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Dear Sir/Madam,

REPRESENTATION TO THE DRAFT REVISED LAMBETH LOCAL PLAN MAIN MODIFICATIONS CONSULTATION

The Draft Revised Lambeth Local Plan (DRLLP) is currently undergoing examination by an independent planning Inspector and the Council is asking inviting comments on the Main Modifications to the DRLLP proposed by the inspector to address issues of soundness with the DRLLP.

This representation is made on behalf of our client, Bourne Capital, who are the owners of the Waterloo Estate (comprising buildings along Waterloo Road and Cornwall Road). We are currently in pre-application discussions with the Council with regards to emerging development proposals for the demolition of some of the buildings within Waterloo Estate and construction of a ground plus 18 storey office building, together with the refurbishment, alteration, and extension of Mercury House.

We previously made a representation last year in March 2020 to the Council's consultation on the DRLLP Proposed Submission Version and highlighted our client's concerns with soundness based on draft policy ED2 (relating to affordable workspace) at that time.

This representation relates to the same draft policy ED2. Our comments on the specific Main Modifications being consulted upon are set out below.

Main Modification MM38

The Council has proposed a change to clause (a) of policy ED2 and now applies the affordable workspace requirements to rentable floorspace i.e. the NIA, rather than GIA. This is supported by Bourne Capital.

In terms of Main Modification MM38 proposed by the inspector, Bourne Capital agrees that the affordable workspace requirements should apply to the uplift in the NIA, not the total NIA, using the same principle as is employed for the determination of CIL.



Main Modification MM40

The Council has amended clause (d) of policy ED2 so that there is no longer reference to the affordable workspace being made available for occupation at the same time as the rest of the office floorspace in the development. Instead, the clause says that where affordable workspace is being provided through a phased mixed-use development, planning obligations will be required to ensure timely delivery. This amendment is supported by Bourne Capital.

For Main Modification MM40, the inspector has proposed adding to clause (d) of policy ED2 that the affordable workspace should be made available for occupation within 12 months of first occupation of the non-affordable workspace. In phased developments, the inspector has proposed that the affordable workspace can be delivered on a pro-rata basis, requiring that at least the minimum amount triggered for that phase is delivered and ready for occupation within 12 months of the occupation of the non-affordable workspace element.

The inspector has proposed this Main Modification to introduce flexibility into the policy, bearing in mind that the non-affordable workspace provision and occupation can often enable the funding for the delivery of the affordable workspace element. Bourne capital welcomes this change.

Bourne Capital also supports the minor changes to clauses (f) and (g) of policy ED2 made by the Council in response to the examination hearing and in response to changes to the Use Class Order respectively.

Main Modification MM43

In terms of paragraph 6.14 of the supporting text to policy ED2, Bourne Capital agrees with the inspector that this should explain that the policy applies to the uplift in NIA to be consistent with changes to the policy itself. Additionally, the text proposed by the inspector relating to a requirement to demonstrate at least 6 months' continuous lawful use during the three years prior to the permission, mirroring the approach taken in the application of CIL, is considered sensible.

Paragraph 6.14 says that "the policy will also apply to planning applications that involve refurbishment of existing office space where this would result in an increase in the quality and rental value of the space."

It is assumed this would only apply to planning applications for the refurbishment and extension of existing offices, where the refurbishment and extension involves 1000sqm or more gross office floorspace. It would not be appropriate to apply a requirement for affordable workspace to a refurbishment proposal where there is no increase in gross office floorspace resulting from the refurbishment, or where a refurbishment and extension proposal results in less than 1000sqm gross office floorspace as this would penalise refurbishment projects compared to redevelopment projects in the way the policy is applied.

Rather than applying a floorspace threshold to trigger the affordable workspace requirement for refurbishment proposals, it seems that the Council simply intends to apply the affordable workspace requirement where there is an "increase in the quality and rental value of the space". Further information should be provided to explain how this would be measured by the Council and what



evidence the Council would seek in relation to this. Paragraph 6.14 needs to be clearer about at what threshold the policy would apply in instances where the Council does determine that there is an increase in the quality and rental value of the space. We recommend that information on this point is included in paragraph 6.14 to remove any potential for subjectivity, but as above, it would only be supported by Bourne Capital where the policy requirement is applied to refurbishment and extension proposals resulting in 1000sqm gross office floorspace or above. This is logical given that many refurbishment proposals, by their nature, do not require planning permission in the first place.

Bourne Capital also supports the minor changes to paragraphs 6.15, 6.23 and 6.26 in response to the examination hearing and in response to changes to the Use Class Order.

Summary

Our client acknowledges the benefit of an affordable workspace policy within the DRLLP and the associated facilitation of innovation in key emerging sectors within the borough through provision of the specific types of workspaces that are demanded locally at an affordable cost.

Our client is very willing to provide a proportion of affordable workspace within the proposed development at the new development at Waterloo Estate, and positive discussions have already taken place with the Council about the potential to provide affordable workspace that is specifically tailored to local needs.

The revisions to policy ED2 made by the Council since our last representation on this matter, and the inspector's proposed Main Modifications, are generally supported, subject to the above-mentioned clarifications required in relation to Main Modification MM43.

We would also expect all of the proposed changes we have responded on in this representation to be carried through into the Council's Affordable Workspace Supplementary Planning Document, which is also presently in preparation.

We would appreciate being kept up-to-date on the progress with the DRLLP and for any further opportunities to engage with the Council on this matter.

Yours faithfully,

DP9 Ltd