



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		Ms
First name		Lauren
Last name		Whiteley
Job title (where relevant)		Senior Planner
Organisation (where relevant)	Tooting Development Company Ltd	Avison Young
Address		65 Gresham Street London
Postcode		EC2V 7NQ
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 checked="" type="checkbox"/>
Do you work in the borough?	Yes <input type="checkbox"/>	No <input checked="" 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 checked="" type="checkbox"/>
Are you a visitor to the borough?	Yes <input type="checkbox"/>	No <input checked="" 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 type="checkbox"/>	
5.2 Justified	<input checked="" type="checkbox"/>	
5.3 Effective	<input type="checkbox"/>	
5.4 Consistent with national policy	<input checked="" 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 see cover letter prepared by Avison Young		
The cover letter outlines why Draft Policies LP29 and LP46 of the Wandsworth Local Plan Regulation 19 Stage are not justified and are not consistent with national policy		

Please continue on a separate sheet / expand the box if necessary.

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.

Please note that non-compliance with the duty to co-operate is incapable of modification at examination.

You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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.

Please see cover letter prepared by Avison Young.

The cover letter sets out the modifications necessary to make the Local Plan sound.

Please continue on a separate sheet / expand the box if necessary.

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)			
No, I do not wish to participate in hearing session(s)		<input checked="" type="checkbox"/>	
Yes, I wish to participate in hearing session(s)		<input type="checkbox"/>	
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.			
9. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:			
<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>			
N/A			
<i>Please continue on a separate sheet / expand the box if necessary.</i>			
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.			
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>	Lauren Whiteley	Date:	28/02/2022



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.

25th February 2022



Planning Policy
Environment and Community Services
Town Hall
Wandsworth High Street
London
SW18 2PU

Dear Sir / Madam

**Representation to Wandsworth Local Plan Regulation 19 Stage
Tooting Development Company Ltd**

We write on behalf of our client, Tooting Development Company Ltd, to submit a representation to the London Borough of Wandsworth (LBW) in response to the following consultation document:

- Wandsworth Local Plan Publication (Regulation 19) Version (January 2022)

The consultation period on this document closes on Monday 28th February 2022.

On the whole, whilst we consider the draft Local Plan Review has been positively prepared and is effective, we do not currently consider the other tests of 'soundness' have been met for the reasons set out in this letter and summarised below.

Justified

We do not consider that draft Policy LP29 has been robustly justified as there is no evidence base to support the policy position taken by the Council as this ignores that purpose-built shared-living accommodation is (a) a form of accommodation for which there is an identified need at a borough- and London-wide level, (b) contributes towards housing delivery targets and (c) have the additional benefit of freeing up other housing stock in the borough. Resisting such development is therefore not justified and rather it would be more appropriate for Policy DM29 to require such developments to demonstrate they are satisfying an identified need and contributing towards the creation of mixed and balanced communities.

We do not consider that the requirement in draft Policy LP46 for visitor accommodation to have stays not exceeding 90 days is justified as no evidence has been provided to support this position. As set out, 90 days is a wholly arbitrary figure which is not supported in case law or national or strategic policy. Furthermore, the defining features of a C1 use are not solely based on the length of occupation and the Council has sufficient control over a material change of use to permanent residential accommodation through the enforcement process.

Consistent

Draft Policy LP27 is not consistent with Policy H16 of the London Plan in respect of its requirement to demonstrate that conventional housing is more suitable than large scale purpose built shared

living accommodation. It is also not consistent with LBW's own strategic policy position that seeks to encourage a mix of different types of housing.

Furthermore, as currently drafted Parts (B) and (D) of draft Policy LP46 are inconsistent with the NPPF and London Plan, as it does not explicitly recognise edge of centre locations as a preferable location for hotel development (in the event that town centre locations are unavailable) and it does not allow the application of a sequential test for proposals that seek to extend hotel accommodation.

Subject to these amendments, we consider the draft Local Plan Review would be 'sound' as required by the NPPF.

1. Context of the Representation

This representation is prepared on behalf of our client, who owns the site comprising 101a and 111-113 Tooting High Street, London, SW17 0SU (the 'Site') within the London Borough of Wandsworth (LBW).

Planning permission was granted at the Site on 11th August 2020 under application ref: 2019/4999 for the following description of development

Demolition of existing buildings and redevelopment of the site for a part 3/4/5/6-storey scheme, including 4 storeys of basement level, comprising hotel rooms (Class C1), incorporating the rebuild and repositioning of Tooting Constitutional Clubhouse to be used as a cafe facility (Class A3), community use (Class D1/D2) set out over basement and ground floor levels and publicly accessible open space at ground floor level and ancillary refuse and recycling storage, cycle parking, wheelchair parking, servicing arrangements and hard and soft landscaping.

More recently, a non-material amendment to the planning permission ref: 2019/4999 was approved by LBW on 20th January 2022 under application ref: 2021/5376 to omit three levels of basement.

Our client is currently undergoing pre-application discussions with LBW for a proposal to demolish the existing buildings on the Site (in line with the extant permission ref: 2019/4999) and to redevelop the Site to deliver a mixed-use development comprising 170 co-living units (sui generis), with associated communal amenity space, the rebuilding and repositioning of the Tooting Constitutional Clubhouse to be used as a café facility, the provision 551sqm of community floorspace and 651sqm of publicly accessible open space, plus ancillary refuse and recycling storage, cycle parking, wheelchair parking, servicing arrangements and hard and soft landscaping. Pre

These representations are made in light of the above aspirations for the Site.

2. Comments on the Draft Local Plan Review (Regulation 19)

The remainder of this letter provides comments on the draft Local Plan.

Draft Policy LP29 Housing with Shared Facilities

Part (C) of draft Policy LP29 states that development proposals for large-scale purpose-built shared living accommodation which is defined as being a 'sui generis' use will generally be resisted. It goes on to say that such accommodation will only be permitted where:

1. *"It is proposed on a site which is not suitable for conventional housing;*
2. *It is clearly demonstrated that large-scale purpose-built shared living accommodation is better suited to meeting the local housing needs than conventional housing; and*
3. *It would not lead to an overconcentration of single person accommodation at the neighbourhood level."*

In the first instance, it is noted that Part C of draft Policy LP29 states that development proposals for large-scale purpose-built shared living accommodation will generally be restricted. We consider this is not consistent with the strategic policy position nor the other policy targets in the emerging Wandsworth Local Plan.

Firstly, the supporting text to Policy H16 of the London Plan acknowledges that large-scale shared living developments may provide a housing option for single person households who cannot or choose not to live in self-contained homes or HMOs. It notes that this type of accommodation is not restricted to particular groups by occupation or specific needs such as students or nurses, and that this type of accommodation provides an alternative to a traditional flat share as it includes additional services and facilities.

Policy H1 of the London Plan is also clear that the non-self-contained communal accommodation should count towards the borough's housing targets, with paragraph 4.1.9 stating that this should be considered on the basis of 1.8:1 ratio, with one point eight bedrooms/units being counted as a single home.

Moreover, Draft Policy LP2 (General Development Principles) of the Wandsworth Draft Local Plan specifically states that development proposals must provide for a mix of uses, including for new homes of a mixed-tenure and type.

LBW itself acknowledges the benefits of this type of accommodation within the Local Housing Needs Assessment (LHNA) (December 2020). LBW notes within the assessment that this type of accommodation can provide an alternative to traditional HMO accommodation and the value that it can create for an occupier, can be one of convenience, social interaction and a good quality living environment in terms of access to facilities and accommodation.

It is also noted by LBW within its LHNA that this type of accommodation is a development that is designed around the needs of single, younger people who cannot afford to rent a self-contained home. Therefore, LBW have recognised a large proportion of its residents who would benefit from this type of accommodation.

Therefore, on the basis that large-scale purpose-built shared living units (a) provide an alternative form of accommodation for which there is an identified need at a borough- and London-wide level, (b) contribute towards housing delivery targets and (c) have the additional benefit of freeing up other housing stock in the borough, we do not consider that the starting point should be that such accommodation is resisted. Rather, it would be more appropriate for Policy DM29 to require such developments to demonstrate they are satisfying an identified need and contributing towards the

creation of mixed and balanced communities. This would be more consistent with strategic policy and the approach taken by the Council in granting permission for recent co-living schemes within the borough.

Draft Policy DM29 (C) Policy Tests 1 & 2

Turning to the specific policy tests within draft Policy DM29 Part C, the first two tests require such development to (1) be located on sites which are not suitable for conventional housing and (2) demonstrate that it is better suited to meeting the local housing needs than conventional housing.

We understand that the Council would consider a site as suitable for conventional housing having regard to the following three points as set out in paragraph 17.44:

- whether a proposal would displace existing C3 residential accommodation;
- whether a site has been identified in the Local Plan housing trajectory and/or Housing and Economic Land Availability Assessment as having capacity for conventional housing; and
- whether a site has an extant planning permission for C3 housing.

It may be that LBW have included policy tests (1) and (2) as the latest LHNA for Wandsworth outlines that there is an acute need for self-contained residential dwellings, and in particular, affordable housing. The LHNA also states that LBW has a highly mobile population, and due to purpose built shared living accommodation comprising bedrooms, it suits a more transient occupier, which might heighten the mobile population.

Whilst it is recognised that LBW have identified a need for conventional self-contained dwellings within the LHNA, we do not consider that the delivery of purpose-built shared living accommodation would preclude LBW from delivering the required self-contained housing and accommodation that it requires. Rather, the London Plan and emerging Local Plan acknowledge the need for a mix of accommodation types to be provided and the delivery purpose-built shared living accommodation would meet an identified need and contribute towards Wandsworth meeting its housing targets. This includes providing a form of accommodation for people who cannot necessarily afford to live in self-contained residential dwellings.

On the basis that large-scale purpose-built shared living units (a) provide an alternative form of accommodation for which there is an identified need, (b) contribute towards housing delivery targets, (c) contribute to achieving a mix of type of homes and (d) do not preclude LBW from delivering conventional housing, it is unclear why draft Policy LP29 would require proposals to demonstrate that the site is not suitable for conventional housing and that shared living accommodation is more suitable than conventional housing. We would therefore request that tests (1) and (2) of part (C) of draft Policy LP29 are reworded as follows:

“Applications for large scale purpose built shared living should be accompanied by evidence to demonstrate that the accommodation meets an identified need and ensures an appropriate mix of other uses within the community”

Draft Policy DM29 (C) Policy Test 3

The third test in draft Policy DM29 Part C requires such developments to not lead to an overconcentration of single person accommodation at the neighbourhood level. Similar to tests (1) and (2) of part (C), we do not consider that policy test (3) is consistent with the London Plan. The London Plan does not require developments to demonstrate that there would not be an overconcentration of single person accommodation at neighbourhood level and rather Policy H16 of the London Plan seeks to ensure that there is no overconcentration of uses by requiring developments to demonstrate that they contribute towards mixed and inclusive neighbourhoods. This approach follows from strategic policy GG4 of the London Plan, which states that developments should create mixed and inclusive communities.

The Draft Local Plan defines single person accommodation as including all types of non-self-contained dwellings (such as student accommodation and HMOs) and self-contained studios. LBW has provided no reason as to why they consider the overconcentration of these types of accommodation to be inappropriate nor has it provided any evidence to support this position.

Notwithstanding this, we note that supporting paragraph 17.46 of draft Policy LP29 states that large scale HMOs can potentially lead to residential enclaves shut off from the community. We consider this is wholly unfounded and is not based on any evidence. The whole basis of co-living accommodation is centred on the ethos of communal living, located in sustainable locations so that residents can benefit from local facilities in the area.

Furthermore, we consider that the prevention of the delivery of different forms of single person accommodation at neighbourhood level would be contrary to draft Policy LP2 of the Wandsworth Local Plan. This policy states that development proposals must provide for a mix of uses, including new homes of mixed tenure and types. Single person accommodation encompasses multiple housing types all serving different needs.

Given that single person accommodation comprises a wide range of types of housing that would work to achieve mixed communities, we consider that test (3) of part (C) of draft Policy LP29 should be reworded to remove reference to the overconcentration of single person accommodation and instead, follow a more flexible approach, in line with the London Plan as follows:

"It would contribute to achieving mixed communities at neighbourhood level"

Draft Policy LP46 Visitor Accommodation

Draft Policy LP46 Parts (A) and (B)

Part (A) of draft Policy LP46 states that proposals for the development of visitor accommodation will be supported in the following locations, where they do not cause unacceptable harm to local amenity and the balance of local land uses:

1. Town Centres.
2. The CAZ (outside of wholly residential streets or predominately residential neighbourhoods).

Part (B) goes on to say that outside locations set out in Part A, proposals for new visitor accommodation will be assessed against the sequential test for main town centre uses in accordance with national planning policy, with preference given for sites within Focal Points of Activity over other 'out-of-centre' locations.

In the first instance, we note that draft Policy LP46 does not make reference to 'edge-of-centre locations' and therefore it is currently unclear whether such locations are considered preferable to 'out-of-centre' locations when considering the appropriate location for hotel development.

Paragraph 87 of the NPPF states that hotel uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available should out of centre sites be considered. The NPPF therefore outlines that when applying a sequential test, edge of centre locations are the most preferable location after town centre locations for hotel uses (subject to a sequential test being applied successfully).

The above is also reflected within the London Plan (2021). The London Plan defines tourism and hotel uses as a main town centre use and London Plan Policy SD7 states that boroughs should take a sequential approach to town centre uses. The policy says that these uses should be in town centres or if no suitable town centre sites are available or expected to become available, consideration should be given to sites on edge of centres that are or can be well integrated with the existing centre, local walking and cycle networks, and public transport.

We therefore consider Part (B) of Draft Policy LP46 should be reworded to ensure it aligns with the sequential approach to town centre uses in accordance with the NPPF and London Plan as follows:

B. outside locations set out in Part A, proposals for new visitor accommodation will be assessed against the sequential test for main town centre uses in accordance with national planning policy, with preference given for sites within Focal Points of Activity and edge of centre locations over out of centre locations

Draft Policy LP46 Part (D)

Part (D) of draft Policy LP46 states the following:

"D. Proposals to extend existing visitor accommodation will only be supported in the locations set out in Part A, subject to the other requirements of this policy being met."

Similar to part (B) of this policy, part (D) is inconsistent with the NPPF and the London Plan.

As mentioned, the NPPF states that local planning authorities should apply a sequential test to planning applications for hotel uses. The NPPF says that if town centre locations are not available, edge of centre locations should be considered, and if edge of centre locations are not available, out of centre sites should be considered.

London Plan Policy SD7 states that sequential tests should be applied to main town centre use applications. Policy SD7 goes on to say that if town centre locations are not available, consideration should be given to edge of centre locations, that are well integrated and connected, and if these locations are not available, consideration should be given to out of centre locations.

The draft policy provides no opportunity to apply a sequential test if Town Centre and CAZ locations are not available, and instead implies that extensions to existing visitor accommodation outside of Town Centres and the CAZ will not be supported.

LBW has provided no evidence to justify their approach and why this differs from the NPPF and London Plan. There is no reason to justify why extensions to existing visitor accommodation in areas outside of Town Centres or the CAZ would not be acceptable subject to a sequential test successfully demonstrating that development within a Town Centre or the CAZ would not be achievable.

For the above reasons, we consider that part (D) of the draft Policy LP46 should be reworded as follows:

D. Proposals to extend existing visitor accommodation should be supported in the locations set out in Part A, and if suitable sites within these locations are not available, a sequential test should be applied, subject to the other requirements of this policy being met.

Draft Policy LP46 Part (F)

Part (F) of draft Policy LP46 states that proposals for new visitor accommodation must fully address the following requirements:

- 1. "The scale of the proposal would be proportionate to its location.*
- 2. It should not unacceptably harm the balance and mix of uses in the area, including services for the local residential community*
- 3. It would not result in an over-concentration of visitor accommodation at the neighbourhood level. Proposals for new or extended visitor accommodation should include an assessment of impact on neighbouring residential amenity, including cumulative impact taking account of existing visitor accommodation nearby. Where necessary, measures to mitigate harm to residential amenity will be secured through planning obligations.*
- 4. It would be inclusive and accessible, in line with Part H of Policy E10 of the London Plan.*
- 5. It would not compromise a site's capacity to meet the need for conventional dwellings.*
- 6. It would provide ancillary facilities which are open for public use and create employment opportunities for local residents (such as restaurants, gyms and conference facilities) unless it is demonstrated not to be feasible because the hotel is too small to accommodate them.*
- 7. It would be managed appropriately as short-term accommodation, with stays not exceeding 90 consecutive days."*

We object to points 6 and 7 of this part of the policy for the following reasons:

Draft Policy LP46 Part (F)(6)

This part of the policy requires visitor accommodation to provide ancillary features which are open for public use and create employment opportunities for local residents, unless it is demonstrated not to be feasible because the hotel is too small to accommodate them. This does not consider

the operational differences between hotels or that services provided by hotels vary between the product and market they serve. For instance, a budget hotel will provide a different product and have different operational requirements when compared to a more expensive hotel. On the basis hotels have a wider contribution to the vitality and vibrancy of a local area through external expenditure, we do not consider it is justified to provide publicly accessible ancillary space as part of proposals for visitor accommodation.

Draft Policy LP46 Part (F)(7)

Supporting paragraph 19.47 of draft Policy LP46 states that for proposals within the C1 use class, the Council will ensure that units would not be occupied as permanent accommodation, and conditions will therefore be used to limit the maximum lease lengths for such accommodation. It therefore appears that the requirement for stays to not exceed 90 consecutive days responds to the need to ensure C1 accommodation is not occupied on a permanent basis.

No evidence has been provided by LBW as to why C1 uses should have occupancy restricted to 90 consecutive days and we do not consider that a site's operation within the C1 use class is dependent on the length of visitors' occupation. 90 days is a wholly arbitrary figure which has no support in case law or national or regional policy.

There is no definition of 'short term accommodation' nor is this defined as a separate use class within the Use Class Order. Short term accommodation is a broad term which encompasses several varying models of operation. The defining characteristics of a C1 Use are not simply based solely on length of occupation. Rather there are a number of other considerations, including if the premises is not a sole and permanent residence, payment is made on a nightly basis and the hotel has occupation of a transient nature. Therefore, it is not necessary or appropriate to restrict the occupation of visitor accommodation to 90-days to ensure it operates within the C1 use. On the contrary, the fact that some occupants may stay for longer periods than 90 days does not, in and of itself, necessarily result in a material change of use from a C1 use. A decision would have to be made as a matter of fact and degree having regard to all the relevant characteristics of use.

If the Council were to consider there had been a material change of use and a consented visitor accommodation begun to operate outside of Use Class C1, the Council has adequate control through the enforcement process.

In light of the above, we therefore request that requirement (7) of part (F) of draft Policy LP46 is removed in its entirety.

3. Test of 'Soundness'

Paragraph 35 of the NPPF sets out that Local Plans are considered 'sound' if they are:

- 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 this Framework.

Whilst we consider the draft Local Plan Review has been positively prepared and is effective, we do not currently consider the other tests of ‘soundness’ have been met for the reasons set out in this letter and summarised below.

Justified

We do not consider that draft Policy LP29 has been robustly justified as there is no evidence base to support the policy position taken by the Council as this ignores that purpose-built shared-living accommodation is (a) a form of accommodation for which there is an identified need at a borough- and London-wide level, (b) contributes towards housing delivery targets and (c) have the additional benefit of freeing up other housing stock in the borough. Resisting such development is therefore not justified and rather it would be more appropriate for Policy DM29 to require such developments to demonstrate they are satisfying an identified need and contributing towards the creation of mixed and balanced communities.

We do not consider that the requirement in draft Policy LP46 for visitor accommodation to have stays not exceeding 90 days is justified as no evidence has been provided to support this position. As set out, 90 days is a wholly arbitrary figure which is not supported in case law or national or strategic policy. Furthermore, the defining features of a C1 use are not solely based on the length of occupation and the Council has sufficient control over a material change of use to permanent residential accommodation through the enforcement process.

Consistent

Draft Policy LP27 is not consistent with Policy H16 of the London Plan in respect of its requirement to demonstrate that conventional housing is more suitable than large scale purpose built shared living accommodation. It is also not consistent with LBW’s own strategic policy position that seeks to encourage a mix of different types of housing.

Furthermore, as currently drafted Parts (B) and (D) of draft Policy LP46 are inconsistent with the NPPF and London Plan, as it does not explicitly recognise edge of centre locations as a preferable location for hotel development (in the event that town centre locations are unavailable) and it does not allow the application of a sequential test for proposals that seek to extend hotel accommodation.

Subject to these amendments, we consider the draft Local Plan Review would be ‘sound’ as required by the NPPF.

4. Summary and Conclusions

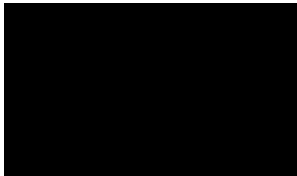


These representations have been prepared on behalf of London Hotel Group and provide comment on the Wandsworth Local Plan Publication (Regulation 19) Version. We would like to thank you for the opportunity to be involved in the ongoing preparation of the Local Plan. We trust the above comments are clear and helpful.

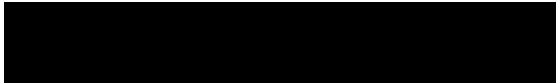
Whilst our client is supportive of the overall objectives of the Local Plan, we consider a number of amendments are needed, as outlined in this letter, to ensure the Local Plan meets the tests of 'soundness' as defined in the NPPF.

Please do not hesitate to contact if you require any further information. We request that we are kept updated on any future consultation stages regarding the Local Plan document.

Yours faithfully,



Lauren Whiteley
Planning, Development and Regeneration



For and on behalf of Avison Young (UK) Limited