

---

# Representations to the Draft Revised Lambeth Local Plan Proposed Submission Version (DRLLP PSV) & Proposed Changes (January 2020)

Prepared by Barton Willmore LLP and Q&A Planning  
on behalf of London Hotel Group  
[R077]

March 2021



**BARTON  
WILLMORE**  
PLANNING / DESIGN / DELIVERY

# Representations to the Draft Revised Lambeth Local Plan Proposed Submission Version (DRLLP PSV) & Proposed Changes (January 2020)

Prepared by Barton Willmore LLP and Q&A Planning on behalf of  
London Hotel Group

<b>Project Ref:</b>	31016/A5/AD/LocalPLanReps
<b>Status:</b>	Draft
<b>Issue/Rev:</b>	01
<b>Date:</b>	March 2021
<b>Prepared by:</b>	Justin Kenworthy + L&Q Planning
<b>Checked by:</b>	Justin Kenworthy
<b>Authorised by:</b>	Justin Kenworthy

Barton Willmore LLP  
7 Soho Square  
London  
W1D 3QB

Tel: 020 7446 6888  
Email: [justin.kenworthy@bartonwillmore.co.uk](mailto:justin.kenworthy@bartonwillmore.co.uk)

Ref: 31016/A5/JK

## **CONTENTS**

<b>1.0</b>	<b>INTRODUCTION SUMMARY .....</b>	<b>1</b>
<b>2.0</b>	<b>DETAILED REPRESENTATIONS ON POLICY ED14 (VISITOR ACCOMMODATION) .....</b>	<b>2</b>
<b>3.0</b>	<b>CONCLUSIONS .....</b>	<b>7</b>

## 1.0 INTRODUCTION SUMMARY

1.1 Barton Willmore LLP and Q&A Planning act on behalf of the London Hotel Group (LHG), who own and operate hotels across London. These hotels are operated in partnership with global brands, such as Ibis (AccorHotels Group) and Best Western. LHG have several property interests within the London Borough of Lambeth.

1.2 Following the completion of Examination in Public (EiP) hearing sessions, London Borough of Lambeth (LBL) has made amendments to Policies Q27 (Basement Development) and ED14 (Visitor Accommodation), as published in the Draft Revised Lambeth Local Plan Proposed Submission Version (DRLLP PSV) & Proposed Changes (January 2020) (the "Draft Local Plan").

1.3 On behalf of our client, we advise that:

- The amendments to Policy Q27 (basement developments) are consistent with those agreed between the Council and our client in the agreed Statement of Common Ground (SOCG). This policy is now considered by our client to be positively prepared, consistent with national and is justified; and
- Our client remains concerned that Policy ED14, as amended, would fail all four of the soundness tests as set out in paragraph 35 of the NPPF (2019). The outline of our position on the soundness is as follows:
  - a) **Positively prepared** - Policy ED14 is still not positively prepared on the basis it limits the development of visitor accommodation in the Borough and so is consistent with achieving economic growth;
  - b) **Justified** - Policy ED14 is not justified as an appropriate strategy since it is not supported by proportionate evidence;
  - c) **Effective** - Policy ED 14 is not effective since it ignores strategic policy issues in respect of hotel accommodation provision across London; and
  - d) **Consistent with regional and national policy** - Policy ED14 is inconsistent with national policy.

## **2.0 DETAILED REPRESENTATIONS ON POLICY ED14 (VISITOR ACCOMMODATION)**

2.1 In this section we review and comment on the recent amendments to Policy ED14 and paragraph 6.101 of the Draft Local Plan. The relevant text for part a) of the draft policy and paragraph 6.101 is set out below:

*a) Visitor accommodation (C1) will be supported in major and district town centres, where it does not cause unacceptable harm to local amenity and the balance and mix of local land uses. Outside town centres, proposals for new visitor accommodation will be assessed against the sequential test for main town centre uses in accordance with national planning policy. In all locations, visitor accommodation should be of an appropriate scale for the proposed location and should not unacceptably harm the balance and mix of uses in the area, including services for the local residential community.*

### Paragraph 6.101

*When considering whether a proposal is of an appropriate scale, regard will be had to the location of the site and local circumstances. 'Balance and mix of uses' will be assessed on a site by site basis having regard to the characteristics of an individual locality, including existing concentrations of visitor accommodation, and the nature and scale of the proposed development. Generally, two uses of this nature will not be permitted on adjacent sites. This assessment will take account of the visitor management plan provided and the potential to effectively mitigate negative impacts on the local area through planning obligations.*

2.2 Our client still considers that the requirements of this policy are entirely inconsistent with the NPPF (2019), not in conformity with the London Plan (2021) and is also considered to be inconsistent with the remainder of the Draft Local Plan. Our client's main concerns are set out below.

### Background Introduction

2.3 Following representations submitted on behalf of our client, and the Inspector's Action 1 at the EiP, it is noted that a Main Modification (MM87) to Policy ED14a is

proposed that makes it clear that support is given to hotels in all town centres and where sites are outside of town centres, the sequential test applies. The text on the ban on hotels outside of town centres has been deleted. Our client supports all these changes.

2.4 However, at the same time, the Council have made a further change to the policy in respect of how 'scale' is to be interpreted. This change is not connected to the changes on the sequential test and introduces conflict with other elements of the plan, national policy and the London Plan. Therefore, on behalf of our client, we object to the main modification that alters the meaning of Policy ED14a on scale and the associated change at paragraph 6.101. LBL's proposed amendments are highlighted in red ink below:

- ED14(a): 'In ~~these~~ **all** locations, visitor accommodation should be of an appropriate scale for the proposed location.
- Paragraph 6.101: ~~In major and district town centres, when~~ **When** considering whether a proposal is of and appropriate scale, regard will **be** had to the location of the site and local circumstances.

2.5 The effect of these changes is to introduce a test of scale as an acceptability for main town centre uses that are not within the centre. This is a fundamental change to the meaning of the policy, since this previous wording only applies to sites within major and district centres. To be consistent, the only change necessary was to ensure that it applies to all centres. There is no need for it to be expanded to cover all locations, whether in centre, edge or out of centre.

2.6 For the avoidance of doubt, we repeat our previous comments that scale as a test for the acceptability for main town centre uses is not in national policy or the London Plan. Indeed, on behalf of our client, previously duly made representations to both Regulation 18 and Regulation 19 consultation drafts pointed this issue out.

2.7 The abovementioned changes also introduces conflicts with other elements of the Draft Local Plan and is also not consistent with the London Plan and the NPPF. As such, the change would fail the tests of soundness in national policy, as set out in NPPF (paragraph 35), and be contrary to the provisions of the London Plan.

- 2.8 Scale is first mentioned a possible policy for the acceptability of a main town centre use in Policy ED7(c)(i) on Town Centres where it is stated that:

*'Development in town centres will be supported if:*

*i) it is in scale and form appropriate to the size, role and function of the centre and its catchment; (our emphasis)*

- 2.9 Therefore, it is clear when considering scale when addressing development, Policy ED7(c)(i) envisages such a test applying just to sites in town centres. As such, the proposed change to ED14(a) and paragraph 6.101 (MM87 and MM90) introduces a fundamental conflict with Policy ED7(c) of the Draft Local Plan.

- 2.10 It is noteworthy that in the Inspector's Matters, Issues and Questions (MIQ) Discussion Note, the Inspector raised the following question:

*In policy ED7 (c), what is meant by appropriate scale for development which is supported in town centres?*

- 2.11 At MM88, the Council proposed a change as follows that is in direct response to this question as follows:

*6.55a When considering whether a development is of an appropriate scale, consideration will be given to factors such as the size and amount of town centre floor-space being provided and where this is appropriate when considering the size, role and function of the centre and its catchment in relation to the town centre network set out in Annex 1 of the London Plan and Annex 3 of the Local Plan.*

- 2.12 If scale is to be used as a policy test, this is a reasonable explanation. However, as a concept, this approach does not easily apply to sites that are edge or out of centre because there are clear practical implications to how such a policy test is applied in a decision-making context. For example, when considering the size, role and function of a centre, we question how such a judgement can be reached if the site itself is not within a designated centre. There will always be an uncertainty as to which centre should be considered and judgements on what is an appropriate scale is necessarily opened ended. It was this lack of certainty that was the reason why the scale test was omitted from national policy and instead reliance on the impact test (where appropriate) and sequential tests are used.

## London Plan

2.13 The two policies in the London Plan that relate to policy ED14 are policy E10 and Policy SD7.

2.14 Policy E10(G) states that:

*'In outer London and those parts of inner London outside the CAZ, serviced accommodation should be promoted in town centres and within Opportunity Areas (in accordance with the sequential test as set out in Policy SD7 Town centres: development principles and Development Plan Documents) where they are well-connected by public transport, particularly to central London.'*

2.15 There is no reference to scale within this policy.

2.16 Policy SD7(A)(1) states that Boroughs should:

*'apply the sequential test to applications for main town centre uses, requiring them to be located in town centres. If no suitable town centre sites are available or expected to become available within a reasonable period, consideration should be given to sites on the edge-of-centres that are, or can be, well integrated with the existing centre, local walking and cycle networks, and public transport. Out-of-centre sites should only be considered if it is demonstrated that no suitable sites are (or are expected to become) available within town centre or edge of centre locations. Applications that fail the sequential test should be refused'*

2.17 Again, there is no reference to scale within the context of the sequential test.

2.18 The closest the London Plan gets to considering scale in the decision-making context is Policy SD7(D)(I) which states that development proposals should *'ensure that commercial floorspace relates to the size and the role and function of a town centre and its catchment'*.

2.19 This policy applies to all developments and in any event could only apply to sites within town centres, on the basis it relates to the role and function of a town centre and if a site is not within that centre, we question how it could relate to it.

2.20 Therefore, from a London Plan perspective, there is no support for the changes proposed at MM87 and MM90.



## National Policy

2.21 In the NPPF, Section 7, paragraphs 85-90 consider ensuring the vitality of town centres. Scale is not mentioned as a test within the decision-making context. Scale is mentioned in four paragraphs (as set out below), but these are within a different context:

- Paragraph 85d – *‘allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed’*. This relates to allocations and not scale in a decision-making context.
- Paragraph 87 – *‘Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored’*. This relates to the need for developers to be flexible in their application of the sequential test and does not deal with scale as a standalone test.
- Paragraph 88 – refers to small scale rural officers of other small scale rural development – not applicable in this context.
- Paragraph 89(b) – refencing wider retail catchment as applicable to the scale and nature of the scheme. This is not applicable in this context.

## Suggested Revisions

2.22 If scale is to be used as a policy test, we recommend that the text is revised to read as follows:

- ED14(a): ‘In these town centre locations, visitor accommodation should be of an appropriate scale for the proposed location; and
- Paragraph 6.101: In major and district town centres, when In town centres, when considering whether a proposal is of and appropriate scale, regard will be had to the location of the site and local circumstances.

### **3.0 CONCLUSIONS**

3.1 Our client considers that in the main policy Q27 in relation to basement developments is now positively prepared, consistent with national and is justified. However, the application of the draft Visitor Accommodation policy (ED14) continues to:

- Actively discourage beneficial visitor accommodation development.
- Be neither positively prepared, nor consistent with national or regional policy, nor is it justified and therefore the policy fails to meet the tests of soundness.

3.2 The policy should therefore be revised as highlighted in paragraph 2.22 above.