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| <b>Item No.</b><br>2. | <b>Classification</b><br>OPEN | <b>Date:</b><br>01/03/04               | <b>Meeting Name:</b><br>PLANNING COMMITTEE |
| <b>Report title:</b>  |                               | Potter's Field Planning Brief          |  |
| <b>Ward affected:</b> |                               | Riverside Ward                         |  |
| <b>From:</b>          |                               | Development & Building Control Manager |  |

## 1. RECOMMENDATION

- 1.1 That the draft Potter's Field Planning Brief as set out in Appendix A be agreed.

## 2. BACKGROUND INFORMATION

- 2.1 A planning brief has been prepared for the site referred to as Potter's Field, bounded by Potter's Field Park, Tower Bridge Road and Queen Elizabeth Street (excluding Bridgemaster's House). The purpose of the brief is to give clear planning advice on the Council's expectations for the use of the sites, and guidance as to the standard of design required, and the special role of this site within an important heritage context.
- 2.2 The Council owned portion of the coach park site is subject to a legal agreement dating from May 1982. This includes a covenant between the Council and St. Martins that the Council will 'use its best endeavors' to implement a residential scheme comprising the construction of 'not less than 450 nor more than 456 habitable rooms of residential space' with the 'residential developer' defined as 'the Council, Housing Association or other like body or agency as the Council may direct'. This part of the site is also subject to a restrictive covenant requiring it to be used for residential purposes only.
- 2.3 Planning Committee approved a draft planning brief for consultation purposes on the 26 March 2002. Following revision to address consultee responses and to bring the document up to date with emerging policy and circumstances, a final brief was adopted by Committee on 13 May 2003.
- 2.4 However, following legal advice, the brief was subsequently withdrawn in response to concerns expressed by Berkeley Homes that the report to Committee in May had not fully informed Members of the legal agreement now referred to in 2.2 of this report. The existence of the agreement, whilst relevant to matters of land ownership, is not considered to be a material planning consideration that should impact materially on the preparation of a planning brief. The purpose of the brief is to set out the local planning authority's aspirations for the most beneficial development of the land having regard to the relevant

planning policy framework and any other material planning considerations. Having regard to the comments now set out in 2.2 and 2.4 of this report, it is considered appropriate for Members to consider the re-adoption of the brief.

### **3. KEY ISSUES FOR CONSIDERATION**

#### **Policy implications**

- 3.1 As reported when the brief was last considered in May 2003, once adopted the brief will be a principal material consideration when considering any planning application for development within the brief site. Although the brief is not consistent with the site's land-use designation in the current Unitary Development Plan, it is consistent with national and regional planning policy, with the emerging UDP and draft Supplementary Planning Guidance.
- 3.2 The brief accords with emerging policy within the London Plan, the London Bridge Framework, the draft Southwark Plan and related Supplementary Planning Guidance. The draft Southwark Plan refers specifically to the Planning Brief as the most important consideration when assessing any application for the sites. Ultimately, following full adoption of the draft London Plan and Southwark Plan and related SPG, the Planning Brief will become the definitive document when assessing any application for these sites.
- 3.3 The brief seeks to ensure that any development of the site will significantly improve this important urban environment, and help the regeneration of the borough through the tourist and leisure activity. It also has the potential to contribute towards the provision of community uses in this part of the borough and to improvements to the public realm including the adjacent Potter's Field open space.
- 3.4 The brief also requires that Lambeth College will be a D1 Community Use (including a "school, library, or some form of arts or cultural use"), and the vacant land on the corner should also be D1 Community Use. This pre-dates the proposed designation of the site for education use in the draft 2<sup>nd</sup> deposit Unitary Development Plan which was considered on the 19<sup>th</sup> February 2004 by Executive. However, it is entirely consistent with it.

#### **Other factors**

- 3.5 The brief places an onus on any developer of the land, including the Council, to seek a significant arts/cultural element on the site. It is anticipated that any development in accordance with the brief will significantly increase visitor numbers to the area, associated with the major arts/cultural use, and raise the profile of this part of the river as a destination in its own right, rather than it remaining the 'opposite side of Tower Bridge'.

- 3.6 The brief will give major arts/cultural users confidence to locate on the site. It is hoped that the brief will be a stimulus for development of this key area, also contributing to broader regeneration objectives.
- 3.7 The site is reasonably distant and physically separated from neighbouring sensitive uses such as the flats at Devon Mansions. Accordingly, it is considered that any increase in activity associated with any redevelopment can be absorbed without undue impact on residents. Vehicles will access the site off Tooley Street, an 'A' classified road with sufficient capacity. The large numbers of visitors using public transport or walking to the site from other attractions would be most likely to use the riverside walkway with minimal impact on surrounding occupiers. It is noted that only one local resident commented on the brief, and there was no response from the local tenants and residents groups.

### **Resource implications**

- 3.8 The costs of the preparation of the brief have been met within the existing budget for development control services.

### **Consultation**

- 3.9 Consultee response received prior to the adoption of the brief in May 2003 were reported to Committee at that time. All statutory consultees, local residents and relevant interest groups had been consulted in April 2002. A copy of the brief was forwarded on request and made available on the Council's website. A second letter was sent to all consultees in October 2002 advising of the deadline for consultations.
- 3.10 Twelve responses were received with four responses to the amended version. These are set out again in Appendix B to this report. Responses were in the main from key statutory consultees, heritage and interest groups, key landholders, and private parties, including an arts organisation. Appendix C confirms those parties who were consulted.
- 3.11 Consultation responses are summarised in the table below, together with the officer's response;

| <b>Consultation Response</b>  | <b>Officer's Comment</b>  |
|---|---|
| Four responses expressed concern that the requirement for an arts/cultural user is not feasible, and rigid application of this will blight the future development of this site. Three responses supported a large anchor arts/cultural user for the Potter's Field site while three considered that this was not the only | The requirement for a significant anchor arts/cultural tenant has been retained in the brief. The Potter's Field site is unique in its importance to London. To fail to develop the site in a way which maximises its potential and brings real benefits to the borough would represent a major lost opportunity. In the absence of any investigations or studies which conclusively show that the site can not be developed and occupied |

| <b>Consultation Response</b>   | <b>Officer's Comment</b>   |
|--|--|
| appropriate way to develop the site.   | in the way anticipated by the brief, there is considered to be no reason to amend it or dilute its requirements.   |
| Three responses expressed concern that the amenity of the park is retained and preferably improved, and supported a more rational boundary between the Potter's Field site and park.                               | The responses considered that this issue was adequately dealt with in the brief.   |
| Two responses expressed concern that the sites, and the Potter's Field Park, should be dealt with together with an holistic solution.  | Ideally it is agreed that this should be the case, and it is hoped that the preparation of the brief will help facilitate this. However ownership issues fall outside development control, and the framework of the Planning Brief is considered the best way to ensure cohesive development of all three sites.   |
| Two responses expressed support for a principally residential development.<br>Two responses expressed objection to a principally residential development.  | The issue of residential development has been discussed within the Brief itself, and is supported by other emerging Policy and Guidance.   |
| Access and transport were raised in a number of submissions, but the redevelopment of the coach park was widely supported as this was considered to be an inappropriate use of the site.                           | The majority of these issues have been expressed in the brief, with the exception of providing an underground coach park serving the other tourist attractions in the area. It is considered unreasonable to doggedly pursue coach parking on a site which was never appropriate for this use in the first instance. Such a requirement would also be a considerable drain on financing redevelopment of the site.   |
| Two responses questioned the status of the brief, particularly in relation to the existing Unitary Development Plan designation for Housing, and stated that the opera house appeal did not establish a precedent. | The status of the brief will change as other policy and guidance goes through consultative and adoption processes. The actual weight accorded to the brief will depend on when any application is considered, and is a matter to be determined by the decision maker at that time. Needless to say, the brief is a material consideration, and has been since its adoption in draft. The full adoption will give further weight. The fact that the opera house was not implemented does not mean that the decision of the Inspector is not a material consideration. |

3.12 Amendments made to the brief prior to its adoption in May 2003 included:

- Inclusion of emerging policy and guidance relating to the site.

- Removing reference to an architect's competition. This was misinterpreted as a requirement of the brief, however references were only intended to note that the brief should inform any architect's competition, or indeed any architect's brief.
- Removing reference to the legal agreement which is an ownership not a planning agreement, and therefore is not a planning consideration.
- Broadening the uses appropriate to the coach park site to possibly more than one arts/cultural user, with the onus on the applicant to demonstrate that the use is of sufficient status to give national, and preferably international status. This was considered necessary to secure a feasible scheme for the site and progress development.
- Clarifying the position of the Corporation of London in relation to the operational activities of their site.

## BACKGROUND DOCUMENTS

| Background Papers   | Held At   | Contact                           |
|---|---|-----------------------------------|
| Full consultee responses  | Planning - Development Control East Team<br>Chiltern, Portland Street,<br>London SE17 2ES | Lisa O'Donnell<br>(020) 7525 5364 |
| Correspondence including consultation documentation                                     | Planning - Development Control East Team<br>Chiltern, Portland Street,<br>London SE17 2ES | Lisa O'Donnell<br>(020) 7525 5364 |
| Draft brief as adopted on the 26 <sup>th</sup> March 2002, and related committee report | Planning - Development Control East Team<br>Chiltern, Portland Street,<br>London SE17 2ES | Lisa O'Donnell<br>(020) 7525 5364 |

## **APPENDIX B**

### **Consultation Summary**

#### **Greater London Authority**

- Importance of design appropriate on site of international importance, but concerned that the requirement for an architects competition will delay development.
- Greater links should be provided between the park and the site.
- Concern that a rigid requirement for an arts client of substance may blight development and a more flexible arts/culture space within a mixed use development may be more appropriate.
- A landmark development of culture/arts and housing is welcomed for regeneration objectives, however it considers that brief to be too prescriptive in requiring the cultural use to be subservient as this will unnecessarily constrain the regeneration and housing benefits and prejudge architectural solutions.
- The comments regarding transport are in line with the Transport Strategy and the London Plan.
- Affordable Housing should be in line with the Mayor's Strategy.

#### **Transport for London**

- No formal comments.

#### **Historic Royal Palaces**

- Fully support brief, particularly in relation to the Tower of London, and hope it is adopted essentially in its current form.

#### **Pool of London Partnership**

- Amendments to the brief regarding the need to review the eastern boundary of the Potter's Field site in relation to the park, improvements to access, local views and achieving an efficient development on the site are welcomed.
- Firmly believe that the key to the development of the site is attracting an arts/cultural anchor tenant of national significance.
- As the arts/cultural user has not been identified, some underground coach parking may be necessary, not just the loading.
- The brief site should be treated as a single site, together with the park and the triangle site on the opposite side of Queen Elizabeth Street in a holistic approach to the site.
- The Potter's Field Park boundaries need to be reconsidered in light of the increasing number of users.
- A single recognisable user is not necessary and may blight development, and there should not be an artificial split between Potter's Field (the coach park) and Lambeth College. A multi-functional arts, community and education centre, with an internationally recognised anchor tenant would be more acceptable, desirable and achievable.

- Support housing to make a vibrant mixed use, but inappropriate in Lambeth College Building and unsuitable on Tower Bridge Road frontage which should be commercial to retain active frontages spilling out into the public realm.
- Site suitable for a landmark building, but only if the scale and design does not compete with Tower Bridge and City Hall. Note it is a very sensitive site.
- Not convinced that an architects competition is necessary to achieve an appropriate scheme.
- Support brief comments on permeability, servicing and access.
- Agree that coach parking is important but that it is too important a site to use as a coach park, and the borough should not bear the cost of relocation of the coach park.

The Pool of London Partnership also held a meeting with various interests on the 24<sup>th</sup> April 2002. The attendees and key points are in Appendix B. However, the salient points have been made in the Pool of London's own submission.

### **Southwark Heritage Association**

- Concerned about the impact on Potter's Field Park, regardless of how well it is designed. Feel that the park should be protected by legal means so any new development is designed around the park rather than vice versa.
- Considers that the area between the river and Tooley Street is unsuitable for any residential or retail.
- Suggest a consortium of landowners is formed to ensure the site is dealt with holistically.
- The coach park should be retained below ground level, and means found to levy costs on other boroughs who have failed to provide adequately for coach parking. Notes that Southwark should not have to bear the amenity and environmental costs of other borough's coach parking and the parking should not be moved further away from the attractions it serves (eg Elephant & Castle)
- Any new buildings should be arranged in steps rising from the river.
- New development should include local facilities such as a free swimming pool and fitness centre, library and youth centre.

### **Confederation of Passenger Transport UK**

- Appears to object to the loss of the coach park as a facility which serves other sites.

### **Barton Wilmore on behalf of Berkeley Homes**

- Uses of the site must be realistic, economically viable and achievable. Otherwise the site will remain vacant and unsightly, and undermine the regeneration of the area.
- A large arts/cultural use is not considered to be the only way to promote this site.
- It is incorrect to assert that the appeal decision created any precedent for an arts/cultural user as it was given for a specific scheme and never implemented. However it is recognised that the site should contribute to a "cultural quarter" and

be mixed use including cultural uses, A3, open spaces, tourist uses, residential and community based uses to integrate it with the surrounding area.

- The planning brief can not alter the UDP designation and the citing of the appeal decision is misleading. The draft Southwark Plan and supporting Supplementary Planning Guidance have not been tested by an independent body, and the consultation regarding these has only just closed. Barton Wilmore have made detailed representations with respect to these other documents, and there are inconsistencies in the way this site is dealt with.
- Support the need for a high quality design. Any scheme should not compromise servicing of neighbouring sites, but the Corporation of London site should continue to be serviced from Tower Bridge Road.
- Some comments on semantics which have been addressed.
- Specific points were made on a paragraph by paragraph basis.

### **Corporation of London - The City Surveyor**

- The key to redevelopment of the Corporation of London site is securing access to the rear on the Potter's Field site. This should be secured as part of a Section 106 agreement as part of any application.
- The Corporation of London would consider granting a long lease providing development could take place without compromising the operational requirements of Tower Bridge. A commercial use is considered most appropriate for lease reasons.
- The Corporation of London site is not surplus to requirements, and the operations carried out from the property need to be retained even if the site is developed.
- Their preference is a solely commercial development, as residential development places constraints on them in terms of their freehold.
- The Corporation has currently authorised discussions with Berkley Homes regarding development of the site as a whole, but has not authorised discussions with other parties.

### **St Martins Property Corporation**

- Support development of site as it is an unsightly gap and therefore all options should be able to be achieved in a timely manner.
- The brief does not supercede the UDP and therefore is of limited weight.
- The appeal decision does not establish a precedent as this does not suggest that the site is unsuitable for housing and the occupation by the opera building was a one-off, it was to be temporary, and the appeal decision supported a wide range of uses after this temporary use was finished.
- There has not been one application for a cultural use since this appeal, and it has not been possible to find an achievable proposal due to the inability to secure a permanent occupier.
- Considered that the aspirations of the brief are not economically viable and would result in the site remaining vacant for the foreseeable future.
- Would support primarily residential development and secondary arts/cultural uses which compliment other tourist type activities in the vicinity (eg Hay's



Galleria). A mix of uses would provide for locals and tourists alike and would be readily achievable. It would also accord with the UDP designation.

- Believe that while there is scope for A3, there is already sufficient A1 in the vicinity (also applies to the Bridgemaster's House).
- Design does not necessarily need to "stand out" and a subtle and restrained design similar to the opera may be more appropriate.

### **Leslie Smith, St Olav's Estate, Druid Street, SE1**

- Lambeth College should be retained as an educational facility, particularly given the shortage of schooling facilities.
- The coach park should be used as an eco-pond, encouraging bio-diversity and attracting tourists and/or local-run cafes and shops to give direct economic benefits to locals.

### **The Photographer's Gallery**

- Site is of international importance and is a unique opportunity for a new London landmark.
- The design must be sensitive to surroundings, bold and of international significance.
- Should increase permeability, accessibility, through well-lit attractive thoroughfares.
- The cultural use should have a central role in any development, as another cultural point along the river connecting uses such as the Tate Modern, South Bank, The Globe and the Design Museum. It must be of national significance as well as being available for the local community.
- The Photographer's Gallery are seeking accommodation on this site.

**Peter Kent of SE10 (Greenwich)** Having worked in the area, would object to any building over Potter's Field Park.

### **London Borough of Southwark - Environmental Health**

- Land contamination survey and remediation would be required.
- Site within Air Quality Management Area and also congestion charging and London Low Emission Zone. There should be provision for car pooling and recharging for cars.
- Need to be conscious of noise generation by evening economy in terms of mixed use and existing residential development.

## **APPENDIX C**

### **Consultee Summary**

- Member of Parliament for site
- Greater London Authority
- Ward Councillors for site
- Government Office for London

- English Heritage
- Planning, and Economic Development departments, Corporation of London
- Planning Department, London Borough of Tower Hamlets
- Transport for London
- Port of London Authority
- Railtrack
- London Underground
- Historic Royal Palaces
- Confederation of Passenger Transport
- Southwark Cyclists
- London Transport Planning
- Commission for Architecture and the Built Environment
- Pool of London Partnership
- London Development Agency
- English Partnerships
- London Tourist Board
- London Wildlife Trust
- Friends of the Earth
- Southwark Heritage Association
- Southwark Environment Forum
- Conservation Forum
- Environment Agency
- Tooley Street Tenant's & Resident's Assoc.
- Friends of Potter's Field Park
- Butler's Wharf Forum
- Butler's Wharf Retailer's Association
- Bermondsey Street Association
- Bermondsey Village Partnerships
- Bermondsey & Rotherhithe Association
- All Hallows Business House Association
- Southwark LSP Area 2
- Berkeley Homes Lambeth College
- Corporation of London City Surveyor (property) Department
- CIT Group (Developers of More London)
- The Bridge House Trust
- Tower of London
- London City Mission
- St Martin's Property (Hay's Galleria)
- Guy's Hospital
- Southwark Cathedral
- Montague Evans
- Kalmars Commercial Estate
- Beaumont Property Consulting
- The Photographer's Gallery

- Innovision Media
- English National Opera
- 1 to 120 Devon Mansions, 122-128, 130-132, 134, 136-148, 150-152, 154-164, 155 to 173 (odd) and 1<sup>st</sup> floor of each, 166-172, 186 (NatWest Bank), 188, 205, 207 (Southwark Police Station), 209 (Magistrates Court) Tooley Street
- 194, 196 (incl Flats 1 to 3), 200, 198-204, 206, 210 to 226 (evens), 224-226, 224a, Caretakers Flat, Lambeth College, Nasmith House, Tower Bridge Road
- 31-37, 39 Barham Street
- 1 to 61 St Olaves Estate
- 1 to 32, 6, 8 Lewes House, Druid Street
- 2, 1 to 11 (incl) Candishe House, Queen Elizabeth Street
- The School House, The Nursery School, 1 to 4 (incl) Hartland House, Flats 1 to 18 of 2 Fair Street, 9, 10 Fair Street
- 1 to 62 (incl) The Anchor Brewhouse, Shad Thames
- 1 to 11 (incl) Knights House, 75 Gainsford Street and 1 Gainsford Street
- 1 to 41 (incl) Admirals Court, 2 to 20 (even), 20a, 30 to 36 (even) Horselydown Lane
- The Public House, cnr Horselydown Lane and Copper Row

### **Internal Consultees**

- Cross River
- Leisure & Recreation
- Public Protection
- Property

## APPENDIX D

### Audit Trail

|   |  |                           |
|---|--|---------------------------|
| <b>Lead Officer</b>   | Paul Evans, Head of Regeneration                                     |                           |
| <b>Report Author</b>  | Lisa O'Donnell, Principal Planner, Planning Policy and Research Team |                           |
| <b>Version</b>  | Final  |                           |
| <b>Dated</b>  | 19 <sup>th</sup> February 2004                                       |                           |
| <b>Key Decision?</b>  | Yes  |                           |
| <b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b> |  |                           |
| <b>Officer Title</b>  | <b>Comments Sought</b>   | <b>Comments included</b>  |
| Borough Solicitor & Secretary   | Yes  | Verbal approval of report |
| Chief Finance Officer   | No   | N/A                       |
| Manager: Development & Building Control                                   | Yes  | No                        |
| Head of Property  | Yes  | No                        |
| <b>Executive Member</b>   | No   | No                        |
| <b>Date final report sent to Constitutional Support Services</b>          |  |                           |