

Issues 3 and 7, Representor No: 634935
John Jowitt

Fish Island Area Action Plan Examination in Public

Day 2 Thursday 19th July 2012

Issue 3 Homes and Jobs (Policies 4.1 to 4.7 inclusive)

Issue 7, Fish Island South, including Opportunity Sites and SIL/LIL boundaries/policies

Representor 634935

John Jowitt

on behalf of

Locksbridge Ltd



**5 St Paul's Terrace
82 Northwood Street
Birmingham B3 1TH**

john.jowitt@pjplanning.com

Issue 3, Homes and Jobs (Policies 4.1 to 4.7 inclusive)

Are the policies and proposals for housing and jobs consistent with the NPPF, the London Plan and the Core Strategy and/or supported by clear and robust evidence; are the overall numbers, mix and locations reasonably and realistically deliverable and appropriate to local needs, including in relation to affordable housing?

Issue 7, Fish Island South, including Opportunity Sites and SIL/LIL boundaries/policies

Are the policies and proposals for growth and change in this area appropriate and justified, including in relation to the NPPF, the London Plan and the Core Strategy and in terms of environmental and social impact; are they clear and deliverable by 2025?

Introduction

1. These representations are made on behalf of Locksbridge Ltd, the owners of the majority of 415 Wick Lane. The issues of interest to my clients directly relate to homes and jobs in respect of Fish Island South Council's and the application of SIL/LIL boundaries and policies, and therefore these representations are made in respect of both issues 3 and 7.
2. In answer to both questions, the policies and proposals are considered to conflict with the NPPF for the reasons given in para 24; to conflict with the London Plan for the reasons given in para 25 and with the Core Strategy for the reasons given in para 26. Amendments are proposed at para 27.
3. Comments are made at the end of this document in respect of the Wick Lane Opportunity site, which only relate to issue 7.

Response to Issues

4. There is a clear imperative to maximise provision for housing needs. London Plan Policy 1.1B notes East London as "*the location of the largest opportunities for new homes and jobs.*" Para 2.4 states that the Mayor's priorities include helping to meet existing and new housing needs, and promote the further managed release of appropriate industrial sites for mixed use development while still retaining key industrial land, particularly within established strategic industrial locations.

5. AAP Para 2.25 specifically states that the AAP will deliver the plan vision by, inter alia, delivering new homes and jobs through *'the managed release of land currently designated as Strategic Industrial Land and sets out a planning framework to manage the delivery of new homes and jobs'*. However, this approach does not tally with the approach to land in Fish Island South released from the previous SIL designation.
6. Para 3.11 of the Managing Development DPD acknowledges the high targets for the provision of new housing in the borough.
7. Core Strategy P146 states that 2,400 dwellings could be provided in the whole of the Fish Island AAP area within the plan period, stating that *"Total housing numbers will be confirmed in the Fish Island AAP"*.
8. Para 4.27 of the AAP therefore goes on to state that *'new development could deliver up to 2,800 houses across Fish Island'*. Fig 4.4 suggests that Fish Island North, Mid and East could provide 2000 – 2800 houses between them. Para 4.38 indicates that this is the total amount of provision that could be made in Fish Island. No reference is made to Fish Island South, and yet it is clear in the AAP that residential development is appropriate in this area.
9. The Core Strategy Vision for Fish Island identifies Fish Island South as home for consolidated light and heavier industries that are not appropriate to mix with residential uses, including a possible waste management facility. This must clearly refer to the SIL area of Fish Island South; the priorities for Fish Island are stated as including
 - A partial release of SIL for Fish Island maximising the opportunities and benefits from the Olympic Legacy;
 - Delivering new homes and job opportunities through employment-led mixed-use regeneration and investment in identified locations;
 - To retain strategic industrial land for heavier industrial uses in the south of Fish Island;
 - Enhancing the Greenway.
10. Para 4.6 of the AAP sets out the strategy for providing a balanced mix of uses within the AAP area. These do not refer to the LIL south of the Greenway, focusing on residential led development to the north and heavier industrial uses in the new SIL. Para 4.9 shows the process that was undertaken to confirm the boundary of the new SIL, and a decision taken to exclude the area north of Wick Lane. Despite not being referred to in para 4.6, para 4.17 confirms that the designation of the LIL is considered to *'provide a better balance of uses across Fish Island'*.

11. Core Strategy Policy SP06 subs 5 states that as well as safeguarding and intensifying industrial land in sites such as the SIL area of Fish Island South, intensification of use in LIL areas will be acceptable if there is no net loss of employment floorspace, and the development safeguards its future. Para DM17 of the draft Managing Development DPD sets out policy in respect of Local Industrial Areas (LIL). Together with AAP Policy FI 4.2, this confirms the redevelopment of sites within LILs:
 - Should not result in a net loss of industrial floorspace
 - Meets certain development criteria in respect of access, compatibility and high quality units of differing sizes, particularly providing for the needs of SMEs.
12. AAP Para 4.26 confirms that residential development is appropriate in Fish Island outside of the proposed SIL designation. The benefits of this approach are seen as creating a mixed-use environment alongside other uses including employment and commercial and retail development, supported by local services and community facilities.
13. The AAP seeks to further differentiate the provision of employment land within the LIL between areas defined as mixed use regeneration, residential led regeneration and employment led regeneration; despite this, each area is subject to the same policies. In doing this, it reduces the potential for residential development arising from Fish Island South contrary to the Core Strategy, the NPPF and the London Plan.
14. The key designations are considered to be SIL (no residential) LIL (no net loss of employment floorspace), and the rest of the AAP area (residential acceptable, and no need to retain existing employment floorspace).
15. Land north and south of the Greenway is designated as LIL in the AAP, but also falls into three further categories;
 - Employment led regeneration south of the Greenway north of the SIL
 - Mixed use regeneration to the north-west of the Greenway
 - Residential led regeneration to the north east.
16. There is, however, no policy difference in the manner in which the three defined areas within the LIL are treated. Para 4.16 promotes opportunities for intensification of *'industrial and employment'* uses within the LIL, confirming the principle of development within all parts of the LIL as being *'no net loss of employment floorspace'*.

17. Within Fish Island South, Para 2.19 explains that sites overlooking the Greenway will be developed for employment led mixed use to provide a natural buffer between the SIL south of Wick Lane and the established live-work units. Para 4.13 confirms that the area north of Wick Lane between the proposed SIL and the Greenway will be '*transitional*', stating that heavier industrial uses would not be appropriate in this location due to the potential environmental and amenity impacts on the Greenway as a strategic pedestrian route and the existing live/work developments.
18. FI AAP 4.2 requires the retention of industrial floorspace as part of redevelopment proposals. Reference is made to DM17, which confirms that industrial use refers to uses other than B2 heavy industry, identifying creative and cultural, green industries and research and development, amongst others.
19. Consequently, only Class B1 uses would be appropriate in this area, as para 54 of Circular 03/05 states "*The amended Order maintains the approach of considering whether a use is capable of being carried on within a residential area.*"
20. There is therefore nothing to show that the area identified as LIL south of the Greenway will be more intensively used industrial area than that to the north, or have a more industrial character, as suggested in 4.15 and 4.16.
21. Furthermore, para 4.14 states that the area west of Smeed Road (north of the Greenway) is less suited to residential development, and the AAP 'therefore proposes to safeguard this area for employment led development through the designation of a new Local Industrial Area'. Three points:
 - Despite these comments, the area is shown as mixed use regeneration;
 - This area is more appropriate for heavy industry than land south of the Greenway which does not have inherent environmental constraints on residential use; if anywhere should be identified as employment led regeneration, it is this area;
 - If LIL designation is considered sufficient in this location to ensure employment led regeneration, why is a further level of designation considered necessary?

22. So, the AAP actively discourages industrial uses other than B1 in Fish Island South outside the SIL; accepts that residential use is acceptable in this area but does not show it making any contribution to the housing requirement, despite having no policy difference to other defined regeneration areas in Fish Island; and highlights an area north of the Greenway as inappropriate for residential development but is more supportive of residential development here than land south of the Greenway.
23. The Olympic Legacy Consultation Draft SPG published by the Mayor of London (August 2011) shows the AAP mixed use regeneration area and employment led regeneration area simply identified as mixed use in respect of the predominant land use (P.80, Fig 3.5.2 of that document). Whilst the Inspector's question in this Examination does not refer to that SPG, it is encouraging to note that the Mayor agrees with the principle that there is in effect no difference between the areas north and south of the Greenway.
24. At the bottom of page 79 of the draft SPG, it notes that it is the northern section of the retained SIL that could act as a buffer and transition zone to the more mixed use and residential areas to its north, not land to the north of the SIL. This makes more sense, given the existing residential element within the live/work units and relationship to the Greenway identified as issues preventing heavier industry in AAP paras 2.19 and 4.13.
25. The AAP is therefore considered to be contrary to the NPPF in two respects.
- a) Para 154 of the NPPF states that Local Plans should set out clear policies on what will or will not be permitted and where. "Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan". The first bullet point of NPPF para 17 states that plans "*should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency*".
- The conflict between the need for housing, the acceptability of new residential development in Fish Island South and the discouragement of it through there being no housing target in this area does not provide a clear indication of how a decision maker should react to a scheme which provides no net loss of industrial floorspace on a site but which includes an element of residential development.
- b) Bullet points 3 and 9 of NPPF para 17 promote mixed use development and require LPA's to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. The unnecessary discouragement of residential development in Fish Island South does not achieve this.

26. The AAP is considered contrary to the London Plan since:

- a) Para 1.47 of the Conclusion to the section entitled Context and Strategy is to plan for continued growth in both homes and jobs. Importantly, it confirms that the projections used are not targets, and Policy 3.3 confirms that in preparing Ldf documents *'Boroughs should seek to achieve and exceed the relevant minimum borough annual average housing target'*.

Policy 3.4 states that taking all relevant factors into account, development should optimise housing output, and development proposals which compromise this policy should be resisted. The policies of the AAP, in failing to promote and optimise housing development are therefore contrary to this policy of the London Plan.

- b) Policy 4.4 states that the Mayor will work to ensure that where industrial land is released, *'it can contribute to strategic and local planning objectives, especially those to provide more housing'*. The policy continues that in the preparation of local development framework documents, it should be demonstrated how surplus industrial land will help meet strategic and local requirements for a mix of other uses such as housing. Whilst land south of the Greenway is retained in the LIL, it is clearly seen as not required to provide for heavier industrial uses, following its removal from the SIL and the specific requirements for new industry within this area, as set out in paras 2.19 and 4.13.

27. In respect of the Core Strategy, Core Strategy Policy SP02 sets the target for the delivery of new housing over the plan period, focusing the majority of new housing in the eastern part of the borough including Fish Island; clearly every opportunity should therefore be taken to provide housing in appropriate locations in accordance with the London Plan; the AAP does not do this since it disregards the contribution of land in Fish Island South outside the SIL.

28. The following amendments are therefore proposed to render the policy 'sound', the present wording not being considered justified or effective:

- Remove references to 'employment led' mixed use in para 2.19, plan 2.1 and 4.1
- Delete reference to mixed use, residential led and employment led regeneration from LIL shown on Figures 2.1 and 4.1
- Include a reference to the likely number of houses that could be provided in Fish Island South in Fig 4.4

Opportunity Site

29. Locksbridge Ltd are owners of the majority of the only opportunity site identified in Fish Island South, at 415 Wick Lane. The remainder of the site is currently used as a car hire company. Locksbridge are presently preparing proposals for the development of the site including replacement of the existing employment floorspace and new residential development.
30. Whilst such a proposal is in accordance with the requirements of Core Strategy SP06, Policy DM17 and AAP 4.2, these policy requirements are not reflected in the specific reference to this site on page 100 of the AAP. The opportunity to provide residential development on this site is not even mentioned in references to this opportunity site. Residential development should be encouraged on this opportunity site in accordance with AAP 2.25, AAP 4.26
31. The specific requirements for development on this site indicate a need for residential development without specifically mentioning it; passive surveillance to the Greenway in particular. Furthermore, Fig 3.5.4 of the Olympic Legacy Consultation Draft SPG shows that buildings on the site should be of 4-6 storeys in height; clearly if the existing employment floorspace on the site has been replaced, other development will be required to comprise this mass, and clearly residential development would be the most appropriate in terms of strategic requirements and design. Discussions with the Local Planning Authority show that the re-provision of existing employment floorspace could be in one block over several floors. It is clear that this would not provide a 'transition' between the site.
32. The reference to the Wick Lane Opportunity site is therefore not considered sound, being neither justified nor effective. It should be amended by deleting the reference to 'employment led', and by a specific reference to the provision of residential development as follows:

"Opportunity for mixed use development, including employment and residential development, small scale community and retail facilities."