

Our ref: J026272

T +44 (0)20 7851 4900  
F +44 (0)20 7851 4910  
glhearn.com

Planning Policy  
London Borough of Lewisham  
Laurence House  
1 Catford Road  
London  
SE6 4RU

4 October 2013

Dear Sir/Madam

**Representations on the Lewisham Development Management Local Plan, Proposed Submission Version, September 2013**

On behalf of our client, Land Securities, we hereby formally submit our representations to the Lewisham Development Management Local Plan (DMLP), Proposed Submission version, as published for consultation.

We have reviewed the document in detail, and have set out our representations in detail below. We have set out the policies which we support in the first section, and the policies which we consider require amending in the second section.

**Section 1 – Policies to be supported**

We acknowledge that the Council has now included policies on the presumption in favour of sustainable development (DM Policy 1) and location of main town centre uses (DM Policy 13) which we supported in the Further Options version of the plan in January 2013.

We note that the Council's Recommended Option 11 – Town centre vitality and viability in the future development has now been removed from the Proposed Submission version of the plan. We support the removal of this section and the policy wording had previously been unclear and impractical in expecting each proposal to provide a range of uses, especially for small scale proposals.

**Section 2 – Policies to be amended**

Where we have set out proposed amendments to the policy wording, we have shown the additional wording as underlined, and deleted wording as ~~strike through~~.

***DM Policy 11 – Other Employment Locations***

In our representations to the Further Options version of the document, we objected to a number of aspects of the proposed policy on 'Other Employment Locations'.

We recognise that some amendments have been made to this policy. Paragraph 2 now acknowledges that redevelopment proposals for retail, leisure or other town centre uses on a site currently used for employment purposes will be considered as part of a mix of uses where there is no net loss of jobs.

The policy seeks to retain employment uses on sites and buildings in town centre where they are considered to be capable of continuing to contribute and support clusters of leisure and retail uses. We object to the wording of the policy as currently drafted.

We maintain our objection to Paragraph 3 which states that alternative uses for sites in employment or retail uses that do not involve job creation or retention will require marketing evidence to justify the redevelopment of the site. The supporting text states that the marketing evidence is required to be undertaken for two to five years. This is justified by reference to the London Plan SPG 'Land for Industry and Transport' 2012. We do not consider the marketing timescales appropriate for sites related to industry and transport to be appropriate for town centre uses that must be more flexible to market demand. In this respect, this requirement would effectively remove a site from the economic market for two to five years whilst the appropriate evidence is gathered to demonstrate that the redevelopment of the site is justified. Whilst we appreciate that employment uses are important, the NPPF recognises the need for planning policy to react relatively quickly to the changing economic climate, which we do not consider is reflected within the policy as currently worded.

We note that where non B class uses are proposed to replace existing B class uses, there must be no net loss of jobs. However, the policy is unclear on how this will be calculated for a vacant site. We would suggest that this requirement is removed and recognition given to other uses being applied for within the Town Centre subject to the benefits of each proposal. Furthermore, we considered that there is a need to recognise that while retail and leisure uses are generators of employment, they often require different skill sets and therefore should not be compared like for like. Retail and leisure uses are core Town Centre functions, the benefits of which should be given due recognition within this policy in accordance with NPPF paragraph 70 and draft DM Policy 43 of the Lewisham Development Management document.

NPPF paragraph 22 states that planning policies should avoid the long term protections of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Whilst the Council states in the justification text that it considers the policy to be in accordance with the NPPF, we still consider the proposed current wording does not provide enough flexibility to avoid the long term protection of sites which are no longer considered suitable for office use.

Our proposed wording, below, allows the Council and developer to agree on a case by case basis what is required to be provided to satisfactorily demonstrate that the property is no longer required for employment purposes. Each site has individual planning considerations, and there should not be a set requirement for marketing to be undertaken for over two years in order for any site to be brought forward for redevelopment for retail and leisure uses.

As such, we would recommend that the paragraph 3 is amended to state:

*~~“Where uses are proposed for a site or building in employment or retail use that do not involve any job creation or retention, it should be satisfactorily demonstrated that the property is no longer required for employment purposes the Council will require evidence that a suitable period of active marketing of the site for re-use/redevelopment for business uses through a commercial agent, that reflects the market value has been undertaken.”~~*

In accordance with the proposed changes above, we also consider amendments need to be made to paragraph 2.100 and 2.102, to remove references to London Plan SPG ‘Land for Industry and Transport’ 2012.

Paragraph 2.103 currently states that the Council will not assess buildings or sites that have not been maintained to an appropriate standard and will not consider marketing evidence to be valid in the absence of appropriate maintenance. We consider this to be an unreasonable requirement from the Council and would mean, for example, that derelict buildings would need to be developed before they could be marketed. We therefore propose that this paragraph should be removed.

***DM Policy 17 – Restaurants and cafes (A3 uses) and drinking establishments (A4 uses)***

Restaurant and café uses are increasingly key contributors to the vitality and viability of town centres. DM Policy 17 provides guidance on managing these uses. Whilst we recognise the importance of mitigating any negative impacts that may arise from restaurant/ café and drinking establishments, we consider there to be onerous requirements on applicants. In particular, we object to Paragraph 2.147 which requires details on how applicants intend to trade. This level of detail is not always available from the occupiers before a planning application is submitted which can cause delay. We recommend that this is removed from the Development Management DPD as this detail can be dealt with by conditions.

We trust the above comments are useful suggested amendments to the policy document which reflect Land Securities’ long term commitment to enhancing and improving Lewisham town centre. In our opinion this should start from the position of protecting and enhancing the role of the existing shopping centre itself. We trust that these comments will be considered and taken into account in the redrafting of this important policy document.

We would be more than happy to discuss any of the above in more detail.

Yours sincerely

**GL Hearn**

[ed.britton@glhearn.com](mailto:ed.britton@glhearn.com)