

## Overview and Scrutiny



# Sustainable Development Select Committee Supplementary Agenda

Thursday, 4 March 2021, **7.00 pm**

Remote - on Microsoft Teams - the public are welcome to observe via the Council's website at <https://lewisham.public-i.tv/core/portal/home>

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This meeting is an open meeting and all items on the agenda may be audio recorded and/or filmed.

### Part 1

Item		Pages
4.	Small sites supplementary planning document	3 - 14
	Appendices available at: <a href="https://we.tl/t-uRWfbippqY">https://we.tl/t-uRWfbippqY</a> (large PDF files)	

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## Sustainable Development Select Committee

This report was not published with the original agenda despatch and has not been available for five clear days before the meeting. This was due to the challenges of officer resourcing during the COVID pandemic. The report is urgent and cannot wait to the next meeting of the Committee because a decision is due to be taken by Mayor and Cabinet on Wednesday 10 March in order to meet GLA programme and funding requirements.

### Small Sites Study Supplementary Planning Document

**Date:** 4 March 2021

**Key decision:** No

**Class:** Part 1

**Ward(s) affected:** All wards within London Borough of Lewisham

**Contributors:** Executive Director for Resources and Regeneration

### Outline and recommendations

Sustainable Development Select Committee is asked:

- a) To note the contents of the draft Small Sites Supplementary Planning Document (SPD) – Appendix 2
- b) To note the findings of the Strategic Environmental Assessment (SEA) screening report – Appendix 4
- c) Advise Mayor and Cabinet of any matters it wishes to be taken into account, or comments made, with regard to the content of the draft SPD, prior to the proposed public consultation.

## Timeline of engagement and decision-making

30 <sup>th</sup> April 2019	Local Plan update to Sustainable Development Select Committee reporting on the Housing Capacity Fund Grant from the GLA.
27 <sup>th</sup> -29 <sup>th</sup> July 2020	Early stage presentation to Ward Councillors
14 <sup>th</sup> December 2020	Strategic Environmental Assessment (SEA) Screening responses received
Winter 2020	Pre-Production Consultation led by consultants

### 1. Purpose

- 1.1. The purpose of this report is to seek comment from the Sustainable Development Select Committee on the Small Sites SPD prior to Mayor and Cabinet being asked to approve it for consultation. Due to the tight time scale those comments will be dealt with as an Addendum to the Mayor and Cabinet Report and tabled at the meeting.

### 2. Summary

- 2.1. The Small Sites SPD will provide advice and guidance for developing small sites, aiming to increase the supply of high quality, affordable homes in the borough of Lewisham.
- 2.2. This report explains why there is a need for guidance on small sites, summarises the contents of the draft SPD and provides detail on the nature of the proposed consultation.
- 2.3. The requirements for consultation on Supplementary Planning Documents (SPD's) were updated with the December 2020 Addendum to the Statement of Community Involvement (SCI) meaning the Council is now only required to carry out statutory consultation on SPD's. However, as the work for this SPD commenced prior to this Addendum, officers are proposing the consultation follows the original Statement of Community Involvement consultation process.

### 3. Recommendations

- 3.1. Sustainable Development Select Committee is asked:
  - a) To note the contents of the draft Small Sites Supplementary Planning Document (SPD) – Appendix 2
  - b) To note the findings of the Strategic Environmental Assessment (SEA) screening report – Appendix 4
  - c) Advise Mayor and Cabinet of any matters it wishes to be taken into account, or comments made, with regard to the content of the draft SPD, prior to the proposed public consultation.

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## 4. Policy Context

### 4.1. Planning Policy

4.1.1. Both the London Plan and the Local Plan contain planning policy in relation to small sites. The specific adopted policies are set out in para 4.1.2 – 4.1.5. These are the adopted policies that the SPD relies upon in policy terms. In addition the SPD seeks to provide further guidance in relation to these policies to support the development of small sites:

4.1.2. Drafted by the Greater London Authority (GLA) Policy H2 within The Publication London Plan December 2020 states:

*Boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making in order to:*

- 1) *significantly increase the contribution of small sites to meeting London's housing needs*
- 2) *diversify the sources, locations, type and mix of housing supply*
- 3) *support small and medium-sized housebuilders*
- 4) *support those wishing to bring forward custom, self-build and community-led housing*
- 5) *achieve the minimum targets for small sites set out in Table 4.2\* as a component of the overall housing targets set out in Table 4.1.\**

*\*these tables correspond with the GLA's housing targets mentioned in paragraph 4.2 of this report.*

4.1.3. The GLA's Good Quality Homes for All Londoners Housing Supplementary Planning Guidance (SPG) is a suite of documents giving further guidance on the London Plan. Module B Pre-consultation Draft: Small Housing Developments, Assessing Quality and Preparing Design Codes focuses on small sites. It states:

*Good growth across London requires high quality residential development at all scales of delivery. Londoners living in existing communities deserve to experience the benefits of growth and change irrespective of its scale. Community support for intensification of existing neighbourhoods through conversion, extension, additional development on underused land, and demolition and redevelopment on brownfield land, will only be achieved at scale if boroughs enable character-specific, good quality design and construction. Where borough planning policy and design guidance is clear and up to date, development on small sites can realise the incremental growth needed within existing neighbourhoods, whilst offering developers and communities increased sight of and certainty about planning outcomes.\**

- \* *Guidance relates to the following policies within the New London Plan (Greater London Authority, 2019): Policy D1: London's form, character and capacity for growth, Policy D2A: Infrastructure requirements for sustainable densities, Policy D3: Optimising site capacity through the design-led approach, and D4: Delivering good design (Policy H2: Small Sites).*

4.1.4. Lewisham's current Development Management (DM) Local Plan adopted 26 November 2014 is the base for which the Small Sites Study guidance is written. DM Policy 33 gives general principles for development on certain sites:

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- a. Infill Sites
- b. Backland Sites
- c. Back Gardens
- d. Amenity Areas

4.1.5. With the exception of Back Gardens the policy gives general principles for possible development on these types of sites. The Small Sites SPD gives guidance and clarification on these.

#### 4.2. **Council strategies**

4.2.1. The Council's Corporate Strategy (2018-2022) outlines the Council's vision to deliver for residents over the next four years. Building on Lewisham's historic values of fairness, equality and putting our community at the heart of everything we do, the Council will create deliverable policies underpinned by a desire to promote vibrant communities, champion local diversity and promote social, economic and environmental sustainability. Delivering this strategy includes the following priority outcomes that relate to the adoption of the Small Sites SPD:

- **Tackling the Housing Crisis** – Providing a decent and secure home for everyone.
- **Building an Inclusive Economy** – Ensuring every resident can access high-quality job opportunities, with decent pay and security in our thriving and inclusive local economy.
- **Making Lewisham greener**- Everyone enjoys our green spaces and benefits from a healthy environment as we work to protect and improve our local environment.

4.2.2. Lewisham's Housing Strategy (2020-2026), includes the following themes that relate to the adoption of the Small Sites SPD:

- Delivering the homes that Lewisham needs
- Preventing homelessness and meeting housing need
- Improving the quality, standard and safety of housing
- Supporting our residents to live safe, independent and active lives
- Strengthening communities and embracing diversity.

4.2.3. The Small sites SPD addresses the above by providing guidance on developing and building more homes in the borough. It suggests using local networks and encourages existing residents to develop themselves or as a group. It provides advice on creating greener more sustainable developments helping to improve our local communities.

## 5. Background

5.1. The work on the Small Sites SPD has been funded by the GLA's Homebuilding Capacity Fund to directly increase the delivery of new homes within the borough.

5.2. The current draft London Plan has an annual target of 1,667 new homes of which 379 per annum are forecast from small windfall sites (0.25 hectares or below). This would require nearly 4,000 homes to be delivered through small sites in the next 10 years. The fundamental aim of this SPD is to help Lewisham achieve this target.

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## 6. Pre-production Consultation

- 6.1. The consultants appointed to support this work have carried out consultation throughout the production of the draft SPD. The consultation webpage used to date can be found at <https://lewisham.smallsites.london/>.
- 6.2. This web presence gathered almost 60 responses from a range of people and organisations including homeowners, self-builders, small developers and architects. Alongside this the consultants set up a selection of group discussions with Architects, Developers, Housing Associations, and the team at Community Led Housing supported by the Mayor of London.
- 6.3. Throughout the production of this work the consultants held a selection of discussions with LBL planning officers including those from Development Management, Conservation, Highways, Trees, Sustainability and Policy.
- 6.4. SPDs do not require Sustainability Appraisals 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 or other development plan documents.
- 6.5. A Strategic Environmental Assessment (SEA) screening has therefore been undertaken on the Small Sites SPD. It demonstrates that any effects resulting from higher tier planning documents including the 'parent policies' relevant to this SPD have already been considered and assessed by a separate full SEA through the Development Plan process. Screening was completed at the end of October 2020 with time given until early December for statutory consultees to respond.
- 6.6. Having received no objections from the statutory consultees, the planning service have determined that an SEA is not required. This is based on the fact that the SPD does not propose any new policies, or the amendment of existing adopted policies, and will not allocate resources or direct other higher level plans and programmes.
- 6.7. The SEA Screening Report is shown in Appendix 4.

## 7. Small Sites SPD Summary

- 7.1. The Small Sites SPD gives guidance on developments on sites under 0.25 hectares to enable them to deliver a higher number of better quality well designed homes.
- 7.2. The SPD aims to encourage the delivery of small sites to:
  - Deliver more homes, including those that are **genuinely affordable**;
  - Ensure that Lewisham hits its **annual housing targets** and meets the government's Housing Delivery Test;
  - Ensure Lewisham continues to receive significant income from **New Homes Bonus**;
  - **Diversify who is delivering Lewisham's housing supply** to make it more resilient – Lewisham is currently heavily reliant on large strategic sites;
  - **Encourage local builders and developers** to build within Lewisham thus stimulating the local economy and creating local jobs;
  - Increasing density/critical mass within Lewisham's suburbs to help **support local centres**;
  - Help co-ordinate the delivery of infrastructure within the south of the borough through the collection of **CIL and S106**.

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- 7.3. The SPD is intended as design guidance that informs applicants of best practices helping to de-risking the planning process and to guide first time applicants. The document aims at reaching a wider audience than previous planning documents, with language and diagrams to support less experienced developers and landowners whilst also directing local and experienced developers with constrained and complex sites.
- 7.4. The SPD is split into three main chapters; Guidance, Tool kits and Site Types, with sub headings as follows:
- 1) Guidance
    - Context of the document
    - Planning Policy Areas
    - Permitted Development
    - Development Flowchart
    - Design and Access Guide
    - Small Sites Sustainability
    - FAQ's
  - 2) Toolkits
    - Design Principles
    - The Good Design Toolbox
    - The Green Toolbox
    - The Inside Out Toolbox
    - The Placemaking Toolbox
    - Advantages of developing own land
    - Advantages of developing in a group
    - Working with green space
    - Mixed Use Developments
    - Sustainability
    - Heritage
  - 3) Site Types
    - Type Selection
    - Infill development
    - Backlands
    - Other Types
- 7.5. The SPD is the second of three documents. The first, the Small Sites Vision (Development Strategy Document), sets out the vision and context of small sites in Lewisham. This is supporting information for the SPD and will not be consulted on. See Appendix 1
- 7.6. The third document shown as appendices to the SPD include mapping and research completed in the process of creating the SPD. See Appendix 3

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## 8. Consultation

- 8.1. Subject to approval by Mayor and Cabinet on 10 March 2021, the consultation process for the draft SPD will be carried out in accordance with the Council's original Statement of Community Involvement and not the Addendum published in December 2020. This is because the work on this SPD commenced prior to the Addendum being approved.
- 8.2. The consultation process will run for six weeks and will involve:
- Consulting (by digital mail-out) specific Consultation Bodies, General Consultation Bodies and Other Consultees (to the extent that the Council considers the proposed subject matter affects that body). This would include specific community groups and local organisations.
  - Ensuring that the SPD and the other material required to support it are accessible on the Lewisham website, and posted to selected online forums and groups to access as many Lewisham residents as possible. The SPD and other material will be accessible at suitable libraries should Covid restrictions allow.
  - In addition to the above we will aim to consult as broadly as possible with the community by arranging online virtual sessions to discuss and comment on the guidance.
- 8.3. After the 6 week consultation period, all representations received will be considered and a final version of the SPD will be prepared for consideration at a future meeting of Sustainable Development Select Committee and reported for adoption by Mayor and Cabinet. An indicative programme to adoption is shown at paragraph 9.2.

## 9. Timetable to adoption

- 9.1. This report is asking for comment from the SDSC to help Mayor and Cabinet make a decision on the proposed consultation of the Small Sites SPD. Following the consultation, if it is approved, the proposal is for the SPD to go for approval to be adopted and become a material planning consideration in the determination of planning applications. The proposed timeline to that is as follows:

### 9.2. Forward Programme

Action	Indicative Date
Mayor and Cabinet Meeting	10 <sup>th</sup> March 2021
Proposed Consultation	20 <sup>th</sup> March 2021 – 1 <sup>st</sup> June 2021
Review of feedback and revisions	Spring-Summer 2021
Further review by Sustainable Development Select Committee (SDSC)	Summer 2021
Proposed Adoption Approval by Mayor & Cabinet	Autumn 2021

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## 10. Financial implications

- 10.1. 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.
- 10.2. All costs for the development of the SPD and the consultation have been funded by the GLA Homebuilding Capacity Fund.

## 11. Legal implications

- 11.1. 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.
- 11.2. Section 9D of the Local Government Act 2000 states that any function of the local authority which is not specified in regulations under subsection (3) is to be the responsibility of an executive of the authority under executive arrangements. The Local authorities (Functions and Responsibilities (England) Regulations 2000 specifies that certain functions relating to Development Plan documents are by law the responsibility of the Council. No specific reference is made to the preparation of an SPD in the Regulations and as it is not a Development Plan Document it is therefore an executive function.
- 11.3. 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.
- 11.4. 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.
- 11.5. 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 12.4 above.
- 11.6. The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.
- 11.7. 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

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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>

11.8. 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: 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

11.9. 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:

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

## **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 Small Sites SPD does not have any direct equalities implications.

## **13. Climate change and environmental implications**

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

## **14. Crime and disorder implications**

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

## **15. Health and wellbeing implications**

15.1. There are no direct implications relating to health and wellbeing issues.

## **16. Conclusion**

16.1. The Committee is asked to provide comments on the Small Sites SPD .

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- 16.2. Those comments will be set out as an Addendum to the Mayor and Cabinet Report to be when seeking approval for consultation.

## 17. Background papers

- 17.1. Development Management Local Plan  
<https://lewisham.gov.uk/myservices/planning/policy/adopted-local-plan/development-policies/development-policy-documents>
- 17.2. The Publication London Plan December 2020 <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/publication-london-plan>
- 17.3. Good Quality Homes for All Londoners Housing SPG Consultation Draft October 2020  
<https://consult.london.gov.uk/good-quality-homes-for-all-londoners>
- 17.4. Sustainable Development Select Committee report dated 30th April 2019. Reference Local Plan Update to the Council's award of funds from the Homebuilding Capacity Fund can be found at paragraph 9.3 in the report here:  
<https://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=136&MId=5561&Ver=4>

## 18. Glossary

- 18.1. Glossary of some key terms used in the report. There is a more detailed glossary of terms within the design guidance itself.

Term	Definition
Small Site	A potential development site of 0.25 Hectares or less (roughly 1/3 of a football pitch) as defined by the GLA in the draft London Plan.
Supplementary Planning Document	A guidance document produced to aid planning's direct management officers that gives guidance to help applicants adhere to policies within the adopted local plan.
Genuinely Affordable Homes	Homes that meet the average household earnings for residents of a certain area, in the borough of Lewisham this is deemed as Social Rent or London Affordable Rent.
SPD	Supplementary Planning Document <a href="https://lewisham.gov.uk/myservices/planning/policy/adopted-local-plan/spds">https://lewisham.gov.uk/myservices/planning/policy/adopted-local-plan/spds</a>
GLA	General London Authority

- 18.2. See further terms:

<https://www.london.gov.uk/what-we-do/planning/london-plan/current-london-plan/london-plan-annexes/annex-six-glossary>

<https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary>

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## **19. Report author and contact**

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- 19.3. Monique Wallace, Monique.wallace@lewisham.gov.uk

## **20. Comments for and on behalf of the Executive Director for Corporate Resources**

- 20.1. Shola Ojo Principal Accountant, Corporate Resources
- 20.2. 02083147778 - Shola.Ojo@lewisham.gov.uk

## **21. Comments for and on behalf of the Director of Law, Governance and HR**

- 21.1. Katherine Kazantzis, Principal Lawyer
- 21.2. 020 83147937– Katherine.Kazantzis @lewisham.gov.uk

## **22. Appendices**

- 22.1. Appendix 1 – Small Sites Vision – Development Strategy Document PDF
- 22.2. Appendix 2 – Small Sites SPD Draft Document PDF
- 22.3. Appendix 3 – Small Sites Study – Appendices PDF
- 22.4. Appendix 4 – SEA Screening Report Word Document

(These documents are available at: <https://we.tl/t-uRWfbippqY> until the meeting date and following the meeting are available on request from the report authors).

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