

Our ref: J026272

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

Mr Matthew Pullen
London Borough of Lewisham
Planning Services
5th Floor Laurence House
1 Catford Road
London
SE6 4RU

12 November 2012

By email only

Dear Matthew

Representations on the Lewisham Town Centre Area Action Plan, Proposed Submission Version, September 2012

On behalf of our client, Land Securities, we hereby formally submit our representations to the Lewisham Town Centre Area Action Plan (AAP), Proposed Submission version, September 2012, as published for consultation.

We previously submitted representations to the Draft AAP, dated 22 April 2012. At that time, we provided some background on Land Securities as the freeholder of Lewisham Shopping Centre (Shopping Centre). Land Securities is continuing to review the potential opportunities for improving the overall retail offer, and to ensure that the Shopping Centre plays a key role in promoting Lewisham town centre.

Since we submitted the representations in April, the Council has reviewed the comments and confirmed which suggested policy amendments will be undertaken, and provided a justification where the comments have not resulted in any amendments.

We have structured these representations to directly respond to the proposed amendments, or a justification why amendments have not been accepted. For ease of reference, we have included the Council reference taken from the document entitled 'Responses to the Lewisham Town Centre AAP Proposed Submission version consultation'.

At this stage, we are required to state whether we consider the policies are 'sound' or 'unsound'. The National Planning Policy Framework (March 2012, DCLG) replaced Planning Policy Statement 12 (June 2008), which sets out the tests of soundness to be considered when reaching this judgement.

Paragraph 182 of the NPPF sets out the considerations in relation to a plan being 'sound' as:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet

requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

Proposed amendments accepted by the Council - Support

We are pleased to note that a number of proposed amendments have been accepted by the Council, following the comments that we have provided. We consider that these amendments will improve the overall strategy for the town centre, and protect the retail function of the primary shopping area. We have set out the policies which we now support, and therefore consider sound, following the proposed amendments:

Para 4.4 (Council ref: LREP8.4)- minor amendment to the wording of the document to state that the Gateway will 'seek to' deliver a number of objectives.

Section 4.2, para 4.8 (Council ref: LREP8.5 and LREP8.7) – The wording has been amended to state that this location should complement the existing Primary Shopping frontage, rather than compete against it. This supports the vision to protect the existing shopping centre provision in the first instance.

Policy S5 (Council ref: LREP8.10) – The Council has included the definition for what is meant by 'commercial', which is employment generating uses, most likely to be B1 uses.

Section 4.3 (Council ref: LREP8.11) – The definition of the site has been adjusted to state 'out of centre' given that its location is over 300m from the town centre.

Section 4.3, key area objectives (Council ref: LREP8.12) – The objective has been amended to specifically state that any future retail provision would be in the form of an extension to the existing foodstore.

Policy LAAP5, paragraph 2 (Council ref: LREP8.13) – In accordance with the above amendment, the wording has been amended to state that retail expansion would be in the form of expansion of the existing store.

Policy LAAP8 (Council ref: LREP8.16) – It is noted that the numbering of the plans has now been changed.

Comments not accepted by Council - No further objection

A number of proposed amendments were not accepted by the Council, but following the justification provided by the Council responding to our concerns, we can confirm that we no longer object to the policies and paragraphs as currently worded. Therefore, we do not consider that these policies are unsound.

Policy LAAP16 (Council ref: LREP8.1) – Whilst we continue to consider that it would be important to include specific reference to the sequential test, we appreciate that this is included within NPPF, and therefore remains a requirement for any retail development outside of the primary shopping area.

Vision Objective 1 and Section 4 (Council ref: LREP8.2) – We note the response from the Council stating that each development site shows an indicative capacity, but the 40,000 sq m is the overall capacity. We recognise that any retail development outside of the town centre will be subject to an impact assessment, which will need to take account of the retail capacity in the borough.

Paragraph 3.15 (Council ref: LREP8.3) – Whilst we consider that the figures in this paragraph should be titled as indicative and aspirational, we note that the Council states that the supporting text sets the context for the policy.

Policy LAAP5, paragraph 2 (Council ref: LREP8.14) – As with the comment above, whilst we continue to consider that it would be important to include specific reference to the sequential test, we appreciate that this is included within NPPF, and therefore remains a requirement for any retail development outside of the primary shopping area.

Policy S10 (a and b) (Council ref: LREP8.17, 8.18 and 8.19) – Whilst Land Securities will seek to retain the ability to provide a range of suitable town centre uses on this location to the south of the Shopping Centre, it is appreciated that as when proposals to provide alternative uses to retail are brought forward, the Council will consider each planning application on its individual merits. Land Securities support the overall vision to bring this site forward for development to improve this area of the town centre, and will seek to work with the Council on this site. However, we would expect that the overall viability of the site will be taken into consideration when assessing suitable uses in this location.

Comments not accepted by Council – Retain Objection

We have set out our response to the following policies, and our justification as to why we retain our objection. As such, we consider these policies to be ‘unsound’.

Loampit Vale Town Centre Area (Council ref:LREP8.6, 8.8, and 8.9)

Whilst Land Securities support the development of the Loampit Vale area to provide a sense of arrival to the Town Centre, it is key that the future of Lewisham Shopping Centre is not eroded with the inclusion of town centre uses in this out of centre location, before the appropriate linkages and connections are developed. The site is more than 300m from the existing primary shopping area.

In any event, National planning Policy Framework (NPPF), March 2012, states that appropriate edge of centres sites should be allocated for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available (paragraph 23).

Although it is recognised that the Gateway Scheme should, in the future, provide a continuous link to this area, as it currently stands this area is disconnected from the town centre, and considered a separate area

from the primary shopping area. We retain our objection that this area is not a suitable location for town centre retail uses at the current time, and as such retail provision should be restricted to bulky goods only, and not town centre retail provision.

Therefore, we consider the **following policies and supporting text to be ‘unsound’ on basis that it is not consistent with national policy**. Any reference to the site being an ‘edge of centre’ site should be removed, and should be made clear that site is only suitable for bulky retail goods to protect the town centre.

- Paragraph 4.8
- Policy LAAP4
- Policy S3a and S3b

Lewisham Centre (Council ref: LREP8.15)

Land Securities is committed to continuing to review the future potential asset management / redevelopment opportunities for the Shopping Centre in the future to protect and enhance the retail offer, and support the overall vision to improve the retail offer to reach Metropolitan Town status, and this is reflected by the Council’s support for Land Securities’ plans to date.

However, we retain our concerns that as the relevant policies for the Shopping Centre are currently worded, it could be interpreted to restrict potential for future redevelopment, and prevent Land Securities from maximising the full potential of the Shopping Centre.

Policy LAAP8 1(a) – It is imperative for the future viability of the retail space within the Shopping Centre that Land Securities is able to manage the retail circuit appropriately to protect and preserve footfall through the centre and along its key retail frontages. As currently worded, we consider that the policy objective may be misconstrued and prejudice this ability as unless carefully planned new or reconfigured entrances could have a negative impact on footfall and therefore on the attractiveness to retailers of certain units within the centre.

We consider **Policy LAAP8 to be ‘unsound’ as it is not effective**, as it could prevent the overall vision to improve the Shopping Centre as part of the wider retail provision in Lewisham.

Primary Shopping Area (Council ref: LREP8.20)

Figure 5.1 allocates the proposed ‘primary shopping area’, and ‘secondary shopping area’, as stated within the key for the plan, not primary shopping frontage, as stated in the Council response.

The NPPF states that the definition of a ‘primary shopping area’ “*is a defined area where retail development is concentrated (generally comprising the primary and those secondary frontage which are adjoining and closely related to the primary shopping frontage).*” (NPPF, Annex 2- Glossary)

For the avoidance of doubt, the primary frontage definition in the NPPF states that “*primary frontages are likely to include a high proportion of retail uses which may include food, drinks, clothing and household goods....*” (NPPF, Annex 2- Glossary)

In the previous representations, we stated that excluding the existing Riverdale Hall from the primary shopping area, which is intrinsically part of the wider Shopping Centre, is not consistent with the context of the rest of the Shopping Centre, or the definition within the NPPF.

Land Securities consider this as a key site for future retail development, and this has been supported by the Council in recent discussions, and therefore should be recognised as forming part of the wider Shopping Centre. Whilst we are aware that this site is recognised by the Council as being a future development site, the inclusion of this site within the wider 'primary shopping area' would clearly demonstrate that the Council would support the redevelopment of this site for town centre uses, in line with the wider vision.

Therefore, we consider **Figure 5.1 to be 'unsound' as it is not effective or consistent with national policy**, as it could prevent the overall vision to improve the Shopping Centre as part of the wider retail provision in Lewisham.

We trust that the above comments will be taken into account ahead of the Examination in Public. We are more than happy to discuss any of the above in more detail.

Yours sincerely



Shaun Andrews
Planning Director

shaun.andrews@glhearn.com