

LB Wandsworth Local Plan Examination in Public

Tooting Development Company Ltd

Statement of Matter 18 – Ensuring the Vitality, Vibrancy and Uniqueness of the Borough’s Centre (Policies LP41 to LP48)

- 1.1 This Hearing Statement has been prepared and submitted by Avison Young on behalf of Tooting Development Company Ltd and should be read alongside the client’s representations on the London Borough of Wandsworth (LBW) ‘Regulation 19’ Draft Local Plan dated 28th February 2022.
- 1.2 In relation to draft Policy LP46 ‘Visitor Accommodation’, Tooting Development Company Ltd previously concluded that Parts A and B are inconsistent with the NPPF and the London Plan (2021). As a result, the requirements in Part D are also inconsistent with national and regional policy. Furthermore, the requirements of Part F(6) and F(7) are not justified with any proportionate evidence. Taken in the round, the wording of Policy LP46, as submitted, is therefore unsound.
- 1.3 To help the Inspectors understand that context behind Tooting Development Company Ltd’s concerns, these are threefold:
 - a. That Policy LP46 could preclude hotel accommodation in areas outside of town centres and the CAZ where it is capable of demonstrating that accommodation is sequentially suitable, and that the Policy as worded advances a ‘town centre only’ approach rather than a ‘town centre first’ approach:
 - b. That Policy LP46 would impose an unnecessary restriction upon the way that hotel accommodation is occupied, contrary to established case law and the client’s recent planning decisions.
- 1.4 We have reviewed the Council’s Schedule of Proposed Main Modifications dated 4th October 2022 and note changes ref: PPMM/110 – PPMM/114. In short, these explicitly introduce the sequential approach of ‘edge of centre’ sites, then ‘out of centre’ locations (PPMM/111), removes Part D as it is now captured in Part A (PPMM/112), introduces an operational requirement criteria for not requiring public access in PPMM/113 and removes a 90 day occupation restriction in PPMM/114.
- 1.5 This Statement sets out our client’s response to the Inspector’s Schedule of Matters and Issues for the Examination in relation to **Matter 18: Ensuring the Vitality, Vibrancy and Uniqueness of the Borough’s Centre**. The Statement is structured to provide a direct response to the relevant questions asked by the Inspector.

Background

- 1.6 Paragraphs 86 and 87 of the NPPF advice as follows:

'86. Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

87. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.' [our emphasis].

- 1.7 Assuming a planning application is supported by a Sequential Test and evidence that demonstrates that a site is 'accessible' to a town centre, then the NPPF would support the principle of new or extended hotel accommodation that is located outside a town centre.
- 1.8 Policy E10 of the New London Plan (2021) states that "a sufficient supply and range of serviced accommodation should be maintained". Furthermore, part G of this policy confirms that "in outer London and those parts of inner London and outside the CAZ, serviced accommodation should be promoted in town centres and within London Hotel Group Introduction 31061/A5 Page 4 October 2020 Opportunity Areas (in accordance with the sequential test as set out in Policy SD7) where they are well-connected by public transport, particularly to central London."

Q. Are the requirements of the Borough's Centres policies justified by appropriate available evidence, having regard to national guidance, and local context, and meeting the requirements of the London Plan?

- 1.9 This Statement and the previous representations explain that the NPPF and the adopted London Plan support the principle of new hotel accommodation and extensions to existing hotels outside of town centre (and CAZ locations) can be supported where a sequential assessment demonstrates that there are no preferential 'town centre first' locations.
- 1.10 The Regulation 19 'Submission' version of the drafting of Policy LP46 A, B and D does not make this principle clear. However, the Council's suggested Main Modifications (PPM/110 – 112) now make the sequential hierarchy more explicit. As a result, the suggested wording aligns with the principles of the NPPF and the London Plan.
- 1.11 Tooting Development Company Ltd is therefore satisfied that the Council's suggested Main Modifications overcome the previously raised concerns.

Q. LP46 (Visitor Accommodation) - Are stays exceeding 90 days justified by appropriate available evidence?

- 1.12 The representation dated 28th February 2022 noted that LBW has provided no evidence as to why C1 uses, such as hotel accommodation, should have occupancy restricted to 90 consecutive days and that 90 days is a wholly arbitrary figure which has no support in case law or national or regional policy. We are therefore pleased that the Council has omitted this restriction in the suggested revised approach to LP46 Part F(7).
- 1.13 Tooting Development Company Ltd is therefore satisfied that the Council's suggested Main Modifications overcome the previously raised concerns.

1.14 Whilst not a question raised by the Inspectors, we also note that the introduction of "*...or due to the operation requirements of the hotel*", aligns with our representations dated 28th February 2022. This position is supported by Tooting Development Ltd.

Conclusion

1.15 On this basis, we conclude that subject to the inclusion of the proposed Main Modifications to Policy LP46, Tooting Development Company Ltd consider the Local Plan would be sound for the following reasons:

- The wording of Policy LP46 (A), (B) and (D), as amended, would be consistent with national policy (and the London Plan) and enable the delivery of sustainable development in accordance with the policies in the Framework:
- The wording of Policy LP46(F), as amended, would be justified, and based upon proportional evidence.

1.16 We therefore request that the Inspectors direct the Council to incorporate the Main Modifications as suggested by the Council to the amended wording of Policy LP46.