

From: Daniel Botten [REDACTED]
Sent: 17 June 2024 17:01
To: Environment - Local Plan
Cc: Naomi Baker; Matthew Roe
Subject: City Plan 2040 - Regulation 19 Consultation - Representations OBO Unite Group Plc
Attachments: 240617- City Plan 2040 - Representations Regulation 19 - FINAL.pdf

Categories: CONFIRMED

THIS IS AN EXTERNAL EMAIL

Dear City of London,

Please find attached representations to the City Plan 2040 Regulation 19 Consultation, made on behalf of Unite Group Plc. These have also been uploaded via Commonplace, but the attached version contains tables and appended evidence that cannot be uploaded via this platform. Thus, please can the attached full representations be considered.

In addition, please could you confirm safe receipt of these representations?

We would be delighted to discuss the comments in due course.

Kind regards,
Dan



Daniel Botten
Associate Director
[REDACTED]
[REDACTED]
[REDACTED]



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REF: R00021/MR/DB/NB

By email only: localplan@cityoflondon.gov.uk

City Plan 2036
Development Plans Team
Department of the Built Environment
City of London Corporation
Guildhall
London
EC2P 2EJ

17th June 2024

Dear Sir / Madam,

REPRESENTATIONS TO CITY PLAN 2040 CONSULTATION ROK PLANNING ON BEHALF OF UNITE GROUP PLC

I write on behalf of our client, Unite Group Plc (Unite), to submit representations to the Draft City Plan 2040 Proposed Submission (Draft City Plan) Consultation. Unite are one of the UK's leading manager and developer of purpose-built student accommodation (PBSA), providing homes for around 70,000 students in more than 157 purpose-built properties across 23 of the UK's strongest university towns and cities. In London, Unite provide homes to circa 12,712 students across 32 properties.

The City of London has prepared and published the Draft City Plan for consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations as amended. The consultation is scheduled to close on 17th June 2024. This representation follows Unite's previous submissions to the Regulation 18 Stage dated February 2019, a meeting to discuss Unite's comments held in November 2019, and Unite's further representation to the previous Regulation 19 consultation held in May 2021.

The representations contained within this letter focus on the following aspects of the Draft City Plan:

- Draft policy OF2: Protection of existing office floorspace;
- The definition of housing provided at paragraph 4.5.1;
- Draft policy HS6: Student housing and hostels;
- Draft policy AT3: Cycle parking standards;
- Draft Policy S3: Housing wheelchair user dwellings.

Each aspect above is taken in turn below.

Draft Policy OF2: Protection of Existing Office Floorspace

Draft policy OF2 states:



1. *The loss of existing office floorspace will be resisted unless it can be demonstrated that:*
 - a. *The proposed development would not lead to the loss of office floorspace that is, or sites that are, of a strategically important scale, type and/or location for the City;*
 - b. *The proposed development would not compromise the potential for office development on sites within the vicinity; and*
 - c. *There is no demand in the office market, supported by marketing evidence covering a period of no less than 12 months.*

2. *Where the criteria in part 1 of this policy have been met, proposals that would lead to the loss of existing office floorspace may follow one of the following routes:*
 - a. *Viability tested route: Proposed development will be required to demonstrate that the retention, refurbishment or re-provision of the office floorspace would not be viable in the longer term, demonstrated by a viability assessment;*
 - b. *Retrofit fast track: Proposed development will be required to retain the substantial majority of the superstructure of the existing building, lead to an improvement in the environmental performance of the building, and result in change of use to (one or a mix of) hotel use, cultural uses, and/or educational use. Partial retention of office floorspace will be encouraged;*
 - c. *Residential areas route: the loss of office floorspace is proposed on a site within or immediately adjacent to identified residential areas and would result in the provision of additional housing;*
 - d. *Ground floor uses: the loss of office floorspace would be limited to ground or below ground levels, and proposed new uses would be complementary to continued office use on upper floors. Active frontage uses will be required at ground floor levels in most instances.*

Draft policy OF2 has been subject to a number of changes over the Draft City Plan's development, both at Regulation 18 and Regulation 19 stage. In particular, Unite note that criteria 2.c above now only applies where part 1 has been met. Under the previous Regulation 19 version, Unite expressed support for the inclusion of this criteria within part 1 of the policy. The criteria states:

"The loss of office floorspace is proposed on a site within or immediately adjacent to identified residential areas and would result in the provision of additional housing."

Unite re-iterate their support, as expressed in their previous representations dated 10th May 2021, for the inclusion of this criteria within part 1 of the policy noting that, as accepted within the previous Regulation 19 version of the Draft City Plan, Build to Rent and Co-living accommodation are considered complementary uses to the business city. Notwithstanding this, Unite accept that the previous draft was formed during a period of economic uncertainty as a result of the pandemic and that these circumstances have changed. Nevertheless, Unite contend that an element of flexibility is still required in this respect and, taking this into account, Unite would retain support for the inclusion of this criteria within Part 1 of the policy. However, Unite accept that it would be necessary for other criteria (parts 1.a – 1.c to continue to apply).

Recommendation: On that basis, Unite would suggest the following wording:

1. *The loss of existing office floorspace will be resisted unless it can be demonstrated that:*
 - a. *The proposed development would not lead to the loss of office floorspace that is, or sites that are, of a strategically important scale, type and/or location for the City; and*

- b. *The proposed development would not compromise the potential for office development on sites within the vicinity; and*
- c. *The loss of office floorspace is proposed on a site within or immediately adjacent to identified residential areas and would result in the provision of additional housing; or*
- d. *There is no demand in the office market, supported by marketing evidence covering a period of no less than 12 months.*

Definition of Housing

In relation to criteria 2.c of policy OF2 as detailed above, Unite note that the wording of this criteria refers to 'housing' only. Paragraph 4.1.5 of the Draft City Plan elaborates, stating:

"References to housing in this Plan include market and affordable housing (comprising social rented housing, affordable rented housing and intermediate housing), hostels, sheltered and extra-care housing. It also includes Built to Rent and Co-Living accommodation which are likely to have an increasing role in meeting future housing needs, particularly for City workers at an early stage of their careers. References to housing in this Plan do not include student accommodation, as it may be appropriate in different locations to other forms of housing."

Unite strongly object to this definition for the following reasons:

1. PBSA is recognised in national policy as a contributor towards housing supply and therefore a form of housing. National planning guidance states the following at para 034 (Reference ID: 68-034-20190722) that *"All student accommodation, whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus, can in principle count towards contributing to an authority's housing land supply."* The Housing Delivery Test Rulebook explains that this contribution is on a 2.5 bedspace to dwelling ratio.
2. A recent planning decision by Haringey Council (LPA ref. HGY/2023/2306 & HGY/2023/2307 at 'Printworks' 819-829 High Road, Tottenham, London, N17 8ER) granted approval for a PBSA scheme and acknowledged that the London PBSA market currently does not come close to providing the amount of accommodation required to house London's students, with c.310,000 students having to find accommodation outside of this purpose-built sector. The committee report references the supporting text of Policy H1 of the London Plan, stating:

"... non-self-contained accommodation for students should count towards meeting housing targets on the basis of a 2.5:1 ratio, with two and a half bedrooms/units being counted as a single home. The proposed scheme would therefore deliver 114 new homes (net gain of 101 homes) based on this ratio. As such, the loss of the existing 13 homes would be acceptable in principle given the uplift and net gain of 101 homes."
3. This is further supported by national planning guidance which states that *"encouraging more dedicated student accommodation may provide low-cost housing that takes pressure off the private rented sector and increases the overall housing stock"* (Paragraph: 004 Reference ID: 67-00420190722).

4. It is an accepted principle that the fewer PBSA bedspaces are available, the greater the number of students there are occupying HMO accommodation, and thus it is clear that the provision of additional PBSA bedspaces can therefore serve to reduce the demand for HMO accommodation in the city.
5. Paragraph 60 of the NPPF emphasises the Government's long-standing intention to significantly boost the supply of homes (including student housing) and highlights the importance of addressing the housing requirements of specific groups.

It is understood that the reasoning behind excluding PBSA from the definition of 'housing' within the Draft City Plan is on the basis that *"it may be appropriate in different locations to other forms of housing"*. Unite contend, for the reasons given above, that PBSA should be treated in the same manner as other forms of housing. Indeed, Unite note that this would not preclude an acknowledgement that PBSA may also be appropriate in other areas where different types of housing may not be appropriate.

Recommendation: On that above basis, and in order to be consistent with national and regional policy, Unite consider that the definition of 'housing' given at paragraph 4.1.5 should be updated to include PBSA.

Draft Policy HS6 Student Housing and Hostels

Draft Policy HS6 states:

1. *Proposals for new Purpose-Built Student Accommodation (PBSA) and hostels should support the City of London's primary business function and the vibrancy of the Square Mile. They will only be permitted where:*
 - a. *They would meet high standards of design and amenity for occupants;*
 - b. *There are appropriate amenities for occupants in the local area;*
 - c. *They are well connected to relevant further or higher education institutions;*
 - d. *They would not prejudice the primary business function of the City, or result in the loss of suitably located and viable office floorspace, contrary to Policy OF2;*
 - e. *They would not have an adverse impact on the residential amenity of the area; and*
 - f. *They would not involve the loss of permanent residential accommodation.*
2. *Proposals for PBSA should be supported by identified further or higher educational institutions operating in the City of London or the CAZ.*
3. *35% of student accommodation on a site should be secured as affordable student accommodation as defined through the London Plan and associated guidance.*
4. *The loss of existing student accommodation and hostels to other suitable uses which are in accordance with Local Plan policies will be permitted where there is no longer a need to provide accommodation for CAZ based universities or there is evidence that student accommodation is impacting on residential or business amenity.*

Unite's representations of the policy are provided in the following paragraphs.

Prejudice the primary business function of the City, or result in the loss of office buildings or sites, contrary to Policy OF2

Draft Policy HS6, Part 1d states:

“They will only be permitted where: they would not prejudice the primary business function of the City, or result in the loss of office buildings or sites, contrary to Policy OF2.”

Unite comment on this section as follows:

1. Part 1d of the draft policy fails to recognise that PBSA can in fact enhance the primary business function of the city. It is notable that PBSA often forms part of mixed-use developments which incorporate elements of traditional office space alongside emerging flexible co-working and shared office spaces. Indeed, PBSA and office space have long been considered compatible uses.;
2. Furthermore, given that the majority of London’s Higher Education Institutes (HEIs) are concentrated within the central area, it is a logical and sustainable location for further student developments as this is where demand is greatest and future developments can benefit from the infrastructure, services and facilities which are already in place and those which are tailored specifically to serve students. Students want easy access to the institutions where they are studying, and student accommodation providers are simply following this demand. In similarity to the approach to HEIs, the concentration of student accommodation should be embraced as there are economic benefits/economies of scale which derive from their agglomeration in their existing central locations;
3. HEIs and PBSA in Central London is recognised as making a vital contribution to the local economy. Therefore, the requirement for associated facilities should not be understated and their future growth be comprised by an inadequate provision of new student accommodation;
4. Indeed, the policy itself directs PBSA to these areas. Similarly, the Draft City Plan’s definition of housing accepts that PBSA may be appropriate in these areas (where other types of housing may not be); and
5. In any case, there is no need to repeat within draft policy HS6 that PBSA would not be considered appropriate where it conflicts with draft policy OF2. Any conflict with draft policy OF2 should be considered separately rather than ‘applying twice’ by way of its inclusion within the wording of draft policy HS6.

Recommendation: Unite recommend that part 1d of draft policy HS6 is removed in its entirety.

Have an adverse impact on the residential amenity of the area

Draft Policy HS6, Part 1e states:

“They will only be permitted where: they would not have an adverse impact on the residential amenity of the area.”

Unite comment on this section as follows:

1. There is no tangible evidence to suggest that concentration of PBSA cause harm to the balance or mix of uses in an area, cause additional pressure on local infrastructure or harm local communities. The assumption that concentrations of university students are liable to give rise to residential amenity issues to neighbours and be detrimental to the cohesiveness of communities is discriminatory and a distorted generalisation of a single category of people. Assuming that all students disrupt residential amenity or harm community cohesiveness oversimplifies the diversity of student experiences and behaviours, and neglects the fact that individuals of all ages can contribute positively to their surroundings.
2. Indeed, it is important to note that PBSA developments are managed buildings with staff on-site rather than uncontrolled HMO houses/flats, and thus considerations of amenity for these two distinct accommodation types should be treated separately. PBSA developments are subject to Student Management Plans which outline processes for the protection of surrounding residential amenity. Unite are a highly experienced provider who are committed to their communities and provide a Student Management Plan with every student development across the UK.
3. It should be noted that a similar clause was included in the Proposed Submission Version of the Draft New Lambeth Local Plan (Part iv, policy H7). However, following Unite's representations and participation at the Examination in Public, modifications were proposed to this clause in December 2020 to remove reference to harm on residential amenity and replace this with a requirement for a satisfactory Student Management Plan to be submitted with applications for PBSA (Ref. MM16). It is argued that a similar approach should be taken here. At paragraphs 102 and 103, the Inspector concluded the following:

“Moreover, little robust evidence was submitted in evidence to demonstrate that student housing, of itself, directly caused harmful impacts on neighbouring residential amenity...”

Recommendation: Part 1e of the policy should be removed and replaced with a requirements for an adequate Student Management Plan to be submitted with any application for PBSA.

Involve the loss of permanent residential accommodation

Draft Policy HS6, Part 1f states:

“They will only be permitted where: they would not involve the loss of permanent residential accommodation.”

Part 1f of the policy states that PBSA will not be supported where it involves the loss of permanent residential accommodation. It is argued that this should be removed for the same reasons given above in relation to the definition of 'housing'. PBSA is a form of housing that contributes towards housing supply, and the Draft City Plan should treat it as such in accordance with national and regional policy.

Recommendation: This policy requirement should be removed.

Proposals for Purpose-Built Student Accommodation (PBSA) must be supported by identified further or higher educational institutions operating in the City of London or the Central Activities Zone

Draft Policy HS6, Part 2 states:

“Proposals for Purpose-Built Student Accommodation (PBSA) must be supported by identified further or higher educational institutions operating in the City of London or the Central Activities Zone.”

This requirement is onerous and should be deleted as it is in clear conflict with the London Plan and it is obvious that students travel and live across various boroughs. The policy should be removed for the following reasons:

1. There is no supporting justification as to why PBSA is required for Universities within the City and within the CAZ only, other than to reduce the need to travel between student accommodation and educational institution. This is contradictory to the London Plan which, whilst requiring a nominations agreement, explicitly states at paragraph 4.15.3 that *“there is no requirement for the higher education provider linked by the agreement to the PBSA to be located within the borough where the development is proposed”*. Given the location of the borough and its high accessibility, it is not considered that reducing the need to travel is a robust justification for departing from the strategic planning policy position.
2. Indeed, similar representations were made to the draft Westminster City Plan which sought to support PBSA only where it was being provided for students studying within a *“main hub in Westminster”*. Following Unite’s representations and participation at the Examination in Public, this statement was removed in its entirety and instead the adopted Westminster City Plan now supports the delivery of PBSA providing accommodation for students studying across London.

Recommendation: The requirement for PBSA to be supported by HEI’s operating in the City of London or in the CAZ only is unjustified and conflicts with strategic planning policy. It should therefore be removed.

Potential for short-term accommodation

Paragraph 4.15.13 of the supporting text to London Plan policy H15 states the following:

“To enable providers of PBSA to maximise the delivery of affordable student accommodation by increasing the profitability of the development, boroughs should consider allowing the temporary use of accommodation during vacation periods for ancillary uses.”

Given the City of London’s aspirations for social, cultural and business events it is considered that this principle should be included within the supporting text to draft City Plan policy HS6.

Recommendation: Draft policy HS6 should include reference to London Plan policy H15 with regards to paragraph 4.15.13 noting that it will be considered appropriate for PBSA to be used for ancillary uses

outside of term time.

Draft Policy AT3: Cycle Parking Standards

Draft Policy AT3 states:

“Developments must provide on-site cycle parking for occupiers and visitors, complying with London Plan standards”.

The City Planning Guidance on Transport requires PBSA schemes provide cycle parking in accordance with the London Plan. Our client objects to this point for the following reasons:

1. The proposed minimum cycle parking requirement for student accommodation is provided within Table 10.2 (Minimum Cycle Parking Standards) of London Plan Policy T5 (Cycling) and sets the standard at 0.75 cycle spaces per bedroom unit for student accommodation and 1 cycle space per bedroom unit for co-living accommodation. Although Unite Students are supportive of the provision of cycle spaces to encourage sustainable travel, the proposed rates for 1 space and 0.75 spaces per bedroom unit are still considered to be unnecessary and unsound for several reasons set out in the following paragraphs.
2. Student housing and co-living accommodation is developed at higher densities than conventional housing and as a consequence and in order to provide these levels of cycle parking, large areas of floorspace typically at ground level, are required which could otherwise be used more efficiently and effectively for living or town centre uses thus reducing the viability of the scheme.
3. Unite’s experience has shown that cycle parking provision within consented student schemes where this has been provided at policy compliant levels is severely underused. Enclosed within Appendix A is supporting evidence which refers to a survey (February 2018) undertaken by Unite to understand the present uptake of cycle utilisation across their student accommodation sites. 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’s sites which equates to a demand of a one cycle space per 20 students.
4. Following the 2018 survey, Unite now undertake frequent surveys to monitor the uptake of cycle spaces in the bike stores at their various sites across London. The most recent survey, undertaken in December 2023, demonstrates the following results:

Unite Property	Number of Student Bedspaces	Number of bikes recorded in the bike store (December 2023)	% Uptake
Unite Students, Drapery Place, 65 Leman St, London E1 8EU	617	20	3.24%
Unite Students, Blithehale Court, 10 Witan St, London E2 6FG	306	15	4.9%
Unite Students, Sherren House, 16 Nicholas Rd, Stepney Green,	255	6	2.35%



London E1 4AF			
Unite Students, Rahere Court, Toby Ln, London E1 4DW	186	7	3.76%
Unite Students, Pacific Court, 15 Assembly Passage, Stepney Green, London, E1 4EY	142	5	3.52%
Unite Students, Stratford One, 1 International Wy, London E20 1GS	1001	17	1.7%
Unite Students, Angel Lane, 2 Angel Ln, London E15 1FF	759	13	1.71%
Unite Students, Hayloft Point, 4-6 and 16, 22 Middlesex St, London E1 7JH	920	13	1.41%

5. Similar to the data found in the 2018 survey, the table above reveals there is a less than 5% uptake of existing cycle parking spaces at Unite properties across London, equating to a maximum demand of one cycle space per 20 students.
6. Additionally, it has been demonstrated that an increase in the provision of cycle parking for student accommodation would not directly result in an increase in cycling patterns amongst students. Firstly, student housing schemes are generally in close proximity of places of study allowing majority of journeys to be undertaken on foot and are in areas with high levels of public transport accessibility providing an alternative means of transport. Secondly, 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. Furthermore, provincial and overseas students assess the dangers of cycling across central London locations as higher than those at their respective homes and thus choose not to cycle and utilise the cycle parking facilities provided at their accommodation.

Recommendation: Given the above, it is considered that the approach to cycle parking requirements within the Plan should be re-visited. Unite would be content to share their evidence and enter into proactive discussions on this issue.

Draft Policy S3: Housing Wheelchair User Dwellings (Part 5)

Draft Policy S3 states:

Requiring at least 10% of new dwellings to meet Building Regulation requirement M4(3) 'wheelchair user dwellings' and all other new dwellings to meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.

Unite note that this standard follows draft London Planning Guidance published by the GLA in respect of PBSA. Unite have raised objection to this guidance and object to this position for the following reasons:

- The wording of London Plan policy E10 is clear that the accessible requirements set out within the policy apply to 'serviced accommodation'. It does not state anywhere in the policy text, nor the supporting text, that the requirements should also be taken to apply to PBSA accommodation. Nor does it state that the accessible requirements set out in Policy E10 should be taken to apply to all forms of development for which the same Building Regulations that are most appropriate to serviced accommodation may also apply;
- This is the objective of the draft guidance. In other words, the draft guidance seeks to retrospectively apply a policy that was not drafted with the intention of applying to PBSA. In this respect it must be noted that the requirements of policy E10 go beyond the Building Regulations in terms of the quantum of accessible provision required;
- Such an application of this policy is entirely unsound. At no point during the consultation on the London Plan nor during the Examination in Public was it considered, or put forward, that this would be the applicable intention of the policy. Thus, the application of the policy in this way is not supported by any evidence base, has not been subject to appropriate consultation, and has not been subject to examination by an Inspector; and
- Finally, the Building Regulations and planning policy are separate documents. PBSA and serviced accommodation is not considered nor assessed in the same way in planning terms. It would not be considered appropriate to apply the other policy objectives relevant to visitor accommodation to PBSA simply on the basis that they are considered in the same way under the Building Regulations.

Furthermore, Unite have also made representations and participated at EIPs for various Local Plans across London. The outcomes of such participation in relation to accessible requirements are relevant to the draft guidance, and are detailed as follows:

- Draft policy P5 of the draft Southwark Local Plan sought to require 10% of student rooms to be easily adaptable for occupation by wheelchair users. Following Unite's participation at EIP, Inspectors concluded the following at paragraph 79 of their report (enclosed in full at Appendix B):

"As submitted, Policy P5 would require 10% of student rooms to be easily adaptable for occupation by wheelchair users. We have found little specific justification for the 10% figure, noting that a reduced figure of 5% is more than likely to surpass actual demand based on evidence from university admissions. Accordingly, the 10% figure should be replaced with 5% so that the Plan would be justified."

- As a result of Unite's representations, the following text is included at paragraph 6.2.63 of the supporting text to policy BH7 of the Brent Local Plan:

"To ensure that residential accommodation meets needs over time, London Plan policy requires 10% wheelchair accessible/ easily adaptable dwellings. The accommodation covered by this policy is likely to be meeting needs of specific sectors of the population. On this basis the council will be willing to depart from the minimum 10% wheelchair where evidence is compelling to indicate why it might not be appropriate e.g. where occupants are less likely to suffer from mobility disabilities compared to the general population."

- Draft policy H6 of the draft Islington Local Plan south to require 10% of bedspaces to be wheelchair accessible. Following Unite's participation at EIP, Inspectors concluded the following at paragraph 77 of their report (enclosed in full at Appendix C):

"Policy H6 at Part B (ii) requires 10% of bedspaces to be wheelchair accessible. Detailed evidence has been provided by some PBSA providers that shows the likely need for such bedspaces is much lower. SDMM24 is therefore required to reduce this to 5% to ensure the Policy is justified. We note that the GLA are of the view that Policy E10(H) of the London Plan is relevant which requires the provision of 10%. However, we are content that local evidence specific to Islington justifies a lower figure in this case."

The following is relevant to note from these outcomes:

- Prior to the release of the GLA Practice Note concerning accessible requirements from PBSA (which was acknowledged in the Inspector's Report for the Islington Local Plan), no Local Planning Authority nor Inspector considered the requirements of policy E10 to apply to PBSA; and
- Regardless, it can be seen that both Inspector's and Local Planning Authorities have previously accepted the overwhelming evidence provided by Unite in relation to such requirements both prior to and following the release of the GLA Practice Note. This evidence is detailed further below.

Finally, Unite re-iterate their consistent position regarding such requirements across London as follows:

- 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 even the 10% mark. This is a steady and consistent trend as evidenced by Unite's longer term experience;
- The majority of wheelchair students are housed by the universities close to campus for ease of travel; and
- 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.

Recommendation: Unite suggest that this element of the policy is removed and, instead, accessible requirements for PBSA in London should continue to defer to the relevant building regulations.

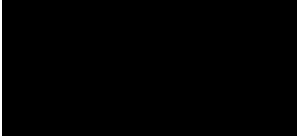
I trust the above representations are in order and look forward to confirmation of their receipt. Please do not hesitate to contact myself or Daniel Botten (daniel.botten@rokplanning.co.uk) should you have any queries or wish to discuss these.

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ROK Planning Ltd



Yours faithfully,



Matthew Roe
Director
ROK Planning Ltd





APPENDIX A



Draft 2018 London Plan – Cycle Storage Standards Occupancy Research

DATE	02 March 2018	PREPARED BY	OS
SUBJECT	Transport Technical Note	CHECKED BY:	AF

INTRODUCTION AND OVERVIEW

WSP has been commissioned by UNITE to undertake a cycle storage demand research note in light of the draft 2018 London Plan. Across their London Estate UNITE experience very low demand for cycle storage. UNITE is concerned that there is no justification for future increases in minimum standards within the draft London Plan and this will lead to further unnecessary unused space within their future redevelopment sites.

BACKGROUND

The GLA has provided the document 'Cycle Parking – Part of the London Plan evidence base' December 2017. It notes that the 2013 Early Minor Alterations to the London Plan included minimum standards for cycling for the first time, as it considered that student accommodation is essentially residential in nature and as such should be consistent with residential standards. Subsequently, the evidence base recognises that further alterations did not include similar rises in cycle parking for student accommodation as it included for residential. This, the evidence paper notes, means that not every student living in student accommodation could own a bicycle. It also recognises that since student accommodation does not include car parking, students have a limited budget, live in inner London and that cycling could potentially bring benefits and suitable for distances that they are likely to travel.

The draft London Plan proposes an amendment to the minimum cycle parking standards, based on the findings of the evidence, from the adopted London Plan standard of 1 cycle space for every two bedroom units to effectively one cycle space for every bed space. This is based on the following extracts of Table 10.2 of the Draft London Plan, where every studio unit requires a cycle parking space.

Sui generis	As per most relevant other standard e.g. casino and theatre = D2, room in large-scale purpose-built shared living or student accommodation = studio C3.
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C3-C4	Dwellings (all)	1 space per studio, 1.5 spaces per 1 bedroom unit, 2 spaces per all other dwellings
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PREVIOUS REPRESENTATIONS

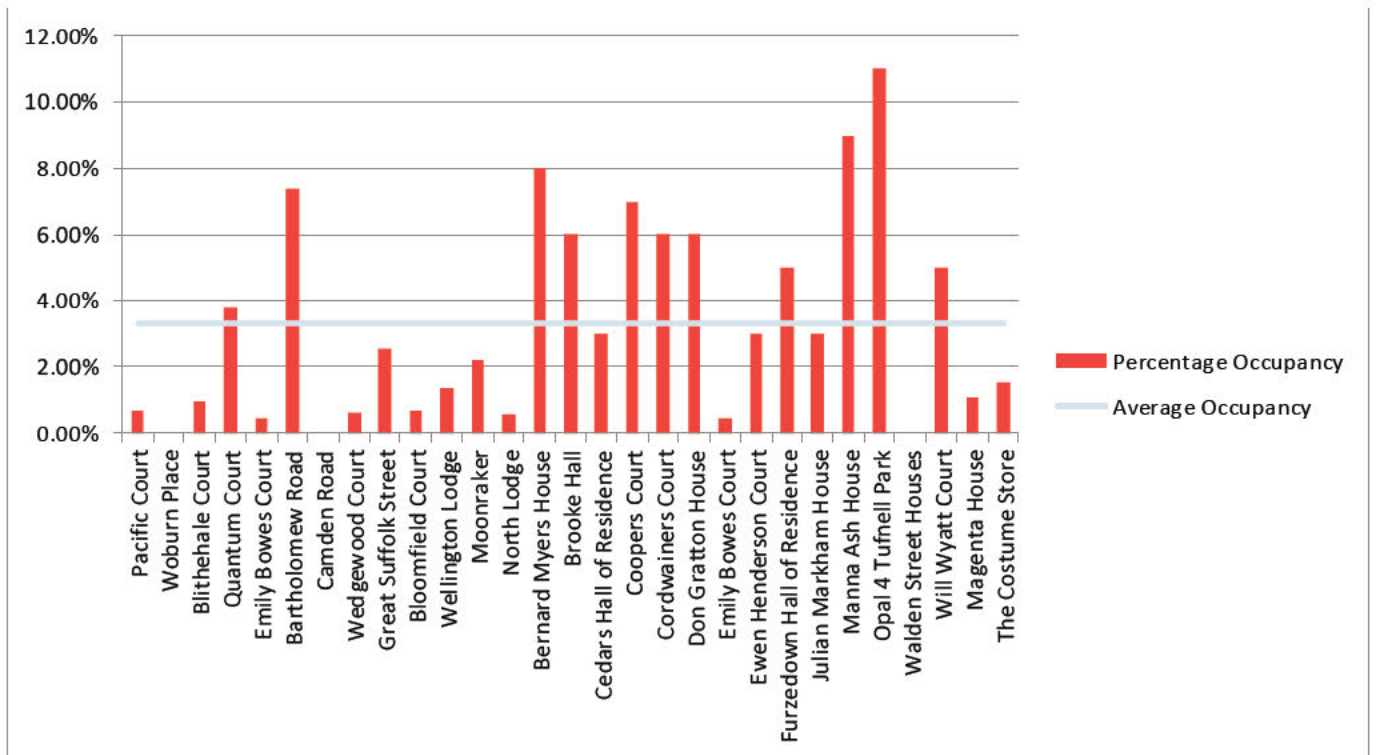
UNITE prepared written representations in 2012 in response to the GLA proposing an introduction of minimum cycle parking standards within the London Plan. The representations found that across the UNITE estate very little cycle parking was used, at around 3%.

An independent study was also undertaken in 2013 on behalf of Knightsbridge Student Housing Ltd and The Student Housing Company 2013 across England. The Note reflected the findings of UNITE's 2012 study, finding low cycle storage usage of around 1 to 6% across five sites and 14 sites in London with occupation from zero to 11%.



Graph 1 demonstrates the cycle ownership across the 2012 and 2013 studies referred to above.

Graph 1- Cycle Storage Demand by Bed Spaces (% Ratio)



STUDY PURPOSE AND RESEARCH FINDINGS

This Note provides an update to the 2012 cycle occupancy data to identify current cycle storage usage and to identify whether there has been a general increase in cycle parking utilisation across their estate.

The Note then discusses the appropriateness of aligning student accommodation (Sui Generis land-use class) with residential land-use class.

UPDATED RESEARCH

UNITE has undertaken further surveys of their student accommodation sites to understand the present uptake of cycle utilisation across their estate. The surveys were undertaken between the 1st to 7th February 2018. The approach was to count the number of bicycles contained within their on-site cycle stores at 5am, timed to capture peak time for cycle storage requirements. This included 26 of their London sites, providing representative data across their London Estate.

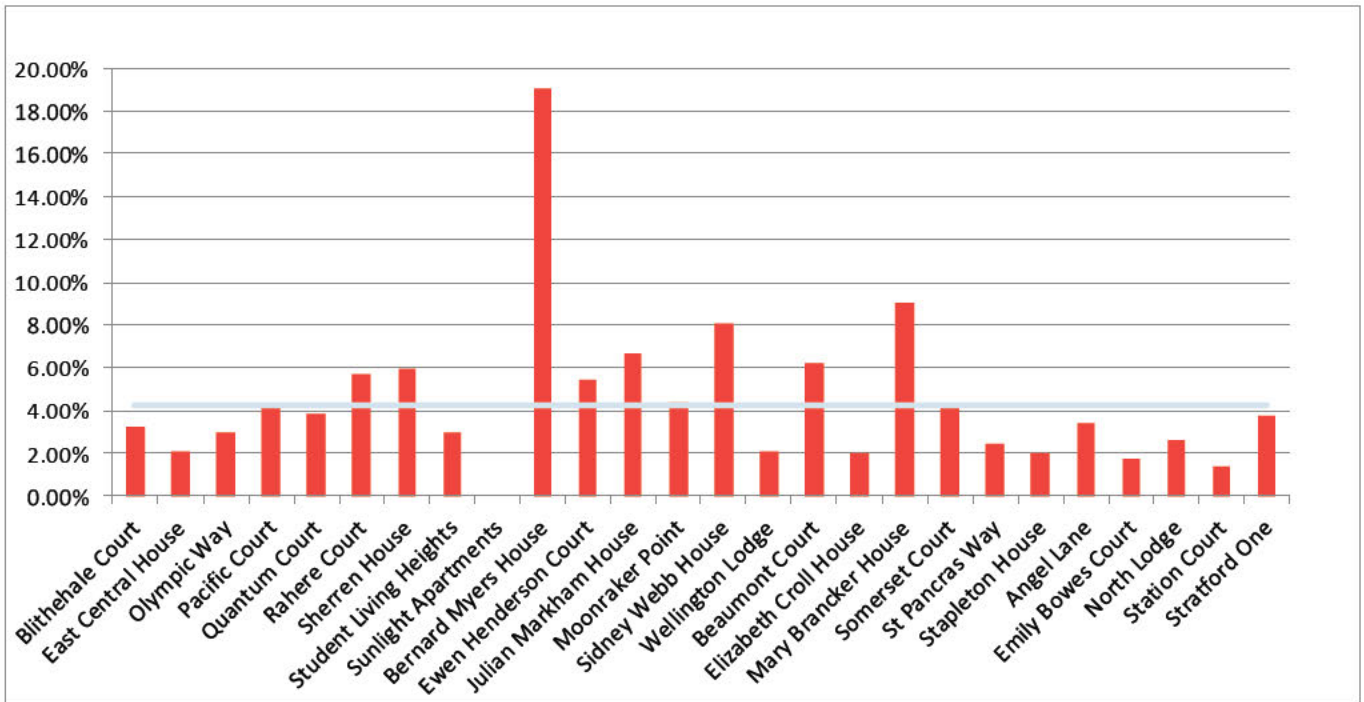


SURVEY FINDINGS

The seven day maximum cycle storage demand across all 26 sites is illustrated by Graph 2 below.

A maximum average demand of 5% of cycle storage has been found across the 26 sites. This equates to a demand of one cycle space per 20bedroom unit. There was a maximum demand of 20% or 1 per 5 bedroom unit however, as graph 2 illustrates below this was limited to a single site, with the vast majority (90th percentile) ranging from 1 to 8%, or 1 bicycle for every 11.5 bedroom unit.

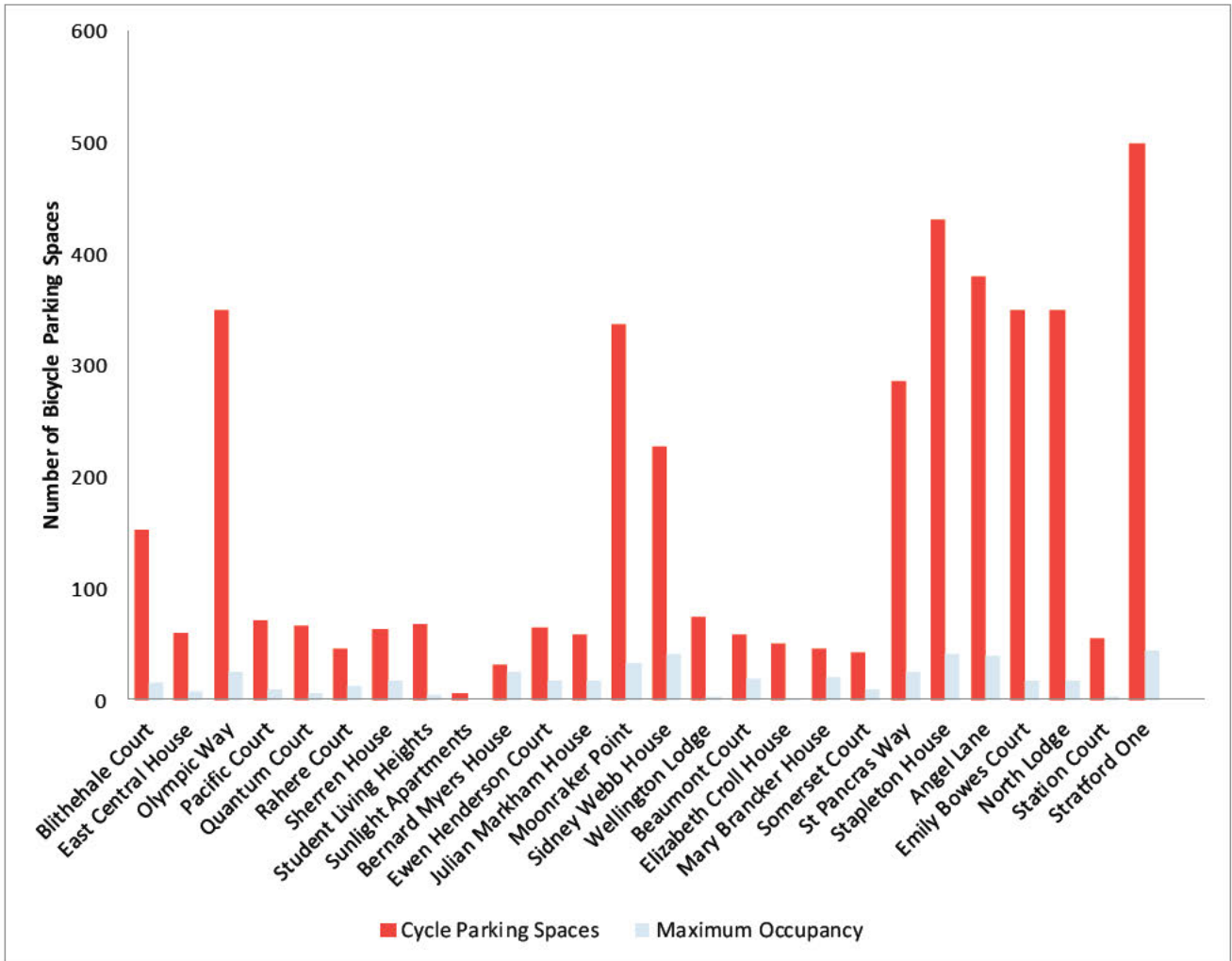
Graph 2 – Cycle Storage Demand by Bed Spaces (% ratio)



In the last 6 years there has been a negligible increase in cycle storage requirements from 3 to 5% of bicycles stored per bed spaces.

Graph 3, provides an indication of the utilisation of the level of cycle store usage across the UNITE estate. For example, one of the recently completed sites (Stapleton House) experienced a maximum demand of 43 cycles within the cycle store accommodating 430 cycle parking spaces. This store would therefore continually experience 390 empty cycle parking spaces.

Graph 3: Number of Cycle Parking Spaces Compared With Number of Parked Bicycles.



DISCUSSION

Given the consistent low level of cycle parking from 2012 to 2018 and the very low level of cycle parking demand that exists, it strongly indicates that the current level of cycle storage guidance at 1 per 2 bedroom unit is significantly over providing cycle storage capacity.

A further increase in minimum cycle standards to 1 per 1 is unnecessary and would be ineffective at seeking to increase cycling use and would lead to even greater levels of poorly utilised space.

LINKS TO RESIDENTIAL LAND-USE CLASS

The evidence provided by TfL in document referred to above states the rationale behind storage increase relies on bringing student accommodation (Sui Generis) more in line with residential land-use class (C3 land-use class). However, some of the differences in the two land-use classes have been identified which are likely to influence the potential uptake in cycling between the two land-use classes. These factors are summarised below:

- Student accommodation occupiers are more likely to be within a walking distance from their main journey destination and less likely to cycle. Whereas residents are more likely to live further away from their destinations increasing the likelihood of cycling being attractive;
- Student accommodation occupiers are more transient and there are barriers to transferring bicycles to place of study, particularly if studying abroad or reliant on public transport to travel to their student accommodation from their home; and
- Student accommodation sites have zero car parking and occupiers are travelling sustainably from the outset, i.e. there is less scope for modal shift compared to residential.

SUGGESTED APPROACH

Given the above research it is evident that the level of cycle parking utilisation is consistently low. As such, further increase in provision will be ineffective at encouraging future cycle growth. All UNITE sites have ample cycle parking and there is not a lack of cycle parking creating a barrier to cycle ownership. Purpose built student accommodation is also typically built in areas of high public transport accessibility, providing an alternative to travelling by bicycle for destinations further afield.

If there is to be a policy change in relation to cycle parking, it should likely centre around: allowing developers to be able to off-set cycle parking provision with other initiatives to encourage cycle ownership, such as contributions towards cycle hire / share initiatives. These initiatives would be as an alternative to meeting current minimum London Plan cycle parking standards.

There may be other barriers to cycle uptake amongst students that should be explored, such as safety and security issues associated with travel by bicycle or secure storage within higher education campuses.

It may be that cycle storage provision is agreed with the local planning authority on a case by case basis, with the provision based on likely demand. This storage level would be based on factors such as, proximity to higher education, availability of public transport and experience of cycle parking demand at similar sites.

This more flexible approach would allow for alternative use for poorly utilised space, such as increase in student welfare and recreational facilities within the accommodation sites.

APPENDIX B



The Planning Inspectorate

Report to the Council of the London Borough of Southwark

by Philip Mileham BA(Hons) MA MRTPI and David Spencer BA(Hons) DipTP MRTPI

Inspectors appointed by the Secretary of State

Date: 17 November 2021

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the New Southwark Plan

The Plan was submitted for examination on 16 January 2020

The examination hearings were held between 23 February 2021 and 29 April 2021

File Ref: PINS/A5840/429/10

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Abbreviations used in this report

AAAP	Aylesbury Area Action Plan
APV	Amended Policies Version 2019
AV	Area Vision
AWS	Affordable Workspace
BLE	Bakerloo Line Extension
BOL	Borough Open Land
CAZ	Central Activities Zone (from the London Plan)
CIL	Community Infrastructure Levy
CPC	Council's Proposed Changes
CWAAP	Canada Water Area Action Plan
CWOA	Canada Water Opportunity Area
DtC	Duty to Cooperate
dpa	Dwellings per annum
ELR	Employment Land Review
FAR	Floor Area Ratio
FRA	Flood Risk Assessment
GLA	Greater London Authority
GRCA	Glengall Road Conservation Area
GTAA	Gypsy & Traveller Accommodation Assessment
HMO	Houses in Multiple Occupation
HRA	Habitats Regulations Assessment
IIA	Integrated Impact Assessment
LPA	Local Planning Authority
LSIS	Locally Significant Industrial Sites
LVMF	London View Management Framework
MM	Main Modification
MOL	Metropolitan Open Land
NPPF	National Planning Policy Framework
NSP	New Southwark Plan
OA	Opportunity Area (from the London Plan)
OKR	Old Kent Road
OKRAAP	Old Kent Road Area Action Plan
OKROA	Old Kent Road Opportunity Area
PBSA	Purpose Built Student Accommodation
PNAAP	Peckham & Nunhead Area Action Plan
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
PSV	Proposed Submission Version 2017/18
PTAL	Public Transport Accessibility Level
SAMR	Site Allocations Methodology Report (EIP82)
SEA	Strategic Environmental Assessment
SFRA	Strategic Flood Risk Assessment
SoCG	Statement of Common Ground
SHMA	Strategic Housing Market Assessment
SHLAA	Strategic Housing Land Availability Assessment
SIL	Strategic Industrial Land
SPIL	Strategic Protected Industrial Land
TfL	Transport for London
UCO	Use Classes Order 1987 (as amended)

Non-Technical Summary

This report concludes that the New Southwark Plan provides an appropriate basis for the planning of the Borough provided that a number of main modifications (MMs) are made to it. The Council of the London Borough of Southwark has specifically requested that we recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared schedules of the proposed modifications and, where necessary, carried out sustainability appraisal of them as part of an update to the Integrated Impact Assessment (IIA). The MMs were subject to public consultation over a seven-week period. In some cases, we have amended their detailed wording and/or added consequential modifications where necessary. We have recommended their inclusion in the Plan after considering the sustainability appraisal and all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- The inclusion of a strategic spatial policy framework and key diagram(s), which clearly set out the scale and distribution of growth.
- An amended plan period 2019 – 2036, to align with the published London Plan and to provide a strategic policy framework for 15 years post plan adoption.
- The inclusion of a housing trajectory; and clarifications on measuring deliverable housing supply.
- Various amendments to individual site allocations including indicative minimum site capacities for those sites which must deliver new housing, amended site details and various updates to reflect the recent changes to the Use Classes Order.
- The inclusion of the existing housing allocation sites at Aylesbury carried over from the 2010 Aylesbury Area Action Plan.
- A monitoring framework.
- A number of other modifications to policies to ensure that the plan is positively prepared, justified, effective and consistent with national policy and in general conformity with the published London Plan.

Introduction

1. This report contains our assessment of the New Southwark Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework (NPPF) 2021 (paragraph 35) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. What constitutes the submitted plan is intricate in the case of the New Southwark Plan (NSP). The Plan submitted in January 2020 comprised an amalgam of content from the 2017/18 Proposed Submission Version (PSV) and the 2019 Amended Policies Version (APV), both of which had been subject to consultation under Regulation 19¹. Shortly following submission, we advised the Council of potential procedural issues with the format of the consultation on the APV content.
3. To address this, the Council undertook additional consultation on both the APV content, together with further modifications to the Plan identified by the Council on submission in January 2020 and in response to a number of changes identified in our initial observations [EIP14]. A total of 493 potential changes were consulted on in a suite of documents presented as the 'Council's Proposed Changes' [EIP27a-d]. An updated IIA, including an Equalities Impact Assessment, accompanied the consultation over 9 weeks between August and November 2020. We are satisfied this consultation period provided sufficient time for anyone potentially prejudiced by the initial APV consultation to comment. We have taken the combined PSV and APV content to form the 'submitted plan' as the baseline plan for our examination. Notwithstanding the Council's Proposed Changes consultation, any further changes to this baseline submitted plan have been further considered as main modifications where they are necessary for soundness.

Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council requested that we should recommend any MMs necessary to rectify matters that make the NSP unsound and thus incapable of being adopted. Our report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
5. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal of them as part of updates to the IIA. The MM schedule was subject to public consultation for seven weeks. We have taken account of the consultation responses in coming to our conclusions in this report and in this light, we have made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency or

¹ Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary we have highlighted these amendments in the report.

Policies Map

6. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as the NSP Proposed Policies Map as set out in document NSP02.
7. The policies map is not defined in statute as a development plan document and so we do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective.
8. These further changes to the policies map were published for consultation alongside the MMs in the document 'NSP Schedule of Changes to Policies Map' [EIP220].
9. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the document titled NSP Proposed Policies Map [NSP02] and the further changes published alongside the MMs [EIP220].

Context of the Plan

10. Southwark is a diverse inner London Borough, with distinctive individual areas and communities reflecting the heritage and influence of the Borough's location adjacent to the Thames and on other established transport arteries in the south of London, notably the Old Kent Road. Accordingly, parts of the Borough have been strongly shaped by commercial and trading activities, either in the extensive former Thames-side docks in Rotherhithe and Bermondsey or in those parts of the commercial hub of central London within the Borough at London Bridge, Bankside and Elephant & Castle. Many of these commercial areas have already undergone a significant degree of change to become more mixed character areas, or are currently experiencing large-scale redevelopment schemes, or present opportunities for further sustainable optimisation of land resources. This is reflected in the London Plan (adopted March 2021) which identifies four opportunity areas for significant housing and employment growth in the Borough at Old Kent Road, Canada Water (including Surrey Quays), Elephant & Castle and London Bridge/Bankside. The NSP is required to be in general conformity with the London Plan 2021.

11. Whilst there are many positive attributes to the Borough including diverse communities, significant employment opportunities, a rich array of heritage assets and valuable environmental resources (Burgess Park, Nunhead Cemetery, Southwark Park, Stave Hill Ecological Park etc) there are critical challenges facing the Borough that the Plan must address, as identified in the IIA baseline. These include levels of multiple deprivation in parts of the Borough, the serious shortage of genuinely affordable housing, significant environmental problems including failing air quality across most of the Borough and the ongoing restructuring of the economy. One of the biggest challenges for a Borough which includes large areas only very marginally above sea-level are the consequences of climate change and the need to move expediently to a lower carbon future.
12. The NSP sets out strategic policies and development management policies to secure sustainable development in terms of net social, environmental and economic gains. This is particularly challenging given the competing demands on land resources in an inner London borough. To this end, the Plan allocates approximately 80 sites across the Borough as part of the continued regeneration and optimisation of land resources. The scale of change and growth in the Borough that the NSP seeks to shape, is substantial, reflecting that the London Plan sets the Borough the fourth largest housing target in the capital at 2,355 dwellings per annum (dpa). Alongside this the Council has its own strategy to deliver 11,000 new affordable Council homes by 2043. Critical to meeting this level of growth on a sustained basis will be the implementation of the Bakerloo Line Extension (BLE) out from Elephant & Castle to Old Kent Road and onwards to Lewisham, optimising sustainable land opportunities along the route as set out in the London Plan².

Public Sector Equality Duty

13. The Council has carried out an Equalities Impact Assessment to inform the preparation of the Plan. We have had due regard to the aims expressed in S149(1) of the Equality Act 2010 and in particular we have considered how the Plan's policies and proposals are likely to affect persons with protected characteristics. This has included our consideration of several matters during the examination including the housing needs of gypsies and travellers, different types of housing need including for people with disabilities and the elderly, achieving sustainable and accessible design, creating safe and secure places and improving town centres and access to infrastructure including by sustainable modes of transport. Our findings in relation to those matters are set out in subsequent sections of this report.

Assessment of Duty to Co-operate

14. Section 20(5)(c) of the 2004 Act requires that we consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
15. A number of strategic matters have been considered and resolved through the adoption of the London Plan in 2021. Southwark Council proactively engaged in the preparation of the London Plan. The submitted NSP responds positively

² Table 2.1, Figure 2.4 and paragraphs 2.1.14-2.1.17

to the relevant housing targets, job figures, opportunity areas and strategic infrastructure (including the BLE) in the London Plan 2021.

16. The submitted Plan was accompanied by a Duty to Cooperate (DtC) Statement [DCS01] and a number of statements of common ground (SoCGs) with neighbouring authorities and relevant DtC bodies as required by paragraph 27 of the NPPF. This evidence demonstrates that the Council has been involved in ongoing and constructive engagement on strategic planning matters during the preparation of the NSP, particularly with neighbouring south-east London Boroughs where there are shared housing markets and strategic infrastructure. This includes dialogue and plan-making consistency with Lewisham Council on the BLE and related strategic growth as well as the cross-boundary strategic industrial land supply at the Bermondsey 'dive-under'/Surrey Canal Road location.
17. The matters relating to issues of plan soundness in the SoCGs have been addressed by supplementary SoCGs during the examination (Sport England, Environment Agency, Transport for London (TfL) etc) and are addressed elsewhere in this report.
18. In conclusion, we are satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the DtC has therefore been met.

Assessment of Other Aspects of Legal Compliance

19. The Plan has been prepared in accordance with the Council's Local Development Scheme. There has been some slight slippage in the examination, principally due to the impact of Covid-19 on the timing of the hearings. Accordingly, adoption of the Plan would be likely to be a couple of months behind the milestone envisaged in the latest Local Development Scheme [EIP66a]. Overall, the scope and content of the Plan accords with the Local Development Scheme.

Consultation

20. Consultation on the Plan was largely carried out in compliance with the Council's Statement of Community Involvement. We have set out above that there were issues with the Regulation 19 consultation on the APV in 2019 which related to 10 policies and 7 allocated sites. This was in relation to the ability to submit written comments outside of the online consultation. The subsequent consultation on the Council's Proposed Changes (CPC) included the APV content. Procedural concerns have been raised that at 9 weeks, the CPC consultation is at a variance with the 12 weeks in the Statement of Community Involvement. Nonetheless, the APV content has been available for comment for a total of 21 weeks. New representations were generated from the CPC consultation, including on the APV content. Representations generated from the PSV, APV and CPC consultations informed our identification of main soundness issues and questions for the hearings. Those who raised comment at the CPC stage were allowed to participate at the hearings in accordance with the principles of Regulations 20 and 23. We therefore conclude that the consultation undertaken has not prejudiced the

ability to make comment on the 'submitted' Plan and has enabled fair and equitable access to participate in the examination.

Sustainability Appraisal

21. The Council carried out a sustainability appraisal of the Plan as part of the wider IIA process. The IIA report presents the findings of the appraisal and was published along with the plan and other submission documents at the Regulation 19 stage [NSP06]. The IIA was updated to accompany the CPC in summer 2020 [EIP72] and again with the proposed main modifications [EIP224].
22. The IIA, which also includes the requirements of Strategic Environmental Assessment (SEA) is a substantial piece of work, which has evolved during both the plan preparation and examination processes. It has adopted a systematic approach, in line with the legal requirements and relevant guidance. Three broad options have been appraised, including a 'business-as-usual' option (as required by SEA), the preferred option of 'place making and place shaping' to accommodate the significant growth in the LONDON PLAN, and an alternative option of higher growth. The IIA (principally at Appendix 10) sets out the rationale for the preferred option, compared to the two identified reasonable alternative options.
23. The appraisal framework identifies 17 objectives, informed by a comprehensive analysis of the relevant plans, strategies and programmes and baseline data. All policies and site proposals in the Plan have been consistently appraised against the objectives [EIP224a, Appendices 5-7]. Where policies have potentially uncertain or negative effects, mitigation has been appropriately considered.
24. A number of reasonable alternatives have been assessed in the IIA, albeit recognising that conformity with the London Plan 2021 strongly shapes the strategic spatial options and policies in the Borough. Further discussion and analysis of reasonable alternatives has been provided [EIP234] and embedded into the final IIA at Appendix 12 [EIP224a]. From all that we have read and heard we are satisfied that the sustainability appraisal (as part of the IIA) was proportionate, objective and compliant with legal requirements and national guidance.

Habitats Regulations

25. The submitted Habitats Regulations Assessment (HRA) Report January 2020 [NSP10] set out that after screening the policies, an appropriate assessment would not be necessary due to the intervening distances and convoluted impact pathways between Southwark and the nearest qualifying protected sites within 10 kilometres of the Borough boundary. The HRA has considered the likely effects arising from urbanisation, the impact on air and water quality and recreational pressure and concludes that the policies and proposals of the NSP pose no significant effects, alone or in combination. This conclusion has been accepted by Natural England in May 2020 following formal consultation on the updated HRA [EIP23]. Overall, we find the HRA to be satisfactory and in accordance with the relevant legal requirements.

Strategic Priorities, including Climate Change

26. The submitted Plan reflects the Council's strategic priorities. These are subsequently addressed through the policy framework of the NSP for the development and use of land in the Borough, including 6 strategic policies and 15 area visions for the constituent parts of Southwark. We set out elsewhere in our report, various MMs that are necessary to ensure that the Plan contributes to the Council's latest strategic priorities.
27. The Plan includes policies designed to secure that the development and use of land contributes to the mitigation of, and adaptation to, climate change. This includes a spatial strategy that focuses the vast majority of growth to locations accessible by public transport, walking and cycling. These locations also have a strong mix of existing and planned uses including employment, retail and services, thereby facilitating active travel. Across the Borough, the Plan seeks to support further modal shift in accordance with the Council's Movement Plan³, including generous cycle parking standards and requirements to connect and enhance walking and cycling infrastructure, including the 'Low Line' routes. The Plan protects valuable green spaces across the Borough and seeks to secure additional green space and urban greening through good design. Policies also seek to improve the energy performance of new buildings, optimise the use of combined heat and power networks and to align with the London Plan 2021 on the circular economy. The Plan contains an appropriate policy framework in respect of flood risk and sustainable drainage.
28. The Council declared a climate emergency in 2019 and published a draft Climate Change Strategy and Action Plan in 2020. The London Plan 2021 also provides a basis to update parts of the NSP in respect of climate change and we deal with the necessary MMs under the relevant main issues in this report. There are concerns that the Plan does not go far enough in meeting the challenge of climate change in Southwark. For the reasons set out elsewhere in this report, we are satisfied that subject to the MMs as recommended, the Plan would meet the requirements at paragraphs 11a and 152-158 inclusive of the NPPF, including contributing to radical reductions in greenhouse gas emissions. There is currently no national planning policy requirement for the NSP to include targets for reductions in greenhouse gases in the Borough although the proposed monitoring framework would include various indicators to monitor annual carbon emissions data and identify where developments are required to submit whole lifecycle carbon assessments.
29. The Council has indicated that plan review would be the mechanism to respond to updates. This would include those arising from revisions to the Climate Change Strategy and Action Plan⁴ and measures necessary to meet the accelerated approach to reducing carbon emissions by 78% compared to 1990 levels by 2035 as set out in the 6th Carbon Budget (June 2021). This, in our view, would be a justified approach enabling appropriate reflection on detailed government advice on how to implement the latest Carbon Budget Order through the planning system.

³ Endorsed in Statement of Common Ground by Transport for London as being appropriate and in line with the Mayor's Transport Strategy (including mode shift).

⁴ Updated July 2021

Conformity with the London Plan 2021

30. The NSP was drafted in the context that the Mayor was preparing a new London Plan to replace previous iterations. Accordingly, in relation to spatial strategy and key policy areas, the submitted NSP responded to the emerging London Plan. The London Plan was examined in 2019 and following an iterative process of further changes in 2020, the London Plan was published in its final form on 2 March 2021. Where necessary for soundness and general conformity, the content of the NSP has been amended to reflect the London Plan 2021. The Mayor, in response to the consultation on the proposed MMs, has confirmed that the NSP is in general conformity with the London Plan 2021.
31. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Assessment of Soundness

Main Issues

32. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, we have identified 7 main issues upon which the soundness of this plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

Issue 1 – Whether the Plan's Spatial Strategy and Area Visions have been positively prepared and whether they are justified, effective, consistent with national policy and in general conformity with the London Plan.

Spatial Strategy and Plan Period

33. The London Plan 2021 provides a starting point for the overall Spatial Strategy for the Borough by setting out a strategic framework for areas of significant growth and change. Southwark's Spatial Strategy is informed by a number of strategic designations including Opportunity Areas (OAs) for significant growth and regeneration. In Southwark, these are Borough/Bankside, London Bridge, Canada Water and Old Kent Road. Large parts of the northern extent of the Borough are within the London Central Activities Zone (CAZ) which identifies the primary locations for, amongst other things, commercial and retail activities. In addition, the London Plan 2021 also identifies a number of existing town centres, all of which combine to provide the strategic 'building blocks' of the Plan's spatial strategy.
34. Bankside and the Borough and London Bridge are both OAs and within London's CAZ, and so the Plan seeks to appropriately retain and expand commercial office space in these areas as well as supporting the delivery of new homes. Within the CAZ, the Plan supports leisure and cultural uses and strongly promotes active frontages to ensure these areas remain vibrant. The Plan also focuses the majority of new housing development in the Borough within the Old Kent Road Opportunity Area (OKROA) with a target of delivering 20,000 homes and 10,000 jobs over the plan period. Policy SD1 of the

LONDON PLAN identifies the OKROA for 12,000 new homes and 5,000 jobs enabled by the Bakerloo line extension (BLE). The figures in the London Plan 2021 are expressed as 'indicative' and as such provide for flexibility if the evidence demonstrates that higher figures would be sustainable and achievable.

35. The evidence base [EIP149] which includes area-wide masterplanning for Old Kent Road as well as site-specific design-led schemes [EIP139-144] justifiably indicates that the area could sustainably accommodate further residential growth significantly in excess of the level of growth anticipated by the London Plan 2021, in combination with existing and proposed commercial and industrial development. A significant quantum of residential development in the OKROA is expected to come forward in the first part of the plan period with 9,500 homes in phase 1. The remaining 10,500 homes are phased for delivery later in the plan period (build out anticipated post 2023/4) and would be dependent on the timing of the BLE.
36. The OKROA contains significant Strategic Industrial Land (SIL) in proximity to the CAZ. The Plan strategy seeks to accommodate substantial levels of both housing and employment in this area, including the need to co-locate these uses on various proposed allocations. Delivering mixed uses on the scale planned for in the OKROA will require significant progression of emerging design solutions that can secure both the necessary successful co-location of distribution, manufacture and logistics floorspaces in very close proximity to new homes and the intensification of employment and industrial uses on SIL sites. These circumstances apply to various parts of London such that business models and property markets will find solutions to adapt to them, in terms of the flexibility envisaged at paragraph 82 of the NPPF. The Council has directed us to various initial developments in the OKROA where innovative co-location is being secured, which gives us confidence that the Plan's strategy on this issue will be effective.
37. An alternative approach of scaling-back co-location as part of this Plan would result in reducing housing numbers⁵ and flexibility to deliver the strategic housing requirements in the medium to long term. Some existing businesses in OKROA and elsewhere in the Borough could well be displaced, including those scenarios where co-location on existing sites will not be a practical option. In response to this, the Plan protects key SIL sites where churn and intensification may accommodate relocating businesses. In addition, we are satisfied that cross-boundary provision of SIL in the Bermondsey 'dive-under'/Surrey Canal Road location close to Old Kent Road (OKR) will strategically function to meet the needs of some of the less neighbourly employment uses in this part of south east London. Overall, we consider the proposed approach to co-location to be appropriate part of the strategy for meeting the Borough's identified development needs.
38. The NPPF expects local plans to make sufficient provision for housing, employment, retail, leisure and other commercial development including planning for appropriate sites to deliver the strategic priorities of the area. The strategy put forward in the Plan strikes an acceptable balance between the delivery of jobs and homes as well as meeting the identified needs of the

⁵ The potential developable 9,860 home buffer identified in Issue 5 below

Borough. As such, we consider the plan accords with policies SD1 and SD4 of the London Plan 2021 in this regard. The Council is also preparing an Old Kent Road Area Action Plan (OKRAAP) which will provide further detailed policy and guidance for the OA which, along with the NSP, will provide a clear spatial strategy and suite of policies for the area.

39. The submitted Plan does not include a clear strategic vision, key diagram(s) and nor does it clearly articulate the overall strategic development targets by location across the Borough. A key diagram and several thematic diagrams are recommended as **MM4** for effectiveness and consistency with national policy at NPPF paragraph 23. The addition of a Strategic Vision provides a further written expression of the strategy and this is recommended as **MM5** for effectiveness. New policies are required to identify the strategic development requirements for each of the vision areas across the Borough. These are necessary in order for the plan to clearly articulate the development expectations for each area, along with the area visions. The required new policies also need to express the overall aims and objectives for growth to take place in Southwark set out against the key designations identified in the London Plan 2021 as these were not clear in the submitted plan. The addition of new policies is also necessary to fully convey the spatial strategy and to set out how the Council will aim to ensure the strategy is delivered for their communities and businesses. In light of this, **MM6** and **MM7**, which introduce Policies SP1a and SP1b, are both necessary for the Plan to be justified, effective and consistent with national policy.
40. The London Plan identifies key town centres within Boroughs and the NSP identifies those town centres outside the CAZ in Southwark. The NSP sets out the retail hierarchy for the Borough at Policy P34 and along with **MM6** and **MM7**, set out the amount of retail floorspace identified by individual location. The submitted plan's retail hierarchy included a single new Major Town Centre at OKR. However, the London Plan 2021 now includes two new smaller District Town Centres at Old Kent Road North and Old Kent Road South. This reflects the scale of development taking place as well as the linear nature of the OKROA. In order to ensure conformity with Policy SD8 of the London Plan **MM54** is necessary to make this change to Policy P34 and to update the accompanying town centre hierarchy map.
41. The submitted plan indicated a time period covering 2018-2033, however, this would not have provided for a 15 year plan period based on a likely adoption date as required by paragraph 22 of the NPPF. Furthermore, in order that the plan period reflects the strategic housing targets in the London Plan 2021, the starting date should reflect the London Plan's 10 year housing targets (2019). For consistency with national policy and conformity with the London Plan, **MM5** is necessary to amend the plan period to extend to 2036, whilst **MM6** is necessary to amend the Plan period to 2019 – 2036 and ensure that the development targets reflect the revised full duration.

Development Targets and Strategic Policies

42. The submitted NSP did not clearly set out the overall quantum of development to be planned for over the plan period, including the proportion of the housing, employment and retail growth that would be directed to particular parts of the Borough. The new Policies SP1a and SP1b inserted by **MM6** and **MM7** would

articulate the spatial distribution of growth more clearly across the Borough. Policy SP1a clarifies the amount of housing, employment, retail and open space proposed. Policy SP1b sets out the specific development targets for those uses against each of the individual vision areas. We are satisfied that these policies, in combination with the area visions, subject to the MMs set out below, would sufficiently articulate the spatial vision for the Borough.

43. The development targets should be updated having regard to the amended plan period (2019-36). Our detailed considerations of each of the targets set out in Policy SP1a are addressed in the relevant sections of this report below. However, **MM6** is required to insert Policy SP1a, setting out the overall development targets, in order for the plan to be justified, effective and consistent with the London Plan 2021. Additionally, **MM3** would introduce a consequential update of the strategic targets set out at the front of the Plan.
44. The Plan's overall development strategy seeks to focus new residential development in the OKROA, which as discussed, is to be facilitated through the significant improvement to public transport, including the BLE. The OA status along with the commitment to the BLE give significant confidence that the Plan's strategy for the OKR area is justified and has a reasonable prospect of being delivered. The extent of change in the OKR area is justifiably interdependent with progress on delivering the BLE. As a result, the Plan seeks to limit the amount of housing that can come forward in the OKROA in advance of the BLE with 9,500 dwellings in phase 1 and the remaining 10,500 homes coming after the letting of the construction contract for BLE (anticipated in 2023/4). Such an approach to managing the development targets is necessary in order to ensure that undue pressure is not exerted on the existing transport network, but also to ensure that the plan actively supports and embeds the use of public transport.
45. Delivery of the development targets will be reliant on optimising the development potential of sustainably located sites, including through the principle of 'taller buildings' and intensifying existing employment sites to accommodate a mix of uses. We assess the soundness of individual site allocations and detailed policy approaches to taller buildings elsewhere in this report. In terms of this forming part of the broad strategy to meet the development needs for the Borough over the plan period we find that the Plan is in general conformity with the London Plan 2021 at Policies D3 and E7.
46. The NPPF at paragraph 21 requires plans to make clear which are the strategic policies necessary to address the strategic priorities for the area. These also have the purpose of providing a framework for any neighbourhood plans prepared in the Borough would need to conform to. On submission, whilst the Plan labelled a number of policies as strategic, it was unclear whether there were other policies in the Plan capable of being identified as strategic policies. The inclusion of **MM2** to explicitly reference the strategic policies is therefore required for effectiveness and consistency with national policy.

Rescinding AAPs

47. On submission, the extant development plan included 3 adopted Area Action Plans: Aylesbury (the AAAP adopted in 2010); Peckham and Nunhead (the PNAAP adopted in 2014); and Canada Water (the CWAAP adopted in 2015).

In large part these AAPs have been successful in managing development proposals in these parts of the Borough. In terms of the site-specific proposals contained in these AAPs, these have largely been constructed or have planning permissions at various stages of implementation. The submitted plan was ambiguous on whether any parts of these AAPs would be 'saved' on adoption of the NSP.

48. The submitted Plan carries forward most of the remaining site allocations from both the CWAAP and PNAAP. Additionally, as recommended elsewhere in this report, it would be necessary for soundness for the Plan to continue identifying the Aylesbury allocation from the AAAP. The development management policies in the various AAPs are now of some age, those in the AAAP pre-date the NPPF and all AAPs pre-date both the London Plan and iterations of the NPPF since 2018. The submitted Plan, in combination with the London Plan 2021, would update and replicate many of the policy objectives and requirements set out in the AAPs. There are incidences where it would be justified to amend the submitted NSP policies (housing mix, parking standards) to ensure continuity with the AAAP, particularly where they would secure sustainable regeneration that meets the needs of existing households, including those with protected characteristics. Various MMs recommended elsewhere in this report would do that and so we do not repeat them here. Ultimately, retaining the AAPs on adoption of the Plan would be of little practical value in day-to-day decision making and would give rise to potentially unhelpful tension between policy requirements. **MM1** would clarify that the adopted NSP would replace the AAPs and set out the detail in a new annex to the Plan. We recommend **MM1** for consistency with national policy and for effectiveness.
49. As a consequence of the above approach the remaining allocation at St Georges Wharf, Rotherhithe (site CWAAP16) for mixed use development would be rescinded and become 'white land' (land with no positive site allocation). We do not consider that rolling forward the allocation as part of the NSP at a late stage of the examination would be necessary for plan soundness. As such it would be a matter for plan review to consider the options for this site. London Plan 2021 Policy SI 15 and submitted NSP Policy P24 would be relevant to the existing boatyard operation on the site. As such it would not be necessary for plan soundness to include a specific boatyard protection policy or allocation at St George's Wharf.
50. Our attention has also been drawn to parts of AAP allocated sites that have not been redeveloped and where the proposed approach would leave them without a specific plan allocation (Sites CWAAP9 and PNAAP2). We do not consider it necessary for Plan soundness to re-establish allocations for these areas given the policy framework in the NSP would provide an appropriate basis on which to determine proposals for sustainable development. An allowance has been made in the housing trajectory for 'windfall' provision, recognising the urban fabric of the Borough will yield additional supply where appropriate.

Area Visions

51. The 'Area Visions' contained within the Plan are policies that provide a link from the London Plan 2021 and the NSP spatial strategy to the various

individual site allocation policies. In respect of Old Kent Road, the 'Area Vision' also provides a further policy framework against which to finalise the OKRAAP as the detailed development plan document for this strategic growth location. On submission the areas to which the visions applied as policy were not clearly defined and therefore future users of the plan and decision-taking would be potentially affected by the ambiguity. **MM15** would rectify matters by defining the spatial boundaries of the Area Visions.

52. Whilst concerns were raised regarding the delineation of the boundaries of the Bermondsey and London Bridge Area Visions, we consider these are appropriately drawn and reflect where the Area Vision (AV) policies will apply. The inclusion of Area Vision maps has also provided an opportunity to include necessary detail on CAZ, town centre and Action Area Core boundaries, alongside boundaries for Business Improvement Districts and Neighbourhood Plan areas. Redundant or repetitious detail from the three AAPs, which can now be rescinded, has also been removed. Overall, we recommend **MM15** so that the plan would be effective.
53. The individual area visions also set out the key characteristics of each part of the Borough together with their contribution towards securing sustainable development, including the growth opportunities that exist in each area. The area visions provide a golden thread through the Plan linking the strategic policies through to the site allocations. However, to be effective, the AV policies need to specifically link through to the key strategic policies of the London Plan 2021 (particularly where they are OAs and/or in the CAZ) as well as giving greater clarity on the development opportunities and infrastructure improvements that exist in each area. Main modifications to these policies are therefore necessary so the Plan would be effective. **MM17, MM18, MM19, MM20, MM21, MM22, MM24, MM25** and **MM26** would make these changes for the Bankside and The Borough, Bermondsey, Blackfriars Road, Camberwell, Elephant & Castle, London Bridge, Peckham, Rotherhithe and Walworth Area Visions respectively.
54. Additionally, the Aylesbury area vision needs to emphasise the priority is to deliver high quality social-rented housing, including at least 2,249 social rented homes as part of the consented regeneration. Consistent with affordable housing policy in the NSP (as modified), and with the tenure of existing stock to be replaced, the Area Vision also needs to clarify that the preference in Aylesbury would be for social rented homes over intermediate products.
55. The Area Vision also needs to be expanded to recognise that sustainable regeneration should also deliver new local opportunities for retail, community and leisure facilities, greenspace and local employment workspace. This would reflect the AAAP and the various proposals now coming forward. **MM16** would address all of these points and ensure that the Area Vision for Aylesbury would be effective, consistent with NPPF paragraph 94 and reflect PPG paragraph 53-006-20190722 on the benefits of estate regeneration and to fully reflect the necessary strands that need to be coordinated to secure genuinely sustainable regeneration.
56. Old Kent Road is identified as an OA in the London Plan 2021 with significant capacity for growth and change. The OKR Area Vision sets out the context and

strategic guidance for development in the area to follow as well as identifying the key growth opportunities that both the NSP and the emerging OKRAAP will address. In order to provide clear and effective linkages through to the site allocations in the NSP and further detail in the OKRAAP, the growth opportunities section of the vision needs to be amended to reflect the 10,000 new jobs planned for in the area in Policy SP1a and reflect the strategic target of 9 hectares (net) of new green infrastructure and open space. Furthermore, the area vision also requires amendment to reflect that two District Town Centres are planned rather than a single Major Town Centre that was included in the submission policy in order to accord with the London Plan 2021. The confirmation of the safeguarding of the BLE route would require a consequential update to the area vision as well as updating the wording to reflect the phasing of development prior to the letting of the construction contract for the BLE. **MM23** is recommended to address these matters which are required for effectiveness and ensure conformity with the London Plan. Following the consultation on the MMs we have amended **MM23** to provide flexibility that phase 2 development will occur post 2023, rather than specifically within the period 2023-2027.

Sustainable Regeneration

57. In an inner London Borough where growth will take place entirely through the redevelopment and transformation of already developed sites, including existing housing, commercial and trade sites and office buildings it is important that the Plan sets out an overarching strategic policy, in combination with London Plan policies SD1, SD10, D1, D3 and H8, to secure sustainable and inclusive regeneration. Whilst Southwark must meet a proportionate share of the capital's wider need for homes and jobs, the Plan must also seek to meet the needs of existing people, families and businesses in Southwark. This includes, amongst other things, the acute need for affordable housing, access to good and diverse employment and a greener environment for, amongst other things, physical and mental well-being, biodiversity and improved air quality.
58. An alternative option, to solely re-use and retrofit existing buildings, would not meet the scale of identified housing need with sufficient flexibility or provide the modern, adaptable employment spaces necessary to support and diversify jobs growth over the plan period. Were the plan to focus on reusing existing buildings it would do little to improve the sustainable pattern of development in Southwark. Importantly, there are those opportunity area locations (for example, Old Kent Road and Canada Water) where regeneration presents a meaningful prospect of redressing current car dominated environments and constructing significant volumes of high-quality energy efficient buildings. Furthermore, regeneration through redevelopment, as seen at Elephant & Castle, also presents the most viable and realistic means of delivering significant areas of new public open space and public realm improvements. Overall, we are satisfied that the Plan is justified in pursuing a strategy of regeneration including significant redevelopment in sustainably located opportunity areas, major town centres and the Aylesbury (the Area Action Cores).
59. Since the proposed submission plan was consulted on, the Council has declared a climate change emergency and the NPPF has been amended to

specify that sustainable development for plan-making means that all plans should promote a sustainable pattern of development that seeks to, amongst other things, mitigate climate change, including by making effective use of land in urban areas. The submitted NSP, including its approach to regeneration, would, in broad terms, positively respond to these circumstances, but further certainty and clarification in submitted Policy SP2 would re-emphasise the need to ensure the reliance on regeneration combines social and economic benefits alongside the need to address the consequences of, and impacts of climate change. We therefore recommend main modifications to Policy SP2 to better reference the role of regeneration and redevelopment in meeting the net zero carbon target by 2050 and ensuring that the design of buildings and spaces mitigates and minimises the impacts of climate change on local residents. The supporting text to Policy SP2 should also be modified to recognise that regeneration can achieve mutually inclusive outcomes such as reducing fuel poverty and addressing that it is often the most vulnerable in society who are the most exposed to the effects of climate change. **MM11** would make the necessary changes and we recommend them for effectiveness.

60. There are legitimate concerns that regeneration can be synonymous with 'gentrification', displacing existing communities and businesses and diminishing local character with standardised designs that potentially erode a sense of place including the prospective loss of buildings that are locally important. We find the submitted policy framework in the NSP (subject to the MMs we have recommended), when taken as a whole, would be appropriately responsive to these concerns. Submitted Policy SP2 seeks to ensure that existing residents and neighbourhoods prosper from 'good growth'. This, however, is an uncertain term. From the evidence on employment land and demand for workspace [SP412, SP413 and SP431] it is clear that employment will diversify over the plan period, including opportunities for new green jobs as well as the need to create new affordable workspaces for self-employment and smaller-medium sized enterprises. Additional text proposed in **MM11** would expand on what is meant by 'good growth' and we recommend it for effectiveness so that the plan can be soundly implemented.

Responding to the challenge of climate change

61. As set out elsewhere in this report, a number of circumstances have evolved since the Council undertook its second Regulation 19 (pre-submission) consultation in early 2019. In summary these include, amongst other things: (i) the Council's declaration of a Climate Emergency in 2019 (including the objective of carbon neutrality by 2030); (ii) the Government's adoption of the Sixth Carbon Budget into law (accelerating the reduction target to 78% from 2035 as part of getting to net zero by 2050) in June 2021; (iii) publication of the London Plan in March 2021; and (iv) updates to the NPPF (paragraph 11a) in July 2021. On submission, Policy SP6 took a broad approach to ensuring a cleaner, greener and safer Borough and dealt with climate change in recognised terms around energy efficiency in buildings, prioritising walking and cycling, urban greening and protecting biodiversity. Given the changing circumstances, we recommend various modifications to Policies SP2 and SP6 and supporting text including new text to make it clear that reducing carbon and greenhouse emissions and providing spaces for people to connect with nature would be priorities. The latter is important, recognising the evidence

that Southwark is ranked within the 20% most-deprived Boroughs nationally in terms of quality of the indoor and outdoor environment. **MM11** and **MM14** would make the necessary changes and we recommend them so that the plan would be effective, positively prepared in terms of the importance of climate change and to ensure conformity with the London Plan 2021.

62. The data, policies and technical solutions to climate change are evolving. Moreover, the nature, severity and frequency of risk arising from climate change (urban heat, flood risk – tidal and surface water etc) is also increasing. All policies have been subject to appraisal as part of the accompanying IIA process including assessment against sustainability objectives related to climate change. We recommend elsewhere in this report **MM84**, which would introduce a Monitoring Framework for the Plan, including appropriate indicators for Policy SP6 (Climate Change).
63. The changing context on climate change, is however, not a reason to delay further the adoption of the Plan. Progression now would allow appropriate weight to be given to NSP policies, including those that seek to respond to the challenges of climate change. In relation to the 6th Carbon Budget, this has come towards the very end of a prolonged plan-making and examination process. Taking into account what the Plan realistically and viably seeks for energy efficiency, modal shift, flood risk, air quality and urban greening it would represent a logical 'stepping stone' to achieving the accelerated requirements of the recent Carbon Budget. On this basis, the normal processes for plan review would be the appropriate mechanism on this matter. This would also enable appropriate regard to be given to any pan-London climate change policies, strategies and initiatives developed by the Mayor, given many aspects of planning to mitigate and adapt to climate change better relate to the spatial geographies covered by strategic planning.
64. Submitted Policy SP6 included content on public realm which duplicates that found elsewhere in the Plan (submitted policies SP2, P12, P13 and P16). **MM11** would remove the content (submitted criterion 5) to avoid unnecessary repetition and potential ambiguity for decision makers. As such we recommend this change for plan effectiveness.

Conclusion on Issue 1

65. Subject to the MMs identified above the Plan's Spatial Strategy and Area Visions have been positively prepared and are justified, effective, consistent with national policy and in general conformity with the London Plan 2021.

Issue 2 – Whether the Plan is positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan in relation to meeting the Borough's housing needs.

Housing Needs

66. Policy SP1 sets out the overall approach to providing housing across the Borough including a strategic housing target of 2,355 dpa as well as the overall strategic percentage of affordable housing required. The Borough's housing requirement is identified in the London Plan 2021 which sets out a 10 year housing figure for Southwark of 23,550 homes over the period 2019-2029. Having regard to the fact that in London, Borough level housing figures

are provided by the GLA via the London Plan, we consider that there are no other circumstances that would justify a departure from the London Plan's housing target for Southwark. As a strategic policy, it is necessary for soundness that the overall housing target covers the full plan period (as modified) to 2036. As such, in order to continue to meet overall housing need, it is necessary to project the annual figure of 2,355 dpa over the remainder of the plan period. Therefore, we recommend that the strategic housing target for the Plan to deliver would be 40,035 homes over the period 2019-2036. This change is set out in **MMS** and is necessary for effectiveness, to ensure conformity with the London Plan and consistency with the NPPF.

67. As a strategic policy that deals with the approach to housing, Policy SP1 is required to identify (where possible), land to accommodate at least 10% of the housing requirement on sites no larger than 1 hectare. Furthermore, the London Plan 2021 indicates that Southwark's target for development on small sites of up to 0.25 hectares is 601 dpa (10,217 over the plan period). As such, **MMS** is necessary for consistency with the approach in the NPPF at paragraph 69 as well as to reflect the target for small sites set out in Policy H2 of the London Plan 2021.

Affordable Housing

68. The London Strategic Housing Market Assessment (SHMA) (2017) identifies a significant need for affordable housing across London, including within Southwark. London Plan 2021 Policy H4 identifies an overall strategic target of 50% of all housing to be genuinely affordable and Policy H5 seeks for a threshold level of affordable housing to be a minimum of 35%. In order for the Plan to provide clear justification when seeking affordable housing, Policy SP1 requires amendment to set out the minimum percentage and to encourage development to go beyond the minimum, but also to set out that the 'fast track route' or affordable housing grants could be used in order to secure additional affordable housing. **MMS** is therefore required to set out the overall scale of need for affordable housing in the Borough and to accord with the approach in the London Plan 2021.
69. Southwark has identified an acute need for affordable housing in the Borough, with the SHMA (2019) [SP107] indicating a net annual need for 2,077 affordable homes across the Borough. The predominant tenure of affordable housing required is social rented accommodation, having regard to the overall affordability levels identified. Submitted Policy P1 follows the minimum affordable housing percentage set out in the London Plan 2021 but seeks to secure the maximum viable amount of affordable housing on development sites. Due to the high levels of need, alternative affordable housing percentages were considered including up to 50% across the Borough. However, the Housing Background Paper [SP101], along with the Housing and Affordable Workspace Viability Study [SP109] indicates that at higher percentages, the viability position would not enable the Council to deliver the quantum of social-rented accommodation required to address the housing needs of those with lower incomes.
70. The Plan's overall approach to affordable housing is effectively that there is no formal 'minimum' policy percentage, and that the maximum amount of affordable housing is sought. This is the Council's starting position and

development is required to submit a viability assessment in order to establish what the maximum viable level of affordable housing on site would be. Whilst this approach does not provide a clear and explicit percentage requirement, it is nonetheless justified and necessary having regard to the achievement of the overall strategic target of 50% affordable housing. In reality, the overall level of affordable housing viability is likely to sit somewhere in the region of 35-50% based on the Council's preferred tenure split. However, in order to ensure that the right type of accommodation is secured, the Plan should be modified to make clear that developments of 10 or more units must provide the maximum viable amount of social rented and intermediate homes within the minimum percentage figure of 35%. Due to the overall need for affordable housing and having regard to the strategic affordable housing target, a policy approach of seeking the maximum viable level of affordable housing is justified in the specific circumstances in Southwark. **MM27** would make the necessary changes so that the policy is justified.

71. Policy P1 seeks to apply a higher percentage requirement of 50% affordable housing in the Aylesbury AAP area. This is as a result of the specific housing mix of the wider Aylesbury Estate regeneration scheme. As a result, it is appropriate and justified for the higher percentage to apply in this specific area, in accordance with Policy H8 of the London Plan.
72. Policy P1 seeks to secure affordable housing on smaller schemes of 9 dwellings or fewer. Paragraph 64 of the NPPF seeks to restrict the provision of affordable housing on schemes of fewer than 10 units, however, Policy H4 of the London Plan 2021 allows for Boroughs to seek affordable housing on sites below this level in accordance with Policy H2. The Council's small sites viability testing update document (2021) [EIP240] indicates that affordable housing can be viably sought down to schemes of 6 units. The assessment indicates a generally positive viability position in the Borough, and as such, there is potential for smaller schemes to make some contribution to addressing affordable housing need. For operational reasons, securing on-site provision may not be appropriate, and therefore subject to individual scheme viability, financial contributions may be more appropriate. **MM27** would clarify the approach to be taken on smaller sites including the mechanism of a financial contribution and is necessary for effectiveness.
73. The policy includes a mechanism for development to follow a 'fast track route' should 40% affordable housing be provided on site. In this instance, no viability assessment would need to be provided, unless the scheme sought to reduce affordable housing following any grant of planning permission. In broad terms the proposed approach to 'fast-track' is justified and in conformity with Policy H5 of the London Plan 2021 as it exceeds the threshold level of 35% without grant subsidy and provides a suitable level of affordable housing to ensure it would be sufficiently challenging yet attractive enough to be utilised.
74. There remain aspects of London Plan 2021 policy that are not replicated in Policy P1 as these do not need to be repeated in order for soundness as they remain part of the development plan by virtue of their inclusion in that document. It is necessary, however, to clarify the fast-track route in Policy P1 including the mix to be sought, the justified higher 60% fast-track level in the Aylesbury Action Area and the necessity for viability review where subsequent

schemes on the site would provide less than the 'fast-track' thresholds. Again, **MM27**, would address this to ensure the Plan is effective.

Mix of Housing

75. The delivery of family-sized housing is a challenge in the Borough as evidenced by the SHMA data on existing over-crowding and the need for dwellings of 3 bedrooms and larger. Policy P2 positively responds to this evidence in requiring a reasonable proportion of 3 bedrooms or more homes in different proportions ranging from a lower 20% in the CAZ and Action Area Cores to a 30% requirement in an identified suburban zone as shown on the Policies Map. As submitted, the Plan assigned the OKR Action Area Core to the Urban Zone (25% Family Homes). For consistency with other OAs and to optimise the delivery of new homes in sustainable locations, **MM28** would re-designate OKR within the 20% zone, similar to other Action Area Cores.
76. As set out elsewhere in this report, the NSP provides a mechanism to set out a more up-to-date planning framework for those areas covered by existing Area Action Plans. In respect of the Aylesbury Action Area there is specific evidence and justification for the necessary housing mix to meet the needs of existing households that need to be accommodated by the proposed estate regeneration. Policy P2 should be modified to specify the need for Aylesbury (effectively taken from the existing AAAP) including minimum requirements for larger 4 and 5 bedroomed properties and a lower requirement for studio sized accommodation. **MM28** would make the necessary changes in relation to the Aylesbury Action Area, and we recommend it so that the Plan would be justified and effective.
77. Constructing new homes for renting is increasing, including the emerging 'build to rent' sector. The PPG advises that affordable housing on build to rent schemes should be provided by default in the form of affordable private rent and 20% is "generally a suitable benchmark" level for provision. The PPG does allow for local plans to set a different proportion where justified. Policy P4 applies to larger scale private rented schemes, with smaller schemes subject to the provisions of submitted Policy P1 on affordable housing. This is justified in terms of the ability to secure a higher quality rental offer to tenants on larger schemes including the housing mix, security of tenure and standards that Policy P4 seeks. We are satisfied that the policy requirements on tenancies and retention of rented provision (subject to clawback mechanisms) are proportionate and justified to provide a good standard of housing. They would also ensure that the private rented sector does not have a competitive advantage to outbid for sites, compared to other forms of housing including the substantial demand for conventional market and affordable housing.
78. It is necessary, however, to amend the policy to provide clarity on the minimum proportion of affordable housing to be sought and the proposed 35% would provide parity with private rented schemes of less than 100 homes dealt with under Policy P1. In light of the significant affordable housing need in Southwark, we find the minimum 35% figure to be justified and viable and so **MM29** is necessary for effectiveness. The modification would also helpfully clarify the proportions of affordable housing to be secured.

79. As submitted, Policy P5 would require 10% of student rooms to be easily adaptable for occupation by wheelchair users. We have found little specific justification for the 10% figure, noting that a reduced figure of 5% is more than likely to surpass actual demand based on evidence from university admissions. Accordingly, the 10% figure should be replaced with 5% so that the Plan would be justified.
80. Submitted Policy P5 also requires all types of purpose-built student accommodation (PBSA) schemes to provide a proportion of conventional affordable housing. The London Plan 2021 at Policy H15 does not require PBSA to provide conventional affordable housing. There are viability implications, particularly where PBSA schemes are being constructed where the occupation of the rooms would be nominated by colleges and universities at more affordable rents. To address this and to ensure the Plan would be justified and effective, we recommend that such schemes do not provide conventional affordable housing but ensure that they provide a minimum 35% of rooms at affordable student rent as defined by the Mayor of London. **MM30** would do this and address the change to 5% for easily adaptable wheelchair accommodation.
81. Following the consultation on the MMs, we have amended the wording in **MM30** to clarify that the provision of a minimum of 35% affordable student rooms should be subject to viability. This would ensure broad conformity with London Plan 2021 Policy H15 (part 4(b)). There is also a need to amend the detailed wording in **MM30** to remove potential inconsistencies and to confirm that affordable student rent is that which is set by the Mayor of London through the annual monitoring process. Subject to these further changes we recommend **MM30** accordingly.
82. In respect of those PBSA schemes built on a speculative basis for market rents schemes without a requirement to provide an element of affordable housing would have the reasonable potential to outbid for suitable sites compared to conventional housing schemes. Whilst directly let PBSA can be counted towards meeting the housing requirement (on a reduced ratio basis) it would not be meeting the acute housing needs identified in Southwark, including the substantial and pressing need for affordable housing. As such, we do not recommend modifying this part of the policy other than to introduce internal consistency within the Plan that the amount of affordable housing on directly let PBSA should be maximised, with a minimum of 35% and that this would be subject to viability. **MM30** would make the necessary change and we recommend it for effectiveness.
83. Policy P5 deals with both student accommodation and other forms of shared living accommodation (for example cohousing and communes). This would potentially conflate different types of housing that serve different housing needs and markets (including sales/rents values). The separating out to create new policy on other forms of purpose-built shared living accommodation would make the plan more effective and so we recommend **MM31** accordingly. Given the substantial need for affordable housing and the clear need for larger family-sized homes in the Borough we consider it justified and effective that the new Policy requires affordable accommodation, on site by habitable room as a first priority and then off-site via a payment in-lieu.

This would ensure that co-housing makes a proportionate contribution to assist meeting the high demand for affordable housing.

84. Policy P6 addresses housing for older people, including requiring provision of affordable housing. The policy should, however, reflect the Council's position to secure social rented and intermediate housing having regard to the identified need. As such, main modification **MM32** is necessary for the policy to be effective.

Standard of Housing and Amenity

85. Policy P7 embeds optional technical standards for wheelchair accessible and adaptable housing within the plan. The policy approach generally conforms with Policy D7 in the London Plan 2021 in requiring 10% of new homes to be built to M4(3) wheelchair user standard and the balance to be constructed to the M4(2) accessible and adaptable standard. It is further justified by the evidence in the SHMA 2019 [SP107], of a clear need for additional housing of an appropriate standard to meet the existing needs and forecast increase demand of households with disabilities, including those with severe mobility impairments. These increases are across a range of age cohorts and are not just related to the growth in older person households over the plan period. The SHMA also identifies a notable number of households on the Council's Disability Housing Waiting List as well as a mismatch between those needing affordable wheelchair accessible homes and the housing stock that is generally available. Accordingly, the principle of setting higher accessibility, adaptability and wheelchair housing standards in Southwark is justified by the evidence, including plan-wide viability, in accordance with PPG paragraph 56-007-20150327.
86. **MM33** would provide the necessary clarification that M4(2) must be the default minimum standard where a dwelling is not being constructed to a higher M4(3) standard and is recommended accordingly. Policy P7 should reflect the distinction in Part M of the Building Regulations between wheelchair accessible (a home readily useable by a wheelchair user at the point of completion (M4(3)(2)(b)) and wheelchair adaptable (a home that can be easily adapted to meet the needs of a household including wheelchair users (M4(3)(2)(a)) dwellings. The PPG at paragraph 56-009-20150327 is clear that policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling. Again, **MM33** would address this by clarifying that when seeking affordable wheelchair user homes, 10% of social rented homes would be required at the higher optional standard of M4(3)(2)(b). As such, **MM33** is necessary for consistency with national policy and for the plan to be justified.
87. Policy P8 deals with the approach to Houses in Multiple Occupation (HMOs) and seeks to ensure these provide a good standard of accommodation without harming the living conditions of occupiers or those living in the area. Additionally, Policy P9 seeks to limit the change of use of supported housing accommodation and hostels as well as setting out the criteria for new accommodation. However, both submitted policies are unclear as to how the Council would assess matters of overconcentration of HMOs or supported housing accommodation. Accordingly, **MM34** and **MM35** would provide the

necessary criteria for the respective policies and ensure the Plan would be effective.

88. Policy P55 addresses the effects of development on the living or working environment of existing and future residents of the borough. The policy on submission was not specific as to the types of issues that the Council would assess in relation to amenity. Therefore, for effectiveness, the policy requires amendment to specifically refer to matters that affect living and working conditions, such as privacy, overlooking or enclosure, odour, noise vibration or lighting, effects of daylight, sunlight and wind as well as layout and design. Following the MMs consultation, we have further amended **MM68** to place the additional text within the policy rather than in the reasons for effectiveness. Therefore, **MM68** is recommended to address these matters.

Gypsies and Travellers

89. Following the submission of the plan, the Council submitted a Gypsy and Traveller Accommodation Assessment (GTAA) [EIP22]. The GTAA provides an up-to-date assessment (as of late 2019/early 2020), which meets the requirements of the Planning Policy for Traveller Sites (2015) (the PPTS) in terms of the needs of those who meet the planning definition. We are satisfied that the GTAA is justified in concluding that there is no need for additional pitch provision for those who meet the planning definition.
90. In a London context, gypsy and traveller communities are less mobile and often reside in long-established sites which have served multiple generations of the same extended family, as is the case in Southwark. Nonetheless, the matter of a more flexible planning definition for the capital has recently been considered through the London Plan [EIP28/EIP28a] and so the PPTS definition is similarly justified in Southwark. On a broader assessment, the GTAA does consider the needs of those who no longer travel for work or have ceased to travel permanently but nevertheless aspire to live in culturally appropriate accommodation. The GTAA therefore fulfils, in large part, the need to conduct a wider assessment of caravan needs in accordance with Section 124 of the Housing and Planning Act 2016.
91. Whilst there are various criticisms of the GTAA methodology, principally in relation to engagement, we are satisfied that the response rate achieved (82%) provides a robust assessment of likely accommodation needs. Gathering empirical evidence of potential accommodation ambitions of existing gypsy and traveller households in 'bricks and mortar' is not necessarily straightforward but we are satisfied that Southwark's GTAA has made reasonable efforts in this regard. Through the DtC statements, there is no evidence of unmet need for traveller accommodation from adjoining authorities or from other parts of South East London that should be met in Southwark. We therefore consider the identified need in the GTAA of 46 additional pitches in Southwark over the period 2020-2035 for gypsies and traveller households, who do not meet the planning definition, but nonetheless seek appropriate cultural accommodation, to be a prudent figure.
92. In terms of meeting the identified need for 46 pitches, of which 27 pitches are sought in the first five years (2020/1-2024/5), it is accepted that the PPTS places no requirement for the Plan to allocate sites for non-planning definition

need. That said, paragraphs 60 and 62 of the NPPF state, respectively, that it is important that the needs of groups with specific housing requirements are addressed and that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. For equality of access to appropriate accommodation, and for consistency with the NPPF, it is important that the Plan does what it reasonably can to enable delivery of the identified need for culturally appropriate accommodation for a long-established ethnic group in Southwark.

93. Submitted Policy P11 refers generically to homes for travellers and gypsies and seeks to facilitate provision by safeguarding existing sites in the Borough and by identifying new sites subject to recognised criteria. As submitted, the policy pre-dates the GTAA and therefore, in order for the policy to be justified, effective and consistent with national policy at paragraphs 60 and 62 of the NPPF the supporting text to the policy should be clear that the policy would apply to the identified need. **MM36** would do this and would also clarify that existing sites, as shown on the Policies Map, would be safeguarded to assist in meeting this need, including the site at Springtide Close, Peckham. Given the high level of need, it would not be justified to safeguard existing sites in the Borough with the caveat of "subject to need" as submitted in Policy P11. We therefore recommend its removal as set out in **MM36** to provide necessary certainty and effectiveness. Part 2 of the submitted policy would support additional provision through windfall sites, however it will be necessary to replace the word 'facilities' with 'accommodation' to make the policy effective in delivering additional homes as set out in **MM36**.
94. We recognise that given the variety of competing demands for land, many of the suitable and available development sites to be allocated through the NSP and OKRAAP already have planning permission in whole or in part and that many sites will be required to re-accommodate existing uses due to the need to optimise all available land resources. Accordingly, it would not be expedient to delay adoption of this Plan to find sites in this context. However, we do consider it necessary to identify in Policy P11 the role of future plan-making (including the mechanism of plan review) to revisit this issue if windfall provision on existing and new sites is not delivering. We therefore recommend text to that effect as part of **MM36**.
95. Additionally, there is little evidence from the call for sites and land availability assessments of sites suitable or available for traveller accommodation. Such circumstances in Inner London will not be unique to Southwark and therefore meeting the needs of those seeking culturally appropriate accommodation is likely to require coordinated strategic efforts. We therefore recommend additional text as part of **MM36** that would signal the Borough's commitment to work with the Mayor on future London-wide work.

Houseboats

96. There are existing houseboats within Southwark, principally focussed on South Dock, Rotherhithe and to a lesser extent on the adjoining Greenland Dock. There is evidence of a strong demand for houseboat accommodation in Southwark. However, available water spaces within the Borough need to be carefully managed to accommodate a variety of uses including sport and

recreation and to maintain a degree of openness for a variety of purposes including heritage and biodiversity.

97. At the time of plan submission, the Council had not undertaken an assessment of future houseboat accommodation needs as required by Section 124 of the Housing and Planning Act 2016. The Council has commissioned the required work, the outcomes of which have not been available to inform the latter stages of the examination process. In the interim, Policy P57 of the Plan provides a positive framework for managing proposals on the Borough's open water spaces, including the consideration of additional berth provision for houseboats on underused water spaces. Additionally, Policy P24 of the Plan provides a positive framework for assessing proposals for additional moorings and other facilities within the Thames Policy Area. Given these policies it would not be necessary for soundness to specifically safeguard or protect water spaces in the Borough in terms of existing houseboats and/or their potential to accommodate additional berths.
98. Similar to travellers and gypsies, there is a strategic London-wide issue regarding meeting increasing houseboat needs. It would be a matter for the plan review to respond to both the Council's emerging evidence and any wider London approach on the matter (London Plan 2021 paragraph 9.14.7). It would not be justified to delay the adoption of the NSP on the issue of houseboats, given the relevant development plan policies.

Conclusion on Issue 2

99. Subject to the MMs identified above the Plan's overall approach to meeting the Borough's housing needs is positively prepared, justified, effective and consistent with national policy and the London Plan 2021.

Issue 3 – Whether the Plan is positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan in relation to the economy and employment, including ensuring the vitality of the Borough's Town and Local Centres.

Strategic approach to the economy

100. The submitted Plan included an overall target of 84,000 new jobs to be provided in the Borough over the period 2011-2036. Evidence from the Council's Employment Land Review (ELR) [SP412] identified that the Borough should be planning for a jobs target of approximately 62,700 jobs between 2014-2036. The Strategic Targets paper [EIP161] has updated the baseline evidence on, amongst other things, the local labour market and specific sector growth in the Borough. This paper was produced after the Council's ELR and outlined that the jobs target for the Plan should be reduced to 58,000 jobs in the period up to 2036. Having considered the ELR jobs forecast in comparison with the Council's later forecasts and having regard to the amended time period of the Plan compared with the evidence base, the difference between the overall jobs target would not be dissimilar. As such, we find that the Council's updated jobs target of 58,000 jobs to be more robust and **MM6** to Policy SP1a is necessary so that the Plan has been positively prepared.
101. The approach to the economy in Southwark is influenced by the diverse office market and the internationally important role that office development plays in

the CAZ. London Plan 2021 Policy E1 requires Boroughs to increase the stock of offices in the CAZ, and as such, the focus of new office development in the Plan is therefore principally directed to areas within it, including Bankside and the Borough, London Bridge, Blackfriars Road and Elephant & Castle. The Plan identifies a total of 460,000 sqm net additional office space is required to 2036 which is based on the findings of the ELR. The ELR recommends that around 80% of the requirement should be directed to the CAZ, and the Plan translates this requirement into the floorspace figures within Policy SP4. The identification of a specific office floorspace figure was not clearly articulated in the submission Plan, and therefore in order to be justified, **MM6** and **MM13** update the accompanying office floorspace requirement in Policies SP1a and SP4.

102. In terms of other types of employment land, the ELR identifies 90,000 sqm of industrial, hybrid and studio floorspace is required across the Borough to meet identified needs. On submission, the Plan did not include an up to date figure for the level of non-office employment floorspace required and so an overall target for non-office floorspace needs to be included in Policy SP1b. **MM7** makes this change so that the Plan is justified and effective.
103. The ELR indicates that industrial development in the south of the Borough is changing, particularly as the stock profile ages. The Council's strategy seeks to retain and expand employment space outside the CAZ. The Old Kent Road area is currently a focus for industrial activity in Southwark and will still need to provide additional employment space as well as delivering significant new residential development. To deliver the strategic requirement, Policy P29 along with a number of site allocations seek the re-provision of office space through intensification, or in the case of sites in the CAZ, seeking re-provision or providing 50% of the development as new office floorspace, whichever is greater.
104. There are concerns that the Plan's approach would result in many types of employment being displaced from areas such as Old Kent Road due to increased rental costs of the new space, but also due to concerns regarding the likely success of co-existence between certain commercial activities and future residents due to possible harm to living conditions from nearby commercial activity. The Plan's policies and allocations seek to retain and expand commercial development within the OAs rather than allowing a net loss of industrial space. However, whilst some businesses which are currently occupying lower-density industrial space could be displaced, this is not necessarily a foregone conclusion. Whilst co-locating commercial and residential space will undoubtedly require innovative design solutions and careful management, during the hearings successful examples of this were cited elsewhere in London where recently delivered co-located employment space has been occupied by new tenants. As such, despite the challenges identified, we consider that the Council's overall approach to delivering economic growth provides significant opportunities for new industrial space to be created in the Borough. The retention and re-provision of industrial floorspace weighs in favour of the Council's overall employment strategy which, subject to the modifications we have identified, is soundly based.

105. In light of the above, the overall approach to the economy is consistent with the level of need for office and commercial space identified and would accord with Policies E1 and E2 of the London Plan 2021 and of the NPPF.

Affordable Workspace

106. The plan sets out at Policy P30 the approach to securing affordable workspace (AWS) across the Borough for small businesses and business start-ups to access suitable premises made available at rents discounted below the market rate. The approach to AWS in the Plan is supported by Policy E3 of the London Plan 2021 which enables Boroughs to set out their own detailed policies. Concerns have been raised that the Plan's approach to AWS could adversely affect the viability of some lower value employment uses. The Housing and Affordable Workspace viability assessment [SP109] demonstrates that the approach would be viable for schemes of 2,500 sqm, however, during the examination, further evidence was sought to justify whether it would be viable to seek affordable workspace on developments of 500 sqm as per the threshold included in the submitted plan. Further evidence was produced [EIP231] which demonstrates that there would be sufficient viability without prejudicing the overall approach to employment if the threshold remained at 500 sqm. As such, we consider that the policy is justified in this regard; however, the second part of the policy requires amendment to delete the reference to major development which **MM50** addresses for effectiveness.

107. Policy P30 would apply to all employment uses, however, in order for the policy to be effective, greater specificity of the types of development that are required to provide AWS is necessary having regard to the recent changes to the Use Classes Order (UCO) including the introduction of Class E. To ensure that the intentions of the policy are delivered, it is also necessary for the policy to reflect that the Council will seek to restrict the change of use from employment uses secured as affordable workspace and following the consultation on the MMs, we have further amended **MM50** to reflect the tests for planning conditions and obligations in the NPPF. The policy was also unclear on submission that it applies in relation to extensions to existing businesses over the defined threshold for the extended floorspace rather than on the gross floorspace of the existing premises. Furthermore, it was unclear how any developer contributions that may be sought under this policy would be calculated. During the hearings the Council clarified that this would be based on using an AWS calculator. The submitted policy also fails to set out the circumstances under which, if affordable workspace was not required, as an alternative affordable retail or cultural uses may be appropriate to provide flexibility. Accordingly, **MM50** is necessary to address these matters for effectiveness.

Other employment policies

108. Policy P27 addresses the Council's approach to securing access to employment and training which sets out a number of requirements based on the floorspace proposed. However, the submitted policy did not set out whether this was based on gross or net floorspace. Whilst the policy requires training and jobs to be provided on site as first preference, the submitted policy did not set out the circumstances where this might not be possible. As such, the Council clarified that financial contributions would be sought towards funding Council

programmes to support job creation which are required to address the challenges of unemployment identified in the Borough. Furthermore, the policy reasoning did not reflect the programmes the Council has previously implemented to support employment and training. These programmes have been established in the Borough for some time and are a key part of the justification for the Council's approach. Accordingly, we recommend **MM47** to address these points in order for the policy to be justified and effective.

109. Policy P28 relates to the approach to development on Strategic Protected Industrial Land (SPIL). Strategic Industrial Land (SIL) is identified in the London Plan 2021, and in Southwark, the Bermondsey and OKR areas are identified as strategically important locations for industrial, logistics and related uses that are crucial to the function of London's economy. The London Plan 2021 requires these areas to be proactively managed and protected to sustain them as the largest concentrations of industrial and logistics uses to support the economy and the NSP incorporates the London Plan's SILs within the locally designated SPIL. The Plan's overall strategy releases some SIL in OKR to meet the strategic development targets reflecting the co-location approach to employment and residential. Therefore, due to the shift in land designated, in order to achieve the Plan's overall requirements, as well as those in the London Plan 2021, it is necessary to restrict the ability for changes of uses to protect the light industrial uses now covered by Class E. Following the consultation on the MMs, we have further amended **MM48** to reflect the need for any conditions or obligations to have regard to the tests set out in the NPPF. Furthermore, the policy reasoning did not reflect the fact that many of the site allocations in OKR are for mixed use development as well as Locally Significant Industrial Sites (LSIS) which are being intensified for mixed residential and industrial co-location. Due to the changes to the UCO since submission, the policy wording also requires amendment to reflect Class E. As such, **MM48** is necessary to address these issues in order for the policy to be justified and effective.
110. Policy P29 deals with the approach to office and business development in the Borough. The submitted policy was unclear as to the full extent of locations in the Borough where re-provision of employment would be required. Additionally, modifications are necessary to reflect the recent changes to the UCO. Following consultation on the MMs, we have further amended **MM49** to reflect the need to secure and retain employment uses through conditions or obligations having regard to the tests set out in the NPPF in order for the policy to accord with national policy. The policy also requires clarification as to the circumstances where development resulting in the loss of employment must contribute towards training and jobs for local people as this was not included within the submitted Plan. In order to carefully manage the supply of office and business uses within new Class E, the policy also requires amendment to reflect that the Council will seek to limit changes of use through the imposition of planning conditions or through seeking legal agreements. The restriction of changes between uses within Class E is justified in Southwark in order to protect the employment uses where there is finite scope to secure alternative provision beyond the proposals already contained in the Plan to meet identified needs for additional employment floorspace. This approach would also ensure that the objectives of the NSP and the London Plan 2021 to meet floorspace and job creation targets would be met.

As such, **MM49** is required to address these matters in order for effectiveness and for conformity with the London Plan.

111. Policy P32 deals with business relocation, including those displaced by development proposals. Due to the nature of many schemes in the Borough, ensuring robust information in relation to existing business circumstances is essential when the decision-taker assesses a redevelopment scheme. As such, amendments to the policy are necessary in order to ensure that business relocation strategies submitted with development proposals include sufficient information of the right detail and quality. As such, **MM52** is necessary to address this matter for the policy to be effective.
112. Policy P33 sets out the overall approach to development within railway arches and requires amendment to reflect the latest UCO. In addition, the policy did not specify that development in railway arches within SPIL must secure industrial uses rather than other uses which could compromise the strategic objectives of this classification of employment land. The policy also failed to reflect the need for schemes to promote the low line routes initiative. As such, the policy requires amendment to require industrial uses within SPIL and to provide active frontages and safe and accessible space for pedestrians. Therefore, we recommend **MM53** accordingly for effectiveness.

Retail and Town centre development & floorspace

113. The overall need for retail floorspace in Southwark is informed by the Council's Retail Study (2015) [SP414 & SP415] which identifies the need for additional floorspace in the Borough to the period to 2031. The Council prepared a specific update to the Retail Study in 2018 [SP419] which reflected the need for changes to the retail floorspace to accompany the additional residential growth planned for in the Old Kent Road area. The 2018 Retail Study [SP419] also utilised the latest growth projections for Southwark as set out in the Preferred Option – Interim 2015 based BPO Projection (GLA 2017) as well as updated (at the time of the study) expenditure estimates when compared to the 2015 study. As such, the 2018 update provided a more robust and up to date evidence base than utilising the 2015 study alone.
114. As discussed in Issue 1 above, due to the need for strategic policies to look 15 years from the date of plan adoption, the Borough-wide retail study would not, in isolation, have provided a floorspace target that spanned the full plan period. Whilst it is recognised that retail floorspace projections can be less reliable over such lengthy periods, it is considered necessary that the plan provides guidance on the levels of floorspace required to 2036 in order to provide some degree of certainty for communities, but also those making investment decisions in the Borough.
115. During the examination, the Council presented a further update to the retail floorspace requirement to better reflect the delivery of retail permissions, anticipated completions and the timing of the new site allocations in the Plan. The turnover of retail commitments and turnover densities to 2031 were used to update the requirement to 2036 resulting in a total of 76,670 sqm which is comprised of 6,560 sqm of convenience, 42,130 sqm of comparison floorspace and 27,980 sqm food and beverage floorspace. Having regard to the timing of delivery of retail permissions in the pipeline, it is appropriate for the figures to

be adjusted in strategic Policies SP1a and SP1b to the end of the plan period as set out in **MM6** and **MM7**. This requirement is then broken down across the vision areas in the Plan and **MM7** is required in order to update Policy SP1b accordingly. Whilst we are satisfied that the approach taken in the Plan is sound, based on the evidence before us, it is also clear that updated expenditure and population projections, along with changes to shopping habits, including the potential effects of the global pandemic will be changing the shape of Southwark's retail offer. Ongoing monitoring and the usual processes of plan review will inform the appropriate timing as to when the Plan's retail policies should be revisited.

116. The recent changes the UCO have replaced classes A1-A5, B1, D1 and D2 with the new Class E. The wide scope of uses within Class E and the ability to change within them have impacted the effectiveness of a number of the submitted policies and site allocation requirements which on submission reflected specific use classes that are no longer extant. Therefore, in order to ensure that the plan is consistent with the UCO and thereby effective, **MM48, MM51, MM53-MM56, MM61, MM62, MM66, MM85** and **MM87-MM171** (inclusive) are all necessary.

117. Policy P31 requires updating to reflect the changes to the UCO as discussed above. The Council's retail evidence identifies significant change across former 'Class A' retail uses in the Borough. The effect of the changes to the UCO for Southwark have been set out in document EIP162 which considers that the introduction of Class E will result in small shops being lost from retail use which the Plan's strategy seeks to retain. The extent of competing development pressures in the Borough is such that the vitality of retail areas would be adversely impacted by loss to other uses (e.g. office use) and there is a need to retain the range and critical mass of retail areas. Policy SD6 of the London Plan 2021 expects that the varied role of London's high streets should be supported and enhanced and Policy SD7 expects that development proposals should ensure that commercial floorspace relates to the size and role and function of a town centre and its catchment. In order to support small shops and thereby ensure the vitality of retail areas, it is necessary for the Council to retain some control over any changes of use through the use of planning conditions to ensure high streets and smaller shopping parades remain vibrant. Therefore, in this specific instance, we consider that there is clear justification for the restriction of such rights which is necessary to ensure the delivery of the plan's aims for retail and town centres. As such, **MM51** is required for effectiveness and for conformity with the London Plan 2021.

118. Policy P34 on Town and Local Centres also requires updating to reflect the changes to the UCO. In addition, for the same reasons as Policy P31, in order to protect retail uses from loss, further text is required for effectiveness to set out how the Council will seek to retain such uses via the implementation of planning conditions or seeking planning obligations and this is also set out in **MM54**. Similarly, Policy P37 also requires amendment through **MM56** to address the changes to the UCO for effectiveness.

119. Submitted Policy P36 sets out the approach to changes of use of retail units and the submitted plan separates these into primary and secondary protected frontages. Having regard to the changes to the UCO in relation to Class E development and the flexibility this provides and the removal of class A1,

there is essentially no distinction between the approach in national policy across the spectrum of former 'Class A retail uses. The submitted policy had previously sought to require certain percentages of different Class A units in primary and secondary frontages, but the changes to the UCO make this approach redundant. As such, it is necessary to amend Policy P36 to require active frontages that would not harm their vitality and viability through **MM55** which is necessary for effectiveness and consistency with national policy.

Hotels

120. Policy P40 addresses the approach in relation to hotels and other visitor accommodation. The submitted policy was positively worded albeit it did not follow through the Council's wider design requirements to ensure development in the Borough reflected local character nor did it reflect the need to protect the amenity of existing residents as well as visitors. It is also necessary to clarify the proportion of floorspace devoted to facilities within hotels and other accommodation that would be publicly accessible in order to support active, community uses in these buildings. As such, **MM57** is required to address these issues in order for the policy to be effective.

Conclusion on Issue 3

121. Subject to the MMs identified above, the Plan's overall approach to Borough's economy and employment, including ensuring the vitality of town and local centres, is positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan 2021.

Issue 4 – Whether the proposed site allocations are justified, effective and consistent with national policy and in general conformity with the London Plan

General approach to site selection

122. The Site Allocations Methodology Report (SAMR) [EIP82b] sets out the approach to selecting the site allocations. The IIA appropriately considers these in the context of social, economic and environmental objectives.

123. The sites put forward for allocation are generally over 0.25 hectares in size and were considered to have potential for significant intensification. The approach to site selection has also been informed by flood risk following the sequential test, and where required an exceptions test which is set out in the IIA [EIP224]. Having regard to the site selection methodology and the constraints of the Borough's geography we consider that there are no sites of sufficient scale that would be suitable beyond those allocated that could contribute to meeting the Plan's strategic development targets. We are satisfied that the approach to site selection follows the sequential and exceptions tests for those sites that are identified as being at risk of flooding. All relevant sites have passed the exceptions test. Therefore, we are satisfied that the approach to site selection has been thorough and represents a robust basis against which the site allocations in the Plan have been identified and assessed.

124. Turning to the capacity of the site allocations, the SAMR was updated during the examination. It clearly identifies the current status of each allocated site

and a delivery timeframe. The SAMR provides clear evidence of when sites with planning permission are likely to come forward and at what rate they will be built out. For those site allocations that do not currently have active planning applications, planning permission or developer enquiries, the Council has either used information from existing or emerging masterplans or employed a design-led approach to identify the minimum or indicative residential capacity. The design-led approach reasonably took into account matters such as character, built form, any designations or other features of importance and had regard to nearby development. The site capacities were set out within the SAMR have been expressed as both individual dwelling numbers and as a Floor Area Ratio (FAR) which provides an indication of the density of development. Concern has been expressed that the site allocations did not provide indicative density ranges to guide their development; however, published London Plan Policy GG2 indicates that those involved in planning and development must apply a design-led approach to determine the optimum capacity of sites. As such, we consider that the Council's approach to identifying minimum and indicative site capacities is justified and aligns with the London Plan 2021.

Implications of the Use Classes Order (2020)

125. As set out above, the changes to the UCO introduced in September 2020 impact the development and change of use of buildings under former Classes A1-A3 and B1a-c which are now replaced by Class E. Additionally, the UCO amendments result in previous A4 and A5 uses becoming *sui generis*, and specific uses, formerly with D1 and D2, becoming community uses under new Class F (F.1 or F.2). These changes to the UCO have a consequential impact on the effective operation of the site allocation policies in the Plan which depend on clarity over the extent of floorspace within the Use Class(es) of any existing development. The majority of site allocations in the plan are either in some form of active use or have recent history of lawful use. In many instances, site allocation policies require development to re-provide floorspace of existing use(s) along with re-development, intensification or the introduction of new uses as part of mixed schemes. Therefore, in order to be effective, site allocation policies that refer to any of the now revoked use classes are amended through **MM87-MM171**(inclusive), all of which are necessary to clarify the extent of any existing floorspace within the UCO 2020, as well as updating the text of the policies to refer to the new classes.
126. A number of the site allocations require the provision of new open space as part of their development requirements, which in the submission plan, was expressed as a percentage requirement of the site area. In a number of cases, where there are site allocations which are comprised of multiple parcels of land or parts of the site may come forward at different times, greater precision is required to ensure that the necessary quantum of open space or strategic public realm improvement will be provided across the allocation. Therefore, in order for them to be effective, the relevant site allocation policies need to be amended via **MM88, MM92, MM130, MM140, MM144, MM145, MM152-MM156 and MM167**.

Site Capacities

127. On submission, the Plan did not set out the required or expected capacity for site allocation policies that included residential development. The site allocations rely on a 'must', 'should' and 'may' approach to securing particular requirements, so in instances where residential (or indeed other uses) is a 'must' requirement this will be a mandatory, and where residential development is a 'should' requirement, that residential use is being strongly supported but not mandated. In order to provide effective policies that clearly set out the extent of residential development required, the minimum number of residential dwellings needs to be included where residential is a 'must', and an indicative capacity included where residential development is a 'should' requirement. Therefore, for effectiveness, **MM87-MM171** are necessary to set out the minimum and indicative capacities for sites. **MM86** is necessary to provide further guidance on the implementation of the 'must, should and may' approach to site allocation requirements. This modification is necessary to ensure the Plan would be effective.
128. As set out above, the site allocation policies set out the floorspace of existing uses, in order to establish a baseline position where policies require uses to be re-provided as part of any redevelopment. During the examination, the Council provided updates to a number of site allocations where further information has been available as to the extent of existing uses. As such, **MM87-MM171** (inclusive) are required to update the existing uses in the individual site allocation policies for effectiveness.
129. We are mindful that circumstances evolve and will have changed during the course of this examination, both in terms of existing uses and planning applications (including undetermined applications at the time of this report) on proposed allocated sites. Rather than continually refine and amend the Plan, delaying further its adoption, we have drawn a line after those proposed modifications outlined above in terms of what is necessary for soundness. Any further site-specific evidence on existing uses and planning status would need to be considered as a potential material consideration by decision makers.
130. The Council is currently in the process of preparing an Area Action Plan for the OKROA. Notwithstanding the emerging draft OKRAAP, the NSP seeks to allocate sites in the Old Kent Road area. A significant number of these proposed NSP allocations have been subject to detailed design and masterplanning work to support the emerging OKRAAP and in turn some of the detail set out at this stage as part of the NSP. The draft OKRAAP evidence base⁶ also supports those allocations in the NSP particularly site capacities. This approach differs from the other site allocations in the NSP which utilise the FAR ratio. Nonetheless, we find the detailed masterplanning work for sites in the OKROA provides a robust basis to underpin the capacity and development requirements for sites in this part of the Borough.

Specific site allocations

Aylesbury Sites

⁶ EIP documents EIP35-46 (inclusive) and EIP139-151 (inclusive)

131. On submission, the Plan contained an area vision for the Aylesbury area but was unclear on the anticipated scale of growth and how and where this would occur within the Aylesbury Action Area Core. Modifications proposed elsewhere to introduce new Policy SP1b would clarify the spatial role of Aylesbury and confirm that it is part of the Borough where estate regeneration is planned to make a meaningful net addition of some 1,500 homes to the Borough's housing stock. The ambiguity arises because the 2010 Aylesbury Area Action Plan (AAP) contains 'site allocations' in terms of the various phases and plots envisaged for the regeneration. Planning permission has now been granted enabling the phased implementation at Aylesbury with just over 400 homes already constructed, together with investment in modernising community infrastructure. That said, much still remains to be implemented at Aylesbury over the plan period and from the evidence before us in the Council's Aylesbury Background Paper [EIP202a] and Aylesbury Update January 2021 [EIP158], it is clear that plans envisaged in the 2010 AAP will inevitably flex and adapt given the length of time that has elapsed. As such we do not consider it justified, effective or positively prepared that the NSP remains 'silent' on site specific policy for Aylesbury. Consistency of approach is required similar to the approach taken on strategic sites in Rotherhithe and Peckham that have been carried forward into the NSP from the CWAAP and PNAAP respectively.
132. As set out elsewhere in this report, given the age of the AAP (which has not been reviewed in the past 10 years) together with the up-to-date policy framework in the London Plan 2021 and the proposed content of the NSP it is unclear what meaningful role or purpose the AAP would have going forward. Indeed, there is potential for unhelpful policy conflict or tension between the older policies in the AAP and the more up-to-date policies elsewhere in the development plan. Primary legislation is clear that any such tension would be resolved in favour of more recently adopted policies in the development plan. As part of the examination, this has been recognised and various MMs are proposed elsewhere to ensure particular site-specific considerations for Aylesbury (for example, housing mix, parking standards etc) would be incorporated within those policies to ensure sustainable regeneration. In large part this would enable the Council to prudently rescind the AAP although there would remain the issue of a site allocation policy for the Aylesbury.
133. Proposed modification **MM87** would address this soundness matter by allocating the Aylesbury Action Area Core to show the parameters of the site, the various phases and to set out overarching design and accessibility guidance for an area that will continue to experience significant change over the plan period. The proposed design guidance, including for taller buildings, replicates that set out in the AAP, thus providing justified continuity. Having regard to the Council's background paper on Tall Buildings [EIP54], we have considered the in-combination effects arising from tall buildings on the Aylesbury Action Area together with the likelihood of taller buildings on both the Burgess Business Park allocation (NSP22) and proposed allocations on Old Kent Road. Overall, given intervening distances, the separation created by Albany Road and the overall scale of the Park we are satisfied that taller buildings (in a range up to 20 storeys) as part of the Aylesbury regeneration would not significantly harm or diminish the verdant, open character of Burgess Park. As such we find the design guidance in the proposed site

allocation policy for the Aylesbury would be justified and effective in this regard.

134. **MM87** would also clarify that a number of extant planning applications apply to the allocation, including those that are being implemented. Notwithstanding this planning context we nonetheless consider the proposed site allocation policy to be justified and to provide necessary certainty should revised planning applications come forward. The new policy would be justified in confirming that the site has a gross minimum residential capacity of 4,200 homes which must include the reprovision of at least 2,249 social rented homes. During the plan period, it is estimated that the net uplift would be 1,500 homes across the 24ha area together with the provision of community, retail and employment floorspace and approximately 3ha of open space. This has been appropriately evidenced in the SAMR and updated Aylesbury Background Paper [EIP202a].

135. Whilst various concerns have been expressed about the implementation of the regeneration programme, including its pace, compensation under the Compulsory Purchase Order, the effects on existing communities and the wider sustainability of replacing existing buildings, it is nonetheless the case that the principle of the scheme (which has planning permission) and the details of how it is being implemented are not matters of plan soundness. The proposed site allocation policy introduced through the proposed modification provides for a good degree of continuity from the AAAP. We are satisfied that the equalities impact on those households with protected characteristics has been appropriately considered in the IIA/Equalities Impact Assessment. Consequently, we recommend **MM87** as being necessary so that the NSP would be justified, positively prepared and effective in setting out what is likely to happen, including in broad terms the further development phases at the Aylesbury as a strategic location within the Borough.

Bankside and The Borough Sites

136. Site NSP08 (the Swan Street Cluster) was identified as a single site allocation comprising of three separate parcels of land. During the hearings, the Council indicated at the time of submission that efforts were being made for the coordinated delivery across the three parcels of land. The three respective components of the site are physically separate (albeit in proximity to each other) and are in separate ownerships and the submission policy was unclear as to what uses would be acceptable in each of the separate parcels of land. Furthermore, it was unclear whether the policy requirement to re-provide community uses needed to take place where it is currently located or whether this would be acceptable on one of the other component parts of the allocation. During the hearings it was clarified that there was no need for any specific coordinated policy response; therefore, for effectiveness **MM95-MM96** are required which split the components of the allocation out into three separate site allocations with their own accompanying policy text and guidance.

Blackfriars Road Sites

137. Site NSP18 – McLaren House, is a key building at the apex of St. George's Circus between Westminster Bridge Road and Waterloo Road. McLaren House,

along with the buildings at each of the other junctions on St. George's Circus are generally set-back from the highway providing wider pavements which give rise to a more open setting to the Grade II Listed obelisk which is at the centre of the roundabout. Allocation NSP18 proposes redevelopment of the McLaren House, however, for effectiveness, the wording of the policy requires amendment through **MM107** to ensure that a concave frontage must be retained as part of redevelopment proposals.

Camberwell Sites

138. The Burgess Business Park (NSP22) is situated in the north of Camberwell adjacent to Burgess Park but otherwise surrounded by predominantly residential uses, including housing immediately on Parkhouse Street. The wider site accommodates a mix of employment uses, including the recent Big Yellow Self-Storage facility and recent investment in the PHS site, but is predominantly occupied by manufacturing and servicing uses occupying older building stock or those uses requiring sizeable yard areas such as scaffolding and vehicle repairs. In looking at the evidence⁷ for the Plan, Camberwell is a location where the future demand for employment accommodation is predominantly for light industrial, last-mile distribution and studio/hybrid workspaces. Subject to the proposed modifications in **MM111** to clarify the types of employment space that should be re-provided (not including B2 uses) and that redevelopment of the site must increase or provide at least the same amount of employment floorspace as currently exists on the site, there would be no significant harm to the local economy in allocating this former protected industrial site for a mix of uses.

139. The wider site is in various site ownerships with emerging evidence through planning applications for individual, unrelated developments on various parcels across the site. Given these circumstances we do not consider requiring a comprehensive masterplan through the site allocation policy would be deliverable or effective. Nonetheless, it is justified that the potential of the site to continue to provide for employment is carefully managed and that individual proposals make a proportionate effort to re-provide and potentially increase employment floorspace rather than individual schemes selectively pursuing higher value uses. On this basis, we recommend that part of **MM111** which would require every individual development proposal to increase or provide at least the same amount of employment floorspace as exists so that the Plan would be positively prepared and effective.

140. The cumulative policy requirements of the Plan for Site NSP22 as a previously developed site containing non-designated heritage assets in a part of the Borough where the plan-wide viability study recognises lower values (reflected in the CIL zone) will present viability challenges. Indeed, it is recognised, in accordance with the NPPF and PPG, that some developments, including mixed use typologies, in moderate value locations such as Camberwell would be

⁷ SP431 - Old Kent Road Workspace Demand Study 2019 (which specifically considers Burgess Business Park); SP412 and SP413

marginal in viability terms were a full basket of plan policy requirements to be required. Accordingly, policies elsewhere in the Plan recognise that further assessment on a site-specific basis, may be necessary. Overall, we are satisfied that the site can pragmatically deliver a sustainable regeneration scheme that optimises the potential of this sustainably located site to deliver an appropriate mix of much needed homes and modern employment floorspace and therefore should remain in the Plan.

141. We do not consider it necessary for soundness to further amend the site policy to create either separate or individually detailed policy requirements at variance to the broader plan-wide policy requirements. Nor is it necessary for soundness to recommend a specific viability clause within the policy for NSP22. Given the plan-wide viability evidence, there will be similarly marginal sites, and so we consider the issue is more appropriately addressed through the Plan's over-arching policy on the approach to planning obligations. Consequently, we make reference to proposed **MM83** in relation to Policy IP3 which introduces needed clarity on the balanced approach to Plan policy requirements in light of viability evidence. Following consultation on the MMs, we have further amended **MM83** to clarify in the policy that the term 'policy requirements' would include the 'must' and 'should' requirements set out in the individual site allocation policies. We also consider it necessary to clarify in the supporting text to Policy IP3 that whilst the plan-wide viability evidence meets the requirements of national policy, it does not demonstrate that each and every site allocation would be necessarily viable. Accordingly, there will be some instances, particularly in lower value zones, where some flexibility may be justified, including in relation to site specific requirements. These further amendments would be necessary for effectiveness.
142. In terms of optimising the amount, scale and massing of development across the wider site, given the varying building heights around the site and the verdant setting of Burgess Park to the north, taller buildings could be accommodated at this location subject to the necessary consideration on existing character, heritage and townscape as set out in the policy. Given the size of the site, and in particular the larger, core area bounded by Parkhouse Street and Wells Way, we consider there remains appreciable flexibility to bring forward an appropriate redevelopment scheme that optimises the potential of the site within its specific context and constraints. In respect of the design guidance, **MM111** would ensure the wording of the policy with regards to heritage would be consistent with national policy.
143. The Plan allocates two bus garage sites in Camberwell, both of which are sizeable sites where some reconfiguration or rationalisation of operations could yield capacity for alternative uses, including elements of residential in the mid to late period of the plan. As set out in the statement of common ground with TfL [SCG14], it would be necessary to amend the policies to confirm that both sites would retain a bus capacity necessary to support the local network and to remove unnecessary specificity in the design guidance. **MM114** and **MM115** would make the necessary changes for the Camberwell Bus Garage and Walworth Bus Garage sites respectively and we recommend them so that the plan would be effective. The capacities for these sites are justified as being expressed as 'indicative'. These are intended to be a guide, rather than a constraining figure, and subject to further design work and analysis these sites may well potentially yield above these evaluations.

Crystal Palace and Gipsy Hill Sites

144. Site NSP34 - Guys and St Thomas Trust Rehabilitation Centre is a single storey building identified for redevelopment and intensification. The site allocation seeks to retain or provide alternative health facilities with support provided for redevelopment that includes new homes. The site has previously been subject to consultation with an indicative capacity of 103 homes, however this was reduced in the submission version to 51 homes. However, the reduction of the site capacity to 51 is not justified having regard to pre-application discussions. The SAMR shows an increase in the indicative residential site capacity from 51 homes to 103. Due to the raised highways adjoining the site, and the surrounding pattern of development, the site has capacity to be redeveloped at a higher floorspace to area ratio. Residential development is supported on the site but is not a mandatory requirement of the allocation. Nonetheless, the indicative capacity provides a strong steer as to the level of development expected, and as such, in order to be justified, **MM123** is necessary to show an indicative residential capacity of 103 homes.

Dulwich Sites

145. Site allocation NSP35 - The Grove Tavern, 520 Lordship Lane seeks to redevelop a public house either retaining a pub use or at ground floor level, accommodating retail, community or leisure uses. In addition to modifications to address the change in the UCO, in order to be effective, **MM124** is necessary to clarify the extent of existing or previous floorspace and to clarify that equivalent floorspace of these uses would need to be provided.

Elephant & Castle Sites

146. The Plan allocates a number of sites within the opportunity area consistent with its spatial role to support jobs growth through additional commercial floorspace within this part of the CAZ and to make a proportionate contribution to the need for new homes in line with the growth for the area as set out in the London Plan 2021. The area is undergoing appreciable change including regeneration of the Heygate and the forthcoming redevelopment of the Elephant & Castle Shopping Centre (site NSP45) and surrounding areas. Additionally, the proposed Newington Triangle site (site NSP41) would represent an appropriate opportunity to redevelop and optimise what is a high profile but largely under-utilised site in central London. Elsewhere the proposed site allocations in Elephant & Castle would facilitate the re-development and intensification of existing commercial and office buildings with taller replacement buildings, continuing a trend already occurring on parts of Newington Causeway and adding to the cluster of tall buildings taking shape around the core of the Elephant & Castle area.

147. To ensure that the Newington Triangle site (NSP41) comes forward in a way which sustainably meets the identified significant demand for office floorspace in the CAZ, the policy needs to be modified to make clear that redevelopment of the site must retain or increase the amount of employment generating floorspace that currently exists. Additionally, to ensure effectiveness in this regard, the quantum of existing floorspace by use in the policy needs updating to ensure clarity that the employment floorspace figure would be just over

10,000sqm GEA. **MM130** would make these changes and we recommend it for effectiveness.

148. Most allocations in the area require redevelopment to either provide at least the amount of employment floorspace currently on the site or provide at least 50% of the development as employment floorspace, whichever is the greater. Given the location of these sites in the CAZ, where the most-up-to-date evidence underpinning the Plan identifies a strong need for additional office and studio/hybrid workspace, we find this to be a justified, viable and deliverable approach. The need for residential development in this part of the Borough has largely been addressed by the substantial and ongoing regeneration at the Heygate. Accordingly, the remaining allocations in the north of Elephant & Castle should primarily support and enhance its commercial character and function. In our view it is too early to conclude on the long-term effects of the Covid19 pandemic on the demand for commercial floorspace and whether this points to an alternative strategy or more flexible approach to the mix of uses on allocated sites in this part of the Borough. This would be a matter for plan review.
149. A number of the proposed allocations in Elephant & Castle along Newington Causeway and the Newington Triangle site are close to the Ministry of Sound nightclub. This cultural asset has been long-standing in this part of the Borough and so new development occurring in proximity to it must respond and be designed with the nightclub in mind to ensure the sustainability of its existence. This would be consistent with the 'agent of change' principle set out in London Plan Policy D13, which the NSP does not need to repeat for soundness. Additionally, other policies in the NSP, including Policy P65, make clear that noise sensitive developments must mitigate and manage their relationship to major noise sources, not the other way round. On this basis it would not be necessary for soundness to include specific requirements within those proximate site allocation policies in relation to the Ministry of Sound operations.

London Bridge Sites

150. Site NSP50 – Land at Melior Street, St. Thomas Street, Weston Street and Fenning Street has been identified principally for re-provision of employment floorspace and active frontages at ground floor level. The site is opposite London Bridge Station and its accompanying Grade II Listed Railway arches and is also located in proximity to The Shard. The Shard itself serves as a primary landmark for the London Bridge area exerting a dominance over its surroundings due to its height and design. Submission Policy NSP50 sought to focus taller buildings to the west of the site reflecting the evidence in the SAMR which indicates that Capital House (to the west of the site) has planning permission for a 39 storey building. Having regard to the extant planning permission on site, the principle of a taller building on the site has been established. However, the submitted policy did not reflect the potential impacts that multiple tall or taller buildings within the allocation could have on the area, including on the primacy of The Shard. St. Thomas Street provides a transitional feel to the area as it is experienced when travelling from the direction of The Shard to the west through to the east. In order to support the transition of development along St. Thomas Street, for it to be effective, Policy NSP50 requires modification through **MM139** to provide clearer guidance that

the development of the allocation should ensure that building heights step down from west to east and to reflect that taller buildings should not detract from the primacy of The Shard.

151. Site NSP51 - Land between St Thomas Street, Fenning Street, Melior Place and Snowsfields is sited directly to the east of site NSP50. As per the adjoining site, it is also in close proximity to London Bridge Station and is opposite the Grade II Listed Railway arches. Site NSP51 provides a continuation of the frontage to St. Thomas Street and the character of the area continues to shift down in scale from primacy of The Shard towards development further east which is lower in height towards the junction of St. Thomas Street with Snowsfields. In order to ensure the primacy of The Shard and to reflect the changing height of development along St. Thomas Street, Policy NSP51 requires modification in order to ensure a continued step-down in height from west to east. The step-down in height for development on NSP51 needs to have regard to the height of the approved development on NSP50 in order to ensure a continued graduated step-down in heights from west to east. Following consultation on the MMs, we have further amended **MM140** to reflect the potential for medical or healthcare uses at ground floor level to ensure the policy is effective rather than retaining this wording solely in the glossary. As such, **MM140** is necessary in this regard.

Old Kent Road Sites

152. Site NSP53 – Bricklayers Arms is a highway flyover and roundabout including associated greenspace and is located where the A201 becomes the A2. The site is owned by Transport for London (TfL) and is a key part of the highway network at Old Kent Road. There are emerging proposals for the redevelopment of the site and funding streams have been secured by the site owner to explore the transport implications of reconfiguring the site. Due to its strategic location within the OKROA and the fact that the site is within the OKRAAP area, we are satisfied there is potential for redevelopment of the site to come forward during the latter part of the plan period. However, in the absence of any detailed masterplanning and due to the early stages of gathering the necessary transport evidence to inform the nature of the redevelopment potential of the site, the potential capacity of the site remains unclear. We consider, however, that its continued inclusion in the NSP is justified and would provide confidence to support site delivery. It is necessary for soundness, however, that the site capacity to be identified as 'unknown' reflecting the early stage of progress of the site and **MM142** would do this.
153. Site allocation NSP55 – Mandela Way seeks to redevelop the wider industrial area for both residential and commercial uses as well as requiring both community uses and public open space. As discussed under Issues 1 and 3, NSP55 is an example of a formerly preferred industrial location that is now identified to deliver both commercial and residential uses as part of the Plan's approach in designating Mandela Way as a Locally Significant Industrial Site (LSIS). The successful delivery of the allocation will require innovative design solutions to ensure the policy requirements are met. The submitted policy indicated that the site could accommodate between 1,955 – 2,200 dwellings. Updated evidence to the examination in the form of indicative masterplanning work for the site (as part of the OKRAAP) demonstrates that the site is capable of accommodating the lower end of the range previously identified (1,955

homes) along with the other 'must' uses identified in the policy. In light of residential development being a 'must' policy requirement and having regard to the anticipated timing of the site coming forward for development, **MM144** is required to amend the indicative site capacity for effectiveness.

154. Site NSP56 – 107 Dunton Road and Southernwood Retail Park is identified in the NSP for between 1,240-1,600 homes. The site falls within the proposed alignment of the BLE and could be required to support its future delivery. Submitted policy NSP56 reflected the need for a station, tunnelling and worksite requirements to be addressed in the site design. Given that the precise timing of implementing the BLE remains to be determined, it is justified that the site allocation is phased for delivery later in the plan period. During the examination, the Department for Transport (DfT) issued a safeguarding Direction for the BLE including areas of surface and subsurface interest. This Direction needs to be reflected in the NSP including the policy for Site NSP56. Furthermore, masterplanning work indicates that the minimum housing required on the site would result in the number of dwellings reflecting the upper end of the residential capacity range shown in the submitted plan. Therefore, for effectiveness, NSP56 is required to be modified by **MM145** to include reference to the safeguarding area for the BLE and to update the housing requirement to 1,600 units as a minimum.
155. Site NSP58 mainly comprises a food store use and ancillary car parking. To ensure that the retail function of this town centre site is maintained, including its contribution to the vitality and viability of the centre, it would be necessary to modify the policy to make clear that redevelopment must provide at least the same amount of retail floorspace as currently exists on the site. To enable a more comprehensive and optimal redevelopment of this sustainably located site, it would be justified to amend the site boundary to include land adjacent to Congreve Street. Consequently, the policy would need to be modified to include reference to a building of architectural and historic merit and the indicative residential capacity increased from 140 to 180 dwellings, together with an updated inset plan for the revised site. **MM147** would address these points and is necessary for the plan to be justified and effective with regards to this allocation.
156. Site allocation NSP62 – Former Southern Railway Stables includes an area of designated open space within its boundary. The submitted policy requires provision of public open space; however, during the hearings, it was established that the open space on site was not currently publicly accessible. The Council's intention is to increase public access to the open space rather than reconfigure or re-provide this elsewhere on site. Therefore, to clarify the requirement is to improve public access to the open space, **MM151** is required for effectiveness.
157. One of the larger allocations that will deliver the spatial strategy is Site NSP63 (also referred to as the 'Cantium' site). This site comprises a significant redevelopment area (at just over 11ha) in a variety of uses including sizeable modern retail units along the Old Kent Road, a large superstore, areas of surface car parking and established commercial and industrial uses to the west of Ossory Road and in the southern parts of the site towards Latona Road, Bianca Road and Glengall Road. The NSP identifies the commercial operations on land west of Ossory Road within site NSP63 as LSIS with land to the west

around the Glengall Business Centre as SPIL. From our observations and the evidence in both the ELR and OKR Workspace Demand Study 2019 we find this to be a justified approach in functional and character terms. We are satisfied by the evidence in the OKR Workspace Demand Study [SP431] that future demand will pivot towards a need for smaller workspace/office units, light industrial and 'last-mile' storage and distribution uses. In terms of delivering the needed homes and jobs, Site NSP63 will need to deliver innovative developments, optimising the land available through co-location of uses, including stacking. We note the Council's evidence that initial developments, including the key Malt Street scheme, are being developed to provide serviceable light industrial floorspace alongside residential. This is further supported by the masterplanning work for the site (EIP35 & EIP36). This gives us confidence that the Council's strategy, which will be further articulated in the OKRAAP, will be deliverable and effective.

158. It is important to note that SPIL land west of Ossory Road does not form part of Site NSP63 and its continued function and operation would be protected, including the need for the redevelopment of NSP63 to be subject to the 'agent of change' principle in London Plan 2021 Policy D13 and policies P55 and P65 in the NSP. In respect of the LSIS designation on Ossory Road and for the site more widely, the allocation policy should clarify that redevelopment must provide at least the amount of employment floorspace that currently exists. **MM152** would do this and would make this aspect of the policy effective.

159. Most of the southern half of the site is already subject to a number of planning permissions with work now underway on the Malt Street development, which is located in the core of the wider site and is planned to deliver 1,300 homes and 7,000sqm of employment floorspace. In our view the Malt Street development will act as a catalyst to stimulate further development around it in the early part of the NSP plan period, including those proposals where the principle of planning permission is agreed subject to securing planning obligations. As the evidence shows [the SAMR] approximately 3,500 homes on the site are in the planning pipeline meaning this site would make a substantial contribution to the phase 1 capacity for OKROA in advance of the BLE. Importantly, permitted sites on the allocation could make a meaningful contribution to the necessary five-year deliverable housing land supply. Based on the revised evidence [EIP35, 36 & EIP82b], the minimum residential capacity of the site should be increased from 4,200 to 4,800 homes in order for the plan to be positively prepared, justified and effective. **MM152** would incorporate this change and we recommend it accordingly.

160. The balance of NSP63, in terms of phase 2 capacity would be reliant on the intensified use of the existing large single storey superstore site. Initial, detailed work on the Cantium masterplan shows this would be feasible and the OKRAAP would provide the appropriate mechanism to provide further policy detail. Whilst it may take time to phase the redevelopment of this part of NSP63, we are nonetheless satisfied that the site would be developable within the plan period. A well-designed optimisation of the site would also provide an opportunity, together with the redevelopment of the adjoining Cantium Retail Park in Phase 1, to significantly improve the townscape and public realm in this part of Old Kent Road which is currently dominated by car movements, surface car parking and a poor frontage relationship to this historic approach to central London.

161. Western parts of the NSP63 site would be proximate to the Glengall Road Conservation Area (GRCA), the heritage significance of which is its relative intactness as a group of Regency style dwellings of generally mid-Nineteenth Century brick and stucco construction with largely unaltered exteriors. The exception is former drinks factory building at 12 Ossory Road, a legacy of industrial hinterland that grew up around the Grand Surrey Canal. There is a notable verdancy from the tree lined streets, the rhythm and pattern of housing and the proximate relationship of Burgess Park and later open space to the south close to the alignment of the former Canal. The area provides notable sanctuary and contrast, in a very short distance, from the Old Kent Road immediately to the north.
162. At present modern, commercial buildings on site NSP63 provide a backdrop to many localised views within the GRCA. Various parcels of land on NSP63 close to the GRCA or in street views looking south towards Bianca Road and Latona Road have already been permitted and are now capable of implementation. In terms of the continuing optimisation of development on site NSP63 including taller buildings, we note that many of the views within the GRCA are not orientated towards the bulk of site NSP63 with the key views being more towards the direction of Burgess Park, which would remain unaffected. The design guidance to site NSP63 reasonably requires development to enhance the setting of the GRCA and the design of taller buildings to have regard to impacts on heritage, townscape and existing character. We find this an appropriate approach, together with other design and heritage policies in the London Plan 2021 and NSP, to guide decision-makers on determining the suitability of any design-led schemes on site NSP63 and their impact on the GRCA. Overall, the proximity of the GRCA does not provide an impediment to redeveloping the site.
163. Site NSP64, Marlborough Grove and St. James's Road, contains buildings of townscape merit and of architectural and historic interest. The submitted policy provides guidance relating to these features and that redevelopment must have regard to them. However, the policy guidance did not indicate which buildings were of interest. The old varnish and 'Japan' factory at St. James Road and the former Chevron Office were identified as being of townscape merit, whilst the Georgian terrace adjacent to the new Bath House are of architectural and historic interest. As such **MM153** is necessary for effectiveness to specify the relevant classification of the heritage assets in site NSP64.
164. Alongside the 'Cantium Site', one of the other major development sites in the OKROA is the Sandgate Street/Verney Road area comprising of various development sites (some 12.7ha) under the umbrella of Site NSP65. As elsewhere on Old Kent Road, this is already an area of formerly designated preferred industrial land which is now in transition. Various schemes totalling some 2,100 homes are either under construction, with planning permission or with a resolution to approve subject to finalisation of planning obligations. The recently constructed mixed use scheme on land between Verney Road and Rotherhithe New Road, directly adjacent to NSP65 and at approximately 19 storeys at its highest, provides an indication of the potential optimisation and regeneration of land resources in this part of Old Kent Road.

165. Of the consented schemes on NSP65 the chief proposal at 'Ruby Triangle' will provide 1,165 dwellings, flexible retail and business space, a public sports hall and gym and public open space. Development is also occurring towards the Hatcham Road end of the site at Varcoe Road, illustrating that in the short to medium term various parts of the site will be delivered, including homes that will count towards the five year deliverable supply, within the agreed available capacity for phase 1. A substantial amount of housing (3,112 units) will remain to come forward on the site as part of phase 2, following the award of contracts for the BLE. Given the scale of the site and the nature in which planning consents have been granted, we are satisfied that the phase 1 and phase 2 capacities (as shown in the SAMR) will come forward in a logical manner and in accordance with masterplanning work [EIP37 & 40].
166. The wider site offers a particular opportunity to boost the current paucity of open space and quality of public realm in this part of the Borough including the proposed Surrey Canal Linear Park and the use of land around the Listed gasholder structure. **MM154**, as recommended elsewhere, would clarify that nearly 3.5ha of public open space would be provided across site NSP65. The detail for its provision would be an appropriate matter for the OKRAAP. In respect of the Grade II listed gasholder site, this is clearly shown on the inset plan for the allocation within an area allocated for public open space. At present the gasholder structure, as a sizeable open iron framework, is predominantly experienced in the context of various modern commercial buildings and compounds. The key heritage objective is to retain the structure given its significance as a legacy of the utility infrastructure in this part of London. Invariably its context will change, including taller buildings on both site NSP65 and adjacent site NSP66 together with a less industrial setting. However, by retaining the structure and allowing it to be immediately experienced within an open setting (including enhanced public access) we are satisfied that the heritage significance would not be harmed by the proposals as set out in the NSP. Again, the OKRAAP may set out further detail if required.
167. From various masterplanning and capacity work for the site [EIP37, EIP40 and EIP82b] it is evident that NSP65 site can sustainably accommodate a significant scale of mixed used development. To reflect the latest evidence, deliver the spatial strategy and ensure the plan would be positively prepared, justified and effective we recommend **MM154** which would increase the minimum residential capacity from 3,680 to 5,300 homes and confirm that the redevelopment of the site must provide at least the same amount of employment floorspace as currently on the site (approximately 50,000sqm). These changes would provide necessary clarification and certainty.
168. For Site NSP66 (land at Devon Street and Sylvan Grove) further assessment work for the OKRAAP shows that the minimum residential capacity could be sustainably increased from 740 homes to 1,500 homes. As a mixed use site with existing employment uses, the policy should be modified to confirm that the redevelopment of the site must provide at least the same amount of employment floorspace as currently on the site. **MM155** would make these changes and we recommend them so that the policy would be positively prepared, justified and effective. The site also provides access to the Southwark Integrated Waste Management Facility, although re-development of the site allows for options to realign the access in order to optimise

development potential. Consequently, as part of **MM155** it would also be necessary to make clear that development of the site retains access to the waste management facility, and we recommend this for effectiveness.

169. Various sites on Ilderton Road and Hatcham Road comprise the wider allocation presented at submitted Site NSP67. Similar to modifications for other sites in the OKROA, further masterplanning and capacity assessment work indicates that the minimum residential capacity of this site should be increased. **MM156** would update the capacity from 1,460 homes to 2,200 homes and we similarly recommend it so that the Plan would be positively prepared, justified and effective.
170. This part of the OKROA has a more established industrial and trade character and consequently the Plan is justified in showing it predominantly as LSIS and fringes of the site to the north-west as SPIL. As we have recommended elsewhere, the LSIS designation does not preclude the co-location of employment uses and housing to optimise the sustainable intensification of land resources. The character of the area is already changing with approximately 1,000 homes on various sites at differing stages in the planning pipeline. This includes sites now under construction, including those providing floorspace fitted out for light industrial use. As expressed for other sites, there is concern about the feasibility of co-location, particularly for some trade and manufacturing uses found in this part of the OKROA. This also extends to the array of creative industries and studios that have occupied the existing commercial stock, particularly around Hatcham Road and Penarth Street.
171. The evidence [EIP82b, page 253] shows that the allocation is already coming forward in an uncoordinated way with schemes under construction or with planning permission peppered across the wider site. The NSP is to a large extent reacting to this, with much of the Phase 1 housing potential of the wider NSP67 site already established. In our view, NSP67 exemplifies why it is now imperative that the Council gets an up-to-date development plan document in place to manage development and secure co-ordinated sustainable outcomes in this location. This includes securing the SPIL provision at the nearby Bermondsey Arches and Surrey Canal Road with Lewisham and implementing Policy P30 as part of this NSP to secure affordable workspace. In addition, **MM156** would clarify that redevelopment proposals must provide at least the same amount of employment floorspace as currently on the site. We recommend this so that the policy would be positively prepared, justified and effective.
172. It is important, however, that the Plan is suitably flexible and responsive to particular circumstances, including the area being a hub for creative industries. As such it would be necessary for soundness to include additional specificity in the policy to allow for arts and cultural uses in the Penarth Centre which is within the SPIL part of the allocation. Further flexibility, including residential uses, would not be justified given the need to protect the remaining resource, consistent with Policy E5 of the London Plan 2021. **MM156** would make the necessary clarifications and we recommend it for plan effectiveness.
173. Site NSP67 is now positively identified through the recent safeguarding directions [EIP186 & 187] as a potential location for a new underground station as part of the BLE. **MM157** would update the policy and make the

necessary cross-reference to the Policies Map and we recommend it so the plan would be justified and effective in this regard. For similar reasons **MM157** would also update the inset plan within the NSP to show the safeguarded BLE surface area. As a town centre site, it would also be necessary for soundness to ensure that any redevelopment of the site retained the existing amount of retail floorspace as currently exists. **MM157** would clarify this, and we recommend this for effectiveness.

174. As a modest town centre site, the Plan should be modified to clarify that a mixed-use redevelopment of site NSP69 must be achieved. This should include appropriate flexibility for similar sui generis use as currently exists or retail or employment. This approach would align with the Plan's strategy to significantly boost housing and jobs in this highly sustainable part of the Borough. **MM158** would make the clarifications and we recommend it so that the site allocation is justified and effective.

Peckham Sites

175. The NSP carries forward a number of proposed allocations from the Peckham and Nunhead Area Action Plan (PNAAP). Despite the passage of time since the PNAAP was adopted (2014) there is evidence that proposals for development are being advanced, notably on the Aylesham Centre site, which gives us necessary confidence that the NSP sites identified in Peckham, are in principle, deliverable. As a main town centre for the south of the Borough and a highly sustainable location with good rail and bus services and improving cycle infrastructure, it is justified that the NSP seeks to optimise the delivery of new homes and commercial development through the re-development of appropriate sites in and around the town centre. Overall, we find the principle of continuing to allocate those remaining sites from the PNAAP (proposed sites NSP71, 73 and 74) to be positively prepared and justified. The policies for these sites reference site allocation policies in the PNAAP which creates unnecessary uncertainty for decision-making. Accordingly, we recommend **MM160**, **MM162** and **MM163** which would remove the cross-reference for plan effectiveness.

176. The key site in Peckham for the NSP is the continued allocation of the Aylesham Centre and Peckham Bus Station site at the north-eastern edge of the town centre. The site is currently anchored by a supermarket use and the bus station operation. Elsewhere the site comprises a retail arcade linking the supermarket to Rye Lane and a large surface car park accessed from Hanover Park. The policy is justified in seeking to retain the supermarket use, a key facility serving the community. Consistent with town centre policies elsewhere in the Plan and the site's town centre location with direct linkages onto Rye Lane as the principal town centre thoroughfare, it would be justified to modify the policy to require the provision of at least the same amount of retail floorspace as currently on the site. This would form part of **MM160** and we recommend it accordingly so that the policy would be justified.

177. Concern has been expressed regarding the potential loss of car parking in terms of community access and vitality of the town centre. As a highly sustainable location (with a high PTAL rating) we are satisfied that redevelopment of the site presents an opportunity to revisit the scale of car parking to a level genuinely necessary to support town centre uses on the site

whilst enabling other uses (for example, residential) to be effectively car-free. This would align with the need to secure modal shift to reduce carbon emissions in a highly sustainable town centre location.

178. As submitted, the policy requires retaining the bus station operation and should that use become surplus to requirements securing small business space (B class) on the equivalent footprint. Further engagement with TfL has indicated that a more flexible approach would be justified. The 'bus station' is effectively a large circular loop road providing bus stops. The loop road encloses a surface parking area for buses with generous space for manoeuvring. In considering future configurations and provision, the key consideration is that the capacity of the facility is retained, which may be secured through an alternative, more optimal layout. As transport infrastructure it would not be justified to seek commercial floorspace as a replacement use. Nor would it be justified to specify in design guidance that any redevelopment of the bus site should consider new housing over an operational bus station use. Again, **MM160** would make these necessary changes.
179. The Council's FAR methodology estimates an indicative residential capacity of 850 units for the site. Given the various land-use requirements for the site, as discussed at the hearings, the proposed **MM160** consulted on a minimum capacity figure of 700 units, which is closely aligned to the 2017 proposed submission figure for the site of 645 units (tested as a reasonable alternative in the IIA). The proposed figure of 700 units was intended to provide for certainty in terms of clearly signalling a floor rather than a ceiling on capacity. However, we recognise the risk that a figure of "700" could become unreasonably fixed, despite being expressed as a "minimum". Furthermore, the IIA and SAMR evidence have both tested an indicative capacity of 850 homes as being reasonable for the site. An indicative capacity would provide for appropriate flexibility, in terms of a design-led approach demonstrating the sustainable, optimal residential capacity of the site. Therefore, following the consultation on MMs we recommend that **MM160** reverts to an indicative residential capacity of 850 homes. As this figure has been previously consulted on and forms part of the IIA we consider no one would be prejudiced by this amendment. The housing trajectory would also require amendment accordingly.
180. The ultimate development capacity of the site will be influenced by the scale and massing of development, including height. In optimising the capacity of a sustainably located redevelopment site, the policy indicates that a development of up to 20 storeys would be appropriate. This echoes Policy 26 of the PNAAP which was independently examined less than 8 years ago. We accept that tall buildings are intermittent in this part of Peckham including within views in the Peckham Rye Lane and Peckham Hill Street Conservation Areas. Nonetheless, a tall building or taller elements on the Aylesham Centre, if well-designed and appropriately positioned within the site could serve as a landmark or destination building without causing substantial harm to heritage significance of the Conservation Areas, including important views around the clocktower building. The alternative of scaling down development on the site could result in a potentially profligate use of a sustainable town centre site where the character is influenced by the taller development immediately to the east, including Witcombe Point and along Peckham High Street. There would

be significant scope through good design to optimise development on this site to enhance the character of this part of Peckham town centre, including significant improvements to the public realm.

181. Having observed the views available from the nearby rooftop of the Bussey Building it is clear that taller buildings on the Aylesham Centre would be prominent from this perspective. Nonetheless, because the footprint of the Aylesham Centre is relatively modest and the height guidance is 20 storeys, taller development on the site would be relatively confined and not be comparable to the clustering and scale of tall buildings found elsewhere in central London. Consequently, taller development on the site would not harmfully interrupt or obscure the wider panorama of the London skyline to the north to the detriment of rooftop businesses on the Bussey Building. In our view, if designed well, taller buildings on the Aylesham Centre site could provide interest, vibrancy and architectural variety in the foreground views, adding to, rather than detracting from, the outlook from the Bussey Building roof and other taller buildings in Peckham.
182. The Plan introduces a new allocation at Blackpool Road (NSP72) to the south-east of the town centre. The site is principally occupied by a builder's yard and a bus garage. The future of these uses and their ability to be incorporated into any redevelopment is uncertain but there is no requirement stemming from national policy, the London Plan or the evidence base to the NSP to retain these uses. The location contains significant areas of hardstanding for vehicle parking and outside storage, with generally lower quality and low-density storage buildings. In principle, the plan is justified in allocating this sustainably located edge of town centre site and seeking to make a better use of the land resource available. It would also reflect the emerging pattern of more optimal land use on adjoining sites to deliver much-needed housing and new commercial floorspace. As with other re-development sites in predominantly employment use, the policy is justified and would be effective in seeking to secure the provision of at least the amount of employment floorspace currently on the site. In this regard, the policy would need to be modified to update the existing uses on site and **MM161** would do this for effectiveness.
183. The site contains a non-designated heritage asset in the Old Mill Building (as shown on the site inset plan) and is proximate to others such as the railway viaduct. The presence of the Old Mill Building, a utilitarian but nonetheless imposing Victorian building does not in itself preclude redevelopment of the wider site but **MM161** would provide further specificity on non-designated heritage assets and we recommend this for effectiveness.
184. The site is bounded by Copeland Road and Consort Road which provide good access and a degree of separation from nearby housing. Other policies in the plan deal with good design and amenity considerations such as outlook and would apply when considering the specific design of any re-development of the site. The policy for the site required enhanced north-south permeability through the site and the design guidance referred to the potential of opening up a pedestrian route north of the railway to Bournemouth Road/Copeland Road. Neither of these requirements would be necessary to make the development of the site acceptable in planning terms and so we recommend

their deletion as part of **MM161** so that the adopted plan would be justified. The site, is, however, adjacent to the route of the Peckham Coal Line and development should support the provision and implementation of this recreational route as recommended in **MM161** for effectiveness.

185. Proposed site NSP73 carries forward the PNAAP allocation of land between the railway arches east of Rye Lane. The site occupies an elliptical wedge of land between two busy rail lines before they converge at Peckham Rye Station to the west. Both lines are elevated on arches which also form part of the site. Given the environmental context, the Plan is justified in flexibly allowing for a variety of non-residential uses appropriate to its location adjacent to Peckham town centre (Rye Lane). The ability of the site to create new linkages is disputed. The policy does not require that redevelopment must provide them and only goes so far as to identify through the design guidance that the scope exists. We have regarded the associated inset plan for Site NSP73 where it shows broad lines for improved connectivity for pedestrians and cyclists to be indicative only, but we nonetheless consider the principle of what the Plan is seeking to achieve to be sound and positive in terms of the need for modal shift. Together with the planned improvements at the adjacent Peckham Rye Station and the Peckham Coal Line initiative, site NSP73 if planned well represents a good opportunity to promote walking, cycling and public transport use in this part of Peckham.

Rotherhithe Sites

186. The Plan would continue to focus the Canada Water Opportunity Area (CWOA) growth in Rotherhithe through optimising the potential of two existing sites: NSP77 (Decathlon Site & Mulberry Business Park) and NSP78 (Harmsworth Quays, Surrey Quays Leisure Park and Shopping Centre). Overall, we find this strategy would deliver the scale of growth and mix of uses the London Plan envisages for the CWOA together with transforming car dominated parts of Rotherhithe into a more human scale environment for walking and cycling. In character terms, the CWOA is appropriate for taller buildings subject to townscape considerations and protecting LVMF⁸ views from Greenwich to Tower Bridge and St Pauls. Proposed sites NSP77 and NSP78 also provide opportunities for additional green infrastructure to complement the nearby assets at Russia Dock woodland, Stave Hill Ecological Park and Southwark Park.

187. In respect of Site NSP77, appreciable parts of the wider allocation have been redeveloped, including elements of residential as well as a student accommodation scheme. As such the wider site has delivered new homes in accordance with the requirements of the policy. Whilst the development intentions (and delivery) for the remainder of the site are presently for an office-led scheme, the policy is justified in setting out an overall indicative residential capacity to reflect what is happening on the wider site. It is not necessary for soundness to amend or reduce the residential capacity figure by approximately 800 units. The proposed indicative capacity figure of 1,381 for the whole site, which is not expressed as a minimum figure, would provide necessary flexibility should circumstances change. In our view, the indicative residential capacity figure would not preclude the employment development

⁸ London Plan View Management Framework

intentions on the remainder of the site given the strategic need to deliver significant new jobs (20,000 net) within the CWOA. Delivery of housing numbers does not rely on the remainder of Site NSP77 coming forward for residential, such that any remaining indicative capacity (should it come forward) would add to the flexibility and choice of sites.

188. At 21.7 hectares, Site NSP78 is one of the largest single site allocations in the NSP. It is subject to an agreed masterplan between the Council and the single site owner. This is reflected in a hybrid planning permission for the site, with development now commenced on initial plots. Policy NSP78 as submitted provides appropriate flexibility on the range of uses envisaged on the site including retail, employment, leisure, student accommodation and extra care housing, amongst other things. It also provides an opportunity to secure improved civic space and public realm. **MM167** would clarify the amount at some 1.3ha and we recommend this part of the modification for effectiveness.
189. The Plan is justified in expressing the indicative minimum residential capacity on NSP78 as between 2,000 and 3,995 homes, reflecting the flexibility contained within the approved masterplan. For the purposes of assessing housing land supply and meeting the identified housing needs, the Council has logically and positively taken the mid-point (3,000 homes) and has judiciously profiled a modest amount of deliverable supply (465 units) within the first five years. Should the site deliver at the lower end of the masterplan range, this would not be detrimental to meeting housing need given the general level of flexibility in the Plan. As implementation of the masterplan progresses, should the residential capacity figure evolve or the broad range of required and optional commercial and community uses for the site change, then plan review would provide an appropriate mechanism to ensure the development plan secures sustainable development on what is a singularly strategic site for both the Borough and for London.
190. As addressed elsewhere in this report, the NSP needs to be modified to make clear that the CWAAP is to be rescinded and that CWAAP policies would not apply to the proposed allocations in Rotherhithe. **MM166** and **MM167** would do this for Sites NSP77 and NSP78, respectively.

Conclusion on Issue 4

191. Subject to the MMs identified above the Plan's site allocations are justified, effective, consistent with national policy and in general conformity with the London Plan 2021.

Issue 5 – Whether there would be a deliverable housing land supply in years 1-5 and developable supply in years 6-15?

Housing Requirement

192. As set out under Issue 1, the Plan needs to be modified to ensure a fifteen-year plan period on adoption up to 2035/36. For consistency with the London Plan 2021, the baseline for the Plan has been amended to 2019/20. In terms of the requirement for housing, the London Plan sets an annual target of 2,355 net dwellings per annum (dpa) over the 10-year period 2019/20 to 2028/29. The Plan proposes to extrapolate the 2,355dpa over the remainder of the plan

period to 2035/36. Consistent with the London Plan 2021, this would result in Southwark having one of the highest housing requirements in the capital. This would represent a significant step-change on past delivery rates.

193. The evidence on housing land supply in the 2017 London Strategic Housing Land Availability Assessment (SHLAA) covers the period to 2041 and indicates that there is capacity to sustainably deliver this housing requirement within the spatial strategy identified. Most of the assessed capacity on sites over 0.25 hectares is shown to be capable of delivery in SHLAA phases 2-4 (2019/20 to 2033/34) and correlates to anticipated significant delivery in the OKROA within the phasing parameters of the BLE project.
194. The supply capacity over the plan period indicates a notable headroom above the housing requirement to meet the 2,355dpa. We consider this potential buffer of 9,860 dwellings would be a justified and effective approach consistent with NPPF paragraph 11(a) and (b) in that Plans should be sufficiently flexible and as a minimum (our emphasis) provide for objectively assessed needs for housing. Therefore, it is not necessary for plan soundness to de-allocate sites that would provide for housing, including those developable in years 11-15 of the plan. There needs to be an appropriate degree of certainty, particularly for strategic growth in the opportunity areas including the ongoing need to align major housing to strategic infrastructure investment, not least the proposed BLE as set out in the London Plan.
195. We are also mindful of the significant need for affordable housing in the Borough as a further reason for retaining a robust housing land supply. In determining the housing requirement, Policy SP1 refers to the Council's strategy to deliver 11,000 new Council homes by 2043. This is a separate goal for the Council, which would contribute towards, not be an addition to, the Plan's housing requirement.
196. To date there have been some 1,909 net completions in 2019/20⁹. Accordingly, applying 1 April 2020 as a base date on which to assess remaining housing supply, there has been a moderate shortfall of 446 dwellings. This shortfall should be recovered within the first five years.
197. Against the Housing Delivery Test, Southwark is already an authority required to prepare an Action Plan (which was published in 2019) because recent delivery has fallen below 95% of the housing requirement. Footnote 41 to para 74c) of NPPF refers to delivery below 85% of housing requirement being the definition of significant under delivery. Accordingly, there is a need to apply a 20% buffer to address past under delivery and improve the prospect of achieving the planned supply in accordance with NPPF paragraph 74(c).
198. Notwithstanding the step-change in housing delivery in Southwark required by the London Plan 2021 there is no need for plan soundness to introduce a 'stepped' trajectory, including any phasing linked to the BLE. As set out below, an appreciable number of detailed planning consents are now in the pipeline, including on a significant number of sites allocated in the Plan. Nonetheless, in seeking to recover the shortfall within the first five years and applying a 20% buffer to both the 2,355dpa and the 446 homes shortfall

⁹ Monitoring figure agreed with GLA in document EIP200

would result in a need to deliver 14,655 dwellings between 1 April 2020 and 31 March 2025 (equivalent to 2,933dpa).

Assessment of Supply

199. The London Plan 2021 recognises at paragraph 4.46 that the SHLAA evidence will need to be kept under review, particularly in the opportunity areas. As set out above, under Issue 2, the OKROA has particular infrastructure interdependencies with the planned BLE which has resulted in a phased approach for the delivery of 9,500 homes prior to 2029 and the balance thereafter once the construction contracts have been let. This is reflected in the Council's more detailed and up-to-date assessment of site capacities and phasing contained in the latest SAMR.
200. As set out above under Issue 4, we have recommended a number of MMs to the site allocations, including indicative and minimum site capacities and updating site details. Much of this reflects the up-to-date evidence in the SAMR. The CPC consultation in 2020 enabled comment on these potential MMs prior to and during the hearings and in particular the capacity and phasing of sites. Overall, we are satisfied that the SAMR provides a robust and effective assessment of the deliverability and developability of sites and meets the requirements of the PPG¹⁰.
201. There is a significant pipeline of sites that already have planning permission in Southwark. As is to be expected with strategic sites in an inner London borough there are sites in multiple uses and ownerships which will take time to be comprehensively redeveloped. On a number of these sites, the Council has granted hybrid applications, such that those parts of the site that could come forward more readily have detailed permission within a wider site with outline permission. This approach has been taken at three of the opportunity areas, namely: Canada Water, Elephant & Castle and OKROA. In forecasting future delivery, sites have been profiled based on evidence from developers, the Council's own site intelligence and reasonable assumptions reflecting the nature and scale of the scheme. The density and format of most housing developments in Southwark means that standard assumptions around annual build-out rates do not apply. There will invariably be a considerable degree of 'lumpiness' in the likely completion figures with many schemes being completed as one building or tower rather than as a steady flow of individual units. The evidence in the SAMR appropriately reflects this.
202. Overall, we find that the evidence in the SAMR [EIP82b] and in the latest housing land supply assessment [EIP198] demonstrates that, consented sites and sites where there has been a resolution to grant permission subject to a Section 106 agreement, have a reasonable prospect of delivering 13,518 dwellings in years 1 to 5. They would also make a contribution towards the developable supply of 27,478 homes in years 6 to 15.
203. For those allocations or parts of allocations which do not have planning permission, the SAMR assumes no delivery within years 1-5. Whilst this is a cautious approach, it is reasonable given the extensive pipeline of consented sites, including within the available BLE phase 1 capacity in the OKROA.

¹⁰ Paragraphs 68-004-20190722 - 68-007-20190722 and 68-019-20190722 & 68-020-20190722

Evidence from the sites in the various extant AAPs shows that there is a good track record in Southwark that once sites are allocated, they will come forward. Detailed profiles of delivery are set out in Appendix 2 of the SAMR and provide a sensible profile of when these allocated sites are likely to come forward. We are satisfied that allocated sites in the Plan will come forward to deliver the majority of the developable supply of 27,478 homes in years 6-15. This will include allocated sites within phase 2 of the OKROA (approximately 9,000 homes).

204. The Council is bringing forward a programme to deliver additional Council homes, typically on non-allocated sites and through the optimisation of existing Council owned land and buildings. The delivery programme, where not accounted for in the pipeline of planning consents, would likely yield 1,266 net new homes in years 1-5 and a further 702 dwellings in years 6-15. We are satisfied based on the evidence in the Council's updated housing land assessment [EIP198] that the 1,266 dwelling figure is justified. This also applies to the 702 homes figure accepting that this could increase over time as more sites and opportunities are identified in the delivery programme.
205. Paragraph 71 of the NPPF advises that an allowance can be made for windfall as part of anticipated supply. The evidence set out in section 4 of the Council's land supply assessment [EIP198], shows that unsurprisingly, in an urban area such as Southwark, where allocated sites are typically greater than 0.25ha, there has been a reliable source of housing delivery on small windfall sites. In assessing historic rates, and by excluding garden land, there is a realistic prospect that small-scale windfall sites could yield on average 523dpa. The trajectory assumes this windfall allowance to start in year 4/5 to avoid double-counting with consented supply and to continue thereafter. On this basis, we find the proposed inclusion of a small-sites windfall in the housing trajectory to be sound.
206. In bringing this together, tables 5 and 6 of the Council's housing land assessment [EIP198b] provide a good summary of the housing land supply position as of 1 April 2020. Through a combination of sites with planning permission (including those under construction), resolution to grant planning permission, new Council House delivery and small-scale windfall sites, there would be a deliverable supply of 15,830 homes in years 1-5 against the requirement to deliver 14,665 dwellings. As such we are able to conclude that the Plan would be consistent with paragraphs 68 and 74 of the NPPF, with a deliverable supply in excess of 5 years on adoption.
207. In the medium to long term (years 6-15) there would be a developable supply of some 33,410 homes against the remaining balance of the London Plan requirement (extrapolated over the plan period to 2036). Potentially, there would be a developable capacity in this period of 9,860 homes above the housing requirement. Such an approach would be justified to provide flexibility and ensure housing needs are met. The approach accords with Policy H1 of the London Plan 2021 and paragraphs 11 and 68 of the NPPF.
208. The Plan on submission did not contain a housing trajectory. **MM8, MM9** and **MM10** would rectify this by including a trajectory to accompany submitted policy SP1 and for the detailed individual site profiles to be set out in a new Annex to the Plan. We therefore recommend these MMs so that the plan would

be positively prepared, effective and consistent with the NPPF at paragraph 74. We also recommend additional text alongside Policy SP1 to put the trajectory into its proper context and to enable future decision makers to determine the basis on which a five year supply at the point of plan adoption was calculated (annualised requirement, 20% buffer etc). **MM8** would do this, and we recommend it accordingly.

209. The NPPF at paragraph 69 requires at least 10% of the housing requirement to be met on sites no larger than one hectare. The evidence in the SAMR and the updated housing land assessment shows that the NSP would be consistent with national policy in this regard.

Conclusion on Issue 5

210. Subject to the proposed main modifications identified above, we conclude that the Plan would provide a sound basis for meeting the housing requirement in Southwark and on adoption would ensure a deliverable housing land supply in years 1-5 and a developable supply in years 6-15.

Issue 6 – Whether the Plan is justified, effective, consistent with national policy and in general conformity with the London Plan in relation to health, the environment, design, heritage and tall buildings.

211. Policy SP3 of the plan sets the strategic context for the Council's approach to providing young people in the Borough the best possible start in life and to set the framework to make a positive impact on their life outcomes. The policy requires modification to ensure a clearer linkage to the Council's wider corporate plan objectives around healthy school meals to primary schools and nurseries in the Borough and the positive role that development can play in multi-generational interaction. The global health pandemic has highlighted the importance of access to digital technology for both residents and schoolchildren in the Borough. The long-term effects of access to technology are not yet known, but the shift towards homeworking during the pandemic highlights the importance of access to technology and superfast broadband and the policy requires amendment to reflect this aim. Additional changes are also required to the reasoned justification to the policy to provide additional justification for the policy approach. All of these matters are addressed in **MM12** in order for the Plan to be effective.

Health Policies

212. NPPF paragraph 92(c) encourages planning policies which enable and support healthy lifestyles, particularly in locations such as Southwark where there are identified health and well-being issues. Policy P44 seeks to maximise the potential for healthy lifestyle choices, however as submitted it contains elements of duplication around providing new facilities and activities for healthy lifestyles. **MM59** would address this and make clear that development should support opportunities for healthy activities rather than directly deliver them and that there will be policy support to approve developments that provide new health, sport, community and leisure facilities.

213. Exceptionally, there will be instances where development replaces community facilities. In accordance with NPPF paragraph 99, it would not be justified for the policy to include sports facilities and this should be removed.

Additionally, the policy test that facilities are shown to be surplus to requirements would not be effective in protecting valuable community assets and should be amended to test that there are more facilities than there is demand. Again, **MM59** would make these necessary changes for plan effective and for consistency with national policy.

214. Additionally, Policy P44 as submitted, does not fully reflect the importance of encouraging walking and cycling as part of healthy lifestyles, critical in a location such as Southwark where modal shift is required to address climate change and local air quality. **MM59** would introduce a requirement for development to be easily accessible from the walking and cycling network and we recommend this for plan effectiveness.
215. Policy P47 deals with hot food takeaways. As submitted Policy P44 provides a general requirement for developments to encourage healthy eating choices by limiting the convenience of unhealthy food. At a practical level this would be difficult to implement and so we recommend its removal as part of **MM59** so that the policy would be justified and effective.
216. Retaining existing, and facilitating new, leisure, arts and cultural facilities is important in ensuring social well-being for the diverse communities in the Borough and the economic sustainability of Southwark, including the vibrancy of the town centres and the CAZ. Similar to Policy P44 above, as submitted Policy P45 lacks necessary clarity on provisions to retain or re-provide existing leisure, arts or cultural uses and so we recommend **MM60** which clarifies that any re-provision should be of better or similar quantity and quality and that facilities should only be replaced in exceptional circumstances after an appropriate marketing exercise for 2 years. Given the significance of some facilities to particular communities and groups representing those with protected characteristics, we recommend the additional requirement in **MM60** requiring an Equalities Impact Assessment where necessary. In terms of proposals for new arts and cultural venues of strategic importance, the policy as submitted would not provide sufficient spatial direction. **MM60** would address this by identifying cultural quarters within the CAZ, the OKROA and CWOA and the Peckham and Camberwell Creative Enterprise Zone. This approach would be justified, in general conformity with the London Plan and effective and so we recommend it accordingly.
217. In order to be effective and provide clearer protection when considering proposals for replacement of community facilities the submitted Policy P46 needs to be modified to clarify the onus is on applicants to demonstrate that the existing use is surplus to requirements and that an appropriate marketing exercise over 2 years has been undertaken. Additionally, there will be circumstances where community facilities are predominantly used by persons with protected characteristics and so it would be justified to amend the policy to require an Equalities Impact Assessment in these cases. Given the significant size of some redevelopment sites, some of which cover many hectares, have multiple site frontages and/or will involve buildings at height, it would be necessary in the policy to require that new community facilities are located so that they are accessible for all members of the community. The policy and accompanying 'Fact Box' require modifying to reflect the new UCO and ensure plan effectiveness. **MM61** would make all of these changes and we recommend it accordingly.

218. Promoting healthy communities is one of the core objectives of the planning system, including enabling and supporting healthy lifestyles as set out at paragraph 92 of the NPPF. The PPG at paragraph 53-004-20190722 advises that LPAs have a role to play in enabling healthier food consumption choices, including, amongst other things, planning policies to limit the proliferation of particular uses. In this context, the principle of restricting hot food takeaways in the capital, including in relation to proximity to schools, is already established in London Plan Policy E9.
219. Submitted Policy P47 is justified by the detailed and Borough specific evidence from Southwark Public Health in support of the policy, produced in 2018 [SP501]. The evidence clearly illustrates significant levels of overweight and obese children in Southwark compared to both London and national averages as well as evidence that these are also a serious health challenge in the adult population of the Borough. Whilst the causes of weight-related health issues are complex, managing the clustering of fast food outlets, and controlling their numbers close to schools are recognised ways in which the planning system can contribute. Whilst there is a 'one Borough' approach to tackling childhood obesity, including promoting healthy lifestyles, preventing the proliferation of takeaways, including near schools, through planning policy is critical to the wider strategy.
220. As submitted, Policy P47 seeks to exclude new hot food takeaways within 400 metres of any secondary school boundary. For general conformity with the London Plan this should be amended to also apply to primary school boundaries. It is evident from proposed modified Figure 7 (and consequential changes to the Policies Map) that large parts of the Borough would be affected but it would not restrict existing premises or entirely preclude new hot food takeaways establishing in the Borough. Given the serious health issues arising from the obesogenic environment in Southwark proposed modification **MM62** would be a proportionate response. We have also considered whether the policy should apply the 400m buffer from the school boundary or the principal entrance/exit. Given the constrained nature of many school sites, there would be no material difference (as evidenced in Figure 3 in EIP209). The submitted policy also needs to be amended to provide additional content on amenity considerations in relation to the positioning and operation of extraction systems.
221. Accordingly, we recommend **MM62** to modify Policy P47 and Figure 7 to ensure the plan would be effective and in general conformity with the London Plan 2021.

Environment Policies

222. Southwark includes a number of areas of open water space at Rotherhithe which are part of the dockland heritage. Policy P57 does not provide sufficient clarity on the types of development that could affect the character of the openness of these open water spaces, or that which might adversely impact safety or navigation. In addition, the policy reasoning does not reflect the Council's evidence gathering in relation to assessing further houseboat needs which is necessary to provide further justification for the overall approach to

houseboats in the Plan. As such, **MM70** is necessary to make these changes in order for the policy to be justified and effective.

223. Policy P58 deals with green infrastructure, and refers to, amongst other things, requirements relating to 'Large major' development. However, the Plan did not quantify what is to be considered 'large major' development. This has been clarified to comprise of development of a scale referable to the Mayor of London, the thresholds of which are set out within the London Plan 2021. This would be a reasonable approach and the policy requires amendment on this basis for effectiveness. In addition, the submitted policy reasoning did not reflect the role that green infrastructure plays in mitigating and adapting to climate change. We therefore recommend **MM71** to address these matters which are necessary for effectiveness and consistency with the London Plan.
224. Policy P59 deals with the approach to biodiversity requiring development to contribute to net gains in biodiversity through enhancing the conservation value of sites identified in the Southwark Biodiversity Action Plan. Since the Plan was submitted the Council has adopted the Southwark Nature Action Plan (2020) [EIP183] which sets out the Council's vision for the protection, conservation and enhancement of nature in the Borough and supersedes the previous Biodiversity Action Plan. Furthermore, the submitted policy does not reflect the need to secure any shortfall in net gains in biodiversity offsite which would need to be secured through planning obligations or via financial contributions. As such, to address these points **MM72** is required in order for the policy to be justified having regard to the Council's latest evidence and for effectiveness.
225. Policy P60 does not address the importance of trees in relation to mitigating climate change, nor did it seek to ensure that tree planting secured as part of development proposals took place as close as possible to the development scheme. For effectiveness, policy is required to be modified by **MM73** to reflect role of trees in carbon storage and ensure that tree planting takes place as close as possible to the application site, informed by the Council's Tree Strategy. The NPPF (paragraph 131) seeks to ensure that new streets are tree lined. We consider part 1 of the policy to broadly reflect this in its permissive approach to tree planting in the right place as part of new developments. Overall, it would be a matter for plan review as to whether further specificity is required to guide tree lined new streets in the Borough.
226. Policy P61 sets out how development must reduce waste by ensuring waste from construction follows the waste hierarchy and that schemes provide adequate waste storage and recycling facilities. As submitted the policy does not sufficiently reflect the principles of the circular economy to conserve resources and increase efficiency, design to eliminate waste and to manage waste sustainably in the terms supported by London Plan 2021 Policy SI7. The reduction of waste is an important part of the wider approach to tackling climate change, and the policy requires amendment to reflect the need for development to address circular economy principles and for major development to submit a circular economy statement. **MM74** addresses these issues for effectiveness and for general conformity with the London Plan 2021.
227. Nearly all of the Borough is covered by an Air Quality Management Area and so it would be necessary that the Plan requires development to meet or

exceed air quality neutral standards and provide guidance on how this can be done through design solutions. Various MMs are required to submitted Policy P64 to ensure consistency with the published London Plan. These include removing the requirement for ultra-low NOx boilers where development is not connected to a decentralised energy network or appropriate abatement technologies. **MM75** would do this and we recommend it accordingly. Additionally, the policy needs to be clarified and made more effective in relation to those circumstances where air quality neutral standards cannot be met rather than the potentially undeliverable sequential approach as submitted. **MM75** would simplify and clarify that any shortfall in standards must be secured off-site through a planning obligation or financial contribution. We recommend this for plan effectiveness.

228. Policy P65 seeks to address noise pollution. The submitted policy requires development to enhance positive aspects of the acoustic environment identified through a public soundscape assessment. However, it is unclear as to whether such an assessment is an appropriate requirement for all development and the matters that it needs to address. As such, this requirement is not effective. Furthermore, the policy does not reflect how noise from construction would be considered and where necessary, mitigated. This is particularly important in light of the harm that such noise can have on the living conditions of adjoining neighbours. As such, **MM76** is required to address these points in order for the policy to be effective.
229. London is identified as an area of water stress in terms of supply and London Plan 2021 Policy SI 5 seeks to minimise the use of mains water as well as setting out the expectations for Borough Plan policies for minimising water use. Submitted Policy P66 did not specify the need for major development to assess the need for water utility upgrades which is necessary to ensure that development does not adversely affect water infrastructure. In addition, the policy also insufficiently reflected that reducing water usage is crucial in order to help adaptation to climate change. As such, **MM77** is required in order to ensure that the policy reflects the London Plan and is effective.
230. Policy P67 sets out the approach to flood risk and requires development in areas at risk of flooding to be subject to a site specific Flood Risk Assessment (FRA). However, the Council has clarified that the requirement for an FRA is set out in its validation checklist. Furthermore, the submitted wording of the policy does not reflect the fact that sites over 1ha, even if they were not in areas at risk of flooding, would nonetheless require an FRA and as such, the policy is not sound. The SFRA [EIP15A-D] sets out the Council's evidence in relation to flood risk and document EIP15C sets out recommendations which includes that development for less vulnerable uses must have finished floor levels 300mm above the year 2100 maximum water line. Having regard to the Council's SFRA, and the need to ensure development will be safe, the policy requires amendment to reflect this. Reducing flood risk is also essential for adapting to the potential effects of climate change and this requires reference in the reasoned justification for effectiveness. Accordingly, we recommend **MM78** which makes these changes which are necessary for effectiveness and to be consistent with the London Plan 2021 and national policy.
231. Policy P68 requires new development to meet a series of sustainability standards. Policy SI4 of the London Plan deals with the need for development

to minimise heat risk including the urban heat island effect. The recently published version of Policy SI4 includes an updated cooling hierarchy and Policy P68 would need to reflect this latest position. As such, **MM79** is necessary for effectiveness.

232. Policy P69 requires development to comply with an energy hierarchy. The submitted policy does not reflect published London Plan Policy SI2 which requires major development to be net zero carbon. Furthermore, the policy does not include reference to the London Plan's requirements for major development to reduce operational greenhouse gas emissions through adherence to the energy hierarchy or for referable development to calculate whole-life cycle carbon emissions through an assessment. We therefore recommend **MM80** for effectiveness and for conformity with the London Plan 2021.

Design Policies

233. Policy P12 addresses the wider design of places across the Borough including the principles of good urban design as well as the role that design can play in enhancing the public realm. The policy sets out a number of criteria that development must have regard to but does not reflect the need for the design of places to consider the significance of the local historic environment. As such, **MM37** is necessary for effectiveness and to accord with national policy. Policy P13 addresses individual building design quality, and the policy also requires modification in **MM38** to reflect the need for building design to adapt to the impacts of climate change.

234. Policy P14 deals specifically with residential design in the Borough. The policy requires greater clarity on a number of points including clarification that children's play space should be at ground level or on low level podium and that the design of outdoor space needs to ensure equal access by residents from all housing tenures. More specifically, the OKR area has an identified deficiency of open space, the scale of which would not be remedied if the baseline Borough wide open space standard was applied on the remaining growth planned for the area. Given the strategic opportunities presented by the scale of growth we find this deficiency would undermine the strategy to secure sustainable development in the OKROA. Therefore, an additional 5 sqm of open space per dwelling would be justified as part of Policy P14 (to capture windfall sites) as well as being reflected in relevant site allocations.

235. For similar reasons, site NSP01A in Aylesbury is required to deliver the previous higher open space standards from the AAP reflecting the quantum of open space secured on this scheme. Whilst London Plan 2021 Policy D6 sets default standards, it states that Boroughs can set higher local standards in development plan documents. We find the Council's evidence [in SP601, SP602, SP602A and EIP148] justifies the Plan's approach.

236. The submitted policy does not include sufficient clear guidance on the amenity space standards sought and as a result, the policy 'FactBox' requires amendment to set out the standards for particular housing types. All of these matters are addressed through **MM39**.

237. Additionally, through **MM39** it is also necessary to clarify in Policy P14 that Whole Life-cycle Carbon Assessments will need to be completed for Major

Referrable schemes for internal consistency within the Plan and effectiveness and for general conformity with the London Plan.

238. Policy P17 addresses the need for the efficient use of the land in the borough. The submitted policy sought to maximise the efficient use of land, but this approach could have resulted in an inappropriately scaled or dense proposal. Furthermore, in considering meanwhile uses, these could include a wide scope of uses including for the night-time economy which could impact existing residents. Therefore, in order to be effective, Policy P17 is to be modified by **MM41** to address these matters. Following consultation on the MMs, we have refined the detailed wording of Part 1 of MM41 for comprehension.
239. Policy P42 on outdoor advertisements requires advertisements to encourage healthy behaviours. The control of advertisements through planning is, however, limited to matters of amenity and public safety. As such, the requirement to encourage healthy behaviours is not sound. As such, **MM58** is necessary in order to be justified and consistent with national policy.

Heritage Policies

240. Southwark has a rich and varied range of heritage assets. The Plan seeks to accommodate substantial levels of growth, including through site optimisation involving taller buildings. The IIA identifies an important sustainability objective to "conserve and enhance the historic environment and cultural assets". The preparation of the IIA has engaged with Historic England and all policies and site allocations in the Plan have been assessed against this sustainability objective.
241. The overarching approach is set out in Policy SP2 on regeneration which appropriately emphasises the need to enhance local distinctiveness and for "heritage-led" regeneration. We see no inherent tension between the site-specific proposals and the areas identified for tall buildings and the need to conserve and enhance the historic environment or cultural assets of the Borough¹¹. Individual site allocation policies and inset plans contain sufficient detail on immediate heritage assets, including archaeology priority areas, non-designated heritage assets and important views to inform appropriate decision making.
242. In terms of the Plan's heritage policies, MMs are necessary to submitted Policy P18 on Listed Buildings to ensure it properly reflects the tests around 'conserving and enhancing' and to specifically reference their 'settings' which form part of their significance. **MM42** would do this, and we recommend it for consistency with national policy. Following consultation on the proposed MMs, we have amended the wording to distinguish that proposals may conserve 'or' enhance the significance of the heritage asset and their setting.
243. Policy P19 on Conservation Areas needs to reference the attributes of 'character' or 'appearance' that are required to be preserved or enhanced. The policy would also benefit from amalgamating the first two sub-criteria of the policy to avoid potential duplication and aid effectiveness. Additionally, the Conservation Area policy should be explicit that any harm (substantial or less

¹¹ Having regard to Sections 5.4-5.7 and 6.2 in the Tall Buildings Background Paper [EIP54]).

than substantial) must be justified, consistent with national policy which confirms that heritage assets are an irreplaceable resource. **MM43** would make the necessary changes and we recommend it accordingly. We have further amended the wording of **MM43** to replace the word 'conserve' with 'preserve' and to differentiate the requirements to preserve character or enhance appearance as distinct elements of assessment.

244. Submitted Policy P20 sets out the broad approach to be taken when considering development proposals in relation to the conservation of the historic environment and natural heritage. **MM44** would make clear that the policy would apply to both designated and non-designated heritage assets and we recommend it for consistency with the NPPF. On submission the plan contained a very succinct policy on the Local List. We are aware that further detail is to be provided in the emerging Heritage SPD [EIP55, Section 7.2] and the Council is working on updating the local list. The Heritage SPD is clear that more needs to be done to identify the contribution made by Victorian and Twentieth Century public, commercial and industrial buildings. The Plan, however, is not the mechanism to update the Local List but we consider it necessary for effectiveness that the policy should be expanded to identify the criteria against which a building or structure would be considered for local listing. We therefore recommend **MM46** accordingly.

Tall Buildings

245. The spatial strategy directs the significant majority of the growth required to meet identified needs for new homes and jobs to the four opportunity areas (OAs) in the Borough as identified in the London Plan 2021. To sustainably accommodate growth, the Plan will require the optimisation of finite land resources. Consequently, taller buildings will have to form part of the appropriate strategy to achieve this.

246. In various parts of the Borough, including the Elephant & Castle and London Bridge/Bankside OAs there is already an agglomeration of tall buildings¹², reflecting the evolving urban morphology of the CAZ and its hinterland. Elsewhere, taller buildings are beginning to demarcate the growth and optimisation planned for the Canada Water OA. These are areas, as evidenced in the Tall Buildings Background Paper [EIP54], that provide an appropriate setting to consider, in principle, through a design-led approach, the scope for further tall buildings in sustainable locations.

247. The area where tall buildings will have the greatest effect over the plan period will be the OKROA. Whilst there are existing sporadic taller buildings in this part of the Borough, it is evident through recently approved planning permissions and the indicative capacities of remaining allocated sites that the outcome of this Plan (together with the forthcoming detail in the OKRAAP) would be a notable new cluster of tall buildings in south-east London.

248. In broad terms, we find this to be a justified and effective approach, enabling a significant number of people to live and work in a sustainable location through the optimisation of previously developed sites, some of which represent a significant under-use of land resources in an inner London location. We find the principle of optimising the density of development in the

¹² Figure 4, page 10 of EIP54 Tall Buildings Background Paper (2020)

OKROA, including taller buildings, to have been clearly set out in the baseline evidence presented in the OKR Characterisation Study [EIP44] and OKR Place Making Study [EIP45].

249. We have observed the proximity and inter-relationship between the proposed Plan allocations and the Glengall Road, Pages Walk and Cobourg Road Conservation Areas and numerous listed buildings and non-designated heritage assets in the OKR area. The Plan, in combination with the London Plan, contains an appropriate policy framework to assess the impact of taller buildings on the Plan's allocations within the setting of these heritage assets. In addition, the forthcoming OKRAAP would also provide a suitable means for more fully reflecting, where appropriate, the design principles and detail from the various individual site masterplans and feasibility studies which the Council has commissioned. The submitted Plan provides sufficient guidance on tall buildings in the OKROA, including for those sites where a design response is required to avoid a harmful interruption of either LVMF strategic views or local Borough Views as identified in the Plan.
250. The London Plan at Policy D9 makes clear that defining tall buildings is a matter for individual Boroughs but states that in a London-wide context they should not be less than 6 storeys or 18 metres. Until the Secretary of State's Directions on the London Plan (March 2020) the default position was a tall building being over 30 metres, with a lower threshold of 25 metres in the Thames Policy Area. This latter approach is presented in the Plan as set out in context for Policy P16 on tall buildings. The London Plan 2021 at Policy D4 (Delivering Good Design) refers to tall buildings as being more than 30 metres where there is no local definition.
251. Whilst there are alternative approaches to setting out very specific building height levels by site or location within a Borough or defining a tall building on the basis of a ratio to existing average building heights, we nonetheless find the Plan definition of tall buildings to be justified. The Tall Buildings Background Paper [EIP54] demonstrates that buildings over 30 metres (and over 25 metres in the Thames Policy Area) are appropriately to be regarded as 'tall buildings' in a Southwark context. The overall approach to defining tall buildings is in general conformity with London Plan Policy D9. Policy D9 of the London Plan also requires locations and appropriate tall building heights to be identified on maps in Development Plans. The submitted Plan seeks to focus tall buildings to the major town centres, the CAZ, OA cores and Action Area Cores. It also recognises that there are individual opportunities (sites) for tall buildings in Peckham and Camberwell town centres. The evidence for this is set out in the Tall Buildings background Paper [EIP54] and on this basis we find the identification of suitable locations to be justified. The policy on tall buildings requires modification to ensure effectiveness and general conformity with the London Plan. This includes making clear that areas where tall buildings are to be expected will be shown on the Policies Map. It is also necessary to modify the policy to fully reflect the approach in national policy on conserving and enhancing heritage assets and the need to provide clear and convincing justification where harm would arise. The reasoned justification to the policy also requires extensive additional text to reflect the Plan's evidence on tall buildings in order to assist the successful implementation of the policy. **MM40** would deal with all of these matters.

Borough Views

252. In addition to identifying strategic views from the London Plan's LVMF the NSP also identifies a small number of locally important Borough views as set out in Annex 1 of the Plan. Whilst the policy applies to development proposals within the Borough the focal point in various views is St Paul's Cathedral. The Plan clearly sets out the assessment points and the landmark viewing corridors and any wider setting consultation areas to these corridors. The approach taken is consistent with the Mayor's LVMF methodology and the City of London's existing St Paul's Heights planning policy designation.
253. The principle of including the proposed Borough Views is justified in the terms required by Policy HC3 of the London Plan. There will be design implications for a small number of allocated sites and more generally within parts of the CAZ, including but not limited to, Bankside and The Borough and Blackfriars Road. We are satisfied, however, that the small number of identified Borough Views (in combination with the LVMF) would not result in sites suitable for development becoming undeliverable. As submitted, Policy P21 requires development to positively enhance Borough Views. That would not be an effective approach and could inhibit otherwise sustainable development coming forward. Therefore, we recommend the test in the policy be amended to 'preserve and where possible enhance' in the terms set out in **MM45**. Following the MMs consultation, we have amended part 1 of the policy to replace 'must' with 'should' in **MM45** so that the policy would be positively prepared and align to similar wording in London Plan 2021 Policy HC4 for the higher order strategic views.
254. We have considered whether the detailed parameters of the proposed Borough views would introduce a higher bar on preserving views to St Paul's Cathedral compared to the LVMF. Overall, we find the approach in the Plan to be justified and aligned to the LVMF but it will require further clarification in order to be effective as to the point at which the 45 metres threshold plane is to be measured on St Paul's Cathedral. **MM45** would introduce the necessary change and detail together with clarifications on how the London Panorama and Linear Views are to be assessed in the 'Fact Box' accompanying Policy P21. Consequently, we recommend **MM45** on this basis.
255. In respect of the proposed Borough views from One Tree Hill and Nunhead Cemetery in the south-east of the Borough, these are both publicly accessible vantage points on elevated topography affording clear views across the Thames floodplain to central London. Notable historic buildings which identify and pinpoint the established core of the capital are discernible in both vistas, especially St Paul's Cathedral. In terms of the access and ability to appreciate the view, both of these viewpoints are readily accessible by foot and have benches positioned specifically to take in the view. We recognise the view from Nunhead Cemetery is less panoramic than the view from One Tree Hill, relying to some extent on tree canopy management. This is appropriately reflected in the distinction made in submitted Policy P21 which is justified in defining the Nunhead Cemetery as a 'linear view'.
256. Views north from the Millennium Bridge to St Paul's Cathedral are already in the LVMF and the Plan proposes to include the viewpoint from approximately the middle of the Millennium Bridge south to the Tate Modern Gallery as a

Borough View. Whilst it is not a listed building, the Tate Modern is an iconic building and sensitively managing the scale, massing and height of new development within the context of this landmark building through the proposed Borough View is justified. As a bridge, across which there is constant pedestrian movement, it should be accepted that the identified viewpoint in Annex 1 of the Plan is not a purposeful stopping point, however, the vista which the Council is seeking to carefully manage through the Borough View predominates as one moves from north to south at and around the mid-point of the Millennium Bridge. In relation to the viewpoint, the precise wording of Policy P21 requires modification to clarify that the objective is to maintain the ability of the viewer to recognise and appreciate the landmark status of the Tate Modern building rather than its 'silhouette and skyline'. **MM45** would do this, and we recommend it accordingly.

257. We are satisfied that the Council has taken a proportionate and logical approach to identifying those panoramas, linear views and townscape views that need to be promoted and protected for genuinely meeting the threshold of a Borough View, consistent with the framework for view typologies set out at Policy HC3 of the London Plan. The proposed Borough Views in the Plan strike the right balance between protecting those significant, easily accessible views where the inter-relationship between Southwark and key focal points in the core of London can be readily experienced whilst simultaneously avoiding inhibiting the planned sustainable growth required, including optimising suitable sites through taller buildings.

258. It would not be necessary for plan soundness to increase the number of Borough Views, particularly where those viewpoints are only accessible to patrons of commercial enterprises and are not in the wider public domain. The clear expectation in the London Plan 2021 is that local views identified in Borough Plans should be accessible to the public as per the LVMF¹³.

259. Overall, we are satisfied that the submitted Borough Views, subject to the proposed MMs identified above are soundly based and consistent with Policies HC3 and HC4 of the London Plan 2021.

Conclusion on Issue 6

260. Subject to the proposed main modifications identified above, we conclude that the Plan would be justified, effective, consistent with national policy and in general conformity with the London Plan 2021 in relation to health, the environment, design, heritage and tall buildings.

Issue 7 – Whether the Plan is justified, effective, consistent with national policy and in general conformity with the London Plan in relation to infrastructure and implementation.

Infrastructure

261. Policy IP1 sets out the Council's approach to working with partners to support the delivery of infrastructure in Southwark. The policy requires amendment in

¹³ London Plan Policy HC4 (E) and paragraphs 7.3.5 & 7.3.6

order to more fully reflect the range of infrastructure providers that the Council will seek to work with as part of its wider role as a key public-sector delivery body. The policy reasoning also requires amendment to reflect the need to address climate change adaptation and mitigation. **MM81** addresses these matters for effectiveness.

262. Policy IP3 of the plan addresses the approach to the Community Infrastructure Levy (CIL) and planning obligations in the Borough. The submitted policy sets out where legal agreements under s106 of the Town and Country Planning Act 1990 would be sought along with the use of funding from CIL. However, the submitted policy did not provide sufficient clarity as to the circumstances where viability assessments would be sought from proposed development, or the approach that the Council would take where it could be demonstrated that schemes could not viably afford all of the policy requirements in the Plan. The policy also requires clarification on the priorities that the Council would seek for the available level of developer contributions in this scenario along with corresponding amendments to the policy reasoning. Therefore, **MM83** is recommended to make these changes for effectiveness and to be consistent with national policy.

Transport

263. Promoting sustainable transport is one of the key objectives of the planning system as set out in the NPPF. In a Southwark context the potential impacts of development on transport networks will have multiple consequences, including public health (in relation to air quality and highway safety) and carbon emissions (climate change). The PPG provides details of individual authority carbon emissions and transport remains one of the key sources in Southwark.
264. Overall, we are satisfied that the Plan, particularly through managing patterns of growth, promoting and supporting alternatives to the private car, the parking standards for both cars and bicycles (including car-free developments in Old Kent Road and other locations where there are high PTAL ratings) and support for projects and infrastructure to promote walking, cycling and public transport use would accord with the 2019 Movement Plan for the Borough. It would also be in conformity with the London Plan including Part A of Policy T1 on the 'Strategic Approach to Transport' which states: "Development plans should support the delivery of the Mayor's strategic target of 80 per cent of all trips in London to be made by foot, cycle or public transport by 2041." (our emphasis). In this regard it is also important to consider that the NSP would not operate in isolation and the transport policies of the London Plan would also apply to development proposals in Southwark.
265. It is also worth noting that the NSP on its own will not resolve the need to significantly reduce transport related emissions and stimulate modal shift. Other initiatives such as the extension to the Mayor's Ultra Low Emission Zone, which will apply to most of the Borough, and the trial and roll-out of local traffic neighbourhoods will work in tandem with the Plan to reduce congestion and emissions and improve air quality and public health. We are also satisfied that there is a sufficiently strong synergy between the policies and proposals in the NSP and the Council's Movement Plan 2019 to ensure that the London-wide and local objectives for modal shift will be delivered.

The proposed monitoring framework (**MM84**) will provide for measuring the effectiveness on transport policies in the NSP and whether further intervention/mitigation would be necessary as part of the plan review process.

266. One of the principal ways in which the NSP will promote sustainable transport and address air quality and climate change would be its spatial strategy for managing patterns of growth, consistent with paragraph 11(a) of the NPPF. This includes focusing growth in the OAs, in particular the OKROA, where the scale of growth would support an appropriate mix of uses to minimise the number and length of journeys. The spatial strategy of the submitted Plan echoes the principles of '15 minute neighbourhoods' where proximity, diversity and density combine to reduce car use and encourage active and healthy travel. The majority of Southwark's growth would occur in the north of the Borough, including the CAZ (where high PTAL ratings and the Ultra Low Emission Zone apply). Major growth will also take place along the route of the proposed BLE extension and in areas either served by the Mayor's cycle hire network or in proximity to it for any future extensions. As identified in Policy IP2, a number of strategic infrastructure schemes involving public transport align with the OAs in the Borough identified for strategic growth.
267. Policy P49 provides the development management policy for considering highways impacts. In respect of delivery and servicing the policy refers to 'large' development sites which is an ambiguous planning term. Its replacement with the word 'major' in **MM63** would provide clarity and we recommend it for effectiveness. The overall objective of Policy P49 is to minimise the demand for private car journeys and ensure that potential impacts of development on the road network are appropriately managed. This would be a justified and effective approach, consistent with national policy and in conformity with the London Plan 2021. Minimising private car journeys will have a proportionate impact on reducing carbon emissions and **MM63** would make this clear.
268. There are numerous walking and cycling networks across the Borough. The area vision maps and site allocation inset maps show existing networks. It would not be necessary for plan soundness to replicate the detail of all existing and planned improvements to networks. The combination of non-strategic policies on walking and cycling together with guidance in the individual site allocation policies provide sufficient policy frameworks to ensure development contributes to and does not impede the provision of high quality walking and cycling networks across the Borough. The Plan is justified in setting out specific policy content to support the delivery of the 'Low Line' routes as walking routes parallel to railway arches from Bermondsey and Camberwell into Bankside and along the Peckham 'Coal Line' as shown on the Policies Map. Submitted Policy P51 on the Low Line routes would need to be modified to clarify that the routes should utilise one or both side of the arches and could create new linkages through the arches to aid permeability. **MM64** would make the clarification and we recommend it for plan effectiveness.
269. The detail of cycle and car parking standards in Policies P52 and P53 will need to be updated by reference to the changes to the UCO as set out in **MM65** and **MM66** respectively. As submitted, Policy P52 allows for reduced provision in cycle parking where it was shown not to be feasible. This approach would not be consistent with London Plan 2021 Policy T1 and is generally at odds with

the efforts now required to facilitate modal shift. As such we recommend **MM65** to remove the relevant text in criterion 2.

270. A number of clarifications are required to Policy P53 on car parking for both effectiveness and general conformity with the London Plan 2021. This includes clarifying that the policy applies to all development not just residential and making clear that development must adhere to the relevant parking standards rather than infer that development must provide car parking. In relation to proposals where a development is located within 850 metres of a car club, the policy will require precision that the membership is provided to the primary occupier of the development and contributions to new car club bays are to be sought on schemes that create 80 residential units or more. Finally, additional policy content is required, in the interests of promoting sustainable transport, to ensure that where off-street parking is proposed the number of spaces genuinely reflects likely demand as well as the quality and accessibility of public transport and access to local amenities, in order to ensure there would be no over-provision (even within the restrictive standards proposed). **MM67** would address all of these matters.
271. In terms of transport infrastructure investment over the plan period Policy IP2 identifies a number of specific projects and initiatives. Chief amongst these are: the BLE, as identified in the London Plan; a new rail station at Camberwell; improvements to Elephant and Castle underground station; and a walking and cycling bridge from Rotherhithe to Canary Wharf. Area Visions and site allocations elsewhere in the Plan would support and facilitate their delivery including the various MMs recommended elsewhere in light of the recent safeguarding direction for the BLE. **MM82** would clarify in Policy IP2 that as part of the BLE, development must support the implementation of the proposed new stations on Old Kent Road. This MM would also provide an update to the reasoned justification to the policy regarding the recent BLE safeguarding Direction. Additionally, **MM82** would add the project to improve Peckham Rye Station which is a priority for TfL and should be included in Policy IP2 so that the Plan would be effective.
272. The NSP must be seen alongside separate plans and programmes for the walking and cycling networks in the Borough. At a micro-level, the site allocation policies within the NSP identify broad opportunities for improving pedestrian and cycle permeability through and around various sites. At the strategic level, however, we consider that Policy IP2 would not be justified in terms of its narrow reference to Healthy Streets applying just to Old Kent Road and a singular reference to the cycle route network.
273. In order to remedy this, **MM82** is necessary to commit the Council to working with TfL, the Mayor and neighbouring Boroughs to secure investment in transport infrastructure that prioritises active travel (walking and cycling). Additionally, Healthy High Streets should be seen as a wider strategic transport initiative in the Borough and not just confined to Old Kent Road, although this is the prime environment that could benefit from redressing the current car dominance and improving public realm for all highway users. In terms of modal shift, the Mayor's cycle hire scheme (in terms of docking stations) currently operates within the CAZ parts of the Borough, with recent extensions into Bermondsey. Extending the cycle hire scheme within the

Borough would be a justified addition to the list of strategic transport priorities in the Policy and we recommend it as part of **MM82**.

Viability and Monitoring

274. In line with NPPF paragraphs 31 and 57 and PPG paragraph 10-002-20190509, the Plan is supported by plan-wide viability assessments which, collectively demonstrate that the cumulative cost of plan policies would not undermine the broad deliverability of the plan. The principal viability work is contained in the 2017 Viability Update Study [EIP Document 17], which was updated in 2019 [Documents SP109 and SP423]. Additional viability work was carried out in relation to specific policy requirements for affordable housing on small sites [SP108] and for affordable workspace [EIP231].
275. The construction costs used appear reasonable as do the additional allowances for demolition, contingency and professional fees. Sales values and rates of sale are also reasonable, as are the site typologies that have been tested as representative sites likely to come forward to deliver the Plan. A key value to plug into viability assessment is the benchmark value at which sites would be released to the market. The general approach in the viability work to apply current use values rather than historic prices at which sites have transacted is endorsed. The evidence before us reasonably reflects the various CIL zones across the Borough in terms of generally high and low value areas. We are also satisfied that the majority of policy requirements have been accounted for and realistically costed (set out in EIP219) including £2,000 per property, and £30 per sqm for commercial, allowance for planning obligation costs. The viability assessment also factors in both the Mayoral and Southwark CILs.
276. We recognise that there are some challenging site typologies, including some smaller sites and sites within the lower value zones. Whilst the viability assessment work reflects this, the Plan also contains appropriate flexibility to respond to any change in circumstances, including the use of viability appraisal to justify any alternative affordable housing contribution. Additionally, we have recommended MMs elsewhere, including **MM83** to Policy IP3 which clarify the Council's priorities where viability may prove to be an issue. Overall, we find the viability work to be reasonable in their conclusion that the cumulative impact of the Plan's policies will not put the delivery of development in Southwark at serious risk.
277. The submitted plan does not contain a detailed monitoring framework setting out the indicators against which the performance of the Plan's policies and proposals could be measured, including potential contingencies were monitoring to reveal implementation issues. The Council remedied this through a proposed monitoring framework [EIP178/178a], which reflects the IIA indicators. The contents of the proposed monitoring framework have been subsequently enhanced and expanded to reflect the rescinding of the three AAPs and ensure that relevant indicators for these locations would continue to be assessed. The reality will be that monitoring indicators will evolve and adjust and plan review would provide the appropriate opportunity to do this. Overall, we find that the proposed monitoring framework would provide for a satisfactory and practicable basis for annually monitoring the effectiveness of the Plan. Accordingly, we recommend **MM84** which would embed the monitoring framework as an annex to the Plan and is needed for effectiveness.

The proposed modification would also clarify that applicants would be required to provide data in an electronic format to support monitoring, and to reflect Southwark's status as an innovative digital planning authority.

278. There are various technical terms in the plan which require explanation in an expanded glossary so that the plan is intelligible and can be implemented effectively. **MM85** would update the glossary accordingly and we recommend it for effectiveness.

Conclusion on Issue 7

279. Subject to the proposed main modifications identified above, we conclude that the Plan would be justified, effective, consistent with national policy and in general conformity with the London Plan 2021 in relation to infrastructure and implementation.

Overall Conclusion and Recommendation

280. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that we recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

281. The Council has requested that we recommend MMs to make the Plan sound and capable of adoption. We conclude that the Duty to Cooperate has been met and that with the recommended main modifications set out in the Appendix, the New Southwark Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

Philip Mileham and David Spencer

Inspectors.

This report is accompanied by an Appendix containing the Main Modifications, to which there is a further Annex setting out the appendices to the Main Modifications (Key Diagrams, Monitoring Framework etc).

APPENDIX C



The Planning Inspectorate

Report to the London Borough of Islington

by Jonathan Manning BSc (Hons) MA MRTPI

& C Masters MA (Hons) FRTPI

Inspectors appointed by the Secretary of State

Date: 5 July 2023

Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

Report on the Examination of the London Borough of Islington Local Plan, comprising of the Strategic and Development Management Policies, Site Allocations and Bunhill and Clerkenwell Area Action Plan Development Plan Documents

The Plan was submitted for examination on 12 February 2020

The examination hearings were held between 13 September and 1 October 2021

File Ref: PINS/V5570/429/11

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Site Allocations	Appendix 3

Abbreviations used in this report

AA	Appropriate Assessment
AAP	Area Action Plan
ASS	Area Spatial Strategy
BCAAP	Bunhill and Clerkenwell Area Action Plan
BEIS	Business, Energy & Industrial Strategy
CAZ	Central Activities Zone
CIL	Community Infrastructure Levy
dpa	Dwellings per annum
DPD	Development Plan Document
DtC	Duty to Cooperate
ELS	Employment Land Study
GLA	Greater London Authority
GTAA	Gypsy and Traveller Accommodation Assessment
HIA	Health Impact Assessment
HMO	Houses in Multiple Occupation
IDP	Infrastructure Delivery Plan
LDS	Local Development Scheme
LP	Islington Local Plan
LSA	Local Shopping Area
LSIS	Locally Significant Industrial Sites
MM	Main Modification
PBSA	Purpose Built Student Accommodation
PEL	Priority Employment Location
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
PRS	Private Rented Sector
PSA	Primary Shopping Area
PTAL	Public Transport Accessibility Level
SA	Sustainability Appraisal
SALP	Site Allocations Plan
SDMP	Strategic and Development Management Policies
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SIL	Strategic Industrial Location
SINC	Sites of Importance for Nature Conservation
SME	Small and Medium Sized Enterprises
SoCG	Statement of Common Ground
SPD	Supplementary Planning Document
SSA	Specialist Shopping Area
sqm	Square metres
TfL	Transport for London
The Framework	National Planning Policy Framework
UCO	Use Classes Order
VBC	Vacant Building Credit

Non-Technical Summary

This report concludes that the London Borough of Islington Local Plan, which comprises of the Strategic and Development Management Policies, Site Allocations and Bunhill and Clerkenwell Area Action Plan Development Plan Documents, provides an appropriate basis for the Planning of the Borough, provided that a number of main modifications [MMs] are made to it. The London Borough of Islington has specifically requested (LBI07) that we recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared schedules of the proposed modifications and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The MMs were subject to public consultation for over six weeks. In some cases, we have amended their detailed wording and/or added consequential modifications where necessary. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes. We have recommended their inclusion in the Plan after considering the sustainability appraisal and habitats regulations assessment and all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Adjust the Plan period from 2035/36 to 2036/37 to ensure the Plan is justified and effective;
- Update all Policies and references throughout the Plan which are affected by the Government's change to the Use Classes Order (UCO);
- Update the housing trajectory as set out at appendix 10 of the Strategic and Development Management Policies (SDMP) to include the most up to date housing figures;
- Introduce greater flexibility to the Vale Royal/Brewery Road Locally Significant Industrial Site (LSIS) to ensure the policy approach is justified and effective;
- Amendments to employment Policies B1 through to B5 of the SDMP to ensure they present a robust and justified approach to employment land over the Plan period;
- Modifications to a number of the Area Spatial Strategies (Policies SP1-SP8 inclusive) for effectiveness;
- Amendments to the design and heritage policies for effectiveness;
- Modifications to the approach to gypsy and traveller accommodation as set out at Policy H12 including a commitment to an immediate focused review to ensure the Policy is consistent with the London Plan and the Planning Policy for Traveller Sites (PPTS);

- Remove the references throughout the Plan which designate Archway as a cultural quarter as this is not justified by the evidence base;
- Modifications to a number of definitions contained within the glossaries attached to the DPDs to ensure the definitions are justified, effective and consistent with National Policy;
- Deletion of a number of site allocations which have either been completed or are no longer justified;
- Update the Policy requirements in relation to a number of site allocations to ensure the Policy wording is clear, precise and effective;
- A number of other modifications to ensure that the Plan is positively prepared, justified, effective and consistent with National Policy and contain up-to-date figures.

Introduction

1. This report contains our assessment of the London Borough of Islington Local Plan, which comprises of the Strategic and Development Management Policies, Site Allocations and Bunhill and Clerkenwell Area Action Plan Development Plan Documents (the Plan), in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework 2021 (paragraph 35) (The Framework) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with National Policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound Plan. The London Borough of Islington Strategic and Development Management Policies (PD1), Site Allocations (PD2) and Bunhill and Clerkenwell Area Action Plan (PD3) Development Plan Documents, submitted in February 2020 are the basis for our examination. It is the same documents that were published for consultation in September and October 2019.

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that we should recommend any main modifications **[MMs]** necessary to rectify matters that make the Plan unsound and/or not legally compliant and thus incapable of

being adopted. Our report explains why the recommended MMs are necessary. As this report covers all three DPDs, the MMs are referenced **in bold** in the report as follows and are set in full on the attached appendices:

- **SDMM** – Strategic and Development Management Policies
 - **BCMM** – Bunhill and Clerkenwell Area Action Plan
 - **SAMM** – Site Allocations
4. Following the examination hearings, the Council prepared a schedule of proposed MMs and, where necessary, carried out a sustainability appraisal and habitats regulations assessment of them. The MM schedule was subject to public consultation for over six weeks. We have taken account of the consultation responses in coming to our conclusions in this report and in light of this, we have made some amendments to the detailed wording of the MM and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal/habitats regulations assessment that has been undertaken. Where necessary we have highlighted these amendments in the report.

Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted Development Plan. When submitting a Local Plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted Plan. In this case, the submission policies map is identified as 'Policies Map, Regulation 19 version' (PD5).
6. The policies map is not defined in statute as a development plan document and so we do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. These further changes to the policies map were published for consultation alongside the MMs, Examination Policies Map

modifications, June 2022. In this report we identify any amendments that are needed to those further changes in the light of the consultation responses.

7. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in PD5 and PDO6 and the further changes published alongside the MMs contained within document PD5b.

Context of the Plan

8. The London Borough of Islington Local Plan, which comprises of the Strategic and Development Management Policies, Site Allocations and Bunhill and Clerkenwell Area Action Plan Development Plan Documents is proposed to replace the saved policies of the currently adopted Islington Core Strategy (2011), Development Management Policies (2013), Site Allocations (2013) and the Finsbury Local Plan, Area Action Plan for Bunhill & Clerkenwell (2013). The new Plan, along with the Mayor's London Plan 2021 as well as the North London Waste Plan (separately prepared) will constitute the full Development Plan for the Borough.
9. Islington is part of inner London and is less than six square miles in size, making it one of the smallest local planning authorities in the country. Islington is densely populated and has the second lowest amount of open space of any local authority in the country. Whilst the Borough accommodates relatively few environmental designations, there are a large number of Sites in Nature Conservation (SINC) and a significant number of heritage assets.

Public Sector Equality Duty

10. We have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included our consideration of several matters during the examination. This has included gypsy and traveller policies, specialist housing for older people, accessible and adaptable homes, protection of community assets, employment land promotion and sustainable forms of transport.

Assessment of Duty to Co-operate

11. Section 20(5)(c) of the 2004 Act requires that we consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
12. The Council has provided as part of its evidence a statement (SD31), which sets out how it considers the Duty to Co-operate (DtC) has been met. This sets out that the key strategic Planning matters to be considered were: housing (including affordable); employment; retail; leisure and other commercial development; infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk, and the provision of minerals and energy (including heat); community facilities (such as health, education and cultural infrastructure); and conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.
13. The Council has identified in its statement (SD31) how it has met the DtC and what co-operation (including meetings) and agreements were made with the relevant parties during the Plan's preparation. We consider that the statement illustrates that the Council has made real efforts to engage with all relevant organisations and prescribed bodies during the Plan's preparation. It is evident that many of the changes made during the Plan's preparation prior to its submission have resulted from consultation with relevant parties, to address their concerns in a constructive and proactive manner.
14. We are satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

Assessment of Other Aspects of Legal Compliance

15. The Plan has been prepared in accordance with the Council's Local Development Scheme (SD3b).
16. Consultation on the Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement. We consider that the Council through the Consultation Statement (PD7) has sufficiently considered and set out

their response to opposition to the proposals for the Vale Royal/Brewery Road Locally Significant Industrial Site, in accordance with Section 18(3) of the 2012 Regulations.

17. The Council carried out a Sustainability Appraisal (inc Strategic Environmental Assessment) (SA) of the Plan, prepared a report of the findings of the appraisal, and published the report along with the Plan and other submission documents under Regulation 19 (PD4). During the examination we raised concerns about a number of aspects of the SA (INS04 and INS05). This primarily related to the selection of reasonable alternatives, whether all effects had been suitably recorded and the robustness of the cumulative assessment. As a result, the Council prepared an addendum (PD4a) to the SA to address these concerns and to also undertake further SA of the pre-hearing modifications to the Plan. The SA was updated to assess the MMs (PD4b).
18. Concerns have been raised that an SA was not published alongside the Regulation 18 consultation of the Plan. However, there is no stated requirement in the 2012 Regulations for an SA to be undertaken at the Regulation 18 stage. Furthermore, the SEA directive sets out that a suitable assessment must be undertaken before adoption of the Plan. We acknowledge points raised about parties being able to have a suitable opportunity to express their opinion on the draft Plan and subsequent SA and the need for this to inform the preparation of the Plan. We accept the Council's view that the SA was prepared iteratively alongside the Regulation 19 Plan. Further, we are of the view that the period between the end of the Regulation 19 consultation finishing, and the submission of the Plan allowed a period where the consultation responses to the Plan and SA could be considered. This allowed such responses to inform the Plan preparation process, as the Council were under no obligation to submit the Plan for examination. Interested parties also had further opportunities during the examination process by being able to comment on the SA addendum (PD4a) and the MMs SA (PD4b).
19. We are of the view that it was unnecessary to include a reasonable alternative for Policies SP3, B2 and VR3 that allowed the retention of industrial floorspace only, as this would not be in conformity with the London Plan.
20. Overall, we consider that the SA is adequate and followed a process that meets all legal requirements.

21. The Habitats Regulations Appropriate Assessment Screening Report September 2019 (within the Integrated Impact Assessment (PD4)) sets out why an Appropriate Assessment (AA) is not necessary. We agree with this view and Natural England has not raised any concerns.
22. The Development Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the local Planning authority's area.
23. The Development Plan, taken as a whole, includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. The Plan includes policies that ensure: sustainable design; reduction of carbon emissions; sustainable transport modes are prioritised; green infrastructure is protected and enhanced; and flood risk is appropriately managed.
24. Subject to the necessary MMs, the Plan is in general conformity with the spatial development strategy for the area (the London Plan).
25. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Assessment of Soundness

Main Issues

26. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, we have identified 12 main issues upon which the soundness of the Plan depends. This report deals with these main issues. Where there are main issues which are relevant across all of the DPDs, the relevant policies have been dealt with collectively. Similarly, where there are main issues which are only relevant to one DPD then these have been identified accordingly. The report does not respond to every point or issue raised by representors. Nor does it refer to every Policy, Policy criterion or allocation within the Plan.

Issue 1 – Whether the housing requirement set out in the Strategic and Development Management DPD is justified

27. The London Plan identifies a 10-year (2019/20 to 2028/29) housing requirement of 7,750 homes or 775 dwellings per annum (dpa) for Islington. The Islington Strategic Housing Market Assessment, 2017 (the SHMA) considered the objectively assessed need in Islington to be 1,150 dpa. However, the housing requirements set out in the London Plan for each Borough is based on an assessment of land supply set out in the London Strategic Housing Land Availability Assessment, 2017 (the SHLAA). The Examining Inspectors of the London Plan found this approach to be sound.
28. The Plan period is longer than the 10-year housing requirement set out by the London Plan and the SDMP carries forwards the housing requirement of 775 dpa to establish a housing requirement for the 16-year Plan period of 12,400 new homes. The London Plan advises at paragraph 4.1.11 that if a housing target is needed beyond the 10 year period, Boroughs should draw on the 2017 SHLAA findings (which covers the period up to 2041) and any local evidence of identified capacity, in consultation with the Greater London Authority (GLA), and should take into account any additional capacity that could be delivered as a result of any committed transport infrastructure improvements, and roll forward the housing capacity assumptions applied in the London Plan for small sites.
29. Having regard to the SHLAA 2017 and the evidence provided by the Council, particularly the difficulty in identifying sufficient housing land supply, that will be discussed later on within the report, we are content that rolling forward the London Plan target to the end of the Plan period is a justified approach. Furthermore, whilst Crossrail is a committed transport infrastructure improvement that could provide additional capacity in the future, it is only likely to become operational towards the very end of the Plan period.
30. The Plan period currently runs to 2035/36. Due to delays for additional work during the examination, it is necessary to extend the Plan period by one year to ensure that it covers a 15-year period in accordance with paragraph 22 of the Framework. A modification is therefore required (**SDMM01**) to achieve this. This modification also requires a corresponding change in the form of **BCMM01** to the BCAAP as well as **SAMM01** and **SAMM07** of the SALP which also extend the Plan period.

31. The extension of the Plan period by a year also results in additional housing need and a change (**SDMM21**) to Policy H2 of the SDMP to set out the updated overall housing need figure required for the Plan to be positively prepared. A corresponding change is also needed to the SALP (**SAMM07**). These modifications are necessary for the Plan to be effective. We have amended the text of both modifications to make clear the overall housing need figure is a minimum to ensure the Plan is positively prepared.

Conclusion

32. The housing requirement in the SDMP is justified.

Issue 2 – Whether the approach to affordable housing is positively prepared, justified and consistent with National Policy

The need for affordable housing and whether such need will be met

33. There is a significant need for affordable housing in Islington of some 612 dpa, as established in the Council's SHMA. Given the justified housing requirement of 775 dpa and the aims of Policy H2 of the SDMP to achieve 50% affordable housing for developments of 10 dwellings or more and a contribution in lieu of smaller developments, it is clear that this need will not be met in full. The Council has an active house building programme that seeks to deliver affordable homes that will also contribute to meeting such needs over the Plan period. However, whilst we are content that the Council has done all it can to maximise the delivery of affordable homes, particularly given the land constraints in the Borough, there is likely to be some residents with affordable housing needs that will continue to be dependent on the private rented sector, in some cases supported by housing benefit.

The approach

34. Policy H3 of the SDMP sets out the Council's approach to affordable housing. This seeks an overall target of 50% affordable housing over the Plan period. We consider that based on the evidence in the viability assessments a 50% overall target is justified. This is also in line with that required by Policy H4 of the London Plan.

35. An overall 50% target is sought in the form of requiring 45% on-site affordable housing (without public subsidy) from sites in private or part public ownership and exhausting all potential options for maximising the delivery of on-site affordable housing to reach and exceed the overall 50% target, particularly through securing public subsidy. For sites in public ownership, the Policy requires 50% on-site affordable housing (without public subsidy) and again exhausting all potential options for maximising the delivery of on-site affordable housing to reach and exceed 50%, particularly through securing public subsidy. As currently drafted, it is not clear what 'exhausting all potential options' might entail and this could be overly onerous. It is therefore not effective. Alterations to the Policy and supporting text (**SDMM22**) are therefore necessary to make it clear what will be expected of future applicants. This will ensure the Policy is effective. Having regard to these changes and the significant need for affordable housing in Islington, we consider that the need for applicants to demonstrate that all options have been explored for additionality through public subsidy is justified and accords with the broad aims of the London Plan.
36. Policy H3 currently sets out in several places that developments must provide 'at least' or 'exceed' a certain amount of affordable housing that should be delivered. However, the viability assessment has not tested higher levels of affordable housing than the levels set out in the Policy. Therefore, modification **SDMM22** is necessary to remove such references throughout the Policy. This will ensure the Policy is justified and consistent with National Policy.
37. Policy H3 requires sites delivering fewer than 10 residential units (gross) and/or less than 1,000 sqm (GIA) of residential floorspace to provide a financial contribution to fund the development of affordable housing off-site. The level of contribution required is set out at £50,000 per net additional unit, except for the area south of Pentonville Road/City Road where the contribution required would be £60,000 per net additional unit. We acknowledge that National Policy sets out that affordable housing should not be sought from developments of less than 10 dwellings. However, the London Plan does allow Boroughs to consider seeking affordable housing from such schemes. Furthermore, the viability evidence identifies that in the vast majority of cases, schemes will be viable when such levels of financial contributions are sought. Such requirements should therefore not affect small sites from coming forward. Given these matters, we consider seeking affordable housing contributions from developments of fewer than 10 residential units (gross) and/or less than 1,000 sqm (GIA) of residential floorspace to be a justified approach.

38. Policy H3 does not follow the threshold approach to viability assessment set out in the London Plan at Policy H5. This, for example, allows a development on a private sector site providing 35% affordable housing without public subsidy to proceed via the fast tracked route, which does not require a site specific viability assessment. In Islington, development values are some of the highest in the country and the viability evidence demonstrates that in most cases delivering the levels of affordable housing should be viable. On this basis, we consider the approach of Policy H3 to be sound in this regard.
39. Part G of Policy H3 notes that site specific viability assessments, as part of Planning applications, would be allowed in exceptional circumstances. The Policy also sets out that the Council will determine what circumstances these would be. However, as currently drafted, there is limited information in this regard to allow future applicants to understand what circumstances might warrant a site specific viability assessment. This applies to developments of all sizes. **SDMM22** is therefore needed to set this out and this will ensure the Policy is effective. Modification SDMM22, as drafted suggests that the list of exceptional circumstances is limited to those set out in Part H (a) to (d). Whilst the supporting text at para 3.48 suggests there is some flexibility through the use of the word 'usually' this is not sufficiently clear. We have therefore amended Part H and para 3.48 to make clear that there could be other rare occasions where other factors result in exceptional circumstances. This ensures compliance with National Policy.
40. Policy H3 sets out that the tenure split of the affordable housing should be a split of 70% social rented housing and 30% intermediate housing. Policy H3 also sets out that the majority of intermediate units should be London Living Rent, and regard will be given to the priorities set out in the Council's Housing Strategy and other agreed evidence of housing need. The supporting text to Policy H3 also notes that there are a number of other forms of affordable housing (as defined by the Framework) which will not be acceptable in Islington, as they would simply be unaffordable to those whose needs they are intended to meet. This includes, discounted market sales, starter homes and affordable private rent.
41. Having regard to the clear local evidence on affordability in the Borough provided by the Council and the findings of the SHMA, we consider that the tenure split is justified and that the requirement for the majority of intermediate units to be London Living Rent, along with the Plan's stance on discounted market sales, starter homes and affordable private rent to be justified in this particular case.

42. The London Plan allows public sector landowners with agreements with the Mayor to deliver at least 50% affordable housing across their portfolio. This would allow some developments to deliver less than 50% (as low as 35%) if the deficit is made up from their other developments across London. Policy H3 and its supporting text does not allow such an approach and the Council is of the view that the pressing need for affordable housing in Islington should mean that all developments within the Borough should maximise affordable housing in line with Policy H3. However, we are mindful that there is an acute need for affordable housing across London and if other Boroughs took a similar approach, it could significantly undermine the intentions of Policy H4 of the London Plan. Therefore, to ensure conformity with the London Plan, **SDMM22** is necessary to allow the London Plan's portfolio approach within Islington.
43. Policy H3 does not allow off-site provision or an appropriate financial contribution in lieu. Paragraph 63 of the Framework is clear that this should be allowed where it can be robustly demonstrated. We consider there may be some limited circumstances where it may be preferable to deliver the affordable housing off-site. A modification is therefore needed as outlined at **SDMM22** to Policy H3 to allow off-site provision or an appropriate financial contribution in lieu where this can be justified by the applicant. This will ensure the Plan is consistent with National Policy.
44. Policy H3 at Part J seeks to disapply vacant building credit (VBC) unless there are exceptional reasons. This would run contrary to the Framework (paragraph 64) which notes that to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.
45. This matter was considered during the London Plan examination, where initially it encouraged Boroughs to disapply VBC. However, the Examining Inspectors found that *'Whilst the need for affordable housing is acute and the potential impact of the VBC significant, these circumstances are likely to apply to most large urban areas. Further, we find that there is insufficient evidence of the impact of disapplication of the VBC across London as a whole to justify a departure from National Policy'*. Encouragement to disapply VBC was consequently deleted. However, the Inspectors did note that if Boroughs wish to disapply the VBC, they can do that based on local evidence, which some Boroughs already have.

46. Turning to the specific circumstances of Islington, the Council has set out that all recent development has been on brownfield land, and there is no need for such an incentive. Further, the Housing Topic Paper (Exam Ref: SD19) at paragraph 4.135 states that there have been no instances of the VBC being utilised in Islington since its introduction. It is also clear from the viability assessments that land values are high in Islington and that most developments are viable with the affordable housing contributions sought. We accept that this indicates that the disapplication of VBC is unlikely to have meaningful effects on delivery in the Borough.
47. Given all of this and the demonstrably acute need for affordable housing in Islington, we are content that a departure from National Policy is justified in this instance.
48. Notwithstanding this, it is important to note that Part J does allow VBC to apply if there are exceptional reasons, which would still allow otherwise unviable development to come forward, which we consider strikes an appropriate balance in line with the aims of paragraph 64 of the Framework. Part J (v) seeks to ensure the building has not been made vacant for the sole purpose of redevelopment, evidenced by provision of marketing and vacancy evidence for a continuous period of five years. We consider this to be overly onerous and a vacancy period of at least 3 years with evidence of continuous marketing for residential or mixed use (including residential) for 24 months is a more proportionate timeframe. **SDMM22** is therefore needed to make this change, which will ensure the Policy is justified and effective.
49. The exceptional reasons do not currently include reference to the viability tested route associated with Policy H3, Part G. The Council is of the view that VBC should only be considered where a development does not meet the criteria for a site specific viability assessment, as this should be the starting point. We agree with this view and for the Policy to be effective, **SDMM22** is needed in this regard.
50. Criterion (iv) of Policy H3, Part J as submitted seeks to ensure that the proposal does not involve the loss of any capacity to meet other development needs from sites allocated for non-housing development. However, this requirement is not reflected in National Policy and there is no clear evidence to demonstrate that this is needed. As a result, **SDMM22** is needed to delete the criterion to ensure the Policy is justified. There is also some duplication within the criterion of Part J of

Policy H3 (now Part L as amended). Alterations (**SDMM22**) are consequently needed to address this and ensure the Policy is effective.

Conclusion

51. Subject to the above modifications, we consider that the approach to affordable housing is positively prepared, justified and consistent with National Policy.

Issue 3 – Whether the other housing policies of the Plan are soundly based

Conventional housing

52. Policy H1 sets out the strategic direction for delivering housing of all kinds in the Borough and is informed by the more detailed policies that follow it. To aid the reader and for effectiveness a modification is needed as set out at **SDMM20** to cross reference the other policies that are of relevance.

53. Table 3.2 that supports Policy H2 identifies the housing mix priorities for the Borough. This is informed by the Islington SHMA (EB1) (figure 90) which considers the housing mix needed by households in relation to the identified level of housing need. It is noted that as well as the SHMA, other considerations such as ensuring the best use of land and providing sustainable unit sizes that can be utilised by a range of occupiers in the future has also been considered. We accept that this is an important factor given the context of Islington as one of the fundamental issues facing the Borough is a constrained land supply. Overall, we are content that the housing mix priorities set out in table 3.2 are justified.

54. Policy H2 sets out that 1-bedroom bedsits and studios will only be allowed in exceptional circumstances, which are where: they would constitute a very small proportion of the housing mix; the delivery of additional higher priority unit sizes and/or proposed higher priority units of an increased size is not possible; and provision of studios/bedsits would result in high quality dwellings. Table 3.2 also sets out that there is no priority need for such units. The supporting text clarifies that a very small proportion would constitute no more than 5% of overall units. Given the above, in terms of our acknowledgement of constrained land supply and the need to make best use of available land in the Borough, we consider this

approach to be justified. Policy H2 will still allow some 1-bedroom bedsits and studios to be delivered and we are mindful that such needs will also likely be met through house-shares and/or houses in multiple occupancy as an alternative to 1-bed accommodation.

55. To maintain a supply of family homes, Policy H2 also seeks to restrict the conversion of larger dwellings into a number of smaller ones, which given the clear need for family homes in the Borough we consider is justified. However, in order for Part G of Policy H2 to read correctly a modification is needed in the form of **SDMM21** to refer to a single dwelling rather than dwellings. This will ensure the Policy is effective.
56. Paragraph 3.29 of the supporting text to Policy H2 discusses the loss of existing dwellings. However, it contains criteria that go beyond what is said within Policy H2 and is therefore setting out Policy. **SDMM21** is needed to address this and include the criteria within the Policy itself.
57. Part H of Policy H2 seeks to ensure that all residential developments of 20 units and over, enter into a Section 106 legal agreement to ensure that all residential units will be occupied, to prevent wasted housing supply. Having regard to the tests for Planning obligations in the Framework, which reflect those of the Community Infrastructure Levy (CIL) Regulation 122, we are not satisfied that this is necessary to make such developments acceptable in planning terms. This is on the basis that the Council does not have any recent evidence to show that this is a significant issue facing the Borough. **SDMM21** is therefore needed to delete Part H of Policy H2 to ensure the Policy is justified and effective.
58. Policy H4 relates to delivering high quality housing. The Policy states that it relates to all C3 and C4 housing developments as well as housing subject to Policies H6 to H11 in the Plan. However, it is clear that some of the design requirements would not be relevant to purpose built student accommodation and houses in multiple occupation (HMOs) so a modification **SDMM23** is necessary to remove reference to Policies H6 and H10 to ensure that the Policy is effective.
59. Policy H4 also sets out that all new residential units should be dual aspect unless provision of dual aspect is demonstrated to be impossible or unfavourable. It is not clear what would need to be provided to demonstrate the provision of dual

aspect is impossible or unfavourable and therefore to ensure effectiveness **SDMM23** to the supporting text of Policy H4 is required to set this out.

Housing for older and disabled people

60. Islington is expected to experience growth in its older population. But despite Islington having a below average proportion of older people than in London and the UK, there is still likely to be a significant demand for further appropriate accommodation.
61. The principal way in which the Council are seeking to meet the future needs of older people is to require 90% of all new homes to be Category M4(2) 'Accessible and Adaptable', as required by Policy H4 of the Plan. Furthermore, Policy H4 requires the remaining 10% to be Category M4(3) 'Wheelchair user dwellings' standard. This is in accordance with Policy D7 of the London Plan. We are content that such requirements are justified, having regard to the evidence provided by the Council in accordance with the Planning Practice Guidance (PPG¹) and can be delivered without unduly affecting the viability of schemes, as set out in the viability evidence in support of the Plan.
62. The London Plan notes at paragraph 3.7.4 that Standard M4(3) wheelchair user dwellings distinguish between 'wheelchair accessible' and 'wheelchair adaptable'. The PPG also states that Local Plan policies for wheelchair accessible homes should only be applied to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling, otherwise M4(3) dwellings should be wheelchair adaptable. To ensure consistency with National Policy and conformity with the London Plan, modification **SDMM23** is necessary to set this out in Policy H4 and the supporting text.
63. Part B (i) to (iii) of Policy H4 and its supporting text at paragraphs 3.73, 3.75 and 3.76 set out a number of additional requirements. The PPG is clear that where a local Planning authority adopts a Policy to provide enhanced accessibility or adaptability, they should do so only by reference to Requirement M4(2) and/or M4(3) of the optional requirements in the Building Regulations and should not impose any additional information requirements or seek to determine compliance with these requirements, which is the role of the Building Control Body. As a result, and to ensure compliance with National Policy, we consider that

¹ Paragraph: 007 Reference ID: 56-007-20150327

modification **SDMM23** is needed to remove the additional requirements. Further, supporting text at paragraph 3.74 is setting out Policy on this matter and for the Policy to be effective, **SDMM23** is required to move this into the Policy itself. This requested change (INS14) had been missed in the MM schedule that was consulted upon. However, as the modification simply moves existing supporting text into the policy itself, we are not of the view that it would cause any prejudice and we have altered the MM schedule accordingly.

64. Policy H7 at Part A states that different levels of care may be delivered in conventional housing which means that there is no need for certain specialist forms of older peoples' housing, such as market extra care housing. Further, in our view, Policy H7 takes a relatively restrictive approach to the delivery of specialist C3 and non C3 older people's accommodation such as care homes and extra care facilities. However, we are mindful that the London Plan identifies a total potential demand in London across all tenures for just over 4,000 specialist older persons units a year and includes an indicative benchmark figure for all Boroughs in terms of overall need. For Islington this is 60 units per annum or 900 dwellings over the 15-year Plan period.
65. To ensure that Policy H7 is positively prepared and in conformity with the London Plan, we consider that the benchmark figure should be incorporated into the Policy and that where a proposal will help to meet such needs, it should be supported by Policy H7. **SDMM25** addresses this matter and provides greater flexibility for specialist C3 and non C3 older people's accommodation such as care homes and extra care facilities to be delivered. To reflect this SDMM25 also updates Part A of Policy H7. Further, a corresponding change to Part L of Policy H1 is needed for effectiveness and is secured by modification **SDMM20**.

Gypsy and traveller provision

66. Policy H12 of the SDMP sets out a need for 10 pitches over the Plan period to meet the identified needs for gypsies and travellers. This is based on the ethnic definition considered in the Council's Gypsy and Traveller Accommodation Assessment (2019) (GTAA). The ethnic definition was based on the one used in the draft London Plan. During the examination of the London Plan, the use of this definition was removed in favour of the one set out within the Planning Policy for Traveller Sites, 2015 (PPTS). MMs to Policy H12 were subsequently consulted upon to base the identified need on the PPTS definition, which resulted in a reduction of 4 pitches. However, since the MM consultation took place, the

judgement *Smith v Secretary of State for Levelling Up, Housing and Communities* [2022] EWCA Civ 1391 found that the PPTS definition was discriminatory. On this basis, we consider that the need identified of 10 pitches in accordance with the ethnic definition should remain in Policy H12. We consider that the methodology used and the findings of the GTAA are robust.

67. To meet the identified need for 10 pitches, Policy H12 sets out a number of mechanisms, that includes: (i) use of its own sites identified as part of the Council's ongoing housebuilding programme; and/or (ii) joint working with the GLA and other Boroughs to determine scope for accommodating need on a sub-regional basis; and/or (iii) a potential review of site allocations where need is not met through Part A(i) and/or (ii). However, Policy H12 did not seek to positively meet these needs through site allocations. At the hearings, the Council were asked to seek to meet such needs and undertook further site assessment work (Ref: SD83 and SD84). After an extensive search, this identified three sites that the Council considered could deliver gypsy and traveller pitches. The three sites were included in the MM consultation, as proposed allocations GT1, GT2 and GT3. Following the MM consultation responses and for the reasons set out in our previous letter (Ref: INS18) we are unable to find each of the proposed allocations sound. We have therefore removed them from the MM schedules as well as the associated text changes.
68. We wrote to the Council seeking their suggested way forward, who were of the view that an immediate focused review of all gypsy and traveller matters following the adoption of the Plan would be the most appropriate approach. Given the significant delays that have already occurred during the examination, we agree that this is the most pragmatic approach. Alterations to Policy H12 and its supporting text are therefore necessary (**SDMM28**) to secure the immediate focused review and to remove text that is no longer relevant. This will ensure that the Policy is justified, effective and positively prepared. It is important to note that given the age of the current GTAA, the review will also need to undertake a new assessment of need.
69. Policy H12 does also include criteria for any windfall development that might come forward. To ensure consistency with other policies, namely H4, and compliance with National Policy the requirement for such housing to be high quality is necessary. This is secured by **SDMM28**.

Purpose built student accommodation (PBSA)

70. The London Plan identifies an estimated need for 3,500 PBSA bed spaces to be provided annually over its Plan period. Further, London Metropolitan University has provided evidence that shows there is likely to be a need for further PBSA within Islington over the Plan period.
71. Policy H6 seeks to contribute to meeting such needs by allowing PBSA on sites allocated for such use and on sites with existing PBSA, subject to compliance with other Local Plan policies and additional impacts being acceptable. Given the limited site allocations for PBSA, we consider that this represents an overly restrictive approach.
72. We consider that there is another circumstance where PBSA should be considered acceptable. We are of the view that PBSA on existing university campuses, as part of redevelopment/ reconfiguration master planning should be considered acceptable, particularly as such land is unlikely to be available for other uses such as conventional housing. **SDMM24** makes this change. We are content that with this addition, which could in itself lead to significant delivery, the Plan will contribute positively to the future need for PBSA. It has been suggested that such development on existing university campuses should not be limited to a master planning approach and more piecemeal development should be allowed. Given, the dense urban nature of Islington and limited land supply, it is likely that PBSA would replace other educational floorspace within campuses, which should be carefully managed. We therefore consider the master planning approach to be an appropriate way forward.
73. We are also mindful that there is limited housing land supply in Islington and that conventional housing offers the most flexible accommodation over the long-term. Given this, the fact that Islington has the highest rates of student housing delivery in London over the past 10-15 years and that the rental market, including house shares and/or Houses in Multiple Occupation (HMO) can also contribute to housing for students, we consider that the prioritisation of conventional housing to be justified and Policy H6, as modified, strikes an appropriate balance.
74. Some concern has been raised that the Council are treating PBSA differently to conventional housing. The Council has noted that PBSA only counts at a rate of 2.5 bedspaces equivalent to one dwelling towards housing land supply, in accordance with the London Plan and is therefore a less optimal use of land. Whilst this is noted, we are mindful that PBSA by its nature can be much more

dense than conventional housing and therefore the contribution to overall housing land supply may not be significantly different. As a result, modification **SDMM24** is required to correct this within the supporting text to Policy H6. This ensures the Policy is justified.

75. The provision of new PBSA close to existing areas of such accommodation could lead to concentrations of PBSA within neighbourhoods. Therefore, to ensure such schemes do not unacceptably impact on mixed and inclusive neighbourhoods, an additional criterion is needed to Policy H6 (**SDMM24**). This addition will ensure that such matters are considered during a planning application and is needed to ensure compliance with National Policy.
76. The London Plan sets out that to enable providers of PBSA to maximise the delivery of affordable student accommodation by increasing the profitability of the development, Boroughs should consider allowing the temporary use of accommodation during vacation periods for ancillary uses. However, Policy H6 at Part B (vi) states that this should be prevented. We are of the view that there is no evidence to suggest that temporary uses such as visitor accommodation during vacation periods would result in any greater impacts or would adversely affect housing supply. Consequently, to ensure the Policy is justified and in conformity with the London Plan, an alteration as set out at **SDMM24** is required to allow temporary uses during vacation periods.
77. Policy H6 at Part B (ii) requires 10% of bedspaces to be wheelchair accessible. Detailed evidence has been provided by some PBSA providers that shows the likely need for such bedspaces is much lower. **SDMM24** is therefore required to reduce this to 5% to ensure the Policy is justified. We note that the GLA are of the view that Policy E10(H) of the London Plan is relevant which requires the provision of 10%. However, we are content that local evidence specific to Islington justifies a lower figure in this case.
78. Furthermore, Part B (ii) also sets out additional requirements, which the PPG specifically guides against, as set out above under older peoples housing. **SDMM24** is therefore also needed to remove these additional requirements to ensure compliance with National Policy.
79. Policy H6 at Part B (i) requires high quality accommodation and refers to Policy H4 of the Plan which sets out many criteria in this regard. However, it is clear

when reading Policy H4 that some aspects of it would not be relevant to the delivery of PBSA. Consequently, **SDMM24** is needed to Policy H6 and its supporting text to set out which elements of Policy H4 are of relevance. This will ensure the Policy is effective.

80. Part B (i) also requires good sized rooms and communal areas in line with relevant space standards. However, we accept that for PBSA providing rooms in accordance with space standards may not make the most efficient use of land and the Council accepted at the hearing sessions that its HMO guidance would be a more appropriate starting point for considering room sizes. **SDMM24** is therefore needed in this regard and this will ensure the Policy is justified and effective.
81. Policy H6 requires new PBSA developments to provide an ongoing financial contribution towards the provision of student bursaries for students leaving Council care and or other Islington students facing hardship who are attending a higher or further education establishment. We understand that the contribution would be used as part of a general student bursary 'pot'. Given that PBSA schemes would need to make provision for affordable units and that many universities themselves provide student bursaries, we are not of the view that such contributions are needed to make the development acceptable in Planning terms. Further, we are unable to conclude that such provision would be directly related to the development, given that further education students may not enter higher education and higher education students subject to the bursary are unlikely to stay in the PBSA that the specific development would deliver. We therefore conclude that this requirement does not meet the Planning obligations tests in the Framework or CIL Regulation 122. **SDMM20** and **SDMM24** are needed to delete this requirement from Policy H1 and Policy H6, along with its supporting text. A corresponding modification to the supporting text at paragraph 1.38 of the Plan is also necessary for consistency and this is covered by **SDMM03**. Subject to these modifications, this approach will ensure the Plan is justified.
82. We acknowledge that the Inspector who examined the Islington Core Strategy took a contrary view and found this requirement to meet CIL Regulation 122. However, this was a significant period of time ago and we have based our decision on the evidence before this examination.

83. It has been suggested that Policy H6 should protect the loss of existing PBSA. However, we do not consider this to be necessary, as Policy H6 allows sites with existing PBSA to be redeveloped or intensified for such use. In addition, it is likely that if a development came forward to redevelop a PBSA site for an alternative use, then it was no longer needed or viable to continue in PBSA use.

Houses in Multiple Occupancy (HMOs)

84. Policy H10 at Part A states that the provision of small-scale HMOs will be supported where they (amongst other things) do not result in the loss of existing larger family homes. However, bearing in mind permitted development rights that allows conventional self-contained housing (Use Class C3) to change to a HMO (Use Class C4), we do not consider this to be justified. **SDMM26** is therefore necessary to remove this criterion.

85. Part C of Policy H10 considers large scale HMOs. The Council confirmed at the hearing sessions that this Policy also relates to large-scale purpose-built shared living, which is subject to Policy H16 of the London Plan. However, this is not overly clear from Policy H10 and therefore **SDMM26** is necessary in this regard to ensure the Plan is effective.

86. Policy H10 seeks to limit the delivery of large HMOs/shared living. Given that such developments are likely to be most attractive to single people or couples and that the housing mix in the Plan identifies two and three bedroom dwellings to be of greatest priority, we consider that this is a justified approach. Further, the relatively limited identified needs of single people or couples (most likely 1-bedroom units) in Islington may also be met through other ways, such as: small HMOs; and the provision of studio/bedsits and one bedroom units in line with Policy H2.

87. However, we do acknowledge that there may be some instances where a large scale HMO may be appropriate. As a result, it is necessary to remove the wording within Policy H10 that states large scale HMOs will generally be refused. This is achieved through modification **SDMM26** and is necessary for the Policy to be justified. Further, it is necessary (**SDMM26**) to set out when large scale HMOs may be considered acceptable in the supporting text for effectiveness.

88. The Policy currently requires affordable housing as part of large-scale HMOs/shared living schemes to be provided in accordance with Policy H3. However, such requirements have not been viability tested. The London Plan at Policy H16 requires such developments to provide the equivalent to 35 per cent of the units as affordable, or 50 per cent where the development is on public sector land. In the absence of viability testing of Policy H10, we consider the Council's suggestion that the lower London Plan target be used for Policy H10 to be reasonable, and **SDMM26** is necessary in this regard. This will ensure the Policy is justified and effective.
89. In addition, Policy H10 sets out that development must provide for on-site affordable housing and cash in lieu payments will not be acceptable in any circumstances. However, Policy H16 of the London Plan seeks a cash in lieu contribution towards conventional C3 affordable housing and notes that this could be either an upfront cash in lieu payment to the local authority, or an in perpetuity annual payment to the local authority. We accept the Council view that it is generally more desirable to deliver on-site affordable housing where this is possible to help create mixed and sustainable communities. Consequently, a modification **SDMM26** is needed to allow cash in lieu payments where it can be demonstrated that it is not feasible to deliver the affordable housing on-site.

Purpose built private rented sector development

90. Policy H11 sets out that the Private Rented Sector (PRS) development model does not have a role to play in meeting housing need in the Borough. However, the Framework and the London Plan at Policy H11 'Build to Rent' is supportive of this form of development and given such development can deliver homes of varying sizes in line with the identified housing needs of the Borough, we consider that it does have a role to play. To ensure compliance with National Policy and conformity with the London Plan, **SDMM27** is required to offer a more positive approach to PRS development and its role in meeting housing need. A corresponding change to Policy H1, Part N is also needed to ensure the Policy is positively prepared. This is covered by **SDMM20** set out above.
91. Part A (ii) of Policy H11 refers to securing on-site affordable housing and states that affordable private rent is not considered to be an acceptable affordable housing tenure. However, affordable housing is dealt with comprehensively under Policy H3 and therefore, for effectiveness, **SDMM27** is necessary to simply cross reference Policy H3. PRS development was considered in the viability study

(EB17) and therefore we consider that a cross reference to Policy H3 is appropriate.

92. The Policy requires PRS units to be held under a covenant for the lifetime of the building for generally no less than 50 years. However, the London Plan only requires a period of 15 years. The Council were not able to provide any evidence to justify the requirement for a longer period than set out by the London Plan. Consequently, to ensure conformity with the London Plan, **SDMM27** is needed to reduce the covenant period to 15 years.
93. Part (vi) requires developments to have unified ownership and management during the covenant period. However, this does not make clear that ownership and management could be in the form of a partnership, particularly in relation to managing the affordable and market aspects of a scheme. **SDMM27** is consequently needed to address this matter and for effectiveness.
94. In relation to the clawback mechanism set out in Part A (v) of Policy H11, the London Plan at footnote 70 states that: '*A valuation of the market and affordable units must be included within the S106 agreement to enable the level of clawback to be calculated in the event that the covenant is broken*'. This is not reflected in the Policy or supporting text and to ensure conformity with the London Plan, a modification is required to include this text. This is addressed through **SDMM27**.
95. The London Plan sets out that there should be break clauses for renters, which allows the tenant to end the tenancy with a month's notice any time after the first six months. This is not reflected in Policy H11 of the Plan and therefore to ensure conformity, a modification (**SDMM27**) is needed to include this text in Part A (vii) of the Policy.

Conclusion

96. We consider that with the recommended modifications, the other housing policies of the Plan are soundly based.

Issue 4 – Whether the strategy for job growth and employment is sound.

Meeting the identified need

97. The Employment Land Study (ELS), 2016 identifies a need for 400,000 square metres (sqm) of additional office floorspace over the Plan period. There have been suggestions that the ELS which is now some 7 years old is out-of-date. Whilst the age of the ELS is acknowledged, the Council did review the findings of the ELS in the Employment Topic Paper (Exam Ref: SD16) in 2020. We consider the topic paper to be a thorough piece of work and even increased the identified need to some 443,000 sqm. When the ELS is considered alongside the topic paper we consider the evidence base in this regard to be sufficient and robust for all employment related uses. For the Plan to be positively prepared the increased need figure should be set out within Policy B1 and modification (**SDMM33**) addresses this matter. A corresponding change is also needed (**SDMM36**) to alter the supporting text to Policy B3 for the Plan to be effective.
98. Since the production of both the ELS and the Employment Topic Paper, the Covid-19 pandemic has affected working practices, namely, an increase in people working from home. It is still, however, difficult to tell what the long-term effects of the pandemic will mean for working practices and therefore, we consider that the Plan should continue to seek to meet the identified need of 443,000 sqm of additional office floorspace.
99. The Council has sought to meet this need namely through site allocations. Some of the site capacity assumptions require updating and these are addressed through modifications table 1.2 (**SAMM06**). This will ensure the Plan is positively prepared and effective. As amended, the site allocations collectively seek to deliver 337,900 sqm of office floorspace. Whilst there is some pipeline capacity, it is understood that much of this relates to the site allocations in any event. Consequently, there is a shortfall in the region of over 100,000 sqm.
100. The Council is seeking to rely on windfall to deliver the rest of the capacity and has provided evidence (Exam Ref: LBI03) of meaningful windfall delivery at 83,299 sqm over a 10-year period. Whilst there is clearly some uncertainty, if this rate was to be applied over the Plan period, the 100,000 sqm shortfall would be met. In addition, as explained below, we consider that the co-location of industrial use with office and/or research and development use should be

considered acceptable in Locally Significant Industrial Sites (LSIS), which would also help to boost the delivery of such floorspace.

101. Overall, we are content that the Plan has done all it reasonably can to meet the identified need for additional office space, particularly given the evident land supply issues in the Borough.
102. The longer term effects of the relatively new Use Class E are still somewhat unknown, but it could feasibly result in the loss of office floorspace in the Borough. The Council will need to monitor the situation closely and review the Plan if necessary.

Strategic and Development Management Policies Plan

103. Policy B1 sets out the strategic direction for delivering business floorspace and is informed by the more detailed policies that follow it. To aid the reader and for effectiveness, a modification (**SDMM33**) is needed to cross reference the other more detailed policies that are of relevance.
104. Policy B1 seeks to ensure that proposals maximise the amount of new business floorspace and sets out that proposals will be refused where maximisation does not occur as it would be an inefficient use of land. However, the assessment of maximisation is not prescribed in the Policy or supporting text. Further, the Framework does not seek maximisation, but seeks the effective use of land, taking into account a number of factors. A modification (**SDMM33**) is therefore necessary to refer to making effective use of land rather than maximisation, in order to comply with National Policy.
105. Policy B2 identifies how the Plan will deliver new business floorspace, including industrial uses in the LSISs within the Borough. In relation to development in LSISs, the Policy currently sets out that office use may be permissible as part of a hybrid workspace scheme, but it must only constitute a small proportion of the increased floorspace. It also notes that the introduction of non-industrial uses would undermine the primary industrial economic function and compromise the future growth of LSISs and will therefore not be permitted unless they are clearly ancillary to a proposal.

106. The biggest LSIS in the Borough is the area covered by Policy SP3 at Vale Royal/Brewery Road. It is evident that this area already contains office uses alongside industrial uses that successfully co-exist. The ELS also sets out that Brewery Road/Vale Royal area provides space that is crucial to accommodate businesses servicing both the wider Borough and central London. It also notes that this is evidenced by the cluster of live events and music orientated businesses, and also the number of catering operations and also recommends that efforts should be made to intensify uses, whilst being flexible about what use classes are permitted in what space.
107. We are not of the view that there is sufficient evidence, with the exception of residential use, to support the Council's view that non-industrial uses would undermine the primary industrial economic function and compromise the future growth of LSISs.
108. On this basis, we consider that modifications to the Policy and supporting text (**SDMM34**) are required to set out that the co-location of industrial use with office and/or research and development uses will be permitted where there would be an intensification of industrial use on the site, and it can be demonstrated that the continued industrial function of the LSIS would remain. This will ensure the Policy is justified, consistent with National Policy and is in conformity with the London Plan. A similar alteration has been made to Policy SP3 (**SDMM08**), however, it clarified that intensification could be either through new floorspace or the redevelopment/modernisation of existing floorspace. For consistency, we consider that the modification should also include this text and we have amended **SDMM34** accordingly.
109. We acknowledge that several representors sought for the existing Planning Policy of no net loss of industrial floorspace to be carried forward. However, the London Plan is clear that Development Plans should be proactive and seek to provide additional industrial capacity. We consider that a no net loss Policy would not be in accordance with these aims.
110. We are of the view that the co-location of industrial use with office and/or research and development uses could also help to facilitate the intensification of industrial uses in the LSISs, as the office and/or research and development could act as enabling development. In addition, given the Council may need to rely on some windfall development to meet its employment floorspace needs,

allowing co-location could also assist in this regard. Overall, we consider as modified the Policy strikes the right balance.

111. There are some circumstances where the loss of industrial floorspace will be acceptable, in accordance with Policy B3. Subsequently, for the Policy to be effective a cross reference is required and is also addressed in **SDMM34**. Further, as a result of the above changes and for effectiveness, a consequential change is needed to Policy B1 (**SDMM33**).
112. Following the changes made to the Use Classes Order (UCO), the Council has sought a modification (**SDMM34**) to set out that it may use planning conditions, where it is deemed appropriate, to secure and protect new office (Class E(g)(i)), research and development (Class E(g)(ii)) and light industrial floorspace (Class E(g)(iii)). This would be in important areas, such as the Central Activities Zone (CAZ) and Bunhill and Clerkenwell AAP area, CAZ fringe Spatial Strategy areas: Angel and Upper Street and King's Cross and Pentonville Road, Priority Employment Locations (PELs) and LSISs. Given the importance of such uses in the Borough and the need identified above for these uses, we are satisfied that in this instance this is a justified approach and required for the Plan to be positively prepared and justified. A corresponding change (**SDMM08**) to Policy SP3 is also needed in this regard.
113. Policy B2 contains several parts that relate to other policies in the SDMP. To ensure the Policy is effective, we consider that changes are required to cross-reference the other policies of relevance. This is achieved in modification **SDMM34**.
114. The start of Policy B2 sets out that proposals must maximise the provision of business floorspace in line with the priorities for each location before then going on to say that proposals which are not considered to maximise business floorspace will not be permitted. We consider this to be repetitive and negatively worded. For the Policy to be effective, a modification (**SDMM34**) is necessary to remove the repetition.
115. Part F of Policy B2 includes some design criteria. Not all of the criteria are appropriate for industrial uses and therefore a modification (**SDMM34**) is needed to make clear that the criteria relate to non-industrial uses. This ensures the Policy is justified. In addition, the supporting text of Policy B2

provides some further guidance on the design features for business floorspace. We consider that it is important to allow some flexibility as it may not always be possible to include all of the design requirements. **SDMM34** is therefore needed to insert the text 'wherever possible' and ensures the Policy is justified.

116. Industrial uses can have the potential to affect air quality. To ensure that such matters are suitably addressed a change is needed to Policy B2 (**SDMM34**) and the supporting text to set out that all development proposals within LSISs will need to prevent or mitigate impacts on air quality and promote sustainable transport. This ensures the Policy is justified and consistent with national policy.
117. As a result of the modifications set out above, changes are needed to Figure 4.1 Local Plan Business Designations. This is secured by modification **SDMM35** and ensures that the Plan is effective.
118. Policy B3 relates to the protection of existing business floorspace. Part C of the Policy currently sets out that there must be at least no net loss of industrial use as part of development proposals. However, the Policy then sets out several circumstances where such a loss will be accepted. **SDMM36** is therefore also needed to address this contradiction and ensures the Policy is effective.
119. Policy B3 requires a 24-month marketing period to demonstrate that there is no longer demand for the existing use. We consider this period of time to be appropriate. Notwithstanding this, the Policy requires a building to be both vacant and continuously marketed for at least 24 months. We consider that the requirement for the property to be vacant to be overly onerous. For example, there may be instances where an occupier is coming to the end of their lease and marketing could feasibly occur before it is vacant. We consider that a 24 month marketing period in itself is sufficient to establish whether or not there is a demand for the existing business floorspace. A modification is therefore needed as set out at **SDMM36** to address this matter and this will ensure the Policy is justified.
120. The Policy refers to Appendix 1, which sets out marketing and vacancy criteria and requires a detailed marketing report to be provided. Concerns have been raised that some of the requirements of the report are overly onerous. However, we consider that the requirements are reasonable and necessary to

show there is no demand for the existing business floorspace. Furthermore, it is clear when reading Appendix 1 that the examples are indicative and clearly there will be room for some agreement on the nature and extent of marketing and vacancy evidence required to support a development proposal.

121. Policy B3 does not currently allow the loss of business floorspace where it can be demonstrated that the existing building is no longer suitable for continued use. We consider that there may be circumstances where this could be relevant and therefore **SDMM36** addresses this by including this criterion in the Policy. This will ensure the Policy is justified.
122. As set out above under Policy B2, we consider it appropriate to use Planning conditions to secure specific sub-categories within Class E use. Subsequently, a modification is required to Policy B3 and the supporting text to set out Policy requirements for the loss of the conditioned Class E sub-category, including the marketing period, before full Class E flexibility can be gained. It is also necessary to set out requirements for the loss of Class E use more generally to other use classes. These are achieved through **SDMM36** that ensures the Policy is justified and effective.
123. We acknowledge that sports uses also fall within Class E. However, we do not consider it necessary to specifically refer to sports uses in Policy B3 or repeat National Policy, specifically paragraph 99 of the Framework.
124. The supporting text to Policy B3 notes that the London Plan identifies Islington as a Borough which must retain and intensify industrial floorspace capacity and follow a general principle of no net loss across designated LSISs. This does not accurately reflect the London Plan as adopted. A change (**SDMM36**) is therefore needed to alter the supporting text to address this matter.
125. Policy B4 seeks to secure affordable workspace as part of schemes involving business floorspace over certain thresholds in certain locations. Based on the evidence provided in the ELS (Exam Ref: EB4) and the Employment Topic Paper (Exam Ref: SD16), we are content that there is a clear need for additional affordable workspace in Islington. In addition, there is no substantive evidence to suggest that affordable workspace distorts the market or would reduce and/or disincentivise the amount of business space that comes forward in Islington.

126. The Policy currently relates to 'gross' additional floorspace rather than 'net'. We consider that this could disincentivise the delivery of redevelopments, particularly if the existing floorspace is let and income producing. A modification as outlined at **SDMM37** is therefore needed to refer to net rather than gross to ensure the Policy is justified.
127. Policy B4 includes various affordable workspace requirements depending on the location and scale of the proposed development. The appropriateness of these requirements based on the Viability Study (EB17), the Viability Topic Paper (SD29) and its update (EB18) were debated at the hearing sessions due to concerns by numerous representors. As a result of this, the Council was asked to undertake further viability analysis for affordable workspace. This was done through an Affordable Workspace Viability Addendum (Exam Ref: LB25) that considered a further 29 development typologies. As a result of this additional assessment work the Council put forward alterations to some of the thresholds by which developments in certain locations would need to provide for affordable workspace. This is further explained in the Council's note on the amended thresholds (LBI27).
128. These suggested alterations include, requiring:
- 10% affordable workspace to be leased to the Council at a peppercorn rent in perpetuity in the CAZ and its fringe locations rather than in areas of high land value across the Borough;
 - 10% affordable workspace to be leased to the Council at a peppercorn rate for 20 years for developments involving 3,000 sqm additional floorspace in a LSIS rather than 1,000 sqm in the submission Plan; and
 - 10% affordable workspace to be leased to the Council at a peppercorn rate for 20 years for developments involving 2,500 sqm additional floorspace in a PEL or Town Centre.
129. Based on the evidence provided in the above documents and additional assessment work, we consider the amended thresholds to be appropriate to ensure that most developments coming forward in the Borough will be viable in this regard. The changes are required to ensure the Plan is justified and

consistent with National Policy. This is addressed by modification **SDMM37** which makes these alterations to the Policy and supporting text.

130. Numerous concerns have been raised with regard to the assumptions used and the level of detail provided in the various viability reports, topic papers and additional work. We consider that the Viability Study (EB17), Affordable Workspace Viability Addendum (LB25), the Council's Note on the Affordable Workspace Viability Addendum Assumptions (LBI29) and the Council's reply (PD21b) to main modification representation MM056 provide a sufficient and proportionate level of detail.
131. We acknowledge that the Viability Study (EB17) was undertaken in 2018, which is some time ago. However, an Affordable Workspace Viability Addendum (Exam Ref: LB25) was undertaken in December 2021 and included updated data where necessary. We are mindful that some of the assumptions are necessarily based on professional judgement. There is no clear evidence before us to suggest that the Council's judgements are inappropriate.
132. We are mindful that Plan preparation is not a quick process and data and sources are constantly evolving. It is simply not possible to incorporate all of the latest evidence throughout Plan making and the examination process. We also consider that it is important to note that the role of the viability work is to give confidence that the majority of developments coming forward across the Borough as a whole would remain viable and it cannot by its nature ensure that all development proposals in all locations will be viable. Overall and in our view, the viability work to support Policy B4 is suitably proportionate, robust and the modified thresholds are justified.
133. Notwithstanding this conclusion, we do however acknowledge that there are likely to be some circumstances where the requirements of Policy B4 (as modified) may make the proposed development unviable. Policy B4 does not in itself allow the provision of site-specific viability appraisals, although it is noted that these may be considered in the supporting text. To comply with National Policy, **SDMM37** is required to set this out in Policy B4 rather than the supporting text.
134. The Framework at paragraph 58 sets out that *'It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability*

assessment at the application stage'. Modification **SDMM37**, as drafted during the MM consultation suggests that the list of exceptional circumstances is limited to those set out in Part G (a) to (c). We have therefore amended Part G of Policy B4 (**SDMM37**) to make clear that (a) to (c) are circumstances that might be considered to be exceptional, but they are not exhaustive. A consequential modification is also needed to the wording of Part H (ii) in this regard.

135. The additional flexibility in Policy B4 for developers to demonstrate exceptional circumstances to be able to provide site specific viability assessments at the planning application stage will help to ensure that developments can still come forward. It is clear that the exceptional circumstances set out in Part G include significant shifts in macro-economic conditions, so the potential future long term impacts of factors such as Brexit (which are somewhat still unknown) and recent inflation trends could be considered where appropriate. The Council will also need to review the Plan within 5 years of adoption.
136. Policy B4 does not in itself allow for financial contributions in lieu of on-site provision, but notes this may be considered in the supporting text. A modification is therefore needed to Policy B4 as set out at **SDMM37** to incorporate this into the Policy itself. This will ensure the Plan is justified and effective.
137. Supporting paragraph 4.50 sets out that a late stage review will be undertaken where a level of affordable workspace is below that expected in the Policy. It also goes on to say that any additional value arising over and above the projected position agreed by the Council at the Planning application stage would then be utilised to extend the peppercorn period as far as possible. However, this does not take into account a development where no affordable workspace was provided on the grounds of viability. A change is therefore needed as set out at **SDMM37** to explain that where on-site affordable workspace was not provided at the application-stage, any surplus arising from the late-stage review will be used to provide off-site financial contributions towards affordable workspace. This will ensure the Policy is justified and effective.
138. For mixed-use developments, it may be that both affordable housing and affordable workspace may be sought. The Council has sought to make clear that where the provision of affordable workspace would undermine the ability of the scheme to secure affordable housing compliant with Policy H3, the provision of

affordable housing will take priority. Given the acute need for affordable housing, we consider that this clarification as outlined at **SDMM37** is necessary for the Plan to be justified and effective.

139. The use of 'at least' appears in several locations in Policy B4. However, this is ambiguous and in many areas thresholds higher than those set out in the Policy have not been tested. Therefore, all reference to 'at least' needs to be deleted for the Policy to be justified. This is undertaken by modification (**SDMM37**).
140. Policy B4 sets out that the affordable workspace would be leased to the Council and then managed by an approved operator following a commissioning process (which could include the Council itself). Whilst acknowledging such an approach is different to many other Boroughs, we consider this to be an appropriate approach, which has already been established by the Council and see no reason why this would be an inappropriate conflict of interest or that the Council would not manage such processes appropriately in line with the aims of the Policy. Whilst paragraph 6.3.2 of the London Plan notes that affordable workspace can be delivered by a range of providers it does not seek to suggest that a range of providers must be included in Borough policies. However, in order for the Policy to be justified **SDMM37** is needed to set out more clearly the process that would be followed. This will ensure the Policy is effective.
141. The use of peppercorn rent has raised some concern. However, we are mindful that this is commonly used and based on the viability evidence, the majority of developments would be feasible. The use of peppercorn rent is therefore justified. The term peppercorn rent is, however, not defined in the Plan. In order for Policy B4 to be effective, we consider that a definition is added to the glossary. This is addressed through modification **SDMM91**.
142. Due to alterations to the supporting text from the above modifications, there is a need to delete footnote 25 in the Plan. This is undertaken by modification **SDMM38** and is necessary for the Plan to be effective.
143. Policy B5 sets out the approach to jobs and training opportunities. Part A and Part B of the Policy is repetitive and therefore for the Policy to be effective, a modification is required to combine them as set out at **SDMM41**. The Policy requires non-residential developments of 500 sqm or greater to provide for on-site job and training opportunities. However, there is no evidence to suggest

that developments of this scale would generate sufficient construction value or training opportunities to provide on-site construction opportunities. We consider that it should be changed to 1,000 sqm to reflect the evidence base, including the Council's current Planning Obligations (Section 106) SPD.

144. The Policy refers to financial contributions being sought as set out in the Planning obligations (Section 106) SPD. However, the SPD does not form part of the Development Plan and therefore modification **SDMM41** is necessary to address this and state that such requirements should instead have regard to the SPD or any successors. This will ensure the Plan is effective.
145. Part C of the Policy as originally drafted requires all developments to help support initiatives which tackle worklessness. However, National Policy is clear that Planning obligations should only be sought from major developments. A modification (**SDMM41**) is therefore needed to ensure compliance with National Policy.

Bunhill and Clerkenwell Area Action Plan

146. In terms of the BCAAP, Policy BC1 outlines the area wide Policy to prioritising office use. This Policy is largely reflective of the fact that Bunhill and Clerkenwell comprise the majority of Islington's Central Activities Zone (CAZ) and the area provides an important economic and business function to the Borough. Policy BC1 seeks to support office floorspace as a priority land use and provides a criteria based approach to assessing new development proposals. **BCMM03** amends the wording at part D (iv) from wholly to predominantly residential parts of the AAP as this is more accurately reflective of the position regarding residential neighbourhoods within Bunhill and Clerkenwell. In addition to amend the Policy to reflect the new UCO, the modifications also add text to the supporting text to outline that the Council will use conditions to ensure that any new office use secured is restricted against a change to another Class E use as well as providing greater clarity regarding the application of Part C of the Policy. This approach is both necessary and justified in light of the economic function of

the area outlined above. Subject to the modification outlined, Policy BC1 presents a sound approach.

Conclusion

147. Having regard to the modification set out above, we conclude that the strategy for job growth and employment is sound.

Issue 5 Area Spatial Strategies: Is the Plan's overall spatial strategy in general conformity with the London Plan, is it positively prepared, based on robust evidence and is it justified and effective?

General approach

148. The London Plan at Policy D1, Part A sets out that '*Boroughs should undertake area assessments to define the characteristics, qualities and value of different places within the Plan area to develop an understanding of different areas' capacity for growth*'. Whilst the Council has not specifically undertaken a piece of work in this regard, we consider that the spatial area strategy policies are supported by an acceptable level of evidence that fulfil this requirement. This includes, the Integrated Impact Assessment, Strategic Flood Risk Assessment, the SHMA, the Gypsy and Traveller Accommodation Assessment, Employment Land Study, Retail and Leisure Study, Sites of Importance for Nature Conservation (SINC) Review, Open Space, Sport and Recreation Assessment, Tall Building Study, Vale Royal/Brewery Road LSIS Study and the Bunhill and Clerkenwell Urban Design Study.

149. The SALP sets out the likely housing and employment floorspace delivery in each of the defined spatial strategy areas. However, these are not set out in the overarching strategic policies. In order for the SALP to be positively prepared and effective, we consider that these figures should also be set out in the spatial area strategy policies themselves. Modifications (**SDMM06, SDMM08, SDMM10, SDMM12, SDMM14, SDMM16 and SDMM18**) are therefore needed to resolve this matter.

150. In many cases (Policies SP2, SP4, SP5, SP6, SP7 and SP8), the approach to the delivery of housing, including whether windfall development will be supported, is not clear in the spatial area strategy policies. Modifications (**SDMM06, SDMM10, SDMM12, SDMM14, SDMM16, SDMM18**) are therefore needed to set out clearly in the spatial area strategy policies how the delivery of housing will be considered. This will ensure the policies are positively prepared, justified and effective.

Changes to the Use Classes Order

151. A number of changes came into effect on 1 September 2020 in relation to the UCO. These changes have implications for a number of policies contained within the Plan. In summary, the changes involve the following:

(i) Revocation of the current use classes A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments), A5 (hot food takeaways), B1 (business), D1 (non-residential institutions) and D2 (assembly and leisure);

(ii) Creation of new use classes E (commercial, business and service), F1 (learning and non-residential institutions) and F2 (local community); and

(iii) Redistribution of the uses within the former classes A, B1

152. These changes to the UCO principally impact on the Inclusive Economy section of the Plan, in particular the retail frontages policies which seek to ensure the vitality of town centres within the Borough. They also impact on a significant number of the site allocations within both the SALP as well as the BCAAP. In order to address these changes to the UCO, the Council have produced a number of MMs which apply to a number of policies and site allocations throughout the Plan. These modifications take into account the changes to the UCO, as well as ensuring the protection of the town centres and primary shopping frontages. All of these modifications are necessary to ensure that the Plan is effective and consistent with National Policy.

153. The modifications are listed as follows: **SDMM08, SDMM10, SDMM14, SDMM16, SDMM33, SDMM34, SDMM36, SDMM37, SDMM39, SDMM40, SDMM42, SDMM43, SDMM44, SDMM45, SDMM46, SDMM47, SDMM48,**

SDMM49, SDMM50, SDMM51, SDMM66, SDMM79, SDMM80, SDMM81, SDMM83, SDMM86, SDMM87, SDMM88, SDMM89, SDMM90, SDMM92, SDMM93, SDMM95, SDMM97, SDMM98, BCMM03, BCMM04, BCMM06, BCMM17, BCMM34, BCMM35, BCMM36, BCMM41, BCMM43, BCMM50, BCMM52, BCMM54, BCMM58, BCMM59, BCMM60, BCMM64, BCMM65, BCMM66, BCMM67, BCMM68, BCMM69, SAMM03, SAMM04, SAMM10, SAMM11, SAMM12, SAMM19, SAMM21, SAMM24, SAMM25, SAMM26, SAMM27, SAMM28, SAMM30, SAMM31, SAMM32, SAMM35, SAMM36, SAMM37, SAMM38, SAMM40, SAMM41, SAMM44, SAMM45, SAMM47, SAMM49, SAMM50, SAMM52, SAMM54, SAMM55, SAMM57, SAMM58, SAMM59, SAMM60, SAMM63, SAMM64, SAMM67, SAMM68, SAMM73, SAMM74, SAMM77, SAMM79, SAMM80, SAMM81, SAMM83, SAMM84, SAMM85, SAMM86, SAMM88, SAMM90, SAMM91, SAMM93, SAMM94, SAMM96, SAMM99, SAMM109, SAMM125, SAMM126, SAMM127, SAMM128, SAMM129, SAMM130, SAMM131, SAMM132.

Area Spatial Strategies – Policies SP1-SP8

Policy SP1 – Bunhill and Clerkenwell

154. Policy SP1 notes that the Bunhill and Clerkenwell area comprises six spatial strategy areas as identified at figure 2.2. Parts B and C of the Policy identified that the AAP will set out area wide policies focused on prioritising and delivering the office function of the area, as well as consolidating and enhancing the areas cultural, retail and leisure role. This approach is reflective of the concentration of the existing floorspace within Bunhill and Clerkenwell and is justified. The Policy notes that the area is expected to see the most significant level of growth within the Borough and the BCAAP provides the site allocations where this growth is expected to be delivered. **SDMM05** is necessary to add a new part D to the Policy which identifies the level of housing and office growth from the site allocations which this area is anticipated to deliver over the Plan period. This is necessary to ensure the Policy is effective.

Policy SP2 - King's Cross and Pentonville Road

155. Policy SP2 at Part B refers to the area around King's Cross being a 'Knowledge Quarter'. However, there is no defined boundary and the Council set out at the hearing sessions that there is not sufficient evidence to allow one to be drawn at the current time. On this basis, we are not of the view that reference to the 'Knowledge Quarter' is justified. **SDMM06** is needed to remove it from Policy SP2 and the supporting text. This modification means that figure 2.3 also needs to be updated and this is provided at **SDMM07**.
156. Part I of Policy SP2 considers proposals for residential moorings along the canal. However, the Policy does not set out how boater facilities such as mooring points, water and electrical supply and waste collection would be considered. A modification **SDMM06** is necessary to address these matters and to ensure that the Policy is effective. In addition, Part I does not require proposals to have regard to the living conditions of neighbouring residents. Again, a modification **SDMM06** is needed to add this criterion to Part I of Policy SP2 to ensure the Policy is effective.
157. The King's Cross and Pentonville Road area includes Regent's Canal. This is used for residential and leisure moorings. The GTAA identified a need for 7 additional permanent moorings for boat dwellers by 2025. Whilst Policy SP2 of the SDMP refers to proposals for new residential moorings, it does not positively seek to make provision for this need. During the hearings, the Council set out that although it was not possible to allocate specific moorings to meet this need, it would work with the Canal and River Trust to identify opportunities for and convert, where appropriate, existing leisure moorings in the area as well as exploring other opportunities for moorings through a waterspace strategy. A statement of common ground (SoCG) was also signed between the Council and the Canal and River Trust to this effect (LB26). We consider this to be a pragmatic approach to meeting this need and therefore a modification (**SDMM06**) is needed to set this out in Policy SP2. However, given the Council were unable to allocate specific moorings, it will need to work actively with the Canal and River Trust to identify such opportunities. Given the identified need is for the beginning part of the Plan period, we consider that a focused early review should be undertaken should the 7 additional moorings not be delivered by the end of 2024. Modification **SDMM06** also includes this mechanism. These changes will ensure that the Plan is positively prepared.

158. Through the discussions on the additional moorings, it became clear that such development would need to be located on the south of the canal (off-side) and necessary supporting uses and facilities would need to be in place before the first use of any additional moorings. A change (**SDM006**) is therefore needed to guide future applicants and will ensure the Plan is effective.

Policy SP3 - Vale Royal/Brewery Road Locally Significant Industrial Site

159. Having regard to discussion on Policy B2 above and for those reasons, the Policy warrants a more positive approach to supporting non industrial uses here. As a result, **SDMM08** amends the Policy wording at criteria C to state that proposals for the co-location of industrial uses with office and/or research development use will be permitted, where there would be an intensification of industrial use on the site (either through new floorspace or the redevelopment/modernisation of existing floorspace) and it can be demonstrated that the continued industrial function of the LSIS would remain. This revised approach also needs to be reflected in the site allocations VR1-VR10 which are covered at issue 6 of our report.
160. In addition, parts E-G inclusive of the Policy, as currently drafted, place an overly restrictive approach on the height of any proposed new building, extension or redevelopment in this location. We are not satisfied that there is sufficient evidence to justify such an approach. Accordingly, the modification **SDMM08** deletes these parts from the Policy wording which is necessary for the Policy to be justified. Part H of the Policy also identifies the office floorspace which the site allocations within the SP3 area are expected to deliver. This part of the Policy does not represent a cap but merely reflects the site capacity assumptions within the Site Allocations document. This is a justified approach. The modification also covers a number of changes to the supporting text which provide greater clarity in relation to the Policy and its application which are necessary for the Policy to be effective.
161. The boundary to the Vale Royal/Brewery Road LSIS needs to be updated for the Policy to be effective in its application. As drafted, it includes residential sites on the edge of the boundary (LBI18). This change is brought about by **SDMM04** and **SDMM09**. However, as we do not have the ability to amend the policies map, it will be for the Council to make the necessary amendments to the policies map in light of this change.

Policy SP4 - Angel and Upper Street

162. The supporting text to Policy SP4 sets out that Crossrail 2 is not yet funded and will not be delivered until the end of the Plan period at the earliest. However, following the Transport for London (TfL) funding settlement in November 2020 the project is ready to be restarted. A modification set out at **SDMM10** is therefore required to reflect the most up-to-date position to ensure the Plan is effective. In light of the modification set out in **SDMM10**, figure 2.5 needs to be updated and this is addressed through **SDMM11**.
163. In relation to the other parts of the Policy, **SDMM10** is necessary to ensure the Policy provides adequate protection to the specialist retail function of Camden Passage and to include a cross reference to Policy R7 for effectiveness. Additional text also provides a reference to housing coming forward on allocated sites and upper floors and these changes are also necessary to ensure the policy is effective.

Policy SP5 - Nag's Head and Holloway

164. The Morrison's supermarket and its adjacent car park is the key opportunity site within the Nag's Head and Holloway spatial area. The Council has proposed alterations to Site Allocation NH1 to include residential use, in its attempts to boost the supply of housing (see matter 7). Modifications are therefore needed to Policy SP5, Part E and the supporting text to reflect this change. This is set out at **SDMM12**. This will ensure the Plan is positively prepared and effective.
165. Part I of Policy SP5 relates to the London Metropolitan University and states that additional accommodation for students will not be allowed other than on sites allocated for student accommodation in the Spatial Strategy area. However, this is not consistent with Policy H6 and how it is proposed to be modified, as set out above. To ensure the Plan is consistent and therefore effective, **SDMM12** is needed to address this matter.
166. The potential removal of the Isledon Road / Tollington Road gyratory system has raised concerns. Whilst Part K of Policy SP5 sets out that this will only be done if feasible in the long term, it is necessary to include a change (**SDMM12**) to set out that removal of the gyratory system will need to consider and mitigate any significant adverse impacts on existing residents and businesses. This will ensure the Policy is justified. In light of this modification and

modifications to site allocations in the area, figure 2.6 needs to be updated and this is addressed through **SDMM13**.

Policy SP6 - Finsbury Park

167. Policy SP6 identifies Finsbury Park as a potential CAZ satellite location for business uses, with the potential for small and medium-sized enterprises (SME) occupation. Finsbury Park station is well connected to the CAZ via the Piccadilly and Victoria line as well as the wider South East. We are also mindful that the ELS (Ref EB4) found that *'...generally, Finsbury Park is the most viable location for encouraging non-CAZ B-use employment generating development, thanks to its excellent transport links'*. The Council has also identified that the central area has seen significant increases in business floorspace in recent years with the delivery of the City North development scheme and that rents in Finsbury Park are generally lower than the CAZ making the ability for SME to establish in Finsbury Park more viable.
168. There is a significant need identified for additional business floorspace in the ELS and subsequent updated topic paper (Ref SD16) and it is clear that all of this floorspace cannot be delivered within the CAZ. Given the excellent transport links, we consider that Finsbury Park is well positioned to deliver further business floorspace over the Plan period.
169. It has been suggested that the local Finsbury Park office take up is slow and demand does not exist. However, we are mindful that over recent years the office market has been impacted by the Covid-19 pandemic and it is still somewhat unclear what the long-term position will be.
170. Whilst there is a focus on the protection and intensification of business uses in Policy SP6, it does not rule out mixed use developments and would allow residential development on upper floors in the Town Centre. Consequently, the potential to deliver SME workspace and/or affordable workspace could potentially form part of larger mixed-use schemes. Whilst we note the concerns about only smaller parcels of land now being available in Finsbury Park, the Plan period is over the next 15 years and therefore there is the potential for larger sites to become available or redeveloped.
171. As discussed above, we consider that modifications are required to Policy B4 'affordable workspace' in terms of viability and site-specific assessments to

allow greater flexibility. This would allow for developments with genuine viability constraints to still be delivered.

172. Given all of the above, we are content that the spatial area strategy for Finsbury Park, in terms of strongly encouraging the intensification of business uses, including SMEs is justified. Although, the Council will clearly need to carefully monitor the take up of new office space and the delivery of SMEs and/or affordable workspace in Finsbury Park to inform any future reviews of the Plan. Policy SP6 notes that Finsbury Park has the potential to be a CAZ satellite location. However, the London Plan does not identify Finsbury Park as a potential CAZ satellite location and therefore modification **SDMM14** is necessary to remove this reference.
173. Policy SP6 seeks to protect and enhance the Fonthill Road specialist shopping area. We consider that this contributes significantly to the character and vitality of this area of Finsbury Park. The supporting text to Policy SP6 also notes that the Council will seek to work with traders and partners to re-invigorate manufacturing and workshop functions in Fonthill Road. There is no evidence to suggest that this aspiration is not feasible should there be an appetite from traders. We are mindful that such an aim would not, in any event, preclude other development that would protect and/or enhance the shopping area from being delivered in accordance with Part C of Policy SP6. Therefore, we consider the approach to Fonthill Road specialist shopping area to be justified. We note the representations regarding defining the specialist shopping area and the use of SSA as an acronym however this is not an acronym used within either Policy SP6 or supporting text so is not necessary for soundness.
174. Part M of Policy SP6 identifies heritage assets that contribute significantly to the character of the area. However, Finsbury Park lies close to the boundaries of the neighbouring authorities of the London Boroughs of Haringey and Hackney. Consequently, development within the area covered by Policy SP6, which includes the potential for tall buildings, could also affect heritage assets in the neighbouring authorities. **SDMM14** is therefore required to Part M of Policy SP6 to make clear that future proposals would need to consider impacts on heritage assets in the neighbouring Boroughs. In light of these modifications, figure 2.7 needs to be updated and this is addressed through **SDMM15**.
175. In order to ensure the policy approach is consistent with Policy SP4, **SDMM14** is necessary to ensure the Policy provides adequate protection to the specialist

retail function of the Fonthill Road. This modification also provides a reference to residential use coming forward on allocated sites and upper floors. These changes are also necessary to ensure the Policy is effective.

Policy SP7 - Archway

176. The Archway spatial area includes the district centre which is centred around Archway Underground Station and Navigation Square as well as the wider area extended to include Whittington Hospital as well as the Archway Campus. Policy SP7 includes a thirteen point criteria based approach to development which seeks, amongst other things, to maintain and enhance the town centre offer, support the growth of existing social infrastructure as well as new business floorspace.
177. The Plan as submitted included the designation of the Archway spatial area as a Cultural Quarter. However, this approach is not justified by the evidence base. In particular, the Retail & Leisure Study (EB7) and associated Topic Paper (SD22) establishes that the existing presence of cultural uses within Archway is comparable to both Finsbury Park and Nags Head. Furthermore, there is no clear concentration of activity within the spatial area, as set out within the Plan. Following the hearings, we wrote to the Council in relation to this issue and set out our views as to how the issues could be remedied (INS14). Accordingly, **SDMM16** is necessary to delete the reference to supporting the role of Archway as a Cultural Quarter within Policy SP7 as well as the associated supporting text. This is necessary for the Policy to be justified. In light of the modifications to Policy SP7, figure 2.8 needs to be updated to be effective and this is addressed through **SDMM17**.

Policy SP8 Highbury Corner and Lower Holloway

178. Due to the modifications required to Policy SP8 (**SDMM18**), as set out above (paragraphs 149 and 150), Figure 2.9 needs to be updated for effectiveness and this is addressed through **SDMM19**.

Bunhill and Clerkenwell Policies BC1 – BC8

179. In addition to Area Spatial Strategy (ASS) SP1 which covers the whole of the Bunhill and Clerkenwell AAP, the BCAAP divides the Bunhill and Clerkenwell

Area into 5 spatial strategy areas. The extent of these are illustrated at figure 4.1 and are set out at table 4.1 within the Plan. **BCMM18** updates figure 4.1 to ensure that the site allocation boundaries are correctly drawn, which is necessary for the Policy to be effective. These policies set the parameters for development within the spatial strategy area, including identifying any key development considerations or sites which are likely to provide development opportunities throughout the Plan period. Where relevant, these individual sites are then covered by site allocations. The approach to site capacity assumptions is then set out within the Plan at page 56. The text explains how the assumptions have been calculated using an appraisal based on site size, allocated uses and site constraints. This has then been used to derive an indicative quantum of residential and office floorspace figures. We are satisfied that the approach to site capacity assumptions is a sound and effective one. As currently drafted, table 4.2 is not effective as it does not contain the most up to date information. **BCMM19** is necessary to address this.

Policy BC3 – City Fringe Opportunity Area

180. The City Fringe Opportunity Area includes parts of Old Street and City Road. The designation aims to provide a Policy focus for the growth of the tech sector and related businesses, as well as a variety of office development such as small stand alone offices as well as larger floorplates. The Policy notes the important role which the Moorfields Eye Hospital site will play in terms of the provision of business floorspace over the Plan period. **BCMM06** amends criteria G in relation to the Old Street roundabout to ensure that the Policy wording is positively prepared. Additional supporting text is set out at paragraph 3.18 to provide greater clarity in terms of the tall building sites identified. **BCMM07** also amends figure 3.2 which illustrates the City Fringe Opportunity Area Spatial Strategy diagram. Subject to the modifications, the Policy and figure 3.2 present a justified approach.

Policy BC4 – City Road

181. City Road is acknowledged within the Plan to provide an important link between the two business nodes at Kings Cross and the City Fringe Opportunity Area. It presents a linear route with opportunities for enhancing the business uses located in this area. In accordance with the Council's priority for the City Road commercial corridor, proposals for redevelopment must look to increase business floorspace provision as far as possible. Criteria G of the Policy relates

to supporting greater public access around the City Road Basin. This is an important and valued place for a number of reasons including its recreation and scenic value. The Policy provides a framework to balance the open space and biodiversity habitat with the enjoyment of the canal as a waterspace. **BCMM08** provides additional wording for clarity and effectiveness of the Policy, and a new criteria H with associated supporting text is also introduced to provide more detailed criteria based approach to proposals for residential moorings. This is necessary to make the Policy effective. Subject to this modification, BC4 presents a sound and justified approach.

Policy BC5 – Farringdon

182. The Farringdon area has a role as a major transport interchange. In land use terms, in addition to the office and employment focus, the area also includes the Farringdon Local Shopping Area as well as part of the Clerkenwell/Farringdon Cultural Quarter where the development of cultural and night time economy uses will be supported. **BCMM09** amends the wording at criteria F, G, H and new text at I to ensure the Policy is positively prepared and that criteria I recognises the focus of the Clerkenwell/Farringdon Cultural Quarter. In addition, **BCMM10** amends figure 3.4 which illustrates the Farringdon Spatial Strategy area to include the Clerkenwell/Farringdon Cultural Quarter boundary. Subject to this modification, BC5 presents a sound and justified approach.

Policy BC6 – Mount Pleasant and Exmouth Market

183. Mount Pleasant and Exmouth Market includes both the Mount Pleasant sorting office, a major redevelopment site which spans both the Camden and Islington Borough boundaries, as well as Exmouth Market Local Shopping Area. The Policy outlines the importance of these two key features, as well as a number of other key locations such as the former Clerkenwell Fire Station. **BCMM11** is necessary for the Policy to be positively prepared, by removing the reference to harming local character or amenity within both criteria B as well as the supporting text. The modification also introduces new text at criteria G to acknowledge that the area includes part of the Clerkenwell/Farringdon Cultural Quarter and includes an appropriate cross reference to Policy BC2. **BCMM12**

amends figure 3.5 which is the spatial strategy diagram for the Mount Pleasant and Exmouth Market area, by adding the Clerkenwell/Farringdon Cultural Quarter boundary. It also includes the addition of the Skinner Street Open Space as a site of Importance for Nature Conservation (SINC) for effectiveness (see **SDMM56** for details at paragraph 322). Subject to this modification, BC6 presents a sound and justified approach.

Policy BC7 – Central Finsbury

184. The Central Finsbury Area includes a number of housing estates, employment uses along Old Street and Goswell Road, the designated local shopping area of Whitecross Street as well as two significant sports and leisure facilities in the form of Finsbury Leisure Centre and Ironmonger Row baths. As currently drafted, the Policy is not effective as it fails to acknowledge the re-provision of the sports and leisure function of the Finsbury Leisure Centre as part of the redevelopment proposals. **BCMM13** rectifies this by providing additional wording at criteria F. The modification also adds a number of new criteria to include reference to the Clerkenwell/Farringdon Cultural Quarter which covers part of the spatial strategy area (G), as well as new criteria I-L which moves what was supporting text relating to the design to the Policy wording for effectiveness. **BCMM14** amends figure 3.6 which is the spatial strategy diagram for the Central Finsbury, by adding the Clerkenwell/Farringdon Cultural Quarter boundary. It also includes the addition of the Skinner Street Open Space as a SINC for effectiveness (see **SDMM56** for details at paragraph 322). Subject to this modification, BC7 presents a sound and justified approach.

Policy BC8 – Historic Clerkenwell

185. This spatial strategy area includes a number of heritage assets including designated conservation areas, scheduled ancient monuments, listed buildings as well as strategic and local designated views. The area includes part of the Clerkenwell/Farringdon Cultural Quarter. In order to ensure the Policy is consistent with National Policy, criteria A needs to be amended (**BCMM15**) from preserve and enhance to preserve or enhance. A corresponding change to appendix 1 of the BCAAP is also necessary and this is outlined at **BCMM63**. The last sentence of criteria A is also deleted for the Policy to be effective.

186. In order to ensure the Policy is effective and consistent with the approach to employment uses throughout the Plan, **BCMM15** provides a new criteria B. Further new criteria are also included at H and I to ensure that the Policy provides a positive approach to public realm and street improvements and a cross reference to Policy BC2 and the Clerkenwell/Farringdon Cultural Quarter. The modification also amends the supporting text to correctly refer to the scheduled ancient monument of the Benedictine nunnery of St Mary, Clerkenwell.
187. A corresponding change is necessary in the form of **BCMM62** which amends appendix 1 and the list of Scheduled Monuments. **BCMM16** amends figure 3.7 which is the spatial strategy diagram for Historic Clerkenwell, by adding the Clerkenwell/Farringdon Cultural Quarter boundary, as well as amending the reference to the pedestrian route so it aligns correctly with the Policy aspirations outlined at site allocation BC50 (see **BCMM59**). It also includes the addition of the Skinner Street Open Space as a SINC for effectiveness (see **SDMM56** for details at paragraph 322). Subject to this modification, BC8 presents a sound and justified approach.

Conclusion

188. We conclude that with the recommended modifications, the strategic spatial area policies are soundly based.

Issue 6 – Do the site allocations contained within the SALP and BCAAP present a sound approach? Are they justified, effective and consistent with National Policy?

Introduction

189. As outlined under issue 5 above, the SDMP allocates seven area spatial strategies. These spatial strategy areas form the basis for the allocations contained within the Site Allocations Plan. In addition, the BCAAP outlines the site allocations relative to the eight spatial strategy areas contained within the Bunhill and Clerkenwell Area. To avoid excessive repetition within this section of our report, we have concluded in relation to the soundness of policies as a whole for each spatial strategy area rather than for each Policy conclusion.

190. Each of the site allocations follow set criteria, outlining key items such as development considerations, site designation and constraints and estimated timeframe for delivery. These Policy parameters have been informed by the Council's site appraisal work which included an assessment of Borough wide Policy considerations, suitability and deliverability as well as physical site constraints. This process also included the Council's assessment of the contribution the individual site(s) would make to delivering the spatial priorities for the area. The Council should be commended for the overall approach to these site allocations which is sufficiently detailed yet not overly complex.

Sites within the Islington Local Plan Site Allocations

191. The site allocations within each spatial strategy area which are covered within our report are set out below. In addition, it should be noted that the following site allocations are deleted through modifications **SAMM23, SAMM65, SAMM97, SAMM100, SAMM102** as the developments which the site allocations refer to have been completed and the policies are therefore no longer justified:

- VR6: The Fitzpatrick Building, 188 York Way (due to renumbering of the sites this allocation has become 4 Brandon Road)
- FP10: Former George Robey Public House, 240 Seven Sisters Road
- OIS9: Ladbrooke House, 62-66 Highbury Grove
- OIS12: 202-210 Fairbridge Road
- OIS13: Highbury Roundhouse Community Centre

192. As we do not have the ability to amend the policies map, it will be for the Council to make the necessary amendments to the policies map in light of the above changes.

193. In light of these changes, and to address the renumbering of a number of the site allocations for consistency across the SALP, table 1.1 at section 1 which lists the strategic and non strategic policies and site allocations requires

updating. This is addressed through **SAMM05**. This modification is necessary for the policy to be effective.

194. As a result of the modifications outlined below, corresponding changes are necessary to figures 1.2, 2.1, 3.1, 4.1, 5.1, 6.1, 7.1 and 9.1 for effectiveness and to reflect the modifications to the site allocations throughout the Plan as well as the Vale Royal/Brewery Road LSIS boundary. We recommend **SAMM02, SAMM09, SAMM17, SAMM29, SAMM42, SAMM56, SAMM71 and SAMM89** to address this.

King's Cross and Pentonville Road

195. There are seven site allocations contained within the Plan for this spatial strategy area. KC1 covers the Kings Cross Triangle site which is bounded by York Way, the East Coast mainline and the Channel Tunnel Rail link comprising disused former railway lands, temporary storage and car parking. The allocated use is reflective of the planning permission which is for a mixed use residential led development including leisure, community and retail uses as well as open space. **SAMM10** updates the protected viewing corridor reference as well as correctly referencing the concrete batching Plant under development considerations. This is necessary for the Policy to be effective.
196. KC2 covers 176-178 York Way and 57-65 Randell's Road. The allocation is identified for a business-led mixed use development and the intensification of business use is identified as a priority for this site. **SAMM11** is necessary to correct the planning history reference contained within the Policy for effectiveness and for the same reason as allocation KC1, to update and include a reference to the nearby concrete batching Plant.
197. KC3 relates to Regents Wharf (10,12,14,16 and 18 All Saints Street). The site is currently in office use however the allocation outlines how the site should provide for the retention and reprovision of business floorspace with the potential for intensification of business use. As drafted, the Policy wording includes 'limited' business use however this wording is neither necessary or justified as an uplift in commercial floorspace on the site has recently been permitted. **SAMM12** deletes this text, as well as updating the planning history to reflect this recent permission and site ownership details. In order to ensure the living conditions of nearby residents are adequately protected, the

modification also provides additional wording in this regard. The modification is necessary for the Policy to be effective.

198. We have taken site allocations KC6 and KC7 together as these allocations address sites at 8 All Saints Street and All Saints Triangle, Caledonian Road. Both sites are allocated for employment related uses, being located within the King's Cross Priority Employment Location. **SAMM13** is necessary to correctly reference the protected viewing corridor within KC6. **SAMM14** is necessary to add additional text to the development considerations of KC7 to ensure that the living conditions of neighbouring residential properties are protected. Both of these modifications are necessary for the allocations to be effective.
199. KC8 provides a new site allocation at the Bemerton Estate South. This modification is set out at **SAMM15** and is necessary for the Plan to meet overall housing need and to be positively prepared. The allocation identifies the site for infill residential development, including the re-provision of community space and the provision of new retail/commercial space along Caledonian Road. The modification also addresses the issue of green space through the development considerations by seeking to ensure that opportunities to improve urban greening and enhance green infrastructure be maximised. Overall, this is a justified and proportionate approach.
200. Subject to the modifications set out above, the approach outlined throughout the King's Cross and Pentonville Road site allocations is sound. As we do not have the ability to amend the policies map, it will be for the Council to make the necessary amendments to the policies map in light of these changes.
201. As a result of these modifications, table 2.1 which sets out the site allocations within this area also needs to be updated and this is set out at **SAMM08**.

Vale Royal/Brewery Road Locally Significant Industrial Site

202. There are ten site allocations within this spatial strategy area. As a general point, the allocations here seek to ensure that adequate access and servicing arrangements in relation to business/industrial uses are incorporated into any proposals and that access for servicing and deliveries should be on site. In light of the approach outlined within Policy T5 of the SDMP concerning delivery and servicing, this is in our view a justified approach.

203. As submitted, site allocation VR1 relates to the wider site known as Fayers site, 202-228 York Way, 22-23 Tileyard Road, 196-200 York Way. However in reality two separate planning permissions exist for the site so it has been split accordingly as the allocation as it stands is no longer justified. **SAMM18** amends this by updating the Policy text to accurately reflect the developable site area and the Policy criteria. The modification will also necessitate a change to the site boundary as illustrated on the policies map. It will be for the Council to update the policies map in light of this change.
204. Located to the north of VR1, VR2 covers 230-238 York Way. In order to reflect the more positive Policy approach to the co-location of office and/or research and development use outlined at Policy B2, **SAMM19** is necessary. This modification provides an appropriate cross reference to policies B2-B4 and SP3 within the Policy and updates the reference to the protected viewing corridor for effectiveness.
205. Tileyard Studios are covered at site allocation VR3. This site relates to existing activities servicing the music industry including studios, writing rooms and offices. As drafted, the current/previous use section of the Policy is not justified as it does not accurately reflect the broad range of activities taking place at the site. We have considered the specific Policy wording following the evidence presented at the hearing, the written representations as well as the views expressed within the SoCG prepared by the Council and landowner on this matter (LBI28). In our view, **SAMM20** is necessary to amend the Policy wording and also updates the allocation and justification text to be more positively prepared and reflect the overarching Policy approach outlined at policies SP3 and B2. In this way, we consider that the allocation will appropriately support the growth of the existing Tileyard Cluster of businesses operating here. It provides an appropriate Policy response to the specific circumstances of the site within the context of policies SP3, B2 and the broader LSIS objectives. The proposed modification presents a justified and effective Policy approach to the site allocation. The reference to the protected viewing corridor is also updated for effectiveness and the development considerations are also updated to provide a more positive and flexible approach to servicing and deliveries at the site.
206. VR4 covers a relatively narrow site at 20 Tileyard. The site is currently used as a food production factory. In common with site VR2, the allocation and justification section as drafted is not positively prepared. **SAMM21** addresses

this by outlining how co-location of office and/or research and development uses would be appropriate. This modification provides an appropriate cross reference to policies B2-B4 and SP3 within the Policy and updates the reference to the protected viewing corridor for effectiveness.

207. As set out above, the submission Plan allocated VR5 at 4 Brandon Road. However, this allocation is updated through **SAMM22** to cover 22-23 Tileyard Road and part of 226-228 York Way. This allocation previously formed part of VR1 but has been allocated separately to reflect the separate planning permissions for each part of the site. The allocation reflects the extant planning permission for light industrial, flexible business use and an ancillary café, as well as supporting the principal of co-location of uses in line with policies B2-B4 and SP3. As we do not have the ability to amend the policies map, it will be for the Council to make the necessary amendments to the policies map in light of these changes.
208. We recommend **SAMM24** for site allocation VR6 which allocates the former VR5 site at 4 Brandon Road as an appropriate site for co-location of office and/or research and development uses in line with the other VR site allocations. The modification also updates the timeframe for delivery for effectiveness and deletes text referring to a maximum building height which is not justified by the evidence base.
209. VR7, VR8 and VR9 relate to a number of properties on Brewery Road - 43-53, 55-61 and Rebond House at 98-124 Brewery Road respectively. Both VR7 and VR8 are privately owned. VR9 is under the ownership of the City of London. All three sites are able to contribute to the spatial strategy by providing additional employment floorspace. **SAMM25**, **SAMM26** and **SAMM27** amend a number of the development criteria for effectiveness, including the cross referencing to other relevant policies within the Plan, as well as correctly referencing the relevant Islington Local View Corridor.
210. The final site within the Vale Royal/Brewery Road LSIS is VR10. This site covers 34 Brandon Road. As submitted, the Policy is not positively prepared as it fails to recognise the contribution which the co-location of office and/or research and development use can make. **SAMM28** amends the Policy wording in this regard and also deletes wording which is not justified in relation to building heights. The modification also correctly references the Islington Local View protected viewing corridor. This modification is necessary for effectiveness.

211. As a result of these modifications, table 3.1 also needs to be updated as this sets out the site allocations within the area, this is reflected in **SAMM16**.
212. Subject to the modifications set out above, the approach outlined throughout the Vale Royal/Brewery Road LSIS site allocations section of the Plan is sound.

Angel and Upper Street

213. There are sixteen site allocations across the Angel and Upper Street spatial strategy area. With the exception of AUS15, all of the sites are either located within the Angel Town Centre, the CAZ or both.
214. Site allocations AUS1, AUS6, AUS7, AUS10, AUS12, AUS13, AUS16 do not accurately reflect the correct protected viewing corridor. In order to ensure the policies are effective, this is rectified through modifications **SAMM30, SAMM33, SAMM34, SAMM37, SAMM38, SAMM39** and **SAMM41**.
215. AUS2 relates to Pride Court, 80-82 White Lion Street. This site which is currently in office and residential use, is located within the Angel Cultural Quarter, Angel Town Centre and CAZ. As drafted, the Policy is not justified as it fails to reflect the recent planning permission granted at the site. **SAMM31** addresses this by updating the relevant planning history and allocation and justification sections of the Policy.
216. AUS8 relates to the former cinema and bingo hall at 161-169 Essex Road. This is a grade II* listed property, located partly within the Canonbury Conservation Area and Angel Town Centre. As drafted, the allocation and justification section of the Policy is not effective as the uses proposed are not justified. **SAMM35** addresses this by providing greater clarity in relation to the mix of uses envisaged for the site. It also adds additional text to the development considerations section to confirm that marketing evidence as required by Policy R10 of the SDMP is not required for development proposals which are consistent with the site allocation.
217. Subject to the modifications set out above, the approach outlined throughout the Angel and Upper Street site allocations section of the Plan is sound.

Nag's Head and Holloway

218. There are a total of fourteen site allocations within this spatial strategy area.
219. Site allocations NH7 and NH10 do not accurately reflect the correct protected viewing corridor. In order to ensure the policies are effective, this is rectified through **SAMM48** and **SAMM51**. **SAMM48** also updates how allocation NH7 was identified to ensure the text is reflective of pre-application discussions which have taken place.
220. NH1 relates to the Morrisons supermarket and adjacent car park as well as 10 Hertslet Road and 8-32 Seven Sisters Road. As drafted, the Policy is unsound as it seeks to focus on a retail led mixed use development with residential use only permitted on the upper floors. The Policy also fails to cross reference Policy SC1 in relation to the existing snooker hall. In order to address this, **SAMM43** amends the allocation and justification text as well as the development considerations to provide a more flexible approach to residential use as well as a focus on the retention and improvement of the existing retail offer. The modification also adds additional text to cross reference to Policy SC1 as well as adding additional wording in relation to the existing operation of the food store during the construction phase. This modification is necessary for effectiveness. For the same reason, the modification also covers and updates the estimated timescale for delivery.
221. NH3 covers 443-453 Holloway Road. The site is currently in arts/cultural and business use and the allocation identifies the site as being suitable for intensification of business use and commercial uses. However, the existing arts/cultural uses should be retained. **SAMM45** is necessary to update the timescale for delivery, planning history and use classes in order to ensure the Policy is effective. NH4 covers the Territorial Army Centre at 65-69 Parkhurst Road. **SAMM46** updates the relevant planning history to reflect the most recent consent and is necessary for effectiveness.
222. NH11 covers the Mamma Roma site at 377 Holloway Road. This site is identified for the potential intensification for business use. The Policy requires modification through **SAMM52** to acknowledge the potential for site assembly with the neighbouring allocation at NH12 which is already reflected within allocation NH12 as well as providing clarity in relation to the primary shopping

area designation. This modification is necessary to ensure the Policy is effective. The adjoining site allocation is covered by NH12 which is 341-345 Holloway Road and 379-391 Camden Road. This site has been identified through the Tall Buildings Study as having scope to provide a local landmark building. **SAMM53** updates the development considerations to ensure that any development should respect the amenity of neighbouring residential properties. This is necessary to ensure the Policy is effective in its application.

223. The final two allocations in Nag's Head and Holloway are covered by allocations NH13 and NH14. Both of these sites are owned by the London Metropolitan University. NH13 relates to 166-220 Holloway Road. A number of changes to the Policy text are necessary for effectiveness and are addressed through **SAMM54** to provide greater clarity in relation to the approach to the existing tall building, update the reference to the viewing corridor and acknowledge the acceptability of student accommodation in this location. NH14 also requires amendment through **SAMM55** to ensure the Policy is effective. This modification provides clarity to the Policy wording in relation to active frontages, the acceptability of student accommodation in this location and updates the UCO references as well as the reference to the viewing corridor.
224. Subject to the modifications set out above, the approach outlined throughout the Nag's Head and Holloway site allocations section of the Plan is sound.

Finsbury Park

225. There are a total of fifteen site allocations within this spatial strategy area. FP3 relates to the Finsbury Park Station and Island, Seven Sisters Road. This site represents one of the major strategic transport interchanges within the Borough. Redevelopment is expected to provide a mixed use commercial led scheme to include both offices and residential uses. **SAMM59** is necessary to correct an error in the site size and also amend the appropriate uses in light of the changes to the UCO.
226. FP4 refers to a site allocation fronting Fonthill Road and Goodwin Street. The site is allocated for a retail led mixed use redevelopment to complement the specialist shopping function of Fonthill Road. **SAMM60** is necessary to amend the allocation to reflect that an element of residential use may be acceptable, subject to the relevant affordable housing policies and also to update the

relevant planning history section. This modification is necessary to ensure the Policy is effective.

227. FP5 refers to a site at 1 Prah Road. The allocation and justification section of the Policy requires amendment to refer to residential development only as the remainder of the text is not necessary for effectiveness. This is addressed through **SAMM61**. FP7 refers to the Holloway Police station at 284 Hornsey Road. It is not a justified approach to require the justification of the loss of social infrastructure on this site and as a result, **SAMM62** is necessary. This modification also adds an appropriate reference to the viewing corridor. FP9 relates to 221-233 Seven Sisters Road. This site is located within Finsbury Park town centre and has been identified through the tall buildings study as an appropriate location for a local landmark building. **SAMM64** amends the Policy wording to provide a clearer commitment regarding the comprehensive development of the site and to amend the current and previous uses in light of the changes to the UCO. This modification is necessary for effectiveness.
228. Site allocations from FP11 onwards in the Submission Plan are renumbered as a result of the deletion of FP10. **SAMM67** is necessary to amend the relevant planning history, allocation, reference to the protected viewing corridor and current/previous use to ensure the policy is effective.
229. FP11 of the submission SALP is to be renumbered FP10 through **SAMM66** as a result of the deletion of the former allocation at FP10 (**SAMM65**). The modification also updates the planning history section. The modification is necessary for effectiveness. Site allocation FP13 addresses the Andover Estate. An additional reference within the site designations and constraints is necessary to reference the relevant viewing corridor. This is addressed through **SAMM69**. Finally, FP14 refers to 216-220 Seven Sisters Road. This allocation identifies the site for an office/business led development with retail at ground floor level. **SAMM70** amends the estimated timescale for delivery which is necessary for effectiveness.
230. Subject to the modifications set out above, the approach outlined throughout the Finsbury Park site allocations section of the Plan is sound.

Archway

231. There are a total of twelve site allocations within this spatial strategy area.
232. ARCH1 covers the Archway Bus Station site on Vorley Road. The site has been identified as having potential to accommodate a local landmark building through the Islington Tall Buildings Study. **SAMM72** is necessary to amend the allocation and justification section of the text to ensure that social and community infrastructure uses are recognised as appropriate here as well as introducing greater flexibility around the wording concerning business floorspace. The modification is necessary to ensure the Policy wording is effective.
233. ARCH3 relates to the Archway Central Methodist Hall within Archway town centre. The site is located within the primary shopping area as well as the St. John's Grove Conservation Area. **SAMM74** is necessary to amend the Policy wording to provide the correct address details, correctly identify the relevant planning history and amend the Policy wording in terms of the allocation and justification as well as development considerations. The modification is necessary to ensure the Policy wording is effective. Whilst we note representations to the effect that this allocation should be deleted as a result of the deletion of the cultural quarter designation, we do not consider that this would be necessary for soundness.
234. ARCH5 refers to the Archway Campus at Highgate Hill. As currently drafted, the Policy wording is not effective as it fails to provide flexibility in terms of the land uses identified. This is addressed through **SAMM76** which acknowledges the appropriateness of student accommodation and active frontages in this location. The modification also adds reference to the Islington Local View and additional text highlights the importance of recognising that any development should respect the amenity of neighbouring residential properties, including properties on Lidyard Road. The modification is necessary to ensure the Policy wording is effective.
235. The former Job Centre at 1 Elthorne Road is covered by ARCH6. This allocation requires modification through **SAMM77** to recognise that the existing property is now vacant, update the current ownership, timescale for delivery and provide greater flexibility to the allocations and justification section. The modification is necessary to ensure the Policy wording is effective. ARCH7 and ARCH8 (formerly ARCH8 and ARCH9 in the submission Plan) are further allocations at Brookstone House and Holloway Road respectively. Both of the allocations

require modification through **SAMM79** and **SAMM80** respectively to ensure the policies are effective. These modifications amend the address and planning application details.

236. ARCH7 refers to 207A Junction Road. This site is to be deleted from the Plan through **SAMM78**. This is because the extensive representations received (including those of the existing leaseholder) at the MM consultation have demonstrated that the site would not be deliverable during the Plan period. This deletion from the Plan necessitates the renumbering of allocations ARCH7-ARCH12 inclusive which are covered by the MM outlined within our report. As a result of the deletion of the Archway Cultural Quarter which we have addressed under issue 5 above, there are corresponding changes to the relevant site allocations to delete this reference which are covered by **SAMM72, SAMM73, SAMM74, SAMM77, SAMM79, SAMM80, SAMM82, SAMM83**. In order for these policies to be effective, it will also be necessary for the corresponding removal of the cultural quarter from the policies map. However, as we do not have the ability to amend the policies map, it will be for the Council to make the necessary amendments to the policies map in light of these changes.
237. ARCH9 relates to the existing community facility and sports pitches at the Elthorne Estate. **SAMM81** amends the allocation to ensure the development also secures a new community centre as well as providing additional text in terms of the planning permission and to reference a replacement ball court at Zoffany Park. The modification is necessary to ensure the Policy wording is effective.
238. ARCH10 covers Dwell House which was numbered as ARCH11 in the submission version of the Plan. **SAMM82** is necessary for effectiveness to ensure the site is correctly referenced as only being partly within the town centre boundary and also to acknowledge that development should respect the amenity of surrounding residential properties. In relation to ARCH11, this modification also updates the planning history which is necessary for effectiveness. The timescale for delivery of ARCH4 is amended through **SAMM75** which is necessary for effectiveness.
239. Subject to the modifications set out above, the approach outlined throughout the Archway site allocations section of the Plan is sound.

Highbury Corner and Lower Holloway

240. There are a total of six site allocations within this spatial strategy area. **SAMM87** amends the planning history section of allocation HC4 Dixon Clark Court which is necessary for effectiveness. In terms of allocation HC3 which relates to Highbury and Islington Station, Holloway Road, **SAMM86** is necessary for effectiveness to ensure that the development considerations section acknowledges that any decking scheme should be sensitively designed in relation to the amenity impacts on residents.
241. Subject to the modifications set out above, the approach outlined throughout the Highbury Corner and Lower Holloway site allocations section of the Plan is sound.

Other important sites

242. There are a total of twenty six sites contained under the heading of 'other important sites'. These are generally dispersed throughout the Borough outside the designated spatial strategy areas. In common with the above allocations, **SAMM90, SAMM91, SAMM94, SAMM95, SAMM96, SAMM99, SAMM104, SAMM105, SAMM106 AND SAMM107** are necessary to site allocations OIS1, OIS2, OIS6, OIS7, OIS8, OIS15, OIS16, OIS18, OIS19 and OIS22 as the Policy wording as drafted does not reflect the most up to date changes made to the UCO and/or to update the relevant planning history sections where necessary which is required for effectiveness. **SAMM110** is necessary for Policy OIS24 in the submission Plan (renumbered to OIS23 through the modification) this modification also amends the site boundary and area. As we do not have the ability to amend the policies map, it will be for the Council to make the necessary amendments to the policies map in light of this change.
243. **SAMM107, SAMM109, SAMM111, SAMM112** are necessary to allocations OIS19, OIS24 and OIS25 to correctly reference the Islington Local View and/or the London View Management Framework viewing corridor, or both.
244. OIS4 originally included 1 Kingsland Passage. However, this part of the site has recently been subject to a comprehensive development. **SAMM92** is necessary to correctly reflect this and update the site area, ownership, timescale for delivery and address to ensure the Policy is effective. As we do not have the

ability to amend the policies map, it will be for the Council to make the necessary amendments to the policies map in light of this change.

245. OIS5 relates to Bush industrial Estate, Station Road. In order to reflect the more flexible approach to co-location of office and/or research and development uses, the allocation and justification is amended through **SAMM93** for effectiveness. The modification also amends the site designation and constraints section as well as the development considerations to accurately reflect the site's locational characteristics in terms of it being adjacent to the Whittington Park SINC, residential uses as well as Yerbury Primary School. These changes are also necessary for effectiveness.
246. **SAMM98** introduces a new OIS9 which relates to the Highbury Quadrant Congregational Church. This allocates the site for re provision of the existing Church and community space alongside residential development, including affordable housing. The modification has been amended since the consultation on the MM to replace 'application' with 'permission' which is a more accurate reflection of the current position. The development considerations and estimated timescale are all necessary to ensure the Policy is effective.
247. OIS10 covers 500-502 Hornsey Road and Grenville Works, 2A Grenville Road. The planning history and allocations sections require modification through **SAMM99** to reflect a recent successful appeal on the site. This is necessary for the Policy to be effective.
248. **SAMM101** introduces a new allocation at OIS12 which was previously OIS32 and covers the New Orleans Estate. The allocation is necessary to adequately address the Boroughs housing needs over the Plan period. This Policy allocation focuses on the provision of new additional residential development including affordable housing, whilst also recognising the importance of the relocation and re-provision of the existing multi-use games area and community building as well as improvements to play space, amenity space and landscaping across the estate. The development considerations are justified and effective. The modification is necessary for the Policy to be effective.
249. OIS14 (renumbered as formerly OIS15) addresses Athenaeum Court, Highbury New Park. This site is allocated for infill residential development. **SAMM103** is necessary to update the development considerations section to ensure that

development respects the amenity of neighbouring residential properties, including residents of Orwell Court and also to ensure that trees are appropriately covered by any landscaping Plan. This modification is necessary for effectiveness.

250. OIS20 (renumbered as formerly OIS21) addresses the Former Railway Sidings adjacent to Caledonian Road Station. A number of changes to the development considerations section are necessary to ensure the on-site and nearby heritage assets are accurately covered by the Policy. This change is brought about by **SAMM108** and is necessary for effectiveness.
251. **SAMM113- SAMM118** cover modifications to allocations OIS26 – OIS31 (formerly OIS33) inclusive. These allocations were previously identified within the pre hearing modifications and cover a number of existing Housing Estates within the Borough which the Council have identified as appropriate for additional residential development including affordable housing. These modifications (including the renumbering of the policies) are necessary to meet overall housing needs over the Plan period and will ensure the Plan is positively prepared. As we do not have the ability to amend the policies map, it will be for the Council to make the necessary amendments to the policies map in light of these changes.
252. Subject to the modifications set out above, the approach outlined throughout the Other Important Sites section of the SALP is sound.

Sites within the Bunhill and Clerkenwell AAP

253. BC3 allocates the Islington Boat Club at 16-34 Graham Street for the provision of residential development as well as the refurbishment of the boat club facilities. **BCMM20** adds additional text to the development considerations for effectiveness to ensure that the community and sporting uses should be provided consistent with the requirements of Policy SC1 of the SDMP Plan. For the same reason, the modification also adds additional text in relation to any residential use proposed here to refer to the agent of change principle as set out at Policy DH5. Subject to this modification, the allocation at BC3 presents a sound and justified approach.
254. BC4 covers one of the larger site allocations within the BCAAP at Finsbury Leisure Centre. The site is allocated to provide leisure facilities, housing, energy

centre, nursery and public open space. As currently drafted, the Policy is not effective as it fails to adequately acknowledge the need to protect the amenity considerations of occupiers in the vicinity of the site. We have amended the modification wording in light of the representations made to ensure that the protection of the amenity of neighbouring properties is not only focused on Burnhill House, Norman Street as this will ensure the Policy is effective. As drafted, the Policy also fails to adequately acknowledge that the redevelopment should ensure the re-provision of the existing sports pitches and facilities which are a well used feature of the area. **BCMM21** amends the Policy text to address these two issues. Subject to this modification, Policy BC4 presents a sound approach.

255. BC5 relates to the London College of Fashion, Golden Lane. Whilst the sites current use is as a further education venue, the site is allocated for the refurbishment of the existing building for office use. **BCMM22** provides greater detail to the Policy wording which is necessary for effectiveness. The modification notes where additional extensions to the existing building maybe appropriate. Subject to this modification, Policy BC5 presents a sound approach.
256. Sites BC6 and BC7 cover the Redbrick Estate and Vibast Centre, garages and car park as well as 198-208 Old Street (Petrol Station site). BC6 is allocated for residential use and BC7 is allocated for redevelopment of the petrol station to provide retail/leisure uses at ground floor level with offices above. **BCMM23** adds the re-provision of the community centre and small scale retail use to the allocation, as well as acknowledging that the health care centre previously provided on the site has been re provided off site. **BCMM24** adds additional text to the allocation and justification section of BC7 to recognise the existing petrol filling station will continue prior to the site's redevelopment. Both of these modifications are necessary for the effectiveness of the policies and subject to these modifications, policies BC6 and BC7 present a sound approach.
257. Old Street roundabout is covered by Policy BC8. This site is allocated for a number of gyratory and highways improvements as well as enhanced retail provision and the provision of significant new public open space. In relation to the relevant planning history, **BCMM25** updates the text here to ensure the Policy is effective and accurately reflects TfL's wider role within the area. Under development constraints, additional text is also added to highlight that proposals should improve conditions and safety for cycling. Subject to this modification, the approach outlined at Policy BC8 is sound.

258. 254-262 Old Street is covered by allocation BC10. As drafted, the allocation sought to include the Golden Bee Public House at 262 Old Street and referred to any development should consider the retention of this public house. In light of the other Policies contained within the Plan to protect such uses, namely Policy R11, this approach is neither justified or effective. In order to rectify this, the inset map and Policy text is amended through **BCMM26** to remove the reference to the public house. As we do not have the ability to amend the policies map, it will be for the Council to make the necessary amendments to the policies map in light of this change. The modification also updates the ownership and address details which is necessary for the Policy to be effective. Subject to this modification, the approach outlined at Policy BC10 is sound.
259. Site allocations BC11 and BC12 cover Longbow House, 14-20 Chiswell Street and Cass Business School, 106 Bunhill Row. BC11 allocates the site for commercial office use whilst BC12 is allocated for limited intensification of the education use including increased teacher facilities. In order to ensure the policies are effective, **BCMM27** and **BCMM28** amend the development considerations parts of the policies and estimated delivery timeframe for BC11. Subject to these modifications, the approach outlined at Policy BC11 and BC12 is sound.
260. The Car Park at 11 Shire House, Whitbread Centre, Lambs Passage is covered by Policy BC13. In order to ensure the Policy is effective, the allocation and justification text needs to be updated. This is addressed through **BCMM29** which outlines appropriate uses as a mixed use development with residential and a significant amount of office floorspace. An element of hotel use is also identified as being acceptable in principle. Subject to this modification, the approach outlined at Policy BC13 is sound.
261. Site allocations BC15, BC16, BC17, BC18, BC19, BC20, BC22, BC25, BC26, BC27, BC29, BC32, BC34, BC35, BC46 require either the planning history section to be updated, the correct reference to the Islington Local View and/or the London View Management Framework viewing corridor to be included, or both. These modifications are brought about through the following modifications: **BCMM30, BCMM31, BCMM32, BCMM33, BCMM34, BCMM35, BCMM37, BCMM39, BCMM40, BCMM41, BCMM43, BCMM44, BCMM46, BCMM47 and BCMM56** respectively. Site allocation BC28 is amended through **BCMM42** as the Policy as drafted fails to acknowledge the heritage assets at 320-326 City Road within the development considerations section of the Policy.

BC33 covers the site allocation at Oliver House, 51-53 City Road. This allocation is modified through **BCMM45** for effectiveness so that the allocation and justification section of the Policy refers to commercial uses as well which provide an active frontage to the ground floor. In addition to correcting the references to the protected viewing corridors, **BCMM48** also amends the allocation and justification section of site allocation BC36 concerning the London Metropolitan Archives and Finsbury Business Centre. This modification ensures the intensification of business use reference is specific to the Finsbury Business Centre which is necessary for effectiveness. Subject to these modifications, the approach outlined at the aforementioned policies is a sound one.

262. In addition, a number of the site allocations require amendment to the Policy wording in relation to development considerations, current/previous use, estimated timescales and/or the relevant planning history sections. These modifications are necessary to ensure the policies are effective in their application. This applies to policies BC37, BC40, BC41, BC43, BC44, BC45, BC47, BC49, BC51 and these modifications are brought about by **BCMM49, BCMM51, BCMM52, BCMM53, BCMM54, BCMM55, BCMM57, BCMM58** and **BCMM60** respectively. Subject to the modifications outlined, the Policy approaches are sound.
263. BC21 relates to the site allocation at 4-10 Clerkenwell Road, 29-39 Goswell Road and 1-4 Great Sutton Street. As drafted, the Policy is not effective as it does not accurately reflect the proposed uses for the site. **BCMM36** rectifies this by updating the allocation and justification text to state hotel led mixed use development with retail and leisure uses. The modification also updates the planning history section for clarity and effectiveness. Subject to this modification, the approach outlined at Policy BC21 is sound.
264. BC24 covers the Clerkenwell Fire Station at 42-44 Rosebery Avenue. This allocation is highlighted as a key development opportunity within the spatial strategy area section at Part D of BC6: Mount Pleasant and Exmouth Market. The Policy as drafted is not effective as it fails to acknowledge the importance of securing active frontages at the ground floor for commercial, a small element of social infrastructure or community uses. **BCMM38** amends the Policy wording to address this. It also updates the references to the London View Management Framework to accurately reflect the correct references within the Policy. Subject to this modification, the approach adopted by Policy BC24 is a justified one.

265. Two of the most comprehensive development sites within the BCAAP are covered by BC38 – Moorfields Eye Hospital and BC50 – Queen Mary University, Charterhouse Square Campus. In terms of BC38, the existing Moorfields Eye Hospital site is located on the City Road and its redevelopment is acknowledged to provide a significant opportunity for expansion of tech businesses in this area. The site is located within the CAZ and the City Fringe Opportunity Area. **BCMM50** amends the reference to social infrastructure and also the public space reference for effectiveness. Following representations received at the main modifications consultation, we have also amended the allocation and justification section of the policy to include reference to research and development which is a justified approach to reflect the fact that research and development use previously formed part of the former B1 use class.
266. The Queen Mary University, Charterhouse Square Campus (BC50) is allocated for a variety of uses including higher education and medical research uses, office and research uses and student accommodation. We are mindful of the representations received regarding the potential security constraints in connection with providing a new pedestrian route through the site. As a result, the development considerations section of the Policy needs amending to demonstrate greater flexibility in this regard and this is carried out through **BCMM59**. Furthermore, the modification also provides more positive commentary regarding student accommodation on the site further to modification **SDMM24** and correctly references the London View Management Framework viewing corridor. Subject to these modifications, the approach outlined at both BC38 and BC50 is sound.

Conclusion

267. Subject to the modifications outlined, the Council's approach to the site allocations within both the SALP and BCAAP is sound. The approach is justified, effective and consistent with National Policy.

Issue 7 – Whether the Plan will meet the identified housing need and whether there is a reasonable prospect of a five year supply of deliverable housing sites on adoption

Meeting the housing need

268. The overall housing target for the Plan period (as modified) from 2020/21 to 2036/37 is 13,175 homes. Policy H2 of the Plan does not identify the overall housing need over the Plan period, and we consider this is necessary for the Plan to be positively prepared. Modification (**SDMM21**) addresses this matter. A corresponding change (**SAMM07**) is also needed to amend the overall housing target in the SALP. This will ensure effectiveness.
269. The Plan as submitted would not meet the overall need. Early in the examination we wrote to the Council to set out that it should seek to boost the supply of housing to meet the identified housing need. The Council chose to identify further site allocations, namely associated with their own housebuilding programme and revised the allocated uses on some site allocations. These were subject to a pre-hearing consultation to ensure that no party was prejudiced and could actively take part at the hearing sessions. Modifications (**SAMM15, SAMM35, SAMM43, SAMM98, SAMM99, SAMM101, SAMM113, SAMM114, SAMM115, SAMM116, SAMM117** and **SAMM118**) are therefore necessary to allocate the additional sites and alter the allocated uses on some sites. This will ensure the Plan is positively prepared. The Council will also need to ensure that such changes are reflected on the policies map when adopted.
270. The SDMP does not contain a housing trajectory, which is a requirement of the Framework. A modification (**SDMM100**) is therefore needed to add this as a new appendix. This will ensure compliance with National Policy. The Council's latest housing trajectory as set out in modification SDMM100 shows the Plan (as modified) would deliver 14,029 dwellings over the Plan period.
271. The Plan would provide a buffer of over 850 dwellings. We consider this to be a reasonable figure to take into account any potential non delivery of sites over the Plan period.
272. The Council has assumed a small site windfall allowance of 484 dpa and this figure has originated from Table 4.2 of the London Plan. There is no reason before us to consider that this is not an appropriate figure. Further, the Council has applied a large site windfall allowance of 62 dpa from 2025/26 onwards. We consider this to be a reasonable estimate based on past trends and there is compelling evidence that they will provide a reliable source of supply.

Five-year housing land supply

273. The housing requirement established in the Plan is 775 dpa. At the time of the examination hearings the Council accepted that it was a 20% buffer authority due to the housing delivery test results in 2019. However, the most recent housing delivery test results (14 January 2022) for the period 2018/19 to 2020/21, show that the Council delivered more homes than required (104%). We therefore agree with the Council (LBI33) that having regard to paragraph 74 of the Framework, Islington is a 5% buffer authority. As a result, we have altered the housing trajectory (**SDMM100**) to remove reference to a 20% buffer, by deleting this row of the table.
274. The Council has confirmed (LBI33) that during the first year of the Plan period (2020/21) completions were 657 homes. This creates a shortfall of 118 dwellings since the start of the Plan period. This should be taken into account in the five-year calculation. The Council had sought to move the base date of the Plan from 2020/21 to 2021/22. However, we are not of the view that there are any reasons for doing so to make the Plan sound.
275. At the time of the examination hearings the period for calculating the Council five year housing land supply was 2021/22 to 2025/26. We acknowledge that due to delays in the examination, things have moved on. However, we have examined the deliverability of the Council supply based on this time period and consider that the most pragmatic approach, to avoid further delays that would have significant consequences for the examination, is to still adopt this timeframe. Notwithstanding this, we consider that the most recent housing delivery test results should be taken into account as this is a factual matter. Based on the housing requirement of 775 dpa, the shortfall of 118 dwellings and a 5% buffer, we consider that the five-year requirement is 4,193 homes (839 dpa).
276. Turning to supply, the Framework requires sites within the five-year housing land supply calculation to be 'deliverable' as defined in Annex 2 of the Framework. There are a number of site allocations that do not currently have planning permission but are considered to be deliverable within the 5 year period. The Framework notes that where a site has been allocated in a development Plan it should only be considered deliverable where there is clear

evidence that housing completions will begin on site within five years. The PPG² expands on this by setting out that this could include firm progress being made towards the submission of an application; firm progress with site assessment work; or clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects.

277. Based on the evidence provided by the Council, both within its hearing statements and provided orally at the hearing session, we are content that the Council's assumption on delivery from the site allocations without planning permission are robust and they should be considered deliverable.
278. We note that the Council has confirmed (LBI33) that actual completions for 2021/22 were 441 homes, lower than the 708 anticipated completions set out in the housing trajectory (**SDMM100**). However, given 2021/22 is the first year of the five year period, we consider it is reasonable to consider that the delayed 267 homes will still likely be delivered over the five year period.
279. The Council's housing trajectory (**SDMM100**) shows the delivery of 5,031 dwellings over the five year period. This equates to a supply of 6 years. Even if the 267 homes were excluded, the Council's supply would still remain at 5.68 years. We consider that the robustness of these figures are further increased by the lapse rates that have been applied to unimplemented permissions for all sites based on past trends.

Conclusion

280. We consider that with the recommended modifications, the Plan will meet the identified housing need and the Council will be able to demonstrate a five-year housing land supply on adoption of the Plan.

Issue 8 – Whether the Plan's approach to infrastructure is justified and consistent with National Policy

281. The Plan's approach to the provision of strategic infrastructure to support the delivery of the proposed development in the Plan is set out by Policies ST1 to ST4. The Infrastructure Delivery Plan (EB12) (IDP) also supports the Plan in

² Paragraph: 007 (Reference ID: 68-007-20190722).

this regard. We consider that the IDP appropriately identifies the necessary infrastructure requirements and considers how they will be delivered and funded.

282. The supporting text to Policy ST1 refers to a Regulation 123 Infrastructure list. This is no longer maintained by the Council and therefore a modification as set out at **SDMM73** is required to remove this reference and replace with reference to the Council's obligation to produce an Infrastructure Funding Statement on an annual basis. It also adds a specific additional reference to the use of Community Infrastructure Levy (CIL) payments for school place provision. Subject to this modification, the Policy will be effective.
283. During the pre-hearing modification consultation, the Council suggested a modification to the supporting text of Policy ST1 to set out that developer contributions may be secured retrospectively where it has been necessary to forward fund infrastructure projects. However, we consider that there is no basis to require retrospective developer contributions and that this would be unlikely to meet the tests for Planning obligations in the Framework and CIL Regulation 122. Consequently, we have not recommended this modification.
284. Policy ST2 considers waste and sets out that the Hornsey Street Re-use and Recycling Centre will be safeguarded in order for Islington to continue to contribute to meeting aggregated waste Planning requirements. However, the submission policies map does not illustrate the safeguarded site. This will need to be shown on the policies map when it is adopted for Policy ST2 to be sound. As we do not have the ability to amend the policies map, it will be for the Council to make the necessary amendments to the policies map in light of these changes. We consider that modification **SDMM74** is necessary to refer to the policies map within the Policy. This will ensure the Policy is effective.
285. Policy ST3 sets out the Council's approach to telecommunications, communications and utilities equipment. The Policy does not currently refer to the TfL Streets toolkit guidance, which is an important consideration. To ensure the Policy is effective, modification **SDMM75** is therefore required to address this matter.
286. The supporting text of Policy ST3 at paragraph 9.12 sets out that on-street location of telecommunications boxes and other utilities equipment should be

avoided, but where this is not possible, equipment must be designed and located to prevent street clutter and conflict with pedestrian movement and street furniture. Such equipment may also conflict with cyclists and for the Plan to be effective a change is needed through **SDMM75** to address this matter.

Conclusion

287. Subject to the above modifications, the Plan's approach to infrastructure is justified and consistent with National Policy.

Issue 9 –Town Centres and Retail: Whether the approach to town centres and retail development is justified, in general conformity with the London Plan and consistent with National Policy. Are the Plan policies based on a robust evidence base and are they justified and effective?

Meeting Retail needs over the Plan Period

288. The retail and leisure needs over the Plan period are outlined within the Council's retail evidence base (EB7). It outlines the future retail and leisure needs across the Borough until 2036. The study concludes that in order to meet identified need, the evidence base identified need for 6341sqm of convenience floorspace and 12247sqm of comparison floorspace to be provided by the end of the Plan period. **SDMM42** reflects these figures as an amendment to the supporting text which is necessary for the Plan to be effective. In addition to capacity, the study also includes health checks for the four town centres. This assessment follows the guidance contained within the PPG, and the evidence in relation to both need as well as the health checks undertaken presents a robust and proportionate approach to meeting retail needs over the plan period.

Strategic and Development Management Policies Plan

289. In order to meet this need, the Plans strategy will focus development towards designated town centres as outlined within the spatial strategy areas. Turning to the specific retail policies themselves, Policy R1 provides the overall approach towards retail, leisure and services as well as culture and visitor accommodation across the Borough. The Policy aims to support the town centres as the focal

point for commercial, cultural and civic activity within the Borough and goes on to outline the role and function which the Primary Shopping Areas (PSA) and Local Shopping Areas (LSA) will play in achieving this objective. **SDMM42** is necessary to ensure criteria F of the Policy accurately reflects the appropriateness of residential accommodation within town centres and local shopping centres, consistent with the approach outlined by the Framework. The modification also amends the text in relation to specialist shopping areas, cultural quarters and Primary Shopping Areas to ensure the Policy is effective and consistent with the remainder of the Plan. In addition, the modification also amends the supporting text for consistency and effectiveness with the Policy changes. Subject to this modification, the Policy is sound.

290. The PSAs are covered by Policy R2. This Policy seeks to maintain minimum percentage levels of retail uses across the designated centres. **SDMM43** amends the Policy wording to ensure that any new development at the ground floor level of a PSA contributes to the retail function of the PSA. This is necessary for the effectiveness of the Policy. In light of the changes to the UCO, new criteria are introduced to the Policy at D and E to introduce a marketing evidence requirement in relation to proposals which seek a change of use to another Class E use. Associated amendments to the supporting text are also made. This requirement is both necessary and justified in light of the changes to the UCO and for consistency with the requirement for marketing evidence across other policies contained within the Plan. Subject to this modification, the Policy presents a sound approach to dealing with the PSA.
291. As drafted, Policy R3 fails to acknowledge residential use as an appropriate use within town centres. A number of amendments are necessary to Policy R3 in the form of **SDMM44**. The Policy is renamed Islington's Retail Hierarchy instead of Islington's Town Centres through this modification as this more accurately reflects the purpose of the Policy. Sub headings are introduced throughout the Policy wording to ensure the Policy is effective in its application. The modification amends the detailed wording of part F of the Policy (now part C) to ensure the Policy is positively prepared. Parts G and H of the Policy as well as the supporting text are also amended to ensure that residential use is recognised as an appropriate town centre use, for consistency with National Policy and other policies contained within the Plan. The modification also adds additional text in relation to the role which impact assessments can play in relation to proposals outside of town centres. Subject to this modification, the Policy is justified.

292. LSAs are covered by Policy R4. The Policy outlines the overall approach to supporting town centres uses within the LSAs, including identifying the approach to proposals for a change of use. **SDMM45** is necessary to ensure the Policy cross references the policies map for effectiveness, removes the reference to residential uses being strongly resisted as this is neither justified or consistent with National Policy. In addition, the modification also introduces additional supporting text regarding marketing evidence requirements to ensure a consistent approach is adopted across all designated retail frontages. Subject to this modification, the Policy approach is sound.
293. The modification also provides new text at criteria C which states that development of main town centres uses over 200sqm must meet the requirements of Policy R3 Part E. Whilst we recognise that this approach goes beyond the requirements of National Policy in the case of Islington, LSA provide an important element of the retail offer with some 40 LSAs designated. This additional text will permit the Council to assess the impact of larger proposals on the character and function of the LSA and is considered a justified approach in this instance.
294. Policy R5 addresses dispersed retail and leisure uses within the Borough. The Policy outlines how the Council will support and protect retail uses located outside designated town centres and LSAs. This Policy recognises the role and function which dispersed retail and leisure uses can play to the local community and particularly those with mobility difficulties. As a result, the Policy sets out a criteria based approach. **SDMM46** deletes the references to dispersed A3 uses which is no longer justified in light of the changes to the UCO and adds additional text for clarity and effectiveness regarding new retail development proposals which may come forward. Subject to this modification, the Policy presents a sound approach.
295. Policies R6 and R7 deal with the special retail character of Islington including markets and specialist shopping areas. These policies are necessary as the Borough has a relatively unique concentration of small specialist shops, well established markets such as Chapel, Exmouth and Whitecross Street, Camden Passage and Archway as well as specialist shopping locations such as Camden Passage and Fonthill Road. All of these add to the unique local character of the areas concerned, and the policies aim to support the role and function of these areas across the Borough.

296. **SDMM47** outlines modifications to Policy R6 to introduce the wording and/or for clarity and effectiveness of the Policy, as well as clarifying that the supporting text relates to active frontages. **SDMM48** modifies Policy R7 to add additional text to recognise the contribution which residential use can play which is necessary for consistency with other policies contained within the Plan. The addresses of the specialist shopping areas covered by Policy R7 have been added to ensure the Policy is effective in its application. The modification also clarifies that individual or cumulative impacts on vitality, viability character, vibrancy and predominantly retail function should be prevented and/or mitigated. Subject to these modifications outlined, policies R6 and R7 present a sound approach. We note the concerns expressed regarding the use of SSA as an acronym and the extent to which the specialist shopping areas are defined within the Plan. However, an address schedule is provided within the Policy itself and where SSA is used as an acronym, it is preceded by the address reference. We are therefore of the view that this presents a sound approach.
297. Policy R10 addresses culture and the night time economy. This Policy provides a criteria based approach to the location of new cultural uses as well as separate criteria applicable to proposals involving the redevelopment and re-provision of existing cultural uses, the loss and/or change of use of these facilities as well as proposals for new night time economy uses. **SDMM51** amends the Policy to replace 'must' with 'should' to ensure the Policy is positively prepared. The modification also provides greater clarity to the Policy wording in terms of criteria B and the re-provision of new cultural uses, including in locations outside of the CAZ and town centres, as well as the requirements for marketing for town centre uses. The modification also deletes text which is no longer justified in terms of residential uses and the cultural quarters. Subject to this modification, the approach outlined by Policy R10 is sound.
298. Public houses are addressed by Policy R11. Public Houses are acknowledged to form an integral part of the urban fabric of the Borough. The Policy outlines how the Council will resist the redevelopment, demolition and change of use of public houses which meet identified criterion. **SDMM52** is necessary to add the emphasis of and/or in relation to the assessment criteria, as well as referencing the marketing and vacancy requirements outlined at appendix 1 of the Plan. Subject to this modification, the approach outlined by Policy R11 is sound.
299. Appendix 1 of the Plan sets out the marketing and vacancy criteria which will apply to the retail policies as well as Policy B3 and SC1. As currently drafted, it

is not clear from the appendix how the different marketing and vacancy criteria are applied across the policies of the Plan. **SDMM78** addresses this through a new table A1.1 which clearly sets out the marketing and vacancy periods applicable. This is necessary for the policy to be effective.

Bunhill and Clerkenwell Area Action Plan

300. Policy BC2 of the BCAAP outlines the overall approach to culture, retail and leisure uses within the area. The Policy recognises the importance of these uses to the functioning of the AAP area and support the primary economic function of the area. **BCMM05** amends the wording of Policy BC2 to ensure the Policy wording is positively prepared in relation to retail and leisure uses and deletes the reference at part B to the application of the sequential test (as well as the associated supporting text) as this is not justified. The modification also adds clarity to the application of part C of the Policy. Subject to this modification, the approach outlined by Policy BC2 is sound.

Conclusion

301. To conclude and subject to the above modifications, the Plan's approach to Town Centres and Retail development is justified, in general conformity with the London Plan and consistent with National Policy.

Issue 10 – The Built and Natural Environment: Are the Plan's policies for the environment, including green infrastructure, transport and biodiversity justified, effective and in general conformity with the London Plan?

Sustainable Design

302. The Council identifies how sustainable design will be delivered through Policy S1. This Policy and the Sustainable Design chapter of the Plan set out how development should maximise energy efficiency and minimise greenhouse gas emissions in accordance with the energy hierarchy. The approach has been informed by the evidence base (EB9) including the energy report and associated addendum. This evidence sets out a number of key Policy recommendations necessary for the Council to be in a position to achieve Islington's 2050 net zero carbon aim. Accordingly, policies S1-S10 inclusive provide this broad Policy

framework. We are satisfied that the evidence supports this broad objective and the policies outlined within the Plan will provide the Council with the Policy framework to achieve this target within the timeframe identified.

303. Policy S1 as submitted includes a reference within the supporting text to Islington's gas combined heat and power network however this text needs deleting as this is no longer considered to be a low carbon option. **SDMM58** addresses this and is necessary for the Policy to be justified. The modification also introduces additional text at paragraph 6.10 to recognise the role which heat networks provide. The Policy provides a clear and robust framework for prioritising renewable and low carbon heat and energy which is consistent with the London Plan.
304. Policy S2 addresses Sustainable Design and Construction. It outlines how development proposals will be required to submit a Sustainable Design and Construction Statement identifying how proposals will meet the relevant sustainable design policies. **SDMM59** amends criteria D (iii) to ensure that the payment of a monitoring fee would be secured through a legal agreement – this is necessary for the Policy to be effective. The modification also includes additional supporting text to outline how the monitoring is expected to be carried out. Subject to this modification, Policy S2 presents a sound approach.
305. In the context of energy infrastructure, Policy S5 outlines appropriate heat sources in accordance with the heating hierarchy. **SDMM60** provides for a number of updates to the Policy which are necessary for effectiveness. Firstly, to include the correct dataset reference in the form of Business, Energy & Industrial Strategy (BEIS) energy projections, to provide additional text to the Policy at parts C and D to clarify the Policy approach to larger minor new build developments as well as those with individual heating systems as well as deleting the references to gas boilers to reflect the most recent Future Homes Standards. Corresponding changes are required to the supporting text for consistency and also to update the references to air source heat pump systems. Subject to this modification, the approach outlined within Policy S5 is sound.
306. Policy S7 outlines the approach to improving air quality, outlines how all developments should mitigate or prevent adverse impacts on air quality and assess reasonable opportunities to improve air quality. In order to ensure the Policy is effective, **SDMM61** amends the size threshold at part D from 200 to 150 dwellings to be in accordance with the London Plan. Additional text to part

F is also necessary to reference where off site provision of a sufficient standard cannot be provided, a financial off setting contribution may be acceptable, secured through a legal agreement. The supporting text is amended for consistency with additional text regarding overshadowing of solar panels in the vicinity of canals. This modification will ensure the Policy is justified.

307. Flood Risk Management is covered by Policy S8. In order to ensure the Policy is effective and consistent with National Policy, additional text is necessary to reference the exception test, update the references to Annex 3 of the Framework and to ensure the flood risk vulnerability classifications are consistent with National Policy. These changes are set out at **SDMM62** and **SDMM63**. Subject to these modifications, the Policy approach is sound.
308. Finally, Policy S9 addresses Integrated Water Management and Sustainable Drainage. This is a seventeen-part Policy which outlines the approach in relation to surface water runoff, sustainable drainage, water quality, biodiversity and water efficiency. **SDMM64** is necessary to ensure that part C of the Policy references both direct and cumulative flood risk, amends part G of the Policy for effectiveness and part O and the reference to contaminated land with an associated amendment to the supporting text to state that preliminary rather than full details of any proposed decontamination will be necessary. Subject to the modification, Policy S9 presents a sound Policy in relation to water management and sustainable drainage.

Design and Heritage

309. The SDMP provides for a number of policies to support the approach to design and heritage throughout the Plan.
310. The overarching approach is set out within Policy DH1 concerning innovation and conserving and enhancing the historic environment. The Policy covers a number of strategic matters including but not limited to the protection of views, the approach to Islington's Heritage Assets and tall buildings as well as basement developments. As submitted, the Policy fails to make a clear distinction between views and local views as defined through the London View Management Framework and Local Landmarks. **SDMM69** addresses this by separating the two into different criteria. The modification also deletes part of the supporting text which relates to the historic environment as this is not

consistent with the Framework. Subject to this modification, the approach outlined at Policy DH1 is sound.

311. Policy DH2 addresses heritage assets. **SDMM70** is necessary to ensure the Policy wording is consistent with the Framework and also makes the distinction clear between the London View Management Framework, Local Views Framework and Local Landmarks. It also updates the text regarding scheduled monuments within the Borough which is necessary for accuracy. Subject to this modification, the approach outlined at Policy DH2 is sound.
312. The approach to tall buildings has been informed by both the London Plan and the Tall Buildings Study (EB14) and the overall approach outlined within the subsequent Topic Paper. As advocated by the London Plan, the Tall Buildings Study identifies a number of locations across the Borough as suitable for tall buildings. The approach within the study follows the methodology advocated within Policy D9 of the London Plan. The study outlines a spatial overview of the Borough, followed by a search for potential tall building locations. It then identifies eight tall building principles which set the objectives and define criteria to identify suitable appropriate locations. The sifting exercise comprised a strategic search and then local search. The local search focused on the following areas: Archway, Finsbury Park, Holloway Road/Caledonian Road/Emirates Stadium, Highbury Corner, Dalston Fringe, Kings Cross Fringe/Pentonville Road and the Central Activity Zone/City Fringe. As part of this local search, the study took into account a number of factors not limited to but including character, the existing prevailing building heights and important townscape features and local views, as well as the identification of opportunity sites for tall buildings which has fed into the site allocations part of the Plan. We are content that the evidence base is sufficiently robust to direct development towards suitable locations to accommodate tall buildings. Overall, we are satisfied that the approach adopted is consistent with the approach advocated by the London Plan.
313. Policy DH3 provides a criteria based approach to the location of tall buildings within the Borough. **SDMM71** is necessary to clearly define what constitutes a tall building, and also amend criteria C so that it is clearly related to the maximum building heights identified within the site allocations. The modification also deletes criteria's D,E and F from the submission version of the Plan as they are not consistent with the London Plan. A new criteria cross references to Policy PLAN1 of the SDMP, and provides greater clarity and effectiveness to the

factors which need to be taken into account in terms of the visual and functional impact of the tall building concerned. An additional criteria at F is also included through the modification which identifies how buildings which are not classified as tall buildings but would still be prominent within their surrounding context should be addressed. These changes also mean that a number of the corresponding supporting text paragraphs have been amended for overall consistency with the Policy. It sets out clearly the definition of what constitutes a tall building, as well as defining clearly where tall buildings will be supported. Following the main modifications consultation, it was highlighted that the definition for tall buildings within the appendix does not match the policy text and this should be amended for consistency. A further modification is therefore necessary in the form of **SDMM101**. Subject to these modifications, the Policy presents a sound approach to the location of tall buildings within the Borough.

314. Policy DH5 outlines the approach to agent of change as well as noise and vibration. This Policy relies on the premise that proposals for new development in close proximity to an existing use which may be adversely impacted by a new use will require the change to be managed by the person or organisation responsible, if necessary, any identified impacts must be fully mitigated. **SDMM72** provides greater clarity to the wording at part D (ii) of the Policy, subject to this modification, the Policy approach is sound.

Public Realm and Transport

315. Policy T1 outlines how the Borough will aim to achieve enhancing public realm and sustainable transport. Its overarching aim, amongst other things, is to prioritise practical, safe and convenient access to development through the design process as well as the use of suitable modes of transport. **SDMM65** amends part B of the Policy to acknowledge accessible parking provision and the requirements of blue badge holders. This is necessary for the Policy to be justified and effective. Additional supporting text is also included within the modification to reflect the fact that the Council has adopted its Transport Strategy since the Regulation 19 consultation took place. We have amended the wording of this paragraph to refer specifically to people walking and cycling in light of representations made to the main modifications consultation. The modification also introduces the concept of low traffic neighbourhoods within the Plan. We consider it is necessary to define this term within the glossary. Accordingly, **SDMM96** addresses this. Taking into account the modifications outlined, Policy T1 presents a sound approach.

316. Sustainable transport choices are addressed through Policy T2. The wording at part A is amended through **SDMM66** to acknowledge both existing and planned improvements to sustainable transport infrastructure and update the supporting text to ensure it includes the correct London Cycling Design standards, the Mayors Transport Strategy and TfL's Healthy Street Indicators. Subject to the modification, the Policy presents a sound approach.
317. Car Free development is addressed through Policy T3. In order to ensure the Policy is positively prepared, criteria B, C, F and G are amended through **SDMM67** to ensure that the Policy appropriately acknowledges that vehicle parking for essential drop off and accessible parking will be permitted. Furthermore, additional text to recognise that a financial contribution towards investment in other accessible or sustainable transport initiatives should be possible if a development is unable to deliver designated spaces on street. **SDMM99** adds to the glossary contained at appendix 9 to provide a definition for the term 'non-motorised forms of transport' which was omitted from the Regulation 19 version of the Plan.
318. Policy T5 deals with delivery, servicing and construction. It identifies criteria against which proposed servicing and delivery arrangements will be assessed. **SDMM68** provides a greater emphasis on the delivery of clean, safe and efficient delivery and servicing arrangements. Subject to this modification, the overall approach presented at policy T5 is a sound one.
319. Appendix 4 of the Plan sets out cycle parking standards. **SDMM82** is necessary to provide additional supporting text and **SDMM83** amends a number of thresholds used within the table for clarity. Subject to these modifications, the approach to cycle parking standards within the Plan is sound.

Green Infrastructure

320. Policy G1 provides the overarching Policy for Green Infrastructure within the Borough. It identifies how green infrastructure provision should be assessed as part of development proposals, as well as identifying the requirements in terms of the Urban Greening Factor assessment outlined within the London Plan. **SDMM53** strengthens the Policy wording at part E of the Policy in relation to how the Urban Greening Factor assessment applies to general industry and as well as storage and distribution uses. This is necessary for the Policy to be effective. Subject to this modification, the Policy presents a sound approach.

321. The approach to protecting open space is outlined by Policy G2. In order to ensure the Policy is positively prepared, **SDMM54** amends the wording of criteria A and D and clarifies how the Policy will apply in relation to development associated with the canal as the definition of green infrastructure in Islington includes both green and blue infrastructure. The modification also includes additional supporting text to provide clarity regarding the definition of significant private open space within the Borough. The submission version of the Plan provides no definition within the glossary of significant private open space. We consider this needs to be addressed and accordingly **SDMM94** provides a definition through the glossary. Subject to these modifications, the Policy presents a suitable and robust approach to the protection of open space within the Borough.
322. Policy G4 deals with Biodiversity, landscape design and trees and outlines how developments should protect, enhance and contribute to the landscape, biodiversity value and growing conditions of the development site and surrounding area. The Policy as currently drafted is not positively prepared. **SDMM55** provides a positive Policy approach and greater clarity in relation to part B of the Policy and outlines the mitigation hierarchy applicable to SINCs. It also amends part H of the Policy to outline the hierarchy applicable to replacement tree provision. In addition, there was an error on the policies map concerning the SINC boundary at 351 Caledonian Road and the residential gardens at Gifford Street. A number of MMs are necessary to address this boundary as well as amend the boundary around the buildings and to the western boundary where it has been extended to adjoin the railway line. The MM also shows the Skinner Street Open Space as a SINC which was not included within the Regulation 19 Plan in error. These changes are rectified at **SDMM56** in relation to figure 5.2 within the Plan, **BCMM02** as a change to figure 1.4 as well as **SDMM85** which covers appendix 7. These changes will also necessitate an update to the policies map. As we do not have the ability to amend the policies map, it will be for the Council to make the necessary amendments to the policies map in light of these changes.
323. Finally, Policy G5 addresses green roofs and vertical greening. The Policy outlines how development proposals should utilise roof space to incorporate biodiversity based green roofs. The Policy also outlines a number of design criteria applicable to the green roof. However, **SDMM57** amends the supporting text to provide greater clarity regarding the issue of green roofs. Subject to this modification, the Policy is justified and effective

Conclusion

324. Subject to the above modifications, the Plan's approach to the built and natural environment is justified and consistent with National Policy.

Issue 11 – Social and Community Infrastructure: Are the Plan's policies in relation to Social and Community Infrastructure justified, effective and in general conformity with the London Plan and National Policy?

325. Policy SC1 sets out a detailed Policy which deals with both the protection of existing social and community infrastructure as well as providing a criteria-based approach to the provision of new and/or extended facilities within the Borough. The supporting text highlights the importance of these facilities to delivering sustainable communities and creating a sense of place and community for Islington's residents. We concur that this is an approach which is supported by the Framework, and in particular paragraph 93.
326. A number of amendments are necessary to Policy SC1 and the supporting text in order to ensure the Policy is sound. **SDMM29** amends criteria A to reference a need assessment by the Council, adds an additional criterion at C regarding the provision of new facilities to mitigate the impacts of existing or proposed development and also modifies the Policy wording at part H for effectiveness. In addition, the modification also addresses part H of the Policy as submitted to cross reference Approved Document M, Volume 2. New supporting text within the modification also sets out that following the changes made to the UCO, the Council may use Planning conditions where it is deemed appropriate to restrict the uses. Given the specific nature of social and community infrastructure within the Borough, we are satisfied that in this instance this is a justified approach. Subject to the modification, Policy SC1 is justified.
327. Policy SC2 addresses Play Space provision within the Borough, seeking to resist its loss unless replacement facilities are provided. As currently drafted, the Policy is not effective as there is no commitment within the Policy to a mechanism to secure replacement facilities. **SDMM30** rectifies this through the introduction of additional text at part A to reference a Section 106 Agreement. **SDMM30** also amends criteria C to ensure that appropriate reference to the ongoing management and maintenance of any play space is also referenced

within the Policy. Subject to this modification, the approach to Play Space provision within the Borough is sound.

328. Health Impact Assessment (HIA) are addressed through Policy SC3. Part A requires all major developments, and developments where potential health issues are likely to arise, to complete a screening assessment to determine if a full HIA is required. The objective of the Policy is to identify all the potential health impacts of the proposed development and recommend measures to enhance positive impacts and mitigate adverse impacts. **SDMM31** adds a new section to part D which identifies that where a health impact assessment is carried out and specific measures are identified to mitigate health impact or enhanced health benefits, they will be secured through a legal agreement and/or condition as appropriate. Subject to this modification which is necessary to make the Policy effective in its application, Policy SC3 is sound.
329. The submitted Plan also includes a Policy on promoting Social Value at SC4. However, this Policy duplicates much of the overall objectives of PLAN1 of the SDMP. Whilst we commend the overall objective of embedding the approach to social value in the Planning process, the Topic Paper (SD25) does not provide sufficient evidence to justify this Policy. The wording is also ambiguous meaning that it is not clear how a decision maker should react to development proposals. As a result, **SDMM32** is necessary to delete Policy SC4 from the Plan and its associated supporting text. As a result of this modification, appendix 5 which sets out the social value self assessment is no longer necessary, and this is deleted through **SDMM84**. Further, a consequential change is needed to remove part V. of Policy H1 and this has been added to **SDMM20**.

Conclusion

330. In conclusion, subject to the modifications set out above the Plan's policies and overall approach in relation to social and community infrastructure is justified, effective and in general conformity with the London Plan and National Policy.

Issue 12 – General Matters

331. As currently drafted, the SDMP only refers to monitoring through the text at paragraph 10.1-10.7 inclusive. We consider that this is not a justified approach. In order to address this, **SDMM76** sets out a table which identifies key indicators, target milestones and the relevant policies. This will ensure the

Policy is effective in this regard. **SDMM77** adds additional supporting text to this section of the Plan to explain the overall approach. In a similar manner, **BCMM61** is also necessary to introduce new text and table 10.1 which will clearly identify BCAAP monitoring indicators for policies BC1 and BC2 which are necessary for the policies to be effective.

332. In order to update the site allocation monitoring indicators, the text referring to monitoring within the supporting text at page 177 is updated through **SAMM124** to include a reference to indicator monitoring of individual site allocations and to delete text within this paragraph which is no longer necessary. **BCMM61** updates the references to the monitoring indicators of the BCAAP for effectiveness and consistency with other policies contained within the Plan.
333. It is also necessary to update the Schedule Monuments section of Appendix 1 of the BCAAP as there have been a number of changes to this list made by Historic England. This modification is provided through **BCMM62** for effectiveness. There will be a corresponding change necessary to the policies map as a result of this modification. However, as we do not have the ability to amend the policies map, it will be for the Council to make the necessary amendments to the policies map in light of this change.

Overall Conclusion and Recommendation

334. The Council has requested that we recommend MMs to make the Plan sound and/or legally compliant and capable of adoption. We conclude that the duty to cooperate has been met and that with the recommended MMs set out in the Appendices the Islington Strategic and Development Management Policies, Site Allocations and Bunhill and Clerkenwell Area Action Plan Development Plan Documents satisfy the requirements referred to in Section 20(5)(a) of the 2004 Act and are sound.

Jonathan Manning and C Masters

INSPECTORS

This report is accompanied by appendices containing the Main Modifications.

R0188

Chapter and policy number	Comment	Do you consider the Local Plan to be Legally Compliant? (yes/no)	Do you consider the Local Plan to be Sound? (yes/no)	Complies with Duty to Cooperate (yes/no)
Chapter 4 Housing, Strategic Policy S3	<p>"Draft Policy S3 states:</p> <p>Requiring at least 10% of new dwellings to meet Building Regulation requirement M4(3) "wheelchair user dwellings" and all other new dwellings to meet Building Regulation requirement M4(2) "accessible and adaptable dwellings".</p> <p>Unite note that this standard follows draft London Planning Guidance published by the GLA in respect of PBSA. Unite have raised objection to this guidance and object to this position for the following reasons:</p> <ul style="list-style-type: none"> The wording of London Plan policy E10 is clear that the accessible requirements set out within the policy apply to "serviced accommodation". It does not state anywhere in the policy text, nor the supporting text, that the requirements should also be taken to apply to PBSA accommodation. Nor does it state that the accessible requirements set out in Policy E10 should be taken to apply to all forms of development for which the same Building Regulations that are most appropriate to serviced accommodation may also apply; This is the objective of the draft guidance. In other words, the draft guidance seeks to retrospectively apply a policy that was not drafted with the intention of applying to PBSA. In this respect it must be noted that the requirements of policy E10 go beyond the Building Regulations in terms of the quantum of accessible provision required; 	Yes	No	Yes

	<ul style="list-style-type: none">• Such an application of this policy is entirely unsound. At no point during the consultation on the London Plan nor during the Examination in Public was it considered, or put forward, that this would be the applicable intention of the policy. Thus, the application of the policy in this way is not supported by any evidence base, has not been subject to appropriate consultation, and has not been subject to examination by an Inspector; and• Finally, the Building Regulations and planning policy are separate documents. PBSA and serviced accommodation is not considered nor assessed in the same way in planning terms. It would not be considered appropriate to apply the other policy objectives relevant to visitor accommodation to PBSA simply on the basis that they are considered in the same way under the Building Regulations. <p>Furthermore, Unite have also made representations and participated at EIPs for various Local Plans across London. The outcomes of such participation in relation to accessible requirements are relevant to the draft guidance, and are detailed as follows:</p> <ul style="list-style-type: none">• Draft policy P5 of the draft Southwark Local Plan sought to require 10% of student rooms to be easily adaptable for occupation by wheelchair users. Following Unite’s participation at EIP, Inspectors concluded the following at paragraph 79 of their report (enclosed in full at Appendix B): <p>“As submitted, Policy P5 would require 10% of student rooms to be easily adaptable for occupation by wheelchair users. We have found little specific justification for the 10% figure, noting that a reduced figure of 5% is more than likely to surpass actual demand based on evidence from university admissions. Accordingly, the 10% figure should be replaced with 5% so that the Plan would be justified.”</p>			
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	<ul style="list-style-type: none"> As a result of Unite’s representations, the following text is included at paragraph 6.2.63 of the supporting text to policy BH7 of the Brent Local Plan: "To ensure that residential accommodation meets needs over time, London Plan policy requires 10% wheelchair accessible/ easily adaptable dwellings. The accommodation covered by this policy is likely to be meeting needs of specific sectors of the population. On this basis the council will be willing to depart from the minimum 10% wheelchair where evidence is compelling to indicate why it might not be appropriate e.g. where occupants are less likely to suffer from mobility disabilities compared to the general population." Draft policy H6 of the draft Islington Local Plan south to require 10% of bedspaces to be wheelchair accessible. Following Unite’s participation at EIP, Inspectors concluded the following at paragraph 77 of their report (enclosed in full at Appendix C): "Policy H6 at Part B (ii) requires 10% of bedspaces to be wheelchair accessible. Detailed evidence has been provided by some PBSA providers that shows the likely need for such bedspaces is much lower. SDMM24 is therefore required to reduce this to 5% to ensure the Policy is justified. We note that the GLA are of the view that Policy E10(H) of the London Plan is relevant which requires the provision of 10%. However, we are content that local evidence specific to Islington justifies a lower figure in this case." <p>The following is relevant to note from these outcomes:</p> <ul style="list-style-type: none"> Prior to the release of the GLA Practice Note concerning accessible requirements from PBSA (which was acknowledged in the Inspector’s Report for the Islington Local Plan), no Local Planning Authority nor Inspector considered the requirements of policy E10 to apply to PBSA; and Regardless, it can be seen that both Inspector’s and Local Planning Authorities have previously accepted the overwhelming evidence provided by Unite in relation to 			
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	<p>such requirements both prior to and following the release of the GLA Practice Note. This evidence is detailed further below.</p> <p>Finally, Unite re-iterate their consistent position regarding such requirements across London as follows:</p> <ul style="list-style-type: none"> • 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 even the 10% mark. This is a steady and consistent trend as evidenced by Unite’s longer term experience; • The majority of wheelchair students are housed by the universities close to campus for ease of travel; and • 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." <p>Recommendation: Unite suggest that this element of the policy is removed and, instead, accessible requirements for PBSA in London should continue to defer to the relevant building regulations.</p>			
<p>Chapter 10 Transport, Strategic Policy AT3</p>	<p>"Draft Policy AT3 states: “Developments must provide on-site cycle parking for occupiers and visitors, complying with London Plan standards”.</p> <p>The City Planning Guidance on Transport requires PBSA schemes provide cycle parking in accordance with the London Plan. Our client objects to this point for the following reasons:</p>	<p>Yes</p>	<p>No</p>	<p>Yes</p>

	<p>1. The proposed minimum cycle parking requirement for student accommodation is provided within Table 10.2 (Minimum Cycle Parking Standards) of London Plan Policy T5 (Cycling) and sets the standard at 0.75 cycle spaces per bedroom unit for student accommodation and 1 cycle space per bedroom unit for co-living accommodation. Although Unite Students are supportive of the provision of cycle spaces to encourage sustainable travel, the proposed rates for 1 space and 0.75 spaces per bedroom unit are still considered to be unnecessary and unsound for several reasons set out in the following paragraphs.</p> <p>2. Student housing and co-living accommodation is developed at higher densities than conventional housing and as a consequence and in order to provide these levels of cycle parking, large areas of floorspace typically at ground level, are required which could otherwise be used more efficiently and effectively for living or town centre uses thus reducing the viability of the scheme.</p> <p>3. Unite's experience has shown that cycle parking provision within consented student schemes where this has been provided at policy compliant levels is severely underused. Enclosed within Appendix A is supporting evidence which refers to a survey (February 2018) undertaken by Unite to understand the present uptake of cycle utilisation across their student accommodation sites. 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's sites which equates to a demand of a one cycle space per 20 students.</p> <p>4. Following the 2018 survey, Unite now undertake frequent surveys to monitor the uptake of cycle spaces in the bike stores at their various sites across London. The most recent survey, undertaken in December 2023, demonstrates the following results:</p> <p>REFER TO FULL PDF REPRESENTATIONS PREPARED BY ROK PLANNING FOR EVIDENCE TABLE</p> <p>5. Similar to the data found in the 2018 survey, the table above reveals there is a less than 5% uptake of existing cycle parking spaces at Unite properties across London, equating to a maximum demand of one cycle space per 20 students.</p>			
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	<p>6. Additionally, it has been demonstrated that an increase in the provision of cycle parking for student accommodation would not directly result in an increase in cycling patterns amongst students. Firstly, student housing schemes are generally in close proximity of places of study allowing majority of journeys to be undertaken on foot and are in areas with high levels of public transport accessibility providing an alternative means of transport. Secondly, 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. Furthermore, provincial and overseas students assess the dangers of cycling across central London locations as higher than those at their respective homes and thus choose not to cycle and utilise the cycle parking facilities provided at their accommodation.</p> <p>Recommendation: Given the above, it is considered that the approach to cycle parking requirements within the Plan should be re-visited. Unite would be content to share their evidence and enter into pro-active discussions on this issue.</p>			
<p>Chapter 4 Housing, Policy HS6</p>	<p>"Draft Policy HS6 states:</p> <p>1. Proposals for new Purpose-Built Student Accommodation (PBSA) and hostels should support the City of London's primary business function and the vibrancy of the Square Mile. They will only be permitted where:</p> <p>a. They would meet high standards of design and amenity for occupants;</p> <p>b. There are appropriate amenities for occupants in the local area;</p> <p>c. They are well connected to relevant further or higher education institutions;</p>	<p>Yes</p>	<p>No</p>	<p>Yes</p>

	<p>d. They would not prejudice the primary business function of the City, or result in the loss of suitably located and viable office floorspace, contrary to Policy OF2;</p> <p>e. They would not have an adverse impact on the residential amenity of the area; and</p> <p>f. They would not involve the loss of permanent residential accommodation.</p> <p>2. Proposals for PBSA should be supported by identified further or higher educational institutions operating in the City of London or the CAZ.</p> <p>3. 35% of student accommodation on a site should be secured as affordable student accommodation as defined through the London Plan and associated guidance.</p> <p>4. The loss of existing student accommodation and hostels to other suitable uses which are in accordance with Local Plan policies will be permitted where there is no longer a need to provide accommodation for CAZ based universities or there is evidence that student accommodation is impacting on residential or business amenity.</p> <p>Unite’s representations of the policy are provided in the following paragraphs.</p> <p>Prejudice the primary business function of the City, or result in the loss of office buildings or sites, contrary to Policy OF2</p> <p>Draft Policy HS6, Part 1d states:</p> <p>“They will only be permitted where: they would not prejudice the primary business function of the City, or result in the loss of office buildings or sites, contrary to Policy OF2.”</p> <p>Unite comment on this section as follows:</p>			
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	<p>1. Part 1d of the draft policy fails to recognise that PBSA can in fact enhance the primary business function of the city. It is notable that PBSA often forms part of mixed-use developments which incorporate elements of traditional office space alongside emerging flexible co-working and shared office spaces. Indeed, PBSA and office space have long been considered compatible uses.;</p> <p>2. Furthermore, given that the majority of London’s Higher Education Institutes (HEIs) are concentrated within the central area, it is a logical and sustainable location for further student developments as this is where demand is greatest and future developments can benefit from the infrastructure, services and facilities which are already in place and those which are tailored specifically to serve students. Students want easy access to the institutions where they are studying, and student accommodation providers are simply following this demand. In similarity to the approach to HEIs, the concentration of student accommodation should be embraced as there are economic benefits/economies of scale which derive from their agglomeration in their existing central locations;</p> <p>3. HEIs and PBSA in Central London is recognised as making a vital contribution to the local economy. Therefore, the requirement for associated facilities should not be understated and their future growth be comprised by an inadequate provision of new student accommodation;</p> <p>4. Indeed, the policy itself directs PBSA to these areas. Similarly, the Draft City Plan’s definition of housing accepts that PBSA may be appropriate in these areas (where other types of housing may not be); and</p> <p>5. In any case, there is no need to repeat within draft policy HS6 that PBSA would not be considered appropriate where it conflicts with draft policy OF2. Any conflict with draft policy OF2 should be considered separately rather than ‘applying twice’ by way of its inclusion within the wording of draft policy HS6.</p> <p>Recommendation: Unite recommend that part 1d of draft policy HS6 is removed in its entirety.</p> <p>Have an adverse impact on the residential amenity of the area</p>			
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	<p>Draft Policy HS6, Part 1e states:</p> <p>“They will only be permitted where: they would not have an adverse impact on the residential amenity of the area.”</p> <p>Unite comment on this section as follows:</p> <ol style="list-style-type: none">1. There is no tangible evidence to suggest that concentration of PBSA cause harm to the balance or mix of uses in an area, cause additional pressure on local infrastructure or harm local communities. The assumption that concentrations of university students are liable to give rise to residential amenity issues to neighbours and be detrimental to the cohesiveness of communities is discriminatory and a distorted generalisation of a single category of people. Assuming that all students disrupt residential amenity or harm community cohesiveness oversimplifies the diversity of student experiences and behaviours, and neglects the fact that individuals of all ages can contribute positively to their surroundings.2. Indeed, it is important to note that PBSA developments are managed buildings with staff on-site rather than uncontrolled HMO houses/flats, and thus considerations of amenity for these two distinct accommodation types should be treated separately. PBSA developments are subject to Student Management Plans which outline processes for the protection of surrounding residential amenity. Unite are a highly experienced provider who are committed to their communities and provide a Student Management Plan with every student development across the UK.3. It should be noted that a similar clause was included in the Proposed Submission Version of the Draft New Lambeth Local Plan (Part iv, policy H7). However, following Unite’s representations and participation at the Examination in Public, modifications were proposed to this clause in December 2020 to remove reference to harm on residential amenity and replace this with a requirement for a satisfactory Student Management Plan to be submitted with applications for PBSA (Ref. MM16). It is argued that a similar approach should be taken here. At paragraphs 102 and 103, the Inspector concluded the following:			
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	<p>“Moreover, little robust evidence was submitted in evidence to demonstrate that student housing, of itself, directly caused harmful impacts on neighbouring residential amenity...</p> <p>Recommendation: Part 1e of the policy should be removed and replaced with a requirements for an adequate Student Management Plan to be submitted with any application for PBSA.</p> <p>Involve the loss of permanent residential accommodation</p> <p>Draft Policy HS6, Part 1f states:</p> <p>“They will only be permitted where: they would not involve the loss of permanent residential accommodation.”</p> <p>Part 1f of the policy states that PBSA will not be supported where it involves the loss of permanent residential accommodation. It is argued that this should be removed for the same reasons given above in relation to the definition of ‘housing’. PBSA is a form of housing that contributes towards housing supply, and the Draft City Plan should treat it as such in accordance with national and regional policy.</p> <p>Recommendation: This policy requirement should be removed.</p>			
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<p>Proposals for Purpose-Built Student Accommodation (PBSA) must be supported by identified further or higher educational institutions operating in the City of London or the Central Activities Zone</p> <p>Draft Policy HS6, Part 2 states:</p> <p>“Proposals for Purpose-Built Student Accommodation (PBSA) must be supported by identified further or higher educational institutions operating in the City of London or the Central Activities Zone.”</p> <p>This requirement is onerous and should be deleted as it is in clear conflict with the London Plan and it is obvious that students travel and live across various boroughs. The policy should be removed for the following reasons:</p> <ol style="list-style-type: none">1. There is no supporting justification as to why PBSA is required for Universities within the City and within the CAZ only, other than to reduce the need to travel between student accommodation and educational institution. This is contradictory to the London Plan which, whilst requiring a nominations agreement, explicitly states at paragraph 4.15.3 that “there is no requirement for the higher education provider linked by the agreement to the PBSA to be located within the borough where the development is proposed”. Given the location of the borough and its high accessibility, it is not considered that reducing the need to travel is a robust justification for departing from the strategic planning policy position.2. Indeed, similar representations were made to the draft Westminster City Plan which sought to support PBSA only where it was being provided for students studying within a “main hub in Westminster”. Following Unite’s representations and participation at the Examination in Public, this statement was removed in its entirety and instead the adopted			
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	<p>Westminster City Plan now supports the delivery of PBSA providing accommodation for students studying across London.</p> <p>Recommendation: The requirement for PBSA to be supported by HEI's operating in the City of London or in the CAZ only is unjustified and conflicts with strategic planning policy. It should therefore be removed.</p> <p>Potential for short-term accommodation</p> <p>Paragraph 4.15.13 of the supporting text to London Plan policy H15 states the following:</p> <p>"To enable providers of PBSA to maximise the delivery of affordable student accommodation by increasing the profitability of the development, boroughs should consider allowing the temporary use of accommodation during vacation periods for ancillary uses."</p> <p>Given the City of London's aspirations for social, cultural and business events it is considered that this principle should be included within the supporting text to draft City Plan policy HS6.</p> <p>Recommendation: Draft policy HS6 should include reference to London Plan policy H15 with regards to paragraph 4.15.13 noting that it will be considered appropriate for PBSA to be used for ancillary uses outside of term time."</p>			
Chapter 4 Housing	<p>"In relation to criteria 2.c of policy OF2 as detailed above, Unite note that the wording of this criteria refers to 'housing' only. Paragraph 4.1.5 of the Draft City Plan elaborates, stating:</p> <p>"References to housing in this Plan include market and affordable housing (comprising social rented housing, affordable rented housing and intermediate housing), hostels, sheltered and extra-care housing. It also includes Built to Rent and Co-Living accommodation which are likely to have an increasing role in meeting future housing needs, particularly for City workers at an early stage of their careers. References to housing in this</p>	Yes	No	Yes

	<p>Plan do not include student accommodation, as it may be appropriate in different locations to other forms of housing.”</p> <p>Unite strongly object to this definition for the following reasons:</p> <ol style="list-style-type: none">1. PBSA is recognised in national policy as a contributor towards housing supply and therefore a form of housing. National planning guidance states the following at para 034 (Reference ID: 68-034-20190722) that “All student accommodation, whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus, can in principle count towards contributing to an authority’s housing land supply.” The Housing Delivery Test Rulebook explains that this contribution is on a 2.5 bedspace to dwelling ratio.2. A recent planning decision by Haringey Council (LPA ref. HGY/2023/2306 & HGY/2023/2307 at Printworks’ 819-829 High Road, Tottenham, London, N17 8ER) granted approval for a PBSA scheme and acknowledged that the London PBSA market currently does not come close to providing the amount of accommodation required to house London’s students, with c.310,000 students having to find accommodation outside of this purpose-built sector. The committee report references the supporting text of Policy H1 of the London Plan, stating: “... non-self-contained accommodation for students should count towards meeting housing targets on the basis of a 2.5:1 ratio, with two and a half bedrooms/units being counted as a single home. The proposed scheme would therefore deliver 114 new homes (net gain of 101 homes) based on this ratio. As such, the loss of the existing 13 homes would be acceptable in principle given the uplift and net gain of 101 homes.”			
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3. This is further supported by national planning guidance which states that “encouraging more dedicated student accommodation may provide low-cost housing that takes pressure off the private rented sector and increases the overall housing stock” (Paragraph: 004 Reference ID: 67-00420190722).

4. It is an accepted principle that the fewer PBSA bedspaces are available, the greater the number of students there are occupying HMO accommodation, and thus it is clear that the provision of additional PBSA bedspaces can therefore serve to reduce the demand for HMO accommodation in the city.

5. Paragraph 60 of the NPPF emphasises the Government’s long-standing intention to significantly boost the supply of homes (including student housing) and highlights the importance of addressing the housing requirements of specific groups.

It is understood that the reasoning behind excluding PBSA from the definition of ‘housing’ within the Draft

City Plan is on the basis that “it may be appropriate in different locations to other forms of housing”. Unite contend, for the reasons given above, that PBSA should be treated in the same manner as other forms of housing. Indeed, Unite note that this would not preclude an acknowledgement that PBSA may also be appropriate in other areas where different types of housing may not be appropriate. ”

Recommendation: On that above basis, and in order to be consistent with national and regional policy, Unite consider that the definition of ‘housing’ given at paragraph 4.1.5 should be updated to include PBSA.

<p>Chapter 5 Offices, Policy OF2</p>	<p>"Draft policy OF2 has been subject to a number of changes over the Draft City Plan's development, both at Regulation 18 and Regulation 19 stage. In particular, Unite note that criteria 2.c above now only applies where part 1 has been met. Under the previous Regulation 19 version, Unite expressed support for the inclusion of this criteria within part 1 of the policy. The criteria states:</p> <p>"The loss of office floorspace is proposed on a site within or immediately adjacent to identified residential areas and would result in the provision of additional housing."</p> <p>Unite re-iterate their support, as expressed in their previous representations dated 10th May 2021, for the inclusion of this criteria within part 1 of the policy noting that, as accepted within the previous Regulation 19 version of the Draft City Plan, Build to Rent and Co-living accommodation are considered complementary uses to the business city. Notwithstanding this, Unite accept that the previous draft was formed during a period of economic uncertainty as a result of the pandemic and that these circumstances have changed. Nevertheless, Unite contend that an element of flexibility is still required in this respect and, taking this into account, Unite would retain support for the inclusion of this criteria within Part 1 of the policy. However, Unite accept that it would be necessary for other criteria (parts 1.a – 1.c to continue to apply).</p> <p>"Recommendation: On that basis, Unite would suggest the following wording:</p> <ol style="list-style-type: none"> 1. The loss of existing office floorspace will be resisted unless it can be demonstrated that: <ol style="list-style-type: none"> a. The proposed development would not lead to the loss of office floorspace that is, or sites that are, of a strategically important scale, type and/or location for the City; and b. The proposed development would not compromise the potential for office development on sites within the vicinity; and 	<p>Yes</p>	<p>No</p>	<p>Yes</p>
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	<p>c. The loss of office floorspace is proposed on a site within or immediately adjacent to identified residential areas and would result in the provision of additional housing; or</p> <p>d. There is no demand in the office market, supported by marketing evidence covering a period of no less than 12 months."</p>			
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