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London Borough of Wandsworth
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**BNP PARIBAS
REAL ESTATE**

Our ref: 208214

Email: planningpolicy@wandsworth.gov.uk

22 February 2022

Dear Sirs,

**Wandsworth Local Plan Review (Regulation 19)
Representations submitted on behalf of Style & Space Ltd – Thornsett Road LSIA**

We write to submit Representations on behalf of Style & Space Contractors Ltd in response to the Council's Local Plan Review (Regulation 19). We made similar representations to the Regulation 18 draft but no Planning Officers from the Council have contacted us.

THE REPRESENTATION

We provide particular focus upon the Council's strategy towards LSIA's and policy LP34.

Our Representations are that:

- a) the Council is missing the opportunity to plan positively
- b) the Plan does not comply with the 2021 London Plan
- c) the evidence base is not supported by viability and therefore fails the test of deliverability
- d) the Council should separate out its stance between SILs and LSIA's
- e) the Plan fails to make effective use of urban land
- f) the Plan should not discourage residential uses within LSIA's
- g) the Plan seeks to differentiate between Class E uses in its policy application and restricting flexibility by conditions, contrary to the intention within legislation

BACKGROUND

Land Ownership

Our client owns land that sits within the Thornsett Road LSIA – land that has frontages to Penwith Road and Thornsett Road. Our client is familiar with the borough's industrial land context.

Planning History

The client's knowledge of the location is further enhanced through their submitted development proposals within the Thornsett Road LSIA



RICS Regulated by RICS

The Council will be aware that our client recently received planning permission on appeal for two mixed-use development schemes within the Thornsett Road LSIA (*APP/H5960/W/19/3235607 and 3235608*). Here, we summarise some of the Inspector's conclusions:

- the proposed developments would provide full replacement of existing B1(c) and B8 floorspace in accordance with paragraph 2 of policy EI6 (*para 11*)
- the Inspector also considered the unlikelihood of a viable re-development of the site comprising solely those industrial uses supported by EI6 (*para 13*)
- there was consideration of the impact of non-industrial uses upon the activities within the LSIA, in particular residential use was found acceptable as it was raised well above the road on level 2 (*para 14*)
- the proposals provided light industrial use rather than general industrial use (*para 15*)
- the proposals should be given very significant weight particularly in the context of the Council's strategic objective to encourage sustainable economic development (*para 17*)
- the situation does not constitute exceptional circumstances and it would be unreasonable and unnecessary to impose a condition to restrict B1(c) to such uses within Class E (*para 50*)

All of these reasons suggest that the Council should consider a more positive approach to development within the Thornsett Road LSIA and as set out under policy LP37.

NATIONAL PLANNING POLICY FRAMEWORK (2021)

Sustainable Development and Plan-making

The purpose of the planning system is to contribute to the achievement of sustainable development (Paragraph 7).

Paragraph 9 states that planning policies and decisions should play an active role in guiding developments towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

Paragraph 11 sets out that for plan-making, the application of the presumption in favour of sustainable development means that plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change.

Paragraph 15 states that the planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.

Paragraph 16 states that Plans should:

- be prepared with the objective of contributing to the achievement of sustainable development
- be prepared positively, in a way that is aspirational but deliverable
- be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees

Paragraph 35 sets out that Plans are 'sound' if they are positively prepared, justified, effective and consistent with national policy.

Building a strong, competitive economy

Paragraph 81 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt.....The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

Efficient Use of Land

Paragraph 119 sets out the requirement for planning policies to promote an effective use of land in meeting the need for homes and other uses. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or brownfield land

Paragraph 120 goes on to state that planning policies should (*inter alia*) encourage multiple benefits from urban land, including through mixed use schemes recognising that land can perform many functions; and support the development of under-utilised land and buildings, and airspace above existing commercial premises for new homes.

Under paragraph 122, Councils should reflect changes in the demand for land and reallocate land for more deliverable uses where there is no reasonable prospect of development coming forward for the use allocated in the plan.

Delivering a sufficient supply of homes

Paragraph 60 states that it is important that a sufficient amount and variety of land can come forward for new housing in order to significantly boost the supply of homes.

LONDON PLAN (2021)

Industrial intensification, co-location and substitution

The 2021 London Plan sets out an approach towards intensification and co-location of uses within LSIA's.

Under Policy E7, it states that intensification can be used to facilitate additional industrial capacity but also support the delivery of residential or other uses, such as social infrastructure, or to contribute to town centre renewal.

The Plan states that this approach should only be considered as part of a plan-led process or as part of a co-ordinated masterplanning process. At Figure 6.3, the London Plan provides simplified illustrations for LSIA consolidation.

It is not part of the London Plan to prevent residential use within designated locally significant industrial areas.

Optimisation of Previously Developed Land for Housing

Policy H1 of the New London Plan states that to ensure that ten-year housing targets are achieved, boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans, especially on sources of capacity including (*inter alia*):

- a) 'sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m distance of a station or town centre boundary; and
- c) housing intensification on other appropriate low-density sites in commercial, leisure and infrastructure uses.'

In this respect, the Thornsett Road LSIA is PTAL5, close to the Earlsfield Centre and the Earlsfield train station.

THE COUNCIL'S POLICY LP34

This policy seeks to deal with industrial land in the following way.

Protecting Industrial Land and Premises

A. The Council will support the use of land and premises for industry and distribution in appropriate locations, falling within the following uses:

1. Light industry (falling within Use Class E (giii));
2. General industry (B2);
3. Storage and logistics/distribution (B8);
4. Flexible hybrid industrial space;
5. Secondary materials, waste management and aggregates;
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 (gii)); and
9. Sui generis uses that relate to, and are necessary to support, the operation of sites of an industrial nature.

Strategic Reservoir of Industrial Land

B. A strategic reservoir of industrial land, comprised of the borough's Strategic Industrial Locations (SILs) and Locally Significant Industrial Areas (LSIAs), will be protected and retained. In these locations:

1. Uses identified in Part A will be supported. Where necessary, proposals may be subject to the use of planning conditions or Section 106 planning obligations in order to protect the industrial function of the land.
2. The redevelopment of sites must provide at least the full replacement of existing industrial floorspace, in accordance with those uses identified in Part A.
3. The intensification of sites for industrial purposes through increased floorspace will be strongly encouraged. Landowners should, where appropriate, work with those of adjacent sites in order to make the most efficient use of land.
4. Development proposals for other uses in these locations will not be supported, except in the following circumstances and provided that the use does not erode the effective operation of the industrial function of the SIL or LSIA:
 - a. In the Battersea Design and Technology Quarter, SME office accommodation and research and development uses will be appropriate on upper floors, if it would result in the intensification of industrial uses on the site. Such development must accord with the Area Strategy and relevant Site Allocation. If the existing use of the site is solely or predominantly for office use, redevelopment must provide for new industrial uses on the ground floor, unless this would result in harm to a heritage asset and/or would cause material harm to the amenity of neighbouring occupiers or the operations of neighbouring uses.
 - b. In other locations, offices and other non-industrial uses will only be supported where they are ancillary to the use of the site or premises for one or more of the industrial uses identified in Part A.
 - c. In limited instances, non-industrial uses may be appropriate in these locations if they are small-scale and cater for the local needs of people working in the area.

EVIDENCE BASE

The AECOM Wandsworth Employment Land and Premises Study (October 2020) is important for the following reasons:

- it identifies the Thornsett Road LSIA (Site C6) with having '*some potential*' for development
- the assessment that they undertook was qualitative based, on supply characteristics and does not include any analysis of viability or deliverability

The Report describes the LSIA as follows (4.62 and Table 4.12):

'The cluster is well-occupied and there is no evidence of vacancy. A new industrial headquarters facility was built around 5 years ago. Towards the west of the cluster there are some buildings which are older in character. These could be intensified to provide additional industrial floorspace.

However, this cluster is close to residential properties and community uses and there is limited parking space. There is also evidence that the existing space is particularly well suited to certain tenants including car servicing businesses'.

An important consideration here is that AECOM used 'vacancy' as a key criterion as to whether intensification could take place. Furthermore, it talks about parking as a deterrent, however the 2021 London Plan seeks to encourage occupied buildings for intensification (redevelopment) and seeks to support car-free development in areas of good accessibility.

ANALYSIS

Our analysis based on the above shows that:

- **the Council is missing the opportunity to plan positively** – it is clear from the London Plan, the NPPF and the AECOM Report that there is scope for intensification and that there are opportunities to introduce residential use.
- **the Plan does not comply with the 2021 London Plan** – London Plan Policy E7 encourages specifically within LSIA's, that boroughs should take the opportunity to promote intensification and co-location of industrial and residential uses. The Council has failed to take advantage of this opportunity.
- **the evidence base is not supported by viability and therefore fails the test of deliverability** – it is important that the Council undertakes viability testing of its planning policies.
- **the Council should separate out its stance between SILs and LSIA's** – it is considered that in accordance with the New London Plan, the Council could offer greater flexibility for LSIA's rather than SILs. In this way, the SILs can continue to provide a reservoir of the heavier industrial uses.
- **the Plan fails to make effective use of urban land** – by not adopting opportunities that could encourage other uses and by not considering viability (which could act as a deterrent to 'industrial' development), the Plan has failed to provide a context for re-cycling and making effective use of urban land.
- **the Plan should encourage residential uses where appropriate within LSIA's** – the Local Plan could encourage housing provided the parameters and protections for the LSIA's match those of the 2021 London Plan.
- **the Plan seeks to differentiate between Class E uses in its policy application and by conditions, thereby restricting flexibility intended in legislation** – it is questionable whether legally the Council's approach will be accepted. It proposes conditions limiting movement within Class E and suggests only certain activities within Class E are only suitable within the LSIA.

We consider that the Council will need to make fundamental changes to policy LP34 rather than our offering suggested changes at this stage. We welcome the opportunity for further discussions with the Council's Policy Team on how the Plan could be more positively prepared and be consistent with the 2021 London Plan and the NPPF.

Yours faithfully,



Jeff Field
Senior Director
Head of London Planning



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		Jeff
Last name		Field
Job title (where relevant)		
Organisation (where relevant)	Style & Space Ltd	BNP Paribas Real Estate
Address		5 Aldermanbury Sq London
Postcode		EC2V 7BP
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 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 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 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 checked="" 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.		
<p>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.</p> <p>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.</p> <p><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></p>		
Please refer to attached letter.		
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 refer to attached letter.

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)

Yes, I wish to participate in hearing session(s)

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:

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.

The draft allocation includes detailed elements which merit discussion.

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

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.

Signature:
For electronic responses a typed signature is acceptable.

Jeff Field

Date:

22/02/2022



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.