

Pre-Submission Publication Representation Form

Name



Ref:

R067

(for official use only)

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

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

Mr

Ms

First name

C/O Agent

Stephenie

Last name

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Thourgood

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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

No

4.2 Sound[^]

Yes

No

4.3 Complies with the Duty to co-operate

Yes

No

[^] *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

5.2 Justified

5.3 Effective

5.4 Consistent with national policy

(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 see letter of representation.

(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 see letter of representation.

(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:

To further outline the suggested changes to the draft Local Plan.

(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

Gerald Eve LLP

Date

13 March 2020

Please use this section for any additional/continued comments



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Via Email only - localplan@lambeth.gov.uk

13 March 2020

Our ref: Our ref: STH/CHMC/U0008043

Dear Sir / Madam

Representations to the Draft Revised Lambeth Local Plan

We write on behalf of Stanhope PLC to make representations to the Draft Revised Lambeth Local Plan January 2020.

While the policy aspirations for the Local Plan are generally supported, we have set out below some suggested amendments in relation to the proposed approach to the delivery of affordable workspace.

The National Planning Policy Framework February 2019 identifies that Plans are “sound” if they are:

- (a) Positively prepared – provided a strategy which, as a minimum seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- (b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- (c) Effective – deliverable over the planned period and based on effective joint working on cross boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- (d) Consistent with National Policy – enabling the delivery of sustainable development in accordance with the policies in this framework.

Paragraph 11 of the NPPF states plans and decisions should apply a presumption in favour of sustainable development. “For plan making” 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;
- (b) Strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless;
 - (i) The application of policies in this framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
 - (ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.”

Paragraph 15 notes that inter alia up-to-date plans should provide a framework for addressing housing needs and other economic, social and environmental priorities.

At paragraph 16 it is noted that plans should “be prepared positively, in a way that is aspirational but deliverable”... and “contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”.

Draft Policy ED2 - Affordable Workspace

Draft policy ED2 seeks the provision of affordable workspace in the following locations:

- i) In Waterloo/Southbank and Vauxhall developments proposing at least 1000sqm (GIA) gross B1a office floorspace should provide 10 per cent of that floorspace at 50 per cent of market rents for a period of 15 years;
- ii) In Oval, Kennington and Clapham developments proposing at least 1000sqm (GIA) gross B1a office floorspace should provide 10 per cent of that floorspace at 80 per cent of market rents for a period of 15 years;
- iii) In the Brixton Creative Enterprise Zone (CEZ) developments proposing at least 1000sqm (GIA) gross B1a office floorspace should provide 10 per cent of that floorspace as affordable workspace for a period of 25 years with the following discounts on market rents:

In respect of part i which requires a provision of 10% affordable workspace for schemes in Waterloo/Southbank and Vauxhall that propose at least 1000 sqm (GIA) gross B1a office floorspace, it is considered that this should be calculated on the basis of B1 office floorspace uplift given that the floorspace will liable to pay CIL and also expected to be zero carbon.

The policy goes on to state at ED2 part B:

“The affordable workspace secured should be provided on-site and be designed to meet a local need within the B1 use class”.

Whilst the principle of seeking provision of affordable workspace (Class B1) is supported, it is considered that some flexibility should be built into the policy to enable a truly meaningful offer to be delivered.

It is considered that a floorspace only offer would not go far enough to meet the aspirations the policy is trying to achieve.

Stanhope have experience of affordable workspace hubs at their other Sites such as the Gateway site in White City and believe that discounted space is more effective if supporting services are provided also. These services are vital to the success of new start-up companies such as mentoring services, lectures, co-working arrangements, technical support, coaching, amenities, synergy with an industry in close proximity etc.

In addition, where you have a significant quantum of Class B affordable workspace being provided, other forms of affordable workspace that fall under alternative use classes to B can be beneficial to supporting that Class B element and can provide much needed discounted space for start-up businesses in line with local need. For example:

- Coffee shop/ restaurant units, (Class A1/A3);
- Fitness / health & Wellbeing start -ups (D2); and

- Social and community uses (Class D1) such as a community space for use by a charity, or social group that cannot afford to pay full rent for hire etc.

The policy states, provision should be based on local need and allowing more flexibility in the use classes that are also technically ‘workspaces’, would in Stanhope’s opinion, go further in delivering a genuinely effective offer that meets the local need of an area.

Indeed, Policy E3 of the draft London Plan sets out the Mayors approach to affordable workspace and notes that the intention is to secure Use Class B space with rents that are below the market rate for social, cultural or economic development purposes such as charities and space for cultural uses including rehearsal space. Part A of Policy E3 of the draft London Plan states:

“In defined circumstances set out in Parts B and C below, planning obligations may be used to secure affordable workspace (in the B Use Class) at rents maintained below the market rate for that space for a specific social, cultural or economic development purpose such as:

- 1) for specific sectors that have social value such as charities, voluntary and community organisations or social enterprises
- 2) for specific sectors that have cultural value such as creative and artists’ workspace, rehearsal and performance space and makerspace
- 3) for disadvantaged groups starting up in any sector
- 4) supporting educational outcomes through connections to schools, colleges or higher education
- 5) supporting start-up and early stage businesses or regeneration”.

Furthermore, paragraph 6.11 of the draft Local Plan recognises that these types of spaces for creative, cultural and charitable organisations are “an integral part of London’s ecosystem”. With this in mind, it is therefore considered that the intention of the policy should allow such space to be provided on a basis that can best support local needs and not be restricted by the Use Class but rather a definition of workspace. The requirements and needs of the new enterprises benefitting from affordable workspace are still evolving and Stanhope consider the policy should allow for this.

It is therefore suggested that draft Policy ED2 part B should be revised to state:

“The affordable workspace secured should be provided on-site and be designed to meet a local need within the ~~B4~~ **B use class or another use Class as agreed with the Council where a local need is demonstrated**”.

The policy should also allow for local need to be assessed at the time of determination of an application but should allow for reviews to be undertaken to adapt and evolve local requirements in the future.

Part C of ED2 sets out that affordable workspace must be delivered in one of three ways. These are:

- Developer owner and leased to Affordable Workspace Provider on Council’s approved provider list and then sub-let to end users;
- Developer owner acts as the affordable workspace provider and lets to end user; or
- Developer/owner lets directly to end users that do not require managed affordable workspace.

It is suggested that the approaches are potentially restrictive and flexibility should be included for alternative approaches to be agreed with the LPA. In particular, these will have to be defined at the

time of planning permission being granted, but may not be delivered for some years and new products, arrangements, approaches may emerge in time given affordable workspace is a relatively recent requirement. At the time of delivery, a better approach may be the best solution for the site and so a mechanism to allow for this should be considered.

It is suggested that a point iv) be added that states:

‘or an alternative approach to be agreed with the LPA’.

Another area where it is considered that it would be beneficial to introduce some more flexibility is part d of Policy ED2 in terms of the timing of delivery of affordable workspace. Policy ED2 part d currently states:

“The affordable workspace should be made available for occupation at the same time of or prior to first occupation as the rest of the B1a floorspace in the development”.

It should be recognised that the non-affordable workspace provision and occupation enables the funds for the delivery of the affordable workspace elements and therefore it may be helpful to include a timed approach that enables a percentage of non-affordable workspace to be delivered and occupied prior to the affordable workspace elements; or a mechanism that requires delivery of affordable workspace within 6 months of occupation of the non-affordable workspace.

Separately on masterplan/ phased schemes, there should be the ability to ‘pro rata’ the affordable workspace provision. For example, if a scheme has several office plots that will all be delivered at different times, then the minimum requirement should be for the affordable workspace element associated with the floorspace of the office floorspace in that phase to be delivered.

There are various ways of securing this, but a suggestion is that Policy ED2 part d should be revised to state:

“The affordable workspace should be made available for occupation within 6 months of first occupation of the non-affordable workspace.

In phased developments, the affordable workspace can be delivered on a pro rata basis requiring that at least the minimum amount triggered for that phase is delivered and ready for occupation within 6 months of occupation of the non-affordable floorspace element.

Part F requires that where proposals do not provide the level of affordable workspace required, viability information will need to be supplied to demonstrate why.

Further flexibility should be included here to ensure where schemes deliver an alternative option that equates to a policy compliant offer, the affordable workspace offer should be considered to have complied with the policy and the application should be allowed to still be processed using the fast track route without needing to provide a full financial viability assessment.

Furthermore, BNP Paribas have undertaken an assessment to review the ability of developments in Lambeth to accommodate the policies set out in the Draft Revised Lambeth Local Plan Proposed Submission Version (‘DRLLP PSV’) and alternative amounts of Community Infrastructure Levy to the rates contained in the Council’s adopted Charging Schedule.

As part of this, the emerging policy in respect of affordable workspace has been reviewed and at paragraph 6.7 states “as an alternative to affordable workspace, the Council may also wish to consider requiring a proportion of office floorspace to be provided as ‘collaborative’ or ‘shared’ workspace which is a model that developers are increasingly bringing forward. This provides flexible workspace at lower rents than traditional office floorspace. However, the rents for this type of space are not protected by a planning obligation and can increase over time”.

Given this conclusion, it is considered that the Council should test and further review the possibility of a portion of affordable workspace being delivered in an alternative composition on the basis of local need.

It is encouraged that any of the points made above in relation to the policy are included in the affordable workspace SPD if they cannot be accommodated in the policy wording itself.

We consider that policy ED2 of the draft Local Plan as currently drafted is not sound.

Policy PN1 Waterloo and South Bank

Draft Policy PN1 of the emerging Local Plan sets out the approach in respect of Waterloo and South Bank.

It is noted that part ii sets out that the Council have identified this as a “location for specialist and independent retail as part of the Lower Marsh/ The Cut / Leake Street Special Policy Area”.

Within Topic Paper 4 (para 2.8) and the officers’ comments in the DRLLP 2018 Consultation Report Part 1 (rep 140/19) it is noted that “proposals for further retail development within the wider CAZ retail cluster would need to demonstrate that they would complement and not undermine the special character of Lower Marsh/The Cut”.

As such, confirmation is sought from the Council that no part of the Royal Street site is within the Wider CAZ Retail Cluster.

Part m of Draft Policy PN1 sets out the approach to the MedTech health cluster proposals of St Thomas’ Hospital, Guy’s and St Thomas’ Charity and King’s College London at Royal Street.

It is considered that rather than agreed masterplans, the policy should refer to delivering the aspirations of the masterplans and that part m of Policy PN1 should be amended as follows:

“supporting the development of a MedTech health cluster by supporting the strategies of St Thomas’ Hospital, Guy’s and St Thomas’ Charity and King’s College London at Royal Street in accordance with the **principles of the** ~~an agreed~~ high-level masterplan for the estates to achieve new health facilities; replacement housing, open space and community facilities; capacity for Combined Heat and Power; new commercial development including workspace for small and medium enterprises; and related and supporting facilities such as accommodation for staff. Creation of a new primary care centre in the wider Waterloo area will be supported”.

This would allow for the delivery of schemes that best meet the requirements of the site and local need at the time the sites come forward.

Site 1 – Land north and south of and including 10 Royal Street, SE1 (Founders Place) Description

Under design principles and key development considerations at Part ii) it states that 10 Royal Street and Holy Trinity Urban Centre should be retained. Given that the buildings are of a limited significance, it is considered that their demolition would make way for a more comprehensive redevelopment of the Site that would deliver significant benefits. It is therefore suggested that part ii) is deleted.

It is noted that under the preferred use for the site, the replacement of affordable housing is stated.

Through discussions with officers it has been established that the existing residential accommodation is not affordable housing and therefore this should be deleted from the preferred use description.

Annex 10: Charging Approaches

Annex 10 of the Draft Local Plan sets out how Monetary Contributions should be calculated in respect of affordable workspace.

It is considered that the approach is too rigid and doesn't allow for a valuer to assess the value of the capital value discount.

One of the main concerns is that the methodology forces a valuer to apply the same investment yield to both the market space and the affordable space, which isn't necessarily the correct approach. The market yield applicable to the affordable space is likely to differ from the yield applicable to the market space because the affordable space is reversionary (i.e. it is only let at discounted rent for 15 years). The difference between the market yield and affordable yield will likely differ depending on the exact terms assumed for the affordable workspace, and the local market conditions, so there should be some flexibility around this. There is also no allowance for purchaser's costs, which given that commercial property is typically valued using a net initial yield is not a market standard approach.

It is considered that there should be greater flexibility for the valuer to assess the true market value of both the affordable and market space, given the specific terms, local market conditions and scheme proposals the policy is being applied to at the time.

This then allows flexibility for a valuer to accurately assess the true market value of both the affordable and market space, given the specific terms, local market conditions and scheme proposals the policy is being applied to at the time.

It should also be borne in mind that there is also no CIL exemption for affordable workspace in the way that there is relief offered for affordable housing. The provision of affordable workspace is required on the basis of all Class B1 office accommodation, not only uplift. The floorspace will also be expected to be zero carbon, all of which are significant costs.

Conclusion

We would be grateful if these comments can be taken into account as part of the consultation process and look forward to being kept informed of the next steps in terms of the emerging Local Plan.

We look forward to acknowledgement of receipt of these representations. Should you wish to discuss these representations further please contact Stephenie Thourgood or Charlotte McManus of this office.

Yours faithfully

Gerald Eve LLP

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