

PART I

1. Introduction

1.1. What is Planning?

1.1.1. Few things ever stay the same. New needs for buildings are found as people move in and out of areas, technology changes and the way we live alters. It is essential that we decide, as a community, the changes in the way we use and develop land and buildings to reflect these changing needs. Planning permission is generally needed to prevent for carrying out developments (building and other operations and changes of use) of land. Planning control may be used, for example, to prevent development and new uses that would be harmful to the public interest.

1.1.2. Without planning control, changes which could, for example, unacceptably block light to neighbours, create dangerous traffic conditions or be harmful in many other ways, can occur. Planning is concerned with the management of this change for the good of the whole community, with the power to grant or refuse planning permission for many different types of development.

1.1.3. Planning also has a more positive role:

- It helps us achieve the kind of high quality environment we all want to see.
- It helps to ensure that the houses and places of work we need in the future are co-ordinated, are accessible and built in the right places and in the right way.
- It helps to see that resources are used efficiently on new transport investment and on regenerating run-down areas. It provides the framework for regeneration initiatives, and outlines what sorts of transport and physical regeneration projects are appropriate in what sort of areas.
- It helps us to preserve and enhance our most cherished built and natural heritage.

1.2. What is the Unitary Development Plan?

1.2.1. The law gives Local Councils a duty to prepare a plan which sets out policies on how they would like this change to occur and what can or cannot be built in particular areas – in Lambeth's case, this is called a Unitary Development Plan (UDP). The plan provides the vision to achieve these aims and to make decisions on planning applications and add value to the quality of planning applications.

1.2.2. The Plan also indicates where the Council wishes to encourage new development in particular areas within the borough or on individual sites. The new Lambeth plan UDP is far more proactive than previous plans. It actively seeks to achieve major change to improve the quality of life in major sites and areas such as in Streatham, Brixton, Waterloo and Vauxhall.

1.2.3. In Britain England and Wales a 'plan-led' system operates. This means that, unless there are good planning reasons not to, the plan should be followed when making decisions on planning applications. This helps avoid decisions being made in an arbitrary manner, gives everyone the opportunity to shape the way decisions are

made on the future of an area and, finally, gives everyone a reasonable level of certainty which can aid the making of property and investment decisions.

1.2.4. ~~Plans run for~~While plans look forward 15 years or so,~~although~~ the Council will be carrying out a rolling programme of review every few years to keep the plan up-to-date and make formal modifications to the plan to take account of changing circumstances. Lambeth needs to review and replace its plan. The new plan, however, has to go through a number of stages before it is finalised or 'adopted'. These stages are designed to take account of the views of those who might have an interest in the future planning of the borough such as local residents and businesses.

1.2.5. When the replacement plan is 'adopted', it becomes an important statutory document~~., as part of t~~The 'plan-led' system referred to above, ~~applies and~~ Section 54A of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991)~~(“the 1990 Planning Act”)~~ requires planning applications to be determined in accordance with the adopted plan unless material considerations indicate otherwise.

1.2.6. The legal framework for the preparation of the UDP is the ~~Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991)~~ Planning Act and the Town and Country Planning (Unitary Development Plan) (England) Regulations 1999. Under these, every London Borough is required to prepare a Unitary Development Plan which is the statutory Development Plan for the whole of its area. The plan has to address 'strategic' London-wide issues and contain detailed local policies. The policies and proposals in the UDP are intended to last for about 15 years from the date of adoption.

1.2.7. Policies in the Lambeth Plan are required to be implemented with due regard to the Race Relations Amendment Act 2000, The Crime and Disorder Act 1998, the Disabled Persons Act 1981 and the Disability Discrimination Act 1995.

1.2.8. As required by the Planning Act, Lambeth's draft UDP has been produced within the context of national and regional planning policies as well as those for London as a whole, the latter being set out principally in the Government's Strategic Guidance for London Planning Authorities (RPG3) issued in 1996. ~~It also has regard to the Strategic Advice prepared by the London Planning Advisory Committee (LPAC). It has also taken into account emerging policies and~~ of the Mayor of London in the recently adopted London Plan (February 2004).

1.2.8a The UDP is required to be in “general conformity” with the London Plan. The revised deposit draft UDP responds positively to many of the Mayor's earlier representations, though there remain some areas of divergence from the London Plan. These will be examined through the revised deposit process.

1.2.9. ~~Then the Council responds to these objections and may publish a~~In this 'revised deposit' stage, ~~Following this, objections are~~may only be made~~permitted into the proposed alterations~~changes, indicated as either new (underlined) or deleted text. ~~This is the~~Objections to the revised deposit plan which are not withdrawn will be considered by an independent inspector, who will~~consider~~receive written and/or verbal representations from objectors and Lambeth's response. The Inspector will then prepare a report, which the Council has a duty to consider before the plan is adopted. If the Inspector recommends changes to the plan, the Council must decide whether or not to accept such recommendations. This may result in further modifications to the plan and a subsequent inquiry. In due course, under emerging

legislation, the whole review process will begin again UDP will be replaced by a Local Development Framework.

1.3. Format of the Plan

1.3.1. Under current planning legislation the UDP must contain a Written Statement, presented in two parts, and a Proposals Map (see legal notice on frontispiece). ~~The new plan is likely to be the first in the country in the new shortened more strategic structure recommended in the planning green paper.~~

1.3.1a Part I is a statement formulating the Council's general policies in respect of development and use of land in the Borough. In accordance with the Planning Act, it has had regard to:

- Any regional or strategic planning guidance from the Secretary of State to assist in preparation of the plan;
- current national policies;
- the resources likely to be available; and
- such other matters as the Secretary of State may prescribe or direct.

1.3.1b Part I sets out the regional context of the Borough and includes strategic policies that set the overall policy framework for Part II of the Plan. Part II itself comprises two sections:

Section Part A: sets out the detailed policies for development and use of land, with appropriate supporting text by way of reasoned justification. ~~This sets out the broad development and land use strategy for the borough, taking account of London wide planning issues. It contains key strategic land use policies and provides the framework for the area policies and proposals in Part B.~~ All borough-wide policies governing changes of use and design are included in this section. ~~By law there must be strategic policies on development, traffic management and environmental improvement.~~

Section Part B: This contains the more detailed planning policies for specific Major Development Opportunities or parts of the Borough e.g. Waterloo and the Proposals Map and relevant diagrams and tables.

1.3.1c The **Proposals Map** shows the areas covered by specific policies in the plan such as Metropolitan Open Land, The Central London Boundary, The Thames Policy Area, Conservation Areas, Town Centres and Key Industrial and Business Areas, and proposals for specific Major Development Opportunities.

1.3.2. In addition to the statutory policies the Council also issues additional planning guidance on matters such as the design of house extensions. Although not part of ~~contained in~~ the plan, this guidance, called Supplementary Planning Guidance, can be helpful for those making planning applications, as it may be a material consideration in their determination.

1.4. Using the Plan Policies

1.4.1. It is important to view the plan as a whole. Applications should be viewed against all relevant policies which apply cumulatively. Cross-referencing is kept to a minimum – the aim is for the plan to say something once and once only.

1.4.2 For example, if land is allocated for a specific use, or the existing use is protected by a specific policy, then other policies generally promoting other uses will not apply. Policies protecting uses apply to lawful uses, not unauthorised uses. Policies only apply to matters subject to planning control.

~~1.4.3. The plan has a flexible approach to change. It does not attempt to micro-manage change in the Borough with hundreds of policies, but with a few general policies. Of course other material considerations will apply. This does not mean that the policies themselves will be applied in a less forthright way than in other and previous plans. The plan contains policies on issues such as affordable housing and urban design that will be applied firmly. Within the constraints of these designers can come up with creative solutions to sites.~~

1.4.4 To find out which policies apply, use the A,B,C Process

A - ~~For~~According to the type of development apply; the policies listed in the policy finder at the front of the plan.

B - All proposals must meet policies relating to protecting residential amenity, transport impact, conservation and urban design.

C - Apply the site-specific and area policies for that site/part of the borough in ~~p~~Part II, section BA of the plan. ~~These policies explain issues in more detail than the part A policies. In the event of any apparent conflict with part B policies, that specifically apply the part B policies take preference.~~

1.4.5. ~~Any specific~~Specific policies applying to a Major Development Opportunity Sites ~~overrides all other policies.~~ For the most part, these do not indicate a specific use, (unless it is the preferred site for a new community facility or the policy on affordable housing priority sites applies) ~~as all of the criteria based policies of the plan indicate suitable uses, e.g. those promoting residential and mixed uses. This gives flexibility over the future use of sites.~~

1.4.6. The Proposals Map shows the policies and proposals that affect any particular property. Many of the policies apply to the whole area of the borough. If any discrepancy arises between the contents of this Written Statement and the Proposals Map, the former ~~will take~~s precedence.