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Sustainable Development Select Committee Supplementary Agenda

Thursday, 20 April 2017
7.00 pm,

Committee room 3
Civic Suite
Lewisham Town Hall
London SE6 4RU

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Part 1

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MAYOR AND CABINET		
Report Title	**Response to referral by the Sustainable Development Select Committee on Planning**	
Key Decision	No	**Item No.**
Ward	**All**	
Contributors	**Executive Director of Resources and Regeneration**	
Class	**Part 1**	**Date: 22 March 2017**

1.   **Summary**

1.1   The Sustainable Development Select Committee held a meeting on 29th November 2016 and referred a report from that meeting to the Mayor on 11th January 2017. The Select Committee report made recommendations for the Mayor to consider. The Mayor resolved that the views of the Select Committee, as set out, be received and that the Executive Director for Resources and Regeneration be asked to prepare a response for Mayoral consideration. This report is the Executive Director's response to the recommendations set out in the Mayor and Cabinet Report of 11 January 2017.

2.   **Purpose**

2.1   This report responds to the four recommendations set out in the Mayor and Cabinet Report. The four recommendations relate to public houses policy review, member engagement with plan making, planning enforcement procedures and use of s106 and CIL. The report therefore outlines officer work progressing on these issues and procedures, to update and inform the Mayor and Cabinet and the Select Committee.

3.   **Recommendations**

3.1   The Mayor is recommended to:
   - Note and provide further comment in relation to:
     1) Public Houses policy review;
     2) Member engagement with plan-making;
     3) Planning Enforcement procedures;
     4) Use of s106 and CIL.

   - Agree that this report should be forwarded to the Sustainable Development Select Committee, for their consideration.

4.   **Policy Context**

4.1   The Council has outlined ten corporate priorities which enables the delivery of the Sustainable Community Strategy. The content of this report is consistent with these corporate priorities. The Development Plan is closely related to the

SCS, as it sets out the physical implementation of the SCS. Furthermore, the Development Plan seeks to build sustainable communities that are:

- *Empowered and responsible:* where people can be actively involved in their local area and contribute to tolerant, caring and supportive local communities.
- *Clean, green and liveable*: where people live in affordable, high quality and adaptable housing, have access to green spaces and take responsibility for their impact on the environment.
- *Healthy, active and enjoyable*: where people can actively participate in maintaining and improving their health and well-being, supported by high quality health and care services, leisure, culture and recreational activities.
- *Safer:* where people feel safe throughout the borough and are able to live lives free from crime, anti-social behaviour and abuse.
- *Dynamic and prosperous*: where people are part of vibrant and creative localities and town centres, well-connected to London and beyond.
- *Ambitious and achieving:* where people are inspired and supported to achieve their potential.

5. Background

5.1 The Sustainable Development Select Committee has previously considered a range of reports, relating to:

- Public houses (September 2012, September 2014, October 2015 and November 2016);
- Key planning policies and procedures (November 2016);
- Planning Enforcement service (October 2014 and November 2016);
- Use of section 106 and CIL (October 2015, January 2016, May 2016 and November 2016).

5.2 In January 2017 the Mayor and Cabinet considered a number of recommendations that the Select Committee have made on these matters. The Mayor resolved that the views of the Select Committee, as set out, be received and the Executive Director for Resources and Regeneration be asked to prepare a response for Mayoral consideration. This report provides the detail of how officers have responded to these recommendations.

6. SDSC recommendations

6.1 The Select Committee have made a number of recommendations to the Mayor. These are set out below, grouped into the four sections relating to:

- Public houses policy review;
- Member involvement in plan-making;
- Planning Enforcement procedures and;
- Use of section 106 and CIL.

Each section is accompanied by an officer response.

Public houses policy review

6.2 The **SDSC recommends** that officers review the effectiveness of the Council's policy on the protection of pubs.

6.3   The Council's existing policy on public houses is included in Development Management Policy 20 (DM20). It seeks to prevent the loss of public houses in the borough unless the proposed change of use or redevelopment meets the specified assessment criteria. The policy was adopted in November 2014.

6.4   The Select Committee have been kept informed of the loss of public houses that have taken place since the adoption of this policy and a piece of evidence base work has been initiated to determine policy effectiveness. It will come to a conclusion on the effectiveness of the current policy and make recommendations for policy updates, where applicable. This will update the existing evidence base report, called "Pubs in Lewisham: an evidence base study (April 2012)", which in turn, will inform the preparation of the new Lewisham Local Plan. When adopted, it will become part of the Lewisham's statutory development plan and be used to determine planning applications.

6.5   It is anticipated that the public house evidence base review will be completed by late Summer 2017. Upon conclusion of the study, the evidence will be shared with, and the proposed policy changes will be presented to, the Select Committee for their consideration.

Member involvement in plan-making

6.6   The **SDSC requests** a diagram, which sets out all of the current local and regional planning policy documents and shows the key opportunities and dates for engagement with Members.

6.7   The Development Plan for the London Borough of Lewisham currently consists of the London Plan and the Lewisham Local Plan (consisting of the Core Strategy, Site Allocations, Development Management Local Plan and Lewisham Town Centre Local Plan).

6.8   It is anticipated that the following documents will update the Development Plan over the next two years: Lewisham Local Plan, Gypsy and Traveller Local Plan, a revised London Plan and one Neighbourhood Development Plan. We will be reviewing the form that the new Lewisham Local Plan will take in light of the proposals in the Housing White Paper, which removes the expectation that a single local plan should be prepared and provides more flexibility over how to set out the strategic priorities for the borough.

6.9   Annex 1 provides a visual of these documents and shows that all are to be consistent with one another and the National Planning Policy Framework. Each document is taken into account when determining planning decisions. The borough level documents are aligned not only with national and regional plans, but are also in harmony with the Council's Sustainable Community Strategy 2008-2020. In particular, these documents have regard to, and seek to promote, the corporate priorities contained in the Sustainable Community Strategy and build on it's vision: Together, we will make Lewisham the best place in London to live, work and learn.

6.10 Annex 1 also shows that supplementary and other documents exist. However, this report focuses specifically on the development plan documents, as they are the key decision making documents when determining planning applications.

6.11 Engagement with Members is an important part of the plan-making process. Members should be involved with the preparation of the evidence base as well as the preparation of the plan, especially in the early stages when policies are being drafted.

6.12 The Planning Policy team suggest Members work with the team on a number of key stages and topics listed below, in order to create a robust Development Plan:
- The relationship between Planning Policy and Development Management and the development plan document hierarchy;
- Understanding the relationship between policy and growth, and how to responsibly and sustainably deliver growth;
- Determining a vision and strategic objectives for Lewisham for the next 15 years;
- Providing comment on the direction of the new Lewisham Local Plan document.

6.13 It is suggested involvement can take place via a number of mechanisms including a factsheet, a Members Training session and/or site visits, as appropriate. It is important to consider that current legislation and the resource implications of the Planning Policy team will shape how the team work with Members and the sphere of influence Members and Officers are subject to.

6.14 The Planning Policy team would also like specific input and direction from Members, as the different stages of the development plan documents are being prepared. The key stages of plan-making are as follows:
- **Regulation 18 – identifying vision and strategic objectives** (note: this stage can have more than one round of consultation).
- Regulation 19 – proposed submission
- Regulation 22 - submission stage
- Regulation 24 – independent examination
- Regulation 25 – make changes based on examiners recommendations.

6.15 Regulation 18 (shown in bold) relates to the most important formal consultation stage, where there is an opportunity for Member involvement to shape policies as they are drafted. We held a Member's consultation event in October 2015, where we presented the Lewisham Local Plan: Consultation on Main Issues Document to Members and debated issues of importance to Members. We will continue to work with Members informally up till Regulation 19, with the aim of incorporating Members views at an early stage; hence reducing the need for Members to formally object later in the plan-making process.

6.16   As an overview, Annex 2 shows the current development plan documents that are being prepared (at local, borough and regional level), the stage they have already reached and the remaining stages of formal public consultation.

6.17   The Planning Policy team would like feedback from Members regarding these proposals.

Planning enforcement procedures

6.18   The **SDSC recommends** that further work be carried out to develop a customer relations management system for the Council's enforcement activities, to help manage the flow of information and complaints as well as improve the reputation of the Council in dealing with residents' concerns.

6.19   Planning Enforcement are currently in discussion with the Council's Customer Relations Team to include an Enforcement Casework module within the existing complaints system. Initial discussion has led officers to consider that a bespoke module could be created which would record high profile cases that appear to cross a number of regulatory areas (a night club for example – planning, licensing, noise, ASB) and would benefit from early and timely joint action. As the module would exist within the existing complaints system, there would not need to be any additional infrastructure development or administration beyond that carried out already by existing operatives in the respective enforcement service areas. Officers will be arranging meetings with peer service managers and IT to discuss the mechanics of setting up a bespoke system, where each service area is alerted to an alleged regulatory breach/ infringement and is updated with real time action from the respective teams.

6.20   Work is also being carried out to make best use of the existing systems and working practices. The Council's various enforcement services currently use two systems to record and administer their work stream. Planning, Planning Enforcement and Building Control use Acolaid and are able to view the work stream of each other by property address, enabling consistency between planning approvals and building control submissions and identifying alleged breaches. The Council's Crime Enforcement and Regulation Service, Environmental Health and Private Sector Housing use M3PP. However, the two systems are not able to communicate with each other and so there is no direct access to each other's records, which in turn hinders communication between teams. It has been arranged for planning enforcement to have read-only access to the M3PP database. Planning enforcement officers will be able to see the case file of Crime, Enforcement and Regulatory Services as well as Private Sector Housing. A reciprocal arrangement will also be set in place with respect to Acolaid. This is awaiting action by the Councils IT provider Hornbill.

6.21   Enforcement services also work together on various, and oftentimes, high profile cases and officers have established a cross directorate and department working group to consider joint action, where appropriate, against high profile and difficult sites and to strengthen existing working relationships.

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6.22   The **SDSC recommends** that any letters issued to residents by Planning and Building Control include guidance about contacting the Council's other enforcement teams.

6.23   Planning enforcement notes the recommendation from Members to include guidance about contacting planning enforcement/building control in each other's letters. Planning Enforcement and Building Control officers are currently considering appropriately worded text that would be included in the complainant acknowledgment letters issued upon the registration of an enforcement case.

Use of section 106 and CIL

6.24   The **SDSC recommends** that the Council produces guidance for groups, establishing neighbourhood forums, to encourage the inclusion of local Members in their membership.

6.25   Schedule 9, part 1, 61F of the Localism Act (2011 as amended) legislates that in order to be authorised to act as a neighbourhood forum, prospective neighbourhood forums must have a membership (or have taken reasonable steps to secure membership) of the following categories:
          (c) Includes a minimum of 21 individuals each of whom—
              (i) lives in the neighbourhood area concerned,
              (ii) works there (whether for a business carried on there or otherwise), or
              (iii) **is an elected Member** of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned.

6.26   In addition, the legislation states that membership must be open to all of the above categories throughout the process. Therefore, Members are free to join neighbourhood forums at any time.

6.27   The Planning Policy team are preparing a guidance note in respect of neighbourhood planning in Lewisham which will reflect the legislative requirements, including encouraging the inclusion of Members.

6.28   The **SDSC recommends** that conditions be placed on funding allocated to neighbourhood forums to ensure that, should a forum fail, any funding it has been allocated will be returned to the Council for reallocation.

6.29   Officers have previously presented reports to the Select Committee on the current approach to allocating s106 amounts and the emerging approaches to allocating the 'local proportion' of CIL. Both of these involve working with various community groups and recognising the views of residents and elected Members. A further report to Mayor and Cabinet on the proposed approach will follow.

6.30   There is no requirement for the Council to grant such forums direct spending powers.   Government guidance does however require the Council to consider any infrastructure requirements highlighted in an adopted Neighbourhood Plan

/ Neighbourhood Development Order (and also raise the 'local proportion' of CIL from 15% to 25%) when determining CIL priorities. However, the guidance is also clear that the Council should consider the views of all local residents and interested parties in the allocation of CIL; the actual decision on the spending of CIL will remain with the Council. Should the Council determine that a specific project to be delivered by a Neighbourhood Forum is a priority, any conditions on funding release would be no different to funds granted to any other community group. In particular, the Council would require a funding agreement that would cover aspects such as claw back arrangements.

7. Financial Implications

7.1   There are no direct financial implications arising from this report, at this stage.

8. Legal Implications

8.1   There are no direct legal implications arising from this report.

9. Crime and Disorder Implications

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

10. Equalities Implications

10.1   The Council's Comprehensive Equality Scheme (CES) for 2016-20 provides an overarching framework and focus for the Council's work on equalities and describes the Council's commitment to equality for citizens, service users and employees. The CES is underpinned by a set of high level strategic objectives which incorporate the requirements of the Equality Act 2010 and the Public Sector Equality Duty.

10.2   This report does not have any direct equalities implications. However, the CES will be used to inform equalities impacts and implications arising from services provided by the Council, including Planning, Enforcement and CIL.

11. Environmental Implications

11.1   There are no direct environmental impacts arising from this report.

12. Conclusion

12.1   The recommendations referred to the Mayor from the Sustainable Development Select Committee have been answered in section 6 of this report and it is proposed that this response is referred back to the Select Committee.

13. Background documents and originator

Report to 11 January Mayor and Cabinet: Comments on the Sustainable Development Select Committee on Planning:
http://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=139&MId=4352

Report to 29 November 2016 Sustainable Development Select Committee: Key Planning Policies and Procedures:

http://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=136&MId=4174

Report to 29 November 2016 Sustainable Development Select Committee: Planning Enforcement:
http://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=136&MId=4174
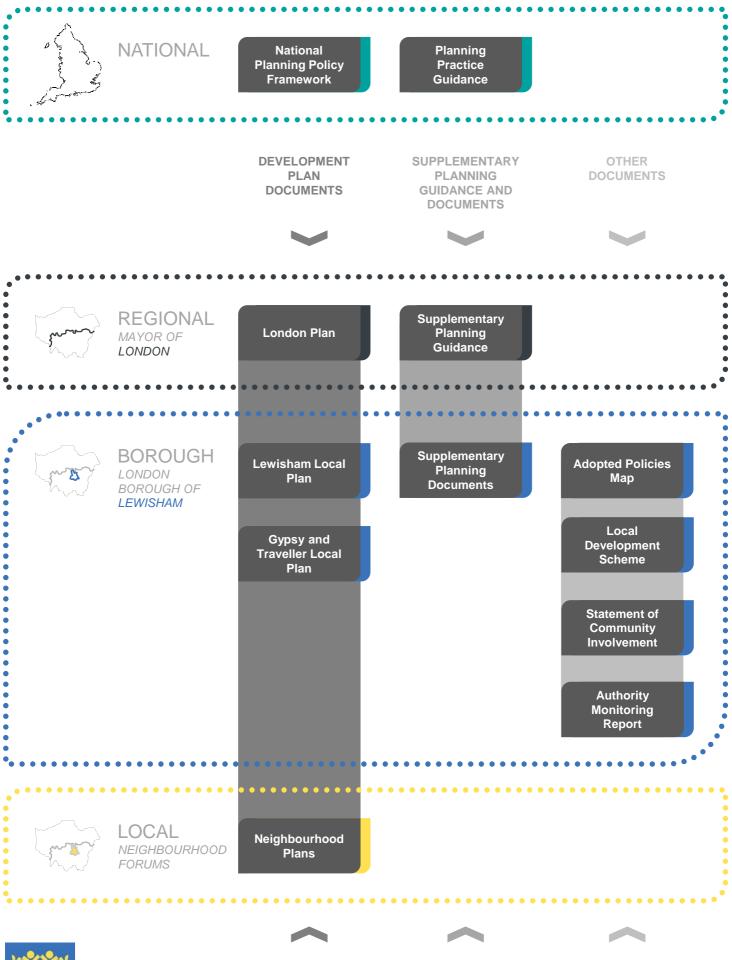
Report to 29 November 2016 Sustainable Development Select Committee: Update - Use of Section 106 and CIL:
http://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=136&MId=4174

If you have any queries on this report, please contact Angela Steward, Senior Planning Policy Officer, 3rd floor Laurence House, 1 Catford Road, Catford SE6 4RU –telephone 020 8314 3885.

Annex 1: The suite of document types that will inform the decision making process

NATIONAL

- National Planning Policy Framework
- Planning Practice Guidance

DEVELOPMENT PLAN DOCUMENTS

SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

OTHER DOCUMENTS

REGIONAL
MAYOR OF LONDON

- London Plan
- Supplementary Planning Guidance

BOROUGH
LONDON BOROUGH OF LEWISHAM

- Lewisham Local Plan
- Gypsy and Traveller Local Plan
- Supplementary Planning Documents
- Adopted Policies Map
- Local Development Scheme
- Statement of Community Involvement
- Authority Monitoring Report

LOCAL
NEIGHBOURHOOD FORUMS

- Neighbourhood Plans

Lewisham

Annex 2: Formal consultation stages for Development Plan Documents that are currently being prepared

	DEVELOPMENT PLAN DOCUMENTS	STAGE OF PLAN-MAKING	INDICATIVE TIMESCALES FOR FORMAL CONSULATION (where dates are available)
REGIONAL *MAYOR OF LONDON*	**London Plan**	• Towards a new London Plan	December 2016
		• **Draft London Plan**	**Autumn 2017**
		• London Plan submission	**Summer 2018**
		• Examination	**TBC**
		• Post Examination changes	**Autumn 2019**
		• Plan adoption	**TBC**
BOROUGH *LONDON BOROUGH OF LEWISHAM*	**Lewisham Local Plan**	• Vision and strategic objectives (Reg 18, stage1)	October 2015
		• **Draft Local Plan (Reg 18, stage 2)**	**Autumn/Winter 2017**
		• Local Plan Submission	**TBC**
		• Examination	**TBC**
		• Post Examination changes	**TBC**
		• Plan adoption	**TBC**
	Gypsy and Traveller Local Plan	• Vision and strategic objectives (Reg 18, stage1)	March 2013
		• Draft Local Plan (Reg 18, stage 2)	October 2016
		• **Local Plan Submission**	**Early Summer 2017**
		• Examination	**TBC**
		• Post Examination changes	**TBC**
		• Plan adoption	**TBC**

LOCAL *NEIGHBOURHOOD PLANS*

1. **Crofton Park and Honor Oak Park (Hopcroft)**
2. **Grove Park**
3. **Corbett Estate**
4. **Lee**
5. **Deptford Neighbourhood Action**

Note: All of these Forums are at various stages in the neighbourhood planning process. Currently, only Hopcroft has started to prepare it's neighbourhood plan. An advice note will be prepared to explain how and when Members can get involved in neighbourhood plan-making.

LEWISHAM'S PLACES

Lewisham