

From: [REDACTED]
Sent: 12 August 2021 15:52
To: Planning Strategy
Cc: [REDACTED]
Subject: AY Representations on Proposed Modifications Brent Local Plan
Attachments: AY Representation Form - Draft Brent Local Plan Examination 12 08 21.pdf; AY Representation - Draft Brent Local Plan Examination Main Modifications 12 08 21.pdf; Appendix I - Lambeth Local Plan Inspector's Report.pdf; Appendix II - WMS 28 November 2014.pdf; Appendix III - Letter and Annex from SoS to the Mayor of London 13 March 2020.pdf; Appendix IV - Tall Buildings Policy Maps - Example of Suggested Changes.pdf

Dear Sir/Madam,

Please see attached Avison Young's representations on the Proposed Modifications of the Draft Brent Local Plan. The representation comprises the following documents and appendices:

- Brent Local Plan Examination Stage Proposed Modifications Representation Form
- Avison Young Representation Cover Letter
- Appendix I – Lambeth Local Plan Inspector's Report
- Appendix II – WMS 28 November 2014
- Appendix III – Letter and Annex from SoS to the Mayor of London 13 March 2020
- Appendix IV – Tall Buildings Policy Maps – Example of Suggested Changes

If you require any further information and would like to discuss this further, please do not hesitate to contact me on the details below.

I would appreciate if you could confirm receipt of this email and its attachments.

Many thanks,

[REDACTED]

[REDACTED]

Planner
Planning, Development & Regeneration

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Brent Local Plan
Examination Stage Proposed Modifications
Representation Form

Council
Reference
Number:

Representations on the proposed modifications must be received by the Council by 5pm 19th August 2021.

All the representations should be submitted to planningstrategy@brent.gov.uk or Paul Lewin, Planning Policy Team Leader, Brent Civic Centre, Engineer's Way, Wembley, HA9 0FJ. Ideally provide your response in Word or similarly editable document formats. This will make it easier for us to summarise representations and speed up the process of reporting to the Inspectors.

Data Protection

The personal information you provide on this form will be processed in accordance with the Data Protection Act 2018 and the Privacy and Electronic Communications (EC Directive) Regulations 2003. It may be used by the Council, the Planning Inspectors or the Local Plan Programme Officer to contact you, if necessary, regarding your submission. All representations including all accompanying personal data will be sent to the appointed Planning Inspectors undertaking the Local Plan examination. Please see the [Council's planning](#) and [Planning Inspectorate's](#) privacy notices

Your name, organisation name (if relevant) and comments will be made available for public inspection when displaying and reporting the outcome of the consultation. No other personal data will be displayed. No anonymous representations will be accepted.

If you consent the Council will place your details on our Planning Policy consultation database and inform you of any next stages in the Local Plan adoption process.

I wish to be informed of the next stages, such as publication of the Inspectors recommendations or the adoption of the Local Plan - **delete as appropriate**.

If you consent, the Council will also retain your details to inform you of any further planning policy consultations, such as any review of the Local Plan, Community Infrastructure Levy, Supplementary Planning Documents, Article 4 Directions, conservation area/ other heritage asset reviews and neighbourhood planning.

I wish to be informed of other planning policy consultations - **delete as appropriate**.

Please sign and date this form. Forms signed electronically or with typeset will be accepted.

Declaration:

By completing and signing this form, I agree to the above use of data submitted in association with my representations.

Signature:

[Redacted Signature]

Date:

12/08/21

This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details*

2. Agent's Details (if applicable)

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

Title	<input type="text"/>	<input type="text"/>
First Name	<input type="text"/>	<input type="text"/>
Last Name	<input type="text"/>	<input type="text"/>
Job Title (where relevant)	<input type="text"/>	<input type="text"/>
Organisation (where relevant)	<input type="text"/>	<input type="text" value="Avison Young"/>
Address Line 1	<input type="text"/>	<input type="text" value="65 Gresham Street"/>
Line 2	<input type="text"/>	<input type="text" value="London"/>
Line 3	<input type="text"/>	<input type="text"/>
Line 4	<input type="text"/>	<input type="text"/>
Post Code	<input type="text"/>	<input type="text" value="EC2V 6NQ"/>
Telephone Number	<input type="text"/>	<input type="text" value="02079112026"/>
E-mail Address (necessary to assist in communicating with you effectively and ensuring the examination process is not subject to delay)	<input type="text"/>	<input type="text"/>

Part B – Please use a separate sheet for each representation

Name or Organisation: Avison Young

3. To which proposed modification does this representation relate?

Modification Reference e.g. MM1	<ul style="list-style-type: none"> • Policy BH5 and MiM137 • Map Mods 18 to 29, Tall Building Zones; • Policy BD2: Tall Buildings and MM94
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4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input style="width: 50px; height: 20px;" type="text"/> <input style="width: 50px; height: 20px;" type="text"/> <input style="width: 50px; height: 20px;" type="text"/>	No	<input checked="" style="width: 50px; height: 20px;" type="text"/> <input style="width: 50px; height: 20px;" type="text"/> <input style="width: 50px; height: 20px;" type="text"/>
4.(2) Sound	Yes	<input style="width: 50px; height: 20px;" type="text"/> <input style="width: 50px; height: 20px;" type="text"/>	No	<input style="width: 50px; height: 20px;" type="text"/> <input checked="" style="width: 50px; height: 20px;" type="text"/>
4 (3) Complies with the Duty to co-operate	Yes	<input style="width: 50px; height: 20px;" type="text"/>	No	<input checked="" style="width: 50px; height: 20px;" type="text"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan 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 Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

See separate cover letter

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

See separate cover letter

(Continue on a separate sheet /expand box if necessary)

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspectors, based on the matters and issues they identify for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

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

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In the event that the Inspectors would like to undertake further hearing sessions, as we represent several key stakeholders, investors and developers within the Borough we consider it would be beneficial for these views to be heard within the Local Plan process.

Please note the Inspectors will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspectors have identified the matters and issues for examination.

Guidance Note to Accompany Model Representation Form

1. Introduction

1.1. The Council has proposed modifications to the Brent Local Plan that it has been submitted for examination by the appointed Planning Inspectors. It is only the proposed modifications and associated documents that are subject to consultation. All previous representations received on the submitted Plan have been considered by the Inspectors as part of the examination process to date and do not need to be re-submitted, or additional points made on them. The *Planning and Compulsory Purchase Act 2004*, as amended, [PCPA] states that the purpose of the examination is to consider whether the plan complies with the relevant legal requirements, including the duty to co-operate, and is sound. The Inspectors will consider all representations on the plan that are made within specified consultation periods.

1.2. To ensure an effective and fair examination, it is important that the Inspector and all other participants in the examination process are able to know who has made representations on the plan. The LPA will therefore ensure that the names of those making representations can be made available and taken into account by the Inspector.

2. Legal Compliance and Duty to Co-operate

2.1. You should consider the following before making a representation on legal compliance:

- The plan should be included in the Council's current Local Development Scheme [LDS] and the key stages set out in the LDS should have been followed. The LDS is effectively a programme of work prepared by the Council, setting out the plans it proposes to produce. It will set out the key stages in the production of any plans which the Council proposes to bring forward for examination. If the plan is not in the current LDS it should not have been published for representations. The LDS should be on the Council's website and available at its main offices.
- The process of community involvement for the plan in question should be in general accordance with the Council's Statement of Community Involvement [SCI]. The SCI sets out the Council's strategy for involving the community in the preparation and revision of plans and the consideration of planning applications.
- The Council is required to provide a Sustainability Appraisal [SA] report when it publishes a plan. This should identify the process by which SA has been carried out, and the baseline information used to inform the process and the outcomes of that process. SA is a tool for assessing the extent to which the plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.
- The plan should be in general conformity with the London Plan (formally known as the Spatial Development Strategy).
- The plan should comply with all other relevant requirements of the PCPA and the *Town and Country Planning (Local Planning) (England) Regulations 2012*, as amended [the Regulations].

2.3. You should consider the following before making a representation on compliance with the duty to co-operate:

- Section 33A of the PCPA requires the Council to engage constructively, actively and on an ongoing basis with neighbouring authorities and certain other bodies over strategic matters during the preparation of the plan. The Council will be expected to provide evidence of how they have complied with the duty.
- Non-compliance with the duty to co-operate cannot be rectified after the submission of the plan. Therefore, the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector cannot recommend adoption of the plan.

3. Soundness

3.1. The tests of soundness are set out in paragraph 35 of the National Planning Policy Framework (NPPF). Plans are sound if they are:

- **Positively prepared** – providing a strategy which, as a minimum seeks to meet the area’s objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring authorities is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- **Effective** - deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in the NPPF.

3.2. If you think the content of the plan is not sound because it does not include a policy on a particular issue, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy or the London Plan?
- Is the issue with which you are concerned already covered by another policy in this plan?
- If the policy is not covered elsewhere, in what way is the plan unsound without the policy?
- If the plan is unsound without the policy, what should the policy say?

4. General advice

4.1. If you wish to make a representation seeking a modification to a plan or part of a plan you should set out clearly in what way you consider the plan or part of the plan is legally non-compliant or unsound, having regard as appropriate to the soundness criteria in paragraph 3.1 above. Your representation should be supported by evidence wherever possible. It will be helpful if you also say precisely how you think the plan should be modified.

4.2 You should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification. You

should not assume that you will have a further opportunity to make submissions. Any further submissions after the plan has been submitted for examination may only be made if invited by the Inspector, based on the matters and issues he or she identifies.

4.3. Where groups or individuals share a common view on the plan, it would be very helpful if they would make a single representation which represents that view, rather a large number of separate representations repeating the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

4.4. Please consider carefully how you would like your representation to be dealt with in the examination: whether you are content to rely on your written representation, or whether you wish to take part in hearing session(s). Only representors who are seeking a change to the plan have a right to be heard at the hearing session(s), if they so request. In considering this, please note that written and oral representations carry the same weight and will be given equal consideration in the examination process.

12th August 2021

Inspectors of Draft Brent Local Plan
C/O Paul Lewin
Planning Policy Team Leader
Brent Civic Centre
Engineer's Way
Wembley
HA9 0FJ

Dear Paul Lewin & Inspectors,

REPRESENTATION ON PROPOSED MODIFICATIONS OF DRAFT BRENT LOCAL PLAN

I am writing on behalf of a number of clients who are key investors and developers in the borough, in relation to the following Main Modifications in respect of Brent's Draft Local Plan:

1. Policy BH5 - Affordable Housing and Proposed Modification MiM137;
2. Map Mods 18 to 29, Tall Building Zones;
3. Policy BD2: Tall Buildings (MM94).

For the plan to be considered sound, we request that the Inspectors remove the requirement for affordable housing contributions for small sites; that Map Modifications 18 to 29 are further amended to better reflect LBB's Tall Buildings Strategy and to allow flexibility; and Policy BD2 is amended to align with the Local Plan's Tall Buildings evidence base.

In particular, and having regard to the Tests of Soundness:

- To ensure that the presumption in favour of sustainable development (NPPF paras 6-17) is reflected in the Plan, the Tall Building Zones Maps need to properly reflect the Council's Tall Buildings evidence base to reference **both** approximate building heights in metres and also storeys, so as not to artificially constrain development that may otherwise be considered acceptable (as is set out in the Local Plan evidence base);
- To ensure objectively assessed needs are met, the Local Plan should promote effective use of land (thereby also indirectly seeking to take account of cross-boundary and strategic issues). Indeed, noting that the London Plan (2021) SHMA identified a need for 66,000 additional homes per year, which was accepted as robust by the Inspectors of the Plan but was reduced to a ten year target of 522,850 homes from 649,350 homes due to a shortage of sites (in particular a lack of Green Belt Review through the Plan), there is the need to not artificially constrain development. Accordingly, as noted above, the Tall Building Zones Maps need to properly reflect the Council's Tall Buildings evidence base to reference **both** approximate building heights in metres and storeys, and be referred to as "approximate" heights;

- It was also noted that the London Plan (2021) relies on small sites for a large proportion of its housing delivery over the plan period. As such, in order to not constrain the delivery of small sites, the requirement for affordable housing contributions on less than 10 units should be removed for the detailed reasons set out in this letter.

Furthermore, the updated NPPF (2021) at Paragraph 73 promotes tools such as masterplans and design guides or codes, to enable the understanding of sites' capacity.

As such, the Tall Buildings policies (Map Mods 18 to 29, Tall Building Zones) and Policy BD2: Tall Buildings (MM94) should be flexible enough to reflect the new NPPF (2021) and should not preclude tall buildings or constrain development, that may be subject to a masterplanning exercise.

Further details are provided below.

1. Policy BH5 - Affordable Housing and Proposed Modification MiM137 of the Draft Brent Local Plan

We understand that part of the policy relating to affordable housing contributions for small sites, as shown below, has been retained in the most recent draft of the Local Plan:

"Developments of between 5-9 dwellings will be required to make a financial contribution for the provision of affordable housing off-site".

We disagree with the inclusion of this part of the policy as it conflicts with existing national planning policy, reflecting a wider non-compliance with the National Planning Policy Framework (NPPF). Paragraph 64 of the NPPF states that:

"Provision of affordable housing should not be sought for residential developments that are not major developments".

The Glossary of the NPPF defines major development as *"for housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more"*. This demonstrates clearly that there should be no requirement for smaller sites of less than 10 dwellings to provide off-site affordable housing contributions.

Developing small sites for housing can be subject to complications with providing both on-site affordable housing and payments in lieu, given the small numbers of units involved, as well as difficulties in some cases in finding registered providers of affordable housing willing to manage them, as well as resulting in a drawn-out planning application determination period.

This point is further supported by the recent removal of the requirement for small sites affordable housing contributions from the London Plan, (2021) during its consultation period. As seen in Appendix I, the Secretary of State's letter and Annex to the Mayor of London of March 2020 show in Direction 3 that the Inspectors recommended the deletion of this requirement from the London Plan. This also accords with the Written Ministerial Statement made by Brandon Lewis in November 2014 which sets out that affordable housing and tariff style contributions should not

be sought on developments of 10 units or less (Appendix II). These documents are both enclosed with this letter for your reference as Appendices I and II.

Furthermore, Paragraph 6.2.50 which supports draft policy BH5 refers to an "*Affordable Housing Commuted Sum calculator made available on the Council's website*". We have been advised that the Council is currently looking to commission a consultant to produce the calculator over the summer, with the intention of incorporating it into the Planning Obligations SPD which is likely to be subject to consultation in early 2022.

As such, in the event that the Inspectors were to allow this modification (which we do not agree with), then there would be no mechanism to secure these contributions in the interim period from when the Local Plan is adopted and until the SPD is provided in any case. We have asked planning officers at the Council if they could advise on how Policy BH5 will be applied during this interim period from when the Draft Local Plan is adopted and before the publication of the Calculator within the Planning Obligations SPD, particularly in relation to applications that will be submitted and determined in that period. The Council has been unable to provide the key evidence of the mechanism to secure this.

Further evidence for the removal of the requirement for contributions towards affordable housing for small sites comes from the Inspector's report on the Lambeth Local Plan. The Report from 22nd July 2021, Appendix III, analyses in detail the provision of affordable housing contributions on small sites in the Borough. Paragraphs 85-90 of this letter discuss this issue and confirms that there can be significant viability issues with smaller sites, as well as being policy uncompliant with national planning policy. This is supported by a recent study by Lichfields, 'Small Sites: Unlocking housing delivery - September 2020' (available online here: https://lichfields.uk/media/6180/small-sites-unlocking-housing-delivery_sep-2020.pdf), which highlights that their research shows that viability and affordable housing form a primary issue and a principal constraint on small scheme delivery. Accordingly, the Inspector of the Lambeth Local Plan concluded that it would be necessary to remove the requirement for affordable housing contributions on less than 10 units.

In summary, this part of Policy BH5 conflicts with the approach of national and regional planning policy and other Local Planning Authorities and is therefore considered to be legally uncompliant and unsound. We respectfully request that the Inspectors remove this requirement for small sites from the text of Policy BH5.

2. Map Mods 18 to 29, Tall Building Zones

We consider that the Map Modifications 18 to 29 are too stringent and do not reflect the evidence base of the Local Plan.

Namely, LBB's Tall Buildings Strategy, October 2019, recommends building heights in storeys and indicative heights in metres only is given. We consider that the maximum heights expressed in metres in the Tall Buildings Zone policy maps are far too restrictive, and do not account for taller floor to ceiling heights of both residential (which are typically at least 3.5m in height) and employment/ office (light industrial floor to ceiling heights are typically 4.5m in height, whilst office floor to ceiling heights are typically 4m in height).

As such, we consider that the overall height in storeys should be referenced on the Tall Buildings Zones Maps.

In addition, all references of “Up to Xm in height” should be replaced with “Approximately Xm in height”, to allow for flexibility over the plan period. We have attached in Appendix IV three examples showing how the plans should be altered to properly reflect the evidence base of the Local Plan.

3. Policy BD2, Tall Buildings

The evidence base in respect of Tall Buildings notes that a fine-grained approach to building height has not been established and further masterplanning exercises (which could be either by the Council or by landowner(s)) may provide further justification for building heights. Therefore, the suggested building heights may be subject to change.

Furthermore, the updated NPPF (2021) at Paragraphs 73, 125 and 129 promote appropriate tools such as masterplans and design guides or codes.

As such, the policy should reflect this and should not unnecessarily preclude tall buildings or constrain development. As such, it is suggested the policy is amended as follows with some of the previous text of the policy re-instated (deletions shown in bold red text, new text shown in black italics/ underlined text):

POLICY BD2: TALL BUILDINGS

A tall building is one that is more than 30 metres in height.

Tall buildings are directed to the locations shown on the policies map in Tall Building Zones.

In Tall Buildings Zones heights should ***generally*** be consistent with the ***approximate general*** building heights shown on the policies map, stepping down towards the Zone's edge, ***unless robustly justified through a masterplanning exercise.***

In intensification corridors and town centres outside conservation areas and areas of distinctive residential character developments of a general building height of 15 metres above ground level could be acceptable, with opportunities to go higher at strategic points in town centres.

Elsewhere tall buildings not identified in site allocations will only be permitted where they are:

a) of civic or cultural importance; or

b) on sites of a sufficient size to successfully create a new character area while responding positively to the surrounding character and stepping down towards the site edges.

We trust that these comments are clear, however should you require any further information please do not hesitate to contact Oliver Collins (Tel: 07464 652 865, Email: oliver.collins@avisonyoung.com) or Ellen Moore (Tel: 07904 424 462, Email: ellen.moore@avisonyoung.com) at these offices.

If you require any further information and would like to discuss this further, please do not hesitate to contact me at these offices (020 7911 2366).

Yours sincerely



For and on behalf of Avison Young (UK) Limited

Appendices:

- Appendix I - Inspector's Report – Lambeth Council (July 2021)
- Appendix II - Written Ministerial Statement (WMS) made by Brandon Lewis (28 November 2014)
- Appendix III - Letter and Annex from SoS to Mayor of London (13 March 2020) [Examination Document SD03a].
- Appendix IV - Tall Buildings Policy Maps – Example of Suggested Changes



The Planning Inspectorate

Report to the London Borough of Lambeth Council

by Mike Fox

an Inspector appointed by the Secretary of State

Date: 22 July 2021

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Revised Lambeth Local Plan

The Plan was submitted for examination on 22 May 2020

The examination hearings were held between 27 October and 12 November 2020

File Ref: PINS/N5660/429/7

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Abbreviations used in this report

AH	Affordable Housing
AOD	Above Ordnance Datum (above sea level)
CAZ	Central Activities Zone
CIL	Community Infrastructure Levy
CSA	Central Services Area
DPD	Development Plan Document
dpa	dwelling per annum
DTC	Duty to Cooperate
ESP	Employment and Skills Plan
GLA	Greater London Authority
ha	hectare
HBF	Home Builders' Federation
HRA	Habitats Regulation Assessment
IDP	Infrastructure Delivery Plan
KIBA	Key Industrial and Business Area
LDS	Local Development Scheme
LSIS	Locally Significant Industrial Sites
LSPBSL	Large-scale, purpose-built-shared living
MIQs	Matters, Issues and Questions
MM	Main Modification
MOL	Metropolitan Open Land
NEV	Nine Elms Vauxhall
NSC	Non-Self-Contained Accommodation
PBSA	Purpose-built student accommodation
PPTS	Planning Policy for Traveller Sites
PTAL	Public Transport Access Level
SA	Sustainability Appraisal
SCG	Statement of Common Ground
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SIL	Strategic Industrial Location
SME	Small and medium enterprise
SPD	Supplementary Planning Document
sqm	square metres
TfL	Transport for London
<i>The Framework</i>	National Planning Policy Framework (NPPF)
WMS	Written Ministerial Statement

Non-Technical Summary

This report concludes that the Revised Lambeth Local Plan provides an appropriate basis for the planning of the Borough, provided that a number of main modifications [MMs] are made to it. The London Borough of Lambeth Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared schedules of the proposed modifications. The MMs were subject to public consultation over a six-week period. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

Summary of Main Modification(s)
Update all policies which are affected by the Government's changes to the Use Classes Order , dated September 2020.
Add the plan period , 2020-2035, to the front cover.
Include an indicative housing period for years 11-15 of the plan period of 5,066 net additional dwellings.
Clarify and update strategic objectives for the Plan, such as to promote and enhance the strategic functions of the Central Activities Zone (CAZ) .
Amend affordable housing (AH) policy, including the deletion of any requirements to provide AH or secure tariff style contributions on developments of 10 units or less, and clarification of the fast track route.
Amend student housing policy e.g. to recognise its important contribution to the diversity of housing in Lambeth and the requirement for student management plans for proposals for new purpose-built student accommodation.
Clarify the Council's support for new specialist older persons' housing .
Clarify estate regeneration policy.
Amend large-scale purpose-built shared living (LSPBSL) policy, for example by taking away the geographical restriction to just the Waterloo and Vauxhall areas.
Clarify offices policy , including the sequential test for small office proposals outside town centres.
Amend affordable workspace policy by applying it to the uplift of net internal space, with the level capped in appropriate circumstances, and with a flexible approach applied to the timing of the delivery.
Introduce flexibility to enable the Key Industrial and Business Areas (KIBAs) effectively encourage and maintain investment in both business and industry and optimise employment use.
Encourage a comprehensive approach for contiguous sets of railway arches .
As part of the town centres policy, include guidance as to whether proposed development is of an appropriate scale in relation to its context.
Amend hotels and other visitor accommodation policy in the Waterloo and Vauxhall areas in addition to town centres.
Maximise local employment opportunities , to ensure the necessary flexibility for the economic objectives for London to be achieved.

Increase the range of social infrastructure policies, to include indoor recreation and address the loss of school playing fields .
Ensure transport policies are soundly based in relation to walking, cycling and parking, including for people with disabilities.
Introduce principles for managing new, improved or replacement open space and urban greening .
Clarify sustainable waste management policy, including contributing to the Mayor's target for London's waste capacity, net self-sufficiency and land to meet Lambeth's identified waste needs, the Borough's apportionment target, and encouraging the intensification of capacity on existing sites where appropriate, and identifying new waste monitoring indicators.
Require that all proposals for new or improved waste management facilities will be assessed against all other relevant Local Plan policies, including transport, amenity and quality of the built environment.
Clarify urban design policy to address living conditions issues, such as overlooking, unacceptable overshadowing and undue sense of enclosure, and also sustainable design and construction.
Specify double glazing policy guidance for statutory listed buildings .
Clarify policy for non-designated heritage assets .
Move definition of tall buildings into the 'upper case' policy.
Amend basement development policy, to draw a distinction between residential and non-residential buildings in relation to the permissible extent of basement footprints.
Secure mitigation of impact on Jubilee Gardens in relation to visitor numbers generated by major nearby developments.
Clarify policy for Loughborough Junction , to refer to the emerging master plan for the development of the Denmark Hill campus of the Kings College Hospital , and the creation of training opportunities in the KIBAs in this area.
Add new indicator to cover London Plan homes and jobs targets for the Waterloo and Vauxhall/Nine Elms/Battersea Opportunity Area .
Update the housing trajectory to reflect the figures set out in Topic Paper 10a.
Make various other changes to ensure the Plan is up to date, internally consistent, positively prepared, justified, effective and consistent with national policy.

Introduction

1. This report contains my assessment of the Draft Revised Lambeth Local Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the Duty to Co-operate. It then considers whether the Plan is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework 2019 (paragraph 35) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Draft Revised Lambeth Local Plan submitted in May 2020 is the basis for my examination. It is the same document as was published for consultation from 31 January to 13 March 2020.

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act, the Council requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
4. Following the examination hearings, the Council prepared a schedule of proposed MMs. Most of the MMs were suggested in their entirety by the Council. However, in a few cases I introduced either a changed MM or in a very few cases, a new MM. The MM schedule was subject to public consultation for six weeks. I have taken account of all of the consultation responses in coming to my conclusions in this report, including looking closely at the detailed wording of the main modifications. However, having considered the arguments carefully by all parties in response to the MM schedule which went out for public consultation, I have not added any further modifications.

Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as *Proposed Changes to the Policies Map*, dated January 2020.
6. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map.
7. These further changes to the policies map were published for consultation alongside the MMs [Document SD17b]. These can be seen on pages 112 and

113, referring to corrections to Brixton Town Centre on Map 3.1 and corrections to the boundary of the Immediate Setting of the World Heritage Site to align with the proposed change to the boundary of the Metropolitan Open Land (MOL) at Hungerford car park.

8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed above.

Context of the Plan

9. Section 24 (1) of the 2004 Act requires that the Plan must be in general conformity with the spatial development strategy. During most of the examination process, the London Plan has been an emerging 'work in progress', which has included a journey from its examination by a Panel of Inspectors and their report to the Mayor of London on 8 October 2019 to publication of the final, 'made' London Plan on 2 March 2021. The Panel concluded that, subject to a number of modifications which are contained in their report, the London Plan provided an appropriate basis for the strategic planning of Greater London.
10. However, the Secretary of State for Housing, Communities and Local Government wrote to the Mayor of London on 13 March 2020¹, expressing a number of soundness concerns in relation to the emerging London Plan (as it then was), issuing eleven Directions and exercising his powers under section 337 of the Greater London Authority Act 1999 to direct that the London Plan could not be published until the Secretary of State's Directions had been incorporated into the London Plan.
11. These eleven Directions, some of which are highly relevant to this examination, can be briefly summarised as: DR1 – increase emphasis on family housing; DR2 – promote "gentle densification"; DR3 – affordable housing and tariff style contributions not to be sought on developments of 10 units and less; DR4 – move away from a "no net loss" stance of managing industrial floorspace supply, to a more flexible approach, including a new emphasis on industrial intensification, encourage release of vacant industrial land for other uses and apply more flexibility to allow non-industrial uses in SILs [Strategic Industrial Locations]; DR5 – Green Belt policy to refer to exceptional circumstances in relation to de-designation; DR6 – delete prohibition of net loss of MOL; DR7 – gypsy and traveller accommodation policy to tie in with national policy; DR8 – encourage Boroughs to exceed their housing targets where possible; DR9 – increase parking standards in line with the Written Ministerial Statement (WMS) [March 2015]; DR10 – change retail parking policies, having regard to town centre viability; and DR11 – ensure housing policy is consistent with the Housing Delivery Test.
12. The Secretary of State wrote to the Mayor on 10 December 2020², indicating that positive progress had been made following his earlier letter, although signalling two further Directions (relating to Green Belt and tall buildings).

¹ Examination Document SD03a.

² Examination Document SD03d

13. Other concerns expressed in the Secretary of State's letter can perhaps be summarised as relating to a proactive stance in favour of home ownership/family housing; the removal of "layers of complexity"; and removing the imposition of rent controls.
14. The Council, in response to the Secretary of State's original 11 Directions and two subsequent Directions, has issued a note setting out what it considers to be the implications of these Directions for the submitted Plan before me³. This note helpfully filters these implications into those it considers are most relevant for the examination of the Plan, with perhaps the key implication for Lambeth being the policy for the Key Industrial and Business Areas (KIBAs).
15. Following the resolution of the above-mentioned soundness concerns and Directions from the Secretary of State, the London Plan was adopted and published by the Mayor⁴. This means that any subsequent development plan for a London Borough/local planning authority, including the Plan before me for Lambeth, has to be in general conformity with the most recently published London Plan of March 2021.

Public Sector Equality Duty

16. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the examination including qualitative housing needs, e.g. for the elderly, for disability access and adaptable housing, for affordable housing, and for the provision of traveller sites to meet need.

Assessment of Duty to Co-operate (DTC)

17. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
18. The provision of housing is arguably the key issue relating to Duty to Cooperate (DTC) within Lambeth and Greater London, although there are other considerations that I will turn to later. The strategic housing provision is planned for on the basis of a single housing market for London; the two major planning exercises to identify strategic housing need – the London SHMA⁵ – and to identify land availability for new housing – the London SHLAA⁶ – were undertaken by the Mayor for London as a whole. This points to the primary responsibility for strategic housing provision across Greater London falling to the Mayor of London.
19. This is supported by the Government's National Planning Policy Framework, or *the Framework*⁷, which requires, in paragraph 60, that strategic housing

³ Council's assessment of the implications for the DRLLP of the Secretary of State's letter to the Mayor dated 10 December 2020; 18 December 2020 [Examination Document LBL21].

⁴ Mayor of London: The London Plan-The Spatial Development Strategy for Greater London; March 2021.

⁵ The 2017 London Strategic Housing Market Assessment; November 2017, based on 2016 housing needs data.

⁶ The London Strategic Housing Land Availability Assessment: November 2017, based on 2016 housing land availability data.

⁷ MHCLG National Planning Policy Framework; February 2019 (*The Framework*).

policies should be informed by a local housing needs assessment, and this is dealt with through the above mentioned SHMA and SHLAA, i.e. at the London-wide level and not for individual Boroughs within London.

20. Although there is an estimated strategic shortfall in London of 14,000 homes per annum, i.e. between the Mayor's identified need of 66,000 new homes pa and the Planning Inspectorate Panel's conclusion that the emerging London Plan could realistically deliver 52,000 homes pa, it is clear from the Secretary of State's letter of March 2020 that this shortfall should be addressed through an urgent review of the London Plan, rather than through the individual London Boroughs in their Local Plans. Moreover, this is confirmed in the London Plan, which states in paragraph 0.0.21 that: "*The housing targets set out for each London Borough are the basis for planning for housing in London. Therefore, boroughs do not need to revisit these figures as part of their local plan development*".
21. I therefore do not accept the argument that, because the Panel Report concluded that London had a strategic housing shortfall, Lambeth and the other London Boroughs should have grappled with it in the preparation of their individual local plans.
22. Nevertheless, the Council has acted in accordance with its responsibilities under DTC and has signed Statements of Common Ground (SCGs) with each of its neighbouring Boroughs covering strategic cross-border matters⁸. The only neighbouring Borough to request assistance in meeting its unmet housing need was Merton; Lambeth indicated it was unable to help and Merton accepted this⁹.
23. Regarding other matters, the Council has signed a SCG with the Mayor¹⁰, which covers transport and waste. The SCG notes that the Mayor welcomes the collaborative working on waste and the positive policy commitment from Lambeth to contribute towards the Mayor's ambition that London be self-sufficient in its management of waste and provide the capacity to meet its waste apportionment targets, as set out in policy EN7 [sustainable waste management], as well as the commitment to encourage the intensification of capacity on existing sites, where appropriate. The SCG also states that the Mayor and Transport for London (TfL) welcome Lambeth's approach to transport, and especially its approach to car parking and its pursuit of sustainable growth.
24. Although some representations argued that more could be done to reach agreement on major cross-boundary strategic planning issues, it is important to realise that the DTC is not a Duty to Agree. It is clear that the Council has engaged actively and constructively with a wide range of bodies and organisations on cross-boundary issues. This included engagement with infrastructure providers, for example through the preparation of the comprehensive Infrastructure Delivery Plan (IDP) (See Issue 9 below). Engagement also took place with Thames Water Utilities Ltd regarding water

⁸ Examination Documents SCG 02-10.

⁹ See SCG between London Borough of Lambeth and London Borough of Merton LB, para 4.2a; dated December 2019.

¹⁰ Examination Document SCG 02-01.

supply and wastewater treatment, and there has been support from the National Grid for the emerging Plan.

25. On the basis of the above evidence, I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

Assessment of Soundness

Main Issues

26. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearing sessions, I have identified nine main issues upon which the soundness of this Plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

Issue 1 – Spatial Strategy: Is the Plan's overall spatial strategy in general conformity with the London Plan, and is it positively prepared, based on robust evidence and is it justified and effective?

Delivering the Vision and Policy Objectives

27. The Plan sets out a clear vision and policy objectives, and sets out its commitment to encourage and support sustainable development that improves the economic, social and environmental conditions in Lambeth; to this end policy D2 articulates the commitment in the Plan in favour of sustainable development, taking into account the application of policies in *the Framework*.

15-year plan period

28. The London Plan sets out the key strategic parameters for new housing and other development in the London Borough of Lambeth. The submitted Plan has largely reflected the strategic provision of the London Plan in relation to Lambeth, both quantitatively and qualitatively. However, I have identified soundness issues which has led me to recommend some modifications to ensure that the Plan both reflects the policy thrust of the London Plan and national policy.
29. In relation to overall housing provision, the Lambeth figure (1,335 dpa) accurately reflects the London Plan provision over the 10-year period from 2020 to 2030. However, national policy states that the plan period for what is a strategic local plan needs to extend for a minimum of 15 years, or at least its strategic policies should look this far ahead¹¹, in order to respond to long-term requirements and opportunities. It is therefore appropriate for the length of the plan period to be clearly indicated on the cover of the Plan

¹¹ Paragraph 22 of *the Framework* requires this length of plan period for strategic policies.

[MM1]. Also, the inclusion of an indicative housing target for years 11-15 of the Plan, which is identified as 4,950 additional dwellings (or 990 dpa) **[MM2]**, also accords with national policy and ensures the Plan is positively prepared.

Spatial strategy

30. There is a requirement for the Plan's spatial strategy to be in general conformity with the London Plan and in particular to clearly articulate its relationship with the London Central Activities Zone (CAZ), bearing in mind the economic and social importance of the CAZ, not only to London as a whole but nationally and internationally.
31. Additional text has therefore been included to:
- (i) indicate the importance of serviced visitor accommodation within Lambeth **[MM3]**;
 - (ii) include an additional bullet point in the Plan's spatial approach to promote and enhance the international, national and London-wide roles of the Central Activities Zone (CAZ) in South Bank, Waterloo and Vauxhall **[MM4]**;
 - (iii) support the London Plan Central Services Area (CSA), including to provide capacity for waste management in the Borough **[MM5]**;
 - (iv) amend the Spatial Vision to highlight the rich mix of strategic functions in the CAZ locations of South Bank, Waterloo and Vauxhall as an international centre for business, leisure and arts, culture and creativity **[MM6]**;
 - (v) amend strategic Objective 2 to include reference to maintaining industrial floor-space capacity to support the CSA **[MM7]**; and
 - (vi) amend Strategic Objectives 18 and 19 to support and develop the strategic functions of the CAZ in South Bank, Waterloo and Vauxhall **[MM8]**.

These modifications ensure the Plan accords with national policy and is in general conformity with the London Plan.

Changes to the Use Classes Order

32. Changes to the Use Classes Order came into effect on 1 September 2020. These have implications for several policies in the Plan, especially in relation to business use. In response to my request, the Council issued a comprehensive assessment of their impact on the Plan¹² and this document also includes a table analysing the impact on those policies which are affected by the Use Class changes.
33. The changes as they affect the Plan can be summarised as:
- (i) Revocation of the current use classes A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking

¹² Council Response to Document INS02 Impact of the Changes to the Use Classes Order; 28 August 2020 [Examination Document LBL02].

establishments), A5 (hot food takeaways), B1 (business), D1 (non-residential institutions) and D2 (assembly and leisure);

(ii) Creation of new use classes E (commercial, business and service), F1 (learning and non-residential institutions) and F2 (local community); and

(iii) Redistribution of the uses within the former classes A, B1.

34. One of the key intentions behind these changes, especially including the new Class E, is to support town centres and high streets, and business and industrial areas by allowing increased flexibility to adapt to changing circumstances, and hopefully, the post Covid-19 recovery.
35. The Council has therefore proposed a wide range of modifications to take on board these use class order changes, all of which are necessary for the Plan to be consistent with national policy:
- (i) Policy ED1 [Offices] and supporting text **[MM29 and 31-33 and 35-37]**;
 - (ii) Policy ED2 [Affordable workspace] and supporting text **[MM39; 42-44; and 46]**;
 - (iii) Policy ED3 [Key Industrial and Business Areas] and supporting text **[MM48, 49, 51 and 52]**;
 - (iv) Policy ED4 [Non-designated industrial sites] and supporting text **[MM53; 55-58]**;
 - (v) Policy ED6 [Railway arches] and supporting text **[MM59-60]**
 - (vi) Policy ED7 [Town centres] and supporting text **[MM62-65; 67-70]**;
 - (vii) Policy ED8 [Evening economy and food and drink uses] and supporting text **[MM71-76]**;
 - (viii) Policy ED9 [Public houses] and supporting text **[MM77-79]**;
 - (ix) Policy ED10 [Betting shops and payday loan shops] and supporting text **[MM80-84]**;
 - (x) Policy ED11 [Local centres and dispersed local shops] and supporting text **[MM85-86]**;
 - (xi) Policy S1[Safeguarding existing social infrastructure] supporting text **[MM98-103]**;
 - (xii) Policy S3 [Schools] **[MM104]**;
 - (xiii) Policy PN1 [Waterloo and South Bank] **[MM138 and 140-141]**;
 - (xiv) Policy PN2 [Vauxhall] **[MM142]**;
 - (xv) Policy PN3 [Brixton] **[MM143]**;
 - (xvi) Policy PN4 [Streatham] **[MM144]**;

- (xvii) Policy PN5 [Clapham] **[MM145]**;
- (xviii) Policy PN6 [Stockwell] **[MM146]**;
- (xix) Policy PN7 [West Norwood/Tulse Hill] **[MM147]**;
- (xx) Policy PN9 [Herne Hill] **[MM148]**;
- (xxi) Policy PN10 [Loughborough Junction] **[MM153]**;
- (xxii) Policy PN11 [Upper Norwood/Crystal Palace] **[MM154]**;
- (xxiii) Annex 8 [Monitoring Framework] **[MM156]**;
- (xxiv) Annex 9 [Changes to the policies in the 2015 Local Plan] **[MM159]**;
and
- (xxv) Annex 12 [Strategic and non-strategic policies] **[MM161]**.

Sustainability Appraisal (SA) and Habitats Regulation Assessment (HRA)

36. The Sustainability Appraisal (SA) has been applied iteratively throughout the preparation of the Plan. It has its roots in the SA prepared as input to the Lambeth Core Strategy 2011, and there has been no radical change of direction since then. In particular, the six spatial planning issues identified by the Core Strategy remain relevant today. They are: (i) accommodating population growth; (ii) achieving economic growth and prosperity for all; (iii) tackling and adapting to climate change; (iv) providing essential infrastructure; (v) promoting community cohesion and safe, liveable neighbourhoods; and (vi) creating and maintaining attractive, distinctive places.
37. The SA Non-Technical Version¹³ has taken into consideration the changing national and London-wide policy context within Lambeth and its aim is to secure a more sustainable approach to the management of the Borough.
38. A significant number of strategic spatial parameters has been set in the London Plan for Lambeth. They include the CAZ and Opportunity Areas, the Thames Policy Area, regeneration and enterprise zones, the Key Industrial and Business Areas (KIBAs), areas of open space, the main road network, and public transport accessibility levels (PTALS). These are covered in more detail in the Council's Action 3 Note¹⁴ in response to questions raised during the examination of the Plan.
39. The scope for the Plan to deviate from these parameters in the London Plan is limited to a few policy areas, such as defining the boundaries of specific housing allocations, town centres, locally significant industrial sites (LSIS), how to meet the waste apportionment, where to manage air quality and the application of locally evidenced parking standards. There is also scope to consider spatial alternatives in relation to land use options. In its input to the

¹³ Lambeth Council: Draft Revised Lambeth Local Plan Proposed Submission Version January 2020 Sustainability Appraisal Non-Technical Summary; December 2018 [Examination Document PD03k].

¹⁴ Lambeth Local Plan examination hearings – action list – Action 3 – Short note on how spatial alternatives have been considered as part of the Sustainability Appraisal process of the Draft Revised Lambeth Local Plan Proposed Submission Version; January 2020 [Examination Document LBL06].

Plan, the SA summarises 13 key sustainability issues¹⁵ covering housing, community cohesion, the economy, carbon emissions, air quality, biodiversity, health and wellbeing and management of resources, including water and waste, all of which have a spatial dimension.

40. This has led to the consideration of alternatives using the well-established key symbols, which in turn has led to a number of recommendations with the aim of improving the impact of policies on sustainability or reducing potential for negative effects. This 'sustainability proofing' of the Plan has been wide ranging and thorough.
41. The SA for the Plan identified no significant adverse effects of the Plan, apart from one potential effect in relation to SA objective 3 – creating a fully accessible environment - which relates to the lack of step-free access to some of the Lambeth stations.
42. The Plan is also supported by the HRA screening assessment¹⁶, which did not identify any likely significant adverse effects on European Sites or on the integrity of the four sites which are so designated within 15 kilometres of Lambeth Borough¹⁷.

Issue 1 - Conclusion

43. From the evidence before me, I conclude that in relation to Issue 1, that, subject to the above modifications, the Plan's overall spatial strategy is in general conformity with the London Plan, that it is positively prepared, based on robust evidence and is justified and effective.

Issue 2 – Housing: Are the housing policies (H1-H13) in general conformity with the London Plan, positively prepared, based on robust evidence and are they justified and effective?

Is the provision of at least 13,350 new dwellings over the first ten years of the plan period, with an indicative figure of 4,950 dwellings for years 11-15, justified?

Overview of strategic housing provision for Lambeth

44. Policy H1 of the London Plan sets a target of 13,350 dwellings for Lambeth over a ten-year period (2019/20-2028/29). This total is reflected in the Plan before me. Because Lambeth is a strategic or Part 1 Local Plan, it accords with the national policy advice in paragraph 22 of *the Framework*, to look ahead for 15 years, and the requirement for specific, deliverable sites is focused on years 1 to 5 of the plan period. Paragraph 67 of *the Framework* introduces a more relaxed regime for the subsequent years of the Plan period, stating that for years 6-10, development plans have a choice between specific, developable sites, or broad locations for growth, whilst this requirement is only required "where possible" for years 11-15 of the Plan.

¹⁵ The 13 key issues are set out in more detail in Table 3 of the Sustainability Appraisal – Non-Technical Summary [Examination Document PD04].

¹⁶ Examination Documents PD05 and PD05a.

¹⁷ These four European Sites are: Wimbledon Common SAC; Richmond Park SAC; Walthamstow Reservoirs; and the extreme southern end of Epping Forest SAC.

45. The target set out above for years 11-15 is explained in more detail below, but it essentially comprises a figure of 3,066 units from large sites, and an assumed continuation of the rate of 400 dpa from small sites, i.e. 2,000 units over the five years, combining to comprise the 5,066 unit total in the heading.

(i) *Detailed evidence – large sites*

46. In response to my questions in the exploratory stages of the examination and the Matters Issues and Questions (MIQs) paper, the Council revisited its evidence regarding its housing provision, to include the most up-to-date position, including the latest information about anticipated completion rates. This Housing Provision Statement, Topic Paper 10a¹⁸, examines the Borough's housing requirement and includes an updated housing trajectory which has been amended to show the correct starting date and buffer for the five year housing supply, as well as drawing on the 2017 SHLAA findings (which cover beyond the plan period to 2041) so as to set out a reasoned figure for the indicative housing supply figure for the last five years of the plan period. This modification **[MM162]** is necessary for effectiveness.
47. The Panel Report into the examination of the London Plan concludes that the housing provision for individual boroughs, including by implication, Lambeth, are justified and deliverable¹⁹. Moreover, the Council's Topic Paper 10a assesses the potential to meet the London Plan's provision of 13,350 dwellings for Lambeth, and looks at likely housing yields from the following sources:
48. Firstly, housing delivery in **years 1-5** is calculated from 2019/2020; dwellings under construction; planning permissions, which are expected to start and complete by 2023/24; permissions subject to a Section 106 Agreement (with completions by 2023/24); and sites on the Brownfield Land Register, expected to secure permission and be completed by 2023/24. The anticipated total of net completions from this category is calculated at 5,186 dwellings.
49. Secondly, housing delivery in **years 6-10** is calculated from full planning permissions [and dwellings under construction]; full planning permissions, expected to be completed by 2028/29; resolution to grant full planning permission subject to a Section 106 Agreement, expected to complete by 2028/29; outline planning consent with reserved matters applications being prepared for submission; live planning applications; planning applications expected by the end of 2020, following a Planning Performance Agreement; and allocated sites in the 2015 adopted Plan with progress towards submission of a planning application.
50. Although a relatively significant figure of 443 net additional residential units out of the anticipated total of 4,830 dwellings is calculated for the site at 8 Albert Embankment, the Council makes the point that if the current call-in application is dismissed, the site still has a 2015 Plan allocation for an alternative scheme, and there is sufficient time to progress an alternative scheme to be implemented within years 6-10. I can see no reason to come to another view.

¹⁸ Draft Revised Lambeth Local Plan Proposed Submission Version; Paper 10a Housing Provision Statement; October 2020.

¹⁹ London Plan Examination in Public: Panel Report October 2019, paragraph 178.

51. Finally, housing delivery in **years 11-15** is based on the identification of 15 large sites. This is not an exhaustive list, and the indicative capacity of these sites is estimated at 2,950 dwellings. The largest site in the list, land at Clarence Avenue, Poynders Road, including Clapham Park Estate Adjacent Land, constitutes the final phase of a much larger scheme with full planning permission, and several of the schemes in this list have been progressed to a level which is acceptable for providing indications of likely dwelling capacity for inclusion in the final phase of a development plan.
52. The combined total of these three phased estimated housing yields for large sites is 12,966 dwellings, or 864 dpa, and over the London Plan ten-year period it increases to 1,001 dpa.

(ii) *Detailed evidence – small sites*

53. The gap between these totals and the London Plan requirement of at least 13,350 dwellings over the first ten years of the plan period or 1,350 dpa is addressed in the Council's estimate for small dwellings sites, i.e. sites of under 10 dwellings, or below 0.25 ha.
54. The Council provides a detailed justification of its projected delivery of small sites throughout the plan period. Topic Paper 10a sets out the Council's track record over the period 2008/09-2019/20²⁰, which averaged 556 dpa for small sites housing completions. The small sites contribution amounted to 47 per cent (almost half) of the total dwelling completion rate in Lambeth in recent years. The Council is projecting an annual average of 400 units over the London Plan ten-year period. This is significantly below the recent annual average of 556 dpa, but the table shows in only two of the years since 2008/09 has the total fallen below 400 dpa (2010/11 and 2012/13). I therefore consider this figure to be reasonable, and if anything, underestimates the Council's housing potential.
55. Document 10a sets out in considerable detail several schedules of small sites²¹; these comprise those on the Council's Brownfield Land Register (capacity 629 units); completions between 1 April 2019 and 31 March 2020 (capacity 402 units); small sites with extant permissions (capacity 796 units); sites with permissions between 1 April and 30 September 2020 (capacity 123 units); sites with a resolution to grant permission, subject to a Section 106 Agreement, between 1 April and 30 September 2020 (capacity 22 units); and sites with potential for housing development but no planning consent, i.e. developable sites (capacity 828 units). These schedules total 2,800 units on small sites, or a 7 years' supply based on the Plan's assumption of 400 units pa.
56. Moreover, the Council has determined not to rely solely on past trends, and it has published a review of its small sites policy²², which robustly increases its support for increased small site delivery.
57. Given the Council's track record on small sites over the recent past, this level of detail supports the robustness of the Council's estimates for the rest of the

²⁰ Topic Paper 10a, Table 4.1 – Units completed in Lambeth by size of site 2008-2020 (net additional conventional dwellings completed [Examination Document TP10a]).

²¹ Topic Paper 10a, Appendix 3 (a) – (f) [Examination Document TP10a].

²² Topic Paper TP02 – Review of policy on small housing sites [examination Document TP02].

plan period. It is reasonable to assume that it is likely that windfalls will continue to occur.

58. Therefore, the additional 400 dpa for small sites, when added to the large site provision, gives a combined figure of around 1,400 dpa over the ten years of the London Plan. This means that for the 10-year period of the London Plan, the Plan before me exceeds its strategic housing requirement of 1,355 dpa.
59. In relation to years 11-15, if it is assumed that the small sites rate of delivery continues at the same rate as for the first ten years of the plan period, then the rate for years 11-15 works out at 613 dpa for large sites and 400 dpa for small sites, making a total of 1,013 units per annum, whilst the total over the entire plan period would comprise 12,966 dwellings from large sites and 6,000 dwellings from small sites (total 18,966), i.e. at a ratio of 68% to 32%, which I consider to be a conservative estimate for small housing sites completions.
60. Although the figure for the final five years of the plan period would not quite deliver the continuation of the London Plan target of 1,355 dpa (it would be around 1,264 dpa), firstly I regard it to be of primary importance to satisfy the London Plan target of 1,355 dpa for the ten year period of the London Plan. It is also important to note that the Council's evidence points to additional sites which are likely to become available by years 11-15. On the basis of the above evidence, there is currently a shortfall in relation to years 11-15. However, there is a requirement for the Plan to be reviewed before then, in fact every five years, and that it will be necessary at the point of review to rectify any delivery shortfall issues.

(iii) Non self-contained accommodation

61. Another important consideration is that the Council, in Document TP10a, draws attention to the delivery from non-self-contained accommodation (NSC), which includes purpose-built student accommodation, houses in multi occupation, hostels, care homes and large-scale purpose-built shared living (LSPBSL) schemes. The inclusion of such developments in the Borough's housing totals, albeit with ratios for calculating their equivalence to conventional housing units, which vary depending on the use, is sanctioned in the London Plan.
62. Table 4 of Topic Paper 10a explains that a total of 447 units of NSC accommodation can be added to the ten years' London Plan period for housing supply, averaging 44 units pa (rounding down). If it is assumed that opportunities will undoubtedly arise for NSC to come forward within the final tranche of housing delivery within the plan period, then a further 44 units pa could be added, increasing the total for years 11-15 from 1,264 dpa to 1,308 dpa, just 47 dpa short of continuing at the same rate as set out in the London Plan.
63. As I have already stated, however, it is more important and sufficient for soundness purposes, for the Plan to generally conform to the London Plan target for the first ten years of the plan period rather than to the longer period covered by the Plan. And I consider that the Plan crosses this hurdle relatively comfortably.

(iv) *Is the Plan's housing provision over cautious?*

64. Concerns were expressed that the Plan was unduly cautious, i.e. the Plan was delivering too little housing in relation to national policy as expressed in paragraph 59 of *the Framework*, to boost significantly housing supply. Reference was made to the Secretary of State's letter of March 2020 to the Mayor, which challenges him to work constructively with the London Boroughs to encourage more housing delivery. However, the above paragraphs in my report explain that the London Plan housing targets have been exceeded without the need for other essential land uses, e.g. for industrial land, to be jeopardised. The Council in my view is right to draw my attention to the need to have regard to the 'big picture' for Lambeth, which includes the need for a sustainable home/work balance and the need to ensure that the Plan for the Borough as a whole is positively prepared.
65. Moreover, the Secretary of State's letter correctly places the onus on the London Plan to set the strategic context for the Boroughs, and this includes housing as well as the appropriate provision and policy framework for other uses. The letter also points the way forward for increased housing provision in London through working, as a matter of urgency, on the next plan, adding: "*given this, I ask you to start considering the next London Plan immediately and how this will meet the higher level and broader housing needs of London*"²³. For this reason, the Secretary of State does not include a Directive in the Annex to his letter to require the Boroughs to recalculate /increase their housing provision, which would add unnecessary length to the preparation of their Local Plans, especially when the new London Plan is expected to be prepared as a matter of urgency.
66. I therefore disagree with the view expressed by some parties, that increased housing targets must be considered in this examination. I also disagree with the concerns expressed of relative lack of housing allocations in the Plan, as the Council has made it clear that it intends to submit a Sites Allocations Plan within the framework issued by this Plan. The lack of site allocations is therefore not an oversight in the Plan before me.
67. In the light of the above considerations, I consider the Plan's strategic housing provision for Lambeth to be positively prepared and justified.

Is the housing provision realistic?

68. Is the total housing provision in the Plan realistic? In other words, is the Plan effective and capable of delivery at the rates proposed? Following pre-hearing questioning, including in the MIQs, the Council produced Document TP10a, which is detailed, thorough and transparent, and there was sufficient time during the examination, including at the hearing sessions, for the implementation rates of every major and small site within Lambeth to be questioned and/or challenged. This level of scrutiny extended to my visiting several of the major sites included in the document, including some of those under construction.

²³ Secretary of State's letter to the London Mayor, second page, 8th paragraph; 13 March 2020 [Examination Document SD03a].

69. Some concerns were expressed over the rate and level of delivery, with specific sites highlighted, including the site with the largest housing potential in the Plan, the Shell Centre site at 2-4 York Road (Southbank Place), for 880 dwellings on five adjacent sites. The Council responded to these concerns by submitting an Action Note²⁴, which explains that 512 are already completed, whilst the remaining 368 units were under construction, with 264 of these units projected to complete in 2020/21, and a further 104 units projected to complete in 2021/22. I am satisfied from the evidence before me that this site will contribute at the rate forecast in Topic Paper 10a.
70. I also asked the Council and the Home Builders' Federation (HBF) to look at another six named sites which accounted for potentially some of the greatest housing yields in Lambeth. Both parties responded, resulting in a SCG between the Council and the HBF²⁵. These six sites, ranging from 94 to 578 units, accounted for some 2,259 new homes, comprising 43.65% of the large sites provision for Lambeth for years 1-5, and 22.6% of the provision for the London Plan ten-year period. These totals are therefore significant. However, the SCG records agreement on the delivery timing for part of one site (site 1, Oval Village, phases 1 and 2) and two other sites (site 4, Westbury Street and site 6, Vauxhall Square), totalling 1,190 units, leaving disagreement on three and a half sites (site 1 Oval Village phase 3, site 2, Upper Ground and Doon Street, site 3, 10 Pascal Street and site 5, Dendy Court), totalling 1,069 units.
71. The Council has submitted evidence, in the form of letters from agents and developers, in relation to the areas of disagreement. Some of these letters are extremely detailed and demonstrate seriousness of intent, and in particular the letter setting out the detailed critical path for developing all three phases of the Oval Village scheme. These letters all point to a clear commitment to implementation within the phasing as set out in Document 10a.
72. The letter in relation to Denby Court, for example, states that there is an intention to submit a full planning application for 144 dwellings by December 2020, and I have been informed that this application has now been submitted and was awaiting validation by the Council's Development Management team at the time of my query.
73. Another site, at Upper Ground and Doon Street which the HBF argues was "beset by delays", is the subject of a letter from Coin Street Community Builders, which aims to have a development partner appointed by the summer of 2021, with construction starting in 2022. In the case of 10 Pascal Street, the HBF refers to the unlikely completion of 479 units within 5 years, whereas, the Council, in acknowledging the imminent submission of a planning application for this number of dwellings, is in fact relying on a significantly lower total – 148 dwellings – for completion by year 5 of the plan period.
74. In addition to the letters of support and evidence of detailed preparations, most of these sites conform with the definition of 'deliverable' development as set out in the Glossary in *the Framework*, which states that "*all sites with detailed planning permission should be considered deliverable until permission*

²⁴ Action Note 4: Note from LBL, which explains progress toward implementation of the Shell Centre (Southbank Place) for 880 dwellings; 2 Nov 2020 [Examination Document xxx].

²⁵ Action Note 5: SCG between LBL and the HBF dated 9 and 10 December 2020 [Examination Document xxx].

expires, unless there is clear evidence that homes will not be delivered within five years" ...

75. Another consideration in support of the effectiveness of housing provision in Lambeth as set out in the Plan, is the wide range in the size of proposed sites. There are no current schemes or schemes in the pipeline for sites in excess of a thousand units, schemes which can be subject to infrastructure-based delays in implementation.
76. For the above reasons, I consider that there is a reasonable to strong likelihood that the sites which are subject to disagreement in the above-mentioned SCG should be regarded as contributing towards the effectiveness of the Plan to deliver the quantum of housing in accordance with the provision for Lambeth as set out in the London Plan.
77. On the basis of the evidence that was submitted to the examination and the debate at the hearings, I am satisfied that the Plan makes provision for a strategic level of housing that is justified and realistic, positively planned and which reflects both the emerging London Plan and national policy, without the need for any modifications.

Can the Plan deliver a five-year housing land supply for Lambeth?

78. National policy, as set out in paragraph 73 of *the Framework*, requires the Council to demonstrate that there is a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement as set out in their adopted policies. There is also a requirement to provide, in addition, a buffer of 5% to ensure choice and competition in the market for land, or 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year.
79. Topic Paper 10a provides an updated picture of the Lambeth situation, starting with the target figure from the London Plan of 1,335 dpa, which equates to 6,675 dwellings over five years. There has been no persistent under-delivery over the recent past, so there is no need to increase the requirement still further. The Topic Paper calculates the five year situation based on a 10% buffer, resulting in a revised target of 1,469 dpa, or 7,345 dwellings over five years. The individual figures are set out in Appendix 5 to Topic Paper 10a.
80. The cumulative completions forecast for Lambeth for the five-year period (i.e. by 2023/24) is calculated at 7,526 dwellings, giving the Borough a headroom or 'clearance' figure of 181 dwellings. This would of course increase to 851 without the buffer. *The Framework* only requires the Council to demonstrate a five years' supply, not 5.5 years or any other figure above 5 years, as some parties argued for. This headroom does allow some allowance for non-completion, and this allowance could increase should the number of dwellings from windfalls increase, as per past trends.
81. The SCG between the Council and the HBF referred to above demonstrates that sufficient large sites are likely to deliver the necessary housing quantum to satisfy the 5-year housing requirement in national policy. The SCG also records a large measure of agreement between the Council and the HBF over

the likelihood of key sites delivering within five years, and the Council's Supplementary Information to document Topic Paper 10a²⁶ contains evidence of strong commitment from several housing developers to deliver key schemes within the next five years, sometimes countering the views of the HBF.

82. Accordingly, I am satisfied that a five-year supply of deliverable housing can be demonstrated on adoption of the Plan, in accordance with the provisions of paragraph 74 of *the Framework*. I also note that the Council, in its early correspondence with the Planning Inspectorate, stated in an e-mail²⁷ that: "I can confirm that we are seeking to confirm, through the examination of this plan, a 5 year supply of deliverable housing sites under paragraph 74 of the HBF."

Is the affordable housing (AH) provision in the Plan justified and deliverable?

83. Policy H2 states that the Council will seek to maximise the delivery of affordable housing (AH) in accordance with the London Plan, and it is clear, based on the evidence, that the Council works hard to achieve this. London Plan policy H4 sets a strategic target for 50% of all new homes delivered across London to be genuinely affordable. Policy H5 sets out a threshold approach which applies to major developments, i.e. 10 dwellings or above, where the threshold level of AH on gross residential development is set at a minimum of 35%, or 50% for public sector land where there is no portfolio agreement with the Mayor, or 50% for a number of industrial locations, which include Locally Significant Industrial Sites, which in Lambeth are the equivalent of KIBAs and non-designated industrial sites, where the scheme would result in a net loss of industrial capacity..
84. These thresholds are supported by the Council's viability review²⁸, which concludes that there needs to be an appropriate balance between delivering AH, sustainability objectives, necessary infrastructure and the need for landowners to achieve a reasonable return. I see no reason to take a different view on this.
85. Whilst housing need is a serious issue throughout London and elsewhere, and whilst I note the arguments made in Topic Paper 1²⁹ in support of small site development of AH, I am also aware of the viability issues facing many small sites, and the need for Lambeth to maintain its good track record in small sites delivery. Even the above-mentioned viability review remarks that there is a clear tension between the overall levels of AH and the affordability of the units provided.
86. The recent study on unlocking small sites by Lichfields³⁰, which was submitted in evidence, argues that the research shows that viability and AH form a primary issue and a principal constraint on small scheme delivery; even in schemes involving payment in lieu of AH, the study shows that the time taken was almost the same as for actual AH provision.

²⁶ Attached to the SCG between LBC and HBF dated 9 December 2020.

²⁷ E-mail from Catherine Carpenter (LBC) to Matthew Giles (PINS) dated 4 February 2020.

²⁸ BNP Paribas Real Estate: London Borough of Lambeth: Local Plan and Community Infrastructure Levy Review; December 2019 [Examination Document EB97].

²⁹ DRLLP Topic Paper 1: Affordable Housing on Sites Providing Fewer than 10 Residential Units; December 2019.

³⁰ Lichfields: Small Sites: Unlocking housing delivery; September 2020.

87. In particular, disputes on small sites regarding land values is alleged to have a marked effect on determining timescales, with the average (median) determination period between validation and decision (based on their sample of 60 schemes in London) taking 71 weeks, compared with the average of 56 weeks for all sites, with protracted negotiations now commonplace. This is running contrary to the national aim of significantly boosting the supply of housing and unleashing the potential of small sites to make a significant contribution to meeting the housing needs in Lambeth.
88. Although the Council claims that the provision for viability tests in the Plan provide a reasonable recourse to overcome deliverability issues for AH, it is clear from the above evidence that these tests are in themselves slowing down the rate of development and provide one more hurdle for small site developers to attempt to jump over.
89. In addition to the economic and viability arguments cited above, national policy states that the provision of AH should not be sought for residential developments that are not major developments. Accordingly, the Plan requires modification to ensure it applies to sites of 10 dwellings and above, in line with national policy **[MM11; 15; 157; and 160]**. This also accords with the WMS on the matter in 2014³¹ and the Secretary of State's letter of March 2020, and in particular Direction 3³².
90. Policy H2 and its supporting text also need to be modified to accord with the Mayor's Fast Track approach and allow the policy to be implemented alongside London Plan policy H5. **MMs 12-14** reduce the threshold of the Fast Track approach from 25 to 10 units in the policy and supporting text, and the Council's comments in MM14 acknowledge that schemes providing between 10 and 25 dwellings units (gross) may find it difficult to provide on-site AH, given the small numbers of units involved and the difficulties in some cases in finding registered providers of AH willing to manage them. This would appear to be a further argument in support of the above modifications to ensure that AH provision is restricted to sites of 10 dwellings or above.

Is policy H5, which addresses housing standards, justified and in line with national policy? Is policy H6, on residential conversions, justified, or will it result in an increase of substandard conversions?

91. Policy H5 concerns itself with standards for new residential development, the amount of external amenity open space and communal amenity space, all of which assume a high degree of importance within Lambeth, which has one of the highest densities of population in the country. This can potentially produce a 'heat island' effect together with other aspects, such as noise, poor air quality and impacts on amenities, which can harm the living conditions of both existing and future residents.
92. Concern is expressed that a key aspect of the policy, the requirement for the provision of dual-aspect accommodation in proposals for new residential development, would make some high-density schemes unworkable. The policy, however, provides an element of flexibility by stating that it would apply "unless exceptional circumstances are demonstrated". I agree with the

³¹ Written Ministerial Statement (WMS) made by Brandon Lewis on 28 November 2014.

³² Letter from Secretary of State to Mayor of London; 13 March 2020 [Examination Document SD03a].

Council that, generally, single aspect dwellings do not perform as well as dual aspect dwellings, for example in terms of natural ventilation, and are more likely to overheat, and experience worse daylight issues than conventional dwellings.

93. It is in my view more sustainable to aim for most if not all dwellings to be designed to incorporate more than single aspect accommodation, with the onus on developers who experience genuine problems with this requirement to explain why such a design is inappropriate for their scheme, and/or why the single aspect can be overcome by improvements to the design to address satisfactorily the Council's concerns expressed above. However, viability arguments should not be advanced to justify a scheme which would fall short of the standards which are advocated in this policy.
94. Policy H6 aims at achieving an appropriate balance between increasing the number of homes delivered on small sites, preserving the stock of family sized housing and mitigating pressures as a result of conversions. The policy also includes measures to manage and mitigate these pressures, including in relation to cycle and waste storage. On balance, I consider that, by reducing the threshold for conversion from 150 sqm to 130 sqm, the policy is likely to result in an increase in the number of dwellings that will have the potential to be legally converted rather than to increase the number of illegal conversions.

Is policy H7, which makes provision for student housing, justified, especially in relation to potential impact on residential living conditions?

95. The need for a significant increase in the provision of student housing in most parts of London, including Lambeth, is set out in the London Plan, where policy H15A states that Boroughs should seek to ensure that local and strategic need for purpose-built student accommodation (PBSA) is addressed. The London Plan is positively framed and sets the tone for Borough Local Plans.
96. The Council's arguments for managing student housing in policy H7, refer to evidence in Topic Paper 9³³ to support its policy stance, which in the submitted Plan sets a generally restrictive framework for managing the development of sites for student housing. The submitted Plan policy starts with the phrase: "*Proposals for student accommodation will be acceptable only where it can be demonstrated that*", followed by a list of eight broad criteria, all of which would have to be complied with. In a later part of the Plan, covering large-scale purpose-built shared living (LSPBSL) (paragraph 5.126), it states that generally two uses of this nature, including purpose-built student accommodation, will not be permitted on adjacent sites, and that there should be no more than two such uses within any given 500m radius.
97. A critical part of this restrictive framework which is expressed in these criteria is concerned with the need to prevent harm to residential amenity (living conditions) which the Council considers could result from an over-concentration of student housing in a given area or neighbourhood.
98. Concerns around overconcentration of student housing focus on two geographical areas, which are located within parts of Waterloo and Vauxhall. Concern is expressed by several parties that within these areas there is

³³ DRLLP Topic Paper 9: Particular Types of Housing; May 2020 [Examination Document TP9].

perceived or real overconcentration, and that the effects of such overconcentration results in harmful impact on firstly, the amenities or living conditions of neighbouring residents; secondly on the mix and balance of land uses; and thirdly on access to amenities, such as public open space and recreation facilities.

99. Topic Paper 9 provides up-to-date data on both the locations of the student housing concentrations, and on the number of bedspaces. The maps showing PBSA show two distinct clusters in Lambeth. Table 5 shows that a concentration is located around the South Lambeth Road area in Vauxhall, where there are 1,124 existing student bedspaces, with a further 841 in the pipeline, making a total of 1965 bedspaces within a 200m radius of Rudolph Place, which was under construction at the time of the examination. The other principal concentration is in Waterloo, focusing on schemes such as 'Urbanest' Westminster Bridge and Stamford Street apartments, 127 Stamford Street, with 2,130 existing bedspaces and 107 in the pipeline, making a total of 2,237 bedspaces within a relatively constricted area.
100. These two areas comprise 4,202 bedspaces, or 78% of the total bedspaces in Lambeth. The attraction factor for these clusters is partly linked to proximity to several places of learning, and the proximity of a wide range of facilities in the CAZ, as well as benefitting from excellent access to public transport, and proximity to other parts of central London. The policy stance, as set out in the explanatory text in the submitted Plan, to state that additional PBSA within the Vauxhall part of the NEV Opportunity Area, was unlikely to be supported, was, in my view, going against the strategic grain that I have outlined earlier in this paragraph.
101. In response to my concerns over the impact of student housing on existing communities, the Council and one of the main parties signed a SCG³⁴, which answered several of the Council's concerns and fundamentally brought about a positive policy which goes with the grain and is positively prepared. Firstly, the prime emphasis of policy H7 in the opening paragraph is changed from a restrictive framework to supporting proposals for student housing, whilst criterion (iv) makes provision for a student management plan to mitigate potential harm to residential amenity **[MM16]**. The value of student management plans has become widely appreciated in recent years and is linked to a partnership approach between the student population and the 'settled' community.
102. The modified Plan takes into account the living conditions of neighbouring residential occupiers, and the recognition that student housing is regarded strategically as an integral part of housing provision. Moreover, little robust evidence was submitted in evidence to demonstrate that student housing, of itself, directly caused harmful impacts on neighbouring residential amenity, whilst it is also widely known that students commonly invest in the area by becoming local residents following their time as students, and finding jobs within the local community. Also, not a few students involve themselves in community action, including volunteering alongside their studies.

³⁴ Statement of Common Ground (SCG) between LB Lambeth and Unite Group PLC: Matter 3.6 Student housing and Matter 6.2 Cycling [Examination Action Points Document AP8].

103. Furthermore, no robust information was submitted during the examination to demonstrate an adverse impact between PBSA and community access to amenities, such as public open space. The policy already addresses the issue of mixed and balanced uses, which I consider to be an important and relevant consideration.
104. The modification to the Plan, to state in the explanatory text that PBSA makes an important contribution to diversity in London **[MM17]** is required to justify the Plan, whilst **MM18** restricts the area in Vauxhall with a policy presumption against additional PBSA in the Miles Street Character Area, to be defined on a map; this is an area with a particularly high concentration of PBSA.
105. The SCG also addresses issues of cycling and cycle storage and I cover this in the section of my report dealing with transport.

Does policy H8, which addresses community needs, make adequate provision for the supply of housing for older people?

106. The London Plan, in setting the context for housing for older people, makes the important point that whilst being a 'young city', London is expected to experience substantial growth in the number of older person households, which is defined in the Glossary to *the Framework* as "people over or approaching retirement age, including the active, newly retired through to the frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialist housing for those with support or care needs."
107. The London Plan estimates that the need for older persons' housing in the capital will have increased by 37% by 2029. Therefore, appropriate accommodation is needed to meet the needs of older Londoners. Although *the Framework* definition includes general needs housing, it is also clear that specialised housing for the elderly is an important and growing consideration which needs to be addressed in some detail in development plans.
108. Policy H8 supports the provision of housing to meet a range of community needs, including the supply of housing for older people, which is addressed in paragraph (d). The Council states, in its response to my initial questions, that where there is an explicit element of specialist older person's accommodation in a proposal, this will be assessed under policy H8 in this Plan and London Plan policy H13, which sets benchmarks in terms of units per annum for each Borough³⁵. The benchmark figure for Lambeth is set at 70 units pa.
109. In view of the importance of providing housing for older people, as explained above, **MM19** is necessary to clarify and expand policy H8 (d) to an appropriate level of detail, in order to underline the importance of older persons' housing in Lambeth, whilst also specifying that the requirements of London Plan policy H13 B will apply; these requirements relate to AH, accessible housing, inclusive design, safe storage and suitable pick up and drop off points, for taxis, minibuses and ambulances. In addition, **MM20** is

³⁵ Council Response to INS01 Initial Inspector Questions and Thoughts, page 20; 16 July 2020 [Examination Document LBL01].

required to clarify the indicative benchmark of 70 additional units pa, and also explains that this figure does not include nursing homes.

110. The issue of the potential need for additional nursing homes in Lambeth was the subject of considerable discussion during the hearing sessions and a SCG was signed and submitted by the principal parties³⁶. The Council's strategy towards nursing homes, supported by evidence from the NHS, is to continue to support people to remain independent for as long as possible in their own home, but when this is no longer possible, a fully residential nursing home or care home is needed. Also, the Council's submission is that there is no demand within the Borough for additional nursing home beds over the plan period.
111. I also note that Guy's and St Thomas' NHS Foundation Trust has welcomed Coin Street Community Builders' proposal for a new nursing home, which has been backed by a report commissioned by the group³⁷. I am not, however, persuaded from the evidence submitted to the Examination that there is a compelling case for a new nursing home to meet Lambeth's needs, especially in relation to the Council's strategy as summarised above. I therefore consider that this issue can appropriately be addressed at the forthcoming Draft Site Allocations Plan for Lambeth, which I understand is to be consulted on shortly, and that it is the intention of the Council to include the Coin Street site in that document.

Is the provision for three pitches for gypsies and travellers over the plan period, as set out in policy H10, justified and in line with national policy?

112. Policy H10 addresses the issue of meeting the accommodation needs of the gypsy and traveller community in Lambeth. The provision for three pitches over the plan period, which is below the figure in the London Plan (policy H10 – 7 pitches), is based on a needs assessment which was updated in 2016, to address national Planning Policy for Traveller Sites (PPTS) as amended in August 2015³⁸.
113. The Secretary of State's letter to the Mayor, dated 13 March 2020³⁹, differentiates between Boroughs that have undertaken a needs assessment since the London-wide assessment of 2008, and those that have not. If none has been undertaken, Boroughs should use the figure of need in the London Plan; however, Lambeth has undertaken a needs assessment since 2008, which was updated in 2016 to be consistent with the update to the PPTS, and this is the justification for the needs figure for three additional pitches, as set out in policy H10
114. I therefore consider that the provision in the Plan for gypsy and traveller accommodation is justified and in line with national policy.

³⁶ SCG between the London Borough of Lambeth, the HBF and Coin Street Community Builders: Matter 3.7 Older Persons' Housing [Examination Document AP9].

³⁷ Carney Sweeney: Statement of Case on behalf of Coin Street Community Builders; 9 October 2020 [Examination Document R037].

³⁸ LB Lambeth: Gypsy and Traveller Accommodation Assessment Update; September 2016 [Examination Document EB13].

³⁹ Examination Document SD03a.

Estate regeneration

115. Policy H11 sets out the Council's approach to estate regeneration. The Mayor requires a ballot of residents for estate regeneration schemes that involve demolition and that are seeking to access Mayoral funding. The consultation route accords with the London Plan policy H8, and I consider that this democratic approach is justified, and has close parallels in neighbourhood planning. However, modification **MM21** is necessary to ensure that all estate regeneration schemes are to be viability tested, which ensures the effectiveness of the policy. **MM22**, which introduces greater tenure flexibility in the explanatory text than the 50% requirement in the submitted Plan, is necessary to ensure the effectiveness of the policy and ensures the policy is not too onerous and counterproductive.

Large-scale, purpose-built shared living (LSPBSL)

116. Large-scale, purpose-built shared living (LSPBSL) or 'co living' developments are a recent arrival on the London housing scene, and provide purpose-built, non-self-contained living accommodation in the form of studios or en-suite bedrooms, with communal kitchens and amenity spaces. Policy H13 provides for this type of accommodation.

117. Modifications **MM23** and **MM25** in relation to the policy and supporting text respectively, delete the geographical restriction of LSPBSL schemes to Waterloo and Vauxhall only, thus opening up policy H13 to apply throughout the Borough, subject to the criteria set out in the policy. The modifications also include a requirement for LSPBSL schemes to be located with good access to public transport and for a management plan to ensure potential harm to residential amenity (living conditions) is mitigated and removing the requirement not to develop on public sector land. These requirements are necessary to ensure the developments are sustainable and accord with national policy.

118. Policy H13 (iii) in the submitted Plan sets requirements for rent levels for LSPBSL schemes. This is contrary to national policy as explained in the Secretary of State's letter to the London Mayor dated 13 March 2020, and **MM24** and **MM27** therefore delete this section of the policy and supporting text. **MM26** sets a minimum level of provision for cooking facilities and finally, **MM28** removes the requirement for no more than two such uses within a 500m radius, giving the policy more flexibility. These modifications are necessary to ensure that the Plan is justified.

119. The effect of the above proposed changes is to move the policy away from a geographic base to a set of criteria which provide more flexibility whilst ensuring that potential harm to residents' living conditions are satisfactorily mitigated.

Issue 2 - Conclusion

120. From the evidence before me, I conclude that in relation to Issue 2, that, subject to the above modifications, the Plan's housing provision is in general conformity to the London Plan, is positively prepared, justified and effective, as is its provision for a five year housing land supply and its qualitative housing policies, both in relation to national policy and also the London Plan.

Issue 3 – The Economy: Are the Plan's policies which deal with economic development, retail and town centre uses, hotels and other visitor accommodation, and employment and training (ED1-ED15) in general conformity with the London Plan, and positively prepared? Are they based on robust evidence and are they justified and effective?

Overall, does the Plan contribute to building a strong, competitive economy in accordance with the requirements of the Framework?

121. The policies in the Plan which set the framework for economic development are wide ranging and aim to enable the continued building of a strong, competitive economy in Lambeth in accordance with the requirements of section 6 of *the Framework*, especially paragraphs 80-82 and 85-90. The Plan has close links with the London Plan, especially in relation to the CAZ and Opportunity Areas, for example, although not exclusively, through office growth.
122. The Plan also grapples with the need to safeguard and encourage positive change within its Key Industrial and Business Areas (KIBAs) within a context of limited industrial land supply compared to some other London Boroughs and development corporations. The Plan also proactively encourages the growth of the creative and digital sector.
123. Getting the right balance between encouraging different aspects of the economy is not always easy. However, the Council, rightly in my view, places a high value on securing its economic aims alongside its housing targets and recognises the need for a sustainable balance between the two.
124. The Council's Topic Paper 3 on workspace⁴⁰ identifies some negative trends which also form part of the economic context to the Plan. It identifies that over the period 2009/10 to 2018/19, there has been a net loss of over 223,000 sqm of (former) use class B floorspace – of which around 150,000 sqm was within the B1a office use class. Topic Paper TP3 asserts that much of this has converted to Use Class C3 (residential), a view which is supported by research by Ramidus for the Federation of Small Businesses. (See Topic Paper 3.)
125. The loss has been noted during the period after the government introduced the changes to permitted development rights to enable this to happen. Coupled with this, there has been the impact of rising business rates and rents, caused by reduced supply. These trends are especially important in Lambeth, where the vast majority (91.2%) of enterprises are micro enterprises (0-9 workforce), and where only 0.4% of enterprises are classified as large (250 plus workforce).
126. Small and medium enterprises (SMEs) have been falling in Lambeth, from 18,900 in 2016 to 13,905 in 2018, a situation likely linked to the factors described in the last paragraph. In 2017, the Council responded to the fall in the supply of office floorspace by introducing Article 4 Directions to remove permitted development rights in Brixton Town Centre, in and around Clapham Town Centre and in 10 of the designated KIBAs. In May 2019, a further

⁴⁰ Lambeth Local Plan Proposed Submission Version: Topic Paper 3 – Workspace; January 2020 [Examination Document TP3].

Article 4 Direction was confirmed to ensure that offices in the CAZ still require planning permission for change of use from B1a office (now Use Class E) to C3 residential.

127. The Plan's strategy builds on the Council's recent Article 4 activity and seeks a sustainable balance between meeting Lambeth's housing needs and ensuring there is an adequate supply of industrial and business land and premises to meet the employment needs of the Borough.

128. The Plan's economy policies generally accord with the London Plan's economic strategy. The Secretary of State's letter to the Mayor dated 13 March 2020, however, called into question the London Plan's "over-restrictive stance", including a no net loss of employment land requirement, and drew attention to the issue of long-term vacancy of employment land in some parts of the capital. Lambeth Borough's response to the Secretary of State's Directive DR4, points out that Lambeth's industrial land vacancy rates are below the London average⁴¹ and that therefore there is no need to consider further release of industrial land for alternative uses.

129. Taking account of all the considerations which have been highlighted above, plus the fact that Lambeth, unlike several London Boroughs, has no strategic industrial land (SIL), and relatively little employment land at all, it is my view that the Council's economic strategy, subject to a few modifications that are explained below, is positively prepared, justified and effective, is consistent with national policy and is in general conformity with the London Plan

Is policy ED1, which sets a framework for the development of offices, justified and realistic?

130. The London Plan policy E1C and D directs new office development to the CAZ and the town centres. **MM30** ensures that proposals for smaller offices in policy ED1 (b) as well as larger offices (10,000 plus sqm gross internal area) will be supported within the CAZ, Opportunity Areas and all town centres, whilst proposals for smaller offices outside town centres will be subject to the sequential test as set out in section 7 of the Framework. This ensures that the policy reflects national policy and the London Plan.

131. Policy ED1 (c) (i) requires that proposals involving a complete loss of office floorspace need to demonstrate that the floorspace has been vacant and continuously marketed for a period of at least two years. I consider that this level of marketing, provided for in the policy, is necessary to show that there is no reasonable prospect of future office use. This is especially important in the context a strong pressure for higher value residential development and the relative shortage of employment land in Lambeth. I therefore do not accept that this policy is unduly onerous.

132. **MM34** amends the supporting text to policy ED1, to state that office floorspace will not be protected where it is demonstrated that it is ancillary or integral to the operation of, a hospital or other strategically important health facility. There are strategic hospitals partly within Lambeth (Kings College Hospital and Guys and St Thomas Hospital), where there are enormous

⁴¹ Lambeth Council Examination Document LBL21 – Council's assessment of the implications for the DRLLP of the Secretary of State's letter to the Mayor dated 10 December 2020.

pressures for improvements and innovation and where available land can be at a premium. Therefore, the flexibility afforded to the health sector is considered to be necessary for the Plan to be justified, and it is supported by a SCG signed between the Council and one of the key health providers in the Borough⁴².

133. **MM37** is necessary to provide flexibility in order to achieve the objectives of policy ED1, to limit the potential harm of permitted development rights resulting in loss of office stock to uses such as housing.

Is policy ED2, which seeks to promote affordable workspace, sufficiently responsive to sensitive viability considerations?

134. The principle of promoting affordable workspace was supported by almost all the representations that commented on policy ED2. However, the requirement of the policy to deliver 10 per cent of total floorspace, as drafted, for affordable workspace, provides very little flexibility in areas where SMEs have been declining due in part to high land costs. This problem appears to be particularly acute in the northern part of the Borough, where property and land costs are at their highest. I note that a recent survey has shown that 42 per cent of the pipeline for offices in the Southbank area are refurbishment schemes⁴³, schemes which would be discouraged where policy ED2 would apply to the whole floorspace and not just the uplift, which in many cases would apply to a relatively minor extension.

135. Moreover, whilst the Council has submitted viability evidence⁴⁴, the Council's own evidence states that: "*the viability testing applied the discounts to the whole of the proposed floorspace within the schemes and did not distinguish between refurbishment or rebuild*"⁴⁵. Also, by referring to the gross internal area, the submitted policy is glossing over the back of house/circulation area, which is not linked directly to any of the specific users of a large building; therefore a net basis would result in a more efficient and equitable way of calculating such provision.

136. In view of the above considerations, **MM38** is necessary to provide a level of flexibility which makes the policy and supporting text effective, by applying the policy to the uplift in the Net Internal Area (rather than the Gross Internal Area), of the scheme. In my view, based on considering the evidence before me, the amended policy ED2 would not discourage the provision of additional workspaces, including affordable workspaces, to the benefit of SMEs, many of which as I have already stated, are facing existential issues within Lambeth.

137. I also note the evidence that states that refurbished office space within railway viaduct arches, of which there are in the region of 500 within Lambeth, are

⁴² SCG between London Borough of Lambeth and King's College Hospital Foundation Trust; dated 1 December 2020 [Examination Document LBL17].

⁴³ Deloitte Crone Survey; 2019, referred to in Statement by CBRE on behalf of Wolfe Commercial Properties Southbank Ltd [Examination Document RO18].

⁴⁴ BNP Paribas Real Estate – LBL: Local Plan and CIL Viability Review Examination; December 2019 [Examination Document EB97].

⁴⁵ Examination Document LBL01- Council response to INS01 Initial Inspector questions and thoughts (16 July 2020) page 25, second paragraph; 6 August 2020.

significantly higher than the costs set out in the Council's viability study⁴⁶, which mainly apply to the north of the Borough.

138. **MM40** also provides a necessary increase in flexibility by requiring a timely delivery of affordable workspace in mixed-use developments through planning obligations. **MM41** and **MM45** change the policy, and supporting text, by stating that additional levels of affordable workspace would be capped at the level required by the policy. This is required to alleviate my concern that at a subsequent stage, additional space or discounts could be required, which again could deter investment in the local economy.
139. Finally, **MM43** changes the supporting text by introducing a further level of flexibility relating to the timing of affordable workspace being made available in relation to the provision of non-affordable workspace; and to exempt office floor space that is ancillary to, or integral to the operation of a hospital or other health care facility; and to require an applicant to demonstrate at least six months' continuous lawful use during the three years prior to the permission, mirroring the approach taken in the application of CIL. These changes are necessary to make the policy effective and in line with the aim of enhancing the local economy in line with national policy, whilst introducing a measure of flexibility.

Is policy ED3, which sets the context for development in Key Industrial and Business Areas (KIBAs), justified, effective and in general conformity with the London Plan?

140. The Council has reviewed its KIBAs in a recent review⁴⁷, which refers to them as Locally Significant Industrial Sites (LSIS) for the purposes of the London Plan. London Plan policy E6, which sets the policy framework for LSIS, can be viewed as providing a strategic policy framework for KIBAs. Policy E6 states that Boroughs, in their development plans, should designate and define detailed boundaries and policies for LSIS in policies maps, taking into account the evidence base for scope for intensification, co-location and substitution. LSIS should make clear the range of industrial and related uses that are acceptable in LSIS, including where appropriate, hybrid or flexible B1c/B2/B8 [now class E] uses suitable for SMEs and distinguish them from local employment areas that can accommodate a wider range of business uses.
141. There are 28 KIBAs in Lambeth, which are identified and defined on the policies map; 11 changes are proposed in relation to 10 of the KIBAs carried over from the adopted Plan, mainly but not exclusively involving areas to be removed (including the total de-designation of Freemans KIBA), usually to remove potentially unneighbourly uses (especially residential), whilst four new KIBAs are proposed (Acre Lane; Belinda Road; Knolly's Yard; and Parade Mews), where the existing uses are largely industrial or business. In addition, three KIBAs are designated with potential for industrial intensification and co-location (Montford Place-Beefeater/Oval Gasworks; Waterworks Road; and Knolly's Yard).
142. The net result of the changes proposed to the KIBAs in the Plan is a small overall decrease in their combined area from 47.85ha to 47.16 ha, i.e. a net

⁴⁶ Statement by Turley: Matter 4.3 Affordable Workspace-policy E2 [Examination Document R055].

⁴⁷ LBL Review of Key Industrial and Business Areas (KIBAS): Updated April 2020 [Examination Document EB24].

loss of 1.4%. Whilst the four new KIBAS are not adding to the overall stock of industrial land, the much stronger policy protection afforded through KIBA designation is expected to make a significant contribution to retaining and intensifying industrial floorspace capacity in Lambeth, whilst the Article 4 Directions will contribute to the cohesiveness of the KIBA and the effectiveness of their roles in supporting economic growth in general and growth in SMEs in particular.

143. It is clear from my site visits that the detailed boundary changes to the KIBAs has been undertaken thoroughly and methodically. It is also clear that the additional four new KIBAs are justified in relation to the characteristics and predominant uses within these areas. I am therefore satisfied that all the changes to the boundaries of the existing KIBAs and the designation of the four new KIBAs are justified.
144. The submitted Plan included the deletion of the word 'business' from policy ED3 as it appeared in the previous Plan. The Council's response to my MIQs was to accept that this deletion was not fully warranted, and **MM47** reinserts the word back into the policy, which signals the intention of the policy to be effective in encouraging and maintaining investment in both business and industry and optimising employment use in the KIBAs. **MM48 - MM50** reaffirm the flexible message of the policy, clarifying that areas within KIBAs have potential for industrial, business, light industry and distribution uses.
145. Following the Secretary of State's Direction 4, which requires greater flexibility rather than an over-restrictive stance and to consider the further release of industrial land for alternative uses, thus avoiding the 'no net loss' approach, **MM51** re-writes the relevant section of the supporting text to commit the KIBAs to enable sufficient land to be available in the right places to support innovation and be flexible enough to accommodate needs not anticipated in the Plan and to optimise employment use.
146. Some of the key considerations behind the Secretary of State's letters to the Mayor in relation to employment and industrial land are, firstly, the need to increase housing delivery through the use of vacant employment land, and secondly, the need to use vacant industrial land for alternative uses. However, the Council has already met its London Plan housing targets, whilst the opportunity for making up the capital's strategic housing shortfall should be a primary aim of the next London Plan. Secondly, in relation to industrial land vacancy, this is relatively low in Lambeth and below the London average, and therefore Lambeth does not need to consider further releases of industrial land for alternative uses.
147. It is important in planning for increased housing provision in the capital, to not lose sight of the bigger picture, which includes, at its heart, the strategic need to secure a sustainable balance between enabling the provision of both new housing and new jobs. This critical balance can only work if sufficient land is made available for employment uses. In my view, this Plan soundly grapples with this key issue.
148. Another central issue raised by policy ED3 concerns office floorspace. Office use has increased in recent years in Lambeth's KIBAs, as the Council's review of KIBAs shows. The evidence also shows that the extent of B1a office space

(now use class E), lost through prior approvals in KIBAs, significantly decreased in 2018/19. This indicates that the introduction of Article 4 Directions has helped to protect these spaces for employment purposes, and reduced issues of potential incompatibility between residential occupiers and employment uses within KIBAs, which I consider to be a significantly more sustainable outcome than hitherto.

149. Office uses are largely compatible with other uses in KIBAs, and there is evidence to show that they can act as a catalyst to the growth of industrial uses. The increased flexibility, to maximise economic potential and employment to meet Lambeth's economic needs, as provided for in the above modifications, is in line with national policy and the London Plan. This flexibility will apply to office development as well as to alternative business uses.
150. Following a SCG between the Council and developers promoting mixed developments⁴⁸, **MM52** clarifies the changes to the supporting text, to state that office type use in KIBAs would need to be accommodated within genuinely flexible workspace that can also be used for light industrial or research and development uses, whilst at the same time making clear that use class E space intended for retail, food and drink and leisure uses will not be supported in KIBAs.
151. Finally, Lambeth also needs to retain capacity to meet its London Plan waste apportionment, a matter I deal with in more detail in relation to policy EN7 under Issue 6 below. The KIBAs are considered to be the appropriate locations to enable this part of the Plan's provisions to be realised, and a new safeguarded waste site is proposed at King's College Hospital Waste Facility, which is located within the Coldharbour Lane Estate and Bengeworth Road Depot KIBA. This is necessary to ensure that the Plan is justified.
152. In summary, the designation of the KIBAs, as changed and fine-tuned and in four cases newly proposed as additions, subject to the above modifications, are considered to be an essential part of the home/work balance of the Borough. In particular, the Council's measures to protect these areas from incompatible uses are justified.

Given that many non-designated industrial sites are located in close proximity to residential areas, should there be a reference to the Agent of Change principle in policy ED4 in the interests of safeguarding neighbouring residential living conditions?

153. The Agent of Change principle is established in the London Plan and would apply in all cases of colocation and mixed use developments to ensure that adequate standards are in place to avoid unacceptable impacts arising from noise, overlooking and loss of privacy, pollution, vibration or other harmful impacts. The principle places the responsibility for mitigating any harmful impacts firmly on the new development; this could involve, for example, acoustic design if the agent of change applies to the development of new

⁴⁸ SCG between London Borough of Lambeth and Workspace Management Ltd – Matter 4.4 Key Industrial and Business Areas; 27 November 2020 [Action Point 17].

housing, to safeguard the viability and operability of a pre-existing industrial use.

154. **MM54** therefore refers to the application of the Agent of Change principle, as provided for in London Plan policy D13, to mixed use developments on non-designated industrial land, to be inserted at the end of policy ED4 (b). This brings the Plan in line with the London Plan and is necessary for it to be justified.

155. In line with the Agent of Change principle, **MM61** amends policy ED6 (d) to state that class C and residential sui generis uses will not be permitted in railway arches, and I consider this to be justified on environmental grounds and impact on living conditions.

Is the policy framework for town centres, local centres, the evening economy and retail development in policies ED7, ED8 and ED11, justified and effective?

156. Policy ED7 sets out the Plan's policy framework for town centres. **MM62** extends the remit of the policy to cover CAZ retail clusters, to bring the policy in conformity with the London Plan. **MM66** provides guidance to determine whether a proposed development is of an appropriate scale in relation to its town centre context, which is necessary for the Plan to be positively prepared. **MM70** and **MM75** commit the Council to monitoring the impact of the changes to the Use Classes Order on the function of the town centre network in the interests of the effectiveness of the Plan's retail and town centre policy framework.

157. The Council has also reviewed all the boundaries of the Town Centres, including Major Centres, District Centres and Local Centres on the Policies Map, to ensure that they remain coherent, whilst deleting areas where the character is no longer appropriate for inclusion in a town centre, for example where there have been changes of use or redevelopment to uses such as residential. I am satisfied, from studying the schedules and map extracts that the changes are justified, and this has been confirmed from my site visits.

158. Policy ED8 sets a policy framework for the evening economy and food and drink uses and includes an additional requirement for proposals for such uses to be accompanied by a management plan, to include mitigation measures to address any negative impacts uses. A proposed new designation defines the new Brixton Evening Economy Management Zone, which extends along a considerable area to the south of the Primary Shopping Area of Brixton Town Centre. In my view, the strengthened policy is sufficiently robust to safeguard the living conditions (amenities) of nearby residential properties and does not need to be extended to achieve this objective.

159. Policy ED11 sets the policy framework for local centres and dispersed local shops. It sets requirements for the proportion of active frontages in local centres. **MM85** is necessary to clarify the policy by stating that where new ground floor units are proposed, generally 50 per cent of this ground floorspace should be in commercial, business and service use. I consider this to be a reasonable balance between allowing flexibility whilst safeguarding the coherence and effectiveness of local centres in the Borough.

Is policy ED14, which sets the policy framework for hotels and visitor accommodation, justified and effective, and in particular, is the total restriction on additional visitor accommodation in the Waterloo CAZ justified?

160. Hotels and visitor accommodation are a critical part of London's visitor infrastructure. The London Plan policy SD4 states that the CAZ should be promoted and enhanced; among other statistics, the London Plan states that the CAZ generates almost 10 per cent of the UK's output, with tourism identified as one of a limited number of key economic considerations.
161. Within London Plan policy SD4, part E specifically promotes the "unique concentration" of several aspects, including tourism functions as strategic priorities. There may be competition between several strategic uses, such as offices, retail and several 'strategic clusters', for locations within the CAZ, but the London Plan does not hint that any of the competitive uses, such as the tourism functions, should be artificially restricted from continuing to locate in the CAZ, except in wholly residential streets or predominantly residential neighbourhoods.
162. London Plan policy E10 C, which sets the policy framework for visitor infrastructure, requires that a sufficient supply and range of serviced accommodation should be maintained, whilst part F of the policy states that strategically important serviced accommodation should be promoted in Opportunity Areas with smaller scale provision in other parts of the CAZ, except wholly residential streets. The supporting text to policy E10 states: "London is the second most visited city in the world and the Mayor wants to spread economic and regeneration benefits by working with London & Partners to **promote tourism across the whole of the city.**" (The emboldened text is in the London Plan.)
163. Policy ED14, as submitted, would be contrary to the London Plan strategic policy thrust to promote and enhance tourism infrastructure within the CAZ by stating that no additional visitor accommodation will be permitted in Waterloo within the boundary of the CAZ, i.e., within the very area where such uses are promoted by the London Plan. Policy ED14 therefore not only harms the tourism industry, but it also potentially threatens to impact on the attractiveness of this part of the CAZ for businesses. Moreover, evidence was presented to the examination which pointed to alternative office and residential schemes on at least one specific site would not be viable without a proposed hotel-led development⁴⁹, and at the very least, it could be argued that excluding hotels from mixed use schemes would go against the economic grain and make schemes less viable.
164. In terms of national policy, paragraph 11a of *the Framework* states that plans, and decisions should apply a presumption in favour of sustainable development and be flexible enough to adapt to rapid change, and this is reflected in policy D2 of this Plan. I consider policy ED14 as currently drafted, would not provide any flexibility for individual site circumstances or a change of economic factors over the 15-year plan period. The presumption in favour of sustainable development in what is a 'headline' section of national planning

⁴⁹ DP9 Statement regarding Matter 4.8 Hotels and other business accommodation, on behalf of PPHE Hotel Group, page 6, paras 3.3-3.6; 9 October 2020 [Examination Document RO47].

policy, would be frustrated by the blanket refusal to consider positively further applications for hotels and visitor accommodation in Waterloo.

165. Paragraph 80 of *the Framework* advocates that significant weight should be given to supporting economic growth and creating conditions in which businesses can invest, and adapt or expand, whilst paragraph 81 stresses the need for flexibility to enable a rapid response to changes in economic circumstances. I read and heard evidence in written submissions and at the hearings from representatives of the hotel sector who argued compellingly that although they wished to invest significantly within the CAZ, in line with the London Plan and national policy, they would be prevented from so doing by the negative phrasing of policy ED14 (c).
166. In relation to demand for hotel accommodation in the Waterloo area, I note the evidence submitted by a leading commercial consultancy⁵⁰ (the Gerald Eve report), which argues that the hotel projection referenced by the Council significantly underestimates the hotel room projection for a prominent central London Borough. This study challenges the findings of the GLA working paper⁵¹ (the GLA paper), which is the basis of Lambeth's own Topic Paper 5 on hotel accommodation⁵².
167. In brief, the Gerald Eve report states that the GLA paper does not reflect the individual market dynamics, such as the extent of undersupply of existing hotel bedrooms, commenting that a central Borough such as Lambeth would likely require additional hotel accommodation in the long term over a more outer London location, especially with the extent of regeneration and transformation of the area, and that the projections do not take account of changes in infrastructure in the area, such as improvements to transport links. Whilst the Gerald Eve report concludes that the GLA paper forecasts both hotel demand and supply requirements fairly on a London-wide basis, it has concerns on the method of allocation by the Borough, which ignores the regeneration demand drivers which could stifle other developments in the area. I find the Gerald Eve report well-reasoned and compelling.
168. Also, the Council's assessment of approved hotel bedspaces in the pipeline does not of course mean that all planning permissions will be implemented, which is unlikely, particularly when assessing current market conditions.
169. From looking at all the evidence before me, I am not persuaded that there is robust evidence to demonstrate a harmful over-concentration of hotels in the Waterloo area.
170. In response to the above-mentioned considerations, **MM87-93** turn the policy into one which supports hotel and visitor accommodation within the Waterloo and Vauxhall areas, subject to such proposals not causing unacceptable harm to local amenity and the balance and mix of local land uses. The modified Plan also supports the development of new visitor accommodation in major and district town centres, subject to the same criteria regarding unacceptable

⁵⁰ Gerald Eve: Hotel Policy Review and Supply and Demand Study; September 2020 [Appendix 2 to Examination Document R047]

⁵¹ GLA ECONOMICS Working Paper 88: Projections of Demand And Supply for Visitor Accommodation in London to 2050; April 2017.

⁵² Draft Revised Lambeth Local Plan – Proposed Submission Version: Topic Paper 5: Visitor Accommodation; May 2020 [Examination Document TP5].

harm. The modifications also introduce the sequential test for such development elsewhere in the Borough. These modifications are necessary to ensure that the Plan is positively prepared, justified, effective and in line with both national policy and the London Plan.

Is policy ED15, which 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, justified, in general conformity with the London Plan and national policy, and is it enforceable, i.e. effective?

171. Whilst support for the objective of the policy, to maximise local employment opportunities for local residents, was expressed by almost everyone participating in the examination, concerns were expressed that a requirement, as opposed to a target, would reduce the flexibility of the Plan. I agree that workforce flexibility is essential to ensure the strategic aim of the London Plan to maintain London's global city status as a service provider, and I note that it was pointed out that the high level of skills required in some enterprises draw from a truly global workforce, which should not be denied to the capital.
172. In response to the above considerations, **MM94-97** highlight the policy target, as opposed to a requirement, for all jobs to be secured for local residents, for both the construction phase and for net additional jobs for the first two years of end-use occupation, and they underline the work the Council does with other London Boroughs on programmes such as the sharing of job vacancies; employment and skills plans (ESPs) also should contain realistic estimates of net additional jobs. These modifications ensure that the necessary level of flexibility is provided to enable the above-mentioned economic objectives for London to be achieved.

Issue 3 – Conclusion

173. From the evidence before me, I conclude that in relation to Issue 3, that, subject to the above modifications, the Plan is justified and effective in its economic development policies both in relation to national policy and also the London Plan.

Issue 4 – Social Infrastructure: Are the Plan's policies which deal with social infrastructure (S1-S3) positively prepared, justified, effective and consistent with the London Plan?

174. Policy S1 safeguards existing social infrastructure, and a wide range of facilities and services are listed as falling under the ambit of the policy. **MM98** clarifies that policy S1 applies to indoor recreation, whilst outdoor sports facilities and playing fields will be considered under policy EN1. **MM99** clarifies the supporting text by stating that where appropriate, the Council will use conditions and/or planning obligations to limit uses consented within Classes E, F1 or F2 in order to achieve the objectives of this policy. These modifications are necessary in the interests of the effectiveness of the Plan.
175. Policy S2 addresses new or improved social infrastructure, and **MM101** adds necessary text to ensure that in appropriate circumstances, the Council will use conditions and/or planning obligations to achieve the objectives of the

policy and to avoid the proliferation of main town centre uses outside town centres; this is necessary to accord with national policy.

176. Policy S3 addresses school provision. Although no new schools are proposed in the Plan, school place planning operates on shorter time scales than the Plan before me, and I note that all the education projects for the provision of additional state-funded school places in the Borough, required by the Council to cover the plan period, already have planning consent⁵³. **MM105** makes clear that the loss of school playing fields will not be considered under policy EN1 in order to ensure that the Plan accords with national policy.

Issue 4 - Conclusion

177. From the evidence before me, I conclude that in relation to Issue 4, that, subject to the above modifications, the Plan is justified and effective in its social infrastructure policies, both in relation to national policy and also the London Plan.

Issue 5 – Transport and Communications: Do the Plan's transport and communication policies (T1-T10) provide a sustainable basis for meeting the demands of the existing and projected population and economic development, in general conformity with the London Plan?

Promoting sustainable travel

178. All the transport related policies promote sustainable travel, none more so than policy T2, which promotes walking. **MM106** requires all development to reduce road danger, to help deliver 'Vision Zero' for the Borough, which is required in order that the Plan is justified and accords with the London Plan.

Cycling

179. **MM107** is required to highlight the provision of pool bikes within purpose-built student accommodation, which is a necessary element in promoting sustainable transport within the student community. **MM108** makes policy T3 more effective concerning the provision of charge points for a greater variety of cycle stand types. To ensure that the policy is justified, **MM109** introduces an element of flexibility into the supporting text, to allow, where appropriate, for increased flexibility where the evidence shows there is justification for making provision for a lower proportion of students' cycle parking than 0.75 per bedroom.

Public transport infrastructure

180. Policy T4 covers public transport infrastructure and **MM110** necessarily reflects the fact that the Croydon Tram Link extension to Crystal Palace is now an aspirational as opposed to a programmed scheme. It therefore inserts the word 'potential' to add the necessary clarity required.

⁵³ Evidence submitted by Catherine Carpenter (Lambeth Council), Day 5 of the examination hearings.

River transport

181. Policy T5 seeks to promote river transport. **MM111** strengthens the Plan's resolve to make greater use of the River by unpacking the phrase 'in proximity to' in order to make the policy effective.

Parking

182. **MM112** and **MM113** are necessary to clarify policy T7 (parking) and the explanatory text concerning the applicability of the policy to the relevant PTAL levels in relation to car-free development. **MM114** addresses the need for the minimum requirement for parking for people with disabilities to be provided wherever possible, in accordance with the London Plan.

Issue 5 - Conclusion

183. From the evidence before me, I conclude that in relation to Issue 5, that, subject to the above modifications, the Plan is justified and effective in its transport and communications policies, both in relation to national policy and also the London Plan.

Issue 6 – The Environment: Are the Plan's policies for the environment, including green infrastructure and biodiversity, in general conformity with the London Plan, justified, effective and flexible enough, for example in relation to urban greening requirements for major developments?

184. Policy EN1 sets out a comprehensive and clear policy framework for meeting the community's requirements for open space, green infrastructure and biodiversity. However, a few changes are considered necessary in the interests of soundness, which I outline below.

Green assets

185. **MM115**, which adds playing fields to the list of green assets in the explanatory text, adds necessary clarity for the effectiveness of the policy. **MM116** explains the Council's rationale to seeking planning obligations for maintenance and management of open space, which is non-formulaic but nevertheless meets the statutory tests. **MM117** adds necessary flexibility to the Council's expectations for urban greening measures from major industrial and warehouse developments, linking to the standards in London Plan policy G5, by stating that although a greening factor of 0.3 may not be required, such developments will be expected to set out what measures they have taken to achieve urban greening on site and to quantify their Urban Green Factor score.

Decentralised energy

186. Policy EN3 sets a framework for decentralised energy and expresses the expectation that all major developments will be connected to and where appropriate extend, existing decentralised heating networks in the vicinity of the site, unless a feasibility assessment demonstrates that connection is not reasonably possible. Importantly, the policy, which is linked to London Plan policy S13, does not rule out or inhibit innovation in the area of zero carbon

energy and in my judgment contains sufficient flexibility to ensure it does not fall foul of viability considerations. The explanatory text to policy EN4 (sustainable design and construction) refers to the Government's commitment to introducing a Future Homes Standard in 2025, which will mean that new build homes will be future-proofed with low carbon heating and much higher levels of energy efficiency. However, at the time of writing, I consider that policy EN3 is sound.

Sustainable waste management

187. Policy EN7 deals with sustainable waste management and reflects the fact that the Council has to take responsibility for the waste arising from within its boundary. **MM118** clarifies the policy as agreed in a SCG between the Mayor of London and the Council⁵⁴. These MMs add necessary clarity by committing the Council to contributing to the Mayor's target for London's waste capacity and net self-sufficiency by identifying sufficient capacity and land to meet Lambeth's identified waste needs, including the Borough's apportionment total. **MM119** encourages the intensification of capacity on existing sites where appropriate in the interests of the Plan's effectiveness, which is also reflected in the role of the KIBAs in the Borough (as addressed in policy ED3).
188. Some changes to the supporting text are also necessary for the Plan to be positively prepared and effective, so as to reflect the London Plan. **MM120** identifies the quantity of the current shortfall in capacity by the end of the plan period, to keep the Plan focused and effective. **MM121** replaces the word 'equivalent' with 'indicative', in line with the London Plan, whilst **MM122** asserts that waste management and recycling facilities are priority uses for Lambeth's industrial land, again in general conformity with the London Plan.
189. Concerns were expressed at the hearings over impact on the living conditions for residents living near to waste processing and recycling plants. As a result, an additional sentence to the supporting text [**MM123**], has been inserted, in the interests of the effectiveness of the Plan. This modification underlines the need to assess proposals for new or improved waste management facilities against amenity (living conditions), in addition to a wide range of criteria, recognising the challenging environment in Boroughs such as Lambeth which are required to address effectively their critical waste management issues within their own tightly drawn boundaries.
190. Finally, in order to secure the effectiveness of the Plan in delivering policy EN7, **MM124** in the supporting text includes three additional waste monitoring indicators. This modification also includes the important provision that where monitoring demonstrates that Lambeth's waste apportionment target is unlikely to be achieved by the end of the plan period, the Council will work with the GLA to proactively engage with operators to encourage delivery of additional waste management capacity in the Borough.

Issue 6 - Conclusion

191. From the evidence before me, I conclude that in relation to Issue 6, that, subject to the above modifications, the Plan is justified and effective in its environment policies, both in relation to national policy and the London Plan

⁵⁴ SCG between the Mayor of London and Lambeth Council [Examination Reference PC073-079].

Issue 7 – The Built Environment: Are the Plan's policies, which address the quality of the built environment, in general conformity with the London Plan, justified and effective?

Urban design

192. Policies Q1-Q24 address a wide range of matters concerning urban design, public realm, alterations and extensions to dwellings and other buildings and the need to protect the living conditions of both existing neighbouring occupiers and future occupiers of new development. Most of these policies are strongly supported by Historic England as well as by other parties. Historic England consider that the Plan as a whole sets out a design-led approach based on an understanding of local character and from the evidence before me, I would agree that the Council has tried to follow this approach.
193. Policy Q7 sets out urban design parameters for new development. **MM125** is required to amend policy Q7 (x) to ensure development does not prejudice the optimum future development of, or access to adjoining sites, by omitting openings on party walls and avoiding direct overlooking, unacceptable overshadowing or undue sense of enclosure.

Cycle storage

194. Policy Q13 sets out the requirement for cycle storage. **MM126** adds an additional criterion to policy Q13 (b) (vii), to ensure that cycle storage should be fully compliant with the London Cycling Design Standards, which is required to ensure that the policy is justified. **MM127** introduces flexibility in the supporting text, to reduce the minimum requirement for special adaptation of cycle stands for adapted or cargo bikes from 10% down to 5% of the total provision. This reduction is necessary on the basis of the evidence.

Historic environment

195. Policy Q18 commits the Council to the preparation of an Historic Environment Strategy. In the supporting text, **MM128** includes sustainable design and construction as a key consideration in supporting the principle of climate change mitigation alterations and adaptation responses, in the interests of the effectiveness of the policy.
196. Policy Q20 supports development affecting listed buildings, subject to several appropriate criteria. **MM129** clarifies the use of double glazing, with reference to best-practice guidance from Historic England in the interests of the effectiveness of the policy.
197. Policy Q23 sets the framework for undesignated assets. **MM130** inserts a new sub-section which seeks to ensure archaeological assessments are carried out in appropriate circumstances, in accordance with the London Plan policy HC4 and national policy.

Strategic views

198. Policy Q25 sets a framework for the protection of strategic views and accords with national policy and the London Plan. Several panoramic views are identified, together with landmark silhouettes. Some of these, such as the

view north-east from the Queen's Walk to St Paul's cathedral between Waterloo Bridge and the Borough boundary with Southwark, are important in contributing to London's international heritage standing as well as for local residents, workers and visitors.

Tall buildings

199. Policy Q26 sets the parameters for tall buildings across the Borough and it is informed by the Council's Tall Buildings Topic Paper⁵⁵ and Tall Buildings Studies for Waterloo, Vauxhall and Brixton⁵⁶, which seek to identify locations within the Borough that are 'appropriate' for tall development. In particular, it highlights the importance heritage constraints and local context. Policy Q26 is an important policy for Lambeth, where tall buildings are an established part of the Borough's built form, especially in Brixton, Vauxhall and Waterloo.
200. The submission Plan sets out a robust definition of tall buildings, accompanied by a table in its supporting text which defines low rise, mid-rise and tall buildings in the area of the Borough lying to the south of the South Circular Road, and the area lying to the north of this road. In essence, the area to the north of the South Circular contains the existing clusters of high rise or tall buildings, and the definitions of tall buildings (as well as low rise and mid-rise buildings) are significantly higher than in the southern half of the Borough.
201. Almost inevitably, some concerns were expressed that the definitions were too severe, or even that there should be complete design freedom with no height restriction imposed anywhere, whilst another group of concerns was expressed over the policy not being strict enough. Yet other representors considered the South Circular policy division to be too simplistic or 'binary', given the complexity of building heights in the Borough. These representations are also addressed in Annex 11 to the Plan, which sets out on maps eight locations appropriate for tall buildings in Waterloo (ranging from 60-130m AOD), six locations in Vauxhall (ranging from 90-150m AOD) and two locations in Brixton (65m AOD)
202. In my view, the Plan accords with national and London Plan policy on tall buildings and strikes a sustainable balance which considers both the context and the considerable experience the Borough has in dealing with planning applications for tall buildings. Also, in line with the London Plan, the policy defines tall buildings in terms of metres rather than storeys.
203. The policy also reflects the fact that most of the existing tall buildings are situated to the north of the South Circular Road, and in my view, this division adds clarity as a starting point for the decision-making process, which is also criteria based.
204. I am also not persuaded that a policy free-for-all in relation to height would be appropriate for Lambeth, especially given the proximity of certain parts of the Borough to the Westminster World Heritage Site just across the Thames from Waterloo/Vauxhall, and the sensitivity in terms of amenity/living conditions and important conservation/design/street scene considerations, where the quality of many parts of the Borough would be vulnerable to tall, out of

⁵⁵ LB Lambeth Topic Paper 8 Tall Buildings [Examination Document TP08].

⁵⁶ Lambeth Tall Buildings Study; August 2014 [Examination Document EB82].

context buildings and structures. As some representations state, the danger of alienation from surrounding lower rise buildings, 'dead space' and negative features such as wind tunnels, are very real, and clear direction needs to be set in what I consider is a complex policy area.

205. **MM131 and MM134** move the definition of tall buildings from the supporting text into the heart of the policy, together with the table illustrating the north/south policy divide in the Borough in terms of definition of what constitutes a tall building. This adds necessary clarity and gives it an 'up front' message, so that the policy is positively prepared. **MM132** adds acceptable standards of public transport to a number of other important criteria in policy Q26 (a) (iv), such as strategic views, design excellence and positive contribution to the public realm. This is necessary for the Plan to be justified, bearing in mind the additional pressures on the movement of people that are generated by tall buildings.
206. **MM133** introduces further flexibility by referring to future site allocations as possible sites for tall buildings, whilst keeping the Borough-wide message that in areas outside Annex 11 (or identified in site allocations) very strict criteria must be met if tall buildings are to be considered. As the SCG between the Council and Historic England states⁵⁷, concern exists on the part of Historic England regarding the danger of speculative applications coming forward. However, policy Q26 (b) clearly states that there is no presumption in favour of tall buildings outside the locations identified in Annex 11, and I am satisfied that as worded, the policy secures a positively prepared and robust stance on the development of tall buildings in Lambeth.

Basement development

207. Policy Q27 covers basement development, and it is informed by an independently commissioned study⁵⁸, which concluded: "*There are unlikely to be any cases where a basement excavation would be technically impossible*". It is also modified following a SCG between the Council and London Hotel Group, which has led to differentiating between policy application to commercial as opposed to residential basement development⁵⁹. A key issue is not necessarily the impact of the final scheme, which is largely below ground, but the disturbance caused at construction stage.
208. **MM135** adds archaeology to the list of impacts to be considered, to ensure consistency with national policy. **MM136** restricts the requirement, for basement developments not to exceed the existing footprint, to residential buildings, whilst stating that for wholly non-residential buildings, the scale and quantum of development must be appropriate to the site and its context. **MM137** adds sustainable urban drainage to the list of considerations in the supporting text which need to be assessed when planning basement excavations. These modifications add necessary flexibility to ensure policy Q27 and its supporting text are justified.

⁵⁷ SCG between LB Lambeth and Historic England – Matter 8.3 Tall Buildings – 01 December 2020 [Examination Document LBL16].

⁵⁸ ARUP Lambeth Residential Basement Study [Examination Document EB89].

⁵⁹ SCG between LB Lambeth and London Hotel Group- Matter 8.4 Basement development – 25 November 2020 [Examination Document xx].

Issue 7 - Conclusion

209. From the evidence before me, I conclude that in relation to Issue 6, that, subject to the above modifications, the Plan is justified and effective in its environment policies, both in relation to national policy and also the London Plan.

Issue 8 – Places and Neighbourhoods: Are the Plan's policies for places and neighbourhoods in general conformity with the London Plan, positively prepared, justified and effective?

210. The Plan includes several policies which look at the characteristics and challenges in eleven different parts of the Borough. **MM139** addresses the management, maintenance and servicing requirements for the public realm within policy PN1 (Waterloo and South Bank), with particular emphasis on Jubilee Gardens. The modification requires that, where it is demonstrated that major developments will result in a significant increase in visitor numbers to the open space, then planning obligations will be sought to mitigate the impact and maintenance of the Gardens. This is a proportional response and is required for the Plan to be effective.

211. **MM149** changes the supporting text to policy PN10 (Loughborough Junction), to allow for the reconfiguration of the Denmark Hill campus of King's College Hospital, through a masterplan and a site allocation policy in the forthcoming Site Allocations DPD. This is in the interests of the positive preparation of the Plan, and the details are included in a SCG between the principal parties⁶⁰. **MM150** adds reference to training opportunities as being acceptable uses within the seven KIBAs within Loughborough Junction and is therefore justified. **MM151** commits the Council to the exploration of the expansion of cycle hire in the Loughborough Junction area (which has one of the lowest levels of car ownership in the country), to be funded through developer contributions. This is necessary for the Plan to be justified, effective and in accordance with national policy.

212. **MM152** amends clause (b) of policy PN10 to ensure the maintenance of an adequate supply of community facilities to meet local needs. The clarification is necessary for it to be justified and responds to widespread community concern expressed at the hearing sessions.

213. **MM155** amends policy PN11 (Upper Norwood/Crystal Palace), to refer to the 'potential' extension of the Tramlink to Crystal Palace, as this is aspirational and not in a formal programme.

Issue 8 - Conclusion

214. From the evidence before me, I conclude that in relation to Issue 8, that, subject to the above modifications, the Plan is justified and effective in its policies, for places and neighbourhoods, both in relation to national policy and also the London Plan.

⁶⁰ SCG between LB Lambeth and King's College Hospital Foundation Trust – Matters 4 and 9.1; 1 December 2020 [Examination Document LBL17].

Issue 9 – Infrastructure, Development Management and Monitoring: In relation to infrastructure, development management and monitoring, is the Plan in general conformity with the London Plan, positively prepared and effective? Is it effective in relation to uncertainties and risks?

Are there any infrastructure needs over the plan period that are not addressed in the Plan? Can any of the Plan's infrastructure needs be described as showstoppers?

215. The range of physical, social and green infrastructure requirements to ensure the policies of the Plan are effective over the plan period in accordance with national policy are supported in the Infrastructure Delivery Plan (IDP)⁶¹. The IDP also contains a schedule of the necessary projects to deliver the required development over the first five years of the plan period. This includes a wide range of projects including those related to climate change response and air quality; cemeteries and crematoria; education; emergency services and justice; health and social care; community facilities and libraries; parks and green infrastructure; sports and leisure; transport; public realm; and utilities.
216. The IDP identifies for each project estimated costs, any funding gap and ways in which the funding gap could be met. It is clear from both the Council's comments and the IDP that the Council has liaised with infrastructure and service providers and the schedules in the document are sufficiently detailed to set an appropriate context to assess the effectiveness of the Plan. The collective cost of the 58 identified infrastructure projects is estimated at £600.5 million, with an identified funding gap of £384.8 million, of which £265.1 million is the estimated amount of the gap that would need to be funded through CIL or Section 106 payments; **MMs 9-10** clarify the role of Section 106 contributions, as set out in policy D4 (planning obligations) and are necessary in the interests of the effectiveness of the Plan.
217. The remaining £119.7 million, or 19.93% of the overall costs of the projects, is not an unusually large target for a London Borough to find over the plan period, and the IDP gives several possible sources to plug this shortfall, some of which link to bids where the outcome is awaited.
218. I also note that there are no 'big ticket' new public transport infrastructure projects planned in the Borough that must be delivered before growth can come forward, and none of the Plan's infrastructure can be described as a showstopper.

Development Management

219. The Plan contains a wide range of development management policies, which can be supplemented by supplementary planning documents (SPDs) to provide additional guidance on policy implementation. These SPDs can of course be added to should the need arise, but I can identify no policy gaps in the Plan before me which would weaken the ability of the Plan to function as an effective framework for development management decision making.

⁶¹ LBL: Infrastructure Delivery Plan; May 2020 [Examination Document EB99].

Uncertainties and Risks

220. Regarding the effectiveness of the Plan in relation to uncertainties and risks, I agree with the Council's comments that forward planning is by its nature uncertain, and outcomes cannot therefore be guaranteed. But the Plan articulates a vision over the 15-year plan period, and the Council can monitor progress and adjust its approach as required to accommodate changing circumstances.
221. Some of the most likely risks arise from changes in cycles of economic activity, which are largely outside the control of the Council and this Plan; infrastructure risks that may be tied to favourable economic or political circumstances; in addition, population projections may not be borne out; also, future changes in technology may affect demand for land in a way the Plan has not envisaged; and finally, future changes in national legislation may affect the implementation of the policies in the Plan.
222. In response to these potential risks, flexibility has been included into policies wherever possible, particularly in relation to development viability; a necessary buffer has been built into the housing trajectory; there is a significant amount of partnership working on infrastructure projects; and the Council takes a Plan, Monitor and Manage approach, which would lead to a full or partial review of the Plan in order to bring forward changes as required. I consider that the Plan is flexible enough to cope with uncertainties and risks as explained above.

Monitoring

223. Annex 8 of the submitted Plan sets out the framework of 28 performance indicators to be used in monitoring the Plan. These indicators, covering a wide range of policy topics, are appropriate for monitoring development and other outcomes in Lambeth. However, in response to my question under matter 6.2 (sustainable transport), **MM157** is required to amend target IND16 (modal share – walking, cycling and public transport) from 85% in the submitted Plan to 90%. This is considered to be justified and realistic in the light of the evidence presented to the examination.
224. **MM158** inserts a new indicator IND29, to cover the up-to-date London Plan homes and jobs targets for the Waterloo and Vauxhall Nine Elms Battersea Opportunity Areas. This is justified and realistic and enables the Plan to keep up to date and be effective. **MM160** deletes the reference in Annex 10 relating to monetary contributions in lieu of AH provision on minor sites (as covered in MM11). The tables and charts showing the housing trajectory are updated in **MM162** to align themselves with the latest housing figures, as set out in Topic Paper 10a, and this is necessary for the Plan to be effective.

Issue 9 – Conclusion

225. From the evidence before me, I conclude that in relation to Issue 9, that, subject to the above modifications, the Plan is justified and effective in its policy stance on infrastructure, development management, uncertainties and risks and monitoring, both in relation to national policy and also the London Plan.

Assessment of Legal Compliance

226. My examination of the legal compliance of the Plan is summarised below.

- (i) The Plan has been prepared in accordance with the Council's Local Development Scheme (LDS).
- (ii) Consultation on the Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement.
- (iii) The Sustainability Appraisal (SA) has been carried out at all stages of the preparation of the Plan and is adequate.
- (iv) The Plan complies with the Habitats Regulations. The Habitats Regulations Assessment (HRA) concludes that the Plan is unlikely to lead to any significant adverse effects (either alone or in combination) on any European sites. This is a reasonable conclusion, based on robust evidence.
- (v) The Plan contains policies, including those in Section 6 (Environment and Green Infrastructure) which are designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.
- (vi) The Plan is in general conformity with the spatial development strategy, as set out in the London Plan.
- (vii) The Plan complies with all the relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Overall Conclusion and Recommendation

227. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

228. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that the Duty to Cooperate has been met and that with the recommended main modifications set out in the Appendix, the *Revised Lambeth Local Plan* satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

229. I conclude that if adopted promptly (with the recommended MMs) the Plan establishes a five-year supply of deliverable housing sites. Accordingly, I recommend that in these circumstances the LPA will be able to confirm that a five-year housing land supply has been demonstrated in a recently adopted plan in accordance with paragraph 74 and footnote 38 of the NPPF.

Mike Fox

Inspector

This report is accompanied by an Appendix containing the Main Modifications.

House of Commons: Written Statement (HCWS50)

Department for Communities and Local Government

Written Statement made by: **The Minister of State for Housing and Planning (Brandon Lewis)** on 28 Nov 2014.

Support for small scale developers, custom and self-builders

I would like to update hon. Members on the action that the Coalition Government has taken to free up the planning system and the further new measures we are now implementing to support small scale developers and help hard-working people get the home they want by reducing disproportionate burdens on developer contributions.

Section 106 obligations imposed on small scale developers, custom and self-builders

We consulted in March this year on a series of measures intended to tackle the disproportionate burden of developer contributions on small scale developers, custom and self-builders. These included introducing into national policy a threshold beneath which affordable housing contributions should not be sought. The suggested threshold was for developments of ten-units or less (and which have a maximum combined gross floor space of no more than 1,000 square metres).

We also proposed a similar policy for affordable housing contributions be applied to all residential extensions and annexes. Rural Exception Sites would be exempted from any threshold introduced following consultation. Our consultation asked whether the threshold should be extended to include the tariff style contributions that some authorities seek in order to provide general funding pots for infrastructure. We also consulted on restricting the application of affordable housing contributions to vacant buildings being brought back into use (other than for any increase in floor space). This latter proposal was to boost development on brownfield land and provide consistency with exemptions from the Community Infrastructure Levy.

We received over 300 consultation responses many of which contained detailed submissions and local data. After careful consideration of these responses, the Government is making the following changes to national policy with regard to Section 106 planning obligations:

- Due to the disproportionate burden of developer contributions on small scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. This will also apply to all residential annexes and extensions.
- For designated rural areas under Section 157 of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty, authorities may choose to implement a lower threshold of 5-units or less, beneath which affordable housing and tariff style contributions should not be sought. This will also apply to all residential annexes and extensions. Within these designated areas, if the 5-unit threshold is implemented then payment of affordable housing and tariff style contributions on developments of between 6 to 10 units should also be sought as a cash payment only and be commuted until after completion of units within the development.
- These changes in national planning policy will not apply to Rural Exception Sites which, subject to the local area demonstrating sufficient need, remain available to support the delivery of affordable homes for local people. However, affordable housing and tariff style contributions should not be sought in relation to residential annexes and extensions.

· A financial credit, equivalent to the existing gross floorspace of any vacant buildings brought back into any lawful use or demolished for re-development, should be deducted from the calculation of any affordable housing contributions sought from relevant development schemes. This will not however apply to vacant buildings which have been abandoned.

We will publish revised planning guidance to assist authorities in implementing these changes shortly.

By lowering the construction cost of small-scale new build housing and home improvements, these reforms will help increase housing supply. In particular, they will encourage development on smaller brownfield sites and help to diversify the house building sector by providing a much-needed boost to small and medium-sized developers, which have been disproportionately affected by the Labour Government's 2008 housing crash. The number of small-scale builders has fallen to less than 3,000 – down from over 6,000 in 1997.

We estimate that the policy will save, on average, £15,000 in Section 106 housing contributions per new dwelling in England – some councils are charging up to £145,000 on single dwellings. Further savings will be made from tariffs, which may add additional charges of more than £15,000 per dwelling, over and above any housing contributions. Taken together, these changes will deliver six-figure savings for small-scale developers in some parts of the country.

The Home Builders Federation confirmed that these changes will provide a boost to small and medium builders, stating:

“This exemption would offer small and medium-sized developers a shot in the arm. The time and expense of negotiating Section 106 affordable housing contributions on small sites, and the subsequent payments, can threaten the viability of small developments and act as another barrier to the entry and growth of smaller firms”

Similarly, the Federation of Master Builders said:

“The new ten unit threshold for affordable housing contributions is a sensible and proportionate approach to help alleviate the pressure on SME house builders who have been squeezed out of the housing market in recent years. This is important because without a viable SME house building sector we won't be able to build the number of new homes that are needed to address the housing crisis”

Promoting custom and self-build housing

These changes to Section 106 policy complement the Coalition Government's wider programme of reforms to get Britain Building, including measures to actively support the custom and self-build sector that will help people design and build their own home.

Specifically, we have exempted custom and self-builders from paying the Community Infrastructure Levy. The £30 million investment fund for Custom Build Homes has so far approved or is currently considering loan funding of £13 million. We have launched a new £150 million investment fund to help provide up to 10,000 serviced building plots. The first bidding round closed in September and applications received are currently being assessed by the Homes and Communities Agency.

In addition we continue to work in partnership with industry to provide better support and information to custom and self-builders and we are helping community-led custom projects by enabling them to apply for £65 million under the Affordable Housing Guarantee programme and £14 million of project support funding.

We are also providing £525 million through the Builders' Finance Fund (2015-16 to 2016-17) to provide development finance to unlock stalled small housing sites. A shortlist of 165 small housing schemes was announced on 8 September. We are also opening up the Builders Finance

Fund to support small building firms schemes, from 5 units in size upwards.

We also published a consultation on the Right to Build in October. The idea is simple: prospective custom builders will have a right to purchase a plot of land from their local Council to build their own home. To underpin the consultation we are working with a network of eleven Right to Build Vanguards to test how the Right can work in practice and we are supporting the hon. Member for South Norfolk's (Richard Bacon) *Self-Build and Custom Housebuilding Private Members' Bill* which has now passed its Second Reading in this House.

Getting empty and redundant land and property back into use

We have introduced a range of measures to help communities get empty and surplus land and property back into productive use.

We have reformed permitted development rights to cut through complexity, free up the planning system and encourage the conversion of existing buildings. The changes help support town centres, the rural economy and provide much-needed homes.

Changes to Community Infrastructure Levy rules now provide an increased incentive for brownfield development, through exempting empty buildings being brought back into use. To assist extensions and home improvements, we have also exempted them from Community Infrastructure Levy, stopped plans for a so-called 'conservatory tax', stopped any council tax revaluation which would have taxed home improvements, and introduced a new national council tax discount for family annexes.

Conclusion

We expect implementation of these measures to have a significant positive impact on housing numbers by unlocking small scale development and boosting the attractiveness of brownfield sites. This will provide real incentive for small builders and to people looking to build their own home. They will increase house building and help reduce the cost of such housing.

These latest policy changes illustrate how this Government continues to deliver the reform to our planning system which will enable more houses to be built, giving more power to local communities, helping people move on to and up the housing ladder.



Ministry of Housing,
Communities &
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Rt Hon Robert Jenrick
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13 March 2020

Dear Sadiq,

Thank you for sending me your Intention to Publish version of the London Plan (the Plan).

Every part of the country must take responsibility to build the homes their communities need. We must build more, better and greener homes through encouraging well-planned development in urban areas; preventing unnecessary urban sprawl so that we can protect the countryside for future generations. This means densifying, taking advantage of opportunities around existing infrastructure and making best use of brownfield and underutilised land.

Housing delivery in London under your mayoralty has been deeply disappointing, over the last three years housing delivery has averaged just 37,000 a year; falling short of the existing Plan target and well below your assessment of housing need. Over the same period, other Mayors such as in the West Midlands have gripped their local need for housing and recognised the opportunities this brings, leading significant increases in the delivery of homes.

Since you became Mayor, the price of an average new build home in London has increased by around £45,000, reaching £515,000 in 2018, 14 times average earnings. Clearly, the housing delivery shortfall you have overseen has led to worsening affordability for Londoners; and things are not improving, with housing starts falling a further 28 per cent last year compared to the previous.

Critical strategic sites have stalled, epitomised by your Development Corporation in Old Oak and Park Royal being forced to turn away £250 million of Government funding because of your inability to work successfully with the main landowner. You also turned away £1 billion of investment we offered to deliver Affordable Homes, because of the support and oversight that would accompany this. You have put a series of onerous conditions on estate regeneration schemes for them to be eligible for grant-funding, such as the requirement for residents' ballots. In attaching such conditions, you are jeopardising housing delivery and this approach will make it significantly more difficult to deliver the Plan's targets and homes needed.

Following the Planning Inspectorate's investigation of your Plan, they only deem your Plan credible to deliver 52,000 homes a year. This is significantly below your own identified need of around 66,000 homes and well below what most commentators think is the real need of London. As I have set out, the shortfall between housing need in London and the homes your Plan delivers has significant consequences for Londoners.

Leaving tens of thousands of homes a year needed but unplanned for will exacerbate the affordability challenges within and around the capital; making renting more expensive and setting back the

aspirations of Londoners to get on the housing ladder, make tackling homelessness and rough sleeping more challenging and harm the economic success of London.

Everyone should have the chance to save for and buy their own home so they can have a stake in society. In the short run this requires a proactive stance in building homes for ownership, including Shared Ownership and First Homes, and in parallel delivering a consistently high level of housing supply of all tenures. You should also be looking to deliver homes which people of different ages, backgrounds and situations in life can live in. Your Plan tilts away from this, towards one-bed flats at the expense of all else, driving people out of our capital when they want to have a family.

Your Plan added layers of complexity that will make development more difficult unnecessarily; with policies on things as small as bed linen. Prescription to this degree makes the planning process more cumbersome and difficult to navigate; in turn meaning less developments come forward and those that do progress slowly. One may have sympathy with some of individual policies in your Plan, but in aggregate this approach is inconsistent with the pro-development stance we should be taking and ultimately only serves to make Londoners worse off.

This challenging environment is exacerbated by your empty threats of rent controls, which by law you cannot introduce without Government consent. As we all know, evidence from around the world shows that rent controls lead to landlords leaving the market, poorer quality housing and soaring rents for anyone not covered by the controls.

I had expected you to set the framework for a step change in housing delivery, paving the way for further increases given the next London Plan will need to assess housing need by using the Local Housing Need methodology. This has not materialised, as you have not taken the tough choices necessary to bring enough land into the system to build the homes needed.

Having considered your Plan at length my conclusion is that the necessary decisions to bring more land into the planning system have not been taken, the added complexity will reduce appetite for development further and slow down the system, and throughout the Plan you have directly contradicted national policy. As you know, by law you must have regard to the need for your strategies to be consistent with national policies.

For these reasons I am left with no choice but to exercise my powers to direct changes.

Your Plan must be brought to the minimum level I would expect to deliver the homes to start serving Londoners in the way they deserve. However, this must be the baseline and given this, I ask that you start considering the next London Plan immediately and how this will meet the higher level and broader housing needs of London.

Directions

Due to the number of the inconsistencies with national policy and missed opportunities to increase housing delivery, I am exercising my powers under section 337 of the Greater London Authority Act 1999 to direct that you cannot publish the London Plan until you have incorporated the Directions I have set out at **Annex 1**. Should you consider alternative changes to policy to address my concerns, I am also content to consider these.

In addition to the attached Directions, I am taking this opportunity to highlight some of the specific areas where I think your Plan has fallen short of best serving Londoners.

Ambition: It is important that both Government and you as Mayor are seen to be leaders in supporting ambitious approaches to planning and development; and I am concerned that your Plan actively discourages ambitious boroughs. I am therefore Directing you to work constructively with ambitious London Boroughs and my Department to encourage and support the delivery of boroughs which strive to deliver more housing.

Small sites policy: The lack of credibility the Panel of Inspectors were able to attribute to your small sites policies resulted in a drop in the Plan's housing requirement of 12,713 homes per year. This was due to a combination of unattractive policies, such as 'garden grabbing' by opening up residential gardens for development, and unrealistic assumptions about the contribution of policies to the small sites target. I hope that where your small sites policies are appropriate, you are doing all you can to ensure sites are brought forward.

Industrial land: Planning clearly requires a judgement to be made about how to use land most efficiently, enabling sufficient provision for housing, employment and amenity. The Inspectors considered your industrial land policies to be unrealistic; taking an over-restrictive stance to hinder Boroughs' abilities to choose more optimal uses for industrial sites where housing is in high demand. I am directing you to take a more proportionate stance - removing the 'no net loss' requirement on existing industrial land sites whilst ensuring Boroughs bring new industrial land into the supply.

The mix of housing: Such a significant reduction in the overall housing requirement makes the need for the provision of an appropriate dwelling mix across London more acute. I am concerned that your Plan will be to the detriment of family sized dwellings which are and will continue to be needed across London. This is not just in relation to their provision but also their loss, particularly where family sized dwellings are subdivided into flats or redeveloped entirely. I am therefore Directing you to ensure this is a consideration of London Boroughs when preparing policies and taking decisions in relation to dwelling mix.

Optimising density: It is important that development is brought forward to maximise site capacity, in the spirit of and to compliment the surrounding area, not to its detriment. Sites cannot be looked at in isolation and Londoners need to be given the confidence that high density developments will be directed to the most appropriate sites; maximising density within this framework. Examples of this are gentle density around high streets and town centres, and higher density in clusters which have already taken this approach. I am therefore Directing you to ensure that such developments are consented in areas that are able to accommodate them.

Aviation: As you are aware, the Court of Appeal recently handed down judgment in the judicial review claims relating to the Airports National Policy Statement. The government is carefully considering the complex judgment and so does not consider it appropriate to make any direction in relation to Policy T8 Aviation at the present time. This is without prejudice to my power to make a direction under section 337 at any time before publication of the spatial development strategy, including in relation to Policy T8 Aviation.

Next steps: I look forward to receiving a revised version of your Intention to Publish Plan, containing the modifications necessary to conform with these Directions, for approval in accordance with section 337(8) of the Greater London Authority Act 1999.

Future Housing Delivery in London

I would like you to commit to maximising delivery in London, including through taking proactive steps to surpass the housing requirement in your Plan. This must include:

- Supporting ambitious boroughs to go beyond your Plan targets to bring them closer to delivering housing demand;
- A programme of work, with my Department, to kick-start stalled strategic sites; including bringing forward later-stage strategic land from your Strategic Housing Land Availability Assessment. If you are unable to persuade me that you can deliver the most significant sites, such as Old Oak Common, I will consider all options for ensuring delivery;
- Collaborating with public agencies to identify new sources of housing supply, including developing a more active role for Homes England;
- Actively encouraging appropriate density, including optimising new capacity above and around stations; and,

- Producing and delivering a new strategy with authorities in the wider South East to offset unmet housing need in a joined-up way.

The priority must be delivering the housing that Londoners need. I think the above steps will move us closer towards this and hope that you will build on these. However, I must be clear that without reassurances that you will raise your housing ambitions for the capital, I am prepared to consider all options, including new legislation if necessary.

Finally, I want to see you set a new standard for transparency and accountability for delivery at the local level. To achieve this I want you to commit to work with my Department and to provide: the fullest account of how the housing market and planning system is performing in London, where there are blockages and what is needed to unblock these, and what tools or actions can be undertaken to further increase housing delivery.

To meet this I expect:

- Regular meetings between you and I, and my ministers, to be supplemented by regular meetings between our respective officials.
- Quarterly, systematic reporting of progress on housing delivery across all tenures, devolved programmes and your planning pipeline across London. This should reflect what we have in place to track Homes England's approach to reporting.

The position I have taken and requirements I have outlined, are focused on ensuring the homes that Londoners need are planned for and delivered. Housing in our capital is simply too important for the underachievement and drift displayed under your Mayoralty, and now in your Plan, to continue.

I look forward to your reply detailing these commitments and to receiving your modified London Plan.

A handwritten signature in black ink that reads "Robert Jenrick." The signature is written in a cursive style and is positioned above a short horizontal line.

THE RT HON ROBERT JENRICK MP

Direction	Intention to Publish London Plan Policy	Modification to Remedy National Policy Inconsistency New text is shown as bold red and deleted text as red-strikethrough	Statement of Reasons
DR1	Policy H10	<p>Modify H10.9 as follows:</p> <p>9) the need for additional family housing and the role of one and two bed units in freeing up existing family housing</p>	<p>London has a strong need for family homes, as set out in the SHMA, the modification set out in the direction is to address this need and help provide the homes needed – which otherwise will force families to move outside of London to find suitable housing and put further pressure on the areas surrounding the capital.</p> <p>The 2012 NPPF paragraph 50 states that plans should deliver a ‘wide choice of quality homes’ and ‘plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children,...)’. The modification to policy H10.9 will bring the London Plan back into conformity with National Policy by being more explicit about meeting the needs of this group.</p>
DR2	Policy D3 (and supporting text paragraph 3.3.1)	<p>Modify D3 as follows:</p> <p>A The design of the development must optimise site capacity. Optimising site capacity means ensuring that development takes the most appropriate form for the site. Higher density developments should be promoted in areas that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.</p> <p>B Where there are existing clusters of high density buildings, expansion of the clusters should be positively considered by Boroughs. This could also include expanding Opportunity Area boundaries where appropriate.</p> <p>D Gentle densification should be actively encouraged by Boroughs in low- and mid- density locations to achieve a change in densities in the most appropriate way. This should be interpreted in the context of Policy H2.</p> <p>D A All development must make the best use of land by following a design led approach that optimises the capacity of sites, including site allocations. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site’s context and capacity for growth, and existing and planned supporting infrastructure capacity (as set out in <u>Policy D2 Infrastructure requirements for sustainable densities</u>), and that best delivers the requirements set out in Part B.</p> <p>E B Development proposals should:</p> <p>3.3.1 For London to accommodate the growth identified in this Plan in an inclusive and responsible way every new development needs to make the most efficient use of land. The design of the development must optimise site capacity. Optimising site capacity means ensuring that the development takes the most appropriate form for the site and that it is consistent with relevant planning objectives and policies. The optimum capacity for a site does not mean the maximum capacity; it may be that a lower density development – such as Gypsy and Traveller gypsy and traveller pitches – is the optimum development for the site.</p>	<p>The 2012 NPPF sets out that policies “should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development...” (Paragraph 59)</p> <p>The policy as set out in the ItP London Plan gives little guidance as to the most suitable locations for higher density development – which could lead to inappropriate development or not maximising the potential of sites capable of delivering high density development. By not maximising the density of a site to reach its potential the Plan risks not delivering the homes and employment space that is needed.</p>

<p>DR3</p>	<p>Policy H2 (and supporting text paragraphs 4.2.1 to 4.2.14)</p>	<p>Delete 4.2.12 and 4.2.13 in their entirety</p>	<p>The ItP London Plan undermines national approach and will lead to confusion for applicants and decision makers. The Inspectors' report recommended the deletion of these paragraphs.</p> <p>Approach is inconsistent with Written Ministerial Statement (HCWS50) made by Minister of State for Housing and Planning Brandon Lewis on 28th November 2014 which sets out that affordable housing and tariff style contributions should not be sought on developments of 10 units or less.</p>
<p>DR4</p>	<p>Policy E4 Policy E5 Policy E7 Policy SD1 And relevant supporting text paragraphs</p>	<p>Modify E4 as follows</p> <p>C The retention, enhancement and provision of additional industrial capacity across the three categories of industrial land set out in Part B should be planned, monitored and managed. ., having regard to the industrial property market area and borough level categorisations in Figure 6.1 and Table 6.2. This should ensure that in overall terms across London there is no net loss of industrial floorspace capacity (and operational yard space capacity) within designated SIL and LSIS. Any release of industrial land in order to manage issues of long-term vacancy and to achieve wider planning objectives, including the delivery of strategic infrastructure, should be facilitated through the processes of industrial intensification, co-location and substitution set out in Policy E7 Industrial intensification, co-location and substitution and supported by Policy E5 Strategic Industrial Land.</p> <p>Modify supporting text paragraph 6.4.5 as follows</p> <p>6.4.5 Based upon this evidence, this Plan addresses the need to retain provide sufficient industrial, logistics and related capacity through its policies. by seeking, as a general principle, no overall net loss of industrial floorspace capacity across London in designated SIL and LSIS. Floorspace capacity is defined here as either the existing industrial and warehousing floorspace on site or the potential industrial and warehousing floorspace that could be accommodated on site at a 65 per cent plot ratio (whichever is the greater).</p> <p>Delete supporting text paragraphs 6.4.6 through 6.4.11</p> <p>Delete Table 6.2</p> <p>Delete Figure 6.1</p> <p>Add new supporting text paragraph 6.4.6</p> <p>6.4.6 Where possible, all Boroughs should seek to deliver intensified floorspace capacity in either existing and/or new appropriate locations supported by appropriate evidence.</p> <p>Add new supporting text 6.4.7</p> <p>6.4.7 All boroughs in the Central Services Area should recognise the need to provide essential services to the CAZ and Northern Isle of Dogs and in particular sustainable 'last mile' distribution/logistics, 'just-in-time' servicing (such as food service activities, printing, administrative and support services, office supplies, repair and maintenance), waste</p>	<p>At paragraph 421 of the Inspectors' Report, the Panel concluded that "the approach to meeting those needs set out in E4 to E7 is aspirational but may not be realistic" and this appears to be inconsistent with paragraph 7 of the NPPF 2012 which requires "that sufficient land of the right type is available in the right places and at the right time to support growth and innovation".</p> <p>This addition would make it easier for London Boroughs to identify a supply of industrial land to meet demand, or to replace other land that can subsequently be released for housing development. It also removes a target that was deemed 'may not be realistic' and therefore meets the 'effective' test of soundness.</p> <p>Relevant paragraphs in the 2012 NPPF are noted below;</p> <p>Paragraphs 7 and 17 on 'by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation' 'sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.'</p> <p>Paragraph 156 states that strategic policies should deliver the homes and jobs needed in the area and the provision of commercial development.</p> <p>Paragraph 161 states that the authority must assess 'the existing and future supply of land available for economic development and its sufficiency and suitability to meet the identified needs.'</p>

management and recycling, and land to support transport functions. This should be taken into account when assessing whether substitution is appropriate.

Add new supporting text 6.4.8

6.4.8 Where industrial land vacancy rates are currently well above the London average, Boroughs are encouraged to assess whether the release of industrial land for alternative uses is more appropriate if demand cannot support industrial uses in these locations. Where possible, a substitution approach to alternative locations with higher demand for industrial uses is encouraged.

Modify E5 as follows

B Boroughs, in their Development Plans, should:

...

4) Strategically coordinate Development Plans to identify opportunities to substitute Strategic Industrial Land where evidence that alternative, more suitable, locations exist. This release must be carried out through a planning framework or Development Plan Document review process and adopted as policy in a Development Plan or as part of a coordinated masterplanning process in collaboration with the GLA and relevant borough. All Boroughs are encouraged to evaluate viable opportunities to provide additional industrial land in new locations to support this process. This policy should be applied in the context of Policy E7.

~~D Development proposals for uses in SILs other than those set out in Part A of Policy E4 Land for industry, logistics and services to support London's economic function, (including residential development, retail, places of worship, leisure and assembly uses), should be refused except in areas released through a strategically co-ordinated process of SIL consolidation. This release must be carried out through a planning framework or Development Plan Document review process and adopted as policy in a Development Plan or as part of a coordinated masterplanning process in collaboration with the GLA and relevant borough.~~

Modify E7 as follows

D The processes set out in Parts B and C above must ensure that:

~~1) the industrial uses within the SIL or LSIS are intensified to deliver an increase (or at least no overall net loss) of capacity in terms of industrial, storage and warehousing floorspace with appropriate provision of yard space for servicing~~

- 1) the industrial and related activities on-site and in surrounding parts of the SIL, LSIS or Non-Designated Industrial Site are not compromised in terms of their continued efficient function, access, service arrangements and days/hours of operation noting that many businesses have 7-day/24-hour access and operational requirements
- 2) the intensified industrial, storage and distribution uses are completed in advance of any residential component being occupied
- 3) appropriate design mitigation is provided in any residential element to ensure compliance with 1 and 2 above with particular consideration given to:
 - a. safety and security
 - b. the layout, orientation, access, servicing and delivery arrangements of the uses in order to minimise conflict
 - c. design quality, public realm, visual impact and amenity for residents
 - d. agent of change principles
 - e. vibration and noise
 - f. air quality, including dust, odour and emissions and potential contamination.

Modify 6.7.2

~~Whilst the majority of land in SILs should be retained and intensified for the industrial type functions set out in Part A of Policy E4 Land for industry, logistics and services to support London's economic function, t~~There may be scope for selected parts of SILs or LSISs to be consolidated **or appropriately substituted**. This should be done through a carefully co-ordinated plan-led approach ~~(in accordance with Parts B and D of Policy E7 Industrial intensification, colocation and substitution)~~ to deliver an intensification of industrial and related uses in the consolidated SIL or LSIS and facilitate the release of some land for a mix of uses including residential. Local Plan policies' maps and/or OAPFs and masterplans should indicate clearly:

- i. the area to be retained and intensified as SIL or LSIS (and to provide future capacity for the uses set out in Policy E5 Strategic Industrial Locations (SIL) and Policy E6 Locally Significant Industrial Sites) and
- ii. the area to be released from SIL or LSIS (see illustrative examples in Figure 6.3). Masterplans should cover the whole of the SIL or LSIS, and should be informed by the operational requirements of existing and potential future businesses.

Modify supporting text paragraphs for policy SD1 as follows

2.1.16 Southwark is preparing an Area Action Plan (AAP) which will set out how the BLE will enable significant residential and employment growth. The Old Kent Road OA contains the last remaining significant areas of Strategic Industrial Locations that lie in close proximity to the CAZ and the only SILs within Southwark. The AAP should ~~plan for no net loss of industrial floorspace capacity and~~ set out how industrial land can be intensified and provide space for businesses that need to relocate from any SIL identified for release. Areas that are released from SIL should seek to co-locate housing with industrial uses, or a wider range of commercial uses within designated town centres. Workspace for the existing creative industries should also be protected and supported.

2.1.33 The Planning Framework should quantify the full development potential of the area as a result of Crossrail 2. It should ensure that industrial, logistics and commercial uses continue to form part of the overall mix of uses in the area, ~~with no net loss of industrial floorspace capacity,~~ and that opportunities for intensification of industrial land and co-location of industrial and residential uses are fully explored. Tottenham and Walthamstow contain clusters of creative industries which should be protected and supported. The Planning Framework should also protect and improve sustainable access to the Lee Valley Regional Park and reservoirs, and ensure links through to Hackney Wick and the Lower Lea Valley. Planning frameworks should include an assessment of any effects on the Epping Forest Special Area of Conservation and appropriate mitigation strategies.

2.1.53 Housing Zone status and investment by Peabody in estate renewal in the area will improve the quality of the environment and bring new housing opportunities. To deliver wider regeneration benefits to Thamesmead, other interventions to support the growth of the Opportunity Area are needed. These include: the redevelopment and intensification of employment sites to enable a range of new activities and workspaces to be created in parallel with new housing development; a review of open space provision in the area to create better quality, publicly accessible open spaces; the creation of a new local centre around Abbey Wood station, the revitalisation of Thamesmead town centre and Plumstead High Street; and improved local transit connections. ~~The Planning Framework should ensure that there is no net loss of industrial floorspace capacity.~~

2.1.56 Industrial and logistics uses will continue to play a significant role in the area. ~~The Planning Framework should ensure that there is no net loss of industrial floorspace capacity, and that industrial uses are retained and intensified, and form part of the mix in redevelopment proposals.~~ Belvedere is recognised as having potential as a future District centre.

<p>DR5</p>	<p>Policy G2 (and supporting paragraphs 8.2.1 and 8.2.2)</p>	<p>Modify Policy G2 as follows:</p> <p>A. The Green Belt should be protected from inappropriate development:</p> <ol style="list-style-type: none"> 1. development proposals that would harm the Green Belt should be refused except where very special circumstances exist; 2. subject to national planning policy tests, the enhancement of the Green Belt to provide appropriate multi-functional beneficial uses for Londoners should be supported. <p>B. Exceptional circumstances are required to justify either the extension or de-designation of the Green Belt through the preparation or review of a local plan. The extension of the Green Belt will be supported, where appropriate. Its de-designation will not be supported.</p>	<p>Policy G2 as set out in the ItP London Plan is not consistent with national policy and will lead to confusion for applicants, communities and decision makers. The policy as it stands is inconsistent with the 2012 NPPF (paras 79 – 92) due to the lack of reference to exceptional circumstances.</p> <p>This inconsistency was noted in the Inspectors' Report and their recommendation PR36 will resolve these inconsistencies.</p>
<p>DR6</p>	<p>Policy G3 (and supporting text paragraphs 8.3.1 through 8.3.4)</p>	<p>Modify Policy G3 as follows:</p> <p>A. Metropolitan Open Land (MOL) is afforded the same status and level of protection as Green Belt:</p> <ol style="list-style-type: none"> 1) Development proposals that would harm MOL should be refused. MOL should be protected from inappropriate development in accordance with national planning policy tests that apply to the Green Belt. 2) boroughs should work with partners to enhance the quality and range of uses of MOL. <p>B. The extension of MOL designations should be supported where appropriate. Boroughs should designate MOL by establishing that the land meets at least one of the following criteria:</p> <ol style="list-style-type: none"> 1) it contributes to the physical structure of London by being clearly distinguishable from the built-up area 2) it includes open air facilities, especially for leisure, recreation, sport, the arts and cultural activities, which serve either the whole or significant parts of London 3) it contains features or landscapes (historic, recreational, biodiverse) of either national or metropolitan value 4) it forms part of a strategic corridor, node or a link in the network of green infrastructure and meets one of the above criteria. <p>C. Any alterations to the boundary of MOL should be undertaken through the Local Plan process, in consultation with the Mayor and adjoining boroughs. MOL boundaries should only be changed in exceptional circumstances when this is fully evidenced and justified, ensuring that the quantum of MOL is not reduced, and that the overall value of the land designated as MOL is improved by reference to each of the criteria in Part B.</p>	<p>Mayor's use of Green Belt definition and prohibition of a net loss is not consistent with the NPPF and is likely to lead to confusion for applicants, communities and decision makers.</p> <p>The Inspectors' report recommends that the policy is made consistent with National Policy as set out in paragraphs 79-92 of the 2012 NPPF.</p>
<p>DR7</p>	<p>Policy H14 (and supporting text paragraphs 4.14.1 through 4.14.13)</p>	<p>Delete Policy B in its entirety.</p> <p>Modify Policies C and D as follows:</p> <p>C. Boroughs that have not undertaken a needs assessment since 2008 should use the figure of need for Gypsy and Traveller gypsy and traveller accommodation provided in Table 4.4 as identified need for pitches until a needs assessment, using the definition set out above, is undertaken as part of their Development Plan review process.</p> <p>D. Boroughs that have undertaken a needs assessment since 2008 should update this based on the definition set out above as part of their Development Plan review process</p> <p>Delete supporting text paragraphs 4.14.1, 4.14.2, 4.14.3, 4.14.4, 4.14.7</p>	<p>The policy is inconsistent with national policy set out in the Planning Policy for Traveller Sites (PPTS) (August 2015). The policy gives a wider definition of "gypsies and travellers" compared to that in Annex 1 of the PPTS including those who have permanently settled.</p> <p>The panel of Inspectors examining the plan concluded that the Mayor failed to demonstrate that London was so distinctly different to elsewhere in the country to justify a departure from national policy.</p>

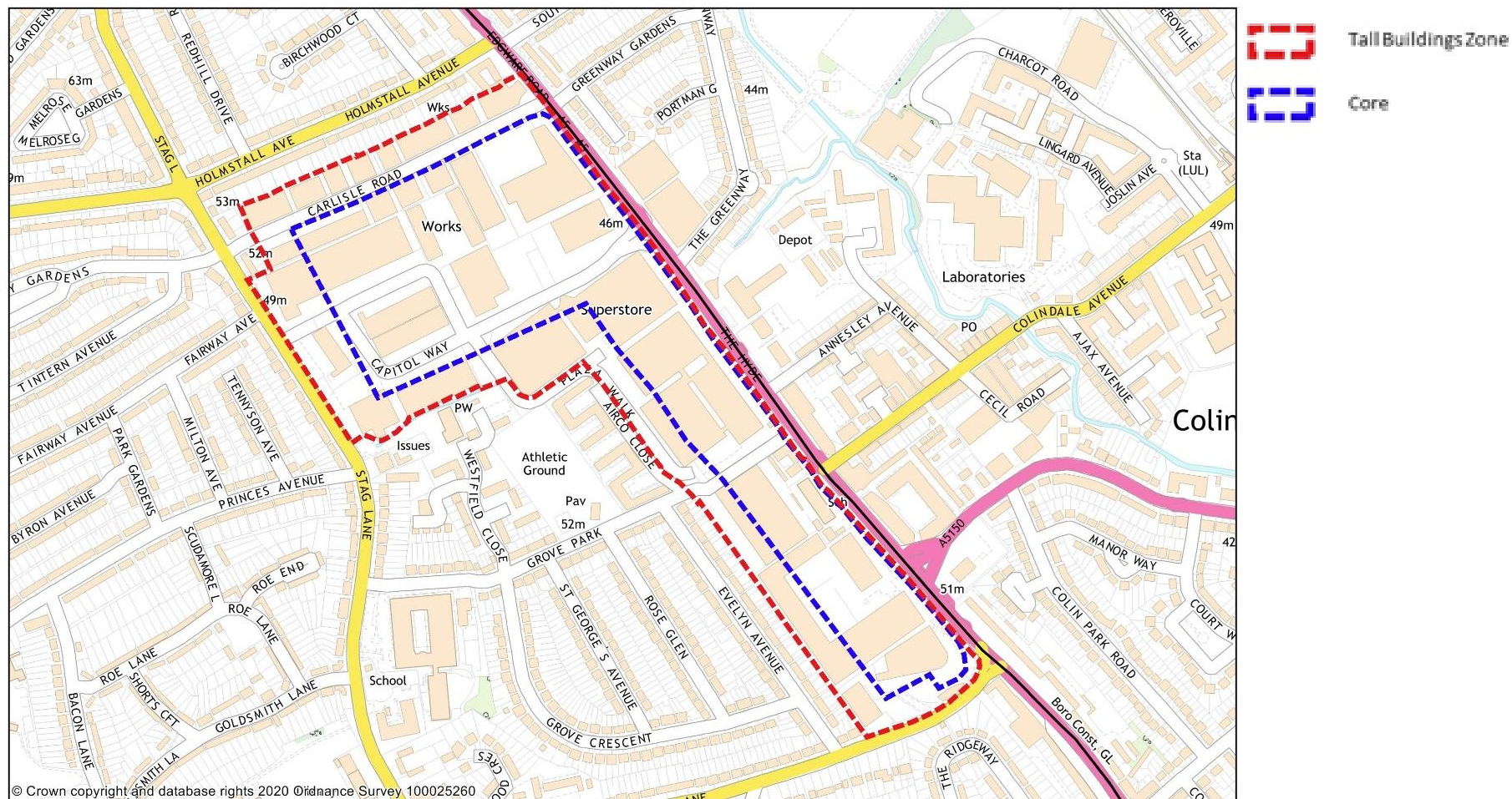
		<p>In Policies A, E and G and supporting text paragraphs 4.14.5, 4.14.6, 4.14.8, 4.14.9, 4.14.11 and 4.14.12:</p> <p>Replace the terms ‘Gypsy and Traveller’ and ‘Gypsies and Travellers’ respectively with the phrases gypsy and traveller and gypsies and travellers in line with PPTS.</p>	<p>The panel highlighted that a different definition would create anomalies with individuals defined differently for planning purposes on whether they are assessed by a district outside London or one of the boroughs. This could also impact on proposals for joint working as set out in the PPTS.</p> <p>The Housing and Planning Act 2016 replaced the duty to assess the needs of gypsy and travellers, with a duty on local housing authorities to consider the needs of people residing in or resorting to their District with respect to the provision of sites on which caravans are stationed. Therefore, the needs of those outside the PPTS definition must be considered as part of this assessment.</p> <p>A Written Ministerial Statement (WMS) of 22 July 2015 set out that those travellers who do not fall within the definition set out in the PPTS should have their accommodation needs addressed under the provisions of the National Planning Policy Framework.</p> <p>As a consequence of directing the Mayor to accept the Inspector’s recommendations and to delete Part B of the Policy we are also seeking a direction to the proposed Policy H14(C) and (D) as the wording requires authorities to undertake a needs assessment in accordance with the proposed definition in Part (B) of the Policy. We are also ensuring that references to gypsies and travellers are consistent in line with PPTS.</p>						
<p>DR8</p>	<p>Introducing the Plan A New Plan</p>	<p>Modify 0.0.21:</p> <p>“The Plan provides an appropriate spatial strategy that plans for London’s growth in a sustainable way and has been found sound by the planning inspectors through the examination in public. The housing targets set out for each London Borough are the basis for planning for housing in London. Therefore, boroughs do not need to revisit these figures as part of their local plan development, unless they have additional evidence that suggests they can achieve delivery of housing above these figures whilst remaining in line with the strategic policies established in this plan.”</p>	<p>The text as set out in the ItP London plan will potentially discourage London Boroughs that may be able to exceed their housing target. The approach is not consistent with the 2012 NPPF paras 46, 153, 156 and 159. due to the Plan planning for significantly below London’s housing need.</p>						
<p>DR9</p>	<p>Table 10.3</p>	<p>Delete Table 10.3 Maximum Parking Standards and replace with the table below:</p> <table border="1" data-bbox="825 1780 1733 1980"> <thead> <tr> <th data-bbox="825 1780 1157 1843">Location</th> <th data-bbox="1157 1780 1472 1843">Maximum Parking Provision*</th> <th data-bbox="1472 1780 1733 1843">Number of Beds</th> </tr> </thead> <tbody> <tr> <td data-bbox="825 1843 1157 1980">Central Activities Zone Inner London Opportunity Areas Metropolitan and Major Town Centres</td> <td data-bbox="1157 1843 1472 1980">Car free~</td> <td data-bbox="1472 1843 1733 1980">N/A</td> </tr> </tbody> </table>	Location	Maximum Parking Provision*	Number of Beds	Central Activities Zone Inner London Opportunity Areas Metropolitan and Major Town Centres	Car free~	N/A	<p>The parking standards as set out in the ItP London Plan are inconsistent with national policy. The 2016 Minor Alterations to the London Plan introduced Parking Standards for residential policy to meet the requirements as per the Written Ministerial Statement of 25 March 2015 that ‘clear and compelling justification’ is required when introducing parking standards. The Mayor has not</p>
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Central Activities Zone Inner London Opportunity Areas Metropolitan and Major Town Centres	Car free~	N/A							

		<table border="1"> <tr> <td data-bbox="825 90 1160 159">All areas of PTAL 5 – 6 Inner London PTAL 4</td> <td data-bbox="1160 90 1472 159"></td> <td data-bbox="1472 90 1733 159"></td> </tr> <tr> <td data-bbox="825 159 1160 228">Inner London PTAL 3</td> <td data-bbox="1160 159 1472 228">Up to 0.25 spaces per dwelling</td> <td data-bbox="1472 159 1733 228">N/A</td> </tr> <tr> <td data-bbox="825 228 1160 329">Inner London PTAL 2 Outer London Opportunity Areas</td> <td data-bbox="1160 228 1472 329">Up to 0.5 spaces per dwelling</td> <td data-bbox="1472 228 1733 329">N/A</td> </tr> <tr> <td data-bbox="825 329 1160 399">Inner London PTAL 0 – 1</td> <td data-bbox="1160 329 1472 399">Up to 0.75 spaces per dwelling</td> <td data-bbox="1472 329 1733 399">N/A</td> </tr> <tr> <td data-bbox="825 399 1160 468">Outer London PTAL 2-4</td> <td data-bbox="1160 399 1472 468">Up to 0.75 space per dwelling</td> <td data-bbox="1472 399 1733 468">1-2</td> </tr> <tr> <td data-bbox="825 468 1160 537">Outer London PTAL 2-4</td> <td data-bbox="1160 468 1472 537">Up to 1 space per dwelling</td> <td data-bbox="1472 468 1733 537">3+</td> </tr> <tr> <td data-bbox="825 537 1160 606">Outer London PTAL 0 – 1</td> <td data-bbox="1160 537 1472 606">Up to 1.5 spaces per dwelling</td> <td data-bbox="1472 537 1733 606">1-2</td> </tr> <tr> <td data-bbox="825 606 1160 676">Outer London PTAL 0 – 1</td> <td data-bbox="1160 606 1472 676">Up to 1.5 spaces per dwelling ^</td> <td data-bbox="1472 606 1733 676">3+</td> </tr> <tr> <td colspan="3" data-bbox="825 676 1733 1003"> <p>* Where Development Plans specify lower local maximum standards for general or operational parking, these should be followed.</p> <p>~ With the exception of disabled persons parking, see Part G Policy T6.1 Residential Parking</p> <p>^ Boroughs should consider higher levels of provision where this would support additional family housing.</p> </td> </tr> </table>	All areas of PTAL 5 – 6 Inner London PTAL 4			Inner London PTAL 3	Up to 0.25 spaces per dwelling	N/A	Inner London PTAL 2 Outer London Opportunity Areas	Up to 0.5 spaces per dwelling	N/A	Inner London PTAL 0 – 1	Up to 0.75 spaces per dwelling	N/A	Outer London PTAL 2-4	Up to 0.75 space per dwelling	1-2	Outer London PTAL 2-4	Up to 1 space per dwelling	3+	Outer London PTAL 0 – 1	Up to 1.5 spaces per dwelling	1-2	Outer London PTAL 0 – 1	Up to 1.5 spaces per dwelling ^	3+	<p>* Where Development Plans specify lower local maximum standards for general or operational parking, these should be followed.</p> <p>~ With the exception of disabled persons parking, see Part G Policy T6.1 Residential Parking</p> <p>^ Boroughs should consider higher levels of provision where this would support additional family housing.</p>			<p>submitted clear and compelling evidence that the policy from the 2016 MALP should be changed so provision has been made to allow Boroughs to support higher levels of provision where this meets identified housing needs, the approach to lower PTAL Outer London areas has been made more flexible and parking requirements for family housing in Outer London have been differentiated.</p> <p>Reducing parking spaces for homes risks residents being forced to park on street and causing congestion to London’s road network and adversely impacting on the cyclability of roads in outer London. It also fails to reflect the need future housing will have to provide electric charging points to meet the Government target of only electric vehicles being available from 2035.</p>
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DR10	Policy T6.3 Retail parking	<p>Modify T6.3 as follows:</p> <p>A. The maximum parking standards set out in Table 10.5 should be applied to new retail development, unless alternative standards have been implemented in a Borough Plan through the application of Policy G below. New retail development should avoid being car-dependent and should follow a town centre first approach, as set out in Policy SD7 Town centres: development principles and Development Plan Documents.</p> <p>...</p> <p>G. Boroughs should consider alternative standards where there is clear that evidence that the standards in Table 10.5 would result in:</p> <ol style="list-style-type: none"> a. A diversion of demand from town centres to out of town centres, undermining the town centres first approach. b. A significant reduction in the viability of mixes-use redevelopment proposals in town centre. 	<p>Paragraph 39 of the 2012 NPPF is clear that in setting local parking standards for non-residential development, policies should take into account:</p> <ol style="list-style-type: none"> (a) the accessibility of the development; (b) the type, mix and use of development; (c) the availability of and opportunities for public transport; (d) local car ownership levels; and (e) an overall need to reduce the use of high-emission vehicles <p>As was raised in a number of representations, local car ownership rates and accessibility in a number of town centre locations would see the result of Table 10.5’s implementation divert traffic to out-of-town locations and increase the length of trips. It was also raised that in relation to the type use and mix of development that the policies could reduce the viability of mixed-use redevelopment. As a result the proposed Direction will allow Boroughs to diverge from the Mayor’s standards in Table 10.5 where these potential negative impacts can be evidenced.</p>																											

DR11	Policy H1 Supporting text paragraph 4.1.11	Delete 4.1.11 in its entirety	<p>The Plan's text undermines the national HDT approach and is likely to lead to confusion for applicants, communities and decision makers. It does not provide an effective framework for Boroughs, in line with paragraph 182 of the NPPF.</p> <p>The Housing Delivery Test is a key Government policy to help drive the delivery of new homes. The ItP London Plan in its current state is not consistent with the Housing Delivery Test Rulebook or the 2019 NPPF which first introduced the Housing Delivery Test.</p>
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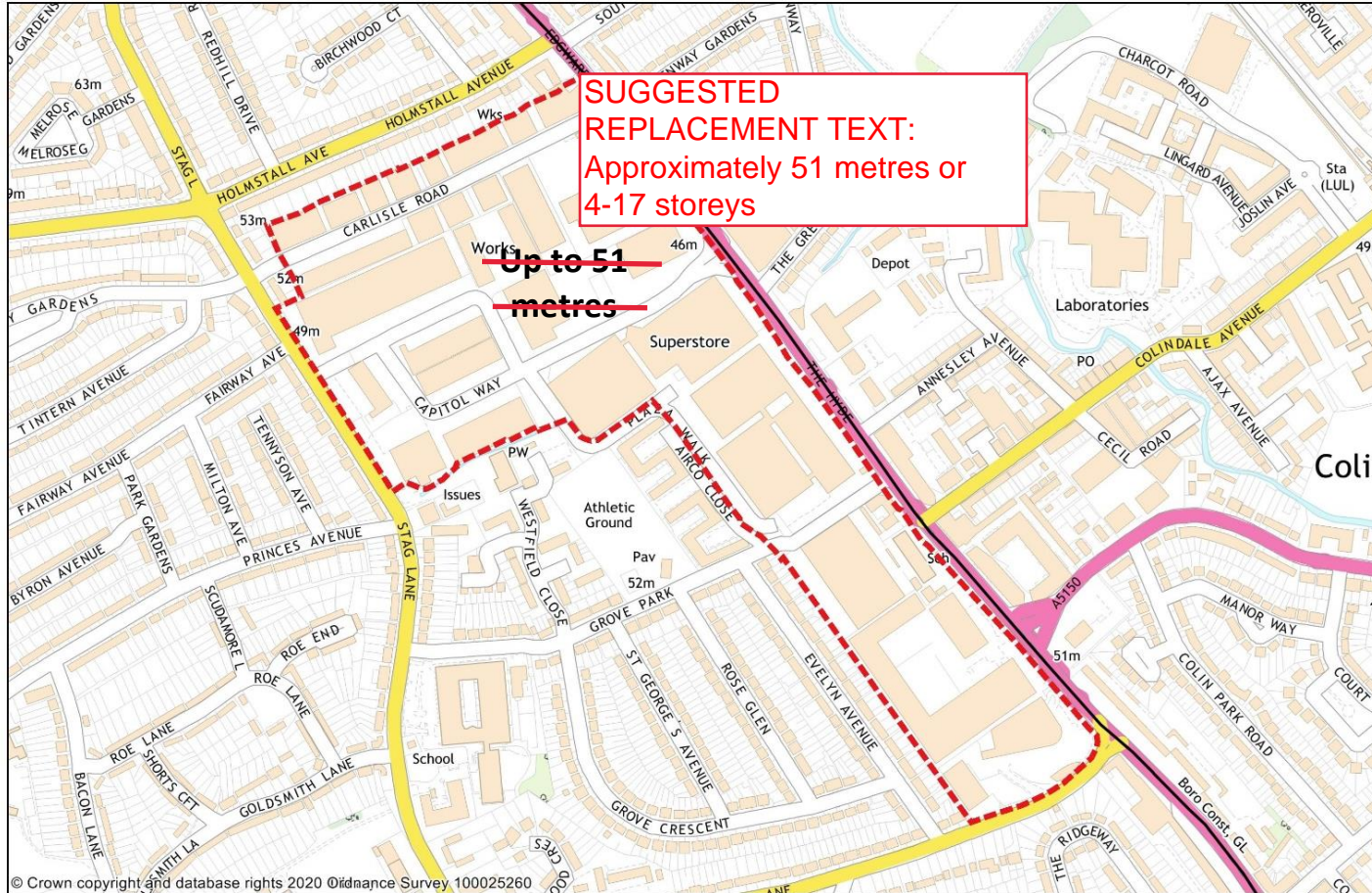
Map Mod 19 Burnt Oak/ Colindale Tall Building Zone remove the Core designation.

Before



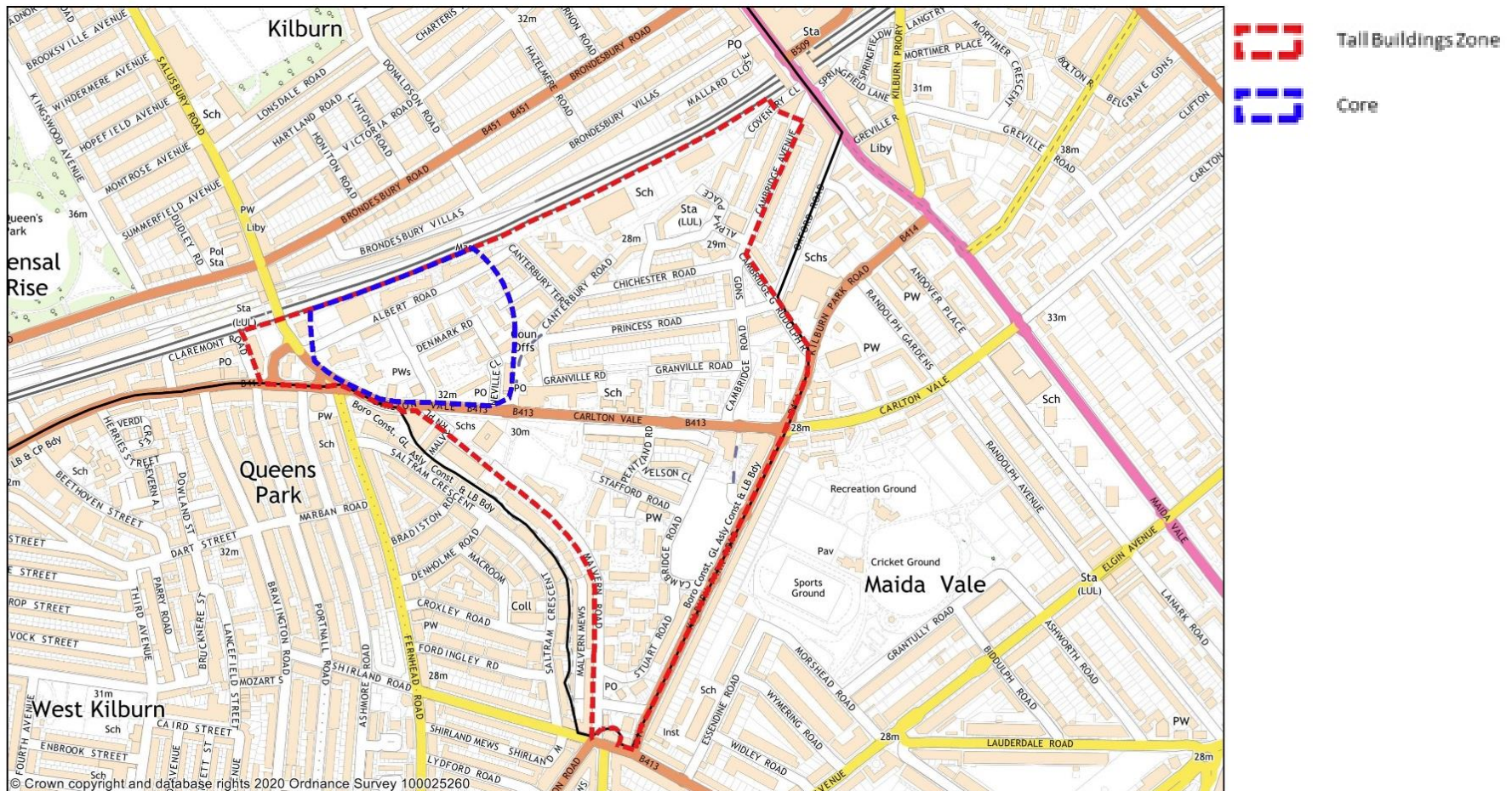
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After



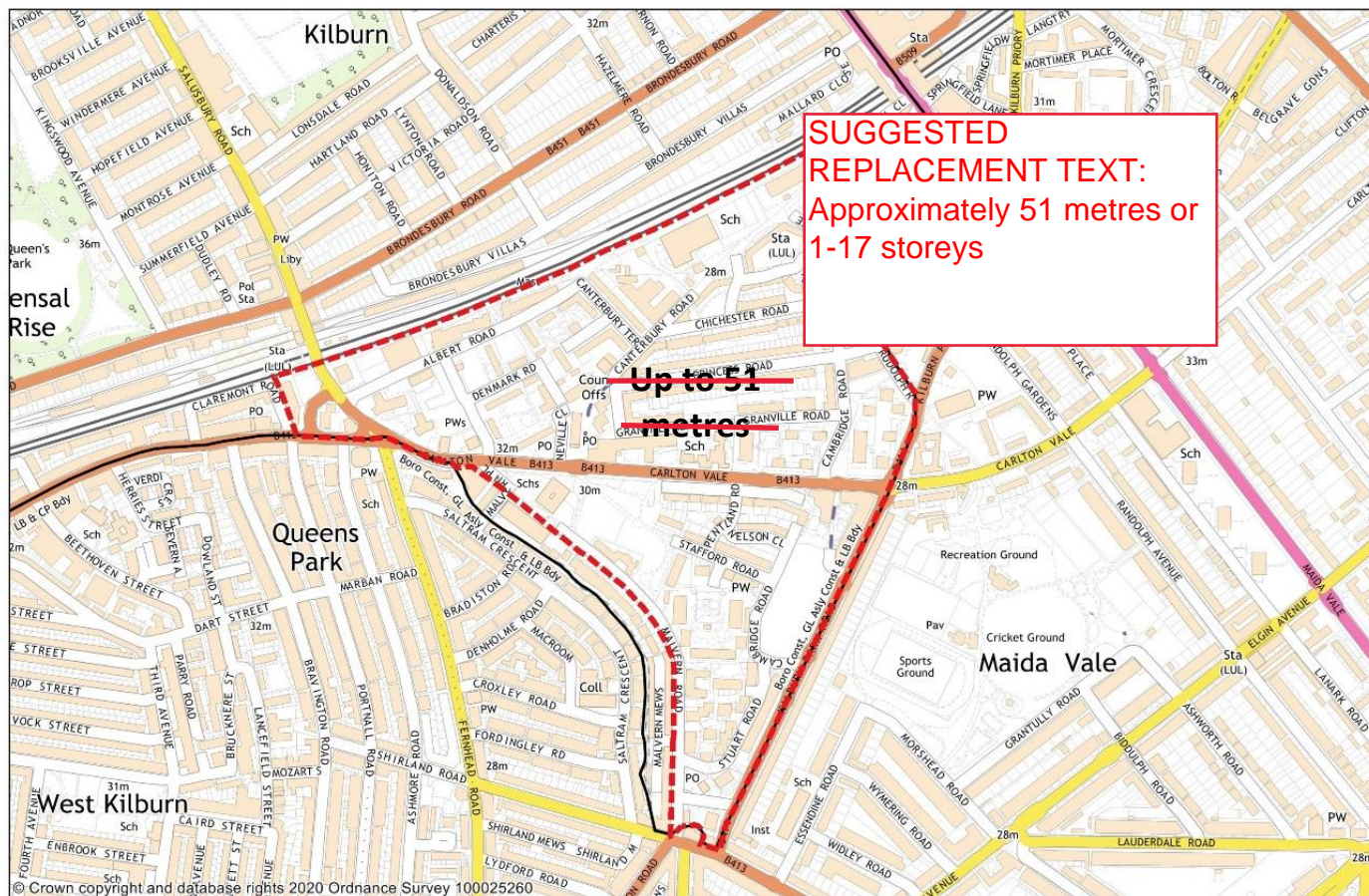
Map Mod 22 South Kilburn Tall Building Zone remove the Core designation.

Before



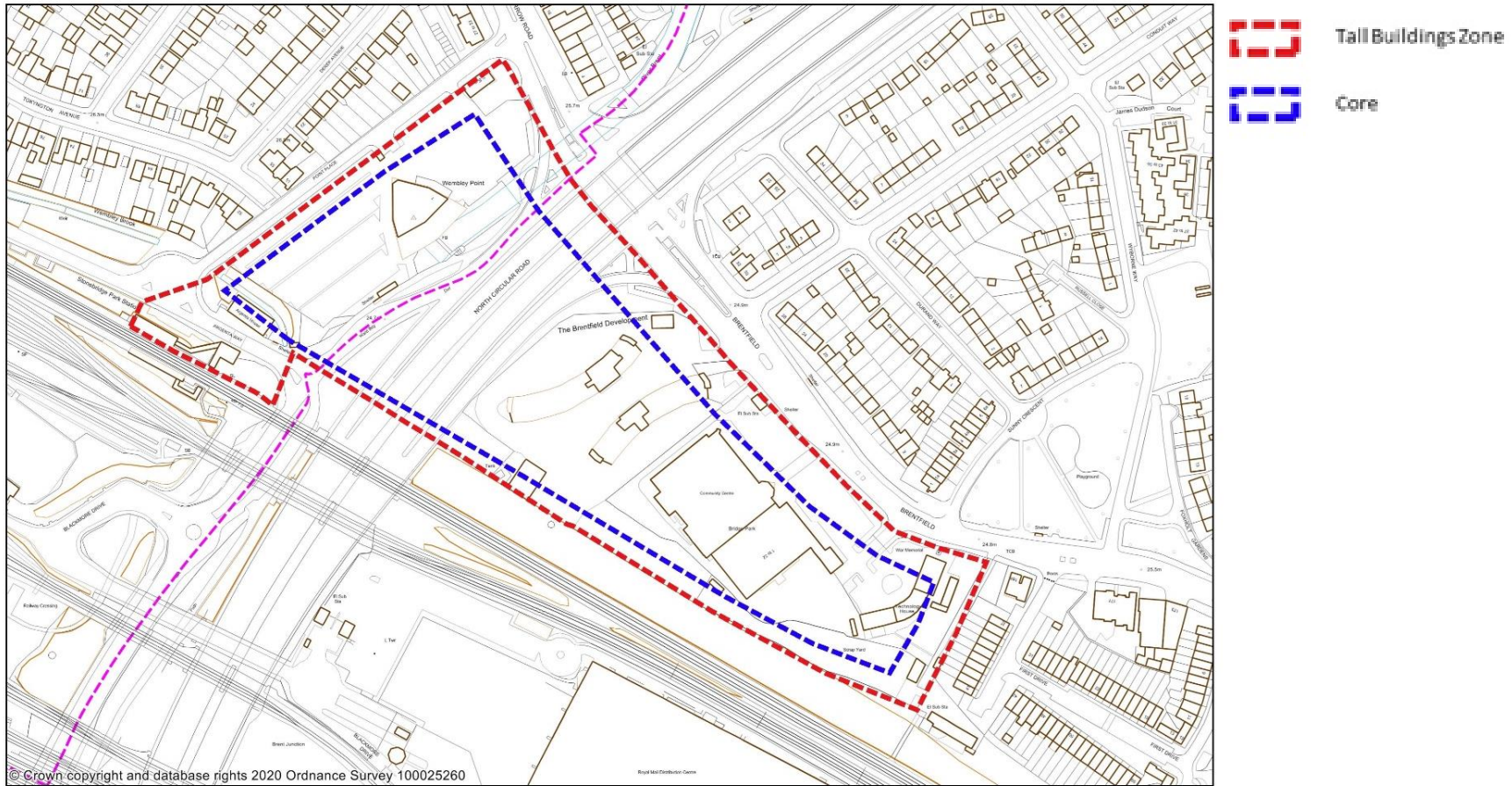
Map Mod 22 South Kilburn Tall Building Zone remove the Core designation.

After



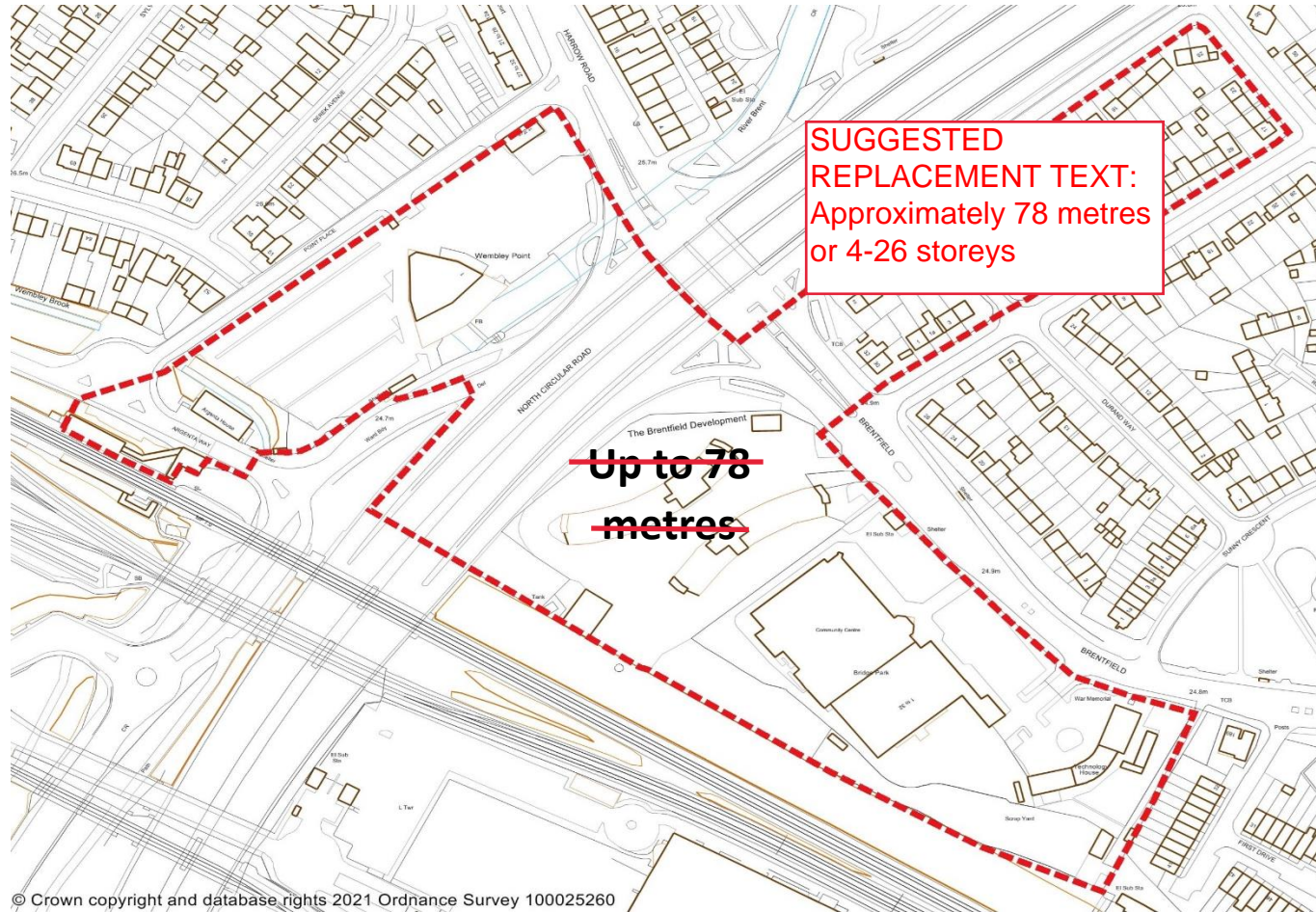
Map Mod 24 Stonebridge Park Tall Building Zone remove the Core designation, extend the Zone and take account of OPDC boundary

Before



Map Mod 24 Stonebridge Park Tall Building Zone remove the Core designation, extend the Zone and take account of OPDC boundary.

After



Tall Buildings Zone