30 May 2019
Delivered by email

Local Plan 2033 Programme Officer
Planning Policy Team
Hackney Service Centre
1 Hillman Street
E8 1DY

Dear Sir/ Madam,

HACKNEY LOCAL PLAN 2033: EXAMINATION IN PUBLIC - WRITTEN REPRESENTATIONS ON BEHALF OF THE ARCH COMPANY PROPERTIES LP

We write on behalf of The Arch Company Properties LP ("The Arch Company") with respect to the Examination in Public (EiP) of the emerging Hackney Local Plan 2033 and specifically with regard to emerging Policy LP30 relating to Railway Arches in the borough. It is noted that this policy will be considered at the EiP under Matter 5: Employment, due to be heard by the Inspector on Tuesday 25 June 2019.

This statement is submitted further to The Arch Company’s representations to the Regulation 19 consultation (ID Ref: 98) attached as Annex 1 on Policy LP30 of the draft Local Plan, the London Borough of Hackney’s response to representations made with respect to Policy LP30 and the intention to make no revisions to the policy as currently drafted, and more specifically the Planning Inspector’s question 9 of Matter 5 focusing on “LP30 Railway Arches: does the policy allow sufficient flexibility for alternative uses? Are the requirements of the policy sound?”

As per my written confirmation on 16 May 2019, Turley will be representing The Arch Company with reference to emerging policy LP30, at this hearing session.

Overall and as predicated in previous representations we remain of the view that the policy as drafted will not allow sufficient flexibility for alternative uses, nor are the requirements of the policy sound. Policy LP30 as currently proposed:

- Restricts the use of railway arches in the borough to employment (B use class) only;
- Would prohibit and stifle the best use of the railway arches in the context of proper planning;
- Does not consider the benefits associated with alternative land uses;
• Unnecessarily applies an employment only policy to railway arches against draft Policies LP28 and LP29 which specifically deal with employment and low cost floorspace provision in the borough;
• Is not based on the depth and understanding of all of the site specific circumstances of the railway arches in the borough;
• Should be amended to comprise of wording that allows sufficient flexibility for alternative uses.

It is strongly recommended that Policy LP30 is re-worded to take account of the above considerations and incorporates the suggested wording for draft Policy LP30, set out in The Arch Company’s response to the Regulation 19 consultation. The remainder of these representations provide the continued justification that draft Policy LP30 does not allow sufficient flexibility for alternative uses to be delivered at railway arches in the borough, nor are the requirements of the policy sound.

**The Arch Company & LB Hackney Portfolio**

It is considered that it will be helpful to provide some background information on the Arch Company nationally and their portfolio within the borough. The Arch Company acquired Network Rail’s former commercial estate business in 2019. It is the landlord for more than 4,000 businesses across England and Wales, making it the UK’s largest small business landlord, working with thousands of business owners, from car mechanics to bakeries and restaurants, who make a unique and vital contribution to the UK economy.

In regard to the potential implications of the emerging Hackney Local Plan 2033 and Policy LP30 it is of importance to identify that The Arch Company has substantial land holdings within the LB of Hackney including over circa 200 railway arches (estimated to be over 500,000 sq. ft. of floorspace (figure is indicative), circa.90 small unit and freestanding buildings, as well stand-alone land sites. These arches/sites are occupied and let over a vast range of planning use classes including A1-A4, B1, B2, B8, D1, D2 and a number of Sui Generis use classes which reflects the wide-ranging scale, location and form of the arches.

Following the recent acquisition a priority for the Arch Company is to address vacancy levels within the portfolio and bring vacant and dilapidated arches back into an active use. To achieve this large scale investment is required for a number of these properties to bring them back into a lettable condition. Based on ‘rental space references’ (which is how the portfolio identifies properties (with a range of unit numbers per reference)) it is estimated that vacancy levels currently sits at approximately 17% in the borough.

Accordingly, and taking account of the scale of the portfolio, the potential implications of draft Policy LP30 are of significant importance and could undermine the long term function and viability of these sites and planned investment programme.

**EiP Matter 5 Employment: Question 9 - LP30 Railway Arches**

**Part (A) of Policy LP30**

As per the detailed reasoning below and further to representations submitted to the Regulation 19 consultation, draft Policy LP30 Railway Arches does not provide a policy that will allow sufficient flexibility for alternative uses to be delivered at railway arches in the borough, nor are the requirements of the policy sound. The policy does not consider the benefits associated with alternative land uses that could improve the long term viability of the railway arches along with the associated economic, amenity, community and sustainability benefits such uses could bring.
The policy wording of draft Policy LP30 seeks to restrict the use of railway arches in the borough to employment (B use class) only (albeit with a minimal wider ancillary use permitted). It is acknowledged and recognised that this may be appropriate in a number of locations reflecting existing use, however, the policy does not provide the scope required for the railway arches that lend themselves more suitable for use classes outside of the B use class. Taking account of the diverse nature of the Arch Company portfolio this is considered to apply to a significant number of them.

It is essential that given the quantum of floorspace the railway arches comprise, the use of railway arches is optimised to bring vitality to the borough in a variety of ways. For this to be achieved it is imperative for Policy LP30 to support relevant, suitable and appropriate uses in the arches such as offices, nurseries, shops, restaurants/bars/cafes, leisure and community uses, other. All of these uses fall out of the default B use class set out in the draft Policy.

It is evident that the arches have a significant and important role to play in delivering a range of uses within the borough, as is demonstrated with the planning application examples cited in The Arch Company’s Regulation 19 response. Development proposals specific to the railway arches should be assessed on their acceptability based on a detailed site specific planning assessment which would take into consideration appropriate uses based on surrounding land uses, location, various wider planning policies in addition to any planning benefits arising from introducing alternative uses to railway arch site(s) in question.

As noted it is fully acknowledged that railway arches provide an important source of employment space in the borough and likewise a key component of the Arch Company tenant base. However, the blanket approach of draft Policy LP30 does not provide any flexibility for alternative uses to be introduced and delivered. There is no strict requirement for Policy LP30 to limit the use class of railway arches to a B use class only. The draft Local Plan is addressing its employment land provision/ requirements via other policies in the plan e.g. draft Policy LP28 and LP29 and there is no need to for this to impinge on the use of railway arches.

In regard to this lack of flexibility and being sound, paragraph 11 of the NPPF sets out the core themes to ensure that the Framework delivers a presumption in favour of sustainable development and is clear that “Plans and decisions should apply a presumption in favour of sustainable development” and “For plan-making this means that: a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change (our emphasis)“.

Paragraph 80 of the NPPF defines that “Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt” with paragraph 81 (Part D) expanding that planning policies should “be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances (our emphasis)”

In summing up our response to Question 9 (Matter 5) of the Inspector’s MIQs it is considered that the policy as drafted is not consistent with national planning policy and this is therefore not sound. The policy as worded does not allow for any flexibility to respond to change, particularly in regard to the need to enable a rapid response to changes in economic circumstances. Further to this the policy is prepared without the depth and understanding of all of the site specific and largely varied circumstances of the railway arches in the borough, indicating that the plan has not been positively prepared.

As per the suggestions submitted in The Arch Company’s Regulation 19 response, the wording of draft Policy LP30 could be amended to improve the flexibility of uses pertinent to railway arches and we would
urge the Inspector to consider these changes, in the context of positive plan making. An alternative could also be to revert back to adopted policy DM18, which presents a more positive policy against draft LP30.

Part (B) of Policy LP30

In regard to previous expressed concern on Part (B) of Policy LP30 (low cost employment floorspace) we maintain our previous concerns as per the Regulation 19 response. We note that the LPA within their “Council Responses to Main Issues Raised” document on this point state that “it does not restrict arches to low cost employment floorspace but seeks to ensure existing low-cost space is retained, in line with Policy LP29”.

This response confirms that that the LPA are essentially duplicating Policy LP29 ‘Affordable Workspace and Low Cost Employment Floorspace’. Given that there is i) no evidence base to confirm that all railway arches are a low cost floorspace (or indeed a clear definition being given when they would fall into this bracket within the glossary); and ii) Policy LP29 in any event fully controls how the loss of existing low cost floorspace will be controlled in the borough, it is again requested that the policy as drafted is neither effective of justified and Part (B) should be fully deleted from Policy LP30.

Wider London Boroughs & Approach to Railway Arches

It is also of relevance to highlight that there is no strategic requirement in the adopted or emerging London Plan for uses of railway arches to be restricted to employment uses only. In the absence of a clear evidence base for the proposed restriction, this indicates the plan has not been positively prepared.

It is considered of relevance to compare the emerging planning policy approach (and evidence base) to surrounding boroughs where our client/the borough similarly has a very high concentration of railway arches that provide a wide range of floorspace uses (by use class). The following emerging/adopted policies are appended at Annex 2:

- LB Lambeth - Draft Revised Lambeth Local Plan (consultation closed December 2018): Policy ED6 ‘Railway arches’; and

All of the appended policies retain an element of future flexibility for uses dependent on their compliance with wider development plan policies to take account of the location and siting of arches, rather than applying a blanket approach for employment such as the LB Hackney Local Plan 2033. To this extent the Hackney Local Plan 2033 has not been prepared to take account of the tests of soundness set out in paragraph 35 of the National Planning Policy Framework (2019).

Conclusion

Overall and as set out above and in past representations, draft Policy LP30 does not contribute to the long term sustainability and vitality of the railway arches. It does not provide the flexibility for introducing alternative uses that optimise or make the best use of the arches (particularly in the scenario...
of a change of economic circumstances over the plan period), and will stifle and restrict the use of the arches in the Borough.

The policy has not been positively prepared and is not consistent with the key economic thrusts of the NPPF. Due regard has not been given to all of the varied site specific circumstances of the railway arches in the borough to enable an appropriate policy to be drafted. We therefore recommend that the policy is redrafted to capture all comments submitted as part of The Arch Company’s previous Regulation 19 representations as part of the Local Plan 2033.

Should you require any further information, please do not hesitate to contact me. In the meantime we look forward to discussing this matter further at the hearing session on 25 June 2019.

Yours sincerely

Alex Christopher
Director

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Annex 1: Regulation 9 Representations on behalf of the Arch Co [ID Ref: 98]
Draft Revised Hackney Local Plan 2033
Representations submitted on behalf of The Arch Company Properties LP & Network Rail

We provide the following representations to the London Borough of Hackney’s Regulation 19 Draft Local Plan 2033 (the ‘Plan’) and specifically Draft Policy LP30 (Railway Arches).

GL Hearn is the Planning Consultant acting for The Arch Company Properties LP & Network Rail who are transacting on a portfolio of railway arches including those in the London Borough of Hackney. The transaction will allow Network Rail to invest in railway infrastructure and provides a unique opportunity for further stimulating the role the arches play in the economic vitality of the Borough and their contribution to local communities through a range of land uses.

As a major landowner in the LB Hackney and one directly affected by the proposed new policy, The Arch Company Properties LP & Network Rail (our ‘Clients’) are disappointed not to have been formally engaged or notified during previous iterations of the Plan. Having only recently been made aware of the Regulation 19 Consultation on the Plan, our Clients are particularly concerned about the implications of Draft Policy LP30 which is seen as being overly restrictive and giving rise to potentially unforeseen implications for railway arches in the Borough. We are therefore compelled to make representations on the soundness of the Plan and question whether it has been positively prepared.

Given the advanced stage of the Plan, we would urge dialogue between Hackney Council and our Clients and we reserve the right to add further evidence to our representation at or in advance of the Examination in Public.

Soundness of the Local Plan
In making these representations, we take account of NPPF Paragraph 35 which requires that Local Plans are assessed to be ‘sound’ and in this regard the relevant tests of soundness include:

a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.

Draft Policy LP30 (Railway Arches)
The following comments on the Plan focus on Draft Policy LP30 and the implications that the Draft Policy may give rise to. The Draft Policy states:
A. Proposals for the use of railway arches for industrial and office development and ancillary uses will be supported if all of the following criteria are met. The proposal:

i. Incorporates active frontage uses where arches are located within town centres, and results in the upgrade and appearance of the premises; and

ii. Does not obstruct the public highway; and

iii. Ensures that the primary use is for employment (B use class) purposes.

B. Proposals involving the redevelopment of existing low cost employment floorspace should re-provide such floorspace in perpetuity, in terms of rents and service charges, for these existing uses, subject to scheme viability, current lease arrangements, and the desire of existing businesses to remain on-site.

Part A of the Draft Policy, as worded, effectively restricts the use of railway arches to employment land uses (B Use Class) regardless of location, surrounding land uses, economic circumstances or alternative potential benefits of other land uses.

Our Clients do not dispute that railway arches in certain locations lend themselves to B Use Class including heavier industrial uses (B2 and B8 Use Classes) in appropriate locations. However, there are many examples across London of railway arches being converted to uses that contribute to the vibrancy and cultural enhancement of an area through a range of uses which falls outside the B2/B8 Use Class, such as offices, nurseries, shops, restaurants/bars/cafes, leisure activities and community uses. These can be A, B1, D or sui generis use classes.

Our primary issue is the blanket application of a mechanistic approach proposed in Part A of Draft Policy LP30 that would restrict all railway arches in the Borough to B Use Class, noting that the Borough’s strategic objective of protecting employment land is not disputed as this matter is addressed by other policies in LP33 and specific land use designations in the Policies Map.

For example, Draft Policy LP28 seeks to protect Priority Industrial Areas and Locally Strategic Industrial Areas (as well as other employment areas). If railway arches are situated within designated industrial or employment locations they will be addressed by those policies.

Indeed, the Borough’s Employment Land Study (October 2017) carried out in October 2017 identified 12 clusters of employment uses outside Priority Employment Areas (‘PEA’) and Locally Significant Industrial Sites (‘LSIS’). Two of these clusters (extension to Kingsland PEA and Anton Street PEA), both including railway arches, are recommended for consideration for employment land designation as an extension of existing PEA whilst the rest of the supporting text states that it is considered that “existing employment policies are considered to afford enough protection for the remaining clusters outside PEA and LSIS”.

In response to demand/supply for employment floorspace, Paragraph 8.65 of the Employment Land Study highlights the importance for railway arches to continue to be prioritised for employment purposes, however this does not fully reflect the findings of Chapter 6 of the document. Whilst these key findings identify a shortfall of development in the pipeline to meet employment needs to 2033, particular emphasis is put on the intensification potential within existing and proposed PEA/LSIS as those identified above. Paragraph 8.65 goes on to state that “it is important for railway arches to continue to be prioritised for employment purposes” however there is little evidence provided in the Employment Land Review of railway arches being the most appropriate location for such employment floorspace or being a key contributor to the employment provision target.

Appendix 3 of the Employment Land Study comprises a review of the PEAs and LSISs including details on the condition and occupancy rate of the arches falling within these designated areas. Whilst some arches are identified for employment purposes (such as within the Kingsland PEA and Anton Street PEA), it is apparent
that some of the railway arches which accommodate the more traditional B1c / B2 floorspace are considered to be in only “reasonable” or “very poor” condition or with “limited intensification potential” which in some cases could result in missed redevelopment opportunity of the railway arches for various uses whilst employment floorspace may be directed towards better suited locations. It is therefore concluded that whilst employment floorspace in unallocated / non-designated arches should be considered it should not be the only option.

Where railway arches are not designated for employment use, there should be flexibility, subject to other relevant policies in the Plan, to be considered for alternative land uses. The fact that there is duplication between policies and a blanket approach to railway arches is applied without considering the scope for site specific circumstances means that the Plan is neither positively prepared nor justified and should therefore be considered as ‘unsound’.

To add to this, Part B of the Draft Policy LP30 unnecessarily overlaps Draft Policies LP28 and LP29 which seek to protect industrial employment designations, and affordable and low cost employment floorspace respectively. Our primary concern is that this definition of Low Cost Employment Floorspace is being applied through LP30 to railway arches but we do question the definition of ‘low cost employment floorspace’ generally. The Plan includes a definition in its Glossary at p236:

“**Low cost employment floorspace** - Employment floorspace which may be secondary or tertiary in nature, of a lower quality or specification, with cheaper rents or leases, often providing space for start-ups, creative or light industrial occupiers such as artists or makers spaces.”

This is not a defined product in national or regional planning policy in the same way that ‘affordable housing’ or ‘affordable workspace’ is defined. There does not appear to be a clear evidence base from the Borough’s Employment Land Review to support it.

The Plan does not refer to specific sites or floorspace as “**low cost employment floorspace**” which makes the identification of such sites unclear.

To restrict the future use or conversion of railway arches arbitrarily to ‘low cost employment floorspace’ affects viability and is unjustified.

In this regard the Policies of the Plan are neither justified nor positively prepared and they are unlikely to be effective in re-providing ‘low cost employment floorspace’ which could effectively take any form of use class and be encouraged equally where appropriate within the Borough rather than restricted to a certain location.

A further consideration is whether Draft Policy LP30 contributes to the sustainability and continuing viability of railway arches where many of these arches are currently used for vehicle maintenance and associated services. Whilst there is likely to be current demand for such services, this would be contrary to the direction of travel envisaged by other London Plan and Local Plan Policies that seek to discourage the use of private vehicles. This suggests that Draft Policy LP30 is unlikely to be effective and is therefore ‘unsound’.

Finally, we would point to the fact that nearby London Boroughs such as Camden and Tower Hamlets which also have railway arches in abundance have not sought to restrict the use of such arches to B Use Class. Neither has the Mayor of London identified a strategic need to restrict the use of railway arches in the way that the London Borough of Hackney has sought to do so. In this regard, we do not consider the Plan to have been positively prepared in consultation with neighbouring Boroughs or the Regional Planning Authority.

**Preferred Option**

The following modifications are proposed to Draft Policy LP30. These proposed changes would ensure flexibility to create the opportunity for inward investment and provide a range of uses where it is appropriate
to do so. The changes would also help ensure that railway arches remain vibrant and effectively utilised subject to the characteristics of their surroundings and do not become neglected creating wider issues for their localities [proposed changes in green text].

A. Proposals for the use of railway arches for industrial and office development and ancillary uses will be supported if all of the following criteria are met. The proposal:

i. Incorporates active frontage uses where arches are located within town centres, and results in the upgrade and appearance of the premises; and

ii. Does not obstruct the public highway; and

iii. Ensures that the primary use is for employment (B use class) purposes.

B. Proposals for alternative land uses for railway arches including, but not restricted to, retail (A Use Class) and leisure (D Use Class) will be supported in areas of residential intensification, particularly in the CAZ, in town centres and around rail stations and public transport hubs subject to compliance with other policies of the Development Plan.

And proposed changes to the supporting text to Draft Policy LP30 [changes in green text]:

8.18 Hackney contains a number of railway arches with adjacent land. Railway arches and adjacent land provide good sites for the location of some of the ‘heavier’ type industries, such as B2 and B8 uses, which they have traditionally been used for. Many of them provide relatively cheap accommodation for a range of activities which play an essential role in the functioning of the local economy. Policy LP30 protects and supports the continued use of some railway arches for industrial uses and also facilitates a wider range of economic uses and activities including office workspace and maker spaces. Ancillary uses are also permitted where the primary use remains for employment (B1 use class) purposes.

8.19 Other uses will be supported where these uses support vibrant communities and where they are complimentary to the range of uses supported in areas of residential intensification particularly in the CAZ, in town centres and around public transport nodes. Such uses may include shop, restaurant, bar, café, leisure and entertainment uses as well as community uses where these proposed uses are not contrary to other policies of the Development Plan and address the requirements of the sequential test where appropriate.

Alternative Option
We observe that Draft Policy LP30 is a significant departure from the adopted Policy DM18 from the Development Management Local Plan (2015) which supports retention of employment generating uses but also the provision of other commercial uses, such as A and D class uses in suitable locations and subject to completion of a sequential test and compliance with other relevant planning policies (see policy extract at Appendix A).

Another option would be for a return to Policy DM18 as this policy does not appear to have facilitated an erosion of existing employment space from railway arches. Indeed only the following applications including railway arches have been approved in the Borough since Policy DM18 was adopted in 2015. Both applications retain a component of B use classes:

- Railway Arch 377, Geffrye Street London E2 8HZ (LPA ref. 2018/1392) – Conversion of four of the Railway Arches (377, 379, 380 and 384) currently being used as a mixture of B1/B2 office use and B8 (storage and distribution) to form part of an existing photographic and imaging studio (B1/B2) located at arches 378, 381, 382 and 383 Geffrye Street. Approved July 2018.
The proposal seeks the use of the remaining arches as B1/B2 floorspace to be used as part of the existing photography studio which result in visual improvements to the premises and no loss of employment use.

- **Railway Arches 3-18 and 20 and Land at Bohemia Place Bohemia Place London E8 1DU (LPA ref. 2017/0307)** – change of use of railway arch numbers 4-13 (excluding arches 9, 10 and 11), 16 + 20 from B2 to A1/B1; arches 10 & 11 from B1 to A1/B1; arch 9 from sui generis to A1/B1; arches 3, 14, 15 and 18 from B2 to A3/A4; arch 17 from B2 to A1/A3/A4/B1; arch 21 from B2 to A1/A3/B1; and arch 187 from B2 to A3 together with the erection of 11 micro A1 retail units, the creation of a new tunnel feature under the arch at the corner of Bohemia Place and Nursery Road, the erection of gates at either end of Bohemia Place and associated waste storage and street furniture. Approved August 2017.
  - The proposal includes the provision of flexible floorspace (including A1/A3/A4/B1) at a town centre location, public realm and pedestrian accessibility enhancements and does not result in a significant loss of employment use as the arches are currently vacant.

**Conclusions**

In light of the above, we consider the Regulation 19 Draft Revised Local Plan 2033 to be ‘unsound’ in relation to **Draft Policy LP30**.

We assert that the Plan has not been positively prepared in that key stakeholders have not been consulted and the evidence base is insufficient to justify the approach taken to restricting the use of railway arches in the Borough.

We consider that the Plan is not justified in its blanket approach to railway arches and its disregard for alternative land uses that could improve the vibrancy, economic performance and long term integrity of the railway arches. Alternative proposals have not been considered and there is a risk that wider community benefits and sustainability would be limited by this approach.

We assert that the policies lack detail and will not be effective in either the protection of appropriate employment space or the encouragement of alternative uses in appropriate areas.

For these reasons we respectfully encourage Hackney Council to reconsider their draft policies and engage with The Arch Company Properties LP & Network Rail to find a better alternative either as proposed herewith or similar.

For further information please contact either Afix.Denercy@glhearn.com or Stuart.Baillie@glhearn.com tel 020 7850 4900.

January 2019
Appendix A

Extracts from the currently adopted Hackney Development Management Local Plan (2015)

4.11 Railway Arches

4.11.1 The Core Strategy and Policy DM17 set out the mix of uses appropriate within the Council’s employment designations. Hackney contains a number of railway arches with adjacent land. Railway arches and adjacent land, both inside and outside of those designations, provide good sites for the location of some of the ‘heavier’ type industries, such as B2 and B8 uses, which they have traditionally been used for. Although these uses do not fit the profile of a re-structuring economy, they are important employment-generators and businesses for local people, and assist in serving the London economy. Many of them provide relatively cheap accommodation for a range of activities which play an essential role in the functioning of the local economy. Also, space within railway arches can be flexible and used innovatively to provide other employment-generating uses, such as a range of B1 activities e.g. workshops. A1 and A3 uses may also be appropriate in certain locations in order to upgrade such premises.

4.11.2 Thus, in order to protect and support the continued use of railway arches and adjacent land for ‘heavier type’ industries, but to facilitate a wider range of uses and activities and encourage the upgrade of railway arches, the following policy is applied. In certain locations, railway arches can very successfully contribute to the regeneration and visual improvement of town centre and edge-of-centre locations, through accommodating active frontage uses and accommodating new vibrant uses. Proposals for town centre uses (e.g. Classes A1, A3, D2 uses) must meet the requirements for sequential approach and impact assessment for such uses proposed outside of designated Shopping Centres, and comply with other policies in this Plan namely Policies DM7, DM11, DM1 and DM2 for example.

POLICY DM18 - RAILWAY ARCHES

Railway arches are appropriate for B1, B2, B8, and other similar sui generis uses.

Proposals for such uses must not cause adverse environmental, highway or amenity impacts to other uses within the surrounding area. Other commercial uses may be appropriate, such as A and D class uses, for arches in certain locations, provided they meet the sequential approach for such uses outside of the Borough’s Shopping Centres and comply with other policies in this plan.

Proposals should:

i. Incorporate active frontage uses where appropriate, and result in the upgrade and appearance of the premises;

ii. Not obstruct the public highway; and

iii. Not result in the significant loss of any existing employment generating use.
NEW SOUTHWARK PLAN

PROPOSED SUBMISSION VERSION

December 2017
through a marketing exercise for two years immediately prior to any planning application, for both its existing condition and as an opportunity for an improved employment use through redevelopment which shows there is no demand.

Reasons
Southwark is home to a rich and diverse range of businesses providing jobs that help boost the local economy and contribute to the success of London as a world city. Southwark has seen strong and rapid growth in employment over the last decade which continues to grow and thrive. Development will help to supply new and adaptable workspaces across the borough to accommodate this demand, including new office space, light industry and creative businesses. We expect development to grow the number of jobs, resources, knowledge and innovation in a range of sectors. To meet growing demand, Southwark needs to deliver significant growth of around 460,000 sqm of new office space which will be concentrated in the Central Activities Zone and town centre locations. This will provide 47,000 new office jobs over the next 20 years. In our central London site allocations we are requiring an uplift in employment space to help meet this growing demand. In our opportunity areas, mixed use neighbourhoods will incorporate new types of flexible business workspace accommodating manufacturing, technology, science, creative and cultural industries and the digital economy helping to boost the number of jobs in the borough.

We want to promote the creation of new jobs whilst ensuring that there is a supply of sites and premises for businesses to grow. The retention and growth of existing small and medium enterprises will support jobs to remain in Southwark and allow established businesses to prosper alongside new uses. Annex 3 provides detailed guidance on marketing strategies.

P27: Railway arches

1  Development within railway arches must provide commercial activities including business uses (B Use Classes), town centre uses (A1, A2, A3 and A4 Use Classes) and community facilities (D Use Classes and sui generis).
2  Development within railway arches must not impede the delivery of Low Line walking routes.

Reasons
There are over 800 railway arches in Southwark stretching from London Bridge to Bermondsey, Peckham and Herne Hill. We support and encourage creative and vibrant uses within our historic railway arches, as they are economical spaces to rent and well suited to ‘incubating’ smaller businesses and helping them to grow. They also add character and are interesting places for shops, cultural, creative and community uses and restaurants.
Policy ED6  Railway arches

a) The use of railway arches within London Plan Opportunity Areas and major, district and local centres for A, D, B1 and appropriate sui generis uses will be supported. B2 micro-breweries will also be supported in town centre locations, subject to assessment and mitigation of potential harm to neighbouring uses. Within town centres, the requirements of other relevant Local Plan policies, including places and neighbourhoods policies, will apply.

b) Elsewhere, industrial (B2), storage and distribution (B8), business (B1) and appropriate sui generis uses will be supported. Proposals for nightclubs in railway arches outside of town centres will not be supported. Change of use of railway arches from commercial B2, B8, B1 and appropriate sui generis uses will not be permitted.

c) Proposals to use railway arches for parking will not normally be supported.

d) Applications affecting railway arches will be required to improve the immediate environment around the arches, including the public realm. This will include accessibility, safety, servicing and lighting appropriate to the location. In some circumstances the loss of useable railway arch floor space may be supported as part of major development proposals where it is demonstrated this is necessary to increase site permeability and/or achieve public realm improvements.

Supporting text

6.41. In relation to sections (a) and (b) of the policy, ‘appropriate sui generis uses’ will be assessed on a case-by-case basis depending on the nature of the use proposed in relation to neighbouring and surrounding uses.

6.42. The policy indicates the types of alternative uses supported within railway arches in particular locations but does not preclude other uses where appropriate to the location, subject to other development plan policies.

6.43. In the case of railway arches located within Key Industrial and Business Areas, Local Plan policy ED4 ED3 takes priority over other policies in the plan. In general, new B2 uses are encouraged to locate within KIBAs but they may be suitable in some railway arches outside of KIBAs. A micro-brewery is an example of a B2 use that may be appropriate in a railway arch outside of a KIBA. Micro-breweries may also be appropriate in town centre locations where they include an ancillary tap-room because this can add to activity levels in the centre.
Policy EI 3

Protected employment land and premises

Strategic reservoir of industrial land

1. A strategic reservoir of industrial land will be retained in the borough, made up of the Queenstown Road, Battersea Strategic Industrial Location (SIL) and the following Locally Significant Industrial Areas (LSIAs) in the Wandle Valley as identified on the Policies Map:
   - Old Sargeant
   - Kimber Road
   - Lydden Road
   - Thornsett Road
   - Summerstown

   The SIL and LSIAs will be the main focus of land for industry, logistics, storage, warehousing, and waste management. In addition, the Queenstown Road SIL will provide land for transport functions including rail freight. Appropriate uses for the SIL and LSIAs are set out in policy EI6.

2. The northern and western edges of the Queenstown Road, Battersea SIL will be promoted for Industrial Business Park (IBP) uses, as set out in policy EI6.

Protecting office floorspace

3. Office (B1a) floorspace will be protected in the following locations:
   - Town centres
   - Local centres
   - The Central Activities Zone
   - Focal Points
   - Employment protection areas

4. Redevelopment proposals in the locations set out in point 3 above will only be permitted if:
   - they would result in no net loss of office floorspace, or
   - there is no demand to use the premises as offices. Policy EI7 sets out how demand should be established.

Employment protection areas

5. Premises that provide economic floorspace in the areas listed below will be protected.
a. Premises that are in industrial use should continue to provide B1c, B2, B8 or industrial *sui generis* uses unless it is demonstrated there is no demand for industrial use of the premises, in accordance with policy EI7. If it has been demonstrated that there is no demand for the industrial use, the preferred alternative will be to use or redevelop the premises as office floorspace.

b. Premises that are in office use will be protected unless it is demonstrated that there is no demand for the office use, in accordance with policy EI7.

Redevelopment proposals in employment protection areas for mixed use including residential will be permitted if the development would result in no net loss of the existing office and industrial floorspace, and if the mix of uses can be successfully achieved on site in accordance with policy EI5.

The following areas will be protected as identified on the Policies Map:

- Smugglers Way, Jews Row and Battersea Reach
- Battersea Business Centre, 99-109 Lavender Hill
- Jaggard Way
- Wimbledon Sewing Centre, Balham Cars, Balham High Road
- Irene House, 218 Balham Road, 25 Boundaries Road
- College Mews, St Anns Hill and 190-194 St Anns Hill
- Hillgate Place, Balham Hill
- Princeton Court, Felsham Road
- 116 & 118 Putney Bridge Road
- Eagle House, Armoury Way
- 57 Putney Bridge Road, 88-92 Putney Bridge Road and 2-3 Adelaide Road
- 70 Upper Richmond Road and 5 Manfred Road
- Smiths Yard, Earlsfield
- 7A Putney Bridge Road, Triangle House, 2 Broomhill Road and Spencer Court, 140-142 Wandsworth High Street
- Royal Victoria Patriotic Building, John Archer Way
- The Old Imperial Laundry, 71-73 Warriner Gardens
- 124 Latchmere Road and 187-207 Lavender Hill

6. Employment uses will be protected in Economic Use Intensification Areas, in accordance with policy EI2.

**Focal points**

7. Mixed use development including residential is appropriate within Focal Points of Activity. In these areas, redevelopment of sites currently or most recently in industrial use must replace all commercial floorspace on the site, in accordance with Core Strategy policy PL9 which encourages a wider mix of uses at focal points of activity.
located along the riverside. Replacement floorspace can include town centre uses (with A1 floorspace limited to 300 sq ms cumulatively across the focal point, in accordance with policy DMO8).

**Railway arches**

8. Railway arches and viaducts provide a range of uses and make a significant contribution to industrial and other economic floorspace within the borough. In appropriate locations, Railway arches also have the potential to contribute to the vitality and viability of town and local centres and the CAZ. In order to ensure that this contribution to the borough’s economy continues, railway arches will be protected in the following ways, according to their use and location:

   a. The use of railway arches within town and local centres and the Central Activities Zone for all B class uses and town centre uses will be supported, subject to part 7 of this policy.
   b. Within the SIL, only B1c, B2, B8 and appropriate *sui generis* use of railway arches will be supported.
   c. Elsewhere, the use of railway arches for B class uses will be supported. Those that are in industrial use should continue to provide B1c, B2, B8 or industrial *sui generis* uses unless there is no demand for industrial use of the premises. Non B class uses of railway arches will only be supported if there is no demand for B class use of the premises, in accordance with policy EI7.
   d. In some instances, the opening up of railway arches and surrounding land to facilitate new public access and improve permeability may be required. Railway arches that already provide public access must maintain this access.

**New Covent Garden Market**

9. The wholesale function of New Covent Garden Market will be protected, including the railway arches adjacent to the site. The consolidation and reconfiguration of New Covent Garden Market will be supported in principle, subject to demonstrating that the operational requirements of the market as a whole would continue to be met.

**2.4 Affordable, flexible and managed workplaces**

2.11 Average rental rates for both offices and industrial uses have increased significantly in recent years in Wandsworth, and for many businesses the affordability of employment premises is a significant concern. This is particularly the case for start-up businesses and other SMEs. In addition, recent years have seen significant expansion of managed workspaces, with these premises providing a wide range of leasing arrangements, flexible practices, business support and other features which combine to make premises more affordable and