



LONDON BOROUGH OF LAMBETH

Planning, Transport and Development

Sustainable Growth and Opportunity

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1EG**

PROOF OF EVIDENCE

of Ms Dominique Barnett MPLAN MRTPI

Town and Country Planning (Inquiries Procedure) (England) Rules 2000

Appeal by: Anthology Kennington Stage

Appeal site: Woodlands Nursing Home, 1 Dugard Way, LONDON SE11 4TH

Planning Inspectorate reference: APP/N5660/W/20/3248960

LB Lambeth Reference: 19/02696/FUL

15 October 2020

1. Introduction

- 1.1. My name is Dominique Barnett. I am a Principal Planning Policy Officer at the London Borough of Lambeth.
- 1.2. I hold a Master of Planning degree in Urban Studies and Planning from the University of Sheffield.
- 1.3. I have been a chartered member of the Royal Town Planning Institute (RTPI) since April 2016.
- 1.4. I have worked at Lambeth since January 2017 and work on a range of planning policy projects including the Lambeth Local Plan Review, neighbourhood planning and supplementary planning documents. I regularly provide policy advice on a range of major applications.
- 1.5. I have worked as a policy planner in the public sector since 2013. Details of my former roles include:
 - October 2013 – June 2016 – Plan Making Project Officer at London Borough of Croydon
 - June 2016 – January 2017 – Local Plans Officer at London Borough of Waltham Forest

2. Introduction

- 2.1. This appeal is against the non-determination by the London Borough of Lambeth as Local Planning Authority (“LPA”) of an application for full planning permission, dated 24 July 2019 (LPA ref: 19/02696/FUL, referred to in this proof as “the Appeal Scheme”), at the site of the former Woodlands Nursing Home in Dugard Way, London SE11 4TH.
- 2.2. Had the LPA still been able to determine the application it would have refused the application for a number of reasons set out in the LPA’s Statement of Case. In this proof I will discuss in detail Reason for Refusal 3.

3. Site Description

- 3.1. A description of the Appeal Site (also referred to in this proof of evidence as the Site) and surrounding context is set out in the Statement of Common Ground at Sections 3 and 4.

4. Planning History

- 4.1. The planning history is summarised in the Statement of Common Ground at Section 5.

5. Description of the Appeal Scheme

- 5.1. A description of the Appeal Scheme is briefly set out at paragraph 2.1 of the Statement of Common Ground.

6. Relevant Planning Policy

- 6.1. An agreed list of relevant planning policies is set out in the Statement of Common Ground at Section 6.

7. Assessment

- 7.1. The assessment in section 8 is structured around Reason for Refusal 3. This is:

- Refusal Reason No.3: Inadequate Residential Unit Size Mix

8. Refusal Reason No3: Inadequate residential unit size mix

The proposed development would provide a private market residential unit mix that disproportionately overprovides for smaller households with no family-sized accommodation. In addition, the lack of one bed sized units in the social rented element does not provide for the full range of affordable housing needs in the borough. This is inadequately justified and therefore does not comply with the objectives of ensuring mixed and balanced communities through a range of dwelling sizes to meet housing need, including family sized housing. The proposals would therefore be contrary to Chapter 2 of the National Planning Policy Framework (NPPF) (2019); Policy 3.8 of the London Plan (MALP 2016); Policy H10 of the

Intend to Publish London Plan (December 2019); Policy H4 of the Lambeth Local Plan (2015) and Draft Revised Lambeth Local Plan Policy H4 (Submission Version January 2020).

- 8.1. The Appeal scheme does not provide a balanced unit size mix across low cost rent and intermediate and market housing tenures. This would not secure the objective of achieving a mixed and balanced community or respond to housing need and is not justified. Paragraph 7 of the National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF states that achieving sustainable development means that the planning system has three overarching objectives: economic, social and environmental. Paragraph 8b) of the NPPF sets out the social objective which includes supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations.

Affordable housing – adopted policy

- 8.2. Policy 3.8 of the London Plan 2016 states that Londoners should have a genuine choice of homes that they can afford and which meet their requirements for different sizes and types of dwellings in the highest quality environment. New developments should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups and the changing roles of different sectors in meeting these. The provision of affordable family housing should be addressed as a strategic priority in LDF¹ policies.
- 8.3. Policy H2e) of the Lambeth Local Plan 2015 states affordable housing should comply with the preferred mix set out in policy H4 and should meet the full range of housing needs, particularly those of low income and workless households within the borough requiring family-sized accommodation. Policy H4a)i) of the Lambeth Local Plan 2015 states the affordable housing element of residential developments should reflect the preferred borough-wide housing mix for social/affordable rented and intermediate housing set out below:

¹ Note that reference to LDF policies in the London Plan 2016 refer to Local Development Framework policies. For Lambeth the provision of affordable family housing is addressed in the Lambeth Local Plan, as set out below.

1-bed units	Not more than 20%
2-bed units	20-50%
3-bed+ units	40%

8.4. As set out in paragraph 5.19 of the supporting text to policy H4 of the Local Plan 2015 this mix is informed by the 2012 Housing Needs Survey² and the 2011 South West London SHMA. The justification for this mix is summarised in the Lambeth Local Plan Proposed Submission Topic Paper 1 – Housing (November 2013) which forms part of the evidence base to the Local Plan 2015. As set out in the topic paper, the Housing Needs Assessment 2012 (HNA) identified a shortfall in homes of all sizes across all tenures but based on absolute numbers, the greatest shortfall was for smaller homes (one and two-bedroom) to meet the substantial projected growth in smaller households. However, housing needs must also be considered in the context of relative need, particularly for social rented and affordable rented housing and the HNA identified that the shortage relative to supply is likely to be greatest for larger (three-bedroom plus) family homes for a number of reasons, including overcrowding, some of the need for small housing being met by the private sector and the implications of the benefits cap on the affordability of family sized housing in the private sector.

8.5. On this basis, the Local Plan 2015 policy H4 was informed by the need to prioritise future provision towards larger, family-sized accommodation in the short to medium term, to ensure those in the most acute need can be housed.

8.6. The housing mix for the social/affordable rented and intermediate housing in the Appeal scheme in relation to the adopted policy is as follows:

Unit size	Number of units	% of units	Local Plan target
Studio	0	0	N/A
1 bed units	66	58	Not more than 20%
2 bed units	38	34	20-50%
3 bed+ units	9	8	40%
Total	113		

² Note that the 2012 Housing Needs Survey referenced in paragraph 5.19 of the Local Plan is the same document as the Housing Needs Assessment 2012

8.7. The housing mix for the social/affordable rented and intermediate housing does not reflect the preferred borough-wide housing mix for social/affordable rented and intermediate housing set out in Local Plan policy H4 given the high proportion of one bed units (38% more than the policy requirement) and the small proportion of 3+bed units (32% less than the policy requirement).

Affordable housing – emerging policy

8.8. Draft London Plan (December 2019) policy H10 states schemes should generally consist of a range of unit sizes, having regard to factors such as robust local evidence, the requirement to deliver mixed and inclusive neighbourhoods, the need to deliver a range of unit types at different price points across London, the mix of uses and range of tenures in the scheme and the nature and location of the site when determining the appropriate mix of unit sizes. Policy H10 of the Draft London Plan (December 2019) requires, for low cost rent, boroughs to provide guidance on the size of units required (by number of bedrooms) to ensure affordable housing meets identified needs. The Draft London Plan (December 2019) has significant weight as a material planning consideration.

8.9. In accordance with the Draft London Plan (December 2019), the Draft Revised Lambeth Local Plan Proposed Submission Version (DRLLP PSV) sets out the preferred borough-wide housing mix for the low cost rented housing. Policy H2b) of the DRLLP PSV states affordable housing should comply with the preferred dwelling size mix set out in Local Plan policy H4 and should meet the full range of housing needs, particularly those of low income households within the borough. Policy H4a)i) of the DRLLP PSV states the low cost rented element of residential development should reflect the preferred borough-wide housing mix set out below:

1-bed units	Not more than 25%
2-bed units	25-60%
3-bed+ units	Up to 30%

8.10. The housing mix in the DRLLP PSV has been amended from the Local Plan 2015 in favour of a higher proportion of two bed units and fewer family-sized units for the low cost rented affordable housing. Under emerging policy, the dwelling-size mix target only applies to the low-cost rent element of a scheme, consistent with the Draft London Plan (December 2019).

The approach to intermediate housing is the same as market housing which is discussed below.

- 8.11. The policy has been informed by the Lambeth SHMA 2017, which forms part of the evidence base for the Local Plan Review. The SHMA 2017 translates the overall housing affordable housing need into the likely required size mix for new affordable housing. Based on analysis of need and supply, with adjustments made to take account of the likely effects of overcrowded households moving to larger accommodation, the SHMA indicates a need for affordable housing as follows:

	1 bed	2 bed	3 bed	4 bed
@ 30% of income ³	35%	42%	19%	4%
@40% of income	23%	47%	24%	6%

- 8.12. In addition to the evidence set out the SHMA 2017, the housing mix set out in H4 of the DRLLP PSV has been informed by other factors, such as local priorities and relative need. As the overall affordable housing need in Lambeth is significantly higher than the planning system's ability to deliver affordable housing supply, policy choices need to be made about local priorities. This includes factors such as prioritising those furthest away from the housing market and ensuring mixed and balanced communities and other priorities set out in other Council documents such as the Housing Strategy and the Tenancy Strategy. In addition, some forms of housing need are more acute than others depending on the circumstances of the household which needs to be reflected in planning policies.

- 8.13. The housing mix for the low cost rented element in relation to the emerging policy in the Appeal scheme is as follows:

Unit size	Number of units	% of units	DRLLP PSV target
Studio	0	0	N/A
1 bed units	0	0	Not more than 25%
2 bed units	15	62.5	25-60%

³ % of gross household income spent of housing costs

3 bed+ units	9	37.5	Up to 30%
Total	24		

- 8.14. The housing mix for the low cost rent element does not reflect the preferred borough-wide housing mix for the low cost rented element set out in policy H4 of the DRLLP PSV. Although 3+bed units are provided, the Appeal Scheme provides more than the policy requirement and there is an overprovision of 2 units and no 1 bed units which means the scheme does not provide a mix of unit sizes to provide for the full range of housing needs for affordable housing.

Market housing – current policy

- 8.15. Policy 3.8 of the London Plan 2016 states that Londoners should have a genuine choice of homes that they can afford and which meet their requirements for different sizes and types of dwellings in the highest quality environment. New developments should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups and the changing roles of different sectors in meeting these.
- 8.16. Policy H4a)ii) of the Lambeth Local Plan 2015 states that for market housing, a balanced mix of unit sizes including family-sized⁴ accommodation should be provided. The policy seeks to ensure a mix of unit sizes for family sized housing in response to the demand for family sized housing (the HNA indicated that 46 per cent of demand in the market sector was for properties for three or more bedrooms) without being prescriptive to ensure the policy does not have negative impact on housing delivery.

- 8.17. The housing mix of the market housing in the Appeal scheme is as follows:

Unit size	Number of units	% of units
Studio	27	19%

⁴ I.e. 3 bed+ units: see below.

1 bed units	91	63%
2 bed units	27	19%
3 bed+ units	0	0
Total	145	

- 8.18. The housing mix for the market housing does not provide a balanced mix of unit sizes, including family-sized accommodation, given the high number of studio and 1 bed units (82% in total) and the lack of 3 bed+ units.

Market housing – emerging policy

- 8.19. Draft London Plan policy H10 (December 2019) states schemes should generally consist of a range of unit sizes, having regard to factors such as robust local evidence, the requirement to deliver mixed and inclusive neighbourhoods, the need to deliver a range of unit types at different price points across London, the mix of uses and range of tenures in the scheme and the nature and location of the site when determining the appropriate mix of unit sizes.
- 8.20. H2a)(ii) of the DRLLP PSV has been amended to include intermediate housing alongside market housing rather than the low cost rented housing. This is consistent with the Draft London Plan (December 2019). H2a)(ii) states that for market and intermediate housing, a balanced mix of unit sizes including family-sized accommodation should be provided.
- 8.21. The SHMA 2017 indicates the market housing need (without any adjustment for under occupation⁵) is as follows:

	1 bed	2 bed	3 bed	4 bed
@ 30% of income	30%	45%	17%	8%
@40% of income	35%	43%	16%	6%

⁵ Under occupation in the SHMA 2017 is defined as an excess of either one bedroom or two or more bedrooms).

8.22. The housing mix for the intermediate and market housing in the Appeal scheme is as follows:

Unit size	Number of units	% of units
Studio	27	12
1 bed units	157	67
2 bed units	50	21
3 bed+ units	0	0
Total	234	

8.23. The housing mix for the intermediate and market housing does not provide a balanced mix of unit sizes, including family-sized accommodation, given the very high proportion of studio and 1 bed units (79% in total) and the lack of 3 bed+ units.

8.24. Considering the planning policy discussed above, the Appeal Scheme's mix is unacceptable as it would provide:

- Too many 1-bedroom and too few 3+ bed affordable units under adopted policy.
- An unbalanced mix of unit sizes and no family-sized units for the market housing under adopted policy.
- Too few 1-bedroom low cost rent units under emerging policy.
- An unbalanced mix of unit sizes and no family-sized units for the market and intermediate housing under emerging policy.

8.25. Paragraph 5.21 of supporting text to policy H4 states that while developments are expected to reflect the preferred dwelling mix, rigid application of these requirements may not be appropriate in all cases. When considering the mix of dwelling sizes appropriate to a development, the council will have regard to individual site circumstances including location, site constraints, viability and the achievement of mixed and balanced communities. In all cases proposals will be expected to demonstrate that the provision of family-sized units has been maximised. This paragraph has been carried forward to paragraph 5.43 of the DRLLP PSV although it is now a requirement for the provision of family-sized units to be 'considered' rather than maximised.

8.26. In their Planning Statement (June 2019), the Appellant has sought to justify the proposed dwelling size mix based on data for the Prince's Ward set out in the Lambeth SHMA 2017.

The Appellant argues that:

- the Lambeth Joint Strategic Needs Assessment (2015) shows that the ward has a significantly lower than average proportion of 0-19 year olds and significantly higher 40-65 and 65+.
- this data suggests a lower proportion of projected demand in the ward is for larger family accommodation, which is reflected in the SHMA.
- the SHMA projections suggest that by 2036, 24 per cent of households in Lambeth will have one or more dependent child, with a 19.2 per cent increase in the number of households with one child, with a much smaller projected increase in the number of children with 2 or 3 children.
- this underpins the demand for two bed units, with limited demand for 3 bedrooms and above, particularly when linked to market affordability.
- that the Prince's ward specifically has one of the highest under occupation rates and that this suggests that there is significant capacity for downsizing in the Prince's ward in particular.
- it is reasonable to assume that, particularly in the intermediate and market sector, the vast majority of households containing greater than 3 people are in the southern, more suburban, part of the borough.

8.27. The Appellant has therefore sought to justify its dwelling mix in the scheme from ward-level data on household size, tenure and under-occupancy. However, both the adopted Local Plan and the DRLLP PSV policies H1, H2 and H4 are clear that the policy on dwelling size mix is set at a borough level. Whilst both adopted and emerging policy allow some flexibility in the dwelling size mix for site specific circumstances, this is not intended to allow for rigid application of ward-level data as put forward by the Appellant. The policy does not support an approach that seeks to directly translate ward-level data to the requirements for a scheme in that ward. The occupants of the development (in both the market or the affordable elements of the scheme) will not come exclusively from Prince's ward and the allocation of affordable housing takes place at a borough-wide level. As set out in Local Plan policy H1, all residential developments are expected to provide a mix of dwelling sizes which are set out at a borough-wide level to address borough-wide housing need. The appellant

has not justified the proposed dwelling size mix in relation to site location, site constraints, viability or the achievement of mixed and balanced communities, which are the criteria specified in the supporting text paragraph.

- 8.28. The data referred to in the Appellant's justification for the proposed dwelling mix is from a section of the SHMA intended to provide an 'area profile' of the borough, which is not intended to be used to determine the dwelling size mix in individual schemes in a given ward. As set out in paragraph 8.12 of this proof, the Lambeth SHMA 2017 forms part of the evidence base which is used to inform policies in the DRLLP PSV, alongside other policy documents and priorities. The Lambeth SHMA 2017 is not policy and does not have the status of the development plan. Overall the SHMA assesses the overall level of affordable housing need but does not assess or set policy priorities for how this need should be addressed. As planning applications are to be determined in accordance with the development plan it therefore cannot be argued that the Appeal Scheme's dwelling size mix meets all relevant policy tests on the basis that it responds to ward level data in an evidence base document.
- 8.29. In addition, the Appellant seeks to justify its dwelling size mix on the basis that two bed units should be considered as family units. They argue in their Planning Statement (June 2019) that within the demographics of London, two bed units are family units and that the Draft London Plan broadly includes 2 bedroom units as family accommodation. This is incorrect. Both the current London Plan and the Draft London Plan are clear that family housing is generally defined as having three or more bedrooms. Paragraph 4.2.9 of the Draft London Plan refers to family-sized units as being 3 bed + units, which is consistent with the draft London Plan's glossary which defines family-housing as 'a dwelling by virtue of its size, layout and design is suitable for a family to live in and generally has three, four, five or more bedrooms'. Both the Local Plan 2015 (paragraph 5.20) and the DRLLP PSV (paragraph 5.42) are consistent with this definition, with the glossary defining family sized housing as generally defined as having three or more bedrooms.
- 8.30. Overall the housing size mix in the Appeal Scheme does not provide for a range of dwelling sizes to meet current and future housing needs and fails to achieve the objective of securing mixed and balanced communities in accordance with London Plan policy 3.8, the Draft London Plan Intend to Publish policy H10, Lambeth Local Plan 2015 policy H4 and DRLLP PSV

policy H4. The dwelling size mix does not meet the preferred borough-wide housing mix for the social/affordable rented and intermediate housing set out in adopted Local Plan policy and does not provide a balanced mix of unit sizes for the market housing, particularly given the lack of family-sized accommodation (as defined in both the Local Plan and London Plan).

- 8.31. When considering the proposal under emerging policy, which is a material planning consideration, the mix of units does not reflect the preferred borough-wide housing mix for the low cost rented element of the scheme given the under-provision of 1 bed units. The intermediate and market element of the scheme does not provide a balanced mix of unit sizes given the overprovision of studio and 1 bed units and the lack of family-sized accommodation. The Appellant has not provided adequate justification for this mix by seeking to rely on ward-level data in the Lambeth SHMA 2017, which is an evidence base document and does not form part of development plan policy.
- 8.32. The Appeal Scheme would therefore fail to ensure mixed and balanced communities by providing a range of dwelling sizes to meet housing need. On this basis, the Appeal should be dismissed.