



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 Ms

First Name Heather

Last Name Rabbatts

Job Title
(where relevant) _____

Organisation
(where relevant) Milwall Properties 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

Duncan

Parr

Director

Savills

Lansdowne House

57 Berkeley Square

London

W1J 6ER

020 3320 8275

dparr@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: JP Hood

Date: 06/04/10.

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/pps12lsp>

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>

Lewisham Core Strategy Development Plan Document – Proposed Submission Version
February 2010

Representations on Behalf of Millwall Football Club

Millwall Football Club generally support the strategy and vision set out in this document. Within these representations we have only commented on policies/objectives or visions which are directly relevant to the football club and its interests or which we consider need to be amended/changed. Where no comment is made it can be assumed that the football club is generally in support although we have not sought to comment on every detailed fact and figure included in the document.

4.3 Core Strategy Vision for Lewisham 2026

The football club is supportive of this general approach and vision and how it translates into policies and allocations affecting the football stadium and surrounding locale.

5.2 Strategic Objectives

Millwall Football Club broadly support the eleven objectives contained within this section.

6.2 Lewisham's Spatial Strategy

Millwall Football Club support the approach set out in general and in particular within Spatial Policy 1. Further they support the acknowledgement within Spatial Policy 2 (Regeneration and Growth areas) that these will be the key focus of the development opportunities within the Borough. Paragraphs 6.20 -6.36 set out the approach to "Growing the local economy" and at 2C the proposals to define mixed use employment locations (MELs) is explained. Again Millwall Football Club is generally supportive of this approach as it forms the foundation of Strategic Site Allocations contained within Chapter 8.

7.1 Housing Provision

The football club generally supports the approach to this issue within the Core Strategy. In particular they note that Core Strategy Policy 1 (Housing provision, mix and affordability) takes a pragmatic approach reflecting the circumstances of a site, the surrounding locale and the proposed development. This includes the acknowledgement at criterion 3 that affordable housing provision will be subject to financial viability assessment.

7.2 Growing the Local Economy

As noted in regards to paras 6.20 – 6.36 the football club generally supports the approach to employment land contained within Core Strategy Policies 3-5. In particular they note that the final paragraph of Policy 4 recognises the strategic significance of the Surrey Canal Triangle and identifies that this along with the other Strategic Site Allocations are dealt within Chapter 8.

Core Strategy Policy 10 (Managing and Reducing the Risk of Flooding)

Millwall Football Club note that this policy reflects the advice/approach contained within PPS25. It is their understanding that in identifying the Strategic Site Allocations within Chapter 8 the local planning authority has concluded that sequentially they are most appropriate to deliver the development required/proposed.

Core Strategy Policy 15 (Regeneration and Growth Areas 3G)

The football club notes that this criterion emphasises that MELs will need to create new places in areas that currently lack identity. This reflects the specific advice relating to the Surrey Canal Triangle contained in Strategic Site Allocation 3.

Core Strategy Policy 18 (The Location and Design of Tall Buildings)

In the football club's view criterion 2 should acknowledge that in principal tall buildings will be acceptable at the identified "Strategic Site Allocations". In order to achieve the Core Strategies spatial policies. In the club's view these policies will not be achieved without higher density and taller development. This acceptability in principal would of course need to be tested against the specific characteristics of the locale and the remaining criteria within policy 18. Appropriate supporting clarification should also be contained within the policy justification currently at paragraphs 7.148-7.154.

Core Strategy Policy 19 (Provision and Maintenance of community and Recreational Facilities)

The Club are in support of the approach set out and consider themselves to be a significant partner of the Council in delivering sport and recreational facilities.

Core Strategy Policy 20 (Delivering Educational Achievements, Health Care Provision and Promoting Healthy Lifestyles)

As with Policy 19 the Club consider themselves to be a significant partner of Council in promoting healthy lifestyles.

Core Strategy Policy 21 (Planning Obligations)

The Club support the fact that the council intend to follow national guidance, prepare a supplementary planning document to address this issue and that they will consider this issue from the outset of the planning application process.

Strategic Site Allocation 1 (Requirements for Strategic Site Allocations)

The Football Club are fully supportive of the approach and guidance contained within SSA1 including the need for a comprehensive masterplan approach from the outset. They also support the relevant issues that a masterplan must consider contained in section 3b. The Club also welcome the fact that "delivery" is recognised as a key part of the "masterplan process" at section 3c. The Club are concerned however that the "issue of delivery" are not subsequently given sufficient recognition in SSA3 (Surrey Canal Triangle).

SSA3 (Surrey Canal Triangle)

Millwall Football Club are generally supportive of SSA3 and the accompanying paragraphs 8.16-8.24. The Club believes that they set out an appropriate approach and rationale for a mixed use development of the locale. The football club agrees that;

1. The locale has a degraded low quality environment;
2. Is closed off and inward looking;
3. Suffers from a good deal of severance and
4. will benefit from increased accessibility as a result of the phase 2 East London Extension

Paragraphs 8.22 and 8.32 set out the background and rationale for the application of SSA3, whilst the Club agree and support these paragraphs they do not believe they and SSA3 adequately address the issues of deliverability.

Paragraph 8.22 states "this site represents an opportunity to transform the environment and infrastructure and create a new destination **AROUND** the boroughs premier sporting destination" (Millwall Stadium) which currently is not enhanced or improved by the

surrounding industrial estates. In the club's view this statement needs to be clarified to explain that the term "around" goes beyond "physical proximity" to include the operational arrangements of the club and its wider contribution to community and sports provision.

Paragraph 8.23 acknowledges that the existing sport and leisure facility at the Millwall Stadium should be utilised and that the stadium has the potential to form the CORE of a new location in this locale. It fails to acknowledge however that the stadium is not just a physical entity but that the club which functions within it, is essential to and will be the core in regeneration of the locale. Unless the Club is central to any approved masterplan and subsequent development scheme it will not be possible to create a "cohesive wider neighbourhood". The club is absolutely fundamental to creating a "destination" which will attract other regeneration opportunities. These "delivery issues" need to be acknowledged in an absolute and clear cut way within the supporting text.

The purpose of the redesignation of the locale from employment(SIL) to mixed use is to allow regeneration and provision of housing to meet the Borough's need. The stadium is physically and functionally in the middle of the redesignated area and therefore pivotal to the regeneration. The stadium and associated sports facilities need to be visually improved if the "quality/townscape" of the area is to be improved raising residential values and underpinning investment. The Club operationally/functionally reinvigorating itself as part of the physical regeneration is also an important part of changing the character of the area. The movement of fans to and from the stadium has implications for both the surrounding built form and character of the area. This can only be dealt with as part of a Club scheme.

The Club is currently loss making and if its is to reinvigorate itself physically and functionally it needs development receipts arising from the regeneration of the area. It also needs additional investment if it is to increase its community offer to the wider Lewisham and South East London population. Its interests in this regard must therefore be protect or at minimum not be prejudiced by commercial development on adjacent land within the redesignated area. The Club with its diverse range of activities will be essential to attracting people to the locale, ensuring it is truly a sustainable mixed use community rather than a residential dormitory. This requires activity in the middle of the area adjacent to the stadium, not just in boxes along Surrey Canal Road.

For these reasons and other practical planning reasons comprehensive regeneration of the area must be based on a masterplan which the Club has had an active role in developing or at least has signed up to . Any proposal that is brought forward which doesn't meet these criteria should be rejected as it will not meet the regeneration objectives underlying redesignating the land from SIL to mixed use.

These factors are to a degree alluded to in sections 1, 1a and 2b of SSA3 but are not sufficiently clear to fulfil the requirements of section 3c of SSA1. Unless SSA3 and the supporting text is amended to reflect the above Millwall Football Club strongly object to them.

In terms of the detail of SSA3 the Club have one detailed comment relating to sub section 1c. This places significant reliance on PTAL as the measure to be used to determine density. PTAL is only one way of measuring accessibility, which in itself is only one way of benchmarking appropriate density for a site/development. As an assessment method PTAL has its own idiosyncrasies and is not equally suited to all locales. In the Club's view therefore the emphasis placed on PTAL in determining density should be reduced and reference made to a broader suite of density considerations.

Planning Obligations Supplementary Planning Document - Draft for Consultation
February 2010

As with the Core Strategy the Club 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 the club's views a number of inconsistency's

between the Core Strategy and Planning Obligations Document as drafted. We have highlighted these below. The Club 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.

The Club 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 the Club'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 the club 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.

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 issues such as the need to provide family accommodation, ownership issues etc. In the clubs view however it will be preferable for the document to refer to the aspiration for residential accommodation to be "tenure blind" rather than quote pepper potting which has significant acknowledged draw backs.

Justification for Education Contribution (page 102)

In the Club'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 the Club 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.

