

Item No. 4.	Classification: Open	Date: 29/09/04	Meeting Name: Planning Committee
Report title:		Pre-Inquiry Modifications for Deposit Southwark Plan 2004 (Unitary Development Plan)	
Ward(s) or groups affected:		Boroughwide	
From:		Strategic Director of Regeneration	

RECOMMENDATION

1. That Members consider the revised draft pre-inquiry modifications to the Southwark Plan 2004 and provide comments for the Executive.

BACKGROUND

2. The current Southwark Unitary Development Plan (UDP) was adopted on 19 July 1995 and was intended to operate for a period of ten years. Significant growth and change has occurred within Southwark over the last eight years since this it was adopted. This and the changing government and mayoral policies towards cities, the use of land and transport and the Southwark Community Plan has resulted in a plan that requires an urgent review.

3. Pre-deposit consultation was carried out in 2000/2001. This involved:

Environmental appraisal (completed April 2000) – The environmental appraisal analysed the existing plan to see what the effects of all its policies and proposals were on the environment in line with criteria which were discussed and agreed with the public;

Key issues paper (Issued June 2001, Consultation completed August 2001) – The Key Issues Paper focused on the future directions for the use and development of land in Southwark to find out what people thought the big issues were and stimulated a discussion involving as many people as possible from the community, businesses and other interest groups; and

Local issues paper (Issued September 2001, Consultation completed November 2001) – Each of the six Local Issues Papers reflected back all of the comments received following the Key Issues Paper and considered how they related to local issues in each of the six areas in Southwark. Forums were also set up within each of the areas to facilitate future consultation.

The first draft of the new plan was placed on deposit in December 2002 and at the same time consultation started on 27 draft supplementary planning guidance documents.

4. Placing the plan on deposit allowed residents, community groups, developers, land owners, businesses and others to make representations. The second, or revised, draft of the plan to be considered here is primarily a response to these representations. Many of the changes that have been made should overcome objections received so that when the revised draft is placed on deposit these objections may be withdrawn. However, there is an opportunity for anyone to make further representations on any new or changed policies and proposals within the second draft. Any objections that are still outstanding following this process may be heard at a public inquiry, which is expected to take place in April and May 2005.
5. The Planning Committee is being asked for comments to convey to the Executive. The Executive will then consider the revised draft plan with a view to recommending it to Council Assembly whose approval is needed before it is formally placed on deposit.

KEY ISSUES FOR CONSIDERATION

Response to the consultation on first and second drafts

6. Placing the plan on first deposit gave rise to 1437 comments of which 1243 were objections and 194 were supporting statements. The second deposit gave rise to 2311 comments of which 1771 were objections and 540 were supporting statements. These were made by 531 organisations and individuals.
7. The representations included those made by the Government Office for London seeking to ensure that the Southwark Plan complies entirely with all appropriate regulations. Representations were also received from the Mayor of London, who is seeking to ensure that the plan is in conformity with the London Plan. These representations have been fully taken into account in the revised draft and pre-inquiry modifications. Since the first draft of the Southwark Plan was placed on deposit, the draft London Plan has been through an examination in public (EIP). It was adopted in February 2004.
8. Officers have met with many of the objectors to discuss revisions to the plan that may overcome their objections. As a result many of the first deposit objections have been withdrawn, it is now expected that the pre-inquiry changes should now enable many second deposit objections to also be withdrawn.
9. Objections from the Greater London Authority that should be drawn to Members attention are density, the Elephant and Castle Opportunity Area early housing sites and Potters Field former coach park.
10. The Greater London Authority has objected to the designation of the northern suburban zone (policy 4.2, appendix 3 and the proposals map) and would like justification as to why this area should be designated as such.
11. Furthermore the Greater London Authority have objected to the loss of 3 sites designated for early housing sites at the Elephant and Castle Opportunity Area, (9P Dickens Square, 46P Nursery Row car park, Wadding and Brandon Street, and 48P Nursery Row car park and Brandon Street) on the proposals map and in appendix 4) which they perceive to be a loss of open space for housing development. Council officers view is that the Elephant and Castle must be considered as a regeneration area, rather than concentrating on specific sites. These three sites are essential for the viability of the Elephant and Castle regeneration programme to meet early housing provision. Furthermore, the proportion of open space within these sites will be reprovided within the masterplan for the Elephant and Castle and therefore development of housing on these sites will not result in a net loss of open space.
12. The GLA have also expressed concerns about the Potters Field former coach park due to any significant loss in the housing capacity of this site. It is expected that the housing capacity study together with the estimated housing capacity in appendix 4 and Part 1, 10.3.2 will assist in addressing these concerns by demonstrating that there is sufficient housing capacity within the borough to meet targets.

Changes to the Planning System

13. The Planning and Compulsory Purchase Bill is currently going through Parliament and received Royal Assent in March 2004. This will replace Unitary Development Plans with a new system of Local Development Frameworks (LDFs). The purpose of this is to make planning more streamlined and to introduce the concept of local plans as the spatial expression of community strategies. These objectives have been taken into account in the drafting of the Southwark Plan even though it is being prepared under the existing regulations, (new regulations are not expected to come into force until October 2004).

Key features of the new Southwark Plan

14. Part One of the draft Plan provides strategic guidance on the key issues facing land use planning in Southwark. Underpinning the plan are twenty strategic priorities that inform

different policies which are categorised into five chapters within Part Two. The five chapters are:

- Tackling Poverty and Wealth Creation – Strengthening Enterprise and Creating Prosperity;
- Life Chances – Preserving and Creating Community Assets;
- Clean and Green – Protecting and Improving Environmental Quality;
- Housing – Creating Choice and Quality in Housing; and
- Transport – Improving Access and Convenience.

15. The new Southwark Plan has undergone a Sustainability Appraisal. This was undertaken independently by Forum for the Future, a national charity that has sustainability expertise. The aim of the Sustainability Appraisal is to evaluate how well the Southwark Plan supports relevant sustainable development objectives and will contribute to the achievement of sustainable development through individual policies, sections and as a whole. The assessment also aims to identify any conflicts to ensure that the objectives and policies are compatible and are working towards a coordinated approach to sustainability. The detail of the appraisal is being updated to take into account the Pre-Inquiry modifications, this will follow once the Planning Committee has provided comment for the Executive.
16. In order to streamline the Southwark Plan, it was decided at an early stage in the review process to provide detailed Supplementary Planning Guidance (SPG) in support of UDP policies. 29 draft SPG's have been developed to support the Southwark Plan and cover a broad range of issues, from general design standards for residential development, to strategic area based SPG's for key locations such as London Bridge. These SPG's were consulted upon and comments made have been considered in addition to objections and supporting statements on the UDP itself. The SPG will be revised in the New Year following the adoption of the Second Draft Southwark Plan 2005 policies. A replacement SPG for affordable housing has been drafted to replace the adopted Affordable Housing SPG. This will be considered for adoption for consultation by Members in the Autumn.

Key issues for Inquiry

17. There are still a number of outstanding objections which are not likely to be resolved by Pre-Inquiry modifications which may require consideration at the Southwark Plan Public Inquiry in April 2005. These are detailed below with officer comments.
18. Peckham Action Area Part 1, Section 9.3 Planning Guidance has been rewritten with further clarification of the guidance for proposals sites. Greater importance has been placed on improvements to the main retail area particularly around Peckham Rye Station, which has been designated on the proposals map (73P on the proposals map and appendix 4). It has also been clarified that the residential development of existing car parking sites is conditional on provision of suitable car parking elsewhere within the town centre within close proximity to the southern end of the designated shopping frontage on Rye Lane.
19. Proposals to designate a tram site on Bournemouth road (63P on the proposals map and in appendix 4) have not received many objections, and some support has been offered. Further clarity on the detail of the proposals both for the tram depot on the site, and also for the tram route through Peckham have been requested. Furthermore, there is one objection from a site owner. Officers are meeting with Transport for London to ensure that the most contemporary, detailed proposals can be designated on the proposals map.
20. Canada Water Action Area Part 1, Section 9.4.2 "vision" gained a great deal of local objection. This has been reworded to meet objections.
21. Canada Water site designations (25P to 35P on the proposals map and in appendix 4) gained a great deal of objection. Objectors required further clarity of the different types of land uses that would be permitted on the sites. Confusion was caused through the lack of a strategic policy explaining that "uses required" in appendix 4 are initially the only land uses allowed on sites. This is to ensure that the most effective development takes place on each of the designated sites. Once the land uses that are required (for example housing or offices) have

been provided, if there is a part of the site remaining then other land uses may be considered. These are the land uses set out in the “other acceptable uses” in appendix 4. This strategic policy has now been included within Part 1 section 11 of the plan to clarify the points above.

22. Affordable housing percentages and thresholds in policy 4.4 have received a great number of objections. Officers are confident that the current policies are the appropriate requirements to provide for housing need within Southwark. However with the objection being both for more restrictive and less restrictive policies, the officer response is to provide the most appropriate, clear policies within the national, London and local framework and for outstanding policy issues to be considered by the Inspector at the inquiry.
23. Tall buildings (policy 3.20), sustainability (policy 3.3), renewable energy (policy 3.5), and car parking standards (policy 5.6 and appendix 16) are all controversial policies. The policy criteria have been made clearer in the pre-inquiry modifications, however with the objection being both for more restrictive and less restrictive policies, the officer response is to provide the most appropriate, clear policies within the national, London and local framework and for outstanding policy issues to be considered by the Inspector at the inquiry.
24. The Metropolitan Open Land, Borough Open Land and Other Open Space (3.25 to 3.27) policies have generated considerable comment for both more and less prescriptive policies. Again officers have redrafted to provide further clarity and the Inspector will consider the outstanding policy issues at the inquiry.
25. Particular employment sites have gained objection from owners requiring less restrictive designations within the Preferred Industrial and Office Locations (policies 1.3 and 1.4) and also within the sites that are affected by the mixed-use policy (1.5). The boundaries of the designations have been reconsidered and officers consider these to be appropriate, any outstanding policy issues will require consideration by the Inspector at the inquiry.
26. A large proportion of the objections to the retail policies (1.8 to 1.12) were requiring further conformity with Planning Policy Guidance Note 6, and draft Planning Policy Statement 6. The policies have been redrafted which should enable withdrawal of most of the objections.
27. The Waste management site (70P on the proposals map and in appendix 4) which has been designated on Old Kent Road has a small number of local objections, along with objection from the site owners. Officers are working with the owners to find a way to resolve their objection. If this can not be achieved this site will require consideration by the Inspector at the inquiry.
28. The Varcoe Road education site (51P on the proposals map and in appendix 4) has been removed from the proposals sites. This will meet a large number of local objections, and is considered appropriate as the provision of school places can now be met through extension of other local schools.
29. Quebec Way education site (36P on the proposals map and in appendix 4) has one objection from the owners of the site. Local opinion and the Greater London Authority are generally supportive. Officers are working with the owners to find a way to resolve the objection, however the designation of the school may require consideration by the Inspector at the Inquiry.
30. Potters Field and Lambeth College (3P and 4P on the proposals map and appendix 4) have also been subject to a small number of objections from interested parties. The GLA have also expressed concerns about any significant loss in the housing capacity of this site. Officers are working with the owners to find a way to resolve the objection, however the designation of the school may require consideration by the Inspector at the Inquiry.

The Next Stage – Placing the pre-inquiry modifications to the Southwark Plan on deposit

31. The draft pre-inquiry modifications to the new Southwark Plan are provided as Appendix 1 to this report. These pre-inquiry modifications establish the Council’s amendments to the proposed strategy for the use and development of land in the borough. It is now considered

appropriate to consult with the community and give individuals, groups and businesses the opportunity to object or support these changes to the Plan.

32. If approved, in accordance with the Town and Country Planning Act 1990, the Southwark UDP Pre-Inquiry modifications will be placed on deposit for a period of six weeks from the end of October 2004 to enable consultation with the community.
33. As for the first and second deposit stages, the statutory requirements to advertise the plan in local newspapers will be supplemented by extensive mailouts to businesses, residents, community and voluntary groups, schools and institutions as well as statutory consultees and adjoining boroughs. Information about the plan will also be made available through the Community Councils, the internet, public meetings and existing regeneration partnerships. This will be further supplemented by public meetings, area forums, the Internet, the local press and through existing regeneration partnerships.

What Happens Next?

34. Following consultation on the pre-inquiry modifications to the Southwark UDP the plan will continue to evolve as objections are responded to. The Council may then prepare a further inquiry draft of the plan which will be considered along with the proofs of evidence and written representations being prepared for the Inquiry by Councillors in January 2005.
35. A public inquiry will be held to deal with any objections that cannot be successfully addressed for any reason. The independent government inspector will hear all objections and make recommendations for revisions to the plan before it can be adopted (Under the new planning system to be introduced next year, inspector's reports will be binding).
36. Following the successful completion of all the steps outlined above, the Council may formally adopt the Southwark Plan and replace the existing UDP. It is hoped that the Southwark Plan may be adopted in Summer 2005.

Resource/Financial Implications

37. The Southwark Plan (Unitary Development Plan) Inquiry is planned for April and May 2004. Provision has been made for £100, 000 in the 2004/5 planning policy budget to meet preparation costs. Further funding is being sought within the 2005/6 Planning and Transportation budget to meet the costs of holding the inquiry. The largest proportion of the funding is will be required for the cost of holding the inquiry, Inspector and barrister fees.
38. The Inquiry is a statutory requirement as part of the adoption process of a Unitary Development Plan (the Southwark Plan). It is essential that the short timescales are continued for adoption of the Southwark Plan. This is because outstanding issues around the strength of various controversial policies when making development control planning decisions can be very costly to the Council. The costs mainly arise when developers appeal against the Council's planning decisions questioning the strength of decisions based on policies which have not been considered at a public inquiry. These appeals have a significant cost to the Council.

Equal Opportunities Implications

39. There are positive implications in relation to equal opportunities for both policy setting and inclusion in consultation processes.
40. When planning decisions are made on whether developments should be permitted using the Southwark Plan, they will all be delivering the Community Strategy five key priorities.
41. This is because the Southwark Plan policies have all been evaluated against sustainability and community strategy priorities to demonstrate how the policies deliver these priorities.
42. Furthermore all developments that meet a set of criteria demonstrating that they may cause social, environmental and economic impacts are required to submit a Sustainability Appraisal

and Design Statement with each planning application. These two requirements measure how a development delivers the community strategy priorities and sustainability, considering issues such as: affordable housing which includes social and key worker housing, provision of larger housing units with 3 or more bedrooms for families, accessibility to and around developments for mobility impaired and disabled people, access to open space for residents, provision of small businesses and services for local communities, school place provision, employment opportunities generally and for local residents, provision of childcare and training, locating development in places which are easy to travel to by public transport, wheelchair accessible parking, wheelchair accessible affordable housing (and many others). These positive, measurable impacts which can be considered as part of the application process will enable improvements in provision for many potentially disadvantaged communities within Southwark.

43. It is considered that the new Southwark Plan provides an excellent opportunity for all members of the community to become involved in shaping the future of land use planning and development in Southwark. It is also considered that the variety and scope of consultation procedures intended to be undertaken will aid in engaging all members of the community in the process.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Borough Solicitor

44. The government has recently released a series of new Commencement Orders, Regulations and Planning Policy Statements. The Planning Committee will be considering this report the day after many of the new provisions come into force. Legal Services are currently working on revised legal advice that will be circulated to members in advance of the meeting. This will ensure that members have accurate and up to date advice on which to make their decisions.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
The Southwark Plan (2002) – the First Draft for Deposit Southwark Unitary Development Plan	Planning Policy Team Chiltern House	Kirstin Clow

AUDIT TRAIL

Lead Officer	Paul Evans, Strategic Director of Regeneration	
Report Author	Julie Seymour Planning Policy Manager	
Version	Final	
Dated	21 st September 2004	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Borough Solicitor & Secretary	Yes	Yes
Executive Member	Yes/No	Yes/No

APPENDICES

Appendix 1 The pre-inquiry modifications to the Southwark Plan 2004 (Second Draft Unitary Development Plan)

Appendix 2 List of figures

Appendix 1

The pre-inquiry modifications to the Southwark Plan 2004 (Second Draft Unitary Development Plan)