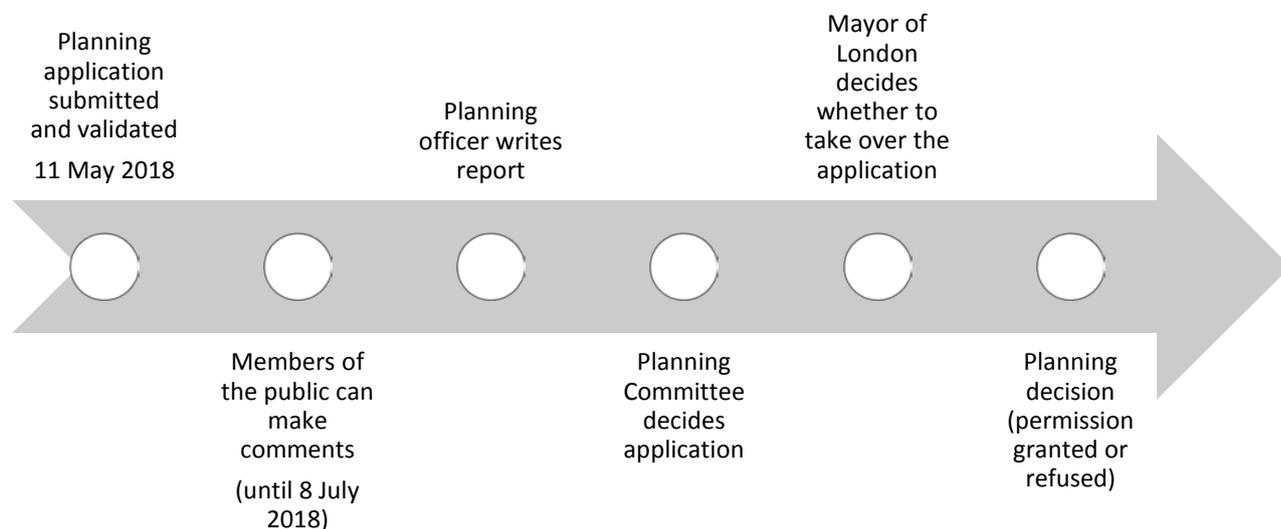


Responding to the Canada Water Masterplan planning application

Overview and timeline

This note provides a brief overview of the Canada Water Masterplan planning application and some suggestions for how to respond to the application. The timeline below shows the usual steps that a planning application of this size will go through before planning permission is finally granted or refused. Currently this application is at the second stage on the timeline: an open consultation period for members of the public to make comments on the planning application.



It is worth noting on the timeline that although the deadline for comments is 8 July, applications of this size can take a while to get to Planning Committee. Typically a planning officer will write the report about a week before the committee meeting, and will accept comments right until they begin to write the report, even if this is after the official deadline. It is worth contacting the planning officer (michael.glasgow@southwark.gov.uk) to check when the Council think the Planning Committee meeting is likely to take place. It is also worth noting that the application could change in response to comments made by members of the public, and in that case a new consultation period will start to run.

Because of the amount of housing proposed and the height of the buildings, this application must be referred to the Mayor of London once the Committee have made their decision. The Mayor then has 6 weeks to decide whether to refuse planning permission or take over the application and decide it himself.

[A hybrid planning application](#)

The masterplan application is a “hybrid” planning application. This means it is made up of two parts: one part (plots A1, A2 and K1) is an application for full planning permission, with all aspects of the plans already detailed. The rest of the application is for “outline planning permission” – this means that the applicant is asking for a grant of planning permission in principle, with the finer details (called reserved matters) of the application coming back to the local planning authority (Southwark Council) for approval at a later stage. However, there is no requirement to consult the community on these reserved matters. Once outline planning permission is granted, the development is approved in principle, and there is very little opportunity for the Council to refuse the application on the basis of the reserved matters. The question moves from whether any development is acceptable to the question of what form such development should take. However, no building work can start until all the reserved matters have been approved.

[Headline proposals](#)

The Masterplan has a number of headline proposals. A maximum of 3,000 new homes will be built and business space providing around 20,000 new jobs. 90,000 sqm of retail will be provided and 51,500 sqm of leisure floorspace. The homes will be provided at a range of price points, and may include student housing and assisted living. The plans include a new leisure centre, potential new health centre, new town square, new high street, enhancements to the existing Canada Water Dock and a new public park, as well as a second entrance for Surrey Quays overground station.

However, it is worth noting that most of these proposals are within the outline planning permission application, and could change significantly by the time the reserved matters come back to Southwark Council to be decided. In the outline proposals the application asks for permission for uses such as hotels, assisted living, community/leisure/cultural facilities, a nightclub, student accommodation and a flexible events space. These may not all be delivered. The minimum that the application commits to provide is 1,500 homes, 46,500 sqm office space and 46,500 sqm of both retail and leisure space combined.

The full planning application – proposals for A1, A2 and K1 – includes proposals for residential, retail, office and leisure uses.

[How to find the application and application documents](#)

The application and all its supporting documents can be found on Southwark Council’s Planning Register. Enter the reference for the application – 18/AP/1604 – in the search box on the Planning Register webpage. You can also track the application by logging in to your Southwark account and clicking “track application”.

By clicking the various tabs on the entry for the application, you can find out information like who the planning officer is, important deadlines, comments that have been submitted on the planning application and most importantly the supporting documents for the application.

There are a huge number of documents associated with this application, which can make commenting seem like a daunting task. Here is a list of some of the more important documents that you should at least take a look at if you are going to comment:

- **Planning Statement:** summarises all the proposals and gives the developer's justification for how the application complies with planning policy.
- **Design and Access Statement:** has diagrams and visualisations to give you an idea of what the development will look like.
- **Development Specification, Parameter Plans and Design Guidelines:** set upper limits for building heights and maximum space allocations. This is all that the developer will have to comply with in relation to the outline proposals if planning permission is granted.
- **Specific documents on your area(s) of interest:** e.g. Affordable Housing statement, Transport statement, Daylight/sunlight assessments, Heritage statement.
- **Statement of Community Involvement:** lists all consultation carried out before the planning application was submitted – check to see whether your comments have been properly represented.
- **Equalities Statement:** it is a legal obligation for the council to take equalities issues into account, so worth looking at this to check whether the statements are correct or any protected groups have been missed out.
- **Social Regeneration Charter:** the Law Centre has challenged Southwark Council's new social regeneration policies on a number of grounds – feel free to get in touch if you would like to know more about this.
- **Responses and comments:** Southwark Design and Review Panel, Greater London Authority, Historic England, Natural England, London Underground, London Overground may all respond to the application. These responses may criticise the application and give you arguments that you can use in your own comments. The responses will be uploaded to the Planning Register when they are received so it is worth checking it regularly.

If you have any questions about anything in the planning application, it is worth contacting the planning officer (michael.glasgow@southwark.gov.uk) who will usually be very willing to provide information.

You can also view the application and supporting documents at Southwark Council's offices on Tooley Street – it is probably best to email the planning officer or planningpolicy@southwark.gov.uk to make arrangements for this before you go.

Other planning documents to look at

The law requires planning applications to be decided in line with policies in the development plan, unless there are good reasons for not doing so.

In Southwark the development plan is currently made up of “saved” policies from the 2007 Southwark Plan, the 2011 Core Strategy, the Canada Water Area Action Plan (2015) and the London Plan (2016 version).

The policies in the National Planning Policy Framework also need to be taken into account when deciding planning applications, as well as “emerging policies” in draft Plans (the New Southwark Plan and the new draft London Plan). While these draft Plans carry less weight than the current plan, they are relevant and it is worth mentioning particular policies if they support your arguments.

These Plans are very large documents, but the policies are generally arranged in themes, so you can look for the relevant ones for the argument you need to make.

Material considerations

When deciding whether to grant or refuse planning permission, a planning committee is only allowed to take into account **material** considerations. They have to ignore any comments which refer to other aspects. It is therefore very important to focus only on material considerations when you respond to a planning application.

The definition of a material consideration is not very clear, but essentially these are issues which relate to land use and are permanent. So the fact that your home might be overshadowed by the new development is a material consideration, but not any nuisance (noise, dust, vibration etc) caused by construction works while the development is being built. See the handout at the end of this briefing note for a list of potential material and non-material considerations.

The planning policies described in the previous section of this briefing note are also material considerations.

Hints and tips for responding

- **Anyone** can comment, and the more comments the better – gather support among your local community and encourage others to comment.
- Clearly **identify** the proposal you are objecting to or supporting.
- **Say why** you are objecting or supporting and, if you want to see proposal changed, say how and put forward your own **alternative wording** and the reasons for it.
- Keep your comments as **short** and **simple** as possible and organise them in a **logical** order.
- Concentrate on the planning issues involved (the **material considerations**).
- If you are only objecting to **certain aspects** of a proposal it is important to **define these clearly** so that the planning officer can focus on your criticisms.
- **Back up your comments** with statements or analysis from planning policy documents, the application documents, the Council's evidence base or your personal knowledge.
- Focus on the **public interest aspects** – what impact will the development have on the public nearby and the character of the area.
- Suggest **planning conditions** that could be applied in planning permission is granted despite your objections.

Esther Drabkin-Reiter
Southwark Law Centre
20 June 2018

If you have any questions or would like support with responding to the planning application please feel free to contact Southwark Law Centre at planningvoice@southwarklawcentre.org.uk or on 020 732 2008.

Material Planning Considerations

When a decision is made on a planning application, only certain issues are taken into account; these are often referred to as 'material planning considerations'.

MATERIAL PLANNING CONSIDERATIONS:

Issues that may be relevant to the decision

(There may exist further material planning considerations not included here)

- Local, strategic, national **planning policies** and policies in the Development Plan
- Emerging new plans which have already been through at least one stage of public consultation
- **Pre-application planning consultation** carried out by, or on behalf of, the applicant
- **Government and Planning Inspectorate requirements** - circulars, orders, statutory instruments, guidance and advice
- **Previous appeal decisions** and planning Inquiry reports
- Principles of **Case Law** held through the Courts
- **Loss of sunlight** (based on Building Research Establishment guidance)
- **Overshadowing/loss of outlook** to the detriment of residential amenity (though not loss of view as such)
- Overlooking and **loss of privacy**
- **Highway issues:** traffic generation, vehicular access, highway safety
- **Noise or disturbance** resulting from use, including proposed hours of operation
- **Smells and fumes**
- Capacity of **physical infrastructure**, e.g. in the public drainage or water systems
- Deficiencies in **social facilities**, e.g. spaces in schools
- Storage & handling of **hazardous materials** and development of **contaminated land**
- Loss or effect on **trees**
- Adverse impact on **nature conservation** interests & biodiversity opportunities
- Effect on listed buildings and conservation areas
- **Incompatible or unacceptable uses**
- Local **financial considerations** offered as a contribution or grant
- **Layout and density of building** design, visual appearance and finishing materials
- Inadequate or inappropriate **landscaping** or means of enclosure

The weight attached to material considerations in reaching a decision is a matter of judgement for the decision-taker however the decision-taker is required to demonstrate that in reaching that decision that they have considered all relevant matters.

Generally greater weight is attached to issues raised which are supported by evidence rather than solely by assertion.

If an identified problem can be dealt with by means of a suitable condition then the Local Planning Authority is required to consider this rather than by issuing a refusal.

NON-MATERIAL PLANNING CONSIDERATIONS:

Issues that are not relevant to the decision:

(There exist further non-material planning considerations not included in this list)

- **Matters controlled under building regulations** or other non-planning legislation e.g. structural stability, drainage details, fire precautions, matters covered by licences etc.
- **Private issues between neighbours** e.g. land/boundary disputes, damage to property, private rights of access, covenants, ancient and other rights to light etc.
- **Problems arising from the construction period** of any works, e.g. noise, dust, construction vehicles, hours of working (covered by Control of Pollution Acts).
- Opposition to the **principle of development** when this has been settled by an outline planning permission or appeal
- **Applicant's personal circumstances** (unless exceptionally and clearly relevant, e.g. provision of facilities for someone with a physical disability)
- **Previously made objections/representations** regarding another site or application
- **Factual misrepresentation of the proposal**
- Opposition to **business competition**
- **Loss of property value**
- **Loss of view**

Planning Aid England provides free, confidential and independent planning advice.
Call: 0330 123 9244 or Email: advice@planningaid.rtpi.org.uk

