29th October 2015

Consultation on Wandsworth Council Schedule of Proposed Main Modifications

Dear Sir,

I am writing to you regarding the Consultation on Proposed Main Modifications following the close of the public hearing sessions, including those required to address issues identified at the Examination Hearing Sessions and referred to in the Inspector’s letter of 31 July 2015.

We have limited our comments to the main points discussed during the hearing, and given a special attention to the specific new policy (SSAD) introduced by the Council inside the Core strategy document, following the criticisms expressed during the hearing and the inspector’s letter.

We have not used the Representation Form as this is not permitting proper formatting of our comments. However, we have followed and labelled all fields from your form on a separate paper for clarity.

Therefore please find attached our comments.

Yours faithfully,

Cyril Richert

Clapham Junction Action Group

http://cjag.org
**Proposed Main Modification:** MM06 – SSAD1 (new policy)

Taking into account the Proposed Main Modification, do you consider the Local Plan is:

- Legally compliant: Yes
- **Sound:** No

Taking into account the Proposed Main Modification, do you consider the Local Plan is unsound because it is not:

- Justified
- Effective

**Details:**

In reaction to the Inspector’s criticism regarding the (in)effectiveness of the SSAD, the planning officers are proposing to include a new policy within the Core Strategy document, called SSAD1.

We agree with the paragraph stating:

> “For sites identified in the SSAD, planning permission will be granted where the proposed development is in accordance with the principles and the detailed criteria set out for the site in the SSAD, and with the relevant area spatial strategy.”

However we are baffled with the following paragraph saying:

> “Proposals which do not comply with the SSAD will only be granted permission where material considerations clearly indicate that an alternative type of development is more appropriate, where the development would be in accordance with all other relevant policies, and where the development would not prejudice the delivery of the Core Strategy, the objectives of the relevant area spatial strategy, or SSAD compliant schemes on neighbouring sites.”

In our view, this proposed change is only creating confusion: **there is no definition of “material considerations [which] clearly indicate that an alternative type of development is more appropriate”**.

We wonder what considerations could be brought that could sweep out years of drafting of planning policies by many planning officers, carefully considered during numerous consultations and reviewed by planning inspectorate to form the framework of accepted policies to be applied when reviewing planning applications. Are we talking about developer’s profit (or their definition of viability)? Are we talking about CIL and section 106 contributions that the Council could welcome?

**We consider also that the Council is inviting developers to ignore the SSAD policy and come with alternative plans!**
This seems to be an attempt to overturn the inspector’s comment saying rightly that:

“The introduction of the SSAD sets out its purpose but there are no policies to confirm that development should be undertaken in accordance with the site allocations. Neither is there anything to the effect that planning permission will be granted for proposals that follow the relevant design principles and that have regard to the other criteria. Without a policy to expressly state that site allocations will be approached in this way the documents as a whole are ineffective.”

Therefore the new policy is not only still ineffective regarding the SSAD document, but it makes things even worse as this time it clearly states the possibility of ignoring the SSAD, subject to justifications: it is now specifically noted that alternative plans, that local authorities have not thought of and consulted on, can be submitted and that it will be considered within the planning application decision at the same level as the SSAD.

**Change(s) considered necessary to make the Proposed Main Modification to the Local Plan legally compliant or sound**

We consider that in order to comply with the inspector’s comment, and following the Council’s modification, the new policy SSAD should be such as (parts to be removed are crossed):

**Policy SSAD 1**

For sites identified in the SSAD, planning permission will be granted where the proposed development is in accordance with the principles and the detailed criteria set out for the site in the SSAD, and with the relevant area spatial strategy.

Proposals which do not comply with the SSAD will only be granted permission where material considerations clearly indicate that an alternative type of development is more appropriate, where the development would be in accordance with all other relevant policies, and where the development would not prejudice the delivery of the Core Strategy, the objectives of the relevant area spatial strategy, or SSAD compliant schemes on neighbouring sites.

Where further or updated information and guidance is given in a Supplementary Planning Document for a site identified in the SSAD, this will be a material consideration in determining applications.

In case (but we do not think this is necessary), the policy needs to state that there are cases where the Policy could be ignored, the following paragraph could be added:
Proposals which do not comply with the SSAD will only be granted permission where material considerations clearly indicate that an alternative type of development is more appropriate, where the development would be in accordance with all other relevant policies, and where the development would not prejudice the delivery of the Core Strategy, the objectives of the relevant area spatial strategy, and SSAD compliant schemes on neighbouring sites.

Therefore the policy should read:

Policy SSAD 1

For sites identified in the SSAD, planning permission will be granted where the proposed development is in accordance with the principles and the detailed criteria set out for the site in the SSAD, and with the relevant area spatial strategy.

Where further or updated information and guidance is given in a Supplementary Planning Document for a site identified in the SSAD, this will be a material consideration in determining applications.

[possible addition: Proposals which do not comply with the SSAD will only be granted permission where the development would be in accordance with all other relevant policies, and where the development would not prejudice the delivery of the Core Strategy, the objectives of the relevant area spatial strategy, and SSAD compliant schemes on neighbouring sites.]
**Proposed Main Modification:** MM23 – 4.165 (relates to Policy IS3d.)

Taking into account the Proposed Main Modification, do you consider the Local Plan is:

**Sound: No**

Taking into account the Proposed Main Modification, do you consider the Local Plan is unsound because it is not:

**Effective**

**Details:**

It should make reference to the SSAD and SPD for the area, as without stating that the focal point will be approached in this way, there is a risk that the SPD may be ignored and therefore ineffective.

**Change(s) considered necessary to make the Proposed Main Modification to the Local Plan legally compliant or sound**

Tall buildings may also be appropriate in the Lombard Road/York Road Riverside Focal Point subject to the SSAD compliant schemes on neighbouring sites and information and guidance is given in a Supplementary Planning Document.
Proposed Main Modification: MM29 – IS5

Taking into account the Proposed Main Modification, do you consider the Local Plan is:

Sound: No

Taking into account the Proposed Main Modification, do you consider the Local Plan is unsound because it is not:

Effective

Details:

The inspector commented on affordable housing, saying that “the setting of expected maximums for the percentage of affordable units […] runs ‘against the grain’ of what the Council is trying to achieve“.

CJAG pointed out the effectiveness of targets, telling the inspector that either the Council should stick to the percentage set out in the policy, or dismiss it as in any case the Council is not enforcing the figures.

Although the planning officers acknowledged that they could not meet the target on affordable housing in the borough, they tried to justify the targets, saying either that their omission was going to increase the land value and prevent developments, or that enforcing targets was likely to prevent developments (rather contradictory actually).

Although the proposed removal of “maximums” goes into the right direction, we still consider that the policy IS5 is ineffective and should be re-enforced.

The current policy IS5e reads such as:

“On individual sites […] a proportion of at least 33% of homes should be affordable […] subject to viability assessment”.

We consider that explicit reference to viability assessment, implying that submission of viability assessment is enough to brush off the affordable criteria, weaken the policy and let developers to ignore the targets. It is clearly demonstrated with evidence in the borough of Wandsworth.

Therefore it should be removed and replaced with “economic circumstances” (“changing economic conditions” is stated in the London Plan 3.64) to remain compliant with the London plan. In addition, it should be made reference to “meeting strategic as well as local needs” (London Plan) in line with ensuring “communities mixed and balanced by tenure and household income” (Policy 3.9 London Plan).

In accordance to the London plan (3.74), it should be stated that:
“[it is not] appropriate for [Wandsworth borough] to use cash in lieu of on/offsite affordable housing for any other purposes than maximising the delivery of additional affordable housing.”

However, as the target is ignored in large developments in Wandsworth, the policy is ineffective and should be re-enforced by stating the figures.

**Change(s) considered necessary to make the Proposed Main Modification to the Local Plan legally compliant or sound**

e. ... On individual sites outside Nine Elms a proportion of at least 33% of homes should be affordable; in Nine Elms at least 15% should be affordable subject to viability assessment economic circumstances as well as meeting strategic, local needs and ensuring communities mixed and balanced by tenure and household income.
Proposed Main Modification: MM73 – DMT1

Taking into account the Proposed Main Modification, do you consider the Local Plan is:

   Legally compliant: Yes
   Sound: No

Taking into account the Proposed Main Modification, do you consider the Local Plan is unsound because it is not:

   Positively prepared

Details:

During the hearing, the inspector suggested that the word “significant” should replace “severe” to qualify cumulative development impact on transport.

The amendment is proposed to reflect paragraph 32 in the NPPF. However officers have only pasted para.32, nothing more. Is it because they cannot transpose at a local level, or because they do not understand the point?

The NPPF is pointing out that “decisions should take account of whether [...] improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development”. Therefore, the NPPF talks about mitigation of “significant” impact that should be reflected within the local plan, instead of only repeating all words of the core planning principle.

Change(s) considered necessary to make the Proposed Main Modification to the Local Plan legally compliant or sound

   Development, including changes of use, will be permitted where: the residual cumulative impact on the transport system (including public transport capacity and the highway network) is not severe, in accordance with NPPF core planning principles.