
Lambeth Local Plan Examination Hearing Statement

Matter 8 – Issue 8.4

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

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**BARTON
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PLANNING / DESIGN / DELIVERY

Lambeth Local Plan Examination

Hearing Statement

Matter 8

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APPENDIX 1: BACKGROUND CONTEXT

1.0 INTRODUCTION

- 1.1 Barton Willmore LLP and Q&A Planning Ltd [R077] 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 (LBL).
- 1.2 This Statement relates to Matter 8, draft Policies Q27 and Issues 8.4 of the Inspector's Main Issues and Questions. It follows previously submitted representations at the earlier consultation stages of the Draft Revised Local Plan. We note that the draft policy contained within the 'Submission Version of the Revised Draft Local Plan' (SVRDLP) has not been substantially changed. As such, the objections raised in the previous consultation still stand.
- 1.3 Barton Willmore LLP and Q&A Planning Ltd have been working in partnership to prepare LHG's Hearing Statement. However, in terms of presenting LHG's case for Matter 8, Barton Willmore will take the lead when discussing the soundness of draft Policy Q27.
- 1.4 LHG notes that:
- Part c) of draft Policy Q27 restricts the depth of residential basements beneath residential buildings; and
 - Part d) of draft Policy Q27 (which applies to both residential and non-residential sites) apply limitations to basement extensions, as follows:
 - Not extending beyond the ground floor footprint of the host building;
 - Not to the front of the host building; and
 - Not more than 30% of the rear garden area.
- 1.5 LHG have previously concluded, and continues to conclude, that Policy Q27 is not:
- a. Positively prepared on the basis that it will unnecessarily restrict appropriate basement development within the Borough;
 - b. Justified because it is not supported by clear and proportionate evidence;
 - c. Effective because it does not take account of strategic policy

matters in respect of basement development across London which allows such appropriate development; and

- d. Consistent with NPPF guidance which seek to secure policies that are flexible, seek the best use of urban land and economic growth.

- 1.6 Therefore, for the reasons listed above, the Policy is not sound, contrary to paragraph 31, 35 and 36 of the NPPF.

Background

- 1.7 LHG's concern is that LBL has not provided sufficient justification as to why Part c) of Policy Q27 precludes the construction of a multi-storey basement beneath residential buildings. This is the matter highlighted in the Inspector's MIQs.
- 1.8 LHG has raised another concern in its previous representations to LBL which is not set out in the Inspector's MIQ. Namely, that part d) of Policy Q27 could preclude basement extensions to its existing hotels (and other commercial and residential properties) because the proposed basements would occupy the entirety of these commercial site areas. To help the Inspector understand the context behind LHG's concerns in respect of Policy Q27, a background summary is provided at Appendix 1.

Planning Policy Context

NPPF & London Plan Policy

- 1.9 The NPPF and the adopted London Plan does not provide any guidance on basement related development. Therefore, there is nothing contained within the NPPF nor the London Plan that would direct local planning authorities to prepare policies that restrict the depth, width or height of basement proposals.

Adopted Lambeth Plan Policy

- 1.10 Policy Q11 (parts (i) & (j)) of the adopted Lambeth Local Plan explains that the excavation of basements beneath existing properties are acceptable in principle. It also explains that basement extensions are not considered acceptable if they:
 - Entail roofing over or inappropriate enclosure/alteration of existing basement areas; or

- Result in the loss of front gardens; or
- Entail excessive excavation which would harm the character of the locality or which would undermine the appearance of the host building; or
- Result in development below gardens which would severely compromise the ability of trees and soft landscaping to thrive without irrigation; and
- New Basement lightwell excavations should:
 - I. minimise the size of any excavated area at the front or side;
 - II. be in keeping with the style and design integrity of host building and wider locality;
 - III. minimise the visual impact through good design; and
 - IV. not reduce existing parking bays to below the minimum standard.

1.11 Assuming a basement extension proposal can accord with the above criteria, Policy Q11 of the adopted Lambeth Local Plan would support the principle of multi-level basement extension proposals that would occupy the entirety of the site area. Policy Q11 is a much more flexible policy than Draft Policy Q27 and that reflects the guidance contained with the NPPF.

ITP Draft New London Plan

- 1.12 Policy D10 and paragraph 3.10.3 of the Draft London Plan explain that large-scale basement excavations under existing properties should be restricted where this development is likely to cause unacceptable harm and / or if the 'Agent of Change Principle' is likely to occur in respect of ground-borne noise and vibration impacts from existing uses and infrastructure (including London Underground infrastructure). If no harm is concluded, then no restrictions would apply.
- 1.13 The ITP Draft New London Plan would, therefore, support the principle of multiple-basement extension proposals that would occupy the entirety of the site area.

2.0 MATTER 8 - EXAMINATION ISSUES & RECOMMENDATIONS

- 2.1 The present position of LHG is set out below under the relevant questions of the Inspector's Matter 4, as described in Schedule of Matters and Issues for the Examination (MF3, Revised 30th September 2020). We then outline recommended amendments Policy Q27 for the policy to be found sound.

Matter 8 – Quality of the built environment

Issue 8.4 – Basement development

Question: What is the justification in section (c) to limit basement schemes (except for major new-build schemes) to one storey of basement accommodation?

- 2.2 There is a growing demand for basement development across London due to high levels of development pressure and high land values which has given rise to an increasing level of below ground development. Basement development helps meet the needs of the Borough. In particular, it assists in:
- The provision of additional floorspace (such as leisure space and habitable space where possible), which may not have been achievable above ground;
 - The provision of much needed parking;
 - The provision of space for plant machinery, as opposed to locating them outdoors where they have potential to cause noise disturbance;
 - The ability to provide lateral spaces, particularly within listed buildings where it is difficult to provide these due to constraints on changes to plan form.
- 2.3 LHG notes that part c) of draft Policy Q27 restricts the depth of basements to one storey below residential buildings. There is no clear and robust justification for this limitation.
- 2.4 It is not clear to LHG what evidence LBL has to support this blanket approach to basement development underneath residential properties. We note that the supporting text to this policy explains that:

“Limiting the extent and depth of basement development can help reduce both the risks and mitigate any negative environmental and amenity impacts”.

- 2.5 This explanation does not recognise that other on-site mitigation measures can also be included in multi-level basement proposals to deliver these objectives and not every site will have the same constraints. This should be considered on a site-by-site basis using the technical reports prepared in support of Part A (i) to (vii) of Policy Q27, rather than applying a blanket ban.
- 2.6 It is noted that LBL's evidence base to support Policy Q27's position is the Lambeth Residential Basement Study (April 2016). This Study does not recommend that the new policy (Policy Q27) that is to replace adopted Policy Q11 should apply any restrictions to the depth, width and height of basement development. It only concludes¹ that a Basement Impact Assessment (BIA) approach is needed.
- 2.7 Section 1.0 of this Statement explains that the NPPF, currently adopted Lambeth Local Plan, adopted London Plan and ITP Draft New London Plan support the principle of multi-level basement extensions if they meet a set criteria and do not result in 'harm', but this does not need to be justified by way of a 'departure' from policy. These policies do not limit the depth, width or depth of basement extensions beneath residential buildings.
- 2.8 The current drafting of Policy Q27 means that this policy is inflexible and does not take account of the demand for multi-level basement proposals required by the owners of constrained sites, but instead LBL will be compelled to refuse planning permission for multi-storey basement proposals beneath residential buildings because these types of proposals would depart from new local policy (but not the NPPF, the adopted London Plan, nor ITP Draft New London Plan policy).
- 2.9 Application of this inflexible policy will only serve to significantly restrict how house owners can invest in their properties and will not secure the best / optimum use of scarce land in London contrary to the objectives of the NPPF.
- 2.10 Therefore, for the reasons listed above, the Policy is not 'Sound' as it is not positively prepared, not justified, not effective and would conflict with the guidance set out in the NPPF, London Plan and ITP Draft New London Plan.

¹ Paragraph 204 of LBL's Lambeth Residential Basement Study: Report Findings (21st April 2016)

Recommendation

- 2.11 Policy Q27 should be adjusted by deleting parts C(i) and C(ii)

Other concerns

- 2.12 As explained in Section 1.0, LHG has raised another concern to LBL in its previous representations which is not set out in the Inspector's MIQ. Namely, that part d) of Policy Q27 would preclude basement extensions to its existing commercial and residential properties that would occupy the entirety of these site areas, including land that fronts the public realm.

- 2.13 Again, it is not clear to LHG what evidence LBL has to support this blanket approach to basement development that would occupy the entirety of these site areas. LHG assumes it is for the same reason highlighted above (to help reduce both the risks and mitigate any negative environmental and amenity impacts) and LHG reiterates its response:

- On-site mitigation measures can be included in basement proposals;
- Basement proposals should be considered on a site-by-site basis using the reports prepared in support of Part A (i) to (vii) of Policy Q27 to justify their height, depth and width, rather than applying a blanket ban;
- LBL's evidence base in support of the restriction set out in Policy Q27 does not recommend applying any restrictions to the depth, width and height of basement development; and
- The NPPF, currently adopted Lambeth Local Plan, adopted London Plan and ITP Draft New London Plan support the principle of basement extensions that would occupy the entirety of these site areas, including land that fronts the public realm, if they meet a set criteria and do not result in 'harm'.

- 2.14 The current drafting of Policy Q27 means that this policy is inflexible and does not take account of the demand for multi-level basement proposals required by the owners of constrained sites, but instead LBL will be compelled to refuse planning permission for basement proposals would occupy the entirety of these site areas, including land that fronts the public realm, because these types of proposals would depart from new local policy (but not the NPPF, the adopted London Plan, nor ITP Draft New London Plan policy).

- 2.15 Application of this inflexible policy will only serve to significantly restrict how house owners and businesses can invest in their properties and will not secure the best / optimum use of scarce land in London contrary to the objectives of the NPPF.
- 2.16 Therefore, for the reasons listed above, the Policy is not 'Sound' as it is not positively prepared, not justified, not effective and would conflict with the guidance set out in the NPPF, London Plan and ITP Draft New London Plan.

Recommendation

- 2.17 Policy Q27 should be adjusted by deleting parts D(i), D(iii) and D(iv)

3.0 CONCLUSIONS

3.1 Policy Q27 of the SVDRLP is not:

- a. Positively prepared on the basis that it will unnecessarily restrict appropriate basement development within the Borough;
- b. Justified because it is not supported by clear and proportionate evidence;
- c. Effective because it does not take account of strategic policy matters in respect of basement development across London which allows such appropriate development; and
- d. Consistent with NPPF guidance which seek to secure policies that are flexible, best use of urban land and economic growth.

3.2 From the case outlined in Section 2 and the response to the Inspector's issues and questions, LHG believe that there are modifications necessary to the SVDRLP in order for it to be found Sound and in conformity with the guidance provided in the NPPF.

3.3 The modifications LHG recommend in Section 2 are considered to be justified, effective and consistent with the NPPF.

Background Context

- a. LHG one of the fastest growing independent chain of London branded and unbranded SME small hotels, providing accommodation to individual travellers and groups across London. LHG is a family-run business with over 18 years' experience of the hospitality industry that is keen to upgrade the Belvedere Hotel and Dudley Hotel located off Clapham Common South Side (outside of Clapham's Town Centre) and improve their appearance, with the intention of enhancing the quantitative and qualitative nature of the hotel accommodation.
- b. Planning Applications (references: 20/02384/FUL; 20/02385/FUL; 20/02386/FUL & 20/02387/FUL) were submitted to LBL in April 2020. These applications remain undetermined. A key component of the abovementioned planning applications is the construction of addition hotel accommodation, including a four-storey basement extension to these small hotels. These multiple-basement extension proposals will occupy the entirety of the hotel site area and would extend underneath residential gardens.
- c. Although LHG appreciates that its planning applications will be determined on their individual merits, it wishes to highlight to the EIP Inspector that there is demand for additional hotel rooms at these hotels, however these sites are constrained meaning that basement level extensions are being proposed (extending beyond the footprint of the host building) rather than expanding above ground level and potentially resulting in a greater level of impact on neighbours and the setting of the conservation area.
- d. One of the Hotel Need and Sequential Test which supports LHG's applications explains that, before the COVID-19 crisis, the occupancy rating of these hotels has been between 88% and 90% on average since 2017. This level of occupancy is much higher than the average occupancy level (83.6%) across London as a whole. This is largely because hotel demand is closely linked to international and domestic economic and travel demand. With the price increases in Central London, travellers both business and leisure are looking for better value accommodation and are willing to travel out of the centre to find more affordable room prices, which is driving demand in what were previously considered secondary locations.

Extant Planning Permissions

- e. A previous planning application for a two-storey basement extension for additional hotel rooms was previously allowed by the Planning Inspectorate in 2019 (reference: APP/N5660/W/17/31700003) at the Dudley Hotel. A previous planning application (17/01761/FUL) for a two-storey basement extension for additional hotel rooms was previously allowed by the Planning Inspectorate in 2018 (reference: APP/N5660/W/17/3185544) at the Belvedere Hotel. A previous planning application (18/02142/FUL) for a basement extension which includes additional hotel rooms was previously granted planning permission by LBL at 1 Lynette Avenue, which is part of the Belvedere Hotel.
- f. These decisions confirm that principle of additional visitor accommodation at basement level is supported by national, regional and local planning policy.