APPENDIX 2

LAMBETH REPLACEMENT UNITARY DEVELOPMENT PLAN

Proposed revised deposit text and summary of representations and responses

Further amendments as a result of legal audit
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Introduction/Part 1

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Please note that these policies have been further amended from those set out in Appendix 1, as a result of the legal audit of the revised UDP carried out by Sharpe Pritchard.

Part 1, Policy 16 (Affordable Housing) and Policy 45 (Open Space and Sports Facilities) have been amended quite substantially. The other policies have had only minor changes made to them without altering the main thrust of the policy.

For ease of reference new wording is shown as double underlined whilst deletions are shown by a double strikethrough, e.g. :-

- Lambeth UDP = new wording as a result of legal audit
- Lambeth UDP = new deletion as a result of legal audit
PART I

2. Background and Context

2.1. About Lambeth

2.1.1. Lambeth is rapidly changing. There is a real buzz about the borough, especially with the opening of facilities such as the London Eye and the London Imax. This is just the beginning, as the borough contains regeneration opportunities of London-wide and national importance. Lambeth’s plan UDP has to face the challenge of guiding and shaping this change, so that the economic benefits of its capital city location are shared by its communities, some of which are amongst the most deprived in London.

2.1.2. Lambeth is one of a ring of local authorities which constitute Inner London. It is a Borough of many contrasts, from the densely built–up north (Waterloo, Vauxhall and Kennington), through the mixed areas of Brixton, Herne Hill, Clapham and Stockwell, to the suburbs of Streatham and Norwood.

2.1.3. The north of the borough is bounded by the River Thames, which faces the Houses of Parliament and Big Ben. Its proximity to central London and the location of the Channel Tunnel International Rail Terminal at Waterloo (with trains arriving from France with connections to other parts of Europe) makes it the commercial heart of the borough and the home of the larger businesses. It is also the home of the London Eye. Lambeth includes the South Bank complex as the most visible element of a thriving, expanding arts and leisure industry within the borough. Examples include internationally known theatre venues such as the Old Vic, the Young Vic, the National Theatre, Royal Festival Hall and the National Film Theatre. Another well known site is the Oval Cricket Ground. Brixton is a varied and diverse centre of markets, entertainment venues and specialist shops. The south of the borough also has the fine West Norwood Cemetery, the Rookery open space and Streatham Common.

2.1.4. Lambeth is the most accessible of the South London boroughs with tube and rail connections. The proposed cross–river transit will radically improve this situation.

Population

2.1.5. The London Borough of Lambeth is the most populous inner London borough with a population of 272,500 (1999 mid-year estimate). Between 1981 and 1991 the population fell by 11% – the second highest loss for a London borough. However it is now increasing. The number of households was estimated at 128,000 in 1999.
2.1.6. Lambeth is one of the most diverse communities in Great Britain. 34 % of Lambeth’s population are from ethnic minorities – the seventh highest figure for a London borough. 25 % come from black groups and 4 % from groups from the India, Pakistan and Bangladesh. Lambeth has the highest proportion of Black Caribbean residents of any London borough. Lambeth also attracts refugees from many nations/countries, such as Vietnam, Somalia, Eritrea, Angola, the Kurds. Approximately Some 132 languages are spoken in the borough. After English, the main languages spoken are Yoruba and Portuguese. This diversity is a source of cultural strength and innovation.

2.1.7. About 55% of Lambeth residents have no access to a car, one of the highest proportions in the country. About 19% of the Borough’s population are under 18, and about the same proportion over 60.

*Employment and Unemployment*

2.1.8. There are about 7,800 businesses in the borough, providing 95,400 jobs. These are predominantly small businesses with 88% of them employing fewer than 25 employees. The public sector is the dominant form of employment in Lambeth, followed by medical and other services, and banking and finance.

2.1.9. Lambeth has a comparatively high unemployment problem with an official unemployment rate (Aug 2000) of 8.6%, compared with 7.6% for Inner London and 5.0% for Greater London as a whole. For men the figure is 11.7%, and women 5.0%. The problem is compounded by the length of time which many Lambeth residents remain unemployed, with 49.9% having been unemployed for over six months.

2.1.10 The 2000 Index of Local Deprivation measuring by the proportion of the local authority population living in the 10% most deprived ward in England, ranked Lambeth as 79th (13th in London). Lambeth has three wards in the top 10% most deprived wards (Angell, Vassall, Gipsy Hill) and 16 (almost three quarters of all wards) in the top 20%.

*Crime*

2.1.11 Lambeth has a high crime rate and the highest rate of violent crime in the UK. Brixton town centre is a particular hot spot for crime.

*Poverty*

2.1.11a The 2000 Index of Local Deprivation ranked Lambeth as 79th (13th in London). Lambeth has three wards in the top 10% most deprived wards (Angell, Vassall, Gipsy Hill) and 16 (almost three quarters of all wards) in the top 20%.
2.1.12. Deprivation is widespread throughout the borough. Poverty exists cheek by jowl with affluence – a situation which is so typical of Lambeth and of London. The following, while not exhaustive, highlights the extent of the problems facing Lambeth:

- Nearly 37% of dependent children live in households with no earner.
- Of children going to Lambeth state schools, 48% of secondary and 43% of primary schoolchildren are eligible for free school meals.

**Housing**

- 34% of the households in Lambeth are local authority tenants,
- 10% are Registered Social Landlord tenants, 38% are owner occupied, and 18% are private rented.
- 88% of local authority housing stock is on estates.
- There are 10,263 people on the housing register in Lambeth, and 1,042 registered homeless households.
- The Housing Needs Survey estimates that 87% of black households could not afford market rents (compared with 65% of white households).
- House prices are rising in south London, and 1999 – 2002 has seen dramatic rises in prices throughout Lambeth, and particularly in Brixton, which has seen the highest rises in London.

**Health**

- Lambeth has an infant mortality rate of 8.2 in 1,000, compared with 5.8 in Greater London.
- Teenage pregnancy rates are the highest in the UK. The number of mothers in the 11–15 age group is nearly two and a half times the national average and nearly 20% higher in the 16–19 age group.

**Environment**

- Lambeth has a shortage of open space and problems of noise and pollution.

2.2. Lambeth in London

2.2.1. London is a world class city, contributing around 15% of the UKs gross domestic product. boroughs are required, by government policy, to have regard in their plans to London’s capital and world city status and make provision in plans for enhancing and supporting this role.

2.2.2. New planning arrangements have come in across London following the creation of the Mayor and Assembly for London. The Mayor’s Spatial Development Strategy for London will include the Mayor’s policies for the development and use of land as well as all other policies affecting or affected by the distribution of activities. It can only deal with matters of strategic importance to London, and borough plans must be in general conformity with it. Amongst the tasks given to the Spatial Development Strategy are providing a context for sustainable development in London, a transport strategy for London, regeneration policies and borough level housing allocations. The regional planning policy dimension for London is provided by the London Plan (adopted 10 February 2004). Prepared by the Mayor of London, the London Plan sets out strategic policies for the
development and use of land as well as providing the spatial context for
the Mayor’s other strategies – particularly those relating to transport,
regeneration and sustainable development.

2.2.3. Under the Greater London Authority Act 1999 new powers are introduced
to ensure that all London UDPs are in general conformity with the
Mayor’s spatial development strategy. This is contained in the London
Plan Mayor’s Spatial Development Strategy. The Mayor has to be notified
of applications of strategic importance and has the power to direct that
certain applications be refused that boroughs are minded to approve.

2.2.4. At the time of publication of Lambeth’s new plan the Mayor of London had
yet to publish his own Plan for London. The Mayor has published,
however, a document called ‘Towards the London Plan: Initial proposals
for the Mayor’s Spatial Development Strategy’ which clearly sets out the
likely approach of the published plan.

2.2.5. The London Plan will:
- be the strategic plan setting out an integrated social, economic and environmental
  framework for the future development of London;
- look forward over a 15–20 year period;
- express and integrate the physical and geographic spatial dimensions of the
  Mayor’s other strategies and their rationales – this will include broad locations for
  change and provide a framework for land use management and development;
- set out proposals for implementing and funding the strategy;
- be the Londonwide context within which individual boroughs will set their local
  planning policies through their UDPs (and Local Development Frameworks);
- set the policy framework for the Mayor’s involvement in individual major planning
decisions in London;
- be London’s response to European guidance on spatial planning (the European
  Spatial Development Perspective).

2.2.6. The Mayor is also required by law to produce other strategies for London
covering the key issues which are: transport, economic development,
culture, biodiversity, noise, air quality and municipal waste management.
The Mayor has also intended strategies on energy and housing
(the latter to be developed jointly with the boroughs). In addition a special
Children’s Strategy is currently being developed with the help of the
London Commissioner for Children’s Rights. The Spatial Development
Strategy will be London Plan is the policy document that sets down the
spatial implications of each of these policy areas. As such it goes beyond
the scope of a traditional land-use plan.

2.2.7. Underlying all of the Mayor’s Strategies is the Mayor’s vision for London:
- To develop London as an exemplary sustainable world city. Based on three balanced
  and interlocking elements of strong and diverse economic growth, social inclusivity to
  allow all Londoners to share in London’s future success, fundamental improvements
  in environmental management and use of resources.
This will mean London needs to become a prosperous city, in which all share in the benefits of wealth created in London’s dynamic economy.

A city for people: a livable city of safe, attractive streets, where goods and services are within easy reach and where everyone feels safe and secure.

An accessible city: with fast, efficient and comfortable means of transport, and access to affordable homes, education and training, health, leisure and recreation.

A fair city: showing tolerance and abolishing all forms of discrimination, where neighbourhoods and communities have a say in their futures.

A green city: making efficient use of natural resources and energy, respecting the natural world and wildlife, using to the full the varied pattern of open space, eco-friendly design and construction methods, recycling waste and creating new ‘green’ industries.

2.2.8. Among the key ways in which the Lambeth Plan UDP implements many of the Mayor’s emerging policies are:
- Policies for areas of Londonwide importance such as the Southbank;
- Policies on Lambeth’s contribution to London’s economy and World City functions – particularly in Central London;
- Policies to promote additional housing, especially affordable housing;
- Policies to promote major transport improvements, such as cross-river transit, and development at strategic transport hubs (interchanges).
- Promoting waste minimisation and recycling and resource efficiency.

2.2.9. This list is by no means exhaustive. Every aspect of the new Lambeth plan has been drafted with the Mayor’s emerging policies in mind.

2.3. Sustainable Development

2.3.1. The Strategy for Sustainable Development in the UK ‘A Better Quality of Life’ DETR, 1999 states that: “At its heart [sustainable development] is the simple idea of ensuring a better quality of life for everyone, now and for generations to come.”

2.3.2. A widely used international definition is from ‘Our Common Future’ (The Brundtland Report): “Development which meets the needs of the present without compromising the ability of future generations to meet their own needs.”

2.3.3. The revised 1999 UK strategy emphasises the social aspects of sustainable development such as reducing social exclusion. It has four major themes:
- Social progress which recognises the needs of everyone;
- Effective protection of the environment;
- Prudent use of natural resources; and
- Maintenance of high and stable levels of economic growth and employment.

2.3.4. It emphasises the role of planning in promoting regeneration, social inclusion and more sustainable patterns of development, especially through directing development to accessible locations.
2.3.4a In February 2003 the Government published its vision for sustainable communities in Sustainable Communities – building for the future. Some of its key requirements are:

- A flourishing local economy
- Strong leadership to respond positively to change
- Effective engagement and participation
- A safe and healthy local environment
- Sufficient scale and density to support basic amenities
- Good public transport infrastructure
- Flexible and sustainable buildings
- A well-integrated mix of decent homes of different types and tenures
- Good quality local public services
- A diverse, vibrant and creative local culture
- A “sense of place”
- Low levels and fear of crime
- The right links with the wider regional, national and international community

These are given emphasis in consultation draft PPS1 (February 2004).

2.3.5. Lambeth is committed to achieving sustainable development through its Environmental Charter and this is the key underlying theme of the new Lambeth Plan UDP. It is reflected in the proposed objectives of the plan in the following chapter – as well as the indicators used to monitor progress on the plan and update it. These indicators have been used to assess the sustainability of alternative strategies for the plan as well as the proposed core strategic policies. Detailed policies and Major Development Opportunities (policies for specific sites) have been assessed for their compatibility with the core strategic policies and, as a result, their overall sustainability.

2.3.6. Lambeth has had full regard to the Government Good Practice Guide GPG22 ‘Planning for Sustainable Development – Towards Best Practice’. As well as GPG 23, PPG13 Guide to Better Practice. In particular, the new plan implements the recommendations to:

- promote high densities;
- promote mixed use;
- maximise the reuse of previously-developed land;
- promote walking & cycling and restrict use of the private car;
- “retrofit” parts of the urban area to provide facilities in parts of the borough where they are lacking;
- promote nature conservation and biodiversity;
- promote energy conservation and sustainable design.

2.4. National and Regional Planning Policy

2.4.1. National planning policy is set out in Planning Policy Guidance Notes (PPGs), consultation draft Planning Policy Statements (PPSs), Regional Planning Guidance (RPG) and Circulars. The new plan has had full regard to such policies. To cut down on the length of the plan, references to such guidance in the UDP have has been limited to where it is absolutely necessary. Reference should be made directly to such guidance or to
summaries of it within Lambeth’s key issues paper. A short summary of the main general themes of national policy is given here.

2.4.2. PPG1 (August 2001, February 1997) sets out general planning policy and principles. It sets down the key themes of the government’s approach to planning, and at the heart of these is sustainable development. It states:

“A key role of the planning system is to enable the provision of homes and buildings, investment and jobs in a way which is consistent with the principles of sustainable development.” (para. 1). It advocates locating development in urban areas with good public transport accessibility to reduce the need to travel. It advocates the greater use of mixed-use development and increased importance to urban design matters. The plan-led system is stressed as the most effective way of reconciling the demand for development and the needs of the environment. Consultation Draft PPS1: Creating Sustainable Communities was published in February 2004 and will in due course replace PPG1.

2.4.3. National advice on the role of development plans (PPG12), Revised December 1999), also emphasises the importance in the development process of statutory adopted plans such as a UDP. “Planning decisions on proposals to build on land, or change its use, should not be arbitrary. They must be considered against clearly set out criteria. The statutory development plan provides the primary basis for this consideration...The development plan therefore, provides an essential framework for planning decisions.” (para 1.6).

2.4.4. PPG12 particularly stresses the importance of integrating land–use and transport planning. It requires development plans to include aims, objectives and targets on matters such as traffic reduction and development on previously used sites. It stresses the importance of the plan–led system in providing infrastructure and the use of planning policies to secure planning obligations. It stresses the importance of land–use planning in promoting competitiveness and addressing issues of social exclusion.

2.4.5. PPG12 also sets out national advice in relation to the content of development plans. Such plans should include all policies and proposals for the development and use of land, including proposals relating to the development of the transport network as well as waste and minerals policies. Plans should have regard to the likely availability of resources, to the conservation of finite or non–renewable resources, such as land and energy, and to the implications for public sector capital expenditure. Furthermore, plans “should take account of the need to revitalise and broaden the local economy, the need to stimulate employment opportunities, and the importance of encouraging industrial and commercial development, particularly in the growing knowledge driven
sector" (para 4.9). They and plans “should also “consider the relationship of planning policies and proposals to social needs and problems, including their likely impact on different groups in the population such as ethnic minorities, religious groups, elderly and disabled people, single parent families, students and disadvantaged and deprived people living in deprived areas.” (para 4.13).

2.4.6. Specific policy advice is contained in topic-specific planning policy guidance. Of particular importance are:

- PPG3 Housing: stresses higher densities, a ‘plan, monitor and manage’ approach to planning for housing. Maximum parking standards, and a sequential approach to sites for housing with previously developed sites being developed in the first instance. Draft revisions to PPG3, published in February 2003, point to the need to maximize housing supply from genuinely redundant employment land;
- PPG6 Town Centres and Retail Development: stresses the need to plan positively to promote the vitality and viability of town centres, as well as introducing a sequential approach whereby uses attracting a lot of people, such as large retail and leisure are developed in town centres in the first instance. Draft revised guidance (PPS6) published in December 2003 reiterates this approach and places particular emphasis on LPAs identifying retail need and location;
- PPG13 Transport (March 2001): stresses the importance of planning to reduce the need to travel, in particular locating intensive development in areas highly accessible to public transport, as well as restricting parking in new development;
- PPG15 The Historic Environment (October 2002): protects listed buildings and conservation areas;
- PPG17 Sport, Open Space, and Recreation (July 2002): stresses the scarcity and importance of open spaces and the need to protect and improve them.

2.4.7. Regional Guidance is contained in RPG9 (South East England) and in particular RPG3 ‘Strategic Guidance for London Planning Authorities’. The latter sets down a strategic framework for planning and regeneration in London which the Mayor has taken on board in the London Plan. In particular it deals with planning for the diverse range of Central London activities. Amongst other matters it seeks to promote London as a world city, promote urban regeneration and maximise housing provision in London, consistent with maintaining environmental quality. These are key aspects of the adopted London Plan.

2.4.8. A number of policies refer to the need to secure planning obligations. To avoid duplication in policy wording all planning obligations will be negotiated and secured in full compliance with the law and having full regard to national policy contained in Circular 1/97.

2.5. Lambeth Listening

2.5.1. Public involvement is a key component of the planning process. If strategies such as the new plan are to reflect the priorities of local people and local businesses, then there needs to be genuine engagement from the outset. We are aiming The aim is to ensure local ownership of the new
plan process, so local people and businesses are to have a powerful voice in setting priorities and benefit from regeneration.

2.5.2. In preparing the UDP, account has been taken of the views and priorities of local people and businesses, making use of the results of We know a lot about residents’ priorities from a number of recent consultation and involvement exercises, including the MORI opinion survey, and the visioning exercise ‘Imagine Lambeth’. The Council has also been pioneering in its approach to local communities. It has set up town centre forums and partnerships throughout the borough. Through their meetings, working groups and newsletters it will be the main way in a valuable way by which local people can influence what goes into the new plan. If you want things to change in your area then get involved!

2.5.3. Fortunately we do not need to start from scratch in Lambeth. We know from the 1999 MORI poll, ‘Living In Lambeth’, and our Sustainable Household Survey all show that priorities for improving the quality of life in Lambeth were are personal safety and crime and a clean street environment, and that local people are concerned about crime, education, employment, health and the environment that they live in. Lambeth has also used its Citizens Panel to gauge opinion on key questions relating to the new plan.

2.5.4. We have had a lengthy, transparent and extensive participation over three months on the key issues for the new plan. The Key Issues Paper had a very good response, several thousand copies were distributed and responses totalled over 700 pages. All of these have been replied to individually. The responses to the Key Issues Paper have been invaluable in testing opinion and shaping a new plan which responds to local concerns.

2.6. Community Planning

2.6.1. Lambeth now has a significant new power, arising from the Local Government Act 2000, to promote the economic, social and environmental well being of our local community. To guide this we also have a duty to prepare a ‘Community Strategy’ in consultation with local people and other agencies that operate in the area in consultation through Local Strategic Partnerships. The term ‘community planning’ is used to describe this process. Communities can cover those living within a small geographical area or specific communities of interest, e.g. faith communities and voluntary organisations.

2.6.2. Councils will now have the power to do anything that they consider likely to improve the well-being of communities in a sustainable way. It means that planning—including the new Development Plan—can be much more positive in terms of what it attempts to achieve.
2.6.3. The local strategic partnership will bring together public services, the voluntary sector, businesses and the community in a simpler partnership and decide what help each neighbourhood needs and how all the agencies can deliver it.

2.6.4. Government guidance states that a Community Strategy should allow local communities to articulate their needs and priorities, so that the actions of the Council and its partners can be effectively focused to meet these needs and priorities, whilst contributing to the achievement of sustainable development. It will set out a long-term vision (15 – 20 years) for the area, focusing on the outcomes that are to be achieved. Shorter-term priorities and activities will be set out in an action plan with a shared commitment from the partners to implement it. The plan needs to promote sustainable development.

2.6.5. Community planning is very much about sharing agendas, promoting consensus on issues, and, working with local communities and partner organisations to achieve a bigger impact by combining resources and capitalising on the skills and experience that others can offer.

2.6.6. A major aspect of community planning is joint working at a local level. Helping to support local community groups to carry out projects improving the prospects and quality of life in deprived areas is a major theme of the government’s National Strategy for Neighbourhood Renewal. This also calls for different agencies and groups to co-operate in these areas in what is termed ‘neighbourhood management’.

2.6.7. Neighbourhood management is a potentially radical solution to the problems of deprived neighbourhoods. It works by placing a single person, team or organisation in charge — someone who local people can turn to if they face a problem. Neighbourhood managers can help focus services on residents’ priorities and customer needs by making agreements with providers of services; running local services; managing a devolved budget; and/or putting pressure on higher tiers of government. Local forums and other methods of community involvement can support neighbourhood managers. Each area will produce local neighbourhood renewal strategies.

2.6.8. The preparation of local neighbourhood strategies, such as that by the Stockwell partnership, by the Oval Neighbourhood and by Clapham Park New Deal for Communities, has been a vital influence on the new plan. The Lambeth plan attempts to have a light touch; giving maximum scope for local initiative and innovation within a minimum necessary strategic and development control framework, to ensure that regeneration projects link and join up rather than pulling in different directions.
2.6.9  The preparation of and consultation on the Community Plan, Local Neighbourhood Renewal Strategies and the Unitary Development Plan have strongly influenced each other. The community plan will set down the vision for the borough and what actions partners will be taking to bring this about. The two plans need to work hand in hand with the new development plan for Lambeth being the framework for the spatial changes necessary to achieve vision for the borough in the community strategy. The plan will set down the policies to deliver this in terms of what is required in terms of the use and development of land and the development and management of the transport system. It is early days in community planning and it is recognised that this is not yet a perfect process. As experience grows, the two plans should become more closely related over time.

2.6.1a Lambeth has a duty under the Local Government Act 2000 to promote the economic, social and environmental well-being of its local community. To guide this, the Council also has a duty to prepare a Community Strategy. It is currently in its first draft, with the final version expected to be adopted in late 2004.

2.6.1b The main aim of the Lambeth Community Strategy is to reduce inequality in the Borough, and it seeks to address this by focusing on five key targets: reducing crime, reducing worklessness, improving health, improving education, and improving housing and the environment.

2.6.1c Emerging legislation (the Planning Green Paper, December 2001 and Compulsory Purchase Bill) and government guidance (Draft PPS12) require that Local Development Frameworks (LDFs, which will replace the current Unitary Development Plan system) give spatial expression to those elements of Community Strategies that relate to the use and development of land.

2.6.1d The Community Strategy and UDP are therefore inextricably linked and will become even more closely related with the advent of the LDF and the first review of the Community Strategy. Both the Community Strategy and the UDP/LDF are concerned with the achievement of sustainable development objectives. The revised deposit draft UDP takes full account of the land use consequences of other policies and programmes that are relevant to the Community Strategy including education, health, waste, biodiversity, recycling and environmental protection.

2.6.1e The Council’s Community Renewal Department brings together town planning, regeneration and renewal, and town centre management with the aim of delivering sustainable economic, social, and physical improvements, and improved public services that meet the needs of local
people. As part of the Government’s ‘Neighbourhood Renewal’ initiative, a Local Strategic Partnership (LSP) has been created, called ‘Lambeth First.’ Lambeth First brings together at a local level the different parts of the public, private, community and voluntary sectors in pursuance of these objectives, to improve the quality of life for local communities. It is responsible for ensuring the preparation and implementation of the Community Strategy.

2.7. **Regeneration and Community Renewal in Lambeth**

2.7.1. Changes in Lambeth’s economy, as in many areas of London, has seen large areas of redundant or under-used buildings, run down areas including town centres, with little or no investment, unemployment, poverty, disadvantage, social exclusion and crime. Regeneration seeks to address these problems by a process of intervention – re-directing resources to arrest decline, targeting disadvantage, promoting skills and education opportunities, increasing secure employment opportunities, encouraging a sense of wellbeing within the business and local community, improving public transport, encouraging the provision of homes and securing sustainable improvements to the built and natural environment.

2.7.2. Lambeth has prepared a framework for regeneration ‘Capital Communities’ to guide and link existing and future regeneration in the borough. Some of it’s key themes are:

- the best model for delivering regeneration in Lambeth is the partnership model;
- sustainability is at its core. The emphasis is on long term solutions and partnerships, based on empowering local communities to maintain the momentum of regeneration;
- the framework is focused on opportunity, on social inclusion, and above all on people;
- the key to reducing poverty and social exclusion is through work – it focuses on reducing worklessness and creating opportunity;
- the key to a successful regeneration process in Lambeth is the joining-up of issues and solutions;
- regeneration must connect up the opportunities of place with the requirements of resident communities. Whilst Lambeth should seek to maximise the opportunities of its location within London, the world city, it should also seek to ensure that local residents can secure benefits from this location.

2.7.3. The plan is a key vehicle for delivering regeneration by:

- providing the long term sustainable land-use framework within which flexible regeneration initiatives can be progressed.
- evaluating development proposals against these regeneration objectives;
- setting out a series of priorities of where and when investment should be provided;
- providing a spatial framework for regeneration in the borough, making sure that individual regeneration projects ‘join up’ to be more than the sum of their parts
- being flexible enough to respond to the rapidly changing and evolving regeneration agenda – where it is not possible to predict what projects and proposals will come forward;
- ensuring that ultimately all regeneration projects are for the benefit of the people of Lambeth;

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- promoting conservation-led regeneration and public realm improvements;
- setting out a vision for the sort of quality environment we want to see developed in the next 15 years, and how we might get there.
3. The Plan’s Objectives

3.1. The Need for Objectives

3.1.1. Within the geographical and policy context set out in Chapter 2, the revised deposit draft UDP now states new Lambeth Plan has been developed with a clear set number of objectives. Each and every policy of the plan is linked to the achievement of these objectives. In setting these objectives Lambeth the Council has had regard to the objectives of national and regional planning policy and in particular the objectives of the Mayor of London Plan. It has also had regard to how individual rights implemented in the Human Rights Act 1998 need to be reflected in the plan.

3.1.2. The objectives have also been developed from informed by earlier Lambeth strategies, such as the regeneration strategy, and by . However Lambeth has reflected the feedback received to the Key Issues paper published in April 2001 to make these clearer and more related to planning.

3.2. The Overall Aim of the Plan

3.2.1. The overall aim of the plan is: “To promote the sustainable development of Lambeth by making it a great place to live, visit and work, based on strong communities, better living conditions, equality and citizenship”.

3.3. The Plan’s Operational Objectives

3.3.1. Specifically planning decisions should meet the following measurable objectives:

1. ensuring to ensure safe communities with reduced crime and disorder;
2. promoting to promote a healthy borough with better health care services, reduced health inequalities and reduced causes of ill health;
3. making to make best use of the borough’s limited land resources;
4. ensuring to ensure that everyone has the opportunity for a decent home and quiet enjoyment of that home and the protection of local amenity;
5. promoting to promote access for all sections of the community including the elderly and disabled;
6. integrating to integrate planning and transport decisions to reduce the need to travel, reducing reliance on the private car and the overall level of road traffic;
7. establishing to establish a safe, accessible and attractive transport network, and prioritising to prioritise walking, cycling and public transport;
8. creating to create and sustaining business growth and access to employment in a strong and dynamic local economy
9. ensuring to ensure Lambeth residents are given the best opportunities to gain the education, skills and training to enable them to compete for the best jobs in Lambeth and the wider London economy
10. promoting to promote the vitality and competitiveness of the borough’s town centres and district centres;
11. ensuring to ensure that there are sufficient local facilities and opportunities to meet the needs of the community and ensuring the right to cultural expression;
12. protecting to protect and enhancing enhance the borough’s environment and promoting promote better and more sustainable design of development;
13. protecting to protect and enhancing enhance the borough’s natural environment;
14. protecting to protect and enhancing enhance biodiversity;
15. ensuring to ensure that Lambeth’s parks and open spaces are of the highest quality and are places for quiet recreation, and that sporting, recreational and children’s play needs are met;
16. ensuring to ensure that Lambeth deals with its energy, water and resource requirements in a sustainable manner, minimising pollution and treating waste products as a resource.

3.3.2. Lambeth will work in partnership with other boroughs, the GLA, local communities and all other stakeholders to ensure that these objectives are met and achievements maintained.

3.4. Strategic Environmental Appraisal of the Plan – the Objectives-led Approach

3.4.1. The Strategic Environmental Appraisal (SEA) of development plans is now becoming a requirement as a result of a European directive. This requires an explicit, systematic and iterative review of development plan policies and proposals to evaluate impacts on the environment and is an integral part of the plan-making and review process.

3.4.2. SEA considers the cumulative, secondary and indirect effect of policies and aids consideration of the comparative environmental performance of alternatives. It also provides a context for the environmental assessment of individual projects.

3.4.3. The Government has published a good practice guide on the Environmental Appraisal of Development Plans (GPG15 1998), and government guidance in PPG12 advises plans to be assessed in this manner.
3.4.4. Lambeth has gone beyond this anticipating the introduction of statutory Strategic Environmental Appraisal which will cover the full social, economic and environmental aspects of sustainability. It has adopted an ‘objectives-led’ approach, as advocated in ‘Planning for Sustainable Development: Towards Better Practice’ DETR 1998. Essentially this would be done by identifying objectives under each of these themes that can then form the basis for appraisal.

3.4.5. Lambeth’s approach follows DETR research published in 1999 on a methodology for undertaking sustainability appraisals of Regional Planning Guidance (“Proposals for a Good Practice Guide on Sustainability Appraisal of Regional Planning Guidance, DETR 1999”) the methodology of which the government intends to extend to Strategic Environmental Appraisal.

3.4.6. The guidance states at para 2.7: “An objectives-led approach makes use of clearly articulated objectives which are achievement-orientated and ideally quantified. These are used as the basis for testing the strategy.”

3.4.7. Lambeth carried out the initial task of scoping the appraisal by assessing baselines conditions and the principal areas of national policy.

3.4.8. Then the objectives were appraised against the four components of sustainable development in the national strategy.

3.4.9. The next critical stage was the testing of strategic alternatives against the proposed objectives. The results of this are listed in section 3.6.

3.4.10 Following this, the Key Strategic Policies of the plan have been appraised and independently audited against compatibility with the sustainability indicators. The detailed policies of the plan and Major Development Opportunities have been tested for compatibility with the Key Strategic Policies and, where necessary, have been assessed in detail.

3.4.11 The policy appraisal is intended to be an iterative exercise, with the information recorded in the appraisal framework providing the basis for an audit trail of the policies performance and development. The Strategic Environmental Assessment was published alongside the first deposit draft plan. The assessment will be has been fully taken into account in drawing up any the changes to the plan at this revised deposit stage.

3.5. Keeping the Plan Up-to-date – Sustainability Performance Indicators

PPG12 para 4.12: “The appraisal process should continue once development plans have been adopted. Plans should have key environmental and other indicators built into them which are capable of
being monitored throughout the lifetime of the plan. These can then inform the review of plans and the need for subsequent alterations to policies, or the replacement of the plan.”

3.5.1. Monitoring the key planning and population changes in the borough is crucial in keeping the plan up-to-date. A number of Key Strategic Policies contain key targets that need to be met, including on housing completed, and the level of traffic reduction. Monitoring these targets will a major priority.

3.5.2. Monitoring certain criteria can act as Sustainability Indicators. “Sustainability Indicators are a tool by which:
- to track progress
- to measure it
- to lead to the selection of active choices and changes in practice facilitate a more sustainable form of development.” (LGMB 1994)

3.5.3. These indicators exist at national, regional and local levels. The government has published a series of headline indicators to monitor progress on the national Sustainable Development Strategy, including the proportion of housing built on previously developed land. A State of the Environment Report for London is published every two years which is a detailed compilation of indicators by borough. Lambeth can make use of these for local purposes, and many sustainability indicators will overlap with the key targets of the plan. Lambeth’s indicators below are used in the Strategic Environmental Appraisal of the plan.

3.5.4. Lambeth is seeking to strongly align the objectives and indicators between all of its plans. However, different indicators may be necessary depending upon the service area the plan covers. For example, the indicator relating to bio-diversity relates to planning permissions granted, however the bio-diversity action plan has indicators relating to numbers of indicator species. In this way the impact of planning decisions on sustainability can be assessed.

3.5.5 Lambeth has had regard to best practice advice in Development Plans and ‘Sustainable Development: Making the Links and Measuring the Impacts’ LGA Sustainable Development Plans Group September 2001 but tailored to local circumstances and resources available for monitoring.

<table>
<thead>
<tr>
<th>Objective</th>
<th>Indicator target</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall – To promote the sustainable development of Lambeth by making Lambeth a great place to live, visit and work, based on strong communities, better living conditions, equality and citizenship</td>
<td>Annual Customer Panel Surveys –% of Lambeth residents by age category, ethnicity and part of borough who are satisfied with their area as a place to live. Year on Year improvements.</td>
</tr>
<tr>
<td>1. ensuring to ensure safe communities with reduced crime and disorder</td>
<td>Crime Surveys – % of new housing achieving ‘Secured by Design’ standards 75% 2002–2016</td>
</tr>
<tr>
<td>2. promoting to promote a healthy borough with better health care services, reduced health inequalities and reduced causes of ill health</td>
<td>National and London air quality targets National and London targets met</td>
</tr>
<tr>
<td>3. making to make best use of the borough’s limited land resources</td>
<td>National Land Use Survey – Reduction in the amount of derelict and vacant land 50% by 2006</td>
</tr>
<tr>
<td>4. ensuring to ensure that everyone has the opportunity for a decent home and quiet enjoyment of that home and the protection of local amenity</td>
<td>Borough housing returns Targets, by 2016, for overall housing completions and affordable housing completions in new UDP Number of long term empty dwellings 40% reduction by 2017</td>
</tr>
<tr>
<td>5. promoting to promote access for all sections of the community including the elderly and disabled</td>
<td>Access surveys – % of major developments meeting audits 80% 2002–2017</td>
</tr>
<tr>
<td>6. integrating to integrate planning and transport decisions to reduce the need to travel, reducing reliance on the private car and the overall level of road traffic</td>
<td>Traffic surveys Mayor of London’s Transport Strategy targets for traffic reduction % of respondents who travelled to work by public transport, walking and cycling 20% increase in use of non–car modes 2002–2017 % of retail/leisure floorspace approved in areas of moderate or better public transport accessibility 90% 2002–2017</td>
</tr>
<tr>
<td>7. establishing to establish a safe, accessible and attractive transport network, and prioritising to prioritise walking, cycling and public transport</td>
<td>School travel surveys – % of children who walk or cycle to school 30% increase 2002–2017</td>
</tr>
<tr>
<td>8. creating to create and sustaining business growth and access to employment in a strong and dynamic local economy</td>
<td>Floorspace in Employment Use in Key Industrial and Business Areas No net loss 2002–2017</td>
</tr>
<tr>
<td>9. ensuring to ensure Lambeth residents are given the best opportunities to gain the education, skills and training to enable them to compete for the best jobs in Lambeth and the wider London economy</td>
<td>Training and access to employment measures secured through planning obligations Projects benefiting 1,000 local residents 2002–2017</td>
</tr>
<tr>
<td>10. promoting to promote the vitality and competitiveness of the borough’s town centres and district centres</td>
<td>Town centre Health Checks 20% reduction in vacant floorspace in cores of town and district centres 2002–2017</td>
</tr>
<tr>
<td>11. ensuring to ensure that there are</td>
<td>Monitoring of planning permissions.</td>
</tr>
</tbody>
</table>
3.6. The Testing of Strategic Options

3.6.1. Various strategic options for the potential strategy of the plan have been considered. Full details can be found in the Strategic Environmental Appraisal.

3.6.2. In terms of the Location and Intensity of development three broad options were considered:

- **Overall urban intensification**: This option was to maximise the density of development throughout the borough.
- **Selective urban intensification**: This option was more selective. Intensifying densities and providing more mixed use principally in the inner urban parts of the borough and in areas with the best public transport accessibility, such as around stations and the main bus corridors. Protection of sensitive areas such as conservation areas.
- **Maintenance of existing scale of development**: This option looked at no increase from prevailing densities.

3.6.3. In terms of changes in land use three broad options were again considered:

- Maximisation of housing on previously developed land:
- Employment and other previously used sites would go to housing.
- Prioritised and managed release of sites to housing and mixed uses: Sites released where no longer needed for employment purposes or in selective circumstances where there is a pressing social need – e.g. for affordable housing. Strict protection of employment uses: No loss of employment land.

3.6.4. In terms of the Distribution of Central London Activities (major institutions HQ offices etc.) the following options were tested:
- Concentration of Central London activities in Central London Policy Area; which runs from Vauxhall to Waterloo. Allowing Central London activities to extend throughout Lambeth.
- Dispersal of Central London activities outside the Central Area.

3.6.5. Each option performed well or less well when judged against the objectives:
- Overall urban intensification: Performed well on making good use of land resources. However development in areas without good public transport accessibility could cause traffic increases. Potential negative impact on conservation and other sensitive areas.
- Selective urban intensification: Also performed well on making good use of land resources and much better against design and transport objectives.
- Maintenance of existing scale of development: Performed poorly against land resource and transport objectives.
- Maximisation of housing on previously developed land: Performs well in terms of meeting housing objectives, but poorly in terms of employment.
- Prioritised and managed release of sites to housing and mixed uses: Also performs fairly well on housing objectives and less poorly on employment. In terms of social inclusion, performs well in terms of affordable housing and community provision.
- Strict protection of employment uses: Performed well on employment objectives, but less well on land resources and transport objectives. In terms of social inclusion positive in terms of jobs but negative in terms of lack of affordable housing.
- Concentration of Central London activities in Central London Policy Area; This performed well in transport terms having the highest level of accessibility – although it could potentially harm quality of life and economic benefits might not be realised if transport capacity is not extended. There were economic benefits from the agglomeration effects of face-to-face contact and nearness of businesses, as well as multiplier effects to Central London supporting activities such as services.
- Allowing Central London activities to extend throughout Lambeth: This performs poorly in transport terms – there are benefits to social
inclusion through local employment however the full economic benefits of a concentration of activities are not realised.

- Dispersal of Central London Activities outside the Central Area; Performs poorly in economic and social inclusion terms. Many activities may choose to locate in the central area or in another city, rather than the suburbs. Some transport benefits from outflow commuting but cross-commuting is likely to mean that employment is inaccessible and would create traffic increases.

3.6.6. On the basis of this appraisal, the strategy of the plan, set out in the next section, is based on selective urban intensification and prioritised and managed release of sites to housing and mixed uses, with concentration of Central London Activities within the Central Area (as explained in more detail in the next section).

3.7. **Putting the Plan into action – Achieving the Objectives**

3.7.1. The Unitary Development Plan will only be a useful document, providing the certainty that is important to the local community and developers alike, if its policies are implemented. A good plan is one that makes a difference. The Lambeth Plan is not a shopping or wish list but a plan for action that recognises the need for partnership working and shared responsibility for driving forward the sustainable development agenda.

3.7.2. The public sector cannot deliver the vision alone any more than can the private sector. The plan recognises the respective roles of each sector and provides for the complementary application of many skills in addressing regeneration issues.

3.7.3. To make the difference, the plan advocates new and innovative ways of driving forward the development agenda. The borough Council will take a proactive role in this process, setting the agenda and providing the impetus for the implementation of that agenda.

3.7.4. The management of the Council’s property and land assets will make a major contribution towards unlocking development opportunities. The borough is willing to be an active participant in a range of development options and will consider positively proposals for the use of its holdings as a catalyst for development, in site assembly and in brokering development options. The value and potential of these assets for the local community and neighbourhood management will also be considered.

3.7.5. Lambeth will be willing to use its compulsory purchase powers, typically where backed by the private sector, where it is necessary to assemble key sites and bring forward necessary development.
3.7.6. Innovative forms of partnership arrangements will be considered where it can be demonstrated that they will drive forward and deliver the borough’s regeneration aspirations.

3.7.7. The other main way in which the plan will be put into practice will be through development control decisions. Lambeth will seek to achieve the implementation of this plan through its powers to grant or refuse planning permission – such permission is generally required for all significant building developments.

3.7.8. Conditions and planning obligations will be applied to approvals that can secure the implementation of the plan’s policies. Applications contrary to the plan will be refused unless there are good reasons to approve the scheme.

3.7.9. The Development Plan, however, can only create opportunities for development – it cannot force development to take place. It is not the role of this Local Plan to allocate public financial resources for projects such as road improvements, public-realm improvements, and public open space. It can only identify the sites and land for such projects, as well as priorities for regeneration expenditure and planning obligations.

3.7.10 A realistic approach has been taken and the projects specified within the policies and proposals have a reasonable prospect of being implemented during the Plan period, although precise programming has not been possible.

3.7.11 For this reason, it is important that the plan is frequently monitored and kept up to date. In law, good reasons are necessary to determine a planning application must be determined in accordance with the plan unless there are material considerations not to do so. Contrary to the plan and such The reasons will need to be publicly given. A refusal of planning permission gives an applicant a right of appeal.

3.7.12 Lambeth is not just waiting for these alone to To implement the plan Lambeth and is taking a series of more positive measures, including:

1. Development briefs and frameworks: Providing planning briefs with urban design frameworks for many major development sites.
2. Estate and neighbourhood regeneration: Working in partnership with the housing department, local residents and others to help draw up regeneration plans (more than just housing) for redeveloping Lambeth’s run-down social housing estates and the New Deal for Communities area;
3. Town centre Regeneration and Management: Assessing the health of each of the borough’s town centres, working with local residents and traders with the aim of achieving a corporate approach to town centre
management and town centre regeneration programmes for the town centres. Town centre Forums – to give the local community a full voice in the planning and other local government priorities in an area.


5. Integrated transport: Work to improve the quality and integration of public transport, including partnerships with bus and rail operators, a borough-wide on-street parking strategy with planning powers used to bring it forward, providing new Strategic Transport Hubs (interchanges) at sites such as Vauxhall Cross, Brixton and Streatham.

6. Housing development: Working closely with housing associations to increase affordable housing provision, and working jointly with them to identify and assess sites suitable for development.

7. Open space, parks and sports regeneration. Positive action to provide viable long term management plans for each of the borough’s major open spaces and sports facilities and meeting gaps in sporting provision.

8. Education and community facilities: Ensuring that all Lambeth pupils have the opportunity of a decent school place and choice of school. Working with Faith organisations to ensure all major Lambeth religions have worship space and opportunities for school premises.

9. The South Bank Centre: Providing a positive planning framework for this project of national importance. Working with the land–owners in the area to ensure comprehensive regeneration of its surroundings.

10. Conservation: Rolling programme of providing design guides and special controls in the boroughs conservation areas, working closely with amenity societies.

3.7.13 Ensuring that these are secured through means of a Planning Obligations Strategy. This will help ensure that development compensates for any harmful impact, and where appropriate benefits the wider community, and it will also ensure that corporate objectives are secured through developments.

3.7.14 The implementation measures necessary to carry this out will be published in an annual Lambeth UDP Action Plan, included as part of the Planning Service Annual Report.

3.7.15 Where unauthorised development is carried out, (contrary to the planning control) and would have been refused, vigorous enforcement action will be taken where it is in the public interest. The law allows the Council to take enforcement action where it appears to it that there has been a breach of planning control and that it is expedient to do so. It must have regard to
the development plan and any other material considerations. Lambeth operates a proactive ‘polluter pays’ approach to enforcement including direct action.
Policy 9  Transport Impact

Revised Deposit: Proposed Changes

<table>
<thead>
<tr>
<th>Planning applications will be assessed for their transport impact, including cumulative impacts:</th>
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<tbody>
<tr>
<td>• on highway safety (having regard to any supplementary planning guidance produced);</td>
</tr>
<tr>
<td>• on the environment and the road network (having regard to proposals in the Local Implementation Plan); and,</td>
</tr>
<tr>
<td>• on all transport modes, including public transport (in particular, the impact on the demand for and the operation of public transport), walking and cycling.</td>
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</table>

Developers Applicants will be required to submit an independent Transport Assessment (TA) for all developments which are likely to have a significant transport impact (having regard to indicative thresholds for different types of development as set down in any supplementary planning guidance produced, and guidance in national planning policy). The TA will be required to ensure This will propose traffic reduction and restraint/mitigation measures by the developer and other measures (both physical and non-physical) to improve access by other modes of transport such as public transport, walking, and cycling. This will include the requirement to produce a Travel Plan where required by national policy. Any increase in traffic generated by development, and/or associated highway works, should not increase levels of traffic congestion, lead to a situation where the condition of highway safety is reduced, cause material harm to the speed and/or reliability of bus and other public transport services or undermine traffic reduction and/or management measures. Development with an unacceptable transport impact (including in particular significant traffic generation), and/or contributing to a transport capacity shortfall, or leading to a reduction compromise in the condition of highway safety (as judged against other policies in this section the plan) will be refused, unless measures are secured as part of the application to make this acceptable (see Table 5). There should be adequate access and servicing for developments (including extensions and where appropriate, changes of use), plus appropriate refuse/recycling containment, litter control and waste disposal facilities and access to them.

4.9.6. Planning applications for major Major and other developments having a significant transport impact should be submitted with a formal Transport Assessment (TA) which is a written statement which provides detailed information on the range of transport conditions both before and after a proposed development has been built, including details on how existing conditions are

Lambeth UDP: Proposed revised deposit text and summary of representations and responses

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likely to change. These should include details of existing traffic generation and modal split information from a site wherever possible. These should also cover all modes of transport including public transport, walking and cycling. If there is not a full Environmental Statement for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 or any replacement or amendment thereof, then the effect of additional traffic on air pollution, noise, rat running, community severance and residential amenity should also be included in Transport Assessments. Transport Assessments which include noise and air quality aspects should be included within the Environmental Statement if transport is a relevant issue when EIA is applied to particular developments. If there is not a full Environmental Statement accompanying the planning application, then the effect of additional traffic on air pollution and noise should also be included. For smaller schemes, aspects of their transport impact would still need to be assessed through the normal development control process (against the policies of the plan). Lambeth will be producing Supplementary Planning Guidance detailing as to what the kinds of planning applications for which TAs will be required.

4.9.7. It is important that new development does not adversely affect the condition of highway safety. In order that this is maintained, and, where possible, improved applications for development will be assessed with regard to the Council’s minimum standards regarding access, internal circulation, servicing, and parking space dimensions (see SPG).

4.9.8. It is important that TAs are independent, objective and accurate assessments of a proposal rather than simply promotional literature. They need to positively identify and tackle the transport problems associated with a development and suggest solutions. For this reason it is not recommended that they are prepared after a development is designed but instead that they run parallel with the early design stages. These should incorporate proposed traffic reduction measures (e.g. travel plans) with the TA.

4.9.9. The organisation that would occupy a development can also help by producing strategies such as ‘Travel plans’. PPG13 sets down where these can be required as part of an application. These can be of significant benefit in encouraging, for example, employees or other users of a development to reduce their car-use. A good travel plan should preferably include annual % targets for car-reduction and include management arrangements to continuously map and monitor car-use and travel patterns of employees with incentives and information to employees to reduce car-use. These incentives should ideally be subject to monitoring and review at least every year and this shall be the responsibility of a named manager. The travel plan should be submitted in two stages with the final plan submitted one year after first occupation when travel patterns are fully known. Some examples of the measures that should be considered include: car sharing, travel awareness and incentives to walk, cycle and/or use public transport, flexitime and staggered working hours, teleworking, communal travel...
arrangements for employees; and local recruiting and training arrangements. A special form of these is school travel plans, which should include physical and non-physical measures to remove problems around school gates in the vicinity of schools and which can significantly improve road safety. Where vehicle use is deemed essential; then vehicles should where possible be fuelled by low or zero emission fuels such as LPG or electricity.

4.9.10. Where the transport impact of development proposals would be unacceptable according to the policies, the planning and highway authorities will consider what measures, if any, may be possible to mitigate this in an acceptable manner acceptably. These will, where appropriate and consistent with national policy, include the use of contributions to improve accessibility through improved public transport or other appropriate forms of infrastructure – not necessarily those immediately confined to the site and access improvements to the area in which the development is situated. National policy supports the use of such measures – including the use of contributions to improve accessibility through improved public transport or other appropriate forms of infrastructure – not necessarily those immediately confined to the site. These measures will be strictly and proportionally related to the development in question, which may include access improvements to the area in which the development is situated, and will not be used to relieve existing problems unless the development would exacerbate an already unacceptable situation. Not every development can be made acceptable in transport terms; sometimes it might just be the wrong use in the wrong location or it might require a thorough redesign or a reduction in scale. Some of the measures that might be appropriate are listed in Table 5. on the next page.

4.9.11. In considering whether a proposal has an unacceptable impact on congestion, a broad definition will be used. Regard will be had to the function of the road in the road hierarchy of the area, the design capacity of roads and junctions and any proposals to reduce this capacity, the impact on highway safety, the impact on the free flow of traffic, buses and emergency service vehicles and the Mayor's congestion charging proposals, and Lambeth's proposals in its local implementation plan Local Implementation Plan.

Table 5 Measures which might be secured to make transport development acceptable:

- Improvements to public transport services;
- Improvements to public transport infrastructure and integration, such as pedestrian and cycle links, bus stops, carriageway and pavement measures and bus boarders;
- Provision of covered and secure cycle parking and changing facilities and safe pedestrian and cycle routes;
- Restricting the number of parking spaces;
• The management and use of parking spaces, so that, for example, priority is given to certain categories of people, e.g. disabled people, people with children, visitors, or cars with more than one occupant and to ensure maximum use of off-street parking spaces;
• The provision of travel information about public transport, walking and cycling access, travel plans, city car clubs, cleaner fuel initiatives, Community Transport, and other measures to promote alternatives to the private car;
• Arrangements for deliveries to the site and removals from the site, covering specification of types of vehicles and hours of operation, design of delivery areas and specifications for lorry parking and turning spaces; and
• The extension or bringing forward of on-street parking controls/waiting restrictions, car-capped and car-free housing;
• Traffic calming/management measures such as home zones;
• Acceptable road safety, traffic management and essential highway improvements providing these improvements do not have the overall effect of increasing car use or congestion.

Such measures should be necessary for the scheme to go ahead and be related to the development, should be consistent with any existing or proposed parking controls and local transport proposals for the area and should not unacceptably divert traffic problems elsewhere. Wherever possible measures should be completed before the development is completed/operational.

Summary of Representations & Responses (Policy):

Objection A:
Add to first part requirement for assessment of the impact on the demand for and operation of public transport. (Mayor of London)
Response A:
Accepted – change proposed.

Objection B:
The criteria for TA’s, including on what scale of development they will be required, should be set out explicitly as the current criteria are too vague and likely to lead to ad-hoc decisions (Chelsfield Plc, CLS Holdings Plc, St George South London, Alsop Verill)
Response B:
Accepted – changes proposed including producing supplementary planning guidance to set these thresholds.

Objection C:
Policy should be changed to specifically refer to large developments of over (say) 1000sqm (Jeremy Hammerton and John Adams of the Clapham Society)
Response C:
Accepted that the guidance should be more specific – changes proposed including producing supplementary planning guidance to set these thresholds.
Objection D:
The applicant should submit the TA, not the developer. (Jeremy Hammerton and John Adams of the Clapham Society, John How of the Clapham and Stockwell Town Centre Board.)
Response D:
Accepted in part- ‘developer’ changed to ‘applicant’.

Objection E:
Terms “unacceptable” and “contributing to a transport capacity shortfall” should be better-defined. (Michael Ball of Waterloo Community Development Group, Michael Ball of Vauxhall Neighbourhood Housing Forum)
Response E:
Not accepted- The term ‘unacceptable’ has the ordinary language meaning of the term, as interpreted by common law and common sense. Transport capacity has the same with acceptable levels of overcrowding etc. set by the regulators.

Objection F:
Policy needs to be strengthened to state who decides whether ‘developments are likely to have a transport impact’ - the local authority or the applicant, and whether this can be challenged (John How of the Clapham and Stockwell Town Centre Board)
Response F:
Not accepted- It will ultimately be the local planning authority who makes this decision – as in all applications. The applicant has the right of appeal, however, so that the final decision could rest with the Planning Inspectorate or the Secretary of State upon appeal.

Objection G:
The wording of the policy is unduly prescriptive and should be revised in accordance with PPG13 and the governments good practice advice on transport assessments. (London Electricity)
Response G:
Accepted – however there is no government good practice guidance on the content of transport assessments.

Objection H:
Policy should cover impact of vehicle noise. (Gordon McDougall of Kennington Association)
Response H:
Not accepted, as the policy already requires this as an integral part of the impact on the ‘environment’.

Objection I:
All large traffic flow modifications should provide an environmental impact assessment (Gordon McDougall of Kennington Association)
Response I:
Not accepted as the requirements for environmental assessment, and their contents, are set by statute, and this covers both highway works (and where assessment is required permitted development rights are withdrawn) and also impact on noise etc. as a required part of the assessment.

Objection J:
The requirement to produce a Travel Plan should be deleted from Policy 9 and, if necessary replaced with wording that offers greater discretion. (Frogmore Investments Ltd)
Response J:
Partly accepted- An amendment is proposed referring to the requirements of national policy (i.e. PPG13)
Objection K:
Policy incorrectly relies totally on developers to assess transport impact, and contains no follow-up or monitoring provisions to ensure the TA findings were correct (Anne Burke and Marina Thaine of County Hall Owners and Residents Association)

Response K:
Not accepted- The Council will always assess the transport impact of a development itself, using a database known as TRVL used across London. Sites are may also be monitored following completion to and included include within the a London-wide database so that future predictions become more accurate.

Objection L:
Policy should specifically emphasise that developments within the council, and on council owned property, are also subject to the TP requirements (Brixton Area Forum)

Response L:
Not accepted. Policy relates to all development whether on Council or privately owned land and property. Lambeth, to set an example, has prepared its own travel plan.

Objection M:
Policy is also not explicit enough about the need to resist developments that will generate traffic. The second paragraph of this policy should be amended to read: “Developments that lead to a significant increase in traffic will generally be refused” (Brixton Area Forum)

Response M:
Accepted – change made.

Objection N:
Policy should be reworded to require that developers provide a full assessment of their proposals on each major transport mode (walking, cycling and public transport) with every application. (Jonathan Leake of Lower Streatham Neighbourhood Watch and Residents Association)

Response N:
Noted- This is precisely what the policy requires.

Objection O:
Reword policy to commit Lambeth to incorporating measures that will favour sustainable transport into all major highway and road improvement and repairs (Jonathan Leake of Lower Streatham Neighbourhood Watch and Residents Association)

Response O:
This matter is covered by policy 11.

Objection P:
The policy does not address the issue of improving public transport provision in under-provided areas and will only serve to enlarge the disparity between areas with good public transport accessibility and areas with poor accessibility (Roger Evans of Walk First in Lambeth)

Response P:
Not accepted – this is because planning law operates on the principle of material harm. There is no requirement on development located in areas with good public transport accessibility to improve public transport in areas with poor accessibility.

Objection Q:
Should set out what are requirements for when travel plans are needed. (Chelsfield, CLS holdings)

Response Q:
The requirements for when travel plans are needed are set out in PPG13 and a reference has been added to the policy referring to the requirements of national policy.
Put 'Introduction of home zones over a wide area' as a separate item further up. Add 'Introduction of simpler parking restrictions, such as prohibition of non resident parking for an hour in the middle of the day (staggered in areas to provide for full time employment for enforcers), together with more 20min waiting areas near small shops and cheaper and easier provision for trades people delivering or providing services.' (Vauxhall Society)

**Response R:** These are matters covered by policies 11 and 14. Exact hours and charging matters for parking controls is not a land-use planning matter that can be covered by a development plan.

**Summary of Representations & Responses (Para 4.9.6):**

**Objection A**
Amend second sentence to clarify that the transport assessment should not be seen in isolation (Mayor of London) (Also rewording proposed by Brixton Area Forum Board)

**Response A**
Accepted – change proposed

**Summary of Representations & Responses (Para 4.9.9):**

**Objection A**
We suggest the removal of the word 'ideally' in sentence 4, Para 4.9.9. (Brixton Area Forum Board)

**Response A**
Accepted – change made
Policy 16 Affordable Housing

Revised Deposit Proposed Changes

Policy 16 Affordable Housing

The maximum reasonable proportion of affordable housing will be sought and secured from housing developments of appropriate size and suitability, having regard to the need to promote a mix and diversity of residential development in the borough, the economics of provision and a minimum target of 8,200 net 13,500 additional affordable completions between 2002 and 2016 (approximately 550-900 per year):

(A) Site Size - this policy applies to sites and buildings capable of providing 10 or more units gross, or 0.1 Ha or more in size (irrespective of the number of units). The artificial subdivision or phasing of sites with the effect of circumventing this policy will not be permitted.

(B) Level of Provision - the normal expected level of provision will be 50% of habitable rooms assuming a public subsidy, or 40% of habitable rooms with no public subsidy (or pro-rata) unless it is demonstrated and independently validated that a scheme would not be economically viable unless there is a lower level of provision, having regard to transport and other significant planning obligations necessary for the scheme to go ahead and the level of subsidy to the affordable housing proposed by the developer.

(C) Housing Type and Availability - affordable housing should be permanently available to borough residents and where possible should contribute towards meeting the full spectrum of affordable housing needs, with the large majority of units remaining as affordable to both initial and subsequent occupiers. Typically 70% of the affordable units should be for affordable to people on low incomes who cannot afford general market housing, and 30% of the affordable units as should be intermediate housing for people on moderate incomes to buy or rent at below market value. Higher proportions of intermediate housing are appropriate where higher density proposals are acceptable and or where there is an existing high concentration of social housing. A lower proportion will be appropriate on other sites.

Affordable housing will be deemed to be permanently available where: it is secured through a suitable section 106 agreement; is initially transferred to an RSL; and, in the case of shared ownership units, not more than 75% of the equity can be acquired by the occupier. Housing will be treated as
affordable to people on low incomes who cannot afford general market housing if it meets the definition of affordability in para 4.10.11.

A range of unit sizes of affordable housing should be provided, having regard to local circumstances, and site characteristics, should be provided, having regard to and the aims of the borough's annual Housing Strategy. The affordable element should be demonstrated as being capable of being built as such without further design amendment, be available for occupation at the same time, or sooner, as other elements, and be distributed through different parts of a site. The tenure of different elements of a scheme should not be apparent from the siting, appearance or layout.

(D) On and Off-Site Provision - affordable housing required by this policy should be provided 'in-situ'. Off-site 'provision-in-lieu' will only be permitted where the configuration of the buildings, or the amenities and services of the proposed buildings are not suitable for those in housing need meeting the plan's definition as being in need of affordable housing, and cannot practically be reconfigured to be suitable (including the use of obligations to reduce service charges). The proportion of affordable housing will be based on that for both the proposal site and the 'off-site' considered together. Off-site locations should provide their own affordable housing element as well as the element that is generated on the proposal site.

(E) Affordable Housing/Community Priority Sites – the loss, on previously-developed land, of uses protected by other plan policies may be permitted, providing that this is to be development solely for of affordable housing (on all sites regardless of size) and/or a community facility, or a local arts or cultural facility for which there is a particular specific need. This does not apply to: designated Key Industrial and Business Areas (other than those specifically identified as mixed-use employment areas); community facilities serving a need which are not being adequately replaced, or pubs of architectural interest; units in the core of town centres, listed buildings in their original use; modern units; sites necessary for environmentally acceptable neighbouring firms to expand; or to actively occupied sites (unless the occupier is successfully relocated locally). An element of general market housing may be appropriate where this cannot be independently validated that this is necessary to provide net additional affordable housing through cross-subsidy or helps it is necessary to secure a mixed and balanced community on larger sites.

(F) Key Worker Housing – where more than 15% of the proportion of affordable units are proposed as ‘key worker housing’ (one type of intermediate housing), in order to be acceptable the proposal should:

(i) be for, and involve the support and participation of, named employers of key public services experiencing, and providing evidence of, problems of recruitment and/or retention;
(ii) be on a site highly accessible by walking or public transport to the place of work;
(iii) have a need for the employees to live close to their place of work (e.g. shift work);
(iv) secure the substantial proportion of units as affordable in perpetuity; and
(v) be complementary to proposals for housing for those in priority need, including a significant element of such housing - except on smaller sites (below the threshold in (A) above) particularly well suited for key worker housing.

G) Additionality As far as possible, affordable housing secured by this policy should be additional to housing provided through public subsidy. The amount of social housing grant will be capped through planning obligations, having regard to the economics of provision, priority schemes in the borough's annual social housing development programme and the proportion of the affordable housing target that can be met with the limited amount of public funding.

4.10.11. The Mayor of London appointed a housing commission, which published its report 'Homes for a World City' at the end of 2000. This estimated that there was a need for 28,000 affordable houses in London each year. Lambeth’s Housing Needs Survey 2003 (January 1998) has revealed indicates that 93% of households currently living in unsuitable housing and 57% of newly arising households cannot afford market housing. This is due to high house prices and comparatively low incomes in the borough. Overall, the survey concluded that there was a shortfall of 3050 affordable dwellings per year in Lambeth. The survey is being updated at the beginning of 2002 and due to continued house price rises, the level of need is expected to be higher. The definition of affordable housing used in these surveys is that used in this plan and meets the requirement of national policy and the housing needs survey good practice guide, and is as follows:

Affordable housing - a dwelling is defined as affordable housing where it has the smallest number of rooms appropriate to alleviate the needs of a household in unsuitable accommodation which cannot afford to pay an amount on that property equivalent to: one third of gross household income on a mortgage if that household has savings/equity equivalent to a 5% deposit of dwelling price, or renting taking up 35% of net household income. This should equate to a periodic outgoing for the household on rent, lease or mortgage equivalent to that for similar accommodation provided by registered social landlord in the borough for accommodation of similar size and quality, at capped rents (as listed in the annual housing strategy).
4.10.11a Affordable housing is defined in Circular 6/98 as including both low-cost market and subsidised housing. Housing will only be considered “affordable”, however, by reference to the relationship between local income levels and house prices or rents for different types of households, as calculated and published from time to time by the Council. Low-cost/discounted market housing is unlikely to be affordable in this context.

4.10.12. The definition does not imply regulation of housing association rents and is entirely neutral of tenure, as any tenure falling below within the definition will be regarded as affordable. Nonetheless RPG3 recognises however, that "boroughs may find the need can only be realistically met through the promotion of subsidised housing (whether in the public or private sector)" (para. 4.19); and Lambeth falls into this category. It is accepted that 'typical' outgoings for some specialist forms of accommodation may be, of necessity, higher than normal, e.g. key worker housing/homeless persons accommodation. To meet the definition of affordable housing, housing must be affordable so in perpetuity, i.e. affordable to both initial and subsequent occupiers. The involvement of a registered social landlord is considered sufficient to meet this test.

4.10.13. Lambeth's 2001–2002 Housing Strategy Statement 2003/06 has been jointly prepared with the new plan and the two have been closely interrelated - particularly over the issue of housing need. The Mayor's Housing Commission recommended that the Mayor’s Spatial Development Strategy should seek at least 50% of total new residential development for affordable housing and this has been carried forward into the Draft London Plan. Research for by the Greater London Authority by Three Dragons/Nottingham Trent University in 2001 found that in most boroughs (including Lambeth) a target of 50% was achievable viable. Hence the plan adopts this figure. The borough will, and developers should, use the Three Dragons/NTU/GLA affordable housing viability model (deemed ' excellent research' by the minister for planning) (or such other model as may be approved in SPG) to assess cases where a lower than 50% level of affordable provision is proposed. Developers must provide full valuation evidence if they assert that a particular level of affordable housing is unviable.

4.10.13a The assessment of the target for affordable housing over the plan period has been made by calculating the proportion of affordable housing that can be secured on a sample of sites within the Lambeth Housing Provision Study, as part of the independent viability assessment of its affordable housing policies.

4.10.14. The large majority of the sites that come forward for development in this borough are below the 15 dwelling threshold set by Circular 06/98 as the threshold for providing affordable housing. The Lambeth Housing Provision Survey has found that large sites alone will not be able to satisfy the full housing need. Furthermore, the Mayor's Housing Commission recommended that the
threshold be lowered to 10 or even lower and this more flexible approach was included in the draft revisions to PPG3 – Housing, published in 2003).

4.10.15. On most housing sites, there will be no reason why affordable housing could not be provided as part of the development. Failure to do so could justify refusal of planning permission. It will only be where, for example, a flatted development cannot reasonably be divided into affordable housing units, or where high service charges in a scheme make units unaffordable that cash-in-lieu payments for off-site provision may be considered. Developers will be required to investigate the use of bonds to subsidise service charges so that overall charges are below capped rent levels. Off-site locations should provide their own affordable housing element as well as the element that is generated on the proposal site. Planning obligations will be required to ensure the affordable housing is permanently-secured at that off-site location and to prevent occupation of the market housing on the main proposal site until the affordable housing is completed and transferred to an RSL.

4.10.16. Payments in lieu will only exceptionally be considered. Where payments are made, they Lambeth adopted a formula for calculating payments for the building of off-site affordable housing in 1998, based on proposals by the London Planning Advisory Committee. The policy still has a presumption in favour of on-site provision. This is based on the amount of public subsidy to build affordable housing (the Housing Corporation Total Cost Indicator (TCI)). Such off-site funding will be spent on schemes which genuinely provide housing which is additional to that which would otherwise be provided, in the first instance in the locality, following consultation with the relevant area forum. However if no sites become available within a fixed time then the funding will become part of a ringfenced into a boroughwide fund. This could include providing ‘top-up’ funding towards purchase of high cost sites for which housing corporation funding would not be sufficient. Payments may also be used to bring long-term (10 years or more) housing into use. Lambeth publishes quarterly reports on planning obligation income and expenditure. The formula is as follows:

Payments In Lieu: Total housing units proposed/ratio of general market to affordable housing multiplied by (Total Cost Indicator multiplied by 130% Social Housing Grant rate). The ratio of general market to affordable housing is that which would otherwise have been provided on site. The TCI (total cost indicator) level would be that for the property type or types that would otherwise be provided on that site (at the time of the application), including an allowance for land costs.

4.10.17 Given that Lambeth's housing needs are amongst the highest in the country, there is an indisputable very strong case for increasing the priority given to affordable housing in the new plan. Lambeth is adopting the approach of other boroughs which make special exceptions for developments solely of affordable housing. However, the policy has the flexibility to recognise that on
larger sites it may be appropriate to relax the requirement for development to be exclusively affordable housing, as market housing on these sites can effectively may be necessary to cross-subsidise the affordable housing (and where the level of subsidy will be adjusted accordingly). These sites are called Affordable Housing Priority Sites. This policy operates on sites of all sizes for those uses which the plan normally protects (e.g. employment sites, community facilities), but where, under limited circumstances, a change of use housing will be permitted. Then, unless otherwise stated, the only acceptable alternative use, and the only use with a higher priority than the protected use, would be affordable housing. It prioritises the release of sites to meet the uses in greatest need. This approach reflects the advice given in circular 06/98 that "land for housing should be released on the basis that it will meet the housing needs that actually exist in the plan area". It is needed because application of the remainder of the policy alone will only fulfill a small proportion of identified need. The policy does not apply to sites and uses where no losses are prohibited i.e. Key Industrial and Business Areas. As many of the affected sites are small and are within the existing residential fabric, the operation of such a policy may be the only way to achieve mixed and balanced communities with sufficient affordable housing.

4.10.18. Supporting uses for affordable housing i.e. supporting open space, mixed-uses and community facilities, may also be permitted. Where the policy applies to only part of a site then the proportion of affordable housing sought will be applied pro-rata, where this would be higher than that normally required.

4.10.19. The Mayor’s Housing Commission has proposed developing an intermediate market between social renting and full owner occupation. This would involve a wider range of options of homes at below general market prices to part-buy or rent for people with jobs—but on moderate incomes—as well as more homes for those on low wages or not able to work. These might include discounted ownership, shared ownership, a range of new renting options, including cost renting, and schemes purpose-designed for new entrants to the housing market. Lambeth is working with the key public services in the area, through its housing strategy and the community plan, to prepare joint strategies for housing key workers. The Lambeth Housing Needs Survey (now being updated) found that only 10% of overall housing need could be satisfied through shared ownership housing. Therefore, where this is proposed as the 'intermediate' component it should not normally exceed this percentage—although there will be some flexibility from site to site.

4.10.20. Lambeth, like most Central London boroughs, has a concentration of major public institutions serving the capital such as the major teaching hospitals. Whilst these have a critical requirement for housing for their staff, this need should not be satisfied at the expense of exacerbating other housing problems, such as providing less housing to help solve the problems of homelessness. Although some workers may need to live close to their place of work (e.g. night shift public sector workers) this will not apply to all.
Certain higher density sites may be more suitable for a higher proportion of smaller 'intermediate' units than for larger units for people on low incomes. Similarly, there may be a case for a higher proportion of 'intermediate' units in areas with a high concentration of social housing – in order to promote mixed and balanced communities. Other sites may be more suitable for a higher proportion of other forms of affordable housing.

4.10.21. Housing Corporation Circular F2–42–98 has set down the principle of additionality: “The basic objective of developer contributions ... is to provide additional affordable housing, either directly or by reducing [public subsidy] requirements.” The principle, on this basis, of restricting or capping the amount of public subsidy that can be used in such schemes has been upheld by the courts in the case of Barrett Homes Vs London borough of Tower Hamlets where the judge commented that to do otherwise would be ‘robbing Peter to pay Paul’. As a result, Lambeth and the Housing Corporation will selectively cap the element of public subsidy (as a % of TCI – Total Cost Indicator) to ensure that the aims and overall build programme of the annual housing strategy are met, having regard to the economic of provision on any individual site. It is estimated that less than 50% of the number of units per year which current estimates suggest are needed, and could be required, as affordable 'priority need' housing could be provided through the Council’s assisted development programme (ADP). A smaller cap may be appropriate on some high value 'windfall' schemes not identified in the assisted development programme.

4.10.22. Schemes should help meet need for a mix of types of dwelling. In terms of the mix of dwellings provided in social rented housing, schemes should help to alleviate the substantial shortage of larger family dwellings in the Borough. Early discussions are essential to ensure that schemes meet such needs and can be delivered, particularly where the affordable housing is to be provided by a Registered Social Landlord (RSL) or grant funding is needed. The designs should meet Housing Corporation Scheme Development Standards to be funded. The choice of RSL is a matter for the developer, in discussion with Lambeth. However, Housing Corporation funding will usually go to the preferred RSL partner to that part of the Borough. They may consider exceptions where there are established partnership arrangements between an RSL and a developer which achieve the same objectives without undermining Lambeth’s Housing Strategy (in line with the good practice guide on joint commissioning). This will not apply where a scheme is to be built without social housing grant. It is therefore essential for schemes to be designed in conjunction with the preferred RSL (or any other RSL where this has registration for that site or for non SHG schemes) to ensure that the affordable housing element can be delivered, it is suitable for those in priority need, and for evidence of this to be provided. Lambeth will not enter into negotiations or approve schemes where there is no clear mechanism whereby affordable housing can be delivered with that design, planning permission is unlikely to be granted.
Delete the “boxed text” following para 4.10 22 (supporting text);

Securing Affordable Housing
Standard clauses will be used, as obligations or planning conditions, to secure affordable housing, as follows: The use of the residential accommodation secured as affordable housing as part of planning permission shall secure, as such, a minimum number of X units available to Lambeth residents provided as a result of the total development. The provisions of this agreement shall:

(1) Not bind any mortgagee of the provider of affordable housing or any receiver or manager (including an administrative receiver) appointed pursuant to the Law of Property Act 1925 or otherwise by a party who has provided loan facilities to the provider of affordable housing;

(2) Cease to apply to any part of the affordable housing land and the affordable housing units on such part being transferred or leased by any mortgagee of the provider of affordable housing or any receiver or manager (including an administrative receiver) appointed pursuant to the Law of Property Act 1925 or otherwise by a party who has provided loan facilities to the provider of affordable housing;

(3) Cease to apply to any part of the affordable housing land and the affordable housing units where the provider of affordable housing shall be required to dispose of any part pursuant to a right to buy under the Housing Act 1985 or the Housing Act 1996 or any similar or substitute right applicable or the initial grant of a shared equity lease granted in respect of any part or shall be required to sell to a tenant with the benefit of a voluntary purchase grant provided under the Housing Act 1996 (or any similar provision in subsequent legislation).

Provision of “Affordable housing”, in this context means use by, or first sale to, a body for the purposes of providing housing accommodation to meet the objectives of a registered social landlord (being a registered housing association, trust or co-operative eligible to receive a Housing Association Grant).

Summary of Representations and Responses;

Objection A:
Circular 6/98 advises that there should be indicative targets for individual sites. A more explicit link between the 50% and the Housing Provision Survey would be helpful (Government Office for London Informal Comment)

Response A:
Many, indeed the large majority, of houses on sites in Lambeth will be on mixed-use sites. It is impossible to predict what exact proportion there would be in advance of housing. Indeed in a design-led approach to density it is difficult to predict at a site level the scale of housing. Hence it would be unwise on a site level to set targets. The Lambeth Housing Provision study does include estimates but solely to produce a global estimate of housing and the amount of affordable housing.
housing. Lambeth has reviewed this in the light of a viability assessment, related to the housing provision study, undertaken by Chris Marsh. As a result revisions to the affordable housing requirement have been proposed. The link between the affordable housing requirement and the housing provision and viability studies is made explicit in supporting text.

**Objection B:**
Capping social housing grant may be unreasonable and may render schemes uneconomic
(Government Office for London Informal Comment)

**Response B:**
The use of planning obligations to cap or preclude social housing grant has been found to be lawful in the Tower Hamlets case as set down in the plan. It is now quite common. The independent viability study has set down levels of cap that would maintain schemes being economic and this is reflected in the revised approach.

**Objection C:**
Delete ‘and’ in policy 16 c and replace with ‘or’ (Mayor of London)

**Response C:**
Accept change proposed.

**Objection D:**
In 16(e) The 100 percent provision is supported in policy terms where uses that are normally protected are lost. However, this approach could result in single use and single tenure developments and could in particular contexts be contrary to the promotion of both mixed uses and mixed and balanced communities, hence delete ‘on all sites regardless of size’ (Mayor of London)

**Response D:**
Whilst accepting the concern about mixed and balanced communities, the phrase ‘regardless of size’ is necessary to highlight that this applies to sites below the normal affordable housing site size thresholds – as for rural ‘exceptions’ sites. Following discussions with the Mayor’s office a change is proposed which should satisfy this objection.

**Objection E:**
Paragraph (F) should make clear that Key Worker Housing is just one aspect of intermediate housing (Mayor of London)

**Response E:**
Accepted – change proposed.

**Objection F:**
The definition of Affordable Housing in the supporting text should be much more detailed and concise. The definition of Key Worker accommodation should be set out under a separate heading (Peabody Unite)

**Response F:**
Not accepted – the Council notes that Government guidance encourages local authorities to define “affordable housing” in their development plan. The Council considers that the definition of affordable housing set out in Policy 16 is appropriate and concise.

**Objection G:**
Unclear as to how paragraph (F) relates to normal intermediate expected provision. Is it proposed that 15% of housing on a qualifying site will be expected to be for key worker satisfying paragraph (F), a further 15% for other intermediate housing and 35% for people on low incomes?

**Response G:**
Part (C) of the policy requires, typically, 70% of the affordable units to be provided for people on low incomes who cannot afford market housing, and 30% as intermediate housing. Key worker housing, where it is provided, will form part of the 30% intermediate housing, it is not an additional
requirement. Part (F) seeks to influence proposals where more than 15% of the affordable units (i.e., half of the 30% intermediate housing element) is being proposed as key worker housing.

**Objection H:**
Raises clear questions about the viability of schemes especially on the smaller sites (Government Office for London Informal Comment)

**Response H:**
Not accepted – It is important to maintain flexibility as the report by Lambeth’s independent valuation consultant shows that not all sites can take 50% provision. While there is a new Three Dragons model to evaluate individual schemes, Lambeth employs its own independent valuation consultant.

**Objection I:**
We would like to add a provision for prioritising housing for those already living in the area or with strong local links (e.g., working permanently in the area, or with family living locally), and prioritising housing for young people. (Brixton Area Forum Board)

**Response I:**
Not accepted – in an urban context prioritising locals could be indirectly discriminatory. Under the Housing Acts (See footnote 4, page 51 of the Deposit Draft UDP) Lambeth must give priority to those with ‘priority need’, e.g., families with children. Lambeth supports housing for younger people, but under its statutory obligations this cannot be at the expense of those in priority need. The policy supports housing for the full range of housing need and the specific housing needs of individual groups is best dealt with in the more detailed annual housing strategy.

**Objection J:**
The policy should be amended to read: “The normal expected level of provision will be 50% of habitable rooms. Any provision below this level should not be permitted without reference to the GLA/Three Dragons model”. (Brixton Area Forum Board)

**Response J:**
Not accepted - the policy makes it clear less than 50% of habitable rooms will only be acceptable where it can be demonstrated that the scheme would be financially unviable. The reference to the use of the Three Dragons Report in assessing schemes is appropriately included in the supporting text to the policy. It would be inappropriate to refer to the report in the text of the Policy itself.

**Objection K:**
Objection to this policy because it implies that, despite the exceptions, affordable housing is always preferable to the other small-scale uses which are of value to the ethos of a mixed-use community (e.g., small local workshops, studios etc) (Jeremy Hammerton and John Adams of the Clapham Society)

**Response K:**
Not accepted – Policy 16 relates only to the provision of affordable housing, reflecting its prioritisation by the Council. Other polices in the plan encourage mixed-use schemes including the uses referred to by the objector. Such uses are not precluded by the inclusion of affordable housing in schemes.

**Objection L:**
The 50% and/or 10-unit threshold figures are unrealistic, will prevent sites from coming forward for redevelopment, are excessive, and are contrary to Government requirements, as contained in Circular 6/98 and PPG15. (Hays Plc, Richard Coburn of Railtrack, Giles Atkinson of the House Builders Federation, Groveville Ltd, Laing Homes, R G Pickett of the Diocese of Southwark, Kevin Scott of Bellway Homes South East, Allied Dunbar Assurance c/o Threadneedle Property

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Response L:
Not accepted. The site size threshold and 50% habitable rooms target, whilst partially out of step with Circular 6/98, is justified in the by the local context of the outstanding need for affordable housing. Unless these targets are adopted, the Council will not meet its target for affordable housing which itself is an underestimate of actual need. The Council refers to expert evidence indicating that residential sites in Lambeth can support 50% affordable housing. A significant majority of housing will come from large identified sites where guidance indicates it is appropriate to refer to a % requirement for affordable housing.

Objection M:
Whilst the Circular makes provision for local planning authorities to adopt a lower threshold, where exceptional local constraints can be demonstrated. Having regard to the text of the Circular, this clearly only relates to local planning authorities where the higher threshold of twenty five or more dwellings or residential sites of 1 hectare or more applies, i.e. sites outside inner London. Within inner London the lower threshold referred to in the policy already applies (Thistle Developments)

Response M:
Not accepted. Whilst the Council accepts that the Policy is out of step with Circular 6/98 in relation to the site size threshold. However, this is justified by the constrained local circumstances relating to the supply of affordable housing and continued unmet need.

Objection N:
We consider a figure of 30% affordable housing would be more realistic and request that this be reflected in Second Deposit Plan (Hays Plc, Allied Dunbar Assurance c/o Threadneedle Property Investments Ltd, Workplace Group Plc)

Response N:
Not accepted - the Council considers that the 50% habitable rooms target is justified in the context of the constrained circumstances of the supply of affordable housing and continued unmet need. If a 30% figure were adopted, the Council would underachieve to an unacceptable degree in relation to the target for affordable dwellings set out in the UDP.

Objection O:
Lambeth's Housing Needs survey was produced in January 1998 we consider that this is out of date (Hays Plc, Fairclough Homes Ltd, Fair View Homes Ltd, London Electricity)

Response O:
Not accepted - the DETR recommends that assessments of housing need should be undertaken "once every five to seven years" (Local Housing Needs Assessment: A Guide to Good Practice - DETR 2000). Notwithstanding this, Lambeth has subsequently published the Lambeth Housing Needs Survey 2003.

Objection P:
Further clarification is required in respect of when the 50% figure will be relaxed. The viability of public transport, development proposals may be undermined and improvements to public transport forgone if significant additional contributions are required for other community benefits (Richard Coburn of Railtrack)

Response P:
Not accepted. Securing affordable housing is a priority for the Council. Nevertheless, it is a priority, which needs to be balanced with competing objectives in the plan. Notwithstanding this,
the Council does not consider it is appropriate to introduce into Policy 16 exceptions where the
50% target will not be sought, other than where the economics of provision justify this. However,
it remains in the Council’s power to apply the policy flexibly where circumstances justify such an
approach, for example where community and other benefits are sought.

Objection Q:
Policy needs to specify the type of circumstances it would define as ‘exceptional,’ is where private
residential would be acceptable over affordable housing (Michael Ball of Vauxhall Neighbourhood
Housing Forum)
Response Q:
Not accepted. To list some possible “exceptional” circumstances where no affordable housing
would be required in relation to a private residential scheme would undermine the effectiveness of
the Policy. Exceptional circumstances are by their nature, impossible to define in advance.

Objection R:
The Agency wish to object to the omission of not using 'provision-in-lieu' payments to be used to
bring empty property back into use (Susan Heinrich of Empty Homes Agency)
Response R:
Not accepted – but change proposed. ‘Provision-in-lieu’ means exactly that – the development of
affordable housing in an alternative location where this is justified by exceptional circumstances.
Legal opinion indicates that monies secured for the provision of affordable housing in-lieu can
only be used to bring vacant dwellings back into use where those dwellings have been vacant for
10 years or more. This proviso will be added to the supporting text to the policy.

Objection S:
It is unreasonable of the Council to base its policy, in this important area on the Three Dragons
report. Which has not been tested, nor implemented by the Mayor. (Giles Atkinson of House
Builders Federation, Groveville Ltd, Fairclough Homes Ltd, Fair View Homes Ltd, Terry Fuller of
Bryant Developments, London Electricity, Clapham Park Developments Ltd, Weald Properties
Ltd)
Response S:
Not accepted. Whilst the Council refers to the Three Dragons Report, it has also commissioned
an independent report into the financial viability of the proposed policy. That study indicates
Lambeth is a location which can support a level of 50 % habitable rooms as affordable housing.

Objection T:
There is a contradiction between the Council's formula for calculating the off-site payment in lieu
and part G of the policy, which promotes ‘additionality.’ The formula demands an off-site
contribution equivalent to 130% SHG from a developer yet the additionality policy ultimately
requires the developer to build housing without any public subsidy (Giles Atkinson of House
Builders Federation, Terry Fuller of Bryant Developments, St George South London)
Response T:
The Council has deleted clause (G) of the policy which referred to the concept of additionality.

Objection U:
Objection to the policy’s reference to the concept of additionality whereby provision of affordable
housing through the policy should be additional to housing provided through public subsidy. This
part of the policy should be deleted (Laing Homes, Kevin Scott of Bellway Homes South East,
Fairclough Homes Ltd, Fair View Homes Ltd, Peabody Trust, St George South London,
Metropolis)
Response U:
Agreed – clause (G) dealing with additionality has been deleted from the Policy.

Objection V:
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Part (E) there is no basis in planning law or practice for the former use of land to determine what future use shall be. Either the current use is worth protecting as such, in which case it should be protected by appropriate policy, or it is no longer required in its current use, in which case it should be developed for another use. It is unreasonable for the Council to seek leverage for provision of affordable housing by the partial down-grading of the planning status of existing other uses (Giles Atkinson of House Builders Federation, Terry Fuller of Bryant Developments)

Response V:
The Council’s approach in seeking to facilitate 100% affordable housing proposals is justified. Whilst sites in specified number of uses will be protected from changes of use (KIBAs, pubs, town centre core units), an exception to this approach will be made where the scheme is solely for affordable housing. This reflects the Council’s prioritisation of the need to provide affordable housing, and the recognition of the inability of Registered Social Landlords to compete for land in the market.

Objection W:
Considered that affordable housing might be an appropriate planning gain to be sought from certain wholly residential or mixed-use developments within KIBAs (Metropolis)

Response W:
Not accepted. The policy appropriately seeks to preserve the existing supply of employment land by preventing land included in KIBAs being development for other uses. However, the policy does allow for the possibility of the provision of affordable housing in KIBAs identified for mixed-use employment, partly meeting the concerns of the objector.

Objection X:
Part (G) Additionality is unlawful in that it seeks through policy, to determine the price at which developers must sell their land and or buildings at an undervalue (Giles Atkinson of House Builders Federation, Goldcrest)

Response X:
Whilst the Council does not accept this argument, clause (G) dealing with additionality has been deleted.

Objection Y:
The high proportion of affordable housing sought because of the crime and other social problems that are associated with it, particularly if it is put in concentrated areas. Improvement of community facilities, open space and quality of life for existing communities approved as a priority ahead of affordable housing, and more than 50% of any housing should be for key workers (Diane Miller, Sally Wadsworth)

Response Y:
Not accepted. The Council does not accept the link the objector makes between “crime and other social problems” and the provision of affordable housing. The Council aims to secure mixed private/affordable housing schemes in accordance with Government guidance. Unless the target of 50% is included in the plan, the Council stands little chance of meeting its affordable housing target, which is an underestimate compared with the extent of unmet need. Achieving affordable housing is compatible with achieving the other benefits set out by the objector (community facilities, open space)? Where decisions have to be made on which planning benefits are secured in the context of limited resources, the need for affordable housing will need to be balanced with other objectives.

Objection Z:
Lambeth already has an enormous proportion of public and social housing, and a large number of empty public and social housing properties – 50% should be reduced to 20% (Mark Rogers and Chloe Thomas)

Response Z:
Not accepted. The Council’s objective of seeking to meet some of the need for affordable housing is appropriate in the context of securing a successful local economy, and well-balanced communities. Whilst the extent of vacancy in the “social housing sector” is low in comparison with other Boroughs, a reduction in “empties” also forms an important component of the Council’s overall Housing Strategy.

Objection AA:
Any threshold creates anomalies and consideration needs to be given to a sliding scale of provision to avoid the artificial suppression of development below a threshold because of the excessive opportunity cost created when just crossing the threshold (Groveville Ltd, Clapham Park Developments Ltd, Weald Properties Ltd)
Response AA:
Not accepted. The Council considers that the site size threshold proposed is appropriate and fully justified. Unless sites over the size specified in the Policy included within the scope of the Policy, the Council will not meet its target for affordable housing.

Objection BB:
The basis for assessing proportions of affordable housing should more appropriately be on a unit-by-unit basis and not using habitable rooms (Groveville Ltd, Clapham Park Developments Ltd, and Weald Properties Ltd)
Response BB:
Not accepted. The Council’s reference to habitable rooms rather than dwellings introduces flexibility to the policy to reflect the specific need for affordable housing on a site by site basis. On one hand, a development of larger units would place an onerous requirement on the developer. On the other, reference to habitable rooms can reduce the % of affordable housing required on a site to be reduced to 40%. The use of habitable rooms as a measure has also been supported by an inspector at a recent major appeal in the Borough.

Objection CC:
The criteria contained in Sections C, D, E, F and G are too prescriptive and do not allow the merits of proposals to be assessed on an individual basis (Groveville Ltd, Kevin Scott of Bellway Homes South East, Clapham Park Developments Ltd, Weald Properties Ltd)
Response CC:
Not accepted. Criteria C and F are necessary for the Council to achieve mixed but balanced communities without a predominance of one form of housing. Criterion D reflects the guidance in Circular 6/98 requiring on site provision of affordable housing. Criterion E reflects the priority attached to affordable housing/community uses which may justify the loss of otherwise protected land uses. Criteria G legitimately seeks to ensure that the affordable housing achieved as a result of the policy is in addition to that, which could have been achieved in any case. The capping or preclusion of public subsidy has found to be lawful and is now quite widespread.

Objection DD:
Welcome the ‘exceptions’ approach in paragraph E, but the list of inappropriate categories is too wide. Pubs and modern units, for example, should be available for ‘exceptional’ affordable housing (Rose Sandell of LAMHAG, St George South London)
Response DD:
Not accepted. Pubs and recently developed employment units are appropriately protected by criteria E of the policy, reflecting the desirability of preserving these uses to create and maintain vital and viable communities.

Objection EE:
Object to the possible inclusion of an element of general market housing, unless it is made clear that the affordable housing element would be in excess of (i.e. more than 50%) the normal expected provision (Rose Sandell of LAMHAG)

**Response EE:**
Not accepted. The proposed change is considered to be unnecessary. The % of affordable housing required on qualifying sites is covered by Criterion (A.) Notwithstanding the exceptions in respect of otherwise protected uses set out in Criteria E.

**Objection FF:**
There is a typographical error in line 2 of (E): ‘is to be developed solely for’ (Rose Sandell of LAMHAG)

**Response FF:**
Accepted. To be redrafted to; “provided that it is to be developed solely for affordable housing…”

**Objection GG:**
Object to the omission of supported / special needs housing provision as an element of affordable housing. The exclusion of supported / special needs housing would have the affect of lessening the viability of provision for such groups and would exclude the provision for their affordable housing needs (Graham Mills of NHS Executive London Regional Office)

**Response GG:**
Not accepted. Policy 16 is intended to secure “general” affordable housing (comprising “social” and “intermediate” housing) and to this extent supported housing has not been “omitted”. To require developers to provide affordable supported housing in addition to general affordable housing would be too onerous. Policy 15 requires developments over a certain size to provide a mix of dwelling types and affordability to meet the changing composition of households in need. This could include supported housing if there was a demand.

**Objection HH:**
The restrictive wording of the policies around key worker accommodation should be amended to make it easier for larger sole purpose key worker accommodation proposals to be considered, as opposed to a small percentage of larger mixed developments. (Simon Wood of Kings College Hospital NHS Trust, Peabody Unite, Robert Doyle of the Streatham Society)

**Response HH:**
Not accepted. The 30/70 % “social-intermediate” split in the policy reflects assessed need/demand for these forms of housing and the wish to create balanced communities. The policy cites this split as “typical” which correctly implies a degree of flexibility. Should proposals come forward for sole-purpose key worker housing, this could be treated as an exception to the policy.

**Objection II:**
Affordable housing should be built as needed by the Council and integrated in all areas right across the Borough, rather than relying on developers (or arbitrary percentages) to provide for the housing needs of essential parts of the working population i.e. key workers (Barbara Pattinson of the Camberwell Society)

**Response II:**
Not accepted. Government guidance (PPG3,6/98) indicates that the main source of affordable housing (of which key workers form a part) will be that negotiated in relation to market housing schemes. To this extent, the Council is largely reliant on private housing development. Unfortunately, financial restrictions mean the Council cannot provide affordable housing on its own, however desirable this might be. The percentage of affordable housing required by the policy is not arbitrary but reflects an assessment of the need for affordable housing, potential supply and the economics of provision.
Objection JJ:
The key worker housing test (iii) that there should be a need for employees to live close to their place of work (e.g. shift work) is irrelevant, as irrespective of this point, there is a need for this type of accommodation (Peabody Unite)

Response JJ:
Not accepted. The Council’s rationale is that the limited amount of key worker housing that is expected to be achieved in the Borough justifies its “rationing” to service the Borough’s own need for key workers. An example is nurses and other public sector shift workers who are reliant on public transport at unsociable hours. The Council does not consider it appropriate to allow the limited numbers of key worker dwellings likely to come forward to meet the demand for such accommodation from other, potentially distant, non-shift based work locations.

Objection KK:
There appears to be no definition of the term ‘key worker’ within the Plan. We would suggest that it includes those working in the hospitality industry and especially in visitor accommodation (Mark Balaam of the London Tourist Board and Convention Bureau)

Response KK:
Not accepted. Criterion F (i) defines “key workers” for the purposes of the policy, limiting it to “named employees of key public services…”. This excludes those working in the hospitality industry (as proposed by the objector). The Council’s definition arises from its prioritisation of those requiring key worker housing (for example nurses working in the Borough’s hospitals) and its acknowledgement of the need to “ration” its supply.

Objection LL:
Their needs to be a condition applied, that seeks to refuse / limit future residential development of neighbouring sites where circumvention of this policy is considered a possibility. (John How of Clapham and Stockwell Town Centre Board)

Response LL:
Not accepted. Criterion (A) of the policy states the Council’s intention to prevent the artificial subdivision of sites to circumvent this policy. The Council has no powers to include conditions on planning permissions to control development on adjacent sites in the way suggested by the objector.

Objection MM:
Policy should be reworded to say ‘social housing’ i.e. provision included that specifies/prioritises housing for young people, housing for those already living in the area or with strong links, e.g. family links (S Campbell)

Response MM:
Not accepted. The Council’s definition of affordable housing accords with current best practice and Government guidance and is wider than the traditional reference to “social housing”. The Council’s definition does not refer to the age of potential occupiers, whether they live locally or have local connections, as there would be no justification for this. To limit occupation to those already living locally or with local connections could also be indirectly discriminatory.

Under the Housing Acts (See footnote 4, page 51 of the Deposit Draft UDP) Lambeth must give priority to those with ‘priority need’, e.g. families with children. Lambeth supports housing for younger people, but under its statutory obligations this cannot be at the expense of those in priority need. The policy supports housing for the full range of housing need and the specific housing needs of individual groups is best dealt with in the more detailed annual housing strategy.

Objection NN:
Allegation of artificial sub-division; it is unrealistic to refuse applications solely on the basis of a site being subdivided. (London Electricity)

Response NN:
Not accepted. The Council's approach to the artificial sub-division of sites, is in this circumstance is appropriate and realistic. The Council considers that a sanction is necessary to prevent developers/landowners from deliberately sub-dividing sites to avoid the requirement for affordable housing.

Objection OO:
Object to the overly prescriptive division between 70% of the affordable units for people on low incomes who cannot afford market housing and 30% as intermediate housing for people on moderate incomes to buy or rent – should be more flexible (London Electricity, Rialto Homes Plc, St George South London)

Response OO:
Not accepted. The 70/30 % “social-intermediate” split in the policy reflects the assessed need/demand for these forms of housing and the desire to create balanced communities. The policy cites this split as “typical” which correctly implies a degree of flexibility. Proposals diverge markedly from this split where justified, could be supported as an exception to the policy.

Objection PP:
Object to requirement that affordable housing is to be distributed through different parts of a site on the basis that there will be circumstances where this is neither appropriate nor feasible, and should be the subject of the normal negotiation process (London Electricity, St George South London)

Response PP:
Not accepted. The requirement for affordable housing to be distributed (or pepper-potted) through the site reflects Government guidance (PPG3, Circ 6/98). The Council is committed to the creation of mixed, balanced communities and the avoidance of developments dominated by single house types (i.e., all private/all affordable). The Council considers that as a matter of policy, it is appropriate and justified to include the requirement to distribute affordable housing amongst market housing. It is difficult to envisage a situation where it would be inappropriate or unfeasible to pepper-pot affordable housing amongst the market housing it has been provided in relation to.

Objection QQ:
Object to the requirement that affordable housing should be available for occupation at the same time or sooner as other elements as this should be subject to normal negotiation process (St George South London)

Response QQ:
Not accepted. The requirement for affordable housing to be distributed (or pepper-potted) through the site reflects Government guidance (PPG3, Circular 6/98). The Council is committed to the creation of mixed, balanced communities and the avoidance of developments dominated by single house types (i.e., all private/all affordable). The Council considers that as a matter of policy, it is appropriate and justified to include the requirement to distribute affordable housing amongst market housing. It is difficult to envisage a situation where it would be inappropriate or unfeasible to pepper-pot affordable housing amongst the market housing it has been provided in relation to.

Objection RR:
The implication that current employment sites outside KIBA’s could only be redeveloped for either totally affordable housing or for employment purposes, but not for private housing, should not be presented to override site specific policy proposals such as those presented in the chapter entitled ‘Area and Site Policies’ – rewording required. (London Electricity)
Response RR:
Not accepted. The need to provide affordable housing in the Borough and the limited opportunities to meet the need justifies the Council’s approach. In the rare circumstances where proposals for 100% housing schemes are proposed, the Council wishes to maximise the opportunity to facilitate such schemes. This partly reflects the Council’s recognition of the inability of Registered Social Landlords to compete successfully for land in the market place.

Objection SS:
Policy should require the identification of a site where the S106 money will be used to provide affordable housing, and require the achievement of permission for that site prior to permission being granted on the original site (Michael Ball of the Vauxhall Neighbourhood Housing Forum)

Response SS:
Not accepted. The Council considers this to be unnecessary for the following reasons; the Council will normally require on-site provision; where off-site provision is acceptable, a site will normally have been identified; the suggested approach could ultimately frustrate the supply of affordable housing.

Objection TT:
Object to the policy requirement that every development should provide significant planning obligations at the same time as providing residential units with a 50% affordable housing element – too onerous (Alsop Verill)

Response TT:
Not accepted. The Council’s objective of seeking affordable housing and other planning benefits through S106 agreements reflects the complementary, sometimes competing objectives of the plan. The planning benefits required in relation to particular proposals will be negotiated on a case-by-case basis and whilst affordable housing will normally be the priority. Other community benefits might also be sought. In all cases, the economic viability of proposals and the cost associated benefits will be assessed, and the Council’s requirements will be informed by this assessment.

Summary of Representations and Responses (para 4.10.15)

Objection A
Para 4.10.15 - Cash in-lieu payments. Before acceptance - policy and/or protocol should specify how, when and on what the money should be spent; including consultation with the wider community. (S. Campbell, Brixton Area Forum Board)

Response A
See changes proposed to 4.10.16

Objection B
Para 4.10.15 - We object to giving developers the opportunity to use ‘cash in lieu’ as a justification to set high service charges as an alternative to housing. (Brixton Area Forum Board)

Response B
This is occasionally a problem, however Lambeth’s first response is to seek that developers subsidise the service charges and a proposed amendment makes this clear.
Objection C
Para 4.10.15, and any other references to Cash-In-Lieu payments. We would like an inclusion in the policy that specifies that, in the case of a Cash-in-Lieu payment being accepted, that this must be spent, within a reasonable amount of time, on a very local scheme benefiting the surrounding community, developed in consultation with that community to determine their needs. Information about the amount and destination of the money spent must be in the public domain. (Brixton Area Forum Board)
Response C
Accepted in part – additions are proposed to this paragraph. However it is still important to maintain flexibility to ensure that schemes are delivered, most recently this has led to extra housing investment in Brixton.
Policy 17  Flat Conversions

Revised Deposit: Proposed Changes

(A) Minimum Size – The conversion of dwellings into flats will be permitted only where the property has an original, pre-1948, (un-extended) floor area of at least 120sq m. or is a smaller property at least three or more storeys in height. Conversions of a listed building are not permitted where they would affect its character as a building of special architectural or historical interest harm the special interest character of a listed building. Conversions are not permitted where or involve works would harm adversely affect the special character or appearance of a conservation area.

(B) Roof Extensions as part of conversions – Flat conversion schemes should avoid excessive large extensions to increase habitable floor-space, particularly at roof level, where this is for the primary purpose of increasing the number of units to be provided.

(C) Number and Mix of Flats and Provision of Gardens – Where the property is large enough it Conversions should include a full mix of unit sizes, wherever this is practical whilst complying with the rest of this policy. Where the dwelling to be converted has a rear garden, then family unit(s) (two or more bedrooms) on the ground floor/sub-basement floor should be included, with direct access to the garden. Over-intensive conversion schemes will be resisted. Basement excavations, the subdivision of existing flats and of floors between flat units will be permitted only where the size and layout of units is satisfactory, and units have satisfactory light. No units should have a solely north facing aspect or including wholly internal kitchens or kitchen areas.

(D) Quality of Flat Conversions – Conversions should provide an acceptable standard of accommodation to future residents and not have an acceptable a negative visual impact on the street:

(i) noise transmission should be minimised through the handing and stacking of similar types of rooms;
(ii) they should, where practicable, be designed to be accessible to disabled persons, unless the property has a lower ground floor level;
(iii) shared corridor access should be safe, internal and convenient. Units should be self-contained unless the policy on shared housing (Policy 18) is met;
(iv) where practical, secure cycle storage should be provided;
(v) where possible, rear gardens should be retained or provided, without subdivision;
(vi) room sizes should have regard to relevant supplementary planning guidance on this issue; and
(vii) plans should involve minimal intervention to the internal structure and plan form of the building (especially for historic buildings), unless existing room divisions are excessively large and/or incapable of effective conversions, and include be accompanied by full details of external alterations, and acceptable proposals for frontages complying with policy 36.

(E) Parking Stress – Where conversions to three two or more units are proposed in areas of severe parking stress, (overnight on-street parking at or above 90% safe capacity within 200m, based on a survey submitted with the application) and would lead to an increase in demand for on-street parking (based on maximum parking levels for the type of unit before and after) the housing will be ‘car capped’ and no additional parking permits permitted where there is controlled parking; or where there is not controlled parking contributions will be secured to extend it or bring it forward (subject to public consultation) or to introduce other measures to improve parking safety or management. then policy 14 (Ea) and (E) will apply. applies.

(F) De-conversions – Loss of more than one unit in de-conversion schemes is not permitted unless it brings an original over-intensive conversion into line with current policy or is for affordable housing.

4.10.23. This has been a substantial source of additional dwellings in the past – although the rate of conversion has slowed since the late 1980s/early 1990s. The conversion of existing houses into two or more flats is an important means of increasing the number of dwellings in the borough and can also make a valuable contribution to the rehabilitation of the housing stock. The broad approach of the plan, therefore, is to encourage conversion activity as long as the property is large enough, units so created form satisfactory dwellings and the scheme provides a range of unit sizes. The plan protects small purpose-built family dwellings. Although the number of non-single person households is predicted to decline, they will still outnumber one–person households. The plan therefore still sees merit in retaining small purpose-built houses and flats, in order to retain mixed and balanced communities with a variety of housing sizes.

4.10.24. Policies relating to restricting parking and controlling on-street parking, especially in areas of severe parking stress areas, apply, as conversions can add to parking demands demand in areas with little limited available kerbside space free. The principle of Car Capped Housing limits ‘car capping’, within Controlled Parking Zones, preventing the developer, or subsequent purchasers/occupiers of the property from purchasing residential parking permits for any vehicle they may
own (permits are capped at two one per original property) is supported. The definition of severe parking stress will be included in a Parking Plan and Parking Policy being produced by Lambeth’s Highways department which will act as supplementary planning guidance. The courts have recently confirmed that the ‘deconversions’ of properties into fewer units can require planning permission. This has been a trend recently, particularly in Streatham, with properties of many smaller, cheaper flats being divided into a smaller number of higher cost accommodation.

4.10.25 Definition of Original Floor Area - this is calculated so as to exclude any extensions, garages (including converted garages) or loft conversions to the original (i.e. pre–1948 unextended) property. The calculation excludes the area of outside walls but includes inside walls, partitions, cupboards and chimney breasts. Only the floor space of rooms with an existing headroom of at least 2m is counted.

Summary of Representations & Responses (Policy):

**Objection A:**
Part (F) of the policy is too inflexible, and potentially contrary to PPG 1. More information should be provided on the circumstances in which de-conversions would be acceptable (Government Office for London).

**Response A:**
Accepted - a number of criteria are proposed.

**Objection B:**
Part (F) of the policy does not make clear which deconversions would require planning permission. Clarification should be provided on which schemes need planning permission (Government Office for London).

**Response B:**
Part (F) has now been deleted.

**Objection C:**
Points within (D) are covered within building regulations (Clapham Society)

**Response C:**
They are not at all. RPG3 specifically allows for policies controlling the quality of flat conversions and similar clauses have been accepted at other boroughs as a result.

**Objection D:**
The term special character is not consistent with current conservation legislation. The phrase is special interest. Seeks clarification of wording. Part (C): "... where the property is large enough..." is vague. (The Clapham Society)

**Response D:**
Accepted – changes made.

**Objection E:**
The section on deconversions (part F) is draconian and could deter investment in the housing stock. It should be relaxed to allow deconversion of heritage buildings to be judged on individual merits. Where properties have been poorly or unlawfully converted or there is an over
concentration of converted properties, then deconversion should be an option. This would add to
the stock of family sized houses in the Borough and allow mixed and balanced communities.
(Streatham Partnership Board, Lambeth Liberal Democrat Group, Simon Hooberman, Graeme R.
Glen, Stanthorpe Triangle Residents Association, Steve Wiltshire/ Hazel Fraser, C Beegan, Mr
W.L.Lord, Carla Lerman, Clapham and Stockwell Town Centre Board, J Clyne, The Streatham
Society, Carol Walker, David Hitchins, Seamus Mac Bride, Clapham Society and Elaine Scott)

Response E:
Accepted – Part (F) of the policy has now been deleted.

Objection F:
Question the realism of car capping proposal proposed in part (E). (Simon Hooberman)

Response F:
This has proven to be fully realistic in boroughs such as Camden.

Objection G:
The policy regarding avoidance of ‘excessive’ roof extensions, ‘over-intensive’ conversion
schemes, unsatisfactory basement excavations and conversions to an ‘acceptable’ standard is
vague and misleading. Must be accompanied by standards. (Stanthorpe Triangle Residents
Association, Carla Lerman, Mr W. L., Lord Steve Wiltshire, Hazel Fraser, David Hitchins, C
Beegan, Mrs Nillifier York, Carol Walker, Streatham Partnership Board)

Response G:
Part accepted – but it is Lambeth’s Supplementary Planning
Guidance notes ‘Guidelines/Policies for Residential Extensions and
Alterations’ and ‘Internal Layout and Room Sizes’, which give
specific guidance on these issues.

Objection H:
Include room size standards in plan (Stanthorpe Triangle Residents Association)

Response H:
The Government Office for London has objected to plans that have attempted to do this.
This is a matter best left to Supplementary Planning Guidance.

Objection I:
Don’t simply say no to off-street parking (Stanthorpe Triangle Residents Association)

Response I:
It does not - off-street parking below the maximum standard is acceptable.

Objection J:
Paragraphs A – F of the policy are too onerous and inflexible. The policy should be deleted and
replaced with a revised, much simplified policy to ensure that proposals are considered on their
merit. (Fairclough Homes)

Response J:
Not accepted – this is a matter of considerable public concern as can been from the
objections. RPG3 does allow UDP’s to contain policies controlling the quality of flat
conversions.

Objection K:
Suggest at (C) there should be at least one three-bedroom unit (not two) bedroom. (Cllr David
Malley)

Response K:
Not accepted – many medium sized terraced properties, which can make good conversions, (e.g. in Abbeville Road area) would be prevented from conversion by this.

**Objection L:**
Should be minimum of 4 bedrooms. (Cllr David Malley)

**Response L:**
Not accepted – the new floor space figure would limit conversions to larger 3 and 4 bedroom properties.

**Objection M:**
Front gardens should not be lost. (Cllr David Malley)

**Response M:**
This matter is covered by policy 36.

**Objection N:**
Make sure existing poor quality conversions are brought up to standards (Streatham Partnership Board)

**Response N:**
There is no legal means of doing this providing they meet health and safety standards.

**Objection O:**
Part (C) should be toughened to bring it into line with that of LB Wandsworth that states basement excavations should leave at least half of the front garden in place. (The Streatham Society)

**Response O:**
This matter is covered by policy 36.

**Objection P:**
90% does not represent 'severe parking stress' overnight. In our experience with planning applications and appeals, this condition does not occur until at least 95% (Alsop Verill)

**Response P:**
Not accepted – it is widely accepted in traffic engineering that 85% is the figure at which two way flow is restricted. Copies of these appeals would be appreciated.

**Objection Q:**
The proposals concerning parking stress will simply limit the number of available parking spaces but will not limit the demand for parking spaces. (Seamus Mac Bride)

**Response Q:**
Not accepted – by limiting the number of permits it will limit the number of cars owned and hence demand.

**Objection R**
Support the policy and welcome the policy acceptance for deconversions only where the result would be affordable housing. (Lambeth Housing Association Liaison Group.)

**Response R**
Noted.

**Objection S**
The Mayor supports plans for car capping to prevent any further parking permits being granted, in addition to other parking management schemes being installed. (Ken Livingstone)

Response S
  Noted.
Policy 20  Mixed-Use Development

Revised Deposit: Proposed Changes

(A) Where Mixed Use Development is Required – A mix of compatible land uses should be retained and enhanced in the development of all sites in the Central London Policy Area, the Thames Policy Area, in town centres, and all major sites elsewhere (other than in Key Industrial Business Areas unless designated as mixed-use employment areas).

(B) Residential Requirement – Here, in addition to active frontage uses (where required) where an increase of commercial floorspace of greater than 200 sqm. is proposed then functionally independent residential accommodation with separate access should be provided equal to at least 50% of the increase in commercial floorspace (25% of floorspace within the Waterloo Office Regeneration Area). The amount of residential floorspace required may be adjusted in individual cases, taking into account the site location, its physical characteristics, existing mixed uses on site which will be retained, the character and function of the area, the need to promote the regeneration of the area, and the likely impact on sustainability, overall travel patterns and car use.

This does not apply to cultural and tourist facilities in the Waterloo Visitor Management Area (as shown on the proposals map).

(C) Exceptions for Other Uses – Where residential accommodation is not feasible, given the nature of the commercial use and the site characteristics, then other uses that contribute to the character and function of the area may be considered, in whole or part, to offset the housing requirement.

(D) Swaps – The exchange of lawful commercial and residential uses between sites in close vicinity proximity may be acceptable where it meets the aims of the policy.

(E) Design of Mixed-Use Developments – Particular attention will be paid to the design, disposition and servicing of mixed-use developments, which should achieve a satisfactory relationship between individual units and uses in terms of their layout, stacking, and protection of the amenity of adjoining and proposed residents.

4.11.3. Government Guidance in the form of Planning Policy Guidance Note 3, paragraph 50, places a responsibility on local authorities to promote developments which combine a mix of land uses. Mixed-use developments enhance the quality of urban areas by ensuring a vital mix of uses, which enhance the richness of experience for those living or working there. Mixed uses
can also aid community safety and contribute to other planning objectives such as the provision of housing (including affordable housing) and the achievement of vital and viable town centres, as well as a reduction in the need to travel. The benefits of having a mix of land uses at the neighbourhood scale are that it enables people to walk or cycle to local facilities and may even encourages people to live and work locally. In a neighbourhood with a mix of uses, not every building will have more than one use: quiet, single-use residential streets still have a key role and are protected by the plan’s policy, however in streets requiring or having a mixed-use character, the argument that later developments will provide the necessary mix could be applied too often. Uses should be appropriate to the function and character of the area.

4.11.4. Diversity inevitably brings some conflict. In many cases this conflict can be designed out. Not all mixes are appropriate – not everyone wants to live next to industrial uses, and the scale, intensity and concentration of some uses in Central London and town centres have caused problems.

4.11.5. Vitality and viability is lost when housing is not part of the mix. It enables activity to be stretched beyond office and shopping hours and supports a wider range of shops and local facilities.

4.11.6. The distinctive nature of Central London, and of Lambeth’s riverside and town centres, recognised and supported by government guidance, is that of mixed-use neighbourhoods with a high proportion of residential accommodation. New housing in these areas will offer unique access to a range of employment, leisure and other opportunities. This mixed-use character should be retained and enhanced in terms of both the number of existing uses and the floorspace in those uses. The policy ensures that the overall balance of uses will enhance the character and function of these localities. Each case will be considered in its local context as the character of Lambeth varies from street to street.

4.11.7. Where public transport improvements in the form of significant additional facilities (such as additional access points or enlarged station facilities) are provided, these will also be considered as a secondary use meeting the aims of the policy. Also where large developments of a public or institutional nature contain within them significant ancillary activities which reduce the need to travel (e.g. gift shops and cafes) these can also be said to satisfy the policy, providing the development as a whole complements the mix of uses in the area. It is recognised that the exact mix and proportion of uses will vary in different locations and that, in some circumstances residential accommodation may not be appropriate.

4.11.8. The residential requirement is relaxed to an extent in the Waterloo Office Regeneration Area and the Waterloo Visitor Management Area, not because it is unsuitable for housing development but because of the large amount of
redundant office and commercial stock in this area which it is reasonable to redevelop and renew, and because large scale cultural and tourist buildings cannot easily also incorporate residential accommodation. This area is subject to special policies, and special policies also apply to promoting housing, particularly affordable housing, in the north of the borough.

4.11.9. There are occasions where the transfer of uses between buildings offers a better disposition of uses. The policy supports this where it meets the aims of the policy. Swaps should not be used as a means of avoiding the provision of residential use where it is appropriate to do so. Every effort should be made to maximise the quality and quantity of housing.

Summary of Representations & Responses:

Objection A:
Under (C) Exceptions is woolly, and would undermine the rest of the policy. Developers demonstrating exceptional circumstances should be required to identify a site for the housing, achieve permission for this site, and provide funds for its implementation. (Michael Ball of Waterloo Community Development Group)
Response A:
Not accepted – legally if a site is not suitable for housing then there is no basis for ‘compensation’ with housing elsewhere.

Objection B:
E) Is woolly and ill-defined: what is a “satisfactory relationship”? There is also no reference to potential servicing conflicts, which can arise in poor design e.g. in the County Hall infill, where residents are disturbed by fumes and waste removal. (Michael Ball of Waterloo Community Development Group)
Response B:
This is a matter for common sense interpretation and assessment against other policies in the plan; it is proposed to add a reference to servicing however.

Objection C:
Increase threshold to 1,000m² (Chelsfield)
Response C:
Not accepted – the 200sqm threshold was considered and argued in detail at the Westminster UDP inquiry. The Inspector found that it was appropriate given the predominantly small-scale nature of developments and commercial uses. The Lambeth situation is considered to be very similar. With the onerous new housing and affordable housing targets set for the borough by the government, the Council feels justified in retaining its 200sqm threshold.

Objection D:
Omit reference to 50% and replace by “an appropriate proportion, taking into account the site location, its physical characteristics, the character and function of the area, and the need to promote the regeneration of the area. (Chelsfield)
Response D:
Accepted in part – it is proposed to refer to these matters in the policy however both Westminster and Camden have found it necessary to include percentage figures in the
policy to ensure consistent, firm and clear application of the policy and a reasonable measure of development control certainty.

**Objection E:**
Remove requirement in Waterloo Office Regeneration Area as this conflicts with office policies (Shell International Petroleum Company and Lend Lease Europe, Delancy Estates Ltd and Clerical Medical Investment Management Ltd)

**Response E:**
Not accepted – the strategy of the plan in Waterloo is to promote office development but only as part of mixed-use schemes. For decades, debate has taken place in Waterloo about offices vs. houses. The new plan goes beyond that in seeking both. A solely offices development would neither be acceptable politically or to the local community. It would create an office monoculture; it would fail to take an opportunity for the homes London badly needs and would fail to create a vital mixed-use area.

**Objection F:**
This policy is extremely prescriptive and does not recognise those circumstances where there is already a high concentration and mix of residential, retail and other commercial uses that would make the imposition of a mix of uses inappropriate. (Frogmore)

**Response F:**
Not accepted – where there is already a rich mixed-use area this is even more reason to protect and enhance these characteristics rather than seeing these eroded by solely office or commercial schemes.

**Objection G:**
The Policy lacks clarity and should be reworded to clarify those instances where mixed use development is required (Shell International Petroleum Company and Lend Lease Europe)

**Response G:**
Not accepted – the policy is very clear about locations and required mixes.

**Objection H:**
The requirement to provide at least 50% of any increase in commercial floor space as residential, with separate access, is impractical and unworkable and will fail to deliver commercial development (Shell International Petroleum Company and Lend Lease Europe)

**Response H:**
Not accepted – this implies that the initial amount of office floor space is fixed and that residential floor space is not valuable and needs to be cross-subsidised. Neither is the case. Stricter policies have proved no deterrent to development in Westminster.

**Objection I:**
Do not apply to extensions (Park Plaza Hotels (Europe) Ltd)

**Response I:**
Not accepted – the majority of applications for new commercial floor space is for extensions and these can be very large indeed. Similar policies have been applied in Westminster to extensions and have proven acceptable to the Inspector to their UDP.

**Objection J:**
Policy 20 should cross-refer to Policy 22 'Key Industrial and Business Areas' and its different provisions in relation to mixed-use development in these areas. Without cross-reference to Policy 22, this appears to contradict the Council's aim of encouraging super league office occupiers to the Central London Policy Area. (Ladbrokes Investments Ltd c/o Zeckler and Co.)

**Response J:**
Not accepted – the two policies are complementary and only five sites, four adjoining in Vauxhall Cross, have both designations. There would be a maximum % of residential of 50% (increased to 66% by MDOs 102-105 in Vauxhall Cross) and a requirement that for increased commercial floor space 1/2 of the increase would be additional residential. These set compatible maximum and minimum bands.

**Objection K:**
Allow for exceptions where not commercially viable (Park Plaza Hotels (Europe) Ltd, J Sainsbury’s)

**Response K:**
Accepted in part – the act allows for exceptions where ‘material planning considerations indicate otherwise’ – it is considered appropriate however to list factors which might lead to the baseline % being adjusted slightly.

**Objection L:**
Take into account existing mixed uses which may already be provided on a development site (Strategic Partners UK fund)

**Response L:**
Accepted – change made.

**Objection M:**
Will the same proportion of affordable housing (Policy 16) also apply to housing development carried out under this policy? (County Hall Owners and Residents Association)

**Response M:**
Yes, it applies to all new housing whatever the source.
Policy 23a – Use of Railway Arches

Proposed New Policy

Railway arches in industrial or storage use are protected for such uses unless they are proven to be causing significant detriment to residential amenity and/or adverse impact on the highways network. If this is the case, every effort should be made to re-locate those uses to a suitable site locally and to re-introduce more appropriate employment (including industrial) uses.

For vacant arches, and where it is demonstrated that existing arches are no longer suitable for continued employment use, a number of uses, including active frontage uses, may also be acceptable, subject to the Plan’s other policies. A variety of small business premises and uses should, wherever possible, be provided in groups of arches.

In the Central London Policy Area, town centres and in relevant Major Development Opportunity sites, a more flexible approach towards the use and re-use of railway arches will be adopted. In these areas, the change of use to active frontage uses is encouraged, provided:

(i) this will assist in the achievement of the Council’s regeneration objectives, and
(ii) the change of use would not result in the loss of any existing significant employment generating use that is appropriately located.

Proposals to use railway arches for parking use will generally be resisted. Change of use from parking use is permitted.

Applications affecting railways arches will be expected to demonstrate how the resultant scheme will improve the immediate environment around the arches, including consideration of aspects such as improved accessibility, safety, servicing and lighting.

1. Lambeth contains a number of railways arches, but they are nevertheless a finite and scarce resource. Many of them provide relatively cheap, flexible accommodation for a range of activities which play an essential role in the functioning of the local economy, but which are environmentally intrusive, such as scrap yards and car repair premises. They often pose particular parking needs and
become ‘bad neighbour’ uses because of this and the environmental nuisance they can create.

2. Arches are increasingly being targeted for more profitable and active uses, particularly around the edges of town centres. The intention of this policy is to seek to retain railway arches in industrial use where they are located away from residential areas, or where disturbance to amenity can be minimised. Arches that are used for other non-industrial uses, but which play an important role within the borough (such as supporting major arts facilities), are also protected, and, when no longer required for these uses, will become subject to the requirements of this policy.

3. In certain locations, railway arches can very successfully contribute to the regeneration and visual improvement of town centre and edge-of-centre locations, through accommodating active frontage uses. The policy allows such changes of use to be considered. Uses within the A1, A2, A3, D1 and D2 use classes may all be appropriate. Similarly, the policy would allow for a change of use of an arch from industrial use if it can be demonstrated that it is no longer suitable for continued employment use. Criteria (i) and (ii) of Policy 23 will be applied in this assessment. These criteria require a justification for loss of employment use either in terms of environmental, access and adjoining site relationship problems or through a demonstration of vacancy and a marketing campaign for continued employment use.

4. Government Guidance in the form of Planning Policy Guidance Note 4, paragraph 21, gives support to policies such as this, which promote the bringing of under-used or vacant land back into beneficial use. This policy indicates the types of alternative uses which may be appropriate for dis-used or under-used railway arches.

5. Conditions of planning approval, and planning obligations, may be used to secure the appropriate redevelopment of railway arches on a development site or nearby.
Policy 24 Work-Live/Live-Work Development

Revised Deposit: Proposed Changes

Proposals for live-work or work-live development (composite B1/C3 uses) should be on sites suitable for permanent residential accommodation and will be assessed as follows:

I[A] As Work-Live Development - where: the development comprises principally employment floorspace with is predominantly non-family residential accommodation with less than two bedrooms and is predominantly employment floorspace; the work areas shall have separate servicing and are of a design, sufficient size (minimum 70 sq m.), and have adequate floor loading, to take the full range of B1 uses, including light industry. These developments are permitted on sites in employment use & KIBAs (Mixed–Use Employment Areas only) providing they would not prejudice the operation of nearby B2 premises and would not result in the loss of modern purpose built industrial units. Employment parking and servicing standards apply.

IIB] Where the requirements of I[A] are not met, then the development will be treated as Live-Work development, and treated as residential development for planning policy purposes and are treated as a loss of employment when developed in place of previous employment uses. Residential parking and servicing standards apply. Walk-in trade is not permitted.

Conditions will be applied: preventing walk-in trade; preventing physical subdivision; removing permitted development rights for reversion to one or other use and for residential extension; to ensure that work and residential areas are maintained as such; to ensure that the residential accommodation is only used in association with the work area; that no other persons work there, and that the work areas are maintained in perpetuity. Obligations will be used to remove any future established use rights of residential development in place of the work component, where loss of employment use would be contrary to plan policy. The number of habitable rooms units of affordable housing required will be calculated based on the % of residential floorspace in the development.

4.12.21. Live-work/Live-work accommodation is the provision of integrated living and working accommodation within a single self–contained unit. They are what is known as a ‘composite’ C3 (dwelling) and B1 (business) use.
4.12.22. This form of accommodation can provide a means for a new business to establish itself by reducing costs. It also can provide accommodation for a wider range of uses embracing the full range of B1 (business and light industrial) uses and contribute to regeneration by bringing derelict sites and buildings into use. They can also significantly reduce the need to travel. They have It has proved to be popular elsewhere in London with the new ‘creative’ industries and there has been substantial interest in developing such units in Lambeth. These benefits will only accrue, however, if the employment areas are of sufficient size and to a proper employment standard – ‘work–Llive’ units. Typically a minimum 60:40 floorspace split in favour of employment will be required, or at least 50:50 for two storey units, as opposed to those units. Where residential use predominates, – 'live-work' development, the Council will treat such development as residential to avoid In terms of the latter they have often been proposed as a means of circumventing policies protecting employment sites. In the past, poor design has meant that the employment floorspace of such development has been seldom used for such, and problems with enforcement have meant that they have it has sometimes reverted solely to residential use.

Summary of Representations & Responses:

Objection A:
Omission: A Policy to encourage home based working and ‘tele-working’ would be a useful addition to the Plan and in support of it’s sustainable development strategy (Orange)
Response A:
Such tele-working will not normally require planning permission so there is no need for such a policy. In those circumstances where it does, similar policies have caused great problems on enforcement of those home-based business that cause a nuisance. The general policies of the plan for assessing amenity are considered sufficient.

Objection B:
The policy regarding live-work/work-live units is flawed in planning terms. Such developments are either:

i) Predominantly employment use with ancillary residential, in which case their lawful use is employment; or

ii) Predominantly residential with ancillary employment, in which case their lawful use is housing; or

iii) 50% employment and 50% residential, and are therefore defined as mixed-use. (Fairclough Homes, Fairview Homes, Rialto, St. George South London)

Response B:
Not accepted – The arrangements proposed in the policy will achieve two uses within the same planning unit. In such a case it does not follow that one use is necessarily ancillary to the other.
Objection C:
Part II) of this Policy should be deleted (Clapham Park Developments Limited)
Response C:
Not accepted – without these minimum safeguards then developments would include poor quality and very small sized employment floorspace. These would be effectively residential developments, and there is no reason why they should not be treated as such, otherwise residential development could be permitted throughout employment areas and with no affordable housing as well.

Objection D:
Part I should remove reference to "mixed-use employment areas only" (Clapham Park Developments Limited)
Response D:
Not accepted – with the employment component they would be unsuitable close to B2 uses in KIBAs.

Objection E:
Amend policy to require live-work development to consist of an approximately equal proportion of the live and work elements (Rialto)
Response E:
Accepted in part – towards 50/50 units become predominantly live-work rather than work-live. Given the minimum area for work this would permit large family accommodation unsuited to work-live. The % split is already more liberal than most boroughs.

Objection F:
Lower threshold for work area within live-work unit from 70m2 to 40m2 (Ms Susan Heinrich)
Response F:
Not accepted – Southwark Street is a very fine grain conservation area dictating its own solutions. However even here there is evidence that units are predominantly occupied as residential. This % split is not being taken forward in the Southwark UDP. 70sqm is the figure successfully used in most of the boroughs that have policies. However, it is proposed to reduce it to 60sqm to add some flexibility.

Objection G:
Exclude live-work units from requirement for affordable housing (Ms Susan Heinrich)
Response G:
There is no restriction in the act preventing this. Without this many schemes will simply revert to residential, as they are marketed as being residential after 4 years.

Objection H:
Section 106 agreements should not be used to amend primary legislation, i.e. removal of lawfulness of use (St George South London)
Response H:
Not accepted – Policy does not prevent change of use, where there is no demand for employment use. Properties would not remain vacant unless the owner chose this course.

Objection I:
Better to have empty building used for residential, than seek to restore 'employment' long gone from the area. (Methley, Milverton, Radcot and Ravensdon Streets Res. Association)
Response I:
Not accepted – work-live for the arts sector etc. is thriving and is not ‘long gone’
Policy 26  Community Facilities

Revised Deposit: Proposed Changes

The development and improvement of facilities for the community is supported and promoted.

(A) Location of Large Community Facilities – Proposals for community facilities serving more than a neighbourhood or district function attracting large numbers of people, including the extension of existing facilities, should be located either:

(i) in the first instance in town centres or in the Central London Policy Area; or
(ii) if there are no suitable and available sites in town centres, then other sites in accordance with the sequential approach (Policy 5).

(B) Location of Smaller Community Facilities – Proposals for community facilities serving a neighbourhood or district function should be located in or adjoining a town or local centre. Where there are no suitable sites in these areas, small-scale community facilities should be located on a site with moderate or better public transport accessibility, which is easily and safely accessible by cycling and walking.

Proposals for community facilities serving local catchments or housing estates may also be located elsewhere within residential areas outside centres, subject to the protection of neighbourhood amenity – especially from the concentration of uses attracting traffic, such as day nurseries.

(C) Protection of Community Facilities – The loss of a community use falling within the D1 use class will be resisted unless the a facility of equivalent functionality is appropriately replaced locally, or adequate compensation planning obligations (to secure or improve facilities of equivalent value functionality in the area and ensure their long term viability) is made for its loss and unless both the site and any buildings are unsuitable and/or unviable for redevelopment for community uses for which there is a local shortage or deficiency (following an audit of demand for and supply of facilities in the locality) where realistic proposals are likely to come forward.

Exceptionally a reduction in the size of a community facility on- or off-site may be permitted where the facility is too large for modern needs or the cost of repairs or replacement buildings of equivalent size are prohibitive.
and the development is essential to secure community use (with equivalent community access) on the remainder of the site or elsewhere.

The loss of an existing school will only be acceptable where a comprehensive assessment of the demand for school places has been undertaken and it is demonstrated that the facility is no longer required both currently and in the medium term. Decisions on the potential loss of existing schools will be taken in accordance with having regard to the objectives of the Action Plan for Education.

(D) Deficiencies in Community Facilities – On In developments capable of 10+ or more residential units, or on sites of 0.1 Ha+ or more irrespective of the number of units, where the development creates or exacerbates an existing shortage of community facilities (such as by increasing the residential population) then new facilities, or contributions towards improving existing facilities, will be seen required. Priority will be given to facilities for the young, the elderly, primary health care facilities, 'affordable halls for hire' (particularly in Streatham), library and indoor sports facilities in Waterloo, and facilities to meet Lambeth’s diverse ethnic and religious needs.

(E) Exceptional Loss of Residential – Limited loss of residential accommodation (as an exception to Policy 15) is permitted where there is a need for primary health care (including doctors and dentists surgeries) or day nursery premises, which cannot be fully satisfied with purpose-built facilities. As long as the scale and operation of the facility does not harm residential amenity, and where the property is large enough should be of sufficient size (i.e. where the plan would allow a conversion to flats).

(F) The Major Teaching Hospitals – The further development of the major teaching hospitals is supported. Development within their sites should be predominantly supportive of health care and be subject to an agreed master plan.

(G) Childcare Facilities – Childcare facilities will be sought as part of large major employment, shopping, higher education, tourism, entertainment, health and leisure development.

(H) School Extensions – School extension areas (as shown on the proposals map) are safeguarded for school extension use.

(I) Use for Functions – Proposals for community facilities capable of holding functions or function rooms, including extensions of existing facilities, should have an acceptable will be assessed in terms of their noise impact from noise generated, both from the use and traffic generated by it. Where necessary, conditions will be applied on hours of use, music amplification noise levels and/or sound insulation and limiting to attenuate
4.13.1. Alongside the need for more housing there is a need and increasing demand for more community facilities, particularly in residential areas, in large part generated by increasing housing and population in the borough. The quality of community facilities varies greatly throughout the borough. Even where there are a wide range of facilities these are often of poor quality and/or in unsuitable premises (in terms of size, flexibility of use) and being denominational. There is often a shortage of facilities for the elderly and teenagers. Lambeth has examined the need for sports facilities. Noticeable by its absence is a sports facility for North Lambeth— with indoor swimming pool, large sports hall and associated services. There is also the need to cater for particular local needs relate to the increasing elderly population of the borough, young people, and the needs generated by Lambeth’s diverse ethnic and faith communities. Lambeth is working with other service providers through the Local Strategic Partnership to ensure that deficiencies in service are met. There is considerable community concern about the loss and cost of use of ‘community assets’.

4.13.2. To simplify and clarify policy the new plan has a single definition of ‘Community facilities’ based on the use classes order i.e. are defined as follows:

Uses within the D1 Use Class uses, namely:

- for the provision of any medical or health service except for the use of premises attached to the residence of the consultant or practitioner;
- use as a crèche, day nursery or day centre [all forms of childcare];
- for the provision of education;
- for the display of works of art;
- as a museum;
- as a public library or public reading room;
- as a public hall or exhibition hall [including all community centres];
- for, or in connection with, public worship or religious instruction.

**The reference to ‘day nursery’ is to be taken as a reference to all forms of childcare, and the reference to ‘public hall’ is to be taken as including all types of community centre, for the purposes of the definition of community facilities.**

And the following sub-categories of Use Class D2

- Sports Halls, Swimming Pools, Skating Rinks

And the following sub-categories of Use Class C2

- Use as a hospital; and,

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- Use as a residential school, college or training centre.

And the following sub-category of Use Class A2
- Use as an advice centre.

4.13.3. Other facilities of benefit to the community such as pubs and outdoor sports facilities are covered by special policies.

4.13.4. Community facilities vary greatly in size. Some only serve a catchment of a few streets. Others, such as the major teaching hospitals, serve people nationally. They can be major generators of traffic. Some uses, e.g. libraries, can also be vital to town and local centres. Government states that facilities such as hospitals and higher education are 'key town centre uses.' Uses which 'attract a lot of people' are required to follow a sequential approach to the selection of sites, locating to sites in or on the edge of town centres in the first instance. This approach also applies to large extensions of existing facilities. Some community facilities have large site requirements, others have large existing facilities outside existing centres they wish to expand. However, the sequential approach allows consideration of whether alternative sites are 'suitable and available' which might not be the case.

4.13.5. Where loss is proposed, it is a requirement to audit existing community facilities in the local area to determine if there were any deficiencies that the site was capable of addressing. Such an audit must also determine that there were other sites better able to meet this need. In some areas such audits are already being carried out by regeneration partnerships as part of their programmes. This should include evidence of unsuccessful marketing, as for employment sites, before loss would be accepted. Such marketing needs to be tailored to the particular requirements of the community sector. Where it is proposed to replace a community facility then there should be adequate consultation with the local community and users of the building. These audits reveal particular requirements for types of community facilities in different parts of the borough. When community facilities are being provided as part of development regard should be had to such audits in assessing local demand. In some parts of the borough facilities are not used to the optimum through lack of accessibility or suitability for groups that need facilities. This means that there is scope for better use of facilities and it may not be desirable for each and every facility to remain in its current form.

4.13.6. Higher density development will inevitably place a greater burden on the borough's schools, sports and community facilities, public amenities and open spaces. The capital costs of these are not covered in the borough's standing spending assessment (money from local government for services) as these are intended to cover the estimated cost of providing services, not the considerable costs of providing the facilities which will be much higher during period of rapid development. Hence the plan requires provision of such expenditure.
4.13.7. A service area that is likely to undergo major change is that of schools. Lambeth has a statutory duty to promote high standards of education. It is firmly committed to an ‘Action Plan for Education’ and much progress has been made. Lambeth is firmly committed to the Department for Education and Skills (DfES) ‘Building Schools for the Future’ (BFS) programme which introduces a new approach to capital investment in schools. BSF commits substantial government investment to rebuild and renew secondary schools and provide substantial new investment in primary schools. It is anticipated that all secondary schools in Lambeth will be refurbished or rebuilt. Additional capacity schools places will also be created as part of the BFS initiative. A past surplus of places has been tackled through a schools development programme. In some areas and sectors, such as secondary places in the South of the Borough, there is a shortage of places and/or a lack of choice of schools. There is also the additional demand likely to come from the high rate of new housing and Lambeth’s rapid demographic growth and high birth rate. Although currently much of these demand is being met through the private sector and out of Borough, the dramatic improvements in Lambeth’s schools mean that it is prudent and necessary to plan for a higher proportion of children using Lambeth state sector schools in the future. Therefore the plan includes a policy to, where necessary, expand school provision, in the future and Lambeth is preparing a revised schools organisation plan as a result. Lambeth supports a parents’ campaign for a new community school serving Clapham and Brixton and the plan includes a proposal for this to be accommodated on the former Henry Thornton School site. The plan now also contains proposals for a new secondary school serving Norwood and Streatham, and the Council is fully committed to the DfES commitment to establish a number of City Academies throughout the Borough.

4.13.8. Planning obligation payments will be calculated having regard to the table below (or any updated table published in supplementary planning guidance). This indicates how payments for additional school places relate to residential development. The contributions secured by planning obligations are required to part fund the one-off capital costs of provision of new permanent and temporary classroom space in order to meet rising school rolls. Funds will not be used to supplement revenue funding the running of teaching and other costs in schools which is met elsewhere reflected in the government’s funding formula for schools. Nor are funds required to make up any existing deficiency, rather the deficiency that will solely arise from the planned new housing. The Council will consider all relevant schools within the catchment area of a proposed development. Where shortages of places exist—in nursery, primary or secondary sectors— the Council will apply the relevant parts of the formula. The issue is whether additional housing would introduce children to within the catchment area of a school with a shortage of spaces. The table is based on Greater London Authority ‘Child Yield’ estimates; based on the typical proportion of children attending each school type (i.e. 13% nursery, 73% primary, 14%
secondary) – PLEASE NOTE, THESE PERCENTAGES WILL CHANGE ONCE UPDATED FIGURES HAVE BEEN CALCULATED. It assumes that a third of all children will be within the catchment of the existing school. Cost estimates will be based on the actual individual costs of extending the schools affected and will be calculated on a case-by-case basis. The payments will apply where a development is within the catchment area of a school with no capacity, or where a development within the catchment of a school would generate sufficient children to use up exceed all spare capacity in that school. All payments will be maintained retained within a ring-fenced fund for expanding places in schools that have, or would have, as a result of the development, no spare capacity.

4.13.9. Lambeth is a highly religious borough. It has a high large number of places of worship, and high church attendance for many denominations. Lambeth's faith communities have been a source of strength in dealing with economic deprivation, and institutional racism. They have been a vital means of contact between public authorities and socially-excluded groups and an important source of community-led projects and ideas for regeneration.

PLEASE NOTE – TABLE 8 IS OUT OF DATE AND WILL CHANGE ONCE UPDATED FIGURES HAVE BEEN CALCULATED

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<tr>
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<th>Table 8</th>
<th>Formula for Calculations of Contributions for Additional School Places</th>
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<td></td>
<td>Number Of School Age Children Per House Type ( \times ) Number of Units of Each House Type</td>
<td>= Number of Children Generated</td>
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<tr>
<td></td>
<td>Number of Children Generated for each School Category (i.e. Primary) ( \times ) Cost of New School Place for the Category</td>
<td>= Cost of Providing Extra School Places</td>
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<table>
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<tr>
<th>NUMBER OF CHILDREN GENERATED PER HOUSE TYPE</th>
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<tr>
<td>BEDROOMS</td>
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<td>2</td>
</tr>
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<td>3</td>
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<tr>
<td>4+</td>
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4.13.10. Lambeth is home to two major teaching hospitals, St Thomas's and Kings College. They are both significant land-owners. There is and the primary need is to develop their estates to improve health care.

4.13.11. Lambeth, like most of inner London, has inadequate primary health care facilities (e.g. GP surgeries and other facilities which act as first point of contact
with most non-urgent patients). The primary health care trusts (PCTs) have plans to improve facilities throughout the borough which Lambeth strongly supports.

4.13.12. Childcare facilities include nurseries, playgroups and crèches. Childcare facilities will be sought in development schemes which attract large numbers of visitors or employees.

Summary of Representations & Responses (Policy):

Objection A:
Concern at exceptions in C, what is ‘realistic’, ‘appropriate’, ‘adequate replacement’ etc. Protection is secondary to unlocking development opportunities. We would like to insist that any community facility lost through development is replaced immediately, locally, accessibly, and appropriately, with the nature of the replacement facility being decided by consultation with the local community and users of the facility that is to be lost (Brixton Area Forum Board)
Response A:
Accepted – amendments proposed here and to Para 3.7.4 and the supporting text. The term ‘unsuitable’ however is a matter for common sense interpretation. Planning obligation monies cannot go into general budgets by law.

Objection B:
We also object to the fact that Part C allows for community facilities to be reduced in size where "the facility is too large for modern needs and the development is essential to secure community use (with equivalent community access) on the remainder of the site". It is not clear what a facility being "too large for modern needs" means and how this judgement is to be reached. The UDP needs to set out the criteria by which such a judgement will be reached and by whom. (Brixton Area Forum Board)
Response B:
Not accepted – the decision would be made by the decision maker (e.g. the planning applications committee or the Secretary of State) following public consultation in an open and transparent way. Interpretation of the policy is a matter of common sense.

Objection C:
We would like to see more proactive support for community facilities for young and elderly people. Paragraph 4.13.1 recognises the shortage of suitable community facilities in Lambeth, including those for teenagers or older people. Nevertheless, it fails to give enough recognition to the particular problems relating to the lack of facilities for young people or older people. This is a major issue in Brixton and needs more explicit recognition and higher priority, both in the Policy 26 and in supporting text (Brixton Area Forum Board)
Response C:
Not accepted as policy 26c gives explicit priority to providing improved facilities for these groups. This is already covered by the policy.

Objection D:
We would like to see play facilities for children and young people protected as community facilities in the D1 Use Class (Brixton Area Forum Board)
Response D:
Not accepted as what use class something falls into is a matter for the secretary of state and not Lambeth and they do not fall under the D1 use class. It is important to clearly classify a type of use under one policy or the other. Given its status children’s play facilities are protected under policy 45 as an open space use.
Objection E:
We would like to see meeting places for older people protected as community facilities in the D1 Use Class (Brixton Area Forum Board)
Response E:
They are – this is a D1 use protected by the policy.

Objection F:
In addition, we would like to see the following buildings retained for community facilities: Lambeth Young Women's Project, Morval Road Nursery, Nature Gardens -Tulse Hill Estate, Dexter Road Adventure Playground (Brixton Area Forum Board)
Response F:
Lambeth’s Womens project is an A2 advice centre protected by the policy. Morval Road day nursery has now been sold and development has commenced. The other two sites are nature conservation and open space sites protected by policies 45 and 46 respectively.

Objection G:
There is no reference in the plan to a policy to protect indoor sports facilities, e.g. Streatham Ice Rink. (Simon Hooberman)
Response G:
Indoor sports facilities are fully protected by policy 45.

Objection H:
Financial contributions to education provision based for affordable housing are inappropriate. Firstly, it would mean one community benefit subsidizing another and, secondly those being housed will already be part of the local population, and therefore will not generate additional school places. (Lambeth Housing Association Group)
Response H:
Not accepted – firstly it is not a ‘community benefit’ but an essential planning obligation to accommodate household growth. Secondly although for borough residents, new housing may result in a redistribution of residents within the Borough, such as introducing children within a catchment of a school which would create or exacerbate a shortage of school places. It is acknowledged however that the impact will be reduced. The only research is in Barnet, which suggests that the reduction is of the order of 25%. It is proposed to include a similar reduction, however in a smaller borough such as Lambeth a higher reduction is appropriate.

Objection I:
Should give more emphasis to improving sporting facilities (Friends of Hillside Park)
Response I:
Sport is covered by policy 45. It is proposed to delete reference to sport in clause D and cover it in policy 45.

Objection J:
There is insufficient recognition of the state of many community buildings where over very many years the building has deteriorated, or come to the end of its economic life because community groups, in their desire to provide low cost facilities have not charged sufficient rent to provide for the cost of repairs or eventual rebuilding. This proposed policy does not provide sufficient flexibility. The policy is not sufficiently flexible to prevent some large Victorian churches and other D1 use buildings turning into wasting assets. The second paragraph should be amended to read "...too large for modern needs or the cost of repairs or replacement buildings are prohibitive for
the community and the development secures reasonable replacement facilities on the remainder
"

A third paragraph should be included to read.

" Lambeth will work with building owners to find imaginative uses and ways of preventing large
important buildings becoming wasting assets because of their age, size and condition. (Diocese
of Southwark)
Response J:
Accepted in part – these are relevant material considerations and amendments are
proposed to include reference to them. However this must still be within the context of
protecting and replacing community facilities where at all possible and so must be framed
as an exception.

Objection K:
School places should be the responsibility of the community as a whole (Diocese of Southwark)
Response K:
Not accepted – national planning policy in circular 1/97 and PPG12, as well as audit
commission guidance make it clear that the costs of new infrastructure must fall on the
development creating the need for it rather than unfairly fall on the existing population.

Objection L:
Threshold of 10+ is too small (Level Properties, Mark Brown, Eaton Square Garages Limited)
Response L:
Not accepted – all developments will create such a need. It is above the government’s
proposed tariff threshold of 250sqm.

Objection M:
Object to childcare requirement – may not be required in all cases (Level Properties, Mark Brown,
Delancy Estates Ltd and Clerical Medical Investment Management Ltd, Shell International
Petroleum Company and Lend Lease Europe)
Response M:
Not accepted – the only circumstance where large developments will not generate a need
for childcare facilities were if they did not employ women, or those with childcare
responsibilities.

Objection N:
Inclusion of Vauxhall School as a school and community facility use (Vauxhall School Governors)
Response N:
The policy applies to all buildings still required for community use. It is impractical to list
every school etc. in the policy. If there is still a demand for school places that the school
can satisfy then it is protected. However if at some future point there was a falling away
of demand or if the school facility could be provided elsewhere then the site could go to
other uses.

Objection O:
It speaks about ‘community’ and only relates to white (predominantly) facilities. This is reflected
in the fact, for instance, that, the so-called Black cultural and heritage ‘building’ is not in the UDP.
(Ms Marcia Simpson)
Response O:
Not accepted – the UDP seeks to provide facilities for the whole community. It would be
unlawful to provide any facilities for a specific ethnic group or groups exclusively.
Improved community facilities are being provided in Brixton such as at Raleigh Hall.

Objection P:
The definition of compensation at subsection (C) should be toughened (The Streatham Society, Sally Wadsworth)

Response P:
Accepted – change made.

Objection Q:
Include a policy to provide a network of public toilets throughout the Borough. (Robert Holden)

Response Q:
Accepted – change proposed to policy 48.

Objection R:
Remove reference to building replacement facilities on-site or off site (Lady Margaret Hall Settlement)

Response R:
Not accepted – the objector is seeking to make the policy more flexible, but this suggested amendment would have the opposite effect making the policy far more rigid, and too rigid.

Objection S:
The UDP must spell out to developers the guidelines along which Section 106 agreements will be imposed. Here again there must be no ambiguity, which might allow people to suspect planning officers of collusion with property developers (Stanthorpe Triangle Residents Association)

Response S:
Noted – there is no such collusion, and the policy is clear.

Objection T:
This company objects to this additional requirement for developers to provide facilities in addition to the excessive affordable housing demands. Further, there is no basis for assessing what the need for community facilities is, whether the development does ‘increase the residential population’ and how and on what any moneys secured through this policy would be spent (Bryant Developments)

Response T:
Not accepted- the supporting text sets out the methodology for assessing needs. Developments for housing will clearly increase the residential population and the introductory section of the plan set out the basis on which planning obligations will be secured and spent.

Objection U:
In (G) Include 'in large areas of residential development' (Waterloo Community Charity)

Response U:
Not accepted- whilst sympathetic it would be difficult to set down a planning justification if there were no additional visitors or workers to the development site.

Objection V:
Drafting - I am sure that "day centres" should include "for the elderly" not only childcare (Clapham South Neighbourhood Association)

Response V:
Accepted – change made.

Objection W:
In the interests of prudent planning, no Council-owned buildings currently used as primary or secondary school's be sold off for other uses until the Council has agreed corporately to a set of Primary and Secondary School Plans that are based on reliable new demand projections in line with the assumptions set out in Para 4.13.7. (Lambeth Liberal Democrat Group)

Response W:
Accepted in part – Lambeth is preparing a new schools operation plan based on the housing growth projections in the new UDP. This may well result in changes to previously proposed school re-organisation in some wards. Some wards and area show little change from previous projections however.

Objection X:
There is a need for a common master plan, between Kings College Hospital and the Maudsley and more joint working across the Borough Boundary (The Camberwell Society)
Response X:
There has and is considerable joint working as part of the UDP review of both boroughs. It is not considered there is a need for a joint master-plan between the two hospitals. These each have different specialisms and facilities, hence a joint master-plan would have limited overall benefit.

Summary of Representations & Responses (Para 4.13.2):

Objection A:
We are concerned at the limited type of facilities that you include (4.13.2). Local people are developing a vision for developing two or more multi-purpose community facilities, which would be much more than a public hall. (Leah Levane, Streatham Partnership Board)
Response A:
This is a matter-of-fact definition of the uses protected and covered by the policy. It in no way implies that any and every use in this list is acceptable when there is a shortage of a particular type of use in an area. It is proposed to clarify this in 4.13.5.

Summary of Representations & Responses (Para 4.13.6):

Objection A:
The HBF objects to this paragraph, which effectively seeks to penalize developers for implementing Government policy. (Giles Atkinson, House Builders Federation, Bryant Developments)
Response A:
Not accepted – see response to similar objection under policy 26.

Summary of Representations & Responses (Para 4.13.7):

Objection A:
This paragraph suggests that the centre of the Borough is adequately served, which is not the case. It does not present a coherent plan to address the shortage of places. (Paul Robson)
Response A:
Lambeth now accepts the limitations of its schools planning and is now preparing a revised schools operational plan. Changes are proposed to the text to reflect this. The detail requested however is too high a level of detail for a development plan and are best set down separately in the schools organizational plan, with the development plan reflecting any land-use implications.

Objection B:
Para 4.13.7 should contain a clear statement of how many 11 year olds in Lambeth transfer to secondary schools outside the Borough; a target for additional secondary school places in Lambeth by 2017; a list of sites (with number of places) for additional capacity with proposed dates of opening; a clear statement of how land and finance will be found to reach the target number of places by 2017. (Paul Robson)

Response B:

Lambeth now accepts the limitations of its schools planning and is now preparing a revised schools operational plan. Changes are proposed to the text to reflect this. The detail requested however is too high a level of detail for a development plan and are best set down separately in the schools organizational plan, with the development plan reflecting any land-use implications.
Policy 27  Loss of Pubs—Public Houses

Revised Deposit: Proposed Changes

Pub use and appearance is protected where this contributes to the character and/or community life of the area. The Council will use available planning powers to resist schemes involving the demolition of public houses of distinctive architectural character.

Proposals which would involve the loss of such a premises public houses (in whole or part, and in particular the ground floor public house use in traditional, purpose-designed buildings) to non A4 class use, will only exceptionally be permitted if the site is outside the Central London Policy Area and if: (a) it is demonstrated that there is no reasonable prospect in the medium term of re-use or refurbishment for an environmentally acceptable A4 class use, following a thorough marketing exercise and having — including of untapped local markets (this should include use of a smaller part of the site — such as the ground floor only), regard will also be had to regeneration proposals in the area. which are likely to lead to an increase in demand and need for pubs;

In addition, schemes affecting public houses complying with (a) should also not:

(ba) not create a shortage of local pubs public houses within easy walking distance (400m) of the site.

(bb) not result in a net loss of ancillary or attached housing (or a net loss of ancillary or attached including affordable housing and/or short-stay accommodation) nor lead to loss of existing or potential self-contained access to housing;

(bd) not result in the loss, without compensation, of ancillary or attached facilities of significant recreational or entertainment value, unless these are shown to be unviable (including through separate marketing) and/or their continued use would cause unacceptable traffic problems or nuisance to neighbours; and

(ec) for harm the architectural character of a listed or other public house of distinctive architectural character any by way of extension or alteration should not harm the architectural character of the pub (including, for a listed pubs public house, including its special interior character) and/or street;
(fd) result in a loss of cellarage or other features which might render public house use unviable.

Characteristic public house features should be preserved or enhanced where these are of architectural merit.

This policy applies to purpose-built public houses whose last lawful use was as a permitted A class use, whether currently in use as a public house or not.

4.13.13. The Government’s recent review of the Use Classes Order has resulted in public houses and bars being removed from the general A3 Use Class and placed into their own category, A4 Use Class. To change the use of a public house or bar to any other use previously falling with the A3 Use Class now requires planning permission.

4.13.13.14. Pubs Public houses are a long-established and much-valued part of London life. They are often important and distinctive local landmarks of significant architectural quality, often the best buildings in run–down areas. In older parts of the borough pubs public houses were often designed into the original street grid being constructed as local landmarks in a more ebullient or florid version of the style of local terraced housing. For example they may have been designed as bookends to streets, and represent a much-cherished centre of community life and entertainment. Many offer cheap accommodation and may also help service and animate business, tourism and regeneration areas.

4.13.14. The Victorian, Edwardian and interwar development of the borough led to many pubs public houses being built; many also survived post-war residential redevelopment around them. However, as drinking habits and local populations have changed, some have declined and there is pressure from their owners to convert them to residential use — exacerbated by anti–monopoly legislation forcing brewers to sell off more marginal outlets. Rarely have these premises lacked customers and in some cases pubs public houses have been refurbished and are thriving. Regeneration proposals may also create additional potential customers in the future. Whilst they can create provide much-needed housing they have in some cases resulted in loss of attached affordable housing, whether self-contained or ancillary. Some pubs public houses are the only buildings of merit in a neighbourhood but as a result are not in a conservation area or of such a high quality as to be listable. Original interiors are often of historic interest and should be preserved (if listed, listed building consent may be needed to alter such interiors). The retention of well-known pub public house names is encouraged but cannot be insisted upon.

4.13.15. Where pubs public houses are to be retained as part of a wider development, the pub and both the building and internal pub features will be
retained by condition or planning obligation. Marketing exercises (including of untapped local markets, and also for use of a smaller part of the site such as the ground floor only) should also account for the cost of replacement of pub public house features deliberately removed with the intention of frustrating the policy. Regard will be had to the CAMRA pub public house viability test.

Summary of Representations & Responses:

Objection A:
We would resist any retention of pubs that required an extended/late license in a residential area (Brixton Area Forum Board)
Response A:
This matter is covered by policy 29.

Objection B:
This policy also does not refer to the conversion of traditional local pubs to more exclusive/expensive venues. While there may be no formal change of use in planning terms, such conversion can have a profound effect on the character of a pub and on the clientele who feel comfortable drinking there. Many local pubs in Brixton have been "lost" to local people due to such conversion, although they remain licensed premises. Lambeth should give consideration to creative use of planning policies and/or conditions to ensure that there remains a reasonable mix of pubs in the area. (Brixton Area Forum Board)
Response B:
Noted – the concern is well understood, however as the objector states this is not a matter covered by planning control and licensing cannot refuse a license to a fit and proper person providing the premises is run in an appropriate manner.

Objection C:
Your criteria for protection are not recognised listing criteria. Unless the pub is listed, the council has no power to protect. We suggest that this policy refer to a schedule of listed pubs together with another for those, worthy of statutory protection and a commitment to list them. (Clapham Society)
Response C:
Not accepted – providing a change of use takes place there is a power to protect, there is no reason why the listing criteria should be used. It would be impractical to list all such pubs with the aim to produce a succinct plan and many will not be listable. Listing is in any event the responsibility of the Secretary of State.

Objection D:
The names of the pubs also often carry historic significance and they deserve protection, perhaps by listing their signs or lettering on the facades. (Clapham Society)
Response D:
Noted – once a building is listed this also including lettering etc.

Objection E:
27e: Vague terminology. The use of the word enhance has little to do with protection here because it can be taken to mean improve or alter. The conservation of original features should involve preservation or restoration only (The Clapham Society)
Response E:
Not accepted – this is the wording of the act for listed buildings and conservation areas.

Objection F:
Lambeth UDP: Proposed revised deposit text and summary of representations and responses

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Author: CD
Affordable housing should be included as an exception to the generality of this policy. (Lambeth Housing Association Group)

**Response F:**

Accepted in part – it is proposed to amend policy 16 so those pubs of no architectural interest are included as potential affordable housing priority sites. To include all pubs however could see the loss of high quality pubs, which serve an important local function.

**Objection G:**

Changes in social habits should be recognised, and re-use of uneconomic pubs permitted. (Methley, Milverton, Radcot and Ravensdon Streets Res. Association)

**Response G:**

Not accepted – the policy has been widely supported on the basis that a number of still viable premises are being lost.

**Objection H:**

Policy 27 should be rewritten to take away the "exceptional circumstances" presumption against the loss of public houses. (Mount Anvil Construction)

**Response H:**

Not accepted – the policy is not framed as a 'presumption against'. However it is proposed to amend it to clarify that only viable pubs are so protected.

**Objection I:**

There should be no distinction in the policy between pubs falling within or outside the Central London Policy Area. (Mount Anvil Construction)

**Response I:**

Not accepted – pubs are a central London supporting activity, protected by RPG3.

**Objection J:**

Criterion A should be amended to remove the requirement for marketing for A Class Uses, and instead to require the submission of viability and trading information. (Mount Anvil Construction)

**Response J:**

Not accepted – current trading information is helpful, but much more so is information on whether or not others are interested in re-purposing premises to meet a new market (see CAMRA pub viability test).
Policy 41  
Listed Buildings

Revised Deposit: Proposed Changes

(A) Preservation – The Council will general presumption is that preserve all listed buildings will be preserved for because of their special architectural or historic interest. Listed building consent for the demolition or alteration involving partial demolition of a listed building will only be granted in the rarest exceptional circumstances not normally be granted.

(B) Alterations and Extensions – Consent for alterations and extensions may be granted where the result preserves the special interest of the building. Where repairs, alterations (including shop fronts) or extensions are necessary, they must relate sensitively to the original building and will require craftsmanship and professional skill of a high standard. There will be a presumption in favour of the use of original materials and traditional repair and construction methods. All aspects of proposals should be necessary and should protect the architectural or historic integrity and detailing of the exterior of the buildings and valuable interiors, and should be entirely fully in accord with the period, style and detailing of the building. Where the existing original roof structure is of specific architectural or historic interest, it should be preserved. Extensions that adversely affect the internal appearance of listed buildings will not be acceptable.

(CB) Repair and Retention – To protect historic quality, retention and repair of features, rather than replacement, will be expected. In some specific cases, however, where partial demolition is agreed, particular attention will need to be paid to the implications that it may have on the stability of the building and adjoining properties. At all times the onus will be on the applicant will need to demonstrate that alterations, extensions and other structural works to listed buildings can be carried out without putting the retained historic fabric at risk.

(CD) Original features – Where they are of architectural or historic interest, should be retained, including the presumption will be in favour of retaining all original, historic or characterful internal and external decorative features such as: fireplaces, windows (including shop fronts), external and internal doors, panelling, window boxes and shutters, staircase balustrades and other decorative woodwork, decorative ironwork, tiles, plaster, stucco work and other features of importance.

Where such features are beyond repair or missing, they should be replaced with historically accurate replicas using traditional materials and craft techniques. Redundant historic materials should be retained for re-use wherever possible. In some cases features may have deteriorated beyond repair. Where they are not salvageable,
they should be replaced in facsimile and where they are missing, they should be restored, or replaced with sympathetic designs.

(DE) Plan Form– The original plan forms and internal and external spatial quality of historic buildings should not be preserved and not compromised by unsympathetic alterations or extensions. Proposals for lateral conversion between historic buildings where this would compromise their original plan forms or adversely affect the internal appearance of important rooms or spaces will be refused. In general, it will not be acceptable to make breaches in the party wall between historic buildings on the ground and first floors or in other sensitive locations, or to demolish and redevelop behind a retained façade. This is particularly important for 17th, 18th and 19th Century buildings of cellular form.

(E) Alterations and Extensions—Where repairs, alterations (including shop fronts) or extensions are necessary, they must relate sensitively to the original building and will require craftsmanship and professional skill of a high standard. There will be a presumption in favour of the use of original materials. All aspects of proposals should be necessary and should in no way be detrimental to the architectural or historic integrity and detailing of the exterior of the buildings and to valuable interiors, and should be entirely in accord with the period, style and detailing of the building. Extensions to listed buildings will only be acceptable where they relate sensitively to the original building. Where the existing original roof structure is of specific architectural or historic interest, it should be preserved. Extensions that adversely affect the internal appearance of listed buildings will not be acceptable.

(F) Setting— Development which adversely affects the setting of a listed building, or significant important views of a listed building, will be refused.

(G) Changes of use – Wherever possible, the original use of an historic building should be retained, particularly if it is residential. If the use has been changed from the original, reversion to the original may be desirable, serious consideration should be given to whether it can revert to that use. In some cases, the survival of the building it may entail being essential to find an alternative appropriate new use other uses; this should minimise avoiding damage to historic or important features. The new or adapted use must not diminish the architectural or historic value of the building or its setting, and the implications of other and statutory requirements, such as fire escapes and services, will need to be taken into account integrated sensitively.

(H) Listed Building Planning Outline Applications— Listed Building applications involving effecting alterations to listed buildings will not be accepted in ‘outline’ form, should include photographs and a schedule of building works. Planning applications affecting listed buildings should be fully detailed and not in outline form.
Listed buildings at risk - The Council will work with owners of Listed buildings and English Heritage to bring into sustainable use and good repair and thus preserve Buildings-at-Risk in the Borough.

4.17.1. The Secretary of State for Culture, Media & Sport is required to compile and maintain a list of buildings of special architectural or historic interest, known as Statutory Lists. Further, additions of appropriate buildings may will be recommended to the Secretary of State for the Environment, Culture, Media and Sport for inclusion in the Statutory List. Buildings on these lists are classified in grades to show their nationally assessed importance.

4.17.2. There are over 2,250 listed structures in Lambeth, including six Grade I listed buildings (e.g. the Royal Festival Hall, Christ Church Streatham and Lambeth Palace) and over 60 particularly important Grade II* buildings and monuments. The remainder have Grade II status. As buildings of special architectural or historic interest, every effort is made to preserve and enhance them. The listing of a building at any grade, includes its interior as well as its exterior, and consent may be required for internal alterations. Advice of the Council’s Conservation Team should be sought before carrying out changes to the interior of a listed building.

4.17.3 There is a general legal presumption in favour of the preservation and retention of listed buildings. The fact that a building is listed means that proposals for demolition (including alterations involving demolition of a material part) of a listed building, and for changes which affect its character as a building of special architectural or historic interest must obtain 'listed building consent' from the Local Planning Authority. PPG15 provides advice on the identification and protection of historic buildings and lists the tests that must be passed for loss of a listed buildings to be acceptable. Listed building consent for demolition, or alteration involving partial demolition, will only be granted in exceptional circumstances, when this meets the specific criteria of paragraphs 3.17-3.19 in PPG15, including: (a) the condition of the building(s), the feasibility of repair and maintenance in relation to its importance and continued use value; (b) the adequacy of efforts made to retain the building in use; and (c) exceptionally, the merits of alternative proposals for the site. Applications for listed building consent and planning permission should be dealt with concurrently.

4.17.4. Schemes for the alteration of listed buildings are best prepared by a specialist conservation architect or surveyor. The Society for the Protection of Ancient Buildings (37 Spital Square E1; tel 0207 377 1644) can suggest names from their list of experienced architects and surveyors who follow conservation principles. (N.B.: Under Section 1 of the 1990 Act, any object or structure fixed to a listed building or lying within its curtilage which forms part of the land and has done so since 1 July 1948 is treated as being listed.)

4.17.5. The Council will generally wish to see the original structure and historic fabric of any listed building or group preserved. Disturbance caused by major works can turn
minor weaknesses into serious defects requiring further works, which in turn can further disturb the structure, perhaps putting adjoining buildings at risk. Therefore alterations must often be restricted to a modest scale, and the Council will not necessarily accept that minor defects are a justification for major reconstruction works. Full regard will be had to the viability issues regarding the future use and maintenance of listed buildings in line with national policy.

4.17.6. The Council will promote the repair, preservation and, where applicable, the enhancement (by the reinstatement of architectural detailing) of buildings of architectural or historic interest by:
(i) the encouragement of individual owners to undertake such works as may be necessary;
(ii) promoting and ensuring the best use of public and private organisations' grant aid schemes for the restoration of historic buildings; and
(iii) the use of available statutory powers under Sections 4, 47 and 48, and 54 and 215 of the 1990 Planning (Listed Buildings and Conservation Areas) Act and Section 215 of the 1990 Town & Country Planning Act to achieve the repair of neglected listed buildings, through repairs notices and compulsory acquisition, if appropriate, or other relevant means. The Council will collaborate with English Heritage and local residents' groups in a joint strategy to tackle those buildings in the borough identified on the English Heritage Register of Buildings at Risk in Greater London, and those unlisted buildings in conservation areas requiring positive action. In some case grant aid from English Heritage may be appropriate. Guidance on repairs is given in PPG15 Planning and the Historic Environment Appendix C and from English Heritage and special organisations (Georgian Group, Victorian Society, etc).

4.17.7. The number of listed buildings at risk in the borough has fallen from 29 in 2000 to 24 in 2001 and continues to fall.

4.17.8. In order to reduce the risk of theft of architectural features from historic buildings, the Council may request additional security arrangements on site during building works.

4.17.9. Where proposals for 'enabling development' are submitted effecting the historic environment then full regard will be had to guidance published by English Heritage.

Summary of Representations & Responses (Policy):

Objection A:
Suggests minor amendments to wording (English Heritage)
Response A:
Accepted – however, legally, reference to external guidance is best covered in supporting text. External impact of extensions covered by alterations and extensions policy.
Objection B:
Plan should include reference to listed buildings at risk. (English Heritage)
Response B:
It is proposed to add a reference to the policy, however the text requested is already in the plan in Para 4.17.6

Objection C:
The UDP could make reference to PPG 15 rather than repeat it (Clapham Society)
Response C:
PPG15 contains advice on what plan policies should say about listed buildings. The policy follows this and English Heritage advice on development plans and listed buildings.

Objection D:
Policy 41, Section (a) should read:"…listed building consent for the demolition or alteration involving partial demolition of a listed building will not normally be granted, unless the tests set out in PPG15 relating to the demolition of listed buildings are fully satisfied.” (Tesco’s, Ridale Developments limited).
Response D:
Reference to this section of PPG15 has been included in Paragraph 4.17.3.

Objection E:
I object to Raleigh Hall being allocated to the Black Community as its Black Cultural and Heritage Building (Marcia Simpson)
Response E:
Not accepted- The UDP does not suggest giving Raleigh Hall to any specific group or section of the community.

Objection F:
Objection to Parts A, C, D, E. Policies too restrictive and do not allow for innovative contemporary design. For example projects such as Tate Modern would contravene all of the policies (Kennington Association)
Response F:
Not accepted – they are in line with PPG15. Tate Modern is not listed however if it were it would still comply with the policy.

Objection G:
The name on the frontage of the necropolis railway station in Westminster Bridge Road is removed or covered up. This should be restored, as (a) it was part of the original building and (b) tourists looking for the building would be helped. (Mr R Lynn)
Response G:
This is too specific for the plan.

Summary of Representations & Responses (Para 4.17.2)

Objection A
Add sentence on interior change for clarity (English Heritage)

Response B
Accepted – change made.
Summary of Representations & Responses (Para 4.17.4):

Objection A
Support section but the common misconception that lower graded buildings are more flexible to interior change should be avoided. Add for clarity: "The listing of a building at any grade, includes it's interior as well as its exterior, and consent may be required for internal alterations. Advice of the Councils Conservation Team should be sought before carrying out changes to the interior of a listed building." (English Heritage)

Response A
Accepted- the paragraph has been amended accordingly.
Policy 42  Conservation Areas

Revised Deposit: Proposed Changes

(A) Protection – Development proposals in a conservation area should pay special attention to the preservation or enhancement of the character or appearance of the conservation area.

(B) Design Guides – Lambeth will designate new conservation areas where the character of the area justifies this. The Council will permit, prepare and adopt character appraisals for its conservation areas. New development and enhancement proposals in conservation areas shall have particular regard to these guidelines.

(C) Demolition – The Council will resist granting consent will not be given for the demolition of a building, or alteration involving demolition of part of a building, in a conservation area where the building, or part of the building, makes a positive contribution to the character or appearance of the conservation area. Proposals for the partial demolition and reconstruction of unlisted buildings may be acceptable providing that the structural stability and architectural integrity of the retained elements are safeguarded.

Where demolition in a conservation area is acceptable, for example because the building does not contribute to the area, and its redevelopment would be beneficial in terms of a gap site, then a full planning application will be required to accompany the application for conservation area consent. Replacement buildings should follow policy 32 and the opportunity should be seen as a stimulus to imaginative, high-quality design. Redevelopment schemes should be of a suitably high standard of detailed design in character with the conservation area. Any consent for demolition will be subject to a condition and/or section 106 agreement that the building shall not be demolished until a contract for new work has been made and planning permission for those works has been granted.

(D) Alterations and Extensions – Alterations to elevations of buildings in conservation areas, including window designs and shop fronts should (as far as this is practicable) retain and restore the original or historic design and materials, or where not practical be sympathetic to the original design. Procedure for enhancement of features of the original building in terms of dimensions, texture and appearance, having regard to policy 33 and to relevant supplementary design guidance issued by the planning authority.
Characteristic features such as doors, canopies, windows, porticos, porches, roof details (e.g. chimneys, chimney pots, roofline and pitch) and party wall upstands should be retained and not unacceptably altered, even when these elements may be redundant.

Extensions to buildings in conservation areas should not alter the scale or roofline of the building detrimental to the unity or character of the conservation area and should be complementary to the original building in elevational features. Where minor alterations and development, individually and cumulatively, are leading to an erosion of the character and appearance of a conservation area, then public consultation powers (under article 3 (1) and 4 (2) of the GDPO 1990) will be used to bring such changes under planning control.

(E) Basements and Boundaries – The filling in, or covering over, of front basement areas will not be permitted in conservation areas. Development should preserve and reinstate characterful traditional uniform boundary treatment of the area, for example re-instating front boundary cast iron railings, or brick garden walls and traditional ironwork.

(F) Open Areas – In conservation areas, the loss of the following, or of views of the following, where possible will be resisted where they form an integral part of the character or appearance of the area – landscaped areas, private and public gardens, original and characterful garden boundaries, trees of amenity value and hedges, where they form an integral part of the character or appearance of the area.

(G) Setting and Views – Development outside conservation areas should not harm the setting of the area or harm views into or from the area.

(H) Outline Applications – Applications in conservation areas will contain sufficient detail to enable assessment within the townscape context. Outline applications will generally not be acceptable, be accepted in "outline" form, other than in those limited circumstances of regeneration areas. (E.g. South Bank Centre and Town Centres), where a masterplan or development framework of sufficient detail is approved. The outline consent can help guarantee the delivery of the objectives of the masterplan or development framework and the protection of the special character or appearance of the Conservation Area.

(I) Changes of Use – As Policy 41 (G)

(J) Enhancement – The enhancement of conservation areas and the improvement and restoration of properties within conservation areas is encouraged and will be promoted in conjunction with local residents and societies.

4.17.10. Lambeth has over 50 conservation areas covering over 1/4 of the borough. Lambeth has an outstanding heritage, spanning over 500 years of development, and the effective
management, preservation and enhancement of this historic townscape is a major challenge. Considerable strides have been made in the last three years, after many years of neglect, by the appointment of a small but dedicated conservation team. The borough's heritage is now seen as a major spur to conservation – led regeneration. Lambeth continually reviews conservation area coverage and a number of designations, extensions and de-designations have or are being carried out.

4.17.11. The physical survival of Lambeth's past is to be valued and protected as part of the borough's cultural heritage and the sense of identity of London. The physical survival of our past adds to the quality of our lives, by enhancing the familiar and cherished local scene and sustaining the sense of local distinctiveness that is such an important aspect of the character and appearance of the borough. The historic environment is also of immense potential for the regeneration of the borough.

4.17.12. Lambeth is committed to conservation area management (see below):
Conservation Area Management Designation is just the beginning of the conservation process. Conservation will only have a firm basis where the features that define the character of conservation areas are identified by a survey and analysis of the architecture and history and enhancement opportunities of an area. On this basis the intention is to carry out character appraisals for each conservation area. Designation enables Lambeth to exercise control over the demolition of buildings and the loss of trees. In addition there are other controls restricting 'permitted development' rights. Following on from the character appraisals, Lambeth is undertaking a process of conservation area management. This examines how these controls are being, and should be, implemented. Depending on the qualities and merits of each conservation area, the safeguards provided by the General Permitted Development Order may not be adequate to retain the the overall prevailing character of buildings and frontages and a degree of 'fine tuning' through an Article 4 direction (which confers additional powers of control) may be issued where justified. The public has a right to expect clear guidance on how planning controls will be exercised in conservation areas, especially when such special controls are introduced. Successful conservation depends on a positive approach by the Council and the interest and cooperation of the public. For this reason Lambeth is issuing conservation area design guides. These comprise special policies for individual conservation areas, issued as supplementary planning guidance, giving clear guidance on what applications will and will not be approved. Design guides and directions are the subject of consultation with local residents, with designations we will normally pre-consult, in ways appropriate to that area, but may not do so, for example, if there is a perceived consequential risk to the buildings in the proposed area.

4.17.13. Conservation Areas have special protection in that most works of demolition require a particular form of consent (Conservation Area Consent). The Council will use this power to control unnecessary demolition of buildings.

4.17.14. The main threat to most of Lambeth's conservation areas is not the threatened loss of buildings but the gradual erosion and alteration of individual elevational features, that together, give the conservation areas their special character. This is particularly the case with
rendering/painting, roofing replacements, and replacement of original windows. Where necessary Lambeth will apply or seek, following consultation, for restrictions on ‘permitted development rights’ through article 4(1) and 4(2) directions to bring these matters under greater control. In all cases the presumption will be in favour of retention of original materials. For example carefully maintained box sash windows can last for generations and can be supplemented by internal secondary glazing. Materials such as PVCu windows are strongly discouraged.

4.17.15. An essential element of the borough's conservation areas is the landscaping and garden areas within them. Views between gaps in buildings of rear garden areas are also an important feature in some conservation areas.

4.17.16. Improvements to buildings in conservation areas help ensure their retention and contribute to overall appearance of the area. English Heritage has successfully operated a discretionary grant system for some years, which may help owners of Grade I and II* listed buildings to do necessary work to properties, encouraging improvements in keeping with the original design of property, using traditional materials. In addition, there are a number of Conservation Partnership/Heritage Economic Regeneration Area schemes currently operating in Lambeth which grant aid certain external works to selected historic properties.

4.17.17. In some areas there is the potential to complete squares, terraces etc. of important buildings damaged by bombing or subsequent insensitive development, through infill development which replicates the elevational treatment of existing properties e.g. Albert Square. Similarly, there are other areas which have had later front additions, where Victorian single storey retail units were built in the front gardens. With changing retail patterns some of these of no merit outside identified centres might be surplus to needs and restoration of a section of frontage might be desirable. Such proposals shall be considered against plan policies.

4.17.18. In many instances the major design concern is on the setting of conservation areas or on an area outside one. The fact that an area is outside a conservation area does not mean design issues are unimportant, as achieving the highest quality designs can be vital in regeneration areas outside conservation areas.

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Summary of Representations & Responses (Policy):

Objection A:
Add reference to powers to bring matters under planning control (English Heritage)

Response A:
Accepted – change proposed.

Objection B:
Disagree with the wording of 42C. We think that this is not a correct interpretation of the law as it stands because consent is no longer required for demolition unless it is "substantial" or covered by an Article 4 direction. (Clapham Society)

Response B:
The wording has been drafted flowing legal advice in the wake of the Shimuzu judgement.

**Objection C:**
In certain cases, consent for demolition or alteration of a building in a conservation area may be appropriate where the tests in PPG15 are met or where the advantages of the new development would enhance the conservation area as a whole and outweigh the loss, or alteration of the building. (Tesco’s)

**Response C:**
The first point is accepted – however the second is adding a test that is not part of PPG15.

**Objection D:**
The policy should be re-worded to indicate that there will be a general presumption in favour of retaining buildings, which make a positive contribution and that proposals to demolish such buildings will be assessed having regard to the relevant criteria in national policy. (Laing Homes, Groveville, Peabody Trust, Weald Properties Limited, Goldcrest)

**Response D:**
Accepted - amended accordingly.

**Objection E:**
Emmanuel, Streatham Common, has a Victorian Tower, which is unlisted, and which has little practical use, although it is a local landmark. I can envisage circumstances where we might want to propose a partial (or total) demolition to improve the service the church provides to the community (Rural Dean: Revd Simon Butler)

**Response E:**
This is very important local landmark and demolition is unquestionable.

**Objection F:**
Permission should be granted provided it is demonstrated that the proposal enhances the character or appearance of the conservation area (The Diocese of Southwark, CLS Holdings).

**Response F:**
This is not the test of PPG15. The tests are now fully included in the policy.

**Objection G:**
Restrict car traffic and promote home zones in conservation areas (Lambeth Cyclists)

**Response G:**
Home zones are covered by policy 14 (as proposed to be amended).

**Objection H:**
Reword B) Design Guides- Lambeth will undertake to complete design guides and character appraisals for all its conservation areas. New development and enhancement proposals in conservation areas shall have particular regard to these guidelines. (AMBO Architects)

**Response H:**
Accepted – change made.

**Objection I:**
Policies too restrictive and do not allow for innovative contemporary design. For example, projects such as Tate Modern would contravene all of the policies. This approach would in principle limit creative design and relegate Lambeth to a provincial backwater. The principle should be that each proposal should be considered on its merits. (Kennington Association)
Response I:
Not accepted - they are inline with PPG15. The Tate Modern is not listed, however, if it were it would still comply with the policy.

Objection J:
The following text should be added at the end of part (D) of Policy 42. "However, it is recognised that in certain circumstances innovative, contemporary design solutions are encouraged. This could include the loss of adoption of historic features, provided any works ensure the character and appearance of the conservation area is preserved or enhanced. (Goldcrest)
Response J:
Not accepted – the policy does not dictated any particular style. It simply sets down the statutory tests. Providing these tests are met, innovative designs will be acceptable. Hence the proposed wording would serve no purpose.

Objection K:
Before development takes place in a conservation area a master plan for that particular locality should be developed in consultation with the local community (Waterloo Community Charity)
Response K:
Not accepted – Lambeth is seeking to prepare design guides for conservation areas in consultation with the local community, however before then, each application still has to be decided on its merits. Otherwise this would be an effective moratorium on development.

Objection L:
In (F) No loss of trees, open areas, gardens, landscaped areas, etc should be permitted only improvement should be allowed (Waterloo Community Charity)
Response L:
This is what clause (f) of the policy protects. These have to contribute to the character or appearance of the conservation area.

Objection M:
Policy 42. (H) States that application in conservation areas will not be accepted in "outline" form. While in general terms this approach is supported, there are circumstances where exceptions should be made. In particular, the UDP contains a number of MDO's that fall within conservation areas, such as the EAST BRIXTON Regeneration Arc. To be developed, such areas require a Master planning application approach, not a detailed planning application. The requirement for detailed applications would deter developers from taking on the regeneration challenges (Mount Anvil)
Response M:
Accepted – the same point has been made in a recent report on town centre regeneration and regarding the South Bank Centre redevelopment. An amendment is proposed.

Objection N:
Objection to the Omission of a reference, in the policy, to the protection of trees in Conservation Areas (Andrew Simpson)
Response N:
This is fully covered by clause (F) of the policy.

Objection O:
All buildings before a certain date 1900 say, should be treated with respect and care. Interiors of pubs and shops should be conserved as well as exteriors. We have some excellent Victorian pubs, which could be lost due to insensitive redecoration. (Sheila Freeman)
Response O:
The ground is not in a conservation area. These areas are proposed to be dealt with in the MDO for the ground.
Objection P:
The policy fails to recognise the importance of the Ground as an asset for the Borough and as an essential facility for London as a whole and its status as a World City (Surrey County Cricket Club)

Response P:
The ground is not in a conservation area. These areas are proposed to be dealt with in the MDO for the ground.

Summary of Representations & Responses (Para 4.17.14):

Objection A
Support but add reference to A.4 (1) and A. 4 (2).

Response A
Accepted – change made
Policy No. 44 Metropolitan Open Land

Revised Deposit: Proposed Changes

Areas designated as Metropolitan Open Land are shown on the Proposals Map.

The predominantly open character and metropolitan interest of these areas as open spaces is protected. Where only appropriate land uses, as follows, are permitted:

- Public and private open space, and playing fields;
- Woodlands and orchards;
- Rivers, reservoirs, lakes, docks and other open water;
- Allotments and nursery gardens;
- Cemeteries; and
- Nature conservation.

Within Metropolitan Open Land, development will not be permitted unless:

(a) Any proposed building or use development is ancillary to, and does not conflict with, the purposes of including the land as MOL established in strategic guidance; the land uses listed above; and

(b) Any development is small in scale and is required to preserve or enhance activities associated with the particular open space and does not undermine its metropolitan interest.

Development providing the setting of Metropolitan Open Land should positively contribute to the setting and quality of the open space.

4.18.1. This Metropolitan Open Land (MOL) is the highest category of open land within the built up area of London, protecting the character of open land which has a strategic importance and a significance (generally because of its size and catchment area) extending across a significant part of London. The status of this is confirmed in Strategic Guidance for London (RPG3) and the Mayor's London Plan. The general principles of control over development in the Green Belt set out in PPG2, also apply to Metropolitan Open Land, which confers on it a similar presumption against
development as exists in the Green Belt. In Lambeth, Clapham Common, Streatham Common, Brockwell Park, Jubilee Gardens (including the adjacent Hungerford Bridge car park site) are classified as Metropolitan Open Land. This is not to say that the new plan does not afford very strong protection to other valued open spaces. The purpose of Metropolitan Open Land designation is to give the Mayor a key role in considering threats to the open spaces most important to London protect open land defined as being of strategic importance.

4.18.2. Metropolitan Open Land is defined by the government as any land, publicly or privately owned, with or without public access, which fulfils one or more of the following criteria:

1. It contributes to the physical structure of London distinguishable from the built up area;

2. It provides open air facilities for leisure, recreation, sport, arts, cultural activities and tourism which serves the whole or significant parts of London;

3. It contains features or landscape of historic, recreational, nature conservation or habitat interest of value at a metropolitan or national level.

4.18.3. Given these criteria, appropriate uses of MOL land within Lambeth may include:

- Public and private open space, and playing fields, and open air recreation activities;

- Woodlands and orchards;

- Rivers, reservoirs, lakes, docks and other open water;

- Allotments and nursery gardens;

- Cemeteries; and

- Nature conservation.

Clapham Common, Streatham Common, Brockwell Park, Jubilee Gardens (including the adjacent Hungerford Bridge car park site) are classified as Metropolitan Open Land. Nonetheless, the Plan affords very strong protection to other valued open spaces in the Borough (see Policy 45).

4.18.4. In Lambeth one small change is proposed to the boundaries of Metropolitan Open Land where exceptional circumstances meriting alteration have been found. Woodfield Recreation Ground and the adjoining playing field of Streatham Hill and Clapham High School form a visual extension to the adjoining Tooting Bec Common (in Wandsworth). Secondly a very narrow strip which has always been used for servicing the Royal Festival Hall, together with an extension of this to bring it up to modern standards. This area has never been used as public open space and as such the proposal does not involve loss of open space. The designation implies that servicing should be removed. Following a detailed study of servicing for the South Bank Centre and the Royal Festival Hall, this is considered to be impractical and could require underground servicing, which has been rejected as extremely difficult extending across several sites, and prohibitively expensive as it would require tunneling under the water table, by the foundations of the grade I listed Royal
Festival Hall and by the railway arches. Lambeth does not consider that the South Bank has presented exceptional circumstances for the de-designation of Hungerford Car Park, as firstly there is no agreed masterplan to deliver this nationally important complex, and secondly and as a result, no evidence has been presented that there is any realistic alternative. Such evidence and a masterplan would need to be presented as part of any application if a case is to be made (which might not be accepted) that such exceptional circumstances exist. It is the intention to remove the car park to the Shell Centre basement to remove this obstacle to the long-standing intention to further extend the public open space of Jubilee Gardens across the area of Hungerford Car Park (policy 80).

Summary of Representations (to Policy):

Objection A:
Consideration should be given to how open spaces can be enhanced with facilities for young people (Brixton Area Forum Board)
Response A:
This matter is covered under policy 45 (as proposed to be amended)

Objection B:
All the parks and commons in Lambeth are to be designated as Metropolitan Open Land (Friends of Hillside Gardens Park)
Response B:
Not accepted – the criteria for what can and cannot be designated as Metropolitan Open Land is listed in RPG3 and the Mayor’s Plan for London. Only those spaces shown on the proposals map qualify as being of more than local importance, small local parks and open spaces would not qualify. Any new designation would have to meet the test of ‘very special circumstances’, which would not be met.

Objection C:
The zone of land known as the ‘access strip’ servicing the Royal Festival Hall has been in continuous use as public open space for an excess of 22yrs. The de-designation of the strip is inappropriate when viewed against the criteria in RPG3 and PPG2. The Council's argument for retention of the service road is based on a seriously flawed analysis conducted by the South Bank Board who has a vested interest in keeping the road. The proposal to de-designate from MOL status of a strip of the Hungerford car park is unjustified, inappropriate and unsupported. It is entirely unnecessary for servicing to run along the park side of the viaduct. There should be no de-designation of MOL.

(John Peer, Peter Harris, J & C Finamore, Mr M. Forwood and Phyllis Cain - Lambeth & Wandsworth Group, Councilor for the Protection of Rural England, Kate Hoey MP, Robin Dahlberg, Doris Newham, Michael Ball – Waterloo Community Development Group, Michael Ball – Vice Chair, Vauxhall Neighbourhood Housing Forum, John Lawler, Marilyn Evers – Waterloo Community Charity, Max Nasatyr, Jenny Stiles – Association of Waterloo Action Groups, Ray Puckey, Francis Forrest – Waterloo Town Centre, Ray Puckey – Munro House Tenants & Residents Association, Julie Nunn, Jez Feeney, Ray Puckey - Waterloo & Kennington Housing Forum, Jez Feeney – Matheson Lang Tenants & Residents Association, Nicola Howey, Julie Nunn – Tanwell Estate Tenants & Residents Association and Former Cllr Leslie Boodram, Jeremy Cross, Sarah O’Connell – Chair, Friends of Archbishops Park, I.D. Adams – Chair, Manor of Kennington Tenants & Residents Association, Anne Burke & Maria Thaine – County Hall Owners & Residents Association, Derek
Response C: Accepted - A consultant's study (BDP) commissioned by the Council to assess the issues surrounding the potential planning conflict between the designation of the Hungerford Car Park site as both MOL and an MDO, in light of objections to the initial Deposit Draft UDP, has recently been completed. The report concludes that the designations are generally in conflict with each other and that in this instance, the only reason to entertain the dual designation would be for the benefit of the expansion of the South Bank Centre. The South Bank Centre's aspirations to develop the Hungerford car park site have to be balanced against the case to improve the existing adjacent open space and extend over this site. The Council has now more fully considered the relative merits of allowing SBC to expand on to this site versus extending Jubilee Gardens onto the Hungerford Car Park site and creating a world class public open space on the MOL land, and considers that the latter is the prudent way to proceed. In the light of the substantial development pressures and the priority given to open space protection and enhancement, the Council concludes that there is a stronger case for the car park to be used as open space than to extend the South Bank Centre over all or part of the Hungerford car park site. Following on from a recommendation in the consultants study, it is now proposed to put together a planning brief for the existing South Bank Centre site in order to maximise development options for their future aspirations.

The MDO designation for the South Bank Centre on the Proposals Map will therefore be redrawn to exclude the Hungerford Car Park site. The site itself (including the service access road) will be re-designated with a Parks notation (in addition to its current MOL designation) signifying the Council's intention that the site should become part of a greater Jubilee Gardens public open space, or world class standard.

Objection D: Hungerford Car Park site is critical to any proposals for future improvements, regeneration and upgrading of the South Bank Centre in a way that is sustainable in the long term. In addition, Hungerford Car Park is an extremely important facility operationally for the South Bank Centre, any loss of parking and servicing would severely handicap its functional needs. In the Inspector's Report of March 1995, following the UDP Inquiry, the Inspector was very forceful in noting that the proposed designation of Hungerford Car Park as Metropolitan Open Land be removed. (Mike Mc Cart – the South Bank Centre)

Response D: Not Accepted – Please see response to Objection C above. The Council's firm intention, following a consultant's report, is for the entire Hungerford Car Park site to be retained as MOL, with the conflicting MDO designation removed.

Two arguments have been advanced by the South Bank Centre; Firstly that the Hungerford car park is essential to the South Bank Centre. This matter is dealt with in detail under policy 80. In summary only some of these spaces are operational and the existing parking at the South Bank Centre is considered necessary to meet operational needs. The car park was granted temporary permission and was always intended as a temporary use of and pending it being put to better use. Few other arts uses in Central London have any car parking. Continuance of this parking is contrary to strategic policies of traffic restraint. The income the centre gets from the car-
park is not a material planning consideration, otherwise it could be used to justify the retention of any temporary car park.

The second argument raises more fundamental issues. The starting point is the findings of the UDP inspector into Lambeth’s original UDP in his report in 1995. The inspector accepted the case for a new auditorium: he concluded “There is nowhere else within the complex that a new building of the necessary size could be accommodated. The car park offers the only realistic space where this could be provided....The South Bank is of national and international importance. The Council’s proposals for the car park site were generated at a time of concern the then intended commercially-lead development on the South Bank and of fears of Jubilee Gardens itself. The position has fundamentally changed since then...The importance of the car park...for the part it could play in a substantial revamp and upgrading of the facilities offered at the South Bank is my view far outweigh the arguments for allocating the car park site for public open space.” (284-286). He considered that Jubilee Gardens could stand on its own as a protected open space and the advantages of a slightly enlarged Jubilee Gardens were marginal. Lambeth considered this report carefully. Since the report was published Richard Rogers had produced a revised masterplan showing an auditorium below grade in front of the Royal Festival Hall. This relied on substantial lottery funding. This included building an additional auditorium, originally proposed for the car park site, below concourse level in front of the Royal Festival Hall. As a result the Council rejected the Inspector’s argument that this was the only site for such a facility and designated the land as Metropolitan Open Land (MOL). However, the Arts Council subsequently rejected the master plan as too expensive. It was also considered unacceptable by English Heritage. Subsequent to this, a revised master plan by Rick Mather was prepared. This involved raising Hungerford Car Park/Jubilee Gardens and the placement of the new auditorium underneath it. Lambeth commented on this plan in the key issue’s paper. Lambeth then stated “The first issue is that commercial development is an inappropriate use of MOL. Raising the levels to create an extended area of Jubilee Gardens could still be inappropriate development by harming the character of the MOL. There are problems with splitting levels of public open space. There are very few examples that work internationally. Jubilee Gardens could be cut off from the local community in Waterloo and would have much poorer access from the Shell centre; the open space would be steep, less usable by the elderly and disabled and intersected by servicing vents. There would undoubtedly be some advantages, views of the River would be improved, the area of public open space would be extended, Jubilee Gardens would be better enclosed, there would be a better link with the Hungerford Footbridge, and Hungerford Bridge would be screened. These benefits could be achieved in other ways however and overall the split-levels could be considered an awkward and unsatisfactory architectural solution, designed to ‘get round’ planning constraints, the benefits of which might be achieved in other ways. The problems created by this approach may even be greater than those created by losing the Hungerford Gardens Car Park to development.” (p126)

The opposition by Lambeth, and in particular the opposition of Shell which holds restrictive covenants has led the South Bank Centre to scale down and modify these proposals. Jubilee Gardens will remain substantially at grade.

In considering whether or not there is a case for designating Metropolitan Open Land Lambeth must consider the tests as set down in PPG2 for de-
designation. Sets out the policy protection afforded by MOL. This points out that "The principles of control over development in the Green Belt set out in PPG2 [national policy on green belts], also apply to MOL. There is a presumption against inappropriate development including development, which would be harmful to the open character of the land. Such development should only be allowed in very special circumstances" (para 7.8 of RPG3). The issue is whether or not there are ‘very special circumstances’. PPG2 para 3.2 sets out how to apply this test. "It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. "At the time of deposit the plan, (para 4.18.3) it was stated that “Lambeth does not consider that the South Bank has presented exceptional circumstances for the de-designation of Hungerford Car Park as firstly there is no agreed masterplan to deliver this nationally important complex, and secondly and as a result, no evidence has been presented that there is any realistic alternative. Such evidence and a masterplan would need to be presented as part of any application if a case is to be made (which might not be accepted) that such exceptional circumstances exist.” This is still the case.

Objection E:
We need green open space around here. Personally I would like to see the riverside as a conservation area with no new development of any kind whatsoever. The river is our greatest treasure, and we abuse it by using it as a commodity at our peril. (Anne Crichley)
Response E:
Not accepted - It would be wholly unreasonable to prevent any kind of development whatsoever on the riverside. It would, for example, have prevented the conversion of County Hall to residential. It would also prevent any improvements to the South Bank Centre. This proposition is not supported by regional or national policy.

It is however proposed to amend the policy to reflect the objectors concern with respect to Jubilee Gardens and the site of the Hungerford Car Park. This whole open space (including the access road) will be designated as MOL in the Revised Deposit UDP and it is the Council’s firm aspiration that a world class public open space is created on this site.

Objection F:
Policy 80 contradicts policy 44, and is much preferable, emphasizing, as it does, the importance and sensitivity of this site to residents and visitors alike. (Nicola Brooker)
Response F:
Accepted in part – Both policy 44 and 80 seek to achieve the extension of Jubilee Gardens. It is not proposed to make any changes to this policy, as it sets out the broad objectives for all MOL land within the borough. It is proposed to amend Policy 80 to reflect the Council’s current position that the Shell podium site is public open space, and its aspiration that Jubilee Gardens and the Hungerford Car Park site (including the access road) be developed into a world class public park.

Objection G:
Any plans coming forward for the South Bank Arts complex need to address the idea of opening up at least some of the railway arches in order to connect the open space of Jubilee Gardens to the Festival Hall site giving a more positive and open link between the two areas in the spirit of Policy 75 (C). (CC Smith)
Response G:
Not accepted – Whilst it is the Council’s intention to retain the MOL status of the Hungerford Car Park site, including the service road, having formed the view that the survival of the South Bank Centre is not contingent upon developing this site, it is a different matter with respect to the arches. Although it might be advantageous in terms of improving public realm and permeability between Jubilee Gardens and the SBC, the Council cannot insist upon the latter relinquishing their legitimate use of the arches for their operational, servicing and storage needs. When or if the South Bank Centre no longer require these arches for their specific purposes, then their re-use will become subject to the boroughwide policy. Railtrack will also need to be able to gain access to its tracks for maintenance, and this is likely to be incongruous with developing the arches for public use.

Objection H:
Exceptions (a) and (b) should be omitted (Canon Richard Truss)
Response H:
Not accepted – this would prevent any ancillary facilities on metropolitan open land, even sports pavilions, gardeners huts etc. Government Policy RPG3 allows limited development, which is clearly ancillary to the primary purposes of MOL (para 7.8). Most other borough UDP’s have similar clauses.

Objection I:
Liberal Democrats oppose the selling-off of public open space and particularly that designated as Metropolitan Open Land. Retain existing designation of entire Hungerford Car Park up to railway viaduct as MOL. (Cllr Brian Palmer – Liberal Democrat)
Response I:
Noted – this objection has been responded to under Policy 80. The amended policy will respond to the Liberal Democrat concern that the whole open space, including Jubilee Gardens and the Hungerford Car Park site up to Hungerford Bridge be retained as MOL (including the access road).

Objection J:
We would like it noted that we endorse, and should be treated as reiterating all the grounds of objection detailed by Mike Mc Cart of SBC. We believe therefore that the rationale for designating the land as MOL is weak. The site is not used as public open space and as stated is integral to the success of the development of the South Bank. (Jon Telkman – Director, British Film Institute)
Response J:
Not accepted – for the reasons outlined in responses to objections to Policy 80, the Council does not agree with this view.

Objection K:
The future of the London Eye will have an adverse effect on any new park area on Jubilee Gardens. If the wheel is retained, physical barriers must protect the grassed areas from destruction by those visiting or waiting for space on the London Eye. (Mr R Lyn)
Response K:
Not accepted – this is a matter of detail which is not considered to be reason enough not to aspire to the creation of a world class park on the Jubilee Gardens/Hungerford Car Park site. These matters have been addressed through the London Eye application.

Objection L:
Objection to an omission of a point of clarity. While I recognize that the Areas of Metropolitan Open Land are shown on the proposals map, I would like to suggest that these are listed in the interest of clarity. (Andrew Simpson)

Response L:
Not accepted – this would add clutter to the map, the names of these large open spaces are on the OS base.

Objection M:
We are totally opposed to the idea of building on, or selling off for development, parts of parks and open spaces in order to help finance such regeneration. It is vital that the larger more formally recognized open spaces are kept intact, particularly as the various regeneration proposals described in the plan are likely to increase the borough’s population and increase the need for local outdoor recreation. (Judy Bartlett & Roger Evans – Lambeth Environment Forum)

Response M:
Noted – this objection is more properly directed against policy 45. There are no such proposals for sale under policy 44.

Objection N:
Designation of the Shell podium site as new Metropolitan Open Land in order to fully extend Jubilee Gardens/Eye Square back to York Road and create an open aspect back to Waterloo when Elizabeth House is redeveloped. (County Hall Owners and Residents Association)

Response N:
Not accepted – the tests for designation of Metropolitan Open Land are strict. The criteria for what can and cannot be designated as Metropolitan Open Land is listed in RPG3 and the Mayor’s Plan for London. Only those spaces shown on the proposals map qualify as being of more than local importance, small local parks and open spaces would not qualify. Any new designation would have to meet the test of ‘very special circumstances’, which would not be met. The Council does sympathise with the view expressed, however, and a change is proposed to be made to MDO115 (Shell Centre Upstream) to include a reference to open recreational uses being acceptable on the podium site.

Summary of Representations (to Paragraph 4.18.1):

Objection A:
Needs to refer to PPG2 as the policy basis for protecting Metropolitan Open Land and RPG3 as the basis for designating it (Mayor of London)

Response A:
Accepted, redrafted accordingly
Policy 45 Protection and Enhancement of Open Space & Sports Facilities

Open Space and Sports Facilities

A) Parks—Development in parks (as designated on the proposals map) will not be permitted unless it is required to maintain or enhance activities associated with the open space and it protects the parks nature conservation value and biodiversity. A proper balance between active recreation and quiet enjoyment should be maintained appropriate to the character of each park.

The enhancement and improvement of parks is promoted in accordance with Lambeth’s parks objectives, in particular in terms of biodiversity, safety and accessibility (Table 13).

(B) Other Public Open Space—Development of other public open space (as designated on the proposals map) will not be permitted unless it is required to maintain or enhance activities associated with the open space, or it is practical to provide replacement open space of equivalent size and improved quality in the locality before the commencement of the development.

(C) Parks Regeneration Areas—In the Parks Regeneration Areas (as designated on the proposals map) the improvements of these open spaces in partnership with the community is promoted and supported. As a limited exception to (A) some remodelling of the public open space, or replacement with higher quality public open space prior to the commencement of the development is permitted providing this achieves significant regeneration and community safety benefits which cannot be achieved any other way, and the proposal has public support. The proposal should enhance access, use, nature conservation and biodiversity. Any limited loss of open space should be the minimum to achieve these objectives.

(D) Commons—Lambeth’s commons are dedicated to and for the use and recreation of the public as open and unenclosed space for ever. There is a presumption against buildings, extensions and enclosure on Rush Common (as shown on the proposals map), and planning applications and applications for Rush Common consent, which fail to preserve and enhance its open character will be refused. Past breaches will be removed.

(E) London Squares—Development on, under or effecting the setting of a London Square will be refused where this harms its character or is for other than the authorised purposes as an ornamental garden, pleasure garden for play, rest or recreation.

(F) Historic Parks and Gardens—The character, appearance and setting of sites on the English Heritage Register of Historic Parks and Gardens will be protected. Their restoration will be supported.

(G) Housing Amenity Areas—The development of housing amenity areas will only
be permitted where it results in improvements to the design of the area and overall improvements to private and public amenity areas in line with the plan’s urban design policies. Where significant areas are proposed for loss the development should achieve significant regeneration and community safety benefits, which cannot be achieved any other way. The proposal should have public support.

(H) Indoor Sports Facilities - Indoor sports facilities and Brockwell Lido is protected for sporting and recreation use unless they are replaced at a more appropriate location. A new indoor sports facility serving the north of the borough will be provided.

(I) Playing Fields and Courts - Playing fields, courts and ancillary facilities are protected for sporting use (this includes appropriately located facilities in parks, open space, private, school playing fields and courts as designated on the proposals map). Unless replacement facilities of equivalent size and improved quality is provided in the locality before the commencement of the development. Any development relating to these should benefit sporting use. Floodlighting is covered by policy 48 (H).

(J) Allotments - Loss of allotments to non-open space use is not permitted (whether statutory or not, or currently in use or not).

(K) Children’s Play Facilities - Children have a right to play. The provision of suitable play areas for pre-school and junior children to National Play Field Association standards will be sought in residential developments over 10 units (or 0.1 Ha in size) or in large scale mixed developments. Where such provision is not appropriate on-site, contributions to their provision in a more appropriate location will be acceptable. Arrangements for the long-term maintenance of these play areas will be secured. Those adventure playgrounds and supervised children’s play facilities, which are designated as part of parks or as other open space on the proposals map are protected for children’s play use. Redevelopment of other play areas will only be considered where they are provided within the development site or at a more appropriate location prior to the commencement of the development.

(L) Greening/New Open Space - Urban greening initiatives, linking open spaces and the creation of new open spaces are supported, especially in deficient areas and schemes which contributes to the Mayor’s ‘One hundred open spaces for London’. All major developments should include or contribute towards such initiatives. Arrangements for the long-term maintenance of these play areas will be secured.

(M) Cemeteries and Burial Space - Proper provision of burial space or other facilities for the deceased will be made. West Norwood Cemetery will be managed in accordance with conservation and ecclesiastical law.

(A) The Council will protect Public Open Space (POS) and Urban Green
Space (UGS) in the Borough (as identified defined on the Proposals Map and as defined below) from inappropriate built development. Inappropriate built development includes:

(i) development that would result in the loss of or damage to open space POS or UGS; and

(ii) development that by reason of scale adversely affects the amenity, open character or appearance of the open space POS or UGS.

Development that would result in the loss of or damage to POS or UGS sites that is not identified on the Proposals Map do not meet the definition of either POS or UGS but which is nonetheless valuable locally, will also be considered inappropriate.

Exceptionally, some development on open space POS, or UGS or other locally valuable sites may be permitted if it comprises:

(i) small-scale development that is ancillary to the open space use and enjoyment of the open space land; or

(ii) development that facilitates or enhances public access; or

(iii) development that makes compensatory provision in the vicinity for replacement open space of equal or better quality and size; or

(iv) the selective development of housing amenity areas where significant regeneration and community benefits will be achieved which could not be achieved in any other way, for example in relation to estate-based regeneration projects. Such development would be acceptable where the resultant quality of local housing amenity areas is significantly improved; or

(v) development which protects the nature conservation value and biodiversity of the land.
The following criteria relating to some of the specific open space types occurring in the Borough also apply:

**(AB) Parks** – in considering development proposals in parks, the Council will ensure an appropriate balance between active recreation and quiet enjoyment. The enhancement and improvement of parks is promoted in accordance with Lambeth’s objectives for parks, in particular in terms of biodiversity, safety, and accessibility (see Table 13).

**(BC) Commons and Rush Common Protected Land** – Lambeth’s commons are dedicated for ever to and for the use and recreation of the public as open and unenclosed space. Buildings, paving, extensions and enclosures are not permitted on parks which are on commons land and on Rush Common protected land (as shown on the Proposals Map). There will be a presumption against the use of commons other than for recreation and for short term and strictly regulated events. The use of commons for commercial, industrial and transportation purposes will not be permitted unless directly required to maintain or enhance activities associated with the open space. Past breaches will be removed. The restoration and improvement of commons in line with relevant legislation is also a priority.

**(CD) New Open Space, Greening, and Green Links** – the creation of new open spaces, urban “greening” initiatives, and the linking and improvement of open spaces will be supported, especially in areas deficient in these features. Developments which materially add to the demand for open space, which are proposed in an area of open space deficiency, or where existing open space needs improvement, will be required to contribute to appropriate improvements in open space provision in the immediate area. Where on-site provision or provision in the immediate area is impractical or insufficient, developers will be required to contribute to such initiatives elsewhere. Arrangements for the long-term maintenance of new and improved open spaces will be secured.

**(DE) London Squares** – development affecting the setting of a London Square will be refused where this harms its character or is for the use of authorised persons other than for the purposed of an ornamental garden, or pleasure garden for play, rest or recreation.

**(EF) Historic Parks and Gardens** – the character, appearance, and setting of sites, including original or significant design, landscape and built features on the English Heritage register of Historic parks and Gardens will be protected, and restoration supported. This applies to sites included on
the English Heritage “Register of Parks and Gardens Of Special Historic Interest.”

(FG) Indoor Sports Facilities - indoor sports facilities (including the Brockwell Lido) will be protected for sporting and recreational use unless they are replaced on-site or at a more appropriate location. A new indoor sports facility serving the north of the Borough will be provided supported.

(GH) Playing Fields and Courts Outdoor Sports Facilities – whether private or publicly-owned, and including playing fields, bowling greens, courts and ancillary facilities will be protected for sporting use unless replacement facilities of equivalent size and improved quality are provided in the locality. This includes appropriately-located facilities in designated parks and other open spaces, private and public playing fields, and courts. Any development relating to these should benefit the sporting use. Additional sports pitches will be provided in Lambeth parks in those parts of the borough where there is a shortage, subject to maintaining a balance with the informal use of the park.

(HI) Allotments - the loss of statutory or non-statutory allotments to non-open space use is not permitted whether or not currently in use as an allotment.

(JJ) Children’s Play Facilities - the provision of suitable play areas for pre-school and junior children to National Playing Field Association standards will be sought in residential developments of 10 or more units over 10 units (or 0.1 Ha or more in size) or in large scale mixed developments. Where such provision is not appropriate on-site, contributions to their provision in a more appropriate location may be acceptable. Arrangements for the long-term maintenance of these play areas will be secured. Those adventure playgrounds and supervised children’s play facilities which are designated as parks or as other public open space on the Proposals Map are protected for children’s play use. Redevelopment of other play areas will only be considered where facilities of equal size and quality are provided within the development site or at a more appropriate and safely-accessible location prior to the commencement of the development.

(JK) Cemeteries and Burial Space – proper provision of burial space and related facilities will be made whilst taking account of nature conservation.
“All land use that is predominantly undeveloped other than by buildings or structures which are ancillary to the open space use, whether in public or private ownership and whether public access is unrestricted, limited or restricted.”


4.18.4B The distinction between POS and UGS is the level of public accessibility. The UGS designation recognises that, although the land may not currently be accessible, it may still perform a valuable open space function—for example by offering visual amenity—either in its own right by simply remaining open or by providing a break in otherwise continuous urban development. The level of protection afforded to each designation however is equally strong.

4.18.4BC Whilst the underlying principle of this policy is the protection of open space from inappropriate development, the Council recognises that there will be limited circumstances where it may be appropriate to allow development. The policy sets out the type of development which might be permitted as an exception to the principle of the protection of existing open space.

4.18.4. Parks and greenspaces play a vital role in shaping both the landscape and historic character of Lambeth as well as the quality of life opportunities that benefit the communities who live around them. Not only do they provide informal and formal recreation but they also contribute and their contribution to nature conservation and biodiversity. This is the case almost everywhere, but becomes even more apparent in urban areas where the built form places far greater pressures on the surrounding environment. Different types of park can be categorised according to a classification across London (See Table 13). Proposals affecting registered parks and gardens registered on the English Heritage register of Historic Parks and Gardens of Special Historic Interest should preserve and enhance their historic character and appearance. The only registered park not yet designated (Ruskin Park) is now proposed for designation to encourage its presentation and enhancement.

4.18.5. Parks are now getting much greater recognition in terms of the importance of open space provision and the levels of investment they receive. The government has ‘raised the stakes’ and set out its intentions for an ‘Urban Renaissance’ within the recently published ‘Urban White Paper’. Initiatives such as Neighbourhood Renewal recognise the importance of investing in green open space and see it often at the centre of major regeneration programmes. The importance of parks and greenspaces in supporting the health and well-being of the community as well as supporting the sustainable development of Lambeth is becoming increasingly recognised and supported. However, the time is now ripe to formalise these links and to provide a focus for activity and priorities for action.
4.18.6. There are many demands for built development on open space, and it is the purpose of the plan to achieve an overall balance of land uses in the borough. Once it is lost to buildings, open space is usually lost forever. There is near unanimity amongst the public that open space should be protected and, where necessary, improved, restored and regenerated. Communities living on intensified sites in increased densities will require more and better quality public open space. The crucial aspect for the UDP to deliver is the best balance between meeting housing need and protecting and delivering open space for existing and future borough residents. A simple arithmetical assessment of open space is no guarantee of quality before or after. However, any proposal for net loss would have to be very carefully justified and benefit the space overall.

4.18.7. Most, but not all, public open space in Lambeth is owned by the borough. Again much, but by no means all, if it is managed as parks, although there are other public spaces. Each most are recorded on the proposals map although there will be spaces too small to map which meet the definition. Lambeth acknowledges that its record of maintaining and improving its parks has been poor, and several local groups have sprung up to press for improvements—in some cases undertaking them themselves. No one wants Lambeth’s open spaces to be places where you don’t want to go because they are dirty or feel unsafe. It is important for everyone—especially children—to be able to safely enjoy open spaces.

4.18.8. To overcome these problems Lambeth has launched a 15-year Strategic Parks and Greenspaces Strategy. This examines how investment into areas like Clapham Common, Streatham Common, Brockwell Park, Kennington Park and West Norwood cemetery can be drawn in from a variety of sources; how the community can become more closely involved in the management of the spaces and how to use open spaces as a way of promoting health throughout Lambeth. Here local people would work with independent parks designers and architects to develop action plans for the parks. However there needs to be balance between their views and that of other potential users or non-users. These could look at not just the parks but the surrounding areas and access points and streets leading to them. In some cases there may be the case to remodel the spaces to provide a better and less diffuse boundary, extending them where it makes sense. In others there may be the potential for developing unsafe areas to provide a clearer boundary and provide the natural surveillance by houses or public buildings, lost when original streets were torn down. In each case the facilities that local residents say they need would be paramount. Regeneration projects in and around parks would need to be planned together. The previous table lists the objectives this sets for the management of open spaces.

4.18.9. Parks will always need to maintain a balance between being places of quiet enjoyment and places of active recreation. This needs to be weighed with between users and potential users. Where there is high active recreation then this needs to be separate or clearly identified within a park—this could be
achieved through signage, enforcement of no-ball areas etc. The largest conflict is where between ball games conflict with and passive users to the park. Planning proposals to increase active use, such as floodlighting and all weather pitches, have proven controversial. However, though there is a clear shortage of such facilities in Lambeth.

4.18.10. One of the major planning issues concerning parks has been a lack of demarcation. Slum clearance created many open areas, but sometimes it has been unclear whether, or in which parts, they have been managed as housing amenity space or public open space, or in some cases whether they have been managed at all. In some cases ownership and management records are unclear. In some parks the original foundations of lost streets have been simply covered over with an earth cap, leading to insufficient soil depth to plant large trees, and rubble has been mounded creating a lack of safety. Proposed slum clearance programmes halted when the money ran out and policy changed – brownfield sites dressed as green. Little thought was given to giving these areas a clear edge with housing overlooking them. They can be dangerous and forbidding places. Derelict sites and cafes litter even some of the best parks.

4.18.11. The plan declares a limited number of ‘Parks Regeneration Areas’ as part of the overall parks strategy. Here local people would work with independent parks designers and architects to prepare action plans for the parks. However there needs to be balance between their views and that of other potential users or non-users. These could look at not just the parks but the surrounding areas and access points and streets to them. In some cases there may be a case to remodel the parks to provide a better and less diffuse boundary, extending the parks where it makes sense; in others developing unsafe areas to provide a clearer boundary and provide the natural surveillance by houses or public buildings, lost when streets were torn down. In each case the facilities that local residents say they need would be paramount. Regeneration projects in and around parks would need to be planned together. Counting the area of the park before and after square inch by square inch, is no guarantee of quality before or after. However, any proposal for net loss would have to be very carefully justified and benefit the park overall. Lambeth will support National Heritage Lottery bids to help implement these proposals.

4.18.12. Lambeth’s commons are given special protection by various acts of parliament, such as The Second Schedule of the Metropolitan Commons Supplemental Act 1877 protecting Clapham Common, and restricting enclosure of, or development on, the land. The Rush Common Act 1806 deserves attention as it regulates private land. Subsequent legislation gave powers to take enforcement action against any breach of this legislation or to give consent to "buildings or erections above the surface of the earth" on defined Rush Common land south of Coldharbour Lane. Much of the land is public open space and is a major recreational space for local residents. The rest is private residential amenity space or forecourts to commercial premises. It is one of the few places
in the Brixton area that gives people access to nature conservation amenity. This legislation is not part of planning legislation, but its aim – to preserve the open character of Rush Common – is shared by the Council. There is a major presumption in the Acts against building on Rush Common land. In considering applications for Rush Common consent, proposals will have to be tested against the purpose of the Act, which is to keep the open character of Rush Common. The Council has produced more detailed guidelines for development on Rush Common based on this Policy.

4.18.13. London squares are protected by the London Squares Preservation Act 1931, which imposes considerable constraints over and above the Planning Acts. The main purpose of the Act is to preserve the squares and enclosures as permanent open spaces to be utilised for "the authorised purposes of an ornamental garden, pleasure garden for play, rest or recreation". No other building other than those required for the "authorised purpose" should be erected within the protected areas.

4.18.14. Lambeth has eight open spaces on the English Heritage register of historic parks and gardens, including Brockwell Park, Archbishops Park and Myatt’s Fields. Lambeth will strongly support National Heritage Lottery bids to help secure improvements to these important and recognised open spaces.

4.18.15. Many estates of public housing in the borough are set in poor quality, and often unsafe, areas of open land, which have never been managed as public open space and are often not large enough or suitable for the purposes of public open space. As regeneration proposals have come forward for these estates they have been seen as spaces for housing necessary for decanting and/or to fund the regeneration. The increase in private garden space cannot fully meet the need for visual relief and shared areas for children to play and for everyone to meet. There is also the need to tackle the problems of drug dealing and prostitution of some of these areas at night.

4.18.16. Playing fields in Lambeth are mostly in school grounds, although there are 5 private tennis clubs, a bowls club and two private school playing fields in the south of the borough. There is also the Brockwell Lido. Lambeth has a severe shortage of pitches. The Sports Council has estimated that there is a deficiency of 68 football pitches in Lambeth and many teams have to travel considerable distances to find a pitch for home, so a strict policy protecting sports pitches is required.

4.18.17. There is a shortage of allotments in the borough. Most are Lambeth owned but not all are statutory and there are some private allotments. All are given equal protection by the policy.

4.18.18. Lambeth has published a Children’s Play Strategy based on the UN Convention of Children's Rights which embodies children's right to play. Lambeth
has a number adventure playground sites that are popular with parents and children as they offer opportunities for supervised play. However though some are in a poor state. These need modernisation and re-design, preferably involving children themselves, to make them safe attractive and relevant. A number of sites are not protected on the Proposals Map as these are either on temporary leases or where better facilities can be provided through partial development or rationalisation of adjoining facilities.

4.18.19. Greening plays an integral role in the urban regeneration. Greening may involve creation of new open spaces, enhancing existing spaces, and greening of the built environment, such as roofs and walls. This is particularly important in areas of social exclusion, with poor quality environments and lack of access to quality green. Deprived communities should not be denied the health benefits provided by access to nature and open spaces.

4.18.20. There are areas of open space deficiency in the borough (see Table 13). This approach adopts a London-wide methodology which needs to be interpreted with care in Lambeth. In some areas there is a concentration of parks just below the local park level (e.g. Brixton Hill), whilst in the north of the Borough many of the parks are poor quality and difficult to access. Opportunities for new open space are rare. However, proposals have come forward as part of regeneration and development proposals to create new public spaces from regeneration projects. Promoting greater benefits for the Elephant and Castle proposals and in North Lambeth. Lambeth will explore mechanisms for implementing 10 and securing such proposals. Particularly such priority schemes are promoted as priority projects as part of within the Mayor of London's proposals for '100 New Open Spaces for London' and are all shown as Parks Regeneration Areas on the proposals map. These include are:

- Waterloo Arch Place outside Waterloo Station;
- Jubilee Gardens laying out Extension/Eye Square;
- Vauxhall Cross Central Piazza/Spring Gardens Improvement;
- Brixton Oval/Windrush Square/Effra Road;
- Streatham Gateway (South Circular Road);
- Streatham Hub Open Space (around United Reform Church);
- Norwood Gardens/St Lukes;
- Open Space outside Stockwell Tube Station;
- Clapham Old Town Polygon;
- Clapham Park New Deal – New Local Park (not shown on Proposals Map as exact location to be determined in masterplan).

4.18.21. Other, often innovative, opportunities for creating new public open space are possible:
- road space released as a result of traffic calming measures;
- potential development sites, where temporary open space has been created;
• surplus car parking; and
• roof terraces, where greening initiatives have transformed the use of previously redundant space;
• considering green spaces vertically, with plants growing off buildings.

4.18.22. London is running out of burial space. Re-using old graves (with suitable controls) has been suggested as a possible approach, as has use of catacombs and greater use of cremation and memorial gardens. The GLA is investigating ways of addressing this London-wide problem. Lambeth is reviewing its strategy for this issue in 2002. The borough’s cemetery at West Norwood is of national conservation importance.

Summary of Representations & Responses (Policy)

Objection A:
Nature conservation should be a consideration in cemetery management (Mayor of London)
Response A:
Accepted – Change proposed to Policy 45.

Objection B:
Support in principle but should included reference to historic open space (English Heritage)
Response B:
Accepted – Change made.

Objection C:
Protect access to allotments as well (Stockwell Park Conservation Society)
Response C:
Accepted – Change made, the access is now to be shown on the proposals map (see under Proposals Map changes).

Objection D:
Object to any loss of public open space within parks regeneration areas. This is entirely inappropriate where there is already a deficiency in open space (or is likely to be) due to increased densities and general intensification of land use envisaged and encouraged elsewhere in the deposit plan. Terms such as ‘minimum loss’ and ‘public support’ are ill defined. Net loss unacceptable on Metropolitan Open Land. Some mentioned that the current development plan policies have proved to provide an appropriate level of protection of public open space while allowing regeneration and development. Thus Lambeth Walk Open Space was protected by the policies from a recent development proposal, whilst the regeneration of Albert Embankment Gardens, including development of some of the public open space, was permitted.

(Friends of Vauxhall Park, Lambeth Estate Residents Association, Friends of Archbishops Park, Waterloo Community Development Group, Councillor David Malley, Former Councillor Boodram, Lambeth and Wandsworth CPRE, Waterloo and Kennington Housing Forum, Canon Richard Truss, Friends of Kennington Park, Tanwell Estate Tenants and Residents Association, Vauxhall Neighbourhood Housing Forum, Waterloo Town Centre Board, Kennington, Matheson Lang Tenants and Residents Association, Manor of Kennington Residents Association, Oval & Vauxhall Town Centre Partnership Board, Brockwell Park Management Advisory Committee, Lambeth Liberal Democrat Group, Lambeth Environment Forum, Waterloo Community Charity, Ambo Architects, Lambeth Parks and Open Spaces Forum and a number of local residents)
Response D:
Accepted – the designation of Parks Regeneration Areas has been removed and the loss of park space would be unacceptable.

Objection E:
The Plan designation of Vauxhall Park as a Parks Regeneration Area, this is an inappropriate designation for a park, which is a discrete space inside railings a historic park set up by Act of Parliament (The Vauxhall Park Act 1888). Were Vauxhall Park to be re-designated under the plan to the status of a Park or a Historic Park and Garden (on English Heritage Register) then we would feel no need to object (Friends of Vauxhall Park)

Response E:
Accepted in part – Vauxhall Park is designated as a park in the plan and shown as such on the proposal map. The designation of Parks Regeneration Area has now been removed. It is not however on the English Heritage register and unlikely to qualify.

Objection F:
The emphasis seems to have shifted from the word ‘public’ to ‘open space’. The previous UDP started with an emphasis on access by different users groups particularly those who have difficulty accessing other leisure and social facilities. It then established a clear hierarchy of Parks (Table R2) starting with the relationship between size and type of park, and the appropriate balance of sport and quiet recreation. Re-instate this. (Friends of Archbishops Park)

Response F
Accepted in part – this is a generous interpretation of the original adopted UDP. It did not start with this issue, it took 12 policies to get there and the appropriate balance between active and informal uses of parks could not be accurately gleaned form the table mentioned. The intention in the new plan is to deal with the more detailed issues of parks management within the parallel parks strategy, enabling the UDP to be shorter and concentrate on its statutory land-use obligations. Policies RL12-15 do not meet the modern test of being capable of being used to determine a planning application. However the point is taken that the plan can say more on these issues and more is proposed on the needs of users and the functions of different parks. However, it is considered inappropriate in table 13 to list rigidly the function of different sizes of open space, as some larger spaces in Lambeth do not include all of these functions as they are common land. Whilst some smaller spaces in Lambeth – e.g. Archbishops Park, focus on providing facilities for more active pursuits. It is also not appropriate to use the term ‘public’ in the policy as it also covers private open spaces. Recent Mayor of London guidance and PPG17 both state that open space is a combination of both public and private space with varying levels of accessibility.

Objection G:
Delete allowance for other open space to be provided elsewhere (Marilyn Evers, Vauxhall Society)

Response G:
Not accepted – it is considered essential to retain some flexibility allowing for relocation of public open space not in parks use e.g. incidental open spaces around the South Bank Centre. To do otherwise would be unduly restrictive and could hinder regeneration.

Objection H:
In (B) allows for discontinuous open spaces add ‘and continuity’ (Lambeth Parks and Open Spaces Forum, Friends of Kennington Park, Lambeth Liberal Democrat Group, Kennington, Oval & Vauxhall Town Centre Partnership Board, Brockwell Park Management Advisory Committee, Marilyn Evers)

Response H:
Accepted in part – where the continuity of the other public space is of value – e.g. the riverside walk, this should be maintained, however where this is not of value local residents may wish to see a replacement in two or more places to gain more benefit.
Objection I:
Too strict in requiring replacement playing fields prior to the commencement of a development, might be done in a phased manner (Tescos)
Response I:
Accepted – it is proposed to state that replacement facilities need to be provided prior to the commencement of development, ‘where practical’.

Objection J:
There should be no net loss of open spaces in housing amenity areas. Elsewhere in the plan it is anticipated that a minimum of 27,000 additional housing dwelling units will be developed in Lambeth by 2017, increasing the population by over 15%. This will add considerable strain on current public open space. (Lambeth Parks and Open Spaces forum, Former Cllr Boodram, Matheson Lang Tenants and Residents Association, Vauxhall Neighbourhood Housing Forum, Manor of Kennington Residents Association, Waterloo and Kennington Housing Forum, Lambeth Liberal Democrat Group, Waterloo Community Charity, Waterloo Town Centre Board, Brixton Area Forum Board, Canon Richard Truss, Waterloo Community Development Group and various local residents)
Response J
Not accepted – these amenity areas do not meet the definition of public open space, or the definition in the Town and Country Planning Act (section 336) as open space, hence the wording suggested would have no meaning, there would be loss of open space even if all housing amenity land were developed. They are amenity areas not open space. It is proposed to strengthen the policy to resist more firmly the best amenity areas. However many are of poor quality and poorly designed, leading to considerable crime problems on some estates. The advice from the police is that this needs to be designed to more clearly fulfil a function, as either communal spaces, private gardens of for development, many are just left over pieces of ground and residents have often lobbied for space to be re-designated in one of these ways. A proposed change of no loss of amenity areas would allow no conversion of housing amenity space to public open space as proposed at Clapham Park, scuppering this project. It would require tower blocks to be replaced on the footprint of tower blocks, whatever local resident's wishes. On some estates use of poor quality amenity areas is essential to securing the regeneration of these estates. If the land is not capable of beneficial open space use then arguments about increasing population do not apply, other than the land in question could help meet this need.

Objection K:
Whilst we welcome and support a joined-up approach to the management and strategic planning for Lambeth parks and open spaces, the insertion of table 12 on Lambeth's Parks/Strategy is somewhat premature. The consultation period for the strategy closes in March 2002 (Lambeth Parks and Open Spaces forum)
Response K:
Not accepted as the consultation for this has now closed and the table is being re-written.

Objection L:
Objects to (K) as this additional requirement for developers to provide facilities in addition to the excessive affordable housing demands. Further, there is no basis for assessing what the need for community facilities is, whether the development does 'increase the residential population' and how and what any monies secured through this policy would be spent (House Builders Federation, Bryant Developments)
Response L:
Not accepted – the clause sets a clear standard in terms of assessing need (the NPFA standards) which are nationally agreed. The plan as a whole states in Para 2.4.8 that obligations will be secured in accordance with the law and national policy – i.e. the money will be spent in the locality.

Objection M:
In (B) a further exception should be added, ‘or where the development would result in affordable housing on part of the site, and remaining open space will be enhanced’. We also believe this exception should apply to allotments (Lambeth Housing Association Liaison Group)

Response M:
Not accepted – the government’s priority, and that of the plan, is to steer housing to Brownfield sites.

Objection N:
There should be a policy to open up the White House open space and the fence should be removed (Former Cllr Boodram, Julie Nunn, Tanwell Estate Tenants and Residents Association, Waterloo Town Centre Board)
Response N:
Not accepted as it is already shown as ‘other public open space’ on the proposal map. Hence there is no need. The planning permission secures public access, the fence is temporary for health and safety reasons as people visiting the area have blocked the fountain with rubbish and this has flooded the basement car-park. The fence will shortly be removed when the problem has been solved.

Objection O:
This policy places inadequate protections on parks, open spaces and sporting facilities. It makes insufficient provision to encourage development of new parks, open spaces and sporting facilities. Suggests replacement wording. (Friends of Hillside Park)
Response O:
The proposed replacement policy and supporting text is based on that in the deposited UDP but is much longer. It contains a number of interesting ideas and improvements, some of which have been made to the policy. Overall however the proposed policy is much too long for a development plan and the suggested wording confuses policy text with supporting text. In response to the objection it is proposed to amend part L of the policy to more fully cover new development improving existing open space, as well as stressing improving access to open space and sports facilities. With regard to business use of parks, planning deals with land use, not the nature of the user. The policy already requires a proper balance between active and informal recreation. The specific nature of leasing parts of parks to businesses (active sports use etc.) will often not require planning permission and is best dealt with in the separate and specific parks plan which can deal in more detail with parks management issues. The proposed wording would allow loss of important employment premises to change to, say, in-door go-cart use, and demolition of listed buildings. Both of these would be inappropriate. The proposed wording on sports grounds is based on sports council policy, however in a borough with the shortage of pitches such as Lambeth it would be inappropriate to even allow partial loss as this does, and PPG17 allows this option. There has been no objection from the Sports Council requesting such a policy.

Objection P:
Designate Lambeth Walk Open Space, Kennington Park Extension, Vauxhall Park and Vauxhall Spring Gardens as parks (Friends of Lambeth Walk Open Space, Vauxhall Neighbourhood Housing Forum, Kennington, Oval & Vauxhall Town Centre Partnership Board)
Response P:
They are designated as parks and shown as such on the proposals map.

Objection Q:
Absolutely no encroachment on existing open space for any reason whatsoever (Anne Crichley)
Response Q:
This is considered too absolute and unreasonable.

Objection R:
Propose that the open space bounded by Moorland Road and Loughborough Park should be designated as (C) Parks Regeneration Area, rather than (B) Other Public Open Space. Although the existing park has visual amenity and wildlife value, we believe it is poorly planned with very little casual or natural surveillance, and as a result represents a lost opportunity (Metropolitan Housing Trust)

Response R:
This is a misreading of the proposal map. Loughborough Park is designated as a Park and as a protected London Square – not as other public space. However on further investigation it seems that the protected London square designation by act of parliament only applies to the far southern part of the site adjoining Moorlands Road. It is proposed to amend the proposals map accordingly and have a clearer marking for protected London Squares. It is accepted that Loughborough Park is of poor quality however it is proposed to delete clause C of the policy in response to significant levels of objection. However because of the protected London Square designation on part of it and as the houses around it are within a conservation area, the scope for radical remodelling is considered to be limited.

Objection S:
The open space and amenity of the Shell podium site should be protected and enhanced, solely as a Park Regeneration Area. The space should be shown as open to the public -which it has been since the Shell Centre was built. The podium site should be removed from Office Regeneration, MDO and high buildings classification (County Hall Owners and Residents Association and various individual County Hall Residents).

Response S:
The land in question is the Podium of the Shell Centre within the curtilge of the Shell Centre Office Complex. The former London County Council sold the land to Shell in the late 1950s. There was no requirement either in the covenants or the conditions of sale that the land be maintained as public open space. However there was a restriction in the covenants that two pedestrian rights of way be maintained across the Shell Centre, including one across the podium deck itself. There was also a condition on the planning permission granted in 1957 that a view be maintained over the podium deck from York Road to 'the new National Theatre'. Of course this was never built on what is now the Jubilee Gardens site and so this condition no longer serves a planning purpose. This illustrates that it was always the intention that the Shell Podium be an enclosed precinct on four sides, enclosure on the western side never being achieved. As such the space suffers from lack of enclosure, exposure to the wind and bleakness. Although it does offer views of the London Eye and County Hall from York Road, which positively contribute to the character of the South Bank Conservation Area; its bleakness, poor setting of the Shell Centre Tower, lack of enclosure to Jubilee Gardens and Chicheley Street on balance are considered to detract from the character of the conservation area. The Commission for Architecture and the Built Environment, English Heritage and the Mayor of London have all therefore supported, in design terms, the principle of some development on the podium block as being capable of enhancing Waterloo and the South bank. Turning to the history of designation on the site. Intensive investigation by the County Hall Residents Association, Shell and Lambeth Officers have all revealed that there has never been any identification of the site in any Lambeth statutory development plan. There were intentions to so declare it in the early 1950s by the LCC but this was never carried through and they sold the land for private development. Similarly identification of the site on GLC maps never had any statutory status and were superseded by Lambeth’s adopted plans from the 1980s onwards. These GLC maps had several errors throughout the borough. Lambeth’s adopted plan never specifically identified what was and what was not public open space on the proposals map. This has been a major weakness, which the new plan is seeking to rectify. However it did identify public open space on a figure and map Fig 10.1 and table R2, but these maps by themselves are not definitive as the relevant policies of the adopted plan do not refer to them.. Therefore Lambeth has to rely on the policy and statutory definitions. The
Londonwide policy definition is set by RPG3 and repeated in the deposited plan. This is defined for planning purposes as "public parks, commons, heaths and woodland and other open spaces with established and unrestricted public access and capable of being classified according to an open space hierarchy, though not necessarily publicly owned." (RPG3). Therefore in order to be classified, as public open space three categories have to be met in full: 1) Is it open, 2) is there established and unrestricted public access and 3) can it be classified according to an open space hierarchy? The definition implies that the fact that land is privately owned is not in itself material. It is not considered that the land can be considered 'private open space', as it does not provide an open space function commonly assumed from this term e.g. playing fields.

Turning first to the issue of whether or not it is 'open'. The fact that it is hard-surfaced and within a private precinct does not by themselves mean that the land is not open. This also applies to Forum Magnum Square for example. So, it is considered 'open'. However, close examination of the facts reveal that the other two tests are not met and that it does not meet the definition of public open space. The land is built, being the roof of a building, however the height of it and the existence of steps to it is considered sufficient for it to be considered 'open' for purposes of this test. There is not 'established and unrestricted public access' with the exception of the public right of way across the land the public has never had rights of access. The Shell Podium is part of the Shell Centre and is a private precinct within their curtilage. For example, Shell Centre Security personnel who eject skateboarders patrol it. Signs stating 'Private land No Right of Way' have been erected approximately four years ago. Shell state that they have not received any objections or representations in relation to the erection or implications of these signs. These signs prevent the land becoming a public right of way for which the public has right of access. There is no right of access and access is only permitted at the grace and favour of Shell. They could enclose and close the podium at any time. Hence there is not 'established and unrestricted public access'. Finally the land in question cannot be classified according to an open space hierarchy. The table in PPG17 and Table R1 of the adopted UDP down a number of categories of open space by size - including small local parks and open spaces. The characteristics of which are ‘Gardens, sitting out areas, children’s play spaces or other areas of a specialist nature, including nature conservation areas.’ It fulfils none of these categories. It has no nature conservation interest. There has never been any seating on the podium, there are no flower beds, merely a few planters. It is therefore considered that the land in question does not meet the policy test of being public open space. An alternative line of argument is that notwithstanding the policy test the land in question might meet the legal definition of ‘open space’ (Note not public open space) in section 336(1) of the Town and Country Planning Act 1990, now also incorporated in national guidance PPG17. This section of the act defined open spaces as ‘disused burial grounds [which it is not] and land laid out as a public garden or used for the purposes of public recreation’. The limited landscaping cannot classify it as a ‘public garden’ and the lack of right of access cannot lead to being correctly identified as being laid out for the purposes of public recreation. It was always designed and intended as a private precinct. The fact that tourists use it as a platform for taking photos of the London Eye cannot lead to it being classified for this purpose as this happens on many pieces of land and on roads which can in no way be classified as public open space.

The courts have recently interpreted this section of the act in terms of public recreation in the case of R v Doncaster MBC ex parte Braim [1998] JPL 35. In this case Mr Justice McCullough maintained that as the public has used Doncaster Common for a period of 130 years there was an inference that they had a right to do so. Mr Justice McCullough considered that at no stage was there anything to suggest that the public only used the common under sufferance of the Corporation and that no notice to this effect had ever been erected. In the case of the podium, as is evidenced by the 1963 Lease, LCG and Shell only agreed to allow the public to use the footpaths over the podium site with their express licence and permission (for the purposes only of access on foot). In addition,
notices to the effect that the podium is private land and that there are no formal rights of way have been erected by Shell and remain unchallenged. In this case the Judge stated that test was whether or not the public had a right to use the land under a 'bare license'. This lease does grant such a bare license, however as the 1963 states that the Lessor and Lessee may withdraw this at any time. Shell could end rights of access at any time, which would mean that the land in question would be unavailable to the 'public'.

It is not considered that the definition of the current status of the land does meet current statutory definitions of ‘public open space’ or of ‘open space’ nor of the ordinary and natural meaning of the term ‘public open space’. There is evidence that points both ways. This is a complex matter, however the lack of facilities on it that you would normally find on an open space of this size, together with the lack of unrestricted public access means that officers would recommend that the land in question is not public open space currently. The question remains, should it be in the replacement plan? There are many private plazas within office developments within London. Proposing them as public open space would set an undesirable precedent prejudicing the redevelopment of office sites. In this case, it would also prejudice a development which all of the major design and conservation consultees have praised.

Objection T:
Redefine the ‘Other Public Open Space’ area as shown on the attached map to include the public footpath along Queen's Walk (South Bank Centre)
Response T:  
Accepted in part – The map excludes a number of new public open spaces that have been created e.g. Festival Square which should definitely be shown, as well as public open spaces that will be created as part of the Foyers project and that created outside the National Theatre. The map supplied also shows an incorrect boundary for the Queen Walk. There are a number of minor errors, however, which are proposed to be corrected on the proposals map.

Objection U:
Clarification is also sought that it is not the intention of the ‘Other Public Open Space’ designation to include the arches under Hungerford Bridge (South Bank Centre)
Response U:  
As the proposals map shows, the arches underneath Hungerford Bridge are not part of the Other Public Open Space designation.

Objection V:
Delete the Hungerford Car Park from the “Parks” and "Parks Regeneration Areas" on the Proposals Map (South Bank Centre, British Film Institute – full justification given in similar objections to policy 44)
Response V:  
Accepted in part - Hungerford Car Park is not shown as park on the proposal map, it is not and never has been in parks use. Part C of the policy in relation to parks regeneration areas has been deleted and the designations removed from the proposals map.

Objection W:
Streatham Hill Reservoir is identified on the Proposals Map under Policy 45 as Private or School Playing Field or Court. The site is an operational water storage reservoir and is not used for either formal or informal recreation purpose by either Thames Water or any other private body (Thames Water Property)
Response W:  
Accepted – identified in error.

Objection X:
The land at the rear of Brixton Water Treatment Works (WTW) and Reservoir is identified on the Proposals Map under Policy 45 as allotments. It is considered that this land is operational land, which has been held by the relevant Utility Companies for this purpose since the WTW and Reservoir were first constructed. In this respect the allotments should be seen as a temporary and incidental use associated with the primary use of the land as an operational water storage and treatment site. The Town and Country Planning Act 1990 (The Act) Section 263(1) (a) (b) defines operational land.

It states: “Subject to the following provisions of this section and section 264, in this Act “operational land” means in relation to statutory undertakers –

a) Land which is used for the purpose of carrying on their undertaking; and
b) Land in which an interest is held for that purpose.” (Thames Water Property)

Response X:
Not accepted – it is accepted that the land has been held for operational purposes and is therefore operational land. However this statutory definition does not prevent land also being used for allotments or other purposes. As a matter of fact the land is being used for allotments and as a matter of fact all such land is identified on the proposals map. Whilst in the same ownership as part of a wider area of land held for operational purposes in terms of land use and planning the allotments are within a clearly defined and separate curtilage with its own planning history. Far from being ‘temporary’ this has become a longstanding use and far from being ‘incidental’ it has become the primary purpose of this separate piece of land. There are no plans to bring the allotments into active operational use. If they were this would be permitted by policy 47. If there were no such plans and the land were proposed for disposal or development then it would cease being held for operational purposes and there would be no dispute that it was solely in allotments use. As a separate curtilage it would not meet the definition of ‘previously used urban land’ under PPG3, never having been developed.

Objection Y:
London and Lambeth Cycle Networks through open spaces to be maintained subject to a balance between the use of cycle networks and quiet enjoyment of the facility (Lambeth Cyclists)

Response Y:
Not accepted - The Lambeth cycle network is shown on the proposals map as going through parks. The network itself is covered by policy 10. It would be duplication and excessive detail to cover it here.

Objection Z:
Incorporate the Kennington Road frontage site into the area marked as park (Kennington, Oval & Vauxhall Town Centre Partnership Board)

Response Z:
Not accepted for reasons given under MDO110.

Objection AA:
Add “The Council will work with neighbouring boroughs to ensure that parks and open spaces on the boundary with adjacent boroughs are protected, managed and policies to the benefit of the residents of both boroughs.” (Tooting Commons Management Committee)

Response AA:
Amendment proposed to supporting text as plan policies can legally only deal with land within the Borough.

Objection BB
Protect all Adventure Playgrounds on their own including outside open spaces (Mel Browne)

Response BB
Adventure playgrounds fall under ‘Other Public Open Space’. The revised proposals map will show all Adventure Playgrounds not included in a Parks’ designation as ‘Other Public Open Space’. The exception is the Stewarts Road Adventure Playground, which is to be developed as a new youth centre for Brixton, with a children’s play facility, paid for by development of the remainder of the site.

Objection CC
We urge that ways are found to increase access to Eardley Road sidings and greater clarity is given to the status of Streatham Vale Park as a park regeneration area, should be no loss (Streatham Partnership Board, Streatham Society)
Response CC
Access to nature conservation sites is covered by policy 46. Part C – Parks Regeneration Areas is to be deleted. The designations are to be removed from the proposals map.

Objection DD
The list of protected fields and courts should also include the bowling green at Streatham Constitutional Club, Leigham Court Road and the remaining grass area and hard court at St Leonard’s School, Mitcham Lane (Streatham Society)
Response DD:
Accepted- now added to proposals map.

Objection EE:
We believe that the proposals map is in error in showing St Leonard’s Churchyard - this should be a protected open space. Was the intention to include Streatham Green (between Mitcham Lane and the High Road) as a regeneration area - this would accord with the Town Centre Board's plans (Streatham Society)
Response EE:
Accepted changes made – it is also the intention of the church to improve the Churchyard, however the footprint of the church was mistakenly included. In regards to Parks regeneration Areas, Part C – Parks Regeneration Areas is to be deleted. The designations are to be removed from the proposals map.

Objection FF:
We also object to the lack of clarity in the definition of Indoor Sports Facilities. We suggest that in addition to the council owned sites, this should explicitly give protection to other venues such as Streatham Ice Rink which provide facilities of regional importance (Streatham Society)
Response FF:
Accepted – Change made.

Objection GG:
Concerns over design treatment of Streatham Hub open space (Streatham Society)
Response GG:
This is a matter of fine detail best dealt with in any development brief that is eventually adopted for the site.

Objection HH:
In (B) What is the definition of 'locality' – too vague (Waterloo Community Charity)
Response HH:
Not accepted – the interpretation of such terms is a matter of common sense. The plan would be too unwieldy if it included lengthy definitions of such everyday terms.

Objection II:
No development in protected London Squares should be permitted whatsoever (Waterloo Community Charity)
Response II:
Not accepted – this goes beyond the London Squares Act. The amendment proposed would prohibit park benches for example.

Objection JJ:
In (K) Play facilities for young children should be located within the development so that children do not have to cross roads to access such facilities and adults can easily supervise play. 'In a more appropriate location' is misleading, not defined and too vague (Waterloo Community Charity)
Response JJ:
Accepted – change proposed.

Objection KK:
In (L) the need to create more strategic links needs to be defined through a master plan prior to new spaces being created and linked to existing spaces. (Friends of Lambeth Walk Open Space)
Response KK:
Not accepted – waiting for a master-plan would delay many necessary open space improvements.

Objection LL:
I object to the small, four sided area of Streatham Common, situated on the North East corner of the common, abutting Streatham Common North Road; LB Croydon Boundary, being removed (shown white on the map) from the total area of the common as shown on earlier maps. (Streatham Common Southside Neighbourhood Watch Association)
Response LL:
Not accepted – it is not common land, parkland or metropolitan open land and has not been shown as such on past maps. It was built as a house and then leased as a park keeper's lodge, and is no longer used as such.

Objection MM:
We object to the designation of part of MDO115, Shell Centre Upstream (the Podium Site) as a Parks Regeneration Area. It is inappropriate to define the site as a Parks Regeneration Area as such a designation is in direct conflict with the allocation of the site within the Waterloo Office Regeneration Area (Shell)
Response MM:
Accepted- proposed for deletion. It was proposed to show indicatively the kind of view that should be retained over part of the podium from York Road to the London Eye. However it is wrong to show indicative proposals on the proposals map. This matter is covered in the text of the MDO. The Parks Regeneration Area here is proposed for deletion, Part C – Parks Regeneration Areas is to be deleted from the Policy. All Parks Regeneration Area designations are to be removed from the proposals map.

Objection NN:
We object to part H of this policy, which has been included in part to allow the relocation of activities from Brixton Recreation Centre to the redeveloped Ferndale Sports Centre as part of MDO6. This is premature (Brixton Area Forum Board)
Response NN:
Not accepted – this is included as a general principle throughout the plan rather than to facilitate any proposal. It is proposed to remove that wording from MDO6. It would be unreasonable to prevent relocation to more appropriate locations.

Objection OO:
We object to part K of this policy as drafted. No indication is given of what criteria will be used to judge whether provision is "appropriate" on site or what would constitute a "more appropriate location. This part of Policy 45 should also specify that where any play area is redeveloped, any new play area provided on the site should be at least as good and provide equal access to that which has been lost (Brixton Area Forum Board).
Response OO:
Accepted – changes made.

Objection PP:
We would like to see that nature garden on the Tulse Hill Estate, opposite Purser House, protected and improved, and upgraded as part of the Safe Routes to School project, with an entrance to Brockwell School (Brixton Area Forum Board)
Response PP:
Not accepted as covered by policy 46, is to be shown on the proposals map under that policy. However specific improvements to specific open spaces is too fine a level of detail for the plan.

Objection QQ:
Suggests additions to section on Commons (Friends of Clapham Common)
Response QQ:
Accepted in part – some of the changes can be included however the section proposed is too long overall and covers detailed management matters best covered in the separate parks and open spaces strategy.

Objection RR:
Add ‘the Parks Forum should be the main consultation channel’ (Vauxhall Society)
Response RR:
Not accepted as government guidance states it is inappropriate to list consultees in plans.

Objection SS:
Spring Gardens should be re-classified under section [A] or [B] of Core Strategic Policy 45 (Friends of Vauxhall Spring Gardens)
Response SS:
Spring Gardens is classified as a Park as shown on the proposals map. Changes to the plan at revised deposit stage no longer allow loss of some parks, which is prohibited at Spring Gardens anyway by policy 72.

Objection TT:
Add: ‘Proposals to provide private sports facilities on public open space will be resisted’. (Brockwell Park Management Advisory Committee)
Response TT:
It is considered appropriate to restrict private sports and other use of parks where they detract from public use of parks. However limited use can enhance parks by, for example, bringing investment to parks and restoration of derelict park buildings.

Objection UU:
There has been a great increase in the demand by operators for sites for open-air events in London in recent years. This usage, when the events in question are noisy, compromises the primary reason for existence of green open spaces, which is to provide quiet refuge as well as active recreation. It can also create substantial nuisance to residents. The increased wear and tear on the fabric of open spaces cannot be sustained indefinitely. Proper consideration should therefore be given to the provision of a Brownfield site, located suitably so as to avoid nuisance to residents, specifically dedicated for events use in the borough (Friends of Clapham Common)
Response UU:
This would have to be a very large Brownfield site, of which there are few in Lambeth, and a poor use of such a site in the light of demands for housing in the borough. Acquiring it would also be prohibitively expensive. Regulated and limited events on parks, which provides substantial income for maintaining and improving parks, is considered more appropriate.
Objection VV:
Suggests minor rewording of third Paragraph. The protection, enhancement and improvement of parks and other open spaces will be promoted in accordance with Lambeth's Park Objectives, in particular in terms of biodiversity, sustainability, safety and accessibility (Table 12) and the need to preserve their unique character and preserve views within and from the open space. (Andrew Simpson MA BA MRTPI)
Response VV:
Accepted – change made.

Objection WW:
Reword policy to include commitment to providing more sports pitches and facilities (Lower Streatham Neighbourhood Watch & Residents Association)
Response WW:
Accepted- change made.

Objection XX:
Add commitment to carrying out a development brief for Streatham Common with a view to providing sports pitches and community sports facilities while also preserving its environment and other beneficial aspects (Lower Streatham Neighbourhood Watch & Residents Association)
Response XX:
Not accepted as this is already happening as part of the overall parks strategy, parks plans are being produced for each park.

Objection YY:
Object to item (A), (B) or (C) principally because of the references to development in open spaces. This policy is not tied into identified areas of deficiency - it's lacking the partial context. In my opinion it is also contrary to LPAC Advice and emerging advice coming out of LPAC &/or in Draft PPG17. I object to the reference to partial development being acceptable in (b) (albeit qualified). This should not be applied to open space polices but should be limited (if at all acceptable) to sports facilities. The reference in PPG17 to partial development /enhancement only relate to facilities. Item (A) - the term 'development' needs clarification in this context - it could imply any development including residential. It is intended that 'development' should be limited to small scale uses required in conjunction with the open space use (public toilets/changing facilities etc) then this should be spelt out. (Sally Wadsworth)
Response YY:
Accepted in part – the policy has been amended to make it clear that parks and other open space are protected from development and partial development involving loss is not permitted. Development of open space involving no net loss is not prohibited by PPG17, it only refers to circumstances of partial development involving loss.

Objection ZZ:
There is no recognition of Urban Area Space - does policy 45 only apply to public Open Space? Has Lambeth undertaken a comprehensive audit of open space in the Borough (as required in PPG 17/LPAC Advice/Llewlyn Davies)? Unless this audit is undertaken how can be Council justify any loss of open space? (Sally Wadsworth)
Response ZZ:
Not accepted - Research for the former LPAC by Arup Associates found that the designation of ‘Other Open Space’ was rarely used in London and did not recommend that it be applied universally. The term is very confusing as the land in question, e.g. railway siding, does not meet the statutory definition of ‘open space’ in section 336(1) of the Town and Country Planning Act 1990, as such these policies are highly challengeable. Also in Lambeth almost all such land is protected by specific designations, e.g. allotments or nature conservation designations.
While generally supporting the policy, the following points need to be made. Rush Common is not a common. Rush Common Proscribed Land enjoys the protection of the 1806 Act, which absolutely forbids all buildings extensions and enclosures. There is therefore not a presumption against such development but a ban, which may be over ridden in very special circumstances with the consent of the council. (Friends of Rush Common)

**Response AAA:**
Accepted – amendments proposed.

**Objection BBB:**
The plan is therefore right to extend protection to all sites, but it ought also to protect them against other open space uses (Vivian Aylmer)

**Response BBB:**
Not accepted – some disused allotments in Lambeth such as at Lollard Street have gone over to community gardens, it would be wrong to let them become wastelands if disused. Suggested re-wording to supporting text support.

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**Summary of Representations & Responses (Paragraph 4.18.4)**

**Objection A**
Registered parks and gardens should be designated as conservation areas where this has not yet been done to encourage their presentation and enhancement (English Heritage)

**Response A**
Accepted – all are so declared except Ruskin Park, which is now proposed.

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**Summary of Representations & Responses (Paragraph 4.18.12)**

**Objection A**
These paragraphs are inadequate. They only relate to Rush Common and should have one or more additions relating to Clapham and Streatham Common. (Councillor Michael English)

**Response A**
Accepted – although it is not possible to summarise all legislation affecting all commons.

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**Summary of Representations & Responses (Paragraph 4.18.19):**

**Objection A**
At best, this text repeats arguments given earlier on the importance of parks and green spaces. At worst, it implies that ‘green’ walls and streets are a substitute for real open spaces and the recreation and leisure benefits they provide. (Sarah O’Connell, Chair – Friends of Archbishops Park)

**Response A**
Not accepted – these are important and essential initiative and in no way imply that these are substitutes for real open space.

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**Summary of Representations & Responses (Paragraph 4.18.20)**

**Objection A**
In April the Mayor will launch an initiative for ‘100 public spaces’, by announcing 10 pilot projects. As an emerging initiative it is premature for the UDP to commit the GLA to ten schemes within the Borough of Lambeth. (Mayor of London)
Response A  
**Accepted – change proposed**

**Objection B**  
There is no mention of a policy to expand Archbishops Park, using vacant land to the north of the park. And again this confusion about what constitutes public open space. Plants growing off buildings do not! (Sarah O’Connell, Chair, Friends of Archbishops Park)

**Response B**  
Not accepted – this was deleted from the Lambeth Local Plan when the first UDP was adopted. This land is needed for essential key worker housing for St Thomas’s and as part of this Archbishops Park will be improved and potentially extended across part of the site.
**POLICY 50a – Planning Obligations**

**Proposed New Policy**

The Council will, where appropriate, enter into legal agreements with developers, and seek the attainment of planning obligations, having regard to any Government guidance and supplementary planning guidance.

1. The UDP contains a number of policies seeking certain physical, social, environmental and/or economic improvements within the Borough. In particular, the plan’s policies relating to housing, education, mixed-use development, transport, employment, community facilities, arts and culture, public realm, utilities, the natural environment, and open space and recreation all seek to secure specific improvements.

2. Planning advantages can be achieved through planning obligations and/or legal agreements relating to a specific grant of planning permission. Legal agreements can be used more closely to regulate the way land is developed or used than is possible through the normal development control process, in order to achieve the improvements stated above. Agreements should be made in accordance with Government guidance.

3. Circular 1/97 (Annex B) sets out the framework for applying planning obligation policies to development plans. Such policies should, first and foremost, address land use planning matters, rather than funding or other financial matters. The policy is written in such a way that it can accommodate any review of the Government guidance relating to planning obligations and to the issuing of supplementary planning guidance on particular topics or on planning obligations generally.

4. The provision of a planning obligation is not, in itself, a reason for granting permission. Nor will the absence of a planning obligation, in itself, constitute a reason for refusal.

5. Examples of planning obligations that could be sought include:
provision of affordable housing in accordance with the requirements of Policy 16;
provision or improvement of community, health or leisure facilities and services (Policy 26);
contributions in respect of sports facilities and open spaces;
contributions towards education (Policy 26), or local training provision to ensure that local people are in a position to compete for any new local employment opportunities that might arise as a result of new development (Policy 26);
environmental improvements to enhance the appearance of developments and their surroundings (Policies 31 and 36);
improvements to the public realm, particularly for pedestrians (Policy 36);
contribution to public transport improvements to encourage access by means other than by car (Policies 9 and 13);
the control of parking and other traffic management measures
preparation and implementation of Green Travel Plans (Policy 9);
highway improvements to overcome problems of congestion caused by the development (Policy 9);
provision of arts spaces and facilities, and the provision of public art to contribute to the quality of the visual environment and development of local identity (Policy 30);
incorporation of or contribution towards the provision of security measures as part of retail or leisure developments (Policy 4 and Policy 31A);
contributions towards town centre management to assist with the need to promote the vitality and viability of town centres (Policy 4);
contributions in respect of the improvement of open spaces (Policy 45);
contributions to nature conservation activities Benefits that secure or promote nature conservation (Policy 46).

6. The Council’s requirement that developers should pay the legal fees associated with Section 106 agreements should be noted.
Revised Deposit: Proposed Changes

**Jubilee Gardens and the Hungerford Car Park Site**

Jubilee Gardens and the parking area next to Hungerford Bridge, including the service access road, will be protected, extended and improved as public open space and Metropolitan Open Land.

The improvement and extension of Jubilee Gardens with exemplary landscape design proposals will be achieved to provide world class park landscape design and public realm improvements will be secured. This should include an extension to links to the West to form a proper setting of for the London Eye, and a visual and pedestrian link to the Eye from Waterloo Station at ground level, across part of the Shell Centre podium and through the site of Elizabeth House, which offers views of the Eye. Development that generates visitors who will use the Gardens should contribute towards the delivery, creation and maintenance of a world-class park and Queens Walk, and better links to the surrounding area. this scheme.

Development around Jubilee Gardens should frame and enhance its setting and relate to it in terms of accesses, frontages and public realm design.

Access to Jubilee Gardens from Belvedere Road should remain at ground level (although limited development linking the Shell Centre high level walkway to Hungerford Footbridge is permitted). No car parking is should be permitted underneath Jubilee Gardens or the site of what is currently Hungerford Car Park. The development of any other uses on or under any part of this site should not detract from the principal objective of this policy to create and maintain a world class park in the future.

5.16.39 Jubilee Gardens is an important area of public open space fronting the River Thames between the former County Hall and the South Bank Centre. It has been blighted in recent years by construction work for the Jubilee Line extension, the London Eye, and the Hungerford Bridge extension. As it is of wider than Borough importance it is designated as Metropolitan Open Land (MOL), which protects it from inappropriate development. This designation includes the Hungerford Car Park (other than including the service road). This whole area is owned by the Arts Council of Great Britain and is leased to the South Bank Centre.

5.16.40 Commercial development has been proposed for part of this area in the emerging South Bank masterplan. Commercial development is an inappropriate use of MOL. Raising levels to create an extended area of Jubilee Gardens could still be inappropriate development by harming the character of the MOL. There are problems with splitting levels of public open space. There are very few examples that work
internationally. Jubilee Gardens would be cut off from the local community in Waterloo, and would have much poorer access from the Shell centre; the open space would be steep, less usable by the elderly and disabled, and intersected by servicing vents.

5.16.41 The source of many of the problems surrounding Jubilee Gardens and Hungerford Car Park is that it has been treated as a 'left over' space which could be used to facilitate surrounding developments and master planning efforts. Jubilee Gardens needs to be cared for and planned as an open space in its own right. The Council would not support any proposals which would intensify the uses on or in the vicinity of the gardens to the point that it would affect the character of the area. The development of the London Eye has dramatically altered the perception and function of this area; the Gardens now attract six times as many visitors as St James Park. It is now an unfitting setting to a world famous landmark and fails to achieve quality as an open space both for the local community and for London as a whole.

5.16.42 As well as being contrary to both government guidance and the Council's policies on traffic restraint, underground parking would harm this aspiration through restricting the ability to plan comprehensively for the Gardens’ improvements, the interruptions from venting and the blockage to pedestrians by the access ramp. Other subterranean uses beneath the Gardens would have a similar effect and are also discouraged.

5.16.43 Lambeth is working in partnership with all stakeholders, to secure a proper long term design for the Gardens and create a proper setting for the Eye, the Thames and the Royal Festival Hall, and ensure that the Gardens is a world class open space in its own right. This has been recognised in the Waterloo Development Framework. This would lead to an extension of Jubilee Gardens which would It is also the intention to form a visual link between Waterloo Station and the Eye linking the improvements to the Gardens with proposals for the Shell Centre, Elizabeth House and Waterloo Station. A Jubilee Gardens Trust has been set up by the Council in conjunction with other stakeholders, which would manage the running of the Gardens. Amongst the aspirations for it as a world class open space are:

- That it would offer year-round facilities and opportunities for recreation as well as high quality open space for Londoners, international visitors and local people;

- A highlight and a major focus - a park for the 21st Century;

- Designed to fully take account of its central location, physical and visual connections, including the provision of an outdoor performance space functionally linked to the South Bank Arts Complex.

Summary of Representations & Responses:

Objection A:
Suggests alternative wording emphasising world class nature of Jubilee Gardens. (Mayor of London)

**Response A:**

Accepted - however ‘secured’ is considered better than ‘achieved’ as it emphasises the link to planning obligations, the second proposed amendment is ambiguous and wording more clearly stating the same end is proposed.

**Objection B:**

The aspiration appears to be to make Jubilee Gardens a proper setting for the Eye. Jubilee Gardens does not exist to create hub for the tourist attraction. It exists in its own right and must be redesigned and refurbished as such. It is not here to create a route to a hard to manage tourist attraction. It does not exist to create a visual link between Waterloo station and the wheel (Marilyn Evers)

**Response B:**

Accepted - It is proposed to amend the policy so that it has broader objectives than the setting of the London Eye, yet it is important to retain this element of the policy to emphasise the views of the Eye across the Shell Podium as being a critical element of the character of the South Bank. The amended policy will also reflect the objectors concern that the whole open space, including Jubilee Gardens and the Hungerford Car Park site up to Hungerford Bridge be designated as MOL.

**Objection C:**

All of Jubilee Gardens and the area known as the Hungerford Bridge car park, must remain designated as Metropolitan open land. This is the current designation of the whole site from County Hall to the Hungerford Bridge and there is no justification for changing that designation. Paragraph 5.16.39 implies that the part of the site currently used, as a service road by the RFH is not designated as Metropolitan Open Land. This is not accurate. It is designated as Metropolitan Open Land it was not omitted from the designation open land. All Metropolitan open land must be protected from development. It must be sacrosanct. (Marilyn Evers – Waterloo Community Charity)

**Response C:**

Accepted - It is proposed to amend the policy to reflect the objectors concern. The whole open space, including Jubilee Gardens and the Hungerford Car Park site up to Hungerford Bridge (including the access road) will be designated as MOL.

**Objection D:**

There is considerable local wish to see the potential of this open space maximised. We object strongly to the de-designation of any of it (Judy Bartlett of Lambeth Friends of the Earth and Lambeth Environment Forum).

**Response D:**

Accepted - It is proposed to amend the policy to reflect the objectors concern. The whole open space, including Jubilee Gardens and the Hungerford Car Park site up to Hungerford Bridge (including the access road) will be designated as MOL.

**Objection E:**

We are concerned that Policy 80 implies that Jubilee Gardens may be restructured around the needs of the Eye. Jubilee Gardens was a valued open space before the Eye came. The Park is at a magnificent location on the Thames. It is important locally, where we have little open space and nationally. Retain the MOL status of the whole area, (including where anything else becomes available), extend it. (Jenny Stiles – Association of Waterloo Groups)

**Response E:**

Accepted - It is proposed to amend the policy so that it has broader objectives than the setting of the London Eye, yet it is important to retain this element of the policy to emphasise the views of the Eye across the Shell Podium as being a critical element of the character of the south bank. The amended policy will also reflect the objectors concern that the whole open space, including Jubilee Gardens and the Hungerford Car Park site up to Hungerford Bridge (including the access road) be designated as MOL.

**Objection F:**
In principle, we support this policy. Nevertheless, we suggest several small changes to the wording we would like to suggest. (Please see full Rep for details.) (Michael Ball – Waterloo Community Development Group)

Response F:

Accepted in part – a number of changes have been proposed which respond to the objector’s concerns. Most notably, changes have been made to reflect the intention to retain the entirety of Jubilee Gardens and the Hungerford Car Park site up to the viaduct as MOL (including the access road), and to emphasise this site as a setting for the London Eye.

However, legally the UDP must set out policy. It may not delegate matters to specific groups. The local planning authority must make planning decisions on planning grounds, costs can be awarded against it on appeal if it solely decides applications on the results of public consultation. Government guidance states that plans are not appropriate places for setting out consultation mechanisms.

Objection G:

Any future plans to upgrade and extend the South Bank Centre will be put at risk and the regeneration of the entire area will be undermined. Irrespective of whether there is development on or under an extended Jubilee Gardens, SBC believes that some form of significant topography is required in the landscaping to achieve a world-class riverside park, maximising the amount of open space, providing views of the river, separation from the Eye, integration with cultural development on the Hungerford site and the high level walk from Hungerford Bridge to Waterloo Station. It would also make it easier to achieve softer green landscaping and improve the quality of the gardens itself. Keeping the gardens flat will condemn the park to becoming a rat-run for visitors to the Eye. Please consider our suggested amendments to the language of this policy. (Mike Mc Cart – The South Bank Centre)

Response G:

Not accepted - A consultant’s study (BDP) commissioned by the Council to assess the issues surrounding the potential planning conflict between the two designations of Hungerford Car Park as an MDO and Metropolitan Open Land in the light of objections to the initial Deposit Draft UDP, has recently been completed. The report concluded that the designations are generally in conflict with each other and that in this instance, the only reason to entertain the dual designation would be for the benefit of the expansion of the South Bank Centre. The South Bank Centre’s aspirations to develop the Hungerford car park site have to be balanced against the case to improve the existing adjacent open space and extend over this site. The Council has now more fully considered the relative merits of allowing SBC to expand on to this site versus extending Jubilee Gardens onto the Hungerford Car Park site and creating a world class public open space on the MOL land, and considers that the latter is the prudent way to proceed. In the light of the substantial development pressures and the priority given to open space protection and enhancement, the Council concludes that there is a stronger case for the car park to be used as open space than to extend the South Bank Centre over all or part of the Hungerford car park site.

The policy does not rule out a limited element of landscaped topography, but it does require that access from Belvedere Road be ‘predominantly at grade’. The reference to improvements to the surrounding area now refer to ‘links’ rather than to ‘extensions’ to Jubilee Gardens.

Objection H:

We are concerned that the Plan does not rule out the erosion of Jubilee Gardens. My committee opposes policy 80 on the grounds that its opposition to the development of Jubilee Gardens (as elaborated in 5.16.39) is not sufficiently strong - especially the wording “raising levels to create an extended area of Jubilee Gardens could still be inappropriate development by harming the character of the MOL.” We believe that any such development should be ruled out. Our recommendation is that there is no change or erosion of the MOL status! (Simon Allison of Whitehouse Residents Association)

Response H:

The objector is referring to paragraph 5.16.40. It is proposed to amend the policy to reflect the objectors concern. The whole open space, including Jubilee Gardens and the Hungerford Car Park...
Park site up to Hungerford Bridge will be designated as MOL (including the access road). It is considered that the explanatory text is sufficiently strong to convey the Council’s aspiration for this to occur, and to deter inappropriate development.

Objection I:
Jubilee Gardens should be grassed over, up to the existing railway viaduct, as per current UDP. There should be no loss of any open space whatsoever. This debate must first be had with both the Waterloo & Kennington Housing Forum and Friends of Jubilee Gardens. We have also made suggestions for amendments to the policy. (Ray Puckey – Waterloo & Kennington Housing Forum, Nicola Howey, Jez Feenay, Ray Puckey, Jez Feeney, - Matheson Lang Tenants & Residents Association, Cllr Leslie Boodram, Julie Nunn, Francis Forrest – Waterloo Town Centre Board, Julie Nunn – Tanwell Estate Tenants & Residents Association and Ray Puckey – Munroe Tenants Association)
Response I:
Accepted - It is proposed to amend the policy to reflect the objectors concern. The whole open space, including Jubilee Gardens and the Hungerford Car Park site up to Hungerford Bridge will be designated as MOL (including the access road).

Objection J:
Add, "Any changes and improvement should be referred to Waterloo Town Centre Management Board and the friends of Jubilee Gardens". (Canon Richard Truss – Parish of Waterloo, St John with St Andrew)
Response J:
Legally the UDP must set out policy. It may not delegate matters to specific groups. The local planning authority must make planning decisions on planning grounds, costs can be awarded against it on appeal if it solely decides applications on the results of public consultation. Government guidance states that plans are not appropriate places for setting out consultation mechanisms.

Objection K:
We do not consider an extension is necessary to form a proper setting for the London Eye. We support improvements to Jubilee Gardens and we agree that a car park is not an appropriate use of MOL but we object to the extension of the gardens across the Shell Centre (podium) site. We agree that access to Jubilee Gardens and the Gardens themselves should remain substantially at ground level. We therefore propose this 'requirement' is deleted and the policy redrafted as "The Gardens should form a proper setting for the London Eye and developments between the Eye and Waterloo Station should provide convenient public access and glimpsing views of the Eye." (Shell International Company & Lend Lease Europe Ltd)
Response K:
The objector appears to be referring to the issue of views. Views of the Eye across the podium from York Road are an important positive feature of the South Bank Conservation Area. In its recent decision on Shell’s application to develop the podium site, the Council established its position that the podium site is public open space. It is unlikely that any form of development – excepting open space improvements – would be acceptable on this site. The idea of ‘glimpsed views’ is therefore not one that the Council would entertain. The policy has been changed to refer to links to Jubilee Gardens rather than an extension to it across the Podium. The existing Parks Regeneration Area designation over the podium site will be removed in the Revised Deposit version of the emerging UDP. The concept of Parks Regeneration Areas is proposed to be removed from the Revised Deposit UDP entirely.

Objection L:
We support the principle that the improvement of Jubilee Gardens with world-class landscape design and public improvements should be secured. However as previously outlined the Hungerford Car Park is critical to any proposals for future improvements, regeneration and upgrading of the South Bank. To seek use of the Hungerford Car Park site as open space under Policy 80 would in practice create a formidable policy obstacle for future development and this will result in a lost opportunity for the BFI and the SBC particularly and the area in general.
Any future-plans to upgrade and extend the South Bank will be put at risk and the regeneration of the entire area will be undermined. (Jon Telkman – British Film Institute)

Response L:
Not accepted - A consultant’s study (BDP) commissioned by the Council to assess the issues surrounding the potential planning conflict between these two designations of Hungerford Car Park in the light of objections to the initial Deposit Draft UDP, has recently been completed. The report concluded that the dual designations as an MDO and MOL are generally in conflict with each other and that in this instance, the only reason to entertain the dual designation would be for the benefit of the expansion of the South Bank Centre. The South Bank Centre’s aspirations to develop the Hungerford car park site have to be balanced against the case to improve the existing adjacent open space and extend over this site. The Council has now more fully considered the relative merits of allowing SBC to expand on to this site versus extending Jubilee Gardens onto the Hungerford Car Park site and creating a world class public open space on the MOL land, and considers that the latter is the prudent way to proceed. In the light of the substantial development pressures and the priority given to open space protection and enhancement, the Council concludes that there is a stronger case for the car park to be used as open space than to extend the South Bank Centre over all or part of the Hungerford car park site. This same argument applies to the BFI.

Objection M:
We have already made our views clear regarding policy 44, Metropolitan Open Land, which includes both the sites covered by this policy. The rationale of this policy, however, is neither clear nor consistent. How does the ‘extension’ of Jubilee Gardens across the, Hungerford Car Park form a proper setting for the Eye, which can only be viewed side on from that vantage point’. While the Shell podium viewing point, which affords the most complete view of anywhere in Lambeth, is to become a corridor cutting through a development site (perhaps accommodating one of that cluster of high rise buildings suggested in policy 37 for’ Shell Centre’?). (Anne Burke & Marina Thaine – County Hall Tenants & Residents Association)

Response M:
Noted – The aim of this policy is to establish Jubilee Gardens and the Hungerford Car Park site as a world class contiguous public open space in its own right. However it is the Council’s view that the presence of the London Eye is an opportunity in terms of the creation of this exemplary public open space, not a hindrance. If the Hungerford Car Park site is to be developed along with Jubilee Gardens into a park, then it most certainly has the potential to capitalise on the visual contribution that the London can make to this part of Waterloo. It is nevertheless proposed to amend the policy so that it has broader objectives than the setting of the London Eye, yet it is important to retain this element of the policy to emphasise the views of the Eye across the Shell Podium as being a critical element of the character of the South Bank. The amended policy will also reflect the objectors concern that the whole open space, including Jubilee Gardens and the Hungerford Car Park site up to Hungerford Bridge be designated as MOL.

The existing Parks Regeneration Area designation over the podium site will be removed in the Revised Deposit version of the emerging UDP. The concept of Parks Regeneration Areas is proposed to be removed from the Revised Deposit UDP entirely.

Objection N:
The Waterloo residential and working communities have for years supported a public park to Hungerford Bridge and would be betrayed by any de-designation of the Metropolitan Open Land. Strong objection to any exemption or extension of service road from the plan to create a park worthy of the neighbourhood and or London as a whole. The existing service road should form part of the Metropolitan Open Land and of the Jubilee Gardens public open space as a ground level park. (Michael Wolfers)

Response N:
Accepted - The amended policy will also reflect the objectors concern that the whole open space, including Jubilee Gardens and the Hungerford Car Park site up to Hungerford Bridge be designated as MOL (including the access road).

**Objection O:**
Any development of this area should comprise buildings of no greater height than those in the area. The policy is well balanced but could benefit from a cross-reference to development of the new Hungerford footbridge. (MP R Handley – Westminster Society)

**Response O:**
The issue of ‘over-height’ buildings is dealt with under the new policy 37 (Location and Design of Tall Buildings and Views). New tall buildings, or tall extensions to existing buildings, will generally not be appropriate. However, each case will be dealt with on its own merits and assessed in relation to specific criteria pertaining to matters such as location, aesthetic quality, urban design quality, impact on traffic and impact on views.