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19 April 2012

Dear Sir / Madam

LONDON BOROUGH OF LEWISHAM LEWISHAM TOWN CENTRE AREA ACTION PLAN - PROPOSED SUBMISSION REPRESENTATIONS ON BEHALF OF CENTROS

We have been instructed by our client, Centros, to submit representations to the consultation exercise on the latest iteration (Proposed Submission) of the emerging Lewisham Town Centre Area Action Plan (hereafter referred to as 'LTCAAP').

We acknowledge that this stage in the consultation process provides us with the opportunity to comment on whether the emerging development plan document is legally 'compliant' and 'sound'.

Ladywell Leisure Centre Site

The representations relate to 'Site 8: Ladywell Leisure Centre Site' (the 'Site'), under the cover of draft Policy LAAP7, and in particular bullet point 2 which currently reads:

'The Council will seek to bring forward a comprehensive development of the Ladywell Leisure Centre site and adjoining land where appropriate for a mix of uses including retail (A1,A2, A3) up to 1,400 sq m and housing (C3).'

Our client endorses the Council's vision that any future redevelopment of the Site should incorporate retail, but strongly challenges and objects to any scale of retail floorspace.

National Planning Policy Framework

The National Planning Policy Framework ('NPPF') explains at paragraph 182 that it is the responsibility of the local planning authority to submit a plan for examination which is 'sound' on the following grounds:

- **positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements.... and consistent with achieving sustainable development;

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- **justified** - the plan should be the most appropriate strategy, when considered against reasonable alternatives, based on proportionate evidence;
- **effective** - the plan should be deliverable over its period....; and
- **consistent with national policy** - the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

The NPPF explains at paragraph 173 that,

'Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to developmentshould, when taking into account of the normal cost of development and mitigation, provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable'.

In short, the NPPF clearly explains that the LTCAAP must be deliverable over its life span if it is to be considered sound. Sites and the scale of development identified in the LTCAAP should not be subject to policy restraints that their ability to be developed viably is threatened.

Grounds for Objection

Our client strongly objects to any explicit quantum of retail floorspace in the emerging site specific allocation for the Site. Any reference to retail floorspace should be removed on the following important grounds:

- it is too prescriptive.
- the developer should be allowed greater flexibility in any future scheme formulation to ensure deliverability and viability.
- the Council has accepted that the Site is suitable and appropriate for new retail development from a policy standpoint, as part of a mixed-use scheme.
- the need for additional retail floorspace in the borough was assessed as part of the Council's evidence base. The retail study (NLP, November 2009) identified at 2025 that the estimated surplus convenience expenditure of £135.94 million could support up to an additional 16,980 sq m gross (11,851 sq m net) of convenience goods floorspace and the estimated surplus comparison expenditure of £214.24 million could support up to an additional 51,577 sq m gross (36,104 sq m net) of comparison goods floorspace.
- the amount of retail floorspace will be critical to funding the comprehensive regeneration of the Site including the provision of new infrastructure, physical improvements and site specific developer contributions. It will also bring new job opportunities to the local population.

These considerations are material to the plan making process and we believe they are compelling. As it stands, draft Policy LAAP7 is 'unsound' in its current form, because the delivery and viability of the Site is threatened having regard to the advice in NPPF.

Accordingly, we respectfully request that bullet point 2 in draft Policy LAAP7 removes reference to the scale of retail development. It should be amended to read:

'The Council will seek to bring forward a comprehensive development of the Ladywell Leisure Centre site and adjoining land where appropriate for a mix of uses including retail (A1, A2, A3) ~~up to 1,400 sq m~~ and housing (C3).'

Should you require any further information and/or clarification please do not hesitate to contact Anthony Ferguson.

In the meantime, please acknowledge receipt of our representations and update us with all progress.

Yours faithfully

Peacock and Smith.

PEACOCK AND SMITH

cc J Marsh Esq - Centros