

## Wandsworth Local Plan Examination in Public

### Hearing Statement on Behalf of Callington Estates and the Trustees of the Callington Trust

This statement is submitted to the Wandsworth Local Plan Examination in Public on behalf of our client, Callington Estates Ltd and the Trustees of the Callington Trust, in relation to 53 Lydden Grove (*the site*). This hearing statement is being submitted following the attendance by Simply Planning Ltd to the hearing session for Main Matter 11 '*Wandle Valley*' on Tuesday 22<sup>nd</sup> November.

At the hearing session it was agreed with the Inspectors and the Council that a brief summary of our evidence and representations should be submitted in advance of the Main Matter 17 '*Building a Strong Economy*' hearing session on Thursday 24<sup>th</sup> November. We once again appreciate and welcome the Inspectors accepting this evidence at this stage in the hearing sessions.

We shall be in attendance at the above hearing session to further expand upon and discuss the evidence provided below.

#### Main Matter 17 – Building a Strong Economy (Policies LP33 – LP40)

Are the requirements of the Strong Economy policies justified by appropriate available evidence, having regard to national guidance, and local context, and meeting the requirements of the London Plan?

Paragraph 35 of the National Planning Policy Framework (NPPF) requires that for Policies to be found '*sound*' they need to be effective (including being deliverable over the plan period) and consistent with national policy.

Paragraph 31 of NPPF relates to the preparation of development plans and this states that:

*"The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals."*

At regulation 19 stage we submitted a consultation response on behalf of our clients, which outlined the following matters, amongst other issues;

- The site measures approximately 0.07ha in size and contains a part single storey / part two storey building;
- The existing lawful use of the building is B1 offices (Use Class E), established by a 2015 Lawful Development Certificate;
- The lawful use is not an industrial use listed under Policy LP34.A '*Managing Land for Industry and Distribution*' of the Wandsworth Local Plan;
- The highway access from the wider LSIA into the site's northern service yard is restricted to non-HGV vehicles, due to existing traffic management features on Lydden Grove. Any large vehicles attempting to access this service yard are required to access from Kimber Road and the residential streets to the north;

- The surrounding uses to the north and opposite the site are residential, including the recent development of a residential dwelling directly adjoining the land to the north.

The Council response to our Regulation 19 Consultation Response identified the following:

*“As identified in response to previous representations, the borough’s employment land review (the ELPS) identifies a net requirement for 8.6 hectares of industrial land up to 2034, with the core additional demand being derived from B8 uses (4.7ha) and uses falling under the former B1b/c use classes (1.6ha). Further, and in accordance with the requirements of London Plan Policy E6, the evidence sets out that “employment land within existing SIL and LSIA’s remain the most suitable locations in Wandsworth to accommodate the additional demand identified for both core industry/warehousing uses and waste uses” (paragraph 8.14).*

*It is recognised that the legal use of the site is as an office (Class E), as established under a Lawful Development Certificate application (2015/4948) in 2015. Prior to that, it is understood that the use of the building was for storage and distribution (see 2014/7188, which states that such a use began more than 10 years before the date of the application), and that it functioned as such with the restrictions to the highway referenced within the representation in place. It is not therefore considered that the site therefore has either poor suitability or little prospect of industrial use in the longer-term and, given the borough’s industrial identified need, the Council consider the continued inclusion of this site within the Lydden Road LSIA to be an appropriate and justified strategy.*

Therefore, the Council acknowledge that the lawful use of the premises is Use Class E, but that the LSIA designation is required to be retained to safeguard the land for industrial use during the next plan period.

We consider that this is not deliverable over the next plan period or consistent with national planning policy for the following reasons:

- a. The Wandsworth Employment Land and Premises Study shows in figure 5.10 that the average rental values for an office in the area where the site is located is £330 - £340 per sqm. This compares with figure 5.13 which shows that the average rental values for industrial land in the area where the site is located is £190 - £200 per sqm. As such, the industrial rental values are approximately 58% of the office rental values and it is not a viable prospect for the building to be converted to industrial use due to this;
- b. In response to our regulation 19 consultation response the Council noted that *“it is recognised that the site has planning permission (2019/3033) to extend the office provision on site, which is currently unimplemented. Site-specific considerations of the site (including the legal use) and the existing designation of the LSIA have therefore clearly not prevented applications for additional office provision on this site through the development management process.”* The above statement is not a correct identification of events. An earlier planning application (ref:2018/4556 – see **Document 1**) was refused in November 2018 had sought a three storey office building. This application was refused on the grounds that offices were not ‘an appropriate industrial use’ within the LSIA. The 2019 permission scheme was only permitted where a significantly reduced scale was offered that was argued be form a moderate addition to the existing unit.

We consider that the Employment Land and Premises Study submitted by the Council demonstrates that it would not be viable for the land to be converted from office to industrial use during the next plan period, given the rental incomes which the two uses would achieve. Moreover, given the site specific constraints of the site, including the highway width restriction and the existence of residential uses immediately adjacent (to the north) and opposite, the site is not suitable for the type of uses LSIA’s seek to protect and provide for.

Furthermore, the retained LSIA designation would result in continued conflict with Policy LP34 of the Local Plan, should our client wish to intensify the brownfield site to bring forward an office or mixed-use development. As such,

we consider the retention of the LSIA designation and the delivery of the site for industrial uses is not deliverable, or indeed desirable in planning terms, during the plan period. This designation is not demonstrated by up-to date evidence and does not consider the market trends of the rental incomes for differing land uses in the area. As such, we consider the retention of the LSIA designation as contrary to paragraphs 31 & 35 of the NPPF.

Our client understands that the Council will want to retain the existing commercial floorspace within the building, but the retention of the LSIA designation also undermines the wider spatial vision for the Wandle Valley Area outlined in Policy PM10.

Criterion A4 of this Policy requires developments to provide a positive frontages to the riverside, with Criterion B3 actively identifying that sites within EUIA designations are required to enhance their relationship to the river. No such requirement is necessitated for LSIA designated sites. We believe that the following modification to the plan should be required to make it sound and in accordance with the NPPF:

- The designation of our client's land be amended in the plan from LSIA to EUPA;
- Policy PM10 criterion B3 be amended to include reference to 'EUPA' as well as EUIA.

The above modification would ensure the retention of the existing office floor space within the site, but enable a mixed-use development to be brought forward which would allow for a more attractive and active frontage to be developed toward the River Wandle. Furthermore, the loss of 0.07ha of land of the Council's industrial land supply is considered to not undermine the delivery of the employment and industrial strategies of the Local Plan.

In order to assist with the examination in public hearing session, we provide photos in **Document 2** which show the existing building, the highway restrictions on Lydden Grove and the appearance of the rear elevation of the building from the opposite riverbank of the Wandle River.

We look forward to discussing the above points with the Examining Inspectors and Council during the Main Matter 17 hearing session.



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and the Trustees of the Callington Trust

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## Document 1

Decision Notice



David Corley Architect  
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Witney  
Oxon  
OX28 6DE

## Wandsworth Council

Environment and Community Services Directorate  
The Town Hall Wandsworth High Street  
London SW18 2PU

Telephone: 020 8871 6000  
Direct Line: 020 8871 6632  
Fax: 020 8871 6003  
Email: [planning@wandsworth.gov.uk](mailto:planning@wandsworth.gov.uk)  
[www.wandsworth.gov.uk](http://www.wandsworth.gov.uk)

Our ref: 2018/4556  
Date: 19 November 2018

### Town and Country Planning Act 1990

## REFUSAL OF PERMISSION FOR DEVELOPMENT

The Council, in pursuance of its planning powers, hereby refuses to permit the development referred to in the schedule below and as shown on the submitted plans.

Your attention is drawn to the General Information and to the Statement of Applicant's Rights enclosed.

### SCHEDULE

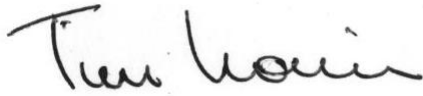
APPLICATION NUMBER: 2018/4556  
LOCATION: 53 Lydden Grove SW18 4LW  
DESCRIPTION: Erection of a three-storey office building (Class B1(a)) and first floor extension to existing office building (Class B1(a)).  
DRAWING NOS: 846 P: 01; 02; 03; 04; 05; 06; 07; 08; 09; 10; 11; 12; 13; 14; 15; 16; 17.

### REASON FOR REFUSAL:

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

In dealing with this application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive manner and the Council has, as far as practicable, sought solutions to problems arising in relation to dealing with the planning application.

We have made available detailed advice in the form of our statutory policies in the Local Plan consisting of the Core Strategy, Development Management Policies Document, Supplementary Planning documents and where appropriate the Site Specific Allocations Document as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

A handwritten signature in black ink that reads "Tim Cronin". The signature is written in a cursive, slightly slanted style.

Tim Cronin,  
Assistant Director (Planning and Transport)

**WANDSWORTH BOROUGH COUNCIL**  
**ENVIRONMENT AND COMMUNITY SERVICES DIRECTORATE**

**GENERAL INFORMATION**  
**TOWN AND COUNTRY PLANNING ACT 1990**

**This decision does not convey any approval, consent, permission or licence under any other Acts, or Bye-Laws, Orders or Regulations and nothing in this decision shall be regarded as compliance with or approval, consent, permission or licence under other legislation.**

**You must ensure that your proposal complies with the Building Regulations. You can obtain advice from Building Control, between 09:00 and 13:00 Monday to Friday at the Town Hall Extension, Wandsworth High Street, SW18 2PU and via telephone on no. 020 8871 7620.**

You are also reminded that the Council's permission does not modify or affect any personal or restrictive covenants easements, etc., applying to or affecting the land or the rights of any persons (including the Council) entitled to the benefits of them. If you are unsure whether there are relevant restrictions which might stop the building of extensions, alterations to the property or changing the use (even if you have a planning permission) you should consult a suitably qualified professional advisor.

If the proposed development requires changes to, or new street name or numbers you should contact the Council's Street Name and Numbering Section at the earliest opportunity (Tel No. 020 8871 7520).

**Statement of Applicant's Rights arising from the refusal of planning permission or from the grant of permission subject to conditions.**

- If you are aggrieved by the decision of the Council to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/appeal-planning-decision>.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

**Purchase Notices and Compensation**

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subjects to conditions, the owner may claim that the land cannot be put to a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances the owner may serve a purchase notice on the Council requiring the Council to purchase the land in accordance with the provision of Part IX or the Town and Country Planning Act 1990.

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal. These circumstances are set out in sections 169 and related provisions of the Town and Country Planning Act 1990.



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## Document 2

Photographs



Photographs





