

HRSSC: REVIEW OF THE NEW (DRAFT) SOUTHWARK PLAN – DRAFT FINAL REPORT

1 Summary

Between 27 January and 7 April 2003, over the course of five meetings, the Housing & Regeneration Scrutiny Sub-Committee considered the Council's Draft Unitary Development Plan [UDP]. During deliberations a number of key issues arose:

- The appropriateness of the number of new homes allocated to be built in the borough;
- The densities recommended for new residential developments in the different parts of the borough;
- The ability of the UDP to deliver living, sustainable communities;
- Types of design to needed to deliver the density of housing set out in the UDP;
- The opinion of the Chair of the Council's Planning Committee in respect of delivering the UDP;
- How the Council's work with Forum for the Future and the use of sustainability criteria had affected the drafting of the UDP and the potential impact of this work in respect of encouraging more sustainable development in the borough;
- Comments and feedback from other scrutiny Sub-Committees on those sections of the UDP within their terms of reference;
- The need for Southwark's UDP to be in "general conformity" with the Mayor of London's Plan.

Having carried out the inquiry the Sub-Committee defined the following key factors that influenced the final scrutiny recommendations set out later in this report:

- The potential difficulty in delivering the number of new homes outlined in the UDP through the Council's planning system, particularly with the creation of Community Councils;
- The difficulty the Council faces delivering the high density developments implicit in the draft UDP and the London Plan;
- The importance of good design and building standards to the successful development of high density housing developments;
- That the Council looks at encouraging house builders to look at alternative ways of building homes, such as pre-construction as used in Europe;

- The need for the UDP to aim to deliver more sustainable communities in Southwark;
- The need to take a broad view of what can be delivered through Section 106 funding – acknowledging that if developers are compelled to set aside significant resources for affordable housing, funding resources available for other activities may be limited accordingly;
- The need to ensure that the Council's planning and development control framework reflects and complements the Council's broader strategies and policies;
- The difficulty in balancing the environment, health, social and economic pressures on development within the UDP;
- The need to create living, sustainable communities where people can live, work and spend their recreation time; and
- The need for the UDP when adopted to be “in general compliance” with the Mayor's London Plan.

2 Background

As a planning authority the Council is required by Section 12 of the Town and Country Planning Act 1990 to prepare a Unitary Development Plan for its geographical area of authority. Section 21 of the Act enables an authority to amend or replace its existing UDP, subject to complying with certain procedures. The procedures for preparing a replacement UDP are detailed in PPG12: Development Plans (1999) and the Development Plan Regulations. Appendix 1 outlines the processes whereby Southwark may agree its new UDP in line with *Local Plans and Unitary Development Plans – A Guide to Procedures' – DETR 1999*.

The first draft for deposit of Southwark's new UDP – also known as 'The Southwark Plan (2002)' – was agreed by full Council Assembly on 30 October 2002. As part of the continuing consultation process for the UDP, the relevant aspects of the UDP and accompanying SPGs were referred to scrutiny for consideration.

Accordingly, Overview & Scrutiny Committee met on 9 December 2002 and asked Housing & Regeneration Scrutiny Sub-Committee, in line with that Sub-Committee's terms

of reference, to lead scrutiny of the UDP and report back with any recommendations and comments from other scrutiny Sub-Committees by the end of the 2002-03 Municipal Year. Housing & Regeneration Scrutiny Sub-Committee were asked to pay particular regard to:

1. Assessing the appropriateness of the Opportunity Areas and Action Areas identified within the UDP document;
2. Assessing the proposed housing densities for areas within the borough; and
3. Understanding sustainability appraisals

3 The Project Brief for Scrutiny of the UDP

On 27 January 2003 Members received a context setting presentation by the Acting Head of Planning Policy and as a result defined the key areas of focus [the Project Brief] for the inquiry as part of the review of the Council's Draft Unitary Development Plan:

- i. Assessment of appropriateness of housing densities;
- ii. The Sustainability Criteria and the ability of the plan to deliver sustainable development;
- iii. The appropriateness of Opportunity Area and Action Areas; and
- iv. The uses of Section 106 funding.

4 The Process for Scrutinising the UDP

Following the meeting on 27 January the Sub-Committee met on four further occasions to consider the UDP as set out below. A list of the evidence received by the Sub-Committee is attached at Appendix B. In addition to expert witnesses invited to feed into the inquiry, Simon Bevan, Southwark's Acting Head of Planning Policy attended all formal scrutiny meetings held between 27 January and 2 April 2003.

Scrutiny of the Council's Unitary Development Plan	
27 January 2003	1. Presentation of the draft UDP by Simon Bevan, Acting Head of Planning Policy and consideration UDP by Sub-Committee.

Scrutiny of the Council's Unitary Development Plan	
	2. Defining areas of focus for inquiry.
18 February 2003	<ol style="list-style-type: none"> 1. Interview of Councillor David Hubber, Chair of Planning Committee, with particular focus on the delivery of high density housing schemes and sustainable development through the Council's planning framework. 2. Officer briefing on Action Areas and Opportunity Areas as defined in the UDP and Member discussion of their appropriateness.
11 March 2003	<p><i>This meeting was originally scheduled for 5 March but was postponed (expert witness session).</i></p> <p>Members considered arrangements for future meetings.</p>
2 April 2003	<p>Expert witness session with:</p> <ul style="list-style-type: none"> • Zoe Hassall, Forum For The Future. • Julie Tallentire, Planning Policy Team, Southwark Council (for sustainability appraisals) • David Gregory, Peabody Trust • Mike Donnelly, Habinteg Housing Association
7 April 2003	<ol style="list-style-type: none"> 1. Consideration of comments from other scrutiny committees on sections of the UDP relevant to their terms of reference. 2. Consideration of evidence and discussion to date. 3. Formulation of draft recommendations for final report.
8 May 2003	Agreement of final report.

5 Evidence Received and Member Discussion

The following paragraphs provide a background summary of discussions of the Sub-Committee in relation to the Unitary Development Plan, in relation to the agreed scrutiny project brief.

5.1 Assessment of the appropriateness of the Opportunity Areas and Action Areas identified within the UDP document;

5.1.1 Members were informed that the draft plan identifies two Opportunity Areas and five Action Areas. The opportunity areas, London Bridge and Elephant and Castle, are those identified in the Mayor of London's Spatial Development Strategy (SDS) also known as 'The London Plan'. The SDS identifies 28 opportunity areas throughout London he believes are capable of accommodating substantial new jobs or homes.

The Action Areas are areas further identified by Southwark as having significant potential for increases in residential, employment and other uses. These correspond to the designation 'areas for intensification' in the London Plan and are:

- Canada Water;
- Bankside and The Borough;
- Bermondsey Spa;
- Old Kent Road; and
- Peckham.

Both the Opportunity Areas and the Action Areas are affected by the same policy in Part II of the draft UDP, policy 1.2 Action Area Plans, which states that the Council will prepare action area plans which will form supplementary planning guidance (SPG) for each area. These SPG or development frameworks identify the specific characteristics of the area that need to be enhanced or developed. These, together with a range of other SPG documents that deal with specific areas of the borough or specific topics, are currently being consulted upon.

5.1.2. Issues and concerns arising from Evidence and Discussion:

- Members were concerned that the draft Southwark Plan might attract developments inappropriate for specific localities and that further investigation should be undertaken in this respect.
- Discussion arose about whether the Special Planning Guidance in respect of the Southwark Plan Action Areas were realistic and whether their likely outcomes were in line with what local people expected.
- Certain sites have been earmarked in the London Plan for development as "24 hour" sites/localities. Members questioned whether this was contrary to the spirit of the

London Plan, given the potential impact on and disturbance to residents in such areas.

5.1.3. Recommendations:

- 1. Members acknowledged that the inquiry had not fully addressed the issues relating to Opportunity Areas and Action Areas identified in the UDP document. Members recommended that further future consideration be given to the benefits and effects of both Opportunity Areas and Action Areas.**
- 2. Members raised concerns about the focus on East London in terms of the geographic spread of Opportunity Areas.**
- 3. Members considered whether the borough as a whole and in particular Opportunity and Action Areas had the capacity to bear higher density housing. In particular Members were concerned about the capacity for the employment, business and other development necessary for expansion of these areas.**

5.2 Implementing the Policies of the UDP

5.2.1 Members recognized the importance and role of the Council's Planning Committee in practical implementation of the provisions set out within the Unitary Development Plan and its accompanying 29 Supplementary Planning Guidance documents. The Chair of Planning Committee was invited to make a broad assessment of the new draft Southwark Plan's deliverability from a development control point of view, and in addition asked whether in his opinion the UDP's housing density targets were appropriate and deliverable and whether sustainability assessment were in fact likely to deliver sustainable development in Southwark.

5.2.2. Comments arising from Discussion/Evidence:

- That implementation of the planning system was always a balancing exercise between competing pressures, not least of which currently were:-

- i. legislation;
 - ii. government policy and planning guidance;
 - iii. the Mayor's (draft) London Plan;
 - iv. the draft Southwark Plan (Unitary Development Plan); and
 - v. the impact of any development on the lives of individuals/community.
- That simultaneous pressure against developing green-field sites and in favour of maximum development of brownfield sites inevitably resulted in less land being available for development and accordingly higher density developments being presented to Committee.
 - That a lack of clarity in planning policy and guidance causes a great number of problems in respect of planning decisions.
 - That the new draft UDP aspires to improved building design, especially of high profile developments within the borough.
 - That in respect of seeking to meet the targets for building new homes set for the authority set out in the London Plan, Southwark needs to ensure that these homes are of sufficient range in terms of accommodation type and affordability [25% affordable homes being the starting point]. Members acknowledged that achievement of the aspirational 50% affordable homes target would prove difficult for the borough.
 - That within the provisions of the GLA Act requiring local borough plans to be "in general conformity" to the London Plan, a degree of flexibility existed. Members however questioned the extent to which Southwark was required to comply.
 - With the introduction of Community Councils Members recognised the potential increase in local pressure on Councillors when deciding upon planning applications. It was acknowledged that this could impact on the Council's ability to deliver the targets for housing and commercial development, both in terms of numbers and densities, set out in the draft Southwark Plan.
 - The role of the planning enforcement function in supporting the delivery of the new draft Unitary Development Plan should be addressed, alongside an assessment of Southwark's effectiveness in this respect. Members acknowledged Planning Department's limited enforcement resources compared to neighbouring boroughs, the necessarily reactive approach taken to breaches of permissions and guidance,

and the resulting low number of planning enforcements. Members acknowledged that these factors impacted on the Council's ability to deliver the UDP.

5.2.3. Recommendations:

- 4. Members acknowledge the importance of public consultation during the planning process and recommend that developers be required [or at least encouraged] in future to consult with both applicants and objectors in respect of proposed development applications.***
- 5. Members note the issues raised in the deputation made by Nunhead Action Group to Overview & Scrutiny Committee on 9th December 2002. Members acknowledge the need for quality and transparency in the delivery of planning, and ask Planning Committee to consider these issues as part of the end of year planning review.***
- 6. Members also recommend that a review of the delivery of planning and in particular quality control of and interaction with the public form the basis of a future scrutiny review.***

5.3 Section 106 Funding

5.3.1. The Council is able to obtain Section 106 funding [Planning Gain] as a result of major developments. These benefits are intended to mitigate the effects of major development on the community. This can take a variety of forms and can be used for a range of activities within the legal parameters.

5.3.2. Comments arising from Discussion/Evidence:

- That future changes to the arrangements for funding affordable housing, including the establishment of a Regional Housing Board, might result in provision of affordable housing being achievable only through planning gain. This

would impact on the authority's ability to meet London Plan housing density targets.

- Members discussed whether Section 106 might provide leverage for other regeneration funding. *Further advice should be secured in respect of whether this would be legally sustainable.*
- Members suggested provision might be made in the new draft UDP for allocation of space for educational uses and designation of planning gain for education buildings/provision within Section 106 agreements.

5.4 Relationship between Southwark's UDP and other strategies

5.4.1 As outlined earlier, the Council is required by law to produce a Unitary Development Plan for its area. There is also a general requirement for Southwark's UDP to be in general conformity with the Mayor of London's Plan. Southwark's Unitary Development Plan should also reflect the priorities as set out in the Council's key strategic plans, including the Community Strategy, Enterprise Strategy and Employment Strategies.

5.4.2. Comments arising from Discussion/Evidence:

That further consideration be given to the interrelationship between the Southwark UDP, the Special Planning Guidance(s) and other strategies in respect of whether this interrelationship and funding structures, environment and sources supported the aims of the Southwark Plan.

5.5 Assessment of the proposed housing densities for areas within the borough as set out within the draft UDP

5.5.1. The draft UDP sets guidelines for the density of new housing development in the borough. This responds to the Government's planning policy guidance notes (PPG) set out in PPG 3 – Housing. This requires local planning authorities to support the Government's strategy of concentrating housing growth on brownfield sites in cities and

making the best use of land available for development. The density guidelines in the draft UDP also respond to the requirement in the draft London Plan to maximise the potential of sites and to base density guidelines in their UDPs on principles set out in the London Plan.

The draft UDP sets three broad ranges of housing density in the borough based on three zones as required by the London Plan. These are the central zone, the urban zone and the suburban zone. The plan applies the central zone density range to the central London area which corresponds to the Congestion Charging Zone boundary and to action areas with high public transport accessibility: Peckham, Old Kent Road, Bermondsey Spa and Canada Water. The suburban density zone is considered mainly to apply to outer London but extends a short way into Dulwich. The rest of the borough is in the urban zone.

Housing density is measured in terms of habitable rooms per hectare (hrph). The current Southwark UDP adopted in 1995 contains a guideline range of 170 to 210 hrph for new residential development suitable for families. Exceptions where higher densities are appropriate are identified. The new draft UDP indicates much higher densities of 700 - 1100 hrph in the central zone (typically intensive 8 - 10 storey developments), 300 - 700 hrph in the urban zone (typically 4 – 5 storey development of flats with communal open space and balconies for most flats) and 200 - 350 hrph in the suburban zone (typically houses with gardens). These density guidelines will be achieved with restrictive car parking standards including car-free developments in the most accessible locations. However, Policy 5.5 in the draft UDP on density specifies that the guidelines on densities will not take precedence over the context and urban design considerations of any development proposal.

The London Plan sets a target for Southwark of 29,530 new dwelling units by 2016. This is the second highest target for any London borough. The new draft UDP contains policies that should facilitate a high rate of housing growth in order to meet this target. This could lead to a growth in the population of Southwark by over 60,000 from the current level of 242,600 (2001 mid-year estimate).

5.5.2. Comments arising from Discussion/Evidence:

- Members noted that the authority had requested a review of the housing density targets set out in the London Plan, as it was believed that these were based on housing density studies lacking rigour that did not reflect the true housing situation at the time of their production.
- It was acknowledged that in respect of density ranges for urban, central and suburban zones, very high density developments raised considerable fears amongst both Members and officers. Security and community facilities contributed to the success of such developments and should be integral to the planning of such developments.
- Members acknowledged that concerns existed in respect of the suitability of present housing designs.
- The Sub-Committee recognised that the maintenance costs of high rise, high density housing were often higher in the long-term than lower density forms of housing.
- Members learned that floorspace standards in the current and draft new UDPs are lower than Parker Morris standards.
- Members acknowledged that the authority's Special Planning Guidance did not directly address how to mitigate the effect of high density living through the application of planning and design principles. Members felt it might be fruitful to consider such mitigating principles for the very highest density developments in the borough.
- Members questioned whether very high density developments were in general sustainable.
- Members acknowledged that questions had been raised during scrutiny about the Council's ability to manage high density estate properties adequately.

5.5.3. Recommendations:

7. That in delivering high density housing, instances of best practice should be encouraged, taking into account the following factors:

- a) Provision of reasonable and flexible space [lifetime homes standards, or a return to Parker Morris standards];**
- b) Consideration of communal facilities [in support of courtyards, slanted roofs and designed-in communal spaces];**
- c) Provision of private amenity space within dwellings;**

- d) Housing above commercial units;**
- e) Consideration of principles of good design to render dwellings more habitable, e.g. building around stairwells rather than long corridors, limiting the number of properties sharing the same walkway/access;**
- f) Stairwells being open to view from outside-in and from within-out.**

8. Members acknowledged the importance of effective management of affordable housing, and the delivery of effective and sustainable communities.

9. Members recommended further investigation of those elements/factors likely to contribute to the success of high density social housing, and the use of case studies for this work. Particular attention should be paid to the impact on low income families.

5.6 Understanding sustainability appraisals

5.6.1. The draft UDP is intended to have a major influence on achieving sustainable development in Southwark. The plan needs to harness the “wellbeing” responsibilities set out in the Local Government Act 2000, balancing the needs of the environment, economy and society to achieve sustainable future development. All planning decisions should, in effect, seek to achieve a balance between these needs.

In order to achieve sustainable development the Council has worked with Forum for the Future to develop a sustainability appraisal which provides a systematic process for ensuring that all considerations are properly considered within the Council’s planning framework and balanced outcomes achieved. The assessments made are intended to make planning decisions more transparent by showing what trade-offs have been made between the needs of the environment and social and economic requirements. The sustainability appraisal has been utilised to test the sustainability of plan policies during the development of the plan, and when the plan is adopted can be applied to a wide range of planning applications.

Members received a report from the Community Support & Safety Scrutiny Sub-Committee including a recommendation suggesting that developers be required to produce a design statement to assist the Council in relation to designing out crime, fair access and community support.

5.6.2. Comments Arising from Discussion/Evidence:

- Members acknowledged that in respect of achieving sustainable communities there was a need to redress the existing imbalance in the borough's housing stock. In particular, Members discussed the assumption that Key Worker Housing should be close to [as opposed to accessible to] central London, and suggested that outer London boroughs might also be set targets for provision of KWH.
- Members acknowledged the contribution of the principles of good building design towards community safety.

5.6.3. Recommendations:

10. Members acknowledge the importance of flexibility in housing types and tenure to the achievement of sustainable communities and acknowledged the role of partnership in achieving this.

11. Members recommend that greater emphasis be placed on sustainability issues, in particular the facilitation of mixed and economically viable communities. Developers should be encouraged to make an honest assessment of existing community facilities in those areas proposed for development.

12. Members considered the principle of development being secure by design and of the possibility of designing-out crime in developments. Members note the points made in the submission from the Community Support & Safety Scrutiny Sub-Committee on this matter.

6 Summary of Final Recommendations

- 1. Members acknowledged that the inquiry had not fully addressed the issues relating to Opportunity Areas and Action Areas identified in the UDP document. Members recommended that further future consideration be given to the benefits and effects of both Opportunity Areas and Action Areas.**
- 2. Members raised concerns about the focus on East London in terms of the geographic spread of Opportunity Areas.**
- 3. Members considered whether the borough as a whole and in particular Opportunity and Action Areas had the capacity to bear higher density housing. In particular Members were concerned about the capacity for the employment, business and other development necessary for expansion of these areas.**
- 4. Members acknowledge the importance of public consultation during the planning process and recommend that developers be required [or at least encouraged] in future to consult with both applicants and objectors in respect of proposed development applications.**
- 5. Members noted the issues raised in the deputation made by Nunhead Action Group to Overview & Scrutiny Committee on 9th December 2002. Members acknowledge the need for quality and transparency in the delivery of planning, and asks Planning Committee to consider these issues as part of the end of year planning review.**
- 6. Members also recommend that a review of the delivery of planning and in particular quality control of and interaction with the public form the basis of a future scrutiny review.**
- 7. That in delivering high density housing, instances of best practice should be encouraged, taking into account the following factors:**

- a. *Provision of reasonable and flexible space [lifetime homes standards, or a return to Parker Morris standards];*
 - b. *Consideration of communal facilities [in support of courtyards, slanted roofs and designed-in communal spaces];*
 - c. *Provision of private amenity space within dwellings;*
 - d. *Housing above commercial units;*
 - e. *Consideration of principles of good design to render dwellings more habitable, e.g. building around stairwells rather than long corridors, limiting the number of properties sharing the same walkway/access;*
 - f. *Stairwells being open to view from outside-in and from within-out.*
8. *Members acknowledged the importance of effective management of affordable housing, and the delivery of effective and sustainable communities.*
9. *Members recommended further investigation of those elements/factors likely to contribute to the success of high density social housing, and the use of case studies for this work. Particular attention should be paid to the impact on low income families.*
10. *Members acknowledge the importance of flexibility in housing types and tenure to the achievement of sustainable communities and acknowledged the role of partnership in achieving this.*
11. *Members recommend that greater emphasis be placed on sustainability issues, in particular the facilitation of mixed and economically viable communities. Developers should be encouraged to make an honest assessment of existing community facilities in those areas proposed for development.*
12. *Members considered the principle of development being secure by design and of the possibility of designing-out crime in developments. Members note the points made in the submission from the Community Support & Safety Scrutiny Sub-Committee on this matter.*

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