

**Fairer future**

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New Southwark Plan

Main Modifications

consultation responses by letter

<b>Name of respondent (letter/email)</b>
The Coal Authority
Ralph Luck - Kings' College London
Sport England
Natural England
Jerry Flynn
Susan Crisp
Planning Potential on behalf of Fitzroy Property Management LLP
Rolf Judd on behalf of London School of Economics & Political Science
Savills on behalf of KMP Group
DP9 on behalf of Art Invest Real Estate
DP9 on behalf Peachtree Services
The Planning Lab on behalf of trustees of Tate Gallery
Residents of Brideale Close Traveller Site
Stuart Carruthers
Savills ON BEHALF OF THAMES WATER UTILITIES LTD
Southwark Law Centre
DP9 on behalf of Guys St Thomas Foundation
Spatial Planning on behalf of Transport for London
WSP on behalf of Apex Capital Partners
Savills on behalf of Safestore
Steve Lancashire
Southwark Law Centre
Daniel Watney on behalf of William Say Ltd
Daniel Watney on behalf of P Wilkinson Containers Ltd
Team London Bridge
Berkeley Capital
Southwark Law Centre on behalf of South Dock Marina Berth Holder Association
ROK Planning on behalf of Unite Group
Southwark Law Centre on behalf of XR Southwark Lobbying Group
Gerald Eve on behalf of Landsec
TfL Commercial Development

Montagu Evans on behalf of Guys and St Thomas NHS Foundation Trust - Vinegar Yard
ROK Planning on behalf of Shurgard
Turley on behalf of Watkin Jones
Eileen Conn
Turley on behalf of Alumno Group
Savills on behalf of Newington Square
Savills on behalf of Bermondsey Yards
GLA Mayor of London
Shiva Ltd
Eileen Conn
Camberwell Society
Sarah Vaughan
Ralph Smyth
Judi Boss
Paula Orr
Old Bermondsey Neighbourhood Forum
Richard Lee
DP9 on behalf of British Land
Port of London Authority
Quod on behalf of Avanton Limited

Southwark Council is required to publish representations made on the New Southwark Plan. A redaction process has been undertaken, should you have any concerns on the content, please contact us at [planningpolicy@southwark.gov.uk](mailto:planningpolicy@southwark.gov.uk).

Dear Planning Policy team

Thank you for your email below regarding the Consultation on the Proposed Main Modifications to the New Southwark Plan.

The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

As you are aware, Southwark Council lies outside the defined coalfield and therefore the Coal Authority has no specific comments to make on your Local Plans / SPDs etc.

In the spirit of ensuring efficiency of resources and proportionality, it will not be necessary for the Council to provide the Coal Authority with any future drafts or updates to the emerging Plans. This letter can be used as evidence for the legal and procedural consultation requirements at examination, if necessary.

Kind regards

Deb Roberts  
(she / her)

I wish to challenge the proposed Modification to the provision of Student Housing which is subject to the provision of a Nomination Agreement on the basis that it is not in Conformity with The London Plan or the Inspectors' letter of 28<sup>th</sup> May 2021 (EIP 236) and therefore the Modification the Plan is unsound in respect of Policy P5. The Inspectors' letter at paragraph 5.5 made it clear that changes were required to Criteria 3, such that it needed to be in Conformity with the London Plan by removing the requirement for the provision of general affordable housing. What it did not do was remove the phrase, 'subject to viability' which applied to both the percentage of affordable housing and student affordable accommodation to be provided and which has been deleted in your Modification. These words were not removed in your own earlier EIP 27B in respect of P5.

The figure of 35% provision of affordable student accommodation should therefore always be subject to the Viability Test as set out in the London Plan on page 206 under Policy H15.

Ralph Luck  
Affiliate  
Kings' College London

Dear Madam/Sir,

Thank you for consulting Sport England on the above named document.

I have reviewed the proposed modifications and I note that P44 (Healthy Developments) has had reference to sport removed where 'exceptional circumstances' are referred to (this is welcomed as it was not compliant with national policy) and the line 'the retention or provision of sports facilities is considered on a borough wide basis' added.

Sport England would welcome clarification on exactly what this addition means in practice?

Kind regards,

Laura

Date: 20 September 2021  
Our ref: 363417  
Your ref: Southwark Local Plan – main modifications



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Dear Sir or Madam

**Planning Consultation: Southwark Local Plan – proposed Main Modifications**

Thank you for your consultation request on the above Strategic Planning Consultation, dated and received by Natural England on 6<sup>th</sup> August 2021.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England have no comments to make on this consultation.

For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours faithfully

  
Operations Delivery  
Consultations Team  
Natural England

[Inspector Action Reference 7a, 7b, 23](#)

1. This modification entails a very large increase in employment floorspace over that proposed in the 'New Southwark Plan - Southwark Council's Proposed changes to the submitted NSP, 2018 -2033', August 2020 ([EIP 27B](#)). The total amount would rise from 217,882 net sqm to either 468,321 net sqm or 704,369 net sqm, depending on the amount built on the Canada Water Masterplan site ([EIP219](#), MM7 pg 17 Table 1B). Southwark indicate that they expect that a larger amount at Canada Water ([EIP 82a](#), 4.56, Site Allocations Methodology Report Update 2021)
2. Both figures exceed the amount required, which Southwark Council says is 460,000 net sqm ([EIP82a](#), 4.50, Site Allocations Methodology Report Update 2021).
3. Within the overall total several areas have substantial increases; Bankside and the Borough (increased from 34,726 to 60,813 net sqm); Old Kent Rd (increased from 6,321 net sqm to 121,030 net sqm); Peckham (increased from 9,127 net sqm to 15,378 net sqm) ([EIP219](#), MM7 Table 1B).
4. In particular the amount to be delivered at the Elephant and Castle has increased from minus 1,563 net sqm to plus 84,658 net sqm. 60,000 net sqm of this will be on the Elephant Park site Plot H1, the site of a planning application for an office block by Lend Lease. Southwark claim that this will not replace any other uses on the overall masterplan for the site ([EIP82a](#), 4.52) but this is not accurate. Lend Lease holds a planning consent for this plot for residential development and has been obliged to make an application for an entirely new consent, to allow office development instead. The site is a brownfield site (formerly the Heygate estate) that should be used to optimise housing delivery, according to the London Plan (2021, Policy H1).
5. This substantial modification represents a significant change of land use, presented at the very end of the NSP's lengthy consultation and adoption process. It is proposed on the strength of evidence (from the Southwark Employment Land Study) that has been available since 2016 ([EIP 82a](#), 4.50).
6. The [modification's](#) text says *'this complex place making process...needs to involve the diverse range of people who use it to be meaningful in creating places that people find successful to live in and work'* (Para 2, pg 14), but the modification itself has not involved a diverse range of people. It is also being proposed in the context of heated controversies about residential developments on council estates (infill developments), which testify to rising public concern about the priorities accorded competing land uses.
7. For these reasons we do not think that the modification is itself sound and so should not be accepted by the Inspectors.
8. If the Inspectors are minded to accept the modification we ask that entries 'Elephant Park – Employment Space – 60,000 sqm – 60,000sqm' be removed from 'MM7 Table 1b - Planning to meet strategic growth targets' and any other changes made which would be consistent with that removal (eg restoring Elephant Park Plot H1 to 'Table 2 – Housing Trajectory etc, [EIP219](#) ). The net effect of this will be to maintain the land-use of Plot H1 for housing.

Jerry Flynn

35% Campaign



**Susan Crisp for Friends of Burgess Park – 17 September 2021**

**Comments on main modification Appendix 6 monitoring framework**

Following the discussion and the comments at the EIP hearing I am seeking confirmation that the council is monitoring all green space and building on green space across the borough. By this I mean green space on housing estates as well as green space in parks.

The monitoring framework is clear on categories of open space categorised as parks and green spaces: MOL, BOS etc but does not cover loss of other green space on housing estates or leisure facilities (which also contribute to physical activity) such as ball courts and multi games areas (MUGAS). The search for new housing sites means that tracking loss of this space is vital in terms of access to green space, amenity space and wider implications for quality of life.

Kindly confirm where in the framework the quantum of existing green space including on estates is accounted for and the subsequent anticipated loss. Without these changes the plan is not sound.

**Comments on the monitoring framework:**

**Policy 56 Open spaces**

Indicator - Loss of open space net loss of open space in hectares

Does this include green space/open space on estates?

**Policy 59 Biodiversity**

Indicator - Number of green spaces Number total per 1000 of population

Does this include green spaces on estates and will it show the reduction of green spaces on estates due to infill schemes and the reduced amount of green space?

**Policy 60 Trees**

No indicator relates to management or survival rate of trees planted. This is critical both the council own tree planting and for any developers planting both off and on site. Trees should be monitored and reported on during the maintenance period.

The replacement ratios for lost trees in terms of tree canopy.

**Policy 46 Community facilities**

Indicator – Amount of leisure, arts and cultural floorspace being lost or gained (net) approvals and completions

Does this include ball courts and MUGAS facilities on estates?

Or on all of the above alternative indicators which cover the issues of loss of amenity – green space, leisure space on estates.

**Susan Crisp for Friends of Burgess Park – 17 September 2021**

**Comments on main modification MM4 Appendix 1 key diagram and Appendix 8 the Area Vision maps.**

**The maps all need amending to show the alternative on road route Albany Road/Wells Way, consistently across all maps. We object to the maps only showing the route through Burgess Park.**

FOBP continue to object to the cycle route crossing Burgess Park.

1. FOBP would want to see the alternative route along Albany Road and Wells Way as the alternative to the route crossing the park, being included on all maps – see below.
2. FOBP were informed by Rebecca Towers (Parks Manager in 2015) that the spine would not go through the park following a petition objecting to it 2015.
3. No proper consultation has been done on this route across the park
4. There are roads through Burgess Park which should be used for any transport links
5. This would require lighting across the park to the detriment of the wildlife and cyclists would be safer at night on well lit roads.
6. Putting a transport route through a local park does not contribute to making a safe and successful green space
7. The increase in powered electric bikes and scooters since the spine route across the park was proposed, including delivery riders,

The area maps showing the cycle routes are incorrect:

8. The area maps are not consistent showing the cycle routes around and through the park see the three maps below. All should show the alternative road route for the Spine.
9. The key diagram map page 16 of NSP examination version does not show the alternative road route – none does the Figure 9 Page 155 which as a full page map showing the route has adequate space to show the road route along Albany Road and Wells Way. This at least should be labeled “indicative route”.
10. The maps do not show the layout of the park properly since the route would go past the lake where people are supposed to be walking, relaxing and looking at bird life etc— it would be completely inappropriate

**The EIP Inspectors letter EIP236 and annex indicates that the map EIP 228 should be changed, it says Update Figure 9 (Southwark Cycling Spine diagram) (as a minor modification.**

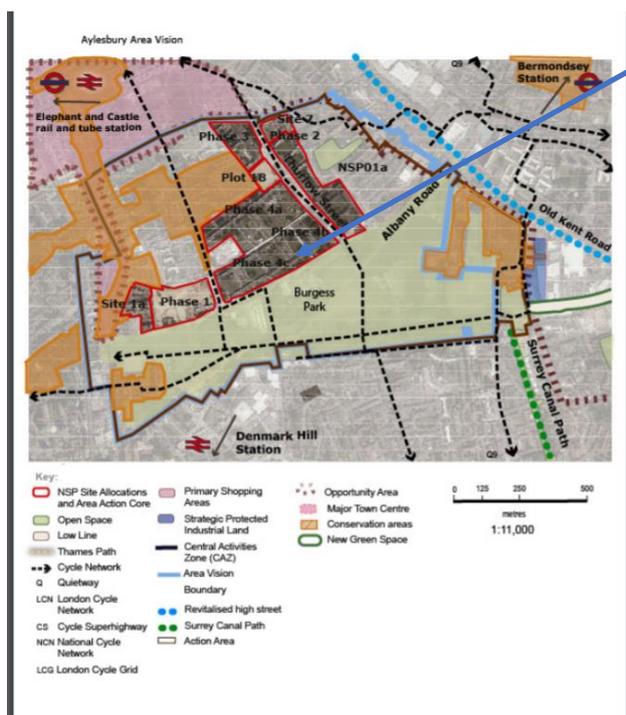
We are seeing a consistent set of information about the Southwark Spine route, showing the routes and road route Albany Road /Wells Way to ensure that the plan is sound.

**Below further comments on the area maps EIP219.**

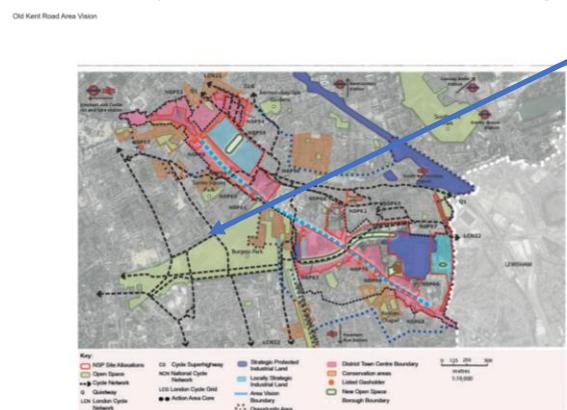
Below the Main Modification maps – indicating where the alternative road route is missing – see page below.

Aylesbury does not show the cycle route along Albany Road to Wells Way, wher as the Old Kent Road map does show the cycle route along this section as a black dotted line. FOBP would like this section of the route included on the Aylesbury map and all other maps.

Southwark Spine alternative route needs to be included on the map along Albany Road.

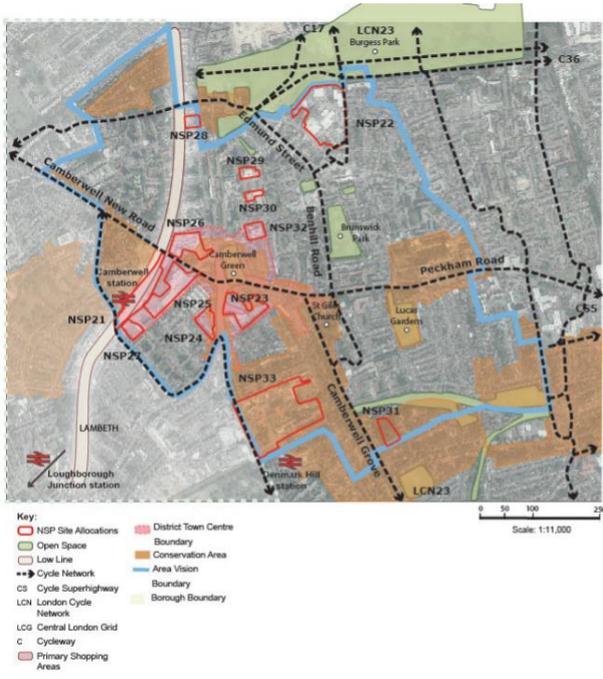


Southwark Spine route alternative to crossing the park is shown on this map.



Indicative routes on the south side do show linkage of cycle route between the park crossing routes including along Wells Way.

Camberwell Area Vision



Planning Policy,  
Southwark Council,  
London, SE1P 5LX  
Submitted via email: [planningpolicy@southwark.gov.uk](mailto:planningpolicy@southwark.gov.uk)

21 September 2021

Our Ref: 6037

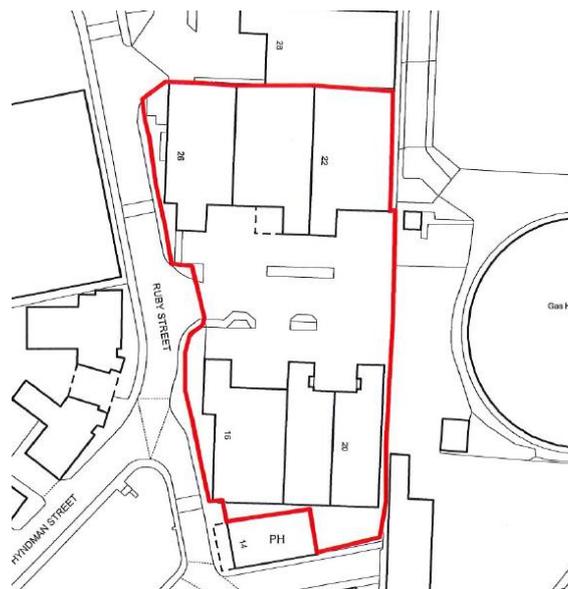
Dear Sir / Madam

**Representations to Main Modification to New Southwark Local Plan: Kent Park Industrial Estate, Ruby Street, London, SE15 1LR**

The New Southwark Local Plan is currently out for consultation on the Main Modifications. On behalf of Fitzroy Property Management LLP, we seek to submit our comments, with regard to their relation to Kent Park Industrial Estate.

Fitzroy Property Management LLP own and manage the existing industrial premises at Kent Park Industrial Estate (site plan below – Figure 1). Our client is currently in the process of preparing a scheme for pre-application consideration from Southwark’s Planning Department, relating to the residential led, mixed use development potential of the site. Whilst preparing the pre-application material, our client also wishes to protect the longer term development opportunities through the Local Plan allocation of the site as part of the Old Kent Road Area Action Plan.

Figure 1 – Site Plan



Directors

[Redacted]

Associate Directors

[Redacted]

Consultant

[Redacted]

Associates

[Redacted]

We note that the Main Modifications have introduced a higher housing target for the plan period, raising from 35,325 to 40,035 between 2019 and 2036 (2,355 new homes per annum additional). The increase in housing proposed is a welcome change, ensuring the New Southwark Plan fully addresses the housing need for the Borough and will assist in addressing historic shortfalls in the delivery of social housing.

We welcome the approach that this additional housing should be delivered in opportunity areas, such as Old Kent Road. We consider focusing higher density development within areas already identified as most suitable for housing is appropriate and this approach is supported.

We have no comments on the proposed amendments to MapM002a - NSP65 which shows a minor boundary change to the boundaries shown of the allocation of the sub area relevant to Kent Park Industrial estate. The boundary changes made now align with the Old Kent Road Area Action Plan, which is welcomed and has no impact on our clients site, which is included within both iterations.

The changes to the Sandgate Street and Verney Road Sub Area of the Old Kent Road Area Action Plan is of particular interest, given the location of Kent Park Industrial Estate. Reference MM154 (Inspector Reference 46 and 47) seeks to increase the housing target for the area from 3,680 to 5,300 as part of the Main Modifications. We welcome the localised increase in housing target.

The Main Modifications to Sandgate Street and Verney Road has also been amended to align with the London Plan in so far as the existing employment, retail and community uses need to be re-provided to at least the same level as existing. We consider the approach taken to the reprovision of existing facilities aligns with the London Plan in terms of its ambition however we wish to identify that like for like floorspace is not always the most beneficial mechanism to secure the benefits of the non-residential uses and consideration should also be given to the design / layout / effectiveness and employment generation, in terms of job creation, when considering whether replacement employment floorspace appropriately re-provides for that which is lost as part of the redevelopment.

Please do not hesitate to contact me should you wish to discuss these representations further.

Yours sincerely,



Senior planner

**Planning Potential**

London

22<sup>nd</sup> September 2021

Planning Policy Team  
 London Borough of Southwark  
 160 Tooley Street  
 London Bridge  
 London  
 SE1 2QH

FAO: Juliet Seymour

Dear Ms Seymour

**Representations by London School of Economics and Political Science on  
 The New Southwark Plan: Main Modifications to the New Southwark Plan August 2021**

We write on behalf of the London School of Economic and Political Science (LSE) in respect of the current consultation on the main modifications to the New Southwark Plan which were issued for formal consultation on 6<sup>th</sup> August up to 24<sup>th</sup> September 2021.

We have on behalf of LSE, made a number of representations on the student housing policy (Policy P5) and Borough Views policy (Policy 21 and Annex 1) over the period of the preparation of the Plan and LSE appeared at the EIP to specifically comment on the wording of the above two policies.

We are pleased that the EIP Inspectors and subsequently the Council have supported our comments and made a number of changes to the Main Modifications Post EIP that will assist LSE in considering Southwark for future development opportunities on existing and future sites. Given the proximity of Southwark to the main campus at Aldwych the borough is important to LSE. ON this basis we wish to make a further representation to ensure the wording of the NSP provides clear, positive and effective policy guidance for future development.

Policy P5 – Student Homes

In regard to Policy P5 we consider the revised wording supports the Inspectors comments to reflect more closely London Plan Policy H15 with regards nominated university schemes. However, the Council has produced wording that is illogical and does not reflect how a nominated scheme supported by a Higher Education institution is delivered.

What the relevant part of the Main Modifications states is

*When providing student rooms for nominated further and higher education institutions at affordable student rent as defined by the Mayor of London, provide the maximum amount of affordable student rooms with a minimum of 35% affordable student rooms.*

This wording cannot be correct. As identified in Policy H15 and previously noted by the Council in previous iterations of Policy P5, nominated schemes provide a range of rooms for rent, some of which meet the Mayor's definition and are deemed to be affordable student rent. The London Plan and Policy P5 both set a minimum threshold of 35% of rooms at affordable student rent.

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New Southwark Plan EIP – Representation by LSE  
22<sup>nd</sup> September 2021

However the wording suggests all rooms are at affordable student rent but there is a minimum of 35% at affordable student rent. This wording contradicts itself. The suggested reasons below the policy make it clear that the policy now reflects H15 of the London Plan because it states:

*3. Where nomination schemes or schemes developed directly by the university, the maximum amount of affordable student rooms should be provided.*

Paragraph 16 (d) of the NPPF (2021) states that Plans should:

*“contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;”*

LSE considers the Plan as drafted is thus **Unsound**. The wording of Policy P5 is neither effective nor consistent with the policy guidance within the NPPF. We consider the wording of Policy P5 should be reworded so it is clear and unambiguous. We consider the following wording would ensure clarity of policy:

*When providing student rooms for nominated further and higher education institutions, provide the maximum amount of affordable student rooms at affordable student rent (as defined by the Mayor of London) with a minimum of 35% affordable student rooms.*

We consider the above wording reflects both the Inspector’s comments and the Council’s reasons for the policy.

#### Policy 21 – Borough Views

With regard Policy 21 and Annex 1 LSE strongly supports the revised wording in the Main Modifications. However in line with the policy guidance in Paragraph 16 (b) of the NPPF which states that Plans should be prepared positively, in a way that is aspirational but deliverable, LSE consider Policy P21 should read:

**1. Development ~~must~~-should**

#### Summary

In summary LSE is committed to Southwark and supports the ambition of the New Southwark Plan to deliver positive change for those who live, work and study in the Borough. LSE is keen to continue the good working relationship it has with the Borough. We trust these modifications to the New Southwark Plan can be accepted and the NSP modified.

Yours sincerely



For and on behalf of  
**Rolfe Judd Planning Limited**

cc:  

22 September 2021



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Dear Sir / Madam,

## **NEW SOUTHWARK PLAN (AUGUST 2020) – MAIN MODIFICATIONS**

### **17-21 ROTHERHITHE OLD ROAD, LONDON SE16 2QE**

On behalf of our client, KMP Group, we write to make formal representations to the Main Modifications to the New Southwark Plan (August 2020). Our client's land interest comprises 17-21 Rotherhithe Old Road, London SE16 2QE ('the Site') as edged red on the Site Location Plan enclosed at **Appendix 1**.

#### **Site Context and Background**

The Site measures an area of approximately 0.042ha and is located along Rotherhithe Old Road, with the railway track running immediately along the eastern boundary. It is currently occupied by a used car dealership. The surrounding area is predominantly residential with significant commercial and leisure use areas to the north. The wider area is undergoing large-scale redevelopment as part of the Canada Water Masterplan area.

In the adopted Local Plan, the Site sits within the Canada Water Action Area Core, adjacent to the boundary of the Canada Water Major Town Centre. It also forms part of site allocation CWAAP9: 23 Rotherhithe Old Road which as defined within the Canada Water Area Action Plan (CWAAP) (November 2015) is identified for residential use with an indicative capacity of 14 units. In providing reasoning for the allocation, the supporting text states "*the site is currently used as a car dealership. There is no planning requirement to retain the current use and it would be appropriate for residential development*" (CWAAP, paragraph 7.4.21).

The site allocation includes recent development delivered at 23-25 Rotherhithe Old Road, which comprises a 5 storey, 14 unit residential block (LPA reference. 09/AP/0604).

Our client is also in a position to bring forward development within the remainder of the site allocation and the Site has therefore been subject to recent pre-application engagement with the Council's Development Management officers (LPA reference. 21/EQ/0016). The Councils' pre-application feedback confirmed the principle of residential development on the Site to be acceptable subject to the further refinement of the design. The project team has been revising the proposals since and a planning application is to be submitted later this year. Discussions are also on-going with TfL as part of the pre-application process. Overall, the emerging design has identified capacity for c. 20 new homes.

#### **Planning Commentary of the Main Modifications**

##### MM1 and Site Allocation CWAAP9

MM1 of the Schedule of Proposed Main Modifications (document ref. EIP219) confirms that the New Southwark Plan (NSP), once adopted, will replace, the Canada Water Area Action Plan (2015), along with other adopted policy documents. It explains that policies and sites from the Area Action Plan's (AAP's) will be replaced by the

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East.

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NSP as part of this. Appendix 7 of the Schedule of Main Modifications contains Annex 5 which provides a list of policies and sites to be replaced. This includes site allocation CWAAP9: 23 Rotherhithe Old Road, noting that it has been “*completed so not in the NSP*” (page 12 of Appendix 17).

We do not agree that the allocation has been “*completed*” and consider that the site allocation should be carried forward as part of the NSP. This is on the basis that whilst part of the site at 23-25 Rotherhithe Old Road has been brought forward for residential development, the northern portion of the site remains undeveloped, and comprises a sustainable site upon which redevelopment for housing should be supported. As noted above, the Council have confirmed in principle support for a residential redevelopment at 17-21 Rotherhithe Old Road during pre-application discussions earlier this year.

The development at 23-25 Rotherhithe Old Road provided 14 new homes; therefore, whilst the historically identified 14 unit indicative capacity in the CWAAP has been met, the allocation as a whole clearly has the potential for a greater residential capacity. In turn, it is important to note that the residential capacity is only “*indicative*”. Since the adoption of the CWAAP, housing need has increased significantly and there has been a change in emphasis within both the National Planning Policy Framework (NPPF) (July 2021) and London Plan (March 2021) towards a design-led approach with a clear push for optimisation on such “small” sites in sustainable locations in order to make the most effective use of land. This is recognised through draft Policy P17 of the NSP (as modified under MM41) which supports optimising the efficient use of land. The supporting text explains that “*increasing density is a key requirement for the sustainable use of land*”. Hence, it is understood that similar to the London Plan in removing the former density matrix, the NSP omits any reference to density ranges based on a zonal approach, as currently set out within the adopted Core Strategy (2011). This approach is supported.

The policy context, driven by a pressing need for good quality and affordable homes at both local and national levels, has moved on considerably since the adoption of the CWAAP and the designation of site allocation CWAAP9. It is therefore requested in line with the above that as part of the NSP, site allocation CWAAP9 is reviewed and refreshed. The completion of development within the southern part of the allocation site, 23-25 Rotherhithe Old Road should be recognised and the allocation redefined based on the red line boundary of the Site (as shown on the enclosed Site Location Plan). The design and feasibility work undertaken to support the pre-application process and evolving now in response to the feedback received confirms the development of the Site has the potential to provide a high number of homes for small and large families, as well as good standards of living accommodation and amenity space. Therefore, a new “*indicative minimum*” capacity of 20 new homes should be identified.

The proposed new minimum indicative capacity for the Site is considered to be appropriate in accordance with the proposed modifications set out under MM86 which in support of draft Policies SP1 and P17 of the NSP provides additional commentary on why a “minimum” capacity approach is to be applied to all site allocations and that this remains indicative. It states “*the minimum capacities set out the quantum of development that we consider should deliver the principles of sustainable development as set out in the NPPF...residential capacity could be increased beyond the baseline number as part of the planning application through excellent design and careful consideration of the impact on character, amenity and local environment*”. Policy GG2 of the London Plan similarly encourages development to “*proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling*”. It is a highly accessible site, in the core area of an allocated regeneration area where new development is to continue to be focused through the NSP (as set out at MM7). The increased housing targets for the Borough as set out under MM6, to include 10,217 homes (from 9,015) on small sites between 2019 and 2036, places even greater importance on suitable small sites, such as our client’s. The modifications to Policy SP1 (MM8) also provides support for the delivery of homes on small sites. There therefore remains a clear case for the continued allocation of the Site for residential development and in the interest of ensuring the Plan can be considered to be positively prepared in meeting the NPPF tests of ‘soundness’ we recommend that it is retained within the NSP.

### MM39 and Draft Policy P14 (Residential Design)

We note at MM39, in relation to draft Policy P14, that both private and communal amenity space requirements are proposed to be inserted within the 'Fact Box'. It is noted that this modification is seeking to bring forward requirements from the Council's adopted Residential Design Standards SPD (2011), into NSP policy. The emerging proposals for the Site have been designed to achieve and exceed the communal amenity space requirement giving consideration to the existing SPD and in recognising the role of such space in creating new high quality places. However, the private amenity space requirements for flatted developments are particularly onerous requiring "...10sqm of private amenity space for units containing three or more bedrooms. For units containing two or less bedrooms, 10 sqm of private amenity space should be provided." Whilst the latter requirement is caveated, these standards do not conform with those set out under London Plan Policy D6 (Housing Quality and Standards) which states "a minimum of 5 sq.m. of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sq.m. should be provided for each additional occupant...". For 2 bedroom 4 person units for example, this gives rise a requirement for 7sqm of private amenity space. This should be the starting position for draft Policy P14 also, similarly establishing these standards as "minimums" so that the provision can be optimised where feasible and practical on a site by site basis.

NPPF paragraph 36 states that "...tests of soundness will be applied to non-strategic policies in a proportionate way, taking into account the extent to which they are consistent with relevant strategic policies for the area". We therefore request that the private external amenity standards set out under draft Policy P14 are amended to align with the minimum requirements set out under London Plan Policy D6. This is to ensure the Plan is consistent with other strategic policies and in the interest of 'soundness' ensure that the Plan can be considered to be justified.

### **Concluding Remarks and Recommendations**

These representations seek to respond to the relevant Main Modifications proposed to the NSP and in the interest of ensuring the Local Plan meets all the test of "soundness" in accordance with paragraph 35 of the National Planning Policy Framework (NPPF 2021), we request that:

- In relation to MM1, existing site allocation CWAAP9 is reviewed, redefined and retained to continue to identify the Site for residential use with an indicative capacity of 20 new homes and based on the redline boundary enclosed at **Appendix 1**. This will require inclusion of the allocation within the site allocations list of the NSP and an amendment to the supporting Policies Map and CWAAP Vision Area Map, plus other amends throughout the plan document to ensure consistency (to include but not limited to updated CWAAP housing figures to take account of the Site's further capacity within Table 1B as contained at MM7; Policy AV.15 as contained at MM25; and, the Housing Trajectory at Appendix 5).
- In relation to MM39 and draft Policy P14, the private amenity space requirements for flatted developments proposed for insertion within the 'Fact Box', should be deleted and replaced with the standards set out under London Plan Policy D6. The wording should therefore be amended to refer to a minimum of 5 sq.m. of private outdoor space to be provided for 1-2 person dwellings and an extra 1 sq.m. for each additional occupant thereafter.

The redevelopment of the Site, would make efficient use of highly accessible and sustainably located small site, and would contribute towards housing delivery within the first five years of the new Local Plan. We therefore trust that our representations will be taken into account in updating the NSP such that the site allocation will be retained and refined.



We look forward to receiving updates as the NSP gets closer to adoption and can confirm that our client is committed to continuing positive engagement with the Council about their redevelopment proposal. As such should there be any queries arising, please do not hesitate to contact [REDACTED] [REDACTED] myself at this office.

Yours faithfully,

[REDACTED]

[REDACTED]

**Associate  
Planning**

**Appendix 1: Site Location Plan**



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Drawing No. 329/LP/1.001	Drawn By OR	Client KMP GROUP	Revision OR	Date 18.01.2021	Notes Pre-Application Issue
Date January 2021	Drawn By JW	Project Title 17-21 Rotherhithe Old Rd, London SE16	Revision OR	Date 18.01.2021	Notes Pre-Application Issue
Scale 1:1250	Drawing Title Location Plan	Client KMP GROUP	Revision OR	Date 18.01.2021	Notes Pre-Application Issue
Glas Architects Mezzanine Offices John Trundle Court Barbican, London EC2Y 8DU 		Tel: +44 (0)20 7739 7959 Fax: +44 (0)20 7613 1903 email: info@glasarchitects.co.uk www.glasarchitects.co.uk		All dimensions are stated unless otherwise stated and are approximate to the extent of the information provided. The information is provided for the purpose of the application only and is not to be used for any other purpose. © 2021 Glas Architects. All rights reserved.	

JS/PEH/DP5578  
23 September 2021

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**Planning Policy  
Southwark Council  
PO BOX 64529  
London  
SE1P 5LX**

Dear Sir/Madam,

**PROPOSED MAIN MODIFICATIONS TO THE NEW SOUTHWARK PLAN**

**MM166: SITE ALLOCATION NSP77: DECATHLON SITE AND MULBERRY BUSINESS PARK**

**ON BEHALF OF ART INVEST REAL ESTATE ('AIRE')**

We write further to our representations to the New Southwark Plan, our Statement of Common Ground entered into with the Council in April 2021 and our appearance at the Hearing session on 27 April 2021 for the Rotherhithe Area Vision and site allocations.

The Main Modifications proposed to Site Allocation NSP77 do not take forward the changes proposed through our SoCG, whereby the indicative residential capacity remains unchanged at 1,371. However, we do recognise the reallocation of housing from a 'must' to a 'should' use and support this modification as recognition of our client's intention to bring forward a commercial development on the site.

AIRE's intention to bring forward the remainder of the site with no further residential accommodation is acknowledged in the proposed Main Modifications to the rest of the Site Allocation, however we maintain our request to amend the indicative residential capacity for the site and request that AIRE's intention to bring forward a commercial development on the site is also reflected in the Site Allocation itself.

In order of preference, we request the following further changes to the Main Modifications:

- Revise the indicative residential capacity for Site Allocation NSP77 from 1,371 to 575 to reflect housing not coming forward on the remainder of the site;
- Add reference into the Site Allocation text (under the 'Site' section) to the planning applications submitted to the Council on 22<sup>nd</sup> July 2021 for the redevelopment of the remainder of the site. We envisage that this could be done by amending the following text in this section: Planning applications 12/AP/4126 and, 13/AP/1429, **21/AP/2610 and 21/AP/2655** are relevant to this site.

We respectfully request confirmation of receipt.

Yours faithfully

A handwritten signature in black ink that reads 'DP9 Ltd'.

**DP9 Ltd.**

## EXAMINATION OF THE NEW SOUTHWARK LOCAL PLAN

### PROPOSED MODIFICATIONS

#### REPRESENTATIONS MADE BY PEACHTREE SERVICES LIMITED

Main Modifications 49 and 111: Policies P29 and NSP22

#### **Introduction**

1. In their letter dated 28<sup>th</sup> May 2021 (EIP236<sup>1</sup>) the inspectors requested that the London Borough of Southwark (“LBS”) put forward a consolidated schedule of all the potential main modifications. At Appendix 1 to EIP236 the inspectors included the following entry against policy NSP22:

Removal of B2 as a should use; requiring individual plot rather than aggregate employment floorspace reprovision/increase

EIP204 – revised design and access guidance to sync with revised requirements on employment format provision

2. In response to that request LBS put forward main modification 111.
3. Appendix 1 to EIP236 also included the following entry against policy P29:

New criterion 3- loss of emp floorspace triggering a need for financial contribution

4. In response to that request the LBS put forward main modification 49.
5. The Council have also put forward main modification 83 in response to the following entry against policy IP3

Hearings – need to remodel into a ‘delivery’ policy, that also includes viability and prioritisation  
EIP217

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<sup>1</sup> At paragraph 6.1

6. Item 6 in document EIP217 sets out the Council's proposed modification to IP3 and the reasons for it:

**6. Site allocation NSP22 viability discussion**

1. There was some discussion in this session about the council's approach to viability where particular schemes demonstrate that would not be viable to meet all the policy requirements. The council confirmed it would consider viability on a site-by-site basis however there is currently no policy that requires this. Rather than amend individual policies or sites, we consider that an appropriate update would be an edit to Policy IP3 as follows. This is consistent with the NPPF para 57, the NPPG, and Policy DF1 of the London Plan.

Policy IP3: Community infrastructure levy (CIL) and Section 106 planning obligations

**Development must**

1. ~~We will~~ Ensure that any potential adverse impact that makes a proposed development unacceptable ~~will be offset is mitigated~~ by using Section 106 legal agreements that either ~~requires the developer to~~ a) ~~offset mitigates~~ the impact or b) pay the council a financial contribution to enable the council to ~~offset mitigate~~ the impact.
2. ~~The council will secure money from~~ Pay the community infrastructure levy (CIL) ~~which is required~~ to fund the essential infrastructure identified by the council in our Regulation 123 list.
3. Submit a viability assessment where the proposed development departs from any planning policy requirements due to viability. In circumstances where it has been demonstrated that all policy requirements cannot be viably supported by a specific development, priority will be given to the provision of social rented and intermediate housing in housing-led and mixed-use schemes. The weight to be given to a viability assessment will be assessed alongside other material considerations, ensuring that developments remain acceptable in planning terms.

**Reasons**

2. (end of para) Carbon offsetting projects will be funded by the carbon offset fund.
3. The policies in this plan have been subject to a viability assessment which has tested the cumulative impact of relevant standards, obligations and requirements to ensure they do not put implementation of the plan at risk. In instances where applicants do not propose to meet all of the policy requirements due to viability, the council will assess the viability of a specific site upon submission of a viability assessment. Priority will be given to the provision of social rented and intermediate due to the acute need for affordable housing delivery in London and Southwark.

**The Legal Framework**

7. Under the statutory scheme it is for the inspectors (not the Council) to recommend main modifications, if asked to do so by the local planning authority<sup>2</sup>.

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<sup>2</sup> Section 20(7C) Planning and Compulsory Purchase Act 2004

8. The purpose of main modifications is (inter alia) to make the plan sound<sup>3</sup>.
9. The local planning authority have asked the inspector to recommend main modifications<sup>4</sup>.
10. It has become common practice for a local planning authority to put forward main modifications for a local plan inspector/s to consider. It appears that the London Borough of Southwark (“LBS”) have done so in this case (in EIP219). However when a LPA take such a course of action an inspector is not absolved of the responsibility to put forward main modifications.
11. When recommending modifications pursuant to section 20(7C) of the Planning and Compulsory Purchase Act 2004 (“PCPA 2004”) the inspectors are under a duty to give reasons<sup>5</sup>. The standard of reasons required is that set out in ***South Bucks v Porter (No.2)***<sup>6</sup> whilst recognising that a local plan inspector is not required to go into the detail one would expect in a decision letter on an appeal, and is not required to deal with every participant’s arguments in comprehensive terms.
12. In due course it will be for the inspectors to recommend any main modifications and to give reasons for making their recommendations. In giving those reasons the inspectors will have to explain why each modification proposed makes the plan sound.

#### **The Local Plan Examination Hearings**

13. Peachtree appeared at the local plan examination hearing held on 22<sup>nd</sup> April 2021. At that hearing the inspector:
  - a. Recognised that, based on the viability evidence presented to him (the evidence prepared by Gerald Eve on behalf of Peachtree), re-provision of the existing quantum of employment floorspace on the Peachtree site together with 35% affordable housing in a mixed use development which complied with the other requirements of draft policy NSP22 would be ‘quite challenging to deliver’.
  - b. Indicated that he would not ‘let go of’ the viability point.
14. At the hearing session there was a discussion as to whether any flexibility in the requirement to re-provide the same quantum of employment floorspace as currently on the site should be included in policy P29 or in policy NSP22.

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<sup>3</sup> Section 20(7C)(b) Planning and Compulsory Purchase Act 2004

<sup>4</sup> EIP233

<sup>5</sup> ***CPRE Waverley BCPOW Campaign Ltd v. Waverley BC*** [2020] EWCA Civ 1826 at paragraphs 71-72. The Court of Appeal endorsed the judgment given in ***University of Bristol v. North Somerset Council*** [2013] EWHC 231 (Admin) at paragraphs 72-75

<sup>6</sup> [2004] UKHL 33 at paragraph 36

15. An extract from the transcript of the hearing is appended to this statement at **Appendix 1**.

### **The Main Modifications**

16. The main modifications do not:

- a. Include a provision allowing for flexibility in the application of the policy requiring the replacement of the existing quantum of floorspace on the NSP22 site whether in policy P29 or policy NSP22.
- b. Address the fact that the requirements set out in the NSP22 allocation, combined with the affordable housing policies, results in a policy framework which seeks a combination of uses which have been demonstrated to result in a scheme which is financially unviable.
- c. Address the viability point in P29 or in NSP22.

17. In EIP 217 the Council respond to the hearing session relating to NSP22, and record that “The council confirmed it would consider viability on a site-by-site basis however there is currently no policy that requires this.” The Council then put forward a suggested change to policy IP3; that wording is now contained in main modification 83.

### **Peachtree’s Objection to Main Modification 111**

18. Peachtree support:

- a. The removal of the requirement for at least 50% of the development to be employment floorspace.
- b. The removal of any requirement to provide specific B class uses.

19. Peachtree contend that Main modification 111 does not fall within section 20(7C) of the PCPA 2004 as it does not make the plan sound.

20. The second question set out at paragraph 10.44 of the inspectors’ Matters and Issues **EIP 88 page 24** was:

Can the site viably retain the existing amount of employment floorspace on the site in addition to the indicative capacity for 671<sup>7</sup> homes as part of a mixed-use neighbourhood?

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<sup>7</sup> This should be 681, but this point is not material

21. Given that the question is identified by the inspectors in their Matters and Issues paper, it is plain that the question was a main matter in issue, or principal controversial issue. Any reasons given in support of the main modifications as recommended will have to explain the resolution of that principal controversial issue.
22. In its Hearing Statement Peachtree set out a detailed response to that question, including suggested changes to policy NSP22 in order to make it sound.
23. The issue of viability was discussed at the hearing session held on 22<sup>nd</sup> April 2021.
24. If the requirements set out in the NSP are such as to render the development envisaged by NSP22 financially unviable, the policy is undeliverable and therefore unsound.
25. The requirement that each individual development proposal should increase or provide at least the amount of employment floorspace currently on the site would, when combined with other policies in the plan, render the development promoted by NSP22 unviable, and therefore undeliverable, making policy NSP22 unsound.
26. The Council (as stated in paragraph 2 of their answer to Question 10.7 in their Matter 10 Statement)<sup>8</sup> rely on the viability analysis set out in the viability studies supporting the NSP.
  - a. The relevant viability studies relied upon by the Council are as follows:
    - i. EIP18: September 2015 BNP Paribas “New Southwark Plan Evidence base: Housing Policy Viability Study”
    - ii. EP17: November 2017 “New Southwark Plan Evidence Base: Housing Policy Viability Update Study”
    - iii. EIP20: May 2020 Background Paper
  - b. Those viability studies
    - i. Contain no site specific viability assessment of site NSP22.
    - ii. When considering mixed use development consider residential schemes combined with B1(a) office use. The Council agree that the site is not suitable as an office location in general – LPA HS 10.45 question 2.
  - c. The November 2017 viability study (EIP17) demonstrates that in a mixed used office and residential scheme in CIL Zone 3 (which area includes the NSP22 site):
    - i. No scheme with 35% affordable housing is viable.

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<sup>8</sup> Pdf page 9

27. Adopting the viability inputs agreed between Avison Young (for the Council) and Gerald Eve (for Peachtree) for the purposes of the 2019 Appeal Scheme<sup>9</sup> (APP/A5840/W/19/3225548) it is clear that (Table 3 Gerald Eve Peachtree HS pdf page 17):
- a. A 499 residential unit scheme (the “Appeal Scheme”) with 4,290 sq. m of commercial space and 35% affordable housing would produce a profit of 7.12% on GDV and would be financially unviable (i.e. it does not hit the agreed target return of 15.7% profit on GDV).
  - b. By assuming the same total floorspace of the Appeal Scheme, but increasing the commercial space to 10,557 sq. m (and doing so by reducing the residential element to 406 residential units including 35% affordable housing), this scheme would produce a negative return of (-4.59% on GDV) and would be financially unviable.
  - c. A 409 residential unit scheme (the “2021 Illustrative Scheme”) with 4,404 sq. m of commercial space and 35% affordable housing would produce a negative return of (-1.86% on GDV) and would be financially unviable.
  - d. By assuming the same total floorspace of the 2021 Illustrative Scheme, but increasing the commercial space in line with 10,557 sq. m (and by doing so reducing the residential to 319 residential units including 35% affordable housing), this scheme would produce a negative return of (-10.11% on GDV) and would be financially unviable.
28. There is no financial viability evidence before the examination which demonstrates that the development mix required by policy NSP22, as applied to the Peachtree Site, would be viable or deliverable.
29. Neither the inspector’s letter (EIP236) or the LBS’s proposed modifications (EIP219) addresses any of those issues.
30. If the inspectors are to give cogent reasons for the proposed modifications they will have to grapple with the very issue they identified at paragraph 10.44 of EIP88 (and which was an issue which the inspector conducting the hearing indicated he would not ‘let go of’). Once those issues are addressed it is clear that further changes are required to be made to NSP22 to make it sound. The changes required are those set out in Peachtree’s Hearing Statement.
31. Main Modification 111 fails to include changes to the policy to make it sound.

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<sup>9</sup> As referred to at paragraph 4.3 of the Gerald Eve report at Appendix 2 to Peachtree’s Hearing Statement NSPPSV138

### **Peachtree's objection to Main Modification 49**

32. In the absence of an appropriate change to policy NSP22, as referred to above, a modification to policy P29 would be required.
33. No such modification has been proposed.

### **Peachtree's objection to Main Modification 83**

34. Peachtree agree with and support the Council's statements that:
  - a. The Council will consider viability on a site by site basis.
  - b. Such consideration of viability will include consideration of whether the cumulative requirements set out in a site specific policy (such as NSP22) and other plan policies would render a development proposal unviable.
35. Peachtree consider that there is a danger that main modification 83 would be interpreted in such a way that it would not meet the Council's stated objectives as:
  - a. The heading to IP3 refers to CIL and Section 106 Planning Obligations. There is no indication that the policy applies to land use requirements set out in site allocation policies, and in particular land use requirements set out under the headings 'must' and 'should'.
  - b. The text of the policy at paragraph (3) does not identify the policy requirements referred to.
  - c. The policy sets out the priority to be afforded to the provision of social rented and intermediate housing, but does not state that other requirements need not be adhered to in order to allow the priority to be afforded to the provision of social rented and intermediate housing.
  - d. The suggested reasons appear to indicate that the site allocations policies in the plan have been subject to viability assessment and be found to be viable; that is not the case. Given the advice in the PPG that planning applications that fully comply with up to date policies should be assumed to be viable<sup>10</sup>, the statement that the policies in the plan "... have been subject to a viability assessment which has tested the cumulative impact of relevant standards, obligations and requirements to ensure they do not put implementation of the plan at risk." is inconsistent with the purpose of main

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<sup>10</sup> Paragraph: 007 Reference ID: 10-007-20190509, PPG on Viability

modification 83 which is intended to allow applications to depart from site specific policy requirements which are known to render the development promoted by the policy unviable.

36. To achieve the Council's stated objectives, and to reflect the position set out in EIP 217 the following changes are required:

**Policy IP3: Community infrastructure levy (CIL) and Section 106 planning obligations and requirements set out in site allocation policies**

Development must

1. Ensure that any potential adverse impact that makes a proposed development unacceptable is mitigated by using Section 106 legal agreements that a) mitigates the impact or b) pay the council a financial contribution to enable the council to offset mitigate the impact.
2. Pay the community infrastructure levy (CIL) which is required to fund the essential infrastructure identified by the council in our Regulation 123 list.
3. Submit a viability assessment where the proposed development departs from any planning policy requirements (including land use requirements set out under the headings 'must' and 'should' in site allocation policies) due to viability. In circumstances where it has been demonstrated that all policy requirements cannot be viably supported by a specific development, the development proposed is no longer required to provide all such policy requirements, and in determining which policy requirements must be adhered to priority will be given to the provision of social rented and intermediate housing in housing-led and mixed-use schemes. The weight to be given to a viability assessment will be assessed alongside other material considerations, ensuring that developments remain acceptable in planning terms.

Reasons

2. (end of para) Carbon offsetting projects will be funded by the carbon offset fund.
3. The policies in this plan have been subject to a viability assessment which has tested the cumulative impact of relevant standards, obligations and requirements to ensure they do not put implementation of the plan at risk. Not all proposed site allocation policies have been viability tested. In instances where applicants do not propose to meet all of the policy requirements (including land use requirements set out under the headings 'must' and 'should' in site allocation policies) due to viability, the council will assess the viability of a specific site upon submission of a viability assessment. In determining which policy requirements should be adhered to, and which need not be adhered to., pPriority will be given to the

provision of social rented and intermediate due to the acute need for affordable housing delivery in London and Southwark.

### **Conclusion**

37. The local plan as proposed to be modified is unsound as, on the evidence, it promotes a form of development which would be undeliverable .
38. The inspectors are under a duty to give reasons for the recommendations that they make. In giving those reasons the inspectors will have to explain why each modification proposed makes the plan sound.
39. For the reasons given above, the inspectors will not be able to give rational reasons as to why the proposed modifications to policies NSP22 and P29 make the plan sound.
40. Unless further modifications are proposed to policy NSP22 or policy P29, the inspectors will be unable to conclude that the plan is sound. The necessary further modifications are set out in Peachtree’s hearing statement and in the draft statement of common ground.
41. Although main modification 83 seeks to allow viability to be taken into account when determining whether site specific policy requirements should be adhered to, as currently drafted it does not do so in a coherent and clear way.
42. In order of preference, the most appropriate way to amend the plan and to reflect the Council’s stated position is:
  - a. To amend policy NSP22 to make provide that the ‘must’ and ‘should’ requirements need not be adhered to if such adherence would render the scheme proposed unviable;
  - b. To amend policy P29 to make the requirement to retain or increase the amount of employment floorspace on site subject to it being financially viable to do so; or
  - c. To amend policy IP3 by making the changes set out above (at paragraph [36]).
43. The inspectors should perform the duty imposed upon them by section 20(7C) PCPA 2004 and recommend modifications which would make the plan sound.

## Appendix 1

### Extract from transcript of Hearing Examination (Camberwell Area Vision & Allocations) 22 April 2021:

**Inspector:** ... I said I wasn't going to let go of this viability issue and the evidence before me that's specific to this site and assisting the council in ensuring that it's got a deliverable plan. I've had a quick check, I couldn't find anything and say policy IP1 that sets out the council's approach to kind of viability. I appreciate Miss Seymour that may be your practice, but in terms of this particular site and the particular evidence that's in front of me I mean what would the council's reaction be if I was minded to recommend a main modification to include some text specifically around viability for this for this particular site?

**J Seymour:** So the one place we do verifiability is in P1 for housing. If you were to do that there could be two options, one would be to add to P29 bullet two, where we talk about in exceptional circumstances, the loss of employee employment clause might face may be accepted etc to just add in word viability and there is one of the issues that we consider because it is as I set out earlier, or the other approach could be to have an additional implementation policy which just sets that strategy for viability.

**Inspector:** Thank you we're looking at implementation next week, and that's something that's on our agenda I appreciate we're discussing things relatively on the hoof Mr Cameron but in terms of the council's suggestion in terms of looking at p29 rather than perhaps loading further detail into policy, would you have an initial reaction to that? Obviously, that was a main modification that's something you would be able to comment on in due course?

**Neil Cameron:** So, I think we would prefer it if it was in nsp22 itself because it would make that allocation sound. But equally if it's in p29 it has the same effect. It would then potentially make nsp 22 sound, which will be your main consideration, how do you make it sound. So we would prefer it because the specific evidence relates to nsp 22 and it would seem slightly curious to have a policy which requires residential and employment when it's known not to be viable without having some reference in the policy itself so I would suggest that's a better way of making it sound and the second best would be to modify p29.

**Inspector:** okay thank you, I made a note of that and understand your position. I suggested a five-minute break I think that's probably sensible in this day and age of staring at zoom screens. I can just check with Jacqueline that we can just put up a break notice for five minutes to allow people to come for break and we can come back please for 11 o'clock and then we'll continue the discussions still on site nsp22. Thank you.

London Borough of Southwark  
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SE1P 5LX

23 September 2021

Dear Officers

## **Representations to the New Southwark Plan Proposed Main Modifications 2021**

We write on behalf of our Client, the Trustees of the Tate Gallery (Tate) to make comments on the New Southwark Plan (NSP) Proposed Main Modifications 2021. Tate takes a keen interest in the development and enhancement of the areas surrounding all of its galleries and facilities: this includes the Tate Stores, located at Units 7-14 Mandela Way, off Old Kent Road, which forms part of site NSP55 in the New Southwark Plan, and Tate Modern, Bankside.

In this context, Tate has previously engaged in the preparation and consultation of the NSP making representations to the Proposed Submission Version in May 2019. Tate has also provided comments on drafts of the Old Kent Road Area Action Plan (OKRAAP), in 2018 and 2021.

We understand that this consultation is seeking comments on the soundness and legality of the latest NSP Main Modifications. Tate understands that Local Plans are examined to assess whether they have been prepared in accordance with legal and procedural requirements and whether they are 'sound'. Plans are considered to be 'sound' if they are:

- Positively prepared;
- Justified;
- Effective;
- Consistent with national policy.

These representations highlight areas where Tate believe that further consideration of the soundness may be required to ensure that there is sufficient flexibility for effective delivery of the Plan and to ensure consistency with other strategies (in particular the OKRAAP).

### **Background**

Tate's mission is to increase public awareness, understanding and appreciation of British art from the 16<sup>th</sup> century to the present day, and of international modern and contemporary art. It holds the national collection of British art from 1500 and the national collection of international modern and contemporary art from 1900, including works of art, library and archival material. Tate is a British institution albeit with an international outlook. It is recognised as one of the leading art organisations in the world, welcoming over 7 million visitors a year (pre-covid) to its renowned programmes of exhibitions, displays and learning.

At the heart of Tate is the collection, currently numbering over 70,000 works spanning five centuries and providing a magnificent resource for all four Tate galleries as well as for galleries and museums regionally, nationally and internationally. The collection is shared with as wide an audience as possible and is constantly being developed and added to, consolidating it historically and tracking contemporary art as it evolves.

### **Tate Stores, Unit 7-14 Mandela Way**

Tate is a long-standing stakeholder in the Old Kent Road area having acquired the lease to its storage facility on Mandela Way in 1995. The location was carefully chosen to be equidistant to Tate Britain and Tate Modern. The site's proximity to the galleries allows Tate to

operate efficiently. It is where art can be stored when not on display in one of its galleries and from where its programmes of acquisition and loan to and from venues worldwide operate.

The existing building at 7-14 Mandela Way was constructed in 1991 and comprises just under 10,000sqm of accommodation used by Tate for art storage, collection management, art conservation, photography and administration. It is operational 24 hours a day, 7 days a week and services Tate's national and international programmes.

The site provides a secure compound for the storage of art and operates with a triple layer security (technical, physical and personal). It includes a large forecourt which is used for service delivery and car parking for staff and visitors. Both vehicular and pedestrian access to the site is achieved off Mandela Way via the 24-hour manned security-controlled gates.

**Existing lawful use** | The facility was not purpose built and has been retrofitted to suit Tate's needs. Its lawful existing use falls within Class E (formerly B1 use) and is unrestricted within this use class. Tate wish to retain flexibility in relation to its existing E Use Class.

**NACC** | Tate had planned to redevelop the site for a purpose-built facility, and in 2001 secured planning consent for the construction of the National Art Collections Centre (NACC) on the site, which would have provided modern up to date, purpose-built art storage facilities. A number of extensions to this consent were granted subsequently; leading to a Non-Material Amendment and change to the design of the NACC being secured in 2010. However, mainly because of Tate's concurrent developments running at the same time at Tate Modern; Tate Britain and Tate St Ives, the permission for the development of Tate Stores was not implemented and has now lapsed.

Tate is still considering opportunities for its site at Mandela Way. It has no plans to leave the site in the immediate, short-term. However, it must monitor the position and ensure that the facilities continue to provide the best option for Tate – should this involve continued occupation (including dual occupation), or potential relocation and disposal in the future. As such, Tate wishes to promote its future development for a more flexible range of uses that would be compatible with the NSP55 site and wider NSP.

### **Representations to the Main Modifications 2021**

**NSP55: Mandela Way** | Modifications are proposed to the wording of the Mandela Way site allocation in the NSP, however there remain differences between the site requirements set out in the NSP and corresponding site OKR3 in the most recent draft of the OKRAAP (December 2020). These are:

- The NSP modifications amend the requirement for 'community uses' (as in latest draft OKRAAP) to 'leisure, arts, culture or community uses'.
- The NSP modifications do not include the requirement for a new primary school, which is specified in the latest draft OKRAAP.
- The NSP modifications do not mention of the option of relocating Tesco from its existing site onto Mandela Way, as per the latest draft of the OKRAAP.

The result of these inconsistencies is that the relevant parts of the NSP and OKRAAP are not aligned. These inconsistencies have implications for their deliverability and the soundness of both documents. Tate considers that the discrepancies between the two plans and allocations (notwithstanding the OKRAAP site designation for 'standalone industrial use' on the Tate Stores site to which Tate maintain its strong objection) means the plans will not be 'effective' as the strategies are not consistent. For this reason Tate considers the NPS Main Modifications are not 'sound'.

The NSP sets out that NSP55 must provide industrial uses (E(g)(iii) or B8 use class), although does not appear to be prescriptive about where within the site allocation these specific uses should be located. As stated in previous representations, Tate do not have any immediate plans to relocate. However, in the event this should change, it considers that its Stores site could be suitable for the full range of commercial uses, including industrial, office, residential and leisure/arts/community as listed in the NSP designation. Therefore, it does not wish to curtail the future development potential of the site and requests that the site visions for NSP55 and OKR3 are reconciled to reflect this flexibility. Our representations to the OKRAAP (December 2020) also set out this request and strongly objected to the designation of 'standalone industrial use' on the Stores site – this objection still stands.

A further, minor point is that the reference to 'Hendre Way' should read 'Hendre Road', if it refers to the existing road accessed from Old Kent Road.

**Old Kent Road Area Vision map (Appendix 8)** | The vision map for the site set out in the NSP Main Modifications Appendix 8 continues to show the proposed open space within NSP55 – a public park – as linear, bisecting Mandela Way and potentially cutting across the Tate Stores site. Tate has previously strongly objected– in representations to earlier versions of the NSP and to the latest version of the OKRAAP – that this placement would conflict with Tate’s operations by stopping up existing access routes and limit its future development potential by removing viable land from Tate’s demise. There has been insufficient consultation with adjoining landowners and occupiers on this specific issue and no justification is presented in townscape or masterplanning terms for the location of the park. Once again, Tate strongly objects to such a large part of its site being removed from its demise as per the site vision map. Tate is not a private developer seeking commercial profit – as a charitable entity, any future profits made are redirected directly back into Tate, to ensure that it is able to continue to support its world class art collections, thereby providing enormous public benefit. Tate therefore requests that the public park boundaries be reconsidered with suitable commercial land given over to such uses, secured via appropriate s106 agreements.

Tate supports the provision of new and improved public spaces for the community and recognises the benefits it will bring, but it continues to request that the area vision maps and site allocation diagrams – in the NSP and OKRAAP – are labelled as ‘indicative’ until such consultation and justification has been achieved. This will ensure that these diagrams are not taken as prescriptive masterplans for the area, allowing alternative layouts to be explored and ensuring the greatest flexibility in achieving the aims of the Plan.

At this stage, Tate considers that the site vision map is not ‘justified’, particularly as it does not seem to be based on a proportionate evidence base, and for this reason Tate does not consider the NSP Main Modifications ‘sound’.

**Soundness of the NSP** | Tate understands that the current consultation relates to the soundness and legality of the NSP, and that the modifications are proposed to ensure these tests are met. As set out above Tate does not consider that the current draft of the NSP Main Modifications are sound. Tate considers that flexibility should be built into the interpretation/application of the maps for the Mandela Way site allocation (in both the NSP and the OKRAAP) to ensure existing businesses and their operations are protected, and to ensure the requirements for the site are achievable in the context of existing stakeholders in the area. Tate also requests that the NSP55 and OKRAAP OKR3 site allocation diagrams and descriptions are reconciled to ensure that the strategies are joined up and therefore deliverable.

### Summary

As a longstanding stakeholder in the Mandela Way area, Tate has seen the area change significantly over the last decade. Tate is committed to delivering public benefit through the appreciation of art, and this is one of its key drivers for improving its estate and facilities. Tate is still considering its options for its facilities in this location, including how best it can respond to its operational requirements in the rapidly changing local context. As such Tate wishes to promote flexibility regarding the types of uses that are considered appropriate in any redevelopment of the site.

Tate wishes to remain actively involved in the development of the area and would welcome the opportunity to further engage with LB Southwark on the issues raised here about the latest Main Modifications to the NSP.

If you have any questions, please contact [REDACTED] on [REDACTED] or on [REDACTED].

Yours faithfully

[REDACTED] | Director  
The Planning Lab

# Main Modifications – Summary of Requested Revisions

22 September 2021

On behalf of the tenants of Brideale Close Traveller Site, we are requesting the Planning Inspector to consider the following revisions to the proposed changes to **P11 Homes for Travellers and Gypsies** and the supporting evidence base, that fall within the Inspector's competence in the Main Modifications (**6 August** and **24 September 2021**).

**1. Reintroduce 'subject to need' to P11.** For the text to Policy 11 to reintroduce the qualifier, 'subject to need' and 'where there is an identified need', potentially with an additional qualifier, 'subject to the majority will of each site's present tenants'. This is in line with advice LB Southwark sought from Counsel (April 2021) and will ensure that the policy is:

- Lawful and aligned with the **NPPF**
- Reflects the overwhelming desire of tenants of **Brideale Close Traveller Site** to relocate to bricks and mortar accommodation
- Does not conflict with LB Southwark's previous provision to offer tenants of its public Gypsy / Traveller Sites **Right to Buy**

**2. Review unsound supporting evidence.** For the Planning Inspector to review all supporting evidence in relation to P11 and consider whether the 'positive outcomes' alleged in both the **Integrated Impact Assessment (IIA)** and **Equalities Impact Assessment (EIA)** are **justified**

- This is in the context that **the revised version of P11 represents no change over SP9 in the adopted Southwark Core Strategy (2011)**, representing a continuation of the **status quo**. As there is no actual change to approach, this cannot be considered to deliver anything but a **neutral change**.
- No evidence is provided on how maintaining the **status quo** will deliver better health outcomes, crime outcomes, or educational outcomes for long-term tenants of public sites

**3. Review ineffective NSP Monitoring Indicators.** For LB Southwark to reconsider the proposed **NSP Monitoring Indicators** for **P11** as their analysis provides no indication of how P11 will perform against the New Southwark Plan's proposed Strategic Objectives, arguably making them **unsound**.

**4. Remove references to unannounced projects.** To publish details of, or remove any references to unplanned and / or unannounced initiatives, including the GLA's proposed London-wide review into Gypsy / Traveller accommodation. This is because:

- No details have been published on the Mayor's proposed London-wide assessment of Gypsy / Traveller accommodation, as a result, its objectives cannot be relied on as final, hence should not form long-term policy.

**5. Review legal competence of providing accommodation for ethnic Gypsies / Travellers.** To reconsider existing advice on whether LB Southwark has the legal competence to commit to delivering 'culturally appropriate' accommodation for all ethnic Gypsies / Travellers within the borough. This is the context of:

- The December 2020 Ministerial Direction to the GLA, which revoked the London Plan 2021's proposed extension of London Borough Council's responsibilities to provide accommodation for Gypsy / Travellers that do not meet the 2015 Planning Definition.
- To take into account evidence that the tenants of Brideale Close Traveller Site seek to relocate to bricks and mortar accommodation, in place of continuing to live on a dilapidated and unsuitable public Gypsy / Traveller Site.

Finally, to note that by changing the definitive commitment to develop new Traveller Sites from "*provide new sites in the future...*" to "*working towards providing new sites in the future...*" LB Southwark have reduced their commitment to provide new, additional Traveller pitches subject to need. This is not considered to be an action, but mentioned **for the record**.

On behalf of the tenants of Brideale Close Traveller Site  
Email: [contact@countryandtownproperty.co.uk](mailto:contact@countryandtownproperty.co.uk)

Planning Policy  
Southwark Council  
PO BOX 64529  
London  
SE1P 5LX

Sent by email: [planningpolicy@southwark.gov.uk](mailto:planningpolicy@southwark.gov.uk)

22 September 2021

Dear LB Southwark Planning Policy,

**RE: DRAFT New Southwark Plan - Main Modifications Consultation, August to September 2021**

This is a response to the **Consultation on the DRAFT Main Modifications** to the **DRAFT New Southwark Plan**, held between **6 August** and **24 September 2021**. It is provided on the behalf of the tenants of Brideale Close Traveller Site. It concerns proposed revisions to **P11 Homes for Travellers and Gypsies**.

## **1. Summary of Requested Actions**

This response sets out the arguments in favour of the following changes to Policy **P11 Homes for Travellers and Gypsies**, and the policy's **supporting evidence base**. Without these changes it is argued that elements of the **DRAFT New Southwark Plan** are **unsound, unlawful** and **unjustified**, and as a result will be subject to a **Ministerial Direction** ahead of adoption:

1. For the text to Policy 11 to reintroduce the qualifier, 'subject to need' and 'where there is an identified need', potentially with an additional qualifier, 'subject to the majority will of each site's present tenants'. This is to ensure that the policy is lawful and aligned with the **NPPF** and reflects the overwhelming desire of tenants of **Brideale Close Traveller Site** to relocate to bricks and mortar accommodation. This is in line with the legal advice received by LB Southwark in April 2021.
2. For the Planning Inspector to conduct a full review on all supporting evidence in relation to P11 and consider whether the 'positive outcomes' alleged in both the **Integrated Impact Assessment (IIA)** and **Equalities Impact Assessment (EIA)** are **justified**, in the context of the arguments provided for them by **LB Southwark** are

**unsound.** In this context, for the **Planning Inspector** to consider **proposed revisions** provided in this response to the **IIA** and **EIA**.

3. For LB Southwark to carefully consider the proposed Indicators for P11 given that their analysis provides no indication of how P11 will actually perform against the DRAFT New Southwark Plan's proposed Strategic Objectives, arguably making them **unsound**.

4. To publish details of, or remove any references to unplanned and / or unannounced initiatives, including the GLA's proposed London-wide review into Gypsy / Traveller accommodation.

5. To reconsider existing advice on whether **LB Southwark** has the **legal competence** to commit to delivering 'culturally appropriate' accommodation for all ethnic Gypsies / Travellers within the borough, with consideration of the relevant **Ministerial Direction** to the **London Plan 2021**. In this context, taking into account evidence that the **tenants of Brideale Close Traveller Site seek to relocate to bricks and mortar accommodation**, in place of continuing to live on a dilapidated and unsuitable public Gypsy / Traveller Site.

The **full context, background** and **evidenced reasoning** behind these requested changes are provided below.

## **2. Response Context**

[REDACTED]  
[REDACTED] This is one of four public Gypsy / Traveller Sites owned and operated by LB Southwark. The site currently provides **16 pitches**, housing around **20 adults** and **30 children**. The majority of tenants have lived at the site for **over five years** – many for **over 20 years**.

Following rising concerns about long-standing issues at **Brideale Close Traveller Site**, tenants have engaged a professional team to evaluate the feasibility of **four options** for the site's future. These options are designed to overcome the serious problems that persist at the site, which despite at least two decades of awareness, **LB Southwark** has **failed** to address.<sup>1</sup>

Within this context, this response is provided on the **behalf of tenants of Brideale Close Traveller Site**.

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<sup>1</sup> A case in point, Southwark's first borough specific GTAA was published in 2020, 14 years after the Planning Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites (CDN19) was issued. While none of the recommendations of two independent reports, Needs of the Traveller Community in Southwark & the Starfish Report (2001), which contain findings that remain highly relevant to public Gypsy / Traveller Sites in Southwark today, and represent a more thorough evidence base than research in any other London Borough, are not even referenced in any of the current DRAFT New Southwark Plan work concerning provisions for Gypsies / Travellers.

### 3. Summary of Response to the Main Modifications

This response focuses on the proposed revisions to Policy **P11 Homes for Travellers and Gypsies**, and the evidence base that supports this proposed revision.

Proposed revisions to **P11** raise concerns about **locking LB Southwark** into an **unfeasible** and **poor value for money approach to the future provision of Gypsy / Traveller Pitches**. This is an approach that will deliver one of the **worst potential outcomes** for current residents at public Gypsy / Traveller Sites in **LB Southwark**. Further, aspects of the policy are arguably unsound legally, and highly vulnerable to revocation via Ministerial Direction at a late stage of the Local Plan Development process.

This is supported by the widely held assessment that actual delivery of the aspired number of additional, short-term 'culturally appropriate' Gypsy / Traveller pitches identified by **LB Southwark** is **unfeasible**.<sup>2</sup> As an assessment that is also supported by independent analysis (provided within this response), it is understood that LB Southwark are aware of this, as per the Advice from Counsel (EIP230) commissioned to support the review of changes to P11 and a proposed revision to the drafting of said policy back in April.<sup>3</sup>

The inflexibility of the proposed approach to public Gypsy / Traveller Sites, dictated by changes to P11 is **projected to deliver poorer outcomes for existing residents of public Traveller Sites in Southwark** than alternative options. This would lock LB Southwark into an ineffective policy that obstructs the necessary flexibility to deliver better outcomes for the borough's Gypsy / Traveller communities outside of existing planning constraints, through which LB Southwark's arguably sympathetic attitudes are constrained by **a hostile national political and planning environment**, over which **they have no control**.<sup>4</sup>

Further, the prospect of delivering this approach of maintaining and increasing current Gypsy / Traveller pitch provision in Southwark is additionally challenged by **LB Southwark's** proposed **dilution of the previously robust commitment to deliver future culturally appropriate accommodation for the borough's Gypsy / Traveller community**. While this is in line with LB Southwark's legal requirement to only need to plan for, instead of deliver additional pitches (including even those identified as Gypsies or Travellers against the 2015 Planning Definition) it represents a confusing change against the apparent extension of the commitment to deliver additional pitches for those that meet the 'cultural' definition, further down in the redraft of the P11.

The proposed modifications **conflict with the Right to Buy options already offered to the existing tenants at Southwark's four public Traveller Sites**, a point of potential legal challenge that has not been considered in the supporting **Revised Integrated Impact Assessment**.

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<sup>2</sup> Para 19, Legal Advice on the Proposed Revision to P11, EIP230 - Southwark Local Plan Advice

<sup>3</sup> Downscaling of the commitment to actually deliver Gypsy / Traveller Accommodation

<sup>4</sup> As evidenced by the 2020 Ministerial Direction from SoS MHCLG to the Mayor of London forcing a revision in the London Plan 2021's more comprehensive accommodation policy for Gypsies & Travellers (H14), continued Government action to change unauthorised encampment to a criminal offence and continued lack of bespoke funding to support the accommodation needs of Gypsies / Travellers nationally.



evidence for the Main Modifications, similar commitments have been given by LB Southwark before, and given the lack of details on this proposed renovation programme, there is nothing presently within the DRAFT New Southwark Plan to which the Authority can be held to account when performance against delivery is challenged.

The changing character of Old Kent Road is increasingly eroding the economic and social prospects of the residents of Brideale Close Traveller Site, further amplifying the tenants' long-standing marginalisation from the settled community. Although Brideale Close Traveller Site sits on the cusp of **NSP63/OKR11**, none of the **15 developments** within this residential allocation (*at some stage of the planning process*) include even an acknowledgement of the proximity of the site. Further, **despite three out of four of LB Southwark's public Gypsy / Traveller Sites** sitting within the **Old Kent Road Opportunity Area**, none of the supporting material contains even a reference to the sites, including the relevant **Equalities Impact Assessments**.<sup>11</sup>

Given the significant impact that focussed regeneration will have on these already marginalised communities, this represents an enormous oversight. However, it is indicative of LB Southwark's prioritisation of these communities. Although the borough consistently claims to have one of the largest provisions of public Gypsy / Traveller sites out of any London borough, this is **inconsequential** if they are **poorly maintained, not adequately considered in planning matters** and **do not provide adequate accommodation for the borough's existing ethnic Gypsy / Traveller populations**.

Given this situation, tenants of Brideale Close Traveller Site have expressed an overwhelming desire to relocate to a more suitable location, with all expressing a preference to relocate to bricks and mortar accommodation, i.e., **none are seeking "culturally suitable" accommodation in the form of a caravan pitch**.

However, as one of the most deprived communities in the United Kingdom, the residents do not have the financial means to relocate. As a result, they have approached a developer with the aim of developing a feasible solution for their future.

Ultimately, this has created a situation where it is in no one's interest to maintain Brideale Close Traveller Site:

1. The tenants of Brideale Close Traveller Site seek to relocate from a site which is unable to support their future economic and social prosperity.
2. Given that it is acknowledged that the tenants do not meet the planning definition, the site is home to ethnic Gypsies and Travellers who are forced to live in overcrowded and unsuitable conditions.<sup>12</sup>
3. Maintaining the site is at an ongoing cost to LB Southwark and the UK Government.

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<sup>11</sup> This includes the most recent Old Kent Road Opportunity Area Action Plan and relevant Equalities Impact Assessments

<sup>12</sup> LB Southwark acknowledges that a significant proportion of the identified shortfall of 'culturally appropriate' accommodation is due to overcrowding at existing sites. GTAA2020, Public Examination on New Southwark Plan 3b and various desk notes.

4. The site is blocking prime land for the regeneration of Old Kent Road; a programme that has arguably progressed without adequate consultation or provision for the community at Brideale Close Traveller Site, or the two other public Gypsy / Traveller sites within the development area's boundaries.

A feasible, high value for money solution that is projected to benefit the tenants, LB Southwark and the broader settled community has been developed and assessed to deliver **significantly better outcomes for all than LB Southwark's current position**. Further, this solution is projected to reduce LB Southwark's assessed need for Gypsy / Traveller sites, without disenfranchising the community. However, it hinges on the opportunity to sell the land at Brideale Close to the current tenants, to which an absolute commitment to safeguard public Gypsy / Traveller pitches presents a significant obstacle.

While the proposed policy revision does not completely prevent this outcome, it would make it significantly more difficult. To amend the drafting for this policy ahead of considering the proposal, represents an enormous missed opportunity for LB Southwark to undertake innovative solutions for the future management of public Gypsy / Traveller Sites in London.

## 5. Main Modifications - P11 Background

There are various issues with the proposed **Main Modifications** to the **DRAFT New Southwark Plan**. However, this response focuses on the proposed revisions to **P11 Homes for Travellers and Gypsies**. Other unrelated inconsistencies identified during this review are **summarised in Annex B, for the benefit of LB Southwark**.

Changes to **P11** were initiated by the **Planning Inspector** following the public examination **Matter 3b - Meeting Southwark's Housing Needs**, which included a review of **P11 - Home for Travellers and Gypsies** and a post-examination submission from **Southwark Travellers' Action Group (STAG)**.<sup>13</sup>

In this submission, **STAG** furnished additional evidence, challenging the previous drafting and evidence supporting P11 in February 2021.<sup>14</sup> This statement challenged the legality<sup>15</sup> of the previous draft of P11 and the supporting evidence justifying it, on the basis that a representative sample of the actual ethnic Gypsy and Traveller community was not consulted. Further, it requested the removal of the conditional qualifier, 'subject to need' and 'where there is an identified need' in P11, as **STAG** assessed this drafting to "*[put] all those currently on the [public] sites in a potentially dangerous position.*"<sup>16</sup>

Following consideration of these representations, the **Planning Inspector** placed the requirement on **LB Southwark** to clearly state in **P11** that it will be meeting non-Planning definition needs, and given the scale of this acknowledged shortfall, required LB Southwark

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<sup>13</sup> New Southwark Plan Examination, Matter 3b, video of public examination, 1 March 2021 -

<https://www.youtube.com/watch?v=xOM61jdW07c>

<sup>14</sup> M3.04 - NSPPSV490, Written Statement on Issue 3, Policy 11 Gypsies and Travellers, Examination in Public of the New Southwark Plan, Southwark Travellers' Action Group, 2 February 2021

<sup>15</sup> Based on STAG's interpretation of the Public Sector Equality Duty

<sup>16</sup> Pg. 3, M3.04 - NSPPSV490

to revise the commitment in P11 to Safeguard Gypsy / Traveller Sites to be less ambiguous.  
17

It is noted that this does not represent an endorsement of **STAG's** claim that the previous drafting put existing public Gypsy / Traveller Sites in a dangerous position, but instead that from a planning perspective, if LB Southwark acknowledge that they have a shortfall outside of their legal requirements in the **National Planning Policy Framework**, it must be stated, and a reasonable condition on making the commitment to provide additional pitches is the absolute maintenance of all existing ones.

Separately, the **Planning Inspector** also required **LB Southwark** to formally acknowledge the immediate need for the supply of **at least 27 additional Traveller Pitches**, requiring them to include a direct reference to its identified five year Traveller pitch shortfall in the policy.<sup>18</sup> This was in line with the requests in STAG's submitted evidence.

While the changes proposed are based on good intentions, specifically to maintain LB Southwark's pitches in the context of a public Traveller pitch deficiency for those requiring 'culturally suitable' pitches, a range of new concerns have emerged following the redrafting of Policy 11 and its supporting materials.

These concerns are addressed in the section below (supported by **five annexes**).

## **6. Main Modifications - Requested Revisions**

### **6.1 Drafting Revisions to P11 - Homes for Travellers and Gypsies**

The **proposed revisions** to P11 feature **five significant changes / additions**:

**a. Removal of the Pitch Safeguarding Qualifier.** The removal of the conditional qualifier to LB Southwark's commitment to safeguard existing public Traveller Sites, 'subject to need' and 'where there is an identified need'.

**b. A Reduced Commitment to Deliver New Pitches.** A reduction in LB Southwark's commitment to provide new public Gypsy / Traveller Sites in Southwark, diluting "We will provide..." to the less committal, "We will work towards providing..."

**c. Acknowledgement of LB Southwark's immediate Traveller Pitch deficit.** The addition of an explicit statement on LB Southwark's acknowledged pitch shortfall, including acknowledgement for the immediate five-year need of 27 pitches and the projected need of 43 pitches for the Plan Period. It is noted that this is not for those meeting the 2015 Planning Definition, but 'ethnic' Gypsies and Travellers seeking 'culturally appropriate' accommodation.

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<sup>17</sup> Point 17, pg. 7, EIP188a - New Southwark Plan Examination Action List (2 June 2021) - last modified on 10 August 2021

<sup>18</sup> Point 16, pg. 6, Ibid

**d. A commitment to Traveller Pitches outside of the 2015 GT Planning Definition.** A commitment to provide "culturally appropriate" accommodation for Gypsies and Travellers who do not meet the 2015 Planning definition, with the qualifier that where this can't be met, need will be addressed through the Plan-Making Process.

**e. References to the largely undefined GLA London-wide Gypsy Traveller Accommodation Review.** A commitment to collaborating on, and learning from the Mayor of London's and the Greater London Authority's (unannounced) London-wide assessment on the accommodation needs of London's Gypsy and Traveller community.

The potential consequence of each change is considered below:

### **6.1.a Removal of the Conditional Qualifier for Safeguarding**

First, the removal of the conditional qualifiers for safeguarding existing public Traveller Sites in Southwark, 'subject to need' and 'where there is an identified need', only represents a deviation from LB Southwark's draft policy on Homes for Travellers and Gypsies. This change brings the policy in line with the current adopted policy for Homes for Gypsies & Travellers.<sup>19</sup> As a result, all assessed impacts that conclude that this change delivers **new positive outcomes** are **incorrect** and **unsound**.

Second, the removal of the safeguarding qualifier limits LB Southwark's approach to public Gypsy / Traveller Sites over the plan period to maintaining public Gypsy / Traveller Sites. While there is no legal requirement for LB Southwark to do so, including this in the Local Plan means any deviation from this policy would require the adoption of a new DPD, following adoption of the New Southwark Plan. This presents a significant challenge, as a substantial body of independent research concludes that in many cases, maintenance of sites alone will not deliver the best outcomes for Gypsy / Traveller communities living at these sites, wider settled communities or the public sector. Further, this is not the outcome sought by the tenants at Brideale Close. As a result, this policy is opposed by one out of four of communities living on a public Gypsy / Traveller site in Southwark. Ultimately, individual communities at public Traveller Sites are subject to highly unique circumstances, often including slum conditions that Local Authorities are not compelled to, and do not, address. In LB Southwark, almost all residents at Gypsy / Traveller Sites are long-term residents. Through this policy, irrespective of the potential deterioration of the condition of existing public Traveller Sites in the borough, residents are potentially tied to unsuitable sites, for which they have **no robust legal route to challenge neglect**.

Absolute safeguarding of existing public Traveller Sites in Southwark conflicts with LB Southwark's decision to offer Right to Buy to site tenants.<sup>20</sup> Uniquely, residents at LB Southwark's public Traveller Sites are classed as tenants, not licencees.<sup>21</sup> Removing the

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<sup>19</sup> Strategic Policy 9 - Homes for Travellers and Gypsies, Southwark Core Strategy, April 2011 (see Annex A)

<sup>20</sup> Para 2.6, Pg. 1, Appendix A, GLA Housing Committee Site Visit to Gypsy Traveller Sites, 9 September 2014

<sup>21</sup> The legal condition of the assessment that residents at public Traveller Sites do not have access to Right to Buy

right for these tenants to purchase their pitches under Right to Buy has the potential for legal challenge, a risk that has not been assessed in any of the Main Modifications associated Impact Assessments.

As a result, this change represents a circumvention of tenants of public Gypsy / Traveller Sites in Southwark's rights, while confirming an acceptance by LB Southwark that they will continue to pursue Gypsy / Traveller policies that **do nothing** but maintain the status quo (for one of the most disadvantaged ethnic groups in the country), instead of seeking innovative policy solutions that will materially improve the lives of residents in the borough. Finally, it flies against the express wishes of one of these communities.

We strongly recommend that this policy is revised to the previous draft, to include qualifiers, but with an additional provision that this is 'subject to the majority will of the present tenants'.

#### **6.1.b A Reduced Commitment to Deliver New Sites**

By changing the definitive commitment to develop new Traveller Sites from "*provide new sites in the future...*" to "*working towards providing new sites in the future...*" LB Southwark have reduced their commitment to provide new, additional Traveller pitches subject to need.

If LB Southwark are committed to meeting the Gypsy & Traveller communities' acknowledged need for additional 'culturally appropriate' accommodation, this revision should be reversed.

However, it is acknowledged that this revision is in line with LB Southwark's legal competence to deliver pitches for Gypsies and Travellers. Any firmer commitment on providing culturally suitable accommodation for ethnic Gypsies and Travellers that do not meet the 2015 Planning Definition is likely to be challenged by central Government, and revoked, as was the case with the GLA's attempt to extend this responsibility in the London Plan 2021.

Further, it is acknowledged that delivering a new pitch to meet the identified needs of the community will be arguably unfeasible for LB Southwark (*costing an estimated £26.5 million for a 34 pitch site*).<sup>22</sup> While we believe that this change is in line with LB Southwark's actual ability to deliver culturally appropriate accommodation for the ethnic Gypsy / Traveller community, it was felt appropriate to put it on the record that **this revision to P11 represents a downscaling of the previous commitment.**

#### **6.1.c Acknowledgement of Public Traveller Pitch Shortfall**

The Planning Inspector instructed LB Southwark to include an explicit reference to the borough's immediate Gypsy / Traveller pitch shortfall as a five-year delivery target.

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<sup>22</sup> See Annex 4 - The Estimated Cost of Establishing a New Public Gypsy / Traveller Site in LB Southwark

As this is not for Gypsies / Travellers that meet the 2015 Planning Definition, and in reference to the argument provided above, this is largely lip-service to the community. Nonetheless, it should be noted that Policy H14, Section A of the London Plan 2021 requires London Boroughs to include ten-year pitch targets.<sup>23</sup> If this is deemed to comply with the London Plan 2021, we suggest that LB Southwark consider revising the five year target of 27 pitches to 34 pitches to reflect the ten year period shortfall from 2020/21 to 2029/30.<sup>24</sup>

#### **6.1.d Acceptance of Providing Culturally Appropriate Accommodation**

While LB Southwark's extension of their commitment to provide 'culturally appropriate' accommodation to those that satisfy criteria as ethnic Gypsies or Travellers rather than the Planning Definition, is commendable, given the Ministerial Direction<sup>25</sup> given to the London Plan 2021's proposed final draft of Policy H14, which shot down proposals to extend every London Boroughs' responsibilities to include Gypsies & Travellers that did not meet the 2015 Planning Definition in their accommodation assessments (also highlighted in Southwark's advice from Counsel on changes to this policy)<sup>26</sup>, it is highly likely that this will be considered **unlawful** and **unsound** as a policy when considered by the Secretary of State. As a result, we recommend its removal.

#### **6.1.e Reference to the Mayor of London's Gypsy / Traveller Accommodation Assessment**

It is positive that LB Southwark is committed to engaging with the Mayor of London and Greater London Authority on the proposed London-wide Gypsy / Traveller Accommodation Assessment. However, this assessment is yet to be formally announced, and as a result, there are no clear objectives, frameworks or timescales for the delivery of this plan.

As a result, there is no guarantee that this work will support the objective, "to work towards meeting the needs of the Gypsy and Traveller community in London." As this cannot currently be confirmed and may be subject to change, it is recommended that this supposed outcome is removed from Policy 11's current drafting.

#### **6.2 Reassessment of the Integrated Impact Assessment for P11 Homes for Travellers and Gypsies**

The revised Integrated Impact Assessment Report and Annexes that support the Main Modifications includes a reassessment of P11 against the DRAFT New Southwark Plan's 17 Integrated Impact Assessment Objectives.

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<sup>23</sup> Pg. 203, London Plan 2021

<sup>24</sup> 10 year additional pitch requirements as set out in Southwark's Gypsy Traveller Accommodation Assessment 2020

<sup>25</sup> SoS MHCLG Ministerial Directions to the (then) Draft London Plan - <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/secretary-states-response>

<sup>26</sup> Para 15, Legal Advice on the Proposed Revision to P11, EIP230 - Southwark Local Plan Advice

The assessment concludes that changes to P11 will deliver overall 'major positives' (68% positive)<sup>27</sup> against the 11 relevant IIA Objectives. However, an independent review of these objectives and the assessed positive impacts concludes that drawing overall 'major positives' from this assessment is **unjustified**.

A full assessment on the deficiencies of each assessed outcome are provided at **Annex D**, with a proposed revised assessment. However, in summary the assessment that this approach is unjustified is supported by the following arguments:

1. During the initial development of the New Southwark Plan, the only two policy options considered for the plan period approach to Housing for Travellers and Gypsies were a status quo option (maintaining Traveller Pitch Provision at its current level), and a legal, but practically unachievable hypothetical option of reducing the number of public Traveller pitches in the borough.<sup>28</sup> This indicates that only one deliverable option for managing the future of housing provision for Travellers and Gypsies was viable and as a result, a full options assessment of how to manage future Gypsy / Traveller Accommodation has not been provided. As a result, if the positive outcomes are being assessed against the hypothetical, unrealistic objective, they do not present a realistic or accurate comparison.
2. 'Safeguarding' existing sites represents no change to Southwark's Adopted Policy. The continuation of an existing policy without any evidenced, positive improvements cannot present a 'positive outcome', as it only maintains the status quo. All policies falling into this category should be assessed as having a **neutral impact**. If this is not the case, it is recommended that LB Southwark **release the full analysis** on exactly how maintaining the status quo will have a 'major positive' impact on their existing Gypsy / Traveller populations.
3. No evidence is provided to support how safeguarding existing Gypsy / Traveller sites will positively impact indicators set to monitor the effectiveness of any specific IIA objective. The only way this could be construed as positive is via the use of a narrow hypothetical, in which non-safeguarded Traveller Sites were evicted by LB Southwark and residents made homeless. While this is an option that should be considered during policy making, specifically to highlight its harrowing consequences, it is arguably not achievable, as indicated by the reaction to last year's proposed sale of the public Hovefields Travellers' Site in Essex in summer 2020.<sup>29</sup>
4. For all indirect positive assessments against IIA objectives, specifically with regard to access to services, assessment omits LB Southwark's own commissioned independent research that Gypsy / Traveller communities in the borough face significant barriers to accessing services, for which the only recommended solution is to deliver bespoke services built around the unique needs of these communities. As

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<sup>27</sup> Pg. 555 (pdf), EIP224 Integrated Impact Assessment Report & Appendices - July 2021

<sup>28</sup> pg. 1036 – EIP224 – Integrated Impact Assessment Report and Appendices July 2021

<sup>29</sup> Essex County Council attempted to dispose of the public Traveller Site at Hovefields in 2020. This is a site that has been subject to significant local opposition, in a borough that takes a much less lenient approach to Gypsy / Traveller planning policy. However, significant public opposition and the threat of legal action forced the council to withdraw the proposal. It is projected that any such move in a London Borough would be met with much fiercer opposition -

<https://www.echo-news.co.uk/news/18530284.hovefields-travellers-site-basildon-sold/>

a result, it is difficult to argue that maintaining the status quo and arguably poor access to services will be mitigated by continuing to engage with these communities in the same way.

5. LB Southwark's commentary for IIA04 - To reduce the incidence of crime and the fear of crime, does not relate to crime, but road safety. This is reflective of other commentary throughout the IIA of this policy, which upon review appears to have been inadequately considered.

6. Comments linked to three of 11 assessed IIA Objectives anticipate that culturally appropriate accommodation will not be deliverable (IIA03, IIA05 & IIA15). While this is anticipated, it highlights a palpable insincerity in LB Southwark's half-commitment to deliver the required number of Gypsy / Traveller pitches, as has been enabled by the proposed downscaling of the commitment to provide these pitches.

This presents a serious set of issues for P11. However, arguably, these are not related directly to the policy, which with some revision, could be effective.

Instead, the problem is that assessments like this set a highly misleading precedent, which when not challenged, will allow LB Southwark to exaggerate the apparent positive impact of **doing nothing**. This can apply more broadly to the plan, as it **sets an incredibly low baseline** for what **constitutes an acceptable** 'evidence based' assessment.

We request that the Planning Inspector reviews and recommends the removal of unevidenced positive impacts of P11 in the Integrated Impact Assessment and its appendices, as it is highly misleading and presents broader issues for public perception of the quality of the DRAFT New Southwark Plan.

### **6.3 Reassessment of the Equalities Impact Assessment**

As with the revised Integrated Impact Assessment, at various points the revised Equalities Impact Assessment suffers from the same unfounded assertions detailed above.

Throughout the updated report and its appendices, references to P11 conclude that safeguarding LB Southwark's existing four public Traveller Sites is likely to have a 'highly positive' impact on residents' health, while improving sanitation and water facilities for sites' residents. Objective assessment concludes that this is clearly not the case, it merely maintains the authority's current policy towards its Gypsy and Traveller communities.

A full independent assessment of these conclusions is provided at **Annex E**, which also includes recommended revisions.

As with the revised Integrated Impact Assessment, we request that the Planning Inspector reviews and recommends the removal of unevidenced positive impacts of P11 in the Equalities Impact Assessment, as it is highly misleading and based on non-existent evidence.

## 6.4 NSP Monitoring Framework

The NSP Monitoring Framework establishes which indicators the success of Local Plan policies will be assessed.

The four policy indicators for monitoring the success of P11 are as follow:

1. A comparison of the number of existing Gypsy / Traveller Sites maintained over the Plan Period;
2. The total number of Gypsy / Traveller Sites across the Plan Period;
3. An assessment of the number pitches within each site across the Plan Period;
4. The number of unauthorised encampments across the Plan Period.<sup>30</sup>

These monitoring points are linear, measuring only how Public Gypsy / Traveller Sites have been maintained, expanded or reduced over the Plan Period. There is the potential for a simple metric to indicate whether increased or maintained pitches have correlated with instances of unauthorised encampments, however, beyond that, these indicators are largely useless from a standpoint of assessing the success of P11 against the DRAFT New Southwark Plan's Strategic Objectives.

While LB Southwark may wish to pursue these, as indicators they do not express whether the standard of living, access to services, health outcomes or improved educational outcomes have been achieved for this community over the plan period. As a result, they go no way towards assessing the DRAFT New Southwark Plan's Strategic Objectives and how effective P11 has been at delivering them. Further, unless these points are measured, the proposed 'positive impacts' in the Integrated Impact Assessment and Equalities Impact Assessment arguably cannot be used as justification for P11, because there is no way of measuring whether any of the (arguably unevidenced) proposed positive impacts have been delivered over the Plan Period.

This means that without the revision of these policy indicators, LB Southwark will have no future evidence base on the continued suitability of P11 for the communities living at Southwark's Public Traveller Sites.

Further, it presents the patronising assumption that the Local Authority knows that this single direction of travel for Gypsy / Traveller Housing Policy is the only positive outcome that can be achieved by the borough's Gypsy and Traveller communities.

Ironically, this fails to take into account the fact that unlike other, larger populations, the Gypsy / Traveller communities in Southwark present a viable community to engage with directly on future planning matters. Further, the framework to deliver this type of self-determination is already available, with dedicated Gypsy / Traveller Liaison Officers, who already have established relationships with sites' residents, with additional, effective representation through the **Southwark Travellers Action Group**.

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<sup>30</sup> pg. 4, EIP178a - Appendix 6: Annex 4 - NSP Monitoring Framework

We strongly recommend that LB Southwark consider qualifying the current draft policy indicators for P11 to include an effective framework for assessment beyond measures used to assess Gypsy / Traveller populations in line with GTAA, to match the borough's apparent commitment to deliver positive outcomes for these communities.

## 6.5 Minor Points

The present draft for Policy 11 includes the misspelling of Brideale Close as "*Bridale Close*". This mistake has been transferred directly from Strategic Policy 9 - Homes for Travellers and Gypsies in Southwark's Core Strategies 2011. This should be corrected in the final version.

## 7. Requested Actions

As iterated above, in light of this evidence, we seek the following with respect to the Main Modifications:

1. For the text to Policy 11 to reintroduce the qualifier, 'subject to need' and 'where there is an identified need', potentially with an additional qualifier, 'subject to the majority will of each site's present tenants'. This is to **ensure that the policy is lawful, aligned** with the **NPPF** and matches the tenants' of Brideale Close Traveller Site's wishes.
2. For the Planning Inspector to conduct a full review on all supporting evidence in relation to P11 and consider whether the 'positive outcomes' alleged in both the IIA and EIA are justified, in the context of the arguments provided for them are **unsound**, and in this context, to consider proposed revisions provided in this response to the IIA and EIA.
3. For LB Southwark to carefully consider the proposed Indicators for P11 given that their analysis provides no indication of how P11 will actually perform against the DRAFT New Southwark Plan's proposed Strategic Objectives.
4. To publish details of, or remove any references to unplanned and / or unannounced initiatives, including the GLA's proposed London-wide review into Gypsy / Traveller accommodation.
5. To reconsider existing advice on whether, legally, LB Southwark has the competence to commit to delivering 'culturally appropriate' accommodation for all ethnic Gypsies / Travellers within the borough, with consideration of the relevant Ministerial Direction to the London Plan 2021. In this context, taking into account evidence that the tenants of Brideale Close Traveller Site seek to relocate to bricks and mortar accommodation, in place of continuing to live on a dilapidated and unsuitable public Gypsy / Traveller Site.

As representatives of the residents at Brideale Close, our proposals seek the best possible outcome for the site's residents and more broadly, LB Southwark's Gypsy and Traveller community. Challenging potentially illegal elements of Policy 11 is part of this process, as revocation ahead of adoption, will allow for appropriate, legally sound alternative measures

to be developed. This will arguably not be the case, should P11 be revoked by Ministerial Direction at a late stage of the plan period.

Finally, I would like to use this opportunity to express our commitment to work with LB Southwark on alternative approaches to delivering better outcomes for their existing Gypsy / Traveller populations. We would be more than happy to elaborate on any points raised in this response, and would welcome a meeting with the Council's representatives to discuss this matter further.

Yours sincerely,

On the behalf of the tenants of Brideale Close Traveller Site

## **Annex A - Gypsy / Traveller Accommodation Policies in LB Southwark as they have emerged**

### **Southwark Core Strategy Adopted Strategic Policy 9 - Homes for Travellers and Gypsies (April 2011)**

#### **Strategic Policy 9 – Homes for Travellers and Gypsies**

Our approach is:

We will continue to protect our existing Traveller and Gypsy sites.

We will provide new sites in the future to meet the accommodation needs of Travellers and Gypsies

We will do this by

1. Safeguarding the existing four Traveller and Gypsy Sites in Southwark
2. Identifying new sites for additional facilities to meet the needs of Travellers and Gypsies having regard to:
  - The need for safe access to the road network
  - The impact of the local environment and character
  - The impact on amenity
  - The availability of essential services, such as water, sewerage and drainage and waste disposal
  - The proximity to shops, services and community facilities
  - The need to avoid areas at high risk of flooding

We are doing this because

5.73 Travellers and Gypsies are one of the most socially excluded BME groups in the country. Evidence suggests that there is a link between a lack of good quality Traveller and Gypsy sites and poor health and education. The government, through the Housing Act 2004 and Circular 01/2006 requires all local authorities to assess the accommodation needs of Travellers and Gypsies and to identify sites for their future needs. The criteria set out in this policy will make sure that future sites are suitably located to provide accommodation for Traveller and Gypsies whilst also being in keeping with the surrounding area and neighbouring land uses. Planning permission will be granted provided that these criteria are met. We will manage the need for provision of new Traveller and Gypsy pitches in the housing development plan document.

5.74 We will protect existing Traveller and Gypsy sites as required by London Plan Policy 3A.14 London's Travellers and gypsies. We currently have 38 authorised Traveller and Gypsy pitches across four sites. The four sites are Bridale Close, Burnhill Close, Ilderton Road and Springtide Close and we have shown these on the proposals map. We will continue to protect these sites to make sure they remain as homes for Travellers and Gypsies.<sup>31</sup>

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<sup>31</sup> Pp. 92-93, Southwark Core Strategy, April 2011

## **New Southwark Local Plan DRAFT Policy 11 (Feb 2020)<sup>32</sup>**

### **P11 Homes for Travellers and Gypsies**

We will continue to protect our existing Traveller and Gypsy sites subject to need. We will provide new sites in the future to meet the accommodation needs of Travellers and Gypsies. We will do this by:

1. Safeguarding the existing four Traveller and Gypsy sites in Southwark where there is an identified need; and
2. Identifying new sites for additional accommodation to meet the needs of Travellers and Gypsies having regard to:
  1. The need for safe access to the road network; and
  2. The impact on the local environment and character; and
  3. The impact on amenity; and
  4. The availability of essential services, such as water, sewerage and drainage and waste disposal; and
  5. The proximity to shops, services and community facilities; and
  6. The need to avoid areas at high risk of flooding.

### **Reasons**

1. We support the culture and traditions of Gypsies and Travellers in Southwark. We will assess our need for Gypsy and Travellers sites and look at how best to meet any additional need. This could be at a local, sub-regional or regional level.
2. We currently have 42 authorised Gypsy and Travellers' pitches across four sites which is one of the highest in London. The four sites are Bridale Close,<sup>33</sup> Burnhill Close, Ilderton Road and Springtide Close and we have shown these on our Planning Policies Map. We will protect these sites where there is a need to make sure they remain as homes for Gypsies and Travellers.

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<sup>32</sup> Policy 11 (originally Policy 71) Homes for Gypsies and Travellers was not added to the DRAFT New Southwark Plan until January 2019, with a further revision in February 2020. The February 2020 revision is provided here.

<sup>33</sup> Note that Brideale Close remains spelt incorrectly in the latest proposed revision to P11

## **New Southwark Local Plan DRAFT Policy 11 (August 2021)**

We will continue to protect our existing Traveller and Gypsy sites. We will work towards providing new sites in the future to meet the accommodation needs of Travellers and Gypsies. We will do this by:

1. Safeguarding the existing four Traveller and Gypsy sites in Southwark as shown on the Policies Map; and
2. Identifying new sites for additional accommodation to meet the needs of Travellers and Gypsies, having regard to:
  1. The need for safe access to the road network; and
  2. The impact on the local environment and character; and
  3. The impact on amenity; and
  4. The availability of essential services, such as water, sewerage and drainage and waste disposal; and
  5. The proximity to shops, services and community facilities; and
  6. The need to avoid areas at high risk of flooding.

### **Reasons**

1. **We support the culture and traditions of Gypsies and Travellers in Southwark. Southwark's Gypsy and Traveller Accommodation Needs Assessment 2020 identifies a need for 0 pitches for those who meet the Planning Policy for Traveller Sites (PPTS 2015) definition and a need for 43 pitches for those who do not meet the definition but who seek culturally appropriate accommodation of which 27 pitches are needed in the five-year period 2020/21 to 2024/5. We will work to address the need for culturally appropriate accommodation wherever possible. This could be at a local, sub-regional or regional level. Where culturally appropriate accommodation is not possible, the need for accommodation will be addressed through the plan-making process.**
2. We currently have 42 authorised Gypsy and Travellers' pitches across four sites which is one of the highest in London. The four sites are Bridale Close, Burnhill Close, Ilderton Road and Springtide Close and we have shown these on our Planning Policies Map. We will protect these sites to make sure they remain as homes for Gypsies and Travellers.
3. **We will work with the Mayor of London on the London-wide assessment for the accommodation needs of Gypsies and Travellers to work towards meeting the needs of the Gypsy and Traveller community in London. This work will help to inform future policies in Southwark where necessary. Any future sites that come forward for the purposes of Gypsy and Traveller accommodation will be assessed against the criteria set out in policy P11 to ensure safe and good quality accommodation is provided.**

## **Annex B - Other Points Related to the Main Modifications**

Although the review of the Main Modifications conducted on the behalf of the residents of Brideale Close has focussed on the proposed revisions to Policy 11 and associated evidence base, the review also highlighted a number of other, unrelated inconsistencies in the Main Modifications.

These are set out below:

### **Use of Indices of Deprivation as an Indicator**

The NSP Monitoring Framework proposes use of Indices of Deprivation subdomain future rankings as appropriate measures of progress against three strategic objectives, SP3 – A Great Start To Life (Education & Skills Domain), P27 – Access to Employment and Training (Education & Skills Domain) and SP5 – Thriving Neighbourhoods and Tackling Health Inequalities (Health & Disability Domain).

The Office for National Statistics' guidance states that a change in rank of Indices of Deprivation **cannot** be used to identify any real changes in deprivation over time.<sup>34</sup> These are only indicators / evidence on where funding and development programmes should be targeted.

Although the three instances of where this measure is proposed to be used as a key performance indicator are part of a package of indicators, their use remains **statistically unsound**.

It is recommended that should **LB Southwark** want to accurately assess the success of their Strategic Policies, alternative indicators are sought.

### **MM27 - P1 - Habitable Rooms Definition**

There needs to be clarification on whether the change in definition of Habitable Rooms in P1, with the addition of kitchens over 11sqm to rooms that meet the criteria to be classed as habitable rooms, will be applied retrospectively to developments at some stage of the planning process, but yet to receive full approval.

This is in the context that an independent review of proposed developments across NPS63/OKR10 indicates that for the majority of developments, this will increase assessed densities (HR/Ha).

Given that **72.7%** of **all proposed residential developments in NSP63** are already **above the recommended densities** for the **Old Kent Road Action Area** (650-1,100 HR/Ha), it is suggested that LB Southwark may wish to consider dropping this requirement, as given the evidence of approvals, it seems reasonably inconsequential, despite recommended

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<sup>34</sup> pg. 18, English Indices of Deprivation 2019 FAQs

assurances that any development in the Action Area that exceeds this density must deliver 'exceptional design'.

This is relevant given that LB Southwark have not offered a comprehensive definition of what constitutes 'exceptional design'.

## **Annex 2 – Housing Trajectory**

Although a minor point, the latest Housing Trajectory Paper **does not provide detailed addresses for any development proposals** for the **residential allocations NSP63/OKR10, NSP64/OKR11 and NSP65/OKR13** despite this level of information having been provided for other sub-areas and having been provided previously in **EIP198a – Updated 5 & 15 Year Housing Land Supply & Appendices – June 2021**.

For the sake of transparency and consistency, it is recommended that these site specific addresses are restored.

## **MM14 – SP6 - Climate Emergency**

On page 39 of the Main Modifications, all text following “5. The Crime Domain...” does not relate to the correct policy. It does not relate to the climate emergency, reducing emissions or encouraging cycling. This is one of numerous instances within the document where commentary appears to have been copied and pasted from another document / cell without due regard.

## **MM33**

The proposed modification, “2. New build residential development must:” on pg. 74 of the Main Modifications, doesn't make sense in the context of the paragraph and the list that follows it.

## **Conclusion**

Throughout the review of LB Southwark's Main Modifications, supporting documents and main documents have been littered with errors.

This potentially indicates that the entire evidence base supporting August 2021's Main Modifications requires a thorough review.

## **Annex C - Projected Cost of Establishing A New Public Gypsy / Traveller Site in Southwark**

This section provides a costed overview of the estimated cost of delivering LB Southwark's additional required Gypsy / Traveller Pitches, as set out over 10 years by the GTAA2020 (34 pitches).

It uses costed examples from LB Southwark's recent land acquisitions and costed relative construction costs from recently established public Gypsy / Traveller Sites.

Although the authors and those represented by the authors are highly supportive of delivering additional accommodation provisions for Gypsies / Travellers, where deemed appropriate, this costing is provided to put into clear context the proposed aspirations, and the feasibility of the proposed aspirations of LB Southwark.

Unfortunately, given the significant associated cost, it indicates that without introducing a new policy for developers delivering schemes of a certain size (i.e. over 500 units residential) to include a set number of pitches in each development, meeting the identified pitch shortfall is highly unlikely.

### **Cost of Establishing A New Site**

Site expansion involves two main costs:

- 1 Land acquisition
- 2 Construction of a new site

### **Land Acquisition Background**

Given land constraints in the borough and the lack of immediate land for development in any of the four existing sites' immediate vicinities (as all have been assessed as overcrowded), **site expansion at an existing location is not an option.**

Further, none of the entries in Southwark Council's current **Brownfield Site List**<sup>35</sup> are owned by the authority. Discounting open public spaces, land occupied used to deliver public services and land already committed to residential development, it appears that **Southwark owns, at most, a very limited amount of land**, none of which is suitable for the development of a new **Gypsy / Traveller Site**. As a result, to expand Gypsy / Traveller Site provision in the borough, Southwark must acquire private land.

To develop a site with capacity for at least **34 pitches**, it is estimated that at **least 1 hectare of land will be required**. It is assumed that should the Local Authority decide to develop a new site, they will **not have the option to locate it in another borough or county**, given

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<sup>35</sup> Southwark Brownfield Land Register 2020/21 - <https://www.southwark.gov.uk/planning-and-building-control/planning-policy-and-transport-policy/monitoring/brownfield-land-register>

Local Authorities' consistent opposition and lack of incentivisation to develop new Gypsy / Traveller Sites.

As a result, to develop a new site it is concluded that Southwark Council would be **required to acquire industrial, commercial or residential land from a private party.**

The availability of commercial land without tenant commitments in Southwark is limited. Further, although 2019 VOA land value appraisals state that on average, **1 hectare of industrial land in Southwark is valued at £6.18 million.**<sup>36</sup>

However, reviews of existing sales of commercial land in the area indicate that **1 hectare sold on the market in Southwark today would command a price closer to £20.3 million**, without a residential classification.<sup>37</sup>

### **Southwark Council - Commercial Land Acquisitions**

Over the last three years, Southwark Council has purchased **over 4 hectares of land** in the **Old Kent Road Opportunity Area** to support the delivery of affordable housing.

These purchases provide a good estimate for the cost that would be involved in acquiring land suitable for the delivery of a new Gypsy / Traveller Site in the area.

<b>Location</b>	<b>Area (ha)</b>	<b>Housing Aspiration</b>	<b>Est. habitable rooms / ha</b>	<b>Cost</b>
760 Old Kent Road	1.05 ha	500 units	1,428 HR/HA	£20.3 million
589 Old Kent Road	0.56 ha	450-500 units	2,410-2,678 HR/HA	£26.1 million
711-717 Old Kent Road	0.2 ha	200 units	3,000 HR/HA	£12.3 million
<b>Total</b>	<b>1.81 ha</b>	<b>1,150 to 1,200 units</b>	<b>N/A</b>	<b>£58.7 million</b>

*Sample of land acquisitions by Southwark Council for residential development 2019-2020*

### **Estimated Cost of Land Acquisition**

It is estimated that acquisition of a site that offers similar densities to **Brideale Close** would cost the local authority a minimum of **£20 million per hectare**. This would supply the space required to meet the immediate needs of the community, however **it would not present a long-term solution.**

<sup>36</sup> VOA 2019 Land Value Appraisals

<sup>37</sup> Southwark Council's purchase of 760 Old Kent Road in 2020, a site of 1 hectare, was for £20.3 million. This transaction appears to have included a significant discount.

Further, by Southwark Council's own projections, **this is potentially at the expense of anywhere between 500 and 1,000 new units, 50% of which could easily be affordable housing.**

### **Construction of a New Site**

Although **Gypsy / Traveller Sites** do not require a significant number of buildings, all modern pitches **offer hard-standing and chalets with washing facilities.**

There are no public figures relating to the cost of construction of any of the Gypsy / Traveller sites in Southwark. However, a review of recently constructed public Gypsy / Traveller sites indicates that there are no recent developments in London. However, the relocation of **Woldgate Travellers Site in East Riding, Yorkshire** does provide some outline figures that can be applied to this case.

### **Case Study - Relocation of Woldgate Travellers Site**

In 2012, East Riding of Yorkshire Council relocated the Woldgate Travellers Site, a Gypsy / Traveller Site with 22 pitches with 11 single-storey amenity blocks at the cost of **£1.4 million.**

<sup>38</sup>

**These £1.4 million costs included site drainage, connection to the water board, electrics, hardstanding and the erection of 11 single-storey, semi-detached blocks and a single warden's office.**

This figure was released as the tender for the engineering and construction contract. This means it **did not** include the cost of acquiring the 1.18 hectares of arable land<sup>39</sup> used for the site.

Total cost for a 22 pitch site - £1.4 million in 2011/12 prices (£1.72 million in 2019/20 prices as per Bank of England Inflation Price Check Tool)<sup>40</sup>

Considering these figures, it is estimated that the cost of **constructing a 34 pitch site on commercial land in Southwark** would amount to **£3 million.**

In practice, South Norfolk District Council quotes the average cost of constructing a new Traveller Pitch, without taking into account land acquisition at £120,000 per pitch (this is a 2007 estimate, so likely significantly higher now).

### **Funding Sources**

There are no dedicated, ring-fenced funding sources for the establishment of new Public Gypsy / Traveller Sites.

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<sup>38</sup> Pg. 17-45, Planning Committee Agenda 24 February 2011, East Riding of Yorkshire Council & Press release, East Riding of Yorkshire Council, Pg. 64, Design & Build Magazine, Issue 1203

<sup>39</sup> Planning case 10/04351/STPLF, East Riding of Yorkshire Council

<sup>40</sup> <https://www.bankofengland.co.uk/monetary-policy/inflation/inflation-calculator>

Although the London Plan 2021 proposes to provide Mayoral funding for the development of Public Gypsy / Traveller Sites, made available through the Homes for Londoners Affordable Homes Programme<sup>41</sup>, details on this are currently scarce. Further, if it is at the rate paid per affordable unit (intermediate, not council as this is a different budget), it would equate to £28,000 per pitch.

This would in no way cover the actual cost of developing a site that would meet the additional pitch needs in LB Southwark.

Instead, the funding would have to be borrowed against existing housing receipts, but unlike a normal development, there would be no option to achieve a return on receipts.

Including borrowing, it is estimated that developing a new Gypsy / Traveller Site in LB Southwark would cost an estimated £26.5 million.

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<sup>41</sup> Pg. 204, The London Plan 2021

## Annex D - Independent Review of IIA Objectives against Policy 11, Homes for Travellers and Gypsies

IIA Objective	Prompt Questions	Indicators/targets to monitor the effectiveness of the policy	Southwark's Assessment against P11	LB Southwark's Commentary	Independent Assessment	Independent Commentary
<b>IIA01</b> - To tackle poverty and encourage wealth creation	<ul style="list-style-type: none"> <li>&gt; Will it improve the range of job opportunities for all people?</li> <li>&gt; Will it help to diversify the economy?</li> <li>&gt; Will it increase the number of higher paid jobs in the borough?</li> <li>&gt; Will it help reduce overall unemployment, particularly long-term unemployment?</li> <li>&gt; Will it encourage the retention and / or growth of local employment and training opportunities in the most deprived areas?</li> <li>&gt; Will it assist in providing land and buildings of a type required by businesses, for a range of employment uses?</li> <li>&gt; Will it reduce poverty in those areas and communities / equalities groups most affected?</li> <li>&gt; Will it improve access to low-cost transport and other facilities?</li> <li>&gt; Will it provide for successful neighbourhoods for all?</li> <li>&gt; Will it promote and enable tourism opportunities to be exploited, and employment created?</li> <li>&gt; Will it result in a loss of employment land?</li> </ul>	<ul style="list-style-type: none"> <li>*Increase number of employee jobs</li> <li>*Increase number of micro and small-to-medium sized enterprises</li> <li>*Decrease percentage of unemployed population</li> <li>*Decrease primary shopping frontage vacancy rates</li> <li>*Decrease secondary shopping frontage vacancy rates</li> </ul>	✓✓	<p>P11 safeguards the borough's four existing Gypsy and Traveller sites as shown on the Policies Map.</p> <p>The Policy also sets out criteria for the identification of new sites to ensure safe and high quality accommodation.</p> <p>The 42 authorised Gypsy and Travellers' pitches allow existing sites to remain homes for Gypsies and Travellers protecting their welfare to allow business and community to flourish.</p>	0 (neutral - no effect)	<ol style="list-style-type: none"> <li>1. 'Safeguarding' public Gypsy / Traveller Sites does not contribute to jobs, job creation or reduce poverty in the borough. It maintains the status quo. This is not a positive impact.</li> <li>2. LB Southwark have been aware that the Gypsy / Traveller populations in the borough need bespoke support to access employment since 2000, as recommended in the Needs of the Traveller Community in Southwark. 'Protecting' pitches that were already protected does nothing to address this need.</li> <li>3. Regeneration in the Old Kent Road Opportunity Area is yet to consider the impacts of gentrification on the Gypsy / Traveller community, or safeguard any direct benefits to these unique communities. This does not represent 'successful neighbourhoods for all'.</li> </ol> <p>At most, the assessment against P11 should be neutral, not positive as it represents absolutely no positive planning change.</p>
<b>IIA02</b> - To improve the education and skill of the population	<ul style="list-style-type: none"> <li>&gt; Will it provide opportunities to improve the skills and qualifications of the population, particularly for young people and adults?</li> <li>&gt; Will it help improve employee education / training programmes?</li> <li>&gt; Will it help reduce skills shortages?</li> </ul>	<ul style="list-style-type: none"> <li>*Increase primary school places in accordance with the demand projections</li> <li>*Increase the proportion and number of residents who attain an NVQ4 or above</li> <li>*Reduce the proportion and number of residents with no qualification</li> <li>*Reduce the number and proportion of 16-17 years old not in education, employment or training</li> <li>*Increase early education places in accordance with the demand projections</li> </ul>	✓	<p>Protecting Gypsy and Traveller pitches ensures that educational infrastructure access is supported and continuous for this group of people and responsive to their lifestyle.</p>	0 (neutral - no effect)	<ol style="list-style-type: none"> <li>1. LB Southwark are aware that to improve the educational outcomes of Gypsy / Traveller communities, bespoke methods of accessing education need to be provided to the local community. This policy does nothing to commit to this change;</li> <li>2. 'Protecting' Gypsy / Traveller Sites is already the status quo, again, this represents no change to adopted policy and should not be considered as a positive against strategic objectives.</li> </ol>
<b>IIA03</b> - To improve the health of the population	<ul style="list-style-type: none"> <li>&gt; Will it promote and facilitate healthy living and active lifestyles amongst different groups?</li> <li>&gt; Will it improve access to health and social care / treatment for all sectors of the community?</li> <li>&gt; Will it maintain, enhance and create green infrastructure assets (e.g. green space, woodlands, recreation and sports facilities and allotments) for recreation, exercise and access to locally produced food?</li> <li>&gt; Will it improve access to jobs for all and otherwise reduce poverty?</li> <li>&gt; Will it encourage a range and mix of land uses that underpin local health; for example avoiding over concentration of hot food takeaways in one location?</li> <li>&gt; Will it reduce the prevalence of takeaways near schools?</li> </ul>	<ul style="list-style-type: none"> <li>*Increase life expectancy at birth for males and females</li> <li>*Reduce the level of health deprivation and disability</li> <li>*Increase the percentage of adult carers who have as much social contact as they would like (as a proxy measure of social isolation)</li> <li>*Increase percentage of physically active adults</li> <li>*Reduce the number of excess winter deaths</li> <li>*Reduce the fraction of mortality attributable to particulate air pollution</li> <li>*Higher utilisation of outdoor space for exercise/health reasons</li> <li>*Reduce the number of reception year children: prevalence of overweight (including obesity)</li> <li>*Reduce the number of year 6 children: prevalence of overweight (including obesity)</li> <li>*Increase the percentage of people with high or very high life satisfaction</li> </ul>	✓	<p>Health infrastructure will be accessible to the safeguarded pitches supporting the improvement of health for this group of people.</p> <p>It is recognised that it may not be possible to accommodate all those who are seeking culturally appropriate accommodation on sites in the borough and this may lead to feelings of social isolation and potentially have an adverse effect on mental health.</p>	0 (neutral - no effect)	<ol style="list-style-type: none"> <li>1. LB Southwark are aware that health outcomes for the borough's Gypsy / Traveller community are well below average, and again, need the development of bespoke services to adequately access these services.</li> <li>2. Continued access to existing health practices, is again, the status quo. This does not represent a positive policy change or an improvement to anyone's situation. It does not improve access to health services, promote or facilitate healthy lifestyles, or improve any existing environmental challenges faced by the community.</li> </ol> <ol style="list-style-type: none"> <li>1. This point acknowledges that LB Southwark considers 'not meeting' the identified shortfall in pitches is a realistic possibility. The wider GLA action is not yet announced and any work on this will require years of planning. This is not an adequate answer.</li> <li>2. However, this does not change the present situation.</li> </ol>

	<p>&gt; Will it help improve mental and emotional health, reducing social exclusion?</p> <p>&gt; Will it promote non-polluting forms of transport?</p> <p>&gt; Will it reduce exposure to poor air quality across all groups?</p>			The council will work with Mayor of London on the London-wide assessment to work towards accommodating the needs of the community where possible.		
<b>IIA04</b> - To reduce the incidence of crime and the fear of crime	<p>&gt; Will it improve safety and security?</p> <p>&gt; Will it incorporate measures to reduce crime and the fear of crime, including anti-social behaviour?</p> <p>&gt; Will it provide for a well maintained and inclusive public realm and other public facilities?</p> <p>&gt; Will it encourage an active and connected, strong and cohesive community?</p>	<p>*Reduce the level of crime deprivation</p> <p>*Reduce Crime rate per 1000 of the population for key offences including burglary</p> <p>*Local perception of safety and crime (available when Social Research for Southwark's Social Regeneration Charter is published)</p>	✓✓	Identifying new sites for additional accommodation to meet the needs of Travellers and Gypsies are encouraged by policy to meet the requirements of safe access to the road network.	0 (neutral - no effect)	1. This commentary isn't even related to crime. It highlights again how much of an afterthought this work appears to be.
<b>IIA05</b> - To promote social inclusion, equality, diversity and community cohesion	<p>&gt; Will it help support the voluntary and community sectors?</p> <p>&gt; Will it support active community engagement?</p> <p>&gt; Will it support a diversity of lifestyles and communities?</p> <p>&gt; Will it promote accessibility for those people who are elderly or disabled?</p> <p>&gt; Will it improve access to low-cost transport and other facilities?</p> <p>&gt; Will it help sustain the provision of community facilities and open space that meets local needs?</p> <p>&gt; Will it facilitate the connection of existing communities, i.e. layout and movement which avoids physical barriers and severance and land uses and spaces which encourage social interaction?</p> <p>&gt; How will different groups of people be affected by the option or policy - including black and minority ethnic communities, women, disabled people, lesbians, gay men, bisexual and</p>	<p>*Improve the borough's relative ranking for the indices of multiple deprivations</p> <p>*Decrease the percentage of children living in deprived households</p> <p>*Decrease the percentage of older persons living in deprived households</p> <p>*Reduce the gap in pay inequality</p> <p>*Increase the percentage of adult carers who have as much social contact as they would like (as a proxy measure of social isolation)</p> <p>*Perceptions of neighbourliness and how well local people get on well together (available when Social Research for Southwark's Social Regeneration Charter is published)</p> <p>*Local perception of the ability to have their voice heard and influence decisions (available when Social Research for Southwark's Social Regeneration Charter is published)</p>	✓	<p>Under the Equality Act 2010, outside of the PPTS planning definition, we recognise Gypsy and Travellers as an ethnicity.</p> <p>The policy recognises that there is a demand for 43 pitches for those who do not meet the PPTS definition but who seek culturally appropriate accommodation, with 27 of these pitches needed in the first 5 years. The policy sets out the intention to meet the needs for culturally appropriate accommodation wherever possible and where this is not possible homes will be provided for through other housing policies.</p> <p>It is recognised that it may not be possible to provide pitches for all those who seek culturally appropriate accommodation but the council will work with the Mayor on the London-wide assessment of gypsy and traveller accommodation to work towards meeting the need of the community in London.</p>	0 (neutral - no effect)	<p>1. Change in rank of Indices of Deprivation cannot be used to identify real changes in deprivation over time (pg. 18, English Indices of Deprivation 2019 FAQs). These are only indicators / evidence on where funding and development programmes should be targeted. Throughout this assessment, this potentially indicates a misunderstanding of how Indices of Deprivation are used as statistics, suggesting that the proposed KPIs are poor;</p> <p>2. The revised NSP Framework does not even include a reference to this erroneous statistical measure.</p> <p>3. While it is acknowledged that LB Southwark's stance on providing appropriate accommodation for those who culturally identify as Gypsy / Travellers is more than other counties outside of London, this is the accepted approach in London, as indicated by the Greater London Authority's attempts to introduce a more inclusive definition of Gypsy / Traveller in terms of planning and accommodation requirements in the New London Plan 2021. As a result, in practice, this is not an additional commitment;</p> <p>4. LB Southwark's commitment to build new pitches has been watered down from the previous draft, and arguably only represents a commitment to identify new pitches. While, as with any other LA, they are not compelled by legislation to provide any specific set of pitches where additional need is identified, recognising additional need is not the same as addressing identified need.</p> <p>5. This does not represent a deviation from existing policy.</p> <p>1. This point acknowledges that LB Southwark considers 'not meeting' the identified shortfall in pitches is a realistic possibility. The wider GLA action is not yet announced and any work on this will require years of planning. This is not an adequate answer.</p> <p>2. However, this does not change the present situation.</p>

	transgender people, children and faith groups? Will it benefit the groups listed above?					
<b>IIA06</b> - To mitigate impacts of and adapt to climate change	<ul style="list-style-type: none"> <li>&gt; Will it reduce C02 and other greenhouse gas emissions?</li> <li>&gt; Will it reduce consumption of energy?</li> <li>&gt; Will it use renewable sources of energy?</li> <li>&gt; Will it help local people cope with hotter/drier summers and warmer wetter winters?</li> <li>&gt; Will it mitigate the urban heat island effect?</li> <li>&gt; Will it encourage the re-use of resources?</li> <li>&gt; Will it encourage water efficiency and drought resilience?</li> </ul>	<ul style="list-style-type: none"> <li>*Decrease energy consumption by sector (Domestic and Industry/commerce)</li> <li>*Decrease domestic consumption per capita of natural gas</li> <li>*Decrease domestic consumption per capita of electricity</li> <li>*Decrease local carbon dioxide emissions</li> <li>*Decrease the number of households experiencing fuel poverty</li> <li>*Increase recycling and composting rate (%)</li> </ul>	N/A	N/A	N/A	N/A
<b>IIA07</b> - To improve the air quality of Southwark	<ul style="list-style-type: none"> <li>&gt; Will it improve air quality?</li> <li>&gt; Will it help to reduce emissions of PM10, PM2.5, NO2?</li> <li>&gt; Will it help reduce concentration levels of PM10, PM2.5 and NO2?</li> <li>&gt; Will it minimise construction impacts such as dust, noise, vibration and odours?</li> <li>&gt; Will it encourage a reduction in amount and length of journeys made by car thus generating lower emissions overall?</li> </ul>	<ul style="list-style-type: none"> <li>*Decrease concentration level of NO2, PM2.5 and PM10</li> <li>*Decrease percentage population exposed to levels of NO2 above the annual average objective limits</li> <li>*Increase frequency of cycling as mode of transport in the borough</li> <li>*Decrease number of private vehicles (cars/ motorcycles) used as a journey to work by mode</li> </ul>	N/A	N/A	N/A	N/A
<b>IIA08</b> - To avoid waste and maximise, reuse or recycle waste arising as a resource	<ul style="list-style-type: none"> <li>&gt; Will it promote the reduction of waste during construction / operation?</li> <li>&gt; Will it minimise the production of household and commercial waste?</li> <li>&gt; Will it promote sustainable processing of waste?</li> </ul>	<ul style="list-style-type: none"> <li>*Increase the amount of municipal waste diverted from landfill (recovery rate %)</li> <li>*Increase the recycling and composting rate (%)</li> <li>*Increase the number of buildings connected to SELCHP</li> </ul>	✓✓	The availability of essential services such as water, sewerage drainage and waste disposal to these sites ensures that the council is able to have oversight of consumption patterns and ensure that sufficient provisions are being made to service the populations living in these locations.	0 (neutral - no effect)	1. This is a reiteration of LB Southwark's additional policies to improve waste management and recycling in the borough. This is not related to P11. Instead, P11 or maintaining the status quo could be regarded as an enabler, however, as the status quo provides no quantifiable contribution to this objective, hence should not be considered positive.
<b>IIA09</b> - To encourage sustainable use of water resources	<ul style="list-style-type: none"> <li>&gt; Will it result in a net decrease in the demand for water and foul sewage disposal?</li> <li>&gt; Will it encourage reuse of water?</li> </ul>	<ul style="list-style-type: none"> <li>*Increase the quality of water at consumer's tap (zones) – against National Standards (number of tests failed)</li> <li>*Reduce domestic water demand (litres per person per day) as a proxy for Water consumption across the entire borough</li> </ul>	✓✓	The availability of essential services such as water, sewerage drainage and waste disposal to these sites ensures that the council is able to have oversight of consumption patterns and ensure that sufficient provisions are being made.	0 (neutral - no effect)	1. As above
<b>IIA10</b> - To maintain and enhance the quality of land and soil	<ul style="list-style-type: none"> <li>&gt; Will it result in the loss of open or previously undeveloped land?</li> <li>&gt; Will it promote re-use of previously developed land and buildings?</li> <li>&gt; Will it use land effectively and efficiently, including mixed use and higher density development?</li> <li>&gt; Will it encourage the remediation of land identified as potentially contaminated?</li> <li>&gt; Will it prevent further contamination of soils?</li> <li>&gt; Will it improve soil quality?</li> </ul>	<ul style="list-style-type: none"> <li>*Increase the number of open space (hectares per 1,000 people)</li> </ul>	N/A	N/A	N/A	N/A
<b>IIA11</b> - To protect and enhance quality of landscape and townscape	<ul style="list-style-type: none"> <li>&gt; Will it conserve and enhance local landscape and townscape character and visual amenity?</li> <li>&gt; Will it improve the relationship between different buildings, streets, parks and waterways and other spaces that make up the townscape character?</li> </ul>	<ul style="list-style-type: none"> <li>*Maintain the number of historic environment assets</li> <li>*Decrease the percentage of takeaway outlets within a walking distance (400m) of a secondary school</li> <li>*Decrease primary shopping frontage vacancy rates</li> </ul>	N/A	N/A	N/A	N/A

	<p>&gt; Will it have a negative impact on important strategic/local views?</p> <p>&gt; Will it incorporate sustainable design and construction techniques?</p>	<p>*Decrease secondary shopping frontage vacancy rates</p> <p>*Increase the number of open spaces per 1,000 people</p> <p>*Increase the hectares per 1,000 people of open spaces</p> <p>*Increase provision of public parks per 1,000 people</p> <p>*Increase publically accessible open space by area</p> <p>*Increase satisfaction with natural greenspace provision</p> <p>*Decrease the rate of complaints about noise</p>				
<p><b>IIA12</b> - To conserve and enhance the historic environment and cultural assets</p>	<p>&gt; Will it protect, maintain and enhance the condition and setting of features and areas of cultural, historical and archaeological heritage in the environment?</p> <p>&gt; Will it promote the historic environment and also contribute to better understanding of the historic environment?</p> <p>&gt; Will it promote high quality design and sustainable construction?</p> <p>&gt; Will it respect visual amenity and the spatial diversity of communities?</p> <p>&gt; Will it maintain or increase access to leisure, sporting, cultural and arts destinations and facilities?</p> <p>&gt; Will it improve leisure, sporting, cultural and arts provision?</p>	<p>* Maintain the number of historic environment assets</p> <p>* Increase the number of open spaces per 1,000 people</p> <p>* Increase the hectares per 1,000 people of open spaces</p> <p>* Increase provision of public parks per 1,000 people</p> <p>* Increase publically accessible open space by area</p> <p>* Increase satisfaction with natural greenspace provision</p> <p>* Increase the number of allotments (community gardens)</p> <p>* Reduce the number of people on the waiting list for allotment spaces in the borough</p> <p>* Increase number of open spaces with play facilities</p> <p>* Increase level of satisfaction with children's play facilities</p> <p>* Decrease the rate of complaints about noise</p>	N/A	N/A	N/A	N/A
<p><b>IIA13</b> - To protect and enhance open spaces, green corridors and biodiversity</p>	<p>&gt; Will it encourage development on previously developed land?</p> <p>&gt; Will it improve the quality and access to open spaces in areas of deficiency?</p> <p>&gt; Will it provide a range of play spaces for children and young people?</p> <p>&gt; Will it maintain, enhance and create green infrastructure assets and networks (e.g. green space, woodlands, public rights of way, open recreation and sports recreation and sports facilities) across the area?</p> <p>&gt; Will it help protect and improve biodiversity in the area overall and in particular avoid harm to species and habitats protected by International and UK law?</p> <p>&gt; Will it protect and enhance natural habitats and protect priority species?</p> <p>&gt; Will it encourage the creation of new habitats, including through the provision of additional open space and green roofs?</p> <p>&gt; Will it help achieve the Biodiversity Action Plan (BAP) targets?</p>	<p>*Increase the number of open spaces per 1,000 people</p> <p>*Increase the hectares per 1,000 people of Open spaces</p> <p>*Increase provision of public parks per 1,000 people</p> <p>*Increase publically accessible open space by area</p> <p>*Increase satisfaction with natural greenspace provision</p> <p>*Increase the number of allotments (community gardens)</p> <p>*Reduce the number of people on the waiting list for allotment spaces in the borough</p> <p>*Decrease the rate of complaints about noise</p>	✓	<p>By providing designated and serviced Gypsy and Travellers' pitches across the borough ensures that this type of accommodation does not occur in other protected land such as open spaces or green corridors, which could negatively impact biodiversity. Unauthorised encampments will be monitored through the NSP Monitoring Framework to ensure the continued assessment of any unauthorised sites that may impact open spaces.</p>	0 (neutral - no effect)	<p>1. This is a negative contribution hinging on effective enforcement against unauthorised encampments. This is not a change to the current situation. LB Southwark had no plans to close any existing Traveller Sites in the borough, so unless existing, acknowledged overcrowding at these sites is addressed, this does not represent a positive change.</p>

	> Will it protect and provide opportunities for creating / enhancing / improving sites designated for their nature conservation value / geo-diversity level (local and national levels?)					
<b>IIA14</b> - To reduce vulnerability to flooding	> Will the development be an area at risk of flooding?					
	> Will it minimise the risk of and from flooding to people and property?	*Reduce the number of planning permissions granted contrary to the advice of the Environment Agency on flood defence & water quality grounds	x - minor	The Thames flood risk zones and critical drainage areas cover the majority of the borough; therefore any potential addition of sites in Southwark will most likely be in an area at risk of flooding.	x - minor negative	1. No comment. This is accurate. However, development of the land at Brideale Close Traveller Site, with an effective sharing arrangement and consent with residents unlocks land for high density development, which does not sit within this flood zone.
	> Will it protect and improve flood defences and allow them to be maintained?					
	> Will it promote the use of sustainable urban drainage systems?					
<b>IIA15</b> - To provide everyone with the opportunity to live in a decent home	> Will it improve the supply of housing?	*Contribute towards the delivery of 2,932 additional homes in Southwark annually as informed by SHMA 2019 *Contribute towards the provision of 2,077 net affordable homes in Southwark annually as informed by SHMA 2019 *Increase delivery family-sized social housing tenure *Reduce the number of overcrowded households	✓✓	P11 safeguards the borough's four existing Gypsy and Traveller sites, as well as setting out criteria for the identification of new sites to meet any identified need for additional Gypsy and Traveller accommodation and ensure safe and high quality accommodation is provided.  The policy sets out that where it is not possible to accommodate those seeking culturally appropriate accommodation and do not meet the PPTS definition, people will be housed through other housing policies in the Plan.	0 (neutral - no effect)	1. It is acknowledged that the current sites are not suitable for existing populations. Maintaining the sites only maintains the status quo, it does not improve the supply of housing, or improve the quality of housing for existing residents.  1. 8,088 families are currently on Southwark Council's waiting list for social housing. The borough faces a multitude of competing pressures to supply appropriate housing. If unmet need for cultural Gypsy / Traveller accommodation is not met, the New Southwark Plan's Strategic Housing Objectives, it is unclear how this will actually be met.
	> Will it contribute towards increasing the range of housing mix, sizes, tenures and affordability to meet the identified current and future needs of all social groups and local residents, including older households?					
	> Will it deliver 'healthy homes'? (e.g. in relation to warmth, overcrowding, noise and mental health?)					
	> Will it improve the quality of housing for all?					
	> Will it improve overall design quality, including flexibility of stock to enable it to evolve to meet changing needs?					
<b>IIA16</b> - To promote sustainable transport and minimise the need to travel by car	> Will it encourage development at locations that enable walking, cycling and / or the use of public transport and connected to local services and facilities?	*Reduce the number of private vehicles used as journey to work by mode *Increase the frequency of cycling as mode of transport *Increase the coverage of controlled parking zones (CPZs) *Reduce the number of casualties	N/A	N/A	N/A	N/A
	> Will it reduce car use?					
	> Will it reduce the number and length of journeys undertaken by car?					
	> Will it reduce road traffic accidents?					
	> Will it improve public transport?					
	> Will it promote walking and cycling?					
	> Will it allow people with mobility problems or a disability to access buildings and places?					
> Will it improve connections across the area to local services, facilities, places of employment and green infrastructure?						
<b>IIA17</b> - To provide the necessary infrastructure to support existing and future development	> Will it provide enough social infrastructure and meet local needs?	*A combination of above indicators used to measure are covered elsewhere	✓✓	By accounting for these 42 authorised Gypsies and Travellers' pitches sufficient planning provisions can be made to ensure that they are adequately supported through existing use and future development.	0 (neutral - no effect)	1. Without an explicit commitment to deliver new Gypsy / Traveller accommodation, where there is a recognised need for cultural Gypsies / Travellers, there is no guarantee that enough appropriate social infrastructure will be provided for these unique communities in Southwark.
	> Does the proposal explore opportunities for shared community use and co-location of services?					
	> Will it provide enough physical infrastructure?					
	> Will it provide enough green infrastructure?					

## Annex E - Suggested Revisions To Main Modification Supporting Documents Related to Policy 11, Homes for Travellers and Gypsies

Original Text	Page	Document	Comment	Recommended Change / Action
Policy P11 safeguards the borough's four existing Gypsy and Traveller sites as shown in the Policies Map, as well as setting out criteria for the identification of new sites to meet any identified need for additional Gypsy and Traveller accommodation.	Section 6, Pg. 3 – repeated pg. 330 (pdf)	EIP225b Equalities Impact Assessment Full Assessment – June 2021	<p>1. Safeguarding public Gypsy / Traveller Sites is not a new approach. Recommend confirmation of how this conforms to maintaining the approach previously established through Strategic Policy 9 – Homes for Travellers and Gypsies in the Adopted Southwark Plan's Core Policies, to highlight that this does not represent a deviation from the status quo.</p> <p>2. The criteria for the identification of new Gypsy / Traveller sites is verbatim the option used in the 2011 Core Strategy. As above, this represents no change to adopted planning policy.</p>	Policy P11 safeguards the borough's four existing Gypsy and Traveller sites as shown in the Policies Map, as well as setting out criteria for the identification of new sites to meet any identified need for additional Gypsy and Traveller accommodation. <b>Policy P11 conforms with the approach to maintaining Southwark Gypsy / Traveller Sites in the adopted Southwark Core Strategy 2011-2026, maintaining a Southwark's long-term commitment to safeguarding its public Gypsy / Traveller Sites, while maintaining the criteria set for identifying Gypsy / Traveller pitches in the same Development Proposal Documents.</b>
The safeguarding of existing Gypsy and Travellers sites is expected to have a positive impact on this group and contributes to providing a significant number of pitches for culturally appropriate accommodation. The provision of policy criteria against which to assess potential new sites provides a greater degree of certainty as to the types of sites which will be acceptable to the Council for Gypsy and Traveller accommodation, which is also beneficial. The Gypsy and Traveller Accommodation Assessment Report (May 2020) does not identify any need for additional Gypsy and Traveller pitches in Southwark. However the report did identify a demand for 43 pitches for those who do not meet the Planning Policy for Traveller Sites (PPTS 2015) definition but who seek culturally appropriate accommodation, 27 of which are needed in the first 5 years of the Plan. The Plan sets out the intention to house those who seek culturally appropriate accommodation through other housing policies where it is not possible to provide additional pitches. It is recognised that the PPTS definition may have an impact on certain members of the community, particularly when those members of the community may fall under another protected characteristic. This is set out in detail in the EQIA.	Section 7, pp. 3-4 – repeated pp. 330-331 (pdf)	EIP225b Equalities Impact Assessment Full Assessment – June 2021	<p>1. The assessment that safeguarding public Gypsy / Traveller Sites will have a positive impact on the residents of these sites is a <b>misleading assertion</b>. Safeguarding represents a continuation of LB Southwark's approach to public Gypsy / Traveller Sites since at least 2011, so instead should be viewed as maintaining the status quo. Although deviation from this policy is technically possible, it would be a significant political and potentially legal challenge for LB Southwark to dispose of its public Gypsy / Traveller Sites, making it arguably purely hypothetical. As the comparison used is a hypothetical scenario, there is no baseline to project that P11 will deliver anything more than a neutral outcome (maintaining the status quo). This should be reflected in the assessment.</p> <p>2. The London Plan 2021 requires London Boroughs to include ten year accommodation projections in their Development Proposals (Policy H14.a). The current para only includes reference to five year requirements.</p>	The safeguarding of existing Gypsy and Travellers sites is expected <b>to maintain the status quo and have a neutral impact on this group, while maintaining LB Southwark's long-term commitment to maintaining a significant number of pitches for culturally appropriate accommodation.</b>
We need to safeguard the borough's four existing Gypsy and Traveller sites where there is an identified need for them, as well as making provision for the identification of new sites to meet any identified need for additional Gypsy and Traveller accommodation. This need will continue to be monitored. We need to consider non-conventional housing, namely the delivery of family housing, Homes of Multiple Occupation (HMOs), housing for older people, homes for those with specialist needs and supported living.	Section 28, pg. 7	EIP225b Equalities Impact Assessment Full Assessment – June 2021	<p>1. This safeguarding statement conflicts with LB Southwark's proposed revision to P11, for which the proposed revision has dropped 'where there is an identified need'.</p>	We need to safeguard the borough's four existing Gypsy and Traveller sites <del>where there is an identified need for them</del> , as well as making provision for the identification of new sites to meet any identified need for additional Gypsy and Traveller accommodation...
Policy P11 safeguards the borough's four existing Gypsy and Traveller sites as shown in the Policies Map, as well as setting out criteria for the identification of new sites to meet any identified need for additional Gypsy and Traveller accommodation. The safeguarding of existing Gypsy and Travellers sites is expected to have a positive impact on this group and contributes to providing a significant number of pitches for culturally appropriate accommodation.	Policy 11 reference in "Potential impacts (positive and negative) of proposed policy/decision/business plan table", pg. 27 (pdf) – repeated on pp. 59-60 (pdf), pp. 89-90 (pdf), pg. 120 (pdf), pp. 150-151 (pdf), pp. 181-182 (pdf), pp. 212-213 (pdf), pg. 234 (pdf), pp. 273-274 (pdf), pp. 304-305 (pdf).	EIP225b Equalities Impact Assessment Full Assessment – June 2021	<p>1. There is no justification for the assessed positive impact as this is maintaining the status quo. This is a neutral impact.</p>	Policy P11 safeguards the borough's four existing Gypsy and Traveller sites as shown in the Policies Map, as well as setting out criteria for the identification of new sites to meet any identified need for additional Gypsy and Traveller accommodation. The safeguarding of existing Gypsy and Travellers sites is expected to have a <b>neutral positive</b> impact on this group and contributes to <b>maintaining providing</b> a significant number of pitches for culturally appropriate accommodation.

<p>P11 safeguards the existing gypsy and traveller sites. With regard to health impacts, there is likely to be a positive impact because the provision of pitches in the borough allows families and communities to remain close to one another and this reduces issues associated with social isolation, especially amongst older people. This improves mental health and wellbeing.</p> <p>Through P11 sites would have regard to improved sanitation and water facilities, safeguarding the health and wellbeing of residents. This will be further addressed through the Housing Strategy and the ongoing refurbishment works on each of the four existing sites.</p> <p>However, it is also recognised that where it is not possible to provide culturally appropriate accommodation, there may be an impact on feelings of social isolation. The policy sets out that the council will work with the Mayor on the London-wide assessment in order to work towards providing for the needs of this community.</p>	<p>Policy 11 reference in "Potential impacts (positive and negative) of proposed policy/decision/business plan table", pg. 27 (pdf) – repeated on pp. 59-60 (pdf), pp. 89-90 (pdf), pg. 120 (pdf), pp. 150-151 (pdf), pp. 181-182 (pdf), pp. 212-213 (pdf), pg. 234 (pdf), pp. 273-274 (pdf), pp. 304-305 (pdf).</p>	<p>EIP225b Equalities Impact Assessment Full Assessment – June 2021</p>	<p>1. There is no challenge or upcoming potential for the relocation of residents from these sites. Stating that maintaining a policy of safeguarding has a positive impact on access to health services is misleading. It maintains the status quo, so the impact is neutral. LB Southwark are aware of the challenges faced by Gypsies / Travellers in their borough, of which, access to services is one of the most significant. Suggesting that maintaining the status quo has a positive impact flies in the face of research that they themselves have accepted.</p> <p>2. The existing New Southwark Plan and associated Housing Strategy Paper make no specific reference to upgrade works to improve sanitation at the borough's public Traveller sites. Further, there is no mention of this in the Main Modifications. This would have been the opportunity to introduce this change as a viable action. At present, there is no evidence to support this assertion.</p> <p>3. As above, para 2's assertion that 'through P11 sites would have regard to improved sanitation and water facilities' is not backed by any evidence, and appears to only be a statement included in the Revised Equalities Impact Assessment.</p>	<p>P11 safeguards the existing Gypsy and Traveller sites. With regard to health impacts, there is likely to be a <b>neutral positive</b> impact because the provision of pitches in the borough allows families and communities to remain close to one another and this reduces issues associated with social isolation, especially amongst older people <b>maintaining the status quo. -This improves mental health and wellbeing.</b></p> <p><del>Through P11 sites would have regard to improved sanitation and water facilities, safeguarding the health and wellbeing of residents. This will be further addressed through the Housing Strategy and the ongoing refurbishment works on each of the four existing sites. - [unless backed by modifications to the Housing Strategy Paper, this should not be included as it exaggerates the level of planning policy committed to LB Southwark's Gypsy / Traveller populations]</del></p> <p>It is recognised that where it is not possible to provide culturally appropriate accommodation, <b>the situation is likely to have a negative impact on individual wellbeing, inspiring feelings of social isolation.</b> The policy sets out that the council will work with the Mayor on the London-wide assessment in order to work towards providing for the needs of this community. - <i>the latter part of this statement is incredibly ambiguous with no clear actions beyond working on a yet to be formally announced policy</i></p>
<p>Policy P11 safeguards the borough's four existing Gypsy and Traveller sites as shown in the Policies Map, as well as setting out criteria for the identification of new sites to meet any identified need for additional Gypsy and Traveller accommodation. The safeguarding of existing Gypsy and Travellers sites is expected to have a positive impact on this group and contributes to providing a significant number of pitches for culturally appropriate accommodation.</p>	<p>Pg. 4</p>	<p>EIP225a Equalities Impact Assessment Summary – June 2021</p>	<p>1. As above. Safeguarding is an update to a draft policy, however as this was never adopted, this policy remains status quo. As a result, it cannot be regarded as having a positive impact.</p>	<p>Policy P11 safeguards the borough's four existing Gypsy and Traveller sites as shown in the Policies Map, as well as setting out criteria for the identification of new sites to meet any identified need for additional Gypsy and Traveller accommodation. The safeguarding of existing Gypsy and Travellers sites is expected to have a <b>neutral positive</b> impact on this group and contributes to <b>maintaining providing</b> a significant number of pitches for culturally appropriate accommodation.</p>

**From:** [REDACTED]  
**To:** [planningpolicy](#)  
**Subject:** New Southwark Plan Proposed Main Modifications 2021- Policy P11  
**Date:** 23 September 2021 15:32:14

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Is there actually a need for Policy P11 as the residents don't meet the revised definition of Gypsy / Traveller in PPTS 2015.

There is possibly a need for a Policy for ethnic Gypsy / Travellers that have ceased to meet the definition of Gypsy / Traveller in PPTS 2015. This would probably include a policy enabling relocation to less developed areas. The Southwark sites have mainly been ignored by planning and most are now hemmed in by tall buildings.

When DCLG consulted about changes to PPT2012 in 2014 they stated:

*Our intention is that local authorities would continue to have to assess and plan to meet the needs of those Gypsies and Travellers who no longer travel, but this would be carried out as part of their wider responsibilities to plan to meet the accommodation (or housing) needs of their settled community. We will further consider how this process will work in practice.*

In rural areas some LPAs are currently identifying that Gypsy / Travellers who no longer meet the 2015 definition should be evicted (through use of planning powers) and their homes made available to Gypsy / Travellers that meet the definition of Gypsy / Traveller in PPTS 2015.

The issues are acknowledged to be complicated

Stuart H CARRUTHERS





Planning Policy  
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23rd September 2021

## New Southwark Plan Examination – Main Modifications Consultation

Dear Sir/Madam,

Thank you for consulting Thames Water on the above document. Thames Water are the statutory water and sewerage undertaker for the area.

### General Comments

It is noted that Main Modification MM86 includes an increase in housing numbers from site allocations from 31,983 to 36,760 during the plan period. It is not clear how this increase will be spread across the allocations. Notwithstanding this, the scale of development within the catchment is likely to require upgrades of both the water supply and waste water network infrastructure. The scale, location and delivery of any upgrades will be determined once greater clarity is available in relation to the proposed developments including their proposed scale, point of connection and timing of delivery.

It is recommended that the Developers and the Local Planning Authority liaise with Thames Water at the earliest opportunity to agree a housing phasing plan. In line with the Statement of Common Ground between LB Southwark and Thames Water dated November 2019 we would welcome the Councils support in encouraging developers to make contact with Thames Water as early as possible to discuss their proposals and intended delivery programmes. Such support would align with the revised text proposed for Policy IP1 where it is stated that the Council will work with infrastructure providers and utility companies to ensure that adequate infrastructure is in place to support future and existing residents.

Failure to liaise with Thames Water will increase the risk of planning conditions being sought at the application stage to control the phasing of development in order to ensure that any necessary infrastructure upgrades are delivered ahead of the occupation of development. The housing phasing plan should determine what phasing may be required to ensure development does not outpace delivery of essential network upgrades to accommodate future developments in this catchment. The developer(s) can request information on network infrastructure by visiting the Thames Water website <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development>.

NSPPSV421

I trust the above and enclosed comments are satisfactory but please do not hesitate to contact me if you have any queries.

Yours faithfully,

**Thames Water Utilities Limited**



## **Consultation on the Main Modifications to the New Southwark Plan**

### **Response on behalf of Southwark Law Centre, Southwark Traveller Action Group and London Gypsies and Travellers**

#### **The Main Modifications**

We support the overall change to Policy P11 as it now addresses the need for those who seek culturally appropriate accommodation in Southwark and which has been identified in the Gypsy and Traveller Accommodation Assessment. As we emphasised in the examination hearings, this is required for legal compliance with the Public Sector Equality Duty and the requirements under the Equality Act 2010, as is the removal of the conditions of *subject to need* as based on the Gypsy and Traveller Accommodation Assessment. We acknowledge and support the explicit reference to safeguarding the four existing Traveller sites in Southwark without any reference to required identified need.

However, we have concerns about the final sentence of reason 1, which is added as a Main Modification. It reads *“where culturally appropriate accommodation is not possible, the need for accommodation will be addressed through the plan-making process.”* We are currently going through the plan-making process, and we have consistently submitted that the plan must meet the existing and projected need now and in the plan period. At present, the policy is not justified or effective with the inclusion of the aforementioned sentence. We are not clear what the purpose or intention of this sentence is as we are in the plan making process now, and this provision contradicts the earlier one which states *“we will work towards providing new sites in the future to meet the accommodation needs of Travellers and Gypsies.”*

#### **The evidence base**

We are also concerned that we have not seen an updated evidence base for the assessment of sites and site methodology which states whether or not sites could be appropriate as a Traveller site, given there is at least 27 pitch need in the next 5 years. In addition, Southwark Council have not adequately responded to action point 16 and 17 on the Inspectors action list EIP188a (last update on 10 August 2021).

In particular, we have not seen a note from the council explaining the following, in response to the request at number 16. It was requested for a note to contain:

1. Information confirming that the short term need (2020-2024) for Gypsy and Traveller pitches for those not meeting the planning definition but seeking culturally appropriate accommodation is 27 pitches (net) of which 5 pitches could be accommodated at Springtide Close;
2. An explanation of meeting the need for the residual 22 pitches which will explain the extent to which turnover on sites may meet this need; the extent to which site improvements and remodelling may meet need; and the extent to which the Council has assessed potential site options through NSP/OKRAAP;
3. If there remains a residual unmet need, the note should advise on the role/potential of early partial plan;

4. In terms of responding to point 16.2 *'the extent to which the Council has assessed potential site options through NSP/OKRAAP'* we would expect to see an appraisal of site allocations in the two planning documents exploring the potential to accommodate a proportion of the pitches needed in the next 5 years. Smaller sites accommodating extended families would be preferable, as they can be easier to manage and deliver within the current density and viability constraints.

It would be possible to provide a lower number of pitches (for example 4-8) across several large development schemes outlined in the NSP and OKRAAP site allocations, alongside other types of homes. This would meet the need for culturally suitable accommodation for Gypsies and Travellers but also contribute to Southwark Council's objectives to deliver affordable family homes, as families currently needing site accommodation would otherwise be pushed into temporary bricks and mortar houses or placed outside the borough.

Without providing this note the plan cannot discharge the soundness test because it has not been positively prepared in respect of the requested information and therefore is not effective in terms of the commitment to meeting the existing need and working to provide culturally appropriate accommodation.

We re-iterate that we support the amendments and additions to Policy P11 as being an improvement on the August 2020 submission version of the New Southwark Plan, but we are concerned that the plan has not been positively prepared due to the inclusion of a sentence which does not make sense, as either the local plan should address the identified need or it should provide evidence to explain why it is not doing so.

### **The Equality Impact Assessment (EQIA)**

The Equality Impact Assessment has been updated to reflect the changes to P11 (notably the safeguarding of the existing 4 sites and the commitment to providing for the need for culturally appropriate accommodation). However, it does not properly analyse how, if culturally appropriate accommodation is not available, this would contravene the protected characteristic of race. It only states *"however, it is also recognised that where it is not possible to provide culturally appropriate accommodation, there may be an impact on feelings of social isolation."*

The policy sets out that the council *"will work with the Mayor on the London-wide assessment in order to work towards providing for the needs of this community."* Whilst we support the commitment to work with the Mayor and GLA on the London-wide assessment, the inclusion of a provision allowing the needs of Gypsies and Travellers in the borough *"to be addressed through the plan-making process"* has not been adequately considered against the Equality Act 2010 provisions and the protected characteristic of race. It does not go into the fact that the younger members of the Traveller community will suffer if they are not provided with new pitches, and this will impede their ability to start their own lives, leaving them to live in overcrowded conditions or in bricks and mortar accommodation not appropriate for their cultural needs. Furthermore, without the evidence base requested above (the note on various matters) the EQIA has not been justified or positively prepared based on transparent and tangible evidence.

**The monitoring framework**

The monitoring framework is not effective on Policy P11 as there is no NSP monitoring criteria for the provision of additional pitches to meet the identified need for culturally appropriate accommodation.

**Concluding remarks**

Finally, at the time of the consultation we have been made aware that a group or number of groups may be offering Travellers in Southwark money to buy their pitches through the right to buy. This could be with the prospect of purchasing the land and making it available to investors and developers. Travellers in Southwark, on our understanding, are not eligible for the right to buy as licencees of pitches.

Furthermore, Southwark Council will be well aware of the Equality Act duties, including the Public Sector Equality duty that they need to abide by in formulating the Main Modifications, the Equality Impact Assessment and the Integrated Impact Assessment as described above. More commitment to upgrade, improve and maintain sites should be provided and explicitly referred to, as well as a commitment to meet the need for culturally appropriate accommodation. This accommodation needs to be safeguarded for those who need it and future generations.

Any representation received at a late stage in the plan-making process should be considered with caution.

DP5297

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24<sup>th</sup> September 2021

Dear Sir/Madam,

**LONDON BOROUGH OF SOUTHWARK  
NEW SOUTHWARK PLAN EXAMINATION  
WRITTEN STATEMENT IN RESPONSE TO THE MAIN MODIFICATIONS TO THE NEW SOUTHWARK PLAN  
REPRESENTATIONS BY GUY'S AND ST THOMAS' FOUNDATION**

We write on behalf of our client, Guy's and St Thomas' Foundation ('the Foundation'), to submit representations to the proposed main modifications to the New Southwark Plan. The Foundation are landowners and investors in Southwark, most significantly in the context of these representations is their ownership of a series of sites in London Bridge, primarily along Snowsfields, which fall within the proposed 'NSP49 – London Bridge Health Cluster' site allocation.

These representations come further to those submitted in February 2021 which responded to the Inspector's questions on matters 6, 9 and 10. A copy of these representations is attached at **Appendix A**. Prior to this, representations were submitted in February 2018 on behalf of the Foundation, which related to the proposed submission version New Southwark Plan (2017) (Regulation 19). A copy of these representations can be seen at **Appendix B**.

**Background**

The Foundation

Guy's and St Thomas' Foundation is an urban health foundation based in Lambeth and Southwark for over 500 years. In these areas they focus on complex health challenges in order to drive better health in the community. This includes working with grassroots organisations, public sector bodies, and commercial businesses using a place-based approach to tackle major health challenges in urban areas.

In order to provide funding for its ambitious charitable goals, the Foundation is supported by an endowment, which holds its property assets and investments. The Foundation's investment portfolio is managed to advance and support its health mission. Accordingly, the Foundation's London Bridge sites are seen as a real opportunity to support and advance its mission of health and wellbeing.

Support for the Health Cluster could include additional healthcare facilities, commercial space to attract private sector medical, health and research companies, and new accommodation potentially for the Foundation's own occupation. The Foundation also partner with Guy's Hospital and King's College London and all are working together to deliver a shared vision for Guy's Campus.

#### The Guy's Campus and Innovation District

As a result of the academic and institutional activities led by the King's College London Campus, Guy's Hospital and Cell and Gene Therapy Catapult Unit, the London Bridge area is one of the most productive centres for innovation in the capital. King's College London regularly ranks as one of the top ten research universities in the world, and Guy's Hospital is one of the largest teaching hospitals in London. As a result of this the Guy's Campus is one of the only locations in the UK which can provide the triple helix of academia, funding, and industry required to create a truly world-class life sciences Innovation District.

The Innovation District Model is based on the following concept: *"High quality, specialized facilities create a clear line of site from the lab bench to the patient's bedside and an environment that attracts global talent and investment, whilst enabling the delivery of our clinical vision and strategy."*

The Innovation District will comprise facilities that will attract and retain public and private partners to the campus, sharing knowledge, specialist equipment and mutually beneficial access to a significant and diverse patient group. As part of this, the Guy's campus as a 'Bio-Medical Hub' will focus on advanced therapies, cellular medicine, cancer and biomedical sciences, building on the success of the Guy's Cancer Centre and Guy's Tower as centres for advanced therapies research.

#### **NSP49 – London Bridge Health Cluster**

The Foundation wishes to reiterate its support for the allocation of London Bridge Health Cluster (NSP49), including the allocation boundary, the requirement to deliver health, research and education facilities or other uses that support the functioning of the health cluster and improve pedestrian movement and permeability through the site.

In particular, the proposed main modifications seek to clarify that the provision of ancillary uses must be complementary to the health cluster, which has been updated to reflect the recent update to the Use Classes Order in September 2020, to introduce the new Class E (Commercial, Business and Service) under Schedule 2 of the Town and Country Planning Act 1990.

The proposed main modifications to NSP49 now include an indicative residential capacity of 0 homes. This adheres to the Foundation's aspirations for Snowfields, where the replacement of existing poor quality residential homes is proposed in order to facilitate the delivery of health, research, hospital and education facilities (together with other complementary uses) for which the Sites are allocated for in preference to housing.

However, as raised in previous representations, there is limited opportunity to deliver the required scale of development for the London Bridge Health Cluster and to achieve the aims of Guy's Campus and Innovation District within the boundary of the NSP49 site allocation. Following further modifications to the proposed site allocation, there is a lack of clear guidance on the scale of development that is expected to come forward within the health cluster. In light of this, the

Foundation requests that the allocation text be amended to clearly outline the appropriateness for tall buildings within this location. It is therefore proposed that the site allocation text wording be amended as follows, with deletions shown as ~~striketrough~~ and additions in red:

~~Redevelopment of the site could include~~ *The site is suitable for tall taller buildings subject to consideration of impacts on existing character, heritage and townscape. The scale of any new buildings should step down towards the site boundaries.*

As set out in the section below, the site is already located within an area identified as suitable for tall buildings as per the NSP Proposals Map, and this should be carried through to the site allocation.

These amendments are of significant importance in providing the required clarity for the redevelopment of the Sites and in order to allow the potential for the London Bridge Health Cluster, Guy's Campus and Innovation District to be fully realised, and without them there is a risk that development will be curtailed in such a manner that this important and centrally located Health Cluster will not be able to fulfil its long term objectives and aspirations.

### **P16 – Tall Buildings**

The NSP49 London Bridge Health Cluster allocation site falls within the London Bridge, Borough & Bankside Opportunity Area; the Central Activities Zone, London Bridge District Town Centre; and has a Public Transport Accessibility Level (PTAL) of 6b, which is the highest possible rating. The London Plan policies and Local Plan policies are supportive of tall buildings within these locations.

New Southwark Plan Policy P16 ('Tall Buildings') directs tall buildings to Major Town Centres, Opportunity Area Cores, Action Area Cores and the Central Activities Zone. A proposed modification has been made to the Proposals Map, to provide clarity on the areas and zones identified as suitable for tall and taller buildings. The Proposals Map indicates that the Central Activities Zone (which the NSP49 site allocation boundary falls within) is appropriate for tall buildings. This is in line with Policy P16 and further emphasises the need for the inclusion of the abovementioned text to outline the appropriateness for tall and taller buildings (subject to heritage and townscape considerations) within the NSP49 site allocation boundary.

Paragraph 7 of the supporting text at P16 ('Tall Buildings') states that *"the riverfront areas of Blackfriars Road, Bankside and London Bridge provide an established height for tall building clusters set back from the river with a number of prominent buildings visible on the skyline including One Blackfriars Road, Southbank Tower, Tate Modern and its extension, Guy's Hospital Tower, London Bridge Place, and the Shard. The Shard which stands at 309.6m has formed a new pinnacle within the existing cluster of tall buildings around London Bridge Station and Guy's Hospital. This tall building has redefined the skyline of the area, making London Bridge a focus for new tall building development"*. The Foundation strongly agrees that the Shard and Guy's Hospital are prominent buildings within London Bridge and also agrees that London Bridge should be the focal point for the development of tall buildings, which step up in height to the Shard as the pinnacle of the existing cluster of tall buildings.

The proposed main modifications to the NSP incorporate additional supporting text in the form of a 'Fact Box'. The fact box states:

*“Tall buildings are above 30m except where they are 25m in the Thames Special Policy Area, and also where they are significantly higher than surrounding buildings or their emerging context.”*

This definition is relatively clear, and the Foundation raise no significant issues.

However, the introduction of a ‘taller building’ definition creates a large amount of uncertainty, especially the NSP49 allocation (and indeed almost all other site allocations) only makes reference to this and makes no reference to ‘tall buildings’. The new ‘taller building’ definition is worded as follows:

*“Taller buildings are generally higher than their surrounding context but are not significantly taller to qualify as tall buildings”.*

This seems to indicate that a ‘taller’ building cannot be a ‘tall’ building which in turn could suggest that all site allocations which include only reference to ‘taller’ buildings (which is almost all of them) might inadvertently mean that they are not suitable for ‘tall’ buildings. This certainly isn’t the intention and goes against the overarching tall building areas and zones as included in the updated Policies Map.

It is suggested that the ‘taller buildings’ definition is completely removed and all references to ‘taller buildings’ are also removed and replaced with ‘tall buildings’ which provides all the necessary clarity in relation to policy and tests.

Additionally, the fact box provides supplementary information in regard to Part 1 of Policy P16 which states that a point of landmark significance is *“where a number of important routes converge, where there is a concentration of activity and which is or will be the focus of views from several directions”*.

The current wording that sets out the criteria for a point of landmark significance should incorporate a degree of flexibility, as it may not always be appropriate for an application site to meet all three of the aforementioned criteria. It is therefore proposed that the landmark significance definition is amended as follows:

*“Point of landmark significance: A point of landmark significance **may be** where a number of important routes converge, where there is a concentration of activity **or** which is or will be the focus of views from several directions.”*

Such rewording of the definition is required in order to account for varying contexts of individual sites and future development proposals, where meeting all three criteria may not be appropriate.

### **Soundness of the Draft Local Plan**

The London Borough of Southwark has, through the current consultation, posed questions on the soundness of the Draft Local Plan.

The Foundation considers that the New Southwark Plan is positively prepared and contains the necessary allocation for the London Bridge Health Cluster, to deliver health, research and education facilities. However, the Foundation has concerns that, as currently proposed, the New Southwark Plan is not fully effective as there is conflict between Policy P16 (Tall Buildings), the Proposals Map and

NSP49 (London Bridge Health Cluster) site allocation. The Foundation respectfully request that the wording in the NSP49 site allocation be amended to include the appropriate scale of development, to allow tall buildings in suitable locations to come forward, within the boundary of the NSP49 site allocation, in line with Policy P16 and the Proposals Map.

### **Summary**

The Foundation welcomes the opportunity to comment on the London Borough of Southwark's New Southwark Plan. We trust that our representations will be fully considered and taken into account during the course of the Examination.

If you require any further clarification on any matters, or wish to discuss our representations further, please do not hesitate to contact [REDACTED] or [REDACTED] of this office.

Yours faithfully

DP9 Ltd.

**DP9 Ltd**

**APPENDIX A – FEBRUARY 2021 NSP INSPECTOR’S QUESTIONS ON MATTERS 6, 9 AND 10  
REPRESENTATIONS**

DP5297/MD

15<sup>th</sup> February 2021

Jacqueline Christie  
Examination Programme Officer  
New Southwark Plan

By email: [EIP.programme.officer@southwark.gov.uk](mailto:EIP.programme.officer@southwark.gov.uk)

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Dear Jacqueline,

**LONDON BOROUGH OF SOUTHWARK  
NEW SOUTHWARK PLAN EXAMINATION  
WRITTEN STATEMENT IN RESPONSE TO THE INSPECTORS' QUESTIONS  
MATTER 10 – SITE ALLOCATIONS  
NSP49 – LONDON BRIDGE HEALTH CLUSTER  
REPRESENTATIONS BY GUY’S AND ST THOMAS’ CHARITY**

We write on behalf our client Guy’s and St Thomas’ Charity (‘the Charity’), to submit representations to the proposed changes to the submitted New Southwark Plan. The Charity are landowners and investors in Southwark, most significantly in the context of these representations is their ownership of a series of sites in London Bridge, primarily along Snowsfields, which fall within the proposed ‘NSP49 – London Bridge Health Cluster’ site allocation.

These representations come further to the representations submitted in February 2018 which related to the proposed submission version New Southwark Plan (2017) (Regulation 19). A copy of these representations is attached at **Appendix A**.

Since that time Council has proposed modifications when the plan was submitted for examination in January 2020, together with further proposed changes presented for consultation in August 2020, along with additional evidence documents having been submitted. More recently Inspectors have issued their Matters, Issues and Questions (‘MIQs’) ahead of the examination hearing sessions and it is within this context that we welcome the opportunity to make further representations.

## **Background**

### The Charity

Guy’s and St Thomas’ Charity is an urban health foundation based in Lambeth and Southwark for over 500 years. In these areas they focus on complex health challenges in order to drive better health in the



community. This includes working with grassroots organisations, public sector bodies, and commercial businesses using a place-based approach to tackle major health challenges in urban areas.

In order to provide funding for its ambitious charitable goals, the Charity is supported by an endowment, which holds its property assets and investments. The Charity's investment portfolio is managed to advance and support its health mission. Accordingly, the Charity's London Bridge sites are seen as a real opportunity to support and advance the Charity's mission of health and wellbeing. Support for the Health Cluster could include additional healthcare facilities, commercial space to attract private sector medical, health and research companies, and new accommodation potentially for the Charity's own occupation. The Charity also partner with Guy's Hospital and King's College London and all are working together to deliver a shared vision for Guy's Campus.

### The Guy's Campus and Innovation District

As a result of the academic and institutional activities led by the King's College London Campus, Guy's Hospital and Cell and Gene Therapy Catapult Unit, the London Bridge area is one of the most productive centres for innovation in the capital. King's College London regularly ranks as one of the top ten research universities in the world, and Guy's Hospital is one of the largest teaching hospitals in London. As a result of this the Guy's Campus is one of the only locations in the UK which can provide the triple helix of academia, funding, and industry required to create a truly world-class life sciences Innovation District.

The Innovation District Model is based on the following concept: *“High quality, specialized facilities create a clear line of site from the lab bench to the patient's bedside and an environment that attracts global talent and investment, whilst enabling the delivery of our clinical vision and strategy.”*

The Innovation District will comprise facilities that will attract and retain public and private partners to the campus, sharing knowledge, specialist equipment and mutually beneficial access to a significant and diverse patient group. As part of this, the Guy's campus as a 'Bio-Medical Hub' will focus on advanced therapies, cellular medicine, cancer and biomedical sciences, building on the success of the Guy's Cancer Centre and Guy's Tower as centres for advanced therapies research.

### **Matter 10 – Site Allocations**

#### NSP49 – London Bridge Health Cluster

The Charity reiterates its support for the NSP49 London Bridge Health Cluster site allocation, including the proposed allocation boundary, the requirement for health, research and education facilities and other uses which support the functioning of London Bridge Health Cluster, and the need to improve pedestrian movement and permeability through the site.

However, there is limited opportunity to deliver the required scale of development for the London Bridge Health Cluster and to achieve the aims of Guy's Campus and Innovation District within the boundary of the NSP49 site allocation. As such the site allocation needs to clear in its ambition for buildings of suitable height and scale in suitable locations.



The NSP49 London Bridge Health Cluster site falls within: the London Bridge, Borough & Bankside Opportunity Area; the Central Activities Zone; the London Bridge District Town Centre; and has a Public Transport Accessibility Level (PTAL) of 6b which is the highest possible level. These are all strong indicators of the most suitable locations for tall buildings in policy terms.

*MIQ - 10.4 - Are the site allocation policies sufficiently clear as to whether tall and taller buildings will be acceptable?*

The current wording for the ‘Approach to tall buildings’ within the NSP49 site allocation is not sufficiently clear as to the acceptability for tall buildings for the site allocation area, which has the potential to limit the ability for the Health Cluster provide the required health, research, education and other supporting facilities and uses. It is therefore proposed that the site allocation text is amended as follows:

~~Redevelopment of the site could include~~ *The site is suitable for taller buildings subject to consideration of impacts on existing character, heritage and townscape. The scale of any new buildings should step down towards the site boundaries.*

Such rewording of the site allocation is required in order to provide clarity for development including tall buildings to come forward in the allocation area, and in order to ensure that the aspirations for the London Bridge Health Cluster, a Guy’s Campus and Innovation District can be realized.

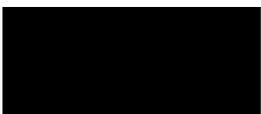
## Summary

As outlined above, the London Bridge area has the potential to become one of the leading life science destinations in the world. Central to this is the potential for the area to host world-lead research and development through the collaboration of venture capital, private enterprise, leading clinicians and academics. Accordingly, the proposed NSP49: London Bridge Health Cluster site allocation should ensure that appropriate development to facilitate this is able to come forward, including taller buildings in suitable locations.

We trust that our representations will be fully considered and taken into account during the course of the Examination. The Charity also respectfully request to reserve the opportunity to appear at the examination hearing session for Matter 10 ‘London Bridge Area Vision and Site Allocations’ scheduled for Wednesday 28<sup>th</sup> April at 10am.

If you require any clarification on any matters, or wish to discuss our representations further, please do not hesitate to contact me.

Yours sincerely,



**DP9 Ltd**

**APPENDIX B – FEBRUARY 2018 NSP: PROPOSED SUBMISSION VERSION REPRESENTATIONS**

27 February 2018



New Southwark Plan consultation  
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 Chief Executive Department  
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 London  
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**By email only: [planningpolicy@southwark.gov.uk](mailto:planningpolicy@southwark.gov.uk)**

Dear Sir/Madam,

### **New Southwark Plan: Proposed Submission Version (December 2017)**

Thank you for giving us the opportunity to comment on the proposed submission Local Plan (Regulation 19).

We write on behalf of Guy's and St Thomas' Charity, who are an interested land owner and investor into the London Borough of Southwark..

These representations relate to the proposed site allocation '**NSP51: London Bridge Health Cluster**' in the proposed plan.

At a national level, the NPPF supports a presumption in favour of sustainable development, and it is noted that local plans are prepared positively and are instructed to not be onerous or place restrictive requirements that could stifle investment and regeneration opportunities.

It is our view that the London Borough of Southwark (LBS) is uniquely placed in London to act as a focus for growth and any new local plan must recognise and reflect this in its ambition. We are pleased to note that this sentiment is captured in the emerging Local Plan and would expect all decisions on policy direction to be framed and taken in this context.

With this in mind, we have the following comments relating to the proposed policies within the NSP which are discussed in detail below. We look forward to engaging with you further in relation to the proposed NSP in the future.

### **Background**

The Charity are therefore principally interested in the policies relating to the London Bridge area and in particular the Guy's Hospital site.

The site lies within:

- London Bridge Area Vision
- London Bridge Health Cluster
- London Bridge District Town Centre
- Borough View Landmark Viewing Corridor: St Pauls Cathedral to Nunhead Cemetery
- Borough View Wider Setting Consultation Area: The London panorama of St Pauls Cathedral from One Tree Hill
- Archaeological Priority Area
- Bankside, Borough, London Bridge Strategic Cultural Area
- Bankside, Borough and London Bridge Opportunity Area

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East..

Savills (UK) Limited. Chartered Surveyors. Regulated by RICS. A subsidiary of Savills plc. Registered in England No. 2605138.  
 Registered office: 33 Margaret Street, London, W1G 0JD



- Central Activities Zone

### **Site Allocation NSP51: London Bridge Health Cluster**

Our Client is currently exploring the future options with regards to the redevelopment of London Bridge site. We fully support the principles behind site allocation **NSP51** to deliver a large-scale comprehensive mixed use redevelopment to include health, retail and educational uses. However, aspects of the allocation are considered to be restrictive and we have set out our comments as below:

#### Residential and Student Accommodation Uses

We note that the provision of C3 residential uses and Sui generis student accommodation uses have not been included within the proposed allocation. Our client considers the inclusion of both residential and student accommodation uses within the policy to be of key importance for ensuring that the wider redevelopment of the site can take place. The provision of market housing and/or student accommodation on site would allow our client to raise the capital required to invest in the provision of improved health, education and research facilities.

Additionally, the site lies within both the CAZ and the Bankside, Borough and London Bridge Opportunity Area. Both of these London Plan designations confirm that the London Bridge site is a suitable location for residential dwellings and student accommodation.

As such we request the following addition to the policy:

*Redevelopment of the site may:*

- Provide for the needs of visitors, pedestrians and the surrounding workforce through the provision of ancillary uses, including town centre uses (A1, A2, A3, A4);
- Provide other ancillary uses which would complement the health cluster (C2, D1).
- **Provide residential uses (C3).**
- **Provide Student Accommodation (Sui generis)**

Making this change will provide flexibility and ensure that our client can access the required funds to enable redevelopment of the site is dependent on the provision of residential uses on site.

#### Employment Floorspace

We note that the wording of the proposed site allocation **NSP51** does not include specific reference to B1 office. The provision of offices supports the key function of the City and the CAZ. It is our clients understanding that office use will come forward as part of and to support the provision of the health, research and education facilities use. However, this is not clearly set out within the wording of the policy.

As such we request the following rewording of the policy:

*Redevelopment of the site may:*

- Provide for the needs of visitors, pedestrians and the surrounding workforce through the provision of ancillary uses, including town centre uses (A1, A2, A3, A4);
- Provide other ancillary uses which would complement the health cluster (C2, D1, **B1**).

## Tall Buildings

We note that policy **NSP51** states that '*redevelopment of the site could include taller buildings*'. Our client fully supports the inclusion of this wording in the allocation site. However, we note that the policy does also state that the '*scale of any new buildings should step down towards the site boundaries*'. Whilst, the client recognises the importance of ensuring that the redevelopment of the site responds to the context of the surrounding area, the policy as written is too restrictive and does not take into consideration the fact that tall buildings can respond to the local environment without necessarily having to reduce in scale towards the boundaries of an allocation site.

As such we request the following addition to the policy:

*Redevelopment of the site could include taller buildings subject to consideration of impacts on existing character, heritage and townscape. The scale of any new buildings should ~~step down towards the site boundaries~~ respond to the character, heritage and townscape of the local context.*

This allows for **NSP51** to remain flexible to allow for a judgement on the design merits of building to be taken parallel to the local context.

In addition to the above, our client fully supports the Emerging Policy P14 (Tall Buildings) of the proposed plan which sets out that tall buildings will be located in areas that benefit from the highest levels of public transport access, typically major town centres, Opportunity Areas and the CAZ i.e. in which the London Bridge site is located, and consider that the principle of tall buildings can be accommodated on site allocation NSP51.

## **Public Examination**

On behalf of our client we request that we attend and speak at the oral section of the Examination in Public. We would be grateful if you can provide written acknowledgment of receipt of these representations, and if you could keep us updated on the anticipated date for the Examination in Public, and on the progress of the New Southwark Plan.

## **Conclusion**

In summary, our client supports a high quality, major mixed use redevelopment of the London Bridge site which would provide significant public benefits including health, education, research and employment.

However, the proposed site allocation NSP51 and the policies mentioned above in their current form would constrain potential redevelopment options and they would not be effective in their delivery.

Please do not hesitate to contact [REDACTED] if you have any further queries. In any event, we would be grateful if you could keep us updated of the progress of the New Southwark Plan.

Yours faithfully



Savills



By email

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21 September 2021

Dear Sir/Madam,

**Re: New Southwark Plan Proposed Modifications**

*Please note that these comments represent the views of Transport for London (TfL) officers and are made entirely on a "without prejudice" basis. They should not be taken to represent an indication of any subsequent Mayoral decision in relation to this matter. The comments reflect TfL's role in implementing the Mayor's transport policies as set out in the London Plan and Mayor's Transport Strategy and as a transport operator and strategic highway authority in the area. These comments do not necessarily represent the views of the Greater London Authority (GLA). A separate response has been prepared by TfL Commercial Development Planning (TfL Property) to reflect TfL's interests as a landowner and potential developer.*

Thank you for giving Transport for London (TfL) the opportunity to comment on New Southwark Plan Proposed Modifications. The London Plan 2021 has recently been published and now forms part of Southwark's development plan.

We welcome the inclusion in the Main Modifications of a large number of changes that we requested in our Regulation 19 consultation response and were subsequently agreed in the TfL Statement of Common Ground. We welcome updated standards for car and cycle parking which are now in conformity with the London Plan 2021. We also welcome the insertion of text on Bakerloo line safeguarding.

A key concern at previous stages was the site allocations that include operational bus garages and Peckham bus station. These sites are very important in supporting the local bus network and their loss would be contrary to strategic policies on the retention of transport land. We are therefore pleased that the site allocations text has been clarified to ensure that bus capacity is retained if these sites are redeveloped, as agreed in the TfL Statement of Common Ground.

One remaining concern is the issue of phasing in the Old Kent Road Area Vision. The phases have been retained in terms of number of homes, which we support, but the text also says “Phase 2 (2023 – 2027)”. As TfL officers explained at the EiP, this timescale is not realistic as the BLE is unlikely to be commenced before 2030. We had asked for the dates to be removed but this has not been done. Although this text is not a main modification, we would still want to see the specified timeframe removed to avoid confusion.

We provide detailed comments below referenced to the relevant modification. We hope that these comments are helpful and look forward to continuing our work together in finalising the document. We are committed to continuing to work closely with GLA colleagues to help deliver integrated planning and make the case for continued investment in transport capacity and connectivity to unlock further development and support future growth.

Yours sincerely,

A large black rectangular redaction box covering the signature area.

 | Manager

London Plan and Planning Obligations team | City Planning

Email: 



## Appendix A: Specific suggested edits and comments from TfL on New Southwark Plan Proposed Modifications

Modification	Section	TfL response
MM23	Old Kent Road Area Vision	We welcome the insertion of a new paragraph to reflect the safeguarding direction for the Bakerloo line extension. the specific dates for phase 2 should be removed as previously requested, because as explained at the EiP, the Bakerloo line extension is unlikely to be commenced before 2030.
MM65	P52 - Cycling	We support changes to the text of this policy to ensure consistency with the approach of the London Plan.
MM66	P52 and P53	We welcome updates to the cycle and car parking tables 9-12 as per document EIP177. We can confirm that the updates standards are now in conformity with the New London Plan. However, there appear to be a number of typographical errors so that Gross Internal Area (GIA) is referenced rather than Gross External Area (GEA) for some of the individual use classes.
MM67	P53 – Car Parking	We support changes to the text of this policy to ensure consistency with the approach of the London Plan
MM82	IP2	We welcome the insertion of a new paragraph to reflect the safeguarding direction for the Bakerloo line extension
MM114	NSP25	We welcome the revised wording to ensure that bus capacity is retained if the site is redeveloped
MM115	NSP26	We welcome the revised wording to ensure that bus capacity is retained if the site is redeveloped
MM160	NSP71	We welcome the revised wording to ensure that bus station capacity is retained if the site is redeveloped



Planning Policy  
Southwark Council  
PO BOX 64529  
London  
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Our ref: 62262260/5

September 2021

Dear Sir/ Madam,

## **REPRESENTATIONS TO THE CONSULTATION ON THE PROPOSED MAIN MODIFICATIONS TO THE NEW SOUTHWARK PLAN, APEX CAPITAL PARTNERS LTD, SEPTEMBER 2021**

We write on behalf of our client, Apex Capital Partners, Ltd. in response to the current consultation on the Proposed Main Modifications to the New Southwark Plan. Our client is the owner of the site at 310-330 St James's Road, Southwark SE1 9JX, which is the subject of a live planning application (ref. 21/AP/1667) to deliver 153 new homes in the Old Kent Road Opportunity Area and commercial space at ground floor.

### **INTRODUCTION**

The site within our client's ownership and to which application ref. 21/AP/1667 relates is identified for new residential-led mixed use development within the Submitted New Southwark Plan, within the Old Kent Road Opportunity Area ("OA") (Site ref. NSP64).

This representation is duly made further to our responses to previous rounds of consultation on the Proposed Changes to the Submitted New Southwark Plan consultation (August to October 2020) and our Matters Statements to the New Southwark Plan Examination Hearings (January 2021).

### **PROPOSED MAIN MODIFICATIONS**

#### MM153 - Site Allocations Policy NSP64 (Marlborough Grove and St James's Road)

We support the inclusion of 310-330 St James's Road within the draft site allocation Policy NSP64: Marlborough Grove and St James's Road which will deliver a minimum of 1,200 homes. The development of 310-330 St James's Road offers an opportunity to delivery high quality residential-led development of 153 homes and new commercial and employment floorspace on a vacant, under-utilised brownfield site within a key regeneration area.

The site allocations Policy NSP64 does not include reference to the live planning application for 153 residential units and commercial uses on the site (ref. 21/AP/1667) which was submitted in May 2021 and is currently under determination. The wording of Policy NSP64, should, therefore, be updated to note that planning application 21/AP/1667 is relevant to this site, in order to be considered 'sound.' As currently worded, the omission of application ref. 21/AP/1667 renders the policy unsound as it is not positively prepared or justified.

We note that, further to our previous representations, 330 St James's Road has been removed as a 'Building of Townscape Merit' within the draft policy allocation. The policy allocation diagram within the New Southwark Plan needs to be updated to reflect this change, for effectiveness.

#### Appendix 5: Annex 2 - Housing Trajectory

The Housing Trajectory (2020-2035) for Old Kent Road does not include reference to the live planning application ref. 21/AP/1667 which will deliver 153 dwellings towards the 9,500-dwelling capacity in Phase 1 of the BLE. The Site Allocations Methodology Report Update (May 2021) says that there is capacity for 155 homes to be delivered in years 0-5 as part of Phase 1 of the Bakerloo

Line Extension, taking into consideration committed development. These new homes can be delivered on our site, in line with the Old Kent Road Area Vision. As noted above, the application (ref. 21/AP/1667) was submitted towards the end of May 2021 shortly after this update was published, and as such, it is not included in this document. In order to ensure that the Housing Trajectory for Old Kent Road sites is effective and positively prepared, this live planning application for 153 new residential units to come forward in the Old Kent Road area as part of an allocated site should be included as 'Live Application' for 153 units in the Housing Trajectory within the NSP.

### **CONCLUSIONS ON TEST OF SOUNDNESS**

The site is capable of coming forward for development within the next five years to deliver much needed new homes including affordable housing and new employment floorspace within the Old Kent Road OA. To pass the test of soundness, MM153 (Site Allocations Policy NSP64) should be amended to include reference to the current application on the site at 310-330 St James's Road, and the Housing Trajectory in Appendix 5 (Annex 2) should be updated to include the planning application ref. 21/AP/1667 as a live application.

### **CONCLUSION**

We trust that our representations can be taken into consideration, and we look forward to continuing our dialogue with the Council regarding the proposed development of 310-330 St James's Road.

If you have any questions relating to the above, please do not hesitate to contact myself, or my colleague [REDACTED].

Yours faithfully,



cc: Apex Capital Partners Ltd.

24 September 2021

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Sent via email: [planningpolicy@southwark.gov.uk](mailto:planningpolicy@southwark.gov.uk)

Dear Sir/Madam,

### Main Modifications to New Southwark Plan – comments submitted on behalf of Safestore Holdings PLC.

This letter has been prepared on behalf of Safestore Holdings PLC ('Safestore') by Savills (UK) Limited (hereafter known as 'Savills') in response to the London Borough of Southwark's ('LBS') invitation to submit comments in respect of a public consultation on the Main Modifications to the New Southwark Plan ('NSP').

We welcome the opportunity to comment on the LBS Main Modifications to the NSP, in line with the Town and Country Planning (Local Planning) (England) Regulations 2012. We acknowledge the Council's ambition to produce a document which has its residents' best interest and greatest quality of life in mind. As such, we are fully supportive of the view that a positive policy framework can and should be used to improve our city's built environment and deliver the good growth in homes, jobs and infrastructure that Londoners require, a theme that is carried through both National and London-wide planning policies.

Previously, Savills have submitted representations on behalf to the LBS in regards to the New Southwark Plan: Proposed Submission Versions (December 2017 and August 2020) in February 2018 and October 2020. We now make the following comments on behalf of Safestore, relating to the main modifications being made to the proposed policies within the NSP which are discussed in detail below.

This phase of consultation focuses on the main modifications to the submitted NSP. Accordingly, this representation focuses on the proposed modifications to planning policies and their soundness.

As part of the examination, the independent Planning Inspector is required to consider if the NSP has been positively prepared, is justified, effective, and is consistent with national policy. In this regard, although Savills are supportive of a number of policies contained within the draft NSP, there are a small number which are considered to be ineffective, or inconsistent with national policy as they are currently drafted.

These policies, as currently drafted, led us to consider that the NSP to be **unsound** (emphasis added), and we, therefore, make a range of suggestions on specific policies, including Policies SP4, P27, P28, P30 and P32, to ensure these policies pass the tests of soundness. These suggestions essentially seek to clarify the aims of each draft policy and reinforce their ambition and ensure they are deliverable, effective and consistent with national policy, which we consider the Council should take into account.

Within the representation, the Main Modifications are shown as **bold and underlined** (new content) and ~~strikethrough~~ (deleted content). We have undertaken a review of these modifications and our individual comments against each relevant proposed modifications are set out below, with suggestions to delete the text with a ~~strikethrough in red~~ and add the additional text in **green**.



## Main Representation

### **Policy SP4: ~~Strong local~~ A Green and Inclusive Economy**

Policy SP4 supports the delivery of 460,000sqm of new office floorspace within the borough. Safestore supports and recognises the need to deliver an uplift of new office floorspace within sustainable locations, such as Opportunity Areas, which will help contribute to the strength and vitality of the local economy.

We would like to comment on part 4 in particular, which is currently worded as below:

**4. ~~Delivering at least 10% of all new employment floorspace as affordable workspace for start-ups and existing and new small and independent businesses in Southwark; and~~**

With regard to part 4 of the policy, the proposed modifications includes a requirement to deliver at least 10% of the employment space as affordable workspace for either start-ups, small or independent businesses in Southwark.

The policy, as currently drafted, does not take into account the deliverability and viability of providing affordable workspace in all new employment floorspace especially in B8 (Storage and Distribution) uses. Proposing a prescriptive 10% affordable workspace target could in some instances be particularly challenging to deliver in the case of self-storage sites. This is because a typical self-storage facility requires the ground floor area to be available for easy to access storage units.

It may therefore be unduly challenging, in viability terms, for a self-storage operator to be required to provide 10% affordable workspace as part of its ground floor arrangement.

Moreover, the prescriptive requirement of Owner Occupiers to include on site affordable workspace puts themselves at a competitive disadvantage towards the traditional landlords. Not only do Owner Occupiers face the fiscal challenge of purchasing and implementing affordable workspace at reduced market rents on site, but they also are unable to operate from the full footprint of the building that a leaseholder would be able to, placing themselves at a competitive disadvantage.

As such, we consider that the current wording reduces the deliverability of schemes which therefore makes the SP4 **ineffective** in line with paragraph 35(c) of the NPPF. Therefore, we recommend the wording of this part to be amended to the following paragraph:

**4. ~~Delivering at least 10% of all new employment floorspace as affordable workspace for start-ups and existing and new small and independent businesses in Southwark~~ *may be delivered subject to viability; and***

### **Policy P27: Access to Employment and Training**

We understand that the Main Modifications do not propose any further amendments to the draft Policy P27 as submitted in August 2020. The “must” approach does not align with **national policy**, particularly in relation to paragraph 16b of the NPPF where it states that plans should “*be prepared positively, in a way that is aspirational but **deliverable***” (emphasis added). The use of “must” introduces undue prescription on the Developer to provide training and employment and stands to impede their delivery by not accounting for viability on a case-by-case basis. This may result in the development not coming forward during the plan period meaning that the NSP will not be **effective** in its delivery.

As stated in our previous representation, we support the proposed alterations to allow the option to offset a shortfall in jobs provided through a payment in lieu. However, we wish to stress the importance of the Main Modifications taking into the account the financial implications that would be created as a result of applying an

obligation to provide training or jobs on a new scheme where it is not viable to do so. This financial burden could act as a barrier to any development going forward, and the currently worded policy does not provide flexibility nor account for financial viability. A more flexible approach to financial contributions being secured on a case-by-case basis is required to ensure the contribution is viable and deliverable against a challenging market context.

To pass the test of soundness, the NSP should therefore be amended to be **effective** in its delivery in line with Paragraph 35(c) of the NPPF as follows:

1. *Development incorporating:*

1. 5,000sqm or more of **gross** new ~~or improved~~ floorspace ~~must~~ **should** offer training and jobs for local people in the construction stage; and
2. 2,500sqm or more of **gross** new or ~~improved~~ non-residential floorspace ~~must~~ **should** provide training and jobs for local people in the final development; and
3. 1,000sqm or more of **gross new** or ~~improved~~ floorspace ~~must~~ **should** allow local businesses to tender for the procurement of goods and services generated by the development both during and after construction.

2. **In exceptional circumstances Where it is not financially viable to provide training and jobs on site, a suitable financial contribution will be required for construction employment and training. This will be considered on a case by case basis.**

### Policy P28: Strategic protected industrial land

The proposed modifications to draft Policy P28 are as follows:

1. *On Strategic Protected Industrial Land (SPIL) **as shown on the Policies Map:***

1. Only industrial uses (**E(g)(ii), E(g)(iii), B2, B8, and sui generis industrial use classes**) (~~B1b, B4c, B2, B8, sui generis industrial use classes~~) and uses ancillary to the industrial uses, will be permitted; and
2. Development must retain, grow ~~and~~ **or** intensify industrial uses including increasing the number of Jobs.
3. **Industrial uses which fall within Use Class E(g)(ii) and (iii) will be secured through the implementation of conditions and/or planning obligations which will restrict change of use within Use Class E.**

2. *The area of SPIL which is host to the Integrated Waste Management Facility (IWMF) will be retained as SPIL unless the criteria of policy **P62** are fulfilled.*

Safestore supports the principle of facilitating storage and distribution uses within areas of SPIL. While we welcome the introduction of “or” in the wording of part 1(2) instead of “and” to increase flexibility, the requirement that future development “**must**” increase the number of jobs places undue burden on self-storage operators and other operations that are appropriate for industrial settings such as SPILs but do not typically require large numbers of on-site personnel as the “**must**” approach restricts the developer from bringing forward potential redevelopment options that promote resilience and adaptability to changing economic conditions.

Furthermore, the currently drafted policy places undue prescription on SPILs. Uses such as B8 storage units provide much-needed warehouse and storage space for businesses, which include many small and independent businesses, but the employment benefits are not well understood or fully captured using traditional on-site job calculations. Therefore, the prescriptive requirements of the policy could prevent such development proceeding and reduce the availability of space for small and local businesses. As such, the policy as drafted is inflexible and requires further consideration. In addition to this, it ought to be noted the ability of B8 storage

units and associated occupiers to provide off-site job opportunities is significant that the Council should account for in the draft policy. Therefore, the current wording may have the effect of constraining the potential future redevelopment options within the borough and limiting potential employment benefits as a result.

Considering these, it is our view that the policy is **not consistent with national policy** as it is not in conformity with Paragraph 82(d) of the National Planning Policy Framework, which seeks to ensure plans are sufficiently flexible to adapt to rapid change; a consideration that has become increasingly important in light of the current COVID-19 pandemic, which has demonstrated the need to plan positively and flexibly to respond to economic conditions. For instance, a report by the OECD (October 2020)<sup>1</sup> states that e-commerce is rapidly growing as a result of the pandemic due to the availability of a variety of products customers can access from the convenience and safety of their homes. As a result of this growth in e-commerce, there is a long-term shift of e-commerce transactions from luxury goods and services to everyday necessities, which drives the demand for urban storage. Further to this, the Council's prescriptive approach stands to impede the delivery of potential industrial development in suitable locations by not considering the viability of schemes on a case-by-case basis. This may result in the development failing to come forward during the plan period meaning that the NSP will not be **effective** in its delivery.

Therefore, we recommend that draft policy P28 is amended to stimulate the growth of B8 storage units rather than constrain them, and to reflect the significant contribution that self-storage units make to the local economy and employment opportunities for small and medium enterprises ('SMEs') and local businesses. The amendments are suggested below:

1. *On Strategic Protected Industrial Land (SPIL) **as shown on the Policies Map:***

- 1) *Only industrial uses (**E(g)(ii), E(g)(iii), B2, B8, and sui generis industrial use classes**) (~~B1b, B1c, B2, B8, sui generis industrial use classes~~) and uses ancillary to the industrial uses, will be permitted; and*
- 2) *Where feasible, ~~D~~development **must should aim to retain, grow and or intensify industrial uses including increasing the number of Jobs.***
- 3) ***Industrial uses which fall within Use Class E(g)(ii) and (iii) will may be secured through the implementation of conditions and/or planning obligations which will restrict change of use within Use Class E.***

2. *The area of SPIL which is host to the Integrated Waste Management Facility (IWMF) will be retained as SPIL unless the criteria of policy **P62** are fulfilled.*

### **Policy P30: Affordable workspace**

We welcome the inclusion of the new use classes in the policy, which accords with the amended Use Classes Order (September 2020). However, it remains our view that the currently proposed wording is overly prescriptive and **ineffective** when considered in relation to B8 (storage and distribution) units. As stated earlier, proposing a prescriptive 10% affordable workspace obligation introduces undue prescription on self-storage operators and could in some instances be particularly challenging to deliver in the case of self-storage sites. As noted above, this is because a typical self-storage facility requires the ground floor area to be available for easy to access storage units. It may therefore be unduly challenging, in viability terms, for a self-storage operator to be required to provide 10% affordable workspace as part of its ground floor arrangement and relinquish the ground floor space to external affordable workspace operators.

Furthermore, a target based on a percentage of affordable workspace does not take into account the actual needs of the local population with regard to storage units delivered at the site. For example, in the context of

<sup>1</sup> OECD Report on e-commerce in the time of COVID-19 (October 2020):

<https://www.oecd.org/coronavirus/policy-responses/e-commerce-in-the-time-of-covid-19-3a2b78e8/#section-d1e102>

Safestore's business model of providing all-inclusive cost, flexible storage space, approximately 50% of storage space within Safestore sites are used by businesses. In terms of B8 storage units, affordability is not just about rental price. It is about flexibility of terms, being able to exit an agreement at short notice, take less or more space to respond to a business's fortunes. Self-storage units provide an affordable product through a package of flexible measures which are often overlooked. Accordingly, such a requirement may be a barrier to delivery of such a package of flexible measures tailored to storage units; Policy P30 as currently proposed does not consider the needs of the local population in various parts of the borough in terms of affordable workspace and is therefore not **effective**.

In addition to the above, the wording of part 1 "Retain small **and** independent businesses" (emphasis added) is open to misinterpretation. As noted in our previous representations, we had discussed this with the borough's Planning Policy Officers, who confirmed that this draft policy seeks to protect businesses that fall into the category of either being a small or independent business, and not a business that would be defined as both with reference to the definitions listed in the fact box on page 106. Therefore, this policy as currently proposed is **ineffective** as it creates confusion and risks misinterpretation.

Whilst it is understood that this draft policy seeks to protect SME floor space and local employers, it is considered that the current wording would not be **effective** in doing so. For example, it is theoretically possible to have an instance where a redevelopment site contains a small branch (i.e. less than 50 people on-site) of a much larger business which should not be considered to be an SME or local employer, but due to the current wording of draft policy P30, could be treated as such. A similar scenario could be a business that does not employ more than 50 employees on any given site but does have a national presence. It is also increasingly common for businesses to seek to consolidate their operational bases and encourage working from home. It is therefore quite possible that businesses that previously fell outside of the 'small and independent' definition, would now fall back into this definition by consolidating to 3 locations or less.

In order to best support Use Class B8 (Storage and Distribution) development proposals (a land use that supplies SMEs with the necessary infrastructure to grow their) policies within the NSP should be worded flexibly to encourage rather than constricting development via a restrictive approach in policy.

For the above reasons it is considered that the policy is therefore not in general conformity with the London Plan and, is **inconsistent with national policy** as it is not in conformity with Paragraph 82(d) of the National Planning Policy Framework, which seeks to ensure plans are sufficiently flexible to adapt to rapid change.

Finally, we would like to note that part 3 of the draft policy now includes the mention of "Affordable Workspace Calculator"<sup>2</sup>. Whilst we welcome this as a further clarification of the payment in lieu mechanism, we would like to seek further details of how the methodology of this calculator has been developed and operated in practice as there are a number of variables that are important to be considered. Furthermore, we consider it important for the Council to consider the viability of delivering affordable workspace in various locations across the borough and recognise that it may not be viable to deliver the amount of affordable workspace as calculated in the Calculator in a given location.

Taking all of the above into consideration we propose the amendments to the draft policy below:

1. Development ~~must~~ **should**:

1. Retain small and independent businesses (**E(g)** B class uses) **where practical and viable**. Where existing small and independent businesses are at risk of displacement from a development there should be full consideration of the **viability and feasibility** of providing affordable and suitable space for existing occupiers in the completed development. **Replacement business space should be like for like in terms of floorspace or bespoke to suit the requirements of the business; and or**

<sup>2</sup> EIP159 – Affordable workspace payment in lieu calculator:

<https://www.southwark.gov.uk/assets/attach/11365/SP423-New-Southwark-Plan-Housing-and-Affordable-Workspace-Viability-update-2019-.pdf>

2. Explore the opportunities for long term management of employment space and the delivery of affordable workspace by workspace providers.

2. Major Developments proposing 500sqm GIA or more employment floorspace (B-class use) **must should:**

1. Deliver at least 10% of the proposed gross ~~new~~ employment floorspace as affordable workspace on site at Discount Market Rents **where this is not viable, a financial viability assessment should be provided as part of any application to determine the quantum that the application is able to support;** and
2. Secure the affordable workspace for at least 30 years; ~~at discounted market rents appropriate to the viability of the businesses the space will be targeted for;~~ and
3. Provide affordable workspace of a type and specification that meets current local demand; and
4. Prioritise affordable workspace for existing small and independent businesses on **occupying** the site **that are** at risk of displacement. Where this is not feasible, affordable workspace must be targeted for small and independent businesses from the local area with an identified need; and
5. Collaborate with the council, **local businesses, business associations and workspace providers** to identify the businesses that will be nominated for occupying affordable workspace.

3. If it is not feasible to provide affordable workspace on site, an in lieu payment will be required for off-site affordable workspace. **This will be calculated using the Affordable Workspace Calculator.**

4. **Affordable workspace will may be secured as employment uses through the implementation of planning obligations which will restrict change of use within Use Class E. The Council will consider alternative approaches to affordable workspace provision on a case by case basis where appropriate for the proposed development and use.**

### Policy P32: Business relocation

The proposed modifications to Policy 32 are as follows:

1. Where existing small or independent businesses or small shops ~~are~~ **may be** displaced by development a business relocation strategy, written in consultation with affected businesses, must be provided. The business relocation strategy must set out viable relocation options.
2. All business relocation strategies must include:
  1. Existing levels amount of non-residential floorspace (GIA) separated by use class, including vacant units and yards. This should include any floorspace demolished; and
  2. Schedule of existing businesses operating on the site including business sector, estimated number of employees and lease terms; and
  3. Proposed levels of non-residential floorspace (GIA) **and yard space, separated by use class, business sector and estimated number of employees; and**
  4. Details of engagement with existing businesses on site regarding reprovision of premises or relocation options; and
  5. Details of engagement with the council, **local agents, businesses, business associations** and workspace providers to secure occupiers for new employment space.
1. Where existing businesses are accommodated in new development ~~schemes~~ the strategy should include:
  1. Specific business requirements including servicing, fit out and ownership or lease terms; and
  2. Temporary relocation arrangements or scheme phasing to allow the continuation of the business during construction. Temporary relocation should be contained on site or as close to the original site as possible; and



**3. Options for temporary relocation should consider the cost and practical arrangements for businesses where multiple moves may not be feasible.**

2. Where existing businesses are proposed to be relocated the strategy should include:

1. Reasons why existing businesses cannot be located on site; **and**
2. Details of relocation options explored with individual businesses and the assistance **and support** that will be provided. **Statements from the businesses are required to show evidence that the relocation option is suitable for the viable continuation of the business;**
3. Identification of alternative **premises** in Southwark. Where no suitable ~~sites~~ **premises** exist, ~~sites~~ **premises** should be identified in adjacent boroughs; and
4. Statements from existing businesses should they wish to cease trading rather than relocate; and
5. Collaboration with other landowners to establish whether suitable workspace for existing businesses could be accommodated in different phases of the development programmes.

Again, the Main Modifications do not propose any new changes to the draft policy as submitted in August 2020. As noted in our previous representations, we are supportive of enterprises having every opportunity to continue trading if they are displaced as part of any development proposal. However, it remains our view that parts of the draft Policy as proposed is overly prescriptive and could hamper development from coming forward in the borough.

We would again refer to the previously discussed legal protections that already exist for tenants subject to displacement and how the draft policies as currently proposed could conflict with that legal framework and existing agreements.

As discussed in our previous representations, the business relocation requirements of draft policy P32 may form a significant obstacle to any development proposal due to the financial resource needed to find suitable premises for relocation, potentially undermining the viability and deliverability of a redevelopment scheme. Therefore, we do not consider it deliverable or viable, in every instance, to engage with existing businesses subject to displacement regarding the suitability of alternative premises for their relocation as it is not practicable to expect that every existing business subject to displacement will wish to work with an Applicant in a constructive manner to facilitate these discussions.

As currently worded, the draft policy would deem any failure to obtain endorsement from an existing business to be displaced as being contrary to the Development Plan, irrespective of whether an Applicant had done all they could to comply with the policy.

Further to this, due to the commercial sensitivity surrounding the discussions regarding business relocation prior to the determination of a planning application, it may not always be appropriate to enter these discussions early on in the planning application process. In some instances it will be more appropriate to undertake such discussions after the determination of a planning application when the Applicant would have a degree of certainty within which to enter discussions. We also do not consider it appropriate to require (and ultimately make publicly available) the lease terms which have been agreed with individual tenants following private negotiations. This information is highly sensitive and should be considered in the Main Modifications. Therefore, it is our view that the narrow and prescriptive approach to business relocation is **ineffective**.

Therefore, we recommend the following amendments to be taken into consideration to make the NSP **effective**:

1. Where existing small or independent businesses or small shops may be displaced by development a business relocation strategy, ~~written in consultation with affected businesses,~~ must be provided **following the granting of planning permission and secured via a s106 agreement**. The business relocation strategy must set out viable relocation options.
2. All business relocation strategies must include:



1. Existing amount of non-residential floorspace (GIA) separated by use class, including vacant units and yards. This should include any floorspace demolished; and
  2. Schedule of existing businesses operating on the site including business sector, ~~estimated number of employees and lease terms~~; and
  3. Proposed levels of non-residential floorspace (GIA) and yard space, separated by use class, business sector and estimated number of employees; and
  - ~~4. Details of engagement with existing businesses on site regarding re-provision of premises or relocation options; and~~
  5. Details of engagement with the council, local agents, ~~businesses, business associations~~ and workspace providers to secure occupiers for new employment space.
3. Where existing businesses are accommodated in new development the strategy should include:
1. Specific business requirements including servicing, fit out and ownership or lease terms; and
  2. Temporary relocation arrangements or scheme phasing to allow the continuation of the business during construction. Temporary relocation should be contained on site or as close to the original site as possible; and
  3. Options for temporary relocation should consider the cost and practical arrangements for businesses where multiple moves may not be feasible.
4. Where existing businesses are proposed to be relocated the strategy should include:
1. Reasons why existing businesses cannot be located on site; and
  2. Details of relocation options explored ~~with individual businesses and the assistance and support that will be provided. Statements from the businesses are required to show evidence that the relocation option is suitable for the viable continuation of the business~~; and
  3. Identification of alternative premises in Southwark. Where no suitable premises exist, premises should be identified in adjacent boroughs; and
  4. Statements from existing businesses should they wish to cease trading rather than relocate; and
  5. Collaboration with other landowners to establish whether suitable workspace for existing businesses could be accommodated in different phases of the development programmes.

## Conclusion

Having reviewed the Main Modifications to the NSP, we have concluded that there are a number of issues with the proposed modifications and the prescriptive approach to several policies that may hamper the borough's ambitions to create a lifetime of opportunities for all residents, ensuring more jobs in well-connected locations, create vibrant, resilient and enhanced economic hubs, and create an economy that works for everyone in the borough. Fundamentally, as currently drafted we consider the policies identified in this representation to be overly rigid and inflexible, thereby constricting rather than encouraging development at various development sites in the borough and thereby reducing these sites' deliverability over the plan period.



The impact on deliverability undermines the effectiveness of the NSP policies as identified in this representation and a number of these policies therefore fail the “effective” criterion of the soundness test, in addition to being inconsistent with national policy, thereby failing the tests of soundness outlined in NPPF paragraph 35.

We therefore consider a number of the draft policies to be **unsound** and requiring further consideration. As such, we have suggested a number of amendments to the wording of policies set out in this document to ensure that each policy will be **effective** in its delivery, **consistent with national policy** and thus **sound**.

Principally, we wish to emphasise the need for a forward-looking document which guides the progress of the borough, the delivery of much-needed jobs and, meeting contemporary and future community and market demands.

Thank you for giving us the opportunity to provide commentary on the Main Modifications to the NSP. We would be grateful for confirmation of receipt of these representations and trust that these comments will be taken into consideration.

Please do not hesitate to contact us on the details at the head of this letter should you require any further information.

Yours faithfully,

A large black rectangular redaction box covering the signature area.

A black horizontal redaction bar covering the name of the signatory.

**Associate**

**For and on behalf of Safestore Holdings PLC.**

## Comments on Main Modifications to the New Southwark Plan

**MM1** The Old Kent Road AAP is still in development and there has been no consultation about this and the removal of the Aylesbury AAP to date all throughout the process. This must be rectified.

**MM23** Old Kent Road – I'm very concerned about the reality of timescale for the Bakerloo line extension and its impact on phase 2 development, which requires alternative proposals Plan B to be developed to prevent planning blight and retain jobs. This has not been addressed

**MM68** Protection Amenity Space – I believe protection of outdoor community space is an essential part of local amenity that should be recognised in this policy on a case by case basis.

### **MM7**

1. This modification entails an unacceptably large increase in employment floorspace over that proposed in the New Southwark Plan - Southwark Council's Proposed changes to the submitted NSP, 2018 -2033, August 2020 . The total amount would rise from 217,882 net sqm to either 468,321 net sqm or 704,369 net sqm, depending on the amount built on the Canada Water Masterplan site ([EIP219](#), MM7 pg 17 Table 1B). Southwark indicate that they expect that a larger amount at Canada Water ([EIP 82a](#), 4.56, Site Allocations Methodology Report Update 2021)
2. Both figures exceed the amount required, which Southwark Council says is 460,000 net sqm ([EIP82a](#), 4.50, Site Allocations Methodology Report Update 2021).
3. Within the overall total several areas have substantial increases; Bankside and the Borough (increased from 34,726 to 60,813 net sqm); Old Kent Rd (increased from 6,321 net sqm to 121,030 net sqm); Peckham (increased from 9,127 net sqm to 15,378 net sqm) ([EIP219](#), MM7 Table 1B).
4. In particular the amount to be delivered at the Elephant and Castle has increased from minus 1,563 net sqm to plus 84,658 net sqm. 60,000 net sqm of this will be on the Elephant Park site Plot H1, the site of a planning application for an office block by Lend Lease. Southwark claim that this will not replace any other uses on the overall masterplan for the site ([EIP82a](#), 4.52) but this is not accurate. Lend Lease holds a planning consent for this plot for residential development and has been obliged to make an application for an entirely new consent, to allow office development instead. The site is a brownfield site (formerly the Heygate estate) that should be used to optimise housing delivery, according to the London Plan (2021, Policy H1).
5. This substantial modification represents a significant change of land use, presented at the very end of the NSP's lengthy consultation and adoption process. It is proposed on the strength of evidence (from the Southwark Employment Land Study) that has been available since 2016 ([EIP 82a](#), 4.50).

6. The [modification's](#) text says *'this complex place making process...needs to involve the diverse range of people who use it to be meaningful in creating places that people find successful to live in and work'* (Para 2, pg 14), but the modification itself has not involved a diverse range of people. It is also being proposed in the context of heated controversies about residential developments on council estates (infill developments), which testify to rising public concern about the priorities accorded competing land uses.
7. For these reasons we do not think that the modification is itself sound and so should not be accepted by the Inspectors.
8. If the Inspectors are minded to accept the modification entries 'Elephant Park – Employment Space – 60,000 sqm – 60,000sqm' be removed from 'MM7 Table 1b - Planning to meet strategic growth targets' and any other changes made which would be consistent with that removal . The net effect of this will be to maintain the land-use of Plot H1 for housing.

Stephen Lancashire, [REDACTED]

**The Aylesbury Area Action Plan and the New Southwark Plan**

1. INTRODUCTION

1.1 The following provides a summary of the substantive differences between the Aylesbury Area Action Plan (AAP) and the New Southwark Plan (NSP).

2. COMPARISON TABLE

<u>Aylesbury AAP 2010</u>	<u>NSP policy</u>
<p><b><u>MP1 The masterplan: (p.22)</u></b></p> <p>Development proposals must be in general compliance with the masterplan.</p> <p>The masterplan sets out the principles to ensure that the new development is integrated with its surroundings and does not feel like a separate place.</p> <p>The masterplan lists the main proposed main features of the Aylesbury Area in detail, including:</p> <ul style="list-style-type: none"> <li>• Thurlow Street</li> <li>• Albany Road</li> <li>• The East-West Community Spine – pedestrian and cycle focused street connecting facilities in the area, which will include some shops, space for community meetings and events, and health facilities.</li> <li>• Michael Faraday Primary School and Community Learning Centre</li> <li>• New Walworth Academy – to be completed in 2010</li> <li>• A new secondary school on the site of Walworth Lower School – to be completed in 2013</li> <li>• Burgess Park – regeneration</li> <li>• New community facilities, shops and business space focused on Thurlow Street, the Amersham site, and East Street</li> <li>• Westmoreland Road Square</li> <li>• Three Green Fingers</li> <li>• Improved good quality open spaces, including Burgess Park and Surrey Square Park</li> </ul> <p>The masterplan is shown in <b>Figure 5</b>. (p.23)</p>	<p><b><u>AV.01 Aylesbury Area Vision (p.41):</u></b></p> <p><b><u>NSP1A site allocation: (p.42 – the Aylesbury Area Vision Map)</u></b></p> <p>The NSP also emphasises the need to "stitch back" the development into the surrounding area.</p> <p>The NSP focuses on policies to attract existing residents to stay in the area. For example, the development in the Aylesbury Area should be "phased over a number of years to offer the maximum number of existing residents the opportunity to move into the new homes".</p> <p>The NSP also seeks to deliver homes and a wider urban environment suitable for residents at all stages in their lives, encouraging people to live and work locally. This will include excellent cycling provision, safe secure streets with good building frontages and a choice of homes including a range of different sized homes, generous space standards and provision of specialist housing.</p>
<p><b><u>MP2 Proposal sites (p.26)</u></b></p>	<p><b><u>NSP1A site allocation: (p.42 – the Aylesbury Area Vision Map)</u></b></p>

<p>The proposals sites are shown in <b>Figure 6.</b> (p.27)</p>	<p>The revised Aylesbury Area Vision Map is shown at p.42.</p> <p>It follows the same proposals sites as the original AAP in all respects but one: area "6" in the original AAP has been moved from Phase 3 to Phase 2.</p>
<p><b><u>BH1 Number of homes: (p.81)</u></b></p> <p>To provide approximately 4,200 new homes (1,422 net) within the action area core between 2009 and 2027, including approximately:</p> <ul style="list-style-type: none"> <li>• 1419 units in phase 1</li> <li>• 645 units in phase 2</li> <li>• 450 units in phase 3</li> <li>• 1695 units in phase 4</li> <li>• and at an average of 221 homes per year</li> </ul> <p>Under Chapter 3, "Better Homes" (p.30), at 3.1.4, it states that the "AAP will deliver about 1,450 extra homes" to contribute towards the London Plan's requirement for 16,300 new homes in Southwark by 2016/2017.</p>	<p><b><u>AV.01 Aylesbury Area Vision: (p.41)</u></b></p> <p><b><u>NSP1A site allocation: (p.42 – the Aylesbury Area Vision Map)</u></b></p> <p>The Area Action Plan 2010 envisaged approximately 4,200 new homes with the provision of 50% social rented and intermediate homes. The emerging direction of travel of planning policy seeks to build new homes whilst also supporting any existing residential use.</p> <p>This suggests that it would now be appropriate to consider an <b>increased number of homes</b> within the land covered by the Area Action Plan boundary, with a view to replacing all the existing social rented homes within the original footprint the estate.</p> <p>Irrespective of density, the objective of delivering 50% social rented and intermediate homes should be met with a preference for social housing in accordance with the Area Action Plan.</p> <p><b>No mention is made of the status of the original AAP Appendix 6 guidance.</b></p> <p><b>Note, however, that P12 to P15 of the NSP document concerns design.</b></p>
<p><b><u>BH2 Density and distribution of homes (p.31)</u></b></p> <p>Higher residential densities</p> <ul style="list-style-type: none"> <li>• Along Thurlow Street and Albany Road</li> <li>• Fronting Burgess Park, public open space and green fingers</li> <li>• Locations where there is a cluster of mixed uses</li> </ul> <p>Lower residential densities</p> <ul style="list-style-type: none"> <li>• Adjacent to the Liverpool Grove Conservation Areas</li> <li>• Near areas of existing development around East Street and Bagshot Street; and</li> </ul>	<p><b><u>P14 Residential design (p.98)</u></b></p> <p>Must take into consideration the sight context, the impact on the amenity of adjoining occupiers, and the quality of accommodation.</p> <p>The policy focuses on maintaining a lack of material difference in standard for all residents regardless of tenure. To this end access to outdoor space will be provided, and no material difference in appearance will be seen between affordable and market homes in apartment blocks.</p>

<ul style="list-style-type: none"> <li>Near other low density surrounding residential areas.</li> </ul> <p><i>Reasons (p.32)</i></p> <p>Higher residential densities support better public transport, better local shops and social facilities. It can also create more secure streets, spaces and parks.</p> <p>Lower densities near conservation areas, near East Street and adjacent to low-rise development will ensure that the character of those areas is preserved.</p> <p>Developments which exceed 700 habitable rooms per hectare will be expected to provide an exemplary standard of living accommodation, in line with the Core Strategy Preferred Options.</p>	<p>Aims to ensure all new homes are of an excellent standard. "This is especially important for higher density schemes".</p> <p>Old Kent Road is an area of deficiency in public open space. The requirement for 5sqm of new public open space per home will help ensure that new space is provided to help meet the needs of the growing population and provide a benefit for existing communities.</p> <p><i>See Table 6 (p.100) for minimum internal space standards</i></p>
<p><b><u>BH3 Tenure mix (p.35)</u></b></p> <p>50% of new homes in the action area core will be affordable and 50% will be private. We will require the following mix of tenure on each proposals site within the action area core:</p> <p>Proposals site AAAP1 (Phase 1)</p> <ul style="list-style-type: none"> <li>41% Private</li> <li>59% Affordable</li> </ul> <p>Proposals sites AAAP2 and AAAP3 (Phases 2 and 3)</p> <ul style="list-style-type: none"> <li>50% Private</li> <li>50% Affordable</li> </ul> <p>Proposals site AAAP4 (Phase 4)</p> <ul style="list-style-type: none"> <li>58% Private</li> <li>42% Affordable</li> </ul> <p>Of the affordable housing provided, 75% should be social rented and 25% should be intermediate</p> <p><i>Reasons</i></p> <p>When the AAP was published there were around 2,250 social rented homes in the action area core, and 500 homes in private ownership sold through the 'right to buy' scheme.</p> <p>"Ensuring that 50% of new housing in the action area core is affordable will ensure that about 2,100 affordable homes are re-provided. There will be a small loss of about 150 affordable units. However, because we are providing more larger units, the loss</p>	<p><b><u>P1 Social rented and intermediate housing, table (p.77)</u></b></p> <p><b>Percentages</b> have not changed, <b>though note:</b> The revised Aylesbury Area Vision Map is shown at p.42.</p> <p>It follows the same proposals sites as the original AAP in all respects but one: area "6" in the original AAP has been moved from Phase 3 to Phase 2.</p> <p>Further, "private" and "affordable" have been changed to "market housing" and "social rented and intermediate housing requirement (75% social rented, 25% intermediate housing)"</p> <p>While it is stated that "viability appraisals and reviews are required for all developments. These must be published for public scrutiny", exceptions are provided for in the Aylesbury Action Plan Area.</p> <p>"Where development provides 60% social rented and intermediate housing with a policy compliant tenure mix as set out in Table 2, with no grant subsidy.</p> <p>Where developments follow the fast track route they will not be subject to a viability appraisal. A viability review will only be necessary if amendments are proposed to lower the social rented and intermediate housing provision to less than 60% following the grant of planning permission."</p>

<p>when considered in terms of habitable rooms is much less significant."</p>	<p><b>Further detail is therefore required as to the tenure mix of each development within each proposal site.</b></p>
<p><b><u>BH4 Size of homes (p.36)</u></b></p> <p>The following mix of housing sizes will be provided in the action area core:</p> <ul style="list-style-type: none"> <li>• A maximum of 3% studios all in private tenure;</li> <li>• At least 70% of homes to have two or more bedrooms;</li> <li>• At least 20% of homes to have three bedrooms;</li> <li>• At least 7% of homes to have four bedrooms; and</li> <li>• At least 3% of homes to have five or more bedrooms.</li> </ul> <p>Developments must provide a range of dwelling sizes to contribute towards the mix sought for each proposal site (as set out in Appendix 5).</p>	<p><b><u>P2 New family homes (p.84)</u></b></p> <p>1. Major residential developments, including conversions, must provide:</p> <ol style="list-style-type: none"> <li>1. A minimum of 60% of homes with two or more bedrooms; and</li> <li>2. A minimum of 20% of family homes with three or more bedrooms in the Central Activities Zone and Action Area Cores (see Figure 3); or</li> <li>3. A minimum of 25% of homes with three or more bedrooms in the urban zone (see Figure 3); or</li> <li>4. A minimum of 30% of homes with three or more bedrooms in the suburban zone (see Figure 3); and</li> <li>5. A maximum of 5% studios, which can only be for private housing; and</li> <li>6. The maximum number of bed spaces for the number of bedrooms where they are social rented homes. Single occupancy bedrooms will not be accepted.</li> </ol> <p>2. Family homes in apartment blocks should have direct access to outdoor amenity space and allow oversight of children outside.</p>
<p><b><u>BH5 Types of homes (tenure) (p.37)</u></b></p> <p>The redevelopment of the action area core will provide a mix of types of homes reflecting the following proportions:</p> <ul style="list-style-type: none"> <li>• Flats – 60%</li> <li>• Maisonettes/ Houses over houses – 17%</li> <li>• Houses – 23% (all houses to have two bedrooms or more)</li> </ul> <p>Developments must provide a range of dwelling types to contribute towards the mix sought for each proposal site (as set out in Appendix 5).</p> <p>The standards for new housing should comply with the design guidance set out in Appendix 6.</p>	<p><b><u>P2 New family homes (p.84)</u></b></p> <p><b>No information</b> in this section reflects the percentage of homes that are flats or maisonettes/houses over houses.</p> <p>There is mention of studio apartments and family homes in apartment blocks.</p>
<p><b><u>BH6 Energy (p.39)</u></b></p> <p><b>Energy supply</b></p> <p>The energy supply for the action area core will be generated by combined heat and power (CHP). The</p>	<p><b><u>P69 Energy (p.176)</u></b></p> <p>Following the maxim of "be lean (energy efficient design and construction), be clean (low carbon energy supply), be green (on site renewable energy generation and storage).</p>

<p>CHP plant should be part of an energy centre located immediately south of the junction of Thurlow Street and Inville Road and appropriately sized to accommodate plant required to deliver services to the development. The redevelopment of the action area core will result in zero carbon growth.</p> <p>All developments within the action area core must connect to the CHP system. Developments completed prior to the implementation of CHP should be designed so that they can switch to the CHP once it is available.</p> <p><b>Use of renewable energy technologies</b></p> <p>Developments should meet the London Plan target of a 20% reduction in CO2 emissions through the use of renewable technologies. Until such time as the CHP is fuelled by renewable energy sources and is capable of meeting the London Plan target, we will require developments to use their own CHP compatible on-site renewable energy technologies.</p>	<p><b>Targets for major development</b></p> <p>Major development must reduce carbon dioxide emissions on site by:</p> <ol style="list-style-type: none"> <li>1. 100% on 2013 Building Regulations Part L standards for residential development; and</li> <li>2. A minimum of 40% on 2013 Buildings Regulations Part L and zero carbon (100%) for non-residential developments.</li> <li>3. Any shortfall against carbon emissions reduction requirements must be secured off site through planning obligations or as a financial contribution.</li> </ol> <p><b>Decentralised energy</b></p> <p>Major development must be designed to incorporate decentralised energy in accordance with the following hierarchy:</p> <ol style="list-style-type: none"> <li>1. Connect to an existing decentralised energy network; then</li> <li>2. Be future-proofed to connect to a planned decentralised energy network; or</li> <li>3. Implement a site-wide low carbon communal heating system; and</li> <li>4. Explore and evaluate the potential to oversize the communal heating system for connection and supply to adjacent sites and, where feasible be implemented.</li> </ol>
<p><b><u>BH7 Sustainable design and construction (p.40)</u></b></p> <p>All homes in the action area core must achieve at least Code for Sustainable Homes Level 4 (****) rating or the equivalent in any successor rating system.</p>	<p><b><u>P68 Sustainability standards (p.175)</u></b></p> <p>[The BREEAM rating of 'Excellent' is equivalent to a Level 5 on the Code for Sustainable Homes. The highest levels on each rating system are 'Outstanding' for BREEAM, and Level 6 for the Code for Sustainable Homes.]</p> <p>Development must:</p> <ol style="list-style-type: none"> <li>1. Achieve a BREEAM rating of 'Excellent' for non-residential development and non-self-contained residential development over 500sqm; and</li> <li>2. Achieve BREEAM rating of 'Excellent' in domestic refurbishment for conversion, extension</li> </ol>

	<p>and change of use of residential floorspace over 500sqm; and</p> <p>3. Achieve BREEAM rating of ‘Excellent’ in non-domestic refurbishment for conversion, extension and change of use of non-residential floorspace over 500sqm; and</p> <p>4. Reduce the risk of overheating, taking into account climate change predictions over the life time of the building, in accordance with prioritised measures set out in the following cooling hierarchy:</p> <ol style="list-style-type: none"> <li>1. Minimise internal heat generation through energy efficient design; then</li> <li>2. Reduce the amount of heat entering a building through the orientation, shading, albedo, fenestration, insulation and green roofs and walls; then</li> <li>3. Manage the heat within the building through exposed internal thermal mass and high ceilings; then</li> <li>4. Passive ventilation; then</li> <li>5. Mechanical ventilation; then</li> <li>6. Active cooling systems (ensuring they are the lowest carbon options)</li> </ol>
<p><b><u>PL1 Street layout (p.44)</u></b></p> <p>The street layout should accord with the masterplan as shown in Figure 5. The following streets will comprise the main street network:</p> <p><b>Thurlow Street</b> will be the main local street for the new neighbourhood.</p> <p><b>Albany Road</b> will be a calmed route and will be better integrated with the park so that it is perceived as a route through the park.</p> <p><b>A Community Spine</b> will connect public transport routes and town centres with the main schools and some of the community facilities in the action area core.</p> <p><b>Three green fingers</b> will run from Burgess Park into the AAP area connecting with Surrey Square Park, the Missenden Play area and Faraday Gardens.</p> <p>All streets will be designed as attractive public spaces. Development proposals that include streets and spaces should contain landscaping schemes as an integral part of their design. These will include planting, greenspace, attractive boundary design and</p>	<p><b><u>AV.01, P12 (p.96)</u></b></p> <p>Development must:</p> <ol style="list-style-type: none"> <li>1. Ensure height, scale, massing and arrangement respond positively to the existing townscape, character and context; and</li> <li>2. Better reveal local distinctiveness and architectural character; and conserve and enhance the significance of the local historic environment; and</li> <li>3. Ensure the urban grain and site layout take account of and improve existing patterns of development and movement, permeability and street widths; and</li> <li>4. Ensure buildings, public spaces and routes are positioned according to their function, importance and use; and</li> <li>5. Ensure a high quality public realm that encourages walking and cycling and is safe, legible, and attractive, and eases the movement of pedestrians, cyclists, pushchairs, wheelchairs and mobility scooters and vehicular traffic. Street clutter should be avoided; and</li> </ol>

<p>hard surfaced spaces. High quality materials should be used consistently. Further details about the character of these streets is set out in the design guidance in Appendix 6 and proposals should comply with this guidance.</p>	<p>6. Provide landscaping which is appropriate to the context, including the provision and retention of street trees, and</p> <p>7. Provide the use of green infrastructure through the principles of water sensitive urban design, including quiet green spaces, tree pit rain gardens in addition to green grid spaces for people and surface water runoff; and</p> <p>8. Provide accessible and inclusive design for all ages and people with disabilities; and</p> <p>9. Provide opportunities for formal and informal play; and</p> <p>10. Provide adequate outdoor seating for residents and visitors.</p>
<p><b><u>PL2 Design principles: (p.46)</u></b></p> <p>Development should follow the block layout shown on the masterplan and should conform with the design guidance set out in <b>Appendix 6</b>. It should help to create a strong sense of local distinctiveness and be well integrated with the surrounding area. Its materials and design should exude a sense of quality and permanence. Its layout and appearance should have a “fine grain”; that is, it should:</p> <ol style="list-style-type: none"> <li>contain a variety of clearly distinguishable buildings</li> <li>incorporate frequent shifts in architectural design</li> <li>present a choice of interesting ways through the development</li> <li>have an interesting and varied roofline</li> <li>contain frequent entrances on to the street</li> <li>avoid the sort of large uniform buildings and blocks that can presently be seen on the estate.</li> </ol> <p>Output indicator: (p.82)</p> <ul style="list-style-type: none"> <li>Percentage of approvals that accord with the block layout of the masterplan (new indicator).</li> <li>Percentage of approvals meeting the design requirements of Appendix 6 (new indicator).</li> </ul> <p><i>Reasons</i> (p.47)</p> <p>The AAP emphasises aesthetic variance, quality and a sense of permanence. The policy is based on the principles of good urban design as set out in the government guidance <i>By Design: Urban Design in the Planning System, Towards Better Practice</i>.</p>	<p><b><u>P13 Design quality: (p.97)</u></b></p> <p>Development must provide:</p> <ol style="list-style-type: none"> <li>High standards of design including building fabric, function and composition; and</li> <li>Innovative design solutions that are specific to the site’s historic context, topography and constraints; and</li> <li>Adequate daylight, sunlight, outlook, and a comfortable microclimate including good acoustic design for new and existing residents; and</li> <li>Respond positively to the context using durable, quality materials; and</li> <li>Buildings and spaces which are constructed and designed sustainably; and</li> <li>Buildings and spaces that utilise active design principles that are fitting to the location, context, scale and type of development; and</li> <li>Active frontages and entrances that promote activity and successfully engage with the public realm in appropriate locations; and</li> <li>Adequate servicing within the footprint of the building and site for each land use; and</li> <li>Accessible and inclusive design for all; and</li> <li>A positive pedestrian experience; and</li> <li>Basements that do not have adverse archaeological, amenity or environmental impacts.</li> </ol> <p><i>Reasons</i> (pp.97-98)</p> <p>The NSP focuses on quality materials, encouraging physical activity, and sustainability.</p>
<p><b><u>PL3 Building block types and layout (p.46)</u></b></p>	<p><b><u>P14 Residential design (p.98)</u></b></p>

<p>All proposals within the action area core should be designed as one of the following three building types:</p> <p>(a) Perimeter Block – buildings which continue around all four sides of a street block, with an enclosed courtyard in the middle containing secure communal open space and / or gardens.</p> <p>(b) Mews Block – a Perimeter Block with a narrow shared surface road cutting through it, fronted by small terraces or rows of homes.</p> <p>(c) Special Building – a unique design containing a landmark building or special community use.</p> <p>Blocks should be designed so that relatively few apartments are served off each core and most apartments should be dual aspect.</p> <p>Homes should look directly on to the street and on to the communal gardens to ensure that the streets and spaces are safer.</p>	<p><b><u>P13 Design quality (p.97)</u></b></p> <p>Focuses on the standard of design and material being high. There is no direct reference to layout, more the result of design principles. For example:</p> <ul style="list-style-type: none"> <li>• Provide no material differences in appearance between affordable and market homes in apartment blocks</li> <li>• Provide the opportunity for residents of all tenures to access on site facilities</li> <li>• Avoid having more than eight dwellings accessed from a single core per floor</li> <li>• Provide acceptable levels of natural daylight by providing a window in every habitable room, except in loft space where a roof light may be acceptable</li> <li>• Achieve a floor to ceiling height of at least 2.5 metres for at least 75 per cent of the Gross Internal Area of each dwelling to maximise natural ventilation and natural daylight in the dwelling; and</li> <li>• Be predominantly dual aspect and allow for natural cross ventilation</li> </ul>
<p><b><u>PL4: Building heights (p.48)</u></b></p> <p>General building heights should be as indicated on Figure 10 (see p.49).</p> <p>Developments must contain variations in height and make use of the full range of buildings heights shown in Figure 10 to add interest and variety to the development. Most of the new development should have a general height of between 2 and 4 storeys.</p> <p>Height and scale should respect the setting of the conservation areas and preserve or enhance their character and appearance.</p> <p>The general height in Thurlow Street and Albany Road will be greater, mostly between 7 to 10 storeys. Buildings which are taller than the general height should be situated in important locations consistent with Figure 10.</p> <p>These buildings comprise:</p> <ul style="list-style-type: none"> <li>• one district landmark building of between 15 and 20 storeys at the junction of Thurlow Street and Albany Road to mark the main</li> </ul>	<p><b><u>Policy P16 Tall Buildings (p.102), NSP1A</u></b></p> <p>"Detailed tall buildings policy and guidance can be found in site allocations and the Aylesbury Area Action Plan". (refer to PL4)</p> <p>Tall buildings must:</p> <ol style="list-style-type: none"> <li>1. Be located at a point of landmark significance; and</li> <li>2. Have a height that is proportionate to the significance of the proposed location and the size of the site; and</li> <li>3. Make a positive contribution to the London skyline and landscape, taking into account the cumulative effect of existing tall buildings and emerging proposals for tall buildings; and</li> <li>4. Not cause a harmful impact on strategic views, as set out in the London View Management Framework, or to our Borough views; and</li> <li>5. Respond positively to local character and townscape; and</li> <li>6. Provide a functional public space that is appropriate to the height and size of the proposed building; and</li> </ol>

<p>entrance to the neighbourhood and symbolise the area's regeneration;</p> <ul style="list-style-type: none"> <li>local landmark buildings of between 10 and 15 storeys to mark the entrances to Portland Street, the King William IV and Chumleigh green fingers, and also the Amersham Site.</li> </ul> <p>The design of these taller buildings needs careful consideration. They should be elegant and slender. Proposals should demonstrate that harmful effects on residents, pedestrians and cyclists, such as overshadowing and wind funnelling, will be minimised. Proposals should comply with the design guidance set out in Appendix 6.</p>	<p>7. Provide a new publicly accessible space at or near to the top of the building and communal facilities for users and residents where appropriate.</p> <p>The design of tall buildings will be required to:</p> <ol style="list-style-type: none"> <li>Be of exemplary architectural design and residential quality; and</li> <li>Conserve and enhance the significance of designated heritage assets and make a positive contribution to wider townscape character. Where proposals will affect the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) clear and convincing justification in the form of public benefits will be required; and</li> <li>Avoid harmful and uncomfortable environmental impacts including wind shear, overshadowing, and solar glare; and</li> <li>Maximise energy efficiency and prioritise the use of sustainable materials; and</li> <li>Have a positive relationship with the public realm, provide opportunities for new street trees, and design lower floors to successfully relate to and create a positive pedestrian experience; and provide widened footways and routes to accommodate increased footfall.</li> </ol>
<p><b><u>PL5: Public open space (p.51)</u></b></p> <p>New development must provide a high-quality network of public open spaces of different sizes and functions which link well together and contain good pedestrian and cycling routes (see Figure 11).</p> <p>Small children's play areas should be integrated into the residential areas.</p> <p>Detailed landscaping plans will be required as an integral part of development proposals</p> <p><i>Reasons</i> (p.54) – increasing the quality of green spaces already in existence, whether through parks, communal gardens, or green fingers.</p> <p>"We are aiming for a big improvement in the quality of the open space available to residents and local people.</p>	<p>The NSP provides little detail on particular areas of improvement, but instead focuses on generalities.</p> <p><b><u>AV01 Vision (p.41)</u></b></p> <p><b><u>P14 Residential design (p.98)</u></b></p> <p><b><u>P56 Open space (p.159)</u></b></p> <p>In exceptional circumstances development may be permitted on Metropolitan Open Land (MOL) or Borough Open Land (BOL):</p> <ul style="list-style-type: none"> <li>It consists of <b>ancillary facilities</b> that positively contribute to the setting, accessibility and quality of the open space and if it does not affect its openness or detract from its character. Ancillary facilities on MOL must be essential for outdoor sport or recreation, cemeteries or for other uses of land which preserve the</li> </ul>

<p>There will be about 60ha of public open space within or immediately available to the development, including Burgess Park, which is 46 hectares, Surrey Square Park and Faraday Gardens.</p> <p>This is about the same as at present, but the quality of the open space, security, lighting, play facilities and maintenance will all be far better and the spaces will be easier to get to."</p>	<p>openness of MOL and do not conflict with its MOL function; or</p> <ul style="list-style-type: none"> <li>• It consists of the extension or alteration of an existing building providing that it does not result in disproportionate additions over and above the size of the original building; or</li> <li>• It consists of the replacement of an existing building, provided that the new building is no larger than the building it replaces</li> </ul> <p>Development will not be permitted on Other Open Space (OOS). In exceptional circumstances development may be permitted if it consists of replacement OOS of equivalent or greater size or substantially better quality can be secured on site or nearby before development commences.</p> <p><b><u>P58 Green infrastructure (p.58)</u></b></p> <p><b>Major development must:</b></p> <ol style="list-style-type: none"> <li>1. Provide green infrastructure with arrangements in place for long term stewardship and maintenance funding.</li> </ol> <p><b>Large-scale major development must:</b></p> <ol style="list-style-type: none"> <li>1. Provide new publicly accessible open space and green links.</li> </ol> <p><b>Green infrastructure should be designed to:</b></p> <ol style="list-style-type: none"> <li>1. Provide multiple benefits for the health of people and wildlife; and</li> <li>2. Integrate with the wider green infrastructure network and townscape / landscape, increasing access for people and habitat connectivity; and</li> <li>3. Be adaptable to climate change and allow species migration while supporting native and priority species; and</li> <li>4. Extend and upgrade the walking and cycling networks between spaces to promote a sense of place and ownership for all.</li> </ol>
<p><b><u>PL6: Children’s play space (p.51)</u></b></p> <p>All development proposals must provide 10 sqm of children’s play space / youth space per child bed space. Doorstep playable space should be provided within each of the housing blocks, whilst larger local playable spaces should be provided within selected housing blocks and within the green fingers and existing local parks, in accordance with Figure 12.</p>	<p><b><u>P14 Residential design (p.98)</u></b></p> <p><i>Aims:</i></p> <p>Child play space should be on ground or low-level podiums with multiple egress points</p> <p>Communal facilities including gardens and community rooms. Provide green communal amenity</p>

<p>New youth space should be provided within the larger areas of public open space.</p>	<p>space for all residents and additional communal play areas for children (aged up to 16) for apartments. Communal amenity space should be designed to provide multiple benefits (e.g. recreation, food growing, habitat creation, SUDS) and should be in addition to external communal amenity space</p> <p>"In circumstances where private and communal amenity space and facilities or child play space cannot be provided on site, this should be provided as private amenity space with the remaining amount added to the communal space requirement; and, we will seek a financial contribution towards providing new or improving existing public open space or play space provision in the vicinity of the site."</p>
<p><b><u>PL7: Private amenity space (p.51)</u></b></p> <p>All development must contain high quality private open space in the form of communal gardens, private gardens and useable balconies. The design of communal gardens should comply with the guidance in Appendix 6.</p>	<p><b><u>P14 Residential design (p.98)</u></b></p> <p>Private amenity space will be provided.</p> <p>In circumstances where private and communal amenity space and facilities or child play space cannot be provided on site, this should be provided as private amenity space with the remaining amount added to the communal space requirement; and, we will seek a financial contribution towards providing new or improving existing public open space or play space provision in the vicinity of the site.</p> <p><b><u>P55 Protection of amenity (p.159)</u></b></p> <p>Development should not be permitted when it causes an unacceptable loss of amenity to present or future occupiers or users.</p> <p><i>Reasons</i></p> <p>The amenity of those living, working in or visiting Southwark needs to be protected, to ensure a pleasant environment. Factors that impact on amenity can be visual, audible and odorous</p>
<p><b><u>PL8: Burgess Park (p.56)</u></b></p> <p>We will transform Burgess Park so that it becomes a more attractive and better-used open space serving local people and southeast London. Improvements will encourage and celebrate sporting activities, healthy living, education, biodiversity and cultural diversity and will be designed to facilitate open space activities which will support and enhance the</p>	<p><b><u>P56 Open space (p.159)</u></b></p> <p>In exceptional circumstances development may be permitted on Metropolitan Open Land (MOL) or Borough Open Land (BOL):</p> <ul style="list-style-type: none"> <li>• It consists of <b>ancillary facilities</b> that positively contribute to the setting, accessibility and quality of the open space</li> </ul>

<p>regeneration of the Aylesbury area. We will seek the provision of flexible outdoor spaces, particularly in Burgess Park, so that stage events and festivals can be held.</p>	<p>and if it does not affect its openness or detract from its character. Ancillary facilities on MOL must be essential for outdoor sport or recreation, cemeteries or for other uses of land which preserve the openness of MOL and do not conflict with its MOL function; or</p> <ul style="list-style-type: none"> <li>• It consists of the extension or alteration of an existing building providing that it does not result in disproportionate additions over and above the size of the original building; or</li> <li>• It consists of the replacement of an existing building, provided that the new building is no larger than the building it replaces</li> </ul> <p>Development will not be permitted on Other Open Space (OOS). In exceptional circumstances development may be permitted if it consists of replacement OOS of equivalent or greater size or substantially better quality can be secured on site or nearby before development commences.</p>
<p><b><u>TP1: Designing streets (p.58)</u></b></p> <p>Development proposals should provide a well-connected network of high-quality streets that provide a safe, accessible, comfortable and attractive environment for walking and cycling and should at the same time create practical and logical access routes for motor vehicles. Developments should incorporate or take into account the requirements of the walking, cycling and vehicular routes shown in <b>Figures 13, 14 and 15 (pp.59 – 61)</b>.</p> <p>Streets must be designed as attractive public spaces in accordance with the design guidance in Appendix 6. They will cater for a range of users with priority generally given to pedestrians and cyclists and should be designed to minimise the impact of speeding vehicles.</p> <p>The design and layout of streets must take into account the requirements of vulnerable road users and mobility impaired people.</p> <p>Mews and green fingers/shared space should be designed as home zones.</p>	<p><b><u>AV.01</u></b></p> <p><b><u>P12 Design of places (p.96)</u></b></p> <p>Development must:</p> <ul style="list-style-type: none"> <li>• Ensure a high-quality public realm that encourages walking and cycling and is safe, legible, and attractive, and eases the movement of pedestrians, cyclists, pushchairs, wheelchairs and mobility scooters and vehicular traffic. Street clutter should be avoided</li> <li>• Provide accessible and inclusive design for all ages and people with disabilities</li> </ul> <p><b><u>P50 Walking (p.150) – not mentioned as a change from the AAP, but included for completeness.</u></b></p> <ol style="list-style-type: none"> <li>1. Enhance the borough’s walking networks by providing footways, routes and public realm that enable access through development sites and adjoining areas; and</li> <li>2. Ensure routes and access are safe and designed to be inclusive and meet the needs of all pedestrians, with particular emphasis on disabled people and the mobility impaired. Street furniture must be located to allow the movement of pushchairs, wheelchairs and mobility scooters; and</li> </ol>

	<p>3. Ensure that disruption of walking routes during construction is minimised and any diversions are convenient and clearly signposted; and</p> <p>4. Enhance strategic networks such as the Green Chain walking route, the Low Line and support new and existing green links across the borough and sub-regionally.</p> <p><b><u>P51 Walking – 'Low Line' routes (p.150)</u></b></p> <p>Development must support the implementation of 'Low Line' routes, and not hinder or obstruct the implementation of 'Low Line' routes. (see Figure 8, p.151)</p> <p><b><u>P52 Cycling (p.153)</u></b></p> <p>Development must:</p> <ol style="list-style-type: none"> <li>1. Ensure the delivery of the Southwark Spine cycle route (<b>Figure 9 – p.156</b>) and our wider cycling route network. All sites on or adjacent to the network must support and integrate into the network; and</li> <li>2. Provide cycle parking for building users and visitors in accordance with Tables 9 and 10; and</li> <li>3. Provide cycle parking that is secure, weatherproof, conveniently located, well lit and accessible; and</li> <li>4. Provide cycle parking that includes an adequate element of parking suitable for accessible bicycles and tricycles; and</li> <li>5. For commercial uses, provide associated showers and changing facilities that are proportionate to the number of cycle parking spaces provided; and</li> <li>6. Contribute toward the provision of cycle hire schemes and docking stations. Financial contributions will be required from major developments that are commensurate to the size and scale of the proposal. This may also include providing space within the development for the expansion of the cycle hire scheme; and</li> <li>7. Provide a free two year cycle hire fob per dwelling where a docking station is located within 400m of the proposed development.</li> </ol>
<p><b><u>TP2: Public transport (p.62)</u></b></p> <p>We will work with Transport for London (TfL) to ensure significant improvements take place to the frequency, quality and reliability of bus services operating in the action area core. A route through the development for high capacity public transport is</p>	<p><b><u>P48 Public transport (p.149)</u></b></p> <p>Development must:</p> <ol style="list-style-type: none"> <li>1. Demonstrate that the public transport network has sufficient capacity to support any increase in the number of journeys by the users of the development,</li> </ol>

<p>identified on the proposals map and will be safeguarded.</p>	<p>taking into account the cumulative impact of local existing and permitted development; and</p> <ol style="list-style-type: none"> <li>2. Improve accessibility to public transport by creating and improving walking and cycling connections to public transport stops or stations; and</li> <li>3. Improve, maintain and enhance public transport services.</li> </ol>
<p><b><u>TP3: Parking standards: Residential (p.63)</u></b></p> <p>The amount of car parking in development proposals should not exceed a maximum of 0.4 spaces per home averaged over the whole masterplan.</p> <p>The justification for the level of parking will be based on the Transport Assessment and the Travel Plan. This must take into account: the public transport accessibility level, consideration of transport for families and whether there is a negative impact on overspill car parking on the public highway and the availability of controlled parking zones.</p> <p>Car parking must be designed in accordance with the design guidance in <b>Appendix 6</b>.</p>	<p><b><u>P53 Car Parking, Aylesbury Action Area (p.156)</u></b></p> <p>The focus of the policy is to encourage the use of public transport and reduce reliance on the private car.</p> <p>The residential car parking provision maximum for the Aylesbury Action Area remains 0.4 spaces per home.</p> <p>Development must:</p> <ol style="list-style-type: none"> <li>1. Adhere to the residential car parking standards (above); and</li> <li>2. Provide all car parking spaces within the development site and not on the public highway; and</li> <li>3. Provide electric vehicle charging points (EVCP) where on site parking is permitted; and</li> <li>4. Provide a minimum of three years free membership, per eligible adult who is the primary occupier of the development, to a car club if a car club bay is located within 850m of the development; and/ or contribute towards the provision of new car club bays proportionate to the size and scale of the development if it creates 80 units or more; and</li> <li>5. Ensure that retail or leisure car parking within town centres is shared with public parking and is not reserved for customers of a particular development; and</li> <li>6. Ensure off-street town centre car parking follows the requirements as set out in <b>Table 12 (p.157)</b>, which: <ol style="list-style-type: none"> <li>a. Is appropriately located and sized to support the vitality of the town centre and ensures the use of the site is optimised; and</li> <li>b. Supports the rapid turnover of spaces; and</li> <li>c. Includes maximum stay restrictions; and</li> <li>d. Provides alternative access to the use of a car by providing the required amount of car club bays parking spaces within the site.</li> </ol> </li> </ol> <p>2. Development within existing or planned Controlled Parking Zones (CPZs) will not be eligible</p>

	<p>for on street resident and business car-parking permits; and</p> <p>3. Where off-street car parking spaces are proposed/permitted, the number of spaces provided should be determined by considering:</p> <p>a. The anticipated demand for the parking spaces and tenure of the development; and</p> <p>b. The quality and accessibility of the local public transport network and the access to local amenities.</p>
<p><b><u>COM1: Location of Social and Community Facilities (p.66)</u></b></p> <p><i>Target</i></p> <p>Community facilities will be located in five locations across the action area core and floorspace for different non-residential uses will be provided in accordance with the policy.</p> <p><u>Five locations:</u></p> <ol style="list-style-type: none"> <li>1. The Amersham Site</li> <li>2. Thurlow Street</li> <li>3. East Street</li> <li>4. Westmoreland Road</li> <li>5. Michael Faraday Primary School and Community Learning Centre</li> </ol> <p>(See p.66 for more details of the five locations).</p> <p><i>Output indicator</i></p> <p>Office, retail, institution, leisure completions by location – sqm floorspace (AMR 16B)</p>	<p><b><u>NSP1A: Aylesbury Action Area, P46 Community uses (p.145)</u></b></p> <p>Development must:</p> <ol style="list-style-type: none"> <li>1. Development must: <ol style="list-style-type: none"> <li>a. Retain community facilities; or</li> <li>b. In exceptional circumstances, community facilities can be replaced by another use where they are surplus to requirements. This needs to be demonstrated by a marketing exercise for two years immediately prior to any planning application, for both its existing condition and as an opportunity for an improved community facility at market rates.</li> </ol> </li> <li>3. An Equalities Impact Assessment will be required for any proposed loss of community facilities in predominant use by protected characteristic communities as defined by the Equality Act 2010.</li> <li>4. Development will be permitted where: <ol style="list-style-type: none"> <li>a. New community facilities are provided (Use Class D1, D2 and Sui Generis) that are accessible for all members of the community.</li> </ol> </li> </ol>
<p><b><u>COM2: Opportunities for new business (p.69)</u></b></p> <p><i>Target</i></p> <p>Provide approximately 2,500sqm of employment floorspace within the action area core. Located at the junction of Thurlow Street and East Street. This space will be flexible space, which will adapt to the needs of small land medium sized businesses.</p> <p><i>Output indicator</i></p> <p>Office, retail, institution, leisure completions by location – sqm floorspace (AMR 16B)</p> <p>Completed small business units – less than 235sqm (AMR 17)</p>	<p><b><u>NSP1A: Aylesbury Action Area, P29 Office and business development (p.124)</u></b></p> <ol style="list-style-type: none"> <li>1. In the Central Activities Zone, town centres, opportunity areas and individual development plots within site allocations where employment re-provision is required, development must: <ol style="list-style-type: none"> <li>a. Retain or increase the amount of employment floorspace on site (Gross Internal Area (GIA) of B class use or sui generis employment generating uses); and</li> <li>b. Promote the successful integration of homes and employment space in physical layout and servicing in areas that will accommodate mixed use development. This will include a range of</li> </ol> </li> </ol>

	<p>employment spaces including freight, logistics, light industry, co-working, maker spaces and offices; and</p> <p>c. Provide a marketing strategy for the use and occupation of the employment space to be delivered to demonstrate how it will meet current market demand.</p> <p>2. In exceptional circumstances the loss of employment floorspace may be accepted in the Central Activities Zone, town centres, opportunity areas and where specified in site allocations where the retention or uplift in employment floorspace on the site is not feasible. This must be demonstrated by a marketing exercise for two years immediately prior to any planning application. This should be for both its existing condition and as an opportunity for an improved employment use through redevelopment which shows there is no demand.</p> <p>3. Development that results in a loss of employment floorspace anywhere in the borough must provide a financial contribution towards training and jobs for local people.</p>
<p><b><u>COM3: Health and social care (p.69)</u></b></p> <p><i>Target</i> Provide approximately 2,500 sqm for health centre and community facilities in the action area core</p> <p><i>Output indicator</i> Completed floorspace for health facilities (new indicator)</p>	<p><b><u>P44 Healthy Developments (p.143)</u></b></p> <p>1. Development must:</p> <p>a. Be easily accessible from the walking and cycling network; and</p> <p>b. Provide, or support opportunities for healthy activities; and</p> <p>c. Retain or re-provide existing health, community, sport and leisure facilities.</p> <p>2. Development will be permitted where it provides new health, community, sport and leisure facilities.</p> <p>3. In exceptional circumstances, health, community, sport and leisure facilities can be replaced by another use where there are currently more facilities than needed. This must be demonstrated by a marketing exercise for two years, immediately prior to any planning application. This should be for both its existing condition and as an opportunity for an improved health, community or leisure space at market rates.</p>
<p><b><u>COM4: Education and learning (p.70)</u></b></p> <p><i>Target</i> Provide education and learning facilities across the action area core including about 1,150 square metres of preschool facilities.</p> <p>We will ensure that there will be provision for existing pre-school facilities to keep running through the course of the redevelopment.</p>	<p><b><u>P26 Education places (p.121)</u></b></p> <p>1. Development of educational facilities will be permitted where proposals provide pre-school, school, higher and further education places to meet identified needs and where there are sports, arts, leisure, cultural or community facilities that are shared with local residents and all members of the community.</p> <p>2. Development should not lead to the loss of existing educational facilities unless there is re-</p>

<p>The King William IV public house site in Albany Road will be used as one of the locations for youth training in social enterprise, catering and IT.</p> <p><i>Output indicator</i></p> <p>Completed floorspace for education and pre-school facilities (AMR 5)</p>	<p>provision in an area of identified need or they are surplus to requirements as demonstrated by pupil or student projections.</p> <p>3. Where additional school places for new residents are needed, new school places must be provided.</p> <p>4. Development of school places must provide sufficient floor space for teaching, halls, dining, physical education, staff and administration activities, storage, toilets and personal care, kitchen facilities, circulation, plant and any non-school or support functions such as special needs facilities. Schools must receive adequate daylight and sunlight, provide high quality external areas that avoid sightlines from neighbouring homes, have good internal and external air quality and support safe, healthy travel by pupils.</p>
<p><b><u>COM5: Community space and arts and culture (p.72)</u></b></p> <p><i>Target</i></p> <p>Provide about 500 square metres of flexible community space (Use Class D1) within the action area core where there is a clear need and an identified management body.</p> <p>The preferred location is the Amersham site although the space may be provided elsewhere in more than one location. This space may accommodate a range of uses such as meetings, parties, weddings, exhibitions, arts and cultural events, small-scale indoor recreation and sports, training, health-related activities and faith-based uses. We will only seek the provision of such space where there is a clear requirement and an identified body who will manage such facilities on a viable basis.</p> <p><i>Output indicator</i></p> <p>Funding gained from planning (section 106) agreements for community facilities (AMR 7)</p>	<p><b><u>P45 Leisure, arts and culture (p.143)</u></b></p> <p>1. Development must:</p> <ul style="list-style-type: none"> <li>a. Retain or re-provide existing leisure, arts and cultural uses. Reprovision should be of the same, or be better than, the quantity and quality of existing uses; or</li> <li>b. In exceptional circumstances leisure, arts and cultural facilities can be replaced by another use where there are currently more facilities than needed. This must be demonstrated by a marketing exercise for two years, immediately prior to any planning application. This should be for both its existing condition and as an opportunity for an improved leisure, arts or cultural facility at market rates; and</li> <li>c. An Equalities Impact Assessment will be required for any proposed loss of community facilities in predominant use by protected characteristic communities as defined by the Equality Act 2010; and</li> <li>d. The registration or nomination of leisure, art and cultural uses as an Asset of Community Value will be treated as a significant material consideration.</li> </ul> <p>2. Development will be permitted where:</p> <ul style="list-style-type: none"> <li>a. New leisure, arts and cultural uses are provided; and</li> <li>b. It delivers or supports the delivery of public art projects, independent museums and theatres; and</li> <li>c. New arts and cultural venues of strategic significance are proposed within the South Bank Cultural Quarter, Elephant and Castle Cultural Quarter, Old Kent Road and Canada Water</li> </ul>

	Opportunity Area Cores and Peckham and Camberwell Creative Enterprise Zone.
<p><b><u>COM6: Shopping/Retail (p.72)</u></b></p> <p><i>Target</i> Provide 1,750 square metres of new local retail facilities (convenience retail, cafes and restaurants) within the action area core. (See Appendix 5)</p> <p><i>Output indicator</i> Retail completions – sq m of floorspace (AMR 16)</p>	<p><b><u>NSP1A: Aylesbury Action Area</u></b></p> <p><b><u>P31 Small Shops (p.130)</u></b></p> <p>1. Development must retain small shops (A Use Class) where existing small shops are at risk of displacement from a development. There should be full consideration of the feasibility of providing affordable and suitable space for existing occupiers in the completed development. Replacement shops should be like for like in terms of floorspace or bespoke to suit the requirements of the business, including provision of storage and servicing space.</p> <p>2. Developments proposing 2,500 sqm GIA or more of retail space shall provide at least 10% of this space as small shops.</p>
<p><b><u>Policy D1: Phasing (p.74)</u></b></p> <p>We will work through a public sector partnership and will release sites in accordance with a phasing programme. The anticipated phasing programme is set out in <b>Figure 6 (p.27) and Appendix 7 (p.164)</b>. The phasing programme will be kept under review and may be revised in response to monitoring to ensure that our objectives for the Aylesbury area continue to be achieved.</p>	<p><b><u>NSP1A Aylesbury Action Area site allocation</u></b></p> <p>No new information on phasing found in this document.</p> <p><a href="#">See EIP202a Aylesbury Background Paper Update, p.10</a> for a detailed map of the phasing plan.</p>
<p><b><u>Policy D2: Infrastructure funding (p.83)</u></b></p> <p>We will seek financial (s106) contributions, in the form of a tariff scheme, to ensure delivery of key infrastructure, including to fund delivery of public open spaces, improvements to Burgess Park, children's play facilities, improvements to the street network, social and community facilities and provision of a CHP system in the form of a tariff.</p> <p>In addition to the tariff, we will also seek planning obligations to secure contributions or other works where these relate fairly and reasonably to the development and are necessary for it to proceed.</p>	<p><b><u>IP3 Community infrastructure levy (CIL) and Section 106 planning obligations (p.179)</u></b></p> <p>We will ensure that any potential adverse impact that makes a proposed development unacceptable will be offset by using Section 106 legal agreements that either requires the developer to</p> <p>a) offset the impact or b) pay the council a financial contribution to enable the council to offset the impact.</p> <p>The council will secure money from the community infrastructure levy (CIL) to fund the essential infrastructure identified by the council in our Regulation 123 list.</p> <p><i>Reasons</i></p> <p>1. Section 106 legal agreements are used by the council to legally bind a developer into making a development proposal acceptable by either mitigating the impacts of the development or paying the council to mitigate the impacts of the development. Benefits written into the agreements</p>

	<p>are known as planning obligations. Planning obligations and financial contributions secured by Section 106 agreements must generally be undertaken and spent on projects near the development. Affordable housing is normally secured through Section 106 agreements.</p> <p>2. Southwark CIL is a financial charge that applicants must pay to the council when they build different types of floorspace in different parts of the borough. For Southwark CIL, this is set out in Southwark's CIL Charging Schedule (75% of the money collected through Southwark CIL is spent on specific projects across the borough, listed in our Regulation 123 list and 25% of CIL is spent near the development). Mayoral CIL is collected by the Mayor of London and spent on London-wide infrastructure projects such as Crossrail. The council's Supplementary Planning Document provides further guidance on CIL and Section 106 planning obligations.</p>
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NSPPSV167

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and ██████████ BA(Hons) MA MRTPI  
Planning Inspectorate  
**By email only to: eip.programme.officer@southwark.gov.uk**

29 April 2021

Dear Sirs

### **Aylesbury Area Vision**

We write further to the hearing into the above on 20 April 2021 during the examination in public of the New Southwark Plan, where community representations were heard on the Aylesbury Area Vision.

In this letter we will be focussing on the significance of the approach now suggested in EIP 202 the Aylesbury Background Paper which was published on the examination web page on 12 April 2021.

### **Main modification and the requirement for consultation**

Southwark Council state in EIP 202 Aylesbury Background Paper that it “*proposes to include a factual update to the New Southwark Plan to include a site allocation (NSP1A) for Aylesbury Action Area Core that is in the Aylesbury Area Action Plan and to carry forward the relevant policies in the AAP.*” We do not agree that such a significant change and departure from an adopted policy, which has not been consulted on, can be described as a “factual amendment” and we submit that the suggestion could not form a sound basis for a main modification without further consultation and the right to be heard.

The legal basis for a local authority to request a main modification is at section (7C) of the Planning and Compulsory Purchase Act 2004 as below:

*(7C)If asked to do so by the local planning authority, the person appointed to carry out the examination must recommend modifications of the document that would make it one that—*

*(a)satisfies the requirements mentioned in subsection (5)(a), and*

*(b)is sound.*

In terms of the test for soundness, the Aylesbury Area Action Plan was adopted in 2010 and referred to an extensive evidence base and was examined in its own right. Our



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submission is that any proposal to rescind the Aylesbury AAP must undergo the same rigorous consideration. Where policies are matched within the New Southwark Plan they should be clearly defined as the superseding current policy, however it cannot be justified to rescind the Aylesbury AAP which contains the result of considerable and intensive work not to mention extensive consultation and a prepared evidence base. As Inspectors you could not satisfy yourselves that the New Southwark Plan has been positively prepared if this approach is followed.

This Aylesbury Background paper presents a significant departure from the latest New Southwark Plan which was consulted on in 2020. It has been stated by Southwark Council that the suggested factual amendment of an additional site allocation will improve clarity in planning policy. Firstly, this assertion has not been tested through consultation although it is clear that the New Southwark Plan will introduce new development policies applicable to the Aylesbury area, and the Aylesbury Area Vision was consulted upon in its basic form.

Secondly, it is clearly evident that the delivery of the new housing envisioned by the Aylesbury Area Action Plan has been very slow. The initial indicative figures from 2009 were for 2,511 homes by 2020 and the current figure of new built homes is actually 400 which equals a shortfall of 2,111 in the number of homes actually built. Ms Seymour detailed in the examination hearing that the proposal for a new site allocation would not change the indicative figures in the Aylesbury Area Action Plan, but this does not explain how the shortfall will be met within the plan period, let alone the overall projected figure of 4,200 new homes. Furthermore, the outline planning permission refers to the Aylesbury Area Action Plan and we have concerns about the clarity of further planning applications, which must refer to current policy, were the Aylesbury Area Action Plan to be rescinded.

Finally, the Aylesbury Area Action Plan formed the basis of a legitimate expectation for the residents of the Aylesbury estate for the proposed re-development and if this is not amended with a sound evidence base, justification for change and consultation we do not see how it can comply with this doctrine.

We question whether a main modification will be able to clarify the issues. There was questioning at the examination hearing about the replacement and duplication of policies in the New Southwark Plan if the Aylesbury AAP were to be rescinded. The point remains that the community of Southwark and residents have not had a chance to compare and contrast these proposals and they have not seen the updated evidence base *as it relates to the Aylesbury Area Action Plan area alone*. For the avoidance of doubt, this would be a clear update to Appendix 5 of the Aylesbury Area Action Plan to show what has been delivered in terms of new housing and what is proposed to be delivered within the plan period.



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Ms Seymour also detailed that Southwark Council have reviewed the Aylesbury AAP but of course it has not yet been rescinded. This would require a new consultation and the approval of Southwark Council's cabinet of members. Ms Seymour also stated that a table has been produced which has gone through the Aylesbury AAP setting out each policy and stating what it would be replaced by in the NSP. This should be uploaded to the examination web page and it should form part of the further documents to be consulted on. We do not know why this was not provided ahead of the hearing on 20 April 2021. It is clear that community representatives and residents have been disadvantaged in terms of seeing the evidence base for the new suggested approach.

We support the Inspector's suggestion for another specific hearing to address comments on the suggested approach in EIP 202 Aylesbury Background Paper and the potential rescinding of the Aylesbury AAP following the main modification consultation. We note that paragraph 6.10 of the procedure guide for local plan examinations allows for further hearing to ensure fairness: *"The Inspector will consider all the representations made on the proposed MMs before finalising the examination report and the schedule of recommended MMs. Further hearing sessions will not usually be held, unless the Inspector considers them essential to deal with substantial issues raised in the representations, or to ensure fairness."* We submit this matter, at the very least, has to receive a further specific consultation and hearing, notwithstanding our representations that the Inspectors cannot find the plan sound with the inclusion of the rescinding of the Aylesbury AAP as suggested by Southwark Council in EIP 202 alone.

We hope you will accept these representations in writing as they detail procedural concerns arising from this matter which require clarification following the Aylesbury Area Vision hearing.

Yours faithfully

**Planning Voice, Southwark Law Centre**



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and ██████████ BA(Hons) MA MRTPI  
Planning Inspectorate  
By email only.

24 September 2021

Dear Sirs

### **Aylesbury Area Action Plan and the Aylesbury Area Vision**

I write further to a letter dated 29 April 2021, to which I have not received a substantive response. A copy of this letter is enclosed and should be read in conjunction with this letter as a consultation response on the Main Modifications to the New Southwark Plan. Please find enclosed a comparison table between the Aylesbury Area Action Plan and the New Southwark Plan, which proposes as a Main Modification to rescind much of the AAP document. This response hopes to make clear that the New Southwark Plan has not been **positively prepared** and **justified** in respect of the Aylesbury regeneration.

I again request a further hearing after this consultation to explore the issues arising out of the proposal to rescind the Aylesbury Area Action Plan, which has not previously been consulted on. If the Aylesbury Area Action Plan is to be rescinded it must be properly examined by the community in the same way the Aylesbury AAP was examined. The Aylesbury AAP is a 186 page document. The design guidance, Appendix 6, alone is over 50 pages and is not referred to in the New Southwark Plan. There are many examples I could give about potential discrepancies in the two policies which give rise to concerns about what is being replaced, however this should be referred to in a full hearing. I detail a few concerns below:

1. On new family homes, which are desperately needed in Southwark, the policy has changed from at least 70% of homes being 2 bedrooms or more to a minimum of 60% of homes being 2 bedrooms or more which is draft Policy P2 of the NSP;
2. There is no mention of a variety of homes – flats, maisonettes and houses - as at Policy BH5 of the Aylesbury AAP;
3. PL6: Children's play space which states: *"All development proposals must provide 10 sqm of children's play space / youth space per child bed space. Doorstep*

*playable space should be provided within each of the housing blocks, whilst larger local playable spaces should be provided within selected housing blocks and within the green fingers and existing local parks”* is not exactly replicated in the corresponding NSP policy;

4. Aylesbury AAP PL6 is not replicated and I am unclear of the status design guidance at Appendix 6. If this is to be rescinded it must be subject to proper consultation and examination given the detail contained within;
5. There needs to be a detailed consideration of what replaces COM1, COM2, COM3, COM4, COM5 and COM6 of the Aylesbury AAP particularly where indicative sqm for education, community, healthcare, business/retail and leisure space is detailed in the AAP but not replicated in the NSP.

I have detailed concerns raised by current and former Aylesbury residents about how the phasing has met the projections in the Aylesbury AAP since 2010 in our previous letter. The evidence base has not been adequately updated to reflect the huge current shortfall and delay from what was currently envisioned in the regeneration plan.

I remind the Inspectors that it is not proposed that there be no Area Action Plans in Southwark, as the Old Kent Road AAP is under formulation and will soon be examined, as you are of course aware. The proposal to have Area Action Plans for some regeneration areas and not other has not been properly justified.

In respect of our previous communications, part of the short response I received to our previous letter was as follows:

*“...Following the hearings all proposed main modifications to the submitted New Southwark Plan will be consulted on, providing an opportunity to comment further on the proposed changes together with any relevant additional examination material provided by the Council in support of their Plan. All responses received by the deadline on the proposed main modifications will be sent to the Inspectors for their consideration and published on the examination website. **Where necessary, following their assessment of responses to the proposed main modifications, the Inspectors may seek/invite further written material or, on an exceptional basis, re-open a relevant hearing session.**”*



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I hope, as is exhibited by the detail in the enclosed schedule, that the Aylesbury Area Vision session can be re-opened in order to properly examine the proposal to rescind the Aylesbury AAP.

Please make this public as our consultation response on the matter.

Yours faithfully

██████████

**Planning Voice, Southwark Law Centre**

22<sup>nd</sup> September  
2021

***By Email Only***

Planning Policy  
Southwark Council  
PO BOX 64529  
London  
SE1P 5LX

Dear Sirs / Madam,

**New Southwark Plan Main Modifications Consultation**

This representation has been prepared on behalf of William Say Ltd and P Wilkinson Containers Ltd, the freehold owners of the site identified above and operators from this site which falls within the Old Kent Road Opportunity Area.

This representation should be read in conjunction with the written representation submitted to the latest draft of the Old Kent Road Area Action Plan in May 2021, which is attached at **Appendix 1** for information.

William Say Ltd. and P Wilkinson Containers Ltd. are a family run company established in 1930, operating from their Verney Road premises since 1970. The company currently employ ~55 people – the majority of which reside in the local area. The company produce over six million tins per year, with customers including five companies operating with a Royal Warrant. The company is the last tin maker left in London, and it embodies the manufacturing heritage and spirit of Bermondsey and Old Kent Road which should be protected as an integral part of the area. It is the intention of the company to continue their operation in the local area, and at the site identified above, in the medium and short term, with redevelopment to follow in the latter phases of the Old Kent Road Area Action Plan.

Whilst representations have been made separately to the OKRAAP, it is considered necessary to make representations to those Main Modifications that refer to the OKRAAP where our concerns remain as to the soundness of the policy as proposed, alongside reinforcing the importance of those policies which seek to protect the operation of existing businesses during the development of neighbouring sites.

*Tall Buildings*

Modification MM40 states, in relation to tall buildings within the OKRAAP, as follows: “9. *Emerging tall buildings in the Old Kent Road Opportunity Area are informed by a Stations and Crossings Strategy where the tallest buildings are proposed or have been consented at the most accessible locations within the Opportunity Area.*” For ease of reference, Figure 12 of the Plan (‘Stations and Crossings Strategy’) is extracted below.



This figure indicates that heights could be achieved at 20 Verney Road up to circa 15 storeys. Whilst this is a helpful classification given the new London Plan will only entertain tall buildings *inter alia* where a Local Plan identifies they may be suitable, we remain of the opinion that at this stage height should not be constrained, particularly where it has been demonstrated that viability challenges exist. In the case of 20 Verney Road, we submit as **Appendix 2** viability evidence, forming part of our 2018 representations to the OKRAAP, which demonstrates these challenges likely faced by sites throughout the OKRAAP area. To reference the Stations and Crossing Plan whilst the OKRAAP is still being developed is premature and could give rise to conflict as that document is prepared should the locations for tall buildings and proposed heights change.

We would ask that the reference to the as-yet-unexamined OKRAAP and its Figure 12 be removed and that this clause instead read as follows:

*“The Old Kent Road Action Core Area, as shown on the Policies Map, is an area considered acceptable in principle for tall buildings, with further detail being provided in due course by the emerging Old Kent Road Area Action Plan”*

This wording would allow the location for tall buildings within the OKRAAP to be identified, described and illustrated, soundly, within the AAP which is being prepared on a separate timetable to the New Southwark Plan.

### *Business Relocation Strategies and Evidence*

Further, modifications within MM52 concern business relocation and look to strengthen the related policies within the Plan by requiring applicants to consider and demonstrate their proposed approach in this regard within business relocation strategies, stating in Clause 3 that “*options for temporary relocation should consider the cost and practical arrangements for businesses where multiple moves may not be feasible*”.

The same modification (MM52) includes the additional requirement for applicants to gather statements from the relocated businesses themselves showing that their relocation is a suitable option for the viable continuation as a business.

Strengthening the requirements for proposals to include robust business relocation evidence is categorically supported, particularly in the absence of a comprehensive relocation strategy within the emerging OKRAAP and given the need to ensure that the NSP and the OKRAAP function independently, not least due to the difference in their progress towards forming a part of the adopted development plan.

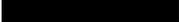
### *Conclusion*

Policy P16 should not rely on a figure within an emerging, and unexamined, policy document to define the scale and spatial approach to tall buildings in the OKRAAP, and as such this reference to the OKRAAP should be removed. In its place, a reference to the in-principle acceptability of tall buildings in this location could provide a clear link between this policy, the OKRAAP area, and London Plan Policy D9.

Turning to business relocation strategies and their related evidence, the bolstered approach set out within MM52 – which places appropriate emphasis on considering the needs of the business to be relocated - is strongly supported.

Yours faithfully



, MRTPI  
**Senior Associate Partner**  
**Daniel Watney LLP**  
planning@danielwatney.co.uk  


# **Appendix I – May 2021 Representations**

Date  
10<sup>th</sup> May 2021

***By Email Only***

## **Old Kent Road Area Action Plan – Consultation, December 2020 Draft Written Representation, 20 Verney Road, SE16 3DY**

This representation has been prepared on behalf of William Say & Co Ltd and P Wilkinson Containers Ltd, the freehold owners of the site identified above and operators from this site which falls within the Old Kent Road Opportunity Area.

This representation should be read in conjunction with the written representation submitted to the Old Kent Road Area Action Plan during a previous consultation exercise, as attached at **Appendix 1**.

William Say & Co Ltd. and P Wilkinson Containers Ltd. are a family run company established in 1930, operating from their Verney Road premises since 1970. The company currently employ ~55 people – the majority of which reside in the local area. The company produce over six million tins per year, with customers including five companies operating with a Royal Warrant. The company is the last tin maker left in London, and it embodies the manufacturing heritage and spirit of Bermondsey and Old Kent Road which should be protected as an integral part of the area. It is the intention of the company to continue their operation in the local area, and at the site identified above, in the medium and short term, with redevelopment to follow in the latter phases of the Old Kent Road Area Action Plan.

Having reviewed the latest draft of the Old Kent Road Area Action Plan (hereon the 'OKRAAP'), the below representation sets out concerns with the Action Plan in the context of 20 Verney Road and the interests of a local company with significant history in the Old Kent Road area.

In summary, the representation previously made has not been taken into account nor its concerns addressed in the latest draft of the OKRAAP. This is particularly with regard to the overly prescriptive nature of the masterplan across the area, the lack of detailed delivery and phasing requirements which would safeguard existing businesses, and the absence of any viability evidence to underpin the aspirations of the OKRAAP – with viability significantly impacted by the delay in the Bakerloo Line Extension, and the uncertainty caused by the ongoing COVID-19 pandemic as well as the emerging economic context as influenced by Brexit.

Our representation below sets out the concerns our client has with the current draft of the OKRAAP and addresses, in turn, the emerging context and progress of the OKRAAP, delivery and phasing, site specific context, wider context and uncertainty, consultation thus far and local consensus, and concluding with our summary of requests.

## 1. Emerging Context and OKRAAP Progress

- 1.1 As the OKRAAP progresses there is a disconnect between the schemes consented across the area and the development envisaged and planned for within the Plan.
- 1.2 The emerging context of the area is being defined by permitted and submitted schemes throughout the Opportunity Area. While the OKRAAP has influenced these, each has come forward on its own merits and following a rigorous design process. **Appendix 2** sets out in a table format and with an accompanying map the schemes permitted across the area and how these consented redevelopments depart from the current draft of the OKRAAP.
- 1.3 The permitted and pending schemes listed in **Appendix 2** represent the emerging context of the Old Kent Road Opportunity Area. What they reflect is typology and height departures from parameters within OKRAAP, indicating it is already out of date and not effective in directing development, reflecting a lack of understanding and engaging with the viability of these schemes and the quantum and type of development required.
- 1.4 The OKRAAP should be directing future development to ensure a comprehensive approach and the fulfilment of the broad and ambitious objectives set out. At present, the area is being reimagined on a piece meal basis, which will render any broader strategy obsolete. This may risk the on-going operation of existing occupiers, whilst incompatible and standalone developments secure narrow planning benefits in isolation.
- 1.5 It is imperative that the OKRAAP in both its evidence base and proposed policy captures the general and site-specific viability issues that any future development would need to grapple with, and that it reflects the scale and quantum of development that is currently being permitted.

## 2. OKRAAP – Delivery and Phasing

- 2.1. Policy AAP1, concerning the overall masterplan for the area, is insufficiently detailed in its delivery and phasing requirements, and its treatment of the area in the meantime while development comes forward. There is no 'Agent of Change' principle for land held in abeyance until the later phases of the OKRAAP, and to protect the operation of a successful existing businesses there should be a requirement at application stage to produce a delivery and phasing statement which sets out how impacts on the operation of existing businesses/sites will be mitigated until such a time as they come forward for development.
- 2.2. The focus of Policy AAP1 is instead on demonstrating how developers work collaboratively with adjoining sites to deliver the masterplan and manage construction through their proposals. While this is naturally the focus of such a policy, in the absence of any references in other sections of the OKRAAP, a further clause should be added making it necessary at application stage to demonstrate impacts on local businesses and how these impacts will be minimised.

- 2.3. Our client has already spent significant resources scrutinising adjacent planning applications, and securing changes to protect their business operations. As described above, the current piecemeal approach to development in the OKRAAP will mean this is an increasingly regular occurrence, both for our client and other existing occupiers and operators within the OKR. The OKRAAP needs to balance these competing pressures on available land with the OKR over the plan period, instead it is currently being forced out of date by piecemeal delivery we have described by committing to unrealistic and untested forms of development,
- 2.4. London Plan Policy D13 (Agent of Change) recognises this need and requires Boroughs to “ensure that Development Plans and planning decisions reflect the Agent of Change Principle” – chiefly, taking account of existing noise and other nuisance-generating uses in a sensitive manner when new development is proposed nearby. This is not least given sites will be required by the OKRAAP to provide equivalent amounts of replacement employment space when they come forward for redevelopment in line with Policy AAP5. This has the additional benefit that the safeguarding of existing businesses will serve as test cases for the delivery of desirable and workable employment/industrial uses and co-location in the future.
- 2.5. Further to the above, the Agent of Change principle should also be specifically applied to the operational requirements of existing businesses. There is an inherent risk, without sufficient management or attention, that the early phase development within the OKRAAP stymies and harms the day to day operations of local businesses, due to impacts on local infrastructure and the removal of amenities such businesses enjoy currently (e.g. suitable HGV or similar parking, adequate routes for turning large vehicles) – notwithstanding the impacts that would be caused by several thousand new residents unsupported by a completed and running Bakerloo Line Extension.
- 2.6. Related to this policy is the section dedicated to delivery and phasing on page 37 of the OKRAAP. The section solely focuses on the scale of development and its relationship with the delivery of the Bakerloo Line Extension (BLE). There is no consideration here, or in the other sections related to delivery or phasing, for the impact that development will have on the OKRAAP area as it functions now and throughout the delivery of the masterplan. This consideration cannot be neglected, given the plan period covers the proceeding two decades and as the BLE has been delayed since the previous draft of the OKRAAP which relied on delivery in 2028/29 to the current draft outlining delivery of the BLE by 2036. The OKRAAP must recognise that the absence of the BLE and a delay in its delivery will compound phasing issues, with new development coming long before the infrastructure necessary to ameliorate its impacts. In recognising this, contingency phasing should be introduced which explicitly ensures that the area will not be dominated by new development where their impacts without the BLE will harm existing uses and local businesses.

### 3. Business Relocation Strategy

- 3.1 A key part of achieving successful phasing of the Plan, which retains local businesses and rewards their contribution to the area's rich heritage and, importantly, local employment, is a business relocation strategy which ensures that all businesses who wish to remain in the Plan area can do so without harm to their business as a result of the relocation process or through their change in location into the future.
- 3.2 The Plan makes references to relocation opportunities being supported where proposed as a part of new development, while this developer-led relocation strategy is not evidenced as a suitable way to manage the relocation of existing businesses – nor does it seem appropriate for a strategic policy document to rely on the piece-meal offerings from redevelopment applications to ensure it can adequately retain and strengthen the area's industrial capacity. An appropriate business relocation strategy underpinning the Plan has not been provided or conceived of, and this is a compound failure alongside the lack of clear phasing of development across the Plan period. Phasing and business relocation warrants a specific chapter within the OKRAAP, developed in consultation with existing businesses who intend to remain operational, and based on a comprehensive understanding of their operational requirements including any potential to relocate. If this is not feasible, the successful continuing operation of those businesses must be safeguarded. The Plan currently fails to achieve this.
- 3.3 This matter is further related to the lack of engagement with local businesses, addressed in Section 7 below, with the Plan stating that *"businesses can join the Old Kent Road Business Network to be kept informed about the opportunities for relocation in new developments"*. We are not aware of any engagement concerning the Old Kent Road Business Network, and as one of the larger employers in the Plan area we believe it is right to reasonably expect this to have been forthcoming prior to this draft of the OKRAAP.

### 4. Site Specific Context within the OKRAAP

- 4.1 20 Verney Road lies within Sub Area 3 (Sandgate Street, Verney Road, and Old Kent Road South) of the OKRAAP, as well as forming a part of site allocation OKR13. The plan recognises that this area sustains 92 businesses which in turn support over 1,900 jobs in the area, while making no reference to the importance of retaining and supporting these businesses throughout the delivery of the masterplan.
- 4.2 The site allocation itself contains judgement on design which include a requirement that proposals be informed by the area's industrious heritage and character, as well as the grain of the area. As noted above in the section concerning the OKRAAP overall, this targeted masterplanning exercise does not consider the mechanics or feasibility of phasing redevelopment across the site allocation.

4.3 The site allocation does not include a requirement to demonstrate that existing businesses and their operations will not be impacted by proposals. This appears particularly necessary in the case of OKR13 as it is directly adjacent to a significant area of Strategic Protected Industrial Land to the east, contains several areas of the 'Stacked Industrial' typology where employment/industrial land will be delivered with no mixed-use, and along Verney Road and the new Livesey Street a varied mix of co-location allocations. It should be recognised in the Plan that demonstrating that a proposal will not impact existing employment land is essential to ensure that the future operation of employment/industrial land in the area is preserved.

## **5. Livesey Road and Transport Infrastructure**

5.1 SA3.4 (Sub Area 2 Servicing and Road Network Plan) indicates a new road, Livesey Street, will run north to south connecting Sandgate Street and Ruby Street with Verney Road.

5.2 This particular proposal represents a microcosm of the potential issues caused by a lack of a coherent business relocation strategy and phasing plan within the OKRAAP. As a case in point, and given its relationship with the subject site, its potential impacts are explored below.

5.3 The proposal for a new street in this location, and how impacts on existing businesses will be managed, is not explored in the Plan. The complications involved in delivering such infrastructure, typified by the Bakerloo Line Extension itself, are multitude and include existing leasing arrangements, legal ownership issues, easements and rights of way. Furthermore, when in operation and during construction, there will be identifiable impacts on businesses nearby – roads used for parking of HGVs or similar will be impacted, as will those used for access and turning of large vehicles. Parking is particularly important as deliveries are often international, and the need for timely and appropriate parking for large vehicles is critical to the ongoing operation of any business, and to ensure the highway network is kept clear.

5.4 Using William Say & Co Ltd and P Wilkinson Containers Ltd as examples, the knock-on effects for the business are substantial. The business, and many like it, operate in a sector where success is determined through competition on lead-in times for product delivery. Any harm caused to lead-in times will cause a drop in the company's ability to compete in the market, and as such the business's health in addition to its readiness/ability to successfully relocate. Again, this is intrinsically linked to the lack of a coherent and clear business relocation strategy based, principally, on engagement with local businesses.

## 6. Wider Context and Uncertainty

- 6.1 The recent news concerning the safeguarding directions enacted to support the proposed route of the BLE is welcomed. This reduces uncertainty overall, while it is positive that the OKRAAP continues to recognise that the delivery of the BLE is not an absolute certainty and that the ambition for this key piece of infrastructure may not come to fruition.
- 6.2 While it has been recognised that contingency is necessary, the Plan does not follow through with further commentary regarding the phasing of the BLE itself and the impact that delay would have on the area. There are consented developments in the OKRAAP, chiefly those identified in **Figure 1** and **Table 1** above, of a scale reflecting the future connectivity and infrastructure support offered by the BLE and there is a present risk that the population of the area will rise without being supported by any commensurate increase in infrastructure. Without delays, this disconnect between the density of the area and its supporting infrastructure is likely to last across the first ten years of the Plan period. Again, as noted above, this increases the risk to the successful continued operation of existing businesses. This point is addressed at length in our representation of 2018 as attached at **Appendix 1**.
- 6.3 Lastly, the current draft of the OKRAAP is not underpinned by viability evidence nor have the viability considerations raised in our previous representation been addressed. Although difficult to quantify, the risks identified in the preceding sections are exacerbated still further by the economic impacts caused by the COVID-19 pandemic and the ongoing uncertainty resulting from a nascent Brexit – both elements of the contemporary context which have a significant impact on the current and future viability of redevelopment in the area.
- 6.4 Our previous concerns related to the overly prescriptive nature of the masterplan and its tendency to seek limits on development without sufficient justification. This has not been remedied in the OKRAAP since our representation. Indeed, the level of prescription has increased with the overall height for the tiers of tall building being reduced in scale. Not only does this add further prescription without justification, but also poses additional risks to site viability –notwithstanding our position regarding the emerging character of the area as set out above.

## 7. Consultation and Local Consensus

- 7.1 We attended the local business roundtable event held 11<sup>th</sup> March 2021, and the matters discussed at this consultation were largely in consensus with the issues raised within this written representation. Of particular note is the frequently raised concern that consultation with local businesses had been insufficient – with one party in attendance noting that it had been almost three years to the day since holding the last similarly focussed consultation event.
- 7.2 Other matters echoed by our client and raised by attendees included:
- The lack of a local business network, the setting up of which was committed to by LBS earlier during consultation of the OKRAAP;
  - Policy requirements of the OKRAAP are not being seen as a cost to development (e.g. affordable workspace, changes to the scale limits through the tiers of the Plan altering viability, restrictive use typologies);
  - The typologies imagined by the Plan often don't match existing local businesses who wish to stay in their premises;
  - Compounded by the lack of the BLE, the detriment of the Old Kent Road through a large increase in traffic will harm businesses as this arterial route is what attracts industry in the first place; and
  - Flexibility is paramount, in terms of re-provision, relocation, and scale, as well as policy requirements (chiefly those noted above) – with insufficient flexibility found in the current draft OKRAAP.
- 7.3 It is clear that, at the very least, there is a notable lack of consultation with business-owners with an interest in the area and a desire to remain.

## 8. Conclusion and Requests

8.1 Overall, the latest draft of the OKRAAP has not developed significantly since our previous written representation was submitted, particularly with regard to the key issues it raised – prescription, viability, delivery and phasing, and protecting existing businesses in the area. In this time however, numerous major planning permissions and planning applications have come forward, all of which exceed the draft parameters in the OKRAAP. Not only do these indicate that the OKRAAP has not been positively prepared, the result is a piece meal approach to change in the OKRAAP, risking both the on-going, successful operation of existing occupiers as incompatible uses are introduced without sufficient mitigation, and achieving the wider aims and objections for the OKR.

8.2 In order for the OKRAAP to advance positively, we make the following requests:

- Phasing and delivery must be carefully considered and managed, rather than described. This should be through delivery and phasing requirements within Policy AAP1 (Masterplan) which would ask developers to demonstrate that impacts on surrounding neighbours can be managed effectively.
- The impact of redevelopment – and the proposed road infrastructure – must be considered and planned for as early on as possible, with impacts on existing local businesses taken into account as a leading principle. In this vein, the Agent of Change principle set out within the London Plan should apply to redevelopment proposals, the phasing of the Plan itself, and all infrastructure delivery across the Plan period.
- The prescription for heights and typologies should be more flexible, Underpinned by a viability evidence base. The Plan does not demonstrate the viability of the scales and typologies it prescribes, and while our previously submitted viability exercise demonstrate that the aspirations of the plan were not viable, this position across the OKRAAP area has worsened still further given the BLE delay, and the ongoing uncertainty caused by the COVID-19 pandemic as well as Brexit.
- Further viability evidence must support the OKRAAP.
- Additional engagement with business owners is imperative, to best understand commercial requirements over the twenty-year plan period and how redevelopment can be accommodated without prejudicing existing business operations. William Say & Co Ltd and P Wilkinson Containers Ltd are yet to be engaged, despite engaging with the Plan themselves during previous consultation exercises.

8.3 I trust that the above is sufficiently clear, however we would welcome further engagement to discuss these concerns. We look forward to hearing from you,

Yours Sincerely,

**Daniel Watney LLP**  
planning@danielwatney.co.uk  
020 3077 3400

**Appendix II – 2018 Representations,  
including viability**

Date  
21 March 2018

Southwark Council  
Planning and Development  
5th Floor  
PO Box 64529  
London  
SE1P 5LX

**By Email Only**

Daniel Watney LLP is a  
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Registered in England.  
Registered number OC356464.  
Registered office as address.

Dear Sir/Madam,

## **Old Kent Road Area Action Plan – Representations**

This representation has been prepared on behalf of P Wilkinson Containers Ltd, who own and operate from no. 20 Verney Road, which falls within the Old Kent Road OA.

Prior to dealing with the content of this representation, we set out further information on the owner and occupier of no. 20 Verney Road. P Wilkinson Containers Ltd, also encompassing William Say & Co Ltd, is a tin manufacturer and plastic container distributor first established in 1930. The organisation remains family owned, and has operated out of no. 20 Verney Road since 1970 following their move from Wapping. In the 1980's, the company expanded into its current form.

The company currently employs 55 people, the vast majority of whom live in the local area. Through this workforce, the company produces 6m tins per year, distributing across the UK and Europe, including to five Royal Warrant customers. A small selection of their customers includes Fortnum & Mason, Farrow & Ball, Barbour and Liberty London.

This is a family-run, London founded and based company who manufacture and distribute products to a local and international customer base. Their desire is to maintain and expand their current operations from no. 20 Verney Road. They believe they should be recognised for preserving the industrial heritage of London, with their ongoing productivity placed at the centre of regeneration strategies for areas such as the Old Kent Road.

We have reviewed the emerging Old Kent Road Area Action Plan (hereafter 'OKRAAP') and assessed the policies therein, and it is our opinion that the Old Kent Road AAP is flawed by being overly reliant on the Bakerloo Line Extension (BLE) and failing to accommodate a contingency plan, by failing to engage with local landowners and occupiers to fully understand their requirements both now and in the future, and by imposing overly burdensome requirements on future development which have not been properly tested and are likely to inhibit delivery.

## **Plan Targets and Delivery**

The Old Kent Road AAP sets out various targets for the area to achieve within the next 20 years, including its intentions to facilitate its economic growth by creating an additional 10,000 jobs and to build 20,000 homes. This is reliant upon the BLE coming forward by 2027, funded *inter alia* through an additional CIL, developer contributions and potentially via business rates. The OKRAAP describes:

*“Current developer interest and confidence in the future has largely been stimulated by the Mayoral commitment to deliver the BLE by 2028. It is absolutely essential that this confidence is not undermined. With a shortage of homes, and increasing demand for workspace it is important that this AAP/OAPF provides confidence to investors who will deliver the aspirations of the plan for the benefit of Southwark and the wider London context. The Transport and Works Act Order (TWAO) will be submitted in 2020 and the Mayor has committed to bring the completion date forward from 2030 to 2028/29.”*

The OKRAAP is demonstrably reliant upon predominantly private sector investment to secure sufficient receipts to fund the BLE. We consider that this is not sound as the plan is not deliverable on the following grounds, which we expand upon throughout this representation:

- The lack of contingency in the event that the BLE does not come forward. Whilst we recognise that this is the ‘preferred’ option, the OKRAAP would become ineffective within its intended lifespan if the BLE does not come forward;
- The OKRAAP adopts a prescriptive approach to securing mixed uses, which could harm overall viability and deliverability. This is likely to deter investment;
- The OKRAAP adopts a prescriptive approach to building typology and heights, which we will demonstrably undermine viability and will thus restrict development;
- The OKRAAP imposes significant financial (directly and indirectly) burdens on development which are likely to discourage investment.

The OKRAAP Integrated Impact Assessment, a 142 page document, dedicates just two paragraphs to ‘Uncertainties and Risks’ associated with the OKRAAP, and in effect confirms that only qualitative assessments have been undertaken and predicting the outcome of the plan is an inherently difficult task to undertake. This conclusion summarises the core deficiency of the OKRAAP as currently drafted; it is an aspirational document, however it is not grounded in reality, it has not been adequately tested via established and quantifiable methods, including viability, and as such there is a high degree of risk that it is not the most appropriate strategy, that it will be ineffective and therefore is likely to fail.

The current targets for homes and jobs rely upon exceeding existing density guidelines set out within the adopted London Plan. The PTAL for the OA as existing is broadly towards the lower end (1-3) and as such this is not considered a suitable location for very high density development. Whilst we recognise that the delivery of the BLE would improve the PTAL, there is likely to be a period of circa ten years where there is potentially a significant amount of new development and associated increases in the population without sufficient infrastructure in place, likely exacerbated by the temporary effects of the construction of major development within a small, geographical area and the ongoing operation of the many successful businesses that operate out of the OKR area with associated car, goods and heavy goods vehicular movements.

We consider that the lack of contingency for this period is unsound and would give rise to a very poor residential environment and harm existing business operations in the interim. This may even deter future investment if co-location is not visibly successful. Moreover, the plan is not deliverable because it does not consider how the OA is regenerated without the BLE, which we do not consider is unrealistic given the constraints the OKRAAP places upon new development (as we discuss shortly) and consequently the ability to secure contributions. The OKRAAP needs to recognise the risks associated with the BLE and to confirm the status of the regeneration aspirations if it does not come forward.

The risk for existing landowners and occupiers is that this form of piecemeal development could give rise to long term land use conflicts which are not mitigated by improvements to public transport nor the public realm benefits typically associated with comprehensive regeneration and less so with the development of individual sites. There is a risk of inappropriately dense development, which was justified on the presumption of an improved PTAL, and associated increases in the population sited adjacent to commercial and heavy industrial uses. The legacy of the plan without a contingency if the BLE does not come forward could be poor quality homes and heavily constrained business operations to the long term social, economic and environmental detriment of the area.

A phased development of the OKRAAP according to existing PTAL scores would be more appropriate, with the earliest development encouraged toward those most accessible parts of the OA. This would ensure that the existing infrastructure can accommodate the increase in population and, should the BLE not come forward, ensure there are not vast swathes of new development in inaccessible locations.

### Viability

The AAP is rightly ambitious in delivery homes, new jobs, retail, community services and open space within the OA. However we consider that the failure to test these competing demands on the available land has given rise to an unrealistic plan that is undeliverable.

Paragraph 173 of the NPPF advises as follows in respect of plan preparation:

*'the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened'.*

We are concerned that the quantum of planning obligations and other financial burdens that would be imposed on development within the OA threaten the viability of developments and ultimately their deliverability. As we have set out, the BLE is reliant upon receipts from development and if these are not encouraged to come forward, the BLE will not follow.

The OKRAAP does not acknowledge that bringing forward any development in an area like the OKR is likely to be costly, whether as a result of significant remediation costs, or by virtue of implementing major schemes alongside fully operational commercial and industrial uses, as opposed to open sites. Instead, the AAP seeks to impose the following prescriptive burdens upon future development:

- Land uses;
- Building typology and heights;
- Retention or relocation of existing businesses;
- Affordable housing;
- Affordable workspace;
- Enhanced CIL;
- Public open space at a rate of 5 sq.m per dwelling;
- Exemplary design and climate change credentials.

The OKRAAP should recognise that the delivery of a large number of the sites within the AAP would be constrained if burdened by this quantum of obligations. A more pragmatic approach than seeking wholesale compliance with the above would be to prioritise obligations according to each site; for example if an occupier is to remain, there is no requirement to provide affordable workspace.

The OKRAAP must allow for viability to justify a departure from or reduction of these obligations to ensure they do not block development. The role of development and investment in realising the overall ambitions for the OKR OA must be recognised and supported.

### *Building Typology and Heights*

The OKRAAP seeks to impose prescriptive heights across the OA grouped into three tiers, ranging from over 30 storeys down to a maximum of 16 storeys. It also sets out across each sub-area of the OA the building form and uses each parcel of land should accommodate.

The viability of this approach has not been tested however, and the delivery of schemes within these parameters is likely to be very challenging.

In order to test this, we have undertaken a viability appraisal of our client's site at no. 20 Verney Road, which the OKRAAP designates as follows:

- Medium-large storage and distribution in mixed use developments (i.e. B8);
- Ceiling heights of at least 6-8m;
- Two storeys of commercial space for offices, showrooms and studios;

- Residential amenity at roof level;
- Maximum height of 16 storeys.

We would highlight that our client has not been approached by the planning policy team to understand their business model nor intentions, despite their premises being identified for redevelopment.

The complete appraisal is appended to this representation, however this confirms that the proposed development according to the parameters set out within the AAP and adopted guidance within the London Plan (with regards to the quality and design of new residential development, and the adopted density guidelines) is not viable, returning a significant negative land value. This does not include the costs of providing affordable workspace, nor does it take into account the significant costs associated with temporarily or permanently relocating the current occupier.

We have not identified any viability appraisals undertaken by the local authority that underpin the parameters set out in the OKRAAP. The plan is therefore not positively prepared, not justified nor effective in establishing a realistic form and quantum of development that could come forward in the plan period, and is essential to securing the BLE.

The appraisal evidences that to achieve the land use expectations, it would be essential to achieve a far higher density and greater height in order for the development to be viable. As currently drafted, there would be no incentive for the landowner and occupier of no. 20 Verney Road to redevelop their site in support of the wider OKR objectives. As we have described, the OKRAAP as currently drafted is reliant upon receipts from development to fund the BLE, yet there is no apparent desire to incentivise the relevant landowners to bring development forward. The objectives for the AAP are not aligned with current market conditions nor does it reflect any meaningful engagement with occupiers in the OA.

The OKRAAP should recognise the inherent constraints upon development arising from the retention or reprovision of employment floorspace, and not seek to manage both typology and height without adequate justification. A site by site basis would be more appropriate, informed by a wider design code, with tall building studies and assessments used where necessary.

### **Mix of Uses and Co-Location**

The OKRAAP relies upon the concept of co-location, whereby different land uses are arranged on the same or adjacent sites. In theory this is an efficient use of land, securing multiple benefits, however this is on the basis that both uses can operate successfully; not constraining a commercial operation nor giving rise to residential amenity conflicts, for example.

The OKRAAP reflects once again a lack of proper engagement as to how co-location could work in reality. One example of this is the 'bow tie' approach to employment uses across the OA, which oversimplifies the challenge of, and therefore misses the opportunities presented by, co-location.

The 'Bow Tie Approach' is reproduced overleaf, and whilst we recognise that the principle of employment densities decreasing further away from the proposed public transport hubs, and therefore most accessible (by public transport) parts of the AAP, this is an oversimplification and is not a justified approach to locating land uses.

The AAP tries to rely upon a linear escalation of B class uses moving outwards from these transport hubs, arranged in 'bands' of types of B class uses. However the character of those areas adjacent to the bow-tie are not correspondingly less domestic nor larger scale moving away from the proposed transport hubs; they are residential in character and scale. The OKRAAP promotes a land use typology however which would place existing homes adjacent to heavy industrial uses indiscriminately.



We consider that the arrangement of B class uses should not be planned to follow a linear arrangement, but instead should take into account the operational, infrastructure and servicing requirements of the B class uses, the preservation of proposed residential amenity, pedestrian routes and safety and overall the character of the area, to inform co-location. Essentially there should be a thoughtful design response which ensures genuine co-location is feasible, as opposed to the bow-tie approach which is not justified and applies a broad land use hierarchy. A recent example of unsuccessful co-location, which seeks to reflect the advice of the OKRAAP and arguably highlights its flaws, is the current planning application at nos. 6-12 Verney Road (ref. 17/AP/4508), adjacent to our client’s site. This scheme currently proposes residential entrances directly onto a private road used for servicing by HGV. This would give rise to significant residential amenity and pedestrian safety conflicts, and could impinge on the successful commercial operation of our client. The GLA has recently published their Stage 1 report on the planning application and reach the same conclusion on this point, citing significant concerns with the layout and the residential quality of the scheme.

In order for the OKRAAP to be successful, the mechanics of co-location, including a full understanding of the current occupiers of the OKR and their requirements for the future, need to be properly understood and considered as part of the introduction of additional land uses, as opposed to adopting broad land use strategies.

**Summary**

In summary, we have significant concerns that the OKRAAP as currently drafted is unlikely to secure the quantum and type of development required to secure the BLE within the next ten years. Failure to secure the BLE renders the remainder of the plan and plan period futile, and therefore it is essential that development and investment is encouraged at the outset.

In order to achieve this, the OKRAAP should engage properly with existing landowners and occupiers to understand their existing business model and requirements, and the role they want to play in the future of the OA, in order to identify the opportunities for intensification and co-location which do not harm commercial operations.

The OKRAAP applies unnecessary financial and non-financial burdens to development, through obligations and prescriptive building typologies and heights, which we have demonstrated in the case of our client’s site to lead to an unviable development that would not be progressed. The OKRAAP needs to be tested against current market conditions, and with regard to wider economic pressures, if it is to be a fully justified and demonstrably effective vehicle for regenerating the OKR.

Yours sincerely

**Daniel Watney LLP**  
Planning



**High level study March 18 - policy compliant 8 units**

20 Verney Road  
SE16

**Notes**

## High level study March 18 - policy compliant 8 units

High level appraisal to understand if residential and B2/B8 mixed use is viable.  
No scheme available to value so a scheme compliant with Southwark policy has been devised.  
Assume site coverage of 50% (as per existing)

### Policy assumptions:

London Plan seeks no more than 8 units per core, so assume 8 units but alter number of floor levels according to density.  
Indicative density levels - 20 (large units) -76 (small units) for western half of site and 15-42 units for eastern half of site

Affordable housing - minimum 35% (of which 25% social, 10% intermediate)  
Unit mix - 60% 2b, at least 20% 3,4 or 5b. No more than 5% to be studios, leaving 15% one b.  
Clear desire for larger family units

### Residential assumptions:

Due to size of site - assume two tower blocks and number of floors to fit in with density.  
Due to industrial double ceiling heights, max residential height would be 13 floors, however density levels mean the no. of floor levels are lower.

Western side - 7 floors of 8 units (56 units) ie 2nd floor - 8th floor

Eastern side - 4 floors of 8 units (32 units) ie 2nd floor - 5th floor

Total number of residential units = 88

Residential amenity space will be on top of ground floor and first floor industrial space = extra build cost

Residential sales - £675 psf for 2 beds, £625 psf for 4 beds. Average of £650 psf

### Industrial assumptions:

Assume existing industrial will need to be replaced (VOA shows current floor area of 85,651 sq ft, of which 57,074 sq ft is ground floor)

Assume larger ground floor in proportion to first floor (as per existing);

Grd - 57,100 sq ft

1st - 28,550 sq ft

Total - 85,650 sq ft GIA

(assume gross to net of 85% - to take into account ground floor lobby and core for residential areas) = Gross = 100,764 sq ft

Assume £22.50 psf rent overall

### Residential

#### Tower 1 (West) - total 56 units (ie 7 floors of 8 units)

Assume the following mix per floor of 8 units; (62% 2 beds, 38% 3 & 4 beds)

1 x 2 bed (4P) = 70 sq m / 753 sq ft  
1 x 2 bed (4P) = 70 sq m / 753 sq ft  
1 x 2 bed (4P) = 70 sq m / 753 sq ft  
1 x 2 bed (4P) = 70 sq m / 753 sq ft  
1 x 2 bed (4P) = 70 sq m / 753 sq ft  
1 x 3 bed (5P) = 86 sq m / 926 sq ft  
1 x 3 bed (5P) = 86 sq m / 926 sq ft  
1 x 4 bed (7P) = 108 sq m / 1,163 sq ft

Total area per floor (net sales) - 6,780 sq ft

Gross (for build costs) Gross to net 85% = 7,976 sq ft

Assume 2 and a bit floors are affordable - ie 21 units (37.5% affordable, of which 14 units are social rent and 7 are intermediate)

Private resi - ie 4 and a bit floors;

Assume circa 1/4 resi sells straight away

1/4 after 3 months

1/4 after 6 months

1/4 after 9 months

#### Tower 2 (East) - total 32 units (ie 4 floors of 8 units)

Assume the following mix per floor of 8 units; (62% 2 beds, 38% 3 & 4 beds)

1 x 2 bed (4P) = 70 sq m / 753 sq ft  
1 x 2 bed (4P) = 70 sq m / 753 sq ft  
1 x 2 bed (4P) = 70 sq m / 753 sq ft  
1 x 2 bed (4P) = 70 sq m / 753 sq ft  
1 x 2 bed (4P) = 70 sq m / 753 sq ft  
1 x 3 bed (5P) = 86 sq m / 926 sq ft  
1 x 3 bed (5P) = 86 sq m / 926 sq ft  
1 x 4 bed (7P) = 108 sq m / 1,163 sq ft

Total area per floor (net sales) - 6,780 sq ft

## High level study March 18 - policy compliant 8 units

Gross (for build costs) Gross to net 85% = 7,976 sq ft

Assume 1 and a bit floors are affordable - ie 1 floor x 8 units plus 3 units = 11 units (35% affordable, of which 8 units are social rent and 3 are intermediate)

Private resi

Assume circa 1/4 resi sells straight away

1/4 after 3 months

1/4 after 6 months

1/4 after 9 months

S106/ CIL costs;

\* archaeology - £11,171

\* carbon offset - £250k (estimate)

\* Southwark CIL = £218 psm x 5,187 sq m (gross private resi, including common parts/stairs etc) = £1,130,766

Mayoral CIL = £35 psm x 5,187 sq m (as above) = £181,545

Area of opportunity CIL = £164 psm x 5,187 sqm (as above) = £850,668

Other costs;

5% build cost contingency

4% interest (borrowing 100% of GDC)

extra cost for building resi amenity space on top of ground/first floor -estimate at £250k

cost of client moving the business and having no break in production - not included as site value is negative already

### Tenure & Timetable

Tenure is Freehold

	Construction Starts	Construction Mths	Letting Void	Letting Date	Rent Free	Sales Mths	Sale Date
Commercial B8/B2	03/2018	18	3	11/2019	6	3	11/2019
Tower 1 affordable (2 floors plus 5 units) 21 units	03/2018	18					08/2019
Tower 1 private 1/4 sold straight away	03/2018	18					08/2019
Tower 1 private 1/4 sold after 3 months	03/2018	18				3	11/2019
Tower 1 private 1/4 sold after 6 months	03/2018	18				6	02/2020
Tower 1 private 1/4 sold after 9 months	03/2018	18				9	05/2020
Tower 2 affordable (11 units)	03/2018	18					08/2019
Tower 2 private - sold straight away	03/2018	18					08/2019
Tower 2 private - sold after 3 months	03/2018	18				3	11/2019
Tower 2 private - sold after 6 months	03/2018	18				6	02/2020
Tower 2 private - sold after 9 months	03/2018	18				9	05/2020
<b>Project Start</b> 03/2018	<b>Fees Start</b> 03/2018			<b>Duration</b> 27 Mths			<b>Project End</b> 05/2020

## High level study March 18 - policy compliant 8 units

### Development Summary

Capitalised Net Value at Net Sales	1,927,125 p.a.	29,210,195	
		40,195,250	
<b>Gross Development Value</b>			<b>69,405,445</b>
Construction		49,309,402	
All other costs		12,443,546	
Finance		1,774,575	
<b>Development Cost</b>			<b>63,527,523</b>
Profit Required	20.000 %		11,567,574
Balance available		-5,689,652	
		<b>Purchase Price</b>	<b>-5,689,652</b>

### Statistics

Total Area: Net	160,230	square feet
Total Area: Gross	188,500	square feet
Void Cover (Rental)	81	months
Break-even rent level	61 %	of ERV
Break-even rent average	13.73	per square foot
NPV at 6.000 %	10,060,215	

### Capitalisation & Sales

#### Commercial B8/B2

Net Area	85,650 s.f.		
Rental Value at	22.50 p.s.f.	1,927,125 p.a.	
Income	05/2020	1,927,125 p.a.	
YP	6.000 %		
deferred	6 mths	16.1881	
			31,196,488
Less Purchaser's Costs	6.800 %		-1,986,293
Sale Price	11/2019		29,210,195

#### Tower 1 affordable (2 floors plus 5 units) 21 units

Net Area	17,325 s.f.		
Value at	340.53 p.s.f.		
Sale Price	08/2019		5,899,625

#### Tower 1 private 1/4 sold straight away

Net Area	9,795 s.f.		
Value at	644.22 p.s.f.		
Sale Price	08/2019		6,310,125

#### Tower 1 private 1/4 sold after 3 months

## High level study March 18 - policy compliant 8 units

Net Area	6,780 s.f.	
Value at	652.77 p.s.f.	
Sale Price	11/2019	4,425,750
<b>Tower 1 private 1/4 sold after 6 months</b>		
Net Area	6,780 s.f.	
Value at	652.77 p.s.f.	
Sale Price	02/2020	4,425,750
<b>Tower 1 private 1/4 sold after 9 months</b>		
Net Area	6,780 s.f.	
Value at	652.77 p.s.f.	
Sale Price	05/2020	4,425,750
<b>Tower 2 affordable (11 units)</b>		
Net Area	9,795 s.f.	
Value at	338.48 p.s.f.	
Sale Price	08/2019	3,315,375
<b>Tower 2 private - sold straight away</b>		
Net Area	7,530 s.f.	
Value at	675.00 p.s.f.	
Sale Price	08/2019	5,082,750
<b>Tower 2 private - sold after 3 months</b>		
Net Area	3,015 s.f.	
Value at	625.00 p.s.f.	
Sale Price	11/2019	1,884,375
<b>Tower 2 private - sold after 6 months</b>		
Net Area	3,765 s.f.	
Value at	675.00 p.s.f.	
Sale Price	02/2020	2,541,375
<b>Tower 2 private - sold after 9 months</b>		
Net Area	3,015 s.f.	
Value at	625.00 p.s.f.	
Sale Price	05/2020	1,884,375
<b>Gross Development Value</b>		<b>69,405,445</b>

## High level study March 18 - policy compliant 8 units

<b>Costs</b>			
<b>Construction</b>			
Base cost	(see schedule)	46,723,240 v	
Contingency	5.000 %	2,336,162 v	
Demolition	(see schedule)	250,000 v	
			49,309,402
<b>Professional Fees</b>		15.000 %	7,358,910 v
<b>Finance Fees</b>		2.000 %	1,156,757
<b>Special Costs</b>			
Carbon offset (estimate)	03/2018	250,000 v	
Archaeology	03/2018	11,171 v	
southwark CIL (£218)	03/2018	1,130,766	
Mayoral CIL (£35)	03/2018	181,545	
Opportunity area CIL (£164)	03/2018	850,668	
extra cost for resi amenity space	03/2018	250,000 v	
			2,674,150
<b>Post Construction</b>			
Fees on Letting	(see schedule)	231,255 v	
Cost of Sale	(see schedule)	1,022,469 v	
			1,253,724
<b>Finance</b>			
Compounded quarterly			
Interest on net equity	0.00 %	-222,151	
Loan interest (see schedule)	4.00 %	1,996,726	
			1,774,575
<b>Development Cost</b>			<b>63,527,523</b>
<b>Purchase Price</b>			<b>-5,689,652</b>
Purchase costs			
agent and legals	1.800 %	183,114 v	
			0
Stamp duty	4.910 %	599,881	
Profit Required	20.00 % of GDC		11,567,574
<b>Gross Development Value</b>			<b>69,405,445</b>

## High level study March 18 - policy compliant 8 units

### Schedules

#### Commercial B8/B2

Construction Starts / Ends	03/2018	08/2019
Letting Date	11/2019	
Projected Sale at 6.000 %	11/2019	29,210,195

	Area Net	Area Gross	Rent Rate	Rent Value	Construction Rate	Construction Cost
ground	57,100	67,176	22.50	1,284,750	225.00	15,114,600
first	28,550	33,588	22.50	642,375	225.00	7,557,300
	85,650	100,764	22.50	1,927,125	225.00	22,671,900
Contingency	5.00 %					1,133,595
<b>Total Construction</b>						<b>23,805,495</b>

#### Tower 1 affordable (2 floors plus 5 units) 21 units

Construction Starts / Ends	03/2018	08/2019
Projected Sale	08/2019	5,899,625

	Area Net	Area Gross	Sale Rate	Sale Value	Construction Rate	Construction Cost
2nd flr - 2 bed x 753 x 5 (SR)	3,765	4,429	300.00	1,129,500	240.00	1,062,960
2nd flr - 3 bed x 926 sq ft x 2 (SR)	1,852	2,179	300.00	555,600	240.00	522,960
2nd flr -4 bed x 1,163 x 1 (SR)	1,163	1,368	300.00	348,900	240.00	328,320
3rd flr -2 bed x 753 x 5 (SR)	3,765	4,429	300.00	1,129,500	240.00	1,062,960
3rd flr -3 bed x 926 sq ft x 2 (INT)	1,852	2,179	425.00	787,100	260.00	566,540
3rd flr -4 bed x 1,163 x 1 (SR)	1,163	1,368	300.00	348,900	240.00	328,320
4th flr 2 bed x 753 x 5 (INT)	3,765	4,429	425.00	1,600,125	260.00	1,151,540
	17,325	20,381	340.53	5,899,625	246.48	5,023,600
Contingency	5.00 %					251,180
<b>Total Construction</b>						<b>5,274,780</b>

#### Tower 1 private 1/4 sold straight away

Construction Starts / Ends	03/2018	08/2019
Projected Sale	08/2019	6,310,125

	Area Net	Area Gross	Sale Rate	Sale Value	Construction Rate	Construction Cost
4th flr 3 bed x 926 x 2	1,852	2,179	625.00	1,157,500	290.00	631,910
4th flr 4 bed x 1163 x 1	1,163	1,368	625.00	726,875	290.00	396,720
5th flr 2 bed x 753 x 5	3,765	4,429	675.00	2,541,375	290.00	1,284,410
5th flr 3 bed x 926 x 2	1,852	2,179	625.00	1,157,500	290.00	631,910
5th flr 4 bed x 1163 x 1	1,163	1,368	625.00	726,875	290.00	396,720
	9,795	11,523	644.22	6,310,125	290.00	3,341,670
Contingency	5.00 %					167,084
<b>Total Construction</b>						<b>3,508,754</b>

## High level study March 18 - policy compliant 8 units

### Tower 1 private 1/4 sold after 3 months

Construction Starts / Ends	03/2018	08/2019
Projected Sale	11/2019	4,425,750

	Area Net	Area Gross	Sale Rate	Sale Value	Construction Rate	Construction Cost
6th flr 2 bed x 753 x 5	3,765	4,429	675.00	2,541,375	290.00	1,284,410
6th flr 3 bed x 926 x 2	1,852	2,179	625.00	1,157,500	290.00	631,910
6th flr 4 bed x 1163 x 1	1,163	1,368	625.00	726,875	290.00	396,720
	6,780	7,976	652.77	4,425,750	290.00	2,313,040

Contingency 5.00 % 115,652

**Total Construction 2,428,692**

### Tower 1 private 1/4 sold after 6 months

Construction Starts / Ends	03/2018	08/2019
Projected Sale	02/2020	4,425,750

	Area Net	Area Gross	Sale Rate	Sale Value	Construction Rate	Construction Cost
7th flr 2 bed x 753 x 5	3,765	4,429	675.00	2,541,375	290.00	1,284,410
7th flr 3 bed x 926 x 2	1,852	2,179	625.00	1,157,500	290.00	631,910
7th flr 4 bed x 1163 x 1	1,163	1,368	625.00	726,875	290.00	396,720
	6,780	7,976	652.77	4,425,750	290.00	2,313,040

Contingency 5.00 % 115,652

**Total Construction 2,428,692**

### Tower 1 private 1/4 sold after 9 months

Construction Starts / Ends	03/2018	08/2019
Projected Sale	05/2020	4,425,750

	Area Net	Area Gross	Sale Rate	Sale Value	Construction Rate	Construction Cost
8th flr 2 bed x 753 x 5	3,765	4,429	675.00	2,541,375	290.00	1,284,410
8th flr 3 bed x 926 x 2	1,852	2,179	625.00	1,157,500	290.00	631,910
8th flr 4 bed x 1163 x 1	1,163	1,368	625.00	726,875	290.00	396,720
	6,780	7,976	652.77	4,425,750	290.00	2,313,040

Contingency 5.00 % 115,652

**Total Construction 2,428,692**

## High level study March 18 - policy compliant 8 units

### Tower 2 affordable (11 units)

Construction Starts / Ends	03/2018	08/2019
Projected Sale	08/2019	3,315,375

	Area Net	Area Gross	Sale Rate	Sale Value	Construction Rate	Construction Cost
2nd flr - 2 bed x 753 x 5 (SR)	3,765	4,429	300.00	1,129,500	240.00	1,062,960
2nd flr - 3 bed x 926 sq ft x 2 (SR)	1,852	2,179	300.00	555,600	240.00	522,960
2nd flr -4 bed x 1,163 x 1 (SR)	1,163	1,368	300.00	348,900	240.00	328,320
3rd flr -3 bed x 926 sq ft x 2 (INT)	1,852	2,179	425.00	787,100	260.00	566,540
3rd flr -4 bed x 1,163 x 1 (INT)	1,163	1,368	425.00	494,275	260.00	355,680
	9,795	11,523	338.48	3,315,375	246.16	2,836,460
Contingency						141,823
<b>Total Construction</b>						<b>2,978,283</b>

### Tower 2 private - sold straight away

Construction Starts / Ends	03/2018	08/2019
Projected Sale	08/2019	5,082,750

	Area Net	Area Gross	Sale Rate	Sale Value	Construction Rate	Construction Cost
3rd flr 2 bed x 753 x 5	3,765	4,429	675.00	2,541,375	290.00	1,284,410
4th flr 2 bed x 753 x 5	3,765	4,429	675.00	2,541,375	290.00	1,284,410
	7,530	8,858	675.00	5,082,750	290.00	2,568,820
Contingency						128,441
<b>Total Construction</b>						<b>2,697,261</b>

### Tower 2 private - sold after 3 months

Construction Starts / Ends	03/2018	08/2019
Projected Sale	11/2019	1,884,375

	Area Net	Area Gross	Sale Rate	Sale Value	Construction Rate	Construction Cost
4th flr 3 bed x 926 x 2	1,852	2,179	625.00	1,157,500	290.00	631,910
4th flr 4 bed x 1163 x 1	1,163	1,368	625.00	726,875	290.00	396,720
	3,015	3,547	625.00	1,884,375	290.00	1,028,630
Contingency						51,432
<b>Total Construction</b>						<b>1,080,062</b>

### Tower 2 private - sold after 6 months

Construction Starts / Ends	03/2018	08/2019
Projected Sale	02/2020	2,541,375

	Area Net	Area Gross	Sale Rate	Sale Value	Construction Rate	Construction Cost
5th flr 2 bed x 753 x 5	3,765	4,429	675.00	2,541,375	290.00	1,284,410
Contingency						64,221
<b>Total Construction</b>						<b>1,348,631</b>

## High level study March 18 - policy compliant 8 units

### Tower 2 private - sold after 9 months

Construction Starts / Ends	03/2018	08/2019
Projected Sale	05/2020	1,884,375

	Area Net	Area Gross	Sale Rate	Sale Value	Construction Rate	Construction Cost
5th flr 3 bed x 926 x 2	1,852	2,179	625.00	1,157,500	290.00	631,910
5th flr 4 bed x 1163 x 1	1,163	1,368	625.00	726,875	290.00	396,720
	3,015	3,547	625.00	1,884,375	290.00	1,028,630
Contingency	5.00 %					51,432
<b>Total Construction</b>						<b>1,080,062</b>

### Demolition Schedule

	Starts	Months	Area	Rate	Amount
demolition	03/2018	1			250,000 v

### VAT Schedule

	Amount	VAT %	Total VAT	Net VAT
Construction	49,309,402	20.00 %	9,861,880	0
Professional Fees	7,358,910	20.00 %	1,471,782	0
Acquisition & Finance	1,156,757	20.00 %	231,351	0
Special Costs	2,674,150	20.00 %	102,234	0
Post Construction	1,253,724	20.00 %	250,745	0
	<b>54,906,535</b>		<b>11,917,993</b>	<b>0</b>
Percentage of VAT recovered	100.00 %	Average recovery time	3 months	

### Letting Fees Schedule

	Agent Fees	Legal Fees	Letting Date	Costs Date	Amount
Commercial B8/B2	10.000%	2.000 %	11/2019	11/2019	231,255 v
<b>Total</b>					<b>231,255</b>

### Sale Fees Schedule

	Date	Rate	Amount
Commercial B8/B2	11/2019	1.250 %	365,127 v
Tower 1 affordable (2 floors plus 5 units) 21 units	08/2019	1.250 %	73,745 v
Tower 1 private 1/4 sold straight away	08/2019	1.750 %	110,427 v
Tower 1 private 1/4 sold after 3 months	11/2019	1.750 %	77,451 v
Tower 1 private 1/4 sold after 6 months	02/2020	1.750 %	77,451 v
Tower 1 private 1/4 sold after 9 months	05/2020	1.750 %	77,451 v
Tower 2 affordable (11 units)	08/2019	1.250 %	41,442 v
Tower 2 private - sold straight away	08/2019	1.750 %	88,948 v
Tower 2 private - sold after 3 months	11/2019	1.750 %	32,977 v
Tower 2 private - sold after 6 months	02/2020	1.750 %	44,474 v
Tower 2 private - sold after 9 months	05/2020	1.750 %	32,977 v
<b>Total</b>			<b>1,022,469</b>

### Finance Schedule

	Amount or %	Rate	Starts	Months	Accrued / Paid	Profit Share	Interest
Interest on Net Equity		0.000 %					-222,151
Loan 1	100.000 %	4.000 %	03/2018	27	Accrued		1,996,726

### Assumptions

1. Interest is compounded quarterly
2. Construction related payments are made monthly.
3. Purchase and any rent are paid in advance, at the beginning of a month.
4. All other costs are paid in arrear, at the month's end.
5. Sales take place at the end of the month.
6. YPs are calculated on the basis of rents received annually in arrears (Parry's).
7. VAT is applicable to items marked "v"
8. Rent is paid quarterly in advance.
9. Acquisition costs have been disregarded and the negative residual value is calculated as a gross amount.

22<sup>nd</sup> September  
2021

***By Email Only***

Planning Policy  
Southwark Council  
PO BOX 64529  
London  
SE1P 5LX

Dear Sirs / Madam,

**New Southwark Plan Main Modifications Consultation**

This representation has been prepared on behalf of William Say Ltd and P Wilkinson Containers Ltd, the freehold owners of the site identified above and operators from this site which falls within the Old Kent Road Opportunity Area.

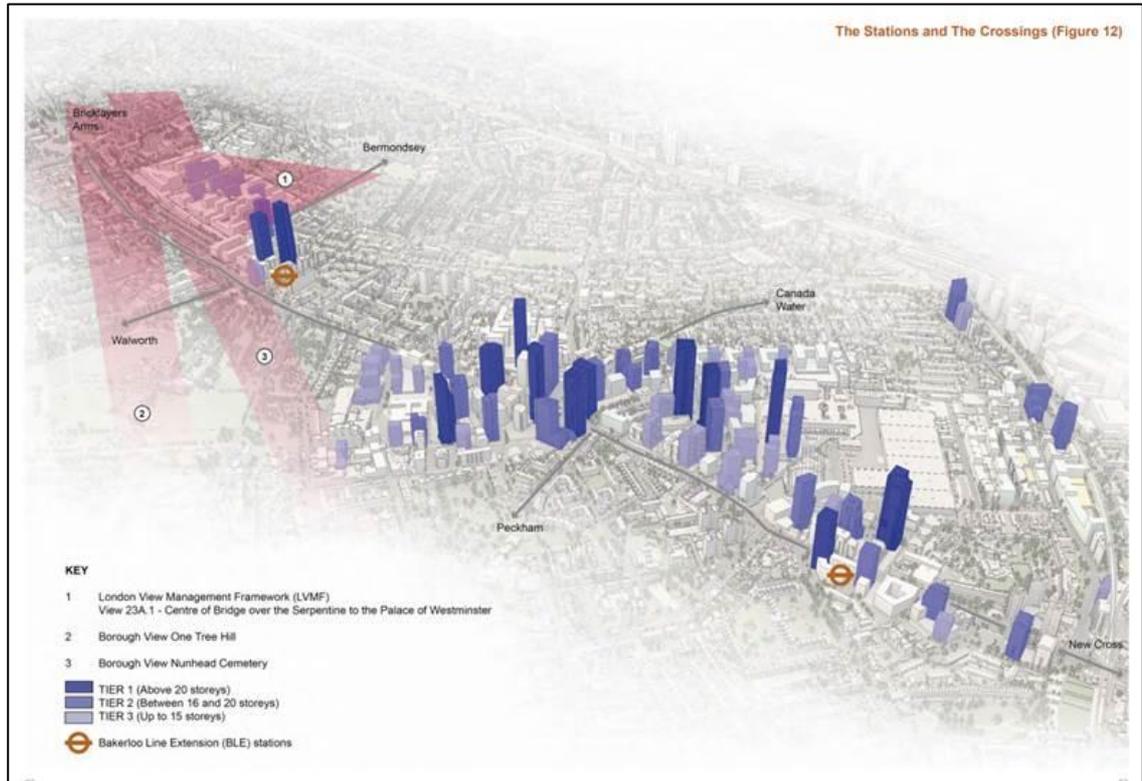
This representation should be read in conjunction with the written representation submitted to the latest draft of the Old Kent Road Area Action Plan in May 2021, which is attached at **Appendix 1** for information.

William Say Ltd. and P Wilkinson Containers Ltd. are a family run company established in 1930, operating from their Verney Road premises since 1970. The company currently employ ~55 people – the majority of which reside in the local area. The company produce over six million tins per year, with customers including five companies operating with a Royal Warrant. The company is the last tin maker left in London, and it embodies the manufacturing heritage and spirit of Bermondsey and Old Kent Road which should be protected as an integral part of the area. It is the intention of the company to continue their operation in the local area, and at the site identified above, in the medium and short term, with redevelopment to follow in the latter phases of the Old Kent Road Area Action Plan.

Whilst representations have been made separately to the OKRAAP, it is considered necessary to make representations to those Main Modifications that refer to the OKRAAP where our concerns remain as to the soundness of the policy as proposed, alongside reinforcing the importance of those policies which seek to protect the operation of existing businesses during the development of neighbouring sites.

*Tall Buildings*

Modification MM40 states, in relation to tall buildings within the OKRAAP, as follows: “9. *Emerging tall buildings in the Old Kent Road Opportunity Area are informed by a Stations and Crossings Strategy where the tallest buildings are proposed or have been consented at the most accessible locations within the Opportunity Area.*” For ease of reference, Figure 12 of the Plan (‘Stations and Crossings Strategy’) is extracted below.



This figure indicates that heights could be achieved at 20 Verney Road up to circa 15 storeys. Whilst this is a helpful classification given the new London Plan will only entertain tall buildings *inter alia* where a Local Plan identifies they may be suitable, we remain of the opinion that at this stage height should not be constrained, particularly where it has been demonstrated that viability challenges exist. In the case of 20 Verney Road, we submit as **Appendix 2** viability evidence, forming part of our 2018 representations to the OKRAAP, which demonstrates these challenges likely faced by sites throughout the OKRAAP area. To reference the Stations and Crossing Plan whilst the OKRAAP is still being developed is premature and could give rise to conflict as that document is prepared should the locations for tall buildings and proposed heights change.

We would ask that the reference to the as-yet-unexamined OKRAAP and its Figure 12 be removed and that this clause instead read as follows:

*“The Old Kent Road Action Core Area, as shown on the Policies Map, is an area considered acceptable in principle for tall buildings, with further detail being provided in due course by the emerging Old Kent Road Area Action Plan”*

This wording would allow the location for tall buildings within the OKRAAP to be identified, described and illustrated, soundly, within the AAP which is being prepared on a separate timetable to the New Southwark Plan.

### *Business Relocation Strategies and Evidence*

Further, modifications within MM52 concern business relocation and look to strengthen the related policies within the Plan by requiring applicants to consider and demonstrate their proposed approach in this regard within business relocation strategies, stating in Clause 3 that “*options for temporary relocation should consider the cost and practical arrangements for businesses where multiple moves may not be feasible*”.

The same modification (MM52) includes the additional requirement for applicants to gather statements from the relocated businesses themselves showing that their relocation is a suitable option for the viable continuation as a business.

Strengthening the requirements for proposals to include robust business relocation evidence is categorically supported, particularly in the absence of a comprehensive relocation strategy within the emerging OKRAAP and given the need to ensure that the NSP and the OKRAAP function independently, not least due to the difference in their progress towards forming a part of the adopted development plan.

### *Conclusion*

Policy P16 should not rely on a figure within an emerging, and unexamined, policy document to define the scale and spatial approach to tall buildings in the OKRAAP, and as such this reference to the OKRAAP should be removed. In its place, a reference to the in-principle acceptability of tall buildings in this location could provide a clear link between this policy, the OKRAAP area, and London Plan Policy D9.

Turning to business relocation strategies and their related evidence, the bolstered approach set out within MM52 – which places appropriate emphasis on considering the needs of the business to be relocated - is strongly supported.

Yours faithfully



, MRTPI  
**Senior Associate Partner**  
**Daniel Watney LLP**  
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# **Appendix I – May 2021 Representations**

Date  
10<sup>th</sup> May 2021

***By Email Only***

## **Old Kent Road Area Action Plan – Consultation, December 2020 Draft Written Representation, 20 Verney Road, SE16 3DY**

This representation has been prepared on behalf of William Say & Co Ltd and P Wilkinson Containers Ltd, the freehold owners of the site identified above and operators from this site which falls within the Old Kent Road Opportunity Area.

This representation should be read in conjunction with the written representation submitted to the Old Kent Road Area Action Plan during a previous consultation exercise, as attached at **Appendix 1**.

William Say & Co Ltd. and P Wilkinson Containers Ltd. are a family run company established in 1930, operating from their Verney Road premises since 1970. The company currently employ ~55 people – the majority of which reside in the local area. The company produce over six million tins per year, with customers including five companies operating with a Royal Warrant. The company is the last tin maker left in London, and it embodies the manufacturing heritage and spirit of Bermondsey and Old Kent Road which should be protected as an integral part of the area. It is the intention of the company to continue their operation in the local area, and at the site identified above, in the medium and short term, with redevelopment to follow in the latter phases of the Old Kent Road Area Action Plan.

Having reviewed the latest draft of the Old Kent Road Area Action Plan (hereon the 'OKRAAP'), the below representation sets out concerns with the Action Plan in the context of 20 Verney Road and the interests of a local company with significant history in the Old Kent Road area.

In summary, the representation previously made has not been taken into account nor its concerns addressed in the latest draft of the OKRAAP. This is particularly with regard to the overly prescriptive nature of the masterplan across the area, the lack of detailed delivery and phasing requirements which would safeguard existing businesses, and the absence of any viability evidence to underpin the aspirations of the OKRAAP – with viability significantly impacted by the delay in the Bakerloo Line Extension, and the uncertainty caused by the ongoing COVID-19 pandemic as well as the emerging economic context as influenced by Brexit.

Our representation below sets out the concerns our client has with the current draft of the OKRAAP and addresses, in turn, the emerging context and progress of the OKRAAP, delivery and phasing, site specific context, wider context and uncertainty, consultation thus far and local consensus, and concluding with our summary of requests.

## 1. Emerging Context and OKRAAP Progress

- 1.1 As the OKRAAP progresses there is a disconnect between the schemes consented across the area and the development envisaged and planned for within the Plan.
- 1.2 The emerging context of the area is being defined by permitted and submitted schemes throughout the Opportunity Area. While the OKRAAP has influenced these, each has come forward on its own merits and following a rigorous design process. **Appendix 2** sets out in a table format and with an accompanying map the schemes permitted across the area and how these consented redevelopments depart from the current draft of the OKRAAP.
- 1.3 The permitted and pending schemes listed in **Appendix 2** represent the emerging context of the Old Kent Road Opportunity Area. What they reflect is typology and height departures from parameters within OKRAAP, indicating it is already out of date and not effective in directing development, reflecting a lack of understanding and engaging with the viability of these schemes and the quantum and type of development required.
- 1.4 The OKRAAP should be directing future development to ensure a comprehensive approach and the fulfilment of the broad and ambitious objectives set out. At present, the area is being reimagined on a piece meal basis, which will render any broader strategy obsolete. This may risk the on-going operation of existing occupiers, whilst incompatible and standalone developments secure narrow planning benefits in isolation.
- 1.5 It is imperative that the OKRAAP in both its evidence base and proposed policy captures the general and site-specific viability issues that any future development would need to grapple with, and that it reflects the scale and quantum of development that is currently being permitted.

## 2. OKRAAP – Delivery and Phasing

- 2.1. Policy AAP1, concerning the overall masterplan for the area, is insufficiently detailed in its delivery and phasing requirements, and its treatment of the area in the meantime while development comes forward. There is no 'Agent of Change' principle for land held in abeyance until the later phases of the OKRAAP, and to protect the operation of a successful existing businesses there should be a requirement at application stage to produce a delivery and phasing statement which sets out how impacts on the operation of existing businesses/sites will be mitigated until such a time as they come forward for development.
- 2.2. The focus of Policy AAP1 is instead on demonstrating how developers work collaboratively with adjoining sites to deliver the masterplan and manage construction through their proposals. While this is naturally the focus of such a policy, in the absence of any references in other sections of the OKRAAP, a further clause should be added making it necessary at application stage to demonstrate impacts on local businesses and how these impacts will be minimised.

- 2.3. Our client has already spent significant resources scrutinising adjacent planning applications, and securing changes to protect their business operations. As described above, the current piecemeal approach to development in the OKRAAP will mean this is an increasingly regular occurrence, both for our client and other existing occupiers and operators within the OKR. The OKRAAP needs to balance these competing pressures on available land with the OKR over the plan period, instead it is currently being forced out of date by piecemeal delivery we have described by committing to unrealistic and untested forms of development,
- 2.4. London Plan Policy D13 (Agent of Change) recognises this need and requires Boroughs to “ensure that Development Plans and planning decisions reflect the Agent of Change Principle” – chiefly, taking account of existing noise and other nuisance-generating uses in a sensitive manner when new development is proposed nearby. This is not least given sites will be required by the OKRAAP to provide equivalent amounts of replacement employment space when they come forward for redevelopment in line with Policy AAP5. This has the additional benefit that the safeguarding of existing businesses will serve as test cases for the delivery of desirable and workable employment/industrial uses and co-location in the future.
- 2.5. Further to the above, the Agent of Change principle should also be specifically applied to the operational requirements of existing businesses. There is an inherent risk, without sufficient management or attention, that the early phase development within the OKRAAP stymies and harms the day to day operations of local businesses, due to impacts on local infrastructure and the removal of amenities such businesses enjoy currently (e.g. suitable HGV or similar parking, adequate routes for turning large vehicles) – notwithstanding the impacts that would be caused by several thousand new residents unsupported by a completed and running Bakerloo Line Extension.
- 2.6. Related to this policy is the section dedicated to delivery and phasing on page 37 of the OKRAAP. The section solely focuses on the scale of development and its relationship with the delivery of the Bakerloo Line Extension (BLE). There is no consideration here, or in the other sections related to delivery or phasing, for the impact that development will have on the OKRAAP area as it functions now and throughout the delivery of the masterplan. This consideration cannot be neglected, given the plan period covers the proceeding two decades and as the BLE has been delayed since the previous draft of the OKRAAP which relied on delivery in 2028/29 to the current draft outlining delivery of the BLE by 2036. The OKRAAP must recognise that the absence of the BLE and a delay in its delivery will compound phasing issues, with new development coming long before the infrastructure necessary to ameliorate its impacts. In recognising this, contingency phasing should be introduced which explicitly ensures that the area will not be dominated by new development where their impacts without the BLE will harm existing uses and local businesses.

### 3. Business Relocation Strategy

- 3.1 A key part of achieving successful phasing of the Plan, which retains local businesses and rewards their contribution to the area's rich heritage and, importantly, local employment, is a business relocation strategy which ensures that all businesses who wish to remain in the Plan area can do so without harm to their business as a result of the relocation process or through their change in location into the future.
- 3.2 The Plan makes references to relocation opportunities being supported where proposed as a part of new development, while this developer-led relocation strategy is not evidenced as a suitable way to manage the relocation of existing businesses – nor does it seem appropriate for a strategic policy document to rely on the piece-meal offerings from redevelopment applications to ensure it can adequately retain and strengthen the area's industrial capacity. An appropriate business relocation strategy underpinning the Plan has not been provided or conceived of, and this is a compound failure alongside the lack of clear phasing of development across the Plan period. Phasing and business relocation warrants a specific chapter within the OKRAAP, developed in consultation with existing businesses who intend to remain operational, and based on a comprehensive understanding of their operational requirements including any potential to relocate. If this is not feasible, the successful continuing operation of those businesses must be safeguarded. The Plan currently fails to achieve this.
- 3.3 This matter is further related to the lack of engagement with local businesses, addressed in Section 7 below, with the Plan stating that *"businesses can join the Old Kent Road Business Network to be kept informed about the opportunities for relocation in new developments"*. We are not aware of any engagement concerning the Old Kent Road Business Network, and as one of the larger employers in the Plan area we believe it is right to reasonably expect this to have been forthcoming prior to this draft of the OKRAAP.

### 4. Site Specific Context within the OKRAAP

- 4.1 20 Verney Road lies within Sub Area 3 (Sandgate Street, Verney Road, and Old Kent Road South) of the OKRAAP, as well as forming a part of site allocation OKR13. The plan recognises that this area sustains 92 businesses which in turn support over 1,900 jobs in the area, while making no reference to the importance of retaining and supporting these businesses throughout the delivery of the masterplan.
- 4.2 The site allocation itself contains judgement on design which include a requirement that proposals be informed by the area's industrious heritage and character, as well as the grain of the area. As noted above in the section concerning the OKRAAP overall, this targeted masterplanning exercise does not consider the mechanics or feasibility of phasing redevelopment across the site allocation.

4.3 The site allocation does not include a requirement to demonstrate that existing businesses and their operations will not be impacted by proposals. This appears particularly necessary in the case of OKR13 as it is directly adjacent to a significant area of Strategic Protected Industrial Land to the east, contains several areas of the 'Stacked Industrial' typology where employment/industrial land will be delivered with no mixed-use, and along Verney Road and the new Livesey Street a varied mix of co-location allocations. It should be recognised in the Plan that demonstrating that a proposal will not impact existing employment land is essential to ensure that the future operation of employment/industrial land in the area is preserved.

## **5. Livesey Road and Transport Infrastructure**

5.1 SA3.4 (Sub Area 2 Servicing and Road Network Plan) indicates a new road, Livesey Street, will run north to south connecting Sandgate Street and Ruby Street with Verney Road.

5.2 This particular proposal represents a microcosm of the potential issues caused by a lack of a coherent business relocation strategy and phasing plan within the OKRAAP. As a case in point, and given its relationship with the subject site, its potential impacts are explored below.

5.3 The proposal for a new street in this location, and how impacts on existing businesses will be managed, is not explored in the Plan. The complications involved in delivering such infrastructure, typified by the Bakerloo Line Extension itself, are multitude and include existing leasing arrangements, legal ownership issues, easements and rights of way. Furthermore, when in operation and during construction, there will be identifiable impacts on businesses nearby – roads used for parking of HGVs or similar will be impacted, as will those used for access and turning of large vehicles. Parking is particularly important as deliveries are often international, and the need for timely and appropriate parking for large vehicles is critical to the ongoing operation of any business, and to ensure the highway network is kept clear.

5.4 Using William Say & Co Ltd and P Wilkinson Containers Ltd as examples, the knock-on effects for the business are substantial. The business, and many like it, operate in a sector where success is determined through competition on lead-in times for product delivery. Any harm caused to lead-in times will cause a drop in the company's ability to compete in the market, and as such the business's health in addition to its readiness/ability to successfully relocate. Again, this is intrinsically linked to the lack of a coherent and clear business relocation strategy based, principally, on engagement with local businesses.

## 6. Wider Context and Uncertainty

- 6.1 The recent news concerning the safeguarding directions enacted to support the proposed route of the BLE is welcomed. This reduces uncertainty overall, while it is positive that the OKRAAP continues to recognise that the delivery of the BLE is not an absolute certainty and that the ambition for this key piece of infrastructure may not come to fruition.
- 6.2 While it has been recognised that contingency is necessary, the Plan does not follow through with further commentary regarding the phasing of the BLE itself and the impact that delay would have on the area. There are consented developments in the OKRAAP, chiefly those identified in **Figure 1** and **Table 1** above, of a scale reflecting the future connectivity and infrastructure support offered by the BLE and there is a present risk that the population of the area will rise without being supported by any commensurate increase in infrastructure. Without delays, this disconnect between the density of the area and its supporting infrastructure is likely to last across the first ten years of the Plan period. Again, as noted above, this increases the risk to the successful continued operation of existing businesses. This point is addressed at length in our representation of 2018 as attached at **Appendix 1**.
- 6.3 Lastly, the current draft of the OKRAAP is not underpinned by viability evidence nor have the viability considerations raised in our previous representation been addressed. Although difficult to quantify, the risks identified in the preceding sections are exacerbated still further by the economic impacts caused by the COVID-19 pandemic and the ongoing uncertainty resulting from a nascent Brexit – both elements of the contemporary context which have a significant impact on the current and future viability of redevelopment in the area.
- 6.4 Our previous concerns related to the overly prescriptive nature of the masterplan and its tendency to seek limits on development without sufficient justification. This has not been remedied in the OKRAAP since our representation. Indeed, the level of prescription has increased with the overall height for the tiers of tall building being reduced in scale. Not only does this add further prescription without justification, but also poses additional risks to site viability –notwithstanding our position regarding the emerging character of the area as set out above.

## 7. Consultation and Local Consensus

- 7.1 We attended the local business roundtable event held 11<sup>th</sup> March 2021, and the matters discussed at this consultation were largely in consensus with the issues raised within this written representation. Of particular note is the frequently raised concern that consultation with local businesses had been insufficient – with one party in attendance noting that it had been almost three years to the day since holding the last similarly focussed consultation event.
- 7.2 Other matters echoed by our client and raised by attendees included:
- The lack of a local business network, the setting up of which was committed to by LBS earlier during consultation of the OKRAAP;
  - Policy requirements of the OKRAAP are not being seen as a cost to development (e.g. affordable workspace, changes to the scale limits through the tiers of the Plan altering viability, restrictive use typologies);
  - The typologies imagined by the Plan often don't match existing local businesses who wish to stay in their premises;
  - Compounded by the lack of the BLE, the detriment of the Old Kent Road through a large increase in traffic will harm businesses as this arterial route is what attracts industry in the first place; and
  - Flexibility is paramount, in terms of re-provision, relocation, and scale, as well as policy requirements (chiefly those noted above) – with insufficient flexibility found in the current draft OKRAAP.
- 7.3 It is clear that, at the very least, there is a notable lack of consultation with business-owners with an interest in the area and a desire to remain.

## 8. Conclusion and Requests

8.1 Overall, the latest draft of the OKRAAP has not developed significantly since our previous written representation was submitted, particularly with regard to the key issues it raised – prescription, viability, delivery and phasing, and protecting existing businesses in the area. In this time however, numerous major planning permissions and planning applications have come forward, all of which exceed the draft parameters in the OKRAAP. Not only do these indicate that the OKRAAP has not been positively prepared, the result is a piece meal approach to change in the OKRAAP, risking both the on-going, successful operation of existing occupiers as incompatible uses are introduced without sufficient mitigation, and achieving the wider aims and objections for the OKR.

8.2 In order for the OKRAAP to advance positively, we make the following requests:

- Phasing and delivery must be carefully considered and managed, rather than described. This should be through delivery and phasing requirements within Policy AAP1 (Masterplan) which would ask developers to demonstrate that impacts on surrounding neighbours can be managed effectively.
- The impact of redevelopment – and the proposed road infrastructure – must be considered and planned for as early on as possible, with impacts on existing local businesses taken into account as a leading principle. In this vein, the Agent of Change principle set out within the London Plan should apply to redevelopment proposals, the phasing of the Plan itself, and all infrastructure delivery across the Plan period.
- The prescription for heights and typologies should be more flexible, Underpinned by a viability evidence base. The Plan does not demonstrate the viability of the scales and typologies it prescribes, and while our previously submitted viability exercise demonstrate that the aspirations of the plan were not viable, this position across the OKRAAP area has worsened still further given the BLE delay, and the ongoing uncertainty caused by the COVID-19 pandemic as well as Brexit.
- Further viability evidence must support the OKRAAP.
- Additional engagement with business owners is imperative, to best understand commercial requirements over the twenty-year plan period and how redevelopment can be accommodated without prejudicing existing business operations. William Say & Co Ltd and P Wilkinson Containers Ltd are yet to be engaged, despite engaging with the Plan themselves during previous consultation exercises.

8.3 I trust that the above is sufficiently clear, however we would welcome further engagement to discuss these concerns. We look forward to hearing from you,

Yours Sincerely,

**Daniel Watney LLP**  
planning@danielwatney.co.uk  
020 3077 3400

**Appendix II – 2018 Representations,  
including viability**

Date  
21 March 2018

Southwark Council  
Planning and Development  
5th Floor  
PO Box 64529  
London  
SE1P 5LX

**By Email Only**

Daniel Watney LLP is a  
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Registered in England.  
Registered number OC356464.  
Registered office as address.

Dear Sir/Madam,

## **Old Kent Road Area Action Plan – Representations**

This representation has been prepared on behalf of P Wilkinson Containers Ltd, who own and operate from no. 20 Verney Road, which falls within the Old Kent Road OA.

Prior to dealing with the content of this representation, we set out further information on the owner and occupier of no. 20 Verney Road. P Wilkinson Containers Ltd, also encompassing William Say & Co Ltd, is a tin manufacturer and plastic container distributor first established in 1930. The organisation remains family owned, and has operated out of no. 20 Verney Road since 1970 following their move from Wapping. In the 1980's, the company expanded into its current form.

The company currently employs 55 people, the vast majority of whom live in the local area. Through this workforce, the company produces 6m tins per year, distributing across the UK and Europe, including to five Royal Warrant customers. A small selection of their customers includes Fortnum & Mason, Farrow & Ball, Barbour and Liberty London.

This is a family-run, London founded and based company who manufacture and distribute products to a local and international customer base. Their desire is to maintain and expand their current operations from no. 20 Verney Road. They believe they should be recognised for preserving the industrial heritage of London, with their ongoing productivity placed at the centre of regeneration strategies for areas such as the Old Kent Road.

We have reviewed the emerging Old Kent Road Area Action Plan (hereafter 'OKRAAP') and assessed the policies therein, and it is our opinion that the Old Kent Road AAP is flawed by being overly reliant on the Bakerloo Line Extension (BLE) and failing to accommodate a contingency plan, by failing to engage with local landowners and occupiers to fully understand their requirements both now and in the future, and by imposing overly burdensome requirements on future development which have not been properly tested and are likely to inhibit delivery.

## **Plan Targets and Delivery**

The Old Kent Road AAP sets out various targets for the area to achieve within the next 20 years, including its intentions to facilitate its economic growth by creating an additional 10,000 jobs and to build 20,000 homes. This is reliant upon the BLE coming forward by 2027, funded *inter alia* through an additional CIL, developer contributions and potentially via business rates. The OKRAAP describes:

*“Current developer interest and confidence in the future has largely been stimulated by the Mayoral commitment to deliver the BLE by 2028. It is absolutely essential that this confidence is not undermined. With a shortage of homes, and increasing demand for workspace it is important that this AAP/OAPF provides confidence to investors who will deliver the aspirations of the plan for the benefit of Southwark and the wider London context. The Transport and Works Act Order (TWAO) will be submitted in 2020 and the Mayor has committed to bring the completion date forward from 2030 to 2028/29.”*

The OKRAAP is demonstrably reliant upon predominantly private sector investment to secure sufficient receipts to fund the BLE. We consider that this is not sound as the plan is not deliverable on the following grounds, which we expand upon throughout this representation:

- The lack of contingency in the event that the BLE does not come forward. Whilst we recognise that this is the ‘preferred’ option, the OKRAAP would become ineffective within its intended lifespan if the BLE does not come forward;
- The OKRAAP adopts a prescriptive approach to securing mixed uses, which could harm overall viability and deliverability. This is likely to deter investment;
- The OKRAAP adopts a prescriptive approach to building typology and heights, which we will demonstrably undermine viability and will thus restrict development;
- The OKRAAP imposes significant financial (directly and indirectly) burdens on development which are likely to discourage investment.

The OKRAAP Integrated Impact Assessment, a 142 page document, dedicates just two paragraphs to ‘Uncertainties and Risks’ associated with the OKRAAP, and in effect confirms that only qualitative assessments have been undertaken and predicting the outcome of the plan is an inherently difficult task to undertake. This conclusion summarises the core deficiency of the OKRAAP as currently drafted; it is an aspirational document, however it is not grounded in reality, it has not been adequately tested via established and quantifiable methods, including viability, and as such there is a high degree of risk that it is not the most appropriate strategy, that it will be ineffective and therefore is likely to fail.

The current targets for homes and jobs rely upon exceeding existing density guidelines set out within the adopted London Plan. The PTAL for the OA as existing is broadly towards the lower end (1-3) and as such this is not considered a suitable location for very high density development. Whilst we recognise that the delivery of the BLE would improve the PTAL, there is likely to be a period of circa ten years where there is potentially a significant amount of new development and associated increases in the population without sufficient infrastructure in place, likely exacerbated by the temporary effects of the construction of major development within a small, geographical area and the ongoing operation of the many successful businesses that operate out of the OKR area with associated car, goods and heavy goods vehicular movements.

We consider that the lack of contingency for this period is unsound and would give rise to a very poor residential environment and harm existing business operations in the interim. This may even deter future investment if co-location is not visibly successful. Moreover, the plan is not deliverable because it does not consider how the OA is regenerated without the BLE, which we do not consider is unrealistic given the constraints the OKRAAP places upon new development (as we discuss shortly) and consequently the ability to secure contributions. The OKRAAP needs to recognise the risks associated with the BLE and to confirm the status of the regeneration aspirations if it does not come forward.

The risk for existing landowners and occupiers is that this form of piecemeal development could give rise to long term land use conflicts which are not mitigated by improvements to public transport nor the public realm benefits typically associated with comprehensive regeneration and less so with the development of individual sites. There is a risk of inappropriately dense development, which was justified on the presumption of an improved PTAL, and associated increases in the population sited adjacent to commercial and heavy industrial uses. The legacy of the plan without a contingency if the BLE does not come forward could be poor quality homes and heavily constrained business operations to the long term social, economic and environmental detriment of the area.

A phased development of the OKRAAP according to existing PTAL scores would be more appropriate, with the earliest development encouraged toward those most accessible parts of the OA. This would ensure that the existing infrastructure can accommodate the increase in population and, should the BLE not come forward, ensure there are not vast swathes of new development in inaccessible locations.

### Viability

The AAP is rightly ambitious in delivery homes, new jobs, retail, community services and open space within the OA. However we consider that the failure to test these competing demands on the available land has given rise to an unrealistic plan that is undeliverable.

Paragraph 173 of the NPPF advises as follows in respect of plan preparation:

*'the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened'.*

We are concerned that the quantum of planning obligations and other financial burdens that would be imposed on development within the OA threaten the viability of developments and ultimately their deliverability. As we have set out, the BLE is reliant upon receipts from development and if these are not encouraged to come forward, the BLE will not follow.

The OKRAAP does not acknowledge that bringing forward any development in an area like the OKR is likely to be costly, whether as a result of significant remediation costs, or by virtue of implementing major schemes alongside fully operational commercial and industrial uses, as opposed to open sites. Instead, the AAP seeks to impose the following prescriptive burdens upon future development:

- Land uses;
- Building typology and heights;
- Retention or relocation of existing businesses;
- Affordable housing;
- Affordable workspace;
- Enhanced CIL;
- Public open space at a rate of 5 sq.m per dwelling;
- Exemplary design and climate change credentials.

The OKRAAP should recognise that the delivery of a large number of the sites within the AAP would be constrained if burdened by this quantum of obligations. A more pragmatic approach than seeking wholesale compliance with the above would be to prioritise obligations according to each site; for example if an occupier is to remain, there is no requirement to provide affordable workspace.

The OKRAAP must allow for viability to justify a departure from or reduction of these obligations to ensure they do not block development. The role of development and investment in realising the overall ambitions for the OKR OA must be recognised and supported.

### *Building Typology and Heights*

The OKRAAP seeks to impose prescriptive heights across the OA grouped into three tiers, ranging from over 30 storeys down to a maximum of 16 storeys. It also sets out across each sub-area of the OA the building form and uses each parcel of land should accommodate.

The viability of this approach has not been tested however, and the delivery of schemes within these parameters is likely to be very challenging.

In order to test this, we have undertaken a viability appraisal of our client's site at no. 20 Verney Road, which the OKRAAP designates as follows:

- Medium-large storage and distribution in mixed use developments (i.e. B8);
- Ceiling heights of at least 6-8m;
- Two storeys of commercial space for offices, showrooms and studios;

- Residential amenity at roof level;
- Maximum height of 16 storeys.

We would highlight that our client has not been approached by the planning policy team to understand their business model nor intentions, despite their premises being identified for redevelopment.

The complete appraisal is appended to this representation, however this confirms that the proposed development according to the parameters set out within the AAP and adopted guidance within the London Plan (with regards to the quality and design of new residential development, and the adopted density guidelines) is not viable, returning a significant negative land value. This does not include the costs of providing affordable workspace, nor does it take into account the significant costs associated with temporarily or permanently relocating the current occupier.

We have not identified any viability appraisals undertaken by the local authority that underpin the parameters set out in the OKRAAP. The plan is therefore not positively prepared, not justified nor effective in establishing a realistic form and quantum of development that could come forward in the plan period, and is essential to securing the BLE.

The appraisal evidences that to achieve the land use expectations, it would be essential to achieve a far higher density and greater height in order for the development to be viable. As currently drafted, there would be no incentive for the landowner and occupier of no. 20 Verney Road to redevelop their site in support of the wider OKR objectives. As we have described, the OKRAAP as currently drafted is reliant upon receipts from development to fund the BLE, yet there is no apparent desire to incentivise the relevant landowners to bring development forward. The objectives for the AAP are not aligned with current market conditions nor does it reflect any meaningful engagement with occupiers in the OA.

The OKRAAP should recognise the inherent constraints upon development arising from the retention or reprovision of employment floorspace, and not seek to manage both typology and height without adequate justification. A site by site basis would be more appropriate, informed by a wider design code, with tall building studies and assessments used where necessary.

### **Mix of Uses and Co-Location**

The OKRAAP relies upon the concept of co-location, whereby different land uses are arranged on the same or adjacent sites. In theory this is an efficient use of land, securing multiple benefits, however this is on the basis that both uses can operate successfully; not constraining a commercial operation nor giving rise to residential amenity conflicts, for example.

The OKRAAP reflects once again a lack of proper engagement as to how co-location could work in reality. One example of this is the 'bow tie' approach to employment uses across the OA, which oversimplifies the challenge of, and therefore misses the opportunities presented by, co-location.

The 'Bow Tie Approach' is reproduced overleaf, and whilst we recognise that the principle of employment densities decreasing further away from the proposed public transport hubs, and therefore most accessible (by public transport) parts of the AAP, this is an oversimplification and is not a justified approach to locating land uses.

The AAP tries to rely upon a linear escalation of B class uses moving outwards from these transport hubs, arranged in 'bands' of types of B class uses. However the character of those areas adjacent to the bow-tie are not correspondingly less domestic nor larger scale moving away from the proposed transport hubs; they are residential in character and scale. The OKRAAP promotes a land use typology however which would place existing homes adjacent to heavy industrial uses indiscriminately.



We consider that the arrangement of B class uses should not be planned to follow a linear arrangement, but instead should take into account the operational, infrastructure and servicing requirements of the B class uses, the preservation of proposed residential amenity, pedestrian routes and safety and overall the character of the area, to inform co-location. Essentially there should be a thoughtful design response which ensures genuine co-location is feasible, as opposed to the bow-tie approach which is not justified and applies a broad land use hierarchy. A recent example of unsuccessful co-location, which seeks to reflect the advice of the OKRAAP and arguably highlights its flaws, is the current planning application at nos. 6-12 Verney Road (ref. 17/AP/4508), adjacent to our client’s site. This scheme currently proposes residential entrances directly onto a private road used for servicing by HGV. This would give rise to significant residential amenity and pedestrian safety conflicts, and could impinge on the successful commercial operation of our client. The GLA has recently published their Stage 1 report on the planning application and reach the same conclusion on this point, citing significant concerns with the layout and the residential quality of the scheme.

In order for the OKRAAP to be successful, the mechanics of co-location, including a full understanding of the current occupiers of the OKR and their requirements for the future, need to be properly understood and considered as part of the introduction of additional land uses, as opposed to adopting broad land use strategies.

**Summary**

In summary, we have significant concerns that the OKRAAP as currently drafted is unlikely to secure the quantum and type of development required to secure the BLE within the next ten years. Failure to secure the BLE renders the remainder of the plan and plan period futile, and therefore it is essential that development and investment is encouraged at the outset.

In order to achieve this, the OKRAAP should engage properly with existing landowners and occupiers to understand their existing business model and requirements, and the role they want to play in the future of the OA, in order to identify the opportunities for intensification and co-location which do not harm commercial operations.

The OKRAAP applies unnecessary financial and non-financial burdens to development, through obligations and prescriptive building typologies and heights, which we have demonstrated in the case of our client’s site to lead to an unviable development that would not be progressed. The OKRAAP needs to be tested against current market conditions, and with regard to wider economic pressures, if it is to be a fully justified and demonstrably effective vehicle for regenerating the OKR.

Yours sincerely

**Daniel Watney LLP**  
Planning



**High level study March 18 - policy compliant 8 units**

20 Verney Road  
SE16

**Notes**

## High level study March 18 - policy compliant 8 units

High level appraisal to understand if residential and B2/B8 mixed use is viable.  
No scheme available to value so a scheme compliant with Southwark policy has been devised.  
Assume site coverage of 50% (as per existing)

### Policy assumptions:

London Plan seeks no more than 8 units per core, so assume 8 units but alter number of floor levels according to density.  
Indicative density levels - 20 (large units) -76 (small units) for western half of site and 15-42 units for eastern half of site

Affordable housing - minimum 35% (of which 25% social, 10% intermediate)  
Unit mix - 60% 2b, at least 20% 3,4 or 5b. No more than 5% to be studios, leaving 15% one b.  
Clear desire for larger family units

### Residential assumptions:

Due to size of site - assume two tower blocks and number of floors to fit in with density.  
Due to industrial double ceiling heights, max residential height would be 13 floors, however density levels mean the no. of floor levels are lower.

Western side - 7 floors of 8 units (56 units) ie 2nd floor - 8th floor

Eastern side - 4 floors of 8 units (32 units) ie 2nd floor - 5th floor

Total number of residential units = 88

Residential amenity space will be on top of ground floor and first floor industrial space = extra build cost

Residential sales - £675 psf for 2 beds, £625 psf for 4 beds. Average of £650 psf

### Industrial assumptions:

Assume existing industrial will need to be replaced (VOA shows current floor area of 85,651 sq ft, of which 57,074 sq ft is ground floor)

Assume larger ground floor in proportion to first floor (as per existing);

Grd - 57,100 sq ft

1st - 28,550 sq ft

Total - 85,650 sq ft GIA

(assume gross to net of 85% - to take into account ground floor lobby and core for residential areas) = Gross = 100,764 sq ft

Assume £22.50 psf rent overall

### Residential

#### Tower 1 (West) - total 56 units (ie 7 floors of 8 units)

Assume the following mix per floor of 8 units; (62% 2 beds, 38% 3 & 4 beds)

1 x 2 bed (4P) = 70 sq m / 753 sq ft

1 x 2 bed (4P) = 70 sq m / 753 sq ft

1 x 2 bed (4P) = 70 sq m / 753 sq ft

1 x 2 bed (4P) = 70 sq m / 753 sq ft

1 x 2 bed (4P) = 70 sq m / 753 sq ft

1 x 3 bed (5P) = 86 sq m / 926 sq ft

1 x 3 bed (5P) = 86 sq m / 926 sq ft

1 x 4 bed (7P) = 108 sq m / 1,163 sq ft

Total area per floor (net sales) - 6,780 sq ft

Gross (for build costs) Gross to net 85% = 7,976 sq ft

Assume 2 and a bit floors are affordable - ie 21 units (37.5% affordable, of which 14 units are social rent and 7 are intermediate)

Private resi - ie 4 and a bit floors;

Assume circa 1/4 resi sells straight away

1/4 after 3 months

1/4 after 6 months

1/4 after 9 months

#### Tower 2 (East) - total 32 units (ie 4 floors of 8 units)

Assume the following mix per floor of 8 units; (62% 2 beds, 38% 3 & 4 beds)

1 x 2 bed (4P) = 70 sq m / 753 sq ft

1 x 2 bed (4P) = 70 sq m / 753 sq ft

1 x 2 bed (4P) = 70 sq m / 753 sq ft

1 x 2 bed (4P) = 70 sq m / 753 sq ft

1 x 2 bed (4P) = 70 sq m / 753 sq ft

1 x 3 bed (5P) = 86 sq m / 926 sq ft

1 x 3 bed (5P) = 86 sq m / 926 sq ft

1 x 4 bed (7P) = 108 sq m / 1,163 sq ft

Total area per floor (net sales) - 6,780 sq ft

## High level study March 18 - policy compliant 8 units

Gross (for build costs) Gross to net 85% = 7,976 sq ft

Assume 1 and a bit floors are affordable - ie 1 floor x 8 units plus 3 units = 11 units (35% affordable, of which 8 units are social rent and 3 are intermediate)

Private resi

Assume circa 1/4 resi sells straight away

1/4 after 3 months

1/4 after 6 months

1/4 after 9 months

S106/ CIL costs;

\* archaeology - £11,171

\* carbon offset - £250k (estimate)

\* Southwark CIL = £218 psm x 5,187 sq m (gross private resi, including common parts/stairs etc) = £1,130,766

Mayoral CIL = £35 psm x 5,187 sq m (as above) = £181,545

Area of opportunity CIL = £164 psm x 5,187 sqm (as above) = £850,668

Other costs;

5% build cost contingency

4% interest (borrowing 100% of GDC)

extra cost for building resi amenity space on top of ground/first floor -estimate at £250k

cost of client moving the business and having no break in production - not included as site value is negative already

### Tenure & Timetable

Tenure is Freehold

	Construction Starts	Construction Mths	Letting Void	Letting Date	Rent Free	Sales Mths	Sale Date
Commercial B8/B2	03/2018	18	3	11/2019	6	3	11/2019
Tower 1 affordable (2 floors plus 5 units) 21 units	03/2018	18					08/2019
Tower 1 private 1/4 sold straight away	03/2018	18					08/2019
Tower 1 private 1/4 sold after 3 months	03/2018	18				3	11/2019
Tower 1 private 1/4 sold after 6 months	03/2018	18				6	02/2020
Tower 1 private 1/4 sold after 9 months	03/2018	18				9	05/2020
Tower 2 affordable (11 units)	03/2018	18					08/2019
Tower 2 private - sold straight away	03/2018	18					08/2019
Tower 2 private - sold after 3 months	03/2018	18				3	11/2019
Tower 2 private - sold after 6 months	03/2018	18				6	02/2020
Tower 2 private - sold after 9 months	03/2018	18				9	05/2020
<b>Project Start</b> 03/2018		<b>Fees Start</b> 03/2018		<b>Duration</b> 27 Mths			<b>Project End</b> 05/2020



## High level study March 18 - policy compliant 8 units

Net Area	6,780 s.f.	
Value at	652.77 p.s.f.	
Sale Price	11/2019	4,425,750
<b>Tower 1 private 1/4 sold after 6 months</b>		
Net Area	6,780 s.f.	
Value at	652.77 p.s.f.	
Sale Price	02/2020	4,425,750
<b>Tower 1 private 1/4 sold after 9 months</b>		
Net Area	6,780 s.f.	
Value at	652.77 p.s.f.	
Sale Price	05/2020	4,425,750
<b>Tower 2 affordable (11 units)</b>		
Net Area	9,795 s.f.	
Value at	338.48 p.s.f.	
Sale Price	08/2019	3,315,375
<b>Tower 2 private - sold straight away</b>		
Net Area	7,530 s.f.	
Value at	675.00 p.s.f.	
Sale Price	08/2019	5,082,750
<b>Tower 2 private - sold after 3 months</b>		
Net Area	3,015 s.f.	
Value at	625.00 p.s.f.	
Sale Price	11/2019	1,884,375
<b>Tower 2 private - sold after 6 months</b>		
Net Area	3,765 s.f.	
Value at	675.00 p.s.f.	
Sale Price	02/2020	2,541,375
<b>Tower 2 private - sold after 9 months</b>		
Net Area	3,015 s.f.	
Value at	625.00 p.s.f.	
Sale Price	05/2020	1,884,375
<b>Gross Development Value</b>		<b>69,405,445</b>

## High level study March 18 - policy compliant 8 units

<b>Costs</b>			
<b>Construction</b>			
Base cost	(see schedule)	46,723,240 v	
Contingency	5.000 %	2,336,162 v	
Demolition	(see schedule)	250,000 v	
			49,309,402
<b>Professional Fees</b>		15.000 %	7,358,910 v
<b>Finance Fees</b>		2.000 %	1,156,757
<b>Special Costs</b>			
Carbon offset (estimate)	03/2018	250,000 v	
Archaeology	03/2018	11,171 v	
southwark CIL (£218)	03/2018	1,130,766	
Mayoral CIL (£35)	03/2018	181,545	
Opportunity area CIL (£164)	03/2018	850,668	
extra cost for resi amenity space	03/2018	250,000 v	
			2,674,150
<b>Post Construction</b>			
Fees on Letting	(see schedule)	231,255 v	
Cost of Sale	(see schedule)	1,022,469 v	
			1,253,724
<b>Finance</b>			
Compounded quarterly			
Interest on net equity	0.00 %	-222,151	
Loan interest (see schedule)	4.00 %	1,996,726	
			1,774,575
<b>Development Cost</b>			<b>63,527,523</b>
<b>Purchase Price</b>			<b>-5,689,652</b>
Purchase costs			
agent and legals	1.800 %	183,114 v	
			0
Stamp duty	4.910 %	599,881	
Profit Required	20.00 % of GDC		11,567,574
<b>Gross Development Value</b>			<b>69,405,445</b>

## High level study March 18 - policy compliant 8 units

### Schedules

#### Commercial B8/B2

Construction Starts / Ends	03/2018	08/2019
Letting Date	11/2019	
Projected Sale at 6.000 %	11/2019	29,210,195

	Area Net	Area Gross	Rent Rate	Rent Value	Construction Rate	Construction Cost
ground	57,100	67,176	22.50	1,284,750	225.00	15,114,600
first	28,550	33,588	22.50	642,375	225.00	7,557,300
	85,650	100,764	22.50	1,927,125	225.00	22,671,900
Contingency	5.00 %					1,133,595
<b>Total Construction</b>						<b>23,805,495</b>

#### Tower 1 affordable (2 floors plus 5 units) 21 units

Construction Starts / Ends	03/2018	08/2019
Projected Sale	08/2019	5,899,625

	Area Net	Area Gross	Sale Rate	Sale Value	Construction Rate	Construction Cost
2nd flr - 2 bed x 753 x 5 (SR)	3,765	4,429	300.00	1,129,500	240.00	1,062,960
2nd flr - 3 bed x 926 sq ft x 2 (SR)	1,852	2,179	300.00	555,600	240.00	522,960
2nd flr -4 bed x 1,163 x 1 (SR)	1,163	1,368	300.00	348,900	240.00	328,320
3rd flr -2 bed x 753 x 5 (SR)	3,765	4,429	300.00	1,129,500	240.00	1,062,960
3rd flr -3 bed x 926 sq ft x 2 (INT)	1,852	2,179	425.00	787,100	260.00	566,540
3rd flr -4 bed x 1,163 x 1 (SR)	1,163	1,368	300.00	348,900	240.00	328,320
4th flr 2 bed x 753 x 5 (INT)	3,765	4,429	425.00	1,600,125	260.00	1,151,540
	17,325	20,381	340.53	5,899,625	246.48	5,023,600
Contingency	5.00 %					251,180
<b>Total Construction</b>						<b>5,274,780</b>

#### Tower 1 private 1/4 sold straight away

Construction Starts / Ends	03/2018	08/2019
Projected Sale	08/2019	6,310,125

	Area Net	Area Gross	Sale Rate	Sale Value	Construction Rate	Construction Cost
4th flr 3 bed x 926 x 2	1,852	2,179	625.00	1,157,500	290.00	631,910
4th flr 4 bed x 1163 x 1	1,163	1,368	625.00	726,875	290.00	396,720
5th flr 2 bed x 753 x 5	3,765	4,429	675.00	2,541,375	290.00	1,284,410
5th flr 3 bed x 926 x 2	1,852	2,179	625.00	1,157,500	290.00	631,910
5th flr 4 bed x 1163 x 1	1,163	1,368	625.00	726,875	290.00	396,720
	9,795	11,523	644.22	6,310,125	290.00	3,341,670
Contingency	5.00 %					167,084
<b>Total Construction</b>						<b>3,508,754</b>

## High level study March 18 - policy compliant 8 units

### Tower 1 private 1/4 sold after 3 months

Construction Starts / Ends	03/2018	08/2019
Projected Sale	11/2019	4,425,750

	Area Net	Area Gross	Sale Rate	Sale Value	Construction Rate	Construction Cost
6th flr 2 bed x 753 x 5	3,765	4,429	675.00	2,541,375	290.00	1,284,410
6th flr 3 bed x 926 x 2	1,852	2,179	625.00	1,157,500	290.00	631,910
6th flr 4 bed x 1163 x 1	1,163	1,368	625.00	726,875	290.00	396,720
	6,780	7,976	652.77	4,425,750	290.00	2,313,040

Contingency 5.00 % 115,652

**Total Construction 2,428,692**

### Tower 1 private 1/4 sold after 6 months

Construction Starts / Ends	03/2018	08/2019
Projected Sale	02/2020	4,425,750

	Area Net	Area Gross	Sale Rate	Sale Value	Construction Rate	Construction Cost
7th flr 2 bed x 753 x 5	3,765	4,429	675.00	2,541,375	290.00	1,284,410
7th flr 3 bed x 926 x 2	1,852	2,179	625.00	1,157,500	290.00	631,910
7th flr 4 bed x 1163 x 1	1,163	1,368	625.00	726,875	290.00	396,720
	6,780	7,976	652.77	4,425,750	290.00	2,313,040

Contingency 5.00 % 115,652

**Total Construction 2,428,692**

### Tower 1 private 1/4 sold after 9 months

Construction Starts / Ends	03/2018	08/2019
Projected Sale	05/2020	4,425,750

	Area Net	Area Gross	Sale Rate	Sale Value	Construction Rate	Construction Cost
8th flr 2 bed x 753 x 5	3,765	4,429	675.00	2,541,375	290.00	1,284,410
8th flr 3 bed x 926 x 2	1,852	2,179	625.00	1,157,500	290.00	631,910
8th flr 4 bed x 1163 x 1	1,163	1,368	625.00	726,875	290.00	396,720
	6,780	7,976	652.77	4,425,750	290.00	2,313,040

Contingency 5.00 % 115,652

**Total Construction 2,428,692**

## High level study March 18 - policy compliant 8 units

### Tower 2 affordable (11 units)

Construction Starts / Ends	03/2018	08/2019
Projected Sale	08/2019	3,315,375

	Area Net	Area Gross	Sale Rate	Sale Value	Construction Rate	Construction Cost
2nd flr - 2 bed x 753 x 5 (SR)	3,765	4,429	300.00	1,129,500	240.00	1,062,960
2nd flr - 3 bed x 926 sq ft x 2 (SR)	1,852	2,179	300.00	555,600	240.00	522,960
2nd flr -4 bed x 1,163 x 1 (SR)	1,163	1,368	300.00	348,900	240.00	328,320
3rd flr -3 bed x 926 sq ft x 2 (INT)	1,852	2,179	425.00	787,100	260.00	566,540
3rd flr -4 bed x 1,163 x 1 (INT)	1,163	1,368	425.00	494,275	260.00	355,680
	9,795	11,523	338.48	3,315,375	246.16	2,836,460
Contingency						141,823
<b>Total Construction</b>						<b>2,978,283</b>

### Tower 2 private - sold straight away

Construction Starts / Ends	03/2018	08/2019
Projected Sale	08/2019	5,082,750

	Area Net	Area Gross	Sale Rate	Sale Value	Construction Rate	Construction Cost
3rd flr 2 bed x 753 x 5	3,765	4,429	675.00	2,541,375	290.00	1,284,410
4th flr 2 bed x 753 x 5	3,765	4,429	675.00	2,541,375	290.00	1,284,410
	7,530	8,858	675.00	5,082,750	290.00	2,568,820
Contingency						128,441
<b>Total Construction</b>						<b>2,697,261</b>

### Tower 2 private - sold after 3 months

Construction Starts / Ends	03/2018	08/2019
Projected Sale	11/2019	1,884,375

	Area Net	Area Gross	Sale Rate	Sale Value	Construction Rate	Construction Cost
4th flr 3 bed x 926 x 2	1,852	2,179	625.00	1,157,500	290.00	631,910
4th flr 4 bed x 1163 x 1	1,163	1,368	625.00	726,875	290.00	396,720
	3,015	3,547	625.00	1,884,375	290.00	1,028,630
Contingency						51,432
<b>Total Construction</b>						<b>1,080,062</b>

### Tower 2 private - sold after 6 months

Construction Starts / Ends	03/2018	08/2019
Projected Sale	02/2020	2,541,375

	Area Net	Area Gross	Sale Rate	Sale Value	Construction Rate	Construction Cost
5th flr 2 bed x 753 x 5	3,765	4,429	675.00	2,541,375	290.00	1,284,410
Contingency						64,221
<b>Total Construction</b>						<b>1,348,631</b>

## High level study March 18 - policy compliant 8 units

### Tower 2 private - sold after 9 months

Construction Starts / Ends	03/2018	08/2019
Projected Sale	05/2020	1,884,375

	Area Net	Area Gross	Sale Rate	Sale Value	Construction Rate	Construction Cost
5th flr 3 bed x 926 x 2	1,852	2,179	625.00	1,157,500	290.00	631,910
5th flr 4 bed x 1163 x 1	1,163	1,368	625.00	726,875	290.00	396,720
	3,015	3,547	625.00	1,884,375	290.00	1,028,630
Contingency	5.00 %					51,432
<b>Total Construction</b>						<b>1,080,062</b>

### Demolition Schedule

	Starts	Months	Area	Rate	Amount
demolition	03/2018	1			250,000 v

### VAT Schedule

	Amount	VAT %	Total VAT	Net VAT
Construction	49,309,402	20.00 %	9,861,880	0
Professional Fees	7,358,910	20.00 %	1,471,782	0
Acquisition & Finance	1,156,757	20.00 %	231,351	0
Special Costs	2,674,150	20.00 %	102,234	0
Post Construction	1,253,724	20.00 %	250,745	0
	<b>54,906,535</b>		<b>11,917,993</b>	<b>0</b>
Percentage of VAT recovered	100.00 %	Average recovery time	3 months	

### Letting Fees Schedule

	Agent Fees	Legal Fees	Letting Date	Costs Date	Amount
Commercial B8/B2	10.000%	2.000 %	11/2019	11/2019	231,255 v
<b>Total</b>					<b>231,255</b>

### Sale Fees Schedule

	Date	Rate	Amount
Commercial B8/B2	11/2019	1.250 %	365,127 v
Tower 1 affordable (2 floors plus 5 units) 21 units	08/2019	1.250 %	73,745 v
Tower 1 private 1/4 sold straight away	08/2019	1.750 %	110,427 v
Tower 1 private 1/4 sold after 3 months	11/2019	1.750 %	77,451 v
Tower 1 private 1/4 sold after 6 months	02/2020	1.750 %	77,451 v
Tower 1 private 1/4 sold after 9 months	05/2020	1.750 %	77,451 v
Tower 2 affordable (11 units)	08/2019	1.250 %	41,442 v
Tower 2 private - sold straight away	08/2019	1.750 %	88,948 v
Tower 2 private - sold after 3 months	11/2019	1.750 %	32,977 v
Tower 2 private - sold after 6 months	02/2020	1.750 %	44,474 v
Tower 2 private - sold after 9 months	05/2020	1.750 %	32,977 v
<b>Total</b>			<b>1,022,469</b>

### Finance Schedule

	Amount or %	Rate	Starts	Months	Accrued / Paid	Profit Share	Interest
Interest on Net Equity		0.000 %					-222,151
Loan 1	100.000 %	4.000 %	03/2018	27	Accrued		1,996,726

### Assumptions

1. Interest is compounded quarterly
2. Construction related payments are made monthly.
3. Purchase and any rent are paid in advance, at the beginning of a month.
4. All other costs are paid in arrear, at the month's end.
5. Sales take place at the end of the month.
6. YPs are calculated on the basis of rents received annually in arrears (Parry's).
7. VAT is applicable to items marked "v"
8. Rent is paid quarterly in advance.
9. Acquisition costs have been disregarded and the negative residual value is calculated as a gross amount.

## NEW SOUTHWARK PLAN – PROPOSED MAIN MODIFICATIONS

A submission by Team London Bridge

September 2021

1. Team London Bridge (TLB) is the Business Improvement District (BID) representing approximately 400 businesses in the area between London Bridge to the west, Tower Bridge to the east, and south towards Bermondsey. TLB has a strong remit from businesses since 2015 to deliver the [London Bridge Plan](#). Our mission is to ensure London Bridge excels as a leading place for global commerce and continues to develop as a pioneering local centre for enterprise, culture and entertainment.
2. Team London Bridge has been closely involved in the development of the New Southwark Plan since its inception, including through formal representations on earlier drafts of the Area Visions and policies. We have also contributed to the evidence base.
3. The New Southwark Plan is a critical document for the future of London Bridge. We welcome the progress which has been made and look forward to its adoption, providing a sound basis on which to manage future development and change in the area.
4. We have reviewed the Main Modifications proposed to the submitted plan and have the following comments:

### London Bridge Area Vision

5. We are content with the extended text summarising the growth opportunities in London Bridge. This could be further strengthened by referencing the potential to grow the area's innovation capacity alongside the stated growth in "*office provision, shops, leisure, culture, science and medical facilities*". We believe London Bridge should be identified as a "Major" and not a "*District*" town centre given the scale of its retail, leisure and service floorspace

### Changes to Policies Map

6. We welcome inclusion of:
- the Area Vision boundaries on the Policies Map. This removes any ambiguity as to the status of the Area Visions as planning policy and aids clarity
  - the boundary of the Team London Bridge Business Improvement District
  - details of the Low Line and railway arches

### Site allocations

7. We note that planning permission has now been given on key sites in London Bridge identified as site allocations. These are still unimplemented.

*NSP49* – London Bridge Health Cluster – We support an indicative residential capacity of zero

*NSP50* – fronting St Thomas Street - We welcome explicit reference to Melior Street Community Garden. We believe St Thomas St will be enhanced by requiring "*retail, community and leisure uses*" not "*retail, community or leisure*" uses".

NSP51 – fronting St Thomas St - We believe St Thomas St will be enhanced by requiring “retail, community and leisure uses” not “*retail, community or leisure*” uses”.

NSP52 – Colechurch House - We support an indicative residential capacity of zero

Railway arches and the Low Line

8. We support the Strategic Target to “*encourage creative and vibrant uses within 800 railway arches*” and believe this should make specific reference to the contribution these can make to the target for “*providing at least 1,000 new green jobs through the Southwark Green New Deal*”

9. We look forward to being further involved in finalising and delivering the New Southwark Plan as appropriate.

Planning Policy  
Southwark Council  
PO BOX 64529  
London  
SE1P 5LX  
By Email: [planningpolicy@southwark.gov.uk](mailto:planningpolicy@southwark.gov.uk)

**Date:** 24 September 2021  
**Our ref:** 62687/01/SSL/AL/20182245v5

Dear Sir/Madam,

## **New Southwark Plan: Main Modifications Consultation**

### **Representations on behalf of Berkeley Capital plc**

#### **Introduction**

We, Berkeley Capital plc (herein referred to as 'Berkeley'), welcome the opportunity for continued engagement with the London Borough of Southwark (LBS) on the New Southwark Plan (NSP). Whilst we are supportive of the objectives of the Local Plan, this letter sets out our representations to the Main Modifications consultation, with specific reference to our interests at the Borough Triangle site in Elephant & Castle, and our newly acquired Aylesham Centre site in Peckham.

We specialise in the regeneration of complex brownfield sites across London and the South East, including in Southwark, and we have a longstanding reputation for creating award-winning schemes. We have a strong track record of investing in Southwark's communities, with 1,945 homes built to date and over 3,000 in the pipeline, alongside delivering genuinely affordable homes – some of our Southwark developments include Jacobs Island, Bermondsey Wall West, Tabard Square, Chambers Wharf, One Tower Bridge and One Blackfriars which have delivered high-quality, sustainable mixed tenure neighbourhoods that promote wellbeing and community cohesion. We have recently started on site with our latest development at Malt Street, Old Kent Road.

These developments deliver a significant number of new and affordable homes and substantial investment into the Southwark economy. The developments comprise a mix of uses and each scheme delivers exemplary placemaking which we feel contributes to the wider success of the Borough. We are committed to maximising local labour and procurement opportunities in Southwark, whilst also training up members of the local community through our award-winning Berkeley Group Apprenticeship Scheme and Street Elite programmes. As we look ahead to future projects in the Borough our role will also be to ensure developments continue to engender social value and respond to the climate change emergency and green agenda. This year we unveiled our Vision 2030, which sets out our ambitious strategy for maximising our positive impacts on the environment and society and delivering our industry leading carbon action plan. By building low carbon and resilient homes and delivering new biodiverse environments, we aim to reduce carbon emissions in our homes by 40% by 2030, becoming net zero by 2040.

#### **Representations**

The following representations are made on the Schedule of Proposed Main Modifications (EIP219) and Schedule of Additional Modifications (EIP238) documents, using the relevant references as appropriate. The representations have been prepared having reviewed the Council's evidence base documents and having consideration of national and regional policy; namely the National Planning Policy Framework (2021) and the London Plan (2021). We have been cognisant throughout of the 'soundness' tests for examining Plans. Where we request amendments to the NSP in order to make it sound, additions are proposed in **bold** and

deletions shown in ~~bold strikethrough~~. As we have been engaging with LBS on the NSP preparation for some time we trust the content of our representations is clear; however if you wish to discuss the representations in greater detail then we would be happy to arrange a convenient time to do so.

## Site Allocation NSP41: Newington Triangle (MM130 & AM93)

### MM130

We welcome and support the proposed Main Modification for a “minimum” residential capacity for the site, as well as the other proposed changes to site allocation NSP41 as previously agreed in our Statement of Common Ground with Southwark, dated 12 April 2021 (reattached for convenience, ref. EIP205).

In terms of the existing uses section, there are a number of factual errors that ought to be corrected as follows:

- The existing Car Point Vehicle Hire floorspace is **129.1 sq.m** GEA, as opposed to the stated 818.4 sq.m. This reflects the figure agreed in our Statement of Common Ground, informed by a recent site survey, a copy of which was provided to LBS at the time.
- Notwithstanding the Institute of Optometry (‘IOO’) building is outside of Berkeley’s control, we would consider its correct use class to be **Class E(e)**, rather than F1(a). According to the occupier website, the IOO was established in 1922 as the London Refraction Hospital and became the Institute of Optometry in 1988 when its role expanded to include post-graduate training and education. Its primary operation is for medical services i.e. Class E(e), with education/research an ancillary function.

We respectfully request that the above amendments are incorporated in the interests of factual accuracy and for the Plan to be considered sound.

### AM93

The Additional Modifications document suggests at AM93 that the NSP41 site allocation diagram has been amended to add proximity to Conservation Areas and corrected the borough views location, as well as added reference to delivery of ‘offices’ (missing words). However, there does not appear to be a revised version of the diagram available online as part of the consultation. We request that the revised NSP41 site allocation diagram is shared for our review and agreement to ensure that it is accurate and justified.

## Site Allocation NSP71: Aylesham Centre and Peckham Bus Station (MM160 & AM123)

### MM160

Main Modification MM160 proposes to reduce the site’s residential capacity from an “indicative” capacity of 850 homes to a “minimum” capacity of 700 – We do not consider this proposed modification would result in a positively prepared Plan. The change to residential quantum is unsubstantiated. Whilst we strongly support the inclusion of “minimum” residential capacities for the allocated sites, which will deliver new homes to meet the Borough’s housing targets, the reasoning for the reduction of 150 homes has not been justified. Instead, the associated reasoning for this diminution in quantum states: *“A lower capacity figure should be used if the figure is expressed as a minimum for this site”*.

We have a strong track record of optimising complex sites whilst demonstrating exemplar design. Therefore, upwards of 850 homes can be achieved within our land ownership at the NSP71 site, without the redevelopment of the bus station land which sits outside of our ownership.

Therefore, the current approach is not in line with policy for the following reasons:

- Having been requested by the Inspector to include residential capacities for allocated sites in the NSP, the Council’s own *‘Site Allocations Methodology Report (July 2020)’* identified NSP71 for 850 homes;

- The Council's updated 'Site Allocations Methodology Report (April 2021)' continued to identify NSP71 for 850 homes;
- The Council's latest 'Site Allocations Methodology Report (May 2021)' which sits alongside the Main Modifications consultation continues to identify NSP71 for 850 homes.

Notwithstanding the above, it is not consistent with the approach taken for other allocated sites in the Plan. The capacity earmarked for most other allocated sites across the borough has been retained despite their capacity assumptions changing from an 'indicative' to 'minimum' requirement.

In light of the above, for reasons of soundness, the proposed Main Modification for NSP71 should be edited to state: *Minimum residential capacity: 850 homes*. The Council's Housing Trajectory should be updated accordingly within the NSP.

Site Allocation NSP71 further states that redevelopment must "Provide new north-south and east-west green links". Whilst the benefits of enhanced permeability through the site are recognised, the ability to deliver north-south links that connect to Peckham High Street are very limited. The bus station has an existing pedestrian route dissecting it to enable north-south links, though it is outside of our control, as are the properties on the south side of Peckham High Street which also sit outside the NSP71 boundary. The approach to the layout, form and permeability of development at the site must be design-led and achievable. It should not be constrained by rigid policy. For the Plan to be justified, we request that this limb of the site allocation is redrafted to state "Redevelopment **of the site** must:... **Provide Be based on exploration of the practicality and feasibility of introducing new north-south and east-west green links**"

Policy NSP71 also states that redevelopment "must:... Provide new intermediate affordable housing through a community land trust". Whilst we consider the delivery of affordable homes to be a very important aspect of our development schemes in Southwark, a requirement for any intermediate homes on this site to be delivered through a community land trust is not justified or consistent with national policy. There is no requirement in the NPPF or London Plan for intermediate affordable housing to be provided through a community land trust and no other allocated sites in the NSP where mixed tenure housing development is promoted include this requirement. Consequently, this should not be a "must" requirement in the site allocation.

We have a proven track record of delivering affordable housing in Southwark and London, and through an extensive, inclusive and thorough community consultation exercise we will investigate the appetite and deliverability of a community land trust in due course. In advance of this process it would be inappropriate for a prospective development scheme to be required to deliver intermediate homes via this mechanism. On that basis, and in the interests of flexibility, we propose that the aforementioned text is either moved to the "redevelopment of the site may" section (our emphasis underlined), or be reworded as follows:

"Redevelopment **of the site** must:... **Investigate the potential for delivery of new intermediate affordable housing through a community land trust**"

The 'Approach to tall buildings' section of the NSP71 site allocation states that "Assessment of the site in the Peckham and Nunhead Area Action Plan (PNAAP 26) concluded that development of up to 20 storeys could be appropriate in this location....Development massing should be directed to the east of the site to minimise impact on the view to the City from the Bussey Building rooftop....In any case a 20 storey height restriction on development proposals should be observed to conform with guidance set out in the Peckham and Nunhead Area Action Plan."

Whilst we are aware of local rooftop views in Peckham, we have not yet fully investigated the local townscape context and have not begun to test layout, massing or building height options in respect of a prospective redevelopment scheme. It is therefore premature for the site allocation to dictate that massing should be directed to a certain part of the site without careful testing and consultation with stakeholders, which we will carry out through the pre-application process. We note that scale, height and open spaces at the site will be driven by an iterative design-led process underpinned by pre-application engagement and community

consultation and should not be dictated by prescriptive policy. As you will be aware, the view cited within current policy is not protected by the London View Management Framework (LVMF), nor is it specifically identified by LBS as a Borough View in draft NSP Policy P21.

We agree that the site has potential for a landmark building of around 20 storeys. However, this should not be expressed as a “height restriction”, given the role that increasing height can have on ‘freeing up’ additional area at ground floor to introduce high-quality public open space and an inclusive public realm.

In light of the above, we do not consider the ‘Approach to tall buildings’ element of the site allocation to be justified. For soundness and consistency with AM123, we propose that the wording of the site allocation is amended as follows:

**“...Assessment of the site in the Peckham and Nunhead Area Action Plan (PNAAP 26) concluded that development of up to 20 storeys could be appropriate in this location... Development massing should be directed to the east of the site to minimise impacts on local the townscape views to the City from the Bussey Building rooftop... In any case However, a landmark building of approximately 20 storeys height restriction on development proposals should be considered observed to conform with guidance set out in the Peckham and Nunhead Area Action Plan.”**

### **Policy P14 Residential Design (MM39)**

Proposed amendments listed under MM39 state “Child play space should be on ground or low level podiums with multiple egress points”. Higher density residential developments in Inner London, including Southwark, are often required to balance a number of competing policy requirements against site specific constraints.

Whilst every effort is made to deliver ground level or podium play space in the first instance, in reality, in seeking to deliver the overall quantum of play space generated by the GLA calculator, we may need to utilise opportunities at mid/upper roof level or, in some cases, internalise the space. This is in accordance with paragraph 3.8 of the Mayor of London’s Play and Informal Recreation Supplementary Planning Guidance (2012), which states “in new developments, the use of roofs and terraces may provide an alternative to ground floor open space where they are safe, large enough, attractive and suitable for children to play”. Further, in some site-specific circumstances, it is necessary to locate play space in areas other than ground level in order to provide an effective public realm at the ground floor. Having incorporated this strategy on a number of schemes, we do not consider that Building Regulations or Fire Safety are compromised by these types of blended play space strategies, nor do we believe they result in lesser quality play space.

The proposed Main Modification is considered to be more onerous than the Play and Informal Recreation SPG which brings into question whether Policy P14 is consistent with the Spatial Development Strategy.

Ultimately, we intend for our developments to deliver the greatest quantum and the highest quality play space possible to the benefit of our residents, taking into account each individual site’s circumstances. Therefore, on the basis of the above we propose the following amendments for reasons of soundness and consistency:

**“Child play space should be ~~maximised~~ optimised on ground or low level podiums with multiple egress points in the first instance, with alternative locations to be considered based on site specific circumstances, as part of a wider play space strategy; and”**

### **Policy P29 Office and business development (MM49)**

Proposed amendments listed under MM49 state that ‘Employment uses required by this policy (Use Class E(g)) will be secured through the implementation of conditions and/or planning obligations which will restrict change of use within Use Class E.’

Whilst we acknowledge the importance of employment uses as part of a balanced land use mix in Southwark, the proposed addition is not consistent with national policy. As you are aware, changes within Use Class E do not constitute 'development' and do not require planning permission – the entire basis for the introduction of Class E was to allow greater flexibility and support town centres. The proposed modification would remove this inherent flexibility. In scenarios where an existing quantum of 'employment' floorspace is re-provided in a redevelopment scheme, but there is little/no market demand from Class E(g) tenants as it approaches completion, a restrictive planning condition and/or planning obligations could seriously undermine the viability of the development itself, as well as the wider vitality and viability of a town centre or high street. Furthermore a lack of marketability could lead to vacant premises and therefore be detrimental to the wider placemaking objectives of a scheme e.g. encouraging active frontages and regular footfall.

We consider the potential need for planning conditions or obligations should be considered on a site-specific basis at planning application stage, rather than a blanket approach being applied through the Local Plan. For reasons of soundness (unjustified and inconsistent with national policy), we request that the proposed Main Modification is removed in its entirety, or alternatively is amended as follows:

*“Employment uses required by this policy (Use Class E(g)) **will may** be secured through the implementation of conditions and/or planning obligations **at the application stage, where considered necessary and reasonable in all other aspects which will restrict change of use within Use Class E.**”*

## Concluding Remarks

We recognise the significant amount of work that has been undertaken by LBS officers to reach this Main Modifications stage in the preparation of the New Southwark Plan and we are supportive of its core objectives.

Overall, we are supportive of the NSP41 and NSP71 site allocations and wider NSP policy. However, we request some minor changes in order to ensure that these challenging sites continue to be deliverable. These minor suggested changes allow for a degree of flexibility within the Policies to ensure that they are effective, which is crucial for the deliverability of these sites, and for the Plan as a whole to be found sound. We trust that our representations are clear and will be given due weight in developing the NSP.

We are committed to working with Southwark to enable the delivery of exemplary mixed-use developments at our current and future sites; continuing our longstanding positive relationship with the borough. We hope that our proposed changes to draft NSP policy are viewed in the spirit of this ongoing collaborative relationship and are recognised as being necessary to unlock and deliver mutually acceptable development at these sites.

Please do not hesitate to contact us with any queries on the content of our representations.

Yours faithfully,



Divisional Land and Planning Director

Berkeley Capital plc

**Statement of Common Ground  
between Southwark Council and  
Berkeley Homes (South East London)  
Ltd**

**12 April 2021**



## Introduction

This Statement of Common Ground (SCG) addresses matters specific to Southwark Council and Berkeley Homes (South East London) Ltd which relate to the Proposed Modifications for Examination Version of the New Southwark Plan.

This SCG has been prepared by Southwark Council in agreement with Berkeley Homes (South East London) Ltd and will be used to inform the contents of the New Southwark Plan.

The purpose of the SCG is for both parties to acknowledge areas of common or uncommon ground relating to the contents of the New Southwark Plan, and to progress in cooperating on the best approach to addressing these areas.

### Southwark Council

Southwark Council is the local authority for the London Borough of Southwark in Greater London, England.

### Berkeley Homes (South East London) Ltd

Berkeley Homes (South East London) Ltd (known herein as 'Berkeley Homes') is the developer who owns the 'Borough Triangle' site at 42 Newington Causeway, London, SE1 6DR.

The Borough Triangle site comprises the majority of land parcels falling within New Southwark Plan Site Allocation NSP41. Berkeley Homes has been engaged in pre-application discussions with Southwark Council regarding redevelopment of the site since December 2020.

Berkeley Homes has substantial experience of redeveloping complex regeneration sites and has the ability to deliver a significant number of new homes on this site.

Berkeley Homes shares the London Borough of Southwark's commitment to delivering high quality new homes and to promote regeneration of previously developed land, and importantly, optimising site capacity to meet minimum objectively assessed needs.

## Strategic Matters

### **NSP 41: Newington Triangle**

#### **Agreements:**

The allocation of the site for mixed use development is agreed.

Berkeley Homes shares Southwark Council's aspiration to deliver high quality new homes and to promote regeneration of previously developed land, and importantly, to optimise site capacity.

The provision of new open space, active frontages with retail, community or leisure uses and new homes on the site is agreed, as is supporting the Low Line walking route.

It is agreed that development of the site should retain or increase the aggregate amount of employment generating floorspace (Class E(g) / sui generis) currently on the site.

#### **Proposed change by Berkeley Homes (agreed by Southwark Council):**

In light of the above, factual amendments to the existing uses and floorspace within Site Allocation NSP41 (Newington Triangle) are agreed for reasons of soundness. The revised 'Existing Uses' information for NSP41 is tabulated below.

#### **Existing Uses (GEA)**

<b>Address</b>	<b>Name / Tenant</b>	<b>GEA (sqm)</b>	<b>Use Class (to 31.08.20)</b>	<b>Use Class (from 01.09.20)</b>
83 Borough Road	London School of Musical Theatre	647.7	D1	F1(a)
82 Borough Road	Former Baptist Chapel	818.4	D1	F1(f)
69 Borough Road	Car Point Vehicle Hire	129.1	Sui Generis	Sui Generis
42 Newington Causeway	Mercato Metropolitan	4,107.7	Sui Generis	Sui Generis
77-81 Borough Road	Diary House*	5,810.0	B1	E(g)
56-62 Newington Causeway	Institute of Optometry*	1,071.0	D1	E(e)
86 Borough Road	Tops Pizza*	70.8	A3	E(b)
87 Borough Road	Sapore Coffee Bar*	20.2	A3	E(b)
		12,674.9		

The agreed amendments are based on an Area Measurement Survey undertaken by Murphy Surveys UK in October 2020 which has been corroborated by Southwark Council. Murphy Surveys UK have confirmed full reliance can be placed on this Survey by Southwark Council. Those entries marked with an asterix\* are buildings that are not within Berkeley Homes ownership but are within the NSP41 site allocation.

### **Agreements:**

The site is within an Opportunity Area, the Central Activities Zone, a designated Town Centre and has a Public Transport Accessibility Level of 6a. Furthermore, there are no listed buildings on the site, it is not within a Conservation Area and does not fall within a London View Management Framework or NSP Borough View. On that basis, tall buildings would be appropriate on this site. Residential development on the site should therefore be optimised and the capacity of the site should be further explored and tested at the application stage.

The amendments are agreed for reasons of soundness, specifically to ensure the New Southwark Plan is positively prepared and consistent with the London Plan (2021), which advocates a design-led optimisation of sites, and sufficiently flexible to allow for more development if it was found to be acceptable at the application stage.

### **Proposed change by Southwark Council (agreed by Berkeley Homes):**

For soundness, to delete specific town centre use class references given the recent changes to the Use Classes Order. The council is proposing the following as a new definition in the Glossary to replace 'town centre uses' in the site allocations to give clarity on the new use classes.

#### ***Retail, community or leisure uses:***

- **E(a)** Display or retail sale of goods, other than hot food
- **E(b)** Sale of food and drink for consumption (mostly) on the premises
- **E(c)** Provision of:
  - **E(c)(i)** Financial services,
  - **E(c)(ii)** Professional services (other than health or medical services), or
  - **E(c)(iii)** Other appropriate services in a commercial, business or service locality
- **E(d)** Indoor sport, recreation or fitness (not involving motorised vehicles or firearms)
- **E(e)** Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
- **E(f)** Creche, day nursery or day centre (not including a residential use)
- **F1(a)** Provision of education
- **F1(b)** Display of works of art (otherwise than for sale or hire)
- **F1(c)** Museums
- **F1(d)** Public libraries or public reading rooms
- **F1(e)** Public halls or exhibition halls
- **F1(f)** Public worship or religious instruction (or in connection with such use)
- **F1(g)** Law courts
- **F2(b)** Halls or meeting places for the principal use of the local community
- **F2(c)** Areas or places for outdoor sport or recreation (not involving motorised vehicles or firearms)
- **F2(d)** Indoor or outdoor swimming pools or skating rinks
- **Appropriate sui generis town centre uses** (for example: public house, wine bar or drinking establishment, a venue for live music performance, a cinema, a concert hall, a bingo hall, a dance hall, subject to site specific circumstances)

### **Agreements:**

For soundness and consistency with New Southwark Plan Policy P29, amend the wording relating to provision of employment floorspace so that it includes sui generis uses (which in the case of NSP41 would acknowledge Mercato Metropolitan, a significant sui generis employment generating use). Mercato Metropolitan is a community food market currently comprising the incubation of more than 30 food and beverage businesses, a delicatessen along with a multitude of other uses.

### **Proposed change by Berkeley Homes (agreed by Southwark Council):**

#### *Site*

Redevelopment of the site must:

- Provide new open space of at least 15% of the site area; and
- Support the Low Line walking route adjacent to the railway viaduct; and
- Provide retail, community or leisure uses (as defined in the glossary); and
- Provide active frontages at ground floor on Newington Causeway; and
- Provide new homes (C3); and
- Retain or increase the aggregate amount of employment generating floorspace (Class E(g) / sui generis) currently on the site identified in the table above, being a total of 10,046.8 sqm (GEA).

#### *Design and accessibility guidance*

- ...Southwark needs to accommodate significant growth for offices and other workspaces which are growing in demand contributing to the central London economy and status as a world city. Sites that are within the Central Activities Zone are most in demand for delivery of offices and will be required to contribute to this growth by retaining or increasing the aggregate amount of employment generating floorspace (Class E(g) / sui generis) currently on the site.

### **Proposed change by Berkeley Homes (agreed by Southwark Council):**

#### *NSP41 Residential Capacity*

Indicative residential capacity: 438 homes. It is recognised that this is a highly accessible site within an Opportunity Area, with no listed buildings on the site, not within a Conservation Area and not within a London View Management Framework or NSP Borough View. It is therefore an area suitable for tall buildings. As such, the number of homes delivered on this site could potentially significantly exceed this baseline figure, if it was found to be acceptable at the application stage.

### **Proposed change by Southwark Council (agreed by Berkeley Homes):**

Southwark Council is proposing the following additional wording in the introductory page to Site Allocations to set out clearly how this will achieve site optimisation.

#### *Indicative capacity*

We have taken a proactive role in identifying and helping to bring forward land that is suitable for meeting development needs considering the appropriate uplift for each site within the local context. Each site has an indicative capacity to set out the baseline quantum of housing development that we expect to be delivered on each site. This is more certain for the sites where housing is required as a 'must'. Where housing is a 'should' this figure is less certain.

The efficient use of land policy P17 requires optimisation of the use of land for all developments in Southwark. The baseline indicative capacities set out the quantum of development that we consider should deliver the principles of sustainable development as set out in the NPPF. It may be appropriate to further optimise development capacity by including more housing. Residential capacity could be increased beyond the baseline number at planning application stage through excellent design and careful consideration of the impact on character, amenity and local environment.

## Signatories

This statement has been informed by engagement between Southwark Council and Berkeley Homes (South East London) Ltd.

'We agree that this statement is an accurate representation of matters discussed and issues agreed upon.

It is agreed that these discussions will inform the New Southwark Plan and that both parties will continue to work together collaboratively in order to meet the duty to cooperate.'

Signed: 

Name: Simon Bevan

Position: Director of Planning

Date: 13 April 2021

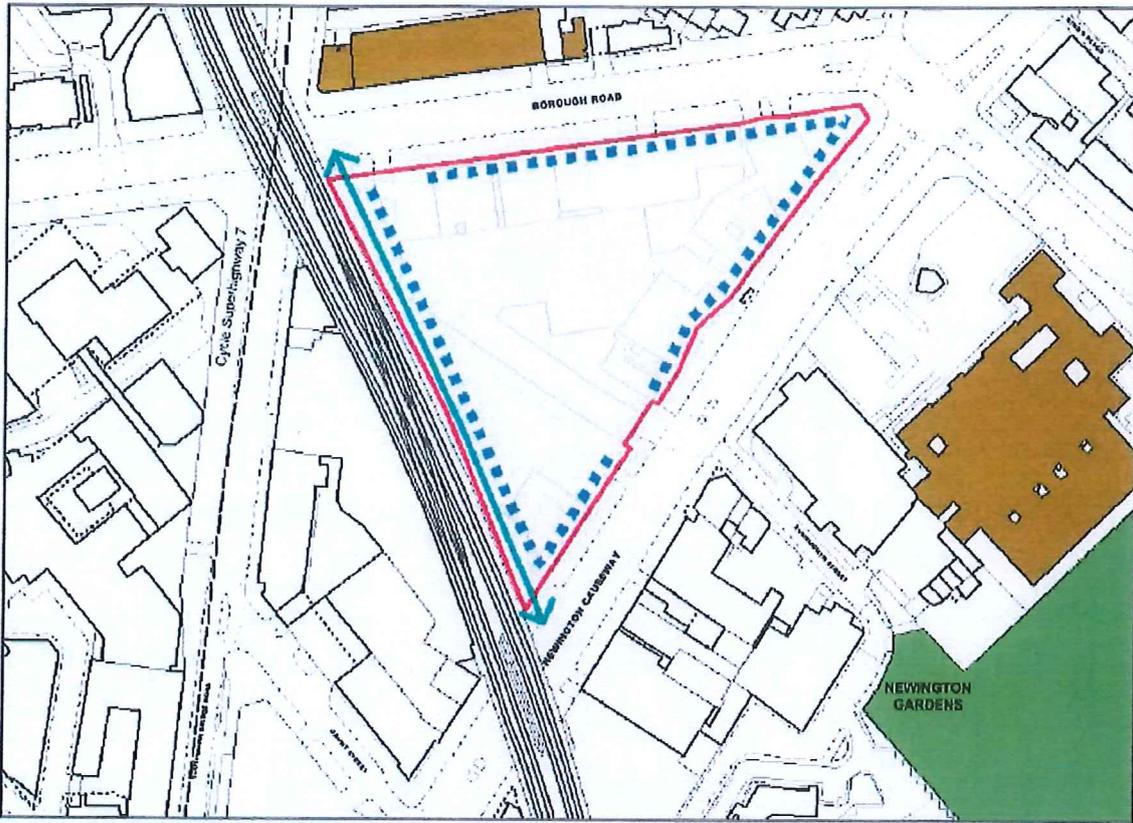
Signed: 

Name: Peter Davidson

Position: Divisional Land & Planning Director

Date: 12 April 2021

## Appendix 1 – NSP 41 Site Plan Extract



- |  |  |
|--|--|
|  Site Boundary                    |  Improved connectivity for pedestrians and cyclists |
|  Conservation Area                |  Open Spaces  |
|  Grade I Listed Building          |  Buildings of architectural and historic merit      |
|  Grade II Listed Building         |  Buildings of townscape merit                       |
|  Grade II* Listed Building        |  Locally Significant Industrial Sites               |
|  Opportunity for Active Frontages |  Strategic Protected Industrial Land                |
|  Cycleways                        |  New Public Open Space                              |

## **Consultation on the Main Modifications to the New Southwark Plan**

### **Response on behalf of South Dock Marina Berth Holders Association**

By way of background, we submitted a consultation response to the New Southwark Plan in January 2021. We then agreed a statement of Common Ground with Southwark Council, as enclosed, and attended examination hearings on 1 March 2021 and 27 April 2021. After the first examination hearing on 1 March 2021 we felt our points had not been adequately heard and the distinctive nature of our concerns was not explored in that session. This was partly due to the fact that the Inspectors had not received a Statement of Common Ground we had spent considerable time formulating with Southwark Council.

In a letter dated 7 April 2021 we requested another hearing so we could properly exercise our right to be heard. As we had agreed a Statement of Common Ground with Southwark Council we enclosed this with further information in respect of our request for a site allocation of a Marine Centre of Excellence.

It is a great shame that this protection has not been forthcoming in the Main Modifications to the New Southwark Plan. We hope that some more protection can be afforded by way of a description of South Dock Marina as a Marine Centre of Excellence, even if it is still designated as a white site, but with this caveat.

We absolutely support the site allocation CWAAP16 for St Georges Wharf Site being rescinded, however, we strongly oppose publication of the New Southwark Plan without explicit protection for the South Dock Marina and boatyard. It is something we have consistently advocated for and so we are disappointed that there is no reference to our lengthy submissions detailing the important reasons and justification for a designation of a marine centre of excellence. We submit that this is required so that the New Southwark Plan can be **positively prepared, effective and justified**.

### **The assessment of needs**

We are still of the view that the plan is not sound in compliance with legislation because it does not discharge the legal obligation under section 124 of the Housing and Planning Act 2016.

Following some shameful comments at the hearing on 1 March, the previous company contracted to provide an assessment of needs for boat dwellers in Southwark were let go of this contract. Another company, RRR consultancy, were enlisted, however we are concerned that they are not progressing with the assessment in a timely or transparent way. This adds further weight to our concerns that there are serious omissions and oversights in respect of our community's needs and Southwark Council's failure to consider or fulfil them, and our serious submission that the New Southwark Plan does not adequately discharge the section 124 requirement, as the assessment has not been progressed at all. We have not been sent surveys and there has been no visit to the marina to date. In connection with this, we are also concerned that there is no further detail about the proposed early amendment procedure which is suggested to remedy any defects to the adopted plan once the boat dweller assessment is completed.



REF: MR/BH/DB/R00150

BY EMAIL ONLY: [planningpolicy@southwark.gov.uk](mailto:planningpolicy@southwark.gov.uk)

24<sup>th</sup> September 2021

Dear Sir / Madam,

**NEW SOUTHWARK PLAN: PROPOSED MAIN MODIFICATIONS CONSULTATION (EIP219)  
REPRESENTATIONS ON BEHALF OF UNITE GROUP PLC (NSPPSV198)**

I write on behalf of our client, Unite Group Plc (Unite), to submit representations to the consultation on the proposed main modifications to the New Southwark Plan. Unite are one of the UK's leading manager and developer of purpose-built student accommodation (PBSA), providing homes for around 74,000 students in more than 177 purpose-built properties across 27 of the UK's strongest university towns and cities, and these representations follow their previous representations and their participation at the hearing sessions.

The representations contained within this letter relate to the modifications proposed to policy P5 'Student Homes', new policy P5a 'co-living' and policy P52 'Cycle Parking'.

**POLICY P5 'STUDENT HOMES'**

A number of modifications are proposed to draft policy P5 'Student Homes' as follows:

*Development of purpose-built student housing must:*

- 1. Provide ~~10%~~ **5%** of student rooms as easily adaptable for occupation by wheelchair users; and*
- 2. When providing direct lets at market rent, provide the maximum amount, with a minimum of 35% as conventional affordable housing by habitable room subject to viability, as per policy P4, as a first priority. In addition to this, 27% of student rooms must be let at a rent that is affordable to students as defined by the Mayor of London; or*
- 3. When providing student rooms for nominated further and higher education institutions at affordable student rent as defined by the Mayor of London, provide the maximum amount of **affordable student rooms with a minimum of 35% affordable student rooms.** ~~with a minimum of 35% as conventional affordable housing by habitable room subject to viability, as per policy P4.~~"*

Unite's comments on these modifications are set out below.

**Part 1 – Accessible and Adaptable Rooms**

Unite support the modification to reduce the requirement for wheelchair adaptable dwellings from 10% to 5% in line with their previous representations and participation at the hearing sessions. Unite consider this modification is required for soundness given the evidence submitted (showing a 0.07% take up across the Unite portfolio) and in order to align the policy with both national policy and the London Plan. Unite's full comments on this are contained within their Hearing Statement to Matter 3 enclosed at

## Appendix A.

### **Part 2 and 3 – Affordable Contributions and Affordable Student Rent**

Unite support the principle of the modification proposed to part 3 of the policy which removes the requirement for student schemes let via nominations agreement to provide conventional affordable housing. Unite consider this modification is necessary for soundness and for conformity with London Plan policy H15. Unite's full comments on this are set out within the Hearing Statement enclosed at **Appendix A.**

However, whilst the principle of the modification is supported, Unite consider the phrase 'subject to viability' should be re-instated in order to ensure the policy is in conformity with London Plan policy H15, specifically part 4b which states that applications should follow the viability tested route where 35% affordable student rooms are not provided.

In addition, it is argued that the requirement for conventional affordable housing should also be removed for direct-let student schemes (part 2) for the following reasons:

1. London Plan policy H15 requires the *"majority of the bedrooms in the development including all of the affordable student accommodation bedrooms are secured through a nomination agreement for occupation by students of one or more higher education provider"* (part A.3). The majority of bedrooms in the development can be interpreted as 51% of rooms or above. I.e. a student scheme can deliver 51% of rooms within a development subject to a nominations agreement and 49% of rooms as direct let and be London Plan compliant. It is unclear whether, under policy P5, conventional affordable housing would be required from rooms let directly where the development complies with London Plan policy H15 in that it provides the majority of rooms subject to a nominations agreement.
2. If this were the case, policy P5 would not be in conformity with the London Plan which explicitly states at paragraph 4.15.14 that *"where a PBSA development meets all of the requirements of Part A, boroughs should not require on-site provision of, or a contribution towards, conventional Use Class C3 affordable housing"*.
3. Reasons 1 and 2 of the supporting reasons for the policy set out justification for the requirement for conventional affordable housing, stating that allowing too much student accommodation will restrict the delivery of family and affordable housing. However, this is contradictory to the draft London Plan which acknowledges that new flats, houses or bedrooms in PBSA all contribute to meeting London's housing need, and ignores the fact that the development of PBSA can free-up conventional housing which would otherwise be occupied by students as recognised in the NPPG (Paragraph: 004 Reference ID: 67-00420190722). The completion of new PBSA therefore contributes to meeting London's overall housing need including for conventional homes, rather than restricting this.

**Recommendation:** The modification proposed to Part 1 is supported. Part B should be modified in the same way as part C to remove the requirement for conventional affordable housing from student schemes in order to conform with London Plan policy H15. Part 3 should re-instate the phrase 'subject to viability' in order to conform with the London Plan policy H15.

## **POLICY P5A – PURPOSE-BUILT SHARED LIVING ACCOMMODATION**

Purpose-built shared living (co-living) is now subject to a standalone policy (P5A) as opposed to being referenced within PBSA policy (P5). Unite support the inclusion of a standalone co-living policy in line with London Plan policy H16. However, the wording of policy P5A requires a number of modifications for soundness and for conformity with the London Plan. The policy is proposed to read:

*Development of purpose-built shared living must:*

- 1. Provide the maximum amount, with a minimum of 35% conventional affordable housing by habitable room subject to viability as per Policy P4, as a first priority. Where affordable housing cannot be provided on site a cash payment towards the delivery of new council homes will be required. The value of any contributions will be based on the cost of meeting an on site affordable housing requirement and should provide no financial benefit to the applicant.*
- 2. All purpose-built shared living schemes will require a viability appraisal to be submitted.*

Unite's comments on the policy are set out below.

### ***Part 1 – Affordable housing and contributions***

Part 1 of the policy requires co-living developments to deliver the maximum amount, with a minimum of 35% conventional on-site affordable housing, as a first priority. It then allows contributions where on-site housing cannot be provided. However, this does not conform with London Plan policy H16 which requires only a cash in lieu contribution towards affordable housing equivalent to 35% (50% on public sector land) subject to the viability tested route. In any case, on-site affordable housing is considered inappropriate on co-living developments for the following reasons:

1. Development sites for co-living in London are likely to be constrained and thus the provision of affordable housing on site can significantly limit development potential;
2. There are significant management and operational requirements for co-living development and the provision of AH on site can hinder this; and
3. Co-living developments are designed to provide a form of rental accommodation under a single-owner operation and thus conventional affordable housing is inappropriate.

It is notable that the supporting reasons for policy P5A note that the policy basis for requiring on site conventional affordable housing is the fact that Southwark have an acute need for more family and affordable homes. However, contributions towards affordable housing would also serve to meet this need whilst being fully in conformity with the London Plan. Furthermore, the London Plan identifies that Large-scale shared living developments may provide a housing option for single person households who cannot or choose not to live in self-contained homes or HMO, and indeed co-living contributes to housing supply both through the delivery of bedspaces and the freeing-up of conventional residential properties for families which would otherwise be in use as HMO's.

Unite therefore contend that requiring conventional affordable housing from purpose-built shared living developments is both inappropriate and not in conformity with the London Plan and should therefore be

updated to require contributions only.

**Recommendation:** The requirement for conventional affordable housing should be removed and only contributions towards affordable housing should be sought from co-living developments in conformity with London Plan policy H16.

## **POLICY P52 'CYCLING'**

Unite note that no modifications are proposed to policy P52 which requires cycle parking to be delivered at a level of 1 space per bedroom for student accommodation and co-living development (Sui generis). Unite maintain their objection to this requirement for the following reasons:

1. The standards are not compliant with the draft London Plan which requires only 0.75 spaces per bedroom. In any case, this standard itself is still considered unnecessary given the additional reasons set out below;
2. Unite's evidence shows that cycle parking provision provided at policy complaint levels is severely underused. Enclosed within Appendix A to Unite's Hearing Statement to Matter 8 (Representations to Draft New London Plan - WSP) is supporting evidence which refers to a survey (February 2018) undertaken by Unite. The study demonstrates that the maximum average demand for cycle parking storage is 5% of bed places, which has been found across the 26 of Unite' sites which equates to a demand of one cycle space per 20 students;
3. Over-provision of unnecessary cycle space can lead to loss of valuable floorspace in which more bedrooms can be provided, thus reducing the efficiency of the use of the land. By way of an example, Unite were required to provide a minimum of 423 cycle spaces for a student scheme in the London Borough of Islington which translates to a floor area of approximately 465 sqm or 385 sqm based on the typical requirements of 1.1sq.m for a Sheffield stand or 0.91sq.m for a dual-stacking system respectively. Based on an average student cluster bedroom size of approximately 11sq.m, this would result in the unnecessary loss of approximately 35-42 bedroom units;
4. An increase in the provision of cycle parking for student accommodation does not directly result in an increase in cycling patterns amongst students. Student housing schemes are generally in close proximity to places of study allowing the majority of journeys to be undertaken on foot. Furthermore, they are in areas with high levels of public transport accessibility providing an alternative means of transport. Additionally, the influence and take up of Cycle hire schemes provide an affordable means of transport, precluding the requirement for private cycle ownership and storage which eliminates the need for students to invest in safety, security and maintenance associated with private ownership;
5. Indeed, Unite would support the use of pool bikes, contributions towards cycle hire schemes and the provision of cycle fobs, but only where this, in turn, allows for a reduction in the number of dedicated cycle spaces to be provided on site. Following Unite's participation in the EIP to the new Lambeth Local Plan and production of a Statement of Common Ground with the Council, a similar principle has been incorporated as a main modification. Specifically, MM107 proposes to update policy T3(e) to read: *"In purpose-built student accommodation schemes, part of the required cycle parking provision could be provided as pool bikes. For other types of development, pool bike provision is encouraged in addition to the cycle parking requirement."*

6. Student housing and co-living accommodation is developed at higher densities than conventional housing. As a consequence, and in order to provide the required levels of cycle parking, large areas of floorspace (typically at ground floor level) are lost. These areas could otherwise be used more efficiently and effectively for living space or town centre uses, providing numerous benefits to a scheme including increasing their viability.

**Recommendation:** Given the above and considering Unite's evidence, it is considered that a 25% provision of cycle parking for student housing should be required. At the least, policy P52 should be modified to allow the provision of pool bikes to contribute towards the required cycle spaces in student schemes.

Yours faithfully,



  
Director  
ROK Planning

T: 

E: 

# APPENDIX A

**REF: MR/BH/DB/R00150**

**BY EMAIL ONLY: [EIP.programme.officer@southwark.gov.uk](mailto:EIP.programme.officer@southwark.gov.uk)**

2<sup>nd</sup> February 2021

Dear Sir / Madam,

**NEW SOUTHWARK PLAN EXAMINATION IN PUBLIC  
HEARING STATEMENT IN RESPONSE TO QUESTIONS (MIQ) RAISED BY THE INSPECTOR IN  
DOCUMENT EIP88 REGARDING MATTER 3 'MEETING SOUTHWARK'S HOUSING NEEDS  
ROK PLANNING ON BEHALF OF UNITE GROUP PLC (RESPONDENT NUMBER NSPPSV198)**

I write on behalf of our client, Unite Group Plc, to submit a Hearing Statement in response to the Matters issues and questions (MIQ's) raised by the Inspector within document EIP88 dated December 2020 regarding the New Southwark Plan (NSP) Examination in Public (EiP).

Unite Students is the UK's leading manager and developer of purpose-built student accommodation (PBSA), providing homes for around 74,000 students in more than 177 purpose-built properties across 27 of the UK's strongest university towns and cities.

This hearing statement has been prepared further to the representations made throughout the preparation of the draft NSP, and specifically the representations made to the NSP Amended Policies version of the plan dated August 2020. This statement responds to the MIQs in relation to Matter 3 'Meeting Southwark's Housing Needs', and specifically issue 3, parts 3.39 and 3.40 regarding policy P5 'Student Homes'.

**MATTER 3 – ISSUE 3 – STUDENT HOUSING**

**3.39 – Is the requirement for wheelchair adaptable rooms justified and viable?**

Part 1 of policy P5 states that PBSA developments must:

*“Provide 10% of student rooms as easily adaptable for occupation by wheelchair users.”*

Unite object to the 10% requirement for adaptable rooms for the following reasons:

1. The requirements for conventional residential accommodation should not be applied to student housing as, in reality, the typical demand from students per annum falls significantly below the 10% mark. This is a steady and consistent trend as evidenced by Unite's longer term experience;
2. Indeed, Unite have over 117 PBSA properties across the UK with 27 buildings in the London portfolio. Of these c.9,500 bedrooms, they have provision for 528 students that may need a wheelchair room. This is over 5.5% of the total London rooms. Over the last 5 years, Unite have provided 41 students with these rooms. For the 2018-2019 academic year, Unite had 7 students in need of wheelchair sized rooms out of an approximate total of c.9500 bedrooms. This equates to a 0.07% take up and thus demonstrates the exceptionally low need for accessible bedrooms;

3. The majority of wheelchair students are housed by the universities close to campus for ease of travel;
4. The 10% requirement was introduced in order to help meet a shortfall in wheelchair accessible housing within conventional housing. Generally, those who live in conventional dwellings are of an older demographic thus the percentage of those who have a disability and require wheelchair accessibility is far greater than the demographic affiliated with student accommodation. The normal age range of students is between 18 and 25, explaining why there has never been a shortfall in wheelchair provision within student housing;
5. It should be noted that the above points have been taken into account within the draft London Plan Publication Version, December 2020 (the draft London Plan). Policy D7 of the draft London Plan has been updated over the course of the plan's examination period to clarify that the 10% requirement for wheelchair accessible rooms relates only to dwellings which are created via works to which Part M volume 1 of the Building Regulations applies – i.e., to new build dwellings. PBSA developments do not constitute dwellings and therefore the 10% requirement does not apply to these developments. On this basis the 10% requirement proposed by draft policy P5 is in conflict with the draft London Plan; and
6. In any case, Unite operate a policy of meeting the needs of an individual user and not applying a one size fits all policy. Indeed, should individual bedrooms need to be adapted; this can be done quickly and relatively easily to meet requirements. Unite have undertaken such additional alterations in discussion with the end user and provided a bespoke solution to a student's needs.

Given the above, it is not considered necessary to over provide on wheelchair accessible units which will not be used. Indeed, these units are required to be larger and thus an over-provision will unnecessarily reduce the number of student bedrooms able to be delivered within a scheme. This will in turn reduce the level of contribution a proposal can make towards housing supply. Notwithstanding this, the requirement is in conflict with the draft London Plan.

**Recommendation:** The required level of student rooms to be provided as easily adaptable for occupation by wheelchair users should be reduced from 10% to 5%.

**3.40 – Is the requirement for affordable housing provision sought by the policy justified, consistent with the London Plan and is it viable? Is the level of affordable student accommodation set out in P5(2) justified and in accordance with the London Plan?**

Parts 2 and 3 of policy P5 state that PBSA developments must:

*“When providing direct lets at market rent, provide the maximum amount, with a minimum of 35% as conventional affordable housing by habitable room subject to viability, as per policy P4, as a first priority. In addition to this, 27% of student rooms must be let at a rent that is affordable to students as defined by the Mayor of London; or*

*When providing student rooms for nominated further and higher education institutions at affordable student rent as defined by the Mayor of London, provide the maximum amount with a minimum of 35% as conventional affordable housing by habitable room subject to viability, as per policy P4.”*

Unite raise objection to the requirements of parts 2 and 3 of the policy for the following reasons:

1. The overarching approach of draft policy P5 is in direct conflict with the approach of draft London Plan 'Publication Version' dated December 2020 (the draft London Plan), as set out in draft policy H15, which is in the final stages of adoption and considered by the GLA to carry weight, for the following reasons:
  - a. Regardless of whether rooms are provided for via nominations agreement, Draft policy H5 requires a minimum of 35% conventional affordable housing in addition to affordable student rents. This is clearly in conflict with draft policy H15 of the draft London Plan which is explicit that where PBSA provides a policy compliant level of affordable student rent, "boroughs should not require on-site provision of, or a contribution towards, conventional Use Class C3 affordable housing";
  - b. For direct let student rooms, draft policy H5 requires 27% of the student bedrooms to be let at affordable student rent. This is in addition to the 35% conventional affordable housing requirement. This approach is in conflict to draft policy H15 of the draft London Plan which requires the majority of rooms, including all of the affordable rent rooms, within a student development to be subject to a nominations agreement with a minimum of 35% provided at affordable student rent;
  - c. For rooms let via nominations agreement, draft policy P5 requires all rooms to be let at affordable student rent. This is in addition to the 35% conventional affordable housing requirement. This approach is in direct conflict with draft policy H15 of the draft London Plan which requires only at least 35% (50% on public land) to be delivered as affordable student rent, and only where this is not met should the maximum amount be provided as determined via viability testing;
  - d. Reasons 1 and 2 of the supporting reasons for the policy set out a justification for the Council's approach to PBSA, particularly with regards to the requirement for conventional affordable housing, stating that allowing too much student accommodation will restrict the delivery of family and affordable housing. However, this is contradictory to the draft London Plan which acknowledges that new flats, houses or bedrooms in PBSA all contribute to meeting London's housing need. The completion of new PBSA therefore contributes to meeting London's overall housing need, and is not in addition to this need;
2. Notwithstanding the conflicts with regional policy outlined above, this approach will significantly hinder the viability and deliverability of student schemes. The requirement for 35% affordable housing, which is not compliant with the draft London Plan, in addition to a requirement for a level of affordable student rent beyond that of the level required by the London Plan, will undoubtedly have an effect on the viability of schemes. This should be further considered in the context of borough and mayoral CIL contributions which student schemes are also subject to;
3. The hindered viability of student schemes and the subsequent effect on their deliverability will have numerous knock-on effects. Firstly, in accordance with the NPPF and draft London Plan which set out that PBSA contribute to overall housing, a hinderance on the delivery of student housing is equally a hinderance on the delivery of housing as a whole. Notwithstanding this, a lack of student accommodation, and particularly affordable student accommodation, will place additional pressure

on family housing as students will be forced to occupy conventional dwellings. Increased delivery of PBSA in fact relieves pressure on family housing, which the Council itself notes is a typology highly needed across the borough;

4. Indeed, the requirement for affordable housing from purpose-built student accommodation is ultimately in direct conflict with national policy. The NPPF clearly states that exemptions to affordable housing should be applied where developments propose specialist accommodation, including purpose-built accommodation for students. It is notable that a similar diversion from national policy was proposed through policy 10 of the Draft Westminster City Plan 2019-2040 which sought to require affordable housing contributions from commercial development in the CAZ. Following the close of the examination, the Inspectors concluded that this policy was not justified, effective or consistent with national policy and instructed that it be removed in its entirety. Unite argue the same inconsistencies with national policy are clearly apparent in policy P5 of the proposed Southwark Plan and such a diversion from national policy has not been sufficiently justified, as evidence by points 1 to 3 detailed above.

**Recommendation:** Parts 2 and 3 of draft policy P5 should be updated to reflect the draft London Plan position. The requirement for conventional affordable housing is in clear conflict with regional policy and should be removed. Additionally, requirements for affordable student rent should be revised in accordance with the draft London Plan.

In addition, reason 5 of the supporting text to policy P5 goes on to address affordable housing requirements arising from co-living developments. It states:

*“Development proposals for ‘co-living’ will be considered in the same way as direct let student accommodation and similarly trigger a requirement for self-contained affordable housing for 35% affordable housing. However, where this requirement can be exceeded additional affordable housing will be conventional affordable housing rather than affordable student rooms.”*

Unite object to this on the following basis:

1. Co-living is a form of purpose-built shared living targeted largely at young professionals but available for all types of occupier. It is not a form of accommodation intended to be occupied by students alone. On this basis, co-living developments should not be assessed on the basis of draft policy P5 which applies specifically to PBSA;
2. The above is evidenced by the draft London Plan, whereby draft policy H16 of this plan sets out a series of policy requirements for co-living which are entirely separate from PBSA considerations;
3. In any case, the requirement for at least 35% affordable housing as part of co-living developments, which would be required by draft policy H5, is in fact in conflict with draft policy H16 of the London Plan. Draft policy H16 requires a contribution (payment in lieu) towards affordable housing equivalent to 35% of the co-living units – it does not require the delivery of 35% affordable housing.

**Recommendation:** Reason 5 of the justification for policy P5 should be removed. A separate policy should be added which applies to purpose built shared living (co-living), as per the draft London Plan. In addition, the requirement for at least 35% affordable housing should be revisited in the context of draft London Plan policy H16, which requires a contribution equivalent to this value only.

We trust this Hearing Statement will be considered for the Examination in Public. If you should have any questions in the meantime please do not hesitate to contact [REDACTED] on [REDACTED] or [REDACTED], or myself at this office.

Yours faithfully,

[REDACTED]

[REDACTED]  
Director  
ROK Planning

T: [REDACTED]  
E: [REDACTED]

## **XR Southwark Lobbying Response to the New Southwark Plan Main Modifications consultation**

This document represents the overarching response from XR Lobbying group to the Main Modifications on the New Southwark Plan. It should be read in conjunction with our January 2020 consultation response and our statements ahead of the examination hearings for Matters 1, 2, 5 and 7.

### ***Legal Compliance***

At the outset, we emphasise that the comments in our initial consultation response to the January 2021 consultation still stand in that the New Southwark plan **does not meet** the legal requirements for decarbonisation.

However, some of the context has changed. Since April 2021 the UK has enshrined the sixth carbon budget into law with a commitment to reduce emissions by 78% by 2035 compared to 1990 levels. The sixth budget, imposed by the Carbon Budget Order 2021 (23 June 2021), covers the years 2033-2037. It sets the budget at 965 million tonnes of carbon dioxide equivalent.

The New Southwark Plan, which will be the Borough's local plan until at least 2036, does not meet the requirement for reducing carbon emissions by 78%. We have assessed this considering the following:

### ***Lack of baseline data***

There is still a lack of baseline data of the current position in Southwark, even to the January/February 2020 and the start of the examination period.

Since our last consultation response and the examination hearing of the New Southwark Plan, Southwark Council have published their Climate Strategy which includes an Appendix with carbon analytics provided by Antithesis, however they did not update the existing baseline data. In the Anthesis report, the data is divided into three categories of emissions – Scope 1 includes emissions from assets that are directly under council ownership. Scope 2 stem from the purchase of services, mainly electricity, in council-owned buildings. Scope 3 include council procurement activities, buildings such as emissions associated with the supply of natural gas and the distribution of grid electricity. Scope 3 accounts for at least 83% of carbon emissions. It details that the dominant contributor, and the council's carbon footprint as a whole, is procurement. In this category, the second major procurement the council seeks after services is for construction.

Policies for bringing down carbon emissions by encouraging procurement of more sustainable companies could be directly addressed in the New Southwark Plan, but currently they are not. We raised the suggestion of a policy for an updated requirement for Sustainability, Design and Construction statements (or something similar) which could be required of planning applications to show that options for limiting carbon emissions have been adequately explored and reported on, including at all stages of the procurement process. This would directly be able to address the manufacturing and construction side of carbon emissions in the whole-life cycle of building.

We have also asked for the following:

1. As well as baseline data on the level of emissions in 1990, robust evidence base on the level of emissions at the start of the plan period in 2021, we have asked for a clear evaluation of future emissions including consideration of different emission sources, likely trends considering requirements set in national legislation, and a range of development scenarios;
2. A climate change risk assessment to inform policies designed to mitigate these risks and meet Southwark Council's climate emergency declaration of net-zero carbon emissions by 2030;
3. Main modifications to the New Southwark Plan so it is aligned with the London Plan and Southwark Council's Climate Strategy in ambition, implementation and monitoring to address the climate emergency declaration and extends the London Plan policies to non-referrable Major Developments in Southwark;
4. A requirement to report back on set indicators that support the mitigation of climate change such as carbon emissions reduction, renewable and low-carbon energy infrastructure and developments, use of reused and renewable materials in buildings and the progress to carbon neutrality, sustainability in building design and construction, increase in sustainable transport availability and usage, amongst other agreed indicators, and
5. Transparency in respect of the carbon off-setting fund and a plan to reduce the practice of carbon off-setting.

None of these comments have been directly and adequately reflected in the Main Modifications to the New Southwark Plan. We touch more on the monitoring framework further in the attached schedule.

### **Comments on the Strategic Policies**

#### ***Main Modification 3 - Policy SP1a - Southwark's Development Targets***

There is a modification to SP1a stating *"The location and design of new development contributing to securing our targets of carbon neutrality by 2030 and net zero carbon by 2050."*

This policy is not effective, as there is currently no clear target for carbon neutrality by 2030 in the New Southwark Plan. MM3 refers to the need for the Plan to be reviewed *"to meet the Borough's own carbon neutrality target by 2030."* This is too vague. For effectiveness I suggest rewording as follows: *'Specific details will be added to the Plan as a priority, to show how the Borough's own carbon neutrality target will be achieved by 2030.'*

#### ***Main Modification 11 - SP2 – Southwark Together***

The changes to this strategic policy are merely cosmetic and do not present an effective policy in order to meet the challenge of the climate emergency and the Nationally Determined Contribution enshrined in the Carbon Budget Order 2021 of a 78% reduction in carbon emissions by 2035. The only addition referencing the climate emergency in the

main policy is *“We will continue to revitalise our places and neighbourhoods to create new opportunities for residents and local businesses, to promote wellbeing and reduce inequalities so that people have better lives in stronger communities. This will be achieved through 1. Mitigating and adapting development to climate change to meet the net zero carbon target by 2050.”*

This is not a positively prepared policy as Southwark Council’s declared climate emergency target is actually net zero carbon emissions by 2030. It does nothing to show Southwark Stands Together if previously agreed targets are ignored. It is not an effective policy as it does not link to policies and targets aimed at achieving this stated commitment. The reasons to justify the inclusion above are *“A Climate Emergency was declared by Southwark in March 2019. Adapting to and mitigating against climate change is important to reduce fuel poverty and address the unequal effects of climate change, particularly on our most vulnerable communities.”* This justification misses so much of the fundamental contributors as to why we are in this crisis point referred to as the Climate Emergency. There are not enough resources to pursue rampant redevelopment which relies on the extraction of finite resources. This is not Southwark Council’s crisis to solve alone, however, the climate crisis is not just important to address to reduce fuel poverty and the policy should recognise this (for example the impact of heat on older people, the impact of air pollution on younger people on particular, and the risk of flooding), given the emissions data described above and what it reveals relevant to how Southwark is developed.

Southwark Stands Together can only be achieved with a fundamental reworking of the local plan. XR Southwark have consistently raised this issue, which is that you cannot have declared a Climate Emergency and continue with the same plan. The submissions provided at the examination hearing on this topic brought into focus the principles required for a just transition to address the climate emergency, which Southwark Council have said they are committed to, but the main modifications show a weak commitment at present.

#### ***Main Modification 14 - SP6 – Climate Emergency***

This policy was previously described as Cleaner, Greener, Safer and has now been renamed Climate Emergency. Little has changed in terms of the policy itself, and we have already made comments on the vague commitments contained in the main policy.

In terms of the reasons, we do not think paragraph 1 is accurate. We have detailed the legal commitment found in the sixth carbon budget above, which is a 78% reduction in carbon emissions by 2035. This target is the legal requirement during the plan period and should be specifically referred to in the local plan.

Furthermore, reason 3 provides no context, baseline or targets, so it is meaningless in a plan for the future where this reason should actually be setting out a commitment to reduce carbon emissions by 78% on the current level by the end of the plan period.

On point 2 which reads *‘Making Southwark a place where walking, cycling and public transport are the first choice of travel as they are convenient, safe and attractive.’* These attributes are not the main reasons why the stated modes of travel are being promoted. For effectiveness this should be changed to *‘Aim to reduce carbon emissions and air pollution by making Southwark a place where walking, cycling and public transport are the preferred means of travel.’*

SP6 point 5 is so lacking in detail as to be hardly worth including as it stands. We suggest altering it to include specific ways in which council and local people can work together to achieve the stated objectives.

Under reasons it states, *'The Council has declared a Climate Emergency with the ambition **to aim** to reach carbon neutrality by 2030 and will review this plan to meet this target.'* The boldened words have been added to the previous version of the plan, considerably weakening the commitment. They should be removed.

We suggest placing a full stop after 2030 and then substituting *'Specific details will be added to the Plan as a priority, to show how the Borough's own carbon neutrality target will be achieved by this date.'* (See also MM3 (pp 6&7, above.)

### **Comments on the specific Planning Policies**

#### ***Main Modification 68 - P55 Protecting Amenity***

The word amenity is not strong enough to reflect the importance of protecting residents from the worst effects of inappropriate development. The word amenity is defined as 'pleasantness, as in situation, climate...' We suggest P55 be retitled 'Protecting Well-being and Amenity'

The submission version of the NSP states *'development will not be permitted when it causes an unacceptable loss of amenity to present or future occupiers or users.'* To this statement it should be added *'If the impact of a proposed development is such that the living conditions of people in the vicinity would be adversely affected, planning permission will not be granted'*

Under reasons, it states *'the amenity of those living, working in or visiting Southwark needs to be protected, to ensure a pleasant environment.'* The council's proposed modification is to add amenity considerations that will be taken into account. This is a considerable improvement on the previous version, but for soundness these details should be in the **policy** section, not listed as reasons. The Inspectors also make this suggestion. (EIP 188a Action List, point 37).

We suggest that reasons be recast to read *'The health and well-being of those living and working in Southwark needs to be protected by ensuring that new development does not inappropriately and adversely affect their surroundings.'*

#### ***Main Modification 69 - P56 Open Space***

The proposed modification to reasons reads *'Protecting and improving open space plays an important role in climate change adapt(a)tion and mitigation.'* We think 'vital' should be substituted for 'important' and suggest this sentence be not just added but placed second (after area of Southwark covered) to emphasise the crucial importance of open space in protecting the population from the worst effects of climate change.

#### ***Main Modification 72 - P59 Biodiversity***

The Inspectors asked the council to produce a briefing note to confirm its approach to securing financial contributions for off-site biodiversity net gain. The council has produced a viability note which states while the council is waiting for the official guidance from the London Plan, it is likely that the financial contribution will be secured through Section 106.

The council says that the majority of development in Southwark will take place on sites with a low biodiversity baseline where the biodiversity net gain can be easily achieved through onsite provision of urban greening. This is not justified, as urban greening in developments does not necessarily guarantee high biodiversity. Prevalent practices such as monocultural planting, fragmented habitats on rooftops could barely contribute to the biodiversity gain in the local area. The effects of such urban greening provision should be assessed critically.

There is no monitoring of onsite and offsite provision of biodiversity in the Monitoring Framework.

### ***Main Modification 73 - P60 Trees***

The Inspector asked the council to provide a note confirming its approach to securing replacement trees. The council responded by including in 'Reasons' that mature trees will be given more weight due to their important role in storing carbon and mitigating climate change. It also provided information on the 'Right Tree Right Place principle' which ensures the right size and species of trees are considered to provide long-term benefits.

This change is not effective, the changes should not be reasons, they need to be included as policies to ensure they are given weight in decision-making.

### ***Main Modification 74 - P61 Reducing waste***

This policy only requires a circular economy statement to be provided on planning applications referable to the Mayor. The criteria of these applications are as below:

*An application is referable to the Mayor if it meets the criteria set out in the Mayor of London Order (2008). The criteria includes:*

*development of 150 residential units or more*

*development over 30 metres in height (outside the City of London)*

*development on Green Belt or Metropolitan Open Land*

In order to be effective in addressing the climate emergency, we expect the New Southwark Plan to request a circular economy statement for all Major planning applications i.e., the creation of 10 or more residential units. This proposal is coming forward in some other London Borough Local Plans, for example the draft Islington Local Plan.

### ***Main Modification 75 - P64 Improving air quality***

There is no clear information about baseline current levels of emissions and how much these could be reduced by the policies included in the NSP. It is very worrying that a clause has been added to allow for 'off site' measures or even financial payments to mitigate air pollution. This could leave parts of the borough with very poor air quality.

We strongly believe that the following paragraph should be removed from this policy *"Any shortfall in air quality standards on site must be secured off site through planning obligations or as a financial contribution."* Any development which, once constructed, would not meet at least Air Quality Neutral standards should not be permitted.

### ***Main Modification 79 - P68 Sustainability standards***

The New Southwark Plan still does not request Sustainability, Design and Construction statements (or something similar) which could aim at bringing emissions down, particularly in the aforementioned in the Scope 3 section of construction procurement.

### ***Main Modification 80 - P69 Energy Policy***

We made lengthy submissions on this policy at the New Southwark Plan examination hearing.

We support the policy which seeks an 100% reduction in carbon emissions on the 2013 building standards.

We do not support the use of any carbon off-setting fund and reiterate that now details have been provided about the collection and projected plans for carbon off-setting money.

We have submitted repeatedly that whole-life cycle carbon assessments should be requested for all developments going to planning committee to ensure that carbon emissions in the whole area of development in Southwark are being monitored.

We have suggested a policy where reuse and retrofit is actively considered and demolition of structurally sound buildings is avoided in order to bring down whole life cycle carbon emissions.

### ***EIP 219 The monitoring framework***

There are no referable baselines in the monitoring framework. The Antithesis analyses data has not been brought into the New Southwark Plan. There is a significant lack of actual mechanisms in the monitoring framework to capture the data in planning applications, and these are unlikely to be monitored adequately even after planning permission is granted, so it is unlikely that this will be effective in bringing down carbon emissions. We are very concerned that the monitoring framework refers to an energy schema which we have no knowledge about, in respect of how and what data from planning applications will be captured. We have attached a schedule of our comments for the relevant policies in the monitoring framework and our comments on the soundness of the proposed monitoring for the sake of clarity.

## Comments on New Southwark Plan Proposed Main Modifications 2021

### New Southwark Plan Monitoring Framework – comments on soundness from XR Southwark Lobbying group

<b>SECTION</b>	<b>PROPOSED MONITORING</b>	<b>COMMENT</b>
<b>Target 8 Open spaces</b>	<p>Indicator 1) Number of open spaces (ha/1000 residents). Covers MOL, BOS, OOS.</p> <p>Indicator 2) New open spaces delivered (m2)</p>	<p>Not justified: Indicator 1 is clear on categories of open space categorised as parks and green spaces (MOL, BOS, OOS) but does not cover loss of other green space on housing estates or leisure facilities (which also contribute to physical activity) such as ball courts and multi games areas. These are open spaces which were designed into estates when built to benefit the residents.</p> <p>Not effective: source of evidence is the Planning application. This will only show what has been approved. There needs to be a mechanism for monitoring the space actually delivered.</p>
<b>SP2</b>	<p>There is no monitoring of the commitment to net zero carbon emissions by 2050 in this section.</p> <p>Also, Southwark Council have not progressed the programme of Social Regeneration Charters across the borough which are meant to put the Southwark Together policy into effect.</p>	<p>This shows that the commitment is not effective, and is therefore meaningless.</p>
<b>Policy 12</b>	<p>Design of spaces: Indicator: Amount of communal open space consented with major developments</p>	<p>Not effective: source of evidence is the Planning application. This will only show what has been approved. There needs to be a mechanism for monitoring the space actually delivered.</p>
<b>Policy 14</b>	<p>Residential design. Various indicators: floorspace of green communal amenity; financial contribution to green open space</p>	<p>Not effective: source of evidence is the Planning application. This will only show what has been approved. There needs to be a mechanism for monitoring the space actually delivered.</p>

<p><b>SP6 Climate emergency</b></p> <p><b>Policy 56</b></p>	<p>Open space: 4 Baseline indicators (open space per 1000 people; park provision/deficiency per 1000 people; satisfaction with greenspace provision; allotments) taken from Open Space Strategy (2013)</p> <p>Welcome the inclusion of an indicator on 'loss of open space' (assumed to be going beyond MOL, BOL and OOS which are covered by another indicator).</p> <p>Indicator: net gain of open space</p>	<p>Not effective: Baseline indicators are not up-to-date.</p> <p>Not effective – not clear how open space is being defined – does it include green space and leisure facilities on housing estates which also contribute to physical activities? The search for new housing sites means that tracking loss of this space is vital in terms of access to green space, amenity space and wider implications for quality of life.</p> <p>Please state where in the Monitoring Framework the amount of existing green space, including green space on estates, is accounted for and the amount of loss expected as a result of Council infill policy.</p> <p>Not effective: source of evidence is the Planning application. This will only show what has been approved. There needs to be a mechanism for monitoring the amount of open space actually delivered.</p>
<p><b>Policy 58</b></p>	<p>Green Infrastructure 7 indicators: Two indicators relate to size and type of green roofs.</p>	<p>Welcome the monitoring of type and size of green infrastructure. Would like to see a clear indication that NSP will prioritise GI that offers greater climate change and environmental benefits (sustainable urban drainage, wildlife corridors, shading). The Urban Greening Factor which assesses different urban greening interventions, is included in the Monitoring Framework as an indicator with the note 'early review'.</p>
<p><b>Policy 59</b></p>	<p>Biodiversity This policy has 3 baseline indicators, 7 policy indicators</p>	<p>Not effective: the Monitoring Framework doesn't provide any sources of evidence (it just lists 'evidence') for 'Deficiency of</p>

	<p>and 1 social regeneration indicator</p> <p>Policy indicator 'Deficiency of biodiversity' is an important one to understand the distribution of biodiversity across the borough.</p> <p>Includes a Social Regeneration Indicator: 'Number of green spaces: Number total per 1000 of population'</p>	<p>biodiversity' or any mechanisms for obtaining data other than 'Environmental statements' (produced by developers) and '. There is a similar lack of information for the indicators 'Buffering of existing habitats' and 'Green links': the source of data for these is listed as 'Southwark Environment Protection?'</p> <p>Not justified: no monitoring of the extent to which biodiversity obligations are being met onsite or offsite. The Council's argument that urban developments will easily provide the &gt;10% Biodiversity Gain to be required by the Environment Bill is not reflected in practice. Using measures such as monocultural planting, fragmented habitats on rooftops may barely contribute to the biodiversity gain in the local area. The effects of such urban greening provision should be monitored and assessed critically.</p> <p>The NSP must conform with national policy. Paragraph 180a of the NPPF states: 'If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then planning permission should be refused.' The 'Relevant NPPF Policy' column in the Monitoring Framework does not contain Paragraph 180a of the NSP; it should be added.</p>
<p><b>Policy 60</b></p>	<p>Trees There is one baseline indicator and 7 policy indicators</p>	<p>The policy indicator 'Net gain and Net loss of total trees through planning process' takes planning applications as basic data source. There is no indicator relating to management or survival rate of trees planted. This is critical both for</p>

		<p>the council's own tree planting and for any developers planting both off and on site. Trees should be monitored and reported on during the maintenance period.</p> <p>The replacement ratios for lost trees should be measured in terms of tree canopy.</p>
<b>Policy 61</b>	<p>Reducing waste Circular economy statements Percentage of waste calculations</p>	<p>This monitoring framework is not effective. Circular economy statements are only required for referable schemes so they will not capture many developments recycle and reuse principles. Furthermore, monitoring by Southwark's waste team and the GLA will not pick up the waste emitted in the build cycle of development. There is no baseline and no target indicators for waste reduction, so we don't know what the waste is being reduced from and to.</p>
<b>Policy 64</b>	Improving Air Quality	<p>These proposals could be effective if clear baseline and targets were included.</p>
<b>Policy 67</b>	Reducing flood risk	<p>There is no monitoring criteria to reduce before planning application stage – therefore this monitoring is not effective at reducing flood risk.</p>
<b>Policy 68</b>	Sustainability standards	<p>See our comments in the document text response – this monitoring criteria could be effective if there was a policy for a Sustainability, Design and Construction statement which linked to whole-life cycle carbon assessments and circular economy statements for all major developments.</p>
<b>Policy 69</b>	Energy	<p>There are a lot of NSP monitoring criteria identified but no overall strategy of how to distil and capture the information without further details of the energy schema.</p>

		<p>There is no allocation of resources included as to how the 51 criteria will be monitored. Most of the data will come from Energy Statements and BREEAM assessments through the planning applications data. We have serious concerns that this data will not be monitored adequately at all.</p> <p>For the Be Clean indicator, whole life cycle carbon assessments must be required for all major developments in order for the data to be meaningful.</p> <p>For the IIA baseline data on electricity and natural gas the baseline data is the annual monitoring report 2010 – 2011, which is 10 years ago and not an accurate or current baseline for a local plan from 2021.</p>
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24 September 2021

**Our ref: NJB/NLR/AJA/J7812**

Dear Sir / Madam,

**Representations on behalf of Landsec in respect of the New Southwark Local Plan Main Modifications**

We have been instructed by Landsec, to make written representations in response to the consultation by the London Borough of Southwark ("LBS") on its New Southwark Plan: Main Modifications (2021). The New Southwark Plan, once adopted in its entirety will supersede the existing Local Level element of the Development Plan, which currently comprises of the saved Southwark Plan policies (2007) (saved 2013) and Core Strategy (CS) (2011).

When adopted the final version of the New Southwark Plan along with the current adopted London Plan will form the Development Plan for LBS. As such the New Southwark Plan must be in broad conformity with the current London Plan which, in turn, must be in conformity with the national policies of the National Planning Policy Framework 2021 (NPPF).

We have previously provided representations, prepared on behalf of Landsec, written in response to the publication by the London Borough of Southwark ("LBS") of its New Southwark Plan 'Preferred Option' (October 2015), the New Southwark Local Plan: Area Visions and Site Allocations 'Preferred Options' and the Site Allocations (April, 2017). Whilst also appearing at Agenda item 5a (5a: Planning for the economic prosperity of the Borough including employment sites and town and local centres) and Agenda item 8 (Design, heritage and tall buildings) of the Hearing sessions.

**Proposed Main Modifications**

As you know Landsec holds a significant property portfolio in Southwark and has a strong track record of delivering major schemes such as Bankside 1,2,3 (Blue Fin Building) and they are currently implementing permissions at 105 Sumner Street / 133 Park Street and Timber Square, Lavington Street. Landsec has a history of delivering significant commercial-led developments that bring forward considerable public benefits including major employment for the Borough, including local employment. Landsec have also started the detailed pre-application process for the redevelopment of Red Lion Court and hope to submit an application for its redevelopment in early 2022.

**NSP30 – Affordable Workspace**

Policy P30 Part 2(1) states:

"2. ~~Major~~ Developments proposing 500sqm GIA or more employment floorspace (~~B-class use~~) must:

1. Deliver at least 10% of the proposed gross ~~new~~ employment floorspace as affordable workspace on site at Discount Market Rents;”

The Policy refers to affordable workspace provision being provided on all gross employment floorspace. If applied this policy will prevent some extension and redevelopment schemes coming forward across the Borough as it will require developments to provide an unviable amount of affordable workspace. Many extensions will become unviable as they could be forced to provide up to 100% of the uplift as affordable workspace to be policy complaint. Redevelopment and extensions to buildings should be encouraged and not discouraged as they often provide a more sustainable approach than complete demolition and redevelopments.

Additionally, we understand that there is already an excess of affordable workspace provision within LBS since LBS started applying weight to draft NSP Policy 30 in 2019. There is no market failure that needs to be addressed via affordable workspace provision and an excess supply of affordable workspace is counter intuitive for the development of the Borough as it will lead to vacant workspace, which could lead to rent rises elsewhere. We would therefore assess that since there is already an oversupply of affordable workspace within the Borough, that the quantum of affordable workspace provided as part of this policy should be reduced so only 10% of the net increase in employment floorspace is to be provided as affordable workspace. This will help to ensure that floorspace is not left vacant and will help to ensure the policy does not prevent redevelopment and extension schemes from coming forward.

We would also assess that developments should have the flexibility to provide their affordable workspace provision at lower rental values than Discount Market Rents but be able to provide less floorspace at this lower rental value. This would provide developers and LBS with more flexibility to meet the affordable workspace demand and need and help affordable workspace be provided to a range of occupiers. This would provide LBS with increased flexibility to reduce the rental values of the affordable workspace provision if there is sufficient supply of affordable workspace. This flexibility to the affordable workspace model should be incorporated to the supporting text.

Accordingly, we propose that the wording of Policy P30 Part 4 should be amended to read:

~~“2. Major~~ Developments proposing 500sqm GIA or more employment floorspace (~~B class use~~) must:

1. Deliver at least 10% of the proposed **gross net new** employment floorspace as affordable workspace on site at Discount Market Rents.”

Policy P30 Part 4 is new to the Main Modifications and states:

*“Affordable workspace will be secured as employment uses through the implementation of planning obligations which will restrict change of use within Use Class E.”*

The Policy refers to affordable workspace being secured as employment uses. We do not consider that affordable workspace should be delivered as employment uses only and are pleased that part (5) of the policy has been included to reflect this. Restricting the use of affordable workspace to employment uses only will reduce the flexibility LBS have in meeting their required affordable workspace need. Furthermore, stating that affordable workspace occupier will be secured as employment uses contradicts the affordable workspace definition and will prevent LBS from securing the optimal affordable workspace provision.

Recently in LBS there have been applications approved, such as Beckett House (ref: 20/AP/0944) which have shown how the affordable workspace provision within a development can comprise of a number of different components and can contain a range of different uses and workspaces, such as auditoriums, lecture theatres and exhibition halls. It is therefore vital that this policy allows for sufficient flexibility to allow the affordable workspace model to grow and evolve as time progresses and to meet the future affordable workspace need. Without sufficient flexibility allowed by the policy, the range of uses that LBS require from affordable workspace providers will likely not be met and it is likely that there will be a surplus of employment use affordable workspace available.

The policy should also allow for future flexibility to adapt and allow different affordable workspace models to be implemented as they emerge. This will ensure that Southwark continues to meet its affordable workspace need, as the affordable workspace policy will ensure it meets an ever-changing demand. Allowing for this future flexibility will ensure that future affordable workspace models are not blocked by planning policy.

Additionally, the policy also aims to restrict the change of use of the affordable workspace within Class E. However, the definition of an affordable workspace occupier in the Main Modifications document refers to many types of uses that do not fall within Class E; such as colleges or higher education. Therefore, the Policy should be amended to remove the reference to Class E use to reflect the affordable workspace occupier definition provided.

Accordingly, we propose that the wording of Policy P30 Part 4 should be amended to read:

*“Affordable workspace will be secured as ~~employment uses~~ through the implementation of planning obligations which will restrict change of use within **its use class Use Class E**. ~~Use Class E.~~”*

Part 5 of this policy is new to the Main Modifications and states

*“In exceptional circumstances affordable retail or affordable cultural uses, or public health services which provide a range of affordable access options for local residents, may be provided as an alternative to affordable workspace (employment uses). This will only be acceptable if there is a demonstrated need for the affordable use proposed and with a named occupier. If the alternative affordable use is no longer required in the future, the space should be made available for affordable workspace (employment uses) in accordance with the criteria above. The reversion or uplift of employment floorspace must still be provided in the scheme overall.”*

Landsec supports this principle and the introduction of this new part of Policy 30 which enables greater flexibility in affordable workspace provision. However, Landsec considers that this should not be applicable in ‘exceptional circumstances’ only and suggest that this policy is reworded to remove that phrase.

The policy does not define ‘exceptional circumstances’ which could constrain developments in their ability to provide affordable retail or affordable cultural uses, or public health services. This would be contrary to local and regional policy which seeks to increase and protect these uses. The definition of an affordable workspace occupier in the Main Modifications document includes occupiers from a specific sector that has a social, cultural or economic development purpose, including cultural and retail uses. We can see no evidence or justification provided as to why non-employment uses, which are included in the affordable workspace definition, should only be provided in exceptional circumstances.

We consider that it makes no sense that provision of retail and cultural affordable workspace is only permitted in ‘exceptional circumstances’ in locations such as Strategic Cultural Areas where these uses are promoted. If this policy does not provide enough flexibility for developments to easily provide cultural and retail affordable workspace it could negatively impact the cultural and retail offers which are so vital to these areas.

We agree that provision of affordable workspace for cultural and retail uses should be criteria based but we do not consider that only in exceptional circumstances should cultural or retail affordable workspace be provided in lieu of employment provision, as there will be many instances where it is more appropriate to provide non-employment uses as part of the affordable workspace offer.

Additionally, there is currently an influx of affordable employment workspaces in LBS. By increasing the range and type of affordable workspace in future, LBS can help to ensure that affordable workspace is provided to meet a variety of needs.

Accordingly, we consider that Part 5 of NSP Policy 30 should be altered to remove the reference to exceptional circumstances as it will reduce the ability of Southwark to meet its affordable workspace need:

*~~“In exceptional circumstances – Affordable retail or affordable cultural uses, or public health services which provide a range of affordable access options for local residents, may be provided as an alternative to affordable workspace (employment uses). This will only be acceptable if there is a demonstrated need for the affordable use proposed and with a named occupier. If the alternative affordable use is no longer required in the future, the space should be made available for affordable workspace (employment uses) in accordance with the criteria above. The re-provision or uplift of employment floorspace must still be provided in the scheme overall.”~~*

### **NSP21 – Borough Views**

There has been a change in the wording of this policy which has altered the wording from:

*“development must positively enhance the borough views of significant landmarks and townscape’ to ‘development must preserve and where possible enhance the borough views of significant landmarks and townscape.”*

We consider that this is a positive change to the policy and will provide extra flexibility for developments which are near the 45m AOD threshold plane. Landsec therefore supports this modification to the policy.

### **NSP05 – 1 Southwark Bridge Road and Red Lion Court**

For context, in 2016 when Southwark were first preparing the Site Allocations for the Southwark Plan, we requested on behalf of Landsec that the Red Lion Court site was included as part of a wider site allocation with the Financial Times Building (1 Southwark Bridge Road).

Landsec were hopeful of acquiring the FT building and were eager to progress a site allocation which covered the more comprehensive site. Given the scale of the site and potential for a wider comprehensive redevelopment it was agreed with officers that whilst the primary land use objective within the CAZ and Opportunity Area, was offices, that there could be a reference to residential use as part of a fully comprehensive redevelopment scheme. This was how the reference to "may include residential" was introduced to the site allocation.

In 2018, the FT Building was sold to WPP, who stated that they wished to maintain and enhance the existing major office building asset through conversion and extension with office tenants identified. Accordingly, an office extension and refurbishment application at the FT Building (ref: 21/AP/0599) was given resolution to grant at committee on 7 September 2021 which does not include any residential elements to it.

Accordingly, Landsec are now dealing solely with their existing major office building asset at Red Lion Court. Although containing significant office floorspace (15,500 GEA square metres), the building does not offer anything to the wider community in terms of public realm, ground floor animation or engagement with the Thames Path.

Through dialogue with the Council's senior officers, Councillors and the GLA, the approach to local views constraints from One Tree Hill and Nunhead Cemetery to St Paul's have had a major constraining impact upon the achievable building height and form such that only a limited number of additional floors could feasibly be added to the building. Therefore, the overall floorspace and employment capacity at this important allocated site within a highly central location on the South Bank and within the CAZ and Opportunity Area has been limited.

In accordance with New London Plan and New Southwark Plan policies for this location in the Opportunity Area and CAZ, the primary focus should be upon workspace growth and associated employment and spend in the economy. This is reflected fully in the site allocation wording as a requirement and priority and is supported.

It is the reference to residential that causes concern (although we note this is stated as a "should" rather than a specific requirement of the site allocation) and upon which we seek to have the site allocation wording revised that residential would only be sought / required as part of a comprehensive redevelopment.

Residential is not required by stated policy under the adopted or new Southwark Plan or the London Plan and would constitute a further constraint upon development meaning that redevelopment on Red Lion Court was in practice very unlikely. Residential at this site is also not included or required for in the Council's housing delivery numbers.

Accordingly, and given the significantly changed circumstances since the site allocation was envisaged, we request that the wording in relation to residential should be revised from:

*"Redevelopment of the site should: Provide new homes (C3)"*

to:

*"Redevelopment of the site ~~should~~ may:*

- *~~Provide New homes (C3)~~*
- *Provide new homes as part of a comprehensive redevelopment of the wider site including both FT and RLC buildings."*

We previously provided representations on the housing element of this Site Allocations in October 2019. These representations are listed in Appendix A of this letter.

We hope the above clearly sets out our request for changes to Main Modifications. Should you have any questions please feel free to contact me at the below address or phone number.

Yours sincerely

*Gerald Eve LLP*

**Gerald Eve LLP**

Direct tel: [REDACTED]

Mobile [REDACTED]



Date: 15/9/2021

By email: [planningpolicy@southwark.gov.uk](mailto:planningpolicy@southwark.gov.uk)

Dear Sir / Madam,

**RE: EIP 219 Main Modifications to the New Southwark Local Plan**

Thank you for providing the opportunity to comment on the Main Modifications to the New Southwark Plan.

Please note that our representations below are the views of the Transport for London Commercial Development (TfL CD) planning team in its capacity as a significant landowner in the borough only and are separate from any representations that may be made by TfL in its statutory planning role and / or as the strategic transport authority for London. Our colleagues in TfL Spatial Planning are providing a separate response to this consultation in respect of TfL-wide operational and land-use planning / transport policy matters as part of their statutory duties.

TfL CD have engaged through the Local Plan preparation process and have submitted the following representations :

- Preferred Options consultation (December 2016)
- Area Visions and Site Allocations consultation (April 2017)
- New and Amended Preferred Options Policies (September 2017)
- Informal consultation on preferred version (November 2017)
- Reg. 19 Proposed Submission Version consultation (February 2018).
- Proposed submission version: Amended Policies (January 2019)
- Proposed changes to the New Southwark Local Plan (October 2020)
- Examination in Public Representations: to Matters 3, 5 and 10 (Feb 2021)

Some of the issues raised in these previous representations remain relevant to these main modifications.



## **MM11 - SP2: Regeneration That Works for All**

While the main modifications to this policy are welcome TfL CD reiterate our suggestion in previous representations to amend paragraph 4 as it is currently unclear and repetitive. The following wording is suggested:

*“4. Encouraging ~~greater tenure~~ integration and equality between different housing tenures within and between new development and its surroundings in order to create the conditions for properly mixed and integrated communities, ~~ensuring equity of esteem from street level~~, and to mitigate against stark visible differences. ~~and a sense of tenure segregation.~~”*

## **MM 27 - P1: Social Rented and Intermediate Housing**

We welcome the further clarity that the main modifications provide identifying that development can provide a mix of different affordable housing tenures, whilst acknowledging that the Mayor’s preferred affordable housing tenures including those set out in Paragraph 4.7.3 of the London Plan:

- Homes based on social rent levels, including Social Rent and London Affordable Rent;
- London Living Rent;
- London Shared Ownership.

TfL maintains that the requirement in Policy P1 for the removal of viability testing for developments providing 40% policy compliant affordable housing (60% in the Aylesbury Area Action Plan area) undermines our ‘portfolio agreement’ for affordable housing delivery. Paragraph 4.6.5 of the London Plan stipulates that *“Where there is an agreement with the Mayor to deliver at least 50 per cent [affordable housing] across the portfolio of sites, then the 35 per cent threshold should apply to individual sites.”* On this basis, as TfL must deliver at least 50% affordable housing across our portfolio, with a minimum of 35% provided on every site, the affordable housing requirements set out within Policy P1 remain unjustified and put the efficient delivery of affordable housing provisions at risk within the borough.



## **MM 29 - P4: Private Rented Homes**

The main modifications to this policy still do not bring it in line with the London Plan. The 100-unit threshold under Policy P4 deviates from the London Plan, which stipulates a 50-unit threshold for BtR and/or restrict the delivery of sub-100-unit BtR schemes, potentially reducing delivery and discouraging the involvement of smaller developers and builders.

The London Plan requires a covenant of at least 15 years for Build to Rent developments. The 30 year covenant stipulated in policy P4 may dissuade investment in Build to Rent in Southwark. It is appreciated that the London Plan does note that covenant periods may increase as the market matures but the market is still not that mature so the covenant period should not yet be increased, or at the very least a more incremental increase in time periods would be more appropriate rather than doubling the current covenant time period of 15 years.

In accordance with Para 4.11.10 of the London Plan, provision of social rented affordable housing in BtR schemes must be justified. The justification that has been provided by the Council does not seem to recognise that low-cost affordable rental products must be managed by a registered provider who more often than not will be a third party. This split management can significantly dilute the management efficiencies on the site which can negatively affect the overall viability of a scheme.

## **MM 39 - P14: Residential Design (Formerly P9 Optimising Delivery of New Homes)**

TfL CD commented on 'Policy P9: Optimising delivery of new homes' in our response to the Proposed Submission Version Amended Policies and it is noted that this policy has now been incorporate into 'Policy P14 Residential Design'. However, we feel this drafting has weakened the promotion of higher density development in suitable and sustainable locations.

Whilst it is accepted that P17 covers efficient use of land, P14 should also promote higher density development, which makes the best possible use of brownfield land, in the most accessible and sustainable locations. Therefore, in accordance with the London Plan (including Policy H1 and D2) at the beginning of this policy an additional criterion should be added which requires all development proposals to be designed at the optimum density, taking



into account site context and connectivity / accessibility by public transport and other sustainable modes.

## **MM40 - P16: Tall Buildings**

We support the modifications to the policy including that recognition that tall buildings may be appropriate in “in close proximity to our public transport stations and interchanges.”

## **MM50 - P30: Affordable Workspace**

TfL recognises the modifications made to this policy. However, the implications for public sector and other developer-occupiers has not been considered. For example, TfL may use land it owns to build offices to serve its transport functions. TfL CD consider that this policy should be aligned with Policy E3 of the London Plan which states that obligations should only be used to secure affordable workspace for specific social, cultural or economic purposes which are set out in part A of the policy. Flexibility or an exceptions test should be incorporated in this policy, which reflects the flexibility of the approach set out in the London Plan.

The contents of evidence base document “Housing and Affordable workspace Policies” (July 2019) may not have been fully reflected in policy P30. Paragraph 4.15 states that policy should have “suitable flexibility to ensure that appropriate development, providing a suitable mix of uses to support the identified need of LB Southwark comes forward”.

The policy should contain flexibility to enable schemes to provide under 10% where they are providing a high level of discount to market rents. This will provide quality affordable workspace which meets the demands of smaller businesses in the borough who have the most need for affordable workspace as part of development schemes. Such an approach to use a sliding scale has recently been adopted by other London Boroughs.

## **MM115 - NSP26: Abellio Walworth Depot, Camberwell**

## **MM161 - NSP71: Aylesham Centre and Peckham Bus Station**

With regard to these two sites TfL CD have consistently made the point that mixed-use development above bus infrastructure is feasible and should be supported. As set out in the



TfL CD written statement to Matter 10 (issue 5) there are a number of bus garages across London which TfL CD are redeveloping with retained bus garage use below and mixed use above. The operational uses are very much prioritised, and the redevelopment facilitates electrification of the bus garages (all bus garage must be electrified by 2041 in line with the Mayors Transport Strategy). The homes above help meet housing targets and help to pay for the redevelopment of the bus garage below. TfL CD would like to work closely with the Council in any subsequent iterations of the Local Plan or supplementary planning documents to ensure these opportunities can be recognised.

TfL CD note the indicative site capacity of 196 units for the Abellio Walworth Depot. Initial assessment of the site indicates that this figure would unlikely fully optimise the development capacity of this site. It is requested that this figure is put as a 'minimum' rather than an 'indicative' residential capacity as is the case for some of the other site allocations i.e. Policy NSP41. This amendment is required to make the plan positively prepared and effective in line with paragraph 35 of the National Planning Policy Framework.

## **Concluding Remarks**

We hope that these representations are helpful but if you require any further information or would like to discuss any of the issues raised in our representations, please do not hesitate to contact me. We look forward to being kept up to date with your programme going forward.

Yours faithfully,

██████████

**Planning Advisor, Transport for London Commercial Development**



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24 September 2021

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By email only to:

[planningpolicy@southwark.gov.uk](mailto:planningpolicy@southwark.gov.uk)

Dear Sir / Madam,

## **NEW SOUTHWARK PLAN – MAIN MODIFICATIONS (AUGUST-SEPTEMBER 2021)**

### **LAND BOUNDED BY ST THOMAS STREET, FENNING STREET, VINEGAR YARD AND SNOWFIELDS, INCLUDING NO.S 1-7 FENNING STREET AND NO.9 FENNING STREET, SE1 3QR**

#### **REPRESENTATIONS ON BEHALF OF GUYS AND ST THOMAS' NHS FOUNDATION TRUST**

On behalf of our client, Guys and St Thomas' NHS Foundation Trust, we have prepared these representations to the London Borough of Southwark ("LBS") in response to the Main Modifications to the New Southwark Plan ("NSP") (August-September 2021). More specifically, this letter of representation has been prepared in relation to land bounded by St Thomas Street, Fenning Street, Vinegar Yard and Snowfields, including no.s 1-7 Fenning Street and no. 9 Fenning Street, SE1 3QR (the "Site"). The Site is referred to in the remainder of this letter as Vinegar Yard.

#### **CONTEXT FOR REPRESENTATIONS**

Guy's and St Thomas' NHS Foundation Trust ("GSTT") are an important stakeholder in LBS and the Vinegar Yard site, which forms part of draft NSP site allocation NSP51 (Land between St Thomas Street, Fenning Street, Melior Place and Snowfields). We understand that this current consultation exercise is only seeking comments on the main modifications to the NSP, and only respondents who provided comments to the previous rounds of consultation for the Proposed Submission Version of the NSP (2017) and the Amended Policies Version (2019) are able to provide comments on the proposed main modifications. GSTT have previously engaged in these earlier rounds of consultation.

#### **OVERVIEW OF SITE AND DEVELOPMENT PROPOSALS**

Montagu Evans submitted a planning application to LBS in 2018 for the redevelopment of Vinegar Yard, under reference 18/AP/4171. The application was considered by LBS' Planning Committee on 29 June 2020. Officers recommended the application for approval subject to conditions and a Section 106 agreement, but LBS resolved to refuse. On 24 August

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2020 the Mayor of London notified LBS of his intention to recover the application for his own determination (ref. GLA/6208/S2). Since then, Montagu Evans has been working with officers at the GLA and LBS to update the development proposals, seeking amongst other changes to address LBS' heritage concerns that had led to the original resolution to refuse.

The proposed development seeks to provide flexible office and medical floorspace (Use Classes B1 and / or D1) designed to allow for occupation by Guys and St Thomas' NHS Foundation Trust, but flexible to ensure long term resilience. The design provides for potential healthcare or research uses on the lower levels of the building. The remainder of the upper floors will comprise a B1 office use.

This configuration reflects Guys and St Thomas's Adaptable Estates Strategy where buildings are able to accommodate a range of possible functions both physically and by virtue of permitted uses in the long term.

The key planning benefits of the proposed development are summarised as follows:

- Delivery of high quality community / seminar / exhibition space in retained warehouse;
- Delivery of a range of retail uses across the ground floor;
- Delivery of high specification office and medical floorspace;
- Retention of the warehouse at 9 Fenning Street and incorporation into the scheme;
- Creation of a new public garden with high-quality landscaping;
- Provision of policy compliant levels of affordable workspace – artist studios and biomedical research; and
- Development of a more articulated architectural treatment, responding to the surrounding context.

#### **MAIN MODIFICATION MM140**

Main Modification MM140 relates to draft site allocation NSP51 (Land between St Thomas Street, Fenning Street, Melior Place and Snowfields) and Vinegar Yard comprises a portion of this draft site allocation.

The proposed modifications to this emerging site allocation are set out in **bold** and underlined below:

#### **Indicative residential capacity: 121 homes;**

Redevelopment of the site must:

- Provide at least the amount of employment floorspace (~~B use class~~) **(E(g), B class)** currently on the site or provide at least 50% of the development as employment floorspace, whichever is greater; and
- Provide a new north-south green link from Melior Place to St Thomas Street; and
- Enhance St Thomas Street by providing high quality public realm and active frontages including ~~town centre uses (A1, A2, A3, A4, D1, D2)~~ **retail, community or leisure uses (as defined in the glossary)** at ground floor; and
- Provide new open space of at least 15% of the site area - **605sqm**

Redevelopment of the site should:

- Provide new homes (C3)

Amend:

Approach to tall buildings

Comprehensive mixed-use redevelopment of the site could include taller buildings subject to consideration of impacts on existing character, heritage and townscape.

Taller buildings should be **located** towards the west of the site **with building heights stepping down in height from west to east taking into account the height of buildings approved at site NSP50. Taller buildings** and should not detract from the primacy of The Shard

On behalf of GSTT we are supportive of the intention to incorporate Use Class E(g) into the site allocation, and the development proposals for Vinegar Yard propose B1 uses which seek to intensify the employment function of the Site, thus according with NSP51 in this regard.

We note that bullet point three of the draft allocation has been amended to remove reference to use classes, and instead makes reference to "... *retail, community or leisure uses (as defined in the glossary)*". We note the NSP main modifications glossary includes "*E(e) provision of medical or health services*" however we consider this reference within the glossary, rather than the site allocation wording, is weaker.

The proposed redevelopment of Vinegar Yard reflects the requirements of Guys and St Thomas's Adaptable Estates Strategy and therefore proposes flexible office and medical floorspace (B1 / D1). The development and the standard that underpins it are aimed at the emerging SC1 Health Science District, which is a collaboration between King's Health Partners, LB Lambeth, LB Southwark and Guys and St Thomas' Foundation to create a global quarter located in the centre of London that delivers high impact innovation, driving improvements in health and wealth both locally and globally. The success of SC1 rests on the co-location of healthcare, research and both global businesses and start-ups. The right buildings in the right place is vital to this ecosystem. This means buildings that are physically capable of accommodating the specialist requirements of healthcare, research and commercial occupiers, whilst having the flexibility to change every 10-15 years. The purpose of Guys and St Thomas' Adaptable Estates Strategy is to set a standard for such buildings.

On the above basis, we consider the proposed uses / use classes specified within the wording of draft allocation NSP51 should be expanded, and we request the third bullet point is re-worded as follows (our proposed changes in **bold**):

- *Enhance St Thomas Street by providing high quality public realm and active frontages including retail, community, ~~or~~leisure, **medical or health uses** at ground floor*

The fourth bullet point of the draft allocation specifies that the proposed development should provide at least 15% of the site area as new open space, and the main modifications seek to clarify the amount of open space in sq.m. On behalf of GSTT we can support this modification, given the total site area of Vinegar Yard is 0.3 hectares (3,000 sq.m) and the aforementioned development proposals seek to provide 1,533 sq.m. of new public open space. This would equate to a circa 51% provision, which exceeds the emerging site allocation requirement.

The final proposed modification to the draft site allocation is in relation to taller buildings and the desire to ensure building heights step down from west to east. We consider this clarification on the distribution of tall buildings is helpful and we support the proposed policy wording. The ongoing redevelopment proposals for Vinegar Yard accord with this emerging policy requirement.

## **CONCLUSIONS**

Overall GSTT broadly support the main modifications proposed to draft site allocation NSP51, however we consider an amendment to bullet point three and the inclusive list of uses which can be accommodated on site is required to facilitate the proposed redevelopment of Vinegar Yard being brought forward in accordance with Guys' and St Thomas' Adaptable Estates Strategy.



We trust these comments are useful at this advanced stage of preparation of the NSP process, however should you require any further information or clarification on the content of this letter please do not hesitate to contact [REDACTED]

[REDACTED] or [REDACTED] [REDACTED]

[REDACTED] in the first instance.

Yours sincerely,

MONTAGU EVANS LLP

**MONTAGU EVANS LLP**

**SENT VIA EMAIL:** [planningpolicy@southwark.gov.uk](mailto:planningpolicy@southwark.gov.uk)

**ROK REFERENCE:** AE/DM/R00140

Planning Policy  
Southwark Council  
PO Box 64529  
London  
SE1P 5LX

21 September 2021

Dear Sir or Madam

**SHURGARD UK LTD**

**REPRESENTATIONS TO MAIN MODIFICATIONS TO THE DRAFT NEW SOUTHWARK PLAN**

On behalf of, Shurgard UK Ltd (Shurgard), representations are made in relation to the main modifications to the draft New Southwark Plan (NSP) (document number EIP219).

**Main Modifications 6 and 13 – Policies SP1a Southwark’s Development Targets and SP4 A Green and Inclusive Economy**

Shurgard broadly support the strategic target to provide 90,000sqm additional employment floorspace and 58,000 total jobs between 2019 and 2036. It is considered that the types of employment floorspace, beyond office space, referenced elsewhere in Policy SP1a, should be set out clearly in the policy wording or supporting text in accordance with London Plan Policy E4 “Land for Industry, Logistics and Services to Support London’s Economic Function”.

However, the requirement to provide 10% affordable workspace on all development providing 500sqm GIA or more employment floorspace is too broad an approach and would result in single-occupier developments being unviable and undeliverable. It is considered that affordable workspace should be required on a case-by-case basis and be viability tested to ensure the policy does not prevent certain types or occupiers of industry from delivering much needed industrial floorspace and employment within the borough.

**Main Modification 20 – AV.05 Camberwell Area Vision**

Shurgard broadly support that site allocations in Camberwell area have potential to provide 35,850sqm (gross) employment floorspace, however it is considered that site allocations that include the re-provision of existing employment floorspace should allow flexibility to enable a range of employment uses and occupiers to ensure this strategic quantum of floorspace is provided within the plan period.

**Main Modification 23 – AV.13 Old Kent Road Area Vision**

Shurgard broadly support growth opportunities within the Old Kent Road area to create 10,000 new jobs.

**Main Modification 50 – Policy P30 Affordable Workspace**

Shurgard consider the requirement to provide 10% affordable workspace on all development providing 500sqm GIA or more employment floorspace is too broad an approach and would result in single-occupier developments being unviable and undeliverable. It is considered that affordable workspace should be required on a case-by-case basis and be viability tested to ensure the policy does not prevent certain types or occupiers of industry from delivering much needed industrial floorspace and employment within the borough.

**Main Modification 67 – Policy P53 Car Parking**

Shurgard support the requirement for off-street car parking to be determined by demand. It is considered that policy should enable flexibility on car parking provision based on the proposed use, such as Use Class B8 developments, and expected trip-generation in accordance with London Plan Policy T6.2 “Office Parking”.

**Main Modification 152 – NSP63 Land Bounded by Glengall Road, Latona Road and Old Kent Road**

Shurgard broadly supports the modifications to Site Allocation NSP63, ensuring that “at least” the same amount of employment floorspace currently on site is re-provided to maintain a sufficient supply for employment floorspace and opportunities within the area.

If you have any queries relating to these representations, please do not hesitate to contact either [REDACTED] or myself at this office.

Yours Sincerely,

[REDACTED]

[REDACTED]

**Director**

[REDACTED]

[REDACTED]

**For and on behalf of ROK Planning**

24 September 2021  
Delivered by email

Ref: WATL3020

Planning Policy  
Southwark Council  
PO BOX 64529  
London SE1P 5LX

Dear Sir / Madam,

## **CONSULTATION ON THE MAIN MODIFICATIONS TO THE NEW SOUTHWARK PLAN 2021- WRITTEN REPRESENTATIONS ON BEHALF OF WATKIN JONES**

We write on behalf of Watkin Jones ("our Client") with respect to the consultation on the Main Modifications to the New Southwark Plan 2021, currently undergoing consultation.

Our client supports the general principles and ambitions of the New Southwark Plan, and would like to comment specifically on the proposed modification MM30 on Policy P5, student homes.

Our Client generally supports the thrust of the site allocation and related policies, and appreciates that the process of identifying and allocating sites has already been carried out. However, in the interests of providing development on the site that optimises planning outcomes and public benefits, these representations on the modifications are considered important.

### **MODIFICATION MM30: POLICY P5 (STUDENT HOMES)**

The key modifications in relation to Policy P5 (Student Homes) are supported by our Client. Specifically, the following amendments are supported:

- The requirement for 5% of student rooms easily adaptable for occupation by wheelchair users
- The focus on the provision of affordable student rooms in accordance with the affordable student rents defined by the Mayor of London on student rooms for nominated further and higher education institutions, through the removal of the requirement to provide conventional affordable housing in this route. This is considered to comply more closely with the London Plan.
- The retention of securing affordable conventional housing on direct-let student schemes "*as a first priority*".

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Nevertheless, we do note the inclusion within the direct lets approach, outlined at point 2 of the policy, the modified wording seeks the “*maximum amount*” of affordable housing “*subject to viability*”. Whilst the inclusion of a viability assessment to determine the maximum is welcomed, it is noted that this removes the option of a Fast-Track Route, as outlined in Point 4 a) of Policy H15 of the London Plan.

## SUMMARY

Overall, and subject to the recommendations set out as part of this submission, Watkin Jones continues to offer its support for the New Southwark Plan and relevant emerging policies contained within it.

Please do not hesitate to contact my colleague [REDACTED] ([REDACTED]) or myself at this office should you require any further information or wish to discuss these representations.

Yours sincerely,

[REDACTED]

[REDACTED]

Director

[REDACTED]

## Major Modification 11: Policy Section SP2

This representation focusses on proposed changes to Strategic Policy 2 (SP2).

The following table outlines the specific modification proposed (Column 1), my response to the modification (Column 2) and, where relevant, a suggested text amendment (Column 3) to improve plan soundness.

The majority of the recommendations are for expansions / clarifications of suggested modifications, required for plan effectiveness; whilst others relate to retaining / better reflecting representations made during the EiP, as is required for the plan to be considered positively prepared.

Eileen Conn  
23<sup>rd</sup> September 2021

LBS Proposed Modification	Eileen Conn Comment	Eileen Conn Recommended Changes in red
<b>Policy Wording</b>		
SP2: <del>Regeneration that works for all</del> <b>Southwark Together</b>	Whilst I welcome the attempt to mainstream the Southwark Stands Together initiative throughout the Council's work, and agree that it is important to recognise the established link between regeneration and a deepening of racial inequalities in the borough (see recent CLASS report on this subject – <a href="http://classonline.org.uk/pubs/item/pushed-to-the-margins-a-quantitative-analysis-of-gentrification-in-london-i">http://classonline.org.uk/pubs/item/pushed-to-the-margins-a-quantitative-analysis-of-gentrification-in-london-i</a> ), it is nonetheless a shame to lose the explicit commitment to 'Regeneration that Works for All'. Particularly as this framing / ambition drew significant support from Southwark's diverse communities during the EiP.	Three options:  <b>OPTION 1:</b> Retain original title: <b>'Regeneration that Works for All'</b>  <b>OPTION 2:</b> Combine titles: <b>'Regeneration that Works for All in a Southwark that Stands Together'</b>  <b>OPTION 3:</b> If keeping revised title add commitment to 'Regeneration that Works for All' in introduction (see point 2 below).
We will continue to revitalise our places and neighbourhoods to create new opportunities for residents <b>and local</b>	I welcome the inclusion of 'local businesses' as an explicitly referenced local stakeholder.	If 'Regeneration that Works for All' is lost in title of policy (see point 1 in this table), the

<p><b>businesses</b>, to promote wellbeing and reduce inequalities so that people have better lives in stronger communities. This will be achieved through:</p>		<p>ambition should be retained by adding an additional sentence after first sentence:</p> <p>‘... stronger communities.  <b>Overall, the ambition is to promote an approach to regeneration that works for all in Southwark.</b>’</p>
<p><b>1. Mitigating and adapting development to climate change to meet the net zero carbon target by 2050; and</b></p>	<p>I welcome the insertion of reference to clear link between regeneration and Southwark’s climate emergency, but ask that the framing of this point be opened to more explicitly encourage consideration of retrofit and refurbishment options.</p> <p>This could be achieved by amending the point to address ‘development approaches’ rather than ‘development’ in the policy and adding explicit reference to the importance of prioritising refurbishment, and reuse options to the policy reasons. This would bring plan into line with adopted 2021 London Plan.</p>	<p>‘Mitigating and adapting development <b>approaches to address the climate emergency</b> and meet the net zero carbon target by 2050; and’</p>
<p><b>2. Developing places where everyone can benefit from all of the activities, including such as play spaces, leisure activities, squares and shops, buildings and the natural environment. These places should enable everyone to feel proud of their home and create a sense of belonging in the community; and</b></p>	<p>No comment on change other than to reiterate representations made during EiP that point could be more explicit in prescribing the ‘gating’ of community amenities delivered as part of development.</p>	<p>‘...natural environment. These places <b>should be fully accessible to the public</b>, enable everyone to feel proud of their home and create a sense of belonging in the community.’</p>

<p>3. Investing in our communities and residents, and particularly existing residents, so that everyone can access the benefits of our regeneration programmes and the opportunities created by those programmes for new homes, new jobs, education, training and new <b>physical and social</b> infrastructure; and</p>	<p>I welcome the explicit inclusion of ‘social infrastructure’ but would encourage the council to expand on the definition.</p>	<p>Request insertion of additional reason text on this topic or the creation of a Glossary of Key terms at the front of the plan.</p>
<p><del>5. Ensuring that buildings have a positive relationship with the public realm and the existing place, providing opportunities for new street trees, and designing lower floors to directly relate to the street, with an appropriate transition in scale to create a positive pedestrian experience and developments that link with the existing communities; and</del></p>	<p>The removal of this point weakens support for important issues expressed during the EiP. Including, but not restricted to, concerns expressed about the permeability of new developments, and the importance of encouraging high-street, street frontages in areas such as the Old Kent Road.</p>	<p>Request point is retained.</p>
<p>6. Developments being designed for <b>the</b> diverse communities in Southwark, <b>including all principles of the Southwark Stands Together initiative</b> and to ensure accessibility, inclusivity, and interaction, regardless of disability, age, <b>race, religion or belief, sex, sexual orientation, pregnancy and</b></p>	<p>I welcome the attempt to mainstream the Southwark Stands Together initiative throughout the Council’s work, and agree that it is important to recognise the established link between regeneration and a deepening of racial inequalities in the borough (see recent CLASS report on this subject – <a href="http://classonline.org.uk/pubs/item/pushed-to-the-margins-a-quantitative-analysis-of-gentrification-in-london-i">http://classonline.org.uk/pubs/item/pushed-to-the-margins-a-quantitative-analysis-of-gentrification-in-london-i</a>).</p> <p>However, to deliver on the promise of inclusionary development, there needs to be a switch in language from ‘designing for’ to</p>	<p>‘Developments being <b>coproduced with the</b> diverse communities in Southwark, <b>including all principles of the Southwark Stands Together initiative</b> and to ensure accessibility, inclusivity, and interaction, regardless of <b>age, gender, race, ethnicity, disability, religion or belief,</b></p>

<p><b>maternity, marriage or civil partnership</b> or gender, and allow all to participate equally, confidently and independently in everyday activities; <b>and</b></p>	<p>‘designing with’. For effectiveness these must be designed <i>with</i> those with the protected characteristics. This is best expressed by ‘coproduced with’, but ‘designing with’ is an alternative.</p> <p>The insertion of protected characteristics is also welcome. For clarity this should follow the way the categories are listed in the Equality Act 2010.</p> <p>In addition, given the welcome changes elsewhere in the plan to recognise the needs of Southwark’s Gypsy and Traveller Communities, express reference to ‘ethnicity’ here would also be welcome.</p>	<p><b>sexual orientation, gender reassignment, marriage or civil partnership, and pregnancy and maternity, and</b> allow all to participate equally, confidently and independently in everyday activities; <b>and’</b></p>
<p>7. Making our neighbourhoods safer with well-designed buildings and spaces that <b>mitigate and minimise the impacts of climate change on local residents</b>, discourage crime and anti- social behaviour and foster a sense of community; and</p>	<p>I welcome reference to importance of addressing climate change, and would encourage point to be expanded to include explicit promotion of retrofitting as a sustainable practice in this area.</p>	<p>‘Making our neighbourhoods safer with well-designed <b>and / or retrofitted</b> buildings and spaces...’</p>
<p>8. Encouraging residential development above shops to enliven town centres; and</p>	<p>Text change suggested to align point with representations made during the EiP on this and also on issues of high-streets and local economy.</p>	<p>‘...above shops, <b>in ways that do not compromise overall high-street depth</b>, to enliven town centres <b>without compromising their adaptability to business growth and evolution’</b></p>
<p>9. Ensuring that our existing residents and neighbourhoods prosper from good growth by giving people from every</p>	<p>I welcome the expansion on good growth and suggest more detail on key terms is given e.g. affordable workspace, local economy, small shops and businesses.</p>	<p>Suggest key terms added to glossary (see comment in relation to point 3).</p>

<p>community the opportunity to collaborate throughout the regeneration process. <b>Good growth includes supporting and diversifying our strong local economy, providing new jobs including new green jobs, championing existing and new business growth and supporting small shops and businesses through regeneration including building new, affordable workspaces to continue trading or grow their businesses; and</b></p>	<p>Further details on the mechanisms of ‘collaboration’ opportunities would also be important. How does ‘collaboration’ differ from ‘participation’ or ‘consultation’.</p>	
<p>10. Enhancing local distinctiveness and heritage-led regeneration by requiring the highest possible standards of design, creating vibrant, attractive, healthy, safe and distinctive buildings and places that <del>install</del> <b>instil</b> pride of place in all our communities. This will include <b>networks of green</b> infrastructure, <del>and</del> opportunities for healthy activities and improving streets, squares and public places between buildings; and</p>	<p>I question the limiting of ‘infrastructure’ discussions to ‘green infrastructure’ particularly given EiP representations that highlighted the importance of taking into account issues of tangible and intangible heritage, and the interlinking of heritage and social and community infrastructures.</p>	<p>‘...This will include <b>networks of green, social and community</b> infrastructures, <del>and</del> opportunities for healthy activities and improving streets, squares and public places between buildings; and’</p>

Reasons Text		
<p><b>1. A Climate Emergency was declared by Southwark in March 2019. Adapting to and mitigating against climate change is important to reduce fuel poverty and address the unequal effects of climate change, particularly on our most vulnerable communities.</b></p>	<p>I welcome the recognition of Southwark's Climate Emergency and of its unequal effects on Southwark's diverse communities.</p>	
<p>4. The Homes are being built rapidly, with most of the change taking place in the north and centre of Southwark, predominantly in Elephant and Castle, Canada Water, Old Kent Road, Blackfriars Road, Bankside and along the River Thames. We need to keep up with this pace of change by ensuring that all of these places have infrastructure and services to make them function effectively <b>for all members of our community</b>. We need to make sure that as this change is taking place, we by working in partnership with existing local residents and businesses and <b>ensure</b> that they are listened to at all times. The places</p>	<p>Welcome clarification of ambition to support 'all members', but request pluralisation of 'community' to recognise Southwark's existence as a community of communities.</p> <p>For consistency this change could be made throughout the plan.</p>	<p>'...function effectively <b>for all members of our communities</b>.'</p>

<p>created should be for existing residents and businesses as well as newcomers.</p>		
<p>5. Our social regeneration framework outlines our ambitions of <del>improving life</del> opportunities, good health and wellbeing and pride of place for all, investing in communities and reducing inequalities. This framework will be implemented through social regeneration charters and place plans for the different areas in the borough. These will outline how we will achieve our ambitions at a local level and demonstrate how we will collaborate with the community throughout the process. <b>Our approach to engagement includes the principles of transparency, engagement that is built on trust and ensuring our responses are timely and responsive to local views.</b></p>	<p>I welcome inclusion of commitment to ‘principles of transparency, engagement that is built on trust, and ensuring our response is timely and responsive to local views’ but request further detail, and signposting to how this will be assessed and monitored.</p>	<p>Request expansion of reason text to include detail of KPI and monitoring; or clear inter-referencing to monitoring section.</p>

24 September 2021  
**Delivered by email**

Ref: ALUL3009

Planning Policy  
Southwark Council  
PO BOX 64529  
London SE1P 5LX

Dear Sir / Madam,

**CONSULTATION ON THE MAIN MODIFICATIONS TO THE NEW SOUTHWARK PLAN 2021- WRITTEN REPRESENTATIONS ON BEHALF OF ALUMNO GROUP**

We write on behalf of Alumno Group (“Alumno”; “our Client”) with respect to the consultation on the Main Modifications to the New Southwark Plan 2021, currently undergoing consultation.

Our client supports the general principles and ambitions of the New Southwark Plan, and would like to comment specifically on the proposed modification MM165 to site allocation NSP76, St Olav’s Business Park, Lower Road, and on modification MM30 on the emerging policy P5, student homes.

Alumno have not previously made representations in relation to site NSP76 on the earlier stages of the New Southwark Plan, however, they now have an interest in the redevelopment of the site of St Olav’s Business Park. Therefore, although these representations are received at a late stage of the plan-making process, we respectfully request that these representations are considered and taken into account.

Our Client generally supports the thrust of the site allocation and related policies, and appreciates that the process of identifying and allocating sites has already been carried out. However, in the interests of providing development on the site that optimises planning outcomes and public benefits, these representations on the modifications are considered important.

Alumno has specialised in creating high-quality and modern accommodation for students since 2006. They have worked with universities, colleges and other key stakeholders to provide homes for more than 5,000 students (to date) in key cities such as London, Aberdeen, Glasgow, Birmingham, Norwich and Lemington Spa. They have an interest in development policy in Southwark, having obtained consent for a 143 bedroom purpose-built student accommodation scheme at 77-89 Alscott Road (ref. 18/AP/2295) in October 2020 and are actively progressing and investing in a number of other potential sites for redevelopment within the Borough.

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## **MODIFICATION MM165: DRAFT SITE ALLOCATION NSP76 (ST OLAV'S BUSINESS CENTRE)**

A summary of our comments and the amendments our Client requesting in relation to proposed Modification MM165 are as follows:

- Our Client supports the amendment to update Use Classes to reflect national legislation
- We request that the proposed modification to include the wording “at least the amount of employment floorspace currently on site” in relation to employment re-provision is removed, and wording added to clarify that appropriate employment floorspace levels are to be determined as part of the development management process
- We support the modification wording ‘indicative’ in relation to residential capacity on this site and request that this wording is amended to reflect that this indicative capacity relates to any form of residential accommodation.

### ***Modification to Use Classes***

As part of this modification, the description of uses has been updated to align with changes to the Use Class Order made under The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, and this is supported by our Client as consistent with national legislation.

### ***Modification to employment provision***

The modifications also include updated wording in relation to the amount of employment floorspace which must be provided on site, noting that redevelopment should provide “**at least the amount of employment floorspace (E(g), B Class) currently on site**”[our emphasis].

Our Client supports the need to provide new high-quality employment floorspace and to retain employment space within the Borough. However, it is not considered that re-provision of the exact quantum as existing as a minimum would lead to a better employment offering or space within the borough to meet the needs of local businesses. Instead, it is considered that the re-provision of employment floorspace on the site should not be judged against a minimum quantum, but on the quality of space produced and the market and needs it serves.

The Southwark Employment Land Study 2016 indicates that 460,000 sqm of net additional B1 employment floorspace is needed across the borough, principally large office space in the CAZ as well as a range of business spaces in the CAZ hinterland. This strategic target has been carried forward to NSP Policy SP4 (Strong Local Economy) as a target to provide 460,000sqm of new office floorspace between 2019-2036 in the CAZ and town centres across the borough, with 80% of this expected to be delivered in the CAZ. The policy also notes that an additional 90,000sqm employment floorspace is to be delivered between 2019 and 2036 outside the CAZ, including industrial, distribution, hybrid and studio workspace.

As part of the Canada Water Masterplan hybrid/outline application (18/AP/1604) a mixed use redevelopment was granted planning permission, where the developer is committed to deliver a minimum of 46,452sqm employment floorspace with the potential of delivering up to 282,500sqm of employment.

The Site Allocations Methodology Report Update 2021 (May 2021) (“SAMRU”) notes that based upon employment floorspace expected to be provided through allocations and existing permissions “*The Rotherhithe area could deliver a minimum of 22,196sqm net increase in offices. If the Canada Water masterplan delivered its maximum parameters the Rotherhithe area could deliver 258,244sqm of offices (so an additional 236,048 sqm to the minimum scenario). Office delivery overall would therefore be 388,471sqm [across the Canada Water area- our addition] net based on the minimum scenario at Canada Water and 664,519sqm maximum scenario. It is likely the target would be achieved with significant growth in offices at Canada Water.*”

Both the minimum and maximum employment floorspace figures for the Canada Water area are significantly in excess of the borough-wide needs-based target of 460,000sqm of new office floorspace for the CAZ and town centres, of which 80% is expected to be within the CAZ.

Given the significant amount of office growth expected within the Canada Water area, in excess of the borough's large office need, it is not considered appropriate to constrain the potential development and optimal mix of uses on smaller sites such as St Olav's Business Centre.

Whilst there is a need to reprovide employment floorspace on the site, it is considered that there are many potential development options to be explored, including options such as co-working and more flexible office space, that could secure an improved and high quality employment floorspace to serve the needs of smaller businesses and start-ups, and the local economy, particularly in a post-pandemic world. Such planning outcomes would not necessarily be equal to the exact same quantum of existing office floorspace.

As such, it is not considered that there is a demonstrable reason or need to specify that the employment space within site allocation NSP76 (which is noted as a 'must' to provide within the site allocation, and this is supported by our Client) must be "at least" the same quantum as existing. The borough-wide targets for the CAZ and town centres are capable of being met entirely within the Canada Water area, as well as projected office development within the CAZ, where it is most needed. Therefore a specific quantum within the allocation of smaller sites such as St Olav's is considered to unnecessarily constrain the potential to optimise the mix of uses on the site and provide more flexible employment and working space to meet local needs for office space of smaller businesses.

Therefore, we request that the wording "at least" is removed from the modifications and it is noted that the employment floorspace must be reprovided, with appropriate levels to be determined as part of the development management process.

### ***Modification to residential capacity***

The modification to the proposed site allocation also includes the addition of the "*indicative residential capacity: 125 homes*". Our Client considers that this prescriptive capacity, albeit 'indicative', has the potential to limit opportunities to optimise development of other town centre uses and appropriate uses on the site.

The site is located within the Core of the Canada Water Action Area and is considered, in accordance with the Area Vision and the Area Action Plan, therefore appropriate for a range of potential town centre uses and mixed use development is actively encouraged. The site allocation also further notes that employment floorspace must be provided on site and that active uses are encouraged on the ground floor.

At the request of Inspectors, the New Southwark Plan (Southwark Council's Proposed Changes to the Submitted Plan, July 2020) Version first included the indicative development capacities for each site. These residential capacities for the allocations were informed by the SAMRU which sets out the site allocation process and the methodology behind the indicative site capacities.

This report sets out that the capacity of a site allocation was determined by using the methodology set out within the Site Allocations Methodology Report or by an approved planning application(s) relevant to the site allocation. There are no relevant planning applications on this site, nor is it understood to have undergone a high level of masterplanning design. Therefore, in accordance with Southwark's methodology for calculating indicative density as set out at paragraph 4.32 of the SAMRU, the 'Design-led approach methodology' will have been applied to this site.

The Design-led approach methodology to estimating site capacity outlines an iterative process involving assessment of context, potential building footprints and then notional massing and storeys considered to be possible to achieve on each building footprint to generate a total Gross External Area (GEA) for the site. From this, and consideration of

existing and potential uses in accordance with strategic aims, various calculations and assumptions were undertaken, as set out in paragraphs 4.37-4.41 to calculate indicative GIA and densities.

Whilst it is understood that the site should deliver residential housing, it is considered that this particular site is also appropriate for a range of other uses on site due to the nature of its location within the Core Canada Water Area, and this is supported through policy within the Canada Water Area Action Plan and the Area Vision for Canada Water. The site allocation also specifies that employment floorspace **must** be provided. In this context, it is considered that indicative capacities based upon high-level massing studies that do not take into account potential other variations to the mix of uses are limited and could constrain the effective uses on the site.

It is considered that one other such appropriate use, providing a different form of residential accommodation, on the site would be Purpose Built Student Accommodation (“PBSA”), which would be appropriate on this site in terms of increasing vitality, activity, meeting an identified need in an appropriate sustainable location, and contributing towards housing delivery within Southwark.

The SAMRU sets out that as part of the site allocation process, proposed floorspace for different land uses were set out across different areas of the borough to ensure objectively identified needs were met. This is provided in Table 1. This indicates that site allocations across the Borough are proposed to provide a total of 25,069sqm gross floorspace of ‘Sui generis’ uses, not all of which will be student accommodation. Throughout the SAMRU, various land uses are considered against need including housing, employment, retail, health, education, and open space quantum etc, but student accommodation is not considered specifically in relation to the site allocations.

The Evidence Base to the recently adopted London Plan 2021 includes a document produced by the GLA entitled Student Population Projections and Accommodation Need for New London Plan 2017 (amended October 2018). This concludes that “Comparing the current provision with the gross projected need, we arrive at a net need for approximately 88,000 additional PBSA bedspaces between 2016 and 2041, or 3,500 when annualised over the 25-year period.” This finding has been taken forward in the adopted London Plan Policy H15, where the supporting text at paragraph 4.15.2 an overall strategic requirement for 3,500 PBSA bed spaces to be provided annually in London. LB Southwark and the site of St Olav’s are considered ideally placed in order to accommodate some of this much-needed student accommodation growth, and local policy both in the emerging NSP and the Canada Water Area Action Plan, supports the site as an appropriate location for student accommodation within a mixed use development, providing that it can be demonstrated there is no over provision within the area.

Given this identified need, and the relatively low figures allocated for sui generis uses, of which student accommodation is a subset, within the SAMRU, inclusion of flexibility in the site allocations where active town centre uses are considered appropriate, such as at St Olav’s, inclusion to provide student accommodation alongside other uses would be welcomed and would help to meet the need for PBSA in London.

Furthermore, the inclusion of PBSA as a potential other land use on the site is considered to help optimise the site and the surrounding area in relation to residential capacity. It is set out within the London Plan Policy H15 that student accommodation contributes towards housing delivery targets at a ratio of 2.5 student bedspaces to 1 residential unit. Purpose-Built Student Accommodation (“PBSA”). According to The Southwark Strategic Housing Market Assessment Update 2019 (SHMA), there are over 21,000 students aged 20 or over residents in the borough during term time and there are 23,500 places at major Higher Education (HE) institutions in Southwark. At least 50% of these students live in private rented accommodation, occupying a substantial number of houses which could be freed up for local families.

As such, in this context of the need and aspirations to provide a high quality and enhanced employment floorspace, active frontages that would contribute to the vitality of the surrounding area, it is considered that a specific indicative number of residential unit capacity could constrain the potential to fully optimise potential appropriate other land

uses on a previously developed brownfield site in a constrained urban location, counter to local policy aspirations and national policy (chapter 11 of the NPPF which seeks to make effective use of land).

Therefore, we support the wording 'indicative' in relation to housing capacity on this site and request that it is made clear within the modification to the residential capacity, and that this wording is amended to reflect that this indicative capacity relates to **any form of residential**, which would encompass a wider range of uses, such as student accommodation. This would ensure that there is flexibility to discuss the most appropriate residential forms and quantum for the site in consideration with other proposed uses, as part of a detailed development management process on any future development proposals to come forward on the site.

## **MODIFICATION MM30: POLICY P5 (STUDENT HOMES)**

The key modifications in relation to Policy P5 (Student Homes) are supported by our Client. Specifically, the following amendments are supported:

- The requirement for 5% of student rooms easily adaptable for occupation by wheelchair users
- The focus on the provision of affordable student rooms in accordance with the affordable student rents defined by the Mayor of London on student rooms for nominated further and higher education institutions, through the removal of the requirement to provide conventional affordable housing in this route. This is considered to comply more closely with the London Plan.
- The retention of securing affordable conventional housing on direct-let student schemes "*as a first priority*".

Nevertheless, we do note the inclusion within the direct lets approach, outlined at point 2 of the policy, the modified wording seeks the "maximum amount" of affordable housing "subject to viability". Whilst, the inclusion of a viability assessment to determine the maximum is welcomed, it is noted that this removes the option of a Fast-Track Route, as outlined in Point 4 a) of Policy H15 of the London Plan.

## **SUMMARY**

Overall, and subject to the recommendations set out as part of this submission, Alumno continues to offer its support for the New Southwark Plan and relevant emerging policies contained within it.

However, as set out above, there are a number of amendments set out in Modification MM165 to the site allocation NSP76, St Olav's Business Centre, that we consider to constrain the potential to optimise the site through future development and that should be removed or amended, in order to ensure that the site is able to be redeveloped and optimised to its full potential, subject to detailed discussions at development management stage.

We look forward to working with the Council in preparing a sound and deliverable Local Plan.

Please do not hesitate to contact my colleague [REDACTED] ([REDACTED]) or myself at this office should you require any further information or wish to discuss these representations.

Yours sincerely,

[REDACTED]

[REDACTED]  
**Director**

[REDACTED]

24 September 2021

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Dear Sir/Madam,

### **New Southwark Plan: Main Modifications 2021**

Thank you for giving us the opportunity to comment on the emerging Local Plan. We write on behalf of our client, Newington Square Limited ('our Client'), to make representations against the New Southwark Plan: Main Modifications (2021).

In February 2018, Savills made representations on behalf of the previous owners of 101 Newington Causeway, The Salvation Army Trustee Company in response to consultation on the New Southwark Plan: Proposed Submission Version (December 2017). The representation expressed broad in-principle support for the site allocation and the identification of the sites potential to accommodate tall buildings. Newington Square Limited is now in contract to purchase the site from The Salvation Army Trustee Company.

Previous representations on the emerging plan have also been made on our Client's behalf. This includes submitting representations against the Proposed Changes to Submission Version draft Local Plan (August 2020). We also participated in the emerging New Southwark Plan's Hearing sessions held between February-April 2021.

Our Client is broadly supportive of the principles of the New Southwark Plan and its strategic vision to help the Borough realise its development and growth priorities. However, it is our view that a flexible approach must be taken in regard to the Council's emerging affordable workspace policy, Policy P30, to ensure local demand is met in the most effective way and development is not subject to undue constraint.

Detailed comments on emerging Policy P30 are set out below.

### **Inspectors Main Modifications**

#### *Policy P30 part 2*

The Inspector has proposed the following Main Modifications to Policy P30 part 2, strikethroughs provided for ease of reference:

*'~~Major~~ Developments proposing 500sqm GIA or more employment floorspace (~~B-class use~~) must:*

- 1. Deliver at least 10% of the proposed gross ~~new~~ employment floorspace as affordable workspace on site at Discount Market Rents; and'*

We suggest the Inspector propose further modification to Policy P30 whereby the affordable workspace threshold is applied to the proposed *net additional* floorspace of a development proposal. Wording which is broadly in line with the below would be acceptable, with additions in red for ease:

*'Developments proposing 500sqm GIA or more employment floorspace must:*

- 1. Deliver at least 10% of the proposed **net additional** employment floorspace as affordable workspace on site at Discount Market Rents; and.'*

The requirement for 10% affordable workspace on the gross amount of employment floorspace undermines the viability of a proposal to demolish or refurbish/extend (to the extent that would trigger a planning application) an old office building in order to bring forward more modern and sustainable grade A facilities in its place. Where no floorspace credit is provided for existing floorspace, the policy is a disincentive to developers and landowners considering bringing existing sites forward for upgrade as the 10% requirement would be calculated on the gross amount of floorspace.

Additionally, following the recent Examination in Public of the new Lambeth Local Plan, Inspector Mike Fox noted that by applying the threshold to the gross floor area, Lambeth's policy as previously drafted overlooked the back of house/circulation areas, which are not linked to specific users. The Inspector went on to conclude that, an affordable workspace requirement applied to the net additional floorspace would result in a more *'efficient and equitable way of calculating such provision.'* As a result, the policy wording in the now adopted Lambeth Plan requires 10% of the rentable floorspace (NIA) at discounted rents.

In addition to our proposed change to paragraph 2.1 of the policy, we also consider that following changes to reason 5 are required in order to make the policy **justified** and **effective** in its approach to delivering affordable workspace:

*'The policy **only** applies to the **net internal area (NIA)** of **all proposed net additional floorspace** in new build developments providing over 500sqm of new employment floorspace, regardless of any existing employment uses that will be demolished. **This is to ensure that affordable workspace requirements are not based on calculations inflated by unusable areas such as circulation spaces.** For extensions to buildings or changes of use, the policy applies to the new floorspace created if the extension or change of use is over 500sqm.'*

In addition, the blanket requirement for 10% provision of office floorspace as currently drafted does not allow for due consideration of areas of the borough where SMEs are declining due to high land costs. For example, if an applicant was required to provide 10% of the gross proposed floorspace in an area with little SME demand, the space would likely be unlettable. This would therefore be ineffective in delivering the Borough's employment land target insofar as applicants may be deterred from proposing and delivering any employment floorspace to circumvent the overly-stringent affordable workspace policy, as currently drafted. Whilst we acknowledge there is a general need for affordable workspace to accommodate SMEs in the Borough, the policy requires modification to be found legally sound.

This was also raised by Inspector Mike Fox who stated in his report that *'...the requirement of the policy to deliver 10 per cent of total floorspace, as drafted, for affordable workspace, provides very little flexibility in areas where SMEs have been declining due in part to high land costs.'*

In its current form, the blanket approach to the affordable workspace threshold cannot be found 'sound' and therefore cannot be adopted because it is inflexible and thereby **not effective** as per Paragraph 35 part (c) of the National Planning Policy Framework ('NPPF').

#### *Policy P30 part 5*

The Inspector has made Main Modifications to Policy P30 part 5 as follows, with strikethroughs for ease of reference:

*'In exceptional circumstances affordable retail (~~A-class~~) or affordable cultural uses (~~D-class~~), or public health services which provide a range of affordable access options for local residents, may be provided as an alternative to affordable workspace (employment uses) (~~B-class~~). This will only be acceptable if there is a demonstrated need for the affordable use proposed and with a named occupier. If the alternative affordable use is no longer required in the future, the space should be made available for affordable workspace*

*(employment uses) ~~(B-class)~~ in accordance with the criteria above. The reversion or uplift of employment ~~(B-class)~~ floorspace must still be provided in the scheme overall.'*

We acknowledge the old use classes have been removed in order to reflect the current Use Classes Order and the introduction of the flexible Use Class E. However, the 'exceptional circumstances' threshold as currently drafted does not provide enough flexibility to the policy and is therefore **not effective**. This inflexibility arises where there is a tension between the exceptional circumstances and ability to demonstrate an occupier for a an affordable Class E use. That is, if an applicant can demonstrate demand and a named occupier for the affordable space, be it retail or cultural uses, policy should not seek to apply a further, undefined, barrier such as 'exceptional circumstances'. This impacts the effectiveness of the New Southwark Plan and its deliverability in instances where an applicant may have a named occupier for affordable cultural space in an appropriate location, but policy deters the applicant from progressing a scheme due to the high policy thresholds.

In addition, we consider that an undue restriction on the forms of affordable workspace does not allow for sufficient flexibility for local need to be effectively met all on schemes across the Borough. The flexible Use Class E for town centre uses has been introduced to allow for flexibility. It is now possible to move between Class E uses without seeking planning permission, a provision intended to enable flexibility and the repurposing of town centres and high streets. In our view, Policy P30 should not place an undue restriction on the delivery of alternative forms of affordable workspace within Class E to both support office uses and reflect the new flexibility in the planning Use Classes Order. We therefore suggest the policy be modified accordingly:

*'~~In exceptional circumstances~~ Affordable retail (A-class) or affordable cultural uses (D-class), or public health services which provide a range of affordable access options for local residents, may be provided as an alternative to affordable workspace (employment uses) ~~(B-class)~~. This will only be acceptable if there is a demonstrated need for the affordable use proposed and with a named occupier. If the alternative affordable use is no longer required in the future, the space should be made available for affordable workspace (employment uses) ~~(B-class)~~ in accordance with the criteria above. The reversion or uplift of employment ~~(B-class)~~ floorspace must still be provided in the scheme overall.'*

## **Conclusion**

In summary, our Client remains broadly supportive of the aims and objectives of the New Southwark Plan in its latest form. However, we consider it key to the effectiveness and deliverability of the emerging New Southwark Plan that the position on affordable workspace is reviewed and appropriately modified before the plan can be found sound. Primarily, the affordable workspace threshold should be applied to the net internal area of the net additional floorspace proposed, rather than the gross floorspace, as has been discussed above.

In addition, we are in broad agreement with the Council's acknowledgement of the wider possible affordable uses such as retail or cultural uses. However, as these may only be considered in exceptional circumstances, the policy bar remains inflexible for the policy to be effective and therefore sound.

We look forward to acknowledgement of receipt of this representation. Please do not hesitate to contact us on the details at the head of this letter should you require any further information.

Yours faithfully



Savills

24 September 2021



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Dear Sir/Madam,

**New Southwark Plan: Main Modifications 2021**

Thank you for giving us the opportunity to comment on the emerging Local Plan. We write on behalf of our client, Bermondsey Yards Limited Partnership (Aviva) ('our Client'), to make representations against the New Southwark Plan: Main Modifications (2021).

Bermondsey Yards Limited Partnership have a long term investment in the borough, and are currently undergoing pre-application discussions with officers regarding an exciting development opportunity in the Bankside, Borough and London Bridge Opportunity Area.

Our Client is broadly supportive of the principles of the New Southwark Plan and its strategic vision to help the Borough realise its development and growth priorities. However, it is our view that a flexible approach must be taken in regard to the Council's emerging affordable workspace policy, Policy P30, to ensure local demand is met in the most effective way and development is not subject to undue constraint.

Detailed comments on emerging Policy P30 are set out below.

**Inspectors Main Modifications**

*Policy P30 part 2*

The Inspector has proposed the following Main Modifications to Policy P30 part 2, strikethroughs provided for ease of reference:

~~'Major Developments proposing 500sqm GIA or more employment floorspace (B class use) must:~~

1. ~~Deliver at least 10% of the proposed gross new employment floorspace as affordable workspace on site at Discount Market Rents; and'~~

We suggest the Inspector propose further modification to Policy P30 whereby the affordable workspace threshold is applied to the proposed *net additional* floorspace of a development proposal. Wording which is broadly in line with the below would be acceptable, with additions in red for ease:

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1. *Deliver at least 10% of the proposed **net additional** employment floorspace as affordable workspace on site at Discount Market Rents; and.'*

The requirement for 10% affordable workspace on the gross amount of employment floorspace undermines the viability of a proposal to demolish or refurbish/extend (to the extent that would trigger a planning application) an old office building in order to bring forward more modern and sustainable grade



A facilities in its place. Where no floorspace credit is provided for existing floorspace, the policy is a disincentive to developers and landowners considering bringing existing sites forward for upgrade as the 10% requirement would be calculated on the gross amount of floorspace.

Additionally, following the recent Examination in Public of the new Lambeth Local Plan, Inspector Mike Fox noted that by applying the threshold to the gross floor area, Lambeth's policy as previously drafted overlooked the back of house/circulation areas, which are not linked to specific users. The Inspector went on to conclude that, an affordable workspace requirement applied to the net additional floorspace would result in a more *'efficient and equitable way of calculating such provision.'* As a result, the policy wording in the now adopted Lambeth Plan requires 10% of the rentable floorspace (NIA) at discounted rents.

In addition to our proposed change to paragraph 2.1 of the policy, we also consider that following changes to reason 5 are required in order to make the policy **justified** and **effective** in its approach to delivering affordable workspace:

*'The policy **only** applies to the **net internal area (NIA)** of **all proposed net additional floorspace** in new build developments providing over 500sqm of new employment floorspace, regardless of any existing employment uses that will be demolished. **This is to ensure that affordable workspace requirements are not based on calculations inflated by unusable areas such as circulation spaces.** For extensions to buildings or changes of use, the policy applies to the new floorspace created if the extension or change of use is over 500sqm.'*

In addition, the blanket requirement for 10% provision of office floorspace as currently drafted does not allow for due consideration of areas of the borough where SMEs are declining due to high land costs. For example, if an applicant was required to provide 10% of the gross proposed floorspace in an area with little SME demand, the space would likely be unlettable. This would therefore be ineffective in delivering the Borough's employment land target insofar as applicants may be deterred from proposing and delivering any employment floorspace to circumvent the overly-stringent affordable workspace policy, as currently drafted. Whilst we acknowledge there is a general need for affordable workspace to accommodate SMEs in the Borough, the policy requires modification to be found legally sound.

This was also raised by Inspector Mike Fox who stated in his report that *'...the requirement of the policy to deliver 10 per cent of total floorspace, as drafted, for affordable workspace, provides very little flexibility in areas where SMEs have been declining due in part to high land costs.'*

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We acknowledge the old use classes have been removed in order to reflect the current Use Classes Order and the introduction of the flexible Use Class E. However, the *'exceptional circumstances'* threshold as currently drafted does not provide enough flexibility to the policy and is therefore **not effective**. This inflexibility arises where there is a tension between the exceptional circumstances and ability to demonstrate

an occupier for a an affordable Class E use. That is, if an applicant can demonstrate demand and a named occupier for the affordable space, be it retail or cultural uses, policy should not seek to apply a further, undefined, barrier such as 'exceptional circumstances'. This impacts the effectiveness of the New Southwark Plan and its deliverability in instances where an applicant may have a named occupier for affordable cultural space in an appropriate location, but policy deters the applicant from progressing a scheme due to the high policy thresholds.

In addition, we consider that an undue restriction on the forms of affordable workspace does not allow for sufficient flexibility for local need to be effectively met all on schemes across the Borough. The flexible Use Class E for town centre uses has been introduced to allow for flexibility. It is now possible to move between Class E uses without seeking planning permission, a provision intended to enable flexibility and the repurposing of town centres and high streets. In our view, Policy P30 should not place an undue restriction on the delivery of alternative forms of affordable workspace within Class E to both support office uses and reflect the new flexibility in the planning Use Classes Order. We therefore suggest the policy be modified accordingly:

*'In ~~exceptional circumstances~~ Affordable retail (A-class) or affordable cultural uses (D-class), or public health services which provide a range of affordable access options for local residents, may be provided as an alternative to affordable workspace (employment uses) (B-class). This will only be acceptable if there is a demonstrated need for the affordable use proposed and with a named occupier. If the alternative affordable use is no longer required in the future, the space should be made available for affordable workspace (employment uses) (B-class) in accordance with the criteria above. The reprovision or uplift of employment (B-class) floorspace must still be provided in the scheme overall.'*

## **Conclusion**

In summary, our Client remains broadly supportive of the aims and objectives of the New Southwark Plan in its latest form. However, we consider it key to the effectiveness and deliverability of the emerging New Southwark Plan that the position on affordable workspace is reviewed and appropriately modified before the plan can be found sound. Primarily, the affordable workspace threshold should be applied to the net internal area of the net additional floorspace proposed, rather than the gross floorspace, as has been discussed above.

In addition, we are in broad agreement with the Council's acknowledgement of the wider possible affordable uses such as retail or cultural uses. However, as these may only be considered in exceptional circumstances, the policy bar remains inflexible for the policy to be effective and therefore sound.

We look forward to acknowledgement of receipt of this representation. Please do not hesitate to contact us on the details at the head of this letter should you require any further information.

Yours faithfully



Savills

## GREATER LONDON AUTHORITY

**Simon Bevan**

Director of Planning  
Chief Executive's Department  
5<sup>th</sup> Floor, Hub 4  
Southwark Council  
PO Box 64529  
London, SE1P 5LX

**Department: Planning**

Our reference: LDF28/LDD05/LP05/HA01  
Date: 24 September 2021

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[juliet.seymour@southwark.gov.uk](mailto:juliet.seymour@southwark.gov.uk)

Dear Simon,

**Planning and Compulsory Purchase Act 2004 (as amended);  
Greater London Authority Acts 1999 and 2007;  
Town and Country Planning (Local Development) (England) Regulations 2012**

**RE: Proposed Main Modifications to the New Southwark Plan**

Thank you for consulting the Mayor of London on the proposed Main Modifications to the New Southwark Plan (NSP) following the Examination Hearing sessions. As you are aware, all development plan documents must be in general conformity with the London Plan under section 24 (1)(b) of the Planning and Compulsory Purchase Act 2004. The Mayor provided comments on the Regulation 19 version of the draft New Southwark Plan on 20 May 2019 (Reference: LDF28/LDD07/CG) and the proposed changes to the submitted New Southwark Plan on 23 October 2020 (Reference: LDF28/LDD05/AT).

The London Plan 2021 was formally published on the 2 March 2021, and now forms part of Southwark's Development Plan and contains the most up-to-date policies.

The Mayor has afforded me delegated authority to make more detailed comments on his behalf which are set out below. Representations from Transport for London (TfL), which I endorse, are included and attached to this response in Annex 1.

The approach to tall buildings within the proposed site allocations could provide more certainty. Policy D9 of the LP2021 requires that appropriate areas for tall buildings are identified, mapped and that appropriate buildings heights are set out clearly in specific locations. A number of the site allocations include an approach to tall buildings which sets out that locations 'could include tall buildings'. In accordance with Policy D9 of the LP2021 more certainty should be provided in terms of identifying those areas where tall buildings are considered to be acceptable and appropriate/maximum building heights or ranges of heights could be set out clearly within the site allocations or in maps.

Where industrial uses exist within site allocations (including warehousing) this capacity should be noted and redevelopment proposals should follow the guidance set out in Policy E7 of the LP2021 which affords protection to both designated and non-designated industrial capacity. In this light, the proposed allocations should differentiate between class E(g) uses so that existing light industrial (Class E(g)iii uses) and other industrial capacity is not lost to office development (E(g)i) as part of redevelopment proposals. In addition, proposals for office development should be directed to the Central Activities Zone (CAZ) and the borough's town centres in accordance with Policy E1 of the LP2021.

The GLA has carefully considered the proposed main modifications and is of the opinion that the draft Local Plan is in general conformity with the London Plan 2021 (LP2021).

Detailed comments on the proposed main modifications to the NSP are set out in the table below.

<b>Main Modification Reference</b>	<b>Policy / Paragraph</b>	<b>Mayor's response</b>
MM13	SP4	The Mayor welcomes the amendment which responds positively to the comments he raised in his earlier response in October 2020. The proposed amendment now makes it clear that co-location with non-industrial uses is acceptable in Locally Significant Industrial Sites (LSIS) but not in Strategic Industrial Locations (SIL) which is in accordance with Policy E7 of the LP2021.
MM23	AV.13	The Mayor welcomes the clarification that there will be two new District Town Centres in the Old Kent Road area which is an element of the Statement of Common Ground agreed between the Mayor and LB Southwark in April 2020.
MM27	P1	It is noted that for planning proposals to take the Fast Track Route they are required to provide at least 40% affordable housing. This is greater than the Mayor's threshold level which is set at 35% for residential proposals on privately owned land and for the approach to be considered acceptable it must be supported by local and up to date evidence. It would be useful if the draft Plan could include references to relevant evidence to support the proposed approach. The policy should also reflect that part of the Mayor's approach which sets the affordable housing threshold at 50% on publicly owned land and on industrial land, where residential proposals would result in a loss of industrial capacity. This too should be included in the amendments to Policy P1 for it to be consistent with the LP2021.
MM31	P5	The Mayor is disappointed that the objection raised in his earlier response in October 2020, regarding the provision of affordable student accommodation, has not been addressed as part of the proposed amendments. LB Southwark should note that where proposals for purpose-built student accommodation do not secure at least 35% of the accommodation as affordable student accommodation (50% on publicly owned land or industrial land where there would be a loss of industrial capacity), those proposals will be required to follow the Viability Tested Route (VTR) and will be subjected to viability review mechanisms in accordance with Policies H15 and H5 of the LP2021.

MM40	P16	<p>The Mayor notes and welcomes the Tall Buildings Zone which is clearly illustrated on maps and the numerical part of the tall building definition included in the fact box as part of the proposed amendments. The part of the definition which refers to ‘...where they are significantly higher than surrounding buildings or their emerging context’ should be removed as this provides ambiguity and uncertainty. The proposed amendments meet two of the requirements of Policy D9 of the LP2021 but LB Southwark have not set out appropriate/maximum building heights in specific locations or as part of the site allocations. This matter could be addressed by illustrating maximum/appropriate building heights should be illustrated on maps to bring the approach into line with the Policy D9 and paragraph 3.9.2 of the LP2021.</p> <p>Part 2 of Policy 16 refers to the strategic views set out in the London View Management Framework, which is welcome, but LB Southwark should make sure to include these views on maps. This will help to make it clear to developers and Southwark officers precisely those affected areas where tall building proposals could negatively impact on those views.</p>
MM48	P28	The Mayor welcomes the proposed amendment which now makes it clear the intention to intensify development on LSIS within the Old Kent Road area for residential and industrial co-location which is consistent with Policy E7 of the LP2021.
MM50	P30	It is clear that the 500sqm development threshold for affordable workspace requirements has been viability tested and this has been published as part of the examination. The evidence which underpins the approach is noted and welcomed.
MM74	P61	The Mayor welcomes the proposed amendment which now provides greater clarity on Circular Economy Statements which is consistent with Policy S17 of the LP2021.
MM80	P69	The proposed modification is welcomed as it ensures that whole life-cycle carbon emissions are taken into account for referable applications in line with Policy S12 of the LP2021.
MM95 / MM96 / MM97	NSP08A, B and C	The Mayor welcomes the recognition that the site allocation cluster lies within the background assessment area of the Alexandra Palace to St Paul’s Cathedral strategic view as set out in the London View Management Framework and is consistent with Policy HC3 of the LP2021.
MM113	NSP24	The site is currently industrial and as such industrial capacity should be sought as part of redevelopment proposals in accordance with Policy E7 of the LP2021. Therefore, Class E(g)iii uses should be sought as part of proposals and not broader E(g) uses, which would risk losing industrial capacity to office development.
MM119	NSP30	The site is currently industrial and as such industrial capacity should be sought as part of redevelopment proposals in accordance with Policy E7 of the LP2021. Therefore, Class E(g)iii uses should be sought as part of proposals and not broader E(g) uses, which would risk losing industrial capacity to office development.
MM119	NSP36	The site is currently home to light industrial uses and as such industrial capacity should be sought as part of redevelopment proposals in accordance with Policy E7 of the LP2021. Therefore, Class E(g)iii uses should be sought as part of proposals and not

		broader E(g) uses, which would risk losing industrial capacity to office development.
MM137	NSP48	The site is currently home to light industrial uses and as such industrial capacity should be sought as part of redevelopment proposals in accordance with Policy E7 of the LP2021. Therefore, Class E(g)iii uses should be sought as part of proposals and not broader E(g) uses, which would risk losing industrial capacity to office development.
MM140	NSP51	Part of the site is currently home to light industrial and warehouse uses and as such industrial capacity should be sought as part of redevelopment proposals in accordance with Policy E7 of the LP2021. Therefore, Class E(g)iii and B8 uses should be sought as part of proposals and not broader E(g) uses, which would risk losing industrial capacity to office development.
MM162	NSP73	Part of the site is currently home to industrial warehouse uses and as such industrial capacity should be sought as part of redevelopment proposals in accordance with Policy E7 of the LP2021. Therefore, Class E(g)iii, B2 and B8 uses should be sought as part of proposals and not broader E(g) uses, which would risk losing industrial capacity to office development.
MapM005	Industrial Land – Strategic Protected Industrial Area	The Mayor welcomes the inclusion of the railway arches within the boundary amendment which is consistent with the approach set out in Policy E4 of the LP2021.
MapM019	Tall buildings	The proposed amendment clearly identifies the Tall Buildings Zone which reflects Figure 4 of the draft Plan and is consistent with Policy D9 of the LP2021.
AM28	P28 – Strategic Protected Industrial Land (SPIL)	Welcome the update to existing amount of SPIL (equivalent to Strategic Industrial Land (SIL)) which now reflects a slight increase as a result of proposed boundary amendments.

**Next steps**

I hope these comments positively inform the ongoing preparation of the New Southwark Plan. We have welcomed the collaboration to date between our respective teams and we look forward to continuing to work with you to ensure it aligns with the LP2021 as well as delivering Southwark's objectives. If you have any specific questions regarding the comments in this letter, please do not hesitate to contact [REDACTED] on [REDACTED] or at [REDACTED]

Yours sincerely

[REDACTED]

[REDACTED]

**Head of the London Plan and Growth Strategies**

Cc [REDACTED], London Assembly Constituency Member  
[REDACTED], Chair of London Assembly Planning Committee  
National Planning Casework Unit, MHCLG



## ANNEX 1 – Transport for London Representation

Transport for London  
City Planning  
5 Endeavour Square  
Westfield Avenue  
Stratford  
London E20 1JN

Phone 020 7222 5600  
[www.tfl.gov.uk](http://www.tfl.gov.uk)

21 September 2021

Dear Sir/Madam,

### Re: New Southwark Plan Proposed Modifications

*Please note that these comments represent the views of Transport for London (TfL) officers and are made entirely on a "without prejudice" basis. They should not be taken to represent an indication of any subsequent Mayoral decision in relation to this matter. The comments reflect TfL's role in implementing the Mayor's transport policies as set out in the London Plan and Mayor's Transport Strategy and as a transport operator and strategic highway authority in the area. These comments do not necessarily represent the views of the Greater London Authority (GLA). A separate response has been prepared by TfL Commercial Development Planning (TfL Property) to reflect TfL's interests as a landowner and potential developer.*

Thank you for giving Transport for London (TfL) the opportunity to comment on New Southwark Plan Proposed Modifications. The London Plan 2021 has recently been published and now forms part of Southwark's development plan.

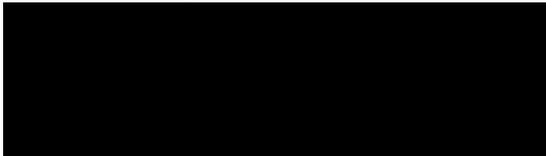
We welcome the inclusion in the Main Modifications of a large number of changes that we requested in our Regulation 19 consultation response and were subsequently agreed in the TfL Statement of Common Ground. We welcome updated standards for car and cycle parking which are now in conformity with the London Plan 2021. We also welcome the insertion of text on Bakerloo line safeguarding.

A key concern at previous stages was the site allocations that include operational bus garages and Peckham bus station. These sites are very important in supporting the local bus network and their loss would be contrary to strategic policies on the retention of transport land. We are therefore pleased that the site allocations text has been clarified to ensure that bus capacity is retained if these sites are redeveloped, as agreed in the TfL Statement of Common Ground.

One remaining concern is the issue of phasing in the Old Kent Road Area Vision. The phases have been retained in terms of number of homes, which we support, but the text also says "Phase 2 (2023 – 2027)". As TfL officers explained at the EiP, this timescale is not realistic as the BLE is unlikely to be commenced before 2030. We had asked for the dates to be removed but this has not been done. Although this text is not a main modification, we would still want to see the specified timeframe removed to avoid confusion.

We provide detailed comments below referenced to the relevant modification. We hope that these comments are helpful and look forward to continuing our work together in finalising the document. We are committed to continuing to work closely with GLA colleagues to help deliver integrated planning and make the case for continued investment in transport capacity and connectivity to unlock further development and support future growth.

Yours sincerely,



 | Manager

London Plan and Planning Obligations team | City Planning

Email: 



## Appendix A: Specific suggested edits and comments from TfL on New Southwark Plan Proposed Modifications

Modification	Section	TfL response
MM23	Old Kent Road Area Vision	We welcome the insertion of a new paragraph to reflect the safeguarding direction for the Bakerloo line extension. the specific dates for phase 2 should be removed as previously requested, because as explained at the EiP, the Bakerloo line extension is unlikely to be commenced before 2030.
MM65	P52 - Cycling	We support changes to the text of this policy to ensure consistency with the approach of the London Plan.
MM66	P52 and P53	We welcome updates to the cycle and car parking tables 9-12 as per document EIP177. We can confirm that the updates standards are now in conformity with the New London Plan. However, there appear to be a number of typographical errors so that Gross Internal Area (GIA) is referenced rather than Gross External Area (GEA) for some of the individual use classes.
MM67	P53 – Car Parking	We support changes to the text of this policy to ensure consistency with the approach of the London Plan
MM82	IP2	We welcome the insertion of a new paragraph to reflect the safeguarding direction for the Bakerloo line extension
MM114	NSP25	We welcome the revised wording to ensure that bus capacity is retained if the site is redeveloped
MM115	NSP26	We welcome the revised wording to ensure that bus capacity is retained if the site is redeveloped
MM160	NSP71	We welcome the revised wording to ensure that bus station capacity is retained if the site is redeveloped



## **New Southwark Plan main modifications - consultation comments by Shiva Ltd**

A 'Tall Buildings Background paper dated June 2020' was submitted as a supporting document going into detail about tall buildings in the Borough and its rationale. The paper was also intended to justify tall buildings in NSP site allocations especially NSP 50 & 51. In the absence of NSP 50 and 51, the council has no existing policies in support of tall buildings in the allocated areas. The Core Strategy 2011 and Southwark Plan 2007 failed to specifically pinpoint these areas as appropriate for tall buildings.

### **Definition of a Tall Building**

Para 1.4 of the background paper states -

"...tall buildings are above 30m except where they are 25m in the Thames Special Policy Area, and also where they are significantly higher than surrounding buildings or their emerging context."

Comment:

The definition of a tall building needs to be specific to its context and needs to be set out in metres for each site allocation. The background paper has not considered the published London Plan 2021 as it sets out in Policy D9 its latest definition of a tall building:

"Based on local context, Development Plans should define what is considered a tall building for specific localities, the height of which will vary between and within different parts of London but should not be less than 6 storeys or 18 metres measured from ground to the floor level of the uppermost storey."

18 metres seems to be the new height threshold above which a building is categorised as a tall building, yet the NSP has not factored this new definition in either the background paper or in the main modifications for NSP 50 & 51.

### **Figure 3 of the background paper and Figure 4 of the NSP**

**Comment:**

The shaded 'areas appropriate for tall buildings' include all of the following conservation areas, including all listed buildings within its boundaries:

- Bermondsey street
- Tooley street
- Borough High Street
- Tower Bridge
- Pages' Walk
- Trinity Church square
- Liberty of the Mint
- Union Street
- Thrale Street
- King's Bench
- St George's Circus
- Larcom Street
- West Square

It is not known why the council finds conservation areas appropriate for tall buildings. In fact,

both the maps appear to be unions of all conservation areas west of Tower Bridge Road defeating the very purpose of their designation.

## **Shard**

Paragraph 3.1 of the background paper states –

*“The Shard which stands at 309.6 metres, has formed a new pinnacle within the existing cluster of tall buildings around London Bridge station and Guy’s Hospital. This tall building has redefined the skyline of the area, making London Bridge a focus for new tall building development ..... Standing at 309.6m high and designed by Renzo Piano, The Shard has become the focus point of the existing tall buildings cluster around the London Bridge area. At 96 storeys, it is the tallest building in the UK and the sixth tallest in Europe.”*

### **Comment:**

It is a boastful advertisement on the Shard rather than an analysis of its impact on neighbouring character. The background paper should have looked at any negative impacts of the Shard and any dangerous precedent it may have set for other tall building proposals in areas between the building and the Bermondsey street conservation to the east and Borough High Street to the west.

Historic England in its 2015 advice note set out that whilst tall buildings can be beneficial to city life, they can also potentially harm the historic character of places due to their large scale and widespread visibility. Local planning Authorities should undertake characterisation and building height studies to provide evidence supporting a local height definition for tall buildings. Appropriate sites for tall buildings are recommended to be identified in the local plan, creating clear strategic policies which will be used to inform development management and supplementary planning advice where appropriate. None of this has been followed in the background paper or the NSP in any respectable detail. For instance, the potential negative impacts are only touched on very briefly in para. 5.5 but with no examples of existing tall buildings, an analysis of its negative impact and lessons learnt for the council to avoid tall buildings in inappropriate locations.

## **NSP 50 - MAIN MODIFICATION MM 139**

The revised wording states -

*“Taller buildings should be located towards the west of the site with building heights stepping down in height from west to east. Taller buildings and should not detract from the primacy of The Shard.”*

### **Comment:**

It is unclear how the Shard is relevant to NSP50. The height parameters should be defined in metres such as to step down from the approved 133m tall building to the 15m high building at the junction of Crucifix Lane, St Thomas Street and Bermondsey Street drawn in a straight line. Leaving maximum heights to the developers interpretation is bound to cause confusion and potential harm to the Bermondsey street conservation area.

## **NSP 51 - MAIN MODIFICATION MM 140**

The revised wording states -

*“Taller buildings should be located towards the west of the site with building heights stepping down in height from west to east taking into account the height of buildings approved at site NSP50. Taller buildings and should not detract from the primacy of The Shard”*

### **Comment:**

The Inspector had called for clarity as to the step down of the building's height to ensure a smooth transition down from the eastern most building in NSP50, however the council has not made that clear in the revised wording. The revised wording could still encourage developers to use the approved height at the western boundary of NSP50 as a guide to step down rather than the home office site. Until such time a taller building is approved to replace, proposals in NSP 51 should step down from the existing six storey home office building Beckett House to the 15m high building at the junction of Crucifix Lane, St Thomas Street and Bermondsey Street. Step-down policy means nothing if the heights at either end and the skyline are not specified. As a minimum, heights and angles of elevation necessary to protect amenities and the conservation area should be specified.

To summarise, there should be a 'robust' justification for the transformation of a low-rise historic area into a high-rise extravaganza. This is particularly so as the site allocations are sandwiched between the listed St Thomas St arches and the conservation area. The main modification wording also ignores all together the Vinegaryard warehouse and fails to expand on its significance. It does not offer any clarity on the preservation of the vinegar warehouse so as to prevent it being built through/over.

## **NSP EiP consultation on the modifications**

This representation covers two different policies:

- the rescinding of the PNAAP,
- boundaries of two linked open spaces - Peckham Rye Common and Peckham Rye Park.

Eileen Conn

24<sup>th</sup> September 2021

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## **EIP219 New Southwark Plan – Main Modifications**

### **Appendix 7: Annex 5 – Policies and sites from the Aylesbury AAP, Peckham and Nunhead AAP and Canada Water AAP that would be replaced by the New Southwark Plan**

This representation focuses on the proposal to replace the PNAAP and other AAPs with the NSP.

This is unsound as it is not positively prepared for these reasons:

- The proposal has not been subject to consultation before these Main Modifications. In the short time allowed for this MM consultation there has not been sufficient time to consider adequately the impact of the proposals for the PNAAP and whether the aspects transferred to the NSP are equivalent and do not lose important aspects of adopted policy.
- Sites are said to be not transferred and then can be treated as ‘windfall’. What does this mean? It is not clear.
- An example is site PNAAP2 Print Village Industrial Estate, Chadwick Road. This is not being transferred to the NSP because “ This site has not been developed, it can come forward as windfall” . But the PNAAP has a significant condition to any development proposals for this site. This is in the Site Specific Guidance “redevelopment of this site must not result in the net loss of business space (Class B).”
- I know that this was inserted into the PNAAP as a protection from development because the site works very well as an industrial site and fits well with the surrounding residential area. Removing this protection would significantly and without justification change the policy.
- In addition there are still references to the PNAAP in the NSP. For example in MM160 “... height restriction on development proposals should be observed to conform with guidance set out in the Peckham and Nunhead Area Action Plan...” How can this be sound if the PNAAP guidance has been rescinded?

## **Peckham Rye Common boundary map**

This representation is about the accuracy of the maps and schedules identifying the correct boundary for Peckham Rye Common. I am not clear if this is in the Main Modifications or not so am recording it here to draw attention to the need for accuracy on this important land matter.

In the Statement of Common Ground, I made factual corrections on the boundary which were accepted in the SofCG discussions. However I have not seen documents in the current stage of the NSP EiP which make this as clear as it must be.

The maps have been amended but the name of the land on the maps is still Peckham Rye Park instead of Peckham Rye Common.

I asked the Council for links to the relevant schedule for these two open spaces giving the ID numbers for the two open spaces – Park and Common. I have not had a reply so I have not been able to find the references to the ID numbers.

My comment is that the schedule with the ID numbers must have a clear identifying link with the map which should in this case be the name of Peckham Rye Common in the right place. Otherwise it will not be possible to see which is the Common on the map and which is Peckham Rye Park.

The names on the map need to match the two different IDs of Peckham Rye Common and Peckham Rye Park. How otherwise do the ID numbers and names match the map? And as the boundaries for the two different Open Spaces are not straightforward there needs to be a way of indicating which areas of land are part of the Common. There needs to be in the schedule a clear explanation of the exact physical places that the ID numbers for Peckham Rye Common and Peckham Rye Park relate to.



## The Camberwell Society

78 Camberwell Grove  
London SE5 8RH

Charity registration no: 264751



A partner in the  
Camberwell Identity Group

## Representations about the Main Modifications to the New Southwark Plan 2018-2033 (August 2020)

Friday, 24 September 2021

- 1 This statement has been written by Jason Leech, Director of Camberwell & Metropolitan (planning and architecture) and member of the Camberwell Society's Planning Sub-Committee. It constitutes the formal representations of the Camberwell Society about the proposed Main Modifications to the August 2020 version of the proposed New Southwark Plan (NSP).
- 2 These representations have regard to the Camberwell Society's formal representations submitted on 2 November 2020 in advance of the Examination-in-Public, and to the Statement of Common Ground (SoCG) agreed with the Council on 1 April 2021.
- 3 These representations concern themselves exclusively with proposed policies:
  - P14 Residential design;
  - P16 Tall buildings;
  - P17 Efficient use of land; and
  - (re: heritage) P18 Listed buildings and structures;  
P19 Conservation areas;  
P20 Conservation of the historic environment and natural heritage;  
P25 Local list;
 on which the Society previously commented.
- 4 As a general point, the Camberwell Society still very much hopes that the formatting of the NSP as a whole might be made more user-friendly. Both policy clauses and sub-clauses are in numbers (1, 2, 3), as are the reasons underpinning the policies. They could be much clearer and intuitive if restructured as 1.i, 1.ii and Reasons as A, B, C (or some other permutation using numbers, letters and numerals). The London Plan format could be an exemplar.
- 5 The Society also hopes that forthcoming supplementary planning guidance will define many unclear terms remaining throughout the NSP and provide clearly structured approaches to sustainable development.

### **P14 Residential design**

- 6 The Camberwell Society regrets that the proposed policy retains a hazy definition of residential standards ('high', 'excellent' and 'exemplary' all appearing apparently interchangeably) rather than the clear and precise definition the Society proposed in its SoCG. The Society believes this will perpetuate arguments at appeal and make the plan significantly less effective than it could be.
- 7 Of equal concern is the absent differentiation of standards expected between newbuild development and period conversions with inherent site constraints (as exists in both the London Plan and, for

Please address enquiries to:

██████████  
Camberwell & Metropolitan, 80 Camberwell Road, London SE5 0EG  
██████████

example, the recently adopted Westminster City Plan 2019-2040). This is also likely to hamper effectiveness.

- 8 The Society continues to believe that defter interweaving with the London Plan would make for a more effective local plan than the list of quality criteria in Clause 2.1. It would make better sense to use Policy D6 – Housing quality and standards as the foundation for residential design and supplement that with additional policies and/or higher standards which are particularly important in Southwark (as is the form adopted by LB Ealing).

#### **P16 Tall buildings**

- 9 The Camberwell Society welcomes the added clarity to the policy but regrets the persisting imprecision of what constitutes a 'taller building', and what would be classed as 'significantly higher' than the surrounding context. A height of 29m (1m short of the definition of a 'tall building') is, in the Society's view, an inappropriate building height for most of Camberwell. Arguments are already perennial over whether a development of 2x context height (being only 4 storeys in many parts of Camberwell) is 'tall' or 'taller', and appropriate or not. The proposed policy is, therefore, expected to be ineffective.
- 10 The Society continues to advocate for a 'context height ratio' as a yardstick planning tool. As a comparative example, this tool appears as Policy 41: Building Height in Westminster's City Plan.

#### **P17 Efficient use of land**

- 11 The Camberwell Society does not believe 'optimises the efficient use of land' makes sense as a sentence. Maybe rephrase to 'Development will be permitted where it: 1. Optimises land use'?
- 12 Phrasing notwithstanding, the policy still provides no mechanism by which to optimise land use sustainably. It is of great regret, therefore, that this policy has stripped out all reference to density found in Strategic Policy 5 – Providing New Homes of the Core Strategy (2011) and its previous iteration in the New Southwark Plan as 'Policy P9 - Optimising Delivery of New Homes'. The Society continues to believe this is a retrograde step from the current development plan.
- 13 There is great anxiety within the Society's Planning Sub-Committee that the net effect of proposed Policies P16 and P17 will be to significantly increase the complexity and workload of assessing the acceptability of forthcoming applications within Camberwell.
- 14 Our small group of volunteers fears (like many other local amenity societies perhaps) that, without now having even a yardstick to gauge what constitutes appropriate density and height, the already large handicap against paid professional consultants will only grow. Practically, how are local amenity societies meant to respond effectively or constructively with developers over the appropriateness of proposed massing, when there aren't even defined parameters as a starting point any more? Reading hundreds upon hundreds of pages of statements for major development after major development, in order to form just an initial considered assessment of the proposals vis-à-vis the development plan, let alone to counter the arguments and evidence advanced by consultants who have spent months crafting the subject documents, is generally not practicable. In simple terms, this raises the bar for informed and constructive community engagement very high indeed; and generally beyond the resources of most groups. There is a real fear, therefore, that in Camberwell, as in other parts of the borough most likely, local amenity societies will lose control over the scale of forthcoming development. The absence of a matrix will most likely lead to inexorably weaker community engagement and, ultimately, the disenfranchisement of local people from the planning system. For the Camberwell Society that would

be a threat to its charitable objects which include the promotion of high standards of planning and architecture in Camberwell. The Society cannot stress enough that proposed Policies P16 and 17 are neither positively prepared nor effective.

<b><u>Heritage policies:</u></b>	<b>P18</b>	<b>Listed buildings and structures</b>
	<b>P19</b>	<b>Conservation areas</b>
	<b>P20</b>	<b>Conservation of the historic environment and natural heritage</b>
	<b>P25</b>	<b>Local list</b>

- 15 The Society wishes to repeat the technical point made consistently from its initial representations in November through the E-i-P and the SoCG, namely that the long-established principle in case law regarding the s72 general duty to 'preserve or enhance' is laid out in the judgment in South Lakeland District Council v Secretary of State for the Environment [1992] 1 All E.R. 45. This may appear arcane but actually goes to the heart of 'conservation' as proportionate management of change to the built environment. In *South Lakeland*, the Law Lords held that while the intention of both the 1971 Act and its successor (the Planning (Listed Buildings and Conservation Areas) Act 1990) was that a high priority be given to the preservation or enhancement of the character or appearance of a conservation area, that objective could be achieved either by a positive contribution to preservation or enhancement or by development that left character or appearance unharmed. The s66 general duty also specifies 'preserving the designated heritage asset'. The lawful policy requirement, therefore, is the avoidance of harm to heritage assets; not their proactive enhancement. All proposed policies referring to Southwark's heritage should, therefore, be rephrased to read 'conserve or enhance...' or 'preserve or enhance...' where it refers to the obligations of an applicant (ie. 'development must...') rather than the Council's overall ambitions (ie. 'the Council will seek to conserve and enhance its historic environment...'). The risk, otherwise, is that neutral applications, which preserve but do not enhance, will be refused by junior officers unlawfully and the Council will waste taxpayer's money paying costs at appeal.
- 16 The Society does not seek to be further repetitious. It merely draws attention to its SoCG wherein it suggested alternative phrasing to Policies P18, P19 and P25. The Society humbly submits that, while the Main Modifications might be sound (subject to the foregoing point), the Society's phrasing is more precise, more structured, more nuanced and, ultimately, more effective at conserving and enhancing the borough's designated and undesignated heritage assets.

24/09/2021

**Comments by Sarah Vaughan, Trees for Bermondsey on**

***EIP219 Main Modifications - Appendix 6 - Annex 4 NSP  
Monitoring Framework (1)***

***EIP219 Main Modifications to the NSP***

***MM73 - Inspector Action Ref 36a - P60 Trees***

The P60 policy and modifications are unsound as should take into account changes included in the National Planning Policy Framework (NPPF revised July 2021):

**“12. Achieving well-designed places**

**131.** Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined <sup>50</sup>, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.”

1. To comply with the revised NPPF (12. Achieving well-designed places, para 131) there needs to be explicit mention of a clearly defined maintenance programme and effective long-term monitoring and measurement to ensure successful establishment and longevity of new trees and the delivery of promised eco-system services e.g. carbon sequestration, cooling of heat island effect, flood mitigation, pollution reduction. This should specify expectations and include significant penalties for non-delivery (replacement of dead trees is insufficient) so that developers and council contractors are held accountable for failures.

2. Where existing trees are retained, monitoring of condition of trees before, during and after construction is required. Significant penalties must be set for removal, damage and disfigurement during construction, whether deliberate or accidental, taking into account carbon and eco-system services lost and CAVAT (Capital Asset Value for Amenity Trees).
3. NPPF Policy 12. Para 131. implies that plantable space should be created for trees in or close to developments (parks and community orchards and infrastructure for tree-lined streets i.e. tree-pits, verges, SUDs) and this should be clearly reflected in P60.

# Comments on main modifications to the New Southwark Plan

██████████ for Southwark Cyclists

The previous submissions made by Southwark Cyclists about the lack of legal compliance still stand. It is surprising not to mention disappointing how few changes to transport related policies are proposed.

## Climate mitigation

- **Evidence base:** The Antithesis report focuses on Southwark Council's scope 1 to 3 emissions, i.e. in terms of its own operations, not those emitted within the borough (such as from construction, operation and transport to and from new or existing developments). It is the role of the planning system to consider all emissions and the failure to do so means the NSP is not positively prepared. This is all the more the case as there is no data to show whether on existing policies Southwark as an area is set to reduce emissions in line with the trajectory set by the Climate Change Act 2008.
- **Sixth Carbon Budget:** The Integrated Impact Assessment (IIA) has not been updated to take account of new laws or government policy, just the modifications, contrary to item 41. There is a brief mention in appendix 2, which is not simply confused, it is nonsensical: "The Climate Change Committee sets releases a Carbon Budget which reviews evidence and carbon reduction from the past year to release a number of recommendations and policy suggestions to complement to reach the carbon budget and aim to achieve net carbon zero." (page 5). There is no consideration of what the legal requirement to cut emissions by 78% by 2035 means for the IIA and evidence base (for example, is Southwark going to find it easier or harder than the average council to step up to the new target) let alone a sound local plan.
- The revised **Sustainability Assessment** has failed to consider greater reductions of carbon emissions than the national trajectory set in carbon budgets as a "**reasonable alternative**". This is contrary to the requirements of the SEA directive, all the more so given national planning policy on the importance of local plans making climate mitigation one of their core environmental objectives.
- **Main Modification 3: Policy SP1a Southwark's Development Targets** is neither effective nor positively prepared due to the lack of a clear target for how much actual emissions will be reduced by 2030, nor any evidence about how unavoidable emissions will be netted off. Though there are references elsewhere, e.g. how green space can reduce emissions, the reality is such spaces are largely grass (so minimal absorption) and any trees are unlikely to absorb much in their first decade or so of life.
- Likewise **main modifications 11 (SP2 Southwark Together) and 14 (SP6 Climate Emergency)** are in essence cosmetic and do not in any way propose effective policy

to deliver radically greater reductions than earlier versions of the NSP, such that they would help meet the far higher government targets.

- Monitoring of carbon emissions is inadequate and not effective as it fails to allocate emissions by carbon budget period.
- More generally the underlying analysis is wholly inadequate. For instance, the amendments assert that a new policy to improve energy efficiency in outdoor advertising signs will have a significant impact in reducing carbon emissions, while modal shift to cycling will not. With the Climate Change Committee (CCC) identifying transport emissions as the largest sector, but by contrast there being barely any outdoor advertising in Southwark (not to mention already strong financial pressures from the rising cost of electricity for advertisers to switch) this highlights the lack of a credible let alone legally compliant evidence base.

## Transport and infrastructure

- Despite the inspector agreeing at the EiP that Southwark should revise wording to shift from managing increases to demand management of traffic levels, this has not been included. This is inconsistent with the London Plan and Mayor's Transport Strategy.
- The NSP is not effective as it is not joined up with the radical changes to reallocate space to active travel made by the City of London and Lambeth since the start of 2020 and the local plans of Hackney and Camden that make all new housing carfree, other than for disabled parking. This in turn is in breach of the Network Management Duty.
- In particular, while a slight step forward, the proposed reduction in car parking and increase in cycle parking standards are still inadequate. All the more so now given the carfree development policies in neighbouring authorities' local plans
- The revised Southwark Spine map is still wrong and a different route to what a different part of Southwark Council has built. More broadly the revised map of cycle routes is so unclear that it means the cycling policy cannot be effective. In particular the map still fails to show which routes are existing vs proposed. There is still a failure to plan walking and cycling routes with up to date evidence base and applying the 2014 PPG and more recent LCWIP guidance referred to in the NPPF.

## Air quality and biodiversity

- The **Main Modification 72 (P59 Biodiversity)** is still inadequate in failing to plan coherent ecological networks (such as through green links between parks), contrary to the requirements of relevant parts of the London Plan and PPGs. With the Environment Bill, including the new national target for nature recovery by 2030, set to become law by October 2021, this will be yet another reason why the NSP would not be a sound plan.
- The new WHO Air Quality Guidelines (<https://www.who.int/news/item/22-09-2021-new-who-global-air-quality-guidelines-aim-to-save-millions-of-lives-from-air-pollution>) provide further weight to Southwark

Cyclists' argument the NSP should require developments to be Air Quality Positive, such that the proposed **main modification 75 (P64 air quality)** is not positively prepared.

## Climate adaptation

The new policy is not effective as:

- It simply assumes that the half of the borough protected by the Thames Barrier can remain protected (para 9.27 in IIA), despite the barrier only having a design life up to 2030, based on assumptions that climate change would happen far slower than we now know. This is significantly less than the plan period, let alone the design life of new development it proposes.
- The amendments policy to add in the word “adapt[ation]” in various places adds nothing to what is in the NPPF, contrary to requirements that local plans should not simply restate national policy.
- The lack of any evidence on areas of the borough most at risk of flooding from heavy rainfall or from heat island effects means that it is not positively prepared to consider two of the greatest impacts on urban areas from global heating. P67 encourages these mitigation measures in new developments but this is not tied to need for their particular locations, not planning positively to reduce impacts on surrounding areas that are particularly at risk of these impacts from more intensive development.
- These modifications should provide specific and spatial policies to address the above, such as reallocating car parking to increasing tree canopy in heat islands and sustainable drainage schemes to have net positive impacts on surrounding areas already under stress even at 1.2C of climate change.

## Main Modifications Consultation to the New Southwark Plan

In order to be found sound, justified, effective and positively prepared, the Council must have complied with relevant procedural and legal requirements.

To redact the adopted area action plans, the council must have consulted fully with the residents who this affects. **This is contained in London Plan 2021 Policy SD10 Strategic and local regeneration**

B 3) engage and collaborate with communities, particularly those in Strategic and Local Areas for Regeneration, at an early stage **and throughout the development of local development documents, strategies and regeneration programmes**

### 2.10.3 regeneration initiatives must be undertaken in collaboration with local communities,

The NSP has failed to contact residents on the Aylesbury Estate and assess the impacts of the delayed scheme and provide details of the impacts of the protected characteristics. The FDS Phase 1b/1c social housing residents started being moved out in 2010 to make way for the scheme, which is now 11 years ago. These residents have the right to move back and expected that by 2014, the 880 units would be ready to move back to. The AAAP aimed to deliver each development parcel within 5 years to avoid unnecessary lengthy impacts on residents.

The NSP is not sound as it does not reference and is non-compliant to **London Plan 2021 Policy H8 Loss of existing housing and estate redevelopment**

“A. Loss of existing housing should be replaced by new housing at existing or higher densities with at least the equivalent level of overall floorspace

4.8.5 Estate regeneration that involves the loss and replacement of affordable housing should deliver an uplift in affordable housing wherever possible. Therefore, all such estate regeneration schemes must go through the **Viability Tested Route** to demonstrate they have maximised the delivery of any additional affordable housing. For the purposes of this policy, existing affordable housing floorspace includes both occupied and vacant floorspace regardless of the current condition of the stock.”

The loss of 793 social rented units that have been consented through the original permissions, would now be considered wholly unacceptable. Planning Application 14/AP/3844 is non-compliant with Policy H8 of the London Plan. It does not provide an uplift in affordable housing and cannot viably do so. The baseline used in Table 14 needs to be updated to the correct figure to replace all existing homes, which is 2,758. The application only provides 1,386 affordable homes in the maximum case scenario.

Main Modification Policy P1 cannot only allow 60% social rented and intermediate housing and off a fast track route as all estate regeneration must replace all social housing and be viability tested. The council would have to prove that it can replace all 2,758 units and give an increase of 40% showing that any planning application is viable to be consistent with London Plan. Any reference to Aylesbury Estate not needing to be viability tested must be taken out of the NSP and replaced with all 2,758 properties must be replaced with the correct wording from London Plan 2021.

if		62 / 281	–	80%	+	🏠	🔄
							8 <u>To encourage developments to provide a higher provision of social rented and intermediate housing, we have introduced the fast track route for schemes providing 40% social rented and intermediate housing and 60% in Aylesbury Action Area Plan area.</u>

Phase 1a and Site 7 have a total of 210 affordable housing. FDS Phase 1b/1c will have 581 affordable housing. This gives a total of 791 affordable housing delivered for Phase 1. This leaves a total of 1,967 affordable housing to be delivered from Planning Application 14/AP/3844

Until documents have been provided for the NSP, proving how Planning Application 14/AP/3844 can manage to increase the affordable housing so that there is no loss from the original social housing of 2,758 required to be consistent with the London Plan 2021 Policy H8, and prove viability, the inclusion of Aylesbury Action Area should not be included in the NSP as it is undeliverable and therefore unsustainable.

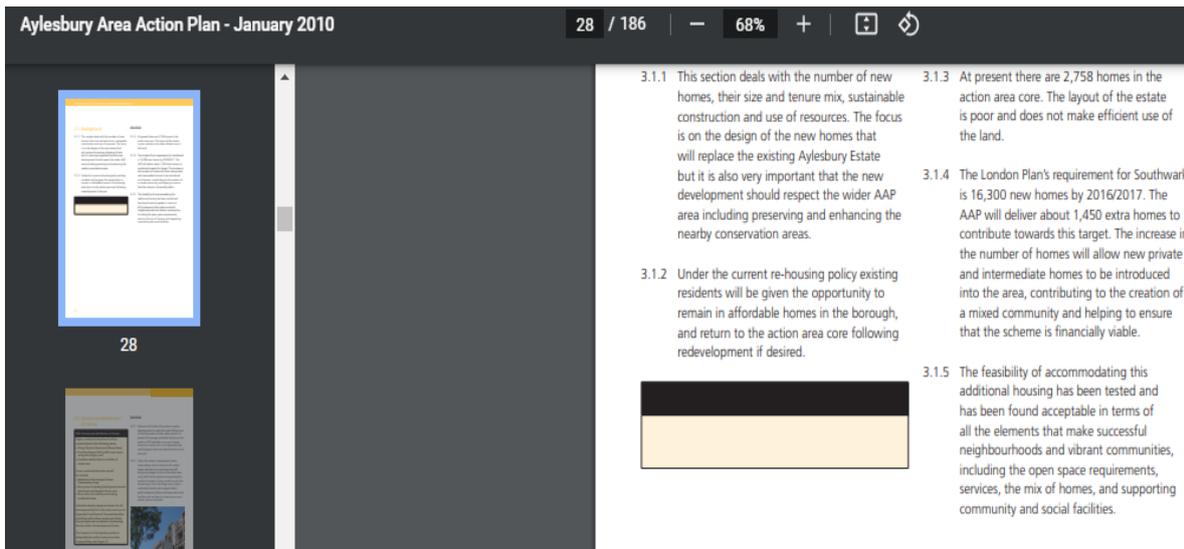
**Table 14:** Affordable Housing reprovision overview against Aylesbury Estate baseline (May 2008) – minimum and maximum scenario

		Minimum scenario		Maximum scenario	
		Social rent	All affordable	Social rent	All affordable
Estate baseline	units:	2,249	2,249	2,249	2,249
	habitable rooms:	6,887	6,887	6,887	6,887
Early phases	units:	148	210	148	210
	habitable rooms:	541	703	541	703
Proposed detailed phase	units:	304*	406	304*	406
	habitable rooms:	1,068*	1,394	1,068*	1,394
Proposed outline phase(s)	units:	631	864	1,019	1,396
	habitable rooms:	2,448	3,248	3,955	5,247
Regeneration programme total	units:	1,083	1,690	1,471	2,012
	habitable rooms:	4,057	5,345	5,564	7,344
Net change against baseline	units:	-1,166	-559	-778	-237
	habitable rooms:	-2,830	-1542	-1,323	+457

\*Includes 27 units (54 habitable rooms) at affordable rent

The inclusion of the Aylesbury Core Action Area within the New Southwark Plan (NSP) as an Area Vision and Site Allocation, makes the NSP not sound for the following reasons:

The Aylesbury Area Action Plan (AAP) original Vision requires 4,200 units to be built. The original estate had 2,758 units giving an uplift of 1,442 units (shown as 1,450 at 3.1.4 in the AAP below), based on the minimum sizes in table A6.1 Space Standards on page 152 of the AAP to be delivered within the Aylesbury Action Area and the open space requirements as shown at 3.1.5.



80 / 281		80%			
MM39 (CPC0111 and 0112)	P14 Residential Design	<p>10. Meet the minimum national space standard <u>and the Aylesbury Action Area Core space standards set out in Table 6a</u>, providing adequate internal space for the intended number of occupants, including the provision of additional built in storage set out in Table 6; and</p> <p>11. Provide private amenity space, communal amenity space and facilities for all residents, and child play space on site using the GLA calculator. <u>Child play space should be on ground or low level podiums with multiple egress points;</u> and</p> <p><u>12. Provide equal access to outdoor space for all residents regardless of tenure;</u> and</p>	Effectiveness and clarification	Clarification and to be consistent with the London Plan	<p><b>Reason</b></p> <p><b>[Reader's note: Aylesbury Area Action Core space standards are linked to the site allocation (NSP01A), they are more generous than the space standards in Policy P14 for some of the social rented and intermediate properties to be equivalent to the homes they are replacing in the Aylesbury Action Area Core.]</b></p>

## London Plan 2021 Policy D6 Housing quality and standards

F. Housing developments are required to meet the minimum standards below which apply to **all tenures** and all residential accommodation that is self-contained.

### Policy P14 has not been positively prepared.

This Main Modification 39 along with MM29 allows units to be built with lower minimum standards than Table 3.1 in London Plan 2021. It is confusing and not effective, justified or sound. They are not positively prepared.

The New London Plan 2021, page 127, Table 3.1 gives many larger sizes for units than the AAAP Table A6.1  
 AAAP Table A6.1 below showing original sizes envisaged

**Table 3.1 - Minimum internal space standards for new dwellings\***

Type of dwelling		Minimum gross internal floor areas* and st (square metres)		
Number of bedrooms (b)	Number of bed spaces (persons(p))	1 storey dwellings	2 storey dwellings	3 storey dwellings
1b	1p	39 (37) *	N/A	N/A
	2p	50	58	N/A
2b	3p	61	70	N/A
	4p	70	79	N/A
3b	4p	74	84	90
	5p	86	93	99
	6p	95	102	108
4b	5p	90	97	103
	6p	99	106	112
	7p	108	115	121
	8p	117	124	130
5b	6p	103	110	116
	7p	112	119	125
	8p	121	128	134
6b	7p	116	123	129
	8p	125	132	138

Bed size / number of people	Habitable rooms	Net internal floor area sqm		
		Private	Intermediate	Social rented
Flat studio/1p	1	32.5	N/A	N/A
Flat 1b/2p	2	47.5	49.9	52.3
Flat 2b/3p	3	60.0	63.0	66.0
Flat 2b/4p	3	73.5	77.2	80.9
Flat 3b/5p	5	82.5	86.6	90.8
Flat 4b/6p	6	90.0	94.5	99.0
Flat 5b/7p	7	105.0	110.3	115.5
Maisonette 2b/4p	3	75.5	79.3	83.1
Maisonette 3b/5p	5	85.5	89.8	94.1
Maisonette 4b/6p	6	96.0	100.8	105.6
Maisonette 5b/7p	7	111.5	117.1	122.7
House 2b/4p	3	79.0	83.0	86.9
House 3b/5p	5	89.5	94.0	98.5
House 7b/6p	6	97.0	101.9	106.7
House b3/7p	7	114.5	120.2	126.0

Table A6.1: Space standards

Notes to Table 3.1

**The plan does not provide a clear, positively prepared and justified development targets for the Aylesbury Area Vision and the Borough.**

EIP224 Integrated Impact Assessment Report and Appendices fail to address the impact of new minimum space standards required in the London Plan 2021 on the delivery of the 1,442 units required in the AAAP to provide the approximate 1,500 new units . It fails to assess how much additional floor space is needed to build the additional minimum floor space required to be compliant with the New London Plan 2021 Table 3.1 and the additional height requirement to the buildings on the estate which would affect Policy PL4 in the AAAP, and is being carried forward into the NSP.

**Main Modification MM29 does not provide a clear, positively prepared and justified development targets for the Aylesbury Area Vision.**

**Appendix 2 – Main Modification MM29 - Residential Design – Aylesbury Space Standards**

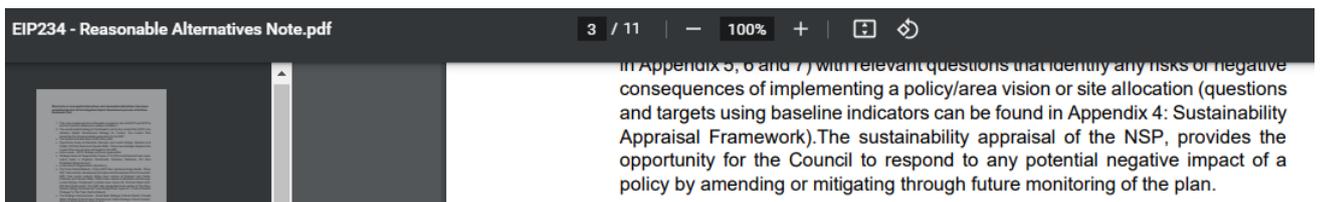
Space standards to be inserted into Policy P14 as Table 6a for the Aylesbury Action Area Core intermediate and social rented housing.

Number of bedrooms flats	Number of bed spaces (persons)	Intermediate Net internal square area sqm	Social rented Net internal square area sqm
1b	2p	50	52.3
2b	3p	63	66
2b	4p	77.2	80.9
3b	5p	86.6	90.8
4b	6p	99	99
5b	7p	112	115.5
<b>maisonettes</b>			
2b	4p	79.3	83.1
3b	5p	89.8	94.1
4b	6p	100.8	105.6
5b	7p	117.1	122.7
<b>house</b>			
2b	4p	83	86.9
3b	5p	94	98.5
4b	6p	101.9	106.7
5b	7p	120.2	126

Example of none-compliance to the London Plan 2021:

A 4 bedroom, 6 person 3 storey house as being built in both planning applications, would need a minimum 112sqm of floorspace to be compliant with the minimum space standards in London Plan 2021 in any tenure. Appendix 2 – Main Modification MM29 - Residential Design – Aylesbury Space Standards fails to increase the minimum floor space to the required space standards, leaving the social housing at 106.7. If 3 sqm of needed storage space was added, it would still be below the space standards to conform to the London Plan Space standards and be legally compliant.

The council have failed to provide the most up to date the minimum housing sizes required to conform with London Plan 2021 using Table 3.1, which all housing units need to adhere to Policy D6 Housing quality and standards. Until NSP has amended the space standards to comply with the minimum housing requirements in London Plan 2021 and the AAAP Table 6.1 as stated in EIP 234 Reasonable Alternatives, and assesses the additional floor space needed to comply the NSP the targets set in the trajectory will not be sound and the ability to provide the amount of housing contained within cannot be justified, accepted as deliverable, therefore is not sustainable.



<b>Quantity vs Quality of housing</b>	Follow London Plan space standards (chosen option) Higher than London Plan space standards Lower than London Plan space standards Carry forward the space standards within the Aylesbury Area Action Plan for the Action Area Core, which are higher than the London Plan space standards (chosen option)
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**Policy D6 Housing quality and standards.**

F. Housing developments are required to meet the minimum standards below which apply to all tenures and all residential accommodation that is self-contained.

Private internal space

- 1) Dwellings must provide at least the gross internal floor area and built-in storage area set out in Table 3.1

**MM7 Table 1B- Planning to meet strategic growth targets**

**MM7 - Table 1B - Planning to meet strategic growth targets**  
 The update to Table 1B (NSP Policy SP1b) is below:

Site area	Employment floorspace (sqm)		Retail, leisure and community uses floorspace* (sqm)		Approximate housing capacity within the borough through site allocations by area (net, units)	Net open space provision within site allocations in GIA (sqm)
	Proposed provision (gross)	Uplift (net)	Proposed provision (gross)	Uplift (net)		
Aylesbury	900	900	6,800	6,800	1,500	0

MM7 Planning to meet strategic growth targets would also be affected as the NSP has failed to assess the impact on the approximate housing capacity within the borough through site allocations by area (net units) of 1,500 able to be provided for the Aylesbury Action Core area or Vision. There is no evidence that anywhere near 1,500 net units can be provided since EIP161 was produced and uploaded onto the NSP website. Until it is provided the NSP is not sound as the Aylesbury Core Area has not justified that approximately 1,500 units are able to be delivered and therefore is not sustainable.

The increase in social housing to 581 units for Planning application 14/AP/3843 since it was agreed in 2015, makes the application unsustainable or deliverable. EIP158 January 2021 to conform to the London plan 2021 leaves private and other tenures with just 261 at the lower levels of sizes has not been addressed. Private housing was being provided at a lower sqm than social housing according to the AAAP Table 6.1 and the table included in Planning application 14/AP/3843, below.

Table 25

Internal Floor Area sqm					
Unit Size	Unit Type	SPD	Private (AAAP)	Intermediate (AAAP)	Social Rented (AAAP)
Studio	Flat	36	32.5	N/A	N/A
1 b/2p	Flat	50	47.5	49.9	52.3
2b/3p	Flat	61	60	63	66
2b/4p	Flat	70	73.5	77.2	80.9
3b/5p	Flat	86	82.5	86.6	90.8
4b/6p	Flat	99	90	94.5	99
5b/7p	Flat	105	105	110.3	115.5
2b/4p	Maisonette	70	75.5	79.3	83.1
3b/5p	Maisonette	86	85.5	89.8	94.1

4b/6p	Maisonette	99	96	100.8	105.6
5b/6p	Maisonette	N/A	111.5	117.1	122.7
2b/4p	House	83	79	83	86.9
3b/5p	House	96-102	89.5	94	98.5
4b/6p	House	107-113	97	101.9	106.7
5b/7p	House	117-123	114.5	120.2	126

The NSP seemed to be fully aware that the Aylesbury Estate that could not deliver what it claimed to deliver in Planning Applications 14/AP/38(43) and (44), the total uplift of deliverable units and size capacity prior to this consultation on the Main Modifications to the NSP, as shown in EIP161. There is no uplift in housing capacity for the Aylesbury Estate provided in EIP161, which was provided just before the Aylesbury Update January 2021.

→ [southwark.gov.uk/planning-and-building-control/planning-policy-and-transport-policy/new-southwark-plan?chapter=4](https://southwark.gov.uk/planning-and-building-control/planning-policy-and-transport-policy/new-southwark-plan?chapter=4)

Home / Planning and building control / Planning policy and transport policy / New Southwark Plan Examination

- [EIP156 - Southwark Housing Strategy 2020](#) (supersedes SP104)
- [EIP161 - Strategic Targets Background Paper 2021](#) (pdf, 528kb)
- [EIP158 - Aylesbury Update January 2021](#) (pdf, 683kb)

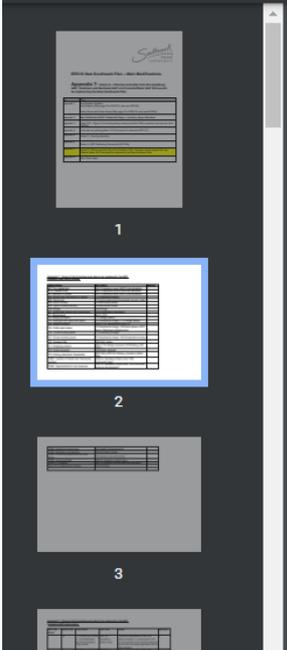
EIP161 Strategic Targets Background Paper (3).pdf 5 / 22 | 93% +

Site area	Employment floorspace (sqm)		Retail, leisure and community uses floorspace (sqm)*		Approximate housing capacity within the borough through site allocations by area (net, units)	Net open space provision within site allocations in GIA (sqm)
	Proposed Provision (Gross)	Uplift (net)	Proposed Provision (Gross)	Uplift (net)		
Aylesbury	2,500	2,500	300	300		

The January 2021 Aylesbury Update changed the social housing from the AAP requirement from 50% (including Intermediate Housing) to be in line with the London Plan 2021 policy H8.

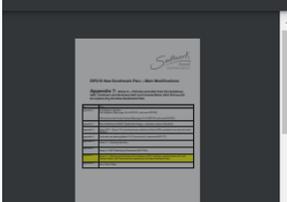
The Policies being redacted and transported into the NSP are therefore outdated and need updating others need further consultation with the current residents and residents that have left. Policy BH3 needs to be amended to be in line with Policy H8 in London Plan.

EIP219 Main Modifications - Appendix 7 - Annex 5 - AAP policies and s... 2 / 21 | - 93% + | [ ] [ ]



Extant policy	NSP policy	Rescind
MP1 The masterplan	AV.01 Aylesbury vision NSP1A site allocation	x
MP2 Proposal sites	NSP1A Aylesbury Action Area site allocation	x
BH1 Number of homes	AV.01 Aylesbury vision NSP1A site allocation	x
BH2 Density and distribution of homes	P14 Residential design	x
BH3 Tenure mix	P1 Social rented and intermediate housing, table	x
BH4 Size of homes	P2 New family homes	x
BH5 Type of homes (tenure)	P2 New family homes	x
BH6 Energy	P69 Energy	x
BH7 Sustainable design and construction	P68 Sustainability standards	x
PL1 Street layout	AV.01, P12	x
PL2 Design principles	P13 Design quality	x
PL3: Building block types and layout	R12 Residential design, P13 Design quality	x
PL4: Building heights	Policy P16 Tall Buildings, NSP1A	x
PL5: Public open space	P14 Residential design, P56 Open space, AV01 Vision, P58 Green infrastructure	x
PL6: Children's play space	P14 Residential design	x
PL7: Private amenity space	P14 Residential design, P55 Residential amenity	x
PL8: Burgess Park	P56 Open space	x
TP1: Designing streets	AV01, P12 Design of places, P51Walking, P52 Cyclin	x
TP2: Public transport	P48 Public transport	x
TP3: Parking standards: Residential	NSP Policy P53 Car Parking, Aylesbury Action Area	x
COM1: Location of Social and Community Facilities	"NSP1A: Aylesbury Action Area, P46 Community uses"	x
COM2: Opportunities for new business	"NSP1A: Aylesbury Action Area, P29 Office and business development"	x

EIP219 Main Modifications - Appendix 7 - Annex 5 - AAP policies and s... 3 / 21 | - 93% + | [ ] [ ]

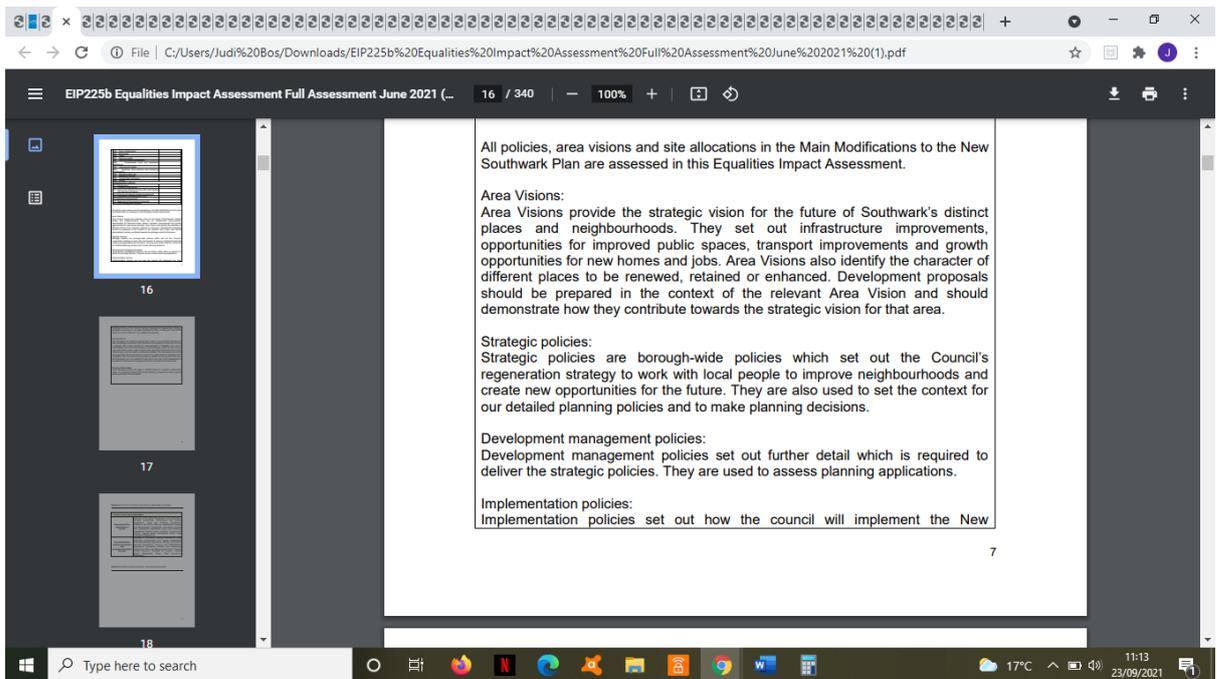
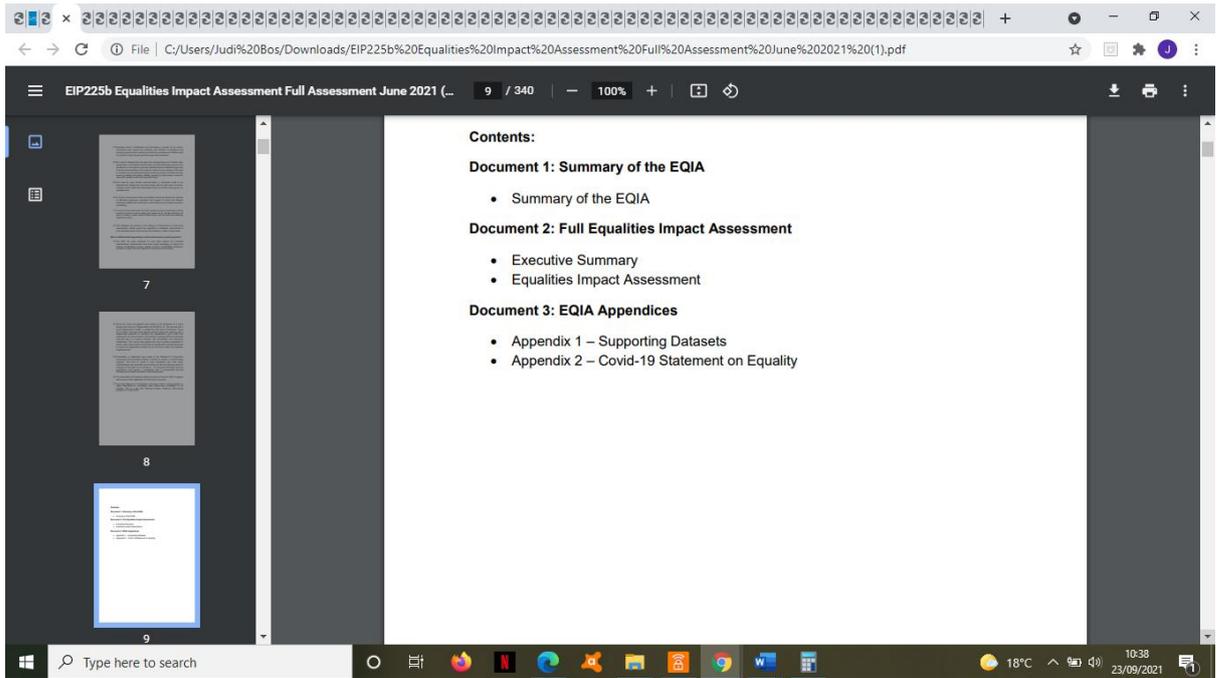


COM3: Health and social care	P44 Healthy Developments	x
COM4: Education and learning	P26 Education places	x
COM5: Community space and arts and culture	P45 Leisure, arts and culture	x
COM6: Shopping/Retail	NSP1A: Aylesbury Action Area	x
Policy D1: Phasing	NSP1A Aylesbury Action Area site allocation	x
Policy D2: Infrastructure funding	IP3 CIL/S106	x

Planning report GLA/0306c/02 10 December 2018 Aylesbury Estate, Walworth in the London Borough of Southwark planning application nos. 17/AP/3885 and 17/AP/3846

On the 15<sup>th</sup> January 2018 a Stage 1 Report was commissioned which resulted in the fact that 1b/1c did not comply to the London Plan, which meant affordable housing needed to be increased.





None compliance to London Plan 2021 to consult with residents affected by the scheme. This Equalities Impact statement is therefore irrelevant if it has not consulted with residents from the Area action Plan residents both resident and those with the right to remain. Consulting with **Members of the Public** is not acceptable as it does not specify whether they are actually affected by the scheme. With the AAP there needs to be proof that all 2,758 residents at the start of the scheme, which have the right to return, have been contacted to give the correct impact of the scheme in the short and long term. The scheme needed to assess which residents were affected at the start of the scheme in 2005 and needed to be included in this assessment.



will be disaffected by the regeneration process, which has not been mentioned in the Impact Assessment.

The impact of the youth from 2014 in Area Action Plan Areas would now be shown in a full impact assessment if the correct impact assessment has been carried out. The removal of any Area action Plan without this assessment should not happen. These youths, now young people from families in the most deprived estates in Southwark, would never be able to reach the top of the housing list, unless all social housing is replaced, along with new affordable housing at London rents.

The Amersham Community Centre (including the Aylesbury Youth Centre), located on the Amersham site (AAAP Site 10), was demolished in October - December 2007 to facilitate the scheme. Site 10 (now Plot 18) moved to Phase 2 and the effect of the demolition of these community facilities should be clear and easy to provide impact assessments. The council has simply not bothered to assess the negative impacts on the 68% black and ethnic minority community. This is a clear breach in policy and shows that the council is refusing to provide the negative impacts to the community.

The NSP fails to consult with the LGBTQ community or the effects the NSP has on them. The LGBTQ community has the most affected youth being driven out of their homes, with nowhere to live, yet the NSP failed to assess how many young people from this community this affects. If Southwark Council fails to assess the needs of the LGBTQ community in 2021, it fails to address the issues of a whole community that has been consistently neglected and ignored by Southwark council. The NSP needs to provide information from the most updated statistics of how many LGBTQ people it has in its area showing how many

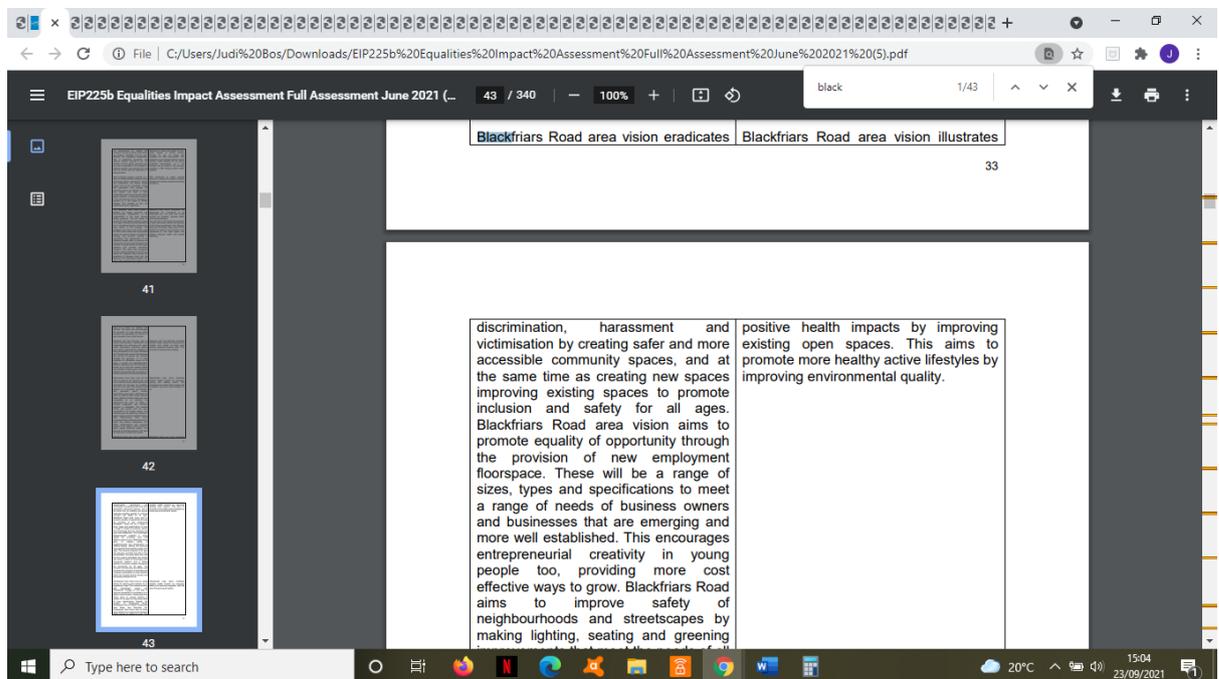
 [akt.org.uk/report](https://akt.org.uk/report)

#### key findings include:

- **Just 13 per cent of LGBTQ+ young people surveyed felt supported by parents or stepparents while homeless.**
- One in six (16 per cent) of LGBTQ+ young people who were happy to answer, were forced to do sexual acts against their will by family members before they became homeless. The same number had experienced this with a romantic partner.
- Almost two thirds (61 per cent) of LGBTQ+ young people who were happy to answer felt frightened or threatened by their family members before they became homeless. One in five experienced this from romantic partners.
- **Half of LGBTQ+ young people (50 per cent) who were happy to answer said they feared that expressing their LGBTQ+ identity to family members would lead to them being evicted. Almost one in ten (7 per cent) said the same about romantic partners.**
- Two thirds (64 per cent) of LGBTQ+ young people said homelessness made it hard for them to establish or maintain new relationships, including friendships.
- **Almost one fifth (17 per cent) of LGBTQ+ young people felt like they had to have casual sex to find somewhere to stay while they were homeless.**

- Less than half (44 per cent) of LGBTQ+ young people were aware of housing support services the last time they experienced homelessness. Almost one quarter (24 per cent) weren't aware of any support services available to them.
- Only 35 per cent of LGBTQ+ young people who have accessed a service whilst homeless recall being asked by service providers to provide information about their gender identity and sexual orientation. Just one third (33 per cent) felt safe to disclose this information.
- **Over half (59 per cent) of LGBTQ+ young people have faced some form of discrimination or harassment while accessing services.**

NSP have failed to make clear definitions in the 340 page document of the Equalities Impact Assessment between each impact which makes the document unclear, and not effective for purpose of this consultation as each effected community has not been independent group affected in this equalities report. As shown below, on the Aylesbury Estate they make no attempt to deal with any black and ethnic minority or LGBTQ issues. There is no mention of the wording black, ethnic minorities or LGBTQ in the Equalities



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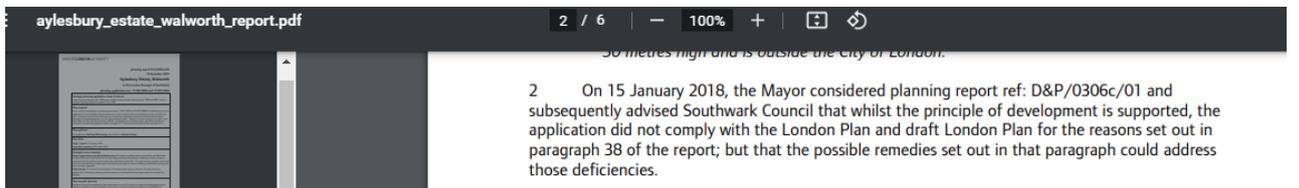
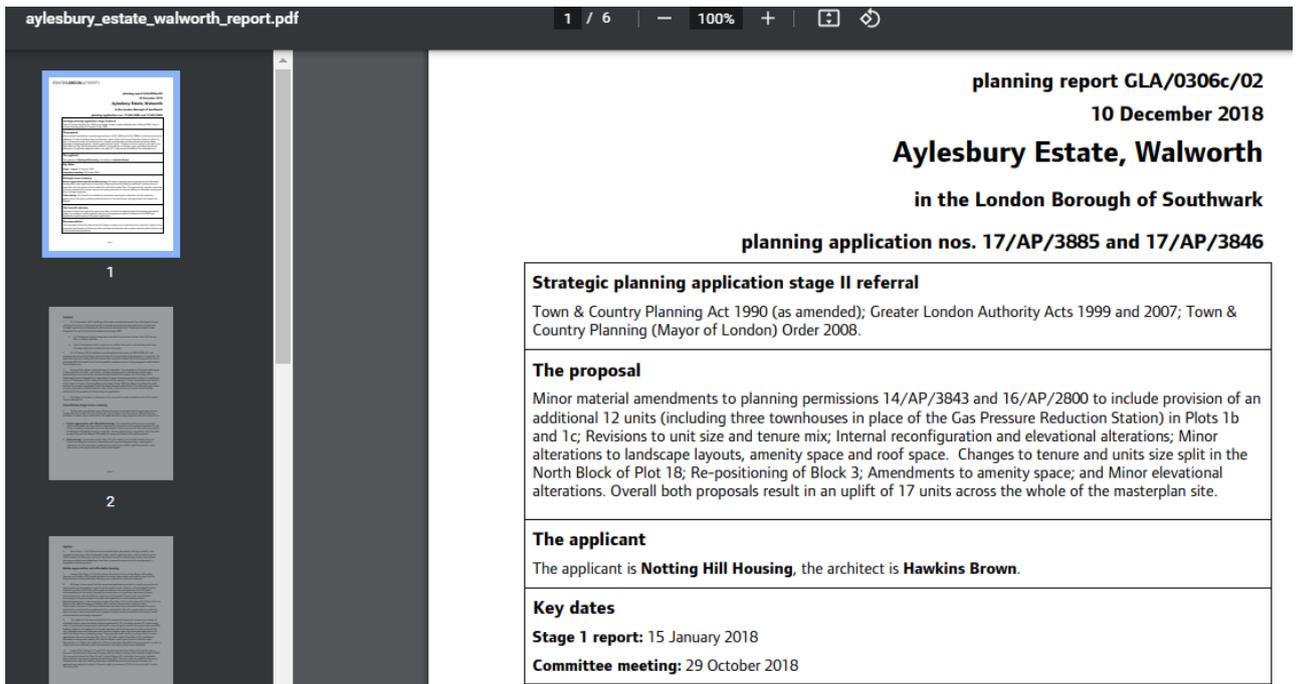
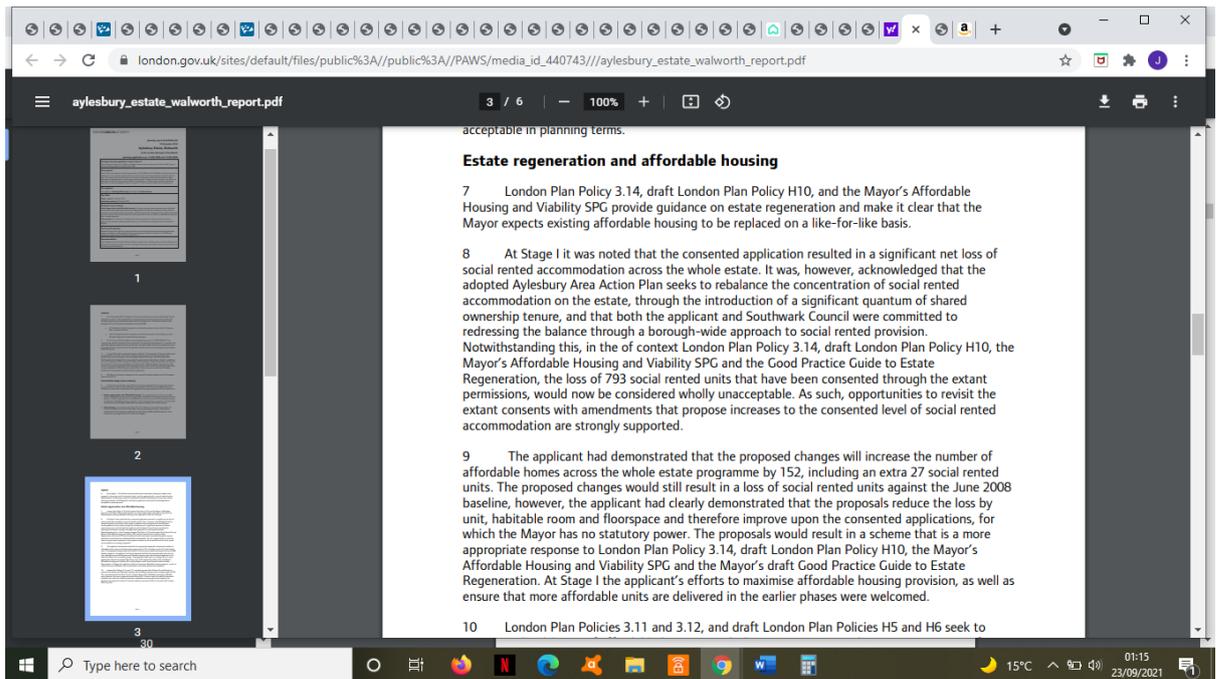
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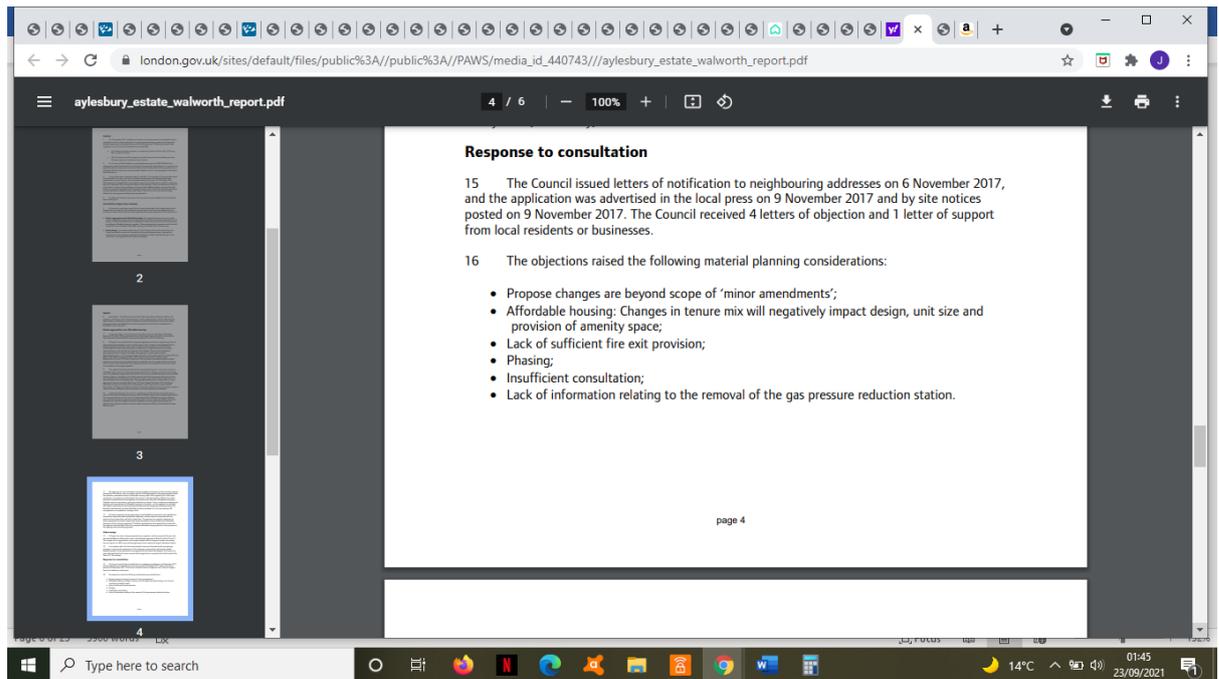
	Blackfriars Road area vision eradicates	Blackfriars Road area vision illustrates
41		
42		
43	<p>discrimination, harassment and victimisation by creating safer and more accessible community spaces, and at the same time as creating new spaces improving existing spaces to promote inclusion and safety for all ages. Blackfriars Road area vision aims to promote equality of opportunity through the provision of new employment floorspace. These will be a range of sizes, types and specifications to meet a range of needs of business owners and businesses that are emerging and more well established. This encourages entrepreneurial creativity in young people too, providing more cost effective ways to grow. Blackfriars Road aims to improve safety of neighbourhoods and streetscapes by making lighting, seating and greening</p>	<p>positive health impacts by improving existing open spaces. This aims to promote more healthy active lifestyles by improving environmental quality.</p>

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EIP225b Equalities Impact Assessment Full Assessment June 2021 (41 / 340) 100%

40	<p>cold on homes and the experience of being at home.</p> <p>P69 illustrates positive impacts as it aims to combat climate change through minimising carbon emissions in design and construction, low carbon energy supply and on-site renewable energy and generation and storage. By ensuring homes are efficient, produce less carbon and have a more sustainable heat source through DHNs where possible, it contributes positively to the environment and to managing it properly so it can adapt to climate change. The benefits of this are experienced by all, regardless.</p>	<p>impacts.</p> <p>P69 contributes to health benefits because it reduces the extent of climate change and reduces waste and polluting emissions.</p>
41	<p>The Aylesbury area vision gives a platform for social, economic and environmental infrastructure to be implemented in the area, through design guidance. This will create an area vision that reflects residents' needs of all ages. Similarly the site allocations aim to contribute towards achieving the area visions of the borough. The Aylesbury area vision sets out the need for 50% social rented and intermediate homes to remove barriers of access to housing and promote equality of opportunity. The regeneration of the Aylesbury Estate aims to prioritise the</p>	<p>Aylesbury area vision introduces the opportunity for investment to be interjected into the area that would improve all residents' physical health and mental wellbeing. The area vision also seeks the provision of open and public spaces and delivery of the three greenfingers from Burgess Park into the Action Area Core for the benefit of residents and provides more opportunity to use open space and improve physical health and mental wellbeing.</p>
42		





The council are fully aware as shown in the previous documents that estates need to replace all social housing. The improper use of the NSP to not mention London Plan Policy H8 to override the Mayor's efforts to have actual affordable housing for Londoners, affects the BAME community of 68% on the Aylesbury Estate.

### Main Modification 1 (MM1)

The NSP is not sound if the Aylesbury Area Action Plan (AAP) is redacted for the following reasons:

1. MM1 states, "The list of policies and sites from the AAP's that the New Southwark Plan would replace is contained in Annex 5. [See Appendix 7..." The AAP is the most detailed significantly consulted on document costing 1 million pounds, which takes into consideration the local community which consisted of 68% black and ethnic minorities, which if they have already been moved out, by the council for the scheme, have the right to move back into the estate that they helped develop within the AAP.
2. Within the 2008-2009 guidelines allowed unit sizes to be smaller in Table A6.1 Space standards than the current guidelines which have been changed by the London Plan 2021. This consultation fail to adapt to the London Plan 2021, and fail to address issues, which makes the plan not sound, deliverable or sustainable.

### Issue 1

The additional floor space needed for the Aylesbury Core Area to conform to the minimum space standards of the New London Plan 2021 have not been addressed. There is no additional floor space available on the Aylesbury Estate, so buildings have to be built higher than the AAP allows to accommodate the increase in density needed to provide the same

4,200 homes envisaged in the AAAP. The NSP does not address the issue of additional floor space needed to obtain the **4,200 minimum residential capacity gross** after the minimum standards of the New London Plan 2021 have been added in EIP219 Main Modifications, page 166. No calculations have been submitted for the additional floor space needed and how this affects the viability as building need to have additional floors. Costs need to be provided.

Reference numbers	Action reference	section /number	Address	Proposed modification
				<p><b>Minimum residential capacity: 4,200 (gross)</b>  <b>Site: Development of the site must:</b>            -Increase the provision of new homes, including the re-provision of at least 2,249 social rented homes;            -Provide employment space (minimum of 600sqm), retail, community and leisure uses (up to 6,500sqm), flexible retail or workspace (minimum of 600sqm) to complement existing shops on East Street will be provided at the junction of Thurlow Street and East Street            -Provide open space (30,000sqm).</p> <p>Planning applications 14/AP/3843, 14/AP/3844, 15/AP/4387 and 16/AP/2800 are relevant to this site.</p>

The capacity of the AAAP was derived from the sizes of the flats due to be built. The private flats were to be 10% smaller in size than the social rented flats and intermediate flats 5% lower in size. The New London Plan 2021 new minimum standards changes the capacity able to be built. The addition of the Aylesbury Core Area into the NSP as a Site Allocation makes the NSP unsound, undeliverable and unsustainable until the council provide the additional sqm needed to build the new units and show what increase in height is needed to do so, making sure it falls within the parameters of Policy PL4 of the AAAP, which is being carried over to the NSP.

## A6.7 Homes

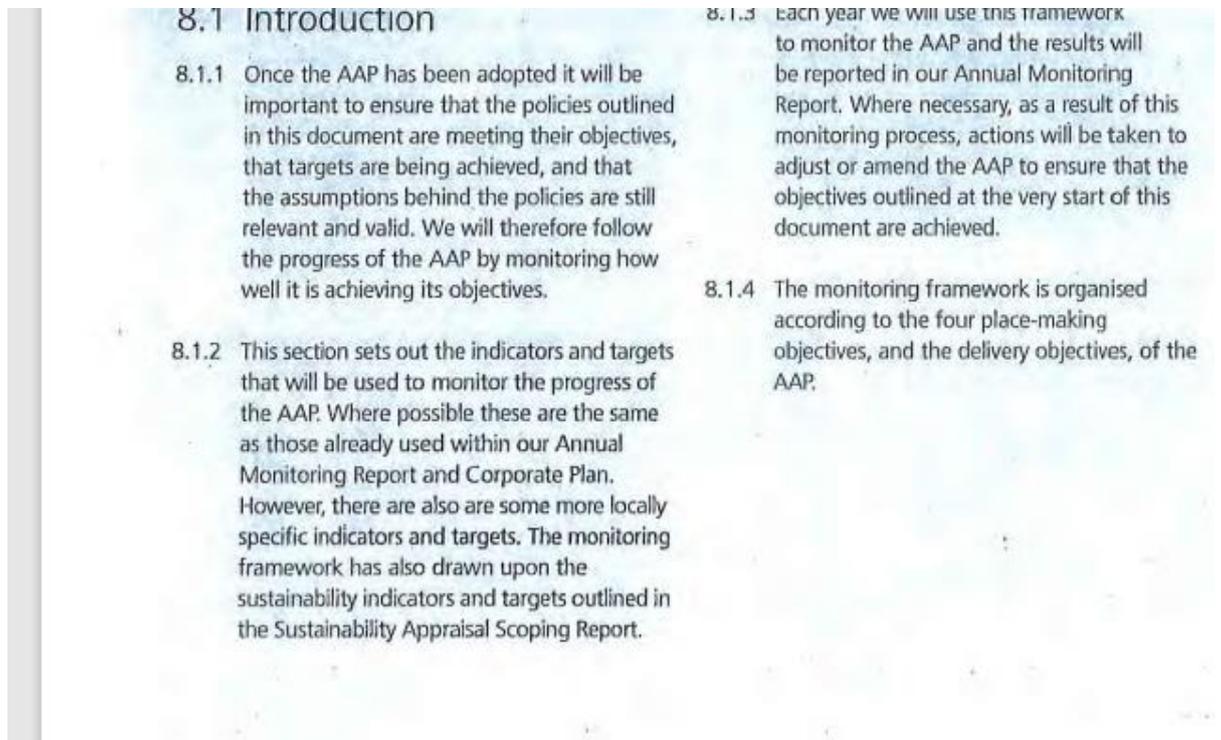
A6.7.1 Well designed homes are critical to the successful redevelopment of the Aylesbury area. A well designed home helps to improve residents' quality of life through ensuring each home is liveable, accessible and creates a pleasant environment.

A6.7.3 The standards are Parker Morris plus 10% for social rented housing, Parker Morris plus 5% for intermediate housing and the basic Parker Morris standard for private housing. Table A6.1 sets out the minimum net internal floor areas (sqm) for each of the three types of tenures.

### Space standards

A6.7.2 The minimum floor area standards are based on the Parker Morris Report standards and ensure enough space is provided to achieve the better living conditions and quality housing the vision aspires to. The existing Aylesbury Estate was built to Parker Morris plus 10% and through consultation with residents, we have decided that the estate needs to be redeveloped to similar large dimensions.

3. The AAAP had a monitoring timeline which each phase needed to adhere to. The council have not produced any reason why this time line was not adhered to, which proves that the plans are not sustainable or deliverable.



Issue 2

The council have failed to address issue 1 which needs an increase in the building heights. This consultation is not sound as Planning Application 14/AP/3843 has building height that go above Policy PL4 in the AAAP. Until the council request a Main Modification to increase heights of buildings in 1b/1c, Policy PL4 is out of date and should not be used in the NSP as it should contain the most up to date information. This would require additional consultation with the community who have a right to return and those still living there, who will live in the buildings.

**PL4: Building heights**

General building heights should be as indicated on Figure 10. Developments must contain variations in height and make use of the full range of buildings heights shown in Figure 10 to add interest and variety to the development.

Most of the new development should have a general height of between 2 and 4 storeys. Height and scale should respect the setting of the conservation areas and preserve or enhance their character and appearance. The general height in Thurlow Street and Albany Road will be greater, mostly between 7 to 10 storeys.

Buildings which are taller than the general height should be situated in important locations consistent with Figure 10. These buildings comprise:

- one district landmark building of between 15 and 20 storeys at the junction of Thurlow Street and Albany Road to mark the main entrance to the neighbourhood and symbolise the area's regeneration;
- local landmark buildings of between 10 and 15 storeys to mark the entrances to Portland Street, the King William IV and Chumleigh green fingers, and also the Amersham Site.



Most buildings will be between 2 and 4 storeys in height



Only 2 tall buildings (10-15 storeys) are allowed for the First Development Site ( Phase 1b/1c) in PolicyPL4 in the AAAP.

EIP219 Main Modifications to the NSP.pdf 168 / 281 90%

Reference numbers	Inspector Action reference	Policy section /number	Address	Proposed modification
165				<p><b>The site location:</b></p> <p><b>Approach to tall buildings</b></p> <p>The tall building should comprise the district landmark building of between 15 and 20 storeys at the junction of Thurlow Street and Albany Road to mark the main entrance to the neighbourhood and symbolise the area's regeneration. Local landmark buildings of between 10 and 15 storeys to mark the entrances to Portland Street, the King William IV and Chumleigh green fingers, and also the Amersham Site. The design of these taller buildings needs careful consideration. They should be elegant and slender. Proposals should demonstrate that harmful effects on residents, pedestrians and cyclists, such as overshadowing and wind funnelling, will be minimised.</p>
166				
167				



Figure 10: Building heights plan.

Reference numbers	Inspector Action reference	Policy section / number	Proposed modification	Reason
MM40 (CPC0114-119, EIP202a)	39	P16 Tall buildings, fact box and policies map layer	<p>1. The areas where we expect tall buildings are <u>shown on the adopted Policies Map and</u> on Figure 4. These are typically within our Major Town Centres, Opportunity Area Cores, Action Area Cores and the Central Activities Zone. Individual sites where taller buildings may be <del>possible</del> <u>appropriate</u> have been identified in the site allocations. Some of these site allocations have identified possible sites <u>locations</u> for tall buildings in Peckham and Camberwell town centres taking account of conservation areas and other heritage assets.</p> <p>...</p> <p>2. Tall buildings must:</p> <ol style="list-style-type: none"> <li>1. Be located at a point of <u>townscape-landmark</u> significance; and</li> <li>7. Provide a new publically accessible space at or near to the top of the building and communal facilities for users and residents <u>when above a height of 60m where appropriate.</u></li> </ol> <p>3. The design of tall buildings will be required to:</p> <ol style="list-style-type: none"> <li>1. <u>Be</u> of exemplary architectural design and residential quality; and</li> </ol> <p><del>Avoid unacceptable harm to the significance of</del></p>	<p>Effectiveness and clarification.</p> <p>To provide clarity on the tall buildings policy. The NSP will not rely on any other documents to set the policy for tall buildings in Southwark.</p> <p><b>Reader's note:</b> [Proposed amendment to Policies Map to include Tall Buildings layer for Policy P16. See separate schedule of Policies Maps modifications – reference MapM019.]</p>

83

88 / 281
80%
+
+

	<p><b>11. Opportunities for taller buildings in the Aylesbury Action Area are focused on the main routes and their junctions, and sites adjacent to Albany Road and Burgess Park. General building heights are lower.</b></p>
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The tall buildings on Aylesbury Estate are mentioned 3 times in the Main Modifications. This is not clear or effective as in the AAP they are mentioned with clarity along with a clear map. There is no confusion as to what is allowed to be built. I could not see the map of where the tall building are due to be, therefore to be compliant with consultations a meeting needs to be held on the Aylesbury Estate to explain the changes along with all other

confusing documents so that the community can understand what is actually being built. If people taking part in this consultation cannot understand it, they will not take part. I have been dealing with Aylesbury Estate matters for 7 years so understand the policies and I am even confused. An ordinary resident would not be able to understand what documents mean.

EIP211 states at point 2, “The NPPF paragraph 31 says that the preparation and review of policies should **be underpinned by relevant and up to date evidence**. They should be informed by sustainability appraisal and should demonstrate how the plan has met sustainability objectives with a review of options, impacts and compensatory measures.”

### Monitoring of the Aylesbury Area Action Plan from 2010 - 2021

The failure to comply with monitoring policy BH1 at 8.2 of the AAAP page 81 showing the average of homes to be completed to meet the AAAP target of 221 homes per year since 2010, is not justified, legal compliant or sound as no documents have been provided to this consultation stating why monitoring policy BH1 has not been met and why, proving deliverability, sustainability including viability reports. Options, impacts and compensation for failure to meet requirements in the AAAP of 221 homes being completed each year in the monitoring of BH1 have not been met in this consultation. By 2021 Aylesbury Estate should have delivered 2,500 units

### 8.2 Better homes: A high quality residential neighbourhood

Policy	Target	Output Indicator
BH1	To provide approximately 4,200 new homes (1,422 net) within the action area core between 2009 and 2027, including approximately: <ul style="list-style-type: none"> <li>• 1419 units in phase 1</li> <li>• 645 units in phase 2</li> <li>• 450 units in phase 3</li> <li>• 1695 units in phase 4</li> <li>• and at an average of 221 homes per year</li> </ul>	Housing completions and trajectory. The AAP's housing trajectory will be updated annually (refer to Figure 17). Total dwellings gained over the previous 5 years (gross and net) (AMR 49A) New dwellings completed in reporting year (gross and net) (AMR 49B) Additional dwellings projected to be built a) by 2016 and b) by 2027 (gross and net) (AMR 49C) Average number of dwellings required each year to meet the AAP housing target (gross and net) (AMR 49D)

According to the AAAP Trajectory Phase 1 should have been completed by 2014, with 1419 units being provided. As the AAAP Housing Trajectory has not been complied with, the NSP needs to provide comprehensive details of how the redaction of the AAAP and any additions to the NSP will make the plans for the Aylesbury Estate deliverable and sustainable. The current documents submitted do not address this issue or state why the Planning Application 14/AP/3843 was only able to be submitted in September 2014, after the date buildings were due to be completed.

EIP82b - Site Allocations Methodology Report May 2021 reduced (1).... 87 / 339 90%

		0-5 years (1 <sup>st</sup> April 2020 – 31 <sup>st</sup> March 2025)					6-15 years (1 <sup>st</sup> April 2025 – 31 <sup>st</sup> March 2035)
		2020/2021	2021/2022	2022/2023	2023/2024	2024/2025	
Planning application	07/CO/0046 (site 1a)	Completed	261 (gross) 207 (net)				
	12/AP/2332 (site 7)	Completed	147 (gross) 88 (net)				
	14/AP/3843 AAAP1 - Phase 1	Approval of Full/Under construction	842 (gross) 276 (net)			276	

	(first development site)							
	14/AP/3844 AAAP P2, P3, P4 (Phases 2, 3 and 4)	Remaining capacity of outline approval – through this application additional homes are needed	2,623 (gross) 567 (net)					567

Southwark Council have failed to monitor the indicators and targets for the AAAP. Unless the council can state why planning application 14/AP/3843 was delayed to deliver Phase 1b/1c and be delivered by 2014 as shown on the AAAP Trajectory and include the that they have assessed the impacts on black and ethnic minorities and in the Integrated Impact and Assessment Report with how this has affected the Aylesbury community as a whole, it is not compliant to make the NSP sound or legally compliant.

Phase 2 detailed planning application was due to be submitted in 2016. The reasons for failure to submit the detailed planning application in 2016 has been omitted from the documents for the NSP. This is an indicator that Planning Application 14/AP/3844, which includes Phase 2, is not deliverable or sustainable. No documents have been provided for this consultation that explain the delay or the effect of the delay on the community. The effects and impacts of the delay were clearly explained at the hearing for the Aylesbury Estate Vision for the black and ethnic minorities, which was submitted as a document, which should be accessible for all to see, from Anthony Badu. This document should have an EIP number however I have failed to locate it on the council website. This document needs an EIP number, but it does not. An EIP number needs to be provided for this evidence as currently the consultation documents are not up to date and residents and local community members have no knowledge of this document which would make this consultation invalid.

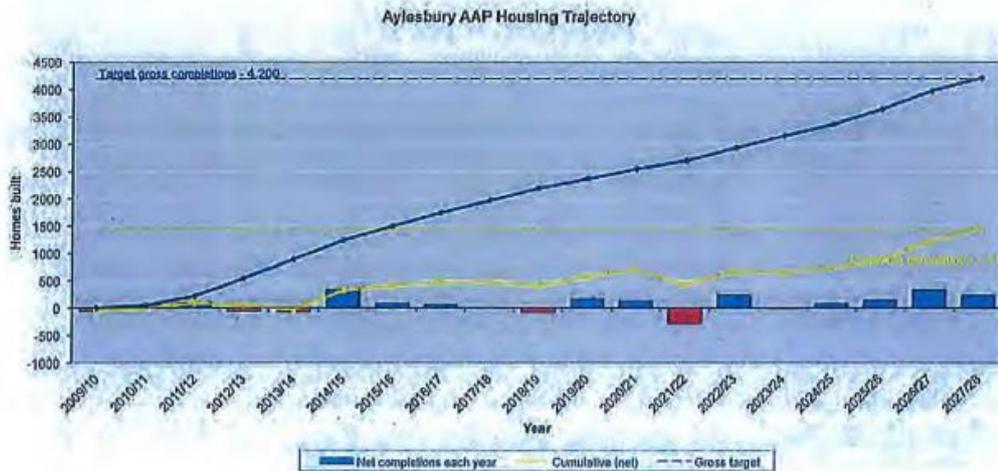


Figure 17: Aylesbury AAP Housing Trajectory

114<sup>80</sup>

EIP188, the inspector requested, “New Annex to the Plan which clarifies which saved development plan policies would be replaced upon the adoption of the NSP.” This is not clearly clarified in Appendix 7. The community of the AAAP are still unaware which policies are actually being replaced and which are being saved. In order to be legally compliant and make the NSP sound full consultation with the Aylesbury community and the surrounding neighbours would need to happen as this consultation does not make it clear for the site allocation for the Aylesbury Core Area

4. The sites contained in Annex 5 of the AAAP are not consistent with what is currently being developed on the Aylesbury Estate. Site 10 was expanded and was changed to Plot 18, without any explanation to residents of why there was a name change or site expansion into Phase 3.

There needs to be a clear impact assessment of how the movement of the tall housing building from Site 10 in the AAAP to Phase 3 will impact on the development to the AAAP of achieving 4200 units, which EIP 82a bases the indicative Trajectory (Appendix 5, Annex 2) as overshadowing from the relocated tall 15 storey building to the housing will impact the AAAP housing predicted in the AAAP. Until this is done the NSP would not be sound, effective, deliverable and sustainable.

#### Main Modification 16 (MM16) Aylesbury Area Vision

This was consulted on in 2019, prior to the adopted New London Plan 2021 H8, which now takes president. All 2,758 homes on the Aylesbury estate should now be replaced with social housing if being used for right to return, with the rest affordable. The figure of 50% is now outdated and inconsistent with London Plan H8.

EIP219 Main Modifications to the NSP.pdf 43 / 281 80%

Reference numbers	Inspector Action reference	Policy section / number	Proposed modification
			Growth opportunities in the Aylesbury Area: <ul style="list-style-type: none"> <li>The Area Action Plan 2010 envisaged approximately 4,200 new homes with the provision of 50% <b>social rented and intermediate homes</b> affordable housing, <b>including the re-provision of at least 2,249 social rented homes</b>. The emerging direction of travel of planning policy seeks to build new homes whilst also supporting any existing residential use. <b>optimise the potential of brownfield land</b>. This suggests that it would now be appropriate to consider an increased number of homes for the Aylesbury area <b>within the land covered by the Action Area Core Plan boundary, with a view to moving towards</b> replacing</li> </ul>
			all the existing social rented homes in and in reasonable proximity to within the <b>original</b> footprint of the <b>original</b> estate. <b>irrespective of density</b> . The objective of delivering 50% <b>affordable housing social rented and intermediate homes</b> should be met <b>with a preference for social housing in accordance with Policy P1</b> the Area Action Plan.

Main Modification 26 (MM26) Walworth Area Vision

The NSP is not sound for the following reasons:

Planning Application 16/AP/2800, Plot 18, is mentioned in the Walworth Area Vision, by means of the new library relocated from East Street. The Walworth Area Vision no longer contains the Aylesbury Area Core within its boundaries. Therefore the community facilities are incorrect.

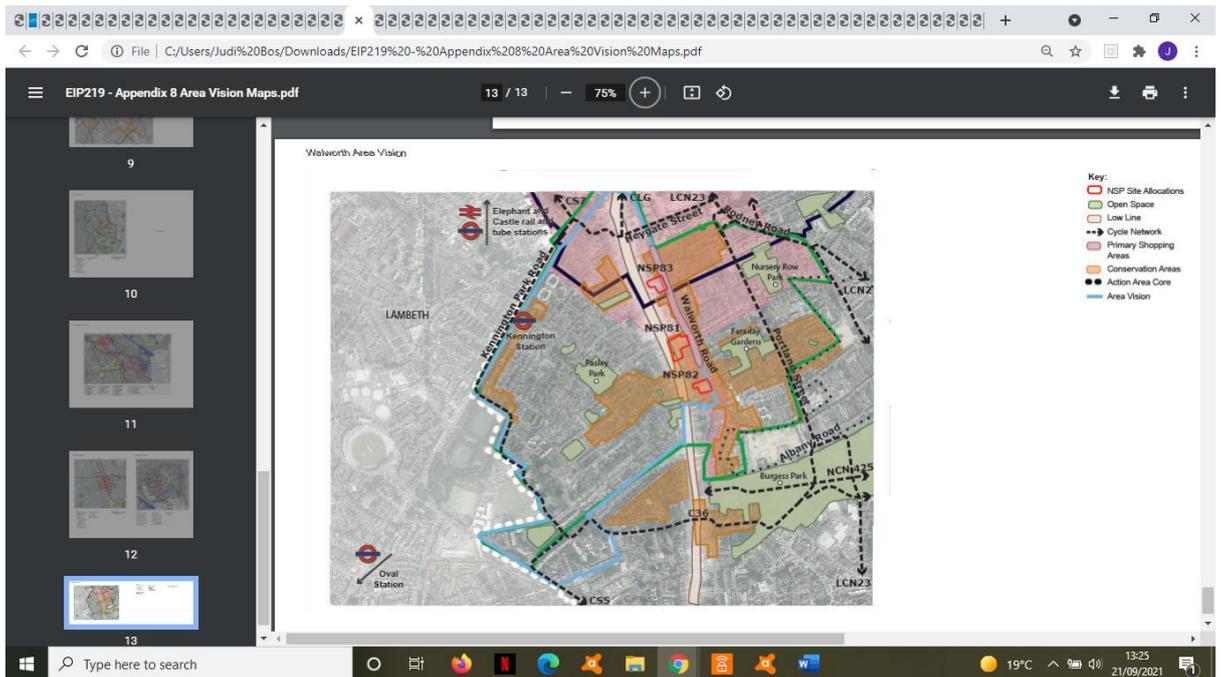
MM26 (CPC051)		AV.16 Walworth Area Vision	Growth opportunities  <b>Site allocations in Walworth have</b> has the potential to provide a significant number of <b>around 230</b> new homes, <b>7,400sqm (gross) new retail, community and leisure space as part of the Elephant and Castle Major Town Centre</b> , particularly in the former Aylesbury Estate where there will be over 4000 new homes, new community facilities and improvements to the street network. There are also smaller scale opportunities for infill development and public realm and shop front improvements. There will be a new library relocated from East Street.	For clarity and effectiveness
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Planning Application 16/AP/2800, Plot 18, Aylesbury Estate



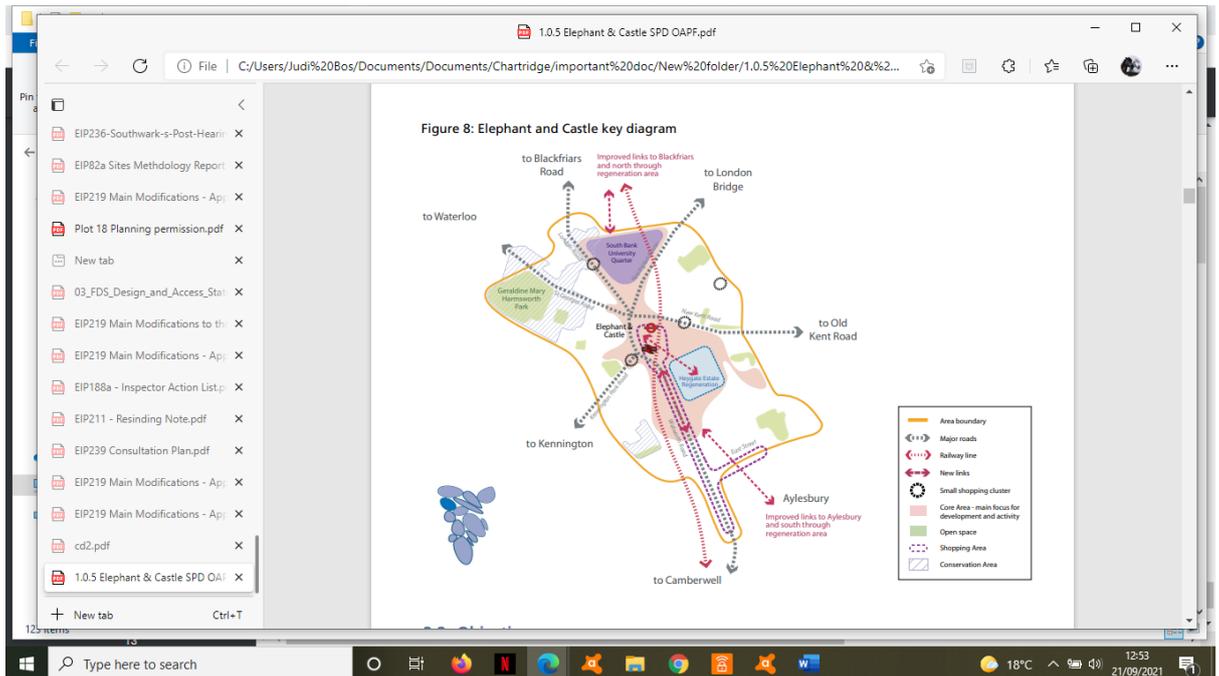
12. The new library, at 443sqm, will be more than three times the size of the current East Street library, with a larger stock, more study space, access to Wi-Fi and space for a broader range of activities for the whole community. The library will offer services to people of all ages but would have a particular focus on children, families and young people. This can include various programmes of activities including homework and study support sessions, reading groups, activities for under-fives and family learning sessions. A larger book stock would be available to underpin this and to encourage local children to read more widely and to read for pleasure.

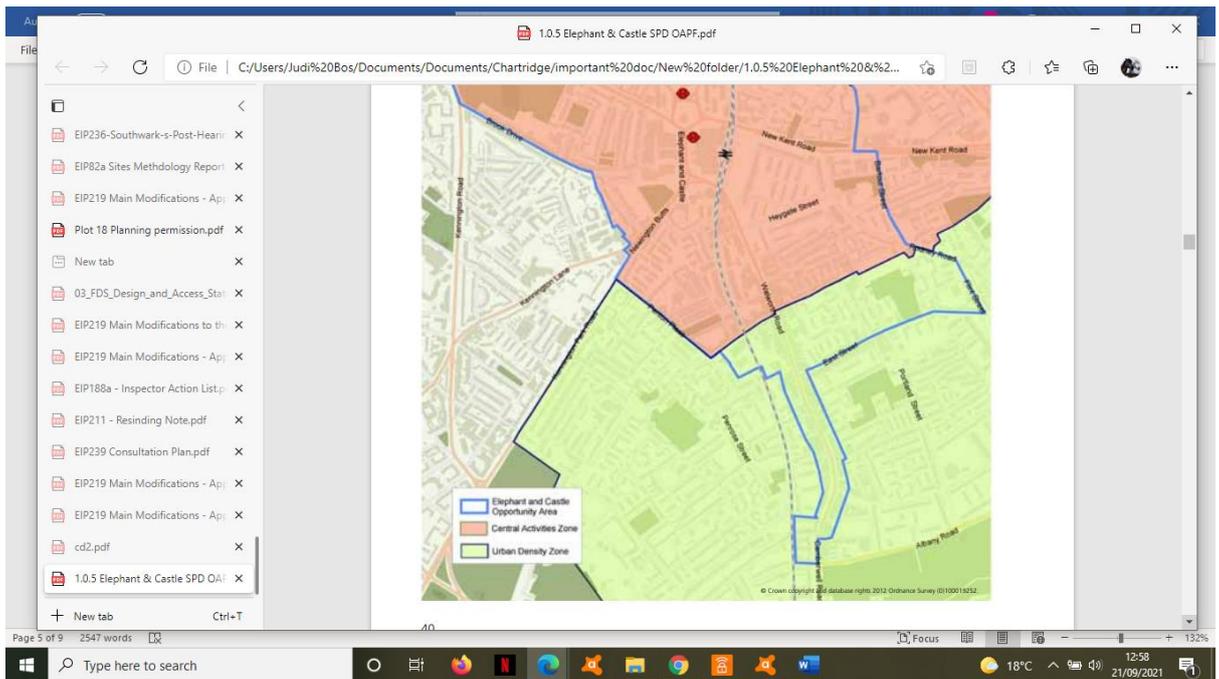
### Walworth Area Vision Border



Reference numbers	Inspector Action reference	Policy section /number	Address	Proposed modification	Reasons
MM87 (EIP202a)		NSP01a	<b>Aylesbury Action Area Core</b>  <b>Site area: 240,000sq m</b>	 <p><b>Existing uses: Residential</b> <b>Schools</b> <b>Offices</b> <b>Community uses</b> <b>Retail</b> <b>Open space</b> <b>Play space</b></p>	<p>To provide clarity with all of the policy in the NSP rather than different requirements in the London Plan, the NSP and the AAP. See EIP202a Aylesbury Background Paper.</p> <p><b>Reader's note:</b> [See also Schedule of Proposed Policies Map modifications and proposed inclusion of the NSP01a (Aylesbury) site allocation at MapM027]</p>

165





**Elephant and Castle Supplementary Planning Document**    **Section 5**

**Character**

5.4.1 Walworth Road runs from the heart of the Elephant and Castle opportunity area south east to Camberwell and is a linear high street. It accommodates numerous small scale shops alongside a number of larger stores including Marks and Spencer, Boots, Tesco and Iceland.

5.4.2 The scale of development is largely consistent and the set back of upper floors reflects the way in which London high streets typically developed through ground floor extensions in the front gardens of 18th and 19th century houses. Most of the buildings are between two and four storeys and the materials used are mainly brick and some render. While many of the shop fronts are of poor quality, some of the original architectural detailing remains on some floors above the shops. Both sides of the street are built up and there is little opportunity for relief or places to escape the bustle of the street.

5.4.3 Walworth Road has a number of good quality buildings. The old town hall, library and health centre on the north east of the area are of very high architectural quality and are all Grade II listed. There are also a number of buildings which have the potential to be locally listed.

5.4.4 An important part of the character of the area are the views north. The dome of St Paul's Cathedral can be seen from along Camberwell Road north across the Heygate estate.

**Opportunities**

5.4.5 Development should ensure that its vibrancy and distinctiveness is retained. There is the potential to reinforce its character on sites such as Chatelaine House, through high quality development which is of a similar scale to the existing historic buildings. There is also the opportunity to improve shop fronts over time which will help improve the look and character of the area.

## Site Allocations

6.21 Following discussions at the Hearings to the Examination in Public and as requested by the Inspectors, the capacity requirement for Site Allocations has been amended within the Main Modifications: **Site Allocations which ‘must’ provide housing have a minimum capacity** which is expected to be delivered and will contribute towards 32 meeting our housing need. **Site Allocations which ‘should’ provide housing have an indicative housing capacity**; this is not a minimum or maximum capacity but will indicate the scale of development that is likely to be acceptable and will be encouraged. A site allocation may also provide site specific design guidance that should be considered in the event of redevelopment.

6.75 The introduction of the Aylesbury area vision and site allocation provides further guidance for development in Aylesbury. It specifies that development should generate new neighbourhoods with a range of housing tenures that will attract existing residents to stay and new people to move in, including Southwark residents who want to stay and benefit from the great connections, facilities and communities. It also requires development to establish a local hub with a range of community facilities including a new Health Centre, Library, pharmacy café and public square, which will benefit residents.

6.80 The appraisal does indicate minor negative effects in the short term in some areas towards social inclusion, equality, diversity and community cohesion. This is related to the loss of some community assets in the short term, which may impact particular groups, and the potential disruption of social interaction through the impacts of construction. This would be in locations where the acceleration of development brings forward a number of sites concurrently within a small area as development management policies will seek general mitigation of the impacts of construction. The appraisals indicate that this disruption will occur in areas that will likely accrue more significant benefits in the long run towards this sustainability objective. Nevertheless, opportunities for further mitigation in the short term could be explored through targeted community infrastructure development and the coordination of quick wins from regeneration and meanwhile uses.

6.98 The cumulative impact of policies with a minor negative or uncertain impact could result in a major negative impact overall. It is difficult to assess the extent of such impacts at this stage in the process with the lack of detailed information on the design of proposals for individual sites. Providing that suitable mitigation measures are applied to individual proposals it is considered that the potential negative impacts will remain minor and, with the development of new technologies and regulations, could even be reduced further over time. Cumulative impacts may also be positive – for example several minor positive impacts on open space and biodiversity could lead to a major positive impact for an area as a whole.

6.104 Consequently, the way area visions and site allocations were ranked against particular sustainability objectives may be subjective. However, whilst some rankings are assessment individually, it is the overall performance of policy against the IIA Framework (Appendix 4) taken as a whole, which is the most important element to consider.

### **7.3 The sustainability, equalities and health impacts of policies have been assessed**

**7.6 This provides a framework and structure to evaluate the likely significant effects of the policies within the Main Modifications to the New Southwark Plan against these key sustainability appraisal topics determined above, which include health and equality.**

We have taken a proactive role in identifying and helping to bring forward land that is suitable for meeting development needs **considering the appropriate uplift for each site** within the local context. Each site that must provide housing has a **minimum capacity** to set out the quantum of housing development that we expect to be delivered on each site. Each site that should provide housing has an indicative capacity to set out the quantum of housing development **that could be delivered on the site** and which is strongly encouraged.

Paragraph 123 of the National Planning Framework advises that the use of minimum density standards should be considered to ensure that developments make optimal use of the potential of each site. Southwark Council have provided the maximum uplift for the Aylesbury Action Core, not the minimum.

EIP 219 Appendix 5 Annex 2 Housing Trajectory, has Planning Application 14/AP/3843, below, which now has a maximum of 842 units with 566 original properties. For clarity this should be on the trajectory to give a basis for the numbers provided. This gives an uplift of a maximum of 276 (providing all of Policy PL4 and Building Height Plan from the Aylesbury Area Action Plan is not carried forward into the New Southwark Plan).

Aylesbury Action Area Core	AAAP P1	Aylesbury Estate, Landed Bounded by Albany Road, Portland Street, Westmoreland Road and Bradenham Close	44000	Under Construction	14/AP/3843	276	276
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EIP 219 Appendix 5 Annex 2 Housing Trajectory, has Planning Application 14/AP/3844, below, which has a maximum of 2,745 units with 2080 original properties, leaving an uplift of 655. Application 16/AP/2800 (mistakenly written 12/AP/2800) is included in 14/AP/3844. 567 from the maximum of 14/AP/3844 plus 88 from 16/AP/2800 = 665. This gives an uplift of a maximum of 665 capacity for planning application 14/AP/3844.

It should however be the minimum capacity for 14/AP/3844 of 1,700 used in the trajectory, as stated. This gives a loss of 380 units once the original 2080 properties are deducted, giving a loss over both 14/AP/3843 and 14/AP/3844, which is the entire estate to be developed of 104 properties.

Aylesbury Action Area Core	AAAP P1	Aylesbury Estate, Landed Bounded by Albany Road, Portland Street, Westmoreland Road and Bradenham Close	44000	Approved	14/AP/3844	567
Aylesbury Action Area Core	AAAP P2	Plot 18 Land Bounded by Albany road, Portland Street, Bagshot Street, Alvey Street, East Street and Dawes Street	26500	Under Construction	12/AP/2800	88

14/AP/3844 is not AAAP1 it is AAAP2-AAAP 4 and has a size of 220000m2 and is incorrectly addressed.

**Development Management planning application:**  
Application 14/AP/3844 for: Outline Planning Permission

**Address:**  
AYLESBURY ESTATE, LAND BOUNDED BY ALBANY ROAD, PORTLAND STREET, BAGSHOT STREET, ALVEY STREET, EAST STREET AND DAWES STREET, LONDON SE17

16/AP/2800 is also incorrectly addressed and Southwark Council cannot decide whether it is in AAAP1 or AAA2 as it is not shown in the Aylesbury Vision Map as being in any Phase. The vision map is therefore incorrect and needs to be clarified.

Application 16/AP/2800 for: Approval of Reserved Matters

**Address:**  
AYLESBURY PLOT 18 WITHIN LAND BOUNDED BY THURLOW STREET TO THE EAST, DAWES STREET TO WEST, INVILLE ROAD TO THE SOUTH AND PLOT 9 (A/B) OF THE AYLESBURY REGENERATION TO THE NORTH, LONDON SE17

There is no remaining capacity on the Aylesbury Estate and no sites have been mentioned in the NSP to come forward on the estate. For a site allocation to be mentioned in this trajectory it would need to be clearly shown on the Aylesbury Vision Map as an additional site allocation, with specific details of its location and what is to be built there. It needs to have a write up about how and why it is included in the Aylesbury Area Core and stating why it was left out of the AAAP and the 2 planning applications, so that there is a clear and transparent understanding of what effect this new site allocation will have on the community.

Aylesbury Action Area	Site Allocation	Remaining Capacity	156
Core			

The efficient use of land Policy P17 requires optimisation of the use of land for all developments in Southwark. **The minimum capacities set out the quantum of development that we consider should deliver the principles of sustainable development as set out in the NPPF.**

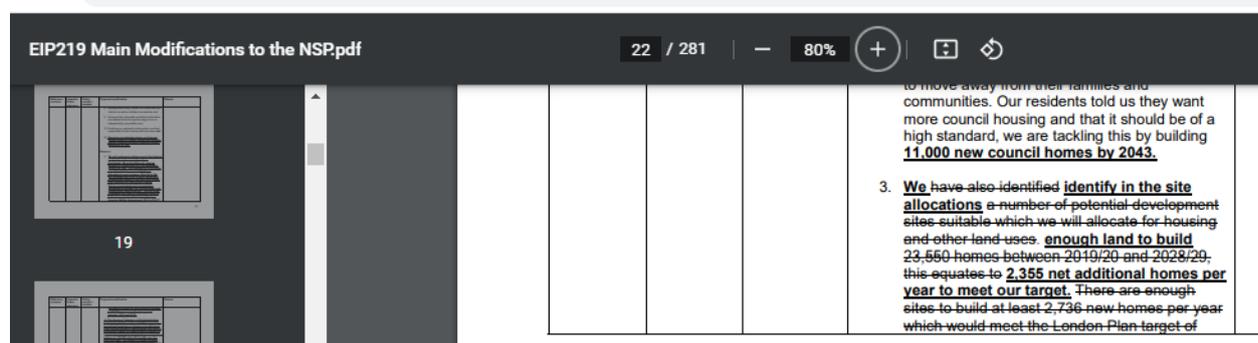
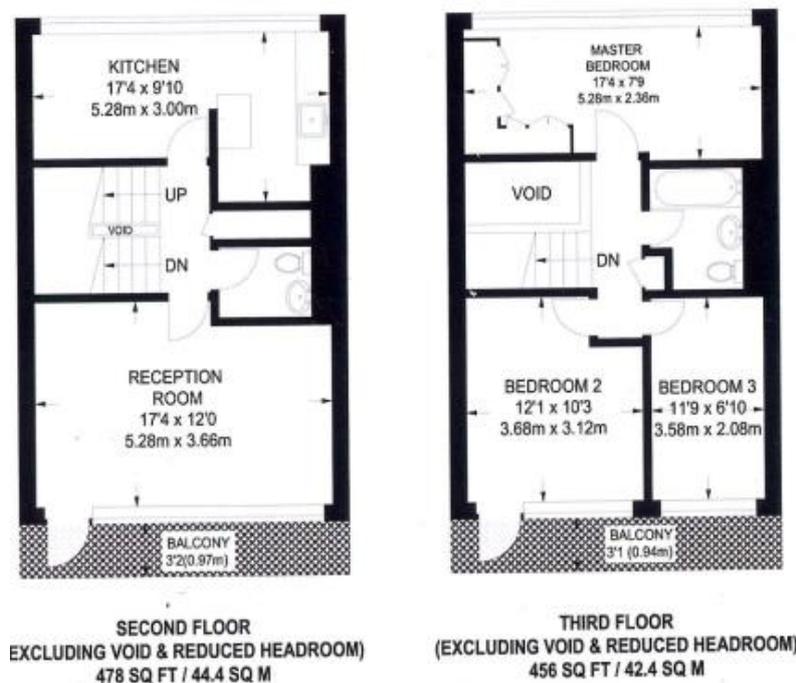
Where there is an ambition to further optimise development capacity by including more housing. Residential capacity could be increased beyond the baseline number as part of the planning application through excellent design and careful consideration of the impact on character, amenity and local environment. This will be particularly in regard to scale, distribution and type of development which **may** require collaborative working and consideration of any adverse or cumulative impacts within the local environment.

**The word “may” needs replacing with must.**

Uplift can be also calculated in habitable rooms. Southwark Council have miscalculated the habitable rooms in the planning applications as all 3, 4 and 5 bedroom properties in the low rise concrete blocks and also in some other block have 2 additional habitable rooms other than the bedrooms as the kitchen/living space is more than 11sqm (as stated in NSP P1 fact box Habitable Rooms page 83) so calculations are incorrect. The council have only added 1 additional habitable room for these properties other than the bedrooms.

I notified the council about this mistake but no amendments were made and the use of units was simply used in this consultation.

A 3 bedroom maisonette on Aylesbury Estate showing 5 habitable rooms.



At the Aylesbury Vision Hearing an Equalities Impact Statement was read out, which had been submitted. This is has not been added to the EIP documents and no points have been picked up in the Equalities Impact Statement. The impact of delays to schemes whilst moving residents out of estate regeneration schemes needs to be addressed, especially when no planning permissions are in place. There is no justification to not address all concerns in this Equalities Impact Statement and provide details and policies to address the points raised.

## Equalities Statement for New Southwark Plan

This is an evasion of public sector equality duty on a matter of public policy. We have discussed the minutiae of planning so much that we have forgotten that the New Southwark Plan is the next chapter in an unhappy record of inequality in Southwark for 24 years of my adult life. The Aylesbury Estate is the heart of Southwark's Black, Indigenous and other People of Colour (BIPOC) communities. Southwark, along with Lambeth, Lewisham & Croydon has the highest concentration of African & Caribbean heritage residents anywhere in London and as a consequence, the entire country. So when we talk about public sector equality duties with regards to demolition of the Aylesbury Estate, we are talking about arguably the most important relocation of black and brown residents anywhere in the UK.

What happens to this community therefore, where I was raised and socialised in values of antiracism, intercultural solidarity and mutual aid, matters to every other community like it the length and breadth of this country. I ask the inspector, 'If the local authority in Southwark cannot reach dignified agreements with its BIPOC communities, where can those communities lead dignified lives?'

Tony Blair understood this when he gave his maiden speech as PM from the staircase above my youth centre. No more "no hope areas" he declared, before promptly legislating to consign the concrete on which he stood to two and a half decades of hopeless mismanagement. The legislative and executive branches of Southwark Council understood this when they were told by Sajid Javid in 2016 that after nearly 25 years the first Aylesbury CPO breached human rights convention and the public sector equality duty. And the private companies hired to conduct subsequent Equality Impact assessments understand this when acknowledging but failing to address the structural inequalities that have been dispossessing ethnic minorities of their homes in southwarks for the best part of a quarter century.

What follows, I hope, will add the context of lived experience to the desk research conducted in the councils most recent equality impact assessment, which provides crucial insight into the New Southwark Plan's modus operandi re Aylesbury specifically and Southwark more broadly.

We, the indigenous resistance to Aylesbury's gentrification, have done our best to enlist the help of lawyers, academics, journalists, politicians and charitable organisations for our cause. We've mastered planning policy bibles, mounted legal objections, curated media coverage, fundraised and tabled freedom of information requests. We aren't giving the best years of our lives to stem the tide of inevitable change. We're working simply to set a precedent of dignity and humanity when people of colour lose their homes and the life's work they represent.

In 2016 it took a tory minister to chastise our elected councillors for failing to treat us with the requisite humanity enshrined in international human rights law. But a year later, Southwark appealed and greenlit Notting Hill's privatisation of the First Development Site only to U-turn this year and sink nearly £200m to build the housing itself, as public housing.

In 2020 after Black Lives Matter protests Southwark pledged to listen to minority communities and enact meaningful change by hosting a series of listening exercises. 6 months later, there has been zero action or communication on the various inequalities affecting BIPOC communities in the borough raised in those exercises. I ask the inspector how BIPOC residents can expect a Fairer future

for all, Southwark's own PSED wording, in the New Southwark Plan when the precedent set at a time of unprecedented opportunity was so disappointing.

Some 67% of residents in the area are of BAME heritage and protected by PSED legislation. The Index of Multiple Deprivation 2015 listed parts of the area in the top 10, 20 & 30% most deprived areas of England. The area has the second highest proportion of housing units in the borough with no access to private open space and the highest population density in the borough. 18% of households are overcrowded and in the context of a pandemic that kills twice as many people of colour, the NSPs lifting of a density cap on AAAP does nothing to assure BIPOC communities that any additional housing gain will mitigate against the risks associated with overcrowding. I ask the inspector if a Fairer future for all looks like "sustainable mixed communities with opportunities for local people that come from being in the heart of London" why Southwark is pursuing a plan that displaces its local people of colour.

Residents that have held on have been subjected to unreasonable and unlawful treatment over the course of the past 24 years. We believe that negligence and dereliction of duty has been used as a weapon to demoralise remaining leaseholders especially and frustrate them into accepting a lower offer for their homes to save spiralling costs for the mismanaged regeneration. I ask the inspector if Fairer Future for all looks like "Improved social cohesion by promoting positive relationships and a sense of community and belonging" why managed decline on the estate has a place.

Managed decline of the estate has impacted resident safety, the safety of children and the safety of their guests and visitors. Fire safety, water damage from leaks, continual disruption to hot & cold water service and break-ins are a regular occurrence. Broken glass, fly tipping, noise pollution and other forms of anti-social behaviour are being attracted to parts of the estate that have been identified as empty. As a result of the generalised air of dereliction caused by managed decline & compounded by reduced services during Covid, residents are trapped in their own homes, unable to enjoy the most basic of living conditions and in the case of homeowners, unable to rent or sell their homes and move on. I ask the inspector if the mayor's PSED Inclusive London states, "Regenerate the most deprived parts of London in a way that supports good growth and opens up opportunities for the most disadvantaged groups" why Southwark has neglected to apply this to Aylesbury.

As well as putting BIPOC residents' physical health and safety at risk, immeasurable harm has been done to residents' mental health. Notwithstanding the clear mental health implications of the pandemic, the ensuing recession and civil unrest, residents are also trapped in a state of never ending limbo with only 1 out of 5 phases completed in 24 years. In spite of express written interest in March 2020, Southwark have until very recently delayed meetings, delayed negotiations with organised leaseholders and delayed buybacks of their homes despite leaseholders being ready to sell. Worst of all, the threat of CPO with no certainty on when it will be delivered leaves homeowners in a further state of suspension over costly, invasive and protracted legal battles.

As a result, BIPOC and disabled residents are suffering from acute stress, elevated blood pressure, hypertension, migraines and sleeplessness which are conditions with severe potential complications for older and disabled individuals. Similarly children who live on the estate bear witness to the strain on their parents and suffer from high stress levels in turn. Yesterday I spoke to a resident who's youngest daughter is experiencing depression & anxiety because she's supposed to be selecting a 6th form in September and her and her family have no idea where they're going to be. How is it that the best start in life or a stable and healthy environment I ask the Inspector? Yet in the Equalities Impact assessment filed, the council remarks there are no negative impacts in these categories. Not only are these children being put at risk by the above physical and mental health issues, but they

must also contend with the impending loss of their homes and being uprooted from their community, schools and social lives.

What should the Inspector do about the problem? The council will simply not tell the truth and work in good faith with residents. All Aylesbury residents know that certain councillors and officers use secret underhand tactics to progress their aims. The recent case of Leo Pollak impersonating a resident online to discredit local residents and the subsequent praise heaped on him by Kieron Williams whilst simultaneously accepting his resignation for conduct unbecoming a public official speaks to a generalised air of mistrust and disillusionment. I wonder whether the inspector, on finding out members of their local council were gaslighting residents online, would readily accept the planning policy laid out by said council as developed in good faith?

The Inspectors should deal with the issue by forcing the council to adhere to PSED legislation and stop the demolition of the estate. If Southwark were to observe local policy obligations, it would make regeneration work by resolving the rehousing interests of current residents BEFORE any further demolition takes place. Residents from protected categories should see the benefits over and above other residents as well as over and above private interests. Secondly for those residents from protected & affected groups not scarred by the last 24 years who wish to remain, should be actively engaged in the planning and design of future housing, be it private or public.

We are discussing the capitulation of the cabinet as it fails to even want to make the process accountable and is happy to pass the matter to an external judge/arbitrator/inspector. We shall all have to continue waiting, by which time the affected community will have forgotten what the examination was about and the councillors and companies responsible will have moved onto the next multi million regeneration scheme, and the tatters of what meat cling to the grinder will be all that remains of the Aylesbury's diverse communities.

The Inspectors would do well to get away from taking Southwark & Notting Hill on their word. The central questions are: who should regeneration of estates serve? Who gets the new homes and who doesn't? What happens to those that leave? They should be left no worse than they were before the regeneration. Who deserves to have their interests protected? Does the inspector take responsibility for holding Southwark and its partner accountable or does it allow them to shuffle off the responsibility as it has on so many other issues, to another EIP, a public inquiry or a lands tribunal judge? If we take the latter course, we shall be burying one of the most significant housing estates in British history and with it all semblance of meaning that remains in our public sector equality duties.

## Comments on New Southwark Plan Proposed Main Modifications 2021

Name: Paula Orr

Address: [REDACTED]

email: [REDACTED]

### 1. Strategy and strategic targets

MM	Proposed modification	Comment
MM3	<p>Strategic Targets infographic (updates as per SP1a)</p> <p><b><u>Working towards cleaner energy and protecting the environment</u></b></p> <p><b><u><input type="checkbox"/> All developments must reduce their carbon emissions.</u></b></p>	<p>Not effective: This target is not clear or measurable (reduce which carbon emissions, from what baseline?)</p>
MM6	<p>Policy SP1a - Southwark's Development Targets</p> <p><b><u>8. The location and design of new development contributing to securing our targets of carbon neutrality by 2030 and net zero carbon by 2050;</u></b></p>	<p>Not effective: there is currently no clear target for carbon neutrality in 2030. MM3 refers to the need for the Plan to be reviewed "to meet the Borough's own carbon neutrality target by 2030."</p>
MM72	<p><b>P59 Biodiversity</b></p> <p>The inspector asked the council to produce a briefing note to confirm its approach to securing financial contributions for off-site biodiversity net gain. The council has produced a viability note which states while the council is waiting for the official guidance from the London Plan, it is likely that the financial contribution will be secured through Section 106.</p> <p>The council says that the majority of development in Southwark will take place on sites with a low biodiversity baseline where the biodiversity net gain can be easily achieved through onsite provision of urban greening. Therefore, the contributions for major</p>	<p>Not justified: urban greening in developments does not necessarily guarantee high biodiversity. Common methods seen in Southwark such as monoculture planting and the provision of fragmented habitats on rooftops, are unlikely to contribute much to the requirement to provide at least 10% biodiversity gain in developments. The effects of such urban</p>

	development will not need to be routinely collected. On sites with high biodiversity baseline, it will be more difficult to achieve biodiversity net gain. In these cases, the contribution will be secured offsite through Section 106.	greening provision should be assessed critically.  There is no monitoring of onsite v offsite provision of biodiversity in the Monitoring Framework ( <a href="#">see below</a> ).
<b>MM73</b>	<b>P60 Trees</b> The Inspector asked the council to provide a note confirming its approach to securing replacement trees. The council responded by including in 'Reasons' that mature trees will be given more weight due to their important role in storing carbon and mitigating climate change. It also provided information on the 'Right Tree Right Place principle' which ensures the right size and species of trees are considered to provide long-term benefits.	Not effective: the changes are not reasons, they need to be included as policies to ensure they are given weight in decision-making.

## 2. New Southwark Plan Monitoring Framework

<b>SECTION</b>	<b>PROPOSED MONITORING</b>	<b>COMMENT</b>
<b>Target 8 Open spaces</b>	Indicator 1) Number of open spaces (ha/1000 residents). Covers MOL, BOS, OOS.  Indicator 2) New open spaces delivered (m2)	Not justified: Indicator 1 is clear on categories of open space categorised as parks and green spaces (MOL, BOS, OOS) but does not cover loss of other green space on housing estates or leisure facilities (which also contribute to physical activity) such as ball courts and multi games areas.  Not effective: source of evidence is the Planning application. This will only show what has been approved. There needs to be a mechanism for monitoring the space actually delivered.
<b>SP2</b>	Policy12 Design of spaces: Indicator: Amount of communal open space consented with major developments	Not effective: source of evidence is the Planning application. This will only show what has been approved. There needs to be a mechanism for monitoring the space actually delivered.
	Policy 14 Residential design. Various indicators: floorspace of green communal amenity; financial contribution to green open space	Not effective: source of evidence is the Planning application. This will only show what has been approved. There needs to be a mechanism for monitoring the space actually delivered.

<p><b>SP6 Climate emergency</b></p>	<p>Policy 56 Open space. 4 Baseline indicators (open space per 1000 people; park provision/deficiency per 1000 people; satisfaction with greenspace provision; allotments) taken from Open Space Strategy (2013)</p> <p>Welcome the inclusion of an indicator on 'loss of open space' (assumed to be going beyond MOL, BOL and OOS which are covered by another indicator).</p> <p>Indicator: net gain of open space</p>	<p>Not effective : Baseline indicators are not up-to-date.</p> <p>Not effective – not clear how open space is being defined – does it include green space and leisure facilities on housing estates which also contribute to physical activities? The search for new housing sites means that tracking loss of this space is vital in terms of access to green space, amenity space and wider implications for quality of life.</p> <p>Please state where in the Monitoring Framework the amount of existing green space, including green space on estates, is accounted for and the amount of loss expected as a result of Council infill policy.</p> <p>Not effective: source of evidence is the Planning application. This will only show what has been approved. There needs to be a mechanism for monitoring the amount of open space actually delivered.</p>
	<p>Policy 58 Green Infrastructure 7 indicators: Two indicators relate to size and type of green roofs.</p>	<p>Welcome the monitoring of type and size of green infrastructure. Would like to see a clear indication that NSP will prioritise GI that offers greater climate change and environmental benefits (sustainable urban drainage, wildlife corridors, shading). The Urban Greening Factor which assesses different urban greening interventions, is included in the Monitoring Framework as an indicator with the note 'early review'.</p>
	<p>Policy 59 Biodiversity This policy has 3 baseline indicators, 7 policy indicators and 1 social regeneration indicator</p> <p>Policy indicator 'Deficiency of biodiversity' is an important one</p>	<p>Not effective: the Monitoring Framework doesn't provide any sources of evidence (it just lists 'evidence') for</p>

	<p>to understand the distribution of biodiversity across the borough.</p> <p>Includes a Social Regeneration Indicator: 'Number of green spaces: Number total per 1000 of population'</p>	<p>'Deficiency of biodiversity' or any mechanisms for obtaining data other than 'Environmental statements' (produced by developers) and '. There is a similar lack of information for the indicators 'Buffering of existing habitats' and 'Green links': the source of data for these is listed as 'Southwark Environment Protection?'</p> <p>Not justified: no monitoring of the extent to which biodiversity obligations are being met onsite or offsite. The Council's argument that urban developments will easily provide the &gt;10% Biodiversity Gain to be required by the Environment Bill is not reflected in practice. Using measures such as monocultural planting, fragmented habitats on rooftops may barely contribute to the biodiversity gain in the local area. The effects of such urban greening provision should be monitored and assessed critically.</p> <p>Does this include green spaces on estates and will it show the reduction of green spaces on estates due to infill schemes and the reduced amount of green space?</p>
	<p>Policy 60Trees There is one baseline indicator and 7 policy indicators</p>	<p>The policy indicator 'Net gain and Net loss of total trees through planning process' takes planning applications as basic data source.</p> <p>There is no indicator relating to management or survival rate of trees planted. This is critical both for the council's own tree planting and for any developers planting both off and on site. Trees should be monitored and reported on during the maintenance period.</p> <p>The replacement ratios for lost trees should be measured in terms of tree canopy.</p>



## Comments on NSP Modifications September 2021 - OBNF

### EiP 219 - Process

Not positively prepared (clear) justified (evidence), effective (achievable), consistent (NPPF and NLP) or legal (due consultation).

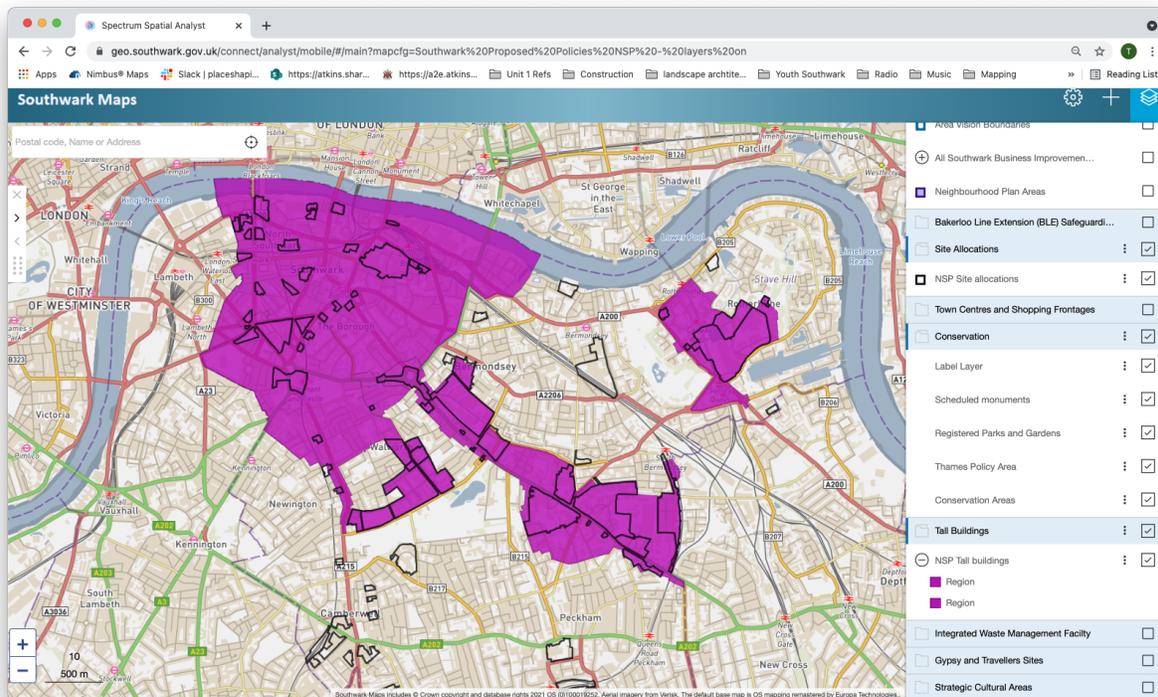
No NSP tracked changes version has been provided making it very difficult for the public to understand the implications of the MMs. The consultation should now be extended with a tracked changes version for proper accessibility.

### EiP 220 - Process

Not positively prepared (clear) justified (evidence), effective (achievable), consistent (NPPF and NLP) or legal (due consultation).

The Policies Map was not accessible online in the run up to and during the examination.

The current online policies map is problematic and a PDF version / hard copy has not been provided. The online version for example does not show conservation layers as an overlay against the Tall Buildings Area Policy (as requested in the exam to be included in the opening diagrams in the NSP): see screenshot from present situation where Tall Buildings area, Site Allocations and Conservation are switched on but the latter don't load / appear.



MM11 SP2: ~~Regeneration that works for all~~ Southwark Together. MM37 P12 Design of Places. MM38 P13 Design Quality

Not positively prepared (clear) justified (evidence), effective (achievable), consistent (NPPF and NLP) or legal (due consultation).

SP2 Point 5 should be reinstated, links made to P12 and P13 about scale and urban design. An Urban Design SPD should be referred to / proposed in P12 &/or 13 since the Tall Buildings Policy and Background Paper are (unsound and) insufficient to frame sustainable development in accordance with the London Plan and NPPF (including the recent changes around 'beauty' sense of place and design codes).

MM18 AV03 Bermondsey Area Vision, MM22 AV.11 London Bridge Area Vision

Not positively prepared (clear) justified (evidence), effective (achievable), consistent (NPPF and NLP) or legal (due consultation).

The proposed change is drastic, unfounded, unevidenced, detrimental and has not been properly consulted upon.

"MapM0120 - Area Vision boundaries layer added" presents July 2020 as the 'previous version' however the NSP was until that point showing the majority of the OBNF area in London Bridge Area Vision.

The change was proposed against agreements in statements of common ground of April 2020 during the EiP. The reasoning given was to include the OBNF in one area, however this could be done by simply clarifying/extending the existing AV11 boundary. The proposal does not and literally cannot achieve its stated aim because the NSP49 extends into the NF area south of Snowfields and Newcomen Streets.

It is clear from the process and the form of the resulting proposals in the maps and text that this has not been thought through. The text proposed for inclusion in London Bridge has been simply applied to the Bermondsey AV. with no proper description given to the specifics of the area or any adaption of the overall AV.

The proposals go directly against local opinion as strongly evidenced to date, including during the the EiP process, and will negatively impact the Forum's ability to complete it's neighborhood plan by undermining its identity which arose from consideration of the St Thomas Street Area and which includes aspirations to build on the collective character of the areas immediately north and south of snowfields and newcomen streets (as per the character evidence doc submitted following the hearing - attached here as Appendix 1). The local Forum and local community seek a community led masterplan for the NSP 50 and N51 allocations in the London Bridge AV which this proposed change is clearly motivated to arrest while facilitating the maximisation of high rise development to the detriment of the character of the area. As per previous representations a Framework is required for this area to frame sustainable development - it is clear (see Key Diagram) that the London Bridge Opportunity Area extends south to Long Lane (mid way through the Forum Area), therefore the proposal to cut London Bridge AV back is even less positively prepared.

MM40 P16 Tall buildings, fact box and policies map layer

Not positively prepared (clear) justified (evidence), effective (achievable), consistent (NPPF and NLP) or legal (due consultation).

As above the online policies map and the background paper have to date not provided the opportunity for consultation on the proposed tall buildings area, for example in relation to conservation areas. No alternatives have been considered or consulted upon for the tall buildings area. Given the software on show in the background paper, the council should proactively engage on this in a new consultation.

2.7 “where appropriate” is not clear

As per previous representations, a definitive map should include all the tall and taller buildings but by referring to site allocations in general, does not.

The definition of tall buildings (30m) is not consistent with the London Plan (18m) and the definition of ‘taller buildings’ “Taller Buildings: Taller buildings are generally higher than their surrounding context but are not significantly taller to qualify as tall buildings.” is not clear.

#### MM46 P25 Local List

No definition of the criteria is given. As per representations, the Heritage SPD referred to in the policy has not been subject to meaningful consultation. The criteria, their definitions and mechanisms for nomination and approval should be consulted upon, and once agreed, set out in the NSP. As per representations, Local List policy initiatives by community groups and Neighborhood Forums such as OBNF should actively engaged with (rather than ignored to date) and their identified assets put on the borough wide list.

#### MM86 Site Allocations

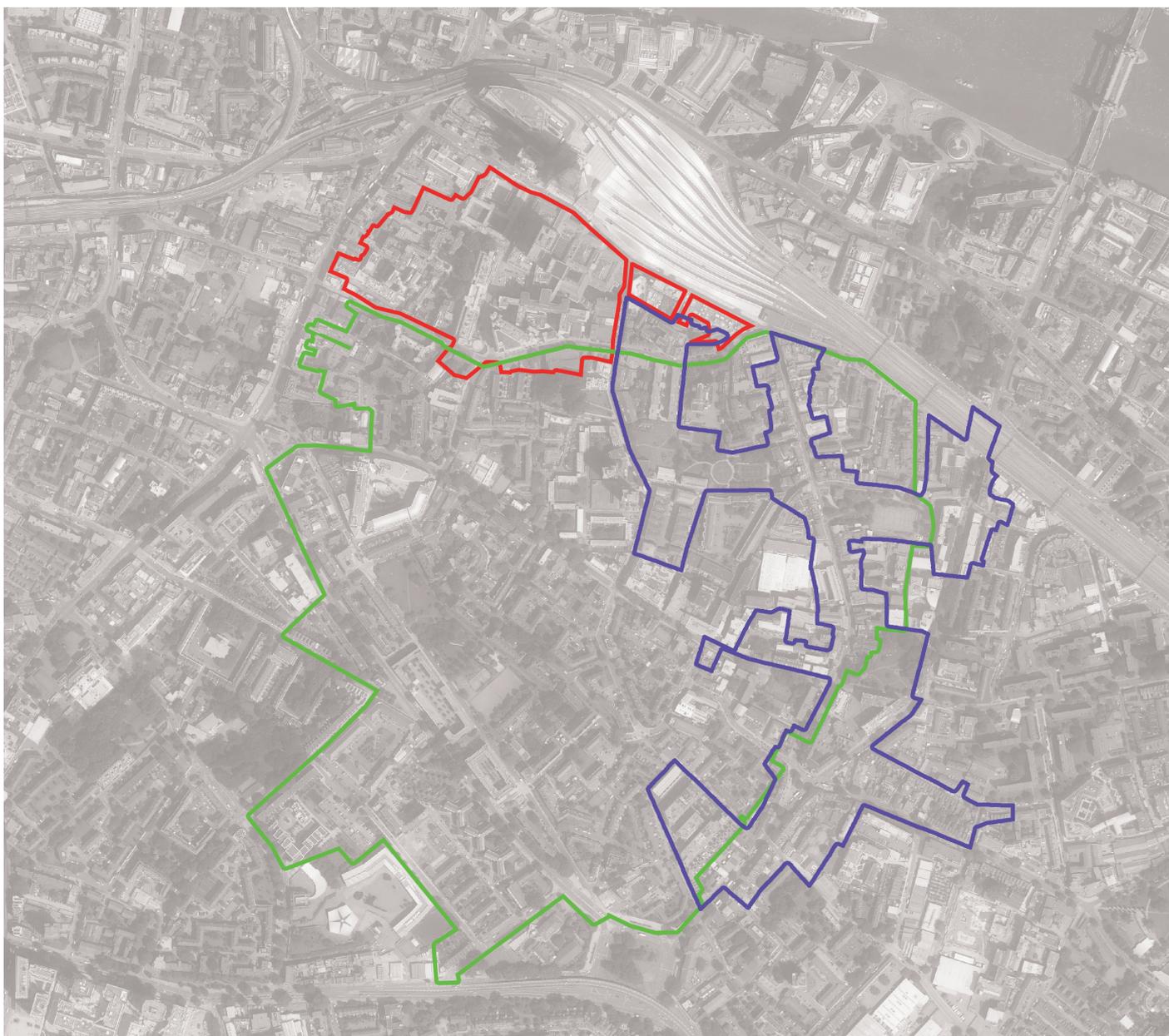
As per extensive previous representations the indicative capacities (FAR) should be brought back from the background methodology into the allocations and be consulted upon. The current use of the FAR in the background papers is extremely inconsistent as presented (>200% different to the reality) and should be subject to actual consultation. Requests were made in the EiP for proof of working (as per the methodology steps) and (as has been the case for approximately 5 years, no evidence provided. As per previous representations, if the FAR procedure cannot be done properly then it should not be done at all, however the assessment of sites still needs to be undertaken properly involving meaningful consideration and engagement (as required by the London Plan and NPPF) and result in the specification of height range limits - this has not been done to date and as per previous representations there are examples of site allocations e.g. NSP 50 & 51 which are in direct opposition to local opinion and will currently lead to fundamental negative transformation and unsustainable development.

As per previous representations and attached draft statement of common ground (Appendix 2), some details of which were quoted at the hearing, new sections should be added to site allocations to identify opportunities for biodiversity and circular economy (non-demolition). These should be carried through to the diagrams and keys.

#### MM139 NSP 50. MM140 NSP 51

It appears that none of the Forum’s proposed changes to the Site Allocations Diagrams and Text for NSP50 & 51, (including rectification of clear errors), have been taken up in the proposed modifications. This included important links and open space requirements like the retention and extension of Melior Street Gardens. The Forum maintains that these changes are required for the allocations to be made sound.

As above the indicative capacity / density study process needs to be brought to light and carried out in reality with due transparency and engagement. Similarly the Forum and local community maintain that overall height ranges and angles of elevation relative to heritage assets (including the conservation area itself as well as local assets) should be properly considered, consulted upon and specified for these allocations. This may apply to other allocations in the borough - allocations should be based on a community led fact based audit of existing conditions.



Map showing the London Bridge Area Vision Site Allocations NSP49-51 (red), the Old Bermondsey Neighbourhood Area (green) and the Bermondsey Street Conservation Area (blue).



Extract of the above map showing important overlaps between the Site Allocations, the Neighbourhood Area and the Conservation Area. The Council have now proposed an entirely new geography for the London Bridge Area Vision (as per EiP 181A, April 2020, contrary to SOCG agreements) involving a new line of separation along Newcomen Street, Snowsfields, Crucifix Lane and Druid Street. This new boundary line would cut through the key areas of overlap shown on the map above and would separate areas of strong shared character - as illustrated by the pairs of photographs on the following pages.



The Horseshoe Inn, Melior Street - north of the line of segregation proposed in EiP 181A



The Woolpack, Bermondsey Street - south of the line of segregation proposed in EiP 181A

Photographs above showing examples of consistent character in the London Bridge Area Vision either side of a new line of segregation now proposed by the Council (as per EiP 181A, April 2020, contrary to SOCG agreements) along Newcomen Street, Snowfields, Crucifix Lane and Druid Street.



Parade of Shops, Snowsfields - **north** of the line of segregation proposed in EiP 181A



Parade of Shops, Bermondsey Street - **south** of the line of segregation proposed in EiP 181A

Photographs above showing examples of consistent character in the London Bridge Area Vision either side of a new line of segregation now proposed by the Council (as per EiP 181A, April 2020, contrary to SOCG agreements) along Newcomen Street, Snowsfields, Crucifix Lane and Druid Street.



St Olaves Estate - **north** of the line of segregation proposed in EiP 181A



Tyer's Estate - **south** of the line of segregation proposed in EiP 181A

Photographs above showing examples of consistent character in the London Bridge Area Vision either side of a new line of segregation now proposed by the Council (as per EiP 181A, April 2020, contrary to SOCG agreements) along Newcomen Street, Snowsfields, Crucifix Lane and Druid Street.



Vinegar Yard, Snowsfields - **north** of the line of segregation proposed in EiP 181A



Morocco Street - **south** of the line of segregation proposed in EiP 181A

Photographs above showing examples of consistent character in the London Bridge Area Vision either side of a new line of segregation now proposed by the Council (as per EiP 181A, April 2020, contrary to SOCG agreements) along Newcomen Street, Snowsfields, Crucifix Lane and Druid Street.



North of Snowsfields - **north** of the line of segregation proposed in EiP 181A



South of Snowsfields - **south** of the line of segregation proposed in EiP 181A

Photographs above showing examples of consistent character in the London Bridge Area Vision either side of a new line of segregation now proposed by the Council (as per EiP 181A, April 2020, contrary to SOCG agreements) along Newcomen Street, Snowsfields, Crucifix Lane and Druid Street.



Weston Street - **north** of the line of segregation proposed in EiP 181A



Bermondsey Street - **south** of the line of segregation proposed in EiP 181A

Photographs above showing examples of consistent character in the London Bridge Area Vision either side of a new line of segregation now proposed by the Council (as per EiP 181A, April 2020, contrary to SOCG agreements) along Newcomen Street, Snowsfields, Crucifix Lane and Druid Street.

# Statement of Common Ground between Southwark Council and the Old Bermondsey Neighbourhood Forum (OBNF) April 2021



## Introduction

This Statement of Common Ground (SCG) addresses matters specific to Southwark Council and (**Old Bermondsey Neighbourhood Forum**) which relate to the Proposed Modifications for Examination Version of the New Southwark Plan.

This SCG has been prepared by Southwark Council in agreement with (**Old Bermondsey Neighbourhood Forum**) and will be used to inform the contents of the New Southwark Plan.

The purpose of the SCG is for both parties to acknowledge areas of common or uncommon ground relating to the contents of the New Southwark Plan, and to progress in cooperating on the best approach to addressing these areas.

### Southwark Council

Southwark Council is the local authority for the London Borough of Southwark in Greater London, England.

### Old Bermondsey Neighbourhood Forum (OBNF)

The Old Bermondsey Neighbourhood Forum (OBNF) aims to generate planning policies with the involvement of local people that build on their existing identities, ensuring that new developments do not turn their backs on the areas' history, architectural wealth or previous generations of residents.

By producing a Neighbourhood Plan the Forum aims to highlight the importance of the built environment in our designated area and promote its preservation and enhancement. The Group is dedicated to achieving this objective, whilst actively seeking to ensure that local people gain a real voice in the planning process.

The OBNF designation was renewed 5th November 2020.

## Strategic Matters

(Please use this section to provide details of matters relating to specific policies, Area Visions, or site allocations. You may include as many strategic matters as is relevant.)

### 1. London Bridge Area Vision

#### **OBNF**

The London Bridge area vision should give a better description of its different constitutive conditions (e.g. making specific reference to characteristic fabric, grain and scale of the Bermondsey Street Conservation Area and its wider setting and the Listed arches of St Thomas Street) and do more to foreground, protect, enhance and celebrate the area's diverse and rich heritage. The Forum's Neighbourhood Area and Emerging Plan should be explicitly referred to in written and graphic terms. The area vision should be subject to a Planning Framework developed through thorough engagement with the local Forum, residents, workers, schools, voluntary sector and businesses. Within this Framework the combined areas of NSP 50 & 51 (the St Thomas Street area between Weston Street and Crucifix Lane) should be subject to a community led action plan and/or masterplan, the development of which should be led by the Forum who's alternative proposals for the area have not been given due consideration to date - compounding the lack of meaningful consultation on the Area Vision and Site Allocations within.

As it stands the London Bridge Area Vision is not positively prepared or justified because it is self-contradictory and demonstrates no awareness of the area and its identity other than from a perspective of its potential for 'profit-centre' planning.

It refers to attracting 'international business headquarters' and 'borough Market', 'great archaeological interest', 'scheduled monuments of Roman, Medieval and port(sic)-medieval date' and building on 'its reputation for arts and crafts', as if they are natural adjuncts.

There is no doubt that with the Shard and the More London Complex the overwhelming of the riverside between London Bridge and Tower Bridge by high-density corporate interests is complete. South of the railway is the front line where housing estates and businesses with intergenerational histories stand against the advance of pre-fabricated, high-density, high-rise development that will obliterate everything in its path unless there is a vision for its preservation. A 'vision' that does not set limits for this invasion and cultural extermination is no vision at all: it is an abdication of responsibility for exactly what planning policy is for and is unsound in relation to national policy and the London Plan (as per our written representations).

In essence the Council's 'area vision' is simply a declaration that it will allow the preservation of expensive-to-maintain heritage assets and social housing that has served residents through the generations to compete on equal terms with high-rise glass towers: Whichever can provide the biggest payments to the Council (in cash or in kind) will be allowed.

This area vision is nothing more than an auction announcement of licences to destroy anything up to 2000 years of history if the price is right. This active disregard for the essential principles of planning for sustainable development should be reversed now in the EiP process. If the Council will not agree, as we anticipate from experience, we hope the Inspectors will request a coherent and considered 'area vision' from the Council setting out a policy by which history and community is to be balanced against unbridled development motivated by profit alone (the proposed developments associated with NSP50 and 51 in this area vision are set to benefit the developers and council by hundreds of millions of pounds at the full expense of the locality in social environmental and economic terms. This clearly requires the area vision to:

(1) Express recognition that 'international business headquarters' are a new and alien intrusion into an area of great historic and community integrity.

(2) Recognition that if it is left to Darwinian evolution the area's heritage and historic commercial and residential communities will simply be driven back by the advance of commuter-populated, soulless developments with no historic connection to the area.

(3) A considered geographical line to be drawn where the Council will halt the transformation of the identity of the area (for example the line formed by Newcomen Street, Snowsfields and Weston Street. Or alternatively an clear acknowledgment that it proposes no such halt.

### **Agreements:**

- The boundary of the vision areas are set out in the policies map on page 21 of the plan and are being proposed for main modifications. The zoomed in detailed map for the London Bridge area will include the Area Vision Map on page 63 with this boundary:  
*Starting at the river the boundary goes east to Tower Bridge Road. The boundary continues down Tower Bridge Road along to Bricklayers Arms Roundabout at the end of the Old Kent Road. Then the boundary continues along New Kent Road to Elephant and Castle Roundabout and then continues north up Borough High Street to the river.*
- The area vision map will indicate the neighbourhood forum area.
- Include the proposed wording to reference the aims of the Old Bermondsey Neighbourhood Forum under 'Development in London Bridge should...'

- Insertion of the below:
- *Preserve and improve the existing identities ensuring that the history and architectural wealth that comes from previous generations of residents is retained in the Old Bermondsey Village Neighbourhood Forum Neighbourhood Area. This would be for both the Bermondsey Street Conservation Area and the surrounding housing estates mainly built between 1900 and 1950. Along with the network of local streets and yards where commercial uses are intertwined with residential buildings.*
- The area vision text and map will clearly describe the change in urban form and character from west to east, specifically referencing the characteristic scale of the Bermondsey Street Conservation Area which should be protected
- The area vision map will indicate the Bermondsey Street Conservation Area and a buffer area indicating the distance at which it's characteristic scale should not be impacted by tall buildings.

### **Disagreements:**

- New wording will be included referencing the aims of the Old Bermondsey Neighbourhood Forum under '*Development in London Bridge should...*'

Preserve the character of the areas covered by the Site Allocations NSP50 & 51 which have a different character, grain and scale to that of London Bridge Station and NSP49 (Guy's Hospital), being partially included in and very similar to the northern sections of both the Bermondsey Street Conservation Area (Sub Areas 3 and 1) and the Old Bermondsey Neighbourhood Forum Area.

A Planning Framework for this part of London Bridge will be prepared by the Old Bermondsey Neighbourhood Forum in cooperation with the Council and other key stakeholders. A framework is needed to plan for sustainable development in this important and complex area.

### **Council Response:**

Team London Bridge have prepared a framework for London Bridge area. Old Bermondsey Village Neighbourhood Forum are preparing a neighbourhood plan for their area. The Council works with both groups. The Council does not consider a planning framework to be necessary at this point for London Bridge. This is under continuous review and an Opportunity Area Framework would be prepared with the GLA if this is considered helpful for development.

## **2. Site Allocations 50 & 51**

**OBNF**

Proposed changes to the Site Allocations 50 & 51 are summarised in general terms below with more detail in the attached pair of working tables.

- Additional and replacement **photos**
- **Diagram** changes including new improved links, extended enhanced and new open spaces (specific locations and sizes), identification of buildings and spaces that are locally listed and/or of architectural/historic/townscape merit
- Corrections, amendments and additions to **Site Area** and **Existing Uses**
- Inclusion of amended/proposed **FAR**
- Amendments and additions to **Site** details “Redevelopment of the site must: ...”including new proposed links, amended and new open spaces (specific areas) and planning applications (with reference to FAR).
- Amendments and additions to **Design and Accessibility Guidance, Approach to tall buildings, Impacts a Conservation Area** including specific and located (and alternatively relative) height ranges, ~~and~~ plus details on the clear retention of heritage fabric and settings.

## NSP50

### **Agreement:**

- The existing uses on NSP50 will be updated to include Melior Community Garden as Other Open Space with further detail to be added of the charity / voluntary and community uses through a fact based audit.
- The fact based audit will also inform more specific (differentiated) B-Class and social infrastructure requirements for the site
- Update row for Impacts an Archaeological Priority Area to Yes not No to correct factual error
- Update row for Impacts a Schedule Monument to No but in close proximity to Roman Boat at New Guy’s House Bermondsey
- The FAR ratio will be re-included in the methodology to show the indicative site capacity has already been exceeded by 18/AP/0900 (approved) and that the current application 20/AP/0944 would result in development being 240% of the indicative capacity which is unacceptable.
- The **Approach to Tall Buildings** will be updated to state that redevelopment of the remaining 2/3 of the site will be limited to the approximate footprint of the Beckett House building ranging from 18-6 storeys stepping down to the east.
- The **Impacts a Conservation Area** text will be updated to state that site borders Sub Areas 3 of the Bermondsey Street Conservation Area. Proposals for the site should act as a sensitive gateway to the historic area by stepping down to arrive at the characteristic 4-6 storey scale and protect (and enhance) the views of the Fenning Street Warehouse and Horseshoe Pub (from the West along Melior Street and from the South along Melior Place.
- **Site** guidance will be updated so that *redevelopment must:* Provide a new open space of at least 20% of the site area, by retaining and extending Melior Street Gardens to the West

### **Disagreements:**

## NSP50

### **Photo:**

Replace: with a photo of ~~the Vinegar Yard Warehouse from St Thomas Street~~ and the Eastward view of the Fenning Street Warehouses and Horseshoe pub cluster

Add: photo of Melior Street Gardens including the charity and community uses and the well maintained public seating areas set amongst trees.

### **Diagram:**

#### **Improved connectivity for pedestrians and cyclists** - add:

North-South link from St Thomas Street to Melior Street (between Capital House and Beckett House)

⚡ North-South link from St Thomas Street to Melior Street (Fenning Street)

⚡ East-West link on Melior Street (from Weston Street to Horseshoe Pub

#### **Locally Listed Building** (new category) - add:

Beckett House, Our Lady of La Salette and Saint Joseph Catholic Church, Horseshoe Pub, Vinegar Yard Warehouse

#### **Buildings of architectural and historic / townscape merit** - add:

Beckett House, Our Lady of La Salette and Saint Joseph Catholic Church, Horseshoe Pub, Fenning Street Warehouses, Vinegar Yard Warehouse

#### **New Public Open Space** - add:

Indicative westward extension of Melior Street Gardens (~~replacing home office car-park~~) providing a new area of approximately 700-800m<sup>2</sup>

### **Existing uses:**

Check / Correction: Beckett House (Office?) = approx. 4500m<sup>2</sup>?

Add: Charity/voluntary/community use (shipping container) = approx. 30m<sup>2</sup>

~~Site capacity—how has this been arrived to?~~

#### **Indicative FAR** (new section):

(previously given in the ~~methodology background paper~~ as 8.8 currently omitted)

Range of 4.7 – 6.1 (in accordance with the stated methodology and London Plan)

### **Site:**

Add:

Redevelopment of the site must:

- Provide flexible space at ground and first floor level for small/independent/local businesses, community and educational uses across a proportion (20-50%) of development area to be defined through a community engagement led fact based audit (borough wide or for each area vision but with local genuine local detail / resolution)

- Provide a new North-South link from St Thomas Street to Melior Street (between Capital House and Beckett House)
- Provide a new open space of at least 20% of the site area, by extending Melior Street Gardens to the West
- Provide 50% of any new homes to be available at social rent on-site

Add / Replace:

Planning application 18/AP/0900 has been approved exceeding the projected floor capacity for the whole site by approx. 3000m<sup>2</sup>. The remainder of the site is therefore not appropriate for comprehensive redevelopment.

### **Design and accessibility guidance:**

Add:

A diversity of employment space is also required by the local economy and the need for office space in the CAZ needs to be balanced with the needs of existing residents and businesses. The needs of the local economy (and the need for social infrastructure) in this area should be established through a detailed audit carried out in consultation with the local community.

Add/replace:

Any redevelopment should contribute towards an active, new high street between Borough High Street and Bermondsey Street that includes provision for local businesses to thrive. Any redevelopment should provide public realm enhancements, to offer spaces for meeting, and informal recreation according to the needs of local residents and businesses and to allow visitors to explore and enjoy the area. Enhancements should be based first on the improvement and expansion of existing spaces (e.g. Melior Street Gardens) the value of which should be identified through local consultation. The details should be agreed at the point of permission (not left for conditions).

Add:

The site is directly adjacent to the Bermondsey Street Conservation Area and less than 50m from the northern boundary of the Old Bermondsey Neighbourhood Area. Any redevelopment should serve to sensitively manage the transition from London Bridge Station to the local settings of Weston Street, Snowfields, Guinness Court, Kirby Grove, Melior Place, Vinegar Yard, Bermondsey Street and Crucifix Lane in terms of scale, character, design and the uses to be provided for. Redevelopment should balance the need for office space in the CAZ with the needs of the local area by providing space for local business, local resident/community and local educational uses.

Redevelopment of the site should be shaped by engagement with the Old Bermondsey Neighbourhood Forum (OBNF) and take account of their emerging Neighbourhood Plan (policies on Character and Heritage, Environment and Open Spaces and Local Economy are particularly relevant to the site).

### **Approach to Tall Buildings:**

Add / Replace:

Approved application 18/AP/0900 on the western third of the site is 39 storeys high. In the context of Melior Street Gardens, St Thomas Street, the Grade II listed Railway Arches, and the Bermondsey Street Conservation Area, redevelopment of the

remaining site should be limited to the footprint of Beckett House and have a maximum height range of 6-14 storeys stepping down to the east. This will avoid the unacceptable harm to the conservation area and local assets (due to the contrasting scale) and avoid wind tunnelling and overshadowing of the specific surrounding context.

### **Impacts Listed Buildings or undesignated heritage assets:**

Replace with:

The site is directly adjacent to the Grade II listed London Bridge Station Grade II listed Railway Arches. Proposals for the site should sustain and enhance the setting of these assets and (so) must be of sympathetic scale so as not to overshadow or dominate or harm the St Thomas Street assets and their settings.

The same applies to locally listed assets on and adjacent to the site including those identified in the OBNF draft local list (Beckett House, Our Lady of La Salette and Saint Joseph Catholic Church and the Horseshoe Pub). Redevelopment should retain and enhance all these assets in terms of the full buildings themselves and their material and visual settings and should not build on top of them or within their setting at a relative height greater than 45 degrees.\*

Development proposals should retain and enhance the townscape setting provided by these key heritage assets and complement local character and distinctiveness and (so) must be of sympathetic scale and materiality and character. The urban grain, scale and street layout of the surrounding area should be retained (see below).

### **Impacts a Conservation Area**

Add:

Specifically, the site is directly adjacent to the North West arm of the Bermondsey Street Conservation Area (Sub Area 3). Proposals for the site should act as a sensitive gateway to the historic area by stepping down to arrive at the characteristic 4-6 storey scale (see Approach to Tall Buildings) and protect (and enhance) the views of the Fenning Street Warehouse and Horseshoe Pub (from the West along Melior Street and from the South along Melior Place - as identified in the Conservation Area Appraisal).

\*\*Redevelopment should retain and enhance all these assets in terms of the full buildings themselves and their material and visual settings and should not build on top of them or within their setting at a relative height greater than 45 degrees.

~~Impacts a distinctive Borough View or London View Management Framework View (LVMF) - What is the impact?~~

**Is in a Town Centre** London Bridge District Town Centre

Add: ~~Where is the site~~ Description in relation to the centre / boundary

**Is in an Opportunity Area Bankside, Borough and London Bridge Opportunity Area**

Add: The Opportunity Area currently has no planning framework and is not monitored. A Framework will now be prepared through engagement with the OBNF and Local Community

**Has a planning framework (New section).**

No. A Community led masterplan is proposed by Forum to replace the St Thomas Street Framework since the refusal of 18/AP/4171

**Is within or in close proximity to a Neighbourhood Area (new section)**

~~No~~-Yes

**Has been subject to Neighbourhood Area Application (new section)**

Yes ~~Yes~~- add details

**Is in the Central Activity Zone (CAZ)**

Yes. ~~Where is the site~~ Add description in relation to the centre / boundary?

**Can provide Low Line walking routes**

Yes. Add reference to Neighbourhood Plan policies

**Impacts a designated open space**

The site contains Melior Street Community Garden (Other Open Space). Add details of use~~?~~.

**Opportunities for biodiversity (new section)**

Retention, enhancement and extension of Melior Street Community Garden

**Opportunities for circular economy (new section)**

Retention and adaptation/enhancement of Beckett House.

Maximum re-use of materials from approved demolition of Capital House

**NSP51**

**Agreements:**

- Add row in table to insert - Is in close proximity to the River Thames? No
- Update row for Impacts an Archaeological Priority Area to Yes not No to correct factual error
- Update row for Impacts a Schedule Monument to No but in close proximity to Roman Boat at New Guy's House Bermondsey
- A fact based audit will inform more specific (differentiated) B-Class and social infrastructure requirements for the site
- Update row for Impacts an Archaeological Priority Area to Yes not No to correct factual error
- Update row for Impacts a Schedule Monument to No but in close proximity to Roman Boat at New Guy's House Bermondsey
- The Approach to Tall Buildings text will be updated so that redevelopment of site should be limited to 12-4 storeys stepping down to the east.
- The Impacts Listed Buildings or undesignated heritage assets text and/or the Impacts a Conservation Area text will be updated so that any redevelopment must retain and enhance the assets (listed arches, Horseshoe Pub, Vinegar Yard Warehouse, Conservation Area itself) in terms of the full structures and fabric and their material and visual settings - redevelopment must not

build on top of the assets or within their setting at a relative height beyond 45 degrees.

- The **Impacts a Conservation Area** text will be updated to state that site is partially within and near to Sub Areas 3 and 1 of the Bermondsey Street Conservation Area. Proposals for the site should act as a sensitive gateway to the historic area by stepping down to arrive at the characteristic 4-6 storey scale and protect (and enhance) the views of the Fenning Street Warehouse and Horseshoe Pub (from the West along Melior Street and from the South along Melior Place) and of the Vinegar Yard Warehouse (from St Thomas Street to the North West) and from the top of Snowfields / the junction of Bermondsey Street and Crucifix Lane.
- The **Site** guidance will be updated so that *redevelopment must: Provide a new open space of at least 20-25% of the site area (800-1000m<sup>2</sup>), directly north and north east of the Horseshoe Pub (to be indicated on the diagram).*

### **Disagreements:**

#### **Photo:**

Replace: with a photo of the Vinegar Yard Warehouse from St Thomas Street and the Eastward view of the Fenning Street Warehouses and Horseshoe pub cluster

#### **Diagram:**

#### **Improved connectivity for pedestrians and cyclists** - adjust:

North-South link from St Thomas Street to Horseshoe Pub to be parallel with Fenning Street

North-South link from St Thomas Street to Melior Place should align with Vinegar Yard (historic street pattern)

West-East Link from Fenning Street, north of the warehouse buildings (location of 19thC alley)

#### **Locally Listed Building** (new category) - add:

Beckett House, Horseshoe Pub, Guinness Trust Buildings, Vinegar Yard Warehouse  
**Buildings of architectural and historic / townscape merit** – add: Beckett House, Fenning Street Warehouses, Horseshoe Pub, Guinness Trust Buildings, Vinegar Yard Warehouse

#### **New Public Open Space** - add:

Indicate new space of 800-1000sqm North East of the Horseshoe Pub

#### **Existing Uses:**

Check / Correction: Temp offices gone

Add: Vinegar Yard meanwhile use (details?)

Check / Correction: Vinegar Yard Warehouse > 1,117 m<sup>2</sup> on 4+ floors?

#### **Indicative FAR:** (new section)

(Given in the methodology background paper as 5.2)

Range of 2.5 – 3.5 (in accordance with the stated methodology and London Plan)

## **Site:**

Add:

### **Redevelopment of the site must:**

- Provide flexible space at ground and first floor level for small/independent/local businesses, community and educational uses across a proportion (20-50%?) of development area to be defined through a community engagement led fact based audit (borough wide or for each area vision but with local genuine local detail / resolution)
- Provide a new North-South link from St Thomas Street to the Horseshoe Pub
- Provide a new North East - South West link from St Thomas Street to the Melior Place following Vinegar Yard (historic route)
- Provide a new open space of at least 20-25% of the site area (800-1000 m<sup>2</sup>), directly north and north east of the Horseshoe Pub (refer to Vinegar Yard meanwhile use?)

Add:

Planning applications 18/AP/4171 and 19/AP/0404 were refused and suspended on this site due to their inappropriate scale (in relation to the conservation area). They are also inappropriate in exceeding the projected FAR by 220%

## **Design and accessibility guidance**

Add:

A diversity of employment space is also required by the local economy and the need for office space in the CAZ needs to be balanced with the needs of existing residents and businesses. The needs of the local economy (and the need for social infrastructure) in this area should be established through a detailed audit carried out in consultation with the local community.

Add/replace:

Any redevelopment should contribute towards an active, new high street between Borough High Street and Bermondsey Street that includes provision for local businesses to thrive. Any redevelopment should provide public realm enhancements, to offer spaces for meeting, and informal recreation, according to the needs of local residents and businesses and to allow visitors to explore and enjoy the area. Enhancements should be based on the improvement and expansion of existing spaces (and the enhancement of historic street patterns) the value of which should be identified through local consultation. The details should be agreed at the point of permission (not left for conditions).

Add:

The site is partially within to the Bermondsey Street Conservation Area and directly adjacent northern boundary of the Old Bermondsey Neighbourhood Area. Any redevelopment should serve to sensitively manage the transition from London Bridge Station to the local settings of Snowfields, Bermondsey Street and Crucifix Lane in terms of scale, character, design and the uses to be provided for. Redevelopment should balance the need for office space in the CAZ with the needs of the local area by providing space for local business, local resident/community and local educational uses. Redevelopment of the site should be shaped by engagement with the Old Bermondsey Neighbourhood Forum (OBNF) and take account of their emerging Neighbourhood Plan (policies on Character and Heritage, Environment and Open Spaces and Local Economy are particularly relevant to the site).

Add/replace:

Further comments on landscape and heritage led open space

### **Approach to Tall Buildings**

Add / Replace:

Planning applications 18/AP/4171 and 19/AP/0404 were refused and suspended on this site due to their inappropriate scale in relation to the conservation area.

In the context of Melior Street Gardens, St Thomas Street, the Grade II listed Railway Arches, the Bermondsey Street Conservation Area including the Fenning Street Warehouses, Horseshoe Pub and Vinegar Yard Warehouse, and given the required open space, comprehensive redevelopment of the site should be limited to 6-12 storeys on the North West corner (St Thomas Street & Fenning Street) and 4-8 storeys on the North East corner (either side of the Vinegar Yard where it joins St Thomas Street) stepping down to the east. The Vinegar Yard Warehouse must be retained and enhanced but its enhancement could include a modest extension to the south of 4-6 storeys. This will avoid the unacceptable harm to the conservation area and local assets (due to the contrasting scale) and avoid wind tunnelling and over-shadowing of the specific surrounding context.

### **Impacts Listed Buildings or undesignated heritage assets:**

Replace with:

The site is directly adjacent to the Grade II listed London Bridge Station Grade II listed Railway Arches. Proposals for the site should sustain and enhance the setting of these assets and (so) must be of sympathetic scale so as not to overshadow or dominate St Thomas Street.

The site includes the Vinegar Yard Warehouse and is within the immediate setting of the Horseshoe Pub which are key positive contributors to the Conservation Area (Sub Area 3 in the conservation area appraisal) and which are locally listed in the OBNF draft local list.

Redevelopment should retain and enhance all these assets in terms of the full buildings themselves and their material and visual settings and should not build on top of them or within their setting at a relative height greater than 45 degrees.\* Development proposals should retain and enhance the townscape setting provided by these key heritage assets and complement local character and distinctiveness and (so) must be of sympathetic scale and materiality and character. The urban grain, scale and street layout of the surrounding area should be retained (see below).

### **Impacts on a Conservation Area**

**Add:**

Specifically, the site is partially with and near to the north-west arm and north-central crown (Sub Areas 3 and 1) of the Bermondsey Street Conservation Area. Proposals for the site should act as a sensitive gateway to the historic area by stepping down to arrive at the characteristic 4-6 storey scale (see Approach to Tall Buildings\*) and protect (and enhance) the views of the Fenning Street Warehouse and Horseshoe Pub (from the West along Melior Street and from the South along Melior Place - as identified in the Conservation Area Appraisal) and of the Vinegar Yard Warehouse from St Thomas Street (from the North West) and from the top of Snowsfields / the

junction of Bermondsey Street with Crucifix Lane.

\*\*Redevelopment should retain and enhance all these assets in terms of the full buildings themselves and their material and visual settings and should not build on top of them or within their setting at a relative height greater than 45 degrees.

~~Impacts a distinctive Borough View or London View Management Framework View (LVMF)~~

~~The site falls within the Background Assessment Areas of LVMF views 3A.1 and 2A.1—Parliament Hill Summit to St Paul's Cathedral and Kenwood Viewing Gazebo to St Paul's Cathedral.~~

~~What is the impact?~~

**Is in a Town Centre** London Bridge District Town Centre

Add: ~~Where is the site~~ Description in relation to the centre / boundary

**Is in an Opportunity Area Bankside, Borough and London Bridge Opportunity Area**

Add: The Opportunity Area currently has no planning framework and is not monitored. A Framework will now be prepared through engagement with the OBNF and Local Community

**Has a planning framework** (New section).

No. A Community led masterplan is proposed by Forum to replace the St Thomas Street Framework since the refusal of 18/AP/4171

**Is within or in close proximity to a Neighbourhood Area** (new section)

~~No~~ Yes

**Has been subject to Neighbourhood Area Application** (new section)

Yes ~~Yes~~-- add details

**Is in the Central Activity Zone (CAZ)**

Yes. ~~Where is the site~~ Add description in relation to the centre / boundary?

**Can provide Low Line walking routes**

Yes. Add reference to Neighbourhood Plan policies

**Impacts a designated open space**

The site is in proximity to Melior Street Community Garden (Other Open Space). Add details of use?.

Add: Vinegar Yard meanwhile use space

Add: Snowfields primary school nature garden

**Opportunities for biodiversity** (new section)

New open space (800-1000m<sup>2</sup>) to be landscape and heritage led

Protection of existing trees and enhancement/extension of their ecology on Snowfields

Make links for biodiversity to extend into the site from adjacent Melior Street Gardens and Snowfields School Nature Garden

Potential for roof of Vinegar Yard Warehouse to be a green roof / public wild Garden

**Opportunities for circular economy** (new section)

Retention and adaptation/enhancement of Vinegar Yard Warehouse and

Fenning Street Warehouses.

**Council Response:**

The new sections proposed are covered by policy and do not need to be duplicated in the site allocations.

The site capacity is set out in the Sites Methodology Paper and sets out how the capacity is developed.

There is no adopted Neighbourhood Plan for London Bridge Area Vision area and therefore the policies cannot be referred to.

A Council Framework is not necessary at this time for London Bridge, one was drafted in 2012 but a lot of the designated sites have since been developed and this approach to design is set out in the area vision and site allocations. It is not necessary to have another document at this stage. This is constantly being kept under review.

**Signatories**

This statement has been informed by engagement between Southwark Council and Old Bermondsey Neighbourhood Forum.

'We agree that this statement is an accurate representation of matters discussed and issues agreed upon.

It is agreed that these discussions will inform the New Southwark Plan and that both parties will continue to work together collaboratively in order to meet the duty to cooperate.'

Signed: \_\_\_\_\_

Signed: \_\_\_\_\_

Name:

Name:

Position:

Position:

Date:

Date:

## COMMENTS ON MAIN MODIFICATIONS TO THE NEW SOUTHWARK PLAN

24<sup>th</sup> September 2021

Richard Lee: [REDACTED]

Email: [REDACTED]

Representor number: 148

To: [planningpolicy@southwark.gov.uk](mailto:planningpolicy@southwark.gov.uk)

I do not consider the following Main Modifications are legally compliant or sound and set out the reasons below.

### Legal compliance

On legal compliance, the Council has failed to apply the Statement of Community Involvement (SCI) to the consultation on the Main Modifications. I refer to the consultation plan which does not offer the consultation methods in Appendix C of the adopted SCI.

Similarly the revised IIA documents, despite their huge length, fail in nearly all cases to test the main modifications, finding it easier to discuss and give the green light to the policy as a whole. Neither have they remedied the failings heard at the EiP hearings; they still fail to analyse the particular impacts on protected groups and they still fail to acknowledge that some of the policies do in reality have negative impacts on particular groups of residents that must be recorded and responded to. The bar on impact assessment has to be set very low for these to be seen as legally compliant

### MM1 Area Action Plans

It is neither justified nor legal to use the main modifications process to erase the adopted Area Action Plans. References to all 3 Area Action Plans should be reinstated. Using the Aylesbury AAP as an example, this contains a lot of policy content that has not been covered. Southwark Law Centre has done an admirable job in submitting a table that compares the NSP with the AAAP, something that the Council should have done and based workshop discussions upon.

Because the consultation on the MMs is limited (not using the set of methods in the SCI), there has been no opportunity for those with an interest in the Aylesbury estate, many of who took part in workshops and surveys when the AAAP was produced, to gain information and engage with the radical nature of the proposition

that the Area Action Plan be deleted. There must be a real consultation and engagement on the implications of rescinding the AAAP which should be done as part of the Plan Review, and communicated in the next version of the Local Development Scheme.

### **MM 16 Aylesbury area vision**

The EiP heard evidence that the vision was unsound as it failed to engage with the “golden thread” of the Climate Emergency, particularly the issue of refurbishment. This is not remedied through the MM. Despite evidence presented at the EiP, the area vision continues to say that there can be an increase in the number of homes above 4,200 “*replacing all the existing social rented homes in and in reasonable proximity to the original estate.*” The policy in the AAAP on building heights will clearly have to change given this higher densification, but there is no transparency here as we are told that all AAAP policies have been incorporated into the NSP.

At the EiP we heard from Anthony Badu of the many adverse impacts the vision and site allocation were having on the Black communities living on the Aylesbury. I have looked at the new IIA and there is no change to the previous version. We are still told that the impact on all minority groups is positive, with no differences of impact. The Public Sector Equality Duty has not been met.

### **MM 39 Pi4 residential design**

To incorporate the detail of the AAAP into P14 requires explicit reference to the space standard of Parker Morris + 10% and an explanation of what this means. Whilst MM 39 does say that the Aylesbury standard will be different, the text is not clear and illustrates the difficulty of trying to transpose the specific detail of an Area Action Plan into a Borough wide Local Plan.

### **MM 87 Site 1a Aylesbury**

Much evidence was given at the EiP as to the timing of when this site will contribute to the housing trajectory. Only 408 homes had been completed, when the timeline said 2,511. Furthermore, Council intervention in a phase under construction means that it will be replacement council homes that will be completed by 2024. This is confirmed in the text for MM 87. This is good news for council housing, but shows a shift in focus towards replacing all the existing social rented housing and away from new supply. Site 1a will make no contribution to the 5 year housing trajectory and no information is provided in MM87 as to the contribution to years 6 – 10 or 11-15. The phasing information from the AAAP as set out in Annex 5 is not incorporated. The text for Site 1a also fails to align with the text in the Aylesbury area vision.

This new site allocation is not justified and should be deleted from the NSP.

### **NSP Monitoring framework - with regards to Aylesbury**

For SP2, which is about whether regeneration is working for all residents, there is a proposed indicator “number of residents who choose to stay in the local area (either on Aylesbury estate or nearby roads)” for which monitoring data will be provided by Southwark Regeneration Team. This fails on 2 counts – “or nearby roads” is not precise and could include the whole ward area; the data should be provided by a residents survey if we are to assess the choice made by residents.

This is the only reference to Aylesbury in the monitoring framework, thereby failing to incorporate the monitoring indicators from the Aylesbury AAP. For example, the AAP has unique policies in support of large family homes, including 5 bed, Parker Morris standards + 10% which are not being monitored.

### **MM 18 Bermondsey Area Vision**

The MM includes wording from my Statement of Common Ground (SCG) 2, which it had been agreed would be included in the London Bridge area vision. I now find it in the Bermondsey area vision. The Council did not revert to me and seek to renegotiate the SCG.

In the submission version of the NSP, the Bermondsey area vision describes an area to the east of Bermondsey Street, particularly Bermondsey Spa, Jamaica Road and The Blue. The addition in the MM of a large area to the west of Bermondsey Street extending to Borough High Street has not been consulted on and is unsound.

This MM should be withdrawn and the area vision boundaries fully consulted upon as part of the next review of the NSP.

### **MM 22 London Bridge Area Vision**

The above change to Bermondsey area vision needs to be placed instead in the London Bridge area vision. The Social Regeneration Charter for St Thomas Street (London Bridge) is a key tool for ensuring the development from sites 49, 50, 51 benefits the local communities. To prepare this document, Social Life interviewed 300 residents from the very area that is now being moved away from London Bridge and into Bermondsey.

It is further noted that Key Diagram 1 shows the above area as within the boundary of London Bridge, Borough and Bankside Opportunity Area, as it always has been.

This MM is unsound and the boundaries in the submission version should be reinstated.

### **MM 139 site 50**

The existing uses now recognise the Melior street community garden (protected open space) which is welcomed, but the redevelopment of the site does not mention

the provision of open space. Furthermore, there is no mention of biodiversity net gain. To be policy compliant, Site 50 must mention that Melior Street community garden will be retained and extended.

To be in compliance with all policies under SP6, Climate Emergency, the table needs to state positively how it will contribute to the reduction in carbon emissions and provide locations for trees,

### **MM 140 site 51**

The MM quantifies the amount of new open space. This is partly welcomed, but to be sound it must be clear that there will be increased space for nature and habitat (biodiversity net gain) as open space could mean hard standing or manicured green space without biodiversity.

### **SP2 Southwark Stands Together**

The title “Regeneration that works for all” has been changed into “Southwark Stands Together”. As a result, many aspirations of community groups are lost. There is a mention to climate emergency and achieving the goal of net-zero emission by 2050, but there is no mention of refurbishment over demolition (Circular Economy).

“Southwark Stands Together” is a Council policy document inspired by Black Lives Matter. This gives an opportunity for SP2 to take a strong stand for regeneration that meets the needs of the Black communities of the Borough, which has not been realised.

### **Housing**

Regarding the MM on Gypsies and Travellers, there is a recognition that an additional 27 pitches will be provided. However, there is no information and policy that explains how the additional provision will be achieved. This is unsound and must be changed.

### **Climate Emergency**

#### **MM72 P59 Biodiversity**

“Any shortfall in net gains in biodiversity must be secured off site through planning obligations or as a financial contribution.”

The Inspectors asked the council to produce a briefing note to confirm its approach to securing financial contributions for off-site biodiversity net gain.

The council states the majority of development in Southwark will take place on sites with a low biodiversity baseline where the biodiversity net gain can be easily achieved through onsite provision of urban greening.

This is unsound as it is guiding developers to meet the biodiversity requirement through urban greening which does not guarantee biodiversity. Prevalent practices such as monocultural planting and fragmented habitats on rooftops barely contribute to the biodiversity gain.

### **MM73 P60 Trees**

The Inspector asks the council to provide an MM confirming its approach to securing replacement trees. The council responds by including in reasons that mature trees will be given more weight due to their important role in storing carbon and mitigating climate change. It also elaborates on the 'Right Tree Right Place principle' which ensures the right size and species of trees are considered so as to provide long-term benefits.

These are important issues which for effectiveness must be given more weight in decision making. The ecological and environmental value of mature trees in mitigating climate change impacts should be recognised in the policies,

### **MM74 P61 Reducing Waste**

This MM brings the new concept of Circular Economy into the New Southwark Plan. The Council adds in the new policy that major referable developments must submit a Circular Economy Statement, as required by the Mayor. The council also supplements an explanation of Circular Economy Principles in the fact box.

However, the Council seems to be only focusing on 'reducing and recycling waste', whilst missing the more important aspect of the Circular Economy. This includes prioritising refurbishment and repurposing of existing buildings, promoting new design of buildings to be flexible for different uses and adaptable for future changes. MM's on circular economy should include these principles.

### **MM75 P64 Improving Air quality**

The Council seems to have deleted two policies on the use of abatement technologies to reduce the emission levels. The council gives no clear reason for these amendments which are not requested by the Inspector.

## **Monitoring Framework – new Annex 4**

The following aspects of the Monitoring Framework are not effective and should be changed for the Plan to be sound:

- Many indicators have next to them: "future digital monitoring tool". When will the digital monitoring tool be ready for use? It is unsound that no timescale is given.
- On Gypsies and Travellers, there's no monitoring on delivery of the 27 new pitches.

- Throughout the monitoring framework, there is no data provided by community groups and residents. This is particularly important for monitoring SP2. The change needed is to insert throughout that data will be provided by resident surveys, workshops, liaison groups between Council and community stakeholders and an annual residents conference.
- In my Statement of Common Ground 2, the Council agreed that the fact based audit of an area will be included in the monitoring framework, but it is not mentioned. Similarly on the Statement of Community Involvement, there is no role for community groups to assess how well it is operating.
- Under the Statement of Community Involvement, the monitoring will be only a number of pre-engagement and engagement plans that are produced by the developers
- On equalities, the indicator will be the description given by the developers in their planning applications. Both are self regulation by the developer, which will not be effective and must be changed.

#### On the Climate Emergency monitoring:

- The existing base for carbon emissions is unclear and not justified
- For open space & biodiversity deficiency, the data source is very outdated (2013 strategy).
- There's no monitoring of biodiversity net gain even though this has been added into policy. To be sound, there should be an indicator for the extent to which biodiversity net gain is achieved offsite.
- There should be monitoring on the number of new trees planted that are mature trees (given the new policy wording) and the number of new trees that survive the first three years (maintenance period)
- For several indicators, the source of evidence is the planning application. . For example, new open spaces and the amount of communal space within residential development. This will only show what has been approved. To be effective, there needs to be a mechanism for monitoring what is actually delivered.
- There needs to be a monitoring indicator for the amount of green space lost on estates as a result of housing infill policy
- On energy policies, there are 51 indicators most of which are monitored from planning applications data. It is ineffective to have so many indicators and attention and resources should be focused on a smaller number. Independent analysis of whole life cycle carbon assessments should be a prominent indicator.



SH/KFW/DP4622

24th September 2021

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Dear Sir/Madam,

**CONSULTATION ON THE MAIN MODIFICATIONS TO THE DRAFT NEW SOUTHWARK PLAN REPRESENTATIONS ON BEHALF OF BRITISH LAND (LAND BETWEEN GREAT SUFFOLK STREET AND GLASSHILL STREET)**

On behalf of our client, British Land Fixed Uplift Fund Limited Partnership, a subsidiary of The British Land Company PLC ('British Land'), we write in relation to the current consultation on the submitted New Southwark Plan ('NSP'). The purpose of this consultation is to consult on the latest changes made following the Examination in Public on the submitted NSP. These representations repeat the previous submissions made by British Land in relation to the Site known as 'Land between Great Suffolk Street and Glasshill Street' to date.

*Background*

As you will be aware, British Land hold substantial land interests in Southwark, most notably in Canada Water, including Surrey Quays Shopping Centre, the former Harmsworth Quays Printworks and Surrey Quays Leisure Park sites as well as the former Dock Offices.

British Land has a long-term interest in the site referred to as 'Land between Great Suffolk Street and Glasshill Street'(Ref: NSP07). As detailed in our previous representations to the London Borough of Southwark (LBS), it is important that the Plan and the Site Allocations documents reflect the prospective development aspirations for the Site. To this end, representatives from DP9 and British Land met with officers at LBS to discuss the content of the Site Allocations Documents in July 2017. The purpose of these discussions was to agree the existing uses and outline the prospective options for the Site which could contribute towards the long-term aspirations of the Plan.

**Site Allocation**



We note that the current Site Allocation has not fully incorporated our previous representations since the publication of the updated NSP. Our previous representations principally relate to the existing uses on the Site or provision of acceptable uses which could be brought forward at this location, which had previously been broadly agreed with LBS officers. For ease of reference, our previous comments are set out below:

- References to existing uses not included:
  - 2,196sqm of non-employment floorspace (Data Centre);
  - 9,759sqm of employment floorspace (Use Class E); and
  - the Car Park.
  
- Removal of reference to the re-provision of 50% of the development as employment floorspace;
- Removal of reference to the provision of active retail frontages at ground floor level along the Low Line walking route;
- The combination of proposed redevelopment options which the site may provide, including required uses and acceptable uses (referred to in the Site Vision), including Hotels (Use Class C1) and re-provision of employment uses.

The Consultation Report previously stated that a hotel use (Use Class C1) would be considered an acceptable use at this location, however, this has subsequently been removed from the breakdown of uses in the Site Requirements. We would therefore request that the Council review the wording of the Site Allocation to take into account the above points and amend the existing wording accordingly. A copy of our previous representations are enclosed for the attention of the Inspector and LB Southwark accordingly.

We trust that our representations for Site Allocation NSP07 will be fully considered by LBS as part of this round of consultation on the New Southwark Plan. We look forward to receiving confirmation that the representations have been received. In the meantime, should you have any questions or require any further information in relation to the above, please contact [REDACTED] or [REDACTED] at this office.

Yours sincerely,

DP9 Ltd.

**DP9 Ltd**

Enc.

SH/KFW/DP4622

26<sup>th</sup> October 2020

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  - 9,759sqm of employment floorspace (Use Class E); and
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- Removal of reference to the re-provision of 50% of the development as employment floorspace;
- Removal of reference to the provision of active retail frontages at ground floor level along the Low Line walking route;
- The combination of proposed redevelopment options which the site may provide, including required uses and acceptable uses (referred to in the Site Vision), including Hotels (Use Class C1) and re-provision of employment uses.

The Consultation Report previously stated that a hotel use (Use Class C1) would be considered an acceptable use at this location, however, this has subsequently been removed from the breakdown of uses in the Site Requirements. We would therefore request that the Council review the wording of the Site Allocation to take into account the above points and amend the existing wording accordingly.

In addition, we would reiterate our request to remove the reference in the Site Requirements to re-provision of 50% employment floorspace as part of the development. We consider that the removal of this requirement is justified in order to align with updated draft Policy P29 (Office and Business Development), which requires development to retain or increase levels of Class B uses and/or other employment generating floorspace (Sui Generis Use Class) across the borough unless:

*“in exceptional circumstances, the loss of employment may be accepted in the Central Activities Zone, town centres, opportunity areas and where specified in site allocations, where the retention or uplift in employment floorspace on the site is not feasible.”*

Whilst we agree with LBS’s Consultation Report response that the Site is located in the Central Activities Zone which is a suitable location for employment growth, in light of the above policy



wording, we consider that the existing reference to the re-provision of employment floorspace detailed in the Site Vision is too prescriptive and would undermine the principle policy intention of P29.

In summary, we do not consider this a sound approach given that the Plan prescribes a punitive approach for sites allocated within the Plan which is contradictory to the proposed policy intention set out in draft Policy P29. This diversion from policy would establish a separate approach to allocated and windfall sites, whereby the latter would not be subject to prescriptive thresholds for delivery. We therefore urge the Council to remove this wording from the Site Allocation.

We trust that our representations for Site Allocation NSP07 will be fully considered by LBS as part of this round of consultation on the New Southwark Plan. We look forward to receiving confirmation that the representations have been received. In the meantime, should you have any questions or require any further information in relation to the above, please contact [REDACTED] or [REDACTED] at this office.

Yours sincerely,

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24<sup>th</sup> September 2021

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On behalf of our client, British Land Fixed Uplift Fund Limited Partnership, a subsidiary of The British Land Company PLC ('British Land'), we write in relation to the current consultation on the main modifications to draft New Southwark Plan ('NSP'). The purpose of this consultation is to consult on the latest changes made following the Examination in Public on the submitted NSP. These representations repeat the previous submissions made by British Land in relation to the Croft Street Depot Site to date.

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As you will be aware, British Land hold substantial land interests in Southwark, most notably in Canada Water, including Surrey Quays Shopping Centre, the former Harmsworth Quays Printworks and Surrey Quays Leisure Park sites as well as the former Dock Offices.

British Land has a long-term interest in the Croft Street Depot. As detailed in our previous representations to the London Borough of Southwark (LBS), it is important that the Plan and the Site Allocations documents, reflect the prospective development aspirations for the Site.

Representatives from DP9 and British Land met with officers at LBS to discuss the content of the Site Allocations Documents in July 2017. The purpose of these discussions was to agree the existing uses and outline the prospective options for the Site which could contribute towards the long-term aspirations of the Plan. The Site Allocation was later removed in error and subsequently reinstated in January 2019 (Updated Ref: NSP079) ahead of the formal submission of the NSP to the Secretary of State for an Examination in Public.



### *Proposed Site Allocation*

The current allocation for Croft Street has been updated to reflect the format of other site allocations within the NSP. Notwithstanding, we note that our previous representations have not been taken into consideration. In particular, we would draw the Inspector's attention to our representations in September 2017 where the existing floorspace area (sqm) in the Site Allocation was considered to be over-estimated by 1,966sqm on the basis of British Land's records.

In addition, we would note that the existing use of the building should also be updated to reflect that the building is used as a Data Centre, comprising of 'non-employment generating' floorspace as previously discussed with LBS officers. This is on the basis that the building principally houses equipment in relation to its use as a Data Centre with a small ancillary office space for site management purposes. To this end, we would expect that the same level of non-employment generating floorspace should be re-provided as part of any future redevelopment.

On this basis, we would ask that the site allocation is updated to reflect our previous representations in relation to the existing uses as set out above. These representations are enclosed as part of these representations for the attention of the Inspector and LB Southwark accordingly.

We look forward to receiving confirmation that the representations have been received. In the meantime, should you have any questions or require any further information in relation to the above, please contact [REDACTED] or [REDACTED] at this office.

Yours sincerely,

DP9 Ltd.

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26<sup>th</sup> October 2020

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Yours sincerely,

DP9 Ltd.

**DP9 Ltd**  
Enc.

**From:** [REDACTED]  
**To:** [planningpolicy](#)  
**Subject:** Port of London Authority response: London Borough of Southwark Main Modifications consultation  
**Date:** 27 September 2021 09:56:16  
**Attachments:** [0.png](#)

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Dear Planning Policy Team

Apologies for the late response and thank you for consulting the Port of London Authority (PLA) on the main modifications to the London Borough of Southwark's Local Plan consultation. I have now had the opportunity to review the proposed modifications and can confirm that the PLA has no objections to any of the proposed modifications. Specifically, the PLA supports main modification MM19 to the Blackfriars Road Area Vision, which sets out that development in Blackfriars road should improve existing and create new cycle and walking routes, including the Thames Path. This is in line with the PLAs Vision for the Tidal Thames (The Thames Vision) (2016) which includes the goal to join up the Thames Path from source to sea, and to see enhancements to access routes to/from the Thames Path.

Furthermore, the PLA welcomes the proposed additional modification AM26 to policy P24 (River Thames) that development within the Thames Policy area must consider the use of the River Thames as an alternative means of transport during construction.

I hope these comments are of assistance

Regards

Michael

[REDACTED]  
Senior Planning Officer

*Port of London Authority*

*Follow us at @LondonPortAuth*



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Quod

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# Representations to the New Southwark Plan – Main Modifications (September 2021)

Made on behalf of Avanton  
Limited

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24 SEPTEMBER 2021

Q100481

# Introduction

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- 1.1 Quod is instructed by Avanton Limited (“Avanton”) to submit representations to the New Southwark Plan Main Modifications (“**NSP-MM**”): September 2021. These representations are submitted within the consultation period that runs from 06 August to 24 September 2021.
- 1.2 Avanton is a significant investor and landowner within Southwark having secured planning permission for nearly 1,500 homes at the Ruby Triangle and Carpetright sites respectively. Avanton also own the adjacent Old Kent Road Gasworks site.
- 1.3 Ruby Triangle achieved planning permission in 2019 (18/AP/0897) for the construction of three tall buildings ranging from 17-48 storeys in height comprising 1,152 homes alongside various non-residential uses including a sports hall and new open space. It is expected that Ruby Triangle will be one of the largest developments to be delivered within the Old Kent Road Opportunity Area and will be the catalyst for the regeneration of Sandgate Street and Verney Street. Avanton hope to implement the Ruby Triangle planning permission development by late-2021.
- 1.4 The Carpetright (651-657 Old Kent Road) development received resolution to grant planning permission (19/AP/1710) in June 2020 for the construction of two buildings ranging from 10 to 19 storeys plus mezzanine, delivering 262 homes and flexible/commercial floorspace as well as new open space. The Carpetright scheme will complete the redevelopment of Ruby Triangle and deliver high-quality retail frontage along the Old Kent Road and complete the delivery of the new pocket park. The implementation of Carpetright is targeted for late-2022.
- 1.5 Avanton first engaged with Southwark Council back in 2017 and have previously made representations to the emerging New Southwark Plan. Representations have also been made to the Old Kent Road Area Action Plan on behalf of Avanton’s land interests in October 2017, March 2018, and May 2021.

# Representation to the New Southwark Plan

## Main Modifications

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- 2.1 The following section considers the NSP-MM draft policies and their supplementary text in chronological order.
- 2.2 Our commentary is predominately tailored to the policies that we consider as relevant to the Ruby Triangle, Carpetright and Old Kent Road Gasworks sites. It should not therefore be assumed that where our representations are silent on certain policies that Avanton are supportive. We trust that the representation hereby submitted provides a constructive commentary for consideration as part of the NSP-MM.

### MM3: Strategic Targets Infographic – COMMENT

- 2.3 The sub-heading for the delivery of new homes objective presently only refers to the provision of new homes in an affordable tenure, despite the objective outlining annual housing targets for all homes (affordable and non-affordable). We recommend the following amendment is made to resolve this matter:

*Providing good quality homes for all ~~quality social rented and intermediate homes~~*

- 2.4 The following bullet points are not considered to represent ‘targets’ and should be amended so that can be monitored and are measurable. The following wording is therefore proposed:

#### **Area Action Plans**

- *~~There is an emerging~~ Prepare and adopt an Area Action Plan/Opportunity Area Framework for ~~the~~ Old Kent Road*

#### **Neighbourhood Plans**

- *Seek to ensure that development is guided by the adopted ~~There is one~~ Neighbourhood Plan for Southbank and Waterloo and support the preparation and adoption of emerging plans for other areas.*

### MM8: SP1 – Homes for all – COMMENT

- 2.5 Draft Policy SP1 identifies Southwark will build 11,000 new council homes by 2043, contributing to the overall housing target set at 40,035 homes. It is noted that the new council homes target time-period up to 2043 extends beyond the New Southwark Plan’s plan period (2019-2036). The figure should therefore be revised to reflect the anticipated number of council homes that can be delivered by 2036.
- 2.6 Reason 1 of Draft Policy SP1 notes that the Strategic Housing Market Assessment (2019) establishes a need for 2,077 affordable homes per annum equating to 35,509 affordable homes across the plan period. The assessed need for affordable homes alone accounts for

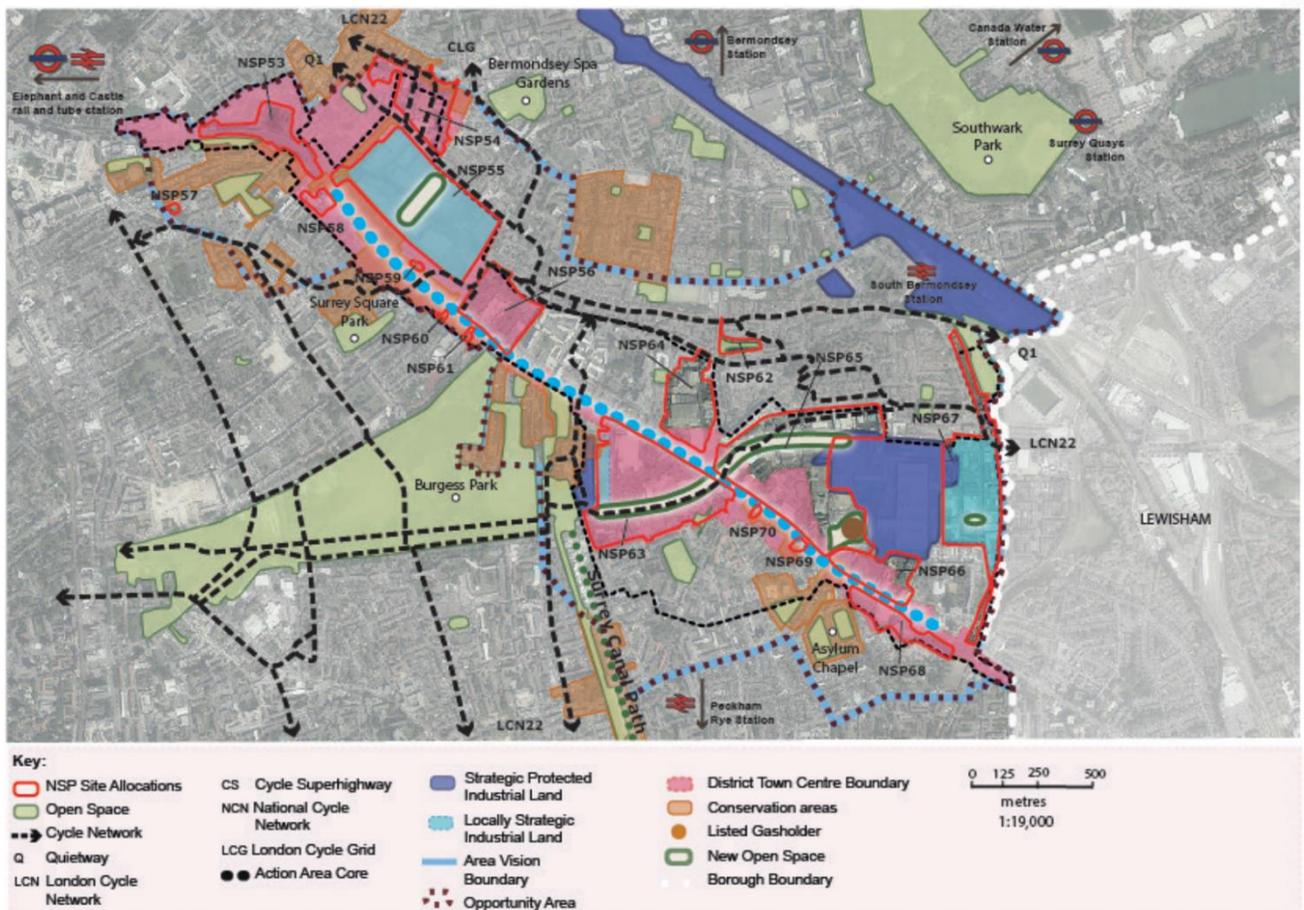
88% of the minimum new homes target (40,035) set by the New Southwark Plan, which would only be achieved if the majority of new developments were delivered as 100% affordable. This scenario is entirely unrealistic and should be reviewed.

2.7 In view of the supporting text to Draft Policy SP1, it is considered that the New Southwark Plan cannot realistically be considered to objectively meet the local authority’s housing needs and is therefore not positively prepared. To overcome this issue, the local authority should seek to further increase housing delivery through enhanced optimisation of proposed site allocations, developments in opportunity areas, and strong support for higher density developments across the Borough.

**MM23 – AV.13 Old Kent Road Area Vision - COMMENT**

2.8 Avanton support Draft Policy AV.13’s intention to provide two district town centres along the Old Kent Road, and request that their respective boundaries are defined on the Old Kent Road Area Vision Map.

**Figure 1 - Old Kent Road Area Vision - EIP219 (Appendix 8)**



## MM27 – P1 Social Rented and Intermediate Housing - OBJECT

- 2.9 Draft Policy P1 outlines that development creating 9 or fewer homes must provide the maximum amount of affordable housing or a financial contribution towards delivery off-site with a minimum target of 35% subject to viability.
- 2.10 The Planning Obligations NPPG (2019) is clear that obligations for affordable housing should only be sought for ‘major residential developments’, which is defined as 10 or more homes. The affordable housing contribution sought on developments of 9 or less homes does not therefore accord with the NPPG and should be removed.
- 2.11 Further, we note that the Draft Policy P1 outlines developers will be expected to provide 40% affordable housing with a policy compliant tenure mix in order to qualify for the fast track route.
- 2.12 It is considered the delivery of 40% affordable housing for many sites across the Southwark will be extremely challenging, particularly as the Bakerloo Line Extension has been put on hold and therefore achievable values will be impacted, especially sites with significant remediation or infrastructure costs.
- 2.13 The 40% level also surpasses the fast-track benchmark applied by Policy H5 of the adopted London Plan (2021), which is set at a minimum of 35% for all sites that are not on public sector land or allocated industrial sites. Draft Policy P1 is therefore contrary to the London Plan Policy H5 and the targeted level at which a scheme may be progressed through the fast-track route.
- 2.14 Considering the above, we recommend the following revisions are made:

*“1. Where development that provides ~~40~~35% social rented and intermediate housing affordable housing, with a policy compliant tenure mix, (a minimum of 25% social rented and a minimum of 10% intermediate housing) as set out in table 1 with no grant subsidy. Where developments follow the fast track route they will not be subject to a viability appraisal and a late stage review mechanism will not be applied. A viability review appraisal will only be necessary if amendments are proposed to lower the affordable housing provision to less than ~~40~~35% following the grant of planning permission*

*Reason 8 - To encourage developments to provide a higher provision of social rented and intermediate housing, we have introduced the fast track route for schemes providing ~~40~~35% social rented and intermediate housing”*

- 2.15 Finally, we note at Reason 5, the supporting text states that “*Southwark prioritises London Living Rent, or a Discount Market Rent equivalent to London Living Rent, as an intermediate rent product*”. This statement conflicts with the policy Factbox which states that “*London Affordable Rent, Affordable Rent and Discount Market Rent are not considered to be affordable and therefore do not fall under social rented and intermediate housing products we accept, unless otherwise stated above*”.
- 2.16 The above statements therefore conflict and Southwark position regarding the acceptability of Discount Market Rent tenure should be reviewed.

## **MM28 – P2 New Family Homes – SUPPORT**

2.17 Avanton support the removal of the former wording that exclude the Old Kent Road Area Action from the 20% family homes minimum target applied to all other CAZ and Action Area Core locations.

## **MM39 – P14 Residential Design – OBJECT**

2.18 Draft Policy P14 proposes to limit child play space to ground or lower- level podiums. Whilst we acknowledge that lower level play-space may offer more practical and safer space for children, on particularly constrained sites, the delivery of play-space to lower levels may not always be achieved or desirable. Accordingly, we recommend the following wording is deleted:

*“11. Provide private amenity space, communal amenity space and facilities for all residents, and child play space on site using the GLA calculator. ~~Child play space should be on ground or low level podiums with multiple egress points~~”*

## **MM40 – P16 Tall Buildings – COMMENT**

2.19 Draft Policy P16 outlines that tall buildings should only be located in areas shown as appropriate at Figure 4, and to individual sites that are allocated for taller buildings.

2.20 We note that the tall buildings map at Figure 4 provides no indication of indicative buildings heights in tall building locations, which is contrary to adopted Policy D1 of the London Plan. In view of the above, we recommend that insets to the Proposals Map are prepared that set an upper threshold (i.e. up to 80m) for locations identified as being appropriate for tall buildings across Southwark.

## **MM48 – P28 Strategic Protected Industrial Land – SUPPORT**

2.21 Avanton supports the supplementary text to draft Policy P28 which outlines that LSIS sites allocated in the Old Kent Road for mixed use development will be intensified for residential and industrial co-location.

## **MM50 – P30 Affordable Workspace – COMMENT**

2.22 In view of the introduction of Class E and the proposed removal of policy wording defining employment uses, draft Policy P30 should define what uses are considered as ‘employment’ uses.

2.23 Point 2. of draft Policy P30 outlines that affordable workspace should be secured for at least 30 years. We consider it unreasonable to apply a period of 30-years without including a mechanism for release from this restriction. There are several scenarios whereby the developer could be prejudiced through application of this policy in the long term. For example: during a recession or if the existing business was poorly management.

2.24 As there is no flexibility to the current policy, this could also lead to the unintended consequence of workspace being vacant if neither a local business nor start-up space operator is willing, or able to take on the space. Flexibility to the wording should be added to allow for

the workspace to revert to being a market unit for an agreed period of time (i.e. 1-3 years) post-practical completion, if an occupier that meets the above requirements cannot be found during a 6-month marketing period.

2.25 In addressing this matter, we request that the draft wording be amended as follows:

*Developments proposing 500sqm GIA or more employment floorspace (B class use) must:*

*1. Deliver at least 10% of the proposed gross new employment floorspace as affordable*

*workspace on site at Discount Market Rents; and*

*2. Secure the affordable workspace for at least 30 years unless otherwise agreed;*

2.26 Alternatively, we would recommend that a prescribed period for affordable workspace to be retained should not be set in policy, and instead should be considered on a case by case basis, which would be secured via a Section 106 agreement. In which case, we suggest the deletion of Point 2 above.

2.27 Point 5. of draft Policy P30 introduces flexibility, whereby in exceptional circumstances affordable retail, affordable cultural uses or public health services may be provided as an alternative to affordable workspace. The applied flexibility is welcomed; however, we note that the current policy would place an onerous obligation on the development that if the alternative affordable use is no longer required, the affordable space would revert back to affordable workspace.

2.28 The implication of this policy is that a Developer may be required to fit-out an affordable unit to the alternative use at their cost, be unable to rent the unit to an affordable retail/cultural or public service user and then be obliged to return the unit and its fit-out back to an affordable workspace specification. The application of this policy would be incredibly onerous and expensive for a developer, without any guarantee that an affordable workspace users could be found. For this reason, we request that the obligation to return the alternative affordable unit back to an affordable workspace use is removed.

## **MM67 – P53 Car Parking - COMMENT**

2.29 We acknowledge the ambition of draft Policy P53 in reducing residential car parking for all new developments and disincentivising private car usage across the Borough.

2.30 It should however be acknowledged that on constrained sites, it may not always be achievable to provide all residential car parking within the confines of the Site, which may dictate the need for some parking on the public highway. This is particularly relevant for blue badge parking delivered in accordance with Policy T6.1 of the adopted London Plan (2021), which requires 3% of dwellings to have a blue badge parking spaces from the outset, and a further 7% to be provided in the future. In view of this, we request the following amendment:

*“2. Provide all car parking spaces within the development site and not on the public highway (except for blue badge residential parking);”*

2.31 Further, we note the draft policy dictates that developments creating 80 or more homes will be expected to provide a minimum of three years free car club membership per eligible adult. This requirement is onerous and does not accord with the policy principle that seeks to reduce car usage across Southwark. Accordingly, we request that the policy is amended as follows:

*“4. Developments that create 80 or more homes shall provide a minimum of three years free membership, per eligible household adult who is the primary occupier of the development, to a car club if a car club bay is located within 850m of the development; and / or a contribute towards the provision of new car club bays proportionate to the size and scale of the development if it creates 80 units or more;”*

### **MM83 – IP3 Community Infrastructure Levy (CIL) and Section 106 Planning Obligations – OBJECT**

2.32 Draft Policy IP3 outlines that Community Infrastructure Levy monies shall be used to fund essential infrastructure identified within Southwark’s Regulation 123 list.

2.33 The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019, which came into effect on 1st September 2019 made several changes to the Community Infrastructure Regulations 2010 including the deletion of Regulation 123, and requires local authorities to prepare annual infrastructure funding statements.

2.34 In view of the above, we recommend the following amendment:

*“Pay the community infrastructure levy (CIL) which is required to fund the essential infrastructure identified by the council in our annual infrastructure funding statements Regulation 123 list.”*

2.35 Draft Policy IP3 proposes that a viability assessment will be submitted for all developments that depart from any planning policy due to viability. We raise concern that the proposed application of this policy could be very onerous and mean that any diversion from planning policy including design-led or transport matters for example could result in the need for a viability assessment.

2.36 To resolve the objection, we recommend that this policy makes clear that non-compliance against policy is restricted to matters of affordable housing.

### **MM154 / MapM002 – NSP65 Sandgate Street and Verney Road – COMMENT**

2.37 Avanton welcome the clarification that 5,300 new homes across site allocation NSP65 represents the minimum number homes to be delivered and supports the modification to the Policies Map – NSP65 Site Allocation boundary to incorporate land to the east including Gasholder no.13 and land previously allocated as SPIL.

2.38 In addition, we request the following amendments to the draft site allocation so that it accords with the corresponding site allocation OKR13 in the Old Kent Road AAP.

*Redevelopment of the site must:*

- *Provide new homes (C3); and*
- *Provide at least the amount of retail floorspace currently on the site and activate the Old Kent Road frontage; and*
- *Provide community leisure, arts, culture or community uses; and*
- *Provide a **primary and** secondary schools; and*
- *Provide a sports hall; and*
- *Provide at least the amount of employment floorspace currently on the site (E(g), **B2 and B2** class); and*
- *• Provide public open space including the Surrey Canal Linear Park - **34,472 sqm.***

2.39 On behalf of Avanton, Quod reserves the right to add to or amend these representations. This may be required where the Council issues new guidance or there is a change in policy at a local, regional, or national level, or circumstances affecting any of Avanton's land interests.

**END**