

26 May 2020

Former Biscuit Factory and Bermondsey Campus

in the London Borough of Southwark

planning application no. **17/AP/4088**

Planning application

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

Update

To agree to complete the Section 106 legal agreement and issue the decision, and to consider any changes to policy since the Deputy Mayor's resolution to grant planning permission on 21 February 2020.

Recommendation

That the Deputy Mayor, acting under delegated authority:

- 1) agrees to complete the Section 106 agreement after the period which the Head of Development Management has delegated authority to refuse permission if the Section 106 legal agreement is not completed; and
- 2) agrees that the policy and guidance changes since the Representation Hearing do not materially affect the resolution to grant planning permission he made on 21 February 2020.

Context

1 On 21 February 2020 the Deputy Mayor, acting under delegated authority as local planning authority, resolved to grant conditional planning permission in respect of London Borough of Southwark planning application 17/AP/4088 subject to the prior completion of a Section 106 legal agreement.

2 The Deputy Mayor also gave delegated authority for the Head of Development Management to negotiate the Section 106 legal agreement and gave delegated authority to refuse permission by 21 May 2020, should the Section 106 agreement not be completed.

3 Good progress has been made on Section 106 agreement negotiations since the Representation Hearing and the legal agreement is substantially drafted. There have however been some minor delays that have hampered progress. Furthermore, owing to the time elapsed since the Representation Hearing, there have been a number of changes to policy that must be considered.

Determination of the application

4 Whilst good progress has been made after the Representation Hearing, there have been a number of delays in progressing the S106 agreement and issuing of the decision.

5 At the time of the Representation Hearing, the S106 agreement was at an advanced stage of drafting, however it is a complex agreement and further discussions regarding outstanding points has been necessary. Furthermore, Southwark Council are only able to seal agreements on certain days and the next available day is Friday 4 June.

6 The application was referable to the Secretary of State (SoS) and the Deputy Mayor's resolution to grant planning permission was made subject to this referral. The application was referred to the SoS on 24 April 2020 and on 5 May the SoS confirmed that he did not intend to intervene.

7 All the S106 obligations agreed and set out in the Stage 3 Report have been secured and all conditions imposed, subject to amendments undertaken largely under delegated authority. It is proposed to extend the time period for implementation of the detailed component of the development by 1 year (from 3 years to 4 years) owing to potential delays due to the Covid-19 crisis.

8 As such it is proposed to complete the S106 and issue the decision in the coming days and the Deputy Mayor's agreement is sought to do this beyond the original period specified in the recommendation and agreed as part of the Deputy Mayor's decision to grant planning permission.

Planning policy and guidance update

New London Plan

9 At the time of the Representation Hearing, the New London Plan was in Intend to Publish (ItP) form and had been sent to the SoS alongside a schedule of the Panel Inspector's post-EiP recommendations, and the Mayor's response to them.

10 The SoS has subsequently issued a set of Directions on 13 March 2020 under Section 337 of the Greater London Authority Act 1999 (as amended) in response to the Mayor's ItP London Plan. Now the majority of the policies have significant weight, with the exception of those the subject of the SoS Directions.

11 The SoS Direction primarily seeks changes to housing mix and density, parking, small sites, housing, industrial and green belt / MOL policies within the plan. Whilst the majority of the changes requested by the SoS Direction do not impact on the proposals, the ItP London Plan policies that are of relevance to this case are Policy H10 (Housing size mix), D3 (Optimising site capacity through the design led approach), Policies E4 and E5 (Industrial land), Table 10.3 (Residential parking standards) and Policy T6.3 (Retail parking).

12 The SoS's suggested changes to Policy H10 places increased emphasis on the need for family housing. The development would provide 13.2% of units as 3 bed

or above with the majority being provided as 1 and 2 beds. In the context of housing need in the Borough, the Strategic Housing Market Assessment (SHMA, supporting the New Southwark Plan) shows that for market housing there is a requirement of 20% one-bed homes, 30% two-bed homes, 34% 3-bed homes and 16% four-bed homes. Whilst the proposed housing mix would represent an under-provision of family sized housing on a purely housing needs basis, the site is located in an area of high public transport accessibility and therefore considered more appropriate for one and two bed units. Furthermore, the nature of this Build to Rent development are such that a high proportion of family housing is unlikely to be appropriate. In addition, the development would deliver a significant number of genuinely affordable homes, for which the Borough-wide need is particularly acute. Therefore, the housing mix is still considered acceptable.

13 The suggested amendments to Policy D3 of the ItP London Plan in respect of optimising site density is intended to provide further guidance as to where higher density schemes should be focused including areas that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling. In this regard, the site benefits from a PTAL level of 3-5, which is between 'moderate' and 'excellent'. The site is in close proximity to a number of town centres and the Central Activities Zone and therefore jobs and services. The proposals themselves propose improvements to walking and cycling connectivity and also would provide new shopping and employment opportunities. A design-led approach has been taken to the optimisation of development on this large site. As such, the proposals would still fully conform with the suggested changes to the ItP London Plan Policy D3.

14 Whilst the main part of the site ceased its former industrial use some 30 years ago, the railway arches remain designated Strategic Industrial Land (SIL). The proposal to use two of these arches for pedestrian and cycle connections was accepted, on balance, owing the public benefits associated with connecting the scheme to The Blue Shopping Centre. The SoS Direction removes the requirement to ensure no net loss of industrial capacity on designated industrial land (including SIL). However, given that the scheme never proposed to re-provide industrial capacity, and that non-industrial use was considered acceptable, the proposal is still considered acceptable in this regard and compliant with ItP London Plan policies E4 and E5.

15 The parking standards as set out at table 10.3 of the ItP London Plan are proposed to be replaced with targets that allow for greater parking provision where this meets identified housing needs. In this regard, the parking standards in respect of Inner London sites with a PTAL rating of 3-6 are unchanged. Therefore, the proposals are still considered acceptable in this regard.

16 The changes in respect of Policy T6.3 apply to the provision of parking for new retail development to allow for some flexibility in the application of the parking standards set out in Table 10.5 where demand exists. In this regard, no new parking is proposed in connection with the proposed retail uses and the site is not located within a town centre, or a location where it would be expected that provision should be made for car parking to serve town centre demand. Therefore, the proposals would still be acceptable in this regard.

17 Overall, it is considered that the application continues to comply with the ItP London Plan.

18 In terms of strategic planning guidance, the Public London Charter, Good Quality Homes for All Londoners, Circular Economy Statement Guidance, Whole Life-Cycle Carbon Assessments and 'Be Seen' Energy Monitoring Guidance have recently been published but owing to their early stage of production do not carry any weight.

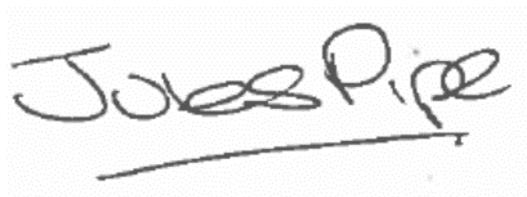
Southwark Council

19 The Council's Local Plan has not changed since the original resolution was made. In addition, there have been no new local Supplementary Planning Documents or Guidance published since the Representation Hearing.

Legal considerations

20 Under the arrangements set out in Article 7 of the Order and the powers conferred by Section 2A of the Town and Country Planning Act 1990 the Mayor is acting as the Local Planning Authority for the purposes of determining this planning application.

Decision record – recommendation agreed

A handwritten signature in black ink that reads "Jules Pipe". The signature is written in a cursive style and is underlined with a single horizontal line.

Jules Pipe

Deputy Mayor for Planning Regeneration & Skills

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