

**Consultation Response to Draft Revised Lambeth Local Plan Proposed Submission Version (DRLLP PSV) and Proposed Changes to the Policies Map (PCPM) January 2020**

The Clapham Common Southside Residents Association (“CCSRA”) wishes to object to the proposed changes outlined to Policy ED14a within the Main Modifications schedule under reference PC203/MF12 (referred to within the Inspector’s comments as MM87). CCSRA objects to the following proposed changes to Policy ED14(a):

- (i) The deletion of the words *“major and district”* ;
- (ii) The deletion of the sentence *“additional visitor accommodation outside of town centres will not be permitted”*; and
- (iii) The insertion of the text *“outside of 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 relation to point (i) if the Council wishes, through its policies, to focus new visitor accommodation within the larger town centres then it is perfectly entitled to do so. Some local centres are small, in close proximity to residential areas and only provide retail services on a local level. These are not necessarily appropriate locations for hotel development and the deletion of the words proposed is not necessary to render the policy “sound.” Some regard must be had to the local characteristics of the area.

Points (ii) and (iii) above are linked in that they unnecessarily weaken the presumption in favour of town centre locations for such development and the “town centre first” approach the policy is intended to implement and as is also promoted by both the NPPF and the London Plan 2021. The inclusion of the text referred to in point (iii) above is unnecessary, makes no sense and leaves the Council susceptible to speculative hotel applications in out-of-town centre locations. The “sequential test” as set out in the NPPF is intended to apply to applications which *“are not in accordance with an up- to-date development plan.”* In essence, it is therefore intended to allow potential for applications to be approved, as exceptions to the relevant development plan policies, where material considerations (and not necessarily just the sequential test) indicate otherwise. This might apply where there is a specific need for a development, or it has obvious benefits which justify the grant of planning permission notwithstanding non-compliance with policy. Even in such circumstances, the sequential test must be met. However, the sequential test alone would/should not normally be sufficient to outweigh the relevant development plan policies which will have been based on the assessed need (which in this case has identified there is more than sufficient provision/scope for the needed level of hotel accommodation within existing town centres) and the local planning authority’s key strategic policies and objectives.

Incorporating the NPPF sequential test into the policy wording as proposed removes that protection because it will be argued that where a speculative (including one that is potentially very large or unusual and thus may have specific physical requirements that mean it cannot readily be accommodated in town centres) application meets the sequential test it accords with policy ED14 even though it is not in a town centre location and there may be no identified need for the development in question. The primacy of the development plan is thus removed by the proposed modifications because the policy test and the NPPF test essentially become one and the same, rather than the latter being a material consideration that, in appropriate circumstances and having regard to all other relevant considerations, allows for a departure from or exception to the policy. This is a

crucial distinction, because it removes discretion from the relevant decision maker as to the weight to be given to the relevant considerations in the decision-making process.

The CCSRA therefore submits that the wording for policy ED14(a) must revert to as previously drafted. This does not render the policy contrary to NPPF policy because paragraph 86 of the NPPF is expressly stated to apply where considering potential departures from local plan policies and the NPPF itself (as is the London Plan) is clearly promoting “town centre” led development. Where paragraphs 86 and 89 of the NPPF are applicable, they will still be considered in the context of relevant applications as a material consideration in the normal way. There is no need to reference them in the policy and indeed to do so is harmful and counter-productive in terms of achieving the town centre first objectives of both local and national policy for the reasons outlined above.

If, however, the above submissions are not accepted, and the proposed wording set out in the proposed modification is to remain then (in addition to the sequential test and the proposed wording regarding scale and the balance of land uses) the policy text must also make clear that such applications for visitor accommodation outside town centres:

- (i) will only be permitted in exceptional circumstances and where a clear need for additional visitor accommodation has been identified and is not met by or likely to be met by provision (or pipeline provision) in the Borough on existing and other town centre sites;
- (ii) will also be considered against London Plan Policy E10G; and
- (iii) will not be permitted on *“wholly residential streets or within predominantly residential neighbourhoods”*;

The text set out at point (iii) above is as applied within the London Plan under policy E10F to applications for smaller scale visitor accommodation within the CAZ. Given that the CAZ is the appropriate and preferred location for visitor accommodation, it would be truly bizarre if there were a greater degree of policy and amenity protection for residents within the CAZ than there is for residents living in predominantly residential locations in out-of-town centre locations. The same wording should therefore be used within policy ED14(a) for consistency and to ensure the adequate protection of residential amenity and character. Indeed, this wording/caveat must be included somewhere within the policy regardless of whether the other amendments are accepted and whether the existing proposed modifications are retained or removed.

**James Smith (Planning Law Services) Ltd**

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