



PLANNING APPLICATIONS COMMITTEE – ADDENDUM (PUBLISHED 29 JULY 2016)

Date: **Tuesday 2 August 2016**

Time: **7.00 pm**

Venue: **Main Hall - Karibu Education Centre, 7 Gresham Road, SW9 7PH**

Copies of agendas, reports, minutes and other attachments for the Council's meetings are available on the Lambeth website. www.lambeth.gov.uk/moderngov

Members of the Committee

Councillor Malcolm Clark, Councillor Bernard Gentry, Councillor Nigel Haselden, Councillor Diana Morris (Deputy Chair), Councillor Mohammed Seedat, Councillor Joanne Simpson and Councillor Clair Wilcox (Chair)

Substitute Members

Councillor Liz Atkins, Councillor Anna Birley, Councillor Jennifer Brathwaite, Councillor Tim Briggs, Deputy Mayor Marcia Cameron, Councillor Jane Edbrooke, Councillor Robert Hill, Councillor Jack Hopkins, Councillor Ben Kind, Councillor Louise Nathanson, Councillor Jane Pickard and Councillor Sonia Winifred

Further Information

If you require any further information or have any queries please contact:
Henry Langford, Telephone: 020 7926 1065; Email: hlangford@lambeth.gov.uk

Members of the public are welcome to attend this meeting. If you have any specific needs please contact Facilities Management (020 7926 1010) in advance.

Queries on reports

Please contact report authors prior to the meeting if you have questions on the reports or wish to inspect the background documents used. The contact details of the report author are shown on the front page of each report.

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PLANNING APPLICATIONS COMMITTEE 2 AUGUST 2016
AMENDMENTS AND ADDITIONAL INFORMATION ON AGENDA ITEMS

ITEM 4: 16/00868/FUL Railway Arches 571 To 609 facing Brixton Station Road And Atlantic Road between Brixton Road And Popes Road

Note: In response to queries from the Members' Technical Briefing and Site Visit on 25th July, the applicant has provided further information attached as Appendix 1 to this addendum.

Page No(s).	Report Changes / Additional Information	Decision Notice changes
8	<p>Insert new sentence at the end of paragraph 2.3 as follows:</p> <p>“In terms of sight lines, views through the whole passage are likely to be possible only from very limited locations and in other places through views will be available at a distance of approximately 3m-4m from the entrance to the arches.”</p>	N/A
14	<p>Update the last part of paragraph 4.1.7 to read as follows:</p> <p>“Customer toilets to be provided in food and drink related units where substantial customer seating is provided. The Council currently operates a pragmatic discretionary approach rather than one size fits all to support local business e.g. in Brixton Village/Market Row all businesses have access to communal trader toilets. However, it is noted that the Court of Appeal is currently considering a case which may impact on the Council's future approach to enforcement of customer toilets. <i>Officer's response: the applicant advised that tenants will be responsible for fitting out individual units but plumbing and services would be pre-installed and allow for easy installation of standard facilities.</i>”</p>	N/A
16	<p>Insert new paragraph 4.1.15 as follows:</p> <p>“Following the site visit, the Planning Applications Committee Members and Ward Councillors raised questions whether the existing street art on some roller shutters (in particular in Arch No 582) can be retained as part of the proposals.</p>	New Condition 19

PLANNING APPLICATIONS COMMITTEE 2 AUGUST 2016
AMENDMENTS AND ADDITIONAL INFORMATION ON AGENDA ITEMS

	<p><i>Officer response: This street art is a relatively recent addition to the existing roller shutters which on their own would fail to comply with the relevant policy and guidance. As such, while the removal of the existing shutters is considered acceptable in terms of the overall scheme, it has to be recognised that some of the street art is likely to be of interest to the local community even though no objections have been received with regards to this aspect of the proposals from local residents. A condition is therefore recommended requiring the submission of a strategy providing details where feasible of how the existing street art could be integrated within the scheme or relocated within the locality. Please refer to new condition 19.</i></p>	
16	<p>Insert new paragraph 4.1.16 as follows:</p> <p>“A list of questions and concerns have been submitted by Cllr Parr for applicant’s attention raising the following issues:</p> <ul style="list-style-type: none"> • Tenant management including the provision of interim accommodation for the existing tenants, deferring evictions for further few months, compensation for replacement of fittings. <i>Officer response: these are not material planning considerations</i> • Kiosks: rent levels, choosing new tenants, relations with existing tenants without a formal lease <i>Officer response: these are not material planning considerations</i> • Scope of works should include improvements to the sides of the station canopy <i>Officer response: the applicant has advised that the canopy forms part of the operational station and therefore is excluded from the proposals. The application should be considered on its merits rather than in comparison to other alternative schemes</i> • The new pedestrian link should remain open at all times <i>Officer response: the proposed closure of the pedestrian link at night time is essential for security purposes and supported by the Council’s Crime Prevention Advisor and therefore its incorporation within the proposals has been requested by officers since the pre-application stage.</i> • Retention of the artwork on existing shutters: <i>Officer response: Please see point 4.1.15 and Condition 19. “</i> 	N/A

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16	<p>Update paragraph 4.2.1 to include the following sentence:</p> <p>“Following the publication of the delegated report, additional eight objections were received, including from the Brixton Market Traders Federation. The new objections do not raise any new issues.”</p>	N/A
29	<p>Update paragraph 6.1.10 to include the following sentence:</p> <p>“It is noted that there is another operational mini cab office at No 392 Coldharbour Lane which is within walking distance of the application site.</p>	N/A
32	<p>Update paragraph 6.3.2 to read as follows (added parts underlined):</p> <p>“The scheme proposes a new pedestrian link between Brixton Station Road and Atlantic Road through arches 577 and 604. The new link would be between 3.8m and 4.2m in width at each end. However, owing to the arch structure, there is a narrowing in the middle section down to 1.9m and 2m respectively <u>which is considered to be sufficient for users with double buggies (average with approximately 115cm)</u>. Immediately adjacent to these pinch points the arches widen out to at least 5.2m to allow for entry from the link to units 9, 21 and 26. It is worth noting that the new link is comparable in width with the existing access link to the station (3.6m – 4m) <u>which features three narrower pinch points 1.7m wide.</u>”</p>	N/A

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33	<p>Update paragraph 6.4.6 to read as follows (added parts underlined):</p> <p>“<u>Up to five of the proposed food related units are likely to be fitted with extractors discharging at first floor level, through the roof of the arches at station level.</u> Other units will be fitted with extractors discharging at relatively low level, through louvered areas within the upper parts of the shop fronts. This approach will replace all existing equipment with the exception of arch 578/603. While there are no residential uses immediately above the site given its location within railway arches <u>and the station platform</u>, the proposed extract exhausts would be located in close proximity to pedestrianised areas. Therefore a condition requiring further details of the proposed extraction systems together with the relevant maintenance plan is recommended. Overall, it is considered that the proposal would not have significant negative impacts on residential amenity and as such would comply with policy Q2 and ED7 of the Local Plan.”</p>	N/A
42	<p>Insert Condition 19:</p> <p>19. There shall be no occupation of any of the units within the development hereby approved until a Strategy for the integration of the mural on the roller shutter of Ach 582 within the approved scheme or within the locality where feasible has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall thereafter be carried out in accordance with the Strategy.</p> <p>Reason: To ensure that the development retains street art contributing to the character and appearance of the area. (Policy Q4 of the Lambeth Local Plan (2015)).</p>	Add new condition 19

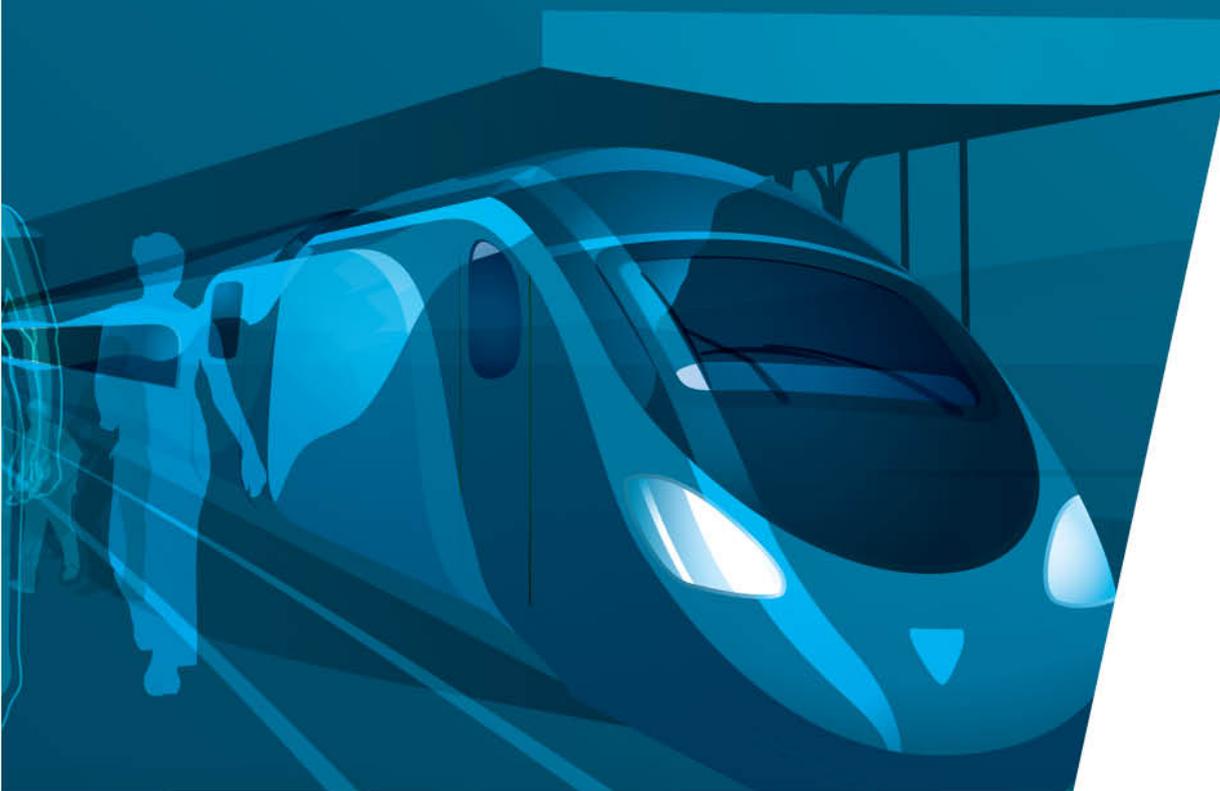


Brixton Arches

Committee Technical Questions

July 2016

Version 1.0



1.0 Introduction

- 1.1 This document is submitted in support of the planning application to redevelop the arches on Brixton Station Road and Atlantic Road, Brixton. Planning Application reference 16/00868/FUL.
- 1.2 The document provides information that was requested following the Council Members Technical Briefing on Monday 25th July 2016 and the email received from Ross Whear (Principal Planner) on Wednesday 27th July 2016, which included a summary of the points raised by Members.

2.0 Technical Questions

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| <p>1. Further details of the current discussions with the tenants. Some clarity on the actual number expected to return, the number seeking temporary replacement. This can be shown visually to keep it anonymous.</p> |
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Network Rail response

- 2.1 Discussions have taken place with tenants since the start of 2015 in order to fully understand their needs and requirements, and listen to suggestions and comments that they had on the emerging plans.
- 2.2 Representatives have met with tenants on both an individual basis and in groups, and have been in contact through letters, emails and telephone conversations on numerous occasions during this 18 month period.
- 2.3 Tenants have advised of whether they wish to return to the newly refurbished units, and whether they would like to explore the possibility of temporary relocation during the construction period, or whether they wish to permanently vacate.
- 2.4 Confirmation has been provided either verbally or through email/letter and currently 75% of tenants have committed to returning to a refurbished arch and they have been sent draft leases outlining the contractual commitment to the stepped rents and tenancy details under which they will return to a redeveloped unit. Those tenants that unfortunately wish to leave have been sent a letter advising of their compensation, significantly above and beyond what we Network Rail is contractually

obliged to pay, acknowledging the contribution that the tenants have made to Brixton over the years.

- 2.5 Please see the table in Appendix A which shows the current position of each tenant as of the 29th July 2016 and Appendix B for a template copy of the letters that were sent to tenants on 19th July 2016 confirming their individual position and arrangements.

2. More information about current rent levels tenants are paying. A range or an average is fine to ensure anonymity.

Network Rail response

- 2.6 Rents in the arches within the application site average at £21.07 per square foot and there is a large variety of rents currently payable, particularly as Network Rail has not carried out rent reviews for many tenants for a period of time given the redevelopment plans.

- 2.7 The redeveloped units have a variety of rents on the basis of prominence of location and the average future rents will be as follows:

- 3 years at half 2015 market rent – averaging £26.45 per sq ft
- 2 further years at ¾ 2015 market rent – averaging £39.67 per sq ft
- 2 further years at 2015 market rent – averaging £52.89 per sq ft

- 2.8 As there is a wide variety of current rents, some tenants may be paying less than at present for the first three years of their occupation in a newly redeveloped unit.

- 2.9 Also, detailed in Appendix C for your information is confirmation of the rents that are currently being paid for each unit with the address and name of the unit removed. You will see that the average rent paid is £21.07 per square foot.

3. Details of what happens on 19th August when vacant possession is sought.

Network Rail response

- 2.10 On 19th August the tenant's leases will end and they will have no right to stay in the Property after this date. Upon handing back the Property to Network Rail the

compensation payments will be made to the tenants. At the same time, Network Rail will reconcile accounts, and refund any deposit or overpaid rent up to and including the 19th August 2016.

- 2.11 The tenant is required to clear the property of all possessions, furniture, and rubbish. Once cleared the tenant will be required to secure the unit before handing back to representatives on site.
- 2.12 This process has been explained to tenants and was confirmed again as part of a letter that was sent to each tenant on the 19th July. Two copies of the letter are enclosed in Appendix 2 for your information. One for a tenant who does not wish to return and one for a returning tenant.

4. Design – refurb. Would ‘change the character’.... Where else in London has this been achieved? Any examples would be useful. Number of businesses that have returned to arches and been successful?

Network Rail response

- 2.13 Network Rail Property is one of the largest ‘small business landlords’ in the UK. Specialising in renting commercial property to SMEs across the UK and well known for our railway arch property, located in many major UK towns and cities. There are approximately 1000 arches across the UK.
- 2.14 Network Rail has been refurbishing and redeveloping its estate for a number of years in order to improve the asset quality, reduced risks to the operational property and assets, and contribute to the improvement and regeneration of areas.
- 2.15 There are numerous instances where Network Rail has redeveloped arches for the tenant to return and successfully continue to trade. A recent good example is Union Yard where we have successfully accommodated the return of Union Theatre, recognising the significant contribution that the theatre plays to the identity, character and success of the area.
- 2.16 There is however no direct comparison to the Brixton Triangle proposals as this is a special and unique site in a number of ways. Previously Network Rail has carried out piecemeal development and looked at 1-4 arches at a time. This was considered too fragmented and it was advised by Lambeth Officers during discussions on the Brixton

Masterplan that a comprehensive scheme covering the whole site would be required, and would be the best option to fully realise the benefits to the scheme.

- 2.17 The site is unique in that it is located within the town centre. Network Rail has some arches in town centres, but certainly nothing of this size or type.
- 2.18 The site is further special and unique in that the arches, and their uses and tenants, have played (and are playing) a significant role in the history, identity and character of Brixton, as well as the success of its town centre and community.
- 2.19 It is for these reasons that we have worked as hard as possible to ensure that as many tenants return to the development as possible, and why so much effort and time has been given to understanding the needs of the tenants and their businesses so that measures can be taken to assist in the tenants' return. This level of help and assistance, the stepped rents, and the significant additional compensation has not been offered anywhere else on Network Rail's estate, but it is considered the appropriate and right thing to do on this occasion given the special nature of the Brixton arches.
- 2.20 We are extremely happy to confirm that 75% of tenants are due to return to the newly refurbished and redeveloped units.

5. Can you see from one end of the new passage to the other? Is the new passage wide enough for a double buggy at the tightest points?

Network Rail Response

- 2.21 It is possible to see from one end of the walkthrough to the other as detailed in the illustration below. In addition, the proposed kiosk units are to be predominantly constructed of glazing, which will allow further light and views through the passage.



2.22 The new link would be between 3.8m and 4.2m in width at each end. However, owing to the arch structure, there is a narrowing in the middle section down to 1.9m and 2m respectively. This width is sufficient to accommodate a double buggy as well as wheelchairs and mobility scooters.

6. How does the extraction work/ would low level extraction impact on pedestrians?

2.23 A3 units have been provided with louvres at high level (above the roller shutter line). Kitchen extract ventilation will be limited to Brixton Station Road, as the station canopy on Atlantic Road could potentially act in a way that would trap smells / stains from cooking. The exception is unit 26 that will use the ceiling void of the new Through Arch to duct exhaust to louvres at high level on Brixton Station Road and duct intake air from louvres at high level on Atlantic Road.

2.24 Any mechanical intake where required will be via the high or low level louvres in the facades. All the above would be provided by the incoming tenants as part of their fit out works so specific details of the specific ventilation requirements or equipment cannot be provided at this stage. It is considered that the extract will be a significant improvement to what is currently installed in some of the units.

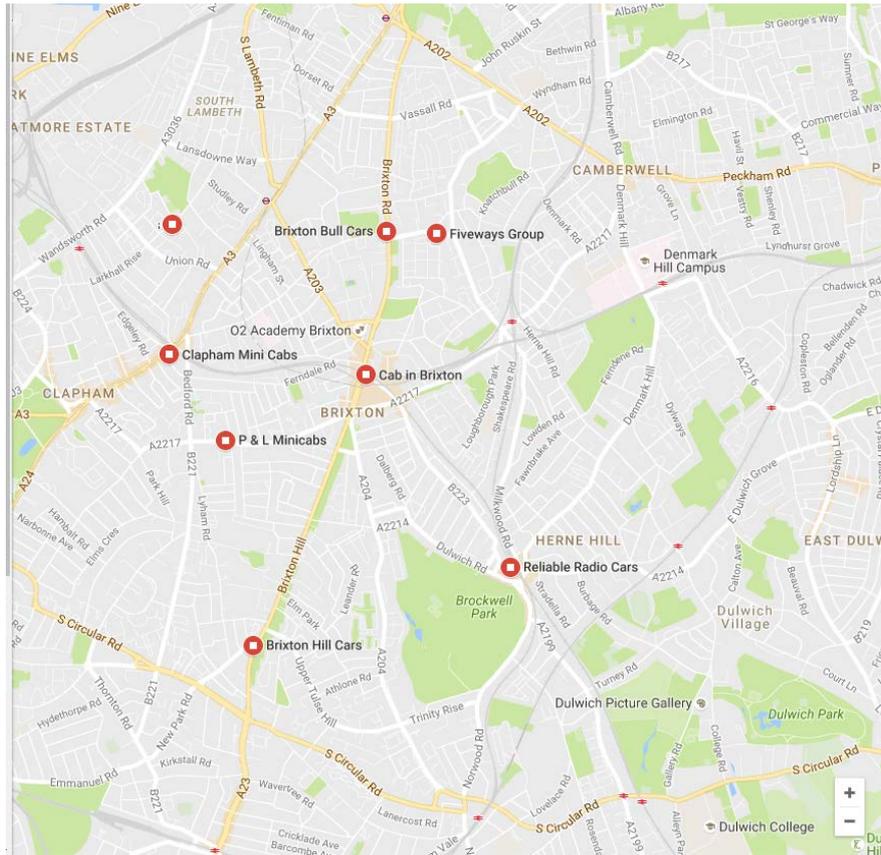
7. Would the costs of providing toilets be prohibitive and what level of customers would trigger the requirement?

Network Rail response

- 2.25 It is proposed to provide completely new capped services which will be a significant improvement on the existing facilities. Tenants will then have the opportunity to install their own toilet facilities as part of their fit out.
- 2.26 It is not considered that the cost of the toilets would be prohibitive and it would be the responsibility of the tenant as to whether they install toilets or not.

8. Where is the nearest alternative mini-cab office?

- 2.27 The current mini-cab office in number 1 Atlantic Road is a sub-tenant of the leaseholder and therefore Network Rail does not have a relationship with the business owner as owner and landlord of the property. That said, contact has been made with the owner and discussions have taken place on whether the business can be accommodated in one of the kiosk units.
- 2.28 In respect of other mini-cab offices, a search indicates that there are a number of other mini-cab offices in Brixton as displayed in the below map. In addition to these there are a number of taxi companies that operate in the area that can be contacted by phone to order, as well as other companies that do not have an office in the central Brixton area, but their cars do cover Brixton and the wider area.



Location of mini-cab offices in Brixton area

9. Is soundproofing included in the refurbishment?

Network Rail response

2.29 Soundproofing does not form part of the proposed development, nor is it considered necessary. None of the existing arches are soundproof and as there is an operational railway above it is expected that there will be some noise in the units. This is common across all of the Network Rail arch portfolio, including the office that Network Rail are based in on Burrell Street, Southwark. No problems have been reported.

10. How would the soffits and roof under the colonnade be treated?

Network Rail response

2.30 The proposal is to clean, repaint and repair the soffit where required. New pendant lights are to be installed in the position of the existing lights.

- 2.31 The parapet and rest of the structure does not form part of this application. It is expected that this will be looked at, along with the rest of the station, as part of the wider masterplan works.

11. The street art was noted and the Committee asked whether certain roller shutters be retained or reinstated elsewhere particularly that commemorating Cherry Groce?

Network Rail response

- 2.32 It is not possible to retain or reinstate any of the existing shutters as they are not compatible with the design and construction of the new shopfronts. Integrating them into the shopfronts would require a complete redesign.
- 2.33 Furthermore Lambeth design guidance, and advice received by Officers, is that the units should have internal lattice shutters. This allows visual permeability in the units when they are closed and also means that the shutter box can be housed internally, therefore preventing a large shutter box extension from the shopfront that would look unsightly. Light from the units would also contribute to an increased passive security of the area rather than a solid shutter.
- 2.34 Network Rail would however be happy to work with organisations such as the Brixton Design Trail and/or other organisations to see what artwork may be possible on the site hoardings.

12. BREEAM score – why not Excellent?

Network Rail response

- 2.35 Following the BREEAM pre-assessment, the current targeted score is 62.85%. This is towards the upper end of the 'Very Good' range, but the extra credits required to achieve an 'Excellent' rating will be very difficult to achieve and we do not believe it will be possible.
- 2.36 62.85% represents what we believe to be the maximum practical score for the development. This is based on the credits which are most appropriate to target within the constraints of the proposed redevelopment, but it also includes credits which are relatively difficult to achieve, and we are targeting maximum credits in a number of categories.

2.37 However, there are other categories in which we are limited in what we can achieve due to the nature of the existing structure. For example, whilst we are providing new insulated floor slabs, the arch structures are not insulated, and are not able to be as regular inspections and maintenance of the structures are required. New walls will be limited to shopfronts only which have limited insulative properties. It is unlikely that the minimum number of credits under Ene 01 will be achieved.

Key comments:

- **Mandatory credits** for BREEAM Excellent: the minimum number of credits required under Ene 01 (i.e. 6 credits) is very unlikely to be achieved due to the limited scope for improvements to the building fabric.
- **Energy:** the minimum credits cannot be guaranteed in this section. There will be limited scope to improve on the energy efficiency of the units, even though new insulated floor slabs will be installed and the new shopfronts will perform better than existing.
- **Transport:** Maximum number of achievable credits has been targeted.
- **Water:** 100% of the available credits have been targeted.
- **Materials:** Due to the scope of the refurbishment, there are very few opportunities to improve the insulation of the building fabric.
- **Waste:** The maximum number of achievable credits have been targeted.
- **Land Use & Ecology:** 100% of the available credits in this category have been targeted.

2.38 It is therefore considered that a 'Very Good' rating is the most appropriate target for this project, and for the nature of the job and the existing constraints involved, a targeted score of 62.85% is an ambitious but achievable target.

13. Blast resistant glazing – why? Is it standard requirement? Not just financial.

Network Rail response

2.39 Bomb blast glazing is not required for commercial units of this nature, nor do any of the current arches have bomb blast glazing. It is Network Rail's understating that it is

only required when part of a station building, and none of the arches form part of the station.

2.40 Furthermore no arches within London have blast resistant glazing.

Appendix A

Brixton Triangle Redevelopment					
Unit	Arch	Return / Vacate	Temp Acc	Locations of Temp Acc	Communication in Addition to Generic Meetings & Letters
1	585	Vacating	Not Requested		No meetings undertaken with Tenant despite offers; Phone calls: Several phone conversations discussing queries, then confirming did not wish to return to a unit following redevelopment (03/05/16 email confirmation).
2	rear 584	Returning	Not Requested		Meeting: 09/03/16 but then cancelled due to joining other tenants in their legal letter to NR; Emails: Various emails arranging above meeting and answering queries which then equated to the meeting being cancelled. Email confirming return received on 01.10.2015
3	rear/pt 583	Vacating	n/a		n/a
4	rear/pt 582	Vacating	n/a		n/a
5	581	Remaining	n/a		n/a
6	580	Returning	Requested late, was on wait list for Valentia PI but nothing more		No meeting undertaken despite offers; No response to initial letters sent asking about temporary accommodation and then a phone call 11/03/16 requesting temporary accommodation. Confirmed via email to be on the waitlist answered various queries regarding rents & compensation.
7	579	Returning	Y	Options currently being considered	Meetings: 03/03/16 general intro & update; 03/06/16 meeting to discuss temp relocation; Emails: Various emails to set up meetings & to undertake a viewing of Lendal Terr which tenant was very interested in when raised at previous meeting; Various attempts to get tenant to view Lendal Terr, difficulties in gaining a response; 27/07/16 Call from tenant representative saying tenant now not interested in Lendal Terr; Still in discussion. Verbal confirmation of option to return in October 2015
8	578	Returning	Not Requested		Meetings undertaken in 2015. Large, well advised pub chain. Emails: Several emails answering queries regarding rents, fit out, compensation etc. Confirmed return.
9	576	Returning	Y	53 Brixton Stn Rd (ex POP Offices)	Meetings: 22/04/16 general intro & update; 03/06/16 ; 17/06/16 general update; 08/07/16 viewings of Station Passage, Brixton Stn Rd & POPs offices on Brixton Stn Rd; Emails: Various discussions updating queries & arranging meetings & discussing the POP offices as potential temp accommodation; 11/07/16 Confirmation email stating interested in taking a sub lease for the POP offices on Brixton Stn Rd.
10	575	Vacating	n/a		Initial written confirmation that Tenant wanted to return to a redeveloped unit on 10th September 2015. Subsequent written confirmation of desire to leave. This was confirmed over the phone with Tenant on 24/06. No communication from Tenant regarding temporary accommodation or raising any queries; 05/04/16 Letter received stating he does not wish to return to the arches once redeveloped.
11	574	Returning	Not Requested		Meetings: Attempted to arrange a meeting via post & email but to no avail, called into shop when passing but not in; Letter sent answering previous questions via letter. No response following my letter on 23/03/16.
12	573	Returning	Not Requested		Meetings: 09/03/16 General intro & update; 09/06/16 ; 11/07/16 meeting at NR offices; Emails: Various emails discussing options, current & future position & meetings; 14/06/16 Email offering choice of units followed by lengthy discussions regarding a unit located in POP Brixton we had negotiated on his behalf, not interested in other locations; 11/07/16 Tenant confirmed via telephone and in person that now wishes to return without temporary accommodation in the interim.
13	571	Returning	Y	Viewed some units, trying to arrange further viewings, but awaiting tenant response	Meetings: 03/06/16 general intro & update; 08/07/16 viewing alternative units; Letters: Various letters both legal and correspondence Emails: Various arranging meetings & answering queries; 14/06/16 Email outlining current options re temp accommodation, Tenant identified suitable options, undertaken 2 viewings and offered agents details for 2 units that are with agents. No response to latest 2 emails trying to arrange additional viewings of those he is interested in.
14	front 584	Vacating	n/a		Emails sent on behalf of Save Brixton arches in Jun and July 2015. Verbal communication at planning consultation that the tenant plans to wind down business. No subsequent communication received.
15	front 583	Returning	Not Requested		Email confirmation received of return on 28.01.16

16	front 582	Returning	Y	Exploring 3rd party options	Meetings: 03/03/16 general intro & update; 10/05/16 viewed Streatham Hill & Streatham properties; 03/06/06 meeting to discuss Valentia PI unviable; 17/06/16 general; 08/07/16 viewing of Station Passage. Emails: Various threads incl. stating wanting to move out of Brixton hence other location viewings; 14/06/16 Email offering choice of units; 28/06/16 Email wanting to remain in Brixton in interim period; 27/07/16 Letter/Email & Phone call confirming looking at units with a 3rd party LL.
17	581	Returning	n/a		n/a
18	601	Vacating	n/a		Meeting: 03/03/16 general intro & update; Emails & Phone calls: Many emails/phone calls answering queries regarding rents & compensation. Verbal and in person confirmation of intention to vacate
19	602	Returning	Not Requested		No meetings with tenant despite offers; Telephone conversation confirming return followed up with an email (26/02/16) stating 'Returning' to an arch.
20	603	Returning	Not Requested		See unit 8
21	605	Returning	Expressed an interest, but not responded to emails since	Currently no response.	Meetings: 06/04/16 general intro & update; 08/06/16 general update; Emails: Various to agree meetings, raise queries and discuss options. Didn't originally request temp accommodation but then requested at a meeting & so went on the 'wait list, which was confirmed to Tenant; 26/04/16 Agreed 1st refusal on a vacant arch in the 'Triangle' on return; 07/06/16: Email discussions regarding other uses for arches in other locations, which NR weren't able to agree to; 14/06/16 No response to my email outlining available options for temp accommodation.
22	606	Potentially a	n/a		n/a
23	607	Returning	Not Requested		Confirmation by text message on Monday 25th Jan that tenant wants to return to both units. Meeting: 15/04/16 general intro & update; Emails: Various to instigate initial meeting which wasn't responded to initially, a few emails to answer points & queries regarding planning use etc; additional verbal confirmation that tenant returning but no interim accommodation requested.
24	608	Returning	Not Requested		See unit 23
25	Unit 25	Remaining	n/a		n/a
26	Unit 26	New Unit	n/a		n/a
K1 K4	577	New Kiosk Units	n/a		n/a
K5-K7	604	New Kiosk Units but Tenant returning to another unit	Y	Exploring 3rd party options	Meetings: 03/03/ general intro & update; 03/06/16; 08/07/16 viewing Station Passage; 21/07/16 viewing 111 Streatham Hill; Various email discussions and updates re queries & viewings; 26/07/16 email confirming not interested in 111 Streatham Hill & identified a unit via a 3rd party.
K8 & K9	572	Returning	Not Requested		Verbal confirmation both in person and over the phone that tenant wants to return in Feb 2016
K10	K10	New Kiosk Units	Not Requested		n/a
K11-K13	609	New Kiosk Units	Not Requested		See unit 16

Appendix B

19th July 2016

Vacating Tenant

Network Rail Infrastructure Limited
6 Burrell Street
London
SE1 0UN

STRICTLY PRIVATE & CONFIDENTIAL**Without Prejudice and Subject to Contract**

Dear xx,

Re: Brixton Triangle Redevelopment Scheme**Land covered by and within premises at arch xx Brixton Station Road/Atlantic Road, Brixton in the London Borough of Lambeth (the Property)**

Thank you for confirming your acceptance of our compensation offer to vacate the Property.

As you are aware, on August 19th 2016, your lease will end. Upon hand back of the Property to Network Rail, the following payment will be made to you:

Statutory compensation	xx
<u>Additional compensation</u>	<u>xx</u>
Total	£xx

At the same time, Network Rail will reconcile your account, and refund any deposit or overpaid rent up to and including the 19th August 2016.

As I said in my previous letter, this enhanced compensation and the future stepped rents offer is made subject to the documentation of your agreement by mutual deed.

To commence the legal process and to make sure that the process is clear, I have enclosed the draft deed of surrender document for your urgent review:

A draft deed of surrender (document 1)

This is the document that records the mutually agreed surrender of your Property and triggers the payment of the proposed compensation outlined above.

In the next week our solicitors, Bond Dickinson, would like to make contact to negotiate this legal agreement reflecting your individual circumstances. We would suggest that you take legal advice on this so please could you let me know as soon as possible whether you intend to instruct solicitors (and provide their contact details) or whether you will be unrepresented so we can commence the process of agreeing the document straight away. In the meantime, please do not hesitate to contact me or xx if you would like to discuss any aspects of this process.

Many of Network Rail's tenants have asked what will happen on the day of the 19th August and how the hand back takes place. We will require the Property to be cleared of all possessions, furniture, and rubbish, as anything left in the Property beyond the 19th August will need to be removed and disposed of. For the avoidance of doubt, for handback to be accepted, all parts of the Property need to be vacated (this includes ensuring that the Property is empty of all people and any other interests). Please do not remove any lining from the arch as it may interfere with the viaduct brickwork. Please also ensure that once cleared, the Property is secured and we will have representatives on site to

take receipt of the keys. Closer to the time, a Network Rail representative will be available to answer any questions you have (and we will let you have their contact details as soon as possible).

Yours sincerely,

xx – for and on behalf of Network Rail Property

19th July 2016

Returning Tenant

Network Rail Infrastructure Limited
6 Burrell Street
London
SE1 0UN

STRICTLY PRIVATE & CONFIDENTIAL

Without Prejudice and Subject to Contract

Dear xx,

Re: Brixton Triangle Redevelopment Scheme

Land covered by and within Arch No xx Brixton Station Road/Atlantic Road, Brixton in the London Borough of Lambeth (the Property)

First, thank you for confirming your acceptance of our offer for you to return to a redeveloped property, I very much look forward to continuing to work together.

As you are aware, on **August 19th 2016**, your lease will end and you will have no right to stay in the Property after this date (unless you apply to Court before this date which we understand you have recently sought legal advice on). Upon you handing back your Property to us, the following payment will be made to you:

Statutory compensation	xx
Additional compensation	xx
Total	xx

At the same time, Network Rail will reconcile your account, and refund any deposit or overpaid rent up to and including the 19th August 2016.

As I said in my previous letter, this enhanced compensation and the future stepped rents offer is made subject to the documentation of your agreement by mutual deed.

To commence the legal process and to make sure that the process is clear, I have enclosed three draft documents for your urgent review:

A draft deed of surrender (document 1)

This is the document that records the mutually agreed surrender of your Property and triggers the payment of the proposed compensation outlined above.

At the same time as we agree the deed of surrender, we will enter into the following agreements:

A draft agreement for lease and draft lease (documents 2 and 3)

These two documents combined outline our mutual commitment to grant you a new lease of a redeveloped property on the basis of the stepped rents as follows:

- Years 1 – 3 at 50% of market rent (2015 levels)
- Years 4 & 5 at 75% of market rent (2015 levels)
- Years 6 & 7 at 2015 market rent level
- At year 8 there will be a market rent review

In the next week our solicitors, Bond Dickinson, would like to make contact to negotiate these legal agreements reflecting your individual rents and circumstances. We would suggest that you take legal advice on these transactional elements so please could you let me know as soon as possible whether you intend to instruct solicitors (and provide their contact details) or whether you will be unrepresented so we can commence the process of agreeing the documents straight away. In the meantime, please do not hesitate to contact me or xx if you would like to discuss any aspects of this process.

Many of Network Rail's tenants have asked what will happen on the day of the 19th August and how the hand back takes place. We will require the Property to be cleared of all possessions, furniture, and rubbish, as anything left in the Property beyond the 19th August will need to be removed and disposed of. For the avoidance of doubt, for handback to be accepted, all parts of the Property need to be vacated (this includes ensuring that the Property is empty of all people and any other interests). Please do not remove any lining from the arch as it may interfere with the viaduct brickwork. Please also ensure that once cleared, the Property is secured and we will have representatives on site to take receipt of the keys. Closer to the time, a Network Rail representative will be available to answer any questions you have (and we will let you have their contact details as soon as possible).

Yours sincerely,

xx – for and on behalf of Network Rail Property

Appendix C

Current rent levels at Brixton Triangle Application Site

Unit	Area	Rent per sq ft	Current Annual Rent
XXXXX	1,121.00	£ 42.37	47,500.00
XXXXX	734.00	£ 41.96	30,800.00
XXXXX	413.00	£ 31.72	13,100.00
XXXXX	323.00	£ 27.24	8,800.00
XXXXX	332.00	£ 25.60	8,500.00
XXXXX	489.00	£ 24.54	12,000.00
XXXXX	262.00	£ 22.90	6,000.00
XXXXX	1,008.00	£ 22.57	22,750.00
XXXXX	290.00	£ 21.38	6,200.00
XXXXX	1,422.00	£ 21.10	30,000.00
Average	885.68	£ 21.07	17,184.09
XXXXX	604.00	£ 20.70	12,500.00
XXXXX	1,213.00	£ 20.61	25,000.00
XXXXX	1,008.00	£ 19.84	20,000.00
XXXXX	1,236.00	£ 16.99	21,000.00
XXXXX	616.00	£ 15.42	9,500.00
XXXXX	856.00	£ 14.60	12,500.00
XXXXX	966.00	£ 14.44	13,950.00
XXXXX	1,873.88	£ 12.81	24,000.00
XXXXX	783.00	£ 12.77	10,000.00
XXXXX	926.00	£ 12.69	11,750.00
XXXXX	1,546.00	£ 12.10	18,700.00
XXXXX	1,463.00	£ 9.23	13,500.00

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