

MAYOR AND CABINET		
Report Title	Alterations and Extensions Supplementary Planning Document (SPD)	
Key Decision	Yes	Item No.
Wards	All	
Contributors	Executive Director for Resources and Regeneration	
Class	Part 1	Date: 24/04/2019

1. Purpose

- 1.1 To provide the Mayor and Cabinet with the information needed to enable them to make a decision as to whether to adopt the Alterations and Extensions SPD.

2. Summary

- 2.1 The report recommends Mayor and Cabinet to adopt the Alterations and Extensions SPD. If adopted the Alterations and Extensions SPD will replace Section 6 of the Residential Standards SPD (adopted 2006 and updated 2012) and will supplement the council's suite of statutory Development Plan Documents. The Alterations and Extensions SPD will provide advice and guidance to support policy implementation and ensure that the highest design quality is achieved in residential extensions and alterations within the Borough.
- 2.2 This report sets out the consultation process, summarises the representations received and how the council has addressed them.
- 2.3 Mayor and Cabinet are reminded that it resolved on 10 January 2018 to, among other things, approve this SPD in its draft form for consultation.

3. Recommendations

The Mayor and Cabinet is recommended to;

- 3.1 Note the Consultation Statement found in Appendix 3.
- 3.2 Note the changes following the consultation. In order to assist with this, a track changes version of the SPD can be found in Appendix 1.
- 3.3 Adopt the SPD.
- 3.4 Note the Equalities Impact Assessment of the document.

3.5 Note that if the SPD is adopted it will replace Section 6 of the Residential Standards SPD, which will be revoked pursuant to regulation 15(2) of the Town and Country Planning (Local Planning) (England) Regulations 2012.

4. Policy context

4.1 The SPD role is to provide detail, advice and guidance on the implementation of policies contained in Lewisham's statutory Development Plan Documents such as the Core Strategy (2011) and the Development Management Local Plan (2014). Supplementary Planning Documents are a material consideration in planning decisions.

4.2 The SPD contributes to the implementation of the Council's Corporate Priorities as detailed in the council's "Corporate Strategy 2018-2022" document which are:

- Open Lewisham: Lewisham is a welcoming place of safety for all where we celebrate the diversity that strengthens us.
- Tackling the housing crisis: Everyone has a decent home that is secure and affordable.
- Giving children and young people the best start in life: Every child has access to an outstanding and inspiring education and is given the support they need to keep them safe, well and able to achieve their full potential.
- Building an inclusive local economy: Everyone can access high quality job opportunities, with decent pay and security in our thriving and inclusive local economy.
- Delivering and defending: health, social care and support: Ensuring everyone received the health, mental health, social care and support services they need.
- Making Lewisham greener: Everyone enjoys our green spaces and benefits from a healthy environment as we work to protect and improve our local environment.
- Building safer communities: Every resident feels safe and secure living here as we work together towards a borough free from the fear of crime.

4.3 The Alterations and Extensions SPD will improve the quality of accommodation in the borough through guidance on how to make safe, green and inclusive spaces by offering alternatives to meet diverse needs and by emphasising on the significance of tree retention and replacement and green roofs. Therefore, it addresses the priorities of the Council's Corporate Strategy as it aims at making Lewisham safer, greener and more inclusive.

5. Background

5.1 The Council is committed to supporting development that allows everyone in Lewisham the opportunity to make the most of their property in a positive way, not just for them but also for their neighbours and the community as a whole.

- 5.2 Well designed extensions and alterations can increase the amount and quality of accommodation and enhance the appearance of buildings. The improvement and conversion of existing buildings also makes effective use of urban land and makes good environmental sense.
- 5.3 Poorly considered proposals however can cause harm to the amenities and characteristics of our borough. Through carefully considered alterations and extensions, we have the potential to improve and enhance our community to make Lewisham the best place to live, work and learn in London.

6. Alterations and Extensions SPD Summary

- 6.1 The guidance given within this SPD seeks to strengthen the design process and ensure that alterations and extensions meet the highest design standards as required by planning policy.
- 6.2 This SPD aims to:
- **Encourage high quality design**
In the SPD we have set out principles and parameters as a means of assisting applicants to achieve an 'acceptable' standard of design.
 - **Help applicants to prepare a successful planning application**
By following the advice in this document, applicants should be able to engage in a clear design process that will help them to achieve a positive planning decision. In order to achieve this, officers have highlighted likely issues and things to consider when preparing proposals.
- 6.3 This SPD is intended to be a design manual and a working tool. It is intended for frequent reference and will be essential for all charged with preparing or assessing the quality of planning applications for residential alterations and extensions.
- 6.4 The design guide should be read by:
- Householders.
 - Design professionals, in drawing up proposals.
 - Development management officers, as a material consideration in assessing the suitability of applications.
 - Statutory and non-statutory consultees and the public in commenting on planning applications.
 - The Council, in determining planning applications and in upholding decisions at planning appeals.
- 6.5 Compliance with the SPD will help speed up the planning process by reducing the chances of objections and refusals due to poor design.
- 6.6 The document is split into six sections covering what to consider as part of the planning process and general principles to more detailed guidance on differing types of extensions and alterations:
1. Introduction

2. Context
3. General Principles and good practice
4. Extensions
5. Roof Alterations
6. Other Alterations

6.7 Sections 1 to 3 of the document provide general guidance relevant to all applications. Applicants are then directed to more detailed guidance relevant to their specific type of application. This avoids applicants having to consider guidance that is not relevant to their alteration type.

6.8 Due to the diverse nature of the borough it is not possible to provide guidance for every different circumstance across Lewisham so each case will be assessed on its own merits.

7. Sustainability Appraisal and Strategic Environmental Assessment

7.1 It is not necessary to undertake a Sustainability Appraisal to accompany the production of a SPD as per the guidance provided by the Ministry of Housing, Communities & Local Government but may in exceptional circumstances require a Strategic Environmental Assessment (SEA) if they are likely to have significant environmental effects that have not already been assessed during the preparation of the Local Plan.

7.2 In order to assess the need to undertake an SEA of an SPD, it is necessary to produce a SEA Screening Opinion. Pro Vision Projects were appointed as independent consultants to produce the screening opinion prior to consultation and they concluded that there was no requirement for a full SEA to be undertaken. The SEA Screening Opinion for the SPD was included in a previous report to the Mayor and Cabinet in January 2018 and has not been included here.

8. Consultation process for the SPD and summary of responses received

8.1 The consultation process for SPDs is set out in the Statement of Community Involvement. It is a legal requirement to undertake the consultation stated in the SCI. The consultation process ran for six weeks and involved:

- Publishing the SPD and any associated documents on the Council's website
- Contacting stakeholders and statutory consultees
- Holding presentations to Local Amenity Groups
- Provide printed copies to key locations, e.g. libraries.

8.2. After the six week consultation period running from 16th August to 24th September 2018, all representations received during the six week consultation period were taken into consideration and the consultation statement was submitted to Mayor and Cabinet.

8.3 Key findings include:

- In total, 366 comments were received from 8 organisations and 9 individuals;
- These include 161 additions, 198 revisions and 7 deletions.
- 210 of these comments were added or revised in the final document and no action was taken for the remaining;
- Several comments related to non-planning matters or were addressed elsewhere in the document;
- Specific cases were recommended to be added by residents;
- Several comments formed objections in principle to the content of the SPD when others were supportive of the same topic.
- Some chapters had to be re-structured for more clarity.

8.4 A detailed schedule of the comments received and the Officers' responses to each one of them can be found as an Appendix within the Consultation Statement.

8.5 A track changes version of the SPD can be found in Appendix 1 which highlights the changes made following the consultation. The final version of the SPD can be found in Appendix 2.

9. Financial implications

9.1 There are no direct financial implications arising from this report. The SPD will be published electronically on the Council's website and only limited hard copies will be produced, these being funded from within the agreed Planning Service budget.

10. Legal Implications

10.1 The Town and Country Planning (Local Planning) (England) Regulations 2012 sets out the main steps in the procedure for the production and adoption of planning documents, as explained in the report. The council has complied with its statutory duties under the Town and Country Planning (Local Planning) (England) Regulations 2012 and under its Statement of Community Involvement as detailed above.

10.2 The council has also considered human rights implications in the preparation (and adoption if so adopted) of this SPD.

Section 6 of the Human Rights Act 1998 prohibits authorities from acting in a way which is incompatible with the European Convention on Human Rights.

"Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:

- Right to a fair trial
- Respect for your private and family life, home and correspondence
- Peaceful enjoyment of one's property

- 10.2 This report has outlined the consultation that has been undertaken on the preparation of the SPD and the opportunities for people to make representations to the council.
- 10.3 Mayor and Cabinet need to satisfy itself that the potential adverse impacts are acceptable and that any potential interference with Convention rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the council's powers and duties. Any interference with a Convention right must be necessary and proportionate. Mayor and Cabinet must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 10.4 This SPD has the legitimate aim of providing guidance in the preparation of planning applications. The rights potentially engaged by Mayor and Cabinet resolving to adopt the SPD are not considered to be unlawfully interfered with.
- 10.3 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 10.4 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.
- 10.5 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed at paragraph 10.4 above.
- 10.6 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:

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

10.7 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: A guide for public authorities
4. Objectives and the equality duty. A guide for public authorities
5. Equality Information and the Equality Duty: A Guide for Public Authorities

10.8 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:

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

10.9 If adopted this SPD becomes a material consideration to which greater weight may be attached when compared to the weight that would have attached in its draft form.

11. Crime and Disorder Implications

11.1 There are no direct implications relating to crime and disorder issues.

12. Equalities Implications

12.1 The Council's Comprehensive Equality Scheme for 2016-20 provides an overarching framework and focus for the Council's work on equalities and helps ensure compliance with the Equality Act 2010.

12.2 The Alterations and Extensions SPD does not have any direct equalities implications.

13. Environmental Implications

13.1 As outlined in the SEA Screening Opinion, there are no direct environmental impacts arising from this report.

14. Conclusion

The Mayor and Cabinet is recommended to;

- 14.1 Note the Consultation Statement found in Appendix 3.
- 14.2 Note the changes following the consultation. In order to assist with this, a track changes version of the SPD can be found in Appendix 1.
- 14.3 Adopt the SPD.
- 14.4 Note the Equalities Impact Assessment of the document.
- 14.5 Note that if the SPD is adopted it will replace Section 6 of the Residential Standards SPD, which will be revoked pursuant to regulation 15(2) of the Town and Country Planning (Local Planning) (England) Regulations 2012.

15. Background documents and originator

Short Title Document	Date	File Location	File Reference	Contact Officer	Exempt
Planning & Compulsory Purchase Act 2004	2004	Laurence House	Planning Policy	David Syme	No
Localism Act 2011	2011	Laurence House	Planning Policy	David Syme	No
National Planning Policy Framework (NPPF) 2019	2019	Laurence House	Planning Policy	David Syme	No
Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)	2012	Laurence House	Planning Policy	David Syme	No
Residential standards Supplementary planning document	2012	Laurence House	Planning Policy	David Syme	No

2006 (amended 2012)					
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If you have any queries on this report, please contact David Syme, Strategic Planning Manager, 2nd floor Civic Suite, 1 Catford Road, Catford SE6 4RU, at urbandesign@lewisham.gov.uk.

Appendix 1: Alterations and Extensions SPD April 2019 – track changes

Appendix 2: Alterations and Extensions SPD April 2019 (final version)

Appendix 3: Consultation Statement