

<b>Item No.</b> 14.	<b>Classification:</b> Open	<b>Date:</b> 19 March 2013	<b>Meeting Name:</b> Cabinet
<b>Report title:</b>		Southwark Planning Policy Compliance with the National Planning Policy Framework	
<b>Ward(s) or groups affected:</b>		All, borough-wide	
<b>Cabinet Member:</b>		Councillor Fiona Colley, Regeneration and Corporate Strategy	

## **FOREWORD - COUNCILLOR FIONA COLLEY, CABINET MEMBER FOR REGENERATION AND CORPORATE STRATEGY**

In line with the requirements of the new National Planning Policy Framework we have reviewed all of our planning policies to ensure they comply with the new framework. I am glad to report that almost all our policies are in compliance and we will continue to apply them to planning applications in the borough.

The principal exception to this is our retail policy which seeks to prevent out of town retail developments which could be to the detriment of local high streets and town centres. This policy will need to be rescinded and replaced with the national policy which also seeks to control out of town development but is slightly less testing. However, we don't believe this is likely to lead to more out of town retail developments in Southwark as the NPPF still prioritises town centre developments.

## **RECOMMENDATIONS**

That cabinet

1. Notes the requirement set out in the National Planning Policy Framework to consider whether Southwark's planning policies comply with national planning policy as set out in the National Planning Policy Framework before agreeing that they can continue to be used when making planning decisions.
2. Agrees the assessment of compliance with the National Planning Policy Framework of the Southwark local development framework as set out in the report.
3. Agrees the Core Strategy 2011 and Area Action Plans should continue to be used and planning decisions made with reference to them in accordance with s.38 of the Planning and Compulsory Purchase Act 2004 as they have been found to comply with the National Planning Policy Framework as set out in Appendices 1, 2, 6 and 7.
4. Agrees that the Saved Southwark Plan policies and sites as set out in appendices 1 and 3 to 5 can be used in planning decisions as it has been assessed that they comply with the National Planning Policy Framework.
5. Agrees to rescind the Saved Southwark Plan 2010 policies and sites as set out in appendices 1 and 3 to 5.

## **BACKGROUND INFORMATION**

6. The National Planning Policy Framework (NPPF) published on 27 March 2012 sets out the Government's planning policies and how these are expected to be applied and reflected in development plans produced by local planning authorities. The NPPF replaces most existing national planning policy previously contained in Planning Policy Statements (PPSs) and Planning Policy Guidance (PPGs) in an effort to simplify the planning system.
7. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In Southwark, the development plan consists of the London Plan, the Core Strategy and the Saved Southwark Plan Policies 2010.
8. It is now necessary to assess all of Southwark's planning policies and proposals to ensure that they are not in conflict with the National Planning Policy Framework. From the date of its publication in 2012, the policies contained in the framework were material considerations that had to be taken into account in planning decisions. Interim arrangements allowed for local policies to continue to be used even if there was a limited degree of conflict with the NPPF for a period of 12 months. Therefore, from the date 12 months on, i.e. on 27 March 2013, it will be no longer possible to use policies that are in conflict with NPPF.
9. This report identifies policies that are in conflict with the NPPF and, therefore, can no longer be used (the process of agreeing this is called 'to rescind'). It confirms the policies that can continue to be used.
10. The council has reviewed its adopted Core Strategy, Area Action Plans and Saved Southwark Plan policies, sites and appendices to take account of the NPPF, new legislation, the new London Plan, evidence to support using them, and other updates.
11. The review has also identified proposals sites that no longer need to be identified in the development plan because they have been built out.
12. It is proposed that Southwark Council will set out a timetable for preparation of a Local Plan called the new Southwark Plan in April as set out in the Local Development Scheme. As part of this review Southwark Council will assess in detail the Supplementary Planning document review timescales.

## **KEY ISSUES FOR CONSIDERATION**

### **Policy implications**

13. The Core Strategy and Saved Southwark Plan 2010 policies have been evaluated using the Planning Advisory Service checklist to ensure that they meet current legal requirements.

### **Core strategy and Area Action Plans**

14. The policies in the Core Strategy all met the requirements set out in the National Planning Policy Framework and the checklist and are therefore compliant. Therefore there are no implications for planning policy as set out in the Core

Strategy from the NPPF review.

15. The policies and sites in the Aylesbury and Canada Water Area action plans all met the requirements set out in the National Planning Policy Framework and the checklist and are therefore compliant except CWAAP 5 and 6.
16. Sites in the Canada Water Area Action Plan CWAAP 5 and 6, (also known as Sites A and B) will not be used any more (rescinded) as they are being built.
17. A site ownership change in Canada Water has led to a review of Harmsworth Quays and surrounding sites as set out in the Local Development Scheme 2012. Therefore there will a revised preferred option and submission version setting out changes for this area which will take into account of the NPPF. Therefore there are no implications for planning policy from the NPPF review.
18. The policies for Peckham and Nunhead Area Action Plan have been subject to consultation since the NPPF came into force and therefore are up to date and will be considered by the Planning Inspector in the summer. Therefore there are no implications for planning policy from the NPPF review.

### **Saved Southwark Plan**

19. Most of the Saved Southwark Plan policies, appendices, and sites 2010 are up to date and comply with the NPPF. The retail policy is now out of date and will not be used any more (rescinded). The conservation, heritage and local views policies will be used in conjunction with the NPPF as explained below.

### **Retail Policies**

20. Saved policy 1.8 controls the creation of new retail space outside town and local centres and says that it can only be permitted in exceptional circumstances where the following criteria can be met:
  - i. A need for the development can be demonstrated; and
  - ii. There are no suitable sites available in town and local centres, in which case preference will be given to edge-of-centre sites with good pedestrian access to the town and local centres and then out-of-centre sites close to and potentially linked to the town or local centre; and
  - iii. The vitality and viability of the town and local centres will not be harmed; and
  - iv. The applicants can demonstrate that they have been flexible about the format, scale, design and parking provision in the sequential search for sites; and
  - v. The proposal will be accessible by a choice of means of transport.
21. According to the NPPF, development still has to demonstrate that it meets the sequential test in that town centre or edge centre locations are preferred but it is not necessary to demonstrate a need for retail development and there is less emphasis on the format of the store and scale. This is sufficient conflict to require policy 1.8 to be rescinded.
22. The effect of this is likely to be that, although there is one less test for the developer to pass, it is unlikely to lead to more out of town centre developments and there is no significant impact as the NPPF still prioritises town centre development.

## **Conservation Policies**

23. The NPPF has changed some of the basic principles on which conservation policies are set out. This requires careful assessment of saved policies:
- 3.15, Conservation of the Historic Environment,
  - 3.16 Conservation Areas,
  - 3.17 Listed Buildings,
  - 3.18 Setting of Listed Buildings, Conservation Areas and World Heritage Sites and 3.22 Important Local Views.
24. The Southwark policies are based on the previous government policy which put emphasis on the desirability of preserving or enhancing the historic character of conservation areas. The NPPF changes the emphasis to introduce new testing for harm. In practice the starting point is likely to be the NPPF and London Plan with the Southwark Plan providing additional detail with policies being afforded weight in line with their compliance with the NPPF as set out in the Framework.

## **Appendices**

25. The housing standards and guidance contained in appendix 2 of the Southwark Plan have been replaced in the Core Strategy 2011 and additional guidance is set out in the Residential Design Standards SPD 2011. There is, therefore, no need for this to be retained and it should be rescinded. There are no implications for planning policy from the NPPF review.
26. Appendix 3 of the Southwark Plan contains a set of site allocations. Some of these have been built out, some are being built out and 2 (14P St James school and 15P Neckinger Estate) are not going to be built and therefore do not need to be retained. The following sites will, therefore, be rescinded. There is one site to be rescinded because there is updated policy in the Core Strategy so this site allocation is no longer relevant (57P 6-28 Sylvan Grove). These sites do not need to be retained as they are not needed to make decisions about planning applications and therefore there are no implications for planning policy from the NPPF review.

## **Map**

27. The adopted policies map shows all of the different designations such as open space and conservation areas and all of the development sites. This will be updated in line with the above changes as set out in appendix 8.

## **Timetable**

28. The timetable for preparing a New Southwark Plan will be set out in April as set out in the Local Development Scheme 2012. This will also include a timetable for preparation of additional guidance for the Borough, Bankside and London Bridge area. There are currently 3 proposals for neighbourhood areas and forums within this area that are being considered by the Council. These may lead to preparation of neighbourhood plans.

## **Community impact statement**

29. Planning has significant impacts on social, economic and environmental issues within Southwark. All decisions about the types of development that can be built, the places and spaces that can be created and the projects that need to be carried out to address the impacts of development affect local people and often those London-wide. Therefore preparation of planning documents takes place with consultation on a number of drafts to ensure that comments can be made to address any possible negative consequences or unintended consequences of policy making.
30. Furthermore planning documents are all subject to sustainability appraisal and equalities impact assessment. When preparing new documents they will be screened for equalities and sustainability issues to ensure that these issues have been considered to address appropriate issues.

## **Resource implications**

31. Resource issues for preparing planning documents have been set out in the Local Development Scheme 2012. There will be further detailed consideration of resourcing when preparation of the New Southwark Plan and Borough, Bankside and London Bridge guidance commences.

## **Consultation**

32. Consultation with the public is not required on compliance with the National Planning Policy Framework. This is a technical and legal process that considers whether the policies meet criteria set out in the Framework and guidance from the Planning Advisory Service.
33. All planning documents are subject to consultation to find out what local people think of proposals and to gain comments on possible impacts. All of the documents and policies being saved have been subject to consultation with responses by officers to each comment being considered by members. There will be consultation on preparation of the New Southwark Plan which will be a Local Plan. The timetable for preparation will be agreed in April.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Legal Services**

34. From its introduction in March 2012, the National Planning Policy Framework (NPPF) replaced most of the previously published Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs).
35. The NPPF constitutes guidance for Local Planning Authorities in the preparation of Local Plans and in the taking of development management decisions. There is no change to the substantive law which in accordance with section 70(2), Town and Country Planning Act 1990, provides that planning applications 'must be determined in accordance with the development plan unless material considerations indicate otherwise'.
36. Until 27 March 2013, the council may continue to give full weight to the relevant policies in the Core Strategy, Area Action Plans and the Saved Southwark Plan

2010 even if there is a limited degree of conflict with the NPPF. (para 214, NPPF)

37. After 27 March 2013, para 215 of the NPPF states that due weight should be given to the policies in the development plans where they accord with the NPPF. The closer that the policies are to the policies in the NPPF, then the greater the weight which can be given to them.
38. The Planning Inspectorate have urged councils to undertake a self assessment as to the compliance of the relevant plans with the NPPF and it is this exercise which officers have now carried out and their findings form part of this report. However, it should be noted that the completion of the NPPF checklist as officers have done is an exercise which is not obligatory. However, the fact that this work has been undertaken is strongly advisable in order to ensure as far as possible that planning decisions which are taken after 27 March 2013 are made on a proper basis.

#### **Strategic Director of Finance and Corporate Services (FC13/010)**

39. The strategic director of finance and corporate services notes that there are no new financial implications resulting from this report. There will need to be close monitoring of the implementation of these policies to ensure costs are contained within available resources.
40. Strategic director of finance and corporate services notes that there will be further detailed consideration of resourcing when preparation of the New Southwark Plan and Borough, Bankside and London Bridge guidance commences. Where possible, costs will be contained within existing resources.

#### **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Southwark Local Development Scheme 2012 <a href="http://www.southwark.gov.uk/info/856/planning_policy/1258/local_development_scheme">http://www.southwark.gov.uk/info/856/planning_policy/1258/local_development_scheme</a>	Planning Policy Team, 160 Tooley Street, London SE1 2QH	Sandra Warren, administration officer 020 7525 5471
Southwark Plan Saved Policies 2010 <a href="http://www.southwark.gov.uk/info/856/planning_policy/1241/the_southwark_plan">http://www.southwark.gov.uk/info/856/planning_policy/1241/the_southwark_plan</a>	Planning Policy Team, 160 Tooley Street, London SE1 2QH	Sandra Warren, administration officer 020 7525 5471
Southwark Core Strategy 2011 <a href="http://www.southwark.gov.uk/info/200210/core_strategy">http://www.southwark.gov.uk/info/200210/core_strategy</a>	Planning Policy Team, 160 Tooley Street, London SE1 2QH	Sandra Warren, administration officer 020 7525 5471
Aylesbury Area Action Plan <a href="http://www.southwark.gov.uk/info/200211/area_action_plans/1327/aylesbury_area_action_plan">http://www.southwark.gov.uk/info/200211/area_action_plans/1327/aylesbury_area_action_plan</a>	Planning Policy Team, 160 Tooley Street, London SE1 2QH	Sandra Warren, administration officer 020 7525 5471

Background Papers	Held At	Contact
Canada Water Area Action Plan <a href="http://www.southwark.gov.uk/info/200314/canada_water">http://www.southwark.gov.uk/info/200314/canada_water</a>	Planning Policy Team, 160 Tooley Street, London SE1 2QH	Sandra Warren, administration officer 02075255471
NPPF <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf</a>	Planning Policy Team, 160 Tooley Street, London SE1 2QH	Sandra Warren, administration officer 02075255471

## APPENDICES

No.	Title
	Note: Appendices 1 - 9 are available to view on the council website – link below <a href="http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&amp;Mid=4252&amp;Ver=4">http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&amp;Mid=4252&amp;Ver=4</a>
Appendix 1	Review of the Core Strategy, Saved Southwark Plan and Area Action Plans to test for compliance with NPPF and conformity with the London Plan
Appendix 2	Review of the Core Strategy 2011 to test compliance with the NPPF
Appendix 3	Review of the Saved Southwark Plan 2010 policies to test compliance with the NPPF
Appendix 4	Review of the Saved Southwark Plan 2010 appendices to test compliance with the NPPF
Appendix 5	Review of the Saved Southwark Plan sites to test compliance with the NPPF
Appendix 6	Review of the Aylesbury Area Action Plan to test compliance with the NPPF
Appendix 7	Review of the Canada Water Area Action Plan to test compliance with the NPPF
Appendix 8	Adopted policies map sites update
Appendix 9	The Glossary

## AUDIT TRAIL

<b>Cabinet Member</b>	Councillor Fiona Colley, Regeneration and Corporate Strategy	
<b>Lead Officer</b>	Eleanor Kelly, Chief Executive	
<b>Report Author</b>	Juliet Seymour, Planning Policy Manager	
<b>Version</b>	Final	
<b>Dated</b>	7 March 2013	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
<b>Cabinet Member</b>	Yes	No
<b>Date final report sent to Constitutional Team</b>	7 March 2013	