

## Kennington Oval and Vauxhall Forum Representations on the Technical Consultation on Planning Policies of 31 July 2014

1 This is a representation in response to the Technical Consultation on Planning Policies of 31 July 2014, made on behalf of the Kennington, Oval and Vauxhall Forum (KOVF).

### Who are we?

2 Kennington, Oval and Vauxhall Forum (KOVF) is a neighbourhood forum, recognised and funded by the London Borough of Lambeth 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], which includes the bulk of the Vauxhall Cluster of tall buildings. 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.

3 KOVF and its associate organisation, the Kennington Association, have been active in the planning field in the last five years, as Rule 6 parties in a number of planning appeals. KOVF also took part in the Examination in Public (EIP) of the draft Lambeth Local Plan in July 2014, and was seated as a participant at sessions of the EIP into the Further Alterations to the London Plan (FALP) this September. KOVF is preparing to seek designation, as a neighbourhood forum under the *planning* legislation, to promote a Neighbourhood Plan for its area.

### Housekeeping

4 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, with the following email addresses: [boarfam@btinternet.com](mailto:boarfam@btinternet.com) and [forumkov@gmail.uk](mailto:forumkov@gmail.uk)

### Context

5 London is a densely populated city, Lambeth a particularly dense borough, at 113 people per hectare, and our two wards even denser, at some 29,368 people in 230 hectares, or about 128 people per hectare. The two wards straddle the separate Central Activities Zone (CAZ) and London Congestion Charge boundaries. Without a by your leave we have been clustered, housing the top end of the Nine Elms Vauxhall Opportunity Area, and the notorious Vauxhall Cluster of tall buildings, some running up to a planned eye-watering density of 1,551 units per hectare, in an open space deficiency area to boot. Few yield more than 20% affordable housing, many less, based upon confidential and unpublished “viability” studies. Along the Albert Embankment, we have in recent years lost 30,000 sqm of employment floor space, only to receive back 5,000 sqm, and luxury flats in “iconic” buildings with “stunning” views, often sold first off plan in Malaysia and Singapore. We have areas of significant social deprivation and joblessness, interspersed with comfortable Victorian and Neo-Georgian conservation areas, long the haunt of economical MPs within the Division Bell area. Apart from Vauxhall, where a small CAZ frontage is struggling to be born, our retail centres are threatened by edge of centre approved Tesco's (3, in the case of Kennington!) over and above the current challenges of retail decline. And despite the need for jobs that our less skilled jobseekers can do, developers seek to eat away at our Locally Significant Industrial sites (including the iconic but now decommissioned Oval Gasholders) for residential development, even given Lambeth's “Restricted Transfer” status under the London Plan.

### Summary

6 We concentrate in this representation on two aspects of the proposals

- neighbourhood plans, where
  - we are broadly supportive of measures to streamline their production, but

- concerned about the stance our local council, Lambeth, is taking, which finesses the scope of any neighbourhood plan promoted in its area, and
- extensions of permitted development rights to convert office and industrial land to residential, which we strongly oppose.

### Neighbourhood Planning

7 Our Forum hopes to promote such a plan for our area, and we have been advised to expect to take two years or so over the process. By contrast, a determined local authority can produce a Supplementary Planning Document for an area in about 6 months (eg Southwark in relation to the Elephant and Castle area). We are therefore generally supportive of measures to shorten the timescale for production of neighbourhood plans, now the policy is beginning to bed in. On the detail of questions 1.1 to 1.12, we would only pause over question 1.2, where it will be natural for us to take on to our area a part of the adjacent ward excluded from the balance of that ward going forward as a separate NP area, to prevent it being permanently orphaned, and question 1.8, where it would be extremely difficult to trace and costly to consult individually every landholding in a dense urban area.

8 As regards question 1.13, what gives us reservations about proceeding with our NP plans is the stance our local council, Lambeth, has taken, about the extent to which it expects conformity with the Lambeth Local Plan, currently under examination in public. As we understand NPPF para 184, a NP has to conform to the strategic policies of the local plan, but prevails over **non-strategic policies**, if in conflict. And, as NPPG (Paragraph: 077 Reference ID: 41-077-20140306) says

**“How does a qualifying body know what is a strategic policy?”**

A local planning authority should set out clearly its strategic policies in accordance with [paragraph 184 of the National Planning Policy Framework](#) and provide details of these to a qualifying body and to the independent examiner.”

As the draft Lambeth Local Plan made no distinction between strategic and non-strategic policies, we took objection in the course of the EIP, to be met by Lambeth’s assertion that **all** the policies in the plan were strategic, or served strategic purposes. While the inspector has advised the following modified text

In some parts of Lambeth, community-led neighbourhood plans may come forward to provide additional, area-specific policy that is in conformity with the strategic objectives and policies of the Local Plan. The council fully welcomes local groups’ interest in bringing forward neighbourhood plans and will work with groups from the beginning of the process to explore the scope for neighbourhood plan content within this strategic context.

it remains unclear just what a NP in Lambeth can now achieve, and potentially reduces a NP to an exercise in greening and traffic calming, devoid of land use content.

9 In the circumstances, we think further DCLG guidance is called for, to protect the useful scope of neighbourhood planning from restrictive interpretations of national planning guidance.

### Extensions of Permitted Development (PD) Rights

10 We focus on

- question 2.1 - proposed PD right from light industrial and warehousing, B(1)(c) and B8, to residential C3.
- question 2.5 – permanent extension with removal of exemptions for PD right for office, B(1)(a), to residential C3, and

- question 2.8 – segregation of betting shops and payday loan shops to a separate use class and amalgamation of A1 and A2 classes

11 **Q2.1** As regards the proposed permitted development right to switch from industrial to residential uses, it plainly undermines NPPF para 22, and the London regime for dealing with **Surplus** industrial land - as para 2.15 of the 2012 London SPG on Land for Industry and Transport says

*"...London Plan policies 2.17 and 4.4 and this SPG set out the strong, evidence based economic reasons why changes of use from commercial to residential in designated Strategic Industrial Locations (and locally significant sites supported by evidence based borough plans) would be inappropriate, unless they are part of a strategically co-ordinated process of consolidation through a borough plan or Opportunity Area Planning Framework. The SPG provides further guidance on this matter to ensure a sufficient stock of industrial land and premises to support sustainable economic growth, and to plan, monitor and manage release of surplus industrial land to contribute to other planning objectives including the delivery of housing."*

12 In effect the "Technical" Consultation, launched at the height of summer on 31 July, proposes a regime for the permanent release of **non-surplus** industrial land, prejudicial to sustainable development. No affordable housing obligation would attach, and no CIL would be payable on straight conversion. In addition, as Lambeth Council point out in their representation, developers are likely to game the arrangements, as they now do with the office to residential right, to establish a higher, alternative use value, never intended to be realised, to reduce the affordable housing obligation of a subsequent residential planning application, through an increased viability study base line. And experience shows that introducing a residential use onto **part** of an industrial site invariably creates expectations of residential amenity (noise, smells, hours of working) which can drive out remaining industrial uses

13 For these reasons, **we oppose this proposal entirely**. Should it proceed, the whole of Greater London, Inner and Outer, should be exempted from it, since the London Plan (FALP), 2012 SPG and local conforming plans for the individual boroughs already provide an entirely adequate and effective regime there for the disposal of **surplus** industrial land.

14 **Q2.5** The PD right for office to residential is proving to be a job destroyer, and no proposal to continue or extend it should be made without a thorough analysis of its effects, which is lacking here. Time and again at the EIP of the FALP in early September we heard of the loss, not of empty but occupied office blocks to this conversion (Richmond, Tottenham, Harrow), and Lambeth identify a host of examples in their separate representation. And again, there is no affordable housing obligation, no CIL on straight conversion, and phantom alternative use values, from stalking horse schemes, to argue down affordable housing levels on the real redevelopment scheme thereafter. **We oppose this extension entirely, and argue for the lapse of the limited right in 2016, as planned.**

15 **Q2.8 and Q2.9** As regards a separate use class for betting shops and payday loan shops, segregating them from more mainstream financial services providers, **we strongly agree**, given the social mischief they can create, especially in deprived areas. But a mere separation gives planning authorities little leverage on the scale of appropriate provision, and we think councils should be able to adopt a policy about the level of provision, including zero provision in some cases, along the lines of the regime for sex shops in Schedule 3 para 12(3)(c) and (d) and 12(4) of the Local Government (Miscellaneous Provisions) Act 1982.

16 The amalgamation of A1 and A2 use classes seems to us at odds with the spirit of NPPF para 70, emphasising variety and guarding against the unnecessary loss of valued facilities and services, and **we oppose it.**

David Boardman  
KOV Forum Board Member for Planning  
29 September 2014