Islington Local Plan Proposed Submission

Regulation 19 Publication Draft, September 2019

Representations on Behalf of Lambs Passage Real Estate Limited

1. Purpose of Representations

1.1 This Statement has been prepared by Daniel Rinsler & Co on behalf of Lambs Passage Real Estate Limited (LPREL), the owners of land being the southern section of surface level car park, at the junction of Lamb's Passage and Sutton Way, London EC1Y 8TE.

1.2 It addresses planning issues arising from the London Borough of Islington's emerging Local Plan, specifically in the context of Lambs Passage Real Estate Limited's proposals for the development of its site for a self-contained office building.

1.3 Accordingly, these representations comment on the following components of the draft Local Plan, namely:

(a) Strategic and Development Management Policies

(b) Bunhill and Clerkenwell Area Action Plan

Islington Local Plan, Strategic and Development Management Policies

2. Policy Plan 1: Site Appraisal. Design Principles and Process (page 17)

2.1 B (i) Contextual – the definition of 'site' should be appropriate and proportionate to the realistic scope of an applicant to deliver development on land within their control.

2.2 B (ii) Connected & (iii) Inclusive– 'mix of uses' should be considered in the physical land use context and not be an encumbrance on bringing forward future development of a site if its proposal is limited to a single land use.

3. Spatial Strategy - Policy SP1: Bunhill and Clerkenwell (page 24)

3.1 LPREL concurs with and supports the policy assertion that development within the Bunhill and Clerkenwell Area Action Plan (AAP) area should in particular deliver office use and that the AAP should prioritise and support the office function of the area, which will complement a range of surrounding land uses.

4. Business Floorspace – Policy B1: Delivering Business Floorspace (page 113)

4.1 A. LPREL accepts that business space development should provide a range of workspace types and unit sizes, which are affordable for a range of occupiers.

However, such a requirement must be appropriate and proportionate to the realistic scope of an applicant to deliver a viable scheme.

4.2 B. LPREL supports the policy assertion that new business floorspace will be focused in the specified areas including the CAZ and Bunhill and Clerkenwell AAP area.

4.3 In seeking to deliver the policy's requirement to maximise the amount of new business floorspace, it should be recognised that a different standard should apply to the central area – the Central Activities Zone or CAZ - of a major world city where the starting point is greater intensity of land use activity and a far closer physical proximity between neighbouring buildings.

4.4 Those that choose to live in central London have done so because they want the advantages of excellent access to a range of significant benefits, for example, a wide range of economic, retail, leisure and institutional activities as well as first rate public transport accessibility.

4.5 That justifies a measured relaxation of environmental and amenity standards, that may otherwise unreasonably constrain development and prevent the delivery of the policy requirement to maximise new business floorspace.

5. Policy B2: New Business Floorspace (page 115)

5.1 A & A(i). LPREL supports the policy assertion that new business floorspace is the priority land use and will be focused in the specified areas including the CAZ and

Bunhill and Clerkenwell AAP area, and the policy requirement to maximise new business floorspace.

5.2 F (iv). Given that the primary delivery mechanism and end use of B1(a) office space will be market led, the need to demonstrate cumulative contribution to range of spaces required is too onerous.

5.3 The current draft is contradictory and creates a tension with the policy objective to maximise office floorspace. Indeed, given the changing role of office occupation in the digital economy, it is for the owners and developers of new office floorspace to ensure that it meets the requirements of a dynamic market.

5.4 Being sufficiently flexible and responsive to future market conditions in the context of delivering viable new office development schemes, with the risk that that entails, demands that the overriding range of office floorspace delivery must be market driven.

5.5 F (v). *Ancillary uses must be clearly linked to the operation of the business floorspace* – This is unnecessary as by definition an activity that is ancillary to the business function of the premises is in lawful terms part of the overall business use.

6. Policy B4: Affordable Workspace (Page 124)

6.1 A. Whilst the principle of providing affordable workspace in new office development schemes is accepted, the proportion to be incorporated must be subject to financial viability assessment.

6.2 It is equally crucial that whilst affordable workspace will be available at sub-market rental values, affordability must be subject to financial viability assessment in scheme delivery in the first place.

6.3 It must also be recognised that the Council has a responsibility to make workspace affordable by the Council being obligated to make business rates affordable to affordable workspace occupiers. This cannot be at the expense of market sector occupiers in the same development, for example, by cross-subsidising non-market space by market tenants paying higher business rates. That would be self-defeating, reducing the pool of potential prospective market sector office tenants who would be prepared to consider taking leases of such floorspace.

6.4 It is unreasonable, unsound and inequitable in a market economy for affordable workspace to be leased to the Council, period, and for the Council to have responsibility for the selection of affordable workspace occupiers by the Council. The owners of the property must have absolute right of deciding who and what organisations may occupy the premises. The policy must be reworded accordingly, including as necessary, a range of reasonable and enforceable criterion that affordable workspace occupiers must comply with to justify their occupation of such space.

6.5 Para 4.52 – The criterion for off-site contributions for affordable workspace must also be subject to financial viability assessment.

6.6 The above required policy re-wording must be reflected in the appropriate definition of Affordable Workspace set out in Appendix 9, Glossary and Abbreviations (page 332).

7. Policy G2: Protecting Open Space (Page 169)

7.1 For the avoidance of any doubt, privately owned surface level car parks are neither private or public open space, and must be afforded no protection at all in terms of their open character.

7.2 This is particularly the case where the principle of such land being developed for multi storey buildings, for a range of land uses, has been established either by planning permission and or development plan policy site allocation.

7.3 This must be acknowledged and reflected in revised policy wording. The above required policy re-wording must be reflected in the appropriate definition of Open Space set out in Appendix 9, Glossary and Abbreviations (page 332).

Islington Local Plan, Bunhill and Clerkenwell Area Action Plan

8. Policy BC1: Prioritising Office Use (Page 18)

8.1 A. LPREL concurs with and supports the policy assertion that office floorspace is the clear priority land use across the entire Bunhill and Clerkenwell AAP area.

9. Policy BC3: City Fringe Opportunity Area Spatial Strategy Area (Page 26)

9.1 C. LPREL supports the policy requirement to maximise new business floorspace.

9.2 D. It must be for the owners and developers of new office floorspace to ensure that it meets the requirements of a dynamic market.

9.3 Being sufficiently flexible and responsive to future market conditions in the context of delivering viable new office development schemes, with the risk that that entails, demands that the overriding type of office floorspace delivery must be market driven.

Site Allocations

10.1 Policy AAP1: Delivering Development Priorities (Page 52)

10.2 A. LPREL supports the policy which seeks to ensure that an allocated use as identified by site allocation is delivered.

10.3 This must be caveated with recognition that an allocated site may have been subject to alternative land use development proposals for which planning permission may have previously been granted. This may differ to that identified by the allocation, which must therefore be recognised by site specific policy.

11. Site Allocation BC13: Car Park at 11 Shire House, Whitbread Centre, Lamb's Passage EC1 (Page 78)

11.1 LPREL welcomes and supports the site's allocation for Class B1(a) office development.

11.2 As currently worded though, if the approved 2017 scheme is not implemented, it is unclear whether the Council is seeking comprehensive office development, whether as a single building or campus of buildings.

11.3 LPREL's site is suitable and available to be brought forward as a self-contained office building development, whatever happens or is being proposed for the remainder of the allocated land beyond its control.

11.4 LPREL's proposal must therefore not be fettered by any potential unreasonable restriction requiring the whole of the allocated land to be brought forward as part of a single, comprehensive development proposal. This includes whether subject of a one or more planning applications for the different component parts which are under different ownership.

11.5 It follows that any planning obligations associated with LPREL's scheme must be reasonable, proportionate and directly related only to the self-contained office development of their site alone within the allocated land.

11.6 Following detailed architectural and site development assessment, LPREL considers that its site can be brought forward for a self-contained Class B1(a) office building on basement, ground and six upper storeys, with circa 3,000 sq m GEA (2,700 sq m GIA) of floorspace.

11.7 As such, LPREL's proposals will maximise both building footprint within the site curtilage and the amount of office floorspace it can deliver. This will be in accordance with the Council's strategic and Action Area Plan land use polices for office development.

11.8 LPREL's self-contained office development proposals for its site are appropriate given the dense urban grain of this core central London location within the Central Activities Zone.

11.9 As such, LPREL's detailed architectural and site development assessment has demonstrated that the proposal's design will ensure its height, massing, form and appearance is appropriate to its context in townscape, heritage and environmental terms.

11.10 LPREL considers that the proposed development of its site for a self-contained office development will bring significant planning benefits, including:

(a) creating office accommodation generating employment space for well over 200 people;

(b) the creation of affordable office space;

(c) a high quality designed scheme with active frontage at street level; and

(d) significantly enhanced local environment including townscape and public realm.