

<b>Item No.</b> N/a	<b>Classification:</b> Open	<b>Date:</b> 20 February 2017	<b>Decision Taker:</b> Cabinet Member for Regeneration and New Homes
<b>Report title:</b>		Neighbourhood Planning – Decision on an application for a revised Neighbourhood Area for the purposes of neighbourhood planning in Bermondsey	
<b>Ward(s) or groups affected:</b>		Cathedrals, Chaucer, Riverside, Grange	
<b>From:</b>		Chief Executive	

## RECOMMENDATION

That the Cabinet Member

1. Refuses to extend the designated area as shown coloured blue on the map in Appendix 2, proposed by the Old Bermondsey Village Neighbourhood Forum as a revised Neighbourhood Area, for the reasons set out below.

## BACKGROUND INFORMATION

2. The Localism Act 2011 (by amending the Town and Country Planning Act 1990) ("the Act") introduced provisions which empower parish councils and designated Neighbourhood Forums to initiate the process for making Neighbourhood Development Orders and Neighbourhood Development Plans in relation to designated Neighbourhood Areas. The powers came into force on 6 April 2012 when the Neighbourhood Planning (General) Regulations 2012 came into force.
3. A Neighbourhood Plan is a plan which sets out policies in relation to the development and use of land in the whole, or part of, a Neighbourhood Area. It may contain a range of policies or proposals for land use development that will carry weight in the determination of planning applications. Neighbourhood Development Orders grant planning permission in relation to a particular Neighbourhood Area for development specified in the Order or for a class of development specified in the Order. Both Neighbourhood Plans and Neighbourhood Development Orders must be in general conformity with the strategic policies in the development plan for the relevant area.

### Neighbourhood Plan preparation stages

4. Section 61G of the Act sets out the powers and duties of local planning authorities in relation to the designation of Neighbourhood Areas. Sub-section (4) sets out a number of considerations which the local planning authority must have regard to in determining an application for the designation of a Neighbourhood Area. The local planning authority is not obliged to designate the entire area specified in the application, but if it refuses to do so, it must give its reasons for that decision and must use its powers to secure that some or all of the specified area forms part of one or more areas designated (or to be designated) as Neighbourhood Areas. If a body or organisation is designated as a Neighbourhood Forum for a particular Neighbourhood Area, it is authorised to

act in relation to that Area for the purposes of promoting a Neighbourhood Plan/Order.

5. Regulation 6 of the Neighbourhood Planning (General) Regulations 2012 requires local planning authorities, as soon as possible after receiving a Neighbourhood Area application, to publish details of the application and of how to make representations in respect of the application, on its website and in such other manner as they consider likely to bring the application to the attention of people who live, work and carry on business in the area to which the application relates. A period of at least 6 weeks (from the date on which the application was first publicised) must be allowed for the receipt of representations in relation to the application.
6. The Council has determined that applications for the designation of Neighbourhood Forums and Neighbourhood Areas should be considered at the community council or community councils covering the area. The Council considers that such consultation is likely to bring the application to the attention of people who live, work and carry on business in the area.
7. Once a Neighbourhood Area and Neighbourhood Forum have been designated, the Neighbourhood Forum may submit a proposal to the local planning authority for the making of a Neighbourhood Plan or Neighbourhood Development Order, which will be submitted for independent examination. If, following that examination, the Council is satisfied that the draft Plan/Order meets the requisite conditions, the Council must hold (and pay for) a referendum on the making of the Plan/Order.
8. The area in which the referendum takes place must, as a minimum, be the Neighbourhood Area to which the proposed Plan/Order relates. The independent examiner considering the proposal must also consider whether the area for any referendum should extend beyond the Neighbourhood Area to which the draft Plan/Order relates. If more than 50% of people voting in the referendum support the Plan or Order, then the local planning authority must bring it into force.

**Application submitted by the Old Bermondsey Village Neighbourhood Forum for revised Neighbourhood Area for the purposes of neighbourhood planning in Bermondsey**

9. Part of the Bermondsey area of Southwark was designated a Neighbourhood Area in August 2014. The area, known as 'Area A' (see Appendix 1), was designated by the council following two separate applications for distinct, but overlapping, neighbourhood areas submitted to the council in September and December 2012.
10. The Bermondsey Village Action Group (BVAG) submitted an area application in September 2012. The application sought designation for a relatively small area ('BVAG Area') focused on St Thomas St (see Appendix 5). The BVAG area included Guy's and King's College health campus and cluster, London Bridge Station and several other sites which were considered to be of strategic importance. The council considered the BVAG area to comprise areas of different character and function and sites and land uses of strategic importance which were inappropriate for neighbourhood planning. Together the BVAG area did not form a coherent, singular neighbourhood appropriate for neighbourhood planning.

11. The 'Bermondsey Neighbourhood Forum' (BNF) submitted an application in December 2012 for a significantly larger Neighbourhood Area ('BNF Area') than that applied for by BVAG. The BNF area was bounded by the River Thames to the north, Borough High Street to the west, Tower Bridge Road to the east and New Kent Road to the south (see Appendix 6). The BNF Area included all of the BVAG area. The council did not designate the BNF area. The council considered the BNF area to comprise areas of different character and function and to include sites and land uses of strategic importance inappropriate for neighbourhood planning (such as London Bridge Station and Guys and St Thomas' health campus and cluster). Together, the BNF area did not form a coherent, singular neighbourhood appropriate for neighbourhood planning.
12. In August 2014 the council designated a neighbourhood area, known as 'Area A', which comprised an area of consistent character and function and formed a coherent neighbourhood. Area A covered parts of both the BVAG and BNF Areas.
13. The present application seeks to extend the neighbourhood area beyond Area A in two portions as set out in Appendix 3: The first between Tooley Street to the north, Tower Bridge Road to the east, Bermondsey Street to the west and the railway viaducts of London Bridge Station to the south; the second to the south of the London Bridge Station railway viaducts between St Thomas Street, Snowsfields and Weston Street. The inclusion of these areas has previously been consulted upon and considered by the council as they fell within both the original BVAG and BNF areas in 2012. They were not considered suitable or appropriate for inclusion in the neighbourhood areas in 2014 when the council made its decision to designate Area A.
14. Each of the area applications submitted in 2012 were submitted by groups which sought neighbourhood forum status for their respective neighbourhood areas. In the event, neither group was designated by the council. A neighbourhood forum was designated in June 2015. This group, called the Old Bermondsey Village Neighbourhood Forum (shortened to the Old Bermondsey Forum or OBVNF) was designated to take forward neighbourhood planning activities for Area A.

## **KEY ISSUES FOR CONSIDERATION**

### **The requirements of Section 61G**

15. A local planning authority may only consider an application for the designation of a Neighbourhood Area if the application has been made by an organisation or body which is, or is capable of being, designated as a Neighbourhood Forum in respect of the area specified in the application. The group which has submitted the application for the revised Neighbourhood Area for Bermondsey was designated as a Neighbourhood Forum in June 2015 as set out in paragraph 14 above.
16. The application for the revised area is accompanied by a map which identifies the areas to which:- (a) Area A relates (see Appendix 1); (b) the applied-for revised area in its totality (see Appendix 2); and (c) Area A and the extended area distinguished by colour (see Appendix 3). The application includes a statement explaining why those areas are considered to be appropriate to be designated as a Neighbourhood Area and consultation responses received about the proposed extension. The application is also accompanied by a statement from OBVNF explaining that they constitute a 'relevant body' (i.e. one

that is or is capable of being designated as a Neighbourhood Forum). As such, the Council considers that the requirements of Regulation 5 of the Neighbourhood Planning (General) Regulations 2012 have been satisfied in relation to this application.

17. The OBF submitted an initial informal application for comment from the council in May 2016. In June 2016 the council advised the OBF that if it wished to extend the designated area, it should follow the formal Neighbourhood Area application process, as set out in the council's Neighbourhood Planning Decision Making report (dated 6 March 2015). The council provided comments to the OBF, explaining the information it would expect to be set out in the application, including details of consultation undertaken on the proposed area from the local community and key stakeholders and the responses received. The application was formerly published by the council on 5 December 2017. The decision on the proposed neighbourhood area needs to be made by 6 March 2018.

### **Application for Revised Neighbourhood Area**

18. The application is considered to comply with the requisite formalities. The present application has been subject to consultation for the requisite period and all consultation responses have been taken into account.

### **Consultation**

19. The consultation response summary is set out in appendix 9 and the responses are available on [www.southwark.gov.uk/planningpolicy](http://www.southwark.gov.uk/planningpolicy).
20. There were a considerable number of consultation responses from residents and small businesses that supported the proposed extension of the neighbourhood area. A number of these consultees raised concerns about the height of buildings, a cohesive neighbourhood, the historic character, wind issues, an increase in flats, congestion with local trains, loss of independent businesses, sewerage, a deterioration in air quality, overcrowded parks, the unique identity and harm to conservation areas. They considered that neighbourhood planning could offer them a means of addressing these concerns. Many of the consultees expressed the view that the proposed extension areas along with Area A formed a coherent neighbourhood that was appropriate for designation as a neighbourhood area.
21. Comments were received from Team London Bridge. Their view was that Area A remained the appropriate area for neighbourhood planning, with a focus on establishing an appropriate plan to cover that area and to drive forward proactive planning strategies.
22. Comments were received from Guys and St Thomas NHS Foundation Trust objecting to the proposed extension. They expressed concern that a significant part of the proposed area had the same characteristics as the areas previously rejected by the Council. They argued that land to the west of Barnham Street should be excluded from the extension area as it contains largely high-rise, high density, commercial sites and shares the same characteristics as the previously excluded areas. They argued that there had been no change to these areas since the Council's decision in 2014; that it was of a very different character to Area A and that it would be still be inappropriate for this additional land to be subject to neighbourhood planning.

23. There were comments from Guys and St Thomas Charity which argued that there had been no substantive change in the area since 2014 and that it would therefore be difficult to justify a different decision to that reached by the Council at that time. They expressed the view that the character of the two areas remains distinctly different and that the proposed extension of the neighbourhood area would be inappropriate.
24. There were comments from Shad Thames Residents Association and Potters Field Park Management Trust objecting to the proposed extension to the extent that it affected the St John's Churchward or the City Mission Church.
25. There were comments from local landowners objecting to the proposed extension, largely on the basis that the council's reasoning in respect of the 2014 decisions remained applicable and that there had been no change in the area such as to justify a different conclusion now.

#### **The Areas Proposed by BNF and BVAG considered in August 2014**

26. BNF proposed the designation of an area from the River Thames, as far south as the Bricklayers Arms roundabout (see Appendix 6). This area incorporated two distinct types of neighbourhood; a predominantly corporate business area to the north of Snowfields with taller building heights and large scale infrastructure, and a lower rise, lower density, predominantly residential area to the south. The Council did not consider this area in its entirety to be appropriate for the purposes of neighbourhood planning. The inherent differences in character, building heights, land use and density of the northern and southern parts of the specified area indicated that the area does not form a coherent neighbourhood which would be appropriate for neighbourhood planning.
27. BVAG proposed the designation of a smaller area, including Guy's Hospital, London Bridge Station and which included very few residents (see Appendix 5). This area comprised mainly strategic sites (now including site allocations NSP52 and NSP53) and the council considered that the planning and development of these sites would have implications well beyond the neighbourhood area proposed by BVAG. The area identified consists of two clearly different built forms of development, with residential uses located largely in the east, and the strategic sites mainly in the west. The area does not read as a coherent neighbourhood. For these reasons, the council did not consider this area to be appropriate for the purposes of neighbourhood planning.
28. The applications for Neighbourhood Area designation were refused because the specified areas were not considered appropriate. The council, as the local planning authority, exercised its power of designation so as to secure that some or all of the specified area forms part of one or more areas designated as a neighbourhood area. To this end, officers identified an appropriate area for designation being Area A, identified on the map in Appendix 1. Whilst this was different to those areas proposed by BVAG and BNF, it contains some of the areas identified in the original submissions, as required by section 61G(5) of the Localism Act 2011.
29. It is not considered that the area proposed by the applicant is appropriate for neighbourhood planning, for the reasons those areas were excluded in 2014. The character of the respective areas has not changed materially since then and the reasons for excluding those areas remain.

30. One planning change that has taken place since the designation of Area A in 2014 is that part of the land outside of that area (and subject to the present application) has been included in the proposed submission draft of the New Southwark Plan as site allocations. The council has identified these sites, known as NSP52 and NSP53, as necessary to meet the strategic aims of the council's planning and regeneration strategy and vision for London Bridge. NSP 52 is the land between Mellior Street, St Thomas Street, Weston Street and Fenning Street. The proposed uses are for a re-provision of at least the amount of employment floorspace (B class) or 50% of the development as employment floorspace, whichever is greater. Furthermore their proposal is to include a requirement in the policy that the site should enhance St Thomas Street by providing high quality public realm and active frontages including town centre uses (A1, A2, A3, A4, D1, D2 at ground floor). Redevelopment of the site should also provide new homes (C3). The site area is 3,814m<sup>2</sup> and the existing uses are as university building (D1) 5261m<sup>2</sup>, Car parking and Office (B1) 3652m<sup>2</sup>. NSP 53 is the land between St Thomas Street, Fenning Street, Mellor Place and Snowsfields. Redevelopment of the site must re-provide at least the amount of employment floorspace (B class) as currently on the site or provide at least 50% of the development as employment floorspace, whichever is greater. It should also provide a new north-south green link from Mellor Place to St Thomas Street, enhance St Thomas Street by providing high quality public realm and including town centre uses (A1, A2, A3, A4, D1, D2) at ground floor. The site should provide new open space of at least 15% of the site area. Development of the site should provide new homes (C3). The site area is 4033m<sup>2</sup> and the existing uses are office temporary (B1) 2691m<sup>2</sup>, light industrial and ancillary office and storage (B1) 751m<sup>2</sup> and warehouse vacant 1117m<sup>2</sup>.

### **Boundaries of Area A**

31. Area A, identified in Appendix 1, constitutes a single coherent neighbourhood which is considered to be appropriate for neighbourhood planning.

### **Character of 'Area A'**

32. Area A forms a coherent neighbourhood in terms of the urban grain and scale, and pattern of land use.
33. The character of the Bankside, Borough, London Bridge and Bermondsey areas was assessed through the Bankside, Borough and London Bridge Characterisation Study (June 2013) and Bankside, Borough and London Bridge Characterisation Study Addendum (Trinity & Tabard) (January 2014) (Appendix 8). Both studies were prepared for the Council by independent planning consultants, URS. The areas have a similar character as set out below.
34. The studies were used to inform the boundaries of Area A, which is shown in Appendix 1 of this report. Area A is based on the Bermondsey area, and the Trinity and Tabard area. Whilst both of these areas are described separately in the characterisation study and its addendum, similar descriptions can be applied to both. In relation to Bermondsey, the Characterisation Study recognises that "Land use is predominantly residential, interspersed with commercial and industrial uses." (p.109, Characterisation Study, 2013). The Trinity and Tabard character area addendum is described as "... predominantly residential, typically laid out as private houses with gardens or as local authority housing estates set within public green space. There are small pockets of light industrial uses

principally in the east, close to Long Lane and in the south adjacent to New Kent Road.” (p.7, Characterisation Addendum, 2014)

35. The built form of Area A is characterised by small areas of private housing amid larger residential housing estates. Overall, building heights are much lower than the neighbouring areas of Tooley Street, London Bridge and Guy’s Hospital to the north. The scale of development within Area A is moderately consistent at around 11-20m in height, as illustrated in the Figure 101 of the Characterisation Study and Figure 7 of the Characterisation Addendum. Area A is considered to form a coherent neighbourhood which is appropriate for neighbourhood planning.

### **The OBVNF proposed boundary extension**

36. The proposed new boundary amends Area A by extending the northern boundary through the inclusion of an area to the north of Snowsfields covering Melior street and a section of St Thomas Street. There is a further area proposed to the north of St Thomas Street which follows from St Thomas Street north of Bermondsey Street to Tooley Street, along Tooley Street until the A100 Tower Bridge Road. This is within London Bridge District town centre. There is also an extension proposed to the eastern boundary to increase the Roper Lane area to Tower Bridge Road. Area A is an area with a mix of uses that are predominantly residential, and the OBVNF is a residential led neighbourhood forum. The area proposed as the extension entails a mix of uses which includes commercial, strategic, and employment generating uses. The built form reflects this difference in terms of scale, building types and urban layout. The urban structure in the area north of the railway consists of large plots as a result of large institutions, commercial developments and major transport infrastructure including London Bridge stations and viaducts. The scale of built form is significantly greater around London Bridge in comparison to Area A and broadly transitions at Snowsfields. This area is part of the London Bridge Town Centre and is not a predominantly residential area. Development in this area will be a mix of uses appropriate to this scale of town centre. The sphere of influence of this area extends well beyond the area represented by OBVNF. The Business Improvement District covers most of the area north of Area A. Team London Bridge are an independent, business led project board who were elected to represent and help support businesses and employees to improve the area since November 2005. 32,000 people work within the BID area and 406 business premises are located there. Any Neighbourhood Area for this section should be business led, unlike Area A which is predominantly residential. Guy’s and St Thomas’ NHS Foundation Trust, Guy’s and St Thomas’ Charity and King’s College London are a strategic health provider on a self-contained site. Any development on this site will be determined in this context. This site has a different character and function to that of Area A. The area to the north of Snowsfields is different in character to the area to the south. Snowsfields itself acts as a natural boundary, being one of the main thoroughfares cutting through the area, therefore, the area to the north of Snowsfields is not considered appropriate for inclusion in a Neighbourhood Area with Area A.
37. The extension to the Roper Lane area to the south of the railway line would include the area adjacent to the proposed Tower Bridge Road Town Centre in the Submission Version of the New Southwark Plan 2017. The 2014 decision was to take the boundary a block back as the character of Tower Bridge Road is not residential and any neighbourhood forum for that area should be business led. The characteristics of this area have not changed significantly since 2014.

The areas north of Snowfields and St Thomas Street and south of Tooley Street are more in-keeping with the mix of uses and character of Team London Bridge rather than with Area A, which is predominantly residential, as discussed above. Any neighbourhood forum for this area should be business led.

### **Conclusion on the application for a revised Neighbourhood Area**

38. For the reasons set out above, the application for a revised Neighbourhood Area submitted by the Old Bermondsey Village Neighbourhood Forum should be rejected. The proposed extension includes land which was previously consulted upon and considered by the Council in 2014.
39. The BVAG and BNF Areas were not considered appropriate for the purposes of neighbourhood planning for the reasons set out in the Individual Decision Maker report dated 6 August 2014 (see Appendix 7). Those proposed areas included the land subject to the present application. The council carefully considered the area's character, the proposed boundaries proposed by BVAG and BNF and the consultation responses received in reaching its decision to designate Area A in August 2014.
40. Three years later in February 2018, the land which is the subject of the present application submitted has not materially changed in character. Following consideration of the application and all consultation responses, the reasons for excluding the areas now proposed for inclusion in August 2014 remain applicable. The additional areas to the north of Area A are not considered to form a coherent neighbourhood appropriate for neighbourhood planning. It is therefore recommended that the council refuses the application for a revised Neighbourhood Area submitted by the Old Bermondsey Village Neighbourhood Forum.

### **Equalities**

41. The purpose of Neighbourhood Planning is to enable local communities to help ensure that development meets the needs of the local area. We will work with the Neighbourhood Forum to prepare a Neighbourhood Plan that helps to deliver the Council's Fairer Future promises, ensuring that community impacts are taken into account. We will support the Neighbourhood Forum to prepare an Equalities Analysis of the Neighbourhood Plan and a sustainability appraisal to make sure that the Neighbourhood Plan has a positive impact on different groups, especially those with protected characteristics and that it has a positive impact on the local community.

### **Financial implications**

42. There will not be any financial implications for the council as a result of the recommendation set out in this report being taken forward by the individual decision maker.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Law and Democracy**

43. The recommendation of this report requests that the Cabinet Member for Regeneration and New Homes refuses to extend the designated neighbourhood



area as shown coloured blue on the map in Appendix 2, proposed by the Old Bermondsey Village Neighbourhood Forum, for the reasons set out in this report.

44. Paragraph 7 (Part 3 (D)) of the Southwark Constitution 2012/13 provides that it is the role and function of the Cabinet Member to agree to significant policy issues in relation to their area of responsibility.
45. Further, decision 1 of (Table A), paragraph 17, of the “Neighbourhood Planning – Council Decision Making Report” states that the decision to approve or reject an NA can be taken at Individual Cabinet Member Decision level. It is therefore considered that the recommendation sought in this report falls within the Cabinet Member’s decision-making remit.
46. The Equality Act 2010 introduced the public sector equality duty, which merged existing race, sex and disability equality duties and extended them to include other protected characteristics; namely age, gender reassignment, pregnancy and maternity, religion and belief and sex and sexual orientation, including marriage and civil partnership. In summary those subject to the equality duty, which includes the Council, must in the exercise of their functions: (i) have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; and (ii) foster good relations between people who share a protected characteristic and those who do not.
47. As advised in paragraph 41 of the report, the Council will support the preparation of a Equalities Analysis and Sustainability Appraisal of any forthcoming Neighbourhood Plan following the designation of a Neighbourhood Forum and Neighbourhood Area to ensure that the Neighbourhood Plan has positive impact on local communities and those with protected characteristic in accordance with its statutory duties.
48. In addition, the Human Rights Act 1998 imposed a duty on the Council as a public authority to apply the European Convention on Human Rights; as a result the Council must not act in a way which is incompatible with these rights. The most important rights for planning purposes are Article 8 (respect for homes); Article 6 (natural justice) and Article 1 of the First Protocol (peaceful enjoyment of property). It is considered that the decision not to designate the proposed Neighbourhood Areas would not amount to an unlawful interference with any of these rights.

#### **Strategic Director of Finance and Governance (CE17/025)**

49. This report recommends that the cabinet member for regeneration and new homes refuse to extend the designated area as shown coloured blue on the map in Appendix 2, proposed by the Old Bermondsey Village Neighbourhood Forum as a revised Neighbourhood Area, for the reasons set out in the report. Full details and background are provided within the main body of the report.
50. The strategic director of finance and governance notes there are no financial implications arising from this report.
51. Staffing and any other costs connected with this report are to be contained within existing departmental revenue budgets.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
The Localism Act		Tom Weaver 0207 525 3841
Link: <a href="http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted">http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted</a>		
The Neighbourhood Planning Regulations		Tom Weaver 0207 525 3841
Link: <a href="http://www.legislation.gov.uk/uksi/2012/637/contents/made">http://www.legislation.gov.uk/uksi/2012/637/contents/made</a>		

## APPENDICES

No.	Title
Appendix 1	Area A as designated by the council
Appendix 2	Revised Neighbourhood Area applied for by the Old Bermondsey Village Neighbourhood Forum under application submitted to the council during September 2017
Appendix 3	Area A and requested area of extension demarcated
Appendix 4	Application submitted for the revised Neighbourhood Area by the Old Bermondsey Village Neighbourhood Forum to the council during September 2017
Appendix 5	Neighbourhood Area applied for by Bermondsey Village Action Group (BVAG) under application submitted to the council in September 2012
Appendix 6	Neighbourhood Area applied for by Bermondsey Neighbourhood Forum (BNF) under application submitted to the council in December 2012
Appendix 7	IDM report recommending designation of Area A, August 2014
Appendix 8	Borough Bankside and London Bridge Characterisation Study (2012) & 'Tabard and Trinity' Addendum (2013)
Appendix 9	Summary of the consultation responses

## AUDIT TRAIL

Lead Officer	Eleanor Kelly, Chief Executive		
Report Author	Juliet Seymour, Planning Policy Manager		
Version	Final		
Dated	19 February 2018		
Key Decision?	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title		Comments sought	Comments included
Director of Law and Democracy		Yes	Yes
Strategic Director of Finance and Governance		Yes	Yes
Cabinet Member		No	No
Date final report sent to Constitutional Team			19 February 2018