

MAYOR & CABINET		
Report Title	Lewisham Town Centre Local Plan - Adoption	
Key Decision	Yes	Item No.
Ward	All	
Contributors	Executive Director of Resources and Regeneration	
Class	Part 1	Date: 12 February 2014

1. Purpose

- 1.1 This report seeks approval for the adoption of the Lewisham Town Centre Local Plan as a statutory planning document for the borough.

2. Summary

- 2.1 The Lewisham Town Centre Local Plan (LTCLP), (previously called Lewisham Town Centre Area Action Plan), is one of the documents that, when adopted, will make up the Council's Local Development Framework (LDF). The LDF refers to the group of documents setting out the Council's planning strategy and policies.
- 2.2 The LTCLP provides a vision and a set of objectives for Lewisham Town Centre, and provides a set of policies to implement this vision and achieve these objectives.
- 2.3 The LTCLP was submitted to the Secretary of State of State for Communities and Local Government in September 2012, and an Independent Planning Inspector was appointed to examine the plan.
- 2.4 On 13 January 2014 the Council received the Inspector's report, which has found the LTCLP to be legally compliant and sound subject to some of the amendments agreed by the Council and the Inspector during the EiP and consultation periods. The changes required are all supported by the Council, they have therefore been incorporated in the recommended adoption version intended for formal adoption by Full Council.
- 2.5 The Lewisham Town Centre Local Plan Recommended Adoption Version is set out as Annex 1 to this report. The Planning Inspector's report is set out as Annex 2 to this report.

3. Recommendations

- 3.1 The Mayor is recommended to:

- Authorise the Executive Director of Resources and Regeneration to make any minor changes to the text and format of the Lewisham Town Centre Local Plan prior to consideration by Council;
- Recommend that the Council formally adopt the Lewisham Town Centre Local Plan.

4. Policy Context

4.1 The contents of this report are consistent with the Council's policy framework.

4.2 The LTCLP contributes to the implementation of each of the Council's ten priorities as follows:

- community leadership and empowerment
- young people's achievement and involvement
- clean, green and liveable
- safety, security and a visible presence
- strengthening the local economy
- decent homes for all
- protection of children
- caring for adults and older people
- active, healthy citizens
- inspiring efficiency, effectiveness and equity

4.3 The LTCLP will help give spatial expression to the Sustainable Community Strategy (Shaping Our Future) (SCS), which was prepared by the Local Strategic Partnership and adopted by the Council in May 2008. The LTCLP also plays a central role in the implementation of the SCS vision 'Together we will make Lewisham the best place to live, work and learn' and all of the six strategic priorities, which are:

- Ambitious and achieving – where people are inspired and supported to fulfil their potential
- Safer – where people feel safe and live free from crime, antisocial behaviour and abuse
- Empowered and responsible – where people are actively involved in their local area and contribute to supportive communities
- Clean, green and liveable – where people live in high quality housing and can care for their environment
- Healthy, active and enjoyable – where people can actively participate in maintaining and improving their health and well-being
- Dynamic and prosperous – where people are part of vibrant communities and town centres, well connected to London and beyond

- 4.4 The LTCLP will help implement a range of other Council policies and strategies particularly the Core Strategy that was adopted by the Council in June 2011. The Core Strategy set out the overall vision for the borough and the LTCLP fills in the detail regarding how Lewisham Town Centre should develop over the coming twelve years.
- 4.5 The LTCLP is part of the LDF and as such it is part of the Council's policy framework as set out in the Council's constitution and will require the approval of and formal adoption by the full Council.

5. Background

- 5.1 The Core Strategy is the principal planning policy document in the Lewisham Local Development Framework (LDF) and it sets out the vision, strategic objectives, strategy and policies to guide public and private sector investment to manage development and regeneration in the borough over the next 15 years.
- 5.2 The LTCLP, when adopted, will form part of the LDF and will facilitate the implementation of the vision, objectives and policies of the Core Strategy.
- 5.3 The LTCLP identifies, designates and safeguards land within and surrounding the Lewisham town centre for particular uses (such as retail, housing, and employment). This is to ensure sufficient land is available to achieve the requirements outlined in the Core Strategy through until 2026.
- 5.4 The LTCLP also sets out policies to be used when determining planning applications submitted to the Council within the plan area. The policies seek to secure the vision and objectives of the plan, and seek to deliver the vision, objectives and policies of the Core Strategy. The DMLP policies include the provision of retail premises, the protection of employment land, and the provision of public space.
- 5.5 Following submission of the LTCLP to the Secretary of State for Communities and Local Government in September 2012, an Independent Planning Inspector held an Examination in Public (EiP) in January 2013 into the soundness of the plan, to determine whether it could be adopted.
- 5.6 The attendees at the EiP and the Council discussed a number of potential improvements to the LTCLP. These potential improvements were published for consultation in March 2013.
- 5.7 The consultation period closed in May 2013. The consultation resulted in the re-opening of the EIP for one further day on 9 July 2013, where some further detailed suggestions for improving the wording of policies in the LTCLP were discussed. The Council agreed that some of the suggestions would further improve the LTCLP, and carried out one further round of consultation on

these matters between August and October 2013. The successful completion of this consultation allowed the Inspector to issue his final report on the 13 January 2014.

6. What does the Lewisham Town Centre Local Plan say?

6.1 The LTCLP Recommended Adoption Version is set out as Annex 1 to this report. The content of the LTCLP is set out in seven sections as follows:

1. Introduction to the Plan and Process
2. Vision and Objectives
3. Presumption in Favour of Sustainable Development
4. The Spatial Strategy
5. Town Centre Areas and Sites
6. Area Wide Policies
7. Implementation, Monitoring and Risk

6.2 Section 1 provides an explanation of what the LTCLP is and how it fits in to the wider planning policy context. It also provides contextual information regarding the physical and social character of Lewisham town centre.

6.3 Section 2 sets out the vision for Lewisham town centre. The vision is expanded into nine detailed objectives, entitled:

- Objective 1 – Retail and town centre status,
- Objective 2 – Housing,
- Objective 3 – Design quality,
- Objective 4 – Employment and training,
- Objective 5 – Open space and recreation,
- Objective 6 – Transport,
- Objective 7 – Environment,
- Objective 8 – Community,
- Objective 9 – Implementing and monitoring

Objective 1 includes the delivery of 40,000 sqm of additional floorspace by 2026 in order to achieve Metropolitan Centre Status. Objective 2 includes the delivery of 2,300 new homes by 2016, and a further 1,100 new homes by 2021.

6.4 Section 3 outlines that the LTCLP is based on an inherent presumption in favour of sustainable development, in line with the National Planning Policy Framework.

6.5 Section 4 sets out the spatial strategy for Lewisham town centre. The plan boundaries are drawn, and six key town centre areas are identified. There is a policy for each town centre area. Individual development sites within each area are allocated for specific uses.

- 6.6 Section 5 details the policies that are to be used to guide development throughout the whole town centre area. The policies are grouped under three sub-headings. The subheadings are derived from Core Strategy objective themes:
- Growing the local economy
 - Building a sustainable community
 - Environmental management

- 6.7 Section 7 outlines how the plan will be implemented and how the delivery of the plan will be monitored. This section also identifies the risks that may affect the successful delivery of the plan.

7. Planning Inspector's report on the soundness of the Lewisham Town Centre Local Plan

- 7.1 The LTCLP is a statutory planning document and has been prepared in accordance with the regulations and the National Planning Policy Framework (NPPF). This has involved several rounds of public consultation and each stage of preparation has been reported to Mayor and Cabinet and Full Council.
- 7.2 This long process culminated in public consultation on a pre-submission draft LTCLP from March to April 2012, and the submission of a final plan to the Secretary of State for Communities and Local Government for an independent Examination in Public (EiP) in September 2012.
- 7.3 The EiP was held over two days on 15 and 16 January 2013. Attendees at the EiP discussed modifications to improve the LTCLP. The Council agreed with these modifications, and publicised the proposed modifications between March and May 2013.
- 7.4 Following the modification consultation, the EiP was reconvened for an additional day on 9 July 2013. Further modifications were discussed during the meeting, the Council agreed with these modifications would improve the plan, and subsequently the Council publicised the proposed revised modifications between August and October 2013.
- 7.5 The modifications discussed with the Planning Inspector and interested parties, and agreed with by the Council, are set out in paragraph 7.6 below and can be found in full in Annex 3.
- 7.6 The Council received the Inspectors Report on the LTCLP on 13 January 2014, which has found the LTCLP sound subject to 19 modifications. These modifications are referred to as 'main modifications' (MMs), and are set out in Annex 3. They can be summarised as follows:

- MM1 and MM20 clarify which Unitary Development Plan proposals are superseded by the LTCLP;
- MM2 adds a presumption in favour of sustainable development to the plan to reflect the requirements of the National Planning Policy Framework 2012 (NPPF);
- MMs3-MM7 and MM18 provide clarification regarding the plan boundaries and the town centre shopping frontages;
- MM8 identifies the total amount of housing and retail development proposed over the plan period;
- MMs9-10, MMs12-13, MMs16-MM17, MM19 and MM21 provide further detail on the Loampit Vale, Conington Road and Ladywell sites in respect of potential convenience retail uses in these locations. These modifications also include safeguards to ensure that retail proposals for these sites do not adversely impact on the primary shopping area; and
- MM14 clarifies that employment generating uses are appropriate at site S5 within the Loampit Vale area;

7.7 The Council has also produced a schedule of additional modifications containing minor changes relating to clarifications, corrections, or updates to reflect publication of the NPPF in March 2012. This is set out at Annex 4. These modifications do not relate to soundness, and are therefore not referred to in the Inspector's report.

7.8 The Inspector's report (included as Annex 2) concludes that:

'... with the main modifications set out in Appendix 1, attached as a separate document, the Lewisham Town Centre Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework..

7.9 With regard to compliance with the statutory requirements, the Inspector is satisfied that the requirements had been met in all respects and the LTCLP is a legally compliant document with the modifications applied. Under planning law the Council cannot adopt the LTCLP unless it accepts the Inspector's modifications.

8. What happens now?

8.1 The Inspector's report and recommendations have been published on the Council's website. In view of the fact that the Inspector has now found the LTCLP sound, subject to some modifications, it now carries significant weight for planning decisions and after adoption will form part of the Development Plan for the Borough.

8.2 A final version of the LTCLP has been produced for adoption which incorporates all the necessary changes. In accordance with regulation 26 of the Town and Country Planning (Local Development) (England) Regulations 2012 a formal process must be followed which starts as soon as reasonably

practical after full Council adopts the LTCLP. This will involve a period of publicity with an adoption statement being published together with details of the places and times where the LTCLP can be inspected.

9. Legal implications

- 9.1 The procedures which the Council is required to follow when producing a Local Plan (Development Plan Documents derive from the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Development) (England) Regulations 2012.
- 9.2 The function of approving Local Plans is shared by the Mayor and Cabinet and Full Council, however the formal adoption of the Local Plan is a matter reserved to Full Council only as required by section 23 (5) of the Planning and Compulsory Purchase Act 2004.
- 9.3 If full Council resolves to adopt the LTCLP, the document will form part of the Development Plan for development management purposes under the Planning Acts.
- 9.4 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 9.5 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - advance equality of opportunity between people who share a protected characteristic and those who do not.
 - foster good relations between people who share a protected characteristic and those who do not.
- 9.6 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 9.7 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not

have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

9.8 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

9.9 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

10. Financial Implications

10.1 There are no specific financial implications arising from this report other than the costs associated with printing, publishing and adopting the LTCLP; these will be met from the existing Planning budget.

11. Crime and disorder implications

11.1 One of the nine key objectives of the LTCLP is to 'create a safe and accessible place'. LTCLP policy LAAP14 requires new development to incorporate design principles which will make the town centre a safer place. LTCLP policy LAAP18 requires development to enhance community safety through the overlooking of public and private spaces, and by taking the national Secured by Design guidelines into account.

11.2 Applications for development on individual sites are also required to demonstrate how proposals meet the crime and safety objectives and policies of the London Plan and Lewisham's adopted Core Strategy. This will help ensure that new development does not give rise to crime, fear of crime or public disorder and to ensure that the borough is a safe, attractive and inclusive place.

12. Equalities implications

- 12.1 The Council's Comprehensive Equality Scheme for 2012-16 provides an overarching framework and focus for the Council's work on equalities and helps ensure compliance with the Equality Act 2010.
- 12.2 Lewisham's Core Strategy was the subject of a comprehensive Equalities Impact Assessment (EIA) (now called Equalities Analysis Assessment) in February 2009. The LTCLP was the subject of an updated Equalities Analysis Assessment in June 2011. This assessment was to ensure, as far as is possible, any negative consequences for a particular group or sector within the community are eliminated, minimised or counter balanced by other measures. In addition, planning applications for development on specific sites will need to demonstrate how proposals meet the objectives and policies of the Core Strategy.

13. Environmental implications

- 13.1 Environmental issues are at the heart of the planning process and the key objectives of the LTCLP set out the importance of identifying key environmental features in order to protect and enhance the amenity of the local area, as well as securing development that helps create a more sustainable Lewisham. The Sustainability Appraisal of the LTCLP has assessed all the policies against the sustainability objectives and found them acceptable.

14. Conclusion

- 14.1 The LTCLP sets out the vision and objectives for Lewisham Town Centre, and provides a set of policies and site allocations to implement this vision and achieve these objectives.
- 14.2 The LTCLP has now passed through all stages of preparation, consultation and independent Examination in Public. The Planning Inspector who held the examination has found the LTCLP sound provided 19 modifications are made. The modifications were all agreed by the Council and the Inspector, and will have the effect of improving and clarifying the plan. The modifications have been incorporated into the LTCLP Recommended Adoption Version as set out at Annex 1 to this report.

Background documents

Short Title Document	Date	File Location	File Reference	Contact Officer	Exempt
Planning & Compulsory Purchases Act	2004	Laurence House	Planning Policy	Brian Regan	No

2004 (as amended)					
National Planning Policy Framework	2012	Laurence House	Planning Policy	Brian Regan	No
Local Plan Regulations	2012	Laurence House	Planning Policy	Brian Regan	No
Localism Act 2011	2011	Laurence House	Planning Policy	Brian Regan	No

If you have any queries on this report, please contact Brian Regan, Planning Policy, 3rd floor Laurence House, 1 Catford Road, Catford SE6 4RU – telephone 020 8314 8774.

Annex 1: Lewisham Town Centre Local Plan Recommended Adoption Version January 2014

Not attached – available in the Members Room and online at the Council website:

<http://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=139&Mid=2850>

Annex 2: Planning Inspector’s report into the soundness of the Lewisham Town Centre Local Plan

Annex 3: Appendix 1 of the Inspector’s Report: Schedule of main modifications to the submitted Lewisham Town Centre Local Plan

Annex 4: Schedule of additional modifications to the submitted Lewisham Town Centre Local Plan