

SB/P08404
28 February 2022

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

Dear Sir/Madam,

**London Borough of Wandsworth Local Plan; Local Plan Publication (Regulation 19) Version
(January 2020)**

Representation on behalf of Sharon Griffin

We write on behalf of our client, Sharon Griffin to make representations on the London Borough of Wandsworth's Local Plan (Regulation 19 version) which is out for public consultation. Ms. Griffin and her family are the freehold owners of [REDACTED]

As required at this stage of the plan-making process and in accordance with national guidance, this representation shall focus on the soundness of the plan and principally relates to following draft policies and site allocation:

- Draft Economic Use Protection Area (EUPA) of 124 Latchmere Road and 187-207 Lavender Hill
- Draft Policy LP33 (Promoting and Protecting Offices)
- Draft Policy LP35 (Mixed-Use Development on Economic Land)

Background

Nos. 187, 189, 191 and 195 Lavender Hill ('the Site') have been identified as part of the 124 Latchmere Road and 187-207 Lavender Hill Economic Use Protection Area (EUPA) within the draft Local Plan. The properties were originally constructed as single-family dwelling houses and are currently predominately residential in nature with commercial, healthcare and educational uses on the lower and upper ground floors.

The lower ground floor of No. 187 is in Class F1(a) educational use as an exam preparation centre whilst the lower ground floor of No. 189 is currently vacant having previously been occupied by an adoption agency (Class E(e) use). The upper ground floors of Nos. 187 and 189 are in use as an osteopathy clinic, a Class E(e) healthcare use. The lower ground floor of No. 191 is currently utilised as storage for a commercial operation a Class E(c)(iii) use with the upper ground floor of No. 191 currently vacant having last been in use in 2018 as the offices of a surveying/property management

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company, a Class E(c)(ii) use. Lastly the lower and upper ground floors of No. 195 are in use as a day nursery a Class E(f) use. The upper floors of each of the properties are in residential use. As such it is evident the upper and lower ground floors of the Site are in a variety of educational, healthcare and commercial uses with the majority of the Site comprising residential uses.

In terms of the other sites included within the 124 Latchmere Road and 187-207 Lavender Hill EUPA designation which are outside my client's ownership; No. 124 Latchmere Road is currently occupied by the London Probation Services akin to a Class F1(g) uses. No. 193 appears to be entirely residential (Class C3) in nature whilst Nos. 201-203 are occupied by Wandsworth's Future First service providing support and guidance to young people leaving the care system (Class E(e) use). No. 205 is in use as an accountant's office (Class E(c)(ii)) whilst No. 207 (extending to 217 Lavender Hill) is occupied by an estate agent (Class E(c)(ii) use).

This is significant given the Site's proposed designation as an Economic Use Protection Area. As outlined below in such locations the Council seeks to protect industrial and office uses, however, in this instance industrial uses do not currently, nor have they historically, existed on site; while office uses comprise a very small portion of the overall mixture of uses currently within the proposed EUPA.

Local Plan Consultation Process

Whilst noting the Council appears to have fulfilled its statutory requirements with regards to consultation on the Local Plan; our Client wishes to express her dissatisfaction at receiving no direct communication from the Council regarding the draft Local Plan consultation. As a landowner with properties directly affected by a draft Local Plan policy designation best practice would have been for the Council to notify her directly.

The general public consultation undertaken, as outlined within Appendix 2 of the Statement of Community Involvement, is insufficient for those with properties explicitly referenced and thus directly affected by the draft Local Plan. Our client is perhaps one of many who were unaware of the 'issues' stage and call for sites undertaken as part of the consultation on the 'Pre-Publication' Local Plan (Regulation 18). We trust the Council will give due consideration to our Client's significant concerns with the policies contained within the draft Local Plan, as outlined below, which would have been expressed at an earlier stage in the plan making process had our Client been made aware that such a consultation was underway.

Economic Use Protection Area (EUPA) (Para. 18.49-18.50)

Economic Use Protection Area (EUPA) is a designation in the emerging Wandsworth Local Plan for sites outside of primary office and industrial locations. The Council intends to protect and retain these economic clusters within any forthcoming redevelopment proposals, and to intensify them where possible through their EUPA designation.

The available information concerning EUPA's is quite limited in the draft Local Plan and lists a number of addresses within the borough to be designated as a EUPA. This includes 214 Latchmere Road and 187-207 Lavender Hill which contains four properties within our Client's ownership. Paragraph 18.49 of the draft Local Plan describes EUPAs as follows (underlined sections of our emphasis):

"Established industrial and office premises provide a substantial amount of floorspace for local businesses and are crucial in supporting the borough's economy, and that of London as a whole. Outside of the primary locations for offices and industry activities – Town Centres and the strategic reservoir of industrial land, respectively – economic uses are grouped into clusters. Such clustering can bring substantial benefits. Given the identified need for economic premises over the Local Plan

period, it is essential that the Council protect and retain these economic clusters within any forthcoming redevelopment proposal, and to intensify them where possible, through their designation as EUPAs”.

Turning first to the main reason paragraph 18.49 provides for including a site within a EUPA; that it contains an established industrial or office premises. In case of Nos. 187, 189, 191 and 195 Lavender Hill these properties do not nor have they ever contained an industrial uses. Whilst offices uses do exist on Site these comprise only a very small element an overall predominately residential use. These properties were originally constructed as single-family dwelling houses and over time came to be occupied by a mixture of commercial, educational and healthcare uses on the upper and lower ground floor levels, with residential uses continuing to occupy the upper levels. Paragraph 18.49 states that established industrial and office premises provide “a substantial amount of floorspace for local businesses”, in this case no floorspace is currently, nor has it ever, been provided for an industrial use whilst the quantum of office floorspace provided is de minimis. The potential for the Site to achieve the strategic objectives of the EUPA is thus negligible.

The second reason outlined within paragraph 18.49 for including a site within a EUPA designation is that economic uses are grouped into clusters. Setting aside the negligible economic uses currently present at site, the overall designation of 124 Latchmere Road and 187-207 Lavender Hill within a EUPA appears piecemeal, lacking any sound strategic or cohesive rationale. Aside from the Battersea Arts Centre immediately to the north, the predominate uses within the immediate vicinity are residential and in the case of Lavender Hill itself predominately Class E uses on the ground floor with residential uses above. The Site cannot be seen as an ‘economic cluster’ one of the key criteria for a sites designation as a EUPA, but rather four buildings designed as single family dwelling houses with a mixture of commercial, healthcare and educational uses on the lower ground floor and residential accommodation on the upper levels.

124 Latchmere Road and 187-207 Lavender Hill are in no way distinctive in terms of their use from any other properties along Lavender Hill or the surrounding area; which it should be noted have not been designated as EUPA. As such we consider their inclusion within a EUPA to be unjustified and unsound as it is not based upon an appropriate strategy or proportionate evidence and thus does not satisfy Paragraph 35 of the NPPF.

Policy LP33 (Promoting and Protecting Offices)

According to Policy LP33 (Promoting and Protecting Offices), existing office floorspace located within Economic Use Protection Areas (EUPAs) will be protected. Redevelopment proposals in such locations will only be supported if:

1. They would result in no net loss of office floorspace and the criteria of the relevant designation and/or Site Allocation has been met (Policies LP35 - Mixed Use Development on Economic Land);
2. or within the BDTQ, existing office floorspace is being redeveloped for industrial uses, in accordance with LP34.A; or
3. It has been clearly demonstrated that there is no demand for the use of the premises as offices through the submission of evidence that a full and proper marketing exercise of the site for a period of at least 18 months has been undertaken in line with the requirements set out at Appendix 1 (Marketing Evidence) of the Plan.

As outlined within the preceding section we do not consider the Site’s inclusion within a EUPA is warranted given it does not contain any industrial uses and has only minimal office uses and thus can by no means be considered an ‘economic cluster’. Draft Policy LP33 highlights the significant restrictions which would be in place for properties located within a EUPA.

In terms of satisfying the first criterion of draft Local Plan Policy LP33, no net loss of office floorspace would be permitted unless it were being redeveloped for industrial uses. As outlined within the preceding section the surrounding context is primarily residential in nature, albeit with commercial uses at lower levels on main arterial routes such as Lavender Hill. An industrial use in this location would be inappropriate and not in keeping with the established character of the area.

In terms of the second criterion, the submission of marketing evidence requires an active and robust campaign to justify why the existing use is not needed, which would have to:

- be ongoing for a minimum period of 18 months (24 months for public houses);
- be through a commercial agent;
- be marketed on property databases, search engines and other relevant websites which focus on the sale or letting of commercial premises, that are free to view and easily accessible by prospective purchasers / tenants; and
- priced commensurate with the existing quality and location of the premises.

This excessively onerous and costly process would occur if any of the small quantum of office uses within the proposed EUPA were to change their use. Since the global Covid 19 pandemic it is more important than ever to have the flexibility to change uses to prevent economic activity from being stymied by unnecessary restrictions; to ensure vacant premises are brought back into use in a timely manner; and to ensure the vitality and viability of our cities. This is at the heart of the Government's recent amendment to the Use Class Order in 2020 and introduction of Class E designed to provide greater flexibility for commercial, business and services uses to change to other uses within the same use class. The requirement to submit 18 months of marketing information for changes of use from offices within a EUPA is entirely at odds with these principles and is inconsistent with national policy, contrary to Paragraph 35 Part (d) of the NPPF.

In terms of enforcement of this draft policy it is also unclear whether other uses within Class E would be affected by this change or if they would be treated separately to Class E(g). Since changes of use between Class E uses do not require planning permission, this may complicate things further as it would be difficult to determine whether the space is used for Class E(g), as well as any loss in floorspace.

Policy LP35 (Mixed-Use Development on Economic Land)

As outlined within Policy LP35 (Mixed-Use Development on Economic Land), proposals for mixed-use development, including residential, will be supported where it meets the following criteria:

1. Economic Use Protection Areas (EUPAs): Proposals which would result in the existing quantity of office and industrial floorspace both being fully replaced will be supported. Increased provision through the intensification of such uses is supported, as is the redevelopment of office floorspace to serve industrial uses, where it would not give rise to any material harm to the character of the area, the operation of neighbouring uses or the amenity of neighbouring residents. If it can be clearly demonstrated that there is no demand for the existing industrial use (where applicable) through the submission of evidence that a full and proper marketing exercise of the site has been undertaken for a period of at least 18 months in line with the requirements of Appendix 1 of this Plan, then preference will be given to the provision of office space.

Whilst the Site contains commercial, educational and healthcare uses on the lower ground floors it is by no means considered 'economic land'. The predominate use as the Site is residential in keeping

with the established character of the surrounding area. Despite this established land use, the Sites' inclusion within the EUPA as proposed by the draft Local Plan would automatically require it to be considered as economic land and be determined in accordance with Policy LP35. Such an approach is unjustified as it fails to take into account reasonable alternatives and it not based on proportionate evidence and is thus contrary to Paragraph 35 Part(b) of the NPPF.

The introduction of industrial uses as advocated by draft Policy LP35, which are currently not present within the Site nor within the immediate vicinity, as part of any redevelopment proposal would be out of keeping with the established character of the area. The requirement to provide at least 18 months of marketing evidence would place excessive procedural burdens on future occupiers and increase the potential for planning blight as we emerge from a global pandemic. The introduction of restrictions on existing Class E uses is inconsistent with national policy and restricts the delivery of sustainable development, contrary to Paragraph 35 Part(d) of the NPPF.

Conclusion

In summation, we trust the above representations from Sharon Griffin will assist with your consideration of the emerging planning policy review. Ms. Griffin has significant concerns at the designation of Nos. 187, 189, 191 and 195 Lavender Hill (the Site) within the 124 Latchmere Road and 187-207 Lavender Hill Economic Use Protection Area (EUPA). The Site does not contain any industrial use whilst office uses comprise a small proportion of the overall, predominately residential use of the Site. As such the Site cannot be considered 'economic land'.

The designation of 124 Latchmere Road and 187-207 Lavender Hill as EUPA appears to lack any clear rationale or strategic vision. These properties contain no industrial uses and any commercial uses present are similar to those in the wider area and in no way distinguishable as an 'economic cluster' or worthy of particular protection.

The consequence of having the Site designated as EUPA would place unnecessary and costly administrative and procedural burdens on our Client and future occupiers. Such an approach is at odds with the 2020 amendments to the Use Classes Order which lead to the introduction of Class E. The intention of this amendment was to increase flexibility, to bring vacant premises back into use and to improve the vitality and vibrancy of our towns and cities, something of the utmost importance in the wake of the global Covid-19 pandemic.

For these reasons we feel the designation of the Site as a EUPA, and resultant application of draft Policies LP33 and LP35 when determining any future planning submission, would be unjustified and inconsistent with national policy and thus unsound contrary to Paragraph 35 of the National Planning Policy Framework.

Yours faithfully,



For and on behalf of
Rolfe Judd Planning Limited

Cc Sharon Griffin