

Responses to the Development Management Local Plan (DMLP) Post Hearing Recommended Modifications Consultation June 2014

The table below summarises the responses received to the proposed modifications to the Development Management Local Plan.

There were 6 respondents to the consultation, which closed on 9 June 2014 at 17:00. The Council has summarised the position of each consultee and provided a response where it feels appropriate to do so. The Council's responses are based on officers' professional opinions, and are published here for information purposes only. The Planning Inspector will make the final decision regarding any modifications to the Plan.

Respondent's Name/ID	Representation ID	Paragraph, Policy, Section, Figure	Summary of representation	Officers' response	Proposed Modification?
English Heritage (DMMOD1)	DMMOD1.1	All MM	No comment.	Noted, no changes are recommended.	No change.
Environment Agency (DMMOD2)	DMMOD2.1	All MM	No comment.	Noted, no changes are recommended.	No change.
Natural England (DMMOD3)	DMMOD3.1	MM10	Support	Noted, no changes are recommended.	No change.
	DMMOD3.2	MM15	Support		
	DMMOD3.3	All other MM	No comment		
TfL (DMMOD4)	DMMOD4.1	All MM	No comment	Noted, no changes are recommended.	No change.
Rolfe Judd Planning for Pocket	DMMOD5.1	MM3 (DM7)	Support in principle but consider a caveat should be included that where a scheme is providing principally a single tenure but is maximising affordable housing	This is not a representation regarding the DMLP schedules of recommended modifications (issued for public consultation during April - June 2014) as it does	No further changes are recommended.

(DMMOD5)			<p>there should not be a requirement for a mix of affordable tenures to be provided on site.</p> <p>Pocket's schemes ideally provide 100% of the units as intermediate affordable housing. These schemes provide significantly above the normal affordable housing requirements as set out in the Local Plan. Whilst the policy identifies a viability assessment as being a mechanism to consider the overall tenure mix, it is considered that this is necessary where a scheme is maximising the affordable housing provision.</p> <p>Pocket propose the following sentence is added at Para 2.78. "Schemes which maximise affordable housing provision significantly above the 50% target set out in Policy 1 of the Core Strategy but which are of single tenure will be strongly supported".</p>	<p>not relate specifically to the modifications made in Main Modification 3 (MM3). The comments made are not considered by the Council as applicable to this stage of consultation.</p> <p>The representation relates to the wider issue of tenure and intermediate housing, both of which were not raised as issues prior to and during the Examination hearing. Pocket submitted a planning application in mid February 2014 for a 100% intermediate housing scheme. The Council considers that Pocket could have made representations prior to submission of the DMLP in November 2013 and/or to the Inspector's initial queries in February 2014 - if they had wished to do so. This would have enabled a full debate on the topic of single tenure schemes at the Examination hearing in February 2014. Pocket chose not to do this. Now they are seeking to alter the DMLP in accordance with their application at modifications stage despite their representation not relating specifically to the modification wording proposed in MM3. The Council therefore feels that this representation is not relevant.</p> <p>Nevertheless, the Council sets out its reasons why no further changes should be made to DM Policy 7, if the Inspector is minded to consider this representation. Pocket are proposing that the following text be added at the end of paragraph 2.78. "Schemes which maximise affordable housing provision significantly above the 50% target set out in Policy 1 of the Core Strategy but which are of single tenure will be strongly supported". The Council considers that the level of detail contained within the modifications to paragraph 2.78 is sufficient as it acknowledges that a financial viability appraisal should address the mix of units available for social rent, affordable rent and intermediate housing and that each scheme will be assessed on a case by case basis. Furthermore, the Council feels that a viability assessment should be carried out on all schemes containing affordable housing, regardless of the tenure mix proposed and for schemes that maximise affordable</p>	
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	DMMOD5.2	MM5 (DM9)	<p>Pocket recognise that the revised wording reflects the Core Strategy however they consider that there may be situations where schemes can come forward within Mixed Use Employment Locations (MEL) independent of other elements but which do not prejudice the overall objectives of development within the MEL.</p> <p>The Council has inserted the words “delivered as part of the comprehensive redevelopment of these sites promoted by the Core Strategy” and we consider the wording should be revised to state “delivered to ensure a comprehensive approach to the redevelopment of these sites promoted by the Core Strategy”.</p>	<p>housing output and providing more than 50% of the housing as affordable units. The adopted Core Strategy Policy 1 (5) seeks to ensure a mixed tenure to promote mixed and balanced communities, with an affordable housing component provided as 70% social rented and 30% intermediate housing. The Council therefore does not support single tenure schemes and considers the proposed wording would conflict with the adopted Core Strategy. It feels it appropriate to retain the current wording whereby schemes will be assessed on a case by case basis.</p> <p>Various rounds of consultation and negotiation with the GLA took place both prior to, during and after the Examination hearing, in order to reach compromise wording that both parties were content with. Introducing new text to paragraph 2.78 at this stage would require further consultation with the GLA.</p> <p>This representation relates specifically to Main Modification 5 (MM5). Policy DM 9 Mixed Use Employment Locations supports the implementation of Core Strategy Policy 4 Mixed Use Employment Locations. The Core Strategy policy 4 ‘requires the comprehensive redevelopment of the Mixed Use Employment Locations’. In part it seeks to achieve this by specifying in part 3 of the policy that ‘the Council will require a masterplan to be submitted with a planning application...’.</p> <p>The Council acknowledges that schemes can come forward within MELs independent of other elements but as part of a comprehensive masterplan and as such may not prejudice the overall objectives of development within the MEL and that this will provide flexibility in implementing the policy. The difference in wording suggested by pocket changes the emphasis from ‘delivered as part of the comprehensive redevelopment..’ to ‘delivered to ensure a comprehensive approach...’. The Council considers that</p>	No further changes are recommended
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				its wording more accurately reflects the adopted Core Strategy approach of requiring the comprehensive redevelopment and as such should remain.	
DMMOD5.3	MM14 (DM32)	<p>The change to the wording has deleted reference to “studio flats (one person dwellings at 37sqm) not being supported other than in exceptional circumstances” to referring to “single person dwellings not being supported other than in exceptional circumstances”. The Council has also deleted reference to major and district town centres.</p> <p>Pocket consider the Council has misquoted the London Plan and is actually referring to two linked but separate issues.</p> <p>Firstly 37sqm 1bed/one person units are wholly in accordance with the London Plan (Policy 3.5). There is no test within Policy 3.5 (or the Housing SPG 2012) that such units should be permitted in exceptional circumstances. Table 3.3 as set out in Policy 3.5 clearly indicates 37sqm 1 person units as meeting the policy. On this basis Pocket units accord with Paragraph 4 (a) of Policy DM32.</p> <p>Pocket has delivered a significant number of units at 37-38sqm and these have been recognized by the GLA and a number of Councils as meeting London Plan standards. Pocket has £21m loan funding from the GLA for the delivery of hundreds of new affordable homes across London (including within Lewisham) and would not have been able to meet the terms of its agreement with the GLA had its units not been in accordance with the London Plan.</p> <p>It is clear from the wording of the Policy and the explanatory text within the Council’s response to the Inspector that the Council is misquoting Paragraph 3.36. This actually states that “single bed space dwellings of less than 37 square metres may be</p>	<p>The change in wording from ‘studio flats’ to ‘single person dwellings’ was proposed in order to use common terminology with the London Plan, which, in Policy 3.5 and paragraph 3.36 in particular, refers to ‘single person dwellings’ and ‘1 person bedspace’ rather than studio flats.</p> <p>DM32 is not intended to replicate London Plan policy 3.5, instead it provides a policy specific to the London Borough of Lewisham that sets out locally relevant considerations. While MM14 proposes a change in terminology from ‘studio flats’ to ‘single person dwellings’ the intent of part 4 (e) of DM 32 and the supporting text at paragraph 2.261 has not changed and it is the Council’s intention that this differs from London Plan policy 3.5.</p> <p>The Council has a need for a mix of housing types and size as set out in the adopted Core Strategy and evidenced via the SHMA. This does not show a need for small single person dwellings and hence the Council wants to make it clear through this policy that it is not seeking this size of development and that it ‘will not be supported other than in exceptional circumstances.’</p> <p>Rolfe Judd Planning, on behalf of Pocket, suggest wording that roughly replicates the supporting text at paragraph 3.36 of the London Plan. The Council does not accept this suggested wording as it not only establishes 37 sq m as the minimum standard for new development but introduces text that dwellings of less than 37 sq m ‘may’ be permitted, subject to meeting certain criteria. The Council’s position in both the submitted Development Management Local Plan, November 2013 and the advertised Main Modifications,</p>	No further changes are recommended.	

			<p>permitted if the development proposal is demonstrated to be of exemplary design and contribute to achievement of other objectives and policies of this Plan” (our underlining). It is also clear from the explanatory wording that the Council is seeking to reflect the wording of the London Plan.</p> <p>We append a letter from Andrew Barry Pursell (Senior Manager of the London Plan) dated 28 May 2012 confirming that Pocket’s units meet the 37sqm and also confirming the exceptional circumstances where smaller units may be acceptable.</p> <p>On this basis we consider the wording of Policy DM32 4 (e) be amended to reflect the London Plan and state “Single bed space dwellings of less than 37 square metres may be permitted if the development proposal is demonstrated to be of exemplary design and contribute to achievement of other objectives and policies of this Plan”.</p>	<p>April 2014, is that small flats intended for single person occupation are not appropriate and will not be supported, other than in exceptional circumstances, as they are not considered to provide long term sustainable solutions to housing need.</p> <p>The Council’s response to the Inspector’s Initial Query regarding DM32 clearly sets out, at paragraph 1.5, that the Council’s intention is to change the emphasis of the justificatory text at paragraph 3.36 of the London Plan.</p> <p>DM32, while changing the emphasis of the London Plan to set out local considerations, is still in general conformity with the London Plan as the Mayor of London has stated so in a revised statement of general conformity with the London Plan letter dated 10 March 2014.</p>	
CgMs for Shurgard UK Limited (DMMOD6)	DMMOD6.1 DMMOD6.2 DMMOD6.3	MM6 (DM10)	<p>DM10 is unsound as it is not positively prepared; justified; effective; or consistent with national policy.</p> <p>Positively Prepared Self-storage represents an emerging and growing market catering for a modern employment demographic. The requirement for business floorspace in small and medium enterprises conflicts with NPPF para 14 and 21. A negative approach has been taken by the LPA, based on limited evidence regarding employment generation, resulting in a plan which is not positively prepared.</p> <p>Justified The LPA have not reviewed the impact self storage has on employment generation and have not used evidence to reinforce the position that self storage is a less intensive employment use. The Core Strategy</p>	<p>This is not a representation regarding the DMLP schedules of recommended modifications (issued for public consultation during April - June 2014) as it does not relate specifically to any of the modifications.</p> <p>The comments made are not considered by the Council as applicable to this stage of consultation.</p>	No change

	DMMOD6.4	<p>resulted in the contraction of employment land and failed to take into account emerging land use requirements and fails to reflect NPPF Policy 21.</p> <p>Such facilities theoretically create between 3-5 full time equivalent (FTE) jobs including managerial and assistant staff within the unit on a shift basis, 7-days a week. Indirect employment generation is significant and a typical Shurgard store is likely to harbour 100-200 business users with a minimum employment ratio or 1:1 unit/job opportunity. It therefore contributes to the objectives set out by Policy DM10 and the requirement to provide dedicated employment floorspace for SME is unnecessary.</p> <p>Emerging Policy DM10 references the punitive restriction of self storage within LELs in order to comply with Core Strategy Policy 3, however this clearly accepts the principle of B8 use on such designated land. The Council's reference to one specific site within their response to the DM Policies Examination appears to be dictating their position on a borough wide basis, despite no reference to a proportionate evidence base. The emerging policy is therefore unsound.</p> <p>Effective Analysis of occupancy characteristics of similar scale units operated by Shurgard demonstrate that a significant level of occupancy to local businesses and tradespersons active within the surrounding areas, through provision of secure storage facilities on a flexible basis. This type of development therefore supports various additional local businesses and assists in generating additional jobs in the borough as well as maintaining existing jobs. In adopting a strategy of contraction of designated employment land, the LPA have not provided sufficient flexibility within the development plan to account for emerging employment land uses which support the overall objective of DM10 (i.e. to provide floorspace for local</p>		
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	DMMOD6.5	<p>SMEs).</p> <p>The punitive restriction within emerging policy DM10 is therefore unsound as it is not effective.</p> <p>Consistent with National Policy It is demonstrated above that the emerging policy as drafted conflicts with NPPF policies 14 and 21. Further, emerging Policy DM10 conflicts with Core Strategy Spatial Policy 3 (identifying B8 as appropriate land use) and Spatial Policy 4 Local Hubs which states that for example the LEL at Stanton Square B Use Class (offices, industry and warehousing/storage) and specifically storage type uses are appropriate. The inconsistency within the draft policy is unsound and therefore cannot be adopted as drafted.</p> <p>Paragraph 2 of emerging Policy DM10 is unsound and cannot be supported. Paragraph 2 should therefore be removed in its entirety from the policy prior to adoption.</p>		
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