

Item No. 9.	Classification: Open	Date: 17 May 2011	Meeting Name: Cabinet
Report title:		Peckham and Nunhead Area Action Plan Towards a Preferred Option	
Ward(s) or groups affected:		Livesey, Peckham, The Lane, Nunhead, Peckham Rye	
Cabinet Member:		Councillor Fiona Colley, Regeneration and Corporate Strategy	

FOREWORD – COUNCILLOR FIONA COLLEY, CABINET MEMBER FOR REGENERATION AND CORPORATE STRATEGY

This report recommends the next phase of consultation on the Peckham and Nunhead Area Action Plan. This key piece of planning policy will set out our vision for the future of SE15. We believe the area has the potential to provide more than 2,000 new homes, mostly in and around the town centre. The Plan will help to ensure we get the types of homes we need and also to ensure that as sites are developed they also make a positive contribution to the change we want to see in Peckham, particularly along Rye Lane, the High Street and Queens Rd. There will be less development in Nunhead, however, there is still potential for improvements and also a need to protect its local character.

At this stage we want to engage further with local residents, businesses and community groups on a variety of issues to ensure that the Preferred Option we reach later in the year truly represents the vision of the whole community for the future of Peckham and Nunhead.

With the right policies in place we will be able to build on the best of Peckham – its diversity, the growing arts and cultural buzz – and consign ill deserved negative images to the past where they belong.

RECOMMENDATIONS

That Cabinet

1. Considers the Peckham and Nunhead Area Action Plan (AAP) Towards a Preferred Option (appendix A).
2. Notes the consultation report (appendix B) and the consultation strategy and plan (appendix C).
3. Notes the interim Sustainability Appraisal (appendix D) and the Equalities Impact Assessment stage 1 report (appendix E).
4. Considers the comments of the Planning Committee on the Issues and Options Report (set out in appendix F).
5. Adopts for consultation the Peckham and Nunhead Area Action Plan (AAP) Towards a Preferred Option.

BACKGROUND INFORMATION

6. We are preparing an area action plan (AAP) for Peckham and Nunhead. The AAP will comprise localised policies which help shape the regeneration of Peckham. Like the core strategy it must be a spatial plan and concentrate on how change will be managed and achieved. Once adopted it will be a development plan in the council's local development framework (LDF) and will be used as the basis for determining planning applications in the area. Together with the Core Strategy and other AAPs, it replaces the Southwark Plan.
7. We are currently at the third stage of preparing the AAP. The first stage involved preparing and consulting on the sustainability appraisal scoping report. Consultation on the scoping report has been completed. The Scoping Report has been updated to incorporate the comments where this was appropriate (appendix D). The comments received have informed the preparation of an issues and options report.
8. The second stage was issues and options; we consulted on strategic options for the regeneration of the area. These options were fairly broad, but established distinct and viable alternative approaches to regeneration and redevelopment. At this stage, we did not state which of the options we prefer. The comments received have informed the preparation of the preferred options.
9. The towards a preferred option has been introduced to carry out further consultation on options to ensure that we have fully consulted on all of the possible options before we select the preferred option. The towards a preferred option is accompanied by an interim sustainability appraisal (appendix D) (the full appraisal is prepared at the preferred options stage), an equalities impact assessment (appendix E) and a consultation plan (appendix C).
10. The fourth stage will be the preferred option consultation by the end of 2011 on preferred options will establish a direction for policies such as the amount of new housing, tenure, transport, open spaces, schools and health facilities. The fifth stage will propose the same document for both the publication and submission to the Secretary of State for examination in public in Autumn 2012. This document will be published and representations as to its soundness will be invited. At the end of this period the same version of the document and representations received as to its soundness were submitted to the Secretary of State for independent examination. The submission will be subject to an examination in public held by a planning inspector appointed to act on behalf of the Secretary of State. The inspector will consider representations made by interested parties to test the soundness of the draft core strategy. This will involve the inspector asking further questions about issues and examining relevant evidence. The Inspector will then publish a report with binding recommendations. We will then choose to adopt the final Area Action Plan or to withdraw and go back to informal consultation.
11. Planning committee and Community Councils will be consulted as part of the consultation.

CONSULTATION

12. Formal consultation on the issues and options took place between 30 March 2009 and 25 May 2009. A report on the consultation carried out so far has been prepared (appendix B). Formal consultation will take place between 20 June 2011 and 1 August 2011. This will be preceded by 6 weeks of information consultation, starting on 9 May 2011.
13. The Planning and Compulsory Purchase Act 2004 (amended 2008) and the council's Statement of Community Involvement require consultation at preferred options stage to be ongoing and informal. To guide the overall approach to consultation on the AAP, the council has prepared an overarching consultation strategy (appendix C). At each stage in preparing the document, the council will also prepare detailed consultation plans. This is contained in appendix C.
14. It is important to recognise that a considerable amount of consultation has taken place over the last few years, particularly in Peckham. The council aims to build on this process and demonstrate that previous comments have been taken into account to try and avoid consultation fatigue.

KEY ISSUES FOR CONSIDERATION

15. Peckham and Nunhead Area Action Plan is challenging as the council is not able to stimulate regeneration through leading on development as many of the key development sites are not in council ownership. Furthermore the regeneration of Peckham to create a thriving town centre based on the regeneration of housing has not been forthcoming. We need to work closely with landowners to bring about ideal circumstances for private investment on key sites in the area. The area covers the two community council areas of Peckham and also Nunhead and Peckham Rye. There is a core area around the town centre where major development is proposed and a wider area where improvements will be of a smaller scale and more focused on accessibility, health and safety and public realm. Peckham and Nunhead Area Action Plan Issues and Options paper is set out in appendix A.
16. There are a number of key issues for consideration:
17. Irrespective of the type of growth that occurs, there are a set of options for how we should prioritise land uses. We are considering targets for homes, retail and jobs. This covers what protection we should give to employment versus other land uses and what sort of shopping offer we should have in the town centre.
18. The options for building on Peckham's reputation for creativity include providing space for creative industries under the railway arches and building new cultural facilities around Peckham Square and Peckham Rye Station. We also have an option that prioritises creative and cultural industries over other employment uses. Building on Peckham's reputation as a growing creative centre is an opportunity to help transform the reputation of Peckham into a more positive one. We have an option for identifying Peckham as a creative and cultural hub where we will give priority to creative and cultural businesses uses over others.

19. While Peckham town centre is trading well with few vacant shop units, some local people do not feel there is enough variety in shops and the night-time economy does not cater for everyone. Our options look at changing the mix of uses in the town centre to introduce more cafes and restaurants. The Aylesham Centre is one of the largest development opportunities in the area and we will work with the land owners to identify a redevelopment opportunity. This is a good opportunity to get in larger shop units.
20. For working and learning in Peckham we will continue to implement the SSFF programme and programmes such as Southwark Works to help local people get into work. All options look at how we can provide more space for small and medium businesses.
21. We are supporting the NHS in their provision of health facilities.
22. We need to decide if we want to establish a new conservation area over part of the town centre. Conservation areas have shown to complement regeneration rather than constrain development. We are consulting in parallel on new conservation areas. An example is Bermondsey Street. We are also considering listing local buildings for protection.
23. We are continuing to protect existing open spaces and proposing new sites of importance for nature conservation.
24. We are supporting and encouraging public transport improvements including the Tram, Bakerloo Line extension and East London line extension phase 2. We are also considering options for car parking in the town centre.
25. We are also considering sustainable options with energy provision and larger unit sizes.
26. There are a number of development sites where various proposals for development are set out.
27. Implementation depends on different stakeholders including the council, transport for London, the primary care trust, community groups, developers and network rail. Clarity has been provided in each option about the stakeholder responsible.

Community impact statement

28. The purpose of the AAP is to facilitate regeneration and deliver the vision of Southwark 2016 in a sustainable manner ensuring that community impacts are taken into account.
29. In preparing the Towards a Preferred Option, the council has also completed Equalities Impact Assessment (EqIA) scoping reports (available on the website). These highlight a number of key issues that need to be addressed in preparing the AAP. The first of these is the need to ensure that the methods used to consult and engage people in the preparation of the AAP are open and accessible to all members of the community. To help address this issue the council has prepared a consultation strategy which sets out the principles of how it will consult and the importance of reducing barriers to consultation. These emphasise that particular needs such as access, transport, childcare and

translation need to be considered, as well as a strategy to broaden the appeal of consultation and make it attractive to a diverse range of people and groups. At each stage, participation will be monitored and analysed to see whether any particular groups have not been engaged and whether this can be addressed at the next stage.

30. Other issues which the EqlAs highlight include access to housing for all groups. There are particular groups, such as BME communities, who are impacted by the size of housing and have a need for family sized units. It will also be important to ensure that homes are adaptable and meet lifetime homes needs, and that homes which can be easily adapted to wheelchair use are provided. The latter are important considerations for the elderly and people with disabilities. The council has a statutory duty to provide for Gypsies and travelers, and this needs to be taken into account in allocating sites in the plan. It will also be important that the plans help reduce barriers to work which are experienced by those with low skills, single parent families, and people with disabilities in particular. This will have implications for a number of the council's equalities target groups, including the young and older people, people with disabilities and people in BME communities whose first language is not English.
31. Other important issues include access to facilities, to shops, jobs, schools etc. It will be important to ensure that provision is located in areas which are accessible. This can be particularly important for groups who are less likely to have access to cars, including the young and elderly. While it will be important to improve access to public transport and reduce parking requirements, it should be borne in mind that some groups rely on cars, particularly families and the elderly.
32. An interim sustainability appraisal has been prepared to ensure the wider impacts of development are addressed. Both the sustainability appraisal and the EqlA will be taken forward and revised at preferred options stage.

Resource/Financial implications

33. This report is seeking cabinet agreement to the recommendations outlined above in considering the Peckham and Nunhead Area Action Plan (AAP) towards a Preferred option.
34. There are no immediate resource implications arising from this report as any additional work required to complete the work towards a Preferred Option will be carried out by the relevant Policy team staff resources without a call on additional funding.
35. However, future development schemes emerging from the final approved Area Action Plan will be subject to separate reports which will provide detailed and robust analysis of the financial implications of the individual schemes.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

36. The Purpose of this report is for Cabinet to consider the Peckham and Nunhead Area Action Plan (PNAAP) revised preferred options and adopt the preferred options for consultation.

Procedure for adoption of the PNAAP

37. Regulation 7 of the Town and Country planning (Local Development) (England) Regulations 2004 ('The Regulations') provides that Area Action Plans must be development plan documents (DPDs). This means that the PNAAP has the benefit that it will have development plan status once adopted.
38. The fact that the PNAAP will have DPD status also means that the legislative processes for the preparation of DPDs must be followed. The preparation process can be divided into four stages: -
 - Pre-production – survey and evidence gathering leading to decision to include the PNAAP in the Local Development Scheme;
 - Production – preparation of preferred options in consultation with the community, formal participation on these, and preparation and submission of the PNAAP in light of the representations on the preferred options;
 - Examination – the independent examination into the soundness of the PNAAP; and
 - Adoption – the binding report and adoption.
39. The report that Cabinet is being asked to consider forms part of the production stage, as detailed above. The normal process would be for the preferred options to be developed following the consideration of issues and options. However, as is explained in the body of the report Members are now being asked to consult on some issues and options as a result of the previous consultation and on some issues and options which are currently preferred. This is very good practice to ensure that all comments and considerations are captured before the preparation of the preferred options, which is to follow later this year. Regulation 25 of the Regulations requires the council to consult with the community and stakeholders during the preparation of DPDs
40. In preparing the PNAAP the council must have regard to: -
 - National policies and guidance;
 - The London Plan;
 - Southwark 2016, the sustainable community strategy;
 - Any other DPDs adopted by the council; and
 - The resources likely to be available for implementing the proposals in the PNAAP.
41. As set out in the main body of this report, consultation on the issues and options was undertaken between March and May 2009. As a result of the consultation, the Towards A Preferred Option document has been produced. This new consultation will bring the document to the attention of the community and enable them to make representations in accordance with the regulations and the council's procedures.
42. The approval of a development framework document for consultation is delegated to the Individual Cabinet Members (IDM) for their area of responsibility under Part 3D, paragraph 18 of the constitution. However, the Cabinet member for Regeneration and Corporate Strategy has requested that the matter be considered by full Cabinet as the decision affects more than one portfolio.

Strategic Environmental Assessment/Sustainability Appraisal

43. An interim Sustainability Appraisal has been carried out and is appended to this report. A Sustainability Appraisal of DPDs is required by section 19(5) of the Planning and Compulsory Purchase Act 2004 and should be an appraisal of the economic, social and environmental sustainability of the plan. Provided that the sustainability appraisal is carried out following the guidelines in the *Practical Guide to the Strategic Environmental Assessment Directive* and the *Plan-Making Manual* there is no need to carry out a separate Strategic Environmental Assessment. At the time of writing this concurrent, the interim Sustainability Appraisal was not available for review and an update on this will be provided at the Cabinet Meeting.

Human rights implications

44. The Human Rights Act 1998 imposes a duty on the council as a public authority to apply the European Convention on Human Rights and the council must not act in a way which is incompatible with these rights. The most important rights for planning purposes are article 8 the right to respect for home and article 1 of the First Protocol, the right to peaceful enjoyment of property. Article 6 is also engaged in relation to the principles of natural justice. In general, these principles are inherent in domestic law. As this DPD preparation is being carried out in accordance with the statutory process, it is likely that it is in conformity with the Human Rights Act 1998.

Equalities impact assessments (EqIAs)

45. Positive equalities obligations are placed on local authorities, sometimes described as equalities duties with regard to race, disability and gender.
46. Gender equality duties were introduced by the Equality Act 2006, which amended the Sex Discrimination Act 1975. The general duties in summary require local authorities to have due regard to the need to:
- (a) “eliminate unlawful discrimination and harassment and;
 - (b) promote the equality of opportunity between men and women.”
47. Race equality duties were introduced by the Race Relations Amendment Act 2000 which amended the Race Relations Act 1976. The general duties in summary require local authorities to give due regard to the need to:
- (a) “eliminate unlawful discrimination and harassment;
 - (b) promote the equality of opportunity; and
 - (c) promote good race relations between people of different racial groups”
48. Disability equality duties were introduced by the Disability Discrimination Act 2005 which amended the Disability Act 1995. The general duties in summary require local authorities to carry out their functions with due regard to the need to:
- (a) “Promote equal opportunities between disabled persons and other persons;
 - (b) Eliminate discrimination that is unlawful under the Act;
 - (c) Eliminate harassment of disabled persons that is related to their disabilities;
 - (d) Promote a positive attitude towards disabled persons;
 - (e) Encourage participation by disabled persons in public life; and

(f) Take steps to take account of disabled person's disabilities even where that involves treating disabled persons more favourably than other persons."

49. Section 71 of the Race Relations Act 1976, section 49A(i) of the Disability Discrimination Act 1995 and section 76A of the Sex Discrimination Act 1975, require local authorities to act in accordance with the equalities duties and have due regard to these duties when we are carrying out our functions, which is important in the context of PNAPP as it will be important to ensure and continue to monitor that it does foster the creation of mixed communities.
50. Equalities have been considered as part of the development of the PNAAP and an interim Equalities Impact Assessment (EqIA) has been carried out. Further EqIAs will be undertaken throughout the process to assess the implications of applying the policy. EqIAs are an essential tool to assist councils to comply with equalities duties and ensure they make decisions fairly.
51. The EqIA in respect of the PNAAP considered the impact of the proposed policy on groups who may be at risk of discriminatory treatment and has regard to the need to promote equality among the borough's communities.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
London Plan 2008	Planning Policy Team Chiltern House	Sandra Warren 020 7525 5471
Southwark Statement of Community Involvement	Planning Policy Team Chiltern House	Sandra Warren 020 7525 5471
Core Strategy 2011	Planning Policy Team Chiltern House	Sandra Warren 020 7525 5471
Southwark Plan 2011	Planning Policy Team Chiltern House	Sandra Warren 020 7525 5471

APPENDICES

No.	Title
Appendix A	Towards a Preferred Option (circulated separately)
Appendix B	Consultation Report (available on the internet)
Appendix C	Consultation Strategy and Plan (available on the internet)
Appendix D	Interim Sustainability Appraisal (available on the internet)
Appendix E	Stage 1 Equalities Impact Assessment (available on the internet)

AUDIT TRAIL

Cabinet Member	Councillor Fiona Colley, Cabinet Member for Regeneration and Corporate Strategy	
Lead Officer	Eleanor Kelly, Deputy Chief Executive	
Report Author	Julie Seymour, Head of Planning Policy	
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Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	Yes
Finance Director / Departmental Finance Manager	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team		6 May 2011