

## **CABINET 13 SEPTEMBER 2021**

## **COUNCIL 22 SEPTEMBER 2021**

**Report title:** Revised Lambeth Local Plan

**Wards:** All

**Report Authorised by:** Eleanor Purser and Sara Waller, Strategic Directors for Sustainable Growth and Opportunity

**Portfolio:** Deputy Leader of the Council (Planning, Investment and New Homes): Councillor Matthew Bennett

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### **Report summary**

The Lambeth Local Plan is a key part of the Council's policy framework, contributing to implementation of Borough Plan objectives for sustainable growth and opportunity. It is part of the statutory development plan for the borough, setting the vision, spatial strategy and policies for growth and investment whilst supporting the principles of sustainable development. The Lambeth Local Plan provides the policy context for the Community Infrastructure Level Charging Schedule, which secures developer contributions for delivery of the infrastructure necessary to support the level of growth envisaged by the Local Plan.

Submission of the Draft Revised Lambeth Local Plan proposed submission version on 22 May 2020 triggered the start of formal examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government. This examination involved an assessment against legal and procedural requirements and consideration of the 'soundness' of the plan against four tests set out in national planning policy. This process included a public hearing in October-November 2020 and continued until the Inspector issued his final report in July 2021.

The Inspector's report concludes that the Draft Revised Lambeth Local Plan provides an appropriate basis for the planning of the borough, subject to inclusion of a number of 'main modifications' listed in the report. The Inspector has also confirmed that Lambeth has a five year housing land supply. The outcome of the examination of the DRLLP PSV is therefore positive and the Inspector accepted the Council's position on the majority of the issues scrutinised during the examination.

## **Finance summary**

The adoption of the Local Plan is estimated to cost approximately £25,000 in 2021/22 and will be funded from the current approved budget for the Planning, Transport and Sustainability directorate.

## **RECOMMENDATIONS**

### **Cabinet**

- (1) To recommend Council adopt the revised Lambeth Local Plan 2021, incorporating main modifications, at Appendix 3 and the Changes to the Policies Map at Appendix 4.

### **Council**

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## 1. CONTEXT

- 1.1 The Lambeth Local Plan is a key part of the Council's policy framework, contributing to implementation of Borough Plan objectives for sustainable growth and opportunity. It is part of the statutory development plan for the borough, setting the vision, spatial strategy and policies for growth and investment whilst supporting the principles of sustainable development. This includes to: increase housing supply; deliver more affordable housing; support growth in jobs and business; secure affordable workspace; provide employment and training opportunities for local people; regenerate and encourage investment in the borough's opportunity areas and town centres; deliver supporting infrastructure; achieve the highest quality in design and conservation of the built environment; protect and enhance residential amenity; and help secure Lambeth's low carbon future to mitigate climate change whilst adapting to its effects.
- 1.2 The Lambeth Local Plan provides the statutory policy context for the Community Infrastructure Level (CIL) Charging Schedule, which is a mechanism whereby developer contributions are secured from new development in the borough. CIL can be spent on the delivery of the infrastructure necessary to support the level of growth envisaged by the Local Plan.
- 1.3 The process for preparation of the Local Plan is set out in legislation.
- 1.4 In January 2020, Cabinet and Council agreed the Draft Revised Lambeth Local Plan proposed submission version (DRLLP PSV) for pre-submission publication between January and March 2020, to be followed by submission to government for examination. This followed public consultation on issues for the review of the Lambeth Local Plan between October and December 2017 and on a Draft Revised Lambeth Local Plan between October and December 2018. The timing of pre-submission publication was in part dictated by the need to wait for the outcome of the examination of the Mayor's London Plan, which was not known in full until December 2019.
- 1.5 Submission of the Draft Revised Lambeth Local Plan proposed submission version on 22 May 2020 triggered the start of the formal examination of the Plan by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government. This examination took place in accordance with the provisions of the Planning and Compulsory Purchase Act 2004 and involved an assessment against legal and procedural requirements and consideration of the 'soundness' of the plan against four tests set out in national planning policy. This process included a public hearing in October-November 2020 and continued until the Inspector issued his final report in July 2021.
- 1.6 Plans are 'sound' if they are considered by an inspector to meet the following tests:
  - a) 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 areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
  - b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

- c) 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,
- d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in [the National Planning Policy] Framework.

1.7 In London, local plans also have to be in general conformity with the Mayor's London Plan, that latest version of which is the London Plan 2021.

1.8 The legislation allows for three possible outcomes to the examination:

- The Inspector finds that the plan is sound and legally compliant as submitted: in these circumstances the Inspector must recommend that the plan is adopted;
- The Inspector finds that the plan is unsound and/or legally noncompliant as submitted, but that it is possible to make it sound and legally-compliant by making 'main modifications' to it. In these circumstances the Inspector must recommend the necessary modifications, if requested to do so by the Local Planning Authority (LPA). The modifications must relate directly to the reasons why the Inspector has found the plan unsound or legally non-compliant; or
- The Inspector finds the plan unsound and/or legally non-compliant as submitted, and that it is not possible to make it sound and legally compliant by making modifications to it.

## **2. PROPOSAL AND REASONS**

2.1 As is usual during local plan examinations, the Inspector for the Draft Revised Lambeth Local Plan asked a number of questions relating to the soundness of the Plan both before and during the examination hearing. In October 2020, the Council therefore asked the Inspector to recommend modifications of the document that would ensure it satisfies the requirements of section 20(5) (a) of the Planning and Compulsory Purchase Act 2004 and is sound.

2.2 During the examination, officers negotiated and proposed a series of modifications to the draft plan to address points raised by the Inspector. In January 2021, the Inspector identified which of these he considered to be 'main modifications'. These, plus a small number of main modifications proposed by the Inspector himself, underwent public consultation for six weeks following agreement by the Cabinet Member for Planning Investment and New Homes in February 2021. 41 responses to the consultation were received, which were sent to the Inspector for his consideration and published on-line in April 2021.

2.3 Having considered these consultation responses, the Inspector issued his report in July 2021. The Inspector's report concludes that the Draft Revised Lambeth Local Plan provides an appropriate basis for the planning of the borough, subject to inclusion of the main modifications listed in the report. These are the main modifications that underwent public consultation: the Inspector made only one amendment following the consultation, in response to a comment by the GLA (a factual correction to the text in the policy on tall

buildings at MM131); and he did not add any further main modifications. The Inspector's report, plus the final schedule of main modifications, are included in Appendix 1 of this report.

- 2.4 In accordance with the plan-making regulations, the Inspector's report was published on-line and made available for public inspection at the Civic Centre and in libraries and examination participants were notified.
- 2.5 The outcome of the examination of the DRLLP PSV is positive. Firstly, the Inspector has confirmed that Lambeth has a five year housing land supply, including the requisite ten per cent buffer to account for any fluctuations in the market, in accordance with NPPF paragraph 74. This means there are sufficient sites available in Lambeth to meet the London Plan housing target for the borough of at least 1,335 net additional dwellings per annum for the five years from 2019/20. This places the Council as local planning authority in a strong position to apply and defend all its Local Plan policies, including those protecting other land uses in the borough such as offices and industrial uses.
- 2.6 In addition, the Inspector has accepted the Council's position on the majority of the other issues scrutinised during the examination, including: the overall approach to affordable housing; key new housing policies such as on Build to Rent and estate regeneration; the approach to gypsies and travellers; the approach to older people's housing; the approach to Key Industrial and Business Areas; the policy on employment and skills; the overall principle of including a policy on affordable workspace; the policy on offices; all the policies on social infrastructure; the approach to protection of open space and Metropolitan Open Land; all the various aspects of policy addressing climate change mitigation and adaptation; the approach to waste management; all the transport policies including new aspects such as freight consolidation; and all of the policies on design and heritage, including the approach to tall buildings.
- 2.7 The Inspector has also supported the Council's proposed approach to dealing with the implications of the changes to the Use Classes Order introduced in September 2020, after the DRLLP PSV had been submitted for examination. This approach involves replacing references to old use classes with words describing the use ('office' rather than B1a, or 'retail' rather than A1 for example); and making clear the Council's intention to use planning obligations and/or conditions to limit uses within the new, very broad E use class, where appropriate and justified to achieve the objectives of the policies. In this way, the overall objectives of the policies remain. The Inspector has included all these changes as main modifications, because they post-date the submitted plan.
- 2.8 The issues on which the Inspector did not agree with the Council's position are limited in number and principally affect the following four aspects of policy:
  - Affordable housing on sites proposing fewer than 10 residential units (policy H2(a)(iv)) – the Inspector has deleted the requirement to secure payments in lieu of affordable housing for schemes of this size, because national planning policy now precludes this approach.
  - Large-scale purpose-built shared living (policy H13(a)(iii)) – the Inspector has deleted the clause that seeks to cap rents to be equivalent to those in the surrounding area, as

he considers this is contrary to the Secretary of State's letter to the Mayor of London dated 13 March 2020.

- Affordable workspace (policy ED2) – the Inspector has concluded that affordable workspace should only be applied to any uplift in office floorspace in major developments rather than to the gross quantum of office floorspace. This means affordable workspace cannot be secured from office refurbishments or from the re-provision of existing office floorspace, only from any net additional office floorspace created in those parts of the borough to which the policy applies.
- Hotels (policy ED14(c)) – the Inspector has replaced the proposed moratorium on further hotel development in Waterloo (proposed in response to the existing supply and concentration of hotels in that part of the borough) with a provision to support new hotels in Waterloo subject to consideration of harm to residential amenity and the mix and balance of uses in the locality.

2.9 The Inspector's recommendations have emerged from a lengthy and detailed examination process against the statutory tests of soundness and it is recommended that the Plan be adopted incorporating the Inspector's main modifications. The adoption of the Lambeth Local Plan gives the Council a strong basis to deliver its vision for sustainable growth and opportunity in the borough and a robust policy framework for determining planning applications. On adoption, the Local Plan will replace the Lambeth Local Plan 2015.

2.10 The version of the Lambeth Local Plan to be adopted is at Appendix 3: it is dated September 2021. This version is the DRLLP PSV January 2020 plus (a) all of the main modifications recommended by the Inspector in his report (included in Appendix 1 of this report); and (b) a series of additional modifications relating to factual updates, correction of typographical errors and renumbering of paragraphs (included in a schedule in Appendix 2 of this report).

### *Sustainability appraisal*

2.11 Local Plans and plan reviews must undergo a statutory process of sustainability appraisal, which incorporates the statutory requirements for Strategic Environmental Assessment and Habitat Regulations Assessment. A sustainability appraisal is a systematic process that aims to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.

2.12 The approach taken in Lambeth is to incorporate into this exercise equalities impact assessment and health and well-being impact assessment. The policies in the DRLLP PSV (including consideration of reasonable alternatives) were appraised against environmental, social (including health and equalities) and economic objectives. This was an iterative process, with an appraisal undertaken and consulted on at each stage of plan preparation and subsequently updated in light of the changes made to the draft plan to address consultation responses and sustainability appraisal recommendations.

2.13 The sustainability appraisal of the DRLLP PSV (including non-technical summary) was published alongside the draft plan itself, and was one of the suite of supporting documents submitted for examination.

- 2.14 An assessment was also undertaken of each of the proposed main modifications, considering them against the sustainability appraisal objectives described above. This assessment was published as part of the public consultation on the main modifications. No main modification was judged to be significant in the context of the sustainability performance of the Draft Revised Local Plan as a whole, so no changes were proposed to the original sustainability appraisal findings. There were also considered to be no impacts to sites protected under the Habitats Regulations Act.
- 2.15 The Inspector concluded that the requirements of sustainability appraisal and under the Habitats Regulations Act had been met in full and that “the ‘sustainability proofing’ of the Plan has been wide ranging and thorough” (Inspector’s report paragraph 40).

#### *Policies Map*

- 2.16 A local planning authority 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 local planning authority 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.
- 2.17 The Council submitted Proposed Changes to the Policies Map January 2020 alongside the DRLLP PSV. A small number of the modifications require consequential changes to the Policies Map. These have been incorporated into the final Changes to the Policies Map September 2021 included at Appendix 4.
- 2.18 Following adoption, officers will produce an updated Policies Map.

### **3. FINANCE**

- 3.1 The cost of adoption of the revised Lambeth Local Plan is estimated at approximately £25,000 to cover document production, printing and distribution, and will be funded from the current agreed budget for the Planning, Transport and Sustainability directorate.

### **4. LEGAL AND DEMOCRACY**

- 4.1 The recommendations in this report comply with the statutory requirements set out in the Planning and Compulsory Purchase Act 2004 and the regulations made under that act. Regard has been taken of the National Planning Policy Framework and the National Planning Practice Guidance.
- 4.2 This proposed key decision was entered in the Forward Plan on 19 July 2021 and the necessary 28 clear days’ notice has been given. In addition, the Council’s Constitution requires the report to be published on the website for five clear days before the proposed decision can be approved. Following publication of the Cabinet minutes, a further period of five clear days – the call-in period – must then elapse before the decision is enacted. If the decision is called-in during this period, it cannot be enacted until the call-in has been considered and resolved.

## **5. CONSULTATION AND CO-PRODUCTION**

- 5.1 The Plan has at various stages undergone public consultation as set out in paragraphs 1.3 and 2.2 above and reported to Cabinet in October 2018 and to Cabinet and Council in January 2020.

## **6. RISK MANAGEMENT**

- 6.1 Following the adoption of the Lambeth Local Plan, there is a statutory six week period for legal challenge. This risk has been managed by ensuring compliance throughout plan preparation with the procedures set out in legislation, national planning policy and guidance and the guidance provided by the Planning Inspectorate.

## **7. EQUALITIES IMPACT ASSESSMENT**

- 7.1 An equalities impact assessment of the Draft Revised Lambeth Local Plan Proposed Submission Version was reported to Cabinet and Council in January 2020 and submitted as part of the suite of documents to be examined. An equalities impact assessment was also undertaken of the proposed main modifications and reported to the Cabinet Member for Planning Investment and New Homes in February 2021. Links to these documents are included under background information below. Given the Inspector's report does not make any substantive changes to the main modifications that underwent public consultation, and recommends they all be included in the revised Lambeth Local Plan, the entire revised Lambeth Local Plan proposed for adoption has undergone equalities impact assessment (EIA).
- 7.2 The Inspector addresses the Public Sector Equality Duty at paragraph 16 of his report and states: that he has had due regard to the aims expressed in s149(1) of the Equality Act; and that this has included his 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.

## **8. COMMUNITY SAFETY**

- 8.1 Planning and the built environment have a considerable impact on community safety. The revised Lambeth Local Plan includes a full suite of policies on design of the built environment and public realm, including Policy Q3 specifically addressing safety, crime prevention and counter terrorism.

## **9. ORGANISATIONAL IMPLICATIONS**

### ***Corporate Parenting***

- 9.1 Not applicable.

### ***Staffing and accommodation***

- 9.2 None.

### ***Responsible Procurement***

- 9.3 Not applicable

### ***Good Quality Jobs with Fair Pay and Decent Working Conditions***

- 9.4 Not applicable.

***Quality Apprenticeships, targeted Employment for Lambeth residents and Lambeth Priority Group***

- 9.5 The revised Lambeth Local Plan includes policy ED15 to secure employment and training opportunities from new development for Lambeth residents. On adoption, these requirements will have the full weight of development plan policy, rather than planning guidance in a supplementary planning document. This part of the revised Local Plan will enable the Council to drive forward its ambition to create inclusive opportunity by securing benefits from growth for all of the borough's population. This will make a key contribution to implementing the Council's Economic Resilience Strategy.

***Reduce Emissions: Lambeth Council has a commitment to being Zero Carbon by 2030***

- 9.6 The revised Lambeth Local Plan includes several policies that address climate change mitigation and adaptation through the planning process. This includes policies on transport, waste management, flood risk and sustainable urban drainage, open space, trees and green infrastructure, nature conservation and biodiversity, local food growing, carbon dioxide emissions reduction, energy efficiency and sustainable design and construction. The environmental effects of the plan were assessed as part of the sustainability appraisal process. The revised Lambeth Local Plan therefore provides key mechanism to help the Council achieve its objective of net zero carbon both as an organisation and across the borough as a whole.

***Single Use Plastics***

- 9.7 Not applicable.

***Positive Health and Wellbeing***

- 9.8 Health and well-being impact assessment of the policies in the revised Lambeth Local Plan was undertaken as part of the sustainability appraisal process.

***Other Offers (Innovation)***

- 9.9 Not applicable.

**10. Timetable for implementation**

<b>Stage in adoption of the Lambeth Local Plan</b>	<b>Date</b>
Cabinet agreement to adopt	13 September 2021
Adoption by Full Council	22 September 2021
Publication of documents and statutory notifications	By 15 October 2021

<b>Audit trail</b>				
<b>Consultation</b>				
<b>Name/Position</b>	<b>Lambeth cluster/division or partner</b>	<b>Date Sent</b>	<b>Date Received</b>	<b>Comments in para:</b>
Cllr Matthew Bennett	Deputy Leader of the Council (Planning, Investment and New Homes)	03.08.2021	05.08.2021	
Eleanor Purser and Sara Waller	Strategic Directors Sustainable Growth and Opportunity	22.07.2021	28.07.2021	
Rob Bristow	Director Planning, Transport and Sustainability	22.07.2021	22.07.2021	Throughout
Peter Flockhart	Legal Services	28.07.2021	18.08.2021	
Christian Scade	Democratic Services	28.07.2021	12.08.2021	
Paul Badiani	Finance	28.07.2021	02.08.2021	

<b>Report history</b>	
<b>Original discussion with Cabinet Member</b>	12 July 2021
<b>Report deadline</b>	1 September 2021
<b>Date final report sent</b>	24 August 2021
<b>Report no.</b>	
<b>Part II Exempt from Disclosure/confidential accompanying report?</b>	No
<b>Key decision report</b>	Yes
<b>Date first appeared on forward plan</b>	19 July 2021
<b>Key decision reasons</b>	1. Will amend Community Plan Outcomes Framework or Budget and Policy Framework
<b>Background information</b>	<a href="#">National Planning Policy Framework (NPPF)</a> <a href="#">National Planning Practice Guidance</a> <a href="#">Town and Country Planning (Local Development) (England) Regulations 2012</a> <a href="#">Draft Revised Lambeth Local Plan Proposed Submission Version January 2020 (DRLLP PSV)</a> <a href="#">Proposed Changes to the Polices Map January 2020</a> <a href="#">Sustainability appraisal of the DRLLP PSV January 2020</a> <a href="#">Sustainability Appraisal of Proposed Modifications February 2021</a> <a href="#">Equalities Impact Assessment of the DRLLP PSV January 2020</a>

	<a href="#"><u>Equalities Impact Assessment of the proposed main modifications February 2021</u></a>
<b>Appendices</b>	Appendix 1 - Lambeth Local Plan Inspector's Report July 2021 (including schedule of main modifications) Appendix 2 – Schedule of additional modifications Appendix 3 – Lambeth Local Plan September 2021 Appendix 4 – Changes to the Policies Map September 2021