

| Item number | Classification | Date: | Meeting Name |
|---------------------------|--|------------------------------|--------------|
| DRAFT WORK PROGRESS | IN OPEN | 9 th Sept 2003 | EXECUTIVE |
| Report Title | Appropriation for planning purposes of the Council owned section of Potters Field former coach park site | | |
| Ward(s) affected | Riverside | | |
| Group(s) affected | | | |
| From: | Strategic Director of Regeneration | | |

PURPOSE

1. The purpose of the report is to recommend members to appropriate the Council owned northern section of the Potter's Fields former coach park ("Potters Field") to planning purposes under section 122 of the Local Government Act 1972.

RECOMMENDATIONS

2. That Executive approves the appropriation of Potters Fields to planning purposes.

BACKGROUND INFORMATION

3. Potters Field is shown on the plan at Appendix 1.3. It is an area of land adjoining Potters Fields Park and was until recently, used as a coach and car park.
4. The site has a longstanding connection with the adjoining More London i.e. that area of land bounded by Tooley Street to the south and Battle Bridge Lane to the west. In the 1970's St Martins Property Investments Ltd ("St Martins") began assembling sites in the area of Potters Field. The company's intention was to develop in excess of 2 million square feet of new development.
5. Council-owned land including housing land was required to complete the site and in order to facilitate the wider re-development then envisaged the Council entered into a contract with St Martins. This is now known as the 1982 Agreement, and by it certain conditions are imposed upon Potter's Field.
6. At the time the contract was made there was close alignment of objectives between the Council and St Martins. These objectives included the generation of employment uses, creating a City fringe office location, improving the Bankside walkway, creating a new park and developing a high quality residential scheme to replace the public housing that was to be lost through site assembly.
7. The 1982 Agreement provides for the transfer of Potters Field to the Council (or, at the option of the Council, to certain 'housing association type bodies'). The timing of the transfer was to be triggered by the development of offices on the neighbouring site. It was expected that this mechanism would be operated during the 1980's but in fact the conditions were not met until the

occupation of the GLA headquarters building. Potters Field was eventually transferred to the Council in April 2003.

8. The 1982 Agreement imposes a number of conditions on Potters Field following its transfer. These include a restrictive covenant preventing its use other than for residential purposes, and a positive covenant on the Council to use its best endeavours to commence or procure the commencement of a residential development and thereafter to complete it. The 1982 Agreement originally made provision for St Martins to pay the Council a subsidy of £1.75 million index linked to assist with the cost of the residential development. This money was time limited and ceased to be payable many years ago.

Cultural Development Context

9. As noted above the 1982 Agreement clearly anticipated that the conditions of transfer would be satisfied much earlier than proved to be the case. One consequence of this 21 year long delay is that the policy objectives of the Council and central and regional government for this part of London have changed significantly.
10. In contrast to the relative dereliction of the Southwark riverside in the early 1980's, North Southwark is now a strong and highly prominent cultural centre. Recent developments in the neighbourhood of Potters Field have created a nationally and internationally significant arts and visitor economy of a kind that could not have been anticipated in 1982. This awakening realisation of potential probably did not become widely apparent until the proposed temporary move to Potters Field by the Royal Opera House from their Covent Garden premises in the mid 1990s. This was proposed for the site notwithstanding its designation in the UDP for residential use.
11. Although the temporary opera house was not, in the event, constructed, planning permission for it was granted after a public inquiry in which the inspector found considerable merit in the Council's argument that this high profile site next to Tower Bridge and opposite a World Heritage Site (the Tower of London) is uniquely well suited to a major public building. He described it as a 'trophy' site of London-wide significance, which "calls for a building of special character and high architectural quality. Given the present tourism importance of the location, a building connected with arts, culture and entertainment would be particularly appropriate".
12. It must be acknowledged that the inspector's preference of a theatre over the housing use proposed in the UDP was in part influenced by two considerations that may no longer apply. Firstly, he was considering a potential housing use on only the Council owned Potters Field site rather than such a use in conjunction with other housing on neighbouring sites. A housing use only on the Council owned site he found "constrained" and "relatively isolated from other housing". The pending Berkeley Homes planning application points to the potential for the use of the Council's site as part of a more integrated housing development that might be judged to a greater or lesser degree to meet such objections. Secondly, the inspector was dealing with a specific proposal for theatre with a known, albeit temporary, occupier.
13. However, the growth of the arts and tourism sector in North Southwark has visibly gained in momentum over the intervening period. The opening of the

Tate Gallery of Modern Art in 2000 brought more than 5 million visitors into that facility alone in its first year of operation. The Globe Theatre, the Shad Thames restaurants, the expanded Borough Market, Vinopolis and the myriad facilities and attractions that have congregated around the riverside from the Oxo Tower in the west to the Design Museum in the East have changed the character of the riverside. Its widened river walkway now forms a public space linking these public facilities which have established and support a new economy based on the arts and tourism. In this context the Inspector's description of Potters Field as a 'trophy' site is more valid now than at the time of his report. Indeed in its current context it can be seen as a site of potential national and international importance with outstanding scope for an arts, cultural, entertainment or public use.

14. Major cities across the world now actively pursue major arts and cultural uses to support their wider economies. Major galleries, theatres and museums have become generators of tourism and business. Cities compete for 'customers' whether visitors, businesses or residents in large measure through the quality and range of the facilities that they offer. Potters Field, located in one of the most internationally recognisable locations on the globe, has an obvious capacity to attract an arts, cultural, entertainment or public use of the highest standing.

KEY FACTORS FOR CONSIDERATION

PLANNING POLICY IMPLICATIONS

15. See Appendix 1.0

ROYAL OPERA HOUSE PLANNING APPROVAL AND INSPECTORS REPORT

16. See Appendix 1.1

DRAFT EXTERNAL AND LONDON BOROUGH OF SOUTHWARK PLANNING POLICY

17. See Appendix 1.2

SEARCH FOR SUITABLE USER

18. In order to effect its future vision and facilitate the better planning of the area, the Council intends to undertake a national and international search for a use which has the standing, resources and attributes that can achieve the outstanding potential of the site.
20. There has been interest in the site in the past from major international bodies of which the Royal Opera House is but one. With the exception of the Royal Opera House it has not been possible for the council to pursue this interest because the site was not in the Council's ownership, the timing of the transfer was uncertain and because the constraints imposed by the 1982 Agreement as they stand would preclude use other than for the stipulated residential scheme without the consent of the beneficiary.

21. The importance of this site is such that the Council should now hold it for planning purposes. In doing so the Council will signal the availability of a unique site offering an outstanding opportunity to bring forward an arts, cultural, entertainment or public use facility of national or international importance. This is not proposed to be framed in more specific terms at this stage (the intention being to cast the net widely across the arts, cultural, entertainments and public sectors) but the quality of proposals generated will come to be measured with regard to the company they will keep i.e. the Tower of London, Tower Bridge, the Tate, the Globe, the Design Museum etc.
22. In the view of the Strategic Director of Regeneration this balance is best achieved by an appropriation to planning purposes.
23. Section 235 of the Town and Country Planning act 1990 confers a wide general power to develop any land that has been acquired for, or appropriated to, planning purposes. This is supplemental to other powers conferred by alternative enactments.
24. A consequence of appropriating the land to planning purposes is that under section 237 of the TCPA 1990 private rights (such as the restrictive covenant limiting the site to residential) are overridden where development is carried out in accordance with planning permission. This is explained more fully in the Legal Implications section below.

RESOURCE IMPLICATIONS

25. Potential Compensation Issues

In the event that a development is implemented otherwise than in conformity with the 1982 Agreement and the restrictive covenant imposed in the April 2003 transfer the question of a prima facie case for compensation will arise. The amount of compensation payable will be dependant on the scale and type of development, this will be further dealt with in a future report presenting the strategic development options available to the Council at Potters Fields.

ACHIEVING BEST CONSIDERATION FOR COUNCIL LAND

26. The Councils obligation under section 123 of the Local Government Act 1972 is to achieve best consideration ie the best price achievable in the market place including any marriage value or special purchaser position that may be available. However these arrangements have to have regard to the availability of planning permission and any entirely notional value related to a use for which planning permission would not be available is to be disregarded in this respect.
27. The Council would expect to show that a scheme leading with Arts / Cultural / Visitor Attraction uses (along with an element of residential uses) would create a broader achievement of "best value" for the Council when other "economic development" objectives are assessed.

LEGAL IMPLICATIONS

28. The Council has power to appropriate for any purpose for which it is authorised by any enactment to acquire land by agreement, any land which belongs to it but which is no longer required for the purpose for which it is held immediately before the appropriation: Section 122 Local Government Act 1972. The appropriation of land is subject to the rights of other persons in, over or in respect of the land concerned. There are certain restrictions on appropriation of any land consisting or forming part of an open space. However, open space, for these purposes, means any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground. The Potters Field site does not qualify as open space for these purposes.
29. Section 120 (2) of the LGA 1972 provides that the Council may acquire by agreement any land for any purpose for which they are authorised by any enactment to acquire land, notwithstanding that the land is not immediately required for that purpose; and, until it is required for the purpose for which it was required, any land acquired under the subsection may be used for the purpose of any of the Council's functions.
30. Section 235 of the Town and Country Planning Act 1990 confers a general power to develop land that has been acquired for, or appropriated to planning purposes. This is supplementary to other powers conferred by alternative enactment and where such other powers exist section 235 is excluded.
31. Section 237 of the TCPA 1990 authorises the overriding of any private rights (such as restrictive covenants, easements or the positive obligation to construct a residential development) insofar as it provides that the erection, construction or carrying out, or maintenance of any building or work on land which has been acquired or appropriated by a local authority for planning purposes (whether done by the local authority or by a person deriving title under them) is authorised by virtue of this section if it is done in accordance with planning permission notwithstanding that it involves –
 - (a) interference with an interest or right to which this section applies or;
 - (b) a breach of a restriction as to the user of land arising by virtue of a contract.
32. Compensation can become payable, broadly speaking, on the same principles as compensation is payable under compulsory purchase procedures. The compensation is payable by the person carrying out the development but the local authority retains a residual liability in the event of any default. If development were to be carried out by a third party this aspect would no doubt, need to be addressed in the commercial arrangement pursuant to which any such development was to take place.
33. The site was acquired in April 2003 in accordance with a decision of Executive Committee of December 2002 which resolved that approval be granted for the acquisition of the site under the provisions of section 120(1)(b) of the Local Government Act 1972 i.e. for the purposes of "the benefit, improvement or development" of the Council's area.

34. The power of acquisition may not necessarily represent the management power. In other words land may be acquired by a Council under a particular power but used or appropriated for a different purpose. The land in question is subject to positive and negative covenants indicating that, as matters stand, it will and can only be used for housing purposes. The land was secured as replacement for the now demolished Bethell Estate, a Council housing estate. Housing is identified for the site in the adopted UDP. The Council applied for planning permission for housing on the site; that application, although dormant, has yet to be determined. Consequently members may conclude that the land was, on acquisition, held for housing purposes. Members may wish to consider whether the land is now required for housing purposes. In doing so they should have regard to the possibility that if the site is not developed for housing the London Plan target for housing in the borough may not be reached (and also to the possibility that it may nevertheless be reached) – see Appendix 1.1 paragraph 1.1.5. However they are entitled to weigh these considerations against the other considerations set out in this report including the importance they attach to the development of the site for arts / entertainment / cultural performance or visitor use – see Appendix 1.2 paragraphs 1.2.4 and 1.2.5. If members are satisfied that the land is no longer required for housing purposes they may, having regard to relevant considerations, including the matters set out in this report, appropriate the land for planning purposes.

If it is thought that the land in question is not held for housing purposes then it is necessary to consider for what purpose the land is held.

Acquisition

35. The land was acquired pursuant to a longstanding agreement. It was expressed to be acquired under Section 120(1)(b) of the Local Government Act 1972, that is to say for the purposes of the benefit, improvement or development of the area of the London Borough of Southwark;
36. In a case called *Fewings* the Court of Appeal (in 1995) expressed concern at an agreement, between parties before the court, that the power of acquisition represented the management power. The Master of the Rolls indicated that, at first sight, Section 120 (1)(b) which deals with acquisition of land had little to do with the management or use of land.
37. It is plainly desirable that the rationale behind the Council's continuing ownership or involvement ought to be clear.
38. The *Fewings* case also drew attention to the fact that Section 120 did not provide for the acquisition of land for the purposes of the benefit, improvement or development of that land (i.e the particular land acquired, here, the St Martin's land). The judge emphasised that section 120 referred to the benefit, improvement or development of the local authority's area (i.e. the area of the London Borough of Southwark).
39. The purpose flowing (putting on one side the judge's cautionary remarks) from Section 120 is plainly a very broad purpose and not specific to the land in question or the surrounding area with particular reference to Thames Side or Bank Side activities.

40. Members may conclude that the land is no longer required for such a general purpose in the light of the specific aspirations for the particular land and its surrounding area.
41. Alternatively members may, in the light of the circumstances, consider that the purpose for which the land in question is now held is uncertain. If that is the case then members may consider that the land is not required to be held for a purpose which is uncertain.

Appropriation

42. The Council will wish to consider the purpose for which the land is currently held. If that is thought to be uncertain or a purpose no longer required because (for instance) it is not sufficiently specific then in both sets of circumstances the Council may consider appropriation can occur, an uncertain purpose is not likely to be one for which the land is required.
43. The Council under Section 122 of the Local Government Act 1972 may appropriate any of its land for any purpose for which the council is authorised to acquire land but which is no longer required for the purpose which it is held;
44. The Council has power under the Town and Country Planning Act 1990 to acquire by agreement land, in its area, which is suitable for and required in order to secure the carrying out of development or improvement or which is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.
45. It follows that the Council has power to appropriate the St. Martin's Land for those purposes. Those purposes are described in the Town and Country Planning Act 1990 as planning purposes.
46. If the Council wish to appropriate for planning purposes it must be satisfied that to do so is necessary in the circumstances. The Council should proceed only on the basis that there was a compelling case in the public interest for such appropriation to occur. In other words to treat the matter as if, in effect, a compulsory acquisition were to be undertaken.
47. The effect of appropriation for planning purposes will be that the erection, construction or carrying out or maintenance of any building is authorised if done in accordance with planning permission notwithstanding that it involves interference with any easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land or a breach of a restriction as to the user of land arising by virtue of a contract.
48. Such an interference or breach leads to a right to compensation under Section 237(4) of the Town and Country Planning Act 1990.
49. The St. Martin's Land is affected by restrictive covenants so that appropriation for planning purposes will secure that such covenants would not impede building work in accordance with planning permission.

8. BACKGROUND DOCUMENTS

| Background Papers | Held At | Contact |
|---|--|---------------------------------|
| Potters Fields File | Chiltern House Portland St | Toby Sowter 020 7525 5348 |
| Open Executive Report: Potters Field Land Transfer 17/2/02 | Town Hall | Paula Thornton 020 7525 4395 |
| | | |
| Proposals Map Unitary Development Plan 2002 | Planning Team Chiltern House Portland St | Duty Planner |
| The Southwark Plan 2002 | Planning Team Chiltern House Portland St | Duty Planner |
| The Unitary Development Plan 1995 | Planning Team Chiltern House Portland St | Duty Planner |

| Audit Trail | | | |
|--|-------------------|--|--------------------------|
| <i>Lead Officer:</i> | | <i>Paul Evans</i> | |
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| <i>Version:</i> | | <i>DRAFT</i> | |
| <i>Dated:</i> | | <i>15/8/03</i> | |
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| CONSULTATION WITH OTHER OFFICERS/ DIRECTORS / EXECUTIVE MEMBERS | | | |
| <i>Officer Title</i> | <i>Department</i> | <i>Comments Sought</i> | <i>Comments Received</i> |
| <i>Borough Solicitor & Secretary</i> | | <i>YES</i> | <i>YES</i> |
| <i>Chief Finance Officer</i> | | <i>NO</i> | |
| <i>Executive Member</i> | | <i>NO</i> | |

| | | | |
|--------------------------|-----------------|--|--|
| <i>Date final report</i> | <i>09/09/03</i> | | |
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Appendix 1.0

Planning Policy Implications

1.0.1 PLANNING POLICY IMPLICATIONS

The Potters Fields site and its context has been the subject of significant change over the last twenty or so years. When the site was originally designated for “Housing” there was little in the way of art, cultural or entertainment uses in the vicinity of the site. The North Southwark Plan (July 1985) previous to the adopted Unitary Development plan was never formally adopted by Southwark Council, it identified the Potters Fields site as a vacant site in the Riverside area. The Potters Fields site was identified as suitable for housing use in the Southwark Unitary Development Plan 1995. Subsequently, the Tate Modern, the Globe Theatre, the Design Museum, the Millennium Bridge and other attractions have developed and thus extended the zone of cultural/visitor activity from the west, up to and beyond the Tower Bridge area

1.0.2 THE SOUTHWARK UNITARY DEVELOPMENT PLAN 1995

Adopted in July 1995. The proposals map has 3 designations covering the site, and the coach and car park has additional planning policy relating to it. Although the Unitary Development Plan is currently under review, specific sites have not yet been considered

(i) Regeneration Area:

The Council has defined a small number of such areas within the borough, its purpose, as defined in UDP Objective R.2 is:

To stimulate and direct private investment, in partnership with the public sector to targeted areas of Southwark, to assist the local economy, improve the environment and meet community need
This policy also seeks to bring vacant sites back in to use and encourages investments

(ii) Archaeological Priority Zone:

The site lies within the Bankside Archaeological Priority Zone, as there is an evidence of human occupation of this area since pre-historic periods.

Policy E.5.1: Sites of Archaeological Importance outlines the Council’s expectations in this regard.

(iii) Strategic Views Protected Viewing Corridor:

The site is within the Strategic Views Protected Viewing Corridor. This relates to the height of buildings and seeks to protect views of St Paul’s Cathedral from Greenwich Park and Blackheath Point.

Policy E.2.2 Height of Buildings gives the heights, which cannot be exceeded. The constraints placed on the site by its proximity to the Tower Bridge will be significantly more restrictive than the Strategic Views Corridor, which only looks at absolute heights rather than design and context.

(iv) Proposals Schedule 13 Housing

The Potter's Field site numbered 13 on the Proposals Map refers to Policy H.1.3 of the UDP in the proposals schedule.

"New Housing

POLICY H.1.3:

The Council will continue to identify sites in both public and private ownership which are suitable for housing development, and in this respect will seek to ensure that developments comply with provisions of other relevant plan policies. "

The Potters Fields site was identified as suitable for housing development in the 1995 UDP.

Appendix 1.1

ROYAL OPERA HOUSE PLANNING APPLICATION ON POTTERS FIELDS

1.1.1 ROYAL OPERA HOUSE

In 1995 the Royal Opera House and another made an application for planning permission for the erection of a building for uses as a theatre. The application was “called in” by the Secretary of State in view of the sensitivity of the site in the vicinity of Tower Bridge and the Tower of London, one of London’s two World Heritage sites. He stated that he particularly wished to be informed of the following matters:

- a. the suitability of the design of the proposed building in the context of neighbouring buildings and other proposed developments
- b. its effect on local views from and across the River Thames

The Minister agreed with the Inspector’s conclusions and recommended that planning permission should be granted. He also agreed with the Inspector that in view of the uncertainty surrounding the use of the building after the temporary occupancy of the Royal Opera House had ended, that it would be appropriate to restrict subsequent use of the building to theatre use only.

1.1.2 INSPECTORS REPORT

Housing on the Application Site

The Inspector noted that the site was allocated for housing in the statutory development plan adopted in July 1995. He also observed that the designation of the application site for housing stemmed from the fact that planning permission for that use was then (1992) [when the plan very much assumed its final form] in existence, although it was subsequently allowed to lapse and a later application had been called in and not yet determined. It was also clear that the building of housing on the eastern part of the river front land between London Bridge and Tower Bridge had been an objective of local community groups for over 15 years, in part as a replacement for Council housing which used to stand there, but was demolished in order to allow office development to proceed.

1.1.3 The Inspector noted that in terms of the achievement of the numerical targets in strategic guidance, the application site was not crucial. The UDP sets out to meet a requirement of 6,000 dwellings between 1987 and 2001, a figure already exceeded by the time the plan was adopted. He noted that RPG3, as revised in May 1996, sets a minimum figure of 10,300 dwellings for Southwark between 1992 and 2006, a figure to be addressed in the review of the UDP. The Inspector observed that the Council's figures, which had not been challenged, suggest that this requirement will be easily exceeded without the application site. Based on an extrapolation of past trends, a range of 14,400 to 25,000 additional dwellings was projected. The Inspector concluded that identified sites are "opportunity" sites only and that the loss of any identified sites has no direct effect on the achievement of housing targets, which are expressed only in general terms.

1.1.4 The Inspector reviewed objections to this approach but concluded that the evidence was that the required strategic housing provision for the Borough would be considerably exceeded, and that the loss of the application site to housing would not have a significant effect in terms of overall numbers

The current housing target position and relation to Potters Fields

1.1.5 The draft London Plan sets a target of 29,530 new homes to be provided in the borough up to 2016. This is the second highest target of all London boroughs. The target was based upon the 1999 housing capacity study carried out by the London Planning Advisory Committee (LPAC). The Potters Fields site was counted as contributing towards this capacity. Since the study was carried out the new draft Southwark Plan (2002), the Unitary Development Plan, has been placed on deposit. This contains policies, which seek to maximize the amount of new homes that can be provided in mixed-use developments on Brownfield sites. As a result, Southwark expects to continue to have high levels of new housing development from a variety of sources and may reach the London Plan target without Potters Fields being developed for housing. The Greater London Authority is coordinating a new housing capacity study to be carried out in 2004 and this will be used to update the targets.

A theatre on the Application Site

1.1.6 The Inspector reviewed the local plan policies, which would support a theatre citing Policies;

- R.2.1 Regeneration Areas, Bankside is identified as one of the Regeneration Areas; were planning permission would normally be granted to proposals which.
 - (i) generate employment;
 - (ii) improve the environment ;
 - (iii) meet the needs of local residents;
 - (iv) bring back into beneficial use vacant land or buildings
- C.6.1 New Arts, Cultural, Entertainment and Visitor Facilities, which explains that planning permission will normally be granted for visitor facilities such as theatres provided certain conditions are met.
 - (i) the proposal is for a site located close to Thames-side or within a Regeneration Area
 - (ii) the site is close to existing public transport facilities;

- (iii) the site is on or adjacent to the secondary road network;
- (iv) the proposal would not result in a loss of amenity to nearby occupiers or the area in general by virtue of noise, traffic generation, parking or servicing activity;
- (v) the proposal must provide full access and facilities for people with disabilities and mobility disabilities, including people with wheelchairs;
- (vi) there should be adequate signing and lighting of routes to the facility, particularly from railway and tube stations, bus stops and where appropriate the Thames path;
- (vii) there should be public access to toilets and cafeterias;
- (viii) in the case of exhibition or conference centres adequate space must be provided within the curtilage of the site for the turning and parking of coaches.

The inspector considered the arguments against such a use most prominently that the site was allocated for housing in the UDP adopted in 1995. He observed that, whilst accepting that an imaginative housing design could exploit the sites potential, he found considerable merit in the Council's argument that this high profile site next to Tower Bridge and opposite a World Heritage site was uniquely well suited to a major public building. This is a "trophy" site of London wide significance, and it calls for a building of special character and high architectural quality. Given the present tourism importance of the location, a building connected with arts, culture and entertainment would be particularly appropriate. A theatre use offers a unique opportunity to fulfil all these demanding criteria and contribute to diversity and activity on the river frontage. There is particular merit in an evening use, which contributes to the life and attractiveness of the area at a time of day when the surrounding office uses are dormant. In the Inspector's view, the theatre proposal offered a major opportunity to capitalise on the locational advantages of a magnificent site, and it is in the interest of the city as a whole that the opportunity should be taken. The Inspector concluded that the choice lies between an adequate housing site or a superb theatre site. Many sites would be well suited to housing: few would be well suited to a theatre. In his view the balance of advantage clearly lay with the theatre use and material considerations indicated that the application should be determined other than in accordance with the housing allocation made in the UDP.

Appendix 1.2

DRAFT EXTERNAL AND LONDON BOROUGH OF SOUTHWARK PLANNING POLICY

1.2.1 DRAFT LONDON BRIDGE PLANNING FRAMEWORK 2002

The framework seeks to provide a strategic context for decision making for the Local Planning Authority and those charged with governing the future of London Bridge. It has been drafted in the context of the established character of the area, and the role of London Bridge in the economy of Central London and the London Borough of Southwark.

The framework has been set out within two defined boundaries. The core area contains the railway station and its immediate surroundings. This is the location for most of the significant development sites with the greatest potential for growth and change. The wider framework boundary is the zone of influence and includes Guys Hospital and Kings College and the historically important area around Southwark Cathedral and Borough Market. This area also includes 'More London' development site and the strong residential communities behind Tooley Street.

The Potters Field Site falls within this more direct zone of influence.

1.2.2 THE DRAFT LONDON PLAN 2002

This document defines the London Bridge area as an Opportunity Area for Intensification, an Area for Regeneration, it is part of the Central Sub-Region and within the Blue Ribbon Network. All these definitions are reflected in the draft Southwark Plan. London Bridge is expected to generate 24,000 new jobs and 500 new homes to 2016. Specific Guidance states that *"This is a good location for tall, landmark mixed-use development. The development framework should protect the needs of local residents and draw visitors eastwards along the riverside"* Land already in education use should be safeguarded [para 3A.83]. The importance of tourism in terms of attracting both visitors and corporate investment uses which identifies the South Bank as a Strategic Cultural Area [para 3D.23]. Guidance is also given on design, heritage, views and parking.

1.2.3 DRAFT DEPOSIT UDP

The First Draft Deposit UDP (November 2002) does not have a designation which, would restrict or constrain what uses could be accommodated upon the site.

1.2.4 CLEAN AND GREEN DRAFT SPG

The Southwark Plan: Clean and Green Draft Supplementary Planning Guidance was issued for consultation in November 2002. It contained the following provisions:

"4.2 Potters Fields Site

4.2.1 The Council recognises the potential on the vacant land at Potters Field to secure a further addition to the prominent south bank arts and visitor facilities provided at Tate Modern and the Globe. Use of the site should be directed to an arts/entertainment/cultural performance or visitor use of national or international significance which addresses

the river front with a distinctive frontage of the highest architectural quality. Such uses could include a theatre, museum, gallery, concert hall with associated educational or community uses. The Council does not oppose an element of residential use upon the site if this demonstrates to be necessary in order to make the arts/entertainment/cultural performance or visit element financially viable but this should not be the predominant use and nor should the form of development upon the site be a predominantly residential character. As a guide the Council considers that no scheme with a residential content of greater than 25% of floor space would be appropriate in this location. Any residential element should be designed so as not to conflict with or constrain the arts/ entertainment/ cultural performance or visitor use. The use of the site should encourage arrival on foot public transport nodes utilising the river walkway and pedestrian routes along and from Tooley Street.

4.2.2 The following planning principles should be prioritised:

- (i) An outstanding world class design which improves the approach to Tower Bridge and provides a fitting backdrop to the Tower of London World Heritage Site;
- (ii) Providing tourist and community use particularly those relating to arts and cultural in line with the vision of this area as a tourist destination.
- (iii) Evening and night time uses will be encouraged as long as the sites contain active daytime frontages”.

1.2.5. The period for consultation has now closed. Objections to these paragraphs have been received but these have not yet been considered by a Council Committee and the SPG has not been the subject of a Council resolution. In planning terms the draft SPG would have very little, if any, weight.

1.2.6 **TACKLING POVERTY & ENCOURAGING WEALTH CREATION DRAFT SPG**

The Southwark Plan: Tackling Poverty and Encouraging Wealth Creation Draft Supplementary Planning Guidance was issued for consultation in November 2002. At paragraph 3.3.5 it repeats the provisions of paragraphs 4.2.1 and 4.2.2 (iii) of the Clean and Green draft SPG.

3.3.5 The Potters Fields Site

- (i) The Council recognises the potential on the vacant land at Potters Field to secure a further addition to the prominent south bank arts and visitor facilities provided at Tate Modern and the Globe. Use of the site should be directed to an arts/entertainment/cultural performance or visitor use of national or international significance which addresses the river front with a distinctive frontage of the highest architectural quality. Such uses could include a theatre, museum, gallery, concert hall with associated educational or community uses. The Council does not oppose an element of residential use upon the site if this demonstrates to be necessary in order to make the arts/entertainment/cultural performance or visit

element financially viable but this should not be the predominant use and nor should the form of development upon the site be a predominantly residential character. As a guide the Council considers that no scheme with a residential content of greater than 25% of floor space would be appropriate in this location. Any residential element should be designed so as not to conflict with or constrain the arts/ entertainment/ cultural performance or visitor use. The use of the site should encourage arrival on foot public transport nodes utilising the river walkway and pedestrian routes along and from Tooley Street

- (ii) Evening and night time uses will be encouraged as long as the sites contain active daytime frontages”.

1.2.7. The period for consultation has now closed. Objections to these paragraphs have been received but these have not yet been considered by a Council Committee and the SPG has not been the subject of a Council resolution. In planning terms the draft SPG would have very little, if any, weight.

1.2.8 **POTTERS FIELD PLANNING BRIEF**

The Potters Field Planning Brief was issued for consultation in April 2002 and was adopted by the Council in May 2003. It was then withdrawn following legal advice. No weight can be attached to the planning brief.

Appendix 1.3