumstances.
- 4.3 It is a matter for boroughs to determine whether policies are in general conformity with the London Plan but the Mayor can request GOL to intervene on the grounds he considers that this is not the case. The Mayor has confirmed that there are no further strategic objections to the adoption of the Replacement Lambeth Unitary Development Plan

## **5. Results of consultation**

- 5.1 These are covered in the earlier part of the report.

## **6. Organisational implications**

### **6.1 Risk management:**

Legal (including Counsel's) advice has been sought about the risks involved in various options at different stages of the process. Similarly discussions and advice has been sought from GOL about various issues.

### **6.2 Equalities impact assessment:**

Consultation on the UDP at the various stages of preparation has been extensive and has sought to be wide-ranging and inclusive all parts of the Borough and all groups and organisations. An Equalities Impact Assessment will be carried out following the adoption of the Replacement UDP. The Council's approach to Equality Impact Assessment will be integrated into the future programme in order to review and consider the need for changes in planning policies.

### **6.3 Community safety implications:**

The UDP contains policies seeking to provide well-designed development that will contribute to a safe environment.

### **6.4 Environmental implications:**

The UDP is a key strategic document dealing with the impact of development on the built and natural environment.

### **6.5 Staffing and accommodation implications:**

None.

**6.6 Procurement implications:**

None.

**6.7 Any other implications:**

None.

**7. Timetable for implementation**

7.1 Adoption of the Replacement UDP will be take place after the expiry of the 28 day notice of intention to adopt.

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