

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

## Matter 9 – Places and Neighbourhoods – 9.9 – Policy PN9 (Herne Hill)

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 – 9.9 – Policy PN9 (Herne Hill).

### **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 PN9 (Herne Hill) 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 PN9 is neither positively prepared nor consistent with national policy.

### Why does it fail?

9. Paragraph 9.9 of the Inspector's Matters, Issues and Questions, issued on 14 September 2020, relating to Matter 9 – Places and Neighbourhoods asks whether Policy PN9 (Herne Hill) 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 PN9 is positively prepared nor consistent with national policy due to the restrictions and thresholds put on the mix of commercial uses within Herne Hill.
11. Policy PN9 places threshold limits on the proportions of retail and food and drink uses within Herne Hill District 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. 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.
13. Consequently, due to the lack of flexibility for 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 PN9 is not consistent with national policy, and will lead to units within the 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?

14. In order to be found sound, The Arch Company consider greater flexibility needs to be provided for units within Herne Hill, and all restrictions and thresholds relating to a certain proportion of floorspace for retail and food and drink uses removed from Policy PN9.

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

15. The Arch Company seek Policy PN9 to be updated as follows:

#### **Part A**

*“safeguarding and encouraging retail uses and other appropriate town-centre activities, including housing: within the primary shopping area, all ground-floor units should be in active-frontage use with no less than 50 per cent of original ground-floor units in A1 retail use and no*

~~more than 25 per cent in A3/4/5 food and drink use; and outside of the primary shopping area, no more than 2 in 5 consecutive original ground floor units should be in A3/4/5 food and drink use."~~