

# Pre-Submission Publication Representation Form



Name of the document (DPD) to which this representation relates:

Ref:

**R081**

(for official use only)

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

Please return to: [localplan@lambeth.gov.uk](mailto:localplan@lambeth.gov.uk)

or by post: Planning Policy Team, London Borough of Lambeth, PO Box 7 34 Winchester SO2 35DG

by 11pm on 13<sup>th</sup> March 2020.

**Please read the Guidance Note and Privacy Notice attached to this form before completing the representation form or submitting your comments**

This form has two parts –

Part A – Personal details (please see applicable privacy notices in Section 5 of the guidance note)

Part B – Your representation(s). Please fill in a separate sheet for each part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 you wish to make a representation about.

## Part A

### 1. Personal details\*

### 2. Agent's details (if applicable)

\* If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in 2.

Title		
First name	Kelly	Jonathan
Last name	Harris	Waugh
Job title <sup>†</sup>	Head of Development Planning	
Organisation <sup>†</sup>	Notting Hill Genesis	RPS
Address	Bruce Kenrick House	20 Farringdon Street
	2 Killick Street	London
	London	
Postcode	N1 9FL	EC4 A 4 AB
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Email <sup>†</sup>	kelly.harris@nhg.org.uk	jonathan.waugh@rpsgroup.com

<sup>†</sup> where relevant

# Pre-Submission Publication Representation Form

## Part B – please use a separate sheet for each representation

**3. To which part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 does this representation relate? (identify specific reference if possible)**

Paragraph no.  Policy no.  Policies Map

**4. Do you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is:**

(please tick)

<b>4.1 Legally compliant</b>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<b>4.2 Sound<sup>^</sup></b>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<b>4.3 Complies with the Duty to co-operate</b>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

<sup>^</sup> The considerations in relation to being 'sound' are explained in the notes at the back of this form. If you have ticked 'No' to 4.2, please continue to Q5. Otherwise please go to Q6.

**5. Do you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is unsound because it is not:**

(please tick)

5.1 Positively prepared	<input type="checkbox"/>
5.2 Justified	<input type="checkbox"/>
5.3 Effective	<input checked="" type="checkbox"/>
5.4 Consistent with national policy	<input checked="" type="checkbox"/>

(Please tick only one option. A separate form should be used if you wish to raise more than one concern.)

**6. Please give details of why you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible**

**If you wish to support the legal compliance or soundness of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 or their compliance with the duty to co-operate, please also use this box to set out your comments and then go to Q9.**

47-49 Acre Lane is land suitable for residential use and is brownfield. Draft London Plan Policy H1 states that the delivery of housing on such sites should be optimised through Development Plans. Although the existing educational site allocation (SA2) is to be removed, a clear policy framework for the delivery of housing on this site must be brought forward through a formal site allocation for residential use in order to meet the requirements of the London Plan.

Accordingly, is considered that the draft Local Plan is not sound as it does not comply with the draft London Plan and is therefore not effective policy making.

Please see the accompanying letter which outlines the full rational as to why it is not sound or effective.

(if required continue on the additional comments page attached)

# Pre-Submission Publication Representation Form

7. Please set out what change(s) you consider necessary to make the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 legally compliant or sound, having regard to the test you have identified in Q5 above where this relates to soundness. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination.) You will need to say why this change will make the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of this part of policy or text. Please be as precise as possible.

Draft Local Plan, Section 11 (Places and Neighbourhoods), Brixton (pages 379 - 402) be amended to include a new residential site allocation for 47-49 Acre Lane with capacity for at least 55 dwellings.

The Proposed Changes to the Policies Map document should also be amended to include this new residential site allocation.

(if required continue on the additional comments page attached)

*Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support / justify your representation and your suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.*

*After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he/she identifies for examination.*

8. If your representation is seeking a change to the DRLLP PSV Jan 2020 or associated PCPM Jan 2020, do you consider it necessary to participate at the oral part of the examination?

No I do not wish to participate at the oral examination

Yes I do wish to participate at the oral examination

*Please note that while this will provide an initial indication of your wish to participate in hearing sessions(s), you may be asked at a later point to confirm your request to participate.*

*If you have selected 'No', your representation(s) will still be considered by the independent Planning Inspector by way of written representations.*

9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To ensure the soundness and effectiveness of the draft Local Plan through the allocation of 47-49 Acre for residential development

(if required continue on the additional comments page attached)

*Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination. You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

10. Please tick relevant boxes if you require notification of any of the following to your address stated in Part A:

That the DRLLP PSV Jan 2020 and associated PCPM Jan 2020 have been submitted for independent examination

The publication of the inspector's recommendations following the independent examination

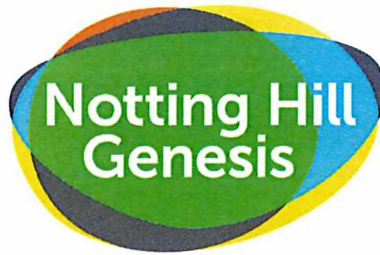
The adoption of the Revised Lambeth Local Plan and Policies Map.

Signature

PP. M. Atr

Date

13.03.2020



[www.nhgggroup.org.uk](http://www.nhgggroup.org.uk)

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13<sup>th</sup> March 2020

Dear Sir / Madam

**REGULATION 19 CONSULTATION ON THE DRAFT REVISED LAMBETH LOCAL PLAN REPRESENTATIONS ON BEHALF OF NOTTING HILL GENESIS  
47-49 ACRE LANE, BRIXTON, SW2 5TN**

Notting Hill Genesis (NHG) are pleased to submit representations on the Draft Lambeth Local Plan Proposed Submission Version, which was published for consultation on 31 January 2020.

In particular, NHG own 47-49 Acre Lane in Brixton, a brownfield site that was historically in employment use. Under the adopted Local Plan this site is designated for educational use; however, this allocation is to be removed under the draft Local Plan. It is considered that this site has the potential to delivering high quality affordable and market homes in the Borough and we are currently progressing plans for its redevelopment for residential use.

It is considered that the new Local Plan provides an opportunity to formally designate this site for residential development to help meet housing need in the borough.

**Notting Hill Genesis**

NHG is one of the largest housing associations in the country and has been at the forefront of housing for more than 50 years. We own and manage nearly 64,000 homes across London and the south east. 3,655 of these homes are in Lambeth, which are a mixture of Care and Support, General Needs and intermediate tenures.

We have a record of strategic regeneration in Lambeth and across London to deliver high quality market and affordable housing. We excel in creating high quality new homes and

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providing a wide range of housing solutions, working closely with residents and partners to meet local needs.

### **Draft Revised Local Plan, January 2020**

These representations are informed by our experience both as a housing association and as a developer of high quality homes, and represents our commitment to continue to assemble sites and optimise development to ambitiously deliver both private and affordable new homes to help meet housing need in Lambeth.

In terms of an overall planning policy context, the London Plan is the strategic plan for London, setting out an integrated economic, environmental, transport and social framework for the development of London, and states that boroughs' local development documents must be 'in general conformity' with the London Plan.

The London Plan was adopted in 2016; however, a New London Plan is at an advanced stage. In December 2019 the Mayor issued the Secretary of State his intention to publish the draft London Plan, which is due to be laid before the London Assembly in February 2020 with the potential for formal adoption in March 2020.

On 13 March 2020 the Secretary of State, Robert Jenrick MP, published a letter to the Mayor outlining the changes that are required to the draft London Plan. Accordingly there has been a delay in putting the Plan forward to the London Assembly and therefore the above timescales are indicative and subject to being revised. Nevertheless, whilst the policies of the Draft London Plan have not yet been formally adopted, they do carry weight and are a material consideration.

### **SA2: 47-51 Acre Lane and land at the rear of Sudbourne Road, SW2**

Site Allocation 2 of the adopted Lambeth Local Plan designates 47-51 Acre Lane and land at the rear of Sudbourne Road for:

*"Education use to allow for the expansion of Sudbourne Primary School, subject to a land swap between the council (owner of the Livity School site) and Genesis Housing (owner of 47-49 Acre Lane)."*

However, under the Proposed Changes to the Policies Map document (January 2020) this site allocation is to be deleted. Table 17 of the document outlines that a school is no longer planned to be located on this site.

NHG own the majority of the land within this site allocation, 47-49 Acre Lane (Figure 2) and intend to redevelop this site to delivery housing. Given that the educational use of the site is no longer coming forward we consider that it provides an excellent opportunity for the development of market and affordable homes to meet local housing need. It is considered that such development is strongly supported by policy and should be secured through a formal site allocation.

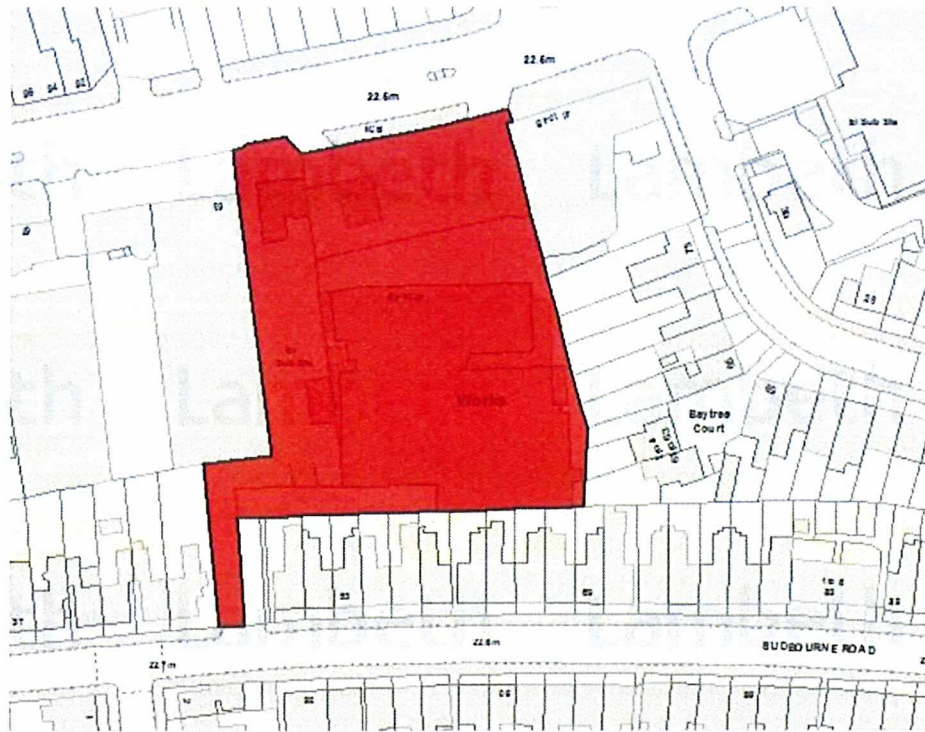


Figure 1: Extract from Proposed Changes to the Policies Map (January 2020):  
 Site Allocation to be deleted, Site Allocation2: 51 Acre Lane and land at the rear of Sudbourne Road SW2

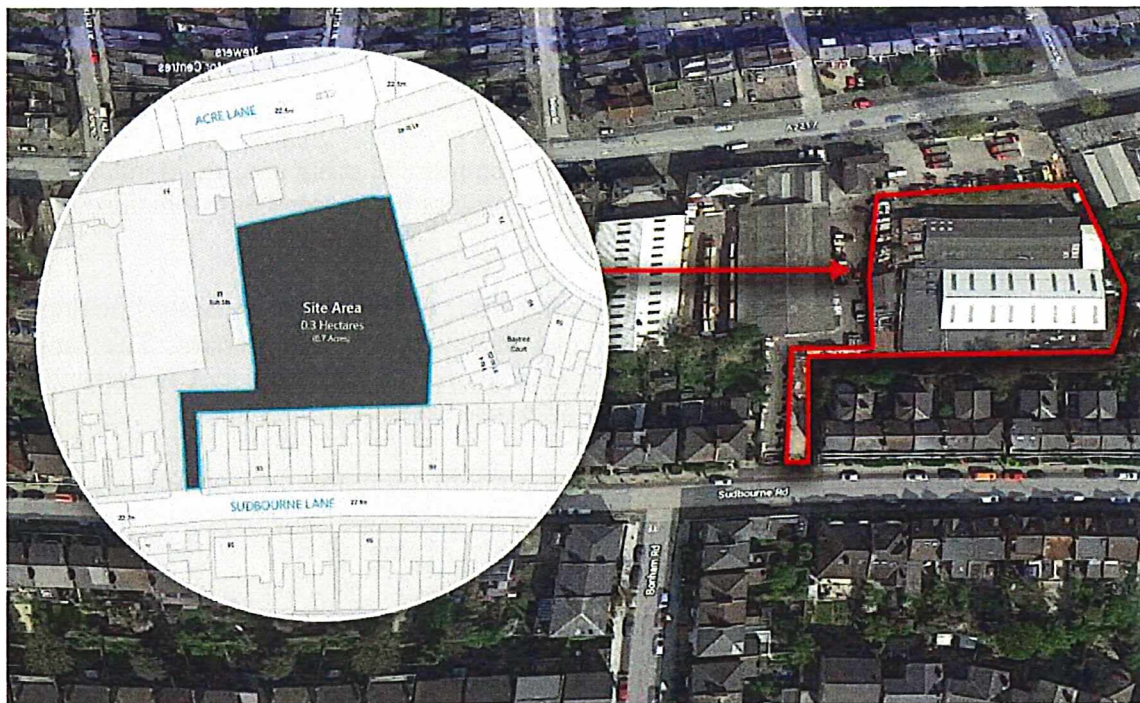


Figure 2: 47-49 Acre Lane, NHG Site Ownership  
47-49 Acre Lane: Site Background

The site is brownfield comprised of a complex of 1 to 1.5 storey redundant timber warehouses, industrial and office buildings which are in poor repair and unsuitable for occupation. It was last used as a timber yard and storage facility (class B8). The site area is 0.3 ha. It is accessed via a road between 47 and 49 Sudbourne Road to the southwest, which is 6m wide and has a dogleg formation. Adjacent to this is an access route to the neighbouring Acre Lane Builders Merchant Timber Yard at 53-55 Acre Lane.

The site is located outside of (but adjacent to) Brixton Town Centre and Acre Lane Local Centre. It has a PTAL of 6a and is therefore very accessible via public transport. The site is not located within a conservation area, but the Grade II Listed Building located at 53-57 Acre Lane adjoins the site. The site is located in Food Zone 1 (lowest probability of flooding).

There is substantial planning history on the site and following a withdrawal and refusal for residential redevelopment of the site in 2006 and 2007, respectively, the site was granted planning permission on appeal for the redevelopment of the site for 28 affordable housing units (100% of the total) in 2011 (ref: 11/00044/FULREF). In the appeal decision, the Inspector considered that the principle of the development was acceptable, existing access would be suitable and that concerns relating to amenity were suitably addressed.

In 2012, outline planning permission was granted for the redevelopment of the site for educational use in conjunction with the nearby Sudbourne Primary School. In 2014, a further full application was granted consent for the school building, and subsequently a number of minor amendment applications and condition discharge applications have been submitted and approved, with the latest being granted in May 2017. However, as outlined above, the development of this site for educational use is no longer being brought forward providing the opportunity for residential development that can ambitiously delivery against Lambeth's housing need.

### Neighbouring Sites

Acre Lane is mixed in character with purpose-built commercial premises, residential and business conversions and ground floor shops with residential upper floors, in buildings generally between two and four storeys in height.

The land immediately to the south and west is comprised of two storey terraced housing. To the east is 53-57 Acre Lane which is a two storey builders' merchant. The land immediately to the north is part of the current education site allocation but is currently undeveloped and is used in connection with the adjoining builders' merchant.

The Proposed Changes to the Policies Map document (January 2020) includes the designation of the adjacent 53-57 Acre Lane as a Key Industrial and Business Area (KIBA), which shares an access to Sudbourne Road with our site at Nos. 47-49.

### **Proposed Residential Use**

Initial site capacity studies indicate that approximately 55 dwellings could be delivered on site in buildings ranging three to four storeys in height.

### Policy Context

Both the draft London Plan and draft Lambeth Local Plan strongly support the development of brownfield land to deliver housing.

Draft London Plan Policy H1 (Increasing housing supply) part B outlines that to ensure the borough's ten-year housing targets are achieved boroughs should:

- 1) prepare delivery-focused Development Plans which:
  - a. allocate an appropriate range and number of sites that are suitable for residential and mixed-use development and intensification
  - b. encourage development on other appropriate windfall sites not identified in Development Plans through the Plan period, especially from the sources of supply listed in B2 (outlined below)
- 2) optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions, including sites with PTAL levels of 3-6 or which are located within 800 m distance of a station or town centre boundary.

Draft Local Plan Policy H1 (Maximising housing growth) states that the Council's housing requirement is 13,350 homes and that it will work with partners to optimise the potential for housing delivery on all suitable and available brownfield sites. Residential density will be optimised in accordance with the design-led approach set out in the London Plan.

Paragraph 5.4 of the supporting text outlines that to meet this target Lambeth will be proactive in promoting opportunities for new housing development on all suitable sites, including windfall sites and small sites.

### Assessment

Accordingly both the draft London Plan and draft Local Plan policies strongly support the development of brownfield sites for residential use. Residential use is considered to be appropriate in this location given the mix of residential and commercial uses in the area and as planning permission was previously granted for residential development on the site, with the Planning Inspector considering that appropriate residential amenity would be delivered.

The development of the site provides an excellent opportunity to deliver new affordable and market homes, with an initial site capacity study indicating that at least 55 dwellings could be achieved on site.

Draft London Plan Policy H1 is clear that housing should be optimised through the Development Plan process and formal site allocations.

However, whilst part v) of draft Policy H1 does outline that the Council will encourage development on appropriate windfall sites not identified in the development plan any proposal would still need to respond to policies protecting employment uses in the borough. It is considered that, although the site is derelict, has been long-term vacant and previously allocated for educational use, application of the draft Local Plan employment policies could undermine the site's capacity to respond to local housing need.

### **Loss of Employment Use**



Whilst the site has been vacant for a number of years, it was last occupied in employment (Class B8) use. Therefore any proposal for residential development would need to satisfy policies that protect such accommodation. It is considered that this has the potential to reduce the quantum of residential accommodation that could be delivered.

Whilst NHG supports the Council's approach to safeguarding employment uses on appropriate sites, it is considered that that the application of these policies would not be appropriate for 47-49 Acre Lane given that:

- The principle of residential development was previously accepted as part of planning permission 11/00044/FULREF
- The site is long-term vacant brownfield land that is currently in poor repair.
- The adopted Local Plan considered that the loss of employment was acceptable as part of the existing site allocation.
- It does not form part of an existing or emerging employment site allocation and was not considered as part of Lambeth's December 2019 Review of Key Industrial Business Areas.

The policies relevant to the loss of employment floorspace on the site would be as follows.

Draft London Policy E2 outlines that proposals should demonstrate that there is no reasonable prospect of the site being used for business purposes or ensure that an equivalent amount of B Class floorspace is reprovided.

Draft London Plan Policy E7 outlines that mixed-use or residential development proposals on Non-Designated Industrial Sites should only be supported where:

- 1) there is no reasonable prospect of the site being used for the industrial and related purposes set out in Part A of Policy E4 Land for industry, logistics and services to support London's economic function; or
- 2) it has been allocated in an adopted local Development Plan Document for residential or mixed-use development; or
- 3) industrial, storage or distribution floorspace is provided as part of mixed-use intensification (see also Part C of Policy E2 Providing suitable business space).

Draft Local Plan Policy ED4 (Non-designated industrial sites), encourages the intensification of business uses. Development proposals for change of use, mixed-use or residential development will be assessed under draft London Plan policies E2 and E7. Where marketing is required it should be for at least one year during which the site should be vacant. 50% affordable housing will be sought if there is a net loss of industrial floorspace capacity, in accordance with draft London Plan policy H6.

Paragraph 6.39 confirms that 'industrial uses' include a variety of Class B and sui generis uses, including Class B8.

### Assessment

As outlined above the site is in poor repair, has been long-term vacant and is currently allocated for a different use. It is therefore considered that the site should now be allocated for residential use.

Draft planning policy outlines a series of policy tests in considering the change of use of non-designated employment sites to non-employment uses. However, application of these requirements has the potential to reduce the amount of housing that could be delivered on site, through a requirement to reprovide employment floorspace, and delay the delivery of the scheme should a year's marketing for employment use be required.

Furthermore, a mix of employment and residential uses on site may not be appropriate given that the site's sole access is the access road from Sudbourne Road.

The site does not form part of an existing or emerging employment site allocation and has not been considered as part of the supply of employment land within the Local Plan's evidence base. Therefore its allocation for residential use would not undermine the supply of employment land in the Borough.

Furthermore, given the mixed use character of the area, with residential and commercial properties in close proximity to each other, it is considered that residential development can be appropriately brought forward without compromising the proposed KIBA designations at Nos. 53-57 Acre Lane.

### **Proposed Amendment to Lambeth Local Plan**

Overall, the site is brownfield land that does not form part of Lambeth's supply of employment land. Residential use of the site was previously granted planning permission and the removal of the site allocation for educational use provides the opportunity to optimise the delivery of housing on the site to meet local need.

Furthermore, draft London Plan Policy H1 is clear that housing should be optimised through the Development Plan process and formal site allocations.

Accordingly, we propose that draft Local Plan, Section 11 (Places and Neighbourhoods), Brixton (pages 379 - 402) be amended to include a new residential site allocation for 47-49 Acre Lane with capacity for at least 55 dwellings.

The Proposed Changes to the Policies Map document should also be amended to include this new residential site allocation.

### **Soundness of the draft Local Plan**

It has been demonstrated that 47-49 Acre Lane is land suitable for residential use and is brownfield. Draft London Plan Policy H1 states that the delivery of housing on such sites should be optimised through Development Plans. Although the existing educational site allocation is to be removed, a clear policy framework for the delivery of housing on this site must be brought forward through a formal site allocation in order to meet the requirements of the London Plan.

Accordingly, it is considered that the draft Local Plan is not sound as it does not comply with the draft London Plan and is therefore not effective policy making.

## Conclusion

Overall, NHG welcomes the Council's vision for Lambeth and steps to optimise sustainable growth across the Borough. The amendments we have proposed above are informed by our experience as both a housing association and a developer of high quality accommodation across London and the south east. It is considered that the suggested amendments to the policy will allow development to be optimised in the borough and for housing to be delivered to ambitiously meet housing need.

NHG are committed to continuing to work in partnership with the Council to deliver their strategic goals, the regeneration of sites in the borough and benefits to local communities.

We look forward to receiving confirmation that these representations have been received. Should you have any queries please do not hesitate to contact Kelly Harris on the details below.

Yours faithfully,

A handwritten signature in black ink, appearing to read "PP. M. Harris".

Kelly Harris  
Head of Development Planning