

2 February 2021

By email

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Dear Ms Christie

NEW SOUTHWARK PLAN EXAMINATION - MATTERS, ISSUES AND QUESTIONS (EIP88)

AYLESHAM SHOPPING CENTRE – SITE ALLOCATION NSP71

INTRODUCTION

This letter is written by Turley on behalf of Tiger Developments Ltd and the BlackRock UK Property Fund (BUKPF). BUKPF is freehold owner of the site, excluding the Transport for London (TfL) land.

This letter responds to Matter 10, Issue 13, questions 10.83 – 10.88 and considers the National Planning Policy Framework (NPPF) soundness tests. Amendments sought to the policy wording are set out.

10.83 Is the site developable during the plan period? Is the bus station facility on the site required to be accommodated as part of the redevelopment and is the policy justified in seeking 'small business space' in lieu of any surplus bus infrastructure?

BUKPF is committed to redevelopment well within the plan period. BUKPF owns the majority of the allocation and has engaged with TfL in relation to pre-application proposals for a comprehensive scheme addressing the whole site. BUKPF has engaged with Morrisons supermarkets, the only long leaseholder on site; a new supermarket will be provided within the scheme, with continuity of trading during construction.

The scheme includes an upgraded bus facility on the TfL land and a new north-south bus route through the site; a substantial public benefit. The existing facilities will be relocated during construction and replaced permanently on TfL land. This may constitute a surface-level facility only, or include residential and commercial development. The planning strategy allows either scenario, dependent upon TfL's intentions. Significantly, redevelopment of the BUKPF land is deliverable independently.

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Pre-application discussions with LBS have led to a shared vision for the allocation site, in terms of key principles, which is largely reflected in the draft policy, excepting those points with which we have taken issue in this and previous representations. We have also engaged positively with the Greater London Authority (GLA) and TfL City Planning.

Submission of a planning application is targeted for mid-2021 subsequent to further public engagement. The Site Allocations Methodology Report (2020) assumes delivery of the site in years 6-15 (within the timeframe 2023 – 2033). The current construction programme plans for implementation in 2022.

10.84 Does the allocation make the most of the opportunity to reduce the quantum of car parking on the site given its PTAL rating?

The parking standards of draft policies P53 and P54 account for PTAL so this is unnecessary.

Policy T6.3 (G) of the draft London Plan (DLP) enables LPAs to adopt increased parking standards where requirements would otherwise cause a diversion of demand from town centres to out-of-town retail and/or significantly reduce the viability of mixed-use town centre redevelopment. These provisions are included in the DLP following Directions from the Secretary of State.

The proposed new homes will be car-free. A substantial reduction in the existing town centre parking is also proposed; however, the continued provision of a town centre car park is essential to the commercial and operational requirements of existing retailers in Peckham Town Centre. Car parking surveys undertaken by the design team indicate that the existing car park is heavily used.

It is essential that a proportion of town centre parking is retained to allow development to come forward. Any site-specific approach to parking should be more, not less, permissive.

Draft NSP71 requires re-provision of existing retail floorspace. A key factor in delivery of this is the commercial needs of retailers. Whilst BUKPF has had positive and advanced-stage discussions with Morrisons as long-leaseholder, redevelopment is predicated upon securing a minimum level of town centre parking. This has been reflected in pre-application discussions to date.

It is necessary to establish the conditions in which a reasonable landowner would be willing to make land available for development. This is established in relation to viability (as per PPG paragraph 10-012-20180724). In order to be effective and deliverable, the strategy must have delivery partners who are signed up to the approach.¹

¹ Planning Advisory Service *Soundness Self-Assessment Checklist* (March 2014)

10.85 What evidence and assumptions of density/building heights have informed the indicative capacity of the site to accommodate a mix of uses including some 850 new homes? Is the indicative capacity reflective of the site’s location within the Borough View of St Paul’s Cathedral from One Tree Hill?

AND

10.86 Does heritage and townscape assessment of the site in the Peckham and Nunhead Area Action Plan (PNAAP 26), which concluded that development of up to 20 storeys could be appropriate in this location remain valid in justifying the NSP approach to tall buildings on this site?

Density and site capacity

EIP82 Southwark Site Allocations Methodology Paper (2020) refers to a method of converting site area into floorspace, based on assumptions regarding the average number of storeys and proposed uses. The assumed number of storeys for the subject site is not provided but we compare the floorspace figures with the pre-application scheme below.

Site capacity assumptions (GIA)

| Land use | EIP82 | Homes | Pre-application scheme | Homes |
|-----------------|--------|------------------|------------------------|----------------------------------|
| Residential | 62,815 | 850 (73.9sqm av) | 83,089 | 920 – 950 (87 - 90 sqm av) |
| Non-residential | 22,120 | | 11,117 | |
| Total | 84,935 | | 94,206 | |

LBS’s assumptions include more than double the existing non-residential floorspace. This could not be achieved without non-residential uses on upper floors, given the public realm and transport requirements of the site, nor is it likely to be commercially deliverable in the context of substantial economic challenges in the sector. Draft policy NSP71 only requires re-provision of the existing floorspace. This over-allowance may partly explain the lower indicative residential capacity.

The DNSP does not establish quantitative density requirements but Policy P17 requires the efficient use of land. The need to optimise use of land is underlined by LBS’ ‘presumption’ status with regards to MHCLG housing targets². LBS needs to produce a revised Housing Delivery Test Action Plan; its 2019 plan (in relation to its prior ‘Action Plan’ status³) states:

‘The Council is absolutely committed to responding to the housing crisis. This is why we are using every tool available to increase the supply of all kinds of homes and to continue revitalising neighbourhoods and deliver[ing] the homes, jobs and public spaces that the borough needs.’

The Action Plan identifies constraints to housing delivery, which underpins the need to optimise housing delivery on this site. Notwithstanding the Opportunity Areas in the borough, the plan notes there are very few available large sites and housing delivery needs to be met on small and constricted sites, making housing delivery more

² Housing Delivery Test: 2020 measurement MHCLG

³ Housing Delivery Test: 2019 measurement MHCLG

challenging. The plan also notes LBS' aim to deliver 11,000 new council homes by 2043; the site has the potential to deliver 35% affordable housing, subject to viability.

Adopted LBS policy refers to a density of up to 700 habitable rooms per hectare but this can be exceeded in the Peckham Core Action Area, subject to exemplary design. Draft NSP policy AV.14 (Peckham Area Vision) notes that development in Peckham should '*provide as many homes as possible of all tenures including social housing while respecting the local character*'.

The London Plan sustainable density matrix sets a guideline of 650 - 1,110 habitable rooms per hectare and 215-405 units / hectare (with 2.7 – 3 habitable rooms / unit) for this high PTAL Major Town Centre location. The 3.08 hectare site allows up to 1,247 units or 3,419 habitable rooms.

The Southwark Five and Fifteen Year Housing Land Supply (2016-2031) and PNAAP Policy 26 assume 403 and 400 homes respectively. LBS' Five and 15 Year Housing Land Supply (SP105) (2019) indicates a housing capacity of 645. These allowances would be a significant under-provision which would not optimise the potential of the site.

Building heights and tall buildings

The Tall Buildings Background Paper (2020) (EIP54) refers to PNAAP policy 26 with regards to tall buildings at the subject site.

The tall building evidence base of the PNAAP was subject to examination in 2013. The Inspector's Post Hearings Note – Main Modifications (2013) concludes the following (the subject site is one of the four sites mentioned):

I am satisfied that the Council's evidence base, most notably the 3D modelling and testing exercise summarised in Core Document CDD14, demonstrates that it would be possible to accommodate buildings of the maximum heights specified on four of these sites in an acceptable way.

The sensitivity of the site and surroundings to a tall building has not materially altered in the intervening period. The assessment underpinning the PNAAP remains valid.

CDD14 included indicative modelling of a 20 storey tower. The benefits of providing a visible landmark were noted, provided the relationship to surrounding heritage assets was addressed. It was considered (and accepted by the Inspector) that a 20 storey tower would be appropriate.

The pre-application scheme includes a 20-storey building and a range of building heights between 3-12 storeys. This height and massing has been subject to townscape analysis, extensive pre-application discussions and three independent Design Review Panel sessions. The DRP commentary has been very positive. The scheme has also been subject to pre-application consultation with the GLA, which is supportive of high-density redevelopment of this under-utilised site and of the massing proposed.

With regards to draft policy P16 (Tall buildings) the pre-application scheme responds positively to the criteria set out within the policy; this underlines the appropriateness of a tall building in this location. Townscape analysis shows that a 20 storey building in the eastern part of the site would limit its visual impact in respect of lower-scale existing massing on Rye Lane and Peckham High Street, in local street-level views and in respect of the Borough View from One Tree Hill.

Surrounding townscape character

The site is within a Major Town Centre and a high density scheme is appropriate and will contribute to the character and vibrancy of the town centre.

The current site offers nothing positive to the local townscape. There is potential for a redevelopment scheme to introduce significant public realm, as an extension to the town centre environment, and it is appropriate for taller buildings to mark the significance and legibility of these spaces (as per draft policy P16).

The site is of a sufficient scale to provide opportunities to distribute height and massing in ways which are responsive to the site surroundings, whilst marking the new development as a significant piece of new townscape and providing active frontages and definition to the site boundary and the new routes and spaces within the site.

The character of the town centre, including the subject site, is distinct from surrounding areas, including conservation areas. The proposed 20-storey building will be taller than the typical pattern of development in the area but would be seen as distinct from areas outside the town centre, just as existing tall buildings such as Witcombe Point (20 storeys) are already experienced. The sight of tall buildings from surrounding areas won't undermine how one experiences the character of those areas.

One Tree Hill

The scheme has been developed with reference to verified views. The site lies partly within the Landmark Viewing Corridor and Wider Setting Consultation Areas of the Borough View. Part of the proposed tower on the eastern side of the site would be visible in the middle-ground of the view, where a range of development is already visible, including post-war towers. The proposed tower would be well to the side of St Paul's Cathedral and would not affect the Landmark Viewing Corridor. It would appear as part of an extensive panorama and contribute to a layered townscape effect, appearing in front of the central London developments visible in the background of the view and adding positively to the quality of the overall view. It would have no effect on the visibility or appreciation of St Paul's Cathedral.

That part of the pre-application scheme within the Landmark Viewing Corridor would sit well below the proposed threshold plane. The current extent of the tree canopy on One Tree Hill would screen this part of the site in summer. It would be more visible in winter, when it would appear as a varied development adding positively to the quality of the view, with no effect on the visibility or appreciation of St. Paul's Cathedral. Cumulative developments along Old Kent Road would appear to the north-east of the scheme, reinforcing the layered character of the view.

The proposed Borough View from One Tree Hill would not preclude high density development, including a tall building in the eastern part of the site.

10.87 Is it necessary for plan soundness in respect of the NSP71 allocation that the view (undefined) from the Bussey Building is protected? Is the policy justified and effective in its guidance on the approach to tall buildings and the Bussey Building?

The Bussey Building view is not defined, in terms of its specific location. The building is over 100m long and aligned parallel to the subject site; an undefined viewing location from the building could cover a substantial portion of the site.

Whilst the impact of the pre-application scheme on views from the Bussey Building has been successfully reduced, as a result of carefully considered height and massing, the proposed policy does nevertheless create unnecessary restrictions and planning risk, influencing the location of massing. This also restricts the use of rooftops of the scheme, which could provide similar or enhanced rooftop views and activity and could be secured for the long term.

The view from the Bussey Building is not a public vantage point; it is within a privately-owned building with the primary area of accessible roof in use as a bar for paying customers, open for a limited number of months each year.

The Tall Buildings Background Paper states that views from the Bussey Building (and the multi-storey car park - The Levels) 'do not meet our requirements to be designated as borough views as long-term public access is not guaranteed'. Such private and potentially temporary views should not be protected at all given the limiting and directive effect on height and massing.

10.88 Is the policy justified in requiring intermediate affordable housing to be provided through a community land trust?

We have set out our position in relation the draft requirement for a Community Land Trust (CLT) in our representations dated 26th October. We consider more specifically how this requirement relates to the tests of soundness below.

We have reviewed the NSP evidence base, which does not consider CLT in any respect, including housing need, viability or delivery mechanisms.

Soundness

The following points are made in relation to the tests of soundness established by NPPF paragraph 35 (a-d).

Positively prepared (meeting objectively assessed needs as a minimum)

- The site is developable over the plan period and policy should support delivery.
- Objectively assessed housing needs should be met by deliverable sites being optimised, particularly in the context of LBS' 'presumption' status and acknowledged barriers to delivery.
- Housing capacity should reflect pre-application discussions to date and be aligned with an assessment of a sustainable residential density.
- Development capacity should not be constrained by private views.
- The site is not constrained by the draft Borough View and this should be reflected in the indicative site capacity.
- A tall building of up to 20 storeys is appropriate within the context of the Bussey Building and Borough View.
- The DNSP should enable the objectively assessed requirement for town centre parking to be met, in order to enable delivery.
- There is no objective assessment to support the requirement for a CLT.

Justified (an appropriate, evidence-based strategy)

- The approach should be justified with reasonable alternatives considered, including higher site capacity and not protecting private views.
- A more restrictive site-specific approach to parking would require clear justification, which is not present (indeed the opposite is justified).
- The tall building evidence underpinning the PNAAP has been subject to EiP and remains valid.
- There is no evidence to support the required CLT. Applying borough-wide housing policy is a more reasonable alternative.

Effective (deliverable over the plan period)

- Policies should not undermine delivery through unnecessary restrictions which could threaten viability, site optimisation or the availability of land. This includes the low indicative site capacity, any potential for more restrictive car parking requirements, the Bussey Building view and the requirement for CLT. CLT would undermine delivery given viability is untested and grant funding is unavailable for the tenure.
- To be effective and deliverable, the strategy must have delivery partners who are signed up to the approach.
- Effectiveness requires policies to be specific enough to be universally understood. The DNSP is unclear as to how CLT is defined and the Bussey Building view is not defined, in terms of location or extent.

Consistent with national policy (enabling the delivery of sustainable development, as defined by the NPPF)

- The DNSP should optimise housing delivery to ensure a sufficient number of homes is delivered in line with the social dimension of sustainable development, whilst also enabling effective use of land as per the environmental objective.
- Sustainable development should be facilitated by ensuring that land can come forward to support growth, which can only be achieved through policies which reflect commercial and operational needs.
- With regards to parking, the NPPF states that only schemes which would give rise to 'severe' highways impacts should be refused. This would not be the case where existing parking is reduced but an element still retained.
- The NPPF definition of affordable housing (Annex 2) does not include CLTs.

Proposed amendments

- 850 homes should be a minimum target, to ensure the site contributes as much as possible towards LBS' housing supply. The policy wording should state: '*housing delivery should be optimised beyond the indicative target*'.
- Deletion of the Bussey Building view.
- Deletion of the CLT requirement.
- The Borough View from One Tree Hill should be '*maintained or enhanced*'.
- Please also refer to our previous representations regarding acknowledgement of the planning benefits of proposed bus infrastructure improvements.

Yours sincerely



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