Report to Lambeth Council

by Susan Heywood BSc (Hons) MCD MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 11th August 2015

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)
SECTION 20

REPORT ON THE EXAMINATION INTO THE
LAMBETH LOCAL PLAN

Document submitted for examination on 28 March 2014
Examination hearings held between 8 and 22 July 2014

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Non-Technical Summary

This report concludes that the Lambeth Local Plan provides an appropriate basis for the planning of the Borough over the next 15 years providing a number of modifications are made to the Plan. The Council has specifically requested that I recommend any modifications necessary to enable them to adopt the Plan.

The modifications can be summarised as follows:

- Modifications to policies relating to housing standards to reflect the WMS of March 2015;
- Changes to expressly encourage neighbourhood planning;
- Alterations to comply with Framework’s advice to avoid devolving matters to further SPDs;
- Changes to various policies to improve clarity, effectiveness and flexibility;
- Various alterations to ensure compliance with Government policy and London Plan policy;
- Modifications to remove the requirements for self-assessments to reduce the information requirements from applicants;
- Alterations to the affordable housing policy to ensure its effectiveness;
- Changes to the policy for gypsy and traveller sites to reflect PPTS;
- Alteration to various transport policies to ensure that requirements focus on the transport impact of the development;
- Clarification of the approach to waste management and monitoring of sites in order to comply with London Plan policy;
- Modifications to design policies to avoid unnecessary prescription and introduce flexibility;
- Changes to strengthen and clarify policies relating to the built environment and heritage and to ensure compliance with Government policy; to strengthen the protection to the WWHS; to reflect background studies to ensure sufficient justification, and to accord with London Plan policies;
- Alterations to incorporate views of representors where these ensure the policies are effective in achieving sustainable development.
Introduction

1. This report contains my assessment of the 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, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (the Framework) (paragraph 182) makes clear that 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 authority has submitted what it considers to be a sound plan. The basis for my examination is the Lambeth Local Plan Proposed Submission (November 2013)\(^1\) plus the Schedule of proposed minor modifications (March 2014)\(^2\) which sought to address concerns with soundness raised during public consultation on the Plan at the Regulation 19 stage.

3. My report deals with the main modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (MM). In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in Appendix 1 to this report.

4. The main modifications that go to soundness have been subject to public consultation for a period of six weeks and, where necessary, Sustainability Appraisal (SA) and I have taken the consultation responses into account in writing this report and in light of these I have made some amendments to the main modifications. None of these amendments significantly alters the content of the modifications as published for consultation such that they undermine the participatory processes and sustainability appraisal that has been undertaken. I have highlighted the amendments in the report.

5. It came to the Council’s attention that some individuals and groups had erroneously been excluded from the initial consultation on the main modifications. Accordingly, a further consultation was undertaken specifically for those individuals and groups. They were given a further six weeks to respond to the proposed modifications. No-one has therefore been prejudiced by this administrative error.

6. Concerns have been raised that some of the background documents relating to tall buildings have been amended during the course of the examination resulting in different sensitivity levels in some areas. The modifications also introduce a map for the Brixton area which was not previously in any of the background documents. However, the tall buildings studies were available at the Regulation 19 consultation stage of the Plan and the modified versions, and the new map for Brixton, were available on the Council’s website during the consultations on the main modifications. The consultation specifically

\(^1\) SD01
\(^2\) SD10
included the map for Brixton. Accordingly, those who may have wished to comment were given the opportunity to do so and I have taken their comments into account in the assessment of the soundness of the Plan. No-one has therefore been prejudiced by the updating of the background studies or the production of a new map for the Brixton area. The issues relating to tall buildings are considered in detail later in this report.

Assessment of Duty to Co-operate

7. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan’s preparation. Regulation 4 of the Town and Country Planning (Local Plans) (England) Regulations 2012 (the 2012 Regulations) prescribes those bodies required by Section 33A of the 2004 Act to co-operate in maximising the effectiveness of the preparation of a development plan, so far as relating to a strategic matter.

8. On submission of the Plan the Council produced a Duty to Co-operate (DTC) statement as part of the Authority’s Monitoring Report 2013. This was supplemented by further information contained in documents ED04, ED13 and ED46. These documents list relevant joint working arrangements on a range of issues. The documents set out how the Council has sought to engage constructively, actively and on an ongoing basis with the relevant organisations and prescribed bodies on strategic matters.

9. The Council is a member of a number of sub-regional partnerships and working groups, as set out within the aforementioned documents, demonstrating joint working arrangements on a range of issues including housing, economic growth and employment, carbon reduction, transport, waste, school provision and retail policy. Specific joint working also takes place in relation to the two London Plan Opportunity Areas of Waterloo and Nine Elms Vauxhall, both of which have cross-boundary impacts.

10. The Council works regularly with adjoining London boroughs and the Mayor of London on numerous strategic and cross-border issues. The Greater London Authority (GLA) had expressed concern regarding references to the Council’s Tenancy Strategy within the justification to policy H2, and in relation to the Council’s approach to dealing with the waste apportioned to the borough in the London Plan. The Council has subsequently proposed modifications which satisfy the GLA’s concerns on both matters. These are dealt with in greater detail later in this report. Statements of Common Ground (SCG) have been received from all adjoining authorities and the GLA which demonstrate that there are no outstanding issues.

11. Concern has been expressed that the Council has failed to engage with adjoining authorities with regards to the policy and proposals for Upper Norwood. A specific policy, PN11, relating to Upper Norwood is included in the Plan. This area straddles the boundaries of the other London boroughs of Croydon and Bromley. The SCG confirm that the Council has co-operated with Croydon and Bromley Councils in formulating the policy for Upper Norwood.

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3 EB02_01
12. The Council has also co-operated with the other bodies specified in Regulation 4 of the 2012 Regulations. Apart from Historic England (HE), whose concerns are amplified below, none of the organisations has outstanding concerns.

13. HE made a number of suggestions regarding the background evidence and specific policy wording. These have generally been taken on board in the proposed modifications and are elaborated upon in detail later in this report. However, HE remains concerned at the lack of a setting study for the Westminster World Heritage Site (WWHS).

14. The Council is a member of the WWHS Steering Group which has responsibility for the management of the WWHS in order to protect its Outstanding Universal Value (OUV). In addition to Lambeth, the group comprises the other London boroughs of the City of Westminster, Wandsworth and Southwark. It also includes HE, the Parliamentary Estates Directorate, the GLA and Transport for London. The Council has also been involved in additional special meetings about the WWHS in response to issues raised by ICOMOS / UNESCO regarding tall buildings and the setting of the WWHS. The Council has agreed to contribute to the setting study for the site but the Steering Group has not yet agreed how this should be taken forward.

15. HE has suggested that, in the absence of an agreement through the Steering Group, Lambeth should carry out a separate study to inform the Local Plan policies. However, the setting of the WWHS extends beyond Lambeth and the existing Steering Group seems to be the most appropriate way of taking the issue forward in a co-ordinated manner. For Lambeth to undertake a unilateral study would seem to undermine the collaborative approach currently being pursued through the Steering Group.

16. The Council has prepared a number of documents which aim to identify the areas which are appropriate for, sensitive to, and inappropriate for, tall buildings having regard to protected views, the settings of heritage assets and the impact on the WWHS. Surrounding London boroughs and the GLA have raised no issues regarding those documents. These studies, which have been amended following HE’s concerns, provide the basis for the policies within the Plan which aim to protect the setting of the WWHS.

17. The Government’s Planning Practice Guidance (PPG) states that the DTC is not a duty to agree, but local planning authorities should make every effort to secure the necessary co-operation on strategic, cross boundary matters. The evidence demonstrates that the Council has worked with the necessary partners in order to try to secure such co-operation. These processes are ongoing. The PPG also indicates that the co-operation should produce effective and deliverable policies on strategic matters. HE’s concerns relating to the content of the policies have largely been taken on board by the Council in its proposed modifications, and the detailed policies are expanded upon later in this report. The policies, as modified, together with the background documents, provide an effective and deliverable basis in which the issues relating to the WWHS, tall buildings and views will be considered in the Plan. Accordingly, I conclude that the Council has satisfied the DTC on strategic.

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4 EB08-20 Lambeth Tall Buildings Study 2014 FINAL, EB08-16 Brixton Tall Buildings Study 2014, EB08-17 to 19 Tall Buildings Maps, EB08-15 Tall Building Summary Table – Local Plan
cross-boundary heritage matters despite the lack of agreement at this stage to a setting study for the WWHS.

18. In conclusion therefore, the evidence demonstrates that the Council has worked with necessary partners upon matters of strategic importance and has ongoing processes and partnerships in place which indicates adequately that the DTC in relation to the preparation of the submitted Plan has been met.

Assessment of Soundness

Preamble

19. The Plan will replace the Lambeth Core Strategy 2011 and the remaining saved policies in the Lambeth Unitary Development Plan. It carries forward the spatial strategy, vision and strategic objectives of the Lambeth Core Strategy adopted in January 2011. However, some issues have been reviewed having regard to the Council’s Community Plan, the introduction of the Framework in 2012 and the adoption of the London Plan 2011 as modified by the Revised Early Minor Alterations (REMA) October 2013. These issues are: the approach to employment land; retail and town centre development; affordable housing; student accommodation and the vision and approach for Brixton and Vauxhall in the light of revised Supplementary Planning Documents (SPD) for those areas.

Main Issues

20. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified the following main issues upon which the soundness of the Plan depends.

Issue 1 - Whether the policies in the Plan comply with Government policy set out in the Written Ministerial Statement (WMS) of March 2015

Housing Standards

21. In March 2015 the Government altered its approach for the setting of technical standards for new housing. The aim is to introduce national standards in order to rationalise the existing system of differing standards set in development plans. The Government’s approach has subsequently evolved through the introduction of the National Productivity Plan in July 2015.

22. The submitted Plan includes a number of policies to which this revised approach applies. The WMS makes it clear that local authorities may set additional technical requirements exceeding the minimum standards required by Building Regulations in respect of access and water and optional nationally described space standards. However, authorities must justify the need for such policies and consider their viability implications. I am not satisfied that the relevant policies in the Plan have been adequately justified or subject to specific viability testing.

23. The Council points out that the policies are in conformity with the London Plan. However, the relevant London Plan policies were adopted prior to the

5 Planning update March 2015
introduction of the Government’s revised approach. The GLA are currently proposing Minor Alterations to the London Plan (MALP) which seek to update the relevant policies relating to housing standards in order to bring them in line with Government policy in the WMS. The Council has pointed to the needs and viability assessment work undertaken for the MALP in seeking to justify the policies put forward in the Lambeth Plan. But this assessment work has not been formulated for the policies in the Lambeth Plan, neither has it been consulted upon in that context. Furthermore, it has not yet been examined in relation to the MALP and has not therefore itself been found to justify the approach in the MALP. This evidence does not therefore provide the necessary justification or viability assessment for the policies in the Lambeth Plan.

24. Consequently, I am of the view that there are a number of policies in the Plan that do not comply with the Government’s revised approach and cannot therefore be considered to be sound. These policies are H5(a) (i) and (ii), H6(vi), EN4 (including modification LP142a), Q1(a) (ii) and part of (b).

25. The Council considers that deleting these policies from the Plan would result in a lowering of development quality in the borough. However, the Mayor has issued a ‘Housing Standards Policy Transition Statement’ (May 2015) which confirms that existing London Plan policies will apply until the end of September 2015. Thereafter, relevant London Plan policy and guidance in the Housing SPG should be interpreted by reference to the nearest equivalent new national technical standard. The new national technical standards will subsequently be adopted through the MALP. Thus, Lambeth can continue to apply existing London Plan policies and subsequently the national technical standards in line with the London Plan Policy Transition Statement. Once the MALP is adopted the revised London Plan policies will be applicable. As Lambeth intends to carry out an early review of this Plan to incorporate updated housing requirements, amongst other matters, it would be possible to introduce any necessary local policies relating to housing standards at that stage. These would then be subject to specific justification and viability assessment and can have regard to the updated policies in the MALP. Regard can also be had to the National Productivity Plan at that stage. I do not therefore agree that removing these policies from the Plan will necessarily result in a lowering of development quality in the borough.

26. I note that the Council has suggested modifications to the policies to bring the wording in line with the national standards, but that does not overcome the fundamental concern regarding the lack of clearly evidenced need and viability assessment. I therefore introduce further modifications to policies H5, H6 and Q1, and their corresponding justifications (which include deleting proposed modifications LP166 and LP107). These additional modifications are set out in Appendix 1 as MM INSP01, MM INSP02, MM INSP03.

27. The Council proposed modifications to policies EN3 and EN4 (Addendum 1 - LP142a) in anticipation of the Government’s housing standards review and the proposed modifications were consulted upon. The WMS says that, at present, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations. Policy EN3 sets such standards in accordance with London Plan policy 5.5. The MALP does not include modifications to policy 5.5. The existing policy EN3, which is more
onerous than the modified policy, was subject to viability testing and the Council has justified the inclusion of this policy in the Plan. As modified, I am satisfied that policy EN3 is in accordance with the Government’s new policy approach.

28. Policy EN4 does not comply with the Government’s revised approach in so far as it relates to the setting of standards for housing. I have therefore made further alterations to that policy. I have introduced the modifications to policies EN3 and EN4, consulted upon by the Council as ‘other modifications’, as Main Modifications to the Plan which are required in order to make the policies sound. These are modifications (MM LP142a). The modified policies including the further modifications are set out in Addendum 1 to Appendix 1.

**Parking standards**

29. The WMS also amends national planning policy, set out in the Framework, in relation to car parking and sets out concerns relating to the imposition of maximum parking standards. New text now to be read alongside paragraph 39 of the Framework states that local planning authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network.

30. Policy T7 includes a number of provisions which seek to control the level of parking including compliance with London Plan maximum parking standards. The Council says that the policy forms part of their sustainable transport strategy, set out in the Lambeth Transport Plan 2011. They have had regard to the need to ensure efficient use of land with higher density development in inner London; the availability of a good public transport system; the level of car ownership in the borough, which fell during the period 2001-11; and the need to reduce the use of high-emission vehicles to improve air quality in line with the Mayor’s Air Quality Strategy.

31. I have considered whether policy T7 should continue to refer to ‘maximum’ parking standards. The MALP proposes amending the London Plan parking policy in parts of Outer London to allow more generous parking standards. However, it retains maximum parking standards adjusted to allow for variations in public transport accessibility levels. I am satisfied that policy T7 as currently worded complies with existing London Plan policy. Having considered the Council’s views on the applicability of the changes put forward in the MALP to Lambeth I also consider that policy T7 would accord with the revised approach to parking set out in the MALP, as currently proposed. Any further alterations to the parking standards in the MALP once adopted could be addressed through the review of the Local Plan if necessary.

32. Having regard to the above, I am satisfied that policy T7 is justified and in accordance with national policy and the London Plan.

**Conclusion on WMS**

33. In conclusion, deletions and modifications referred to above are required in order to ensure that the Plan is sound and in compliance with Government policy set out in the WMS of March 2015.
34. Although the further modifications referred to above have not been consulted upon, the Council has expressed the view that there is little public benefit in consulting upon changes that are required in order to comply with Government policy and I agree with that view.

**Issue 2 – Whether the overall strategy and vision of the Plan is consistent with the aim of the Framework to contribute to the achievement of sustainable development**

35. The Framework states that Local Plans should set out the strategic priorities for the area, including policies to deliver homes and jobs; retail, leisure and commercial development; infrastructure and other facilities; climate change mitigation and conservation of the natural and historic environment. The Plan clearly does this. It also meets the requirements of paragraph 157 of the Framework, including the allocation of sites to promote development and identifying areas where development may be inappropriate. The Council has confirmed that they consider all of the policies in the Plan to be strategic in that they contribute to the strategic aims set out in the Plan. I agree that each of the policies in the Plan delivers one of the strategic priorities in the Framework, which are also the strategic aims in the Plan. There is no evidence to demonstrate that any of the policies are unrelated to these strategic aims.

36. Concerns have been expressed that this approach would not allow sufficient scope to accommodate the neighbourhood planning process. The Framework states that Neighbourhood Plans should support the strategic development needs of the Plan and shape and direct development that is outside the strategic elements of the Plan. Modification (**MM LP165**) is recommended to emphasize the encouragement for the neighbourhood planning process, including identifying a specific area, West Norwood, where a Neighbourhood Plan would be welcome (**MM LP193**). These modifications are a welcome addition to the Plan and will ensure that it is clearly in compliance with the advice in the Framework and the PPG. With these modifications, the approach of the Plan to neighbourhood planning and its strategic policies is appropriate and sound.

37. Some of the background documents that inform the policies in Section 11 of the Plan relating to 'Places and Neighbourhoods' are now of some age, but the Council assesses much of the information within these documents as still being valid and relevant. There is no substantive evidence to the contrary.

38. The Framework states that SPDs should not add unnecessarily to the financial burdens on development. The PPG adds that they should build upon and provide more detailed advice or guidance on the policies in the Local Plan. Clearly, there are circumstances where there is a specific local justification for expanding upon policy requirements within SPDs. However, in this case, the Plan seeks to devolve the detail of charging approaches for financial contributions to SPDs. In order to ensure that this does not add unnecessarily to the financial burdens on development, modifications to the Plan (**MMs**

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6 Paragraph 156  
7 ED56  
8 Paragraph 16  
9 Paragraph 153
LP22, LP168, LP169, LP170, LP171, LP173, LP172, LP176) are recommended to incorporate the charging approaches into an annex of the Plan. This enables the Plan to be easily read without reference to other documents. These modifications will ensure that the Plan complies with the Framework and PPG in this respect.

39. The Plan includes specific site allocations where these add information to other policies in the Plan. The additional information includes a set of descriptors for each of the identified sites which set out the preferred use, design principles and key development considerations. In order to ensure that the Plan is clear and therefore effective, a modification (MM LP48) is recommended to clarify that the information relating to the identified sites should be read as policies in the Plan.

40. Paragraph 173 of the Framework is concerned, in part, with ensuring that the costs of policy requirements should not unnecessarily burden development so that their viability is threatened. The Plan’s tendency to require the submission of assessments of various kinds is in conflict with this advice. In some cases the requirement for assessments is clearly necessary, particularly where only the applicant can demonstrate that the application complies with a policy. However, in other cases, self-assessments are unnecessary because the local authority would have its own expertise and would make its own appraisal in any event.

41. The Council has reviewed all the instances where the Plan seeks the submission of assessments. A number of modifications are recommended to remove the requirement for a self-assessment in many cases (MMs LP177, LP178, LP124, LP185, LP167, LP153, LP154). A further modification (MM LP119) is recommended to remove reference to design and access statements to reflect changes in the Town and Country Planning (Development Management Procedure) (England) Order 2013. With these modifications in place, I am satisfied that these policies in the plan would comply with the Framework and the up-to-date Regulations and would not be an undue burden on those making planning applications. MM LP215 removes the requirement for public art to be provided in development proposals. This is necessary to ensure the Plan is in accordance with advice in the Framework.

42. With the proposed modifications I conclude that the overall strategy and vision of the Plan is consistent with the aim of the Framework to contribute to the achievement of sustainable development and is sound.

**Issue 3 – Whether the Plan’s approach to housing is sound**

*Objectively assessed needs for housing and housing land supply*

43. The Plan notes (at paragraph 1.15) that the London Plan provides the spatial development strategy for London. Every London borough Local Plan must be in general conformity with the London Plan. Paragraph 5.1 of the Plan states that the policies in the Housing section of the Plan support the delivery of the London Plan housing target for Lambeth.

44. At the time of submission of the Lambeth Local Plan, London Plan policy 3.3 and its accompanying table set out the housing requirement for Lambeth for the period 2011-2021 as 1,195 dwellings per annum (dpa). At that stage, this
amounted to a total requirement of 17,925 dwellings to be provided in Lambeth over the Local Plan period. This is the housing requirement figure that is included in the submission version of the Plan. At the time of submission therefore the Plan was in general conformity with the housing requirement figures in the London Plan.

45. Paragraph 47 of the Framework, states that local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area. Paragraph 159, requires local planning authorities to prepare a Strategic Housing Market Assessment (SHMA) to assess their full housing needs. It also requires them to prepare a Strategic Housing Land Availability Assessment (SHLAA) to establish realistic assumptions about the availability, suitability and economic viability of land to meet the identified need for housing over the Plan period. However, it is important to note that the Framework states that local circumstances need to be taken into account.

46. This figure included in the Local Plan was based on the 2009/2010 South West London SHMA\textsuperscript{10} and the London SHLAA and Housing Capacity Study 2009\textsuperscript{11}. The Council carried out a Housing Needs Assessment in 2012\textsuperscript{12}, but this was also based on the then London Plan housing requirement figure of 1,195 dpa.\textsuperscript{13}

47. The Council accepts that the housing requirement figure included in the Plan is an underestimate of the current housing requirements for Lambeth. It does not dispute that the Plan does not determine what the up-to-date objective assessment of need is. However, the Local Plan does not seek to set the housing requirement figure for the borough. Its role is to allocate sites, and provide policies to deliver, the spatial strategy set out in the London Plan, including meeting or exceeding the relevant housing target set for the Borough.

48. The Council has demonstrated that they have sufficient land to meet the requirement of 1,195 dpa over the Plan period.\textsuperscript{14} This figure is expressed as a minimum in the Plan and the Plan specifies that the Council will aim to meet and exceed the requirement. Whilst there has been a shortfall in housing delivery in two of the previous four years, the evidence demonstrates that this can be dealt with over the first two years of the Plan period. This is in accordance with the advice in the PPG to deal with this shortfall over the first five years of the Plan.

49. The Council can demonstrate sufficient land to provide a five year housing land supply, including the shortfall and a buffer of over 5%. As there is no evidence of a persistent under-delivery of housing, a buffer of 5% would be sufficient in accordance with the advice in the Framework. The housing trajectory\textsuperscript{15} and additional information provided by the Council\textsuperscript{16} demonstrates

\textsuperscript{10} EB03_02
\textsuperscript{11} EB03_01 & 01(a)
\textsuperscript{12} EB03_19
\textsuperscript{13} The HNA produced a housing requirement figure of 23,900 dwellings over the period 2011-2031, which equates to the London Plan housing requirement figure of 1,195 dpa.
\textsuperscript{14} SHLAA 2009 (EB03_01(a)), Housing Implementation Strategy (EB03_17), ED21, ED51.
\textsuperscript{15} Page 4 of the Housing Implementation Strategy (EB03_17)
that sufficient land to make up the shortfall, plus 5%, can be provided in years 1, 2 and 3 of the five year supply. In years 4 and 5 the evidence demonstrates that housing land supply would meet the target of 1,195 dpa plus 5%.

50. In March 2015 the Mayor adopted the Further Alterations to the London Plan (FALP). The FALP sets a higher housing requirement figure for Lambeth of 1,559 dpa. The Council is not in dispute with the GLA in relation to this higher figure.

51. Paragraph 1.17 of the Lambeth Local Plan states that the implications of the FALP will be addressed through an early review of the Plan following its adoption. The Council has confirmed their commitment to undertaking this early review of the Local Plan and work has already begun to inform this process. The Local Development Scheme (LDS)\textsuperscript{17} sets a timescale for publication of the early review in June 2016 and adoption by October 2017.

52. I have considered whether the Plan should include the higher FALP requirement rather than the lower London Plan figure. If I were to conclude that the Council should either use the higher FALP figure, or to carry out its own up-to-date SHMA and SHLAA, it would be necessary to suspend the examination in order to carry out and consult upon further work to determine need and allocate further sites. This would cause significant delay to the process and be contrary to the aims of the Framework to have an up-to-date Local Plan in place as quickly as possible. Furthermore, the housing market in London is locally distinctive and the FALP makes clear that, for planning purposes, London should be treated as a single housing market. It would not therefore be appropriate for Lambeth to set its own housing requirement outside of the London Plan context.

53. The PPG indicates that plans may be found sound subject to early review and in this case, I consider this to be a sensible and pragmatic solution to ensure that an up-to-date plan is in place in a timely manner. Whilst the GLA would prefer to have seen the FALP target reflected in the Local Plan, they accept the importance of having an up to date Local Plan in place and acknowledge the Council’s strong commitment to undertaking an immediate partial review of the Plan.

54. In this way the higher housing need identified in the FALP will be incorporated in an updated plan at the earliest opportunity. In the interim, the Local Plan will provide the basis for delivery of housing, with the aim of meeting and exceeding the previous London Plan requirement. It will deal with the shortfall from previous years in the first two years of the Plan and will provide a five

\textsuperscript{16} EDS1 and Addendum
\textsuperscript{17} SD14
year supply of sites plus a surplus of 5% to provide choice and competition in
the market for land in accordance with the Framework.

55. In coming to the above conclusions I have had regard to two recent
judgements: Gladman Development Limited and Wokingham Borough Council
[2014] EWHC 2320 (Admin) and Grand Union Investments Limited and
Dacorum Borough Council [2014] EWHC 1894 (Admin). Whilst the
circumstances in this Plan are not directly comparable, these judgements have
material similarities to the matters before me in the consideration of the
soundness of this Plan.

56. Finally, the Plan states, at paragraph 5.2, that housing is a priority land use.
Thus all sites, other than those specifically protected for other uses, are
deemed to be suitable for housing development. Only strategic sites or those
where there is a need for further advice are therefore specifically allocated in
the Plan. Having regard to this, and the evidence on the five year housing
land supply set out above, there is no need to allocate further sites in the
Plan.

57. Having regard to all of the above matters, I conclude that the Council’s
approach to housing provision in the Plan is sound.

Affordable housing and viability

58. The Housing Needs Assessment\(^\text{18}\) sets out the continuing need to provide
affordable housing in Lambeth. The need is quantified as forming over 70% of
the total housing requirement. In line with the advice in the Framework,
policy H2(a)(i) of the Plan seeks to ensure that, on sites of 10 or more homes,
at least 50% of units should be affordable where public subsidy is available, or
40% without such a subsidy.

59. The impact of this level of affordable housing, together with other policy
requirements, on viability has been assessed through the Council’s Viability
Study\(^\text{19}\), subsequent updates\(^\text{20}\) and the Council’s evidence to the
examination\(^\text{21}\). The viability assessment uses the concept of Existing Use
Value (EUV) as the Benchmark Value below which schemes will not be viable.
Residential sales values have increased dramatically in Lambeth over the
period since the initial report was prepared in February 2013, whereas build
costs have not increased to a corresponding level. The update carried out in
July 2014\(^\text{22}\) incorporates these increases. As a consequence, the updated
report indicates that more schemes become viable with the proposed level of
affordable housing. Concerns were expressed that the EUV should increase by
a corresponding amount, as the price that a vendor would expect for the land
has also increased. That is not the correct approach in my view as
landowners’ expectations need to have regard to the impact of policies which
seek to provide necessary infrastructure and affordable housing. Furthermore,
the Council points out that the Benchmark Value is based on commercial use
values which have not seen a similar rise.

\(^{18}\) EB03_19
\(^{19}\) EB11_01
\(^{20}\) EB11_01(a) & (b)
\(^{21}\) EDB3
\(^{22}\) EB11_01(b)
60. I am satisfied that the evidence demonstrates that the affordable housing target, alongside the CIL rates (both Mayoral CIL and Lambeth’s CIL) will not compromise the delivery of the housing strategy in the Local Plan. I note that the viability assessment included the costs of meeting the requirement for Code for Sustainable Homes (CHS) Level 4. The CSH has since been withdrawn by the Government. However it was demonstrated that the costs included for CSH Level 4 in the assessment were equivalent to the cost of Zero Carbon Homes, thus taking account of the Government’s housing Standards Review and policy now set out in the WMS of March 2015. Following the subsequent introduction of the National Productivity Plan in July 2015, the requirement for Zero Carbon Homes will no longer apply. These changes are likely to lead to improved viability of development as these costs will no longer need to be factored in.

61. Policy H2(d) requires the submission of a financial appraisal where affordable housing provision is less than the specified policy requirements. It has been argued that this is burdensome for developers. However, it ensures that the policy contains an appropriate degree of flexibility to accommodate changing market conditions and site specific matters which may impact on viability.

62. Concern has been expressed that the criteria the Council uses to assess viability should be transparent, in accordance with the advice in the PPG that viability assessments should be ‘open-book’. The Council states that whilst it does seek ‘open-book’ negotiations with developers, it is necessary for them to have regard to commercial confidentiality. This is a matter of judgement for the Council in its handling of planning applications. I do not consider that the absence of such a clause in the policy renders it unsound.

63. Policy H2 together with its justification introduce the concept of a review mechanism to capture any uplift in value due to delayed implementation or phased build out of major schemes. The PPG confirms that changes in value and costs can be considered where a scheme requires phased delivery and this mechanism is also in line with London Plan policy 3.12 B which indicates that re-appraisals can be appropriate in order to take account of economic uncertainties or phased developments. Such mechanisms are also referred to in the London Plan Housing SPG 2012.

64. The Council has provided local justification\textsuperscript{23} for the use of such review mechanisms. They are only triggered when a scheme achieves a normal level of profit. Beyond that normal profit level, in-lieu payments are funded from the ‘super-profit’ that schemes generate thereafter. The Framework and PPG seek to ensure that viability of sites is not threatened by the impact of S106 requirements, including contributions towards affordable housing. However, the Council only ever requests 50% of the ‘super-profit’ in affordable housing contributions and only seek to make up the shortfall to the equivalent of 40% affordable housing (or 50% with subsidy) set by policy H2. Accordingly, the review mechanism would not threaten scheme viability; indeed it allows developments which provide a lower level of affordable housing than the policy requirement to be supported. Given the volatility of the housing market in London and the significant requirement for affordable housing in the borough, it is reasonable for the Council to ensure that an appropriate level of

\textsuperscript{23} ED56
affordable housing is provided once the scheme viability is able to accommodate it. In this way the policy will ensure that developments meet the aim expressed in the Framework of contributing to the creation of sustainable, inclusive and mixed communities. It also accords with the advice in paragraph 50 of the Framework that policies for affordable housing should be sufficiently flexible to take account of changing market conditions.

65. Modifications (MMs LP200 & LP201) alter the wording of the policy and justification in order to ensure that the concept of a review mechanism is contained in the policy rather than simply in the reasoned justification as originally proposed. This will ensure that the policy is effective. I have altered the wording of modification LP201 in order to introduce some flexibility in its application.

66. Policy H2(a)(ii) requires a financial contribution towards off-site affordable housing on sites providing fewer than 10 units. In December 2014 the Government issued a WMS to the effect that affordable housing contributions should not be sought for developments of 10 units or less. However, in the light of R (West Berkshire District Council and Reading Borough Council) v Secretary of State for Communities and Local Government [2015] EWHC2222 (Admin) that WMS is no longer a material consideration in the exercise of powers and duties under the Planning Acts. Whilst representors had raised concerns regarding the viability of this policy, that matter is addressed in the Council’s viability evidence as set out above. This part of policy H2 is adequately justified by the evidence and has been the subject of consultation during the draft and submission stages of the Plan. It is in accordance with the Framework’s advice to set policies for affordable housing to meet need in the area. Should the Government’s policy on this matter change following adoption of this Plan, it would be open to the Council to incorporate an updated policy in the Local Plan review if they consider that to be an appropriate course of action.

67. Modifications (MMs LP133 and LP133a) are recommended to delete references to the Tenancy Strategy and rental levels in policy H2 and its justification. This overcomes the GLA’s concern that the Tenancy Strategy is not a formal planning policy and runs contrary to the REMA which states that boroughs should not seek to cap affordable rent levels. This modification is necessary in order to ensure compliance with the London Plan.

68. With the modifications identified above, I conclude that the approach to affordable housing in policy H2 is sound.

Gypsy and traveller site provision

69. Policy H10 relates to gypsy and traveller accommodation. The Plan states that the Council intends to undertake a new assessment of need for accommodation for gypsies and travellers and bring forward a separate Gypsy and Traveller DPD in accordance with a timescale set out in their updated LDS. Since the submission version of the Plan was prepared, the Council has carried out the updated Gypsy and Traveller Accommodation Needs Assessment (GTANA). This was published in June 2014.
70. There is an existing public gypsy site in Lambeth, currently holding 15 pitches. The GTANA sets out a total requirement for 11 additional pitches over the next 15 years. Of these, there is a current identified need for 3 pitches from concealed households. The study identifies an available supply of 2 existing empty pitches (where there is no licence holder) and 1 additional pitch which is being added to the site to address the needs of one of the concealed households. It is therefore anticipated that the existing need identified in the GTANA will be provided for in the first 5 years of the Plan period. The remaining identified need for 8 pitches has been extrapolated over the next 15 years giving a further need for 2 pitches in the period 2014-2018, 3 pitches in the period 2019-2023 and the remaining 3 pitches in the period 2024-2030. The Plan, through policy H10, safeguards the existing gypsy site. It also states that the Council will seek to identify a new site to meet the accommodation needs of gypsies and travellers over the lifetime of the Plan. However, it does not include pitch targets nor does it meet the requirements of PPTS to identify a supply of specific deliverable sites sufficient to provide five years’ worth of sites against their locally set targets. Nevertheless, I consider that this is not surprising given the timing of the publication of the submission version of the Plan compared to the publication of the GTANA.

71. On the basis of the GTANA there is therefore a need for a further 2 to 3 pitches to be provided in the next 5 year period. The LDS indicates that the Gypsy and Traveller DPD will be published in June 2016 with a current adoption date of late 2017. If the Council adhere to this timetable, it is likely to be able to meet that identified need.

72. At the present time the Council is working in partnership with neighbouring boroughs on the approach to site provision. In addition, it is actively considering sites within Council and private ownership which may form potential future allocation(s). A possible re-design of the existing site at Lonesome Way is also being considered in order to provide a greater number of pitches. I am therefore satisfied that the Council is actively pursuing options to meet the identified need. The progress that has been made to date in undertaking the GTANA demonstrates that the Council is taking its responsibilities in relation to the need to plan for gypsy and traveller site provision seriously.

73. The London Plan says that boroughs are best placed to assess the needs of travellers and make provision for these groups. It requires boroughs to set the targets for provision based on robust evidence of local need. These targets, and the robustness of the evidence on which they are based, will be tested through the process of consultation on, and public examination of, local plans. This is also the approach advocated in Planning Policy for Traveller Sites.

74. On the basis of the evidence before me I consider that the Council has demonstrated that it is able to meet the existing need for pitches and that it is actively pursuing options for meeting its future identified need. In the interim, before further site allocation, policy H10 safeguards the existing site within the borough and provides a basis for dealing with any applications for sites which may also come forward. This approach is sound. Modifications (MM LP197, LP198, LP199) are necessary to ensure that the policy and its justification comply with advice in PPTS.
**Other housing policies**

75. Policy H6 seeks to protect family sized housing from conversion in certain circumstances. Concern was expressed that the application of a similarly worded policy in the Core Strategy has not been sufficiently flexible to allow conversions where properties have been empty for a long period of time or where the conversion seeks to provide affordable housing. Modification (MM LP212) will enable the policy to be applied more flexibly in this respect.

76. Policy H7 relates to student housing. Modifications (MM LP195 and LP196) are required to ensure that the policy is not unduly restrictive. It was argued that there is no need for 10% of the rooms within student housing to be wheelchair accessible. However, no quantifiable evidence was provided to support this statement. The requirement is in line with London Plan policy and there is no evidence to demonstrate that it is unsound. Nevertheless, modification (MM LP87) is recommended to make clear that such units can be either wheelchair accessible or easily adaptable for occupation by a wheelchair user. This will introduce greater flexibility into the application of the policy.

77. Overall I conclude that, subject to the proposed modifications (and apart from those housing policies dealt with elsewhere in this report) the policies in the housing chapter of the Plan are sound.

**Issue 4 – Whether the Plan’s approach to economic development, retail and town centres is sound**

78. The policies relating to economic development, retail and town centre uses set out a spatial approach based on Key Industrial and Business Areas (KIBAs), the London Plan Central Activities Zone (CAZ), the London Plan Opportunity Areas and a hierarchy of major, district and local town centres. The KIBAs are the Locally Significant Industrial Sites as defined in the London Plan and are protected under policy ED1. The Council’s approach is justified by the background documents including the Employment Land Review24. The London SPG on Land for Industry and Transport25 identifies Lambeth as an area of ‘restricted transfer of industrial land’ where the Council is encouraged to adopt a restrictive approach to the change of use from industrial purposes to other uses.

79. Policy ED2 relates to business, industrial and storage uses outside KIBAs. Modification (MM LP149) is necessary to make the policy clear in its application by removing reference to exceptional circumstances to be demonstrated for the loss of floorspace from employment uses. This is in line with advice in the Framework that only policies that provide a clear indication of how a decision-maker will react to a development proposal should be included in the plan. It also ensures that the policy avoids the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose in accordance with paragraph 22 of the Framework. Similarly, modifications are recommended to policies ED3 (MM LP217) and ED4 (MM LP150) to ensure, respectively, that the criteria for the change of use of offices and those relating to work-live units are not unduly restrictive and are applied flexibly in the case of ED4.

24 EB04_05
25 RD_03
80. Policy ED6 seeks to support town centres while ED7 relates to the evening economy. Modifications (MMs LP38, LP152 and LP39) are recommended to clarify the extent to which the policies apply to uses within the CAZ and CAZ frontages. These are required to ensure that the policies are effective and do not unduly restrict uses in the wider CAZ. Modification (MM LP151) removes unnecessary prescription from policy ED6. Policy ED14 sets out the Council’s support for employment and training schemes. Modification (MM LP134) makes clear that planning obligations will be used to ensure that local people are offered the opportunity to fill job opportunities and apprenticeships in major developments. This modification will ensure that the policy is effective.

81. Policy ED7 seeks to restrict hot food takeaway establishments within 400m of schools in order to help tackle the health implications of childhood obesity. I am aware that Inspectors have held varying views in relation to the acceptability of such policies in Local Plans elsewhere. However, the PPG confirms the link between planning and health and wellbeing and promotes the consideration of means to support people of all ages to make healthy choices. The policy would help in this aim and the local evidence\(^{26}\) supports such a restriction in this case.

82. Subject to the modifications identified above, I am satisfied that the policies relating to economic development, retail and town centre uses are justified by the evidence base and are sound.

**Issue 5 – Whether the Plan’s approach to Social Infrastructure, Transport and Communications is sound**

83. I am satisfied that the policies for the provision and safeguarding of social infrastructure, which include community uses and schools, do not raise any fundamental issues of soundness. There is one exception to this and that relates to policy S2. The policy sets out the circumstances in which the use of residential accommodation for nursery or childcare use may be acceptable, but also indicates that this will only be allowed in ‘exceptional’ circumstances. Modification (MM LP164) removes the term ‘exceptionally’, thus ensuring that the policy is not unduly restrictive. It also ensures that the policy complies with paragraph 154 of the Framework that requires only policies that provide a clear indication of how a decision maker should react to a development proposal to be included in the Plan.

84. The policies relating to transport and communications contain generic requirements relating to all types of development regardless of size and impact on the transport system. A number of modifications (MMs LP155, LP156, LP157, LP161, LP160, LP158, LP159) are recommended in order to make the policies clearer and more focussed on the transport impact of development. These modifications are necessary to ensure that the policies accord with the advice in the Framework and are not unduly restrictive. A modification (MM LP92) is recommended to policy T4 to ensure that it clarifies the areas where improved bus services will be sought. This also ensures that the policy is consistent with proposals for the Albert Embankment set out in policy PN2 (k).

\(^{26}\) EB05_04, EB05_13 and EB05_16
85. Policy T10 sets out the Council’s approach to telecommunications equipment. A modification (MM LP163) is necessary to ensure that it complies with the advice in the Framework.

86. Subject to the modifications identified, the approach of the Plan to social infrastructure, transport (other than policy T7 which is dealt with elsewhere in this report) and communications is sound.

**Issue 6 – Whether the Plan’s approach to Environment, Green Infrastructure and Waste is sound**

87. The Council’s approach to the natural environment and open spaces is set out in Section 9 of the Plan. The approach to open spaces is based on the Lambeth Open Spaces Strategy27. Policy EN1 seeks to protect and maintain open space. The title and some of the wording in the policy should be modified to specifically refer to biodiversity (MM LP146). This will ensure that regard is had to biodiversity considerations in development proposals. Further wording changes (MM LP145) are recommended to ensure that the policy complies with advice in the Framework relating to protection of open space. Representors have expressed concern relating to the loss of open space on housing regeneration projects where the housing estate is in Council ownership. A modification (MM LP147) is recommended to the wording of the justification to clarify that open space can be redeveloped where it is of little value or there are other benefits to its redevelopment. A further modification (MM LP148) is recommended to the Plan to confirm the use of CIL receipts rather than S106 contributions. Both modifications provide useful clarification making for an effective policy. As modified, the policy causes no concerns in relation to soundness.

88. The London Plan requires each London borough to allocate sufficient land and identify waste management facilities to provide capacity to manage the amount of waste apportioned to it through the London Plan. The Council aims, through policy EN7, to protect existing sites in waste management or transfer use, but these do not have the capacity to manage the amount of waste apportioned through the London Plan. The shortfall in capacity amounts to 2.8 hectares (ha) by 2031. However, Lambeth’s waste apportionment has been reduced in the FALP. The FALP apportionment figures are now 222,000 tonnes per annum (tpa) by 2036, compared to 313,000 tpa by 2031 in the London Plan. This results in a reduced shortfall in land to meet the updated requirement of 1.6 ha by 2036.

89. The Council has undertaken an assessment of locations and sites for additional waste management facilities in the borough and this is set out in the Waste Evidence Base28. This aims to justify the approach in the Plan not to allocate sites for future waste management use but to identify broad locations within the KIBAs, 14 of which are seen to be particularly appropriate for such uses. Representatives of the waste industry are supportive of this approach as they would prefer a choice of sites within an area, rather than being restricted to certain allocated sites which may not suit their operational needs. Nevertheless, as this fails to conform with the London Plan requirement to

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27 EB06_1, EB06_9, EB06_10
28 EB06_03
allocate sites, and as the GLA objected to the Plan on this basis, I have concerns regarding the soundness of this approach.

90. The Council is currently discussing the potential to pool apportionments with other London boroughs, as they expect there to be significant surpluses in capacity in some parts of London as a consequence of the revised apportionment figures. In order to rectify the soundness issue, a modification (MM LP204) is recommended. This confirms the Council’s intention to defer the allocation of sites for waste to the early partial review of the Local Plan or a separate Waste Management Local Plan. The timescale for this is set out in the LDS. In the meantime, the Council will monitor and manage the use of the 47 hectares of safeguarded KIBA land to ensure that at least 4 hectares remains available to allow for the allocation of sufficient land for waste in the early review.

91. Whilst this does not deal with the shortfall in the waste apportionment at this stage, it is a pragmatic approach to dealing with this matter. The alternative would be to carry out further work at this stage with the view to allocating sites. This would cause considerable delay in taking the Plan through to adoption and would be contrary to the Framework’s aim of having an up-to-date plan in place. It may also be futile work having regard to the ongoing cooperation with other London boroughs. The PPG advises that local plans should identify ‘suitable sites and areas’ for the provision of waste management facilities. The Plan accords with this advice in safeguarding existing sites and identifying and monitoring areas where waste uses would be suitable. The GLA have confirmed that this modified approach overcomes their objections. On balance therefore, I conclude that this modified approach is appropriate in the circumstances and the modifications identified above are necessary to ensure the soundness of the Plan.

**Issue 7 – Whether the Plan’s approach to the Built and Historic Environment is sound**

92. The Framework sets out the need for local planning authorities to plan positively for the achievement of high quality, inclusive design. The Council’s policies relating to the quality of the built environment are based on an understanding and evaluation of the area’s defining characteristics in accordance with advice in the Framework. However, in order to ensure compliance with the Framework’s advice that design policies should avoid unnecessary prescription or detail and to ensure flexible application of policies, a number of modifications (MMS LP179, LP180, LP183, LP57) are recommended. Modification (MM LP184) is also necessary as it removes repetition between policies.

93. The Framework states that local planning authorities should set out a positive strategy for the conservation and enjoyment of the historic environment. The Plan includes a policy, Q18 Historic Environment Strategy, which sets out the Council’s approach to the conservation of heritage assets. However, in accordance with advice in paragraph 153 of the Framework that plans should only contain policies which provide a clear indication of how a decision maker should react to a development proposal, a modification (MM LP186) is recommended to convert the text of this policy into the justification.
94. Whilst the Council indicates that further work will be carried out on its heritage strategy (MM LP186 and LP60), the policies contained in the Plan (as modified), supplemented by the background documents, ensure that the Plan is in compliance with the advice in the Framework regarding the conservation and enhancement of the historic environment.

95. HE expresses concern, as outlined earlier in this report, regarding the potential impact of development, particularly of tall buildings, on the setting of the WWHS, on other heritage assets and on protected views. The Plan includes a specific policy Q19 requiring development to preserve or enhance the features which contribute to the OUV of the WWHS.

96. Modifications (MMs LP64, LP126, LP65, LP66) strengthen and clarify the wording of policy Q19 and its justification to ensure that proper regard is had to the setting of the WWHS, in accordance with the Framework, the London Plan and its Supplementary Planning Guidance. A number of modifications (MMs LP178, LP79, LP61, LP68, LP69, LP67, LP71, LP70, LP72, LP187, LP127, LP73, LP74, LP128, LP129, LP75, LP76, LP51) are recommended to strengthen and clarify the policy advice relating to the historic environment. These will ensure that the policies are effective and will achieve the aims of the Framework.

97. The London Plan, policy 7.7, requires local authorities to identify areas which are inappropriate, sensitive to and appropriate for tall buildings. The Plan includes policy Q26 which states, amongst other things, that tall buildings will be supported where they are located “within areas identified as suitable for tall buildings”. The justification to the policy refers to the London Plan Opportunity Areas of Vauxhall, Albert Embankment and Waterloo. It also refers to the Tall Buildings in Brixton study and the Mayor’s Vauxhall Nine Elms and Battersea OAPF and Waterloo OAPF. I have concerns that this policy is not sound as drafted as it fails to reflect the requirements of policy 7.7 of the London Plan and, in failing to identify the relevant areas, will not be effective.

98. The background documents identified above, together with the Lambeth Tall Buildings Study30, aim to identify the relevant areas having regard to, amongst other things, protected views and the impact on the WWHS. The Lambeth Tall Buildings Study and the Brixton Tall Buildings Study31 have both been amended during the course of the examination, partially in an attempt to overcome the concerns expressed by HE. A number of modifications to the Plan (MM LP218, LP219, LP189, LP49, LP50, LP202, LP203, LP190) are recommended in order to ensure that the policies reflect the background documents. Maps have been incorporated into the Plan to identify areas that are inappropriate, sensitive to, and appropriate for tall buildings. These are required in order to reflect policy 7.7 of the London Plan and to ensure that policy Q26 is effective.

99. The Council has proposed the inclusion of the conclusions from the Tall Buildings Studies in an annex to the Plan. However, taking on board comments made during the consultations on the modifications, I do not

29 London’s World Heritage Sites – Guidance on Settings (Document RD02)
30 EB08-14 Tall Buildings Study Final Version as Amended September 2014
31 EB08-16 Brixton Tall Buildings Study Final 2014
consider that the inclusion of the conclusions of the studies into an annex in the Plan is necessary. Accordingly, the conclusions of the Tall Buildings Studies should be deleted from Annex 11 of the Plan. I have made a further alteration to MM LP190 and to proposed Annex 11 of the Plan to reflect this.

100. Representors have variously sought both a more restrictive and a less restrictive approach to tall buildings in the borough. This highlights the often controversial nature of the issue within central London and the competing factors to be taken into account. HE remains concerned regarding the conclusions of the Tall Buildings Studies and the lack of a setting study and impact assessment. HE consequently does not support modifications LP218, LP189 and LP49 which make reference to the Tall Buildings Studies and the annex to the Plan incorporating the conclusions from the studies (Annex 11). HE also raises a number of detailed concerns regarding the Tall Buildings Studies.

101. The PPG states that the Local Plan evidence base needs to be proportionate. The Tall Buildings Studies provide a robust description of the relevant considerations and responds by identifying areas which will be seen to be inappropriate for and sensitive to tall buildings. Having regard to the particular sensitivities relating to the WWHS, strategic and local views, no areas are identified as appropriate for tall buildings in the Plan. It is clear from the documents that 'sensitive' does not equate to a tall building necessarily being suitable, but that further detailed assessment will be required. Policy Q26 allows for judgements to be made on a case by case basis following a set of clear criteria. What the policies cannot do is to set out every circumstance in which tall buildings will or will not be acceptable.

102. Whilst I accept that further modifications could be made to the studies, I do not consider that these are essential in order to justify the policies in the Plan. As modified the policies relating to tall buildings, views and the setting of the WWHS and other heritage assets provide an effective framework for considering development proposals. They aim to strike a balance between the need for development to meet the needs of the area whilst protecting heritage assets and important views. The policies, as modified, provide clarity but also provide flexibility. They comply with the London Plan, the Framework and PPG advice, and are capable of effective implementation, thus protecting important views and settings.

103. HE’s concerns at the lack of a setting study for the WWHS, and the need for visual impact assessment for the Waterloo area, remain outstanding. However, HE suggests that these matters could be dealt with by the production of an Area Action Plan. This is a matter for the Council to consider. I am of the view that the policies in the Plan, as modified, and the background documents, together with the London Plan policies and advice will provide a sound basis for considering the issues surrounding the WWHS, tall buildings and views. I am also mindful that the preparation of a setting study and/or visual impact study will require significant consultation and collaboration with other bodies. This would be a substantial piece of work which would take some considerable time to complete. If I were to find the Plan unsound on this basis, there would be a significant delay incurred to its adoption. This would be contrary to the Framework’s aim to have up-to-date adopted plans in place as quickly as possible.
104. HE has also raised concern that the full Statement of Universal Value for the WWHS has not been included in the Plan. Instead the Council has included the Statement of Significance from the ICOMOS website. However, the SOUV is a lengthy document and the Council point out that there is already a dedicated UNESCO website, a London-wide SPG and a site-specific Management Plan covering the WWHS. I have considered whether this more detailed document should be included in the Plan but I do not consider that it is necessary to ensure soundness.

105. In relation to other policies in this section of the Plan (Section 10) a modification (MM LP182) is recommended to provide clarity in the application of policy Q9, in so far as it relates to designated habitats. Modifications (MMs LP55, LP59) to policies Q16 and Q17, relating to shopfronts and signage, are recommended to provide additional clarity in the criteria for assessment of advertisements. Whilst concerns have been raised that these policies are overly restrictive and go beyond the scope of the advertisement Regulations, I am satisfied that the policies are adequately justified by the evidence base. The Council is able to exercise its powers under the Regulations only in the interests of amenity and public safety. The policies do not go beyond this remit; they set out the Council’s interpretation of ‘amenity’, which, in accordance with the Regulations, can include the general characteristics of the locality and features of historic or architectural interest. I conclude that policies Q16 and Q17 are sound as modified. MM LP162 incorporates a modification to policy Q26 to ensure that regard is had to the possibility of tall buildings interfering with broadcast services, in accordance with advice in the Framework relating to high quality communications infrastructure.

106. On the basis of the above, I conclude that the approach of the Plan to the built and historic environment is sound, subject to the proposed modifications.

Issue 8 – Whether the policies in the Plan relating to identified Places and Neighbourhoods are sound

107. Section 11 of the Plan sets out policies for places and neighbourhoods covering eleven different parts of the borough within the strategic framework set by the policies in the preceding sections of the Plan. The policies in section 11 are derived from various background documents. The policies do not cover every part of the borough, but focus on areas of significant growth or change. The Plan adequately explains how this section is to be read together with the borough-wide policies in earlier sections.

Waterloo and Vauxhall

108. Waterloo and Vauxhall are key parts of central London forming a focus for growth and development supporting the London Plan Opportunity Areas. Both areas have adopted Supplementary Planning Documents in place which provide the local justification for policies PN1 and PN2.

109. There is inevitably some overlap between the issues raised by the policies in

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32 Town and Country Planning (Control of Advertisements)(England) Regulations 2007 (as amended)
33 EB08-13 Lambeth Local Distinctiveness Study, EB08-05 Conservation Area Statements, EB09-07 Vauxhall Area SPD January 2013
section 11 of the Plan and those in earlier sections. This is particularly the case in areas such as Waterloo (covered by policy PN1 and sites 5 – 9) and the earlier policies relating to tall buildings and views. Consequently, the need for modifications (MMLP49, LP50, LP202, LP51 and LP203) has been explained above. Modification (MM LP33) introduces flexibility into the policy relating to site 9, in order to overcome concerns at the overly restrictive nature of that policy.

110. Policy PN2 and sites 10-13 cover the Vauxhall area. This is part of the Mayor’s Vauxhall, Nine Elms and Battersea (VNEB) Opportunity Area Planning Framework (OAPF). Concerns have been raised regarding the heights of buildings deemed to be acceptable in the area by virtue of PN2(o). This has been the subject of much debate through the development of the planning guidance for the area in various documents over a number of years and through planning applications and appeals. A modification (MM LP53) to policy PN2(o) is recommended in order to more clearly identify the area which may be acceptable for buildings of around 150 metres in height. The modification also identifies the area’s sensitivity to tall buildings, in line with the amended Lambeth Tall Buildings Study. Flexibility in the application of the policy has also been introduced and references made to heritage assets and impact of tall buildings on views.

111. Some representors would have liked to see the policy state a maximum height of 150 metres which developments would only exceed in exceptional circumstances. However, such wording would be overly restrictive and would not allow for flexibility in its application. The policy as modified, together with the modified policies in section 10 of the Plan relating to tall buildings and views, provide an effective framework to enable the Council to assess development applications having regard to important views and settings.

112. The policy aims to facilitate the regeneration of the area to create a new district centre, part of which would involve the redevelopment of the bus station (site 13). Concerns have been expressed regarding the proposals for this site, in particular the removal of the gyratory, and consultation which has taken place. The Vauxhall SPD34, which was the subject of Sustainability Appraisal and consultation, forms part of the background evidence to support the policy and sets out the Council’s aim to improve the public transport, walking and cycling experience in the area whilst maintaining the effective transport interchange. A modification (MM LP9) is recommended to part (j) of PN2 to introduce more flexibility regarding whether and when the remodelling of the bus station takes place. With this modification, the policy sets out appropriate aspirations for the future development of the area whilst enabling a flexible approach which can take account of the views of the local community.

113. A modification is recommended (MM LP8) to PN2(j) to highlight the use of the Thames for transporting people and freight, in response to comments by the Port of London Authority. A modification (MM LP36) is also recommended to PN2(h) in order to ensure the proper consideration of water and wastewater infrastructure by developers. This has been included to overcome a concern expressed by Thames Water. I am satisfied that these modifications will

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ensure that the policy is effective in achieving sustainable development.

114. Further detailed comments were made regarding the specific proposals and the need for a district centre. However, I am satisfied that the policy is adequately justified by the background documents and that it promotes sustainable development in line with the Framework. None of the concerns expressed leads me to the view that the policy, as modified, is unsound.

115. Site 10 sets out policies and constraints for an identified site in Vauxhall. A modification is recommended to include reference to local views and cross-reference to policy Q25 (MM LP52). This modification will ensure effectiveness and consistency between the policies for this site and the more generic policies in the remainder of the Plan. Concerns were raised that the policy for site 10 was not consistent with the KIBA designation for the site. The Council proposed modification LP191 to bring the policy in line with other policies in the Plan seeking to protect the KIBA designs. However, having regard to the consultation response to this modification, I am satisfied that there is justification in this case for the policy to allow an exception to the KIBA designation in circumstances where it is demonstrated to be necessary to achieve an acceptable scheme. Accordingly, I am satisfied that the original policy wording provides a suitable method by which to balance the various designations and constraints on the site. It is adequately justified and the policy will be effective. Accordingly, modification LP191 is not necessary and I have deleted it.

116. With the proposed modifications, the policies relating to Vauxhall and Waterloo, together with other policies in the Plan, provide an appropriate framework for the future development of these areas.

West Norwood

117. Policy PN7 seeks to promote the role of West Norwood as a vibrant district centre. The policy takes on board the principles in the West Norwood Town Centre Masterplan. Whilst this document is now of some age and I understand that many of the projects within it have come to fruition, there is no evidence to suggest that its aims are not still valid for the area. Modifications are recommended to the policy to remove confusion regarding the role of the masterplan (MM LP192). In addition, modification (MM LP193) is recommended to make clear in the justification to the policy that the bringing forward of a neighbourhood plan to guide development in this area would be supported. These modifications will ensure that the policy provides a flexible and effective basis for guiding development in West Norwood. They will also ensure that local people will have the ability to shape and direct sustainable development in the area in accordance with advice in the Framework.

118. Representors have questioned the consultation process which took place before the masterplan was adopted, but that is not a consideration which affects the soundness of the Plan policy. Detailed comments have been made regarding the suitability of taller or landmark buildings within the policy. However, the policy contains sufficient flexibility to ensure that specific
proposals can be considered having regard to their impact on their surroundings. Concerns were expressed regarding the protection of sites within the KIBA, however, there is no evidence to suggest that the employment land evidence base, which informs the Council’s policies for the KIBAs, is flawed. The Council proposes other modifications to the justification to bring it up to date and take on board some of the detailed comments from representors. Whilst these modifications are useful clarification, they are not required in order to make the Plan sound and as such they do not form part of my Main Modifications.

119. With the proposed modifications, the policies relating to West Norwood, together with other policies in the Plan, provide an appropriate framework for the future development of this area.

**Issue 9 - Delivery, Monitoring and Implementation – Are the arrangements for monitoring and review of the Local Plan sound?**

120. Annex 08 of the Plan contains the Monitoring Framework. Indicators will be used to monitor the effectiveness of the Plan’s strategy and policies. All indicators will be monitored through the Lambeth Authority’s Monitoring Report. An additional indicator is to be added (MM LP205) to ensure the monitoring of the amount of KIBA land available for waste uses in accordance with the Plan’s strategy for dealing with the waste apportionment, as set out above. With this modification, the Monitoring Framework will be adequate and effective. Accordingly, this part of the Plan is sound.

**Assessment of Legal Compliance**

121. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

<table>
<thead>
<tr>
<th>LEGAL REQUIREMENTS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Development Scheme (LDS)</td>
<td>The Local Plan is identified within the approved LDS September 2015 which sets out an expected adoption date of September 2015. The Local Plan’s content and timing are compliant with the LDS.</td>
</tr>
<tr>
<td>Statement of Community Involvement (SCI) and relevant regulations</td>
<td>The SCI was adopted in April 2008 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed ‘main modification’ changes (MM).</td>
</tr>
<tr>
<td>Sustainability Appraisal (SA)</td>
<td>SA has been carried out and is adequate.</td>
</tr>
<tr>
<td>Appropriate Assessment (AA)</td>
<td>The Habitats Regulations AA Screening Report (February 2013) sets out why AA is not necessary.</td>
</tr>
<tr>
<td>National Policy</td>
<td>The Local Plan complies with national policy except where indicated and modifications are recommended.</td>
</tr>
<tr>
<td>Sustainable Community Strategy (SCS)</td>
<td>Satisfactory regard has been paid to the SCS.</td>
</tr>
</tbody>
</table>
Overall Conclusion and Recommendation

122. The Plan has a number of deficiencies in relation to 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 Act. These deficiencies have been explored in the main issues set out above.

123. The Council has requested that I recommend main modifications to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in Appendix 1, the Lambeth Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Susan Heywood
Inspector

This report is accompanied by Appendix 1 containing the Main Modifications.