



London Borough of Lewisham Local Development Framework

Core Strategy

Development Plan Document (DPD)

Publication Stage Representation Form

Ref:

For official use only

Please return your completed form to the London Borough of Lewisham by 5pm
Tuesday 6th April 2010

- By post to
FREEPOST RRZZ TLHU GKZS
Planning Service
London Borough of Lewisham
5th Floor, Laurence House
1 Catford Road
London SE6 4RU

or

- By e-mail to planning.policy@lewisham.gov.uk

You may also make your representation online without the need to use this form.

- Online at <http://consult.lewisham.gov.uk/portal>

For further information, or to request extra representation forms please phone
020 8314 7400 or e-mail planning.policy@lewisham.gov.uk .

This form has two parts
Part A – Personal Details
Part B – Your representation(s).

Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details*

**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

First Name Jeff

Last Name Shapiro

Job Title
(where relevant) _____

Organisation
(where relevant) Ampurius Nu Homes Investments Ltd

Address Line 1 _____

Line 2 _____

Line 3 _____

Line 4 _____

Post Code _____

Telephone
Number _____

E-mail Address
(where relevant) _____

2. Agent's Details (if applicable)

Mr

Scott

Hudson

Associate

Savills

Lansdowne House

57 Berkeley Square

London

W1J 6ER

020 3320 8279

shudson@savills.com

Part B – Please use a separate sheet for each representation

Name or Organisation :

3. To which part of the Core Strategy does this representation relate?

Paragraph _____ Policy _____ Proposals Map _____

4. Do you consider the Core Strategy is:

4.(1) Legally compliant Yes No

4.(2) Sound* Yes No

**The considerations in relation to the DPD being 'Sound' are explained in the notes which accompany this form*

*If you have entered No to 4.(2), please continue to Q5.
In all other circumstances, please go to Q6.*

5. Do you consider the Core Strategy is **unsound** because it is not:

(1) Justified

(2) Effective

(3) Consistent with national policy

6. Please give details of why you consider the DPD is not legally compliant or is unsound. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the DPD, please also use this box to set out your comments. *(Continue on a separate sheet /expand box if necessary)*

Please see attached supporting documentation.

7. Please set out what change(s) you consider necessary to make the DPD legally compliant or sound, having regard to the test you have identified at 5 above where this relates to soundness. You will need to say why this change will make the DPD legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.
(Continue on a separate sheet /expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the 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 will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

8. If your representation is seeking a change, 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 wish to participate at the oral examination

9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

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.

Signature: pp Bar

Date 01/04/10

Notes to accompany Representation Form for Development Plan Documents

1. Introduction

1.1 The Core Strategy is being published in order for representations to be made prior to submission. The representations will be considered alongside the published Core Strategy when submitted, which will be examined by a Planning Inspector. The Planning and Compulsory Purchase Act 2004 (as amended)¹ (the 2004 Act) states that the purpose of the examination is to consider whether the Core Strategy complies with the legal requirements and is 'sound'.

- If you are seeking to make a representation on the way in which Lewisham has prepared the published Core Strategy, it is likely that your comments or objections will relate to a matter of legal compliance.
- If it is the actual content on which you wish to comment or object it is likely that it will relate to whether the published Core Strategy is justified, effective, or consistent with national policy.

2. Legal Compliance

2.1 The Inspector will first check that the published Core Strategy meets the legal requirements under s20(5)(a) of the 2004 Act before moving on to test for soundness. You should consider the following before making a representation on legal compliance:

- The published Core Strategy should be within Lewisham's current Local Development Scheme (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by Lewisham, setting out the Local Development Documents it proposes to produce over a 3 year period. If the Core Strategy is not in the current LDS it should not have been published for representations. The LDS is available on the Lewisham website².
- The process of community involvement for the Core Strategy should be in general accordance with the Lewisham's Statement of Community Involvement³. The Statement of Community Involvement (SCI) is a document which sets out Lewisham's strategy for involving the community in the preparation and revision of Local Development Framework (including the Core Strategy) and the consideration of planning applications.

¹ View the 2004 Act at:

http://www.opsi.gov.uk/acts/acts2004/ukpga_20040005_en_1

View the amending 2008 Act at: http://www.opsi.gov.uk/acts/acts2008/pdf/ukpga_20080029_en.pdf

² View the Lewisham LDS at:

<http://www.lewisham.gov.uk/Environment/Planning/PlanningPolicy/LocalDevelopmentFramework/LocalDevelopmentScheme.htm>

³ View the Lewisham SCI at:

<http://www.lewisham.gov.uk/Environment/Planning/PlanningPolicy/StatementCommunityInvolvement.htm>

- The published Core Strategy should comply with the Town and County Planning (Local Development) (England Regulations) 2004 (as amended)⁴. When publishing the Core Strategy Lewisham must also publish the documents prescribed in the regulations, and make them available at their principal offices and their website. Lewisham must also place local advertisements and notify the organisations listed in the regulations, and any persons who have requested to be notified.
- Lewisham is required to provide a Sustainability Appraisal Report when they publish a Core Strategy⁵. This should identify the process by which the Sustainability Appraisal has been carried out, and the baseline information used to inform the process and the outcomes of that process. The Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental, and economic factors.
- The published Core Strategy should have regard to national policy and conform generally to the London Plan⁶. This sets out the policies for London in relation to the development and use of land and forms part of the development plan for Lewisham.
- The published Core Strategy must have regard to Lewisham's Sustainable Community Strategy (SCS)⁷. The SCS was prepared by the Local Strategic Partnership which represents a range of interests in the Lewisham Borough. The SCS was subject to consultation but not to an independent examination.

3. Soundness

3.1 Soundness is explained fully in Planning Policy Statement 12: Local Spatial Planning in paragraphs 4.36 – 4.47, 4.51 and 5.52 and the boxed text⁸. The Inspector has to be satisfied that the published Core Strategy is justified, effective and consistent with national policy. To be sound a published Core Strategy should be:

- Justified
This means that the published Core Strategy should be founded on a robust and credible evidence base involving:
 - Evidence of participation of the local community and others having a stake in the area
 - Research/fact finding: the choices made in the plan are backed up by facts
 The published Core Strategy should also provide the most appropriate strategy when considered against reasonable alternatives. These alternatives

⁴ View the 2004 Regulations at: <http://www.opsi.gov.uk/si/si2004/20042204.htm> View the 2008 amending Regulations at: http://www.opsi.gov.uk/si/si2008/pdf/uksi_20081371_en.pdf View the 2009 amending Regulations at: http://www.opsi.gov.uk/si/si2009/pdf/uksi_20090401_en.pdf

⁵ View the Sustainability Appraisal at: <http://consult.lewisham.gov.uk/portal>

⁶ View the London Plan at: <http://www.london.gov.uk/thelondonplan/>

⁷ View the Lewisham SCS at: <http://www.lewisham.gov.uk/CouncilAndDemocracy/StrategiesPlans/StrategyDocuments/SustainableCommunityStrategy.htm>

⁸ View at <http://www.communities.gov.uk/publications/planningandbuilding/pps12isp>

should be realistic and subject to sustainability appraisal. The published Core Strategy should show how the policies and proposals help to ensure that the social, environmental, economic and resource use objectives of sustainability will be achieved.

- Effective

This means the published Core Strategy should be deliverable, embracing:

- Sound infrastructure delivery planning
- Having no regulatory or national planning barriers to delivery
- Delivery partners who are signed up to it
- Coherence with the strategies of neighbouring authorities.

The published Core Strategy should also be flexible and able to be monitored.

The published Core Strategy should indicate who is to be responsible for making sure that the policies and proposals happen and when they will happen.

The plan should be flexible to deal with changing circumstances, which may involve minor changes to respond to the outcome of the monitoring process or more significant changes to respond to problems such as lack of funding for major infrastructure proposals. Although it is important that policies are flexible, the published Core Strategy should make clear that major changes may require a formal review including public consultation. Any measures which the Lewisham has included to make sure that targets are met should be clearly linked to an Annual Monitoring Report⁹. This report is produced each year by Lewisham and will show whether the Core Strategy needs amendment.

- Consistent with national policy

The published Core Strategy should be consistent with national policy. Where there is a departure, Lewisham must provide clear and convincing reasoning to justify their approach. Conversely, you may feel that Lewisham should include a policy or policies which would depart from national or regional policy to some degree in order to meet a clearly identified and fully justified local need, but they have not done so. In this instance it will be important for you to say in your representations what the local circumstances are that justify a different policy approach to that in national or regional policy and support your assertion with evidence.

- 3.2 If you think the content of the published Core Strategy is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

⁹ View Lewisham's Annual Monitoring Reports at:
<http://www.lewisham.gov.uk/Environment/Planning/PlanningPolicy/LocalDevelopmentFramework/AnnualMonitoringLDF.htm>

- Is the issue with which you are concerned already covered specifically by any national planning policy or in the London Plan? If so it does not need to be included.
- Is what you are concerned with covered by any other policies in the published Core Strategy on which you are seeking to make representations or in any other document in the Lewisham's Local Development Framework (LDF). If so, there is no need for repetition between documents in the LDF.
- If the policy is not covered elsewhere, in what way is the published Core Strategy unsound without the policy?
- If the published Core Strategy is unsound without the policy, what should the policy say?

4. General advice

- 4.1 If you wish to make a representation seeking a change to the published Core Strategy you should make clear in what way the published Core Strategy is not sound having regard to the legal compliance check and three tests set out above. You should try to support your representation by evidence showing why the published Core Strategy should be changed. It will be helpful if you also say precisely how you think the published Core Strategy should be changed. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.
- 4.2 Where there are groups who share a common view on how they wish to see the published Core Strategy changed, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.
- 4.3 Further detailed guidance on the preparation, publication and examination of Core Strategies is provided in *PPS12* and in *The Plan Making Manual*¹⁰.

¹⁰ View at <http://www.pas.gov.uk/pas/core/page.do?pageId=51391>

1st April 2010
Core Strategy Submission Document Repts Creekside.doc



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Dear John,

**LDF Core Strategy Submission / LDF Planning Obligations SPD
Representations on behalf of Ampurius Nu Homes**

We act on behalf of Ampurius Nu Homes, who have a controlling interest in the site known in the LDF as Deptford Creekside and we have been instructed to make representations to a number of emerging policies within the Core Strategy Proposed Submission Version and the Planning Obligations Supplementary Planning Document (Draft for Consultation), which relate to Deptford Creekside and the surrounding area. In general, Ampurius Nu Homes support the overall strategy and vision set out in these documents.

Background

The Deptford Creekside site is located within both the London Boroughs of Greenwich and Lewisham and is approximately 1.313 hectares in area. The site is located on the south side of Creek Road, adjacent to Deptford Creek and to the west of the Greenwich Town Centre. The site is bounded by Copperas Street to the north, Creek Road to the north east and Deptford Creek to the east and south.

A resolution to grant permission was issued by Committee in December 2007 and the applicant is in the process of securing the Section 106 Agreement so that they can commence on site as soon as practically possible. The scheme proposes 4 blocks ranging from 9-22 storeys, to provide 8,559 sq m of commercial floorspace, 6,339 sq m of cultural / dance space, together with 230 residential units.

Within these representations we have only commented on policies/objectives or visions which are directly relevant to the Deptford Creekside site and its interests or which we consider need to be amended and / or changed. Where no comment is made it can be assumed that our client is generally in support although we have not sought to comment on every detailed fact and figure included in the document.

Core Strategy Development Plan Document - Proposed Submission Version (February 2010)

We fully support the Core Strategy approach to the majority of new development to take place to the north of the Borough, recognising the importance of mixed uses for regeneration / provision of housing in the north of Lewisham.

The Council has undertaken significant research and prepared a range of background documents to support their emerging Core Strategy. In our view this further emphasises the appropriateness of the chosen approach to meet the Borough's housing and employment needs.

The following sections set out our representations on the relevant emerging Core Strategy policies and where, if necessary, certain revisions might be considered.



Strategic Objective 1 – Physical and socio-economic benefits

We concur with the ethos of Core Strategy Objective 1, particularly in relation to regeneration and redevelopment opportunities within Deptford and New Cross which, through the delivery of new homes and jobs, "will be used to secure substantial physical and environmental improvements and socio-economic benefits throughout the area to improve deprivation."

Strategic Objective 2 – Housing provision and distribution

We strongly support Core Strategy Objective 2 which makes provision for the completion of an additional 18,165 net new dwellings from all sources between 2009/10 and 2025/26 to contribute to the Borough's housing needs.

In particular, we endorse emerging Core Strategy Objective 2, which aims to exceed London Plan housing targets for the Borough. We support the housing distribution hierarchy in which the most housing growth is to be focused within the regeneration and growth areas and in particular Deptford and New Cross (10,625 dwellings).

Spatial Policy 1 – Lewisham spatial strategy

We agree with the identified regeneration and growth areas covering the key localities within Lewisham – Catford – Deptford - New Cross/New Cross Gate and support the notion that the majority of the Borough's new housing, retail and employment uses will be focused within the regeneration and growth areas.

Spatial Policy 2 – Regeneration and growth areas

Identification of regeneration and growth areas as prime locations for new development is strongly supported, in particular the vision of growth at Deptford, Deptford Creekside, New Cross/New Cross Gate.

We agree with the principle of Paragraph 6.18, which states that "housing development will also feature prominently within the area known as Deptford Creekside and the Deptford Town Centre".

We support the hierarchy and vision for both Spatial Policies 3 and 4 in relation to District and Local Hubs.

Core Strategy Policy 1 – Housing provision, mix and affordability

We support the promotion of mixed use developments within town centres and specified sites to meet their housing provision targets to deliver the maximum number of dwellings as identified within the Core Strategy.

In relation to affordable housing, we support the proposed policy wording in emerging Core Strategy policy which states a "strategic target for 50% affordable housing from all sources" rather than 50% as a starting point for negotiations on individual sites. It is important to retain the need for a strategic target rather than a specific requirement to ensure viability is not affected and in accordance with the adopted London Plan this should be a strategic target subject to viability and individual site characteristics.

We support the acknowledgement that the affordable housing provision would be "subject to a financial viability assessment."

Larger regeneration schemes (such as Deptford Creekside) carry significant costs associated with 'place making', which must be taken into consideration when assessing affordable housing and viability. Such schemes that require to be developed over a number of years due to phasing and funding needs from RSL's, require a significant degree of flexibility in delivering the affordable housing and tenure mix (further supporting the adoption of a strategic target as previously outlined), whilst at the same time having sufficient certainty in order to deliver the scheme. Availability/level of grant should also be considered.

We support the Council in their assertion that a range of dwelling sizes is necessary to create mixed and balanced communities. However the Preferred Housing Mix (%) at Table 7.1 highlights a preferred housing mix of 85% social rented and 15% intermediate housing. This is inconsistent with the Council's aspirations as outlined at Bullet Point 4, which outlines the preferred affordable housing component in developments to be 70% social rented and 30% intermediate tenure. It is our opinion that in accordance with emerging London Plan that the preferred split should be 60% social rented with 40% intermediate housing provision.

We are of the opinion that preferred housing mixes should not be treated as prescriptive (as we have set out previously), as there is need for flexibility to consider individual site characteristics, local demographics and potential funding from the Housing Corporation, or individual requirements of RSLs.

Core Strategy Policy 8 – Sustainable design and construction and energy efficiency

We support the Council's option to reduce CO2 emissions and opportunities to improve the energy and sustainability standards for all new developments.

Core Strategy Policy 12: Open space and environmental assets

We are in agreement with the Council's aims to preserve and enhance open space within the Borough.

Core Strategy Policy 14 – Sustainable movement and transport

We fully support the Council's work to ensure the delivery of a number of transport infrastructure improvements, particularly for the north of the Borough. This would include the East London Line extension (and additional stations); improvement to the London bus priority network; upgrading of a number of main line stations and increasing capacity.

Core Strategy Policy 15 – High quality design for Lewisham

We acknowledge the importance of high quality design within Lewisham. However whilst we consider London Plan housing densities should be taken into consideration, this 'guidance' should not be prescriptive.

We agree that tall buildings maybe appropriate in certain locations (subject to the criteria as outlined in the Core Strategy Policy 18) within the Deptford and New Cross Area.

Core Strategy Policy 18 – The location and design of tall buildings

We agree that tall buildings other than in Lewisham and Catford town centres need to be assessed to determine whether their development meets the aims identified for the Core Strategy Spatial Policies and for regeneration benefits. However, we consider that the Deptford/New Cross Areas should be locations, which in principle, are suitable for tall buildings as part of "signalling a new place" and the on-going regeneration in the north of the Borough.

Notwithstanding this, the adopted London Plan supports tall buildings in Opportunity Areas where appropriate. Given that Deptford Creekside sites lies within the Deptford Creek/Greenwich Riverside Opportunity Area this further strengthens the appropriateness of tall buildings at our client's site.

It is our client's view that criterion 2 should acknowledge that in principal tall buildings will be acceptable at the identified "Strategic Site Allocations".

Core Strategy Policy 19 - Provision and maintenance of community and recreational facilities

Our client is in support of the approach set out at Core Strategy policy 19.

Core Strategy Policy 21 – Planning obligations

The preparation of a separate Planning Obligations SPD is supported, particularly to ensure the implementation of the obligations follows the requirements of Circular 05/05. This SPD should be considered as a starting point for major schemes but recognising that in order to 'make a place' a lot of infrastructure and benefits will be designed into the scheme. This needs to be acknowledged.

We also reiterate that larger regeneration schemes require significant investment and viability of the development proposals must be taken into consideration with regard to securing planning obligations. Furthermore, the Council will also need to establish their main priorities when considering planning obligations.

Summary

We support the identification for the Deptford, Deptford Creekside, New Cross/New Cross Gate area as a regeneration and growth area to accommodate a significant proportion of the Borough's future housing allocations.

As a final point, we consider it appropriate to emphasise Ampurius Nu Home's credentials as a major landowner that can genuinely deliver, in terms of both regeneration and a better community and assist in achieving the visions of emerging Core Strategy policy.

Planning Obligations Supplementary Planning Document - Draft for Consultation (February 2010)

As with the Core Strategy, we have broadly reviewed this document and consider that it is beneficial that it will provide greater certainty over likely required contributions related to development proposals. There are however in our client's view a number of inconsistencies between the Core Strategy and Planning Obligations Document as drafted. We have highlighted these below. We have not however commented on every detailed aspect/formula/figure in the document as they note that it is a consultation draft and will be subject to further refinement.

The guidance sets out the scale of development for which contributions will be sought however, there remains some uncertainty how it will be applied to development other than residential or commercial. Contributions will still be determined on a case by case basis. This will mean for larger mixed use schemes such as the "Strategic Site Allocations", significant uncertainty will remain. This may well however not be avoidable for larger strategic schemes and in most cases the planning obligation supplementary guidance will have to be applied in a pragmatic and flexible way.

Our client welcomes the fact that the document sets out a priority for contributions with affordable housing, transport/public realm and employment/training considered as high priorities. This guidance and additional certainty will be beneficial to those promoting development schemes. Sufficient flexibility must however remain and reflect the unique circumstances of each development, particularly with "Strategic Site Allocations" which may have for instance particular infrastructural requirements which will need to prevail.

The document places a requirement on applicants to submit a Section 106 Heads of Terms Report with a planning application as a validation requirement. There is a lack of clarification however as to the level of detail/information which will be required in such reports. Whilst in most cases it will be possible from the outset to provide "broad heads/issues" which are likely to be covered by a Section 106 agreement much of the detail will evolve as a result of the statutory consultation process and third party comment. The priorities may also change as the scheme evolves. Some of these issues could be addressed as part of the pre-application consultation process but it is still likely that there will be significant issues to be resolved including the prioritisation between different completing Section 106 requirements. In our client's view it is vital therefore that the requirement for a Heads of Terms Report to be submitted with a planning application is not unduly onerous or detailed in its requirements.

Turning to more detailed issues, we wish to make the following comments;

Method section (page 46)

The SPD refers to a site by site requirement for 50% affordable housing. The draft Core Strategy refers to 50% as an overall strategic target. These differing requirements need to be aligned to avoid confusion. In line with the adopted London Plan this should be a strategic target subject to viability and individual site characteristics.

Dwelling size and mix (page 46)

The information contained within this section does not appear to be in accordance with similar information contained in the Core Strategy. Again this inconsistency needs to be addressed.

Design and integration of affordable housing (page 49)

The supplementary guidance requires a specific justification from an applicant as to why pepper potting of market/affordable units within a scheme cannot be achieved. It in itself however recognises that pepper potting is not desirable for management reasons but still seeks further justification from applicants. If the document is to recognise the limitations of pepper potting it should include other limits such as the need to provide family accommodation, ownership issues etc. In our client's view however it will be preferable for the document to refer to the aspiration for residential accommodation to the "tenure blind" rather than quote pepper potting which has significant acknowledged draw backs.

Justification for education contribution (page 102)

In our client's view, the documents approach to this issue needs further consideration. In its current form it is likely to prove unduly onerous and stifle development. By way of example while it attributes higher child yields to affordable accommodation, it does not recognise that many occupants of such accommodation are already residents within the borough relocating. They are not therefore placing any additional demand on the borough's education resources. Therefore if on the one hand the approach is to apply higher child yields a discount must equally be applied where families are simply relocating in the borough.

Summary

In conclusion whilst our client welcomes the production of this supplementary guidance its application must be flexible and pragmatic. This is particularly the case where development values are low and substantial front end investment is required to stimulate regeneration. This is particularly important in locations that have degraded low quality environments which will not be regenerated without comprehensive place making development coming forward. This will not take place if substantial additional "planning obligations" are placed on development, particularly in early phases. The additional risk of developing in these locations also need to be acknowledged when considering the detailed viability aspects of development proposals.

We trust that the foregoing clearly outlines our client's representations to the Core Strategy Proposed Submission Version and the Draft for Consultation Planning Obligations SPD and we welcome the opportunity to meet with you to discuss the content of this letter in greater detail. In the meantime, we look forward to receiving your acknowledgement that the representations are duly made.

Should you require clarification on any issue, please do not hesitate to contact Scott Hudson or Duncan Parr at the above address.

Yours faithfully

A handwritten signature in black ink, appearing to read "S. Hudson".

Scott Hudson
Associate
Savills Planning and Regeneration