



Planning Services
London Borough of Wandsworth
The Town Hall
Wandsworth High St
London
SW18 2PU

6th April 2022

Ref. SP14-1049

**London Borough of Wandsworth – Publication Draft Local Plan Consultation (Regulation 19)
53 Lydden Grove, London, SW18 4EW
Representations on behalf of Callington Estates Ltd and the Trustees of the Callington Trust**

Introduction

These Representations are submitted on behalf of our client, Callington Estates Ltd and the Trustees of the Callington Trust, in relation to 53 Lydden Grove ('the site') in response to the Consultation on the 'Publication' Draft Local Plan Consultation (Regulation 19). This representation seeks an amendment to the boundary of the Lydden Road Locally Significant Industrial Area (LSIA) and to redesignate the site as an Economic Use Protection Area (EUPA).

Our client seeks to erect additional storeys on top of the existing office floorspace (previously B1(a) use and now Class E(g)(i) use) to provide residential development, the financial implications of which would allow the office floorspace to be redeveloped and enhanced.

At Regulation 18 stage Simply Planning submitted representations on behalf of our client to the Pre-Publication Draft Local Plan and a copy of these representations is provided as **Document 1**.

In our representations we identified that the site is not being used for an 'industrial' purpose and so the land is not being used for the allocated land use. The representations also highlighted the significant highways constraint and directly adjoining residential dwellings which means that an industrial use is not a viable future land use.

Therefore, in accordance with the Secretary of State's direction to the Mayor in adopting the London Plan (2021), it is considered that the allocation of the land should be re-considered and this non-industrial land released from the Locally Significant Industrial Area, but retained in mixed office / residential use, to make best and most efficient use of this brownfield site, whilst also assisting to significantly boost the housing land supply.

In response to our Regulation 18 consultation response the Council concluded that no changes to the Local Plan are considered necessary. The detailed comments are outlined and addressed in further detail below, but these can be summarised as follows:

1. The Council's Employment Land and Premises Study identified that the Council maintain the protection of all SIL and LSIA in the Borough;
2. The London Plan states in paragraph 6.4.6 that Boroughs should seek to intensify floorspace capacity in either existing and / or new locations supported by appropriate evidence;
3. The draft Local Plan will provide sufficient housing to accommodate the 10 year housing target of 19,500 dwellings.

We consider and address these points under a number of headings below.

Background

The site is located on the western side of Lydden Grove, close to its junction with Twilley Street, which forms the north-western edge of the designated Lydden Road Locally Significant Industrial Area (LSIA). Contained within the site is a part single storey / part two storey building with a total gross floorspace of c. 638 sqm.



Site Location

A Lawful Development Certificate application was approved under application 2015/4948 on 6th November 2015, which established the lawful use of the building as two self-contained office units (Use Class B1(a)).

On 1st October 2019, planning permission was granted for the erection of a first floor comprising an additional 327 sqm of accommodation over a major part of the existing single storey sections to the rear of the building under application reference 2019/3033. This planning permission has not been implemented at the site to date, neither has an earlier planning permission from 2017 (reference 2016/6999) which granted a smaller first floor addition to the existing building.

The site is located within Flood Zone 2, with some areas of the site also forming Flood Zone 3.

Vehicular access is provided into the site from two points, these being gates at the southern extent and northern extent of the site facing onto Lydden Grove. The highway of Lydden Grove is a narrow street with residential properties on the opposite side of the highway to the site, which follow the curvature of the road. A new residential dwelling has been erected to the north of the site, whose boundary wall now abuts the northern boundary wall to the site.

On-street parking is provided on either side of the highway and between the northern and southern gateways the highway is restricted through kerb-buildout, cycle-lanes and bollards to a maximum width of 7ft, as shown below.



The above restriction is in place to prevent HGV vehicles accessing the wider industrial land to the south via the residential streets of Lydden Grove and Twilley Street. Therefore, traffic to the industrial estate to the south of the site is required to travel via Lydden Road or Bendon Valley.

The above restriction creates a significant logistical problem for any occupiers of the site, as vehicles associated with the business occupying the premises are required to travel via Lydden Grove / Twilley Street or Lydden Road, depending on whether they need to arrive at the northern or southern entrance respectively.

A further restriction on industrial use is that Planning Permission has been granted for a two storey dwelling on the land immediately adjacent to the north of the site. This dwelling has now been erected with its southern flank elevation directly adjoining the northern elevation of a building within the site. The plans from the approved planning application below shows the close context of this residential dwelling to the site.



Given the proximity of this adjoining dwelling, and those to the north of this and on the opposite side of the Lydden Grove, an industrial use of the site would almost certainly have a harmful impact on the residential amenity of the adjoining occupiers. This is especially true if a B2 use of the buildings were to occur, as such a use, by definition, is not appropriate in a residential area.

Response to Council's Regulation 18 Comments

Loss of Employment Land

The full comments from the Council in their response to this issue were as follows:

"The Council's Employment Land and Premises Study 2020 (ELPS) has identified a net requirement for 8.6 hectares of industrial land up to 2034. The suitability of the Borough's Locally Significant Industrial Areas (LSIAs) was considered as part of the Employment Land and Premises Study (ELPS), which found that "to ensure that the Borough can meet its demand over the plan period, this study recommends that the Council maintain the protection of all SIL and LSIAs in the Borough". The Council agrees with this recommendation, and does not seek to re-designate this area."

It is recognised that, as a result of the Secretary of State's Directions, the requirement for 'no net loss' with respect to industrial floorspace capacity was removed from the London Plan; however the same Direction required the addition of a new paragraph (6.4.6) which states "Where possible, all Boroughs should seek to deliver intensified floorspace capacity in either existing and/or new appropriate locations supported by appropriate evidence", which was accepted by the Mayor of London. This approach set out within the draft Local Plan is considered to be consistent with the that required by the London Plan.

The above approach is wholly inconsistent with that endorsed by the Secretary of State for Housing, Communities and Local Government (now the Department of Levelling Up, Housing and Communities) in his letter dated 13/03/2020 he directed the Mayor of London to revise the London Plan by stating the following:

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

The outcome of this direction has been that there is no requirement to prevent the loss of existing industrial land. Instead, Policy H4 of the London Plan requires all developments that would result in a net loss of industrial capacity to provide a minimum of 50% affordable housing.

Policy E6 of the London Plan states that in their development plans Borough should:

"designate and define detailed boundaries and policies for Locally Significant Industrial Sites (LSIS) in policies maps justified by evidence in local employment land reviews taking into account the scope for intensification, co-location and substitution"

The above approach of Policy E6 is wholly consistent with the comments from the SoS, as it requires London Borough's to use an evidence based approach to determine if allocated industrial sites could be released for other, more pressing, land uses.

In the above regard, the Council have used the recommendation of the Employment Land and Premises Study 2020 ('ELPS') as its evidence based to meet the requirements of Policy E6 of the London Plan.

Having reviewed the ELPS we acknowledge recommendation R5 in relation to the retention of existing industrial land. However, the Council's response to our Regulation 18 representation fails to consider the other recommendations of the report, these being R1 – R3 which relates to the importance of retaining office space. These state as follows:

"R1 - The Council should encourage the intensification and/or redevelopment of poor-quality existing floorspace in the local office market and encourage development of office floorspace in the emerging Battersea Design and Technology Quarter (BDTQ).

R2 The Council should continue to monitor changes of use/redevelopment proposals concerning office floorspace in the local office market to ensure that enough floorspace is available for economic growth over the planning period, 2019 to 2034. This includes continuing to enforce its Article Four direction excluding conversion of office floorspace to residential use in certain parts of the Borough.

R3. The Council should consider protecting non-designated office floorspace in the local office market by designating them as EPAs where appropriate."

The findings of the Employment Land and Premises Study 2020 is clear that the need to protect office floorspace from being lost to alternative uses is equally, if not more, important than the loss of industrial land.

Paragraph 8.20 of the ELPS identifies that there is a net additional requirement for 22,500 sqm of office floorspace. As such, the plan has competing requirements for the candidate site, as it requires both the prevention of loss of office floorspace, but also seeks to re-use the land for industrial use. Given the size of the site and the poor vehicular access for industrial use, it is not possible to retain the office use and then intensify this to provide industrial floorspace.

Our Regulation 18 submission and proposal clearly follows the suggested approach of recommendation R1 of the ELPS, as it will seek to allow for the redevelopment of the site to provide a better quality level of office floorspace to serve the local market, but also provide some housing on the upper floors to assist in making this viable.

Given the poor suitability of the site for industrial use, as explained above, we consider that the previously suggested reallocation of the land to EUPA's would far better accord with the existing land use and the recommendations R1 to R3 of the ELPS. This approach would represent a more viable and realistic prospect for the site during the next development plan period, when compared to the LSIA allocation which would only permit an intensification of use for industrial purposes only.

Housing Delivery

Policy SDS1 of the draft Wandsworth Local Plan sets out the spatial strategy over the emerging Plan period. This Policy outlines a requirement to provide a minimum of 20,311 new homes over the plan period, which includes 1,950 new homes per year up until 2028/2029.

This meets the requirement set out within the London Plan and it should be stressed that this is a minimum target. The Annual Monitoring Report for the London Borough of Wandsworth show that there have been significantly fewer than 1,950 completions per annum of the last 3 years, including a shortfall of almost 500 dwellings in 2020/21 and almost 600 dwellings in 2019/20. Paragraph 2.67 of the draft Local Plan states that the small sites windfall accounts for 20% of the housing capacity, whilst Paragraph 17.3 of the same document advises that the Council will be pro-active in promoting opportunities for new housing development on all suitable sites, including windfall sites and small sites, to meet its housing requirement.

The site subject to this representation could make a vital contribution to housing supply within the borough, either through redevelopment of the site to produce residential development, or through building upwards and retaining the office use at ground level, as encouraged by Paragraph 120e) of the NPPF. However, the LSIA designation upon the site provides robust restrictions in redeveloping the site this way, despite the land currently not supporting industrial use.

Conclusion

The site subject to this representation is not within industrial use, despite its location within a Locally Significant Industrial Area (LSIA). Given this, it does not comply with the purposes of the designation. Due to the difficult vehicle access, which prevents large vehicles from easily using both accesses at the site, and the directly adjoining residential dwelling, the site is not suitable for industrial use and so there is little prospect of the building coming into this use within the near future.

The site's location within a LSIA has created an illogical situation whereby the designation prevents the redevelopment of the site to provide further office or residential use, whilst simultaneously not preventing any loss of industrial land. This is clearly against the recommendations of the Employment Land and Premises study, which has identified that the redevelopment of poor office stock in the local market should be encouraged to ensure the Borough meets its office need for the next plan period.

It is clear from reading the Employment Land and Premises Study that the site represents a quandary, in that it is both office space and industrial land which needs to be protected. However, the clear facts are that it cannot be both. Therefore, a determination needs to be made to whether the site could be put to better use as office or industrial land.

In terms of industrial use, our previous Regulation 18 representation (see **Document 1**) and this representation outline why the site is not suitable for such a use, with the main issues being the highway restrictions which dissect the site and prevent large vehicles from entering and exiting the premises and the recent new build residential development which shares a boundary with the candidate site.

The site is currently in lawful use as offices and the planning history shows our client is keen to intensify the land for this purpose, given the planning permissions secured at the site.

A redesignation of the land to an Economic Use Protection Area (EUPA) would ensure the retention of the existing office floorspace within the site, but also allow for the site to be redeveloped to provide further office space or residential accommodation on the upper levels of any future building. This would allow for an efficient re-use of brownfield land by retaining and expanding the existing office floorspace, whilst also helping to address the need for additional modern office space in the local market.

The redevelopment of the site would also have the substantial benefits of removing the commercial traffic from accessing the site through the adjoining residential streets to the north and also preventing a further industrial use which may cause harm to the residential amenity of the adjoining occupiers. It would also allow the replacement development to provide an active frontage to the river Wandle, which is seen as a priority for the character of the area in the draft Local Plan. The redevelopment of the site would have other benefits, such as the replacement of the historic commercial buildings with improved energy efficient and sustainable modern alternatives.

In summary, and for the reasons detailed above, we consider that a re-designation of the land from LSIA to a EUPA would assist the Council in meeting its identified housing need and would directly meet a number of the recommendations in the Employment land and Premises study.



We would, of course, welcome the opportunity to discuss the potential and our plans for the site at a meeting with Council Officers. However, please let us know if you require any further information in relation to the candidate site ahead of the examination in public for the Local Plan.



53 Lydden Grove, London, SW18 4EW

Publication draft Local Plan Consultation

Document 1

Regulation 18 Consultation Representations

London Borough of Wandsworth – Pre-Publication Draft Local Plan Consultation (Regulation 18)

53 Lydden Grove, London, SW18 4EW

Representations on behalf of Callington Estates Ltd and the Trustees of the Callington Trust

Introduction

These Representations are submitted on behalf of our client, Callington Estates Ltd and the Trustees of the Callington Trust, in relation to 53 Lydden Grove (“the site”) in response to the Pre-Publication Draft Local Plan Consultation (Regulation 18). This representation seeks an amendment to the boundary of the Lydden Road Locally Significant Industrial Area (LSIA) and to redesignate the site as an Economic Use Protection Area (EUPA).

Our client seeks to redevelop the site to maintain the existing level of office floor space (previously B1(a) use and now Class E (g)(i) use) within the ground floor of the building and then to erect additional storeys to provide residential dwellings on the upper floors of the building.

Background

The site is located on the western side of Lydden Grove, close to its junction with Twilley Street, which forms the north-western edge of the designated Lydden Road Locally Significant Industrial Area (LSIA). Contained within the site is a part single storey / part two storey building with a total gross floorspace of c. 638 sqm.



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The site is located within Flood Zone 2, with some areas of the site also forming Flood Zone 3.

Vehicular access is provided into the site from two points, these being gates at the southern extent and northern extent of the site facing onto Lydden Grove. The highway of Lydden Grove is a narrow street with residential properties on the opposite side of the highway to the site, which follow the curvature of the road. A new residential dwelling has been erected to the north of the site, whose boundary wall now abuts the northern boundary wall to the site.

On-street parking is provided on either side of the highway and between the northern and southern gateways the highway is restricted through kerb-buildout, cycle-lanes and bollards to a maximum width of 7ft, as shown below.



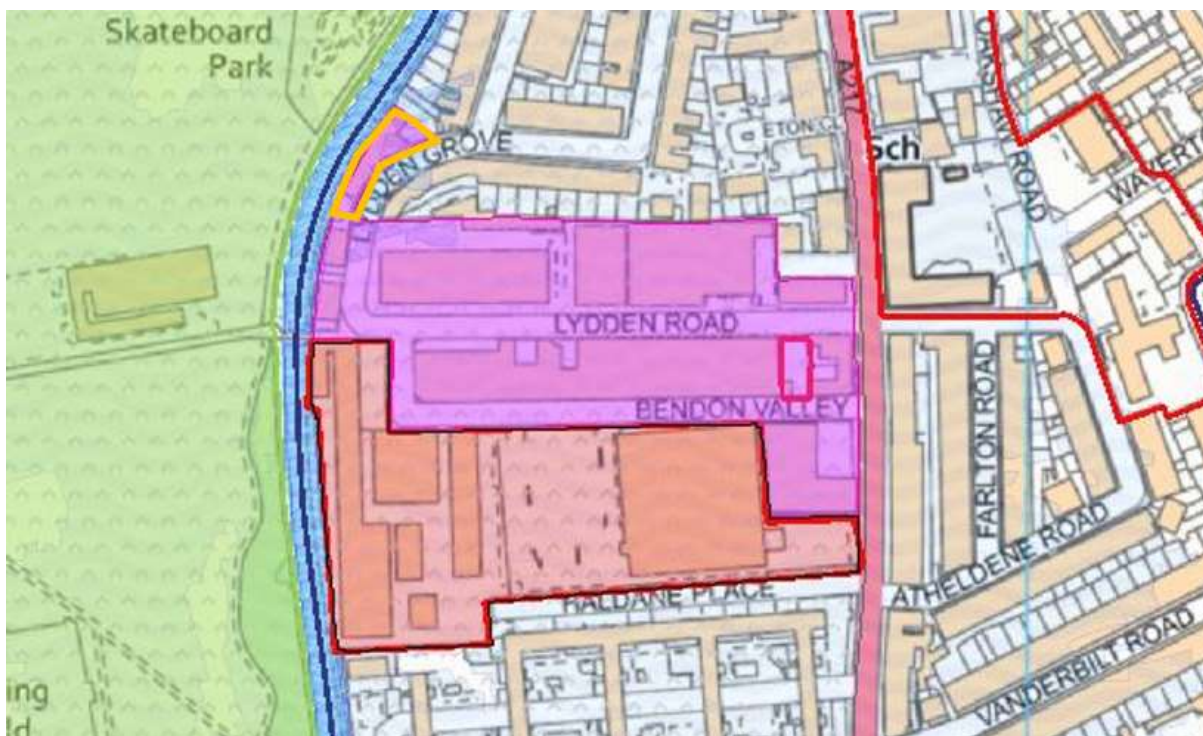
The above restriction is in place to prevent HGV vehicles accessing the wider industrial land to the south via the residential streets of Lydden Grove and Twilley Street. Therefore, traffic to the industrial estates to the south of the site is required to travel via Lydden Road or Bendon Valley.

The above restriction creates a significant logistical problem for any occupiers of the site, as vehicles associated with the business occupying the premises are required to travel via Lydden Grove / Twilley Street or Lydden Road, depending on whether they need to arrive at the northern or southern entrance respectively.

Policy Background

Wandsworth Local Plan

The proposals map of the currently adopted Wandsworth Local Plan is provided below, with the site identified in orange.



The Local Plan Proposals map shows that the site is:

- Currently defined as part of the Lydden Road Locally Significant Industrial Area (LSIA);
- Within Flood Zone 2 and partially within Flood Zone 3; and
- Within the Wandle Valley Wandsworth Archaeological Priority Area.

Policy E13 of the *Adopted Local Plan: Employment Land and Industrial Premises* relates to protected employment land and premises. This policy states that a strategic reservoir of industrial land will be retained in the borough, made up of the Queenstown Road, Battersea Strategic Industrial Location (SIL) and the Locally Significant Industrial Areas (LSIAs) including the Lydden Road LSIA.

The Policy also states that the SIL and LSIAs will be the “*main focus of land for industry, logistics, storage, warehousing, and waste management.*” (SPL emphasis added).

The site has been established as being lawful within office (B1(a) now E(g)(i)) use by the Lawful Development Certificate granted in November 2015. Therefore, the lawful use of the building is as offices.

Policy EI3 is clear that the purpose and function of the SILs and LSIAs are to provide industrial land where the focus will be for industry, logistics, storage, warehousing and waste management. As the site is within office use, the land is not currently being used to provide floor space to meet the industrial requirements of the Borough, even if the land is designated as LSIA.

On 19th November 2018, the LPA refused planning application reference 2018/4556 which sought the erection of a three-storey office building at the site. This application was refused for the following reason:

“The site is located within a Locally Significant Industrial Area and the proposed B1a use is not an appropriate industrial use, contrary to the provisions of Wandsworth Councils Employment and Industry Document (EID) (proposed version) policy EI6.”

In making this determination the LPA concluded that the existing office use is not an appropriate use for an LSIA and as the land is not being used for an appropriate purpose, it should not be seeking to retain it as part of the LSIA.

Draft Wandsworth Local Plan

Draft Policy LP37 relates to protecting industrial land and premises. This policy follows the same approach as Policy EI3 of the current Local Plan and seeks to protect and retain a strategic reservoir of industrial land. However, the acceptable uses in this land is expanded to include the following:

- 1. Light industry (falling within Use Class E, part (g)(iii), and which would have been identified as Use Class B1c prior to 1 September 2020);***
- 2. General industry (B2);***
- 3. Storage and logistics/distribution (B8);***
- 4. Flexible hybrid industrial space;***
- 5. Secondary materials, waste management and aggregates; 6***
- 6. Utilities infrastructure;***
- 7. Land for suitable transport functions, including intermodal freight interchanges, rail and bus infrastructure;***
- 8. Research and development of industrial and related products or processes (falling within Use Class E, part (g)(ii), and which would have been identified as Use Class B1b prior to 1 September 2020); and***
- 9. Sui generis uses that relate to, and support, the industrial nature and operation of the area***

Use of the buildings within the site for offices, the lawful use of the site, remains, notwithstanding the expanded lists of uses for LSIAs, an inappropriate use contrary to draft Policy LP37. It is, therefore, illogical and inappropriate to allocate the site within the LSIA when its lawful and current use is at odds with the LSIA allocation.

Maintaining the site allocation within the LSIA, when it's lawful and existing use is offices, leads to the perverse situation whereby any application to increase the quantum of floorspace at the site for its current use (something the site and building is perfectly capable of) becomes immediately contrary to Policy and, as seen with application reference 2018/4556, faces the prospect of refusal of consent. Therefore, this allocation raises the serious prospect that it cannot be considered as seeking to make best and most efficient use of previously developed land, by virtue of the fact that it cannot be further intensified for its current office use.

The London Plan

The Greater London Authority (GLA) are in the process of preparing a new London Plan, which has been through examination and now has had the Planning Inspectorate panel report received and has been the subject of various correspondence between the Secretary of State for Housing, Communities and Local Government ('SOS') and the Mayor of London ('the Mayor') over the course of the last 12 months.

This correspondence has culminated in the SOS directing the Mayor that the GLA may adopt the new London Plan on 29th January 2021. However, in his latest letter of the same date he has emphasis the need to *“start working to dramatically increase the capital’s housing delivery and to start considering how your next London Plan can bridge the significant gap between the housing it seeks to deliver and the actual housing need London faces.”*

This draws on one of the key issues which the SOS raised in his first letter dated 13th March 2020, where he directed the Mayor to make further changes to the London Plan to make it sound and in accordance with the NPPF. One of these directions related to industrial land and stated the following:

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

The outcome of this requirement has been that significant changes were directed by the SOS to various employment policies (see **Document 1**) to remove the requirement for there to be no net loss of existing industrial sites within the Plan.

The above amendment is significant in the context of the site. As outlined in further detail below, we consider that a re-designation of the land from LSIA to an Economic Use Protection Area (EUPA) would assist the Council in meeting its identified housing need, whilst still retaining the office space within the building.

National Planning Policy Framework (NPPF)

The whole of the NPPF will be a material consideration in the plan making process. However, we consider that the following paragraphs will be of particular importance to the site:

- Paragraph 16 – This paragraph outlines the requirements of development plans, including the need to be positively prepared in an aspirational but deliverable way;
- Paragraph 60 – This relates to identify housing need and states that strategic policies should be informed by a local housing need assessment conducted using the standard methodology, unless exceptional circumstances justify an alternative approach;
- Paragraph 117 – Strategic policies are required to set out a clear strategy for accommodating assessed needs in a way which makes as much use as possible of previously developed land; and
- Paragraph 124 – The creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

Material Considerations

Housing Delivery

Policy LP24 of the Draft Wandsworth Local Plan relates to the provision of New Homes. This states that to ensure the supply of new homes in Wandsworth, the Local Plan will provide for the delivery of 20,702 homes over the first ten years of the plan period from 2023 to 2038. The draft document itself fails to identify the number of homes which are needed over the whole of the 15-year plan period.

In paragraph 17.8 of the draft Local Plan it states the following:

“The issues surrounding the delivery of housing are a pan-London challenge. To address this, the emerging London Plan sets out ambitious targets for all London boroughs to deliver a significant increase in housing to meet current and future needs across the Capital. In Wandsworth that target is 1,950 per annum (19,500 additional dwellings to be delivered from 2019/20 – 2028/29) and has been informed by the 2017 London SHLAA”

We would disagree that the target on the new London plan is ‘ambitious’. The Secretary of State for Ministry of Housing, Local Government and Communities had directed the Mayor to commence a review of the new London Plan within a year of adoption. The primary reason is that the housing targets identified within the plan will not meet the established housing need in London. In short, the review of the London Plan must look to further increase the Capital’s, and therein no doubt, Wandsworth’s housing targets.

The new London Plan was submitted for examination prior to 24th January 2019 and so in accordance with Paragraph 214 of the NPPF it was assessed against the requirements of the 2012 NPPF. As such, the standard method of housing need assessment, as required by paragraph 60 of the 2019 NPPF, did not apply.

The new Wandsworth Local Plan will be subject to the requirements of paragraph 60 of the 2019 NPPF and so the standard methodology will be required to be used for the housing need assessment, unless the Council can demonstrate ‘exceptional circumstances’ to justify an alternative approach.

The approach outlined in paragraphs 7.8 to 7.14 of the draft Local Plan is that the Council has taken a supply-side approach to determine the extent of housing which can be delivered during the plan period. Therefore, it seeks to deliver 20,702 homes over the first ten years of the plan, in accordance with what it determines to be the available supply of deliverable housing sites.

We consider that this approach fails to boost the supply of housing and goes to the heart of the issue which the SOS raised in his response to the Mayor, that a significant change in the delivery of housing needs to occur in London, if it is to meet the identified housing need.

The standard methodology is the starting point for assessing housing need, as the Government is seeking to ensure that plans are prepared positively and assist in meeting the significant shortfall in housing delivery which has occurred across the UK.

Furthermore, since the publication of the draft Local Plan, an update to the Planning Practice Guidance has been made, which requires a 35% uplift to be applied to those authorities in the top 20 cities and urban centres list. As London is in the top 20 on this list, a 35% uplift will apply to the standard method for LB Wandsworth.

Using the standard methodology with the required 35% uplift, the required annual housing need for LB Wandsworth is calculated to be 3,425 dwellings per annum. Based on this figure, the current minimum annual figure of 1,950 would meet only 57% of the identified housing need over the first five years of the plan.

Indeed, even accepting the supply side provision of 20,702 homes for the first ten years of the plan period (2,070 per annum), it would still only represent 60% of the required provision.

Given the above, the clear conclusion is that the Council's supply-side approach is going to significantly fail to meet the identified housing need for the Borough. As such, we consider that the Council will need to reassess its approach to housing delivery and will need to identify and / or allocate further sites where more housing can be delivered over plan period.

Re-designation of the site to an Economic Use Protection Area

The 'Wandsworth Employment Land and Premises Study – October 2020' concludes that there is a requirement for 22,500 square metres of additional office floorspace to be delivered over the 15 year plan period. Therefore, we would expect that the Local Planning Authority would be hesitant to amend the designation of the land, in a manner which would potentially result in the loss of the office space within the site.

Paragraph 122 of the NPPF states that planning policies should support development that makes efficient use of land, whilst paragraph 118 states that planning policies should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.

Policy LP38 of the draft Local Plan relates to mixed use development on Economic Land. This states that proposals for mixed use development, including residential, will be supported where it meets the criteria for the relevant economic land designations. For designated EUPAs this requires as follows:

“Proposals which would result in the existing quantum of office and industrial floorspace both being fully replaced will be supported. Increased provision through the intensification of such uses is supported, where it would not give rise to any material harm to the character of the area, the operation of neighbouring uses or the amenities for neighbouring residents.”

By designating the site as a EUPA, instead of a LSIA, the Policies of the draft Local Plan would allow for the building to be redeveloped to retain the same level of office floor space, or an increased amount of floor space in line with the owner's plans (as evidenced by the 2019 planning permissions), whilst also allowing for an efficient reuse of the brownfield site to provide residential dwellings on the upper floors of the building.

The redevelopment of the site would also provide other significant advantages. The first of these relate to the vehicular accesses, as these could be amended as part of a redeveloped site so only the southern vehicular access is retained. This would ensure that commercial vehicles would no longer require the use of the residential streets to the north of the site, when accessing the northern entrance into the site, to the benefit of local residents.

A second benefit would be that the site can no longer be considered a suitable location for industrial uses. Planning Permission was granted for a two storey dwelling on the land immediately adjacent to the north of the site. This dwelling has now been erected with its southern flank elevation directly adjoining the northern elevation of a building within the site. The plans from the approved planning application below shows the close context of this residential dwelling to the site.



Given the proximity of this adjoining dwelling, and those to the north of this and on the opposite side of the Lydden Grove, an industrial use of the site would almost certainly have a harmful impact on the residential amenity of the adjoining occupiers. This is especially true if a B2 use of the buildings were to occur, as such a use, by definition, is not appropriate in a residential area.

A third benefit is that the current building within the site has been designed to turn its back to the River Wandle. This is acknowledged as an issue in the Wandle Valley area, as outlined in paragraph 12.11 of the Draft Local Plan where it states:

“The open spaces in Wandle Valley, as well as areas along the River Wandle, often lack active frontage. For instance, the urbanised part of the Wandle Valley near Wandsworth Town has high hard edges and is faced by backs of buildings, whereas the open spaces west of the Henry Prince Estate are separated from the river with high walls with little relationship to the river. As a result, much of the river today is characterised by a backland quality, and is somewhat hidden within its urban environment.”

The designation of the site as EUPA would allow for its redevelopment to occur and for an active frontage to be provided towards the river, as the residential units would undoubtedly want to take advantage of the riverside location and views to the west.

A further benefit will be that the existing buildings within the site are old, poorly insulated and energy inefficient. Therefore, the redevelopment of the site would also allow for the provision of sustainable, modern and energy efficient replacement buildings.

It is noted that the site is located partially in Flood Zone 3 and a residential use would be classified as highly vulnerable, in terms of flood risk. However, none of the residential elements would be provided at ground floor level

and so all of the residential accommodation would be above Flood Zone 3. Furthermore, the adjoining highways and land, as well as the southern access, are not located in Flood Zone 3. Therefore, any future application would include a flood risk assessment and flood evacuation plan, to demonstrate how the residents of the future dwellings would be safe from risk of flood and how they could be evacuated out of Flood Zone 3, should this ever flood. Therefore, we do not consider that the designation of part of the site would be a hinderance to residential development on the upper floors of the building.

Conclusion

In his letter to the Mayor, the SOS directed that the London Plan be revised to give the Local Planning Authorities more control over how they prioritise land use within their borough. One of the key elements was to give more power to allow the release of industrial and employment land, so that it could be used to help authorities to meet their identified housing need, which has been substantially increased by the required 35% uplift to the standard methodology.

We consider that this site provides an excellent example of where these powers should be used. The buildings within the site have been established as being in office use by the 2015 Lawful Development Certificate and so do not form a use which is appropriate within an LSIA, or one which the Council should seek to protect as industrial land.

A redesignation of the land to a EUPA would ensure the retention of the existing office floor space within the site, but also allow for the site to be redeveloped to provide residential accommodation on the upper levels of any building. This would allow for an efficient re-use of brownfield land by retaining the existing office floor space, whilst also helping to address the substantial shortfall between deliverable housing sites and the identified housing need during the plan period.

The redevelopment of the site would also have the substantial benefits of removing the commercial traffic from accessing the site through the adjoining residential streets to the north and also preventing a further industrial use which may cause harm to the residential amenity of the adjoining occupiers. It would also allow the replacement development to provide an active frontage to the river Wandle, which is seen as a priority for the character of the area in the draft Local Plan. The redevelopment of the site would have other benefits, such as the replacement of the historic commercial buildings with improved energy efficient and sustainable modern alternatives.

In summary, and for the reasons detailed above, we consider that a re-designation of the land from LSIA to an Economic Use Protection Area (EUPA) would assist the Council in meetings its identified housing need, whilst still retaining the office space within the building.

We would, of course, welcome the opportunity to discuss the potential and our plans for the site at a meeting with Council Officers. However, please let us know if you require any further information in relation to the candidate site at this stage.



Local Plan Review

Consultation on the Publication Draft Local Plan

10 January to 28 February 2022

RESPONSE FORM

The Council is inviting comments over a seven-week period on the Publication version of the Local Plan.

The Draft Local Plan sets out a vision and spatial strategy to guide the development of the borough from 2023, when the Plan is anticipated to be adopted, to 2038. It sets out key objectives for the borough, which are supported by planning policies, area strategies, and – at the smallest scale – detailed guidance for the development of specific sites. Collectively, these identify where development should be targeted and set out how the borough's neighbourhoods and places will change over the next 15 years.

This consultation is the final opportunity to comment on the Local Plan before it is submitted to the Secretary of State for independent 'examination in public'. At this stage in the plan-making process, in accordance with the national guidance, consultation responses should focus on whether the Local Plan has been developed in compliance with the relevant legal and procedural requirements, including the duty to cooperate, and with the 'soundness' of the Plan. Further detail on these concepts is provided in the accompanying guidance notes provided at the end of the form.

How to respond

Please read the consultation documents and other background information made available on the Local Plan website: <http://www.wandsworth.gov.uk/draft-local-plan-publication>

You can respond by completing this form, either electronically using Word or as a print out, and sending it to the Council by:

- Email to planningpolicy@wandsworth.gov.uk
- Post to Planning Policy and Design, Environment and Community Services, Town Hall, Wandsworth High Street, Wandsworth, SW18 2PU.

Alternatively, you can also make comments on the draft Local Plan online via our Consultation Portal, which is accessible at the website listed above.

All responses must be received by **11.59pm on Monday 28 February 2022**. The consultation is open to everyone; however please note that responses will not be treated as confidential and those submitted anonymously will not be accepted.

Part A: Personal Details		
	1. Personal details*	2. Agent's details (if applicable)
Title		Mr
First name		Alex
Last name		Smith
Job title (where relevant)		Director
Organisation (where relevant)	Callington Estates Ltd and the Trustees of the Callington Trust	Simply Planning Ltd
Address		214 Creative Quarter 8a Morgan Arcade Cardiff
Postcode		CF10 1AF
Telephone		██████████
E-mail address		████████████████████

*If an agent is appointed, please complete only the title, name and organisation boxes for the respondent and complete the full contact details for the agent.

Part B: About You...		
3. Please tell us about yourself or who you are responding on behalf of.		
Do you live in the borough?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Do you work in the borough?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Do you run a business in the borough?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Are you a student in the borough?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Are you a visitor to the borough?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Data protection

Information provided in this form will be used fairly and lawfully and the Council will not knowingly do anything which may lead to a breach of the General Data Protection Regulation (GDPR) (2018).

All responses will be held by the London Borough of Wandsworth. They will be handled in accordance with the General Data Protection Regulation (GDPR) (2018). Responses will not be treated as confidential and will be published on our website and in any subsequent statements; however, personal details like address, phone number or email address will be removed.

For further details regarding your privacy please see the Council's information published at:

www.wandsworth.gov.uk/privacy

Part C: Your Response		
4. Do you consider the Local Plan is:		
4.1 Legally compliant	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
4.2 Sound	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
4.3 Complies with the duty to co-operate	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Further information on these terms is included within the accompanying guidance note, which can be found at the end of the response form.		
If you have entered 'No' to 4.2, please continue with Q5. Otherwise, please go to Q6.		
5. Do you think the Local Plan is <u>unsound</u> because it is <u>not</u>: <i>(Please tick all that apply)</i>		
5.1 Positively prepared	<input checked="" type="checkbox"/>	
5.2 Justified	<input checked="" type="checkbox"/>	
5.3 Effective	<input type="checkbox"/>	
5.4 Consistent with national policy	<input type="checkbox"/>	
6. Please give details of why you think the Local Plan is not legally compliant and/or is unsound and/or fails to comply with the duty to co-operate.		
Please make it clear which consultation document your comments relate to and, where applicable, please include the relevant policy name/number, the site allocation name/reference, the Policies Map change, and/or the paragraph number. Please be as precise as possible.		
If you wish to provide comments in support of the legal compliance and/or soundness of the Local Plan, or its compliance with the duty to co-operate, please use this box to set out your comments.		
<i>Please note your response should provide succinctly all the information, evidence and supporting information necessary to support / justify the response. After this stage, further submission will only be at the request of the Inspector, based on the matters and issues they identify for examination.</i>		
Please find attached representations which provides our position on why the plan is not positively prepared or justified in relation to our client's site at 53 Lydden Grove.		

<p><i>Please continue on a separate sheet / expand the box if necessary.</i></p>	
<p>7. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, when considering any legal compliance or soundness matter you have identified at 5 above.</p> <p>Please note that non-compliance with the duty to co-operate is incapable of modification at examination.</p> <p>You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.</p> <p><i>Please note your response should provide succinctly all the information, evidence and supporting information necessary to support / justify the suggested change. After this stage, further submission will only be at the request of the Inspector, based on the matters and issues they identify for examination.</i></p>	
<p>We consider that the designation of our clients land should be removed from the LSIA and reallocated as EUPA, for the reasons explained in the submitted representations.</p>	
<p><i>Please continue on a separate sheet / expand the box if necessary.</i></p>	
<p>8. If you are seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)? (Please tick box as appropriate)</p>	
<p>No, I do not wish to participate in hearing session(s)</p>	<input type="checkbox"/>
<p>Yes, I wish to participate in hearing session(s)</p>	<input checked="" type="checkbox"/>
<p>Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.</p>	
<p>9. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:</p> <p><i>Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.</i></p>	
<p>To reserve the right to be able to address the Inspector in relation to our clients land, once we have seen the final submitted version of the draft Local Plan, the Council's comments in response to this representation and any matters arising from the Inspectors Matters, Issues and Questions</p>	
<p><i>Please continue on a separate sheet / expand the box if necessary.</i></p>	
<p>If you are not on our consultation database and you respond to this consultation, your details will be added to the database. This allows us to contact you with updates on the progression of the Local Plan and other planning policy documents.</p>	

If you do not wish to be added to our database or you would like your details to be removed, then please tick this box.			<input type="checkbox"/>
Signature: <i>For electronic responses a typed signature is acceptable.</i>	Alex Smith	Date:	29/03/2022



Local Plan Publication Consultation

Guidance Notes to accompany the Representation Form

Introduction

1. The plan has been published by the Local Planning Authority [LPA] in order for representations to be made on it before it is submitted for examination by a Planning Inspector. The Planning and Compulsory Purchase Act 2004, as amended [PCPA] states that the purpose of the examination is to consider whether the plan complies with the relevant legal requirements, including the duty to co-operate, and is sound. The Inspector will consider all representations on the plan that are made within the period set by the LPA.

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

Legal Compliance

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

- The plan should be included in the LPA's current Local Development Scheme [LDS] and the key stages set out in the LDS should have been followed. The LDS is effectively a programme of work prepared by the LPA, setting out the plans it proposes to produce. It will set out the key stages in the production of any plans which the LPA proposes to bring forward for examination.
- The process of community involvement for the plan in question should be in general accordance with the LPA's Statement of Community Involvement [SCI] (where one exists). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of plans and the consideration of planning applications.
- The LPA is required to provide a Sustainability Appraisal [SA] report when it publishes a plan. This should identify the process by which SA has been carried out, and the baseline information used to inform the process and the outcomes of that process. SA is a tool for assessing the extent to which the plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.
- The plan should be in general conformity with the London Plan.
- The plan should comply with all other relevant requirements of the PCPA and the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended [the Regulations].

Duty to Co-operate

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

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

Soundness

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

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

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

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

General advice

7. If you wish to make a representation seeking a modification to the plan or part of the plan you should set out clearly in what way you consider the plan or part of the plan is legally non-compliant or unsound, having regard as appropriate to the soundness criteria in paragraph 5 above. Your representation should be supported by evidence wherever possible. It will be helpful if you also say precisely how you think the plan should be modified.

8. You should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification. You should not assume that you will have a further opportunity to make submissions. Any further submissions after the plan has been submitted for examination may only be made if invited by the Inspector, based on the matters and issues he or she identifies.

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

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