



## Lambeth Local Plan Examination

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# **MATTER 1: LEGAL REQUIREMENTS SCOPE OF THE PLAN AND TO CO- OPERATE**

On Behalf of Espalier Ventures Working in  
Association with MELT Property



## Lambeth Local Plan Examination

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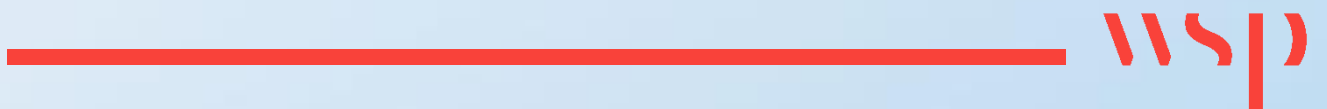
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APPENDIX A

REGULATION 19 - CONSULTATION RESPONSE

# 1

## INTRODUCTION



# 1 INTRODUCTION

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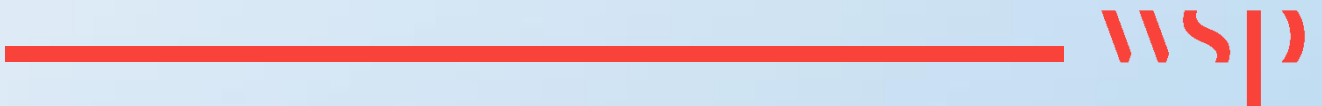
- 1.1.1. We write on behalf of, Espalier Ventures working in association with MELT Property (EVMP), in support of representations made to the Examination of the London Borough of Lambeth Council (LBLC) Lambeth Local Plan (LLP).
- 1.1.2. EVMP has significant interest in Lambeth Borough as they own 68-86 Clapham Road. The site is currently in commercial use. It is an edge of town centre location being approximately 50m south of Oval Centre. A number of amenities, including convenience stores, cafes, hairdressers, a dentist, a pharmacy, an opticians and other stores, are located within Oval towards Oval tube station.
- 1.1.3. The site's designations are as follows:
- Edge of centre location;
  - St Marks Conservation Area;
  - Protected Vista Parliament Hill Oak Tree to Palace of Westminster;
  - To the south of Protected Vista Parliament Hill summit to Palace to Westminster;
  - Local View Brixton Panoramic;
  - The east of the site is located within an Archaeological Priority Area;
  - Flood Zone 3 (benefits from flood defences); and
  - Along TfL Road Network.
- 1.1.4. EVMP has recently submitted an application for the redevelopment of 68-86 Clapham Road, an existing car rental garage, to provide a new aparthotel, office workspace, including affordable office floorspace, eight affordable homes and the re-provision of the car rental garage at basement level (planning application ref. 20/02908/FUL). The application is currently under assessment with the Council with determination expected in December 2020.
- 1.1.5. EVMP had received pre-application advice from the Council prior to the submission of the application. As part of the pre-application response from LBLC, they stated that the emerging LLP policies should be given significant weight and that the proposal was contrary to emerging Policy ED14 of the emerging LLP as it states that *"additional visitor accommodation outside town centres will not be permitted"*.

## Previous representations to the LLP

- 1.1.6. We previously made representations on the emerging LP, during the Regulation 19 consultations.
- 1.1.7. Our Regulation 19 representations (Appendix A) highlighted that LBLC emerging LP does not accord with the National Planning Policy Framework (NPPF, February 2019) and the Intend to Publish London Plan (December 2019). We do not propose to repeat these here but highlight the fact that fundamentally the draft policy runs contrary to the NPPF and up to date London Plan in respect of how the sequential test should be applied. Policy ED14 is, on this basis, unsound and the Council need to introduce additional text to reflect such policy at the national and strategic level.

# 2

## **MATTER 1: LEGAL REQUIREMENTS, SCOPE OF PLAN TO COOPERATE**



## 2 MATTER 1: LEGAL REQUIREMENTS, SCOPE OF PLAN TO COOPERATE

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### 2.1 ISSUE: SCOPE OF THE LOCAL PLAN

### 2.2 RELEVANT POLICIES – ED14

**“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?”**

2.2.1. Paragraph 35 of the NPPF states that plans are to be considered “sound” if they are:

- Positively prepared;
- Justified;
- Effective; and
- Consistent with national policy.

2.2.2. Draft policy as proposed are not in accordance with both national and regional policies and therefore, the Plan is not “sound”, contrary to Paragraph 35 of the NPPF.

2.2.3. Paragraph 86 of the NPPF requires a sequential assessment to be applied to all development proposals for main town centre uses that are not in an existing town centre or in accordance with an up-to-date local plan. It goes on to state that “main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.”

2.2.4. Emerging Policy E10 of the Intend to Publish London Plan (IPLP) refers to visitor accommodation being directed to town centres and Opportunity Areas. Part G of the emerging Policy E10 specifically states the following:

*“G - 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.”*

2.2.5. Part A1 of emerging Policy SD7 of the IPLP states the following:

*“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.”*

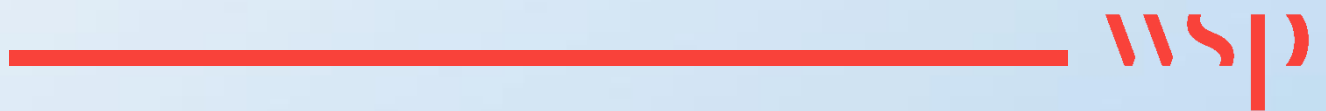
2.2.6. The wording above has been selected to reflect the requirements of paragraph 86 of the NPPF.



- 2.2.7. Part (a) of Policy ED14 of the emerging LLP states that “visitor accommodation outside town centres will not be permitted”. This approach seeks to ensure that new visitor accommodation is directed towards town centres. This draft policy was worded to accord with the then emerging London Plan, dated August 2018. However, the emerging London Plan has had two iterations since emerging Policy ED14 was originally drafted. The amendments to the emerging London Plan now includes a new part G (which was added into the emerging London Plan in the July 2019 version), as referenced above, which refers to following the sequential test, as set out in emerging Policy SD7 of the IPLP and the NPPF. However, emerging Policy ED14 (as written in the January 2020 version) has not been updated to reflect this amendment.
- 2.2.8. As drafted, emerging Policy ED14 is unsound as it clearly does not accord with regional and national policies.
- 2.2.9. In light of the above, and to ensure that the Local Plan is sound (i.e. consistent with national policy in accordance with Paragraph 35 of the NPPF), the wording of emerging Policy ED14 should be amended as follows:
- “Outside of the Waterloo CAZ boundary and Vauxhall Opportunity Area and CAZ boundaries visitor accommodation (C1) will be supported in town centres. In these locations, visitor accommodation should be of an appropriate scale for the proposed location and should not unacceptably harm residential community. Visitor accommodation proposed outside of these areas will be subject to the sequential test, set out within Policy SD7 of the London Plan and paragraph 86 of the NPPF (February 2019)”.*
- 2.2.10. We trust our comments will be taken into account and draft Policy ED14 of the emerging LLP is updated accordingly to comply with national and regional policies.

# Appendix A

## **REGULATION 19 - CONSULTATION RESPONSE**



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By email  
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4 March 2020

Dear Sir/Madam

## **REPRESENTATIONS TO DRAFT REVISED LAMBETH LOCAL PLAN CONSULTATION – REGULATION 19**

We write on behalf of Espalier Ventures working in association with MELT Property, in respect of the current consultation of the Lambeth Local Plan in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulation 2012 (as amended).

Paragraph 35 of the NPPF states that plans are to be considered “sound” if they are:

- Positively prepared;
- Justified;
- Effective; and
- Consistent with national policy.

We have reviewed the draft policies and have concerns that certain draft policies proposed are not in accordance with both national and regional policies and therefore, the Plan is not “sound”, contrary to Paragraph 35 of the NPPF. Our specific objections have been set out below.

### **Policy ED14 ‘Hotels and other visitor accommodation’**

Part (a) of Policy ED14 states “*additional visitor accommodation outside town centres will not be permitted*”. This policy is unduly restrictive and does not take into account changing markets within the plan period, the need for economic growth or the sequential approach.

The Working Topic Paper 5, which it is stated provides justification for Policy ED14, notes that “*the visitor economy brings many economic benefits, as does visitor accommodation*”. It states that London needs an additional 58,140 serviced accommodation rooms between 2015 and 2041, of which Lambeth is projected to contribute 5.2%. Restricting the locations for this type of use will limit future growth.

More importantly, the wording of the policy is contrary to national and regional

policies. Part (a) of Policy ED14 refers to Policy E10 of the new (Intend to Publish) London Plan. Policy E10 refers to visitor accommodation being directed to town centres and Opportunity Areas and also states *“in accordance with the sequential test as set out in Policy SD7 Town centre: development principles and Development Plan Documents”*. Emerging Policy SD7 refers to the NPPF town centre first approach (as set out in Paragraph 86 of the NPPF) which requires main town centre uses (including hotels/aparthotels) to be located in town centres, and then if no suitable town centre sites are available then consideration should be given to edge of centres that are well integrated with existing centres and then if no suitable sites are available, out of centre sites can be considered.

The wording of Policy ED14 is clearly inconsistent with emerging Policy E10 and SD7 as the policy would prevent any form of visitor accommodation to be located on the edge of town centres. The wording of this Policy must be updated so it is consistent with the NPPF.

The wording of Policy ED14 is also inconsistent with the definition of town centres in Annex 2 of the NPPF, as it omits local centres. The policy wording therefore needs to be updated to refer to town centres, to be consistent with the town centre first approach, as set out in national policy.

In light of the above, and to ensure that the Local Plan is sound (i.e. consistent with national policy in accordance with Paragraph 35 of the NPPF), the wording of Policy ED14 should be amended as follows:

*“Outside of the Waterloo CAZ boundary and Vauxhall Opportunity Area and CAZ boundaries visitor accommodation (C1) will be supported in town centres. In these locations, visitor accommodation should be of an appropriate scale for the proposed location and should not unacceptably harm residential community. Visitor accommodation proposed outside of these areas will be subject to the sequential test, set out within Policy SD7 of the London Plan and paragraph 86 of the NPPF (February 2019).*

Part (e) of the policy states that *“proposals for visitor accommodation (C1) will be acceptable only where it can be demonstrated that the development does not compromise a site’s capacity to meet the need for conventional dwellings, especially affordable family homes”*.

The site owned by our client at 68-86 Clapham Road is an employment site, which is currently in commercial use and does not benefit from an implementable planning permission for residential use. It is not, and never has been allocated for housing, and is not included in or being relied upon by the Council to deliver their five-year housing land supply, with reference to the Council’s latest position statement (published September 2019). As such, this part of the policy wording would not prevent a hotel coming forward on the site, subject to satisfying the sequential test as an edge of centre site. Nevertheless, this part of the policy is not clear or justified and should be deleted.

## Town Centres

Section 6: Economic Development, Retail and Town Centre Uses defines areas that are town centres, including “major, district and local town centres”. The Oval (Clapham Road) town centre boundary should be amended as it does not currently include commercial development which would complement and enhance the character of the centre.

Annex 2 of the London Plan (2016) defines a local centre as an area which:

*“Typically serve a localised catchment often most accessible by walking and cycling and include local parades and small clusters of shops, mostly for convenience foods and other services. They may include a small supermarket (typically up to around 500sqm), sub-post office, pharmacy, laundrette and other useful local services. Together with District centres they can play a key role in addressing areas deficient in local retail and other services.”*

Annex 1 of the emerging London Plan mirrors this description but includes an additional sentence which states “*This includes locally-identified CAZ retail clusters*”. Annex 3 of the emerging Local Plan mirrors the emerging London Plan definition of a “local centre”.

The Oval (Clapham Road) centre is located along the western side of Clapham Road, from 58 Clapham Road to Oval Underground Station. Having regard to the existing commercial use on site and proposed development described above, the Oval (Clapham Road) town centre boundary should be extended to include 68-86 Clapham Road and defined as a district centre.

The site, 68-86 Clapham Road, is well located and has a PTAL rating of 6a, meaning that the site is accessible by public transport as well as walking and cycling, and can serve more than a local catchment. The site is easily accessed from the north of the current town centre where there is a large residential area.

**Appendix 1** of this covering letter includes our amendments to the Oval (Clapham Road) town centre to include the 68-86 Clapham Road site.

## Conclusion

The wording of in Policy ED14 does not accord with emerging London Plan Policy E10 and SD7 and Paragraph 86 of the NPPF. The wording of the policy contradicts Paragraph 35 of the NPPF which requires Local Plans to be consistent with national policy. As it stands, the plan is not sound in its current form and is at risk of being legally challenged.

Furthermore, the commercial use at 68-86 Clapham Road complements the functionality of the centre and therefore, the town centre boundary should be extended to include this site. The extended centre should be defined as a district centre.

We wish to be kept informed of any further consultations of the Local Plan and when the emerging Local Plan will be submitted to the Inspector. In the meantime, if you require any further information please do not hesitate to get in touch.

Yours faithfully


A handwritten signature in black ink, appearing to read 'V. Chase'.

Victoria Chase

Enc: Appendix 1 - Proposed Oval (Clapham Road) District Centre





|                |  |                    |                           |  |
|----------------|--|--------------------|---------------------------|--|
| <b>Project</b> | 68-86 Clapham Road, London SW9               | <b>LPA</b>         | London Borough of Lambeth | <b>Indigo Planning Limited</b><br>Aldermay House<br>10 - 15 Queen Street<br>London<br>EC4N 1TX |
| <b>Title</b>   | Proposed Oval (Clapham Road) District Centre | <b>Date:</b>       | 0.4.03.2020               |             |
| <b>Client</b>  | Espalier Ventures Ltd                        | <b>Scale:</b>      | NTS                       |  |
|                |  | <b>Project No:</b> | 62262174                  |  |
|                |  | <b>Drawing No:</b> | 62262174                  | T 020 3848 2500<br>info@indigoplanning.com   |
|                |  | <b>Drawn By:</b>   | CM                        |  |

#### Key

- Extended boundary to proposed district centre

**wsp | indigo.**





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