

## **MF3 - Examination of Draft Revised Lambeth Local Plan 2020-2035**

### **Inspector's Matters, Issues and Questions (MIQ) Discussion Note (Revised 30 September 2020 – revisions marked in red)**

#### **Introduction**

This note provides a summary of the matters and issues identified by the Inspector in the form of questions, and they will form the basis of the examination hearings which commence on Tuesday 27 October 2020 as a virtual event. These questions may be refined in the light of the Inspector's consideration of the hearing statements received prior to the examination hearings.

---

#### **Matter 1 – Legal Requirements, Scope of the Plan and Duty to Cooperate**

##### **1.1 Legal Requirements:**

*Does the Local Plan meet all its legal requirements (e.g. in relation to the Local Development Scheme; Statement of Community Involvement; and Local Development Regulations 2012)? Are there any other legal compliance issues?*

##### **1.2 Scope of the Local Plan**

- (i) Does the scope of the Local Plan accord with Section 3 of the NPPF (the Framework) (2019 version) (Plan-making) and the Intend to Publish version of the London Plan?*
- (ii) Does the Local Plan keep within its remit in relation to the 'made' and emerging Neighbourhood Plans within the Plan Area?*

##### **1.3 Duty to Cooperate (DTC):**

- (i) Given that the legal responsibility for the Duty to Cooperate (DTC) rests with the individual London Boroughs, and also given the London-wide housing shortfall of 140,000 homes over the ten years from 2019/20 to 2028/29 (based on paragraph 6 of the Secretary of State's letter dated 13 March 2020), should the Council be addressing this shortfall in this Plan in cooperation with its neighbouring LPAs?*
- (ii) Where does the Council consider the balance to lie between the London Plan (Intend to Publish version) and the individual Boroughs and Development Corporations in addressing the London-wide housing shortfall?*
- (iii) Apart from housing, does the Plan satisfy the DTC in relation to planning for the longer-term growth of neighbouring areas, the*

*plans of utilities and service providers and any other strategic, cross-boundary planning considerations?*

---

## **Matter 2 – Spatial strategy, vision and objectives**

### **2.1 Spatial strategy**

- (i) The Council has indicated that in relation to paragraph 22 of the Framework, its housing policies are considered to be strategic, and the plan period for the Plan is therefore 15 years (2020-2035). The Plan provides a ten-year housing provision in line with the London Plan. Is this approach justified, and in accordance with national policy? Or should the Plan make an indicative housing provision for the remaining five years of the plan period (years 11-15)? This latter provision could perhaps be made along the lines indicated in Topic Paper 10 (Housing Provision Statement), which suggests an indicative capacity for years 11-15 from 16 large sites in the order of 2,650 additional dwellings, plus a possible continuation of the small sites allowance.*
- (ii) Should the Plan set out and address the London Plan's Opportunity Areas (OAs), at Vauxhall/Nine Elms/Battersea and at Waterloo and reflect the indicative targets, for 18,500 new homes and 18,000 new jobs at Vauxhall/Nine Elms/Battersea and 6,000 new jobs at Waterloo?*
- (iii) Should the Plan provide a clear articulation of its relationship with the Central Activities Zone, including its relationship within the Central Services Area?*
- (iv) Are the vision and objectives sufficiently comprehensive to set a sound framework for the Plan, or are there significant gaps or flaws?*

### **2.2 Sustainability Appraisal (SA) and Habitats Regulation Assessment (HRA)**

- (i) Is the Plan supported by the SA and HRA?*
- (ii) What evidence is there that the SA has influenced the Plan and undertaken a full assessment of realistic alternatives? If there were no realistic alternatives to the strategy as set out in the existing adopted Plan, what is the evidence to support this?*
- (iii) Do any adverse effects identified in the SA require significant mitigation, and how does the Plan address these issues?*

### **2.3 Delivering the vision and objectives**

- (i) *Are the strategic overarching ambitions set out in policy D1 (delivering the vision and objectives) and the principles set out in policy D2 (Presumption in favour of sustainable development) justified, realistic and consistent with national policy?*
  - (ii) *Are the social, physical and green infrastructure provisions sound? In particular, are there any necessary infrastructure needs that are not addressed in the Plan; can any of the constraints, e.g. highways, flood risk or sewerage, to development be classified as 'showstoppers'?*
- 

### **Matter 3 – Housing**

#### **3.1 Strategic housing provision:**

- (i) *Does the Plan address the Government's prioritisation of the delivery of new homes, as expressed in paragraph 59 of the Framework, or is the Plan cautious in its housing delivery?*
- (iii) *Does the Plan provide a sufficient number and range of housing sites that are suitable for residential and mixed-use development and intensification?*
- (iv) *Topic Paper 10 (Housing Provision Statement) sets out the principal components of the Plan's housing provision for the first ten years of the plan period; these are summarised in Appendix 6, and there is detailed supporting evidence. In particular, are: (a) the detailed housing tables within the Topic Paper justified and realistic? (b) the small site figure of 400 dwellings per annum (dpa) realistic and based on robust evidence? (c) the trajectory for non-self-contained accommodation robust? and (d) any other factors that need to be taken into account in determining whether the principal components of Lambeth's housing trajectory stack up? Overall, is the target of 1,335 dpa to be implemented over the plan period realistic?*
- (v) *In terms of housing provision and site allocations, what is the relationship between this Plan and the Site Allocations Plan which the Council intends to prepare in the near future?*

#### **3.2 Delivering affordable housing (AH)**

- (i) *Is policy H2 (delivering affordable housing) justified and effective?*
- (ii) *The policy links into policy H5 of the London Plan, which indicates specific percentages of AH for different types of sites. Policy H2 (a) (iv), however, seeks financial contributions towards AH on sites providing fewer than 10 units (gross), subject to viability testing. The London Plan policies H4 and H5 refer to AH on major sites, and paragraph 63 of the Framework likewise limits AH provision to*

*major sites. Lambeth clearly has a significant AH need, but is it sufficiently greater than the Greater London average to justify such a departure from the London Plan and national policy?*

- (iii) Are the proposed AH tenure percentages justified for Lambeth?*
- (iv) Parts (c) and (d) from the earlier version of policy H2 have been deleted, which has been interpreted by some parties that there is no longer a requirement for the Council to take into account the circumstances of individual sites, including viability, nor for a financial appraisal to be provided where lower levels of AH are proposed. In the light of these considerations, is the amended policy H2 justified and in accordance with national policy?*

- 3.3 Five-year housing land supply:** *With reference to paragraph 73 of the Framework, does the Plan provide for at least a five-year supply of housing? Has sufficient allowance been made for non-completions for the Plan to be effective in its housing delivery over five years?*
- 3.4 Housing standards:** *Is policy H5, which addresses housing standards, justified and in line with national policy?*
- 3.5 Residential conversions:** *Is policy H6 justified, or will it, as some parties argue, increase stress in the area and encourage illegal conversions?*
- 3.6 Student housing:** *Is policy H7 justified? What is the evidence to state that two student housing units within 500m of each other has an unacceptable impact on residential amenity?*
- 3.7 Older people's housing:** *(i) Does policy H8, which addresses housing to meet specific community needs, make adequate provision for the supply of housing for older people? (ii) Should it be more aligned with policy H13 of the London Plan? (iii) Does the Plan show sufficient awareness of the need to meet the housing needs of this relatively fast-growing section of the Borough's population?*
- 3.8 Gypsy and traveller accommodation:** *Is the provision for three pitches for gypsies and travellers over the plan period, as set out in policy 10, justified and in line with national policy?*
- 3.9 Estate regeneration:** *(i) Should the wholesale demolition of estates only take place after a favourable ballot of all estate residents, and if so, why? (ii) Is the 50% AH requirement in policy H11 too onerous and counterproductive?*
- 3.10 Build to rent:** *Is policy H12 too onerous in relation to London Plan policy H11?*
- 3.11 Large-scale purpose-built shared living:** *(i) Is the requirement in policy H13 for the provision of 15 sqm of functional living space separate from the communal living facilities, justified? (ii) Is the provision of rent caps justified and in line with national policy? (iii) What is the basis for*

limiting the applicability of this policy to certain areas? (iv) *Is part B of the policy too limiting and negatively framed, and is the exclusion of public sector land from the provisions of the policy justified?*

---

## **Matter 4 - Economic Development, Retail and Town Centre Uses**

- 4.1 Building a strong, competitive economy:** (i) *Do policies ED1-15 positively contribute to building a strong, competitive economy in accordance with the requirements of the Framework? (ii) Is the Plan flexible enough to encourage new and innovative forms of workspace in response to a fast-changing industrial context?*
- 4.2 Offices:** (i) *Should policy ED1 be more flexible in relation to allowing development proposals involving a complete loss of floorspace, for example to enable the delivery of improved healthcare facilities? (ii) Is the marketing requirement to demonstrate that there is no demand for offices over a period of at least two years justified and in line with national policy? Why has this been increased from one year? (iii) Is the 'no net loss' stance critical to Lambeth's local economy or is it unduly restrictive which could get in the way of economic progress in the Borough?*
- 4.3 Affordable workspace:** (i) *Is policy ED2, which seeks to promote affordable workspaces, sufficiently responsive to sensitive viability considerations, or are there soundness issues with its application, for example in relation to applications for redevelopment and refurbishment of office space? (ii) What is the justification for the proposed rent levels? (iii) Is there a case for amending the policy to make it clear that office floorspace associated with or ancillary to health facilities would form an exception to the policy requirements?*
- 4.4 Key Industrial and Business Areas (KIBAs):** (i) *Given the issues of stock availability and higher rents for small and medium enterprise (SME) uses, and the evidence pointing to some SMEs failing in the Borough, what is the justification to delete the business use element from policy ED3? (ii) What is the intention in KIBAs where the majority use is B1? Will further B1 extensions/improvements be acceptable under the new policy? (iii) How does this policy square with the MHCLG letter of 12 March 2020, which warns against the London Plan's industrial land policies taking an over-restrictive stance to hinder Boroughs' abilities to choose more optimal uses for industrial sites where housing is in high demand? (iv) *Is the policy unduly restrictive to the principle of mixed-use development and co-location, which is promoted in national policy?**
- 4.5 Non-designated industrial sites;** (i) *Given that many of these industrial uses are located in close proximity to housing uses, should there be a*

reference in policy ED4 to the Agent of Change principle in the interests of safeguarding neighbouring residential living conditions? (ii) On the other hand, how does the policy work where recently introduced residential development is located next door to an existing industrial use, which then wishes to expand/improve/redevelop? (iii) What is the justification in policy ED5 for not permitting 'work-live' development in KIBAs?

- 4.6 Town centres:** (i) In policy ED7 (c), what is meant by appropriate scale for development which is supported in town centres? (ii) Is the limit of up to 800 sqm of net additional comparison retail floorspace within town centres across the Borough by 2020 unnecessarily restrictive?
- 4.7 Evening economy and food and drink uses:** Does policy ED8 strike the right balance between supporting the evening economy and safeguarding public amenity and the living conditions of neighbouring residential areas?
- 4.8 Hotels and other visitor accommodation:** *In relation to policy ED14,* (i) Is the total restriction on new additional newbuild visitor accommodation in the Waterloo CAZ justified? (ii) What is the justification for the limit of 100 rooms within parts of Vauxhall which lie outside the Opportunity Area? (iii) *Is the proposal not to permit additional visitor accommodation outside town centres justified?*
- 4.9 Employment and training:** Policy E15 seeks to maximise local employment opportunities through a number of measures, including a requirement for a minimum of 25% of all jobs created by a development proposal (in both the construction phase and for the first two years of end-use occupation of the development) to be secured for local residents. Is this policy justified, is it in accord with the London Plan and national policy and is it enforceable, i.e. effective?
- 

## **Matter 5 – Social infrastructure**

- 5.1 Section 7:** Are policies S1-S3 positively prepared, justified, effective and consistent with national policy?
- 5.2 Safeguarding existing infrastructure:** *In relation to policy S1 (safeguarding existing social infrastructure), is the facility for allowing payments in lieu, even in exceptional circumstances, in accordance with national policy?*
- 5.3 New or improved social infrastructure:** *Should libraries be added to the list in policy S2 (new or improved social infrastructure)? If so, presumably this should be reflected in the IDP. Does policy S2, and the proposals for Site 1 (Land north and south of and including 10 Royal Street, SE1 [Founders Place]) adequately cover the requirements for new and improved health care facilities in the Borough? In particular, in policy 2, Site 1, Design principles and key development considerations, (iii), is*

*the proposed restriction on building heights in the southern half of the site appropriate in view of its location within the Conservation Area and proximity of Archbishop's Park?*

- 5.4 Schools:** *Does policy S3 (Schools), and the proposals for Site 4 (New Park Road, SW2) provide an adequate framework to enable the provision of sufficient sites for educational purposes for the Borough, including years 10-15 of the plan period?*
- 

## **Matter 6 – Transport and communications**

- 6.1 Strategic transport:** *(i) Does policy T4 (public transport infrastructure) accord with national policy? (ii) Does the evidence point to the public transport modes in Lambeth having sufficient capacity to accommodate peak hour flows if the proposed development comes to fruition during the plan period? (iii) Are all the key linkage/connectivity issues satisfactorily addressed in the Plan?*
- 6.2 Sustainable transport:** *(i) Should the Plan promote sustainable travel targets and how effectively can they be monitored? (ii) Are the cycling requirements for new developments in policy T3 (cycling), including 25% of cycling racks to be Sheffield stands, justified and realistic? (iii) Should the Plan require travel plans as a way of securing sustainable transport and monitoring obligations secured and collecting data on actual demand?*
- 6.3 River transport:** *Is the encouragement in policy T5 (river transport) for companies in proximity to the Thames to consider using the river for the transport of construction materials and waste through the use of nearby safeguarded wharves in the neighbouring Borough of Wandsworth, justified and realistic? How is 'in proximity' defined and is the policy just aspirational?*
- 6.4 Parking:** *Is policy T7 (parking) justified and realistic, and is the requirement for electric vehicle charging points effective?*
- 6.5 Servicing:** *Is policy T8 (servicing), to promote sustainable freight servicing, including through off-site consolidation, effective?*
- 

## **Matter 7 – Environment and Green Infrastructure**

- 7.1 Open space, green infrastructure and biodiversity:** *(i) Should policy EN1 (open space, green infrastructure and biodiversity) be less of a blanket policy on open space protection and show flexibility by taking into account whether the open space being lost is truly accessible space and in active use? (ii) Should the policy also include an additional criterion covering where the benefits of the alternative proposal outweigh the*

*disbenefits of the loss of the open space, in recognition of the improved quality of provision? (iii) Should there be more flexibility in relation to urban greening requirements for major developments, which may be on constrained industrial sites?*

- 7.2 Decentralised energy, design and construction:** *Is policy EN3 (decentralised energy) justified and in accordance with national policy and the London Plan? In particular, is it appropriate for the policy to specify specific technologies as a requirement?*
- 7.3 Sustainable drainage systems, water management and flood risk:** *Are policies EN5 (flood risk) and EN6 (sustainable drainage systems and water management) justified and consistent with national policy?*
- 7.4 Sustainable waste management:** *It would appear from GLA's comments that policy EN7 (sustainable waste management) needs further clarification in relation to the proposed approach to net self-sufficiency. The gap in waste capacity is put by the GLA at 143,000 tonnes up to 2021 and 152,000 tonnes by 2041. Does the Plan therefore need to set out how much of the capacity gap could be met through the intensification of existing waste sites and how much would be exported to other Boroughs?*
- 

## **Matter 8 – Quality of the built environment**

- 8.1 Quality of urban design, public realm, construction detailing, alterations and extension and living conditions:** *(i) Are policies Q1-Q24 justified, effective and consistent with national policy? (ii) Do these policies take sufficient account of the need to safeguard the living conditions of both existing neighbouring occupiers and future occupiers of new development?*
- 8.2 Views:** *(i) Does policy Q25 (views) provide strategic alignment with Southwark's aims for sustainable development and to ensure that development within Southwark is not hindered? (ii) Does policy Q25 adversely impact on the development management process in Croydon? How far, if at all, can a policy like Q25 be applied outside the Borough of Lambeth?*
- 8.3 Tall buildings:** *(i) There is no 'up front' definition of tall buildings in policy Q26 (tall buildings), although there is the table in the explanatory text (paragraph 10.147) and the range of heights which are set out in Annex 11. In view of the relative complexity of developments in parts of Lambeth and some very important townscape considerations, such as the Westminster World Heritage Site, is this approach both justified and realistic? (ii) Does the range of definitions for tall buildings provide some consistency for development management purposes, and if not, what would be appropriate for Lambeth? [Some London Boroughs specify a number of storeys or heights as a yardstick] (iii) There is no inclusion of*



*any criteria in the policy to relate tall buildings to public transport accessibility, which is a crucial relationship; in this regard, should the policy relate to PTAL levels, and if so, how? (iv) How valid are the concerns that tall buildings cause alienation, e.g. in relation to daylight, overshadowing, mutual privacy, microclimate, wind deflection and turbulence, and impact at street level, or is this a matter that can be overcome by sensitive design? (v) Is the presumption against tall buildings in certain areas in Lambeth consistent with national policy? (vi) Some of the representations express concern that the existing tall building policy has not been enforced; if this is true, what is the evidence that this Plan will be more successful than its predecessor? (vii) Is it appropriate for the policy to specify that a public benefits case can be a material justification in relation to proposals to breach the height limits in the table in paragraph 10.147?*

- 8.4 Basement development:** *Should policy Q27 (basement development) refer to solid geology as one of the criteria in section (a), and what is the justification in section (c) to limit basement schemes (except for major new-build schemes) to one storey of basement accommodation? Given the widespread concerns over loss of amenity/ impact on living conditions, should the policy address this issue more explicitly?*
- 

## **Matter 9 – Places and Neighbourhoods**

**Are the following policies positively prepared, justified, effective and consistent with national policy?**

- 9.1 Policy PN1** *(Waterloo and South Bank): including the proposals for Sites 5 (Elizabeth House, York Road, SE1), Site 6 (Shell Centre, York Road, SE1) and Site 9 (ITV Centre and Gabriel’s Wharf, Upper Ground Street, SE1).*
- 9.2 Policy PN2** *(Vauxhall): including Site 10 (Albert Embankment and land to the rear bounded by Lambeth High Street, the railway viaduct and Southbank House, SE11), Site 11 (Keybridge House, 80 South Lambeth Road, 10-22 Wyvill Road (even) and 143-162 Wandsworth Road (odd), SW8 1RG), Site 12 (Land bounded by Wandsworth Road to the west, Parry Street to the north and the railway viaduct to the east, SW8), Site 13 (Plot bounded by Parry Street, Bondway and 7-93 Wandsworth Road, SW8 [Vauxhall Island Site]).*
- 9.3 Policy PN3** *(Brixton): including Site 14 (Somerleyton Road, SW9), Site 15 (Popes Road, SW9), Site 16 (Brixton Central [between the viaducts], SW9).*
- 9.4 Policy PN4** *(Streatham)*
- 9.5 Policy PN5** *(Clapham)*

**9.6 Policy PN6** (Stockwell)

**9.7 Policy PN7** (West Norwood/Tulse Hill): *including Site 18 (286-362 Norwood Road, SE27)*

**9.8 Policy PN8** (Kennington Oval)

**9.9 Policy PN9** (Herne Hill)

**9.10 Policy PN10** (Loughborough Junction)

**9.11 Policy PN11** (Upper Norwood/Crystal Palace)

---

*Mike Fox*

*Inspector*