

Pre-Submission Publication Representation Form



Name of the document (DPD) to which this representation relates:

Ref: R055 (for official use only)

Draft Revised Lambeth Local Plan Proposed Submission Version January 2020 (DRLLP PSV Jan 2020) and associated Proposed Changes to the Policies Map January 2020 (PCPM Jan 2020)
--

Please return to: localplan@lambeth.gov.uk

or by post: Planning Policy Team, London Borough of Lambeth, PO Box 734 Winchester SO23 5DG

by 11pm on 13th March 2020.

Please read the Guidance Note and Privacy Notice attached to this form before completing the representation form or submitting your comments

This form has two parts –

Part A – Personal details (please see applicable privacy notices in Section 5 of the guidance note)

Part B – Your representation(s). Please fill in a separate sheet for each part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 you wish to make a representation about.

Part A

1. Personal details*

2. Agent's details (if applicable)

* If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in 2.

Title	<input type="text"/>	<input type="text" value="Ms"/>
First name	<input type="text"/>	<input type="text" value="Catriona"/>
Last name	<input type="text"/>	<input type="text" value="Fraser"/>
Job title [†]	<input type="text"/>	<input type="text" value="Director"/>
Organisation [†]	<input type="text" value="Arch Company Properties LP"/>	<input type="text" value="Turley"/>
Address	<input type="text"/>	<input type="text" value="Lacon House"/>
	<input type="text"/>	<input type="text" value="84 Theobald's Road"/>
	<input type="text"/>	<input type="text" value="London"/>
	<input type="text"/>	<input type="text"/>
Postcode	<input type="text"/>	<input type="text" value="WC1X 8NL"/>
Telephone	<input type="text"/>	<input type="text" value="020 7852 4010"/>
Email [†]	<input type="text"/>	<input type="text" value="catriona.fraser@turley.co.uk"/>

[†] where relevant

13 March 2020
Delivered by email

Planning Policy Team
London Borough of Lambeth
Town Hall
Brixton Hill
London
SW2 1RW

Ref: THEL3000

Dear Sir / Madam

SUBMISSION OF REPRESENTATIONS TO THE LONDON BOROUGH OF LAMBETH ON BEHALF OF THE ARCH COMPANY PROPERTIES LP

DRAFT REVISED LAMBETH LOCAL PLAN PROPOSED SUBMISSION VERSION (JANUARY 2020)

We write on behalf of The Arch Company Properties LP ("The Arch Company") with respect to the Regulation 19 consultation for the emerging Revised Lambeth Local Plan known as the 'Draft Revised Lambeth Local Plan Proposed Submission Version January 2020', ("the Draft Revised Local Plan").

This statement has specific regard to proposed policies within the Draft Revised Local Plan and accompanying revised planning polices map relating to the redevelopment, land use and operation of railway arches within the London borough of Lambeth ("LB Lambeth"). Railway arches comprise a significant part of our client's large national and LB Lambeth property portfolio. Further details of which are set out below.

The Arch Company & LB Lambeth Portfolio

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.

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 A1-A4, B1, B2, B8, D1, D2 and a number of Sui Generis use classes which reflects the wide-ranging scale, location and form of the arches..

8th Floor
Lacon House
84 Theobald's Road
London
WC1X 8NL

T 020 7851 4010 turley.co.uk

The Arch Company Lambeth portfolio also includes railway arches and associated land pockets within strategic Town Centre locations including at Loughborough Junction and Brixton.

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.

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 25% in the borough.

Taking account of the scale of the portfolio, the potential implications of some emerging planning policies within the Draft Revised Local Plan are of significant importance. Whilst we are supportive of many of the draft policies, there are a number detailed in this statement which in their current draft form are not considered to be sound and do not allow sufficient flexibility to avoid undermining the long term function and viability of these sites and the planned investment programme. The over-arching aim is to ensure that the diversity of the arches is maintained to ensure and continue good place-making within the borough.

A detailed breakdown of our representations on the relevant policies, set out per the questions and format of Part B of LB Lambeth’s’ Pre-Submission Publication Representation Form, is set out below. Our completed Part A of the submission form is appended to this letter and also attached separately.

PART B OF LB LAMBETH’S’ PRE-SUBMISSION PUBLICATION REPRESENTATION FORM (REPRESENTATIONS S 1 – 15)

Representation 1

Part B Question	Consultation Response
3. To which part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 does this representation relate	ED1: Offices B1a – Part A and Part G
4. Do you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is: <ul style="list-style-type: none"> • 4.1 Legally compliant • 4.2 Sound • 4.3 Complies with the Duty to co-operate 	<ul style="list-style-type: none"> • 4.1 – Yes • 4.2 – No • 4.3 – Yes
5. Do you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is unsound because it is not:	

<ul style="list-style-type: none"> • 5.1 Positively prepared • 5.2 Justified • 5.3 Effective • 5.4 Consistent with national policy 	<ul style="list-style-type: none"> • 5.1 Positively Prepared • 5.2 Justified • 5.3 Effective • 5.4 Consistent with national policy
<p>6. Please give details of why you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible</p>	<p>To confirm, the general sentiment of Policy ED1 is welcomed in regards to the promotion of large office development (Part A) being in appropriate locations and also in regards to smaller officer development (Part B).</p> <p><u>Part A</u></p> <p>Although these elements are broadly supported, in the context of our client's portfolio whereby there is often a number of arches which are individually under the threshold however cumulatively over 1,000sq m, we would want to ensure that this situation would not trigger the locational approach as defined in Part A of the policy. We have noted the second sentence of Part A does state that outside of the defined areas large office development will be supported where the scale of the proposal is appropriate to its location.</p> <p>Although the policy does provide an element of flexibility we would appreciate clarification that this part of the policy would still not be applied to sets of arches accumulating a floorspace of 1,000sq m plus within the supporting text, and in line with proposed Policy ED6.</p> <p><u>Part G</u></p> <p>Moving forward to Part G of the policy, this element is not justified, effective nor consistent with national policy.</p> <p>The policy states that the new office floor space for use by micro, small and medium-sized enterprises should be developed out to a 'turn-key' standard. The defined scope of the 'turn-key' fit out standard needs to be reasonable and appropriate for Developers to deliver. This is so as not to undermine the viability of schemes which would in turn undermine the delivery of new office floorspace to meet the identified needs and objectives of the emerging Local Plan.</p> <p>Currently the emerging policy does not define what 'turn-key' standard is and neither does the policy adequately justify the requirement for this. The Workspace Topic Paper (Topic Paper 3) also does not provide justification or a definition for this part of the policy. It does state that</p>

	<p>'floorspace for SMEs are appropriately fitted out', which is suggested to be in line with the emerging London Plan policies E1 and E2. We presume this is where the link to 'turn-key' fit out in the proposed policy has emerged from.</p> <p>Referring to these emerging policies in the London Plan, they state that business floorspace should be 'fit for purpose' and have at least a 'basic fit-out'. The London Plan justifies this requirement in its latest version (Intend to Publish) at paragraphs 6.2.1 and 6.2.2.</p> <p>On this basis we would argue that Part G of this policy does not reflect the current emerging London Plan aspirations and is unduly prescriptive, rendering this element of the policy unjustified.</p> <p>Furthermore, Paragraph 16 of the NPPF states plans should be prepared positively in a way that is aspirational but deliverable. It is therefore considered that this element of Part G as currently worded could affect the deliverability of new B1a office space and therefore is not effective.</p> <p>Part G of the policy requires clear reasoned justification to better explain its purpose and rationale and also requires to be aligned to the London Plan emerging policies E1 and E2 which do not require the extent of 'turn-key' fit out for any business use.</p> <p>To note however, Arch Company understand the requirement to ensure that SMEs and small businesses have space that is fit for purpose and therefore would welcome a reflection on the wording of this policy in order to enable developers to deliver the appropriate level of fit out in line with clear Council expectations.</p>
<p>7. Please set out what change(s) you consider necessary to make the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 legally compliant or sound, having regard to the test you have identified in Q5 above where this relates to soundness.</p>	<p><u>Part A:</u></p> <p><i>Clarification to be reflected in the supporting text of the policy.</i></p> <p><u>Part G:</u></p> <p><i>'All new office floorspace intended for use by micro, small and medium-sized enterprises should be made available to the market fully <u>sufficiently</u> fitted out to <u>enable occupation</u> turn-key standard, unless an agreement is in place prior to occupation with a specialist small business space management company.'</i></p>
<p>8. If your representation is seeking a change to the DRLLP PSV Jan 2020 or</p>	<p>Yes</p>

<p>associated PCPM Jan 2020, do you consider it necessary to participate at the oral part of the examination?</p>	
<p>9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:</p>	<p>To ensure that our client's points are discussed and heard by the Inspector.</p>

Representation 2

Part B Question	Consultation Response
<p>3. To which part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 does this representation relate</p>	<p>ED2 – Affordable Workspace – Part A and Part F</p>
<p>4. Do you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is:</p> <ul style="list-style-type: none"> • 4.1 Legally compliant • 4.2 Sound • 4.3 Complies with the Duty to co-operate 	<ul style="list-style-type: none"> • 4.1 – Yes • 4.2 – No • 4.3 – Yes
<p>5. Do you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is unsound because it is not:</p> <ul style="list-style-type: none"> • 5.1 Positively prepared • 5.2 Justified • 5.3 Effective • 5.4 Consistent with national policy 	<ul style="list-style-type: none"> • 5.1 Positively Prepared • 5.2 Justified • 5.3 Effective • 5.4 Consistent with national policy
<p>6. Please give details of why you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is not legally compliant or is unsound or fails to</p>	<p>The policy sets out that developments over 1,000sq m in size shall provide 10% affordable workspace with a range of discount/periods dependent on location.</p>

<p>comply with the duty to co-operate. Please be as precise as possible</p>	<p><u>Part A</u></p> <p>The thresholds for different amounts of affordable workspace is based on two different elements. One being location and the second being amount of floorspace.</p> <p>It is noted that in Waterloo/Southbank and Vauxhall and Brixton CEZ that 10% of floorspace, over 1,000sq m, will be required as affordable workspace at 50% of discounted market rents. We understand that the rationale behind this follows the different CIL charging zones which is based on a viability testing exercise.</p> <p>Whilst the logic is understood of following the viability hierarchy of CIL charging zones, increasing both the CIL charges and % of discounted market rent levels in these areas will have an impact on the viability of bringing office schemes forward, especially in Waterloo/Southbank and Vauxhall and Brixton CEZ.</p> <p>It is noted that the requirement for affordable workspace is set out in the draft London Plan and however we would argue that Lambeth's approach should be reconsidered in terms of increasing both CIL charges and affordable workspace in the same areas.</p> <p>The Arch Co. has a number of assets in the Brixton CEZ and within the current (and changing) Brixton Town Centre boundary. The policy sets out that new B1a floorspace within the town centre boundary between 1,000sq m and 5,000sq m do not require to discount rents however outside of the town centre boundary the discount required on affordable workspace is set at 50% for 25 years. The Brixton Town Centre boundary is proposed to change as part of this Local Plan and will therefore affect a large number of Arch Co. assets coming forward for B1a office space. The policy is therefore not effective in being able to bring through viable office space in these areas.</p> <p>'The Brixton Creative Enterprise Zone: Affordable Workspace Analysis 2018' has been reviewed and it is noted that three different schemes have been tested with varying discounted market rents both</p>
--	--

inside in the town centre boundary and then within the wider CEZ. All three schemes are new build office developments varying from 4 storeys (lower density) to 6 and then 8 storeys (higher density). What this testing does not account for is conversion schemes.

Paragraph 16 of the NPPF states plans should be prepared positively in a way that is aspirational but deliverable. It is therefore considered that Part A as currently worded could affect the deliverability of new B1a office space and therefore is not effective.

Turning to the Arch Co. portfolio there are many assets made up of collections of individual arches, that can collectively reach the 1,000sq m threshold noted in this policy however individually are in the majority of case less than 1,000sq m. As per the requests for clarification noted at Policy ED1 (above in this representation) we request confirmation that arches coming forward for refurbishment for office space that can collectively reach a floorspace of over 1,000sq m (but not individually) do not trigger the requirements of this policy for two reasons:

- The arches individual planning units are less than 1,000sq m in floorspace in that manner; and
- The arches coming forward will clearly all be refurbishment works and therefore the costs associated with that affect the viability of schemes coming forward

Similarly to Policy ED1 we would request that clarification on would appreciate clarification that this part of the policy would still not be applied to sets of arches accumulating a floorspace of 1,000sq m and within the supporting text.

In addition to this we suggest that in order to make this policy justified and effective that it is re-worded to reflect the testing that has been carried out and therefore relates to new build office development only and conversion schemes should be subject to viability.

Furthermore, to the above we seek clarification that the affordable workspace requirement is only required from change of use from non-

	<p>employment/economic uses to an employment/economic use. In particular, the Arch Company seek the policy to clarify these requirements and obligations do not apply to apply to major applications for a change of use from one employment/economic use to another (e.g. between B1, B2 and B8 uses).</p> <p><u>Part F</u></p> <p>Part F states that proposals that do not provide the level of affordable workspace required by this policy will be required to submit viability information. However, it notes that <i>‘where this assessment determines that a greater level of affordable workspace could viably be supported, a higher level of affordable workspace will be required.’</i></p> <p>Whilst we agree that schemes that cannot provide the amount of affordable workspace required in Part A of the policy should support that stance through a viability assessment, we conclude that it is unjustified and not consistent with national policy to require an additional amount of affordable workspace over that which is set out in Part A in any case.</p> <p>This element of the policy is neither justified within the support text of the policy nor in Topic Paper 3.</p>
<p>7. Please set out what change(s) you consider necessary to make the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 legally compliant or sound, having regard to the test you have identified in Q5 above where this relates to soundness.</p>	<p><u>Part A</u></p> <p><i>“In accordance with London Plan policy E3, and the evidence set out in the <u>Brixton Creative Enterprise: Affordable Workspace Analysis 2018</u>, the council will apply the following requirements for affordable workspace in the following locations <u>to new build development</u>:...”</i></p> <p>In relation to conversion floorspace from a change of use from a non-employment use to B1a (over 1,000sq m) a new part to the policy could be added to deal with these schemes.</p> <p>As noted above it would be welcomed if clarity could be inputted in to the supporting text to explicitly exclude major applications for changes of</p>

	<p>use from one employment/economic use to provide affordable workspace.</p> <p>Part F</p> <p>We request that the policy wording is amended to guarantee that in the event that a viability assessment of a non-compliant scheme demonstrates that additional levels of affordable workspace are possible and are required, there is no policy requirement to provide more than percentage noted in amended Part A of the policy.</p> <p><i>“New build proposals that do not provide the level of affordable workspace required by Part A of this policy will be required to submit viability information, which will be independently assessed. Where this assessment determines that a greater level of affordable workspace could viably be supported, a higher level of affordable workspace will be required. In addition, early and late viability reviews will be applied to all schemes that do not provide the level of affordable workspace required by the policy.”</i></p>
<p>8. If your representation is seeking a change to the DRLLP PSV Jan 2020 or associated PCPM Jan 2020, do you consider it necessary to participate at the oral part of the examination?</p>	<p>Yes</p>
<p>9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:</p>	<p>To ensure that our client’s points are discussed and heard by the Inspector.</p>

Representation 3

Part B Question	Consultation Response
<p>3. To which part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 does this representation relate</p>	<p>ED4: Non-Designated Employment Sites – Part B</p>

<p>4. Do you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is:</p> <ul style="list-style-type: none"> • 4.1 Legally compliant • 4.2 Sound • 4.3 Complies with the Yes No Duty to co-operate 	<ul style="list-style-type: none"> • 4.1 – Yes • 4.2 – No • 4.3 – Yes
<p>5. Do you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is unsound because it is not:</p> <ul style="list-style-type: none"> • 5.1 Positively prepared • 5.2 Justified • 5.3 Effective • 5.4 Consistent with national policy 	<p>5.3 Effective</p> <p>5.4 Consistent with national policy</p>
<p>6. Please give details of why you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible</p>	<p><u>Part B</u></p> <p>Whilst Part B of draft Policy ED4 is considered sound in the context of the updated draft London Plan, we suggest that similar text should be added to this policy to align with Part (C), (iv) of draft policy ED1 (Offices (B1a)), which allows for loss of office floorspace where it can be replaced in the vicinity and within Lambeth.</p> <p>Supporting land-swap opportunities within the borough is important for encouraging sustainable development to come forward and ensuring continued investment within the borough from major landowners.</p> <p>This will ensure the emerging Lambeth Local Plan can facilitate the flexibility required to meet the development needs of the area as per paragraph 11 of the NPPF.</p>
<p>7. Please set out what change(s) you consider necessary to make the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 legally compliant or sound,</p>	<p><u>Part B</u></p> <p><i>‘Development proposals for change of use, mixed-use or residential development on non-designated industrial sites will be assessed under London Plan policies E2 and E7 sections</i></p>

<p>having regard to the test you have identified in Q5 above where this relates to soundness.</p>	<p><i>D. Where marketing is required by the policy, this should be for at least one year and the site should be vacant during this period. <u>Alternatively, where industrial use floorspace is to be lost it can be replaced in the vicinity and within Lambeth.</u></i></p> <p><i>To be eligible for the Fast Track Route, a 50 per cent affordable housing threshold will apply to proposals of this nature if there is a net loss of industrial floorspace capacity, in accordance with London Plan policy H6.</i></p>
<p>8. If your representation is seeking a change to the DRLLP PSV Jan 2020 or associated PCPM Jan 2020, do you consider it necessary to participate at the oral part of the examination?</p>	<p>Yes</p>
<p>9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:</p>	<p>To ensure that our client's points are discussed and heard by the Inspector.</p>

Representation 4

Part B Question	Consultation Response
<p>3. To which part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 does this representation relate</p>	<p>ED6: Railway Arches – Part B and Part D</p>
<p>4. Do you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is:</p> <ul style="list-style-type: none"> • 4.1 Legally compliant • 4.2 Sound • 4.3 Complies with the Duty to co-operate 	<ul style="list-style-type: none"> • 4.1 – Yes • 4.2 – No • 4.3 – Yes
<p>5. Do you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that</p>	

<p>you identified in Q3 is unsound because it is not:</p> <ul style="list-style-type: none"> • 5.1 Positively prepared • 5.2 Justified • 5.3 Effective • 5.4 Consistent with national policy 	<ul style="list-style-type: none"> • 5.1 Positively prepared • 5.2 Justified • 5.3 Effective • 5.4 Consistent with national policy
<p>6. Please give details of why you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible</p>	<p><u>Part B</u></p> <p>Part (B) of Draft Policy ED6 Railway Arches seeks to restrict the use of railway arches in the borough only to employment (B use class) and appropriate sui generis uses (albeit with a minimal wider ancillary use permitted). It is acknowledged and recognised that this may be appropriate in a number of locations reflecting existing use, however, the policy does not provide the scope required for the railway arches that lend themselves more suitable for use classes outside of the B use class. Taking account of the diverse nature of the Arch Company portfolio this is considered to apply to a significant number of them.</p> <p>The draft policy does not consider the benefits associated with alternative land uses that could improve the long term viability of the railway arches along with the associated economic, amenity, community and sustainability benefits such uses could bring.</p> <p>It is essential that given the quantum of floorspace the railway arches comprise, the use of railway arches is optimised to bring vitality to the borough in a variety of ways. For this to be achieved it is imperative for Policy ED6 to support relevant, suitable and appropriate uses in the arches such as nurseries, shops, restaurants/bars/cafes, leisure and community uses, other. All of these uses fall outside of the default B use class set out in the draft Policy.</p> <p>It is evident that the arches have a significant and important role to play in delivering a range of uses within the borough.</p>

Development proposals specific to the railway arches should be assessed on their acceptability based on a detailed site specific planning assessment which would take into consideration appropriate uses based on surrounding land uses, location, various wider planning policies in addition to any planning benefits arising from introducing alternative uses to railway arch site(s) in question.

As noted it is fully acknowledged that railway arches provide an important source of employment space in the borough and likewise is a key component of the Arch Company tenant base. However, the blanket approach of draft Policy ED6 does not provide any flexibility for alternative uses to be introduced and delivered.

There is no strict requirement for draft Policy ED6 to limit the use class of railway arches to a B use class only. The draft Local Plan is addressing its employment land provision/ requirements via other policies in the plan e.g. draft Policy ED4 and ED3. It is also addressing the safeguarding of its retail centres and support for new out-of-centre locations though draft Policy E7. There is therefore no need to for this railway arch policy to impinge on the uses of railway arches.

In regard to this lack of flexibility and being sound, paragraph 11 of the NPPF sets out the core themes to ensure that the Framework delivers a presumption in favour of sustainable development and is clear that

“Plans and decisions should apply a presumption in favour of sustainable development” and “For planmaking this means that: a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change (our emphasis)”.

Paragraph 80 of the NPPF defines that “Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt” with paragraph 81 (Part D) expanding that planning policies should “be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a

	<p><i><u>rapid response to changes in economic circumstances</u></i> (our emphasis)”</p> <p>It is considered that the policy as drafted is not consistent with national planning policy and this is therefore not sound. The policy as worded does not allow for any flexibility to respond to change, particularly in regard to the need to enable a rapid response to changes in economic circumstances.</p> <p>Further to this, the policy is prepared without the depth and understanding of all of the site specific and largely varied circumstances of the railway arches in the borough, indicating that the plan has not been positively prepared.</p> <p><u>Part D</u></p> <p>Part (D) of emerging Policy ED6 seeks to commit developers, on the submission of applications affecting the railway arches, to carry out improvements to the immediate environment and public realm around railway arches.</p> <p>Whilst our client does not object to the principle of the planning imposed improvements to immediate environment and public realm, the policy should be worded to ensure the improvements sought are proportionate to the scale and scope of works being applied for. This would avoid disproportionate requests for public realm enhancements on arch applications which could make minor or some change of use applications unviable and impede sustainable development coming forward. This would not align with the key objective of the NPPF to promote sustainable development.</p>
<p>7. Please set out what change(s) you consider necessary to make the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 legally compliant or sound, having regard to the test you have identified in Q5 above where this relates to soundness.</p>	<p><u>Part B</u></p> <p>The wording of draft Policy ED6 Part (B) should be amended to improve the flexibility of uses pertinent to railway arches not located within Opportunity Areas or defined retail centres. It should remove restrictions for railway arches located outside of Opportunity Areas or defined retail centres against changes of use away from commercial B2, B8, B1 and appropriate sui generis uses. It should instead align with draft Policy E7 (retail) where such</p>

	<p>proposals for town centre uses in edge of centre and out-of-centre locations will be assessed against the sequential test and impact assessment set out in the NPPF. We suggest a sequential test and impact assessment approach should be employed for proposals seeking to provide non B class uses at arch sites located outside of Opportunity Areas or defined retail centres.</p> <p>Suggest amending Part (B):</p> <p><i>'Elsewhere, industrial (B2), storage and distribution (B8), business (B1) and appropriate sui generis uses will be supported in line with Policies ED3 and ED4. Proposals for nightclubs in railway arches outside of town centres will not be permitted. Change of use of railway arches from B2, B8, B1 and appropriate sui generis uses will not be permitted may be permitted subject to applicable Development Plan policies.</i></p> <p><u>Part D</u></p> <p>Suggest amending the draft policy text to:</p> <p><i>'Applications affecting railway arches should where possible and reasonable provide proportionate be required to improve improvements to the immediate environment around the arches, including the public realm. This will include accessibility, safety, servicing and lighting appropriate to the location and the opening up of routes that contribute to the 'Low Line' project.</i></p>
<p>8. If your representation is seeking a change to the DRLLP PSV Jan 2020 or associated PCPM Jan 2020, do you consider it necessary to participate at the oral part of the examination?</p>	<p>YES</p>
<p>9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:</p>	<p>Our client owns the majority of the sites to which this policy will apply. If unaddressed and un-amended this policy will have significant negative impacts on the commercial positioning, operation and viability of our client's portfolio.</p>

Representation 5

Part B Question	Consultation Response
<p>3. To which part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 does this representation relate</p>	<p>ED15: Employment and training – Part B</p>
<p>4. Do you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is:</p> <ul style="list-style-type: none"> • 4.1 Legally compliant • 4.2 Sound • 4.3 Complies with the Duty to co-operate 	<ul style="list-style-type: none"> • 4.1 – YES • 4.2 – NO • 4.3 – YES
<p>5. Do you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is unsound because it is not:</p> <ul style="list-style-type: none"> • 5.1 Positively prepared • 5.2 Justified • 5.3 Effective • 5.4 Consistent with national policy 	<ul style="list-style-type: none"> • 5.1 Positively Prepared • 5.2 Justified • 5.3 Effective • 5.4 Consistent with national policy
<p>6. Please give details of why you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible</p>	<p><u>Part B</u></p> <p>Part (B) of Policy ED15 requires that applications for ‘major’ development must include a site-specific Employment and Skills Plan (ESP) and the developer will be expected to agree to deliver the commitments secured in the ESP.</p> <p>This will technically see a trigger for applications of and in excess of 1,000sq m, including change of use applications, for which this type of obligation is considered excessive due to the comparatively smaller scope and scale of construction works and building contractor contracts for projects creating new additional floor space.</p>

	<p>Paragraph 55 of the NPPF states that planning conditions should be kept to a minimum and only imposed where they are necessary.</p> <p>Paragraph 56 of the NPPF sets out the three tests which planning obligations must meet in order to be sought in connection with an application.</p> <p>The requirement of an ESP for change of use applications does not meet the third test (C) to be fairly and reasonably related in scale and kind to the development.</p>
<p>7. Please set out what change(s) you consider necessary to make the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 legally compliant or sound, having regard to the test you have identified in Q5 above where this relates to soundness.</p>	<p>It is suggested that clarification should be made in the proposed emerging policy text to exclude changes of use applications.</p> <p>Suggested text amendments to draft local plan policy ED15 Part (A) as follows:</p> <p><i>'In accordance with London Plan policy E11, the council will support employment and training schemes to maximise local employment opportunities and help address skills deficits in the local population. Planning obligations will be used to ensure major development proposals, <u>excluding change of use applications where agreed appropriate</u>, contribute to this aim by fulfilling the requirements set out below.</i></p>
<p>8. If your representation is seeking a change to the DRLLP PSV Jan 2020 or associated PCPM Jan 2020, do you consider it necessary to participate at the oral part of the examination?</p>	<p>Yes</p>
<p>9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:</p>	<p>To ensure that our client's points are discussed and heard by the Inspector.</p>

Representation 6

Part B Question	Consultation Response
<p>3. To which part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 does this representation relate</p>	<p>T3: Cycling - E</p>
<p>4. Do you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is:</p> <ul style="list-style-type: none"> • 4.1 Legally compliant • 4.2 Sound • 4.3 Complies with the Duty to co-operate 	<ul style="list-style-type: none"> • 4.1 – YES • 4.2 – NO • 4.3 – YES
<p>5. Do you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is unsound because it is not:</p> <ul style="list-style-type: none"> • 5.1 Positively prepared • 5.2 Justified • 5.3 Effective • 5.4 Consistent with national policy 	<ul style="list-style-type: none"> • 5.3 Effective
<p>6. Please give details of why you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible</p>	<p><u>Part E</u></p> <p>The emerging policy sets out requirements for the provision of cycle parking facilities in accordance with London Plan standards. At Part (E) it also outlines a requirement that ‘Development proposals for non-residential uses should include provision of showers, changing facilities, drying rooms and lockers for cyclists appropriate to the number of cycle parking spaces provided.’</p> <p>Supporting paragraph 8.17 notes: ‘The council considers that the quality of provision is paramount and will not support development that fails to deliver cycle parking to the highest standard accessible to all. Appropriate and</p>

	<p>adequate space within developments to allow this must be identified at the outset.'</p> <p>Whilst we support the principle and aspirations of the policy to provide high standards of cycle parking and associated facilities, it crucially does not consider or acknowledge the associated challenges for change of use applications. Such matters will be of particular relevance to many Arch Company sites, where our client will endeavour to provide London Plan policy compliant cycle parking and associated facilities. However, there will be instances where physical site constraints do not allow full compliance, and in such instances a flexible approach will be required.</p> <p>The policy as currently drafted would place disproportionate and unworkable requirements on development, effectively preventing otherwise acceptable and sustainable development from coming forward. This would go against emerging local plan London plan policy supporting the improvement, refurbishment and redevelopment of railway arches in the borough.</p> <p>We suggest amending the current emerging policy and supporting text to reflect this position for minor or change of use applications. We suggest alignment of the policy wording with wording currently proposed at Supporting text paragraph 10.58 for emerging Policy Q13 Cycle storage which reads 'The council sets a premium on the quality of parking provided and, where space is limited, will consider a flexible approach.'</p>
<p>7. Please set out what change(s) you consider necessary to make the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 legally compliant or sound, having regard to the test you have identified in Q5 above where this relates to soundness.</p>	<p><u>Part E</u></p> <p><i>'The council will require seek the provision of appropriate secure and covered cycle parking facilities in accordance with the minimum standards set out in the London Plan policy T5 and with Local Plan policy Q13.</i></p> <p><i>When designing building layouts sufficient space should be allocated at the outset to meet these requirements. Development proposals for non-residential uses should include provision of</i></p>

	<p><i>showers, changing facilities, drying rooms and lockers for cyclists appropriate to the number of cycle parking spaces provided. Where appropriate, pool bikes should also be provided.</i></p> <p><i><u>The council sets a premium on the quality of parking provided and, where space is limited, will consider a flexible approach.</u></i></p> <p>Suggest amending the draft supporting policy text at paragraph 8.17 to:</p> <p><i>'Lambeth has one of the highest existing and potential rates of cycling in London and so will require enhanced levels of cycle parking as set out in the London Plan. The council considers that the quality of provision is paramount and will seek delivery of not support development that fails to deliver cycle parking to the highest standard accessible to all. <u>The council sets a premium on the quality of parking provided and, where space is limited, will consider a flexible approach.</u> Appropriate and adequate space within developments to allow this must be identified at the outset.'</i></p>
<p>8. If your representation is seeking a change to the DRLLP PSV Jan 2020 or associated PCPM Jan 2020, do you consider it necessary to participate at the oral part of the examination?</p>	<p>Yes</p>
<p>9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:</p>	<p>To ensure that our client's points are discussed and heard by the Inspector.</p>

Representation 7

Part B Question	Consultation Response
<p>3. To which part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 does this representation relate</p>	<p>PN2: Vauxhall – Part D</p>

<p>4. Do you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is:</p> <ul style="list-style-type: none"> • 4.1 Legally compliant • 4.2 Sound • 4.3 Complies with the Duty to co-operate 	<ul style="list-style-type: none"> • 4.1 – Yes • 4.2 – No • 4.3 – Yes
<p>5. Do you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is unsound because it is not:</p> <ul style="list-style-type: none"> • 5.1 Positively prepared • 5.2 Justified • 5.3 Effective • 5.4 Consistent with national policy 	<ul style="list-style-type: none"> • 5.2 Justified • 5.3 Effective
<p>6. Please give details of why you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible</p>	<p><u>Part D</u></p> <p>Part (D) of emerging policy PN2 for Vauxhall seeks to <i>‘encourag[e] and facilitat[e] the use of the railway arches as an active spine, a focus for employment and business as well as a mix of uses which could include cultural, artistic and community uses in appropriate locations, along with routes for pedestrians and cyclists as part of the Low Line project.’</i></p> <p>The policy text should also include a reference to retail and leisure uses, which crucially support employment locations and help business, community and cultural uses to thrive, so that the ambition of an ‘active’ spine can be sustainably realised. They also create desirable active and engaging frontages which aligns with the objective of the ‘active spine’.</p>
<p>7. Please set out what change(s) you consider necessary to make the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 legally compliant or sound, having regard to the test you have identified in Q5 above where this relates to soundness.</p>	<p><u>Part D</u></p> <p><i>‘Encouraging and facilitating the use of the railway arches as an active spine, a focus for employment and business <u>uses</u>, as well as a mix of uses which could include <u>retail, leisure</u>, cultural, artistic and community uses in appropriate locations, along with routes for</i></p>

	<i>pedestrians and cyclists as part of the Low Line project;</i>
8. If your representation is seeking a change to the DRLLP PSV Jan 2020 or associated PCPM Jan 2020, do you consider it necessary to participate at the oral part of the examination?	Yes
9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:	To ensure that our client's points are discussed and heard by the Inspector.

Representation 8

Part B Question	Consultation Response
3. To which part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 does this representation relate	PN3: Brixton – Part A, Part B, Part C, Part D, Part H, Part I, Part M and Part N
4. Do you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is: <ul style="list-style-type: none"> • 4.1 Legally compliant • 4.2 Sound • 4.3 Complies with the Duty to co-operate 	<ul style="list-style-type: none"> • 4.1 – YES • 4.2 – NO • 4.3 – YES
5. Do you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is unsound because it is not: <ul style="list-style-type: none"> • 5.1 Positively prepared • 5.2 Justified • 5.3 Effective • 5.4 Consistent with national policy 	<ul style="list-style-type: none"> • 5.1 Positively prepared • 5.2 Justified • 5.3 Effective • 5.4 Consistent with national policy

6. Please give details of why you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible

Part A, B, C and D

All elements of this policy seek to restrict uses through a percentage threshold. This is an archaic form of policy making and is not consistent with national policy and as a result is not effective or justified.

In particular Parts A, C and D of the policy will affect Arch Co.'s assets. Part A seeks to retain retail (A1) at 60% within the Primary Shopping Area and that A3/A4 and A5 uses do not exceed 25%. In addition no more than 2 in 5 consecutive ground floor units in the primary shopping area should be in A3, A4 or A5 uses at any one time. Part C states that in the evening economy management zone no more than 40% of floorspace should be occupied by A3, A4 or A5 uses and that no more than 10% of floorspace should be in A4 use. In addition, no more than 3 in 5 consecutive ground floor units should be in evening and night-time economy uses (A3/A4/A5 and nightclubs). Part D states outwith these areas ground floor uses should be in A, D or B use with the proportion of units in A4 use not exceed 5% and no more than 2 in 5 consecutive ground floor units should be in A4 or nightclub use.

Paragraph 85 (a) of the NPPF states that planning policies should:

“define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries...”

Part (b) of the same paragraph states:

“define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre“

The NPPF clearly states that town centre boundaries and primary shopping frontages should be defined however it encourages flexibility of town centre uses within these boundaries to

ensure that town centres can respond to market changes. This direction from national policy ensure that town centres have the best chance of remaining healthy and that investment is directed to them.

Currently Parts A, B, C and D are overly prescriptive, not compliant with national policy aspirations and are therefore found unsound.

Part H

Part H of emerging policy PN3 states:

'supporting a new mainline rail station building that improves arrival to and departure from the station and town centre, and incorporates inclusive access to north and south bound platforms. The new station building and access arrangements will be expected to reduce platform congestion, promote better interchange and improve the passenger experience. Development proposals in the vicinity of the station and that will directly benefit from these improvements will be expected to contribute towards their delivery.'

The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 (the '2019 Regulations') amended the CIL Regulations to enable Local Planning Authorities to use as many planning obligations as it needs to fund a specific piece of infrastructure, and also use planning obligations and CIL revenue to fund the same infrastructure. These took effect on September 2019.

Understanding the LB Lambeth's remit to seek contributions to the delivery of the new mainline rail station, these need to be reasonably and proportionately imposed and calculated taking account of Borough CIL, MCIL2, affordable housing and any other S106 obligations. This is to avoid upending the viability of schemes coming forward and prejudicing the delivery of new residential and commercial floorspace per the objectives of the emerging Local and London plans. Also to ensure alignment with the requirements for planning conditions and obligations per Paragraph 54-57 of the NPPF.

	<p>We request that more clarity is provided on this matter, from the hierarchy, scope and specific content of the obligations to the robust testing of the methodology for calculating any financial contributions.</p> <p><u>Part I</u></p> <p>Part I of emerging policy P3 'requir[es] changes of use in the railway arches in Brixton Central to address the requirements of Local Plan policy ED6 and the guidance provided in the Brixton Central Supplementary Planning Document.</p> <p>Here, we would like to draw attention to our suggested amendments to emerging policy ED6.</p> <p><u>Parts M & N</u></p> <p>To improve the trading environment and general setting of sections of Brixton Station Road, Pope's Road and Valentia Place, especially around the railway arches, Parts M & N of emerging policy PN3 seek planning contributions from development in the area for public realm improvements.</p> <p>Whilst we support the principle of the policy and its intent to improve the trading environment and public realm of the railway arches, we are concerned with the open nature of this requirement, with no defined works/costs or viability testing methodology.</p> <p>To support the viability of proposals coming forward it is important that any imposed obligations are proportionate, and meet the following tests outlined at NPPF Paragraph 56:</p> <p>a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.</p> <p>To enhance transparency of the required proportionate obligations allocation process, we suggest further information is provided at Annex 10.</p>
<p>7. Please set out what change(s) you consider necessary to make the part of the DRLLP PSV</p>	<p><u>Part A</u></p>

<p>Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 legally compliant or sound, having regard to the test you have identified in Q5 above where this relates to soundness.</p>	<p><i>“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.”</i></p> <p>Part B should be reworded to reflect the encouragement of evening and night-time economy uses within the evening economy management zone subject to other Development Plan policies.</p> <p>Part D should be reworded to reflect the encouragement of A, D or B uses in the town centre (outwith the PSA, indoor markets and evening economy management zone) subject to other Development Plan policies.</p> <p>Parts H, M and N</p> <p>An update to Annex 10: Charging Approaches of the emerging Local Plan would be appropriate.</p>
<p>8. If your representation is seeking a change to the DRLLP PSV Jan 2020 or associated PCPM Jan 2020, do you consider it necessary to participate at the oral part of the examination?</p>	<p>Yes</p>
<p>9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:</p>	<p>The Arch Company has a vested interest in sites located within the Brixton designation.</p>

Representation 9

Part B Question	Consultation Response
<p>3. To which part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 does this representation relate</p>	<p>PN9: Herne Hill – Part A</p>
<p>4. Do you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is:</p> <ul style="list-style-type: none"> • 4.1 Legally compliant • 4.2 Sound • 4.3 Complies with the Duty to co-operate 	<ul style="list-style-type: none"> • 4.1 – Yes • 4.2 – No • 4.3 – Yes
<p>5. Do you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is unsound because it is not:</p> <ul style="list-style-type: none"> • 5.1 Positively prepared • 5.2 Justified • 5.3 Effective • 5.4 Consistent with national policy 	<ul style="list-style-type: none"> • 5.1 Positively prepared • 5.2 Justified • 5.3 Effective • 5.4 Consistent with national policy
<p>6. Please give details of why you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible</p>	<p>Whilst the sentiment of this element of the policy is supported, a threshold approach to the allowance of uses is not supported.</p> <p>Part A</p> <p>The types of uses to be encouraged in this area are supported however typing numbers of arches to specific uses and indeed percentages is wholly unrealistic in these market conditions and rather uses coming forward should be subject to the tests set out in national policy based upon their location. I.e. ‘A’ class uses should be subject to the sequential and impact tests as per the NPPF not limited by number without suitable justification.</p>
<p>7. Please set out what change(s) you consider necessary to make the part of the DRLLP PSV</p>	<p>Part A should be reworded to:</p>

<p>Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 legally compliant or sound, having regard to the test you have identified in Q5 above where this relates to soundness.</p>	<p><i>“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”</i></p>
<p>8. If your representation is seeking a change to the DRLLP PSV Jan 2020 or associated PCPM Jan 2020, do you consider it necessary to participate at the oral part of the examination?</p>	<p>Yes</p>
<p>9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:</p>	<p>The Arch Company has a vested interest in sites located within the Herne Hill designation.</p>

Representation 10

Part B Question	Consultation Response
<p>3. To which part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 does this representation relate</p>	<p>PN10: Loughborough Junction – Part F</p>
<p>4. Do you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is:</p> <ul style="list-style-type: none"> • 4.1 Legally compliant • 4.2 Sound • 4.3 Complies with the Duty to co-operate 	<ul style="list-style-type: none"> • 4.1 – Yes • 4.2 – No • 4.3 – Yes
<p>5. Do you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that</p>	

<p>you identified in Q3 is unsound because it is not:</p> <ul style="list-style-type: none"> • 5.1 Positively prepared • 5.2 Justified • 5.3 Effective • 5.4 Consistent with national policy 	<ul style="list-style-type: none"> • 5.1 Positively prepared • 5.2 Justified • 5.3 Effective • 5.4 Consistent with national policy
<p>6. Please give details of why you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible</p>	<p>Part F</p> <p>Whilst the sentiment of this element of the policy is supported, a threshold approach to the allowance of uses is not supported (part i).</p> <p>Part (i)</p> <p>The types of uses to be encouraged in this area are supported however typing numbers of arches to specific uses and indeed percentages is wholly unrealistic in these market conditions and rather uses coming forward should be subject to the tests set out in national policy based upon their location. I.e. 'A' class uses should be subject to the sequential and impact tests as per the NPPF not limited by number without suitable justification. This is indeed insinuated at part ii of this policy and should be adequate enough to justify the proposed A class use(s) coming forward.</p>
<p>7. Please set out what change(s) you consider necessary to make the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 legally compliant or sound, having regard to the test you have identified in Q5 above where this relates to soundness.</p>	<p>Part F (Part i) should be deleted</p>
<p>8. If your representation is seeking a change to the DRLLP PSV Jan 2020 or associated PCPM Jan 2020, do you consider it necessary to participate at the oral part of the examination?</p>	<p>Yes</p>

<p>9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:</p>	<p>The Arch Company has a vested interest in sites located within the Loughborough Junction designation.</p>

Representation 11

Part B Question	Consultation Response
<p>3. To which part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 does this representation relate</p>	<p>Annex 11: Brixton locations appropriate for tall buildings</p>
<p>4. Do you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is:</p> <ul style="list-style-type: none"> • 4.1 Legally compliant • 4.2 Sound • 4.3 Complies with the Duty to co-operate 	<ul style="list-style-type: none"> • 4.1 – YES • 4.2 – NO • 4.3 – YES
<p>5. Do you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is unsound because it is not:</p> <ul style="list-style-type: none"> • 5.1 Positively prepared • 5.2 Justified • 5.3 Effective • 5.4 Consistent with national policy 	<ul style="list-style-type: none"> • 5.1 Positively prepared • 5.2 Justified • 5.3 Effective • 5.4 Consistent with national policy
<p>6. Please give details of why you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible</p>	<p>Within the Draft Revised Lambeth Local Plan, at Annex 11, the map on page 509 shows Brixton locations considered appropriate for tall buildings. This map identifies International House and Former Canterbury Arms / Pop Brixton only as sites appropriate for tall buildings.</p>

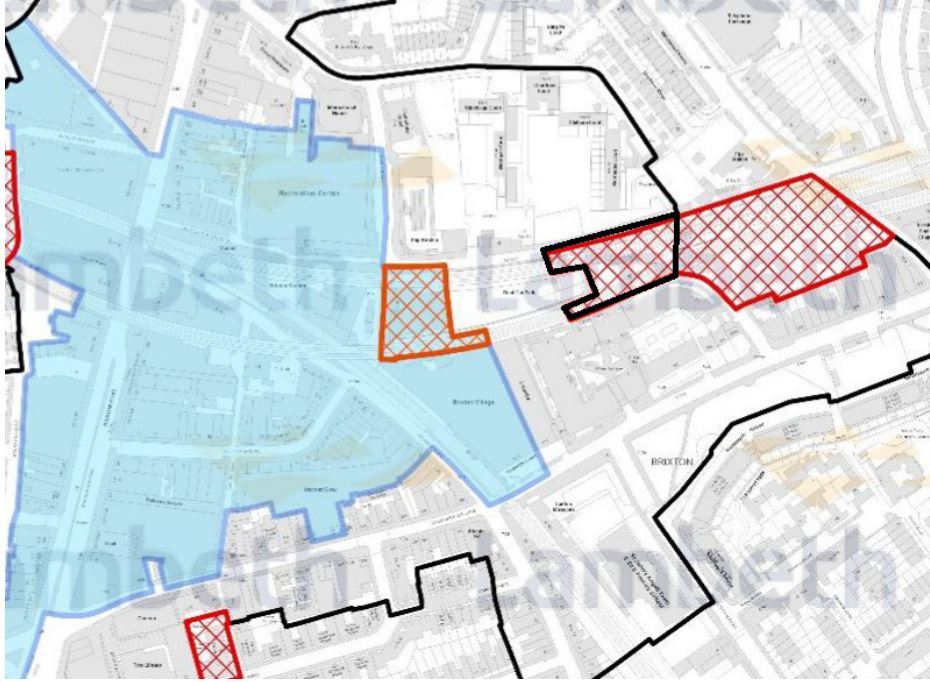
	<p>It is understood that location outside of these identified areas at Annex 11 does not strictly prohibit tall buildings in Brixton, subject to the requirements of draft local plan Policy Q26 (tall buildings).</p> <p>However, on the basis of emerging local and London plan policies supporting regeneration and densification of Lambeth town centre (e.g. emerging Local Plan Policy ED7) and optimisation of site capacity (e.g. emerging London Plan Policy GG2), and given the context of emerging higher density schemes in Brixton Town Centre (e.g. the 21 storey Popes Road Hondo Site), it would be appropriate to widen this mapped area designated appropriate for tall buildings in Brixton, to encompass more of the town centre, especially around the main rail station. This would enable a more effective delivery of the abovementioned emerging local and London Plan growth policy objectives.</p> <p>As such, the narrow scope of the currently proposed tall building designations does not reflect the ambitions of emerging local and London plan policies or demonstrate an understanding of area/site specific development opportunities to come forward in the plan period, indicating that the plan has not been positively prepared.</p>
<p>7. Please set out what change(s) you consider necessary to make the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 legally compliant or sound, having regard to the test you have identified in Q5 above where this relates to soundness.</p>	<p>Suggest widening the area identified as appropriate for tall buildings in the Brixton area to include more of Brixton's Town Centre, especially areas over and around the train station.</p>
<p>8. If your representation is seeking a change to the DRLLP PSV Jan 2020 or associated PCPM Jan 2020, do you consider it necessary to participate at the oral part of the examination?</p>	<p>Yes</p>

<p>9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:</p>	<p>The Arch Company has a vested interest in sites located within the Brixton town centre designation and over/around the railway station which would be suitable for tall buildings.</p>
--	---

Representation 12

Part B Question	Consultation Response
<p>3. To which part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 does this representation relate</p>	<p>Map 3.5 - Proposed changes to the Brixton Major Centre</p>
<p>4. Do you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is:</p> <ul style="list-style-type: none"> • 4.1 Legally compliant • 4.2 Sound • 4.3 Complies with the Duty to co-operate 	<ul style="list-style-type: none"> • 4.1 – YES • 4.2 – NO • 4.3 – YES
<p>5. Do you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is unsound because it is not:</p> <ul style="list-style-type: none"> • 5.1 Positively prepared • 5.2 Justified • 5.3 Effective • 5.4 Consistent with national policy 	<ul style="list-style-type: none"> • 5.1 Positively prepared • 5.2 Justified • 5.3 Effective • 5.4 Consistent with national policy

<p>6. Please give details of why you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible</p>	<p>The revised map proposes changes to both the Primary Shopping Area and the Major Town Centre boundary, both of these changes affect Arch Co. assets. In particular there are concerns around the change to the Main Town Centre Boundary at eastern edge where a parcel of land of the existing town centre boundary has been removed. This parcel of land includes arches running from Gresham Road over to midway through a development site between Valentia Place and Pope's Road.</p> <p>The first point is to note that this boundary change, in particular at the eastern edge of the centre, undermines the comprehensive delivery of Site 16 (Brixton Central (between the viaducts) SW9.</p> <p>On that basis we would encourage the Council to revisit this boundary to include the arches up to Valentia Place. This would allow for better placemaking and more flexibility in terms of uses to create a vibrant area, as according to Policy ED6.</p> <p>In this instance, guided by market signals, the map should be amended to include a portion of the currently excluded area at the eastern edge in compliance with Paragraph 31 of the NPPF.</p> <p>This paragraph requires that the preparation of development plan policies be underpinned by relevant and up-to-date evidence which should take into account relevant market signals.</p> <p>This demonstrates that the policy has not been prepared in compliance with national planning policy, and without the depth and understanding of site specific interests, further indicating that the plan has not been positively prepared.</p> <p>See below annotated map for reference:</p>
---	---

	
<p>7. Please set out what change(s) you consider necessary to make the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 legally compliant or sound, having regard to the test you have identified in Q5 above where this relates to soundness.</p>	<p>Include railway arches with the Major Centre Boundary at the eastern edge of the map up to Valentia Place.</p>
<p>8. If your representation is seeking a change to the DRLLP PSV Jan 2020 or associated PCPM Jan 2020, do you consider it necessary to participate at the oral part of the examination?</p>	<p>Yes</p>

<p>9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:</p>	<p>The Arch Company has a vested interest in sites proposed for exclusion from the Brixton Major District Centre boundary and wishes to make the case for their inclusion pursuant to important viability concerns.</p>

Representation 13

Part B Question	Consultation Response
<p>3. To which part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 does this representation relate</p>	<p>Map 3.1 - Proposed changes to the Clapham District Centre</p>
<p>4. Do you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is:</p> <ul style="list-style-type: none"> • 4.1 Legally compliant • 4.2 Sound • 4.3 Complies with the Duty to co-operate 	<ul style="list-style-type: none"> • 4.1 – YES • 4.2 – NO • 4.3 – YES
<p>5. Do you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is unsound because it is not:</p> <ul style="list-style-type: none"> • 5.1 Positively prepared • 5.2 Justified • 5.3 Effective • 5.4 Consistent with national policy 	<ul style="list-style-type: none"> • 5.1 Positively prepared • 5.2 Justified • 5.3 Effective • 5.4 Consistent with national policy

6. Please give details of why you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible

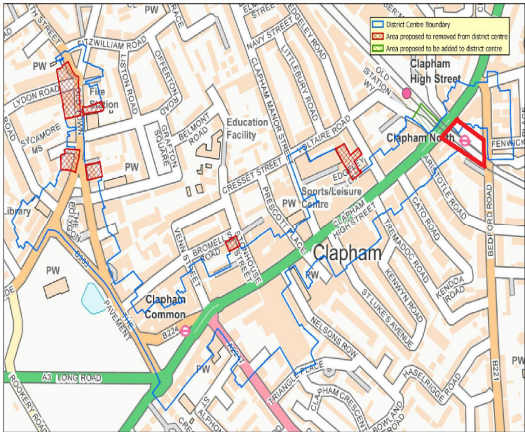
The revised map proposes for the Clapham District Centre boundary to exclude railway arches on Clapham High Street between Aristotle Road and Gauden Road. Whereas land to the north and south of this area is included with the Clapham District Centre boundary. The Arch Company have a number of vacant railway arches (which have been suffering from squatting) within this excluded area at Lendal Terrace, which have been marketed for B class uses, but for which offers for A and D class uses only have been received. This demonstrates the market demand at this location for a flexible mix of uses which closely aligns with the town centre uses designated at adjacent sites. In this instance, guided by market signals, the map should be amended to include the currently excluded area in compliance with Paragraph 31 of the NPPF. If this area is not amended there is a risk that the arches will remain vacant as a consequence, with a problem of squatting linked.

This paragraph requires that the preparation of development plan policies be underpinned by relevant and up-to-date evidence which should take into account relevant market signals.

This demonstrates that the policy has not been prepared in compliance with national planning policy, and without the depth and understanding of site specific interests, further indicating that the plan has not been positively prepared.

See below annotated map for reference:

Map 3.5 - Proposed changes to the Clapham District Centre



7. Please set out what change(s) you consider necessary to make the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in

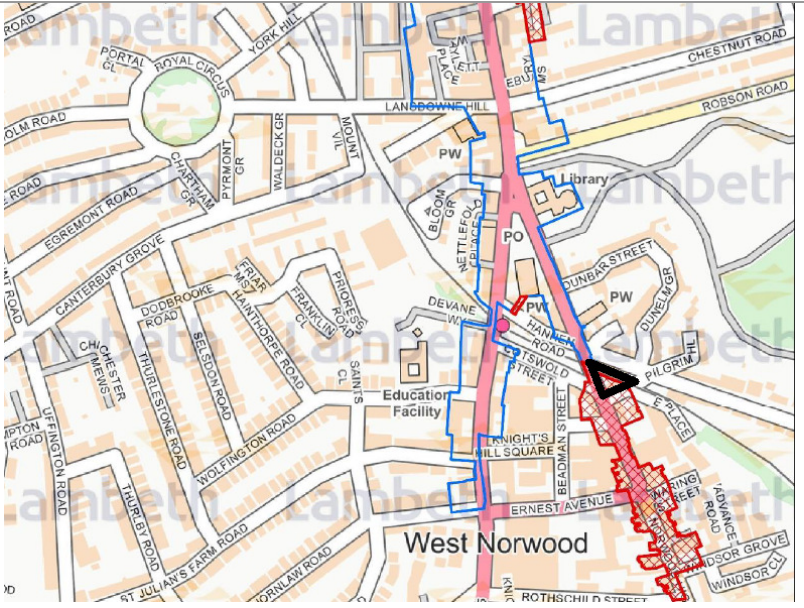
Include railway arches on Clapham High Street between Aristotle Road and Gauden Road within the Clapham District Centre boundary.

<p>Q3 legally compliant or sound, having regard to the test you have identified in Q5 above where this relates to soundness.</p>	
<p>8. If your representation is seeking a change to the DRLLP PSV Jan 2020 or associated PCPM Jan 2020, do you consider it necessary to participate at the oral part of the examination?</p>	<p>Yes</p>
<p>9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:</p>	<p>The Arch Company has a vested interest in sites proposed for exclusion from the Clapham District Centre boundary and wishes to make the case for their inclusion pursuant to important viability concerns.</p>

Representation 14

Part B Question	Consultation Response
<p>3. To which part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 does this representation relate</p>	<p>Map 3.7 - Proposed changes to the West Norwood/Tulse Hill District Centre Boundary.</p>
<p>4. Do you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is:</p> <ul style="list-style-type: none"> • 4.1 Legally compliant • 4.2 Sound • 4.3 Complies with the Duty to co-operate 	<ul style="list-style-type: none"> • 4.1 – YES • 4.2 – NO • 4.3 – YES

<p>5. Do you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is unsound because it is not:</p> <ul style="list-style-type: none"> • 5.1 Positively prepared • 5.2 Justified • 5.3 Effective • 5.4 Consistent with national policy 	<ul style="list-style-type: none"> • 5.1 Positively prepared • 5.2 Justified • 5.3 Effective • 5.4 Consistent with national policy
<p>6. Please give details of why you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible</p>	<p>The revised map proposes to remove the area on Norwood High Street between Hannen Road and Rothschild Street from the West Norwood/Tulse Hill District Centre. We object to the removal of the area on Norwood High Street down to Pilgrim Hill on the basis that railway arch sites within this area remain suitable for town centre uses, without negatively impacting the viability of the proposed designated town centre.</p> <p>For example, there is a railway arch in this location (part of the Arch Company portfolio) which is highly suitable for a small A-class convenience store. Removing the town centre allocation from this, and other similarly located railway arch sites, could damage their long term occupation. The policy has not taken account the site specific and largely varied circumstances of the railway arches in this part of the borough, and the sustainable benefits they provide to the town centre, therefore indicating that the plan has not been positively prepared.</p> <p>Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development, where it states that</p> <p>“Plans and decisions should apply a presumption in favour of sustainable development” and “For planmaking this means that: a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change”.</p> <p>See below annotated Map 3.7 for reference:</p>

	 <p>The map shows the West Norwood/Tulse Hill District Centre. A red highlighted area follows Norwood High Street from Knight's Hill Square down to Pilgrim Hill. Other streets shown include Royal Circus, York Hill, Lanbourne Hill, Robson Road, Dunbar Street, Knight's Hill Square, and Ernest Avenue. Landmarks like the Education Facility and a Library are also marked.</p>
<p>7. Please set out what change(s) you consider necessary to make the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 legally compliant or sound, having regard to the test you have identified in Q5 above where this relates to soundness.</p>	<p>Retain area on Norwood High Street down to Pilgrim Hill within the West Norwood/Tulse Hill District Centre.</p>
<p>8. If your representation is seeking a change to the DRLLP PSV Jan 2020 or associated PCPM Jan 2020, do you consider it necessary to participate at the oral part of the examination?</p>	<p>YES</p>
<p>9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:</p>	<p>The Arch Company has a vested interest in sites proposed for exclusion from West Norwood/Tulse Hill District Centre boundary and wishes to make the case for their inclusion pursuant to important viability concerns.</p>

Representation 15

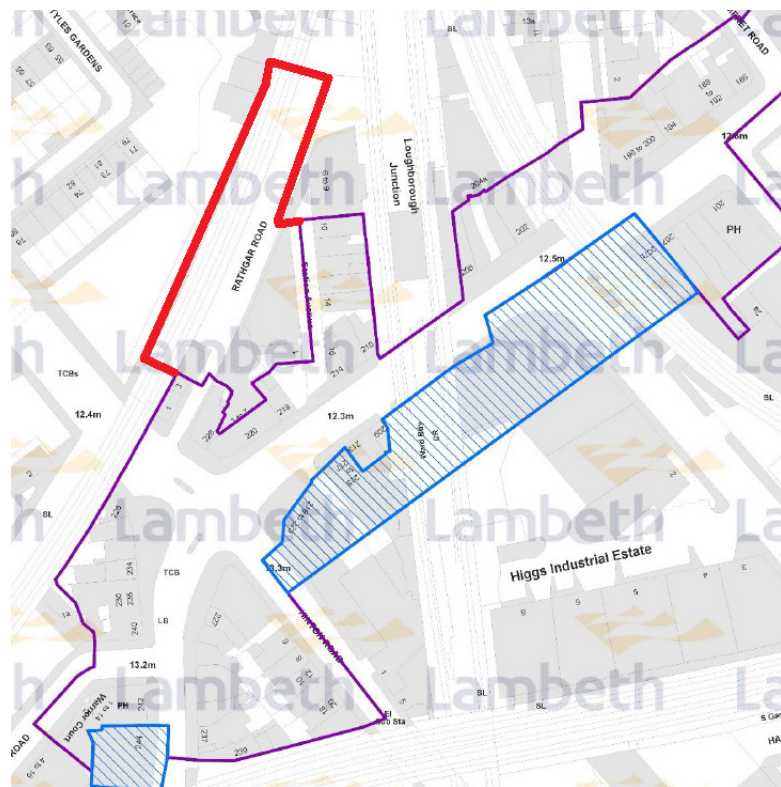
Part B Question	Consultation Response
<p>3. To which part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 does this representation relate</p>	<p>Map 3.11 - Proposed changes to the Loughborough Junction Local Centre</p>
<p>4. Do you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is:</p> <ul style="list-style-type: none"> • 4.1 Legally compliant • 4.2 Sound • 4.3 Complies with the Duty to co-operate 	<ul style="list-style-type: none"> • 4.1 – YES • 4.2 – NO • 4.3 – YES
<p>5. Do you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is unsound because it is not:</p> <ul style="list-style-type: none"> • 5.1 Positively prepared • 5.2 Justified • 5.3 Effective • 5.4 Consistent with national policy 	<ul style="list-style-type: none"> • 5.1 Positively prepared • 5.2 Justified • 5.3 Effective • 5.4 Consistent with national policy
<p>6. Please give details of why you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible</p>	<p>The revised map proposes to add a stretch of land along Cold Harbour Lane to the Local retail centre. We propose to further extend the proposed local centre boundary in this area further back into the linked railway arches along Herne Hill Road. This is purposed to optimise, and not prejudice the town centre use prospects or viability of these railway arches fronting Cold Harbour Lane, where there is existing market interest to occupy the linked railway arches as one unit for town centre appropriate uses.</p> <p>Limiting the town centre allocation from the proposed railway arch sites could damage their long term occupation. The policy has not taken account the site specific and largely varied circumstances of the railway arches in this part of the borough, and the sustainable</p>

benefits they could provide to the town centre, therefore indicating that the plan has not been positively prepared.

Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development, where it states that

“Plans and decisions should apply a presumption in favour of sustainable development” and “For planmaking this means that: a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change”. The local centre boundary should be amended to comply with this national planning policy.

See below annotated Map 3.11 for reference:



7. Please set out what change(s) you consider necessary to make the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 legally compliant or sound, having regard to the test you have identified in Q5 above where this relates to soundness.

Further extend the proposed local centre boundary in this area of the Loughborough Junction Local Centre further back into the linked railway arches along Herne Hill Road.

<p>8. If your representation is seeking a change to the DRLLP PSV Jan 2020 or associated PCPM Jan 2020, do you consider it necessary to participate at the oral part of the examination?</p>	<p>YES</p>
<p>9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:</p>	<p>The Arch Company has a vested interest in sites located within and adjacent to the Loughborough Junction Local Centre designation and wishes to make the case for their optimisation and inclusion pursuant to important viability concerns.</p>

Representation 16: Brixton Overview

<p>Brixton (overview) (Pg.379)</p>	<p>Supporting para. 11.43 on page 381 notes: The railway arches stretching from Pope’s Road to Gresham Road play an important role in providing a range of uses that support the functioning of the town centre including retail and storage units and low-cost studios, workshops and maker spaces and contribute towards the role of the Creative Enterprise Zone.</p>	<p>We request removal of this reference, as we would not want this to stick as an inaccurate preconception should we want to make changes to the uses of the units in this locations down the line.</p>
--	--	---

Points of Accuracy and Clarification

Glossary Definition of Major Developments

The glossary definition of ‘Major Development’ sets out the term requirements for development to qualify as ‘Major’.

Though Option D defines ‘Major Development’ as ‘(d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more’. This does not specifically reference change of use applications which do not ‘create’ 1,000 square metres or more, but rather apply to existing floor space. Suggest clarification on this point to include changes of use to existing floorspace comprising 1,000 square metres or more.

Conclusion

Overall, the above highlighted draft policies of the Revised Draft Lambeth Local Plan require amending in order to positively contribute to the long term sustainability and vitality of the railway arch sites and meet the development

objectives of the emerging local and London plans. In so doing they will align with key policy objectives of the NPPF to achieve sustainable development.

Improved flexibility for introducing alternative non B class uses at sites outside of opportunity areas and retail centres to optimise the arches (particularly in the scenario of a change of economic circumstances over the plan period), is key to avoid stifling re-invigoration and re-development of these railway arches in line with wider emerging Local Plan and London Plan growth objectives.

Policy ED6 in particular has not been positively prepared and is not consistent with the key economic thrusts of the NPPF. Due regard has not been given to all of the varied site specific circumstances of the railway arches in the borough to enable an appropriate policy to be drafted.

Improving and enhancing opportunities for land swaps is also important to enable developers to optimise the use of sites to meet the development and employment needs of the area as required by the NPPF. Abovementioned suggested amendments to policy will align the emerging draft local plan policy to make the plan sound.

A review of the sites/areas in Brixton designated appropriate for tall buildings will also be important and the proposed amendments to the various retail centre boundaries, so not to hinder the implementation of regeneration or town centre policy goals or stifle the provision of upgraded, additional new business and residential floor space in the most appropriate areas.

Lastly, we wish to highlight the importance of clarity, transparency and proportionality for seeking planning obligations on applications. It is important for obligations to support the viability and ultimate success of development, and for policy and planning to minimise uncertainty for developers which could delay development coming forward.

Yours Sincerely



Catriona Fraser
Director

catriona.fraser@turley.co.uk

Appendix 1 – Pre-Submission Publication Representation Form – PART A

Pre-Submission Publication Representation Form



Name of the document (DPD) to which this representation relates:

Ref:
(for official use only)

Draft Revised Lambeth Local Plan Proposed Submission Version January 2020 (DRLLP PSV Jan 2020) and associated Proposed Changes to the Policies Map January 2020 (PCPM Jan 2020)
--

Please return to: localplan@lambeth.gov.uk

or by post: Planning Policy Team, London Borough of Lambeth, PO Box 734 Winchester SO23 5DG
by 11pm on 13th March 2020.

Please read the Guidance Note and Privacy Notice attached to this form before completing the representation form or submitting your comments

This form has two parts –

Part A – Personal details (please see applicable privacy notices in Section 5 of the guidance note)

Part B – Your representation(s). Please fill in a separate sheet for each part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 you wish to make a representation about.

Part A

1. Personal details*

2. Agent's details (if applicable)

* If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in 2.

Title	<input type="text"/>	<input type="text" value="Ms"/>
First name	<input type="text"/>	<input type="text" value="Catriona"/>
Last name	<input type="text"/>	<input type="text" value="Fraser"/>
Job title [†]	<input type="text"/>	<input type="text" value="Director"/>
Organisation [†]	<input type="text" value="Arch Company Properties LP"/>	<input type="text" value="Turley"/>
Address	<input type="text"/>	<input type="text" value="Lacon House"/>
	<input type="text"/>	<input type="text" value="84 Theobald's Road"/>
	<input type="text"/>	<input type="text" value="London"/>
	<input type="text"/>	<input type="text"/>
Postcode	<input type="text"/>	<input type="text" value="WC1X 8NL"/>
Telephone	<input type="text"/>	<input type="text" value="020 7852 4010"/>
Email [†]	<input type="text"/>	<input type="text" value="catriona.fraser@turley.co.uk"/>

[†] where relevant