

# Lambeth Local Plan 2020-2035: Examination in Public - Written Representations on Behalf of The Arch Company Properties LP

## Matter 9 – Places and Neighbourhoods – 9.3 – Policy PN3 (Brixton)

09 October 2020

1. We write on behalf of The Arch Company Properties LP (“The Arch Company”) with respect to the Examination in Public (EiP) of the emerging Lambeth Local Plan 2020-2035. This statement is submitted further to The Arch Company’s representations to the Regulation 19 consultation (ID Ref: R055) attached as Annex 1 on Draft Revised Lambeth Local Plan Proposed Submission Version (January 2020), the London Borough of Lambeth’s response to representations made and the Planning Inspector’s Matters, Issues and Questions (MIQ) Discussion Note, with respect to Matter 9 – Places and Neighbourhoods – 9.3 – Policy PN3 (Brixton).

### **The Arch Company & LB Lambeth Portfolio**

2. It is considered that it will be helpful to provide some background information on the Arch Company nationally and their portfolio within the borough. The Arch Company acquired Network Rail’s former commercial estate business in 2019. It is the landlord for more than 4,000 businesses across England and Wales, making it the UK’s largest small business landlord, working with thousands of business owners, from car mechanics to bakeries and restaurants, who make a unique and vital contribution to the UK economy.
3. In regard to the potential implications of the Draft Revised Local Plan it is of importance to identify that The Arch Company has substantial land holdings within the LB of Lambeth, including over circa 500 railway arches (estimated to be over 100,000 sq m of floorspace (figure is indicative), circa. 65 small unit and freestanding buildings, as well stand-alone land sites. These arches/sites are occupied and let over a range of planning use classes including Class E, B2, B8 and a number of Sui Generis use classes which reflects the wide-ranging scale, location and form of the arches.
4. The Arch Company Lambeth portfolio also includes railway arches and associated land pockets within strategic Town Centre locations including at Loughborough Junction and Brixton.
5. Following the recent acquisition, it is a priority for the Arch Company to address vacancy levels within the portfolio and bring vacant and dilapidated arches back into an active use. To achieve this large scale investment is required for a number of these properties to bring them back into a lettable condition.
6. Based on ‘rental space references’ (which is how the portfolio identifies properties (with a range of unit numbers per reference)) it is estimated that vacancy levels currently sits at approximately 28% in the borough.

### **What particular part of the document is unsound?**

7. Policy PN3 (Brixton) of the Lambeth Local Plan 2020-2035 is considered to be unsound.

### **Which soundness test(s) does it fail?**

8. It is considered that Policy ED2 is neither positively prepared nor consistent with national policy.

### **Why does it fail?**

9. Paragraph 9.3 of the Inspector's Matters, Issues and Questions, issued on 14 September 2020, relating to Matter 9 – Places and Neighbourhoods asks whether Policy PN3 (Brixton) is positively prepared, justified, effective and consistent with national policy.
10. As per the detailed reasoning below and further to representations submitted to the Regulation 19 consultation (ID Ref: R055), The Arch Company do not consider Policy PN3 is positively prepared nor consistent with national policy due to the restrictions and thresholds put on the mix of commercial uses within Brixton town centre.
11. Policy PN3 places threshold limits on the proportions of retail and food and drink uses within the primary shopping area, indoor markets and elsewhere in Brixton Town Centre. It is considered this will leave units lying vacant, despite market interest, as the threshold of floorspace would be exceeded if the unit changed use.
12. For reference The Arch Company currently have 24 vacant arches situated within Brixton Town Centre.
13. Paragraph 85 (a) of the NPPF requires planning policies to allow town centres to adapt and diversify based upon changes in the retail and leisure industries as part of positive strategies for those centres. Meanwhile Paragraph 11 of the NPPF requires flexibility in plan making to allow for rapid change, and Paragraph 80 requires flexibility to respond to changes in economic circumstances.
14. Consequently, due to the lack of flexibility for town centre units to adapt to changing economic circumstances, and to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries it is considered Policy PN3 is not consistent with national policy, and will lead to retail units within the town centre lying vacant. Furthermore, the restrictions and thresholds on uses does not allow for the future needs for those uses within the town centre, and as such the policy is not positively prepared.

### **How could the document be made sound?**

15. In order to be found sound, The Arch Company consider greater flexibility needs to be provided for units within Brixton town centre, and all restrictions and thresholds relating to a certain proportion of floorspace for retail and food and drink uses removed from Policy PN3.

### **What is the precise change that is sought?**

16. The Arch Company seek Policy PN3 to be updated as follows:

**Part A**

*"requiring, retail (A1) and food and drink uses (A, A3 and A4) to be directed to the primary shopping area in compliance with the NPPF and other Development Plan policies. ~~in the primary shopping area, that the proportion of retail (A1) units does not fall below 60 per cent and that the proportion of food and drink uses (A3/4/5) does not exceed 25 per cent, taking account of unimplemented planning permissions for change of use. In addition, no more than 2 in 5 consecutive ground floor units in the primary shopping area should be in food and drink use (A3/4/5) at one time.~~ No more betting shops or payday loan shops will be supported within the centre as a whole."*

**Part B**

*"requiring, that in the indoor markets (as shown on the Policies Map), ~~that no less than 50 per cent of floorspace should be in A1 use and no more than 50 per cent floorspace should be in A3 use within each indoor market (Brixton Village, Market Row, Reliance Arcade), all evening and food and drink uses are supported subject to Policy ED8, and a management plan being in place that is agreed between the council and the managers of the indoor markets. The thresholds for A1 and A3 floorspace for each indoor market relate to ground floor units and connected upper floors that share the same access for each indoor market. A4 uses in the indoor markets will not be permitted on both the ground floor and upper floors.~~ All independently accessed upper floorspace in each indoor market currently in D1 or B1 use will be protected."*