

Representations on the Lambeth Local Plan Proposed Submission

1 This is a representation in response to Lambeth Council's Consultation on the Submission Version of the Draft Lambeth Local Plan, prior to examination in public, and made on behalf of the Kennington, Oval and Vauxhall Forum (KOVF). These representations are made under Regulation 20(1) of the Town and Country Planning (Local Planning) (England) Regulations 2012, SI 2012 No 767, and are made electronically, pursuant to Regulation 3(2)(b). These representations propose changes to the proposed plan, and, under S20(6) Planning and Compulsory Purchase Act 2004, we ask to be given the opportunity to appear before and be heard by the person carrying out the examination. Since there is no prescribed form for representations, and Lambeth's suggested template is technically deficient, this representation is made in plain text.

Who we are

2 KOVF is a neighbourhood forum, recognised and funded by Lambeth Council as a non-political umbrella group bringing together local community organisations, businesses and residents, in the North Lambeth area between Lambeth Road, Kennington .Park Road, Camberwell New Road, Harleyford Road and the river Thames [essentially the two Lambeth Wards of Prince's and Oval]. KOVF holds public meetings for everyone in the community about proposals for its area and enables member organisations to act together for the benefit of the community. Expressing Forum views about the local environment, amenity, public safety and local services, it provides the Council, health services, police and other public bodies with an opportunity to engage, listen and involve the local community.

Housekeeping

3 This representation is made by David Boardman, a member of the KOVF Board, on behalf of KOVF. The KOVF address is Carmelita Centre, 41 Vauxhall Walk, London SE11 5JT, and notification is requested of submission of the plan for examination, the publication of the inspector's recommendations and adoption of the Local Plan to that address and to the following email addresses: boarfam@btinternet.com and forumkov@gmail.uk

David Boardman
KOV Forum Board Member for Planning
3 February 2014

Development Plan Document ?	Lambeth Local Plan Proposed Submission (LLPPS)
Objector?	KOVF
Policy?	Section 4, Delivering the Vision and Objectives Para 4.4
Ground for Challenge	Non compliance with NPPF para 184
Proposed Change	Add at end “The strategic policies within the meaning of NPPF para 184 are those contained in Sections 4 to 10 inclusive of this plan”
Argument	NPPF para 184 requires, in the context of Neighbourhood Planning, that Local Plans distinguish between strategic and non-strategic policies. LLPPS fails to do so, and the suggested text rectifies this.

Development Plan Document ?	Lambeth Local Plan Proposed Submission
Objector?	KOVF
Policy?	H1(iii)
Ground for Challenge	Unsound because not effective
Proposed Change	At end add “In no case will densities of 500 units per hectare or higher be approved”.
Argument	Policy H1(iii) talks of seeking levels of residential density “consistent with London Plan guidelines”, but this just ducks the issue. Given the relaxed way Lambeth planners have interpreted “consistent”, this is not an effective policy to limit residential densities and excessive demands on local infrastructure, particularly public open space. Table 3.2 of the London Plan 2011 goes no higher in density than 405 units per hectare. But we know that consented elements of the Vauxhall cluster go way above that, with build costs in the range £2,500 to £5,000 per sqm. Eg the Kylun Vauxhall Triangle twin towers have a density of 800 units per hectare and an aggregate build cost of nearly £5,000 per sqm; 81 Black Prince Road would build 101 units on 0.08 ha, a density of about 1260 per ha; and Vauxhall Sky Gardens puts 239 units on 0.155 ha, a density of no less than 1542 per hectare. All these were presented as “consistent with London Plan Guidelines”, and accepted by Lambeth planners. On the conventional measure of open space requirement of 1.6 ha per thousand inhabitants, which Lambeth seeks to drop from its plans, and we seek to reinstate, a development of 100 flats on a 0.1 ha site generates an open space requirement of 0.3 ha, that is, three times the area of its site. Many developments are mixed use, with plot ratios of 15 or 20. Are these ultra-dense developments “consistent with London Plan guidelines”? We think not, and this plan (and perhaps the London Plan too!) should make its own mind up about what kind of residential densities it thinks appropriate to such tall developments. For definiteness we propose 500 units per hectare as an absolute limit, the upper limit considered in the publication “Living at Super Density”

Development Plan Document ?	Lambeth Local Plan Proposed Submission
Objector?	KOVF
Policy?	H2(d) and para 5.14
Ground for Challenge	Unsound because not effective
Proposed Change	At end of H2(d) add “In relation to developments of potentially strategic

	<p>interest (PSI developments) and/or EIS developments, the council will not accept viability studies other than on the basis that they will be published in full on its planning website no later than the receipt of the GLA Stage 1 report, along with any appraisal undertaken on behalf of the Council”</p> <p>Add a new H2(g) “In all cases of development of 10 or more dwellings the S106 agreement must include an overage clause with an outturn trigger of at least one third occupation of the residential component.”</p> <p>? para 5.14</p>
<p>Argument</p>	<p>As regards affordable housing, the "minimum of 40%" on new sites without grant has seldom been achieved, on sites not owned by the council, and often the reality is way below that. There is little point in paying lip service to the unachievable, when the consequences of reduced provision need to be recognised, and may have consequences for other aspects of the Plan. We have already made the point in our representations on CIL, that if a more realistically low affordable housing percentage was adopted then the CIL rate could go up to boost receipts to pay for infrastructure.</p> <p>Developers are at pains to preserve the confidentiality of the “viability studies” they use to argue down the affordable housing contribution from the 40% headline rate. But having now seen four recent studies, as compulsorily revealed at planning inquiries, we can begin to identify the arguable methodology used, and the sometimes laughable assumptions adopted to reduce the affordable housing offer. We think Lambeth are wrong to be prepared to receive “confidential” viability studies, which, being withheld from the public and reported only indirectly to planning committees, constitute “private evidence” of the sort which is expressly condemned and ruled out of consideration by the Ministerial policy statement on propriety in planning cases, given the quasi-judicial nature of the planning decision process (DCLG Guidance on Planning Propriety issues (February 2012) para 4). Our conclusions are:</p> <ul style="list-style-type: none"> • Councils are underpowered in assessing the plausibility of such studies, and like-minded councils would be well advised to club together to engage professional advice that exclusively focused on the interests of the community. Given the need for continually refreshed professional knowledge and expertise, it might be that an exclusive contract with a particular professional firm might apply only within a particular borough, leaving the firm free to practice for developers and councils alike in other borough areas. • Given the fundamental uncertainties in assessing the true affordable housing capacity of a development at the planning permission stage, the Council should write into its plan that in all cases of development of 10 or more dwellings the permission must include an overage clause with an outturn trigger of at least one third occupation of the residential component, both to better capture the development surplus for affordable housing which policy seeks to exploit, and to audit the uncertain assumptions made some years prior to occupancy, and which professional assessors rarely verify. • Given the arguable assumptions revealed every time a viability study is exposed to third party scrutiny, the Council should write into its plan a “fully open book arrangement” that in relation to developments of potentially strategic interest (PSI developments) and/or EIS developments, it will not accept

	<p>viability studies other than on the basis that they will be published in full on its planning website no later than the receipt of the GLA Stage 1 report, along with any appraisal undertaken on behalf of the Council</p> <p>We welcome the proposal to relax the “on site” requirement for all affordable housing, though there is room for argument over the distance requirement of one mile in para 5.8. Often the “mixed and balanced” community issue is subverted by housing associations themselves, who prefer separate lift cores and buildings for the affordable element to limit and isolate service charges. As we have also pointed out in the course of planning appeal hearings, given the high build costs of the high status residential accommodation coming forward in the VNEB area, the loss per affordable dwelling suffered by the developer (the measure of affordable housing subsidy required now of developers) is now comparable to the market price of similar sized dwellings on the open market in the hinterland, meaning that Lambeth would be better off taking the implied subsidy and buying the equivalent number of properties, which (being mortgage free) could be let at far lower rents than 80% of open market rent. Given that off-site provision substitutes a valuable profit making market flat on site for a loss making affordable flat, provision of alternative development with a value (or where warranted, payment of a sum in lieu) in excess of the implied subsidy would still leave the developer better off and give a better deal for the Council and more affordable housing for the community even at more moderate build costs.</p>
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Development Plan Document ?	Lambeth Local Plan Proposed Submission
Objector?	KOVF
Policy?	H7(a)(iv) and para 5.46
Ground for Challenge	Unsound because insufficiently specific about considerations by which to judge adverse concentrations
Proposed Change	Add at end para 5.46 “and whether public open space has adequate capacity to absorb further use, particularly in open space deficiency areas.”
Argument	Given the high densities at which student accommodation is commonly provided, a single large development can easily overwhelm local infrastructure, particularly public open space, especially in open space deficiency areas.

Development Plan Document ?	Lambeth Local Plan Proposed Submission
Objector?	KOVF
Policy?	ED1 and para 6.4
Ground for Challenge	Failure to have regard to the Spatial Development Strategy (London Plan 2011, as modified by the Revised Early Modifications (REMA) of October 2013), contrary to S19(2)(c) Planning and Compulsory Purchase Act 2004, in particular London Plan Policy 4.4 and Map 4.1 (Restricted Transfer rubric), as explained by the Mayor’s SPG on Land for Industry and Transport of September 2012
Proposed Change	At end of para 6.4 add “Under the 2012 Mayor’s SPD on Land for Industry and Transport, Lambeth is a “restricted transfer borough”, where losses of KIBA land to other uses should be strongly resisted, and with a guideline loss of no more than 4 ha over a 10 year period. Compliance or otherwise with this cumulative metric will be a material consideration in planning applications related to KIBAs.”

Argument	<p>The London Plan Map 4.1 identified Lambeth as a “Restricted Transfer” borough, where boroughs were encouraged to adopt a more restrictive approach to transfer of industrial sites to other uses. The September 2012 Mayor’s SPD on Land for Industry and Transport explained this as meaning that losses of industrial land (KIBAs in Lambeth parlance) to other uses should be strongly resisted, with a guideline loss of no more than 4 ha over a 10 year period. This reinforces the case Lambeth makes for no mixed use developments on retained KIBAs, and this metric, and the need to monitor compliance with it as a material consideration in planning applications, needs to be referenced in the plan itself. This issue was canvassed in detail by Rule 6 Parties at the recent 8 Albert Embankment Inquiry, and an extract from the KAPF case, which argued and evidenced the continued vitality of Lambeth KIBAs, is annexed. There is an issue, however, about whether KIBA status should be retained for the Kennington/Oval Gasholder site itself, and we address this later.</p>
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Development Plan Document ?	Lambeth Local Plan Proposed Submission
Objector?	KOVF
Policy?	ED5(b)
Ground for Challenge	Unsound because not justified
Proposed Change	At end of Policy ED5(b) add “Exceptionally, a change of use from commercial to public realm may be allowed in the Vauxhall SPD area to facilitate increased permeability of the railway embankment, in support of Policy PN2(e)”
Argument	Policy ED5(b) while justified elsewhere needs to be modified so as not to trump Policy PN2(e)

Development Plan Document ?	Lambeth Local Plan Proposed Submission
Objector?	KOVF
Policy?	S3(a) and Annex 2 (Infrastructure relating to Keybridge House, p 231)
Ground for Challenge	S3(a) Unsound because not effective; Annex 2 entry unsound because not justified.
Proposed Change	At end of Policy S3(a) add “and also have strong parental support, and assurances that the expanded school will not be undersubscribed.” At end of Annex 2 entry add “(This scheme should only be considered once alternative expansion schemes in North Lambeth relating to Archbishop Sumner School and Vauxhall School have been undertaken)
Argument	<p>1 The Local Plan sets out the requirement in the London Plan (July 2011) for at least 1,195 additional dwellings in Lambeth each year over the period 2011-2021. This is rolled forward as a target over the 15 year Local Plan period to be a total of 17,925 homes.</p> <p>2 Furthermore, the Local Plan Spatial Strategy states this target is likely to increase as part of the London Plan Further Alterations to be issued in draft in early 2014. We therefore believe that the Examination in Public of the draft Local Plan must have access to this information in time.</p> <p>3 The Spatial Strategy also refers to the requirement for approximately 5,040 additional primary school places and 500 additional nursery class places, and approximately 3,108 additional secondary school places. Details of the educational schemes already identified are set out in Annex 2: Infrastructure Programme & Schedule.</p>

	<p>4 The emerging statistics on likely population growth in North Lambeth from both natural London-wide trends, compounded by the very substantial developments in VNEB and elsewhere, support the case for additional school provision.</p> <p>5 We have studied the report to Cabinet in January 2014 on Primary and Secondary Pupil Place Planning in Lambeth up to 2019/20, which indicates that an overall shortage will be manifest after 2017/8. What is also relevant is that, having regard to strong parental preferences, there is already acute unfulfilled demand for places at well-regarded schools in the borough. There is genuine and evidenced concern that Lambeth have sometimes expanded schools where underlying demand is insufficient, eg Loughborough School, which is undersubscribed after significant Lambeth expenditure, which was, arguably, mis-directed. We also note the proposal to expand St Johns (Angell Town) School from 1FE to 3FE, and wonder whether that is over-ambitious, when nearby Loughborough School is undersubscribed. Therefore, great care must be taken in the resource allocation process.</p> <p>6 In view of the huge difficulties involved in locating a new primary school (with acceptable facilities and play space within the Vauxhall SPD area), we reiterate our contention that Lambeth should consider the logic of supporting the relatively "easy wins" of Archbishop Sumner School extended onto the Shelley site to go two form entry, and Vauxhall School, which has the capacity for two-form entry. These expansions would go a long way to avoid the high (direct and indirect) cost of a primary school at Keybridge House or anywhere else in or near the Tall Building Cluster. We note that the entry in the Infrastructure Programme and Schedule for the school on the Keybridge House site in Annex 2 (page 231), recognizes the necessary contingency planning for the possibility of requiring an alternative site.</p> <p>7 As far as secondary school places are concerned, we note the comments of the report to Cabinet last month, and the impact of additional places in free schools, meaning that there are sufficient places until 2019. However, we are very concerned that some of the recently provided free schools have been established with highly deficient provision for external play space, and no proper provision for physical education. We shall be making separate representations to the Government that free schools should not be permitted in urban locations without proper provision for physical education.</p>
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Development Plan Document ?	Lambeth Local Plan Proposed Submission
Objector?	KOVF
Policy?	T4(a)(v)
Ground for Challenge	Unsound because not positively prepared
Proposed Change	At end of Policy T4(a) (v) add “ including bus services along the Albert Embankment, in support of Policy PN2(k) in relation to Areas 1 and 2.”
Argument	An improved frequency of buses is required along the Albert Embankment, at the upper end of the VNEB area, to service the significant increase in residential development occurring, situated some

	distance from both Vauxhall and Waterloo underground stations, and not benefiting from Vauxhall underground improvements. Cf Policy PN2(k) Areas 1 and 2, improved accessibility and connection
Development Plan Document ?	LLPPS
Objector?	KOVF
Policy?	EN1
Ground for Challenge	Unsound because not positively prepared
Proposed Change	At end of EN1(a)(i) add “The replacement of green open space by hard landscaped areas is not acceptable.” At end of EN1(c)(iii) add new (iv) “Proposals under EN1(c) should emphasise green open space rather than hard landscaped areas, and will be required to justify their proposals against the sustainable drainage policies of EN6” In para 9.3 at end add “Lambeth retains a target of 1.6 hectares per thousand population for public open space, will identify how much such open space is green, and regularly monitor and publish measures of outturn. The area of vertical features, such as green walls, will not be counted as public open space” In para 9.5, at end add “ though this is very much second best to provision of green space. As regards funding in lieu of new open space provision, at Vauxhall the DIFS tariff will provide a contribution towards open space supporting Opportunity Area development. But the DIFS tariff is calculated on the basis of what the market generally will bear, not by reference to the total cost of necessary supporting infrastructure (which has escalated markedly since the time of the actual DIFS Study), and parks at Vauxhall will require more funds than merely a rateable proportion of a DIFS tariff would indicate.”
Argument	<p>As the former Lambeth SPD on S106 Obligations (July 2008 version) noted, at para 3.10.6,</p> <p>“The majority of wards in the Borough are deficient in open space. The National Playing Field Association have a general standard of 2.4 hectares of open space per 1,000 population, Lambeth as a whole is deficient in relation to this standard, in that it has 1.54 hectares per 1,000 of population, projected to fall to 1.44 due to rising population. Lambeth’s Open Space Strategy recommends a target of 1.6 hectares per 1,000 population for 2016.”</p> <p>And unrestricted open space is currently 1.49 ha per thousand population (Plan para 2.34), noting particular shortages in the north of the borough.</p> <p>As the per capita provision of open space as commonly understood declines under inexorable London Plan pressure to build more dwellings in one of the densest boroughs in the country (Plan para 2.6, density of 11,300 people per square kilometre, and we note with alarm the suggestion in the draft Further Alterations to the London Plan that Lambeth’s housing targets should jump from 1195 a year to 1559 a year from 2015 to 2025), we note a tendency to lump in hard landscaped areas and the gathering space around buildings to make the tally look better, or treating gathering space about buildings as simultaneously open space and required amenity space for residents, where separate targets cannot be met. And we note that the Local Plan itself, perhaps in embarrassment at the ever declining metric, now omits the 1.6 hectare per thousand people target. We think Lambeth should retain this target</p>

	<p>in the Plan, expressly to exhibit the deteriorating position occasioned by unrelenting housing targets, and excessively dense residential towers. It is sobering to see that 100 flats on a 0.1 ha site, a density not rare in Vauxhall and the Albert Embankment, generates an excess demand on other open space in its vicinity, on this basis, of 0.3 ha. Lambeth should also indicate a preference for green open space over hard landscaped, both on amenity and sustainable drainage grounds.</p> <p>The 3500 extra dwellings forecast for the Lambeth element of VNEB alone give rise to about 7000 inhabitants. At the 1.6 hectares per thousand people standard, this gives rise to a “demand” for 11.2 hectares. The Linear Park, if provided as promised, is now said to amount to 5.3 hectares, though only 3.5 hectares was funded for in the DIFS Study (and then only for 20% of cost, with the landowner expected to provide the other 80%). So this Wandsworth feature could provide only half the open space required for the Lambeth element of VNEB, when not serving the needs of the other 25000 inhabitants from Wandsworth! This is now being shown in plans as a “green spine” (which will probably end up being no more than a path), and the Places and Neighbourhoods diagram 2 for Vauxhall (Plan page 158) shows this as a green dotted line, although some lengthy sections in Lambeth will actually be hard landscaped or streets with some trees, eg Vauxhall Walk. In effect, VNEB is designed to "piggy-back" onto existing open space, eg Vauxhall Park, which will end up being much more intensively used. Funding improvements to existing open spaces and particularly Vauxhall Park, Vauxhall Pleasure Gardens, Pedlars Park and Lambeth Recreation Ground will be essential, given the much heavier use they will be receiving.</p>
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Development Plan Document ?	Lambeth Local Plan Proposed Submission
Objector?	KOVF
Policy?	EN6 para 9.44
Ground for Challenge	Unsound because not positively prepared
Proposed Change	At end add “In suitable cases, Lambeth will be prepared to entertain proposals for “greening” roads not subject to significant traffic, by opening up their surfaces in ways that maintain a highway but increase natural drainage.”
Argument	This idea, which might facilitate actual greening of the Vauxhall green spine in otherwise hard landscaped areas, deserves to be identified as part of the SUDs repertoire.

Development Plan Document ?	Lambeth Local Plan Proposed Submission
Objector?	KOVF
Policy?	PN2(a) and para 11.8
Ground for Challenge	Not positively prepared
Proposed Change	Delete “including construction jobs” in both places
Argument	The OAPF contemplated 8000 new permanent jobs in the Lambeth part of the VNEB OA. If temporary construction jobs are having to be counted to make up the numbers, there is a serious shortfall in the permanent jobs being brought forward by development, and an issue whether Lambeth is getting the economic benefit promised to it by the OAPF.

Development Plan Document ?	Lambeth Local Plan Proposed Submission
Objector?	KOVF
Policy?	PN2(f) and (j), Diagram 2 (outline of district centre) and para 11.16
Ground for Challenge	Unsound because not positively prepared, not justified and undeliverable
Proposed Change	<p>Delete PN2(f) and substitute “The creation of a new district centre, shared with Wandsworth, embracing the new Sainsbury’s development, Vauxhall Square and the Wandsworth development at New Covent Garden Market (North)”. In PN2(j) delete from “At the outset ..” to “..the high street, improved”, and substitute “ There are strong transport arguments for maintaining the coherence of the Vauxhall transport interchange (cf Policy T4(a) (iii)) and improving..”</p> <p>Amend the outline of the district centre to include the Sainsbury site in the Pascal Place Area. Amend para 11.16 to the extent necessary to accommodate these changes.</p>
Argument	<p>The Core Strategy (CS) called for a CAZ frontage at Vauxhall the size of a small District Centre. According to Annex 4 of the CS, this typically had a size of 10 to 50K sqm, provides convenience goods and services for local customers, and contains at least one food supermarket or super store and non-retail services. This aspiration is continued in the VNEB OAPF and the London Plan. In the past, the Borough of Wandsworth has opposed any retail development at Vauxhall greater than 2K sqm as detrimental to its Battersea retail interests, but in 2013 it approved 11.1K sqm of retail, to include at least one superstore, on the Northern New Covent Garden site, along with 700 sqm of retail at One Nine Elms, the new, plan busting pinnacle of the Vauxhall cluster. An extension of Sainsbury’s retail from 4K to around 7K sqm has also been approved by Lambeth. Taken with the consented application by CLS for a mixed use development to include about 3K sqm of retail, we will already have a contiguous retail development of over 20K sqm, that is, the small District Centre sought, but with a centre of gravity further south. It is quixotic to exclude Sainsbury’s from the District Centre (see Diagram 2) and the boundary should be redrawn to include Sainsbury’s. And the reference to character area 6, containing Vauxhall’s major retail development, might just mention the fact, not just a mealy mouthed “town centre led development”.</p> <p>Given this committed or soon to be committed development, and in the absence of a retail study justifying further provision, in our opinion, the SPD and Plan proposal for a supplementary retail "High Street" in the vicinity of Bondway, is seriously flawed (PN2(f). Furthermore, the eastern elevation of Bondway is non-retail and includes a new Travelodge (with a Waitrose convenience store below it) and Rowton House has a long non-retail locally listed facade on that side. The likely western elevation of the notional High Street is now compromised by the approval, in the then absence of a constraining SPD, of the Kylun development on appeal. Retail shops offering a comparison shopping role need to be at least 30 metres deep, and where would the rear servicing go? In the circumstances, a retail concentration is unlikely to be available to fortify the Bondway/Bus Station area as a “town centre”. More likely, given the scale of the VNEB development, and adjacency to restaurants and a cinema is retail provision similar to, say, Brunswick Centre, near Russell Square, centred in this more southerly complex.</p>

	<p>Central to the plan’s vision is the “taming” of the Vauxhall Gyrotory, its conversion to two way working and creation instead of a town square to return a heart to Vauxhall. Laudable as this aspiration is, it is plain that this vision is not supported by the likely course of retail development, as noted above.</p> <p>Relocating the Town Centre idea southwards would allow the retention of the Bus Station in its present position, although design and layout might need to be modified to produce a less windswept and “kinder” transport interchange and assist gyratory simplification (which may need to be achieved in stages!). The Bus Station is "pilloried" in the SPD (though less so in the Plan), and the proposal in PN2(j) would lead to what the SPD acknowledged as "disaggregation of some bus stops....," which is inconsistent with Policy T4(a)(iii) “improving public transport interchanges” (our emphasis) and with the Mayor’s transport aspirations, eg as presented approvingly in the Brixton section at para 11.25.</p> <p>Disaggregating the bus stops would be a serious step backwards for bus travellers who are over half the transiting passengers at Vauxhall, however convenient it may be for bus drivers and bus routing. Any options for public realm improvement at Vauxhall, highly desirable as they are, must treat making the gyratory two way, and dispersing bus stops as separate options, to be considered independently. Premature bundling of such options together to facilitate a Lambeth aspiration for a “High Street” most observers doubt is feasible, and which will not be sustained by the probable course of retail development risks widespread public opposition.</p>
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Development Plan Document ?	Lambeth Local Plan Proposed Submission
Objector?	KOVF
Policy?	PN2(o)
Ground for Challenge	Unsound because undeliverable
Proposed Change	Delete after “Vauxhall Cross” to “in this area” and replace with “Given the course of actual development, with consented towers in excess of 160m tall clustering around a 200m peak on the One Nine Elms site in Wandsworth, the OAPF guidance of a 150m ceiling must now be regarded as a dead letter. A conical profile should be established from the 200m peak down to a height of 30m at the closest point to Vauxhall Park, and building heights should not exceed this profile.”
Argument	<p>As regards Vauxhall, compared with previous abortive attempts at place shaping at Vauxhall (2006 Study, 2008 Draft SPD, 2009 Draft Built Form Study) the recent SPD and this plan largely abandons the attempt to shape the 3D form of the Vauxhall cluster of tall buildings, which, in the absence of an adopted coherent vision from Lambeth, has now already been largely shaped by external agents (developers, Wandsworth Council and the Secretary of State). As the Design Statement for the CLS development at Vauxhall Square (11/004428/FUL) recited at page 25:</p> <p>“Cluster Workshop, 21 June 2011 A Vauxhall cluster workshop was held on 21 June 2011 facilitated by CABE and at ended by London Borough of Wandsworth, the London Borough of Lambeth, the Greater London Authority and Transport of London, and all the developers, architects and consultants in VNEB.</p>

	<p>This provided a forum for all stakeholders to debate the development of the Vauxhall Cluster and its impact on London. The workshop focussed primarily on the challenges and solutions for the public realm and the heights of the proposed buildings. This forum allowed the massing to be considered as a co-ordinated composition, as well as the importance of through routes and the importance of creating variety in the characteristics of the spaces in the adjoining schemes. The workshop also opened up dialogue between the client's design teams which has continued since the Cluster Workshop and has been very helpful for the ongoing design development of all the related schemes.”</p> <p>Following this workshop, of which no record exists, and notwithstanding the provisions of the Wandsworth Development Plan and the draft VNEB OAPF, both of which endorsed the “heights of up to 150 metres will be acceptable” rubric, officers from both Lambeth and Wandsworth Councils recommended departures from plan and OAPF to their respective planning committees, in relation to the CLS development in Lambeth and the One Nine Elms (W2012/6380) and Covent Garden Market (North) site (W2011/4664) in Wandsworth. The result was a consented tower 200m tall at One Nine Elms, around which clustered other towers in excess of 160m tall. Given that this structure is what now prevails at Vauxhall, it would be no more than honest to acknowledge this in PN2.</p> <p>We note that the “Area of Tall Building Sensitivity” (SPD Figure 4.92, as explained in para 4.923) is referred to in policy PN2(o), but not shown on Diagram 2 . We think this is inadequate to protect Vauxhall Park from adverse overshadowing, given that the Bondway plot beyond would be free to return with towers at say 160m, given that the 150m threshold has been thoroughly breached (and the new developers of the Bondway site do indeed suggest a tower in excess of 160m tall). As we argued in relation to the SPD, we think a profile should be established from the cluster peak down to say 30m immediately opposite the Park, which development should not exceed.</p>
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Development Plan Document ?	LLPPS
Objector?	KOVF
Policy?	PN8 and para 11.82
Ground for Challenge	Failure to have regard to the Spatial Development Strategy (London Plan 2011, as modified by the Revised Early Modifications (REMA) of October 2013), contrary to S19(2)(c) Planning and Compulsory Purchase Act 2004, in particular London Plan Policy 5.22 C(d) and D and London Plan supporting text para 5.96A
Proposed Change	Identification of the Kennington/Oval Gasholders as Site 19, with a rubric providing that, following development of a planning brief for the site and its vicinity (and given the height of the gasholders, a 3D Urban Design Study, as contemplated by London Plan Policy 7.7B and CABE Guidance on Tall Buildings (2007) paras 2.7 and 2.9), KIBA status will be withdrawn, to incentivise decommissioning, on condition that at least one of the historic gasholders will be listed, half the site will become a public park, and the balance of the site will be available for mixed-use development.
Argument	The recognition of Kennington as a neighbourhood is welcome, along

	<p>with recognition of the Kennington Association as a community partner. Meanwhile, however, London Plan Policy 5.22C(d) requires boroughs, when making local plans, to ensure that land use allocations for hazardous installations take account of the need to incentivise and fund decommissioning (our emphasis). The Kennington/Oval Gasholder site amounts to 2.2 ha, is currently designated as a KIBA and is a COMAH hazard, attracting an HSE mandated protection zone around it, with significant land use restrictions affecting mainly the surrounding 22 ha. The gas holding on the site, currently owned and managed by SSN, is running down, and in August 2012 was down-graded from a major to a minor COMAH hazard, because of reduced gas storage, though the official HSE zones were not shrunk in consequence. It is plain that most such gasholders will be discontinued during the lifetime of the plan, and subject to remediation of what must be a contaminated site, they and the surrounding area (including a Tesco store which aspires to expand and another KIBA site shortly to be occupied by TfL in support of Northern Line Extension work) will be released from COMAH restraints. This is a major development opportunity affecting Kennington, and should be recognised in the plan as such with an appropriate rubric. Strict application of KIBA policies, which we otherwise advocate, would prevent other than business development on KIBA elements, and is unlikely to incentivise early decommissioning. As we have noted, Lambeth, as a “restricted transfer borough” under the Mayor’s SPG on Land for Industry and Transport, has a ration for the release of KIBA sites of no more than 0.4 hectares a year. We think there is a case for releasing the gasholder site itself, using up 5 years or so of ration, and then releasing no more KIBA land for 5 years, unless compensating increases are made in overall Lambeth KIBA areas. We have in mind:</p> <ul style="list-style-type: none"> • That decommissioning the gasholders unlocks far more development potential than the site itself • That that is likely to be hastened by non KIBA status (cf the early decommissioning of the Battersea gas holders) • That such a de-designation should be conditioned on the retention and listing of at least one of the gasholders (King’s Cross shows that this need not be an impediment to mixed use development) and the provision of half the site as public green open space as a “Gasholder Park”.
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Development Plan Document ?	Lambeth Local Plan Proposed Submission
Objector?	KOVF
Policy?	Site 10 page 163, 8 Albert Embankment Site
Ground for Challenge	Unsound because not positively prepared nor consistent with Plan Policy ED1
Proposed Change	Under “Preferred use”, in second sentence, after “residential and employment add “on the 0.52 ha front site.” Delete the sentence beginning “Exceptionally..” Under “Design Principles” delete sub para (xii) and renumber.
Argument	We note that whereas the general policy about KIBAs not having mixed

	<p>use development is firmly stated in ED1, weasel words about “exceptionally some residential may be considered if necessary to achieve an acceptable scheme” has crept into this rubric. This, to any red blooded developer, who stands to make 6 times the return on any site from a residential as opposed to an employment development, is the equivalent of the council willingly donning a “kick me” sign on its back. No doubt this reflects officers’ desire to maintain consistency with their own position, which was rejected by the planning committee. The evidence exposed at the recent public inquiry, where a development proposal was lost on appeal, showed that it was quite unnecessary to viability to allow residential, and the weasel words should be deleted.</p>
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