

BY EMAIL AND POST

Planning Services
Policy Team
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20968/A3/TJ
4th October 2013

Dear Sirs

**LONDON BOROUGH OF LEWISHAM DEVELOPMENT MANAGEMENT LOCAL PLAN –
PROPOSED SUBMISSION CONSULTATION
BERKELEY HOMES CONSULTATION RESPONSE**

Thank you for providing us with the opportunity to comment on the Lewisham Development Management Local Plan – Proposed Submission Consultation. We respond on behalf of Berkeley Homes (East Thames) Ltd. Berkeley Homes are in the process of delivering 532 new residential units and associated non-residential floorspace at Marine Wharf West, a strategically significant redevelopment project, in the north of the Borough.

Our client is a key stakeholder and wishes to ensure that engagement with the Council on policy issues continues in the future. As you are aware, our client has recently commented on Lewisham's Preliminary Draft Charging Schedule for the Community Infrastructure Levy.

Berkeley Homes seeks to allow greater flexibility in the preparation of policy documents, ensuring that they are not overly prescriptive; are in line with the National Planning Policy Framework (NPPF); and will assist in alleviating planning barriers to redevelopment that have previously existed to ensure that development can come forward in a timely, viable and sustainable manner.

It is in this context that we make the following representations on the Development Management Local Plan – Proposed Submission document.

Representations

Below we set out the following representations in relation to 4 draft policies. Where appropriate, we have suggested amendments to the proposed wording. Amendments are illustrated as follows:

Underlined = New suggested text

~~Strikethrough~~ = Suggest to delete text

DM Policy 4 – Conversions of office space and other B Use Class space into flats
AND
DM Policy 9 – Mixed Use Employment Locations (MEL)

Berkeley Homes appreciates the importance of Mixed Use Employment Locations within the Borough. Nevertheless, in order to deliver the greatest regeneration benefits, they consider that these areas need to be treated with an appropriate degree of flexibility and need the ability to respond fluidly to market signals. Being overly restrictive on changes of use of B classes in these key regeneration areas could result in vacant premises, which could deter inward investment, and in some incidences, could even prevent some developments from coming forward. As such, we consider that this policy should be applied more flexibly to respond to site specific circumstances and market conditions.

Furthermore, whilst it is noted that DM Policy 9 seeks to align with the strategic aims set out in the adopted Core Strategy, notably Core Strategy Policy 4 (adopted 2011, pre-NPPF), as currently drafted, we do not consider that DM Policy 9 is in accordance with the NPPF. Paragraph 22 of the NPPF states:

“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”

Currently, DM Policy 9 does not avoid the long term protection of sites and does not provide any opportunity for regular review periods for potential alternative uses on sites. On this basis, we suggest re-wording part 4 of draft DM Policy 9, as set out below:

4. Proposals for changes of use on non residential floorspace to residential use will not be considered appropriate on MELs due to the need to ensure that the balance of uses in the site is retained, unless there is no reasonable prospect of the site being used for allocated employment use. In circumstances where the level of prospect is in doubt, sites should be reviewed against the following criteria:

- a. The site has become vacant for an appropriate length of time and evidence is provided that it is no longer suitable and viable for its existing or an alternative business use by reason of access difficulties or environmental incompatibility, and
- b. 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 instances where this criterion can be met, applications for change of use to residential will be treated on their merits having regard to market trends and relative housing need.

These comments should also be reflected in DM Policy 4, at Point a.

DM Policy 29 – Car Parking

In principle, Berkeley Homes supports the aim of this policy which seeks to ensure the effective implementation of car limited development and prevent any detrimental impact upon local neighbourhoods. However, as currently drafted DM Policy 29 does not promote car limited development in areas with a PTAL lower than 4. This appears to be a very prescriptive measure and can even be seen to encourage the use of cars in areas with a ‘good’ accessibility rating. We do not consider that this is in line with national planning policy which seeks an overall need to reduce the use of the private car and the wider presumption of sustainable development.

In addition, the policy wording of the criteria in part 2 (a-g) is not clear on whether all the criteria need to be met or just some of them. On the basis of the above we suggested the following re-wording for part 2 of DM Policy 29:

2. Car limited major residential development will only be considered where there is:
 - a. ~~PTAL level 4 or higher, or where this can be achieved through investment in transport infrastructure and services,~~
 - b. no detrimental impact on the provision of on-street parking in the vicinity;
 - c. no negative impact on the safety and suitability of access and servicing;
 - d. protection of required publicly accessible or business use car parking;
 - e. inclusion of car clubs, car pooling schemes, cycle clubs and cycle parking and storage, as part of a package of measures mitigating the need for on-site car parking provision;
 - f. an equitable split of parking provision between private and affordable residential development; and
 - g. on-site accessible priority parking for disabled drivers.

DM Policy 32 - Housing design, layout and space standards

Berkeley Homes strives to achieve high quality design in all of their developments. Accordingly, they are, in principal, supportive of a policy that seeks to ensure the long term sustainability of new housing developments by meeting present and future need. Furthermore, our client is supportive of a planning policy framework that is easy to use and in accordance with regional policy. On this basis, our client is supportive that the standards as set out in the London Plan and London Plan Housing SPG (2012) will be used to assess the appropriate quality of new build developments. However, after a review of the proposed policy wording, our client does not support Part 4e in relation to studio flats. The proposed wording states that:

"Studio flats (one person dwellings at GIA 37 sq. m.) will not be supported other than in exceptional circumstances. Developments will be required to have an exceptional design quality and be in highly accessible locations in the major and district town centres"

This is not in accordance with the London Plan Policy 3.5 (supporting para 3.36) which states:

"Single person dwellings of less than 37 sqm may be permitted if the development proposal is demonstrated to be of exemplary design and contributions to achievement of other objectives and policies of this Plan."

London Plan Policy 3.5 does not preclude development of studios at 37 sqm. However, it does makes clear that units of less than 37 sqm should be of exemplary design and make a significant contributions towards other achievements of the Plan's wider objectives. It is accepted that these one person units must be exceptional in the context of overall housing provision and clearly justified by local circumstances - for example, demonstrable need for single person dwellings as part of the overall housing mix in a scheme, or in a particular location, and they must clearly embody exemplary design standards. As currently drafted this is not reflected in draft DM Policy 32.

Studio apartments are an important dwelling type and help provide a varied mix of units. Most importantly, they give first time buyers a better chance of getting a foot on the property ladder and the London Plan doesn't preclude their use in certain areas. On this basis, we suggest that the Part 4e of Policy DM32 is removed to be in line with the London Plan.

We look forward to receiving confirmation that these representations have been received. We reserve the right to make further representations on subsequent versions of the Development Management Local Plan and to attend the Examination in Public, as necessary. Should you have any queries in the meantime, please do not hesitate to contact the writer at this office.

Yours faithfully



TUDOR JONES
Planner

cc: Tobin Rickets, Development Director, Berkeley Homes
Bob McCurry, Associate, Barton Willmore