

## Elephant Amenity Network/35% Campaign

### Response to the Old Kent Road Draft Area Action Plan/Opportunity Area Planning Framework June 2016

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**AAP1** The two drivers of the AAP/OAP are noted as the Bakerloo Line Extension (BLE) and the expansion of central London. We are concerned that the net result of this approach will be to displace many people from the local community, who will find that higher housing costs, higher business costs and higher living costs make the area unaffordable to them. We also question whether inclusion in the Central Activities Zone is beneficial to the resident community.

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**3.2** The heading of this section '*Quality affordable housing*' is misleading. AAP2, AAP4, AAP5 are free-market housing policies in whole or part; only AAP3 is solely about affordable housing. Public understanding of what constitutes affordable housing is undermined by loose use of the term, so the heading should be changed to 'Quality Housing'.

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**AAP3** The 35% affordable housing requirement is qualified by the clause '*subject to viability*'. This clause should be removed. The 35% requirement should be a non-negotiable tariff, in line with that being proposed by the Mayor of London. AAP3 should also explicitly say that at least half of the affordable housing must be social rent and that affordable rent does not meet Southwark resident's needs, reflecting the Southwark Plan. Viability assessments should be used only to establish where sites can deliver more affordable housing and in particular more social rented housing above the 35% tariff level.

**3.2.5** There is an emphasis on intermediate housing in this paragraph. This is out of step with Southwark's identified housing need, which shows that 79% could only be met by social rented housing, 21% met by intermediate housing; and, further, that there is a surplus of intermediate housing

(Southwark Housing Requirements 2008, 5.84, 5.71). Also *'discounted market rent'* is not a form of affordable housing, as defined in the National Planning Policy Framework Annex 2: Glossary or Planning Policy Statement 3: Annex B: Definitions. *'Low cost market'* housing is specifically excluded from being affordable housing, unless it meets the policy definitions. In any event, even were it allowed as affordable housing there is no evidence that it will meet Southwark's Housing need. We are further concerned that discounted market rent will not be provided as intermediate housing, but as a more expensive substitute for social rented housing. *'Discounted market rent'* should not therefore be allowed as affordable housing; instead more social rented housing should be built and eligibility extended to those on higher incomes.

**AAP3** should be redrafted to reflect the above points.

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**AAP4** Housing policy tenure targets are arrived at after research and have an evidential basis. No evidence has been presented that *'build to rent'* private rented sector homes would be better than other tenures in meeting Southwark's housing need. AAP4 says that there has been an increase in privately rented homes, but this simply notes a market trend and is not evidence that housing policy is best served by encouraging this trend. There is therefore no evidence to justify encouraging *'build to rent'* through policy.

**AAP4's** second sentence – *'flexibility in the mix of homes provided and in the nature and type of affordable housing provided may be justified where a development proposes covenanted private rented homes - would allow 'build to rent' to replace affordable housing.* The qualification that this may only be where *'a development proposes covenanted private rented homes'* is unsupported by any evidence that covenanted private rented homes meet Southwark's housing need and any reason why they should be allowed by policy. In addition *'covenanted private rented homes'*, like *'discounted market rent'*, do not meet NPPF/PPS definitions of affordable housing.

**3.2.6** The statement that *'private rented homes have the potential to accelerate housing delivery because they do not compete with nearby housing development offering homes for sale'* is first and foremost a matter for the

developers, when they consider the tenure mix of their free-market housing. Their decisions should not be allowed to affect the policy requirements for affordable housing.

**3.2.7** The justifications given for allowing ‘build to rent’ PRS instead of affordable housing - ‘*suitability for younger adults*’ etc – are unsupported by any evidence that could be the basis of a policy to encourage this, while, on the contrary, the needs of families are well-supported by evidence. Notwithstanding this AAP4 would allow a reduction in family housing, should there be a ‘*demonstrated market demand for an alternative housing mix*’.

**3.2.7** Further, the wide range of reasons that can be used to replace affordable housing with private rented homes - ‘*design, property management strategy, viability*’ – easily relieves any developer who has no mind to build affordable housing of that obligation.

**AAP4** This policy positions ‘build to rent’ PRS housing as an alternative to affordable housing, contrary to the obvious fact that it is free-market housing, contrary to national and regional policy and without evidence to demonstrate which part of Southwark’s housing need it meets. ‘Build to rent’ PRS is free-market housing, which policy allows the developer to build in generous proportions and with ample profit. ‘Build to rent’ PRS therefore requires no further policy support and AAP4 should be deleted.

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**AAP5** We believe that the residential density range should be 200-770 habitable rooms per hectare and that exceptions allowing more should be very tightly conditioned. We do not think that the three conditions that would permit greater residential density, above the ranges proposed, are adequate and that they will become the rule, not the exceptions; they should therefore be reconsidered.

**3.2.8** There is some circular reasoning behind AAP5, which starts from the premise that the Old Kent Rd ‘*will become increasingly like central London*’ to justify residential densities that would ensure that this does indeed happen. The need for more housing may justify higher densities, but only if the housing is truly affordable which we believe will not be the case if AAP4 is adopted.

This aside, the fact is that the Old Kent Rd is not part of Central London and the more appropriate residential density would therefore be that for an urban area of 200-700 hr/ha, in accordance with the London Plan Table 3.2.

Further, while the *'mix of land uses, with more commercial use and residential development'* is noted as a distinguishing characteristic of the core area it is not clear from AAP5 how an increase in residential density will affect the current commercial uses. We would expect commercial uses to decline and while AAP5 is about optimising housing delivery, it should nonetheless address this issue.

**3.2.9** We believe that the proposed exception to the given density ranges, in developments *'providing an exemplary standard of design etc'*, allows higher density residential development too easily and too often. We offer as an example of this the approved Aylesbury Site 1B-1C, which has been judged by the Secretary of State DCLG as have failed to meet daylight and sunlight standards, causing him to reject a Southwark's CPO application. This exception should be therefore be removed.

**AAP5** This policy notes that *'some site assembly would be required'* to achieve higher densities. AAP5 should say whether, or in what circumstances, Southwark would use its CPO powers to enable this. AAP5 was also drafted before the Aylesbury CPO rejection; it should be redrafted to address the grounds of the decision – amongst which were the Council's failure to fulfil its Public Sector Equality Duty, as well as the daylight/sunlight issue – and any ramifications for land assembly in the Old Kent Rd Opportunity Area.

**3.2.10** AAP5 notes that the Bakerloo Line extension will not open before 2030, thus *'developments...particularly those with very high densities...will need to make a significant contribution towards improving transport capacity in the interim'*. Taking AAP4 and AAP5 together our sense is that a *'quid pro quo'* is being offered to developers that will allow them to build high density schemes with less affordable housing and family housing than policy requires, in exchange for funding transport measures. We do not believe that this would be the best interests of the present local community. AAP5 also notes that *'such developments will place an additional burden on infrastructure such as schools...and will need to contribute towards this accordingly'*. While we agree

that this is reasonable, we have no doubt that developers will trade the housing, transport and other infrastructure demands off against each other, to reduce their contributions, resulting in either loss of affordable housing or social infrastructure.

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**AAP 10** This policy treats tall buildings as a solely architectural or physical matter. There is no consideration of their social impact. For instance, we note that tall buildings are favoured by developers because, they argue, tall buildings are not suitable for family or affordable housing. This line, whether true or not, has been effective in excluding social rented housing from tall buildings - none of the 6 tall buildings at the Elephant (Strata, One the Elephant, Tribeca Sq, Eileen House, Skipton) has, or will have, any social rented housing.

Viability is always cited as the reason that affordable housing cannot be built into tall buildings, separate cores being required to divide the affordable from the free-market housing, this in turn being required for 'management' purposes. This is a self-serving and spurious argument which turns tall buildings into a socially divisive form of building.

AAP10 therefore should be redrafted to address the social impact of tall buildings on the Old Kent Rd Opportunity Area.

AAP10 should, in any event, include a clause to the effect that affordable housing requirements will be rigorously applied to tall buildings, and tall buildings must be designed to ensure that the all tenures inhabit the building on an equal basis, with full access to all facilities and amenities.

**3.3.11** We note the reference to '*site assembly*' and would make the same points on the potential use of CPO powers as above for 3.2.9.

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