

Pre-Submission Publication Representation Form



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

Ref:

R064

(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" value="Mr"/>	<input type="text" value="Miss"/>
First name	<input type="text" value="Phil"/>	<input type="text" value="Natalie"/>
Last name	<input type="text" value="Botes"/>	<input type="text" value="Render"/>
Job title [†]	<input type="text"/>	<input type="text" value="Associate Planner"/>
Organisation [†]	<input type="text" value="Bourne Capital"/>	<input type="text" value="DP9 Ltd"/>
Address	<input type="text"/>	<input type="text" value="100 Pall Mall"/>
	<input type="text"/>	<input type="text" value="London"/>
	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>
Postcode	<input type="text"/>	<input type="text" value="SW1Y 5NQ"/>
Telephone	<input type="text"/>	<input type="text" value="07796 337 811"/>
Email [†]	<input type="text"/>	<input type="text" value="Natalie.Render@dp9.co.uk"/>

[†] where relevant

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Part B – please use a separate sheet for each representation

3. To which part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 does this representation relate? *(identify specific reference if possible)*

Paragraph no. Policy no. Policies Map

4. Do you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is:

(please tick)

4.1 Legally compliant	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4.2 Sound[^]	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4.3 Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

[^] *The considerations in relation to being 'sound' are explained in the notes at the back of this form. If*

you have ticked 'No' to 4.2, please continue to Q5. Otherwise please go to Q6.

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:

(please tick)

5.1 Positively prepared	<input type="checkbox"/>
5.2 Justified	<input checked="" type="checkbox"/>
5.3 Effective	<input type="checkbox"/>
5.4 Consistent with national policy	<input type="checkbox"/>

(Please tick only one option. A separate form should be used if you wish to raise more than one concern.)

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

If you wish to support the legal compliance or soundness of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 or their compliance with the duty to co-operate, please also use this box to set out your comments and then go to Q9.

Please refer to the accompanying cover letter dated 13th March 2020

(if required continue on the additional comments page attached)

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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. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination.) You will need to say why this change will make the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of this part of policy or text. Please be as precise as possible.

Please refer to the accompanying cover letter dated 13th March 2020

(if required continue on the additional comments page attached)

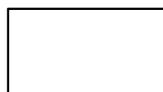
Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support / justify your representation and your suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he/she identifies for examination.

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?



No I do not wish to participate at the oral examination



Yes I do wish to participate at the oral examination

Please note that while this will provide an initial indication of your wish to participate in hearing sessions(s), you may be asked at a later point to confirm your request to participate.

If you have selected 'No', your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

N/A

(if required continue on the additional comments page attached)

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination. You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

10. Please tick relevant boxes if you require notification of any of the following to your address stated in Part A:



That the DRLLP PSV Jan 2020 and associated PCPM Jan 2020 have been submitted for independent examination



The publication of the inspector's recommendations following the independent examination



The adoption of the Revised Lambeth Local Plan and Policies Map.

Signature

DRGLtd

Date

13/03/2020

Please use this section for any additional/continued comments

13 March 2020

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Dear Sir/Madam,

REPRESENTATION TO THE DRAFT REVISED LAMBETH LOCAL PLAN PROPOSED SUBMISSION VERSION

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

The Draft Revised Lambeth Local Plan Proposed Submission Version (DRLLP PSV) has been published by the London Borough of Lambeth so that representations can be made on the document before it is submitted for examination by an independent Planning Inspector. The purpose of this consultation, and the subsequent examination, is to consider whether the DRLLP PSV is legally compliant and sound.

Legal compliance and soundness

The Guidance Notes for this consultation explain that, in order for the DRLLP PSV to be legally compliant, it should be in general conformity with the London Plan (amongst other criteria). For the purpose of this consultation, the December 2019 Draft London Plan Intend to Publish version is the relevant iteration of the London Plan.

The tests of soundness are set out in paragraph 35 of the National Planning Policy Framework (NPPF). In summary, Local Plans are sound if they are:

- Positively prepared: Providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs;
- Justified: This means that the Local Plan strategy must be appropriate, taking into account the reasonable alternatives, and be based on proportionate evidence;
- Effective: It should be deliverable over the plan period, and must have considered joint working on cross-boundary strategic matters; and
- Consistent with national policy: To enable the delivery of sustainable development in accordance with the policies in the NPPF.



Draft Policy ED2

Draft policy ED2 of the DRLLP PSV relates to the provision of affordable workspace. The policy outlines that the Council will require developments in Waterloo proposing at least 1,000sqm (GIA) gross B1a office floorspace to provide 10% of that floorspace at 50% of market rents for a period of 15 years.

The policy explains that the workspace should be provided on-site and be designed to meet a local need within the B1 use class. Additionally, it provides three options for the potential ways that the affordable workspace can be made available.

The policy also allows for exceptional circumstances whereby a payment in lieu of onsite affordable workspace provision may be accepted where it can be demonstrated to the satisfaction of the Council that on-site provision is not feasible and/or that a greater economic impact would be achieved this way.

Proposals that do not provide the level of affordable workspace required by the policy are required to submit viability information, and it is proposed in the draft policy that early and late viability reviews will be applied to all schemes that do not provide the level of affordable workspace required by the policy.

The supporting text to draft policy ED2 is covered in paragraphs 6.11 to 6.26 of the DRLLP PSV. Paragraph 6.14 deals with the threshold for the application of the policy. It sets out that the policy will apply to all planning applications involving 1,000sqm or more gross B1a office floorspace (GIA), and that this includes applications for the redevelopment and extension of existing offices, and applications that involve refurbishment of existing office space where this would result in an increase in the quality and rental value of the space.

When queried in a recent pre-application meeting, the Planning Policy Team at the Council confirmed that the draft policy is proposed to be applied to all B1a office floorspace (where schemes are above 1,000sqm), rather than the uplift in B1a floorspace where there is existing B1a floorspace onsite.

Commentary

London Plan Policy E3 does not define a threshold for the application of affordable workspace policies. Part C of the policy sets out that the London Boroughs, in their Local Plans, should consider implementing detailed affordable workspace policies in the light of local evidence of need and viability.

It is not clear from within draft policy ED2 of the DRLLP PSV why the London Borough of Lambeth has taken the decision to apply the requirement for affordable workspace to all B1a floorspace (in schemes over 1,000sqm) even where redevelopment or refurbishment of existing offices are proposed.

To apply this requirement to our clients' scheme will make the development unviable. It will undoubtedly have the same effect on many other proposed developments within the Borough, and has the potential to prevent a lot of development from coming forward.



Other central London Boroughs only apply their affordable workspace policies to the proposed or new floorspace, including in Southwark and Tower Hamlets.

As there is no evidence within the policy text or supporting text to draft policy ED2 to explain why this approach is being taken, the DRLLP PSV arguably is not in conformity with the London Plan on this issue, which outlines that detailed affordable workspace policies should be implemented by the Borough's based on local evidence of need and viability.

At paragraphs 6.12 and 6.13 of the DRLLP PSV respectively, it says that further justification for the policy is contained within the Workspace Topic Paper and that the level of affordable workspace required by the policy has been tested for viability in the Local Plan and Community Infrastructure Levy Viability Review. Having reviewed these documents, there is no relevant evidence presented within the Workspace Topic Paper, and draft policy ED2 has only been tested for viability within the Local Plan and Community Infrastructure Levy Viability Review document with regards to the percentage of affordable workspace sought through the policy.

Similarly, in paragraph 6.14, the reader is referred to further information on the implementation of the policy within the Council's draft Affordable Workspace Supplementary Planning Document (SPD), which is also presently being consulted on. However, there is no further information about, or justification for, the threshold for the application of draft policy ED2 within the emerging SPD.

The approach taken as it stands calls into question the soundness of the DRLLP PSV, as draft policy ED2 does not appear to be justified. In our view, draft policy ED2 is not appropriate, nor based on proportionate evidence. It has also not considered reasonable alternatives, such as the more pragmatic approach being taken by neighbouring Borough's on affordable workspace requirements.

Summary

Our client acknowledges the benefits of an affordable workspace policy within the DRLLP PSV and the benefits this will bring about by cultivating innovation in key emerging sectors within the London Borough of Lambeth through provision of the specific types of workspaces that are demanded locally at an affordable cost.

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

However, the current drafting of policy ED2 of the DRLLP PSV would make the development unviable, as it would apply the 10% affordable workspace requirement to the whole development, rather than just the uplift in the B1a office floorspace created through the new development.

In order to ensure the DRLLP PSV is legally compliant, sound, and to ensure that our clients' development proposals, and others within the Borough, are not prevented from coming forwards, we would urge the Council to reconsider the policy, and for the policy wording to be revised so that the affordable workspace requirement is only applied to new B1a floorspace in office schemes.



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

Yours faithfully,

A handwritten signature in black ink that reads "DP9 Ltd".

DP9 Ltd