

Item No.	Classification: Open	Date: 20 June 2017	Meeting Name: Cabinet
Report title:		Policy Amendments Consultation for the Draft Old Kent Road Area Action Plan	
Ward(s) or groups affected:		Livesey, South Bermondsey, East Walworth, Grange, Nunhead, Peckham	
From:		Councillor Mark Williams, Regeneration and New Homes	

FOREWORD - COUNCILLOR MARK WILLIAMS, CABINET MEMBER FOR REGENERATION AND NEW HOMES

In partnership with the Mayor of London we have consulted with our residents to transform the Old Kent Road with 20,000 new homes, 5,000 new jobs, new community facilities, public spaces and parks to be enabled by the extension of the Bakerloo Line. Our last round of consultation received over 1,000 responses which showed broad support for our plans. This reports details how we will now consult on a small number of amended policies prior to preparing the final version of the Old Kent Road Area Action Plan.

The changes we wish to consult on are the proposed boundary of the Central Activities Zone which will now reflect the core area of the AAP; a new policy on Social Regeneration which puts the council's commitment to improving the lives of our residents at the heart of this plan; bring in greater protections for the retention and reversion of workspace; reducing the amount of car parking to promote public and sustainable transport and improve air quality; and to include the Mayor of London's and TfL's new Healthy Streets Initiative and guidance for further reducing air pollution.

RECOMMENDATIONS

1. That cabinet:
 - Approves the draft Old Kent Road Area Action Plan preferred option policy amendments (Appendix A) and the proposed changes to the adopted policies map (Appendix B) for public consultation.
 - Notes the updated integrated impact assessment (Appendix C), the consultation report (Appendix D), consultation plan (Appendix E) and Habitats Regulations assessment (Appendix F) for the draft Old Kent Road Area Action Plan.

BACKGROUND INFORMATION

OLD KENT ROAD AREA ACTION PLAN

2. In June 2016 Cabinet resolved to consult on the draft Old Kent Road Area Action Plan (OKR AAP) which sets out an ambitious growth strategy for Old Kent Road and the surrounding area which was designated as an opportunity area by the London Plan 2015. Over the next 20 years the opportunity area will be transformed, including the provision of two new underground stations as part of the Bakerloo Line extension, 20,000 new homes, including affordable homes for local people and 5,000 additional jobs. Extensive consultation on the plan took place between June and November 2016 and the council received over 1,000 responses.
3. Once adopted, the OKR AAP will form part of Southwark's Local Plan and be used alongside the New Southwark Plan to determine planning applications and focus investment. It will also be endorsed by the Mayor of London as an Opportunity Area Planning Framework (OAPF). As a part of Southwark's Local Plan it is

required to be consistent with the borough-wide New Southwark Plan and must be in general conformity with the London Plan.

4. The preparation of the OKR AAP is being carried out in several stages:-:
 - i. Stage 1 - Informal consultation on the draft OKR AAP which took place between February 2015 and March 2016;
 - ii. Stage 2 - Consultation on a scoping report on the integrated impact assessment, carried out over five weeks from 12 February 2016 to 18 March 2016;
 - iii. Stage 2 - Consultation on the draft OKR AAP, carried out from June to November 2016;
 - iv. Stage 3 - Consideration of comments on the draft OKR AAP and preparation of the proposed final revised preferred options plan for publication (the current stage)
 - v. Stage 4 – Invitation of representations on the proposed final plan and subsequent submission to the Secretary of State for an examination-in-public (EIP) in early 2018.
 - vi. Examination-in-public into the OKR AAP in 2018.
 - vii. Stage 5 - Adoption of the final OKR AAP as part of Southwark's Local Plan in 2019. M
5. The council has analysed all of the consultation responses that it received as part of the formal consultation that it undertook last year and is currently at stage (iv) of the process described above. As a result of this work, further evidence gathering and experience dealing with pre-application enquiries regarding development in the opportunity area, the council is now proposing a further consultation on a small number of amended policies prior to preparing the proposed final version of the plan.
6. The proposed policy amendments (Appendix A) are accompanied by related variations to the adopted policies map (Appendix B), integrated impact assessment (Appendix C), the consultation report (Appendix D), consultation plan (Appendix E) and Habitats Regulations assessment (Appendix F) (which screens any impacts on EU protected wildlife habitats).

CONSULTATION

Completed consultation on AAP

7. Consultation on the draft AAP is being carried out in accordance with the requirements of the Planning and Compulsory Purchase Act 2004 (as amended).
8. Over the past 12 months the council consulted extensively on the emerging OKR AAP. Through the community forum the council sought to raise awareness of what the plan might mean for the local community, consider the way the area has changed over time and explore the vision for the future. Using guest speakers, workshops and planning for real exercises the forum considered a range of themes including heritage and character, employment and businesses, retail and town centre uses, walking, cycling and buses (surface transport), open and green spaces and faith community spaces, the vision for the opportunity area and strategic options for regeneration. The outcomes and feedback have been invaluable in informing the plan.
9. Separate to the community forum, the council has maintained an on-going dialogue with a number of businesses in the opportunity area, initially through an Employment Study and a survey of over 800 businesses in the area and also

through business-focused workshops designed to capture views from business owners. Recently we have established the Old Kent Road Business Network which will be used to collect further evidence on the future space that businesses require and to ensure businesses have up-to-date information about the Old Kent Road opportunity area.

10. As well as businesses the council has also targeted young people to find out their views about the Old Kent Road and their aspirations for the future. Some of these young people gave a presentation at the community forum to enable the wider community to hear their views.
11. Besides the informal consultation, the council consulted formally on the scope of the integrated impact assessment and the comments made have informed that document.
12. In accordance with Southwark's Statement of Community Involvement (SCI), the draft OKR AAP was made available for comment over a twelve week period from 17 June 2016. The draft OKR AAP was published on the council's website and made available at libraries and the council's Tooley Street office. An advert publicising the draft OKR AAP was put in the press and written notification was sent to around 1000 contacts on the Planning Policy mailing list and My Southwark.
13. In addition to the statutory consultation described above, other consultation channels included:
 - Leaflet sent to all addresses in the opportunity area
 - Presentations on the draft AAP at community council meetings
 - Consideration of the draft AAP by Planning Committee
 - Workshops held at the Old Kent Road community forum
 - Events targeted at young people
 - Targeted outreach with tenants and residents associations
 - Continuing discussions with landowners and developers
14. A summary of the consultation responses received is provided below for each of the policies proposed for amendment. Full details, including an officer response to each of the issues raised, are included in the consultation report (Appendix D).

AAP1 – Old Kent Road

- The proposed extension of the Central Activities Zone (CAZ) should be reduced in size or should be abandoned because it is not justified by the functions of the area, or because of concerns about protecting the existing industrial uses and character of the area and gentrification.
- Support for the proposed CAZ extension.
- The GLA objected to the proposed CAZ extension, including because the area does not contain the unique mix and agglomeration of CAZ strategic functions or the unique character of the CAZ.

AAP11 – Employment clusters

- Council needs to deliver a diverse employment base, including through supporting the provision of affordable workspace, co-working space, incubator spaces and studios and attracting businesses which occupy a smaller area of floorspace.
- New commercial buildings should be flexible and adaptable and have high speed broadband.
- Dedicated artists zones or creative enterprise zones would be encouraged

- More guidance should be provided regarding affordable workspace and the mechanisms for securing it, which is important for start-ups and SMEs
- Existing businesses will be priced out of the area as a result of inflated rents and council tax rates and replaced by higher-value uses which do not provide for the needs of the existing communities.
- The proposed removal of the Protected Industrial Land designations and existing retail warehouses will spell the end of historic, light industrial activity in the Old Kent Road area unless existing businesses are supported to remain
- Need to plan positively for industrial premises that cannot be easily integrated with residential areas.
- The existing retail parks are well-used assets which provide an important function and service for local residents and the surrounding area.
- Retail parks and industrial areas are eyesores which have negative impacts upon the aesthetic appeal and air quality of OKR.
- Mixed use development supports a vibrant society integrating living, working, activities and leisure.
- The proposed transition will help to improve the evening economy and attract visitors to the area.
- The council should promote support for unique migrant and ethnic businesses operating in the area.
- The AAP should seek to encourage employers who offer the London Living Wage.
- The GLA indicated in their formal response that the council should retain some areas as Strategic Industrial Land.

AAP12 – High streets

- Concern that the existing vibrant high street of local and independent businesses (valued for their economic and cultural contributions to the community) will be priced out and replaced by characterless retail and restaurant chains that are unaffordable to a significant part of the area's existing local population.
- The road is a main arterial route into and out of London with heavy traffic and associated noise and air pollution, it will never be a pleasant high street
- Support policy if can attract good leisure facilities/entertainment venues (e.g. cinema, theatre).
- More diversity of high quality shops and mixed uses needed.
- Some retail parks and large supermarkets on the OKR (e.g. B&Q, Halfords, Asda, Tesco) are key resources for the local community and easy access brings visitors to the area – is there a way to incorporate these?
- Good quality cycling provision is essential i.e. abundant cycle parking and wide protected cycle lane.
- The GLA indicate in their formal response that the proposed boundary for the new District centre would raise conformity issues. They also suggested the town centre boundary should be drawn more tightly.

AAP21 – Car parking

- Support new development having limited car parking
- Ensure that there is sufficient parking for cars and that drivers are not overly penalised
- Successful regeneration requires consideration to protecting the needs of existing businesses (e.g. parking, servicing) so that they can continue to operate successfully.
- Concerned that high density of development could conflict with the needs for off-street servicing

- A strong servicing strategy is needed, where service routes are segregated from the pedestrian thoroughfare, enhances the ease of movement, legibility and safety

AAP22 – Green infrastructure

- Burgess Park is great but new small to medium open spaces are needed along with improvements to existing spaces
- People should have access to green space for wellbeing, recreation and a sense of belonging, including space for food growing and wildlife
- Flood mitigation should be an important consideration in open space design
- The AAP needs to be more explicit in detailing how all environmental improvements and open space aspirations will be achieved, and how to ensure developers are held to account
- Provision of additional open space is important but this must not come at the expense of the protection of OKR's existing natural assets. The plans must deliver a net gain in greenspace and biodiversity.
- Open spaces should be well-maintained and accessible to all; some existing spaces are not well looked after.
- Not enough green space is proposed and the community should be more involved in its planning.
- Open space should not be delivered at the expense of vibrant industry which represents a key employer of local people around the OKR area.

AAP23 – Flood risk and sustainable urban drainage

- Flood mitigation should be an important consideration including sustainable drainage (SUDS), green roofs, rain water capture and grey water re-use to reduce the pressure on the sewerage system and promote climate and flood resilience.
- SUDS can be combined with healthy, active street design, including cycle infrastructure.
- There needs to be an integrated, area-wide, SUDS strategy. The route of the Surrey Canal could be reinstated as part of this strategy.
- Environment Agency highlighted that redevelopments should make space for SUDS which can be used to attenuate surface water run-off while achieving additional benefits such as enhanced amenity space and biodiversity.
- Thames Water stated that an Integrated Water Management Strategy (IWMS) is required for the area.

AAP25 – Air quality

- Need more trees, particularly on streets, improving air quality.
- The AAP fails to explain how very poor air quality and noise will be addressed and measures enforced.
- New development should have limited car parking to promote other sustainable transport modes.
- Concerns that improvements to OKR for cyclists and pedestrians would displace traffic onto other roads and cause negative impacts for other areas in terms of congestion and air quality.
- Improvements should not be at the expense of traffic flows on OKR or commercial servicing.
- The plan should discourage the use of the OKR as a busy route into London for HGVs.
- Need to encourage electric vehicles to improve air quality, including low-emission buses.

15. A full analysis of all key issues raised in consultation responses to the whole AAP will be provided alongside the consultation on the proposed submission version of

the AAP later this year.

Proposed consultation on policy amendments

16. Following analysis of the consultation responses received the council is now proposing to make some significant changes to a small number of policies in the AAP prior to preparing the final version of the plan.
17. In accordance with Southwark’s SCI, the proposed amended policies will be available for comment over a twelve week period from 21 June to 13 September 2017. The amended policies will be published on the council’s website and made available at libraries, My Southwark service points and the council’s Tooley Street offices. An advert publicising the amended policies will be put in the press and written notification will be sent to around 5500 contacts on the Planning Policy mailing list and My Southwark.
18. Further details are provided in the consultation plan (appendix E).

KEY ISSUES FOR CONSIDERATION

19. The draft OKR AAP is an ambitious plan for the regeneration of Old Kent Road and the area around it. It establishes a vision and policies to manage change over a 20 year period. Because of the proposals for the Bakerloo Line extension and the fact that the Old Kent Road is a London Plan Opportunity Area, the draft OKR AAP and the evidence base which helps support it have been prepared in collaboration with officers at the GLA and TfL. In view of the need to coordinate the impacts of the draft OKR AAP, officers at Lewisham council have also been involved in its preparation.
20. This report seeks approval of the draft OKR AAP preferred option policy amendments (Appendix A) and the proposed changes to the adopted policies map (Appendix B) for consultation. Table 1 below provides a summary of the proposed policy amendments and the reasons for them.
21. The policy amendments were informed by the responses received to the consultation on the preferred option version of the OKR AAP (see above and Appendix D), by experience dealing with pre-application enquiries regarding development in the opportunity area and new evidence, including the emerging OKR Integrated Water Management Strategy.

Table 1: Summary of policy amendments proposed and reasons for making the changes

Current Policy	Proposed new or amended policy	Reasons for amendments
Old Kent Road CAZ extension	Proposed CAZ boundary to proposals map	<ul style="list-style-type: none"> • The CAZ boundary has been amended to reflect the core area plus north of Mandela Way
N/A	New policy: AAP0: Social Regeneration	<ul style="list-style-type: none"> • To respond to council’s commitment to social regeneration in the Area Action Plan.
AAP11: Employment Clusters	Delete policy and add 2x new policies AAP 11a: Workspace and business development AAP 11b: Mixed Use	<ul style="list-style-type: none"> • Employment clusters expanded so policy applies to all sites in opportunity area – responds to demand and representations from existing businesses

	Employment Areas	<ul style="list-style-type: none"> • Employment floorspace will be expected to be reprovided on all sites given demand and aspiration for mixed use neighbourhoods as transition from PIL • Mixed use design guidance explains how this is expected to be delivered • More information and evidence on sectors in each mixed use employment area • Definition required on map for Mixed Use Employment Areas and major town centre
AAP12: High streets	Amend policy to AAP 12: Town Centre and include reference to major town centre status and the relationship of primary and secondary retail	<ul style="list-style-type: none"> • Promote the Old Kent Road as a major town centre • Clarify the retail strategy for the Old Kent Road as a primary high street with a network of secondary retail on streets and squares connecting to the main road.
AAP21: Car parking	Amend policy to require 0.1 car parking spaces per unit in lower PTAL areas and requirement for electric vehicle charging points.	<ul style="list-style-type: none"> • To continue to promote car free development in high PTAL areas and reduce the amount of car parking required in less accessible areas. • To improve air quality and promote sustainable development.
AAP22: Green infrastructure	Key new amendment to include 5sqm of open space per dwelling	<ul style="list-style-type: none"> • Given the high density of development proposed in the opportunity area it is important to ensure that sufficient public green/open space is delivered across the area to create high quality places that feel comfortable to spend time in.
AAP23: Flood risk and sustainable urban drainage systems	Key amendment relating to S106 payment if greenfield runoff rates cannot be achieved	<ul style="list-style-type: none"> • Minimising surface water runoff from new developments in the opportunity area is critical to reduce surface water and sewer flood risk and avoid the need for expensive and disruptive upgrades to the combined sewer network.
AAP25: Air quality	Key amendment regarding Healthy Streets initiative and guidance for reducing air pollution	<ul style="list-style-type: none"> • Poor air quality in London is leading to nearly 9,500 premature deaths per year. Air quality on the Old Kent Road is particularly bad and given the scale of development anticipated there is potential for the situation to get worse without a strong policy on managing air quality.
Site allocations	The change in policy approach to employment re-provision will affect a number	<ul style="list-style-type: none"> • To remain consistent with emerging policies

	of site allocations which will be updated in the submission version.	
Site allocations OKR11 and OKR 13	Change of Galleywall Trading Estate site allocation to identify it as an employment site only (rather than for mixed use residential, employment, community, retail development). To specify both sites as retained SIL.	<ul style="list-style-type: none"> To ensure more industrial land is maintained in the Old Kent Road area as industrial/employment uses only
Site allocation OKR18	Policy to reflect longevity of waste management site and electricity substation as retained SIL.	<ul style="list-style-type: none"> To reflect the future phasing of development and existing functions of SIL.

Community Impact Statement

22. In preparing the draft OKR AAP the council has completed an integrated impact assessment (appendix C). This assessment found that the AAP/OAPF has strong objectives for improving the quality of the environment in the opportunity area including fostering community cohesion, improving health and equal opportunities for all. Policies reflect the aim of achieving revitalised neighbourhoods with new community facilities, healthcare, education, cultural, leisure and arts space. The plan recognises the opportunity area also has a number of existing community networks, including many religious groups and churches, creative businesses and a diverse population. There may be a risk that community networks could be affected by redevelopment in the area if meeting places or cultural facilities are displaced by development. However the AAP provides many opportunities to replace, enhance and expand community and cultural functions, which will be an integral part of the place-making strategy. The implementation of the AAP will ensure high quality development is delivered across the opportunity area, encouraging sites to consider wider considerations to achieve the aspirations of the plan, including new green spaces, improved transport infrastructure, connecting routes and high quality new buildings. There may be short term effects relating to increases in construction activity. However in the long term the AAP will create a better environment for residents, workers and visitors helping to improve the health of the population including by improving air quality, public realm and increasing physical activity and reducing factors relating to deprivation such as crime and unemployment.

Financial Implications

23. There are no immediate financial implications arising from the proposed consultation on the amended AAP policies. Any potential additional costs from any specific proposals emerging from the preparation and adoption of the plan or any queries thereof will be submitted as separate reports for consideration in line with the appropriate protocols.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

24. Area Action Plans (AAPs) are local development documents under the legislative framework established under the Planning and Compulsory Act 2004 ('the 2004

Act'). Regulation 5 of the Town and Country Planning (Local Planning) (England) Regulations 2012 ('the Regulations') provides that any document which (i) relates only to part of the area of the local planning authority;(ii) identifies that area as an area of significant change or special conservation; and (iii) contains the local planning authority's policies in relation to the area, is a local plan. As part of the Local Plan for Southwark, the Old Kent Road AAP, once adopted, will be used to make planning decisions on development proposals submitted to the Council.

25. A detailed statutory procedure for the adoption of local plan documents is set out in Part 6 of the Regulations including preparation and publication of a local plan, the consideration of consultation responses and the requirement for conformity with the London Plan. Section 19(3) of the 2004 Act requires that, in preparing local development documents, the local planning authority must comply with their statement of community involvement (SCI) and this report confirms that there will be compliance with the twelve week consultation period referred to in the SCI, which is itself a statutory document. The Consultation Plan which accompanies this report sets out both the statutory minimum requirements for consultation in the Regulations and the extended proposals in the SCI.
26. Ultimately, the Old Kent Road AAP will be submitted to the Secretary of State and will be subject to independent examination, as will be outlined in further reports as the statutory process progresses.
27. This report is accompanied by an Integrated Impact Assessment. The Integrated Impact Assessment will incorporate the Sustainability Appraisal, Strategic Environmental Assessment, Health Impact Assessment and Equalities Analysis and these are considered separately in the following paragraphs.
28. Section 19(5) of the 2004 Act requires a sustainability appraisal of the proposals in each development plan document such as the Old Kent Road AAP and the Regulations prescribe that the sustainability appraisal report must be submitted to the Secretary of State as part of the adoption process. The purpose of the Sustainability Appraisal is to promote sustainable development by integrating sustainability considerations into plans. By testing each plan policy against sustainability objectives, the Sustainability Appraisal process assesses and reports the likely significant effects of the plan policies and the opportunities for improving social, environmental and economic conditions by implementing the plan.
29. Sustainability Appraisals are also required to satisfy the European Directive 2001/42/EC. The Directive requires a formal Strategic Environmental Assessment (SEA) of certain plans and programmes that are likely to have significant effects on the environment. The SEA was transposed into UK law by the Environmental Assessment of Plans and Programmes Regulations 2004. SEA is focused primarily on environmental effects, whereas Sustainability Appraisals go further by examining all the sustainability related effects of plans, whether they are social, environmental or economic. The process for undertaking a SA is conducted in accordance with the requirements of the SEA Directive.
30. The council is also required by UK law to pay due regard to advancing equality, fostering good relations and eliminating discrimination for people sharing certain protected characteristics, as set out in the Public Sector Equalities Duty (2011) (under section 149 of the Equalities Act 2010). The council carries out Equalities Analysis (EqIA) of its plans, decisions and programmes to consider the potential impact (positive and negative) of proposals on the key 'protected characteristics' in the Equality Act 2010 and with regard to the Human Rights Act 1998.

31. Health Impact Assessment (HIA) is a combination of procedures, methods and tools by which a policy, program or project may be judged as to its potential effects on the health of a population, and the distribution of these effects within the population. While a HIA is not required by law it is considered good practice, particularly since responsibility for managing the health of populations was transferred from national government to local authorities following the Health and Social Care Act 2012.
32. Part 3B of the Cabinet Role and Functions of the Southwark Constitution provides that the Cabinet Member for Regeneration and New Homes has particular responsibility for development of the local development framework.
33. Part 3F of the Constitution provides that it is function of planning committee to comment on local development framework documents in respect of all significant planning matters and to make recommendations to cabinet and this report refers to the intention to include this step in the consultation process.
34. Part 3C of the Constitution provides that approval for recommendation to council assembly of those proposals and plans contained in the council's policy framework are reserved to full cabinet.
35. Part 3A of Southwark's Constitution provides that it is the Council Assembly that must agree the policy framework including development plan documents.

Strategic Director of Finance and Governance (FC17/004)

36. This report is requesting cabinet to approve the draft Old Kent Road Area Action Plan preferred option policy amendments (Appendix A) and the proposed changes to the adopted policies map (Appendix B) for public consultation.
37. The strategic director of finance and governance notes that there are no immediate financial implications arising from this report and any costs from specific proposals emerging from the adopted plan would be subject to separate report for formal approval.
38. Staffing and any other costs connected with this report to be contained within existing departmental revenue budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Draft Old Kent Road Area Action Plan http://www.southwark.gov.uk/planning-and-building-control/planning-policy-and-transport-policy/development-plan/area-action-plan	160 Tooley Street, SE1	planningpolicy@southwark.gov.uk
New Southwark Plan preferred options (October 2015) http://www.southwark.gov.uk/downloads/download/4346/new_southwark_plan_preferred_option	160 Tooley Street, SE1	planningpolicy@southwark.gov.uk
Southwark Statement of Community Involvement http://www.southwark.gov.uk/planning-and-building-control/planning-policy-and-transport-policy/consultation-and-updates/statement-of-community-involvement	160 Tooley Street	planningpolicy@southwark.gov.uk

APPENDICES

No.	Title
Appendix A	Proposed new and amended AAP policies
Appendix B	Proposed changes to the adopted policies map (available on the website)
Appendix C	Integrated impact assessment (available on the website)
Appendix D	Consultation report (available on the website)
Appendix E	Consultation plan (available on the website)
Appendix F	Habitats Regulations assessment (available on the website)

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Juliet Seymour, Planning Policy Manager	
Version	Final	
Dated	8 June 2017	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Support Services		8 June 2017