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## **Examination of the Lambeth Site Allocations Development Plan Document**

### **Inspector's Matters, Issues and Questions - Hearings**

#### **R Aston BSc (Hons) DipTP MRTPI**

#### **Inspector appointed by the Secretary of State**

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### **Introduction**

1. Following my initial review of the supporting evidence for, and the representations on, the Lambeth Site Allocations Development Plan Document (the SADPD) I have identified the following initial matters that will form the basis of my consideration of the soundness and legal compliance of the SADPD and will therefore guide discussion at the hearing sessions.
2. It is important to note that the MIQ's have arisen from my initial assessment of the submission documents and representations, and may evolve through the Examination, not least following on from any responses the Council or others make on these matters prior to the hearing sessions.
3. The document contains a number of issues and questions, which flow from the identified matters. Questions have been framed with regard to the National Planning Policy Framework (the Framework) (including the tests of soundness set out in paragraph 35); and other relevant national guidance and policy<sup>1</sup> where specifically indicated.
4. National policy<sup>2</sup> establishes that plans should only contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals – a consideration that has formed the basis of several questions. The legal compliance of the SADPD, in terms of the relevant provisions of the Planning and

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<sup>1</sup> Such as Written Ministerial Statements.

<sup>2</sup> At paragraph 16(d) of the Framework.

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Compulsory Purchase Act 2004 (the 2004 Act) and related legislation is also a focus of the matters, issues and questions set out below.

5. The Council have produced a Schedule of Proposed Main Modifications (MMs) to the SADPD<sup>3</sup>. MMs (that is those that I would consider necessary to ensure the soundness or legal compliance of the SADPD) can only be made if I recommend them and would be subject to public consultation at the appropriate point of the Examination in accordance with the Procedure Guide<sup>4</sup>. Some of the questions below are focused on whether the changes proposed thus far would be necessary to ensure the soundness and legal compliance of the SADPD. I may also recommend other MMs as a result of discussions at the hearings.
6. Where suggested MMs have already been proposed by the Council in respect of any of the questions set out below, these should be clearly referenced in the Council's responses. In a similar vein, other participants should consider whether MMs suggested by the Council up to this point address concerns raised in responses to earlier rounds of consultation on the SADPD.
7. The matters issues and questions below should be addressed in hearing statements. Any answers to the questions posed should be supported by reasons and relevant Examination documents should be referenced clearly, where appropriate. A separate document should be prepared in response to each matter. **Critically, participants should submit any hearing statements that they wish to prepare to the Programme Officer, Ms Charlotte Glancy by midday on Friday 31 January 2025.**
8. I set out separately and more fully in the accompanying Guidance Note how the Council and others can respond to these matters, issues and questions in the run up to the hearing sessions commencing on Tuesday 18 February 2025.
9. If any clarification is required on what follows, please contact me via the Programme Officer.

R Aston

INSPECTOR

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<sup>3</sup> Examination Library Ref: SD 03.

<sup>4</sup> Procedure Guide for Local Plan Examinations August 2024.

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## Inspector's Matters, Issues and Questions – January 2024

### **Matter 1: Procedural/Legal requirements**

Issue (i): Whether all Statutory and Regulatory requirements have been met?

#### Questions:

1. Is there clear evidence that the Council has engaged constructively, actively and on an ongoing basis with neighbouring authorities and prescribed bodies in accordance with section 33A of the 2004 Act, in respect of strategic matters with cross-boundary impacts considered through the preparation of the SADPD?
2. Is the Sustainability Appraisal (SA) adequate and have the legal requirements of the 2004 Act and the 2012 Regulations been met?
3. Is the HRA robust and does the SADPD include all the recommendations identified as necessary to ensure compliance with the Regulations? Overall, have the requirements of the Conservation of Habitats and Species Regulations 2017 been met?

Issue (ii): Has the SADPD been produced in accordance with the Regulations and the Council's Statement of Community Involvement (SCI) and Local Development Scheme (LDS)?

#### Questions:

1. Has consultation on the SADPD been carried out in accordance with the Council's Statement of Community Involvement (the SCI)?
2. Have the publication, advertisement, and availability of the SADPD followed the statutory procedures set out in the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) England Regulations 2012?

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3. Is the scope of the SADPD as described in the LDS? Has the timing of production of the SADPD followed the timetable set out in the LDS? Have evidence base documents been available in a timely and accessible way during the consultation periods? Will the LDS need to be updated?

Issue (iii) - In preparing the SADPD has the Council discharged its Public Sector Equality Duty<sup>5</sup>?

Questions:

1. Has the SADPD been informed by a robust assessment of its potential equality impacts?
2. In preparing the SADPD has the Council given due regard to the need to:
  - (a) eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Equalities Act 2010 (as amended) (the 2010 Act)?
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic<sup>6</sup> and persons who do not share it?
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it?
3. How have equality issues been addressed in the SADPD?

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<sup>5</sup> Provided by s149 of the Equality Act 2010 (as amended)

<sup>6</sup> For the purposes of the 2010 Act "protected characteristics" are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

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## **Matter 2: Would the SADPD's approach to the scale and distribution of housing and economic growth be consistent with the Lambeth Local Plan 2021 (LLP) and the London Plan (LP)?**

Issue (i): Does the SADPD set out a positively prepared and justified strategy for the allocations to assist in the delivery of the housing requirements and economic growth?

### Questions:

1. Are the site allocations consistent with the aims of the LLP and would it deliver development in accordance with it? Would the SADPD allocations deliver a sufficient mix of sites to meet assessed needs for the size, type, and tenure of housing for different groups in the community and therefore be consistent with LLP Policy H4?
2. Was the methodology used to assess and select the proposed site allocations appropriate? Were reasonable alternatives considered and tested? Are the reasons for selecting the preferred sites and rejecting others clear, including those deemed to require a site-specific policy?
3. Is the SADPD's approach to the allocations being predicated on 'no heritage harm' result in a positively prepared plan that has taken account of all reasonable alternatives and is therefore justified?
4. What is the justification as to why a trajectory illustrating the expected rate of housing delivery has not been included, would the SADPD therefore be consistent with paragraph 75 of the Framework?
5. Has the viability of the SADPD been tested and evidenced in accordance with the advice contained in the PPG<sup>7</sup> and does the viability evidence take into account relevant policy requirements arising from the SADPD and the LLP?
6. Is the SADPD consistent with the LLP in terms of the approach to economic development, retail and town centre uses? Is the evidence base up to date?

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<sup>7</sup> *Viability* 1 September 2019.

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### **Matter 3: Site Allocations - General**

Issue (i): Do the SADPD's site allocations provide a justified and effective basis for decision-making consistent with national policy?

(NB: More detailed questions on justification and effectiveness of individual housing allocations are included below)

#### **General Questions:**

1. Is the SADPD's approach to tall buildings justified, and in general conformity with the LLP and LP?
2. The Framework at paragraph 133 sets out that to provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design codes or codes consistent with the principles set out in the National Design Guide and National Model Design Code. Is it clear from the approach in the SADPD whether this approach has been considered and would the allocations therefore be effective?
3. A number of the policies refer to servicing strategies for land uses but the policy clear in terms of the types of 'servicing' required? Is the proposed modification linked to 'last mile distribution/logistics' or 'just in time' servicing clear as to how such uses should be defined and would therefore be effective?
4. The proposed site allocations set out significant details and text relating to a number of considerations for the allocations. Is the extent of detail, such as the full planning history, necessary for soundness and would it result in clearly written and unambiguous policies?

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Issue (ii) Is the SADPD's approach to flooding and water management consistent with the LLP, LP, and national policy?

Questions:

1. Is the SADPD based on a sequential, risk-based approach to the location of development-taking into account the current and future impacts of climate change- so as to avoid, where possible, flood risk to people and property? Does the submitted SADPD direct development away from the areas at highest risk of flooding?
2. Are the allocations clear and effective in terms of ensuring flood risk requirements and tidal breach scenarios are considered as part of development proposals and requirements that developments are appropriately flood resistant and resilient?
3. Are allocations SA1, SA8, SA3, SA21, SA7, SA20 and SA22 consistent with the Framework, LP and LLP in terms of the approach to office accommodation and water and waste infrastructure?
4. Is the policy for allocations SA2, SA21, SA24, SA1, SA20 and SA7 effective in terms of likely future water and waste infrastructure requirements? Would the phasing of infrastructure for the allocation be effective?
5. Is the policy consistent with the LLP in terms of improvements in the accessibility to and from waterways? Why are the proposed MMs (PM004, PM006, PM010, PM013, PM019 and PM023) required for soundness?
6. Is it clear what the flood risk category for an NHS health facility is and is the approach consistent with the LLP, LP and the Framework in relation to relevant exception test requirements? Why is PM037 necessary for soundness?

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Issue (iii): Are site-specific aspects of the SADPD's allocations justified, effective and consistent with national policy?

### Waterloo and South Bank Proposed Site Allocations

#### Questions:

#### *Site 1: Royal Street SE1 – new allocation – supersedes existing*

1. Would the policy provide a positive strategy for the conservation of the historic environment? Have the potential implications related to heritage assets been assessed and is the approach consistent with the LP, LLP, and Framework?
2. Does the policy sufficiently contribute towards objectives relating to optimisation of the use of land in accordance with the LP and the Framework? What is the significance of planning permissions pursuant to applications 22/01206/EIA/FUL and 05/01168/FUL and why are PM001 and PM003 necessary for soundness?
3. Is the policy effective as to the protection of open space in accordance with LLP Policy EN1 would they effectively guide development on the site in a clear and unambiguous way in such terms? Why is PM006 required for soundness?

#### *Site 2: St Thomas' Hospital SE1 – new allocation*

1. Does the policy sufficiently contribute towards objectives relating to optimisation of the use of land, including the wider St Thomas' Hospital site? Is the allocation effective given existing health facilities would need to be re-provided on site or at an alternative location off site?
2. Would the policy provide a positive strategy for the conservation of the historic environment? Have the potential implications related to heritage assets been assessed and is the approach consistent with the LP, LLP, and Framework?
3. Is the policy effective in terms of flood risk and tidal breach scenarios? Why is PM009 required for soundness?



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Site 8: 110 Stamford Street SE1 – new allocation

1. Is the policy effective in terms of the consideration of effects on the living conditions of neighbouring occupiers in accordance with the LP, LLP, and the Framework?
2. Would the policy be effective and justified in terms of the mix and type of uses proposed?
3. Would the allocation be effective given stated objectives of the current landowners?
4. Is PM011 necessary for soundness and, if so, would it be effective given the use of the term 'may'?

Site 9: Gabriel's Wharf and Princes Wharf, Upper Ground SE1 – new allocation – supersedes existing

1. Is the policy clear as to the heritage assets that may need to be considered as part of any future development proposals? Why is PM014 required for soundness?
2. Why are PM015 and PM016 necessary for soundness? What is the significance of references to planning history and applications 17/03986/FUL and 21/02668/EIA/FUL?
3. What is the justification for care uses on the site? Why is PM017 required for soundness? Is the use of the term 'element' sufficiently clear so as to set how proposal should be considered? Is the policy clear as to the difference between different types of care including 'extra care' and 'nursing'?
4. Is the Policy clear in terms of ensuring sites remain in beneficial use prior to redevelopment? Is it clear what is meant by 'meanwhile' uses? Why is PM018 required for soundness?
5. Is the Policy clear and effective in terms of ensuring that the proposal is of a high-quality design and amenity and does it provide an effective basis for decision-making on such matters?
6. Why are PM020 and PM021 required for soundness?

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## Loughborough Junction Proposed Site Allocations

### Questions:

#### Site 22: 1 and 3 – 11 Wellfit Street, 7 – 9 Hinton Road and Units 1 – 4 Hardess Street SE24 – new allocation

1. Would the juxtaposition and type of uses proposed be consistent with the LLP? What affect would residential amenity considerations related to housing included on mixed-use sites have on their deliverability and the flexibility of employment uses also anticipated?
2. Are the proosed building heights justified and consistent with the LLP and LP? What is the status and significance of planning application 24/00073/FUL?
3. Would the inclusion of space for both Industrial and Residential uses be consistent with the LLP, LP and the Framework in terms of providing a high standard of amenity uses and that safe and suitable access can be achieved for all users (paragraphs 135 f) and 114) so as to be effective?

#### Site 23: Land at c/o Coldharbour Lane and Herne Hill Road SE24 – new allocation

1. Are the proposed building heights justified and consistent with the LLP and LP? What is the significance of the Higgs Yard development (18/05425/FUL) in design terms?
2. Would the mix of uses and inclusion of employment space be consistent with the LLP, LP and the Framework in terms of providing a high standard of amenity uses and that safe and suitable access can be achieved for all users (paragraphs 135 f) and 114) so as to be effective?
3. Is the policy clear and effective with regard to identifying those designated heritage assets could be affected by future development proposals?

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Site 24: King's College Hospital, Denmark Hill SE5 – new allocation

1. Is the Policy effective with regard to consideration of sustainable modes of transport and infrastructure? Are building heights justified and consistent with the LLP and LP?
2. Is the approach to the consideration of designated heritage assets consistent with the LLP, LP and the Framework?
3. Would the policy be effective in terms of clean water, wastewater and sewage infrastructure?

Brixton Proposed Site Allocations

Questions:

Site 17: 330 – 336 Brixton Road SW9 – new allocation

1. Are any updates to the evidence required in terms of viability since the LLP was adopted?
2. Would the policy be consistent and effective in terms of design led optimisation of development capacity in association with requirements for urban greening?
3. Would safe and suitable access arrangements be achievable for all users of the highway and consistent with the Framework (paragraph 114)? Is the policy sufficiently clear as to what 'minimising' the need for vehicle accesses would require, would sufficient servicing still be achievable (paragraph 116 d))?

Site 20: Tesco, 13 Acre Lane SW2 – new allocation

1. Is the policy and the approximate range of residential units and resultant building height and size grounded in an understanding and evaluation of the defining characteristics of the site and consistent with the LLP and LP?
2. Would the policy be effective in ensuring appropriate flexibility so that optimal use is being made of the site whilst achieving a high quality of design and standard of amenity?

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3. Is the approach to the consideration of designated heritage assets consistent with the LLP, LP and the Framework?
  4. Is the approach to parking provision and access consistent with the LLP, LP and national policy (paragraph 114) with regards to providing safe and suitable access that can be achieved for all users?

Site 21: 51 – 57 Effra Road SW2 – new allocation

1. Are the maximum range of building heights proposed and the mix of uses consistent with the LLP, LP and the Framework in terms of providing safe and healthy living conditions and a high standard of design and amenity?
2. Is the requirement for car free development with access for disabled parking and servicing consistent with the LLP, LP and the Framework? Why is PM025 necessary for soundness purposes?
3. Is the policy consistent with the LLP in terms of the reference to uses which fall under the Brixton Creative Enterprise Zone and its approach to viability considerations for future development proposals?

West Norwood/Tulse Hill Proposed Site Allocation

Questions:

Site 18: 286 – 362 Norwood Road SE27 – new allocation – supersedes existing

1. Is the approach to tall buildings consistent with the LLP and LP? Is it grounded in an understanding and evaluation of the defining characteristics of the site and area and would therefore be effective? Is evidence of local views sufficiently robust to ensure the policies are effective?
2. Would tall buildings on this site be consistent with the Framework's objective of providing safe and healthy living conditions and a high standard of amenity?

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3. Would the policy be consistent with the LLP, LP and Framework in ensuring all potential sources of ground contamination and pollution are considered? Why is PM029 necessary for soundness and is it clear and unambiguous?
  4. Has the effect of the development contemplated for the site on the vitality and viability of the town centre through impacts on existing businesses been considered?

### Streatham and Kennington/Oval Proposed Site Allocations

#### Questions:

#### Site 3: 35 – 37 and Car Park Leigham Court Road SW16 – new allocation

1. Is the policy and the approximate range of residential units grounded in an understanding and evaluation of the defining characteristics of the site and area so as to be consistent with the LLP and LP?
2. Would the policy be consistent with the Framework in terms of providing safe and healthy living conditions and a high standard of amenity for all existing and future users? Why is PM027 necessary for soundness?
3. Is the requirement for car free development with access for disabled parking and servicing consistent with the LLP, LP and the Framework? Why is PM028 necessary for soundness?

#### Site 7: 6 – 12 Kennington Lane and Wooden Spoon House, 5 Dugard Way SE11 – new allocation

1. Are the juxtaposition and type of uses proposed consistent with the LLP and LP? What affect would residential amenity considerations related to housing included on mixed-use sites have on their deliverability and the flexibility of employment uses also anticipated?
2. Is the policy approach to building heights and suitability, in part, for a tall building grounded in an understanding and evaluation of the defining characteristics of the site and consistent with the LLP and LP? Is it clear what is meant by 'low' and 'mid' rise? Should views be assessed now rather than as part of any future application?
3. Is the policy clear and therefore effective with regard to those designated heritage assets which would be affected by future development proposals? Why is PM031 necessary for soundness?

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4. The site plays host to community groups and other activities that would need to be relocated prior to redevelopment, what measures are being taken to facilitate this; and would relocation of some uses be dependent on provision of new buildings elsewhere within the borough?
  5. Would the policy be consistent with the LLP, LP and Framework in terms of providing safe and healthy living conditions and a high standard of amenity for all existing and future users?
  6. What is the significance given the Cottingham Close Estate is a 'potential candidate' for designation as a conservation area, is PM032 therefore necessary for soundness? Why is PM033 (workhouse wall) required for soundness purposes?
  7. Is the requirement for car free development with access for disabled parking and servicing justified and consistent with the LLP, LP and the Framework? Why is PM034 required for soundness and would it be sufficiently clear in relation to sustainable transport uses?
  8. Would planning obligations to secure public realm and transport infrastructure meet relevant legislative (per Regulation 122(2) of the Community Infrastructure Levy Regulations 2010) and national policy tests? Why is PM036 necessary for soundness?

**Matter 4: Does the Plan make sufficient provision for infrastructure requirements and does the SADPD set out effective mechanisms for monitoring and implementation?**

Issue (i) Provision of infrastructure

Questions:

1. Taken together, do the SADPD's policies provide an effective basis for initiative-taking and positive work with promoters, delivery partners and statutory bodies to plan for required facilities and ensure faster delivery of public service infrastructure (per paragraph 100 of the Framework)?
2. Is there robust evidence to demonstrate that all necessary infrastructure to support the allocations proposed in the SADPD can be delivered when and where required in accordance with the schedule and timetable identified in the LLP?

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Issue (ii) Does the SADPD set out effective mechanisms for monitoring and implementation?

Questions:

1. Is the SADPD consistent with the LLP in terms of its monitoring requirements?
2. Does the monitoring framework set out a clear set of indicators against which to assess the effectiveness of the SADPD's policies and allocations? Does the monitoring framework set out clear actions that could be taken should development not come forward at the rate anticipated in the SADPD? Is the SADPD clear in terms of the triggers for such action?

**\*\*\*End of Matters, Issues and Questions\*\*\***