

Sustainable Development Select Committee Agenda

Wednesday, 12 December 2018

7.00 pm

Committee room 3, Civic Suite

Lewisham Town Hall

London SE6 4RU

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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
1. Minutes of the meeting held on 29 October 2018	3 - 10
2. Declarations of interest	11 - 14
3. Responses from Mayor and Cabinet	15 - 24
4. Pubs review update	25 - 86
5. Community Infrastructure Levy neighbourhood CIL strategy	87 - 116
6. Annual parking report	117 - 132
7. Parking policy review To follow	
8. Lewisham Local Plan update Officers will provide a verbal update at the meeting.	
9. Select Committee work programme	133 - 138
10. Items to be referred to Mayor and Cabinet	

Sustainable Development Select Committee Members

Members of the committee, listed below, are summoned to attend the meeting to be held on Wednesday, 12 December 2018.

Janet Senior, Acting Chief Executive
Tuesday, 4 December 2018

Councillor Liam Curran (Chair)	
Councillor Patrick Codd (Vice-Chair)	
Councillor Obajimi Adefiranye	
Councillor Suzannah Clarke	
Councillor Mark Ingleby	
Councillor Louise Krupski	
Councillor Alan Smith	
Councillor James-J Walsh	
Councillor Bill Brown (ex-Officio)	
Councillor Juliet Campbell (ex-Officio)	

MINUTES OF THE SUSTAINABLE DEVELOPMENT SELECT COMMITTEE

Monday, 29 October 2018 at 7.00 pm

PRESENT: Councillors Liam Curran (Chair), Patrick Codd (Vice-Chair), Suzannah Clarke, Louise Krupski, Alan Smith and James-J Walsh

APOLOGIES: Councillors Obajimi Adefiranye and Mark Ingleby

ALSO PRESENT: Timothy Andrew (Scrutiny Manager), David Austin (Head of Corporate Resources), Aileen Buckton (Executive Director for Community Services) (London Borough of Lewisham), Alexandra Crush (Transport Policy and Development Manager), David Edwards (Environmental Health Group Service Manager), Deborah Efemini (Capital Project Manager), Nick Harvey (Transport Planner), Cecilia Lindstrom (Studio Egret West), Kplom Lotsu (SGM Capital Programmes), Tony Piggott (Development Advisor), Nigel Tyrell (Head of Environment), Sarah Walsh (Regeneration and Urban Design Planning Manager), Mark Warren (Studio Egret West) and Ralph Wilkinson (Head of Public Services)

1. Minutes of the meeting held on 12 September 2018

1.1 **Resolved:** that the minutes of the meeting held on 12 September 2018 be agreed as an accurate record.

2. Declarations of interest

2.1 There were none.

3. Responses from Mayor and Cabinet

3.1 **Resolved:** that the responses from Mayor and Cabinet be noted.

4. Catford Town Centre regeneration update

4.1 Cecilia Lindstrom and Mark Warren (Studio Egret West) introduced a presentation (attached to the agenda) with an update on the Catford masterplanning development process.

4.2 The Committee commented on the update, the following key points were noted:

- It was important that the plans for the development of Catford Town Centre took into consideration the aspirations for the future of Lewisham town centre (and other town centres in the borough).
- Catford should be the civic heart of the borough.
- Consideration should be given to the infrastructure and services that would be required for the future increase in population planned for the town centre.
- The Bakerloo line would have a significant impact on the scale of development that could be delivered in Catford. The masterplan should give consideration to the implications for the town centre with and without an extension of the Bakerloo line.

- In future updates to the Committee, members would be looking for evidence that consideration had been given to the inclusion of mixed housing tenure and improvements to green spaces.
- Plans for Catford should include consideration of options to design out poor air quality.
- The Committee expected that a wide range of people would continue to be included in the consultation, including younger people.
- Improved linkages between the Catford stations and the town centre would be welcomed.
- The future of the theatre was also a key consideration for the Committee.
- The Committee would welcome progress towards the cycling and pedestrian 'A21 spine' – through the centre of the borough. It was felt that work needed to be aligned between different plans and different teams at the Council.

4.3 **Resolved:** that the report be noted.

5. Budget cut proposals

5.1 David Austin (Head of Corporate Resources) introduced the report, the following key points were noted:

- The context for the report was the Council's medium term financial strategy that was published in July (2018) and considered at Public Accounts Committee and Mayor and Cabinet.
- The strategy identified that for the next two financial years (2019-20 and 2020-21) the Council needed to find £30m of cuts - £17m in 2019-20 and £13m in 2020-21 to set a balanced budget (as required by statute).
- Officers commenced a process in May-June 2018 developing proposals for cuts. The proposals had then been considered via an executive management team review process.
- Proposals totalling £21m had been submitted for scrutiny.

5.2 David Austin responded to questions from the Committee. The following key points were noted:

- Some spending on local government had been announced in the Chancellors Autumn budget – notably for adult social care - but it was anticipated that there would be more for local government in the Government's comprehensive spending review on 2019.
- Further information was awaited about the business rate relief for small businesses that had been announced by the Chancellor. The change would likely have implications for the London business rate pool.

5.3 David Edwards (Environmental Health Group Service Manager) introduced proposal COM08 (Change in the public engagement responsibilities for air quality and dedicated funding). The following key points were noted:

- There were two sides to the Council's air quality work: statutory responsibilities and campaign work. The proposed cut of £40k was currently being used for campaign work, including: school audits, green screens and the Lewisham air app.
- The statutory responsibility for air quality work was currently supported through the Council's environmental health team. The proposal was to

fund engagement activity through the Council's Public Health budget in future.

5.4 David Edwards responded a question from the Committee, the following key point was noted:

- The ability of officers to apply for funding and grants for air quality initiatives would be retained.

5.5 Aileen Buckton (Executive Director for Community Services) introduced proposal COM15 (Extend use of the Broadway Theatre) the following key points were noted:

- The plan was to implement the proposal in 2020-21 in order to give the service time to prepare.
- There had been investment in the theatre which had allowed a greater range of activities and events to be held there.
- Income at the theatre was steadily increasing, which had facilitated the employment of a marketing officer.

5.6 Aileen Buckton responded to a question from the Committee, the following key point was noted:

- Officers were confident that the proposal could be delivered in 2020-21.

5.7 Ralph Wilkinson (Head of Public Services) introduced proposal CUS14 (Parking service revenue review) the following key points were noted:

- There should be some surplus in the future parking service budget.
- The Council could not make profit from the service to meet its budget deficit.

5.8 The Committee discussed the proposal – the following key points were noted:

- Fines from people breaking the rules were welcomed – but the Council had to strike a balance between robust enforcement and being “overly draconian” in the implementation of the rules.
- Members expressed concerns about the consistency and quality of enforcement activity in the borough.
- The parking service should give consideration to the Council's wider ambitions for air quality as well as plans for increasing cycling and walking.

5.9 **Resolved:** that the following views would be submitted to the Public Accounts Select Committee:

- The Committee expressed concern about insufficient enforcement of rules for parking in the borough. It noted that it would be considering the performance of the parking service at a future meeting and that it would seek assurances that effective enforcement was being carried out.
- The Committee welcomed the intention to introduce emissions based charging and it was noted that it would consider further updates on this issue as part of its future work programme.

5.10 Viv Evans (Head of Planning) introduced proposal RES11 (Increase in pre-application fees), in response to questions from the Committee, the following key points were noted:

- There were a range of different charges for services from the Council's planning team – these proposals related to planning performance agreements for large planning applications.
- There was going to be a review of charges for pre-application advice to make the charges for smaller schemes lower (comparatively) than charges for larger schemes.
- Benchmarking had been carried out with other (comparable) London boroughs.
- All of the charges were relatively small in comparison with the scale of the schemes being proposed – however- the charges had to be set fairly and competitively.
- Every large scheme had its own requirements and in future each large scheme would have a bespoke cost for pre-application advice.
- Planning application agreements were welcomed by developers, as long as they received a quality service.
- There was no indication from Government that they would make agreements mandatory.

5.11 Gavin Plaskitt (Programme Manager) introduced proposal RES17 (Beckenham Place Park – income generation). In response to questions from the Committee the following key points were noted:

- Officers believed that the targets for income generation were realistic and fairly cautious.
- The intention was to encourage more users and groups to enjoy the park. Some consideration had been given to charging professional dog walkers in Beckenham Place Park – but it was noted that this would need to be as part of a borough wide charging policy.

5.12 **Resolved:** that the following views would be submitted to the Public Accounts Select Committee:

- The Committee was concerned about the proposal to offer 'repairing leases' for buildings in the park. The Committee recommended that careful consideration be given to the set up and management of the contracts for the lets. The Committee recommended that a stringent, tightly managed and documented approach be taken to future letting. The Committee questioned whether it would be more cost effective to repair the buildings in the park before letting them rather than offering reduced rents for repairs.

5.13 Alexandra Crush (Transport Policy Manager) introduced proposal RES18 (Electric vehicle charging points) in response to questions from the Committee the following key point was noted:

- The aspiration was to keep costs down for electric vehicle users by introducing competition between electric vehicle charging point providers.

5.14 Nigel Tyrell (Head of Environment) introduced proposal CUS2 (Increase in the garden waste subscription). The Committee discussed the proposal and the following key points were noted:

- Members welcomed plans for increasing flexibility in the system and urged that officers should improve the offer further.
- It was felt that if the price was increasing there should also be a benefit for subscribers.

- Careful consideration should be given setting the level of the charge in the second year. Members felt that an increase to £90, £95 or £99 might be more symbolically acceptable in the second phase than increasing the charge to £100.
- The Committee asked that the impact of the increase in the charge should also be carefully considered to see if there was a reduction in uptake – or increases in illegal dumping.
- Officers noted that the more complexity that was introduced into the scheme – without a simultaneous increase in automation – the more administration and associated costs would increase.
- The Committee was concerned about the potential impact on air quality that might result from more people burning garden waste.

5.15 **Resolved:** that the following views would be submitted to the Public Accounts Select Committee:

- The Committee recommended that the Council should improve the payment options available for the garden waste subscription service - to include pro-rata payment for mid-year subscription as well as the facility to pay in monthly instalments. The Committee also proposed that the Council should consider the feasibility of including the cost of subscription service as an option with council tax payments.
- The Committee recommended that further work should take place to advertise the subscription service to new residents. It suggested that the Council should include information about the service with information sent to new homes about their council tax.
- The Committee urged that the impact of the increase in the charge be carefully reviewed following the first period of implementation and that the options for further increasing the charge be considered accordingly.
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5.16 Nigel Tyrell introduced proposal CUS3 (Events in parks). The Committee discussed the proposal and the following key points were noted:

- There were lots of commercial events taking place in the borough's parks and green spaces that organisers were not paying for.
- In some instances there was significant wear and tear to park infrastructure as a result of commercial events.
- Events and activities should be welcomed in the boroughs parks – but options for income generation should be considered.
- Officers would consider recent legal cases involving events in parks and other local authorities.

5.17 **Resolved:** that the following views would be submitted to the Public Accounts Select Committee:

- The Committee recommended that the Council should review its policy for managing commercial activities taking place in the borough's parks. The Committee suggested that this should build on best practice in other boroughs and that it should include options for charging for the full range of commercial activities taking place in the borough's green spaces (including but not limited to: commercial dog walking, commercial exercise classes and other profit making activities).

5.18 Nigel Tyrell introduced proposal CUS4 (Increase in commercial waste charges); CUS5 (Increase in the charges for the collection of domestic lumber) and CUS7 (Reduce sweeping frequency to residential roads to

fortnightly). The Committee discussed the proposals and the following key points were noted:

- There was concern about the psychological impact of the proposed street sweeping cuts on the perception of the Council and its ability to maintain basic services.
- It was noted that, should the cut be made, street sweeping rounds would have to be altered to take account of the reduction.
- There was concern that the more litter there was the more litter it would attract.
- The street sweeping budget had been reduced by 30% since 2010 – and prior to this it had been considered as a low cost, high performing service.
- Should the cut be made the service would attempt to maintain the cleanliness of the streets but it should be recognised that the streets would appear less clean.
- The service would respond flexibly to focus on the dirtiest streets.

5.19 **Resolved:** that the following views would be submitted to the Public Accounts Select Committee:

- CUS4: Increase in commercial waste charges
The Committee recommended that the Council should reconsider previous proposals to make the Council's trade waste service more competitive, commercially minded and profitable.
- CUS7: Reduce sweeping frequency to residential roads to fortnightly
The Committee was concerned that cuts to the sweeping service, which leave streets noticeably dirtier, would have a significantly detrimental effect on the environment and on the public perception of the borough as well as on the reputation of the Council and on residents' confidence in local services. As such, the Committee recommended that alternative cuts be found.
The Committee recommended that any proposed changes to street sweeping be coordinated to ensure services are responsive and demand led - in order to minimise potential negative impacts on residents.

5.20 Nigel Tyrell introduced proposal CUS6 (Bereavement services increase income targets) the following key points were noted:

- Not all of the detail of the proposal had been included in the information before the Committee. The original plan had been to increase charges for cremation and for burials, however, this had been changed to increase charges for burials and reduce charges for cremations.
- There was additional capacity in Lewisham's crematorium that, priced competitively against surrounding boroughs, could be used to increase income.

5.21 In the Committee's discussion, the following key points were noted:

- Some members of the Committee were concerned about the religious and demographic impacts of increasing the costs of burial.
- The proposal was planned over two years to determine what impact changing the costs of cremation would have on the uptake of services.
- The Committee was concerned about the comparative costs of funerals in Lewisham compared to surrounding boroughs.

5.22 Nigel Tyrell introduced proposal CUS8 (Close the four remaining public toilets).

5.23 **Resolved:** that the following views would be submitted to the Public Accounts Select Committee:

- The Committee noted the reasons for making the cut and recommended that work to remove the facilities and 'make good' the vacant space should happen swiftly in order to avoid the facilities becoming dilapidated and unsightly.

6. Lewisham Transport Strategy and Implementation Plan 2019-2041

6.1 Alex Crush (Transport Policy and Development Manager) and Nick Harvey (Transport Planner) introduced the report, the following key points were noted:

- The Local Implementation Plan (LIP) had been in development by officers (with the support of consultants) over the past 8 months.
- Councillors had been involved during the development of the plan.
- Public consultation was currently ongoing – this would lead to a finalised report for Mayor and Cabinet in February 2019 – to be followed by submission to Transport for London (later in February 2019).

6.2 Alex Crush and Nick Harvey responded to questions from the Committee (including a written submission from Cllr Ingleby), the following key points were noted:

- The new programme for the LIP included a healthy neighbourhood project – which partially corresponded to the major schemes approach taken in the previous LIP.
- The Council had a vision for rail but this did not include detailed planning and access requirements for all of the stations in the borough. Aspirations for key transport hubs were included in the LIP and in the developing Local Plan – but not in the level of the detail requested by the Committee. Further work (and funding) would need to be identified to undertake this level of assessment for all of Lewisham's stations.
- The A205 and A21 were TfL roads. The Council supported improvements for cyclists on both routes. However, due to the volume of traffic on the roads, space constraints and the costs involved, it would be difficult to create consistent provision for cycling on both routes. Although this was not to say that this issue should not be highlighted, and there were a number of opportunities to improve provision, such as the future redevelopment of Catford town centre.
- Some work was taking place with TfL regarding the development of the A21 cycling corridor. It was likely that this would be split into sections/projects to be delivered in phases as funding became available. Officers were pushing for as much feasibility work as possible to be completed as soon as possible to help tie in with the Catford work.
- Officers were developing a prioritisation process for determining work on healthy neighbourhood schemes. A large amount of information and feedback had been gathered from the Commonplace consultation, which officers were currently working through. 22/23 different factors had been identified for prioritisation process. The finalised process would be completed in time for the production of the final LIP.

- 6.3 In Committee discussions the following key points were also noted:
- The current Mayor of London’s focus on cycling and walking was welcomed.
 - It was felt that the issue of air quality was not significantly nor consistently highlighted in the draft LIP.
 - The LIP should be more ambitious in terms of its plans for emissions reductions from traffic.
 - Further work should take place to support cycling on the A205 – especially through Forest Hill. Additional consideration should be given to options for an orbital route for cyclists going west through the borough.

6.4 **Resolved:** that the report be noted.

7. Lewisham Local Plan Update

7.1 **Resolved:** that the update be noted.

8. Select Committee work programme

8.1 The Committee discussed the work programme for the meeting on 12 December 2018. It was agreed that:

- A further update on Catford would not be considered unless there had been significant progress on the programme.
- The annual parking report and an update on the parking policy would be considered and that prior to the meeting, Members would submit requests for information and casework queries for written answers from officers.
- The Committee would consider an update on the Bakerloo line
- The item on Beckenham Place Park would be moved to the Committee’s programme in January.

8.2 **Resolved:** that the Committee’s work programme for its meeting on 12 December 2018 be agreed.

9. Items to be referred to Mayor and Cabinet

9.1 **Resolved:** that the Committee’s comments under item five be referred to Public Accounts Select Committee.

The meeting ended at 10.00 pm

Chair:

Date:

Sustainable Development Select Committee		
Title	Declaration of interests	
Contributor	Chief Executive	Item 2
Class	Part 1 (open)	12 December 2018

Declaration of interests

Members are asked to declare any personal interest they have in any item on the agenda.

1. Personal interests

There are three types of personal interest referred to in the Council's Member Code of Conduct:

- (1) Disclosable pecuniary interests
- (2) Other registerable interests
- (3) Non-registerable interests

2. Disclosable pecuniary interests are defined by regulation as:-

- (a) Employment, trade, profession or vocation of a relevant person* for profit or gain
- (b) Sponsorship – payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.
- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member's knowledge, the Council is landlord and the tenant is a firm in which the relevant person* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.
- (g) Beneficial interest in securities of a body where:
 - (a) that body to the member's knowledge has a place of business or land in the borough;

(b) and either

- (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or
- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

3. Other registerable interests

The Lewisham Member Code of Conduct requires members also to register the following interests:-

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council
- (b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25

4. Non registerable interests

Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members' Interests (for example a matter concerning the closure of a school at which a Member's child attends).

5. Declaration and Impact of interest on members' participation

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take no part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in

consideration of the matter and vote on it unless paragraph (c) below applies.

- (c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- (d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- (e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

6. Sensitive information

There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

7. Exempt categories

There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception)
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt
- (d) Allowances, payment or indemnity for members
- (e) Ceremonial honours for members
- (f) Setting Council Tax or precept (subject to arrears exception)

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Sustainable Development Select Committee		
Title	Responses to referrals	
Contributor	Scrutiny Manager	Item 3
Class	Part 1 (open)	12 December 2018

1. Purpose

To advise the Committee of responses to its referrals.

2. Recommendations

2.1 The Committee is recommended to receive the response to its referral.

3. Responses to referrals

3.1 At its meeting on 21 November 2018 Mayor and Cabinet considered a response to the Committee's referral on air quality.

3.2 The response is appended to this report.

4. Financial implications

4.1 There are no financial implications arising from the implementation of the recommendation in this report.

5. Legal implications

5.1 The Constitution provides for Select Committees to refer reports to the Mayor and Cabinet, who are obliged to consider the report and the proposed response from the relevant Executive Director; and report back to the Committee within two months (not including recess).

Background documents

Minutes of the meetings of Mayor and Cabinet on 21 November 2018:

<https://tinyurl.com/mandc21november18>

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MAYOR AND CABINET			
Report Title	Response to the Comments of the Sustainable Development Communities Select Committee on the implementation of the Air Quality Action Plan.		
Key Decision	No	Item No.	
Ward	All		
Contributors	Head Of Public Protection and Safety Head of customer services Regeneration and Place		
Class	Part 1	Date: 21 November 2018	

1. Purpose

- 1.1 This report sets out the response to the views and comments arising from the Sustainable Development Select Committee on the implementation of the Air Quality Action Plan update on the 19th July 2018, presented to the Mayor and Cabinet on 20th September 2018.

2. Recommendations

It is recommended that the Mayor:

- 2.1 Approve the response from the Executive Director for Community Services to the comments from the Sustainable Development Select Committee.
- 2.2 Agree that this report should be forwarded to the Sustainable Development Select Committee.

3. Background

- 3.1 The Sustainable Development Select Committee received a report on the Air Quality Action Plan in June 2017 and requested an update and progress 1 year on.

- 3.2 The update included:

Details on the implementation of the air quality action plan and on the low emission vehicle charging strategy consultation, the following key points were noted:

- A comprehensive list of activity and actions had been provided in the report to the Committee.

- A great deal of progress had been made on the air quality action plan, in line with the requirements of the Greater London Authority (GLA).
- Work had taken place with the Council's previous and current Mayor's air quality champions.
- A schools air quality award had been launched.
- The Council had joined a consortium of boroughs to form an 'anti-idling' campaign network.
- A number of events to share information about air quality had been held. This included a conference to launch the new 'Lewisham air' mobile app.
- Lewisham was due to be the location of a new air quality 'supersite' – which would be one of only three in the country.
- The supersite that was being developed was a fixed site and the decision to locate it in Lewisham was a positive development for the borough.
- The number of diffusion tubes (for air quality monitoring) across the borough had been increased.
- The Council had been successful in a bid to government for the development of two new 'clean air villages' in the borough, which would engage with business to lower their emissions. The focus would be on reducing pollution from deliveries.
- The air quality audits offered by the GLA were taken up by three Lewisham schools. These schools were part of 50 schools audited across London. Schools were selected in order to ensure a coverage across as many London boroughs as possible, where legal limit levels were being exceeded and had cooperation of the school themselves but were not necessarily the 50 worst polluted schools in London.
- The report included information about the Council's response to the Mayor of London about the expansion of the ultra-low emission zone.
- The Council's position was that the low emission zone should cover the whole of Greater London.
- A detailed response was awaited from the GLA to question from officers about the likely impact of the zone on the emissions in the borough.

- The consultation on the low emission vehicle charging strategy would run until 13 August. Work would take place to analyse responses in order to finalise the strategy by the end of the year.
- The intention was to have all residents within 500m of a charging point by 2020, which was an ambitious target.
- There were four key objectives in the strategy, the first related to target markets for charging through the selection of key locations for charging points, the second was related to the uptake of grants, funding and income, thirdly, the strategy acknowledged the need to keep pace with technological developments and finally it considered the policy and public engagement options for supporting the uptake of electric vehicles.
- The strategy also considered the options for infrastructure – via lamp columns; and two kinds of dedicated charging points for standard and rapid charging.
- The website was being used to gather information about the locations at which respondents wanted to see charging points.

4. Referrals

4.1 The Sustainable Development Select Committee received a report on 19th July 18 which updated on the implementation of the Air Quality Action Plan and the Low Emission Transport Strategy.

4.2 At their meeting on the 19th July 18 the Select Committee made a referral to the Mayor and Cabinet. The Committee resolved to advise Mayor and Cabinet of the following:

4.3 Referral 1

The Committee believes that officers should explore the options for encouraging the uptake of the Lewisham air app – this could include an internal communications campaign at the Council and the widespread automatic download of the app on to Lewisham managed devices.

4.4 Response

The communications team have been pushing uptake of the app and since August have promoted on channels with over 136,800 recipients. This has resulted in a further 138 downloads – a 19.7% increase - taking the total number of downloads of the app up to 700.

Subject to any technical issues preventing this from happening, the app will automatically be downloaded on all Council mobile devices.

The Communications Strategy is being refreshed and a comprehensive update will include methods of increasing internal communication and explore feedback from existing users to inform the engagement and promotional strategy.

4.5 **Referral 2**

The Committee recommends that consideration be given to a 'dirty diesel' tariff for the most polluting vehicles. This could include higher charges for parking and residential permits

4.6 **Response**

The Council's Parking Policy was last updated in October 2014, following a comprehensive review. It was agreed that this would be refined in 2018 to bring the policy in line with current legislation and best practice. As part of this interim update, consideration is already being given to the introduction of an emissions based charging scheme for certain types of parking permit. A diesel surcharge is also being considered. This responds to an action included within the Council's Air Quality Action Plan (2016-2021) to investigate this.

Officers are aiming to bring details of these proposals to the December Sustainable Development Select Committee (SDSC) for discussion, subject to the Chair's agreement to its inclusion on this agenda. A summary of the proposals will then be consulted on, with the results brought back to SDSC for further discussion, prior to agreement being sought from Mayor & Cabinet on the updated Parking Policy.

Attached is the summary report (Appendix 1) provided by TfL as part of the consultation, where reductions predicted by the introduction of the ULEZ, for both heavy vehicles (London wide) and light vehicles (within the Inner London Area i.e. north of the S Circular), were included. This states: '28 per cent less harmful nitrogen oxide (NOx) from road transport from 2021 within Lewisham'..... 'In Lewisham, analysis shows that NOx inside the boundary will reduce by 30 per cent. Outside of the boundary we expect reductions of 26 per cent. Even residents close to the boundary will see a net improvement in air quality.' The expectation is that vehicles in Lewisham will purchase non 'dirty diesel' as the daily charge to enter the zone will preclude entry. Their supporting evidence with the consultation (Appendix L) has used the following assumptions in their tabled modelling: 'which shows a compliance of 87 per cent for cars, and 63 per cent for LGVs. In comparison, the expected level of compliance within the ULEZ boundary is 93 per cent for cars and 72 per cent for vans respectively'.



ULEZ Expansion
Fact Sheet - LB Lewi:

4.7 **Referral 3**

The Committee also believes that the Council should review the options for encouraging its public sector partners to take up the Lewisham air app.

4.8 Response

The Council currently through Public Health colleagues working with the Environmental Health Team encourage health partners in raising awareness and specifically targeting messages to key cohorts of people. This is primarily done via the CCG as well as through GPs etc. Officers will expand the reach to include other public sector partners as well as key RSLs and other key partners of the Council.

4.9 Referral 4

It was noted that Lewisham's Clean Air Champion intends to visit local assembly meetings and the Committee recommends that this is endorsed and supported by Mayor and Cabinet and the relevant officers.

4.10 Response

This is hugely welcomed and supports the Champion in this respect.

5. Financial Implications

- 5.1 There are no immediate financial implications arising out of this report but there may be financial implications arising from carrying out the action proposed by the Committee which would need to be considered.

6. Legal Implications

- 6.1 The Constitution provides for Select Committees to refer reports to the Mayor and Cabinet, who are obliged to consider the report and the proposed response from the relevant Executive Director; and report back to the Committee within two months (not including recess).
- 6.2 The Environment Act 1995 requires local authorities to monitor air pollution against national targets. The Clean Air Act 1993 empowers Local Authorities to control and deal with dark smoke and harmful fumes. Local Authorities also regulate small industries which cause air pollution. (The Industrial Emissions Directive replaced the controls under the Integrated Pollution Prevention and Control (IPPC) Directive 2008/1/EC. The permitting system operates in England and Wales through the Environmental Permitting (England and Wales) Regulations 2010).

7. Crime and Disorder Implications

7.1 there are no specific crime and disorder implications.

8. Equalities Implications

8.1 Additionally, 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.

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.

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 above.

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.

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>

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

- [The essential guide to the public sector equality duty](#)
- [Meeting the equality duty in policy and decision-making](#)
- [Engagement and the equality duty: A guide for public authorities](#)
- [Objectives and the equality duty. A guide for public authorities](#)
- [Equality Information and the Equality Duty: A Guide for Public Authorities](#)

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>

9. Environmental Implications

- 9.1 The approval of the Air Quality Action Plan will allow the local authority to fulfil its statutory obligations under the Environment Act 1995 which are aimed at improving air quality.
- 9.2 An Air Quality Action Plan will have positive benefits for the environment. A synergy exists between actions aimed at improving the quality of the air we breathe locally and tackling carbon emissions and improving public health and well-being.
- 9.3. The Low Emissions Vehicle Charging strategy 2018-2022 will provide an infrastructure to assist in the transition away from petrol and diesel powered vehicles, hence reducing the air quality impacts.

Background papers

Referral to Mayor and Cabinet – 20th September 2018

For further information please contact Geeta Subramaniam-Mooney, Head of Public Protection and Safety on 020 8314 9569.

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Sustainable Development Select Committee		
Title	Pubs review update: evidence session	
Contributor	Scrutiny Manager	Item 4
Class	Part 1 (open)	12 December 2018

1. Purpose

- 1.1 To advise the Committee about the information for the pubs review update.

2. Recommendations

- 2.1 The Committee is recommended to consider the information for the pubs review update and direct questions to guests at the meeting on 12 December.

3. Pubs review update

- 3.1 The Committee has agreed that, following from its 2012 'preserving local pubs' review, it will consider updates and evidence about the current circumstances affecting pubs in Lewisham.
- 3.2 The Committee should consider the updates and information below and direct questions to guests in attendance at the meeting on 12 December.

4. Further implications

- 4.1 There are no financial, legal or equalities implications arising from the implementation of the recommendation in this report.

Background documents

Sustainable Development Select Committee: preserving local pubs review:
<https://tinyurl.com/sdscpreservingpubs>

Appendix A: Pubs in Lewisham 2017 - policy review
Appendix B: questions for the evidence session

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Lewisham

Pubs in Lewisham 2017: Policy Review

Addendum to the 2012 study

December 2017

Contents

1. Introduction.....	1
2. Importance of Pubs.....	2
3. Planning Policy Review Update	4
4. Literature Review.....	11
5. Current National Issues & Opportunities	13
6. Local Market Assessment	17
7. Review of Planning Policy Decisions and Policy Effectiveness	19
8. Summary and Policy Recommendation.....	24

Appendices

Appendix 1 – List of All Open Pubs in Lewisham

Appendix 2 – List of All Closed Pubs in Lewisham

Appendix 3 – Identified Open to Closed from 2012 Report

Appendix 4 – Identified Newly Open Premises After 2012

Appendix 5 – Additional Closed Pubs Pre-2012 not picked up in 2012 Report

Appendix 6 – Conversion of A4 to A3

Appendix 7 – Open and Closed Pubs in Lewisham (Map)

Appendix 8 – Walking Distance Buffers to Pubs in Lewisham (400m & 800m) (Map)

Appendix 9 – A4 Gains in Lewisham since 2001

Appendix 10 – A4 Losses in Lewisham since 2001

1. Introduction

Background and purpose of this Review

- 1.1. Lewisham Borough Council recognise public houses (pubs) are considered to be important assets to the local communities, and have been part of the borough's history, serving district, and local centres. The borough's pubs have typically followed national, and regional trends, and in the last ten to twelve years, pubs have come under major threat for a number of reasons, causing a high level of closures.
- 1.2. In response to the pattern of heavy losses, Lewisham Council prepared a 2012 Evidence Base Report to review, the issues facing pubs, identify the reasons for decline, the relevant planning policy framework, the baseline data for pubs in the borough, and to prepare a draft local plan policy that will help protect viable pubs in the future.
- 1.3. Annually, since the 2012 Report, at the request of Council committees, there have been updates on pub closures, planning permissions, and appeals relating to pubs. At the end of 2016, it was requested for the pubs policy effectiveness to be reviewed, and recommendations for a policy update to be developed.
- 1.4. This policy review will provide an update to the 2012 Report, giving a 2017 snapshot of the pubs sector, refreshing relevant data and information, reviewing the current planning framework, and make a policy recommendation ahead of the new Local Plan, due to be prepared over the next 18 months.
- 1.5. This report is split into 7 other sections, each of these provide updated information on the 2012 Report, and additional annual updates. A summary of the sections is as follows:

Section 2 - Importance of Pubs: Highlights the roles of pubs in today's society.

Section 3 - Planning Policy Review Update: An overview of the current planning policy framework associated with pub protections. This chapter will incorporate any changes since 2012.

Section 4 - Literature Review: A review of the recent literature published on pubs since 2012.

Section 5 - National Market Trends: Provides a current overview of the national market trends of pubs, and highlights the issues facing pubs, and the opportunities to encourage revenue growth.

Section 6 - Local Market Assessment: Establishing an audit of pubs in Lewisham, identifying opening and closures, the locations of pubs, and the number of pubs per population.

Section 7 - Review of Planning Policy Decisions and Effectiveness: Highlighting recent planning permissions and planning decisions, analysing officer feedback on the implementation of DM Policy 20, and an analysis of the current policy.

Section 8 - Summary and Policy Recommendation: Given the outcomes of this report, the final chapter will summarise the findings of the report and make a policy recommendation.

2. Importance of Pubs

- 2.1 Expanding on the content in the 2012 Report, this chapter will highlight the importance of the role pubs have in the borough of Lewisham, and the contribution individual pubs can make to the local districts, and communities. This gives the overarching reasoning, and justification, to continually monitor, and review, the planning policy position to protect pubs.
- 2.2 Pubs are predominantly viewed as just a drinking establishment, where people go to relax, in a place that has a unique and historic appearance associated with its location. However there are further contributions a pub makes to a local community, and its customers. The key elements to this role are highlighted below.

The Environment and Platform for Social Interaction

- 2.3 There is a long history of the pub being the social centre of communities, which improves social relationships, providing the environment to bring together people of all different ages and backgrounds that may not associate themselves in wider public locations, and peer groups.
- 2.4 In current times, the pub provides two streams of social networking for all visitors, a place to socially interact with family, neighbours, the local community, and different groups of society. It can encourage conversation about interests, and the latest news, outside of the family home. The pub can also provide the opportunity to meet new people, and have a conversation with strangers, in today's pattern of working life, often people are too busy to interact.
- 2.5 Historically, and up to the present day, pubs also provide the casual environment to do business. Allowing multiple parties to build a rapport, and develop important discussions, in a more relaxed and personal environment (IPPR, 2012).¹

¹ Institute for Public Policy Research {IPPR}, (2012), Pubs and places: The Social Value of Community Pubs.

Creating Stronger Community Cohesion

- 2.6 An individual pub can be at the heart of a local community, providing a local meeting place for groups and clubs, a venue for entertainment, and a focus for social gatherings. Having these facilities, means groups and clubs in the local area can develop and grow (Mayor of London, 2017)².
- 2.7 Pubs also provide a point of contact for information on local events, local groups or businesses, and activities within the locality. This creates a hub of knowledge for the local community and a more informal place to go than a Council information centre, or searching for information online.
- 2.8 Pubs also have a long tradition of charity, it is estimated the average pub raises around £3,000 a year for charitable causes (IPPR Report, 2012)³.

Multiple Economic Benefits

- 2.9 In employment terms, pubs generate more revenue and jobs than some other sectors such as shops and supermarkets, per litre of beer sold. Pubs also generate more money in taxes as they have a higher level of duty charge on alcohol, than through supermarkets. The total level of tax raised from pubs is twice the amount raised from off-trade sellers, per unit of alcohol (BBPA, 2008)⁴.
- 2.10 The evening and night time economy, can make a major contribution to the vitality and viability of town centres, of which pubs play a considerable part. It generates jobs and improves incomes from leisure and tourism activities. In the UK, the evening and night-time economy accounts for between 10 and 16 per cent of a town centre's employment (Mayor of London, 2017)⁵.

Distinct Cultural and Architectural Value to a Local Area

- 2.11 Public Houses are found in a variety of architectural styles and characteristics which have developed over time and are often located in buildings of historic interest. Some will be Statutory Listed Buildings whilst others are on the Council's Local List. The appearance, character, and location, of Public Houses helps to define a place, and many High Streets, providing a landmark for people to meet, in central locations.
- 2.12 The traditional community pub has developed from the bottom up, as opposed to being designed by people with no connection to the local area beyond a commercial interest in the local drinks market. Due to the individual and organic

² Mayor of London, (2017), Culture & The Night Time Economy Supplementary Planning Guidance

³ Institute for Public Policy Research {IPPR}, (2012), Pubs and places: The Social Value of Community Pubs.

⁴ British Beer and Pub Association [BBPA] (2008) A Wake Up for Westminster: Economic trends in the beer and pub sector

⁵ Mayor of London, (2017), Culture & The Night Time Economy Supplementary Planning Guidance

nature of each Public House, the establishments can play a big role in making cultural activities in an area successful.

3. Planning Policy Review Update

- 3.1 This section provides a review of the national, regional, and local planning framework changes for the protection of pubs in Lewisham since 2012. This includes national legislation, legal protections, and planning policy.
- 3.2 The purpose of the review is to identify the context of pub protection, to understand the level of protection, the methods in which pubs can be protected, and the current role of the planning system.

Legislative framework

Use Class Order & General Permitted Development Order

- 3.3 The Town and Country Planning (Use Classes) Order 1987 (as amended) places uses of land and buildings into various categories called Use Classes. A public house is classified as an A4 use.
- 3.4 In May 2017, the General Permitted Development Order was amended to alter the permitted development rights that allowed demolition and the change of use of pubs (A4 Use Class) to any other A use class, this was removed under the Neighbourhood Planning Act 2017. There is an exception that allows an A3 use (restaurant) to work concurrently with a pub as a “drinking establishment with expanded food provision” within a new ‘AA’ Use Class.
- 3.5 As a result, all planning applications including a change of use of a pub to any other use requires a submission of a full planning application, and will be assessed against planning policy and other material planning considerations. This totally removes the loss of any public house under permitted development rights.

Table 1: Use Class Order and Permitted Development rights relating to A4 & AA drinking establishments (May 2017).

Use Class	Use / Description of development	Permitted Change
A4: Drinking establishments	Public house, wine bars or other drinking establishments (but not night clubs) – a premises where the primary purpose is the sale and consumption of alcoholic drinks on the premises	AA
AA: Drinking Establishment with Expanded Food Provision		A4

Article 4 Directions

- 3.6 The national legislation change of permitted development rights for the A4 use class has now superseded the practical use of an Article 4 direction for the protection of pubs, as permitted development rights no longer exist associated with a change of use.

Demolition of Buildings

- 3.7 The Neighbourhood Planning Act 2017 enforced the requirement for all pubs proposed to be demolished, to require a full planning application. Previously, any factory, office, school, hospital or other commercial building required approval. This also applies to pubs.

Listed Buildings and Locally Listed Buildings

- 3.8 Statutory Listed Buildings are listed by English Heritage for their special historical or architectural interest that require special protection. Once a building has been listed, planning permission is necessary for demolition, change of use or alterations. The number of pubs in Lewisham that are listed is shown in Table 2 below.

Table 2: Statutory Listed buildings that contain pubs (2017)

Name of pub	Address	Grade
The Five Bells	155 New Cross Road, SE14 6TJ	Grade II
The Fellowship Inn	Randlesdown Road, SE6 3HB	Grade II
The Royal Albert	460 New Cross Road, SE14 6 TJ	Grade II
The White Hart	184 New Cross Road, SE14 5AA (Was not on Historic England’s list)	Grade II
Capitol Cinema – JD Whetherspoon (formerly Jasmine Bingo Hall)	11-15 London Road, Forest Hill, SE23 (Was not on Historic England’s list)	Grade II

- 3.9 There has been no change to the criteria of locally listed buildings since the 2012 Report. Local listing status is a material consideration in the development management control process and the Council has planning policies to ensure an appropriate assessment is made when a planning application is lodged for a locally listed building. An updated log of locally listed buildings is shown in Table 3 below.

Table 3: Locally Listed buildings in Lewisham that contain pubs (2017)

Name of pub	Address	Conservation Area
Baring Hall Hotel	368 Baring Road, Se12 0DU	Not in a Conservation Area
The Brockley Jack	408-410 Brockley Road, SE4 2DH	Not in a Conservation Area
Bricklayers Arms	189 Dartmouth Road, Se26 4QY	Not in a Conservation Area
Dartmouth Arms	7 Dartmouth Road, Se23 3HN	Forest Hill Conservation Area
The White Swan	217 Deptford High Street, SE8 3NT	Deptford High Street Conservation Area
Dacre Arms	11 Kingswood Place, SE13 5BU	Not in a Conservation Area
Fox and Hounds	150 Kirkdale, SE26 4BB	Not in a Conservation Area
Shekans (formerly Duke of Albany)	1 Kitto Road, SE14 5TW	Telegraph Hill Conservation Area
The Ladywell Tavern	80 Ladywell Road, SE13 7HS	Ladywell Conservation Area
The Old Tigers Head	351 Lee High Road, Lee Green, SE12 8RU	Not in a Conservation Area
The Joiners Arms	66 Lewisham High Street	Not in a Conservation Area
The Fat Walrus (formerly the Haberdashers)	44 Lewisham Way	Not in a Conservation Area
The Princess of Wales	1a Montpelier Row, SE3 ORL	Blackheath Conservation Area
The Perry Hill	70-80 Perry Hill, SE6 4EY	Not in a Conservation Area
The Fellowship	Randleston Road, SE6 3HB	Not in a Conservation Area (Also Listed)
The Black Horse and Harrow	167 Rushey Green, SE6 4BD	Not in a Conservation Area
Railway Telegraph	112 Stanstead Road	Not in a Conservation Area
The Dolphin	121 Sydenham Road SE26 5HB	Not in a Conservation area
The Golden Lion	116 Sydenham Road SE26 5JX	Not in a Conservation Area
The Crown	47-49 Tranquil Vale SE3 0BS	Not in a Conservation Area
The Lord North Brook	116 Burnt Ash Road SE12 8PU	Lee Manor Conservation Area
The Brockley Barge	184 Brockley Road, SE4 2RR	Brockley Conservation Area
The Catford Tavern	Station Approach SE6 4RE	Not in a Conservation Area

Assets of Community Value (ACVs)

- 3.10 ACVs are a mechanism introduced by the Localism Act 2011, and highlighted as a protection mechanism for pubs in the 2012 Report. The ACV status gives community interest groups the right to put together a bid to buy the pub, and ensures its contribution to the community in determining any planning application.

The current list of pubs that have been successfully nominated as an ACV are shown in Table 4 below.

Table 4: Registered Assets of Community Value - Pubs (2017)

Name of pub	Address	Date asset registered
Baring Hall Hotel	368 Baring Road, Grove Park, London, SE12 0DU	14/01/2013
The Honor Oak Pub	74a London Road, SE23 3PA	13/11/2013
The Windmill Pub	125-131 Kirkdale	20/12/2013
The Golden Lion Pub	116 Sydenham Road, London SE26 5JX	12/08/2015
The Blythe Hill Tavern	319 Stanstead Road, London SE23 1JB	04/12/2015
The Talbot Pub	2- 4 Tyrwitt Road Brockley London SE4 1DQ	04/12/2015
The Ladywell Tavern Public House	80 Ladywell Road, Ladywell SE13 7HS	04/12/2015
The Dacre Arms Public House	11 Kingswood Place London SE13 5BJ	04/12/2015
The Greyhound Public House	309- 315 Kirkdale System London SE26 4QB	24/02/2016
The Catford Constitutional Club	Catford Broadway, London, SE6 4SP	08/09/2016

Relevant Planning Framework

National Planning Policy Framework (NPPF) (2012)

3.11 The NPPF sets out the government planning policies for England and how they are expected to be applied. The planning policies contained in the NPPF, concerning pubs, remain unaltered since the publication of the 2012 Report, an update is expected in 2018. The relevant sections associated with pubs are as follows:

- Section 8 seeks to promote healthy communities.
- Section 11 seeks to protect businesses from restrictions and noises from nearby new development
- Section 12 seeks to conserve and enhance the historic environment.

Regional - London Plan 2011 (FALP) (2016)

3.12 There have been further alterations to the London Plan up to March 2016. Alterations have not been made to the relevant policy for pubs, Policy 3.16, 'protection and enhancement of social infrastructure'. This regional policy continues the resistance of social infrastructure losses, in areas of defined need, and an assessment of redundant social infrastructure for other types of social infrastructure, before any alternative developments are considered.

Draft Culture and the Night Time Economy SPG (2017)

- 3.13 The Draft Culture and the Night Time Economy SPG provides additional guidance on implementing London Plan policies that have a bearing on London's culture and the night time economy. It has a chapter dedicated to the overview and guidance protection of pubs, and gives case study examples. It also develops the 'agent of change' principle, which in a development scenario, where a residential development is to be built near a live music venue, for example, would have to pay for soundproofing. While a live music venue opening in a residential area would be responsible for the costs. Therefore, the person or business responsible for the change is responsible for managing the impact of the change.
- 3.14 The 'agent of change' principle is an important emergence of regional policy that protects the operation of pubs. The principal is included in the NPPF within Section 11 – Conserving and enhancing the natural environment. It advises planning policies and decisions should recognise that existing businesses should not have unreasonable restrictions put on them because of changes in nearby land uses. This is echoed by the London Plan Policy 7.15, and the management of noise, mitigating or minimising restrictions on venues such as pubs.

Local – Core Strategy (2011)

- 3.15 The Core Strategy is the Council's principal planning document, and forms part of the borough's Local Plan, this has not been updated since the 2012 Report. The three key objectives highlighted in 2012 are still relevant. These are:
- Strategic Objective 4 - Economic activity and local businesses
 - Strategic Objective 10 - Protecting and enhancing Lewisham's character
 - Strategic Objective 11 - Community well-being

Local – Development Management Local Plan (2014)

- 3.16 The relevant policy for pubs is set out in the Development Management Development Plan Document (DPD) the Council's planning document for managing development in the London Borough of Lewisham. The 2012 Report, provided the baseline information, and analysis, which formulated Policy DM Policy 20 – Public Houses.
- 3.17 The aim of this policy is to prevent the loss of public houses or pubs unless robust evidence is provided to justify the loss and the proposed change of use has been adequately assessed as suitable.

DM Policy 20

Public houses

1. *The Council will only permit the change of use or redevelopment of a public house (A4) after an assessment of the following:*
 - a. *a viability report that demonstrates to the Council's satisfaction that the public house is no longer economically viable, including the length of time the public house has been vacant, evidenced by the applicant of active and appropriate marketing for a constant period of at least 36 months at the existing use value*
 - b. *the role the public house plays in the provision of space for community groups to meet and whether the loss of such space would contribute to a shortfall in local provision, including evidence that the premises have been offered to use or to hire at a reasonable charge to community or voluntary organisations over a 12 month period and there is no longer a demand for such use*
 - c. *the design, character and heritage value of the public house and the significance of the contribution that it makes to the streetscape and local distinctiveness, and where appropriate historic environment, and the impact the proposal will have on its significance*
 - d. *the ability and appropriateness of the building and site to accommodate an alternative use or uses without the need for demolition or alterations that may detract from the character and appearance of the building.*

2. *Where the evidence demonstrates to the Council's satisfaction that a public house is not economically viable, but where the building is assessed as making a significant contribution to the local townscape and streetscape, or is assessed as making a positive contribution to the historic environment, the Council will require the building to be retained, and for the ground floor to remain in use for a range of non-residential uses, including D1, as appropriate.*

3. *The proposed change of use of a public house for residential use will only be acceptable where:*
 - a. *the proposal has been assessed against parts 1c and 1d of this policy and the impact of the proposal on these features and*
 - b. *where the Council is satisfied that residential use is acceptable, the accommodation to be provided is to be of the highest quality and meet the requirements outlined in DM Policy 32 (Housing design, layout and space standards).*

3.18 The Viability Report within the policy is required for the Council to make a sound assessment when a change of use is proposed. This includes such evidence as audited accounts, evidence of reasonable efforts to preserve the pub, and evidence it's not economically viable.

3.19 The Marketing Report required in the policy is required for the Council to show a lack of demand for the pub. This consists of 36 months marketing, thorough

marketing exercise using all media forms, and details of approaches and offers with full reason why they were not accepted.

- 3.20 Local consultation for the use of the public house by a community and voluntary organisations will need to take place. The applicant will be required to carry out an assessment of the needs for community facilities to show that the existing or former public house is no longer needed and that alternative provision is available in the area.
- 3.21 The townscape, streetscape, and heritage significance, of the public house is assessed, where relevant. This will mean submitting a report prepared by a suitably qualified professional, and where the heritage significance needs to be assessed, the submission of a heritage statement.

Working Towards Lewisham's New Integrated Local Plan

- 3.22 The Council is currently reviewing the existing evidence base, and scoping the programme of a Local Plan Review and Update, with the intention of restarting in 2018, with the next consultation projected to be the Autumn of 2018. The Plan will set out the borough's visions and objectives in Lewisham for the next 15 to 20 years.
- 3.23 The Main Issues document prepared in October 2015, sets out a proposed high-level spatial strategy, and identifies the main issues the new local plan will address. The Main Issues consultation process back in 2015, collated written representations, and questionnaire responses, from the community of Lewisham. A number of comments highlighted the importance of a continued policy that protects public houses in a new Local Plan, these included:

'Pubs are a community facility which need to be taken account in the plan.' – Blackheath Society

'Support retention of pubs.' – Brockley Society

"Pubs should be maintained in shopping parades' – Questionnaire Response

Key Implications to the Planning Framework since 2012

- 3.24 The changes to the planning framework that have been highlighted in this chapter, do create a number of significant shifts in the protection of pubs, positively. The three important shifts in the framework are as follows:
1. The formulation and adoption of DM Policy 20 in 2014, being informed by the original 2012 Evidence Base Report. This ensures a requirement for all planning applications associated with a change of use of a pub, outside of permitted development, to meet policy criteria.

2. The removal of permitted development rights for a change of use from pubs (A4) to any other use class in May 2017, meaning any change of use involving a pub cannot change to another A use class under permitted development. This is a positive step in restricting the loss of pubs through the need for planning permission. As a result of the change, the importance of DM Policy 20 becomes more critical, as this is the only avenue in which any development involving a change of use can lawfully be permitted.
3. The introduction of the ‘Agent of Change’ principal in the Draft Culture and the Night Time Economy SPG by the Mayor of London highlights the importance of protecting venues such as pubs from operating fully, ensuring any new development adjacent, or above, does not restrict its offering as a business.

4. Literature Review

- 4.1 This literature review, audits, and describes, the associated papers that have been published relating to public house guidance, statistics, and protection. This review will determine if much literature has been prepared since 2012, changing the guidance, and findings associated with pubs, informing the review.

Table 5: Literature Review of published documentation

Document	Overview
Keeping Local: How to Save London’s Pubs (2013) <i>GLA Conservatives</i>	This report seeks to explore the reasons for the rate of pub closures in the capital, why this is a trend that should be resisted and what can be done to stem the flow of closures.
Closing Time: Who’s killing the British Pub? (2014), <i>Institute of Economic Affairs</i>	This paper discusses the reasons behind the decline of public houses, including supermarket pricing, taxing, smoking ban, and the recession.
Toolkit for Authorities Plan Creation (April 2015), <i>CAMRA</i>	The tool kit is designed to provide Local Authorities with evidence to demonstrate that pub protection policies are practicable and compliant with relevant guidance. Several Local Authorities have led the way on formulating a public house protection policy and have had pro pub protection policies found sound by Planning Inspectors. This tool kit is designed so that Local Planning Authorities can easily reference an example of a sound policy.
The Local Impact of the UK Beer AND Pub Sector (November 2016), <i>Oxford Economics</i>	This study estimates the impact of the beer and pub sector using the latest available published data at the time of writing—supplemented with 2015/2016 brewery and pub activity data provided by the industry.

Table 6: Data and Statistics on Pubs

Document	Overview
London Development Database (GLA)	<p>The LDD contains details of all planning permissions meeting criteria agreed with the London boroughs. This includes all permitted A4 use development in Greater London, and Lewisham.</p> <p>This database is updated monthly.</p>
South East - Campaign for Real Ale (CAMRA)	<p>London sub-regional branches of CAMRA have an annual audit of opened and closed pubs in their areas of London.</p> <p>The March 2017 audit was the main source of for this report.</p>

Table 7: Examples of other Borough's Prepared Evidence Base and Pubs Policy Formulation

Document	Overview
Cambridge Public House Study (2012), GVA <i>Humberts Leisure</i>	<p>This study includes an audit of public houses in Cambridge, to advise the council on the national and local market, and to prepare interim planning policy guidance. This report provides an overview of the audit and appraisal of the Cambridge pub market together with a review of planning policy as background evidence for the interim planning policy guidance.</p> <p>This was prepared by an external consultant.</p>
Public House in Bromley: Evidence Base (2014), <i>Bromley Borough Council</i>	<p>The evidence base for the Borough of Bromley, which is 2 years more recent, is an identical approach and structure to the Lewisham 2012 Study. It has one additional chapter, 'The Value of Pubs', which provides a good context of the role the pub has in today's society.</p>
Last Orders? Preserving Public Houses SPD (2014), <i>Barking and Dagenham Borough Council</i>	<p>The SPD explains the Council's overall guidance on the retention of public houses (pubs) in the borough. It seeks to protect pubs not just for their value as community assets but also for the contribution these buildings often make to the character of the borough. The SPD will be used to help determine planning applications relating to the loss of a pub whether open or closed. The document is a response to community concerns regarding the declining number of pubs in the borough.</p>
Pubs in Tower Hamlets – An Evidence Base Study	<p>Much concern has been raised about the loss of pubs within Tower Hamlets and the paper sets out how the Council might provide additional support to pubs through strengthened planning policy. The Study compares different locations in the South-East to understand the role planning system has in the protection of pubs.</p>

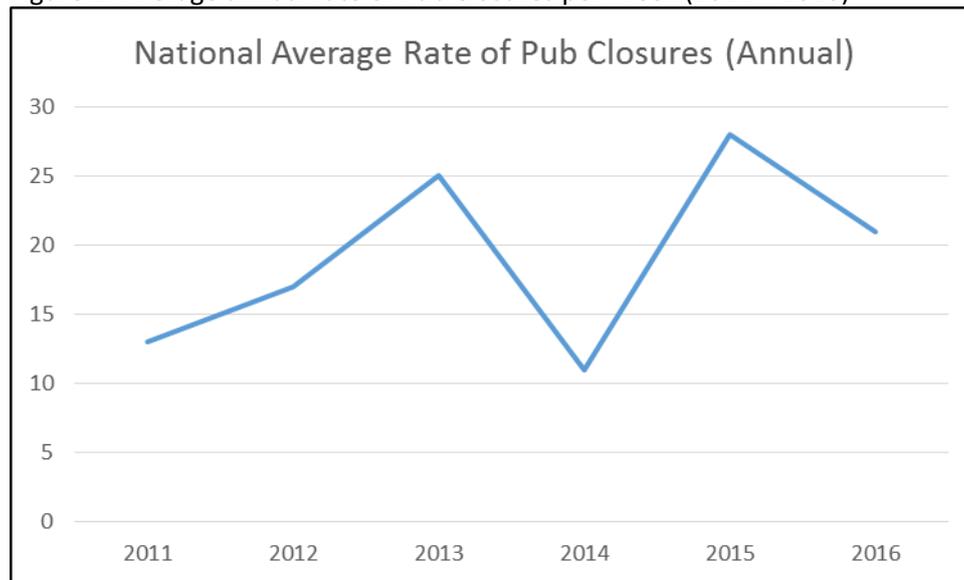
- 4.2 In summary, the literature and data that has continued to be published is identifying issues resulting in the closure of pubs that were highlighted in the 2012 Report. Organisations such as CAMRA, and the British Beer and Pub Association (BBPA), have published documentation to help guide local authorities to prepare a pub protection policy as part of their Local Plan process, similar to the structure of the 2012 Report. Therefore, the literature has not altered the approach or perspective of the protection for pubs.

- 4.3 What can be foreseen, is new guidance or literature that will evaluate the impact of the permitted development changes, and the publication of the Mayor of London’s SPG, on local level pub protection.

5. Current National Issues & Opportunities

- 4.4 The BBPA estimate the number of pubs in Britain has declined by 9,400 in the twelve years from 2004 to 2016. In 2004, nationally there were 59,000, there were roughly 55,000 in 2009, and 49,600 in 2016, a fall of 16% (BBPA, 2016)⁶. Based on the most recent published working age population estimates, this equates to a national average of around one pub for every 1,324 people in England.
- 4.5 The 2012 Study reported that pub closures had remained at a high level with 16 pubs closing down every week in the second half of 2011. The British Beer and Pub Association publish data on an annual basis, identifying the average rate of pub closures per week, Figure 1 below highlights the average closure from 2011 through to 2016.

Figure 1: Average annual rate of Pub Closures per Week (2011 – 2016)



- 4.6 The average rate of closures since 2011 does not provide a consistent pattern. Recent figures from 2015, to 2016, show the rate of closures could be starting to slow, but this is yet to be proven consistently. Comparing 2011 to 2016, shows an overall upward trend of 8 additional pub closures per year, from 13 to 21.
- 4.7 The rate of pub closures, nationally, is still impacting hugely on the pub trade, an example of a few key issues that are causing this to continue, are described below. Recent opportunities that can reverse this trend are also highlighted.

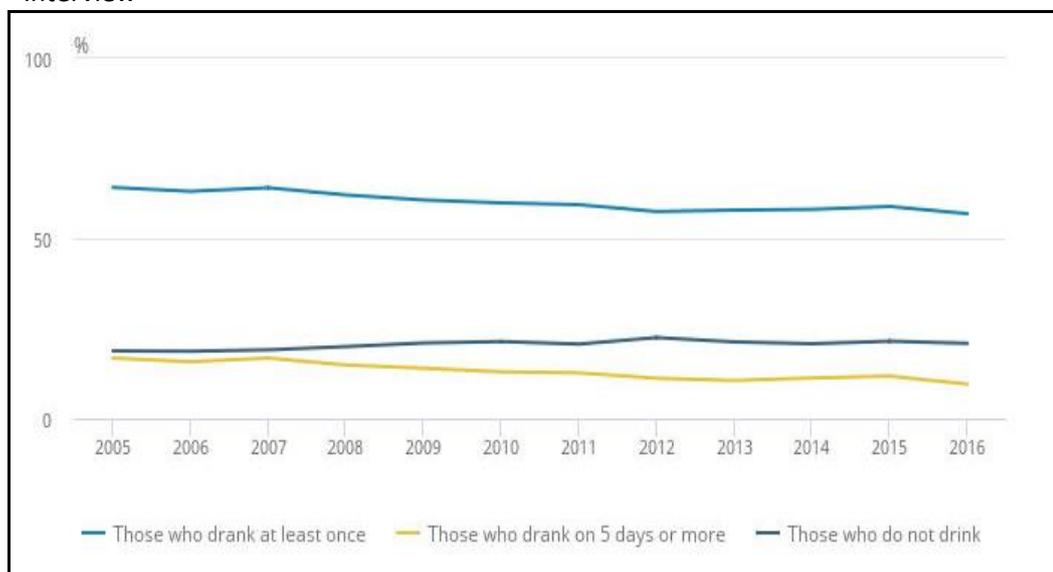
⁶ British Beer and Pub Association [BBPA], (2016). BBPA Statistical Handbook 2016

National Issues

General Decline in Alcohol Sales

- 4.8 Due to various contributing factors, such as healthier lifestyles and wider choice of leisure activities, the consumption of alcohol is now 19% lower than in 2004 (BBPA, 2015)⁷. Adults that do not drink at all, is at 21%, with young adults being the driver behind this, with 40% becoming tee total from 2005 to 2013. Figure 2 shows the trend over the last decade in people drinking 5 times and once a week reducing, and a slight increase in people who do not drink. This will impact pub takings, as less alcohol consumption means less customers.

Figure 2: The proportion (%) of respondents who drank alcohol in the week prior to interview



Sales of Growth in Off-License Premises

- 4.9 The growth in alcohol sales from off-licensed premises, particularly supermarkets, is another key factor in the decline of the British pub. The BBPA estimated in 2012 that supermarkets account for 70% of all alcohol sales, with only 30% bought in on-licensed premises⁸.
- 4.10 Much of this is due to the ability of supermarkets to absorb taxation costs and sell alcohol at a lower retail price (due to economies of scale), which has widened the gap between off-trade and on-trade consumption. Since 1987, the BBPA state that there has been a 187% increase in the price of beer in pubs compared to just a 52% increase in the price of beer sold through supermarkets and other off-licences.

⁷ British Beer and Pub Association [BBPA], (2015). BBPA Statistical Handbook 2015

⁸ British Beer and Pub Association [BBPA], (2012). Budget Submission 2012: A Growth Strategy for Pubs

Rising VAT and Beer Duty

- 4.11 The pub trade has fallen victim to easy attacks by the government to seek extra tax revenue, this manifested prominently in 2009, when beer duty was increased by 9.1% in March 2008, and further increased by 8% in December 2008, during a temporary cut to VAT. A 'beer duty escalator' was also introduced in 2008, a mechanism that increased beer duty by 2 per cent above inflation each year. Between 2008 and 2012, beer duty increased by 42%.
- 4.12 In 2013, the 'beer duty escalator' was abandoned, and beer duty was decreased by 2%. The Government then proceeded to cut beer duty by a penny per pint in the next two Budgets, before freezing duty in Budget 2016. This resulted in more investment and confidence into the brewery and pub sector.
- 4.13 Currently, pubs are still heavily taxed in England, compared to our European neighbours. The average beer drinker spends 3 to 12 times more in beer duty than those in Europe. In addition, the pub sector pays business rates that are five times more on average than other sectors, proportion of turnover. (BBPB, 2017)⁹.

National Opportunities

Increase in Dining-Out Market

- 4.14 Due to the challenging trading conditions facing the industry and the falling 'wet revenues', pubs are increasingly relying on food sales to try and drive business and improve profitability. More people within the UK are choosing to dine-out more regularly, and pubs, are a large part of this market. Significant revenue from gastro-pubs, and the increase in family friendly pubs, are increasing the pubs share in the casual dining market.

Rise of microbreweries and Real Ale Pubs

- 3.1 One of the more positive trends within the industry has been the considerable rise in the number of microbreweries across the UK in recent decades. At the start of the 20th Century, it is estimated that there were more than 1,300 breweries spread across the country. However, by 1970 this had fallen to just 141 located in a small number of key towns and cities, as the large brewing companies benefited from technological advances and economies of scale, thereby forcing smaller, less competitive breweries out of the industry.
- 3.2 This situation prompted the formation of the Campaign for Real Ale (CAMRA) in 1971, with the aim of improving consumer choice through promoting competition and diversity within the industry. This subsequently led to growing demand for quality and regional diversity. It is estimated that by 2004 the number of breweries

⁹ British Beer and Pub Association [BBPA], (2017), From a bleak future to confidence and stability - The story of beer duty: 2008 to 2016

had risen to around 480 – fuelled largely by the growth in small-scale microbreweries in response to the changing consumer demand.

- 3.3 In more recent years, tax breaks were introduced and acted as a further incentive for small-scale production. This combined with the growing popularity of regional brews, has further stimulated the trend which continues to go from strength to strength with a record number of microbreweries across the UK. It is estimated that there are now around 1,994 breweries in the UK at the end of 2016 (UHY Hacker Young, 2017)¹⁰.
- 3.4 The growth of pubs supporting the ‘Real Ale’ or ‘Craft Beer’ market, is increasing continuously year on year, having a 15% share of the UK beer market in 2016. This increase, and buck in trend of general closures, is helping some pubs survive. Cask beer drinkers are twice as likely to visit the pub as non-cask drinkers and spend more when they are there. Crucially, unlike drinkers of beers, lagers and spirits, they cannot buy cask beer from a supermarket.

Beer Ties Cut

- 3.5 The Pubs Code came into effect in July 2017, giving pub tenants more rights and greater protection when dealing with large pub companies that own tied pubs. Tied tenants of pubs had been obliged to buy beer and other drinks from their landlords, often at a large mark-up, in exchange for reduced rent payments.
- 3.6 Under the new rules introduced, all business owning 500 or more tied pubs in England and Wales will have to adhere to the new code, which will give around 12,000 tenants new rights such as increased transparency about the tied deals available, a fair rent assessment and the right to move to a free-of-tie tenancy in certain circumstances. Tenants will also be able to request a rent assessment every five years, or whenever there is a significant change in the price they are charged for drinks, or in their trading conditions (The Drinks Business, 2016)¹¹.
- 3.7 This Code should create a fairer deal for pub tenants. In the first year of its existence, the Code has come under scrutiny, specifically the adjudicator process for a Market Rent Only tie, and publicans have accused the pub owning companies have been unclear on possible rent agreements. Therefore, the Pubs Code may evolve in the future to ensure the agreements between pub owners and publicans, are further robust and fair.

¹⁰ UHY Hacker Young, (2017), Number of breweries in the UK breaks through the 2,000 barrier for the first time since the 1930s [online], <http://www.uhy-uk.com/news-events/news/number-of-breweries-in-the-uk-breaks-through-the-2000-barrier-for-the-first-time-since-the-1930s/>

¹¹ The Drinks Business, (2016), Victory for pub tenants as beer ties cut [online], <https://www.thedrinksbusiness.com/2016/07/victory-for-pub-tenants-as-beer-tie-cut/>

6. Local Market Assessment

Audit of Existing Public House Provision

- 4.1 A comprehensive desk based audit has been undertaken from sources such as the London Development Database, CAMRA, and other online search tools, on all pubs that have existed in the borough since 2001. The audit, goes one stage further, by identifying which pubs are still operating, and pubs which have ceased trading. The results of the audit can then be compared to 2012 data, providing an insight into the pubs market in Lewisham over the past five years.
- 4.2 Overall, 203 pubs or A4 uses (as defined in the introduction) have been found in the borough as a result of the audit, of which 102 are still trading (see Appendix 1) for the list, and 100 are now closed (see Appendix 2). This means just over 50% of known pub uses from the early 2000s are still open.
- 4.3 14 of the pubs identified as open in the 2012 Report are now closed (see Appendix 3), 12 of these pubs have related planning history, which explains the reason for the closures. The different types of planning statuses for the 14 pubs are identified in Table 8 below.

Table 8: Planning History of Pub Closures since 2012

Planning Status	Number of Pubs
<i>Approved Permissions – Change of Use</i>	7
Permitted Development – Change of Use	2
No Planning History	2
Live Application	1
Temporary Permission Expired	1
Loss without consent	1

- 4.4 The audit identified 25 pubs as being newly open since the 2012 Report (see Appendix 4). The reason these pubs have been captured as open in 2017 vary from pub to pub, and are identified in Table 9 below.

Table 9: Reasons for capture of Open Pubs since 2012

Reason for being identified as 'Open'	Number of Pubs
<i>Not captured in 2012 Report but it was existing and open</i>	10
Newly opened pubs / A4 use since 2012	7
Reopened pub that was recorded closed in 2012	5
2012 Report – Listed Pubs not captured in overall 'open' list	3

- 4.5 There have been 39 pubs identified going from open to closed, since the 2012 Report (see Appendix 5). There are varying reasons why pubs have been identified as closing, which are shown in Table 10 below.

Table 10: Reasons for capture of Closed pubs since 2012

Reason for being identified as 'Closed'	Number of Pubs
Has 'closed' since 2012 – permanently / new use	25
Has 'closed' since 2012 – currently vacant	7
2012 Report - Not captured in the overall 'closed' list	7

- 4.6 To give a rounded overview of pub losses in the borough, it is important to identify pubs that have been changed to an A3 (restaurant) use. This use provides some similar benefits to that of a pub, such as social interaction, and economic benefits, including local employment. It has been found that 17 of the 101 closed pubs have been converted to an A3 restaurant / bar type use. This change also reflects the change in lifestyles, and the increasing popularity of dining out. The 17 properties changed to A3 uses are listed in Appendix 6.

Location of Pubs

- 4.7 The locations of the 203, open and closed pubs in the borough, is shown in Appendix 7, which shows a map of the borough, and the specific location of all pubs identified. All known pubs (opened or closed) are mainly clustered around the district and local centres of the borough, and the corridor of major roads. Many of the pubs that are, or were, located in the very north of the borough (north of the New Cross Road (A2)) have closed. In other areas of the borough, there have been a mix of closures, in key centres, and in residential areas.
- 4.8 It is important to understand the total catchment of pubs in the borough, by assessing accessibility from residential areas in Lewisham. People do not necessarily go to their nearest pub, this can be the same for general public services, however, the catchment is a good measure to see if people are within easy accessibility of a local pub. This accessibility will be based on 400m to 800m walking distances, which equate to 5 - 10 minute walks. Appendix 8 shows the catchment buffers of these distances, and buffers of selected pubs in other boroughs, that overlap with areas in the borough.
- 4.9 The map in Appendix 8 clearly shows the majority of the borough is within 800m / 10 minute walking distance of a pub. The northern area of the borough that has seen many closures over the years, is an area that still has good access to a cluster of A4 uses around Rotherhithe and Southwark Park. There is an area north of Downham that is not within 800m of any A4 use, and there are a small pockets along the southern boundary that are also not within a 10 minute walking distance from a pub.

Pubs by Population Catchment

- 4.10 A key indicator that can be compared at national, regional, and local level, is population per pub. This provides a high level average that can indicate a potential oversupply or shortfall of pubs in a location such as Lewisham, in comparison with other locations. In Table 11 below, the comparison shows that a pub in Lewisham supports double the amount of population than the national average, and higher than the London average, based on 2016 population estimates.

Table 11: Comparison Population per Pub

Level of Population	Number of Pubs	Total Population	Population Per Pub
UK	49,563	65,648,054	1,325
London	3,895	8,787,892	2,256
Lewisham	102	301,900	2,960

7. Review of Planning Policy Decisions and Policy Effectiveness

- 5.1 It is important to analyse planning decisions concerned with the loss of or redevelopment of public houses, to understand the key considerations and justifications for a decision. In this section, we look at a selection of recent planning decisions relating to pubs in Lewisham and recent national and local appeal decisions. Recorded case officer comments on the implementation of DM Policy 20 are reviewed, and a breakdown analysis, to understand if the policy is still relevant.

Planning Decisions related to Local Pub Gains and Losses

- 5.2 The Council monitors all planning permissions granted by the use class as part of the London Development Database. Pubs fall into the A4 Use Class 'Drinking Establishments'. The two tables, in Appendix 9 and 10, show the recent A4 gains and losses since 2001, this table gives a clear indication of the net losses that have occurred in the last 15 years.
- 5.3 There are 11 approved gains since 2001, and 41 approved losses, the gains ranged from 80m² to 375m, whereas the losses range from 77m² to 2,175m². This trend in permissions can be intrinsically linked to the trend in pub losses, and reduction in A4 floorspace use, that have happened over the last 15 years. The 36 of the 41 approved losses included conversion to residential units.
- 5.4 The introduction and impact of DM Policy 20 in late 2014, and the recent changes to permitted development rights, cannot be fully evaluated in terms of long-term trends. The list in Appendix 10, shows there were a number of pub losses in 2015, however the number of losses have reduced in recent years compared to 2007 to

2011 losses. This could be an early indication A4 losses in Lewisham will become less frequent in the years ahead, especially with the tighter planning requirements.

National Appeal Decisions

- 5.5 In Table 12, a number of appeals are described from different parts of England, these were decided based upon the four main elements of DM Policy 20, viability, marketing, community facility, and heritage value. This will inform an evaluation on whether the policy is structured and written effectively.

Table 12: National Appeal Decisions Related to Key Elements of DM20 (September 2017)

Appeal	Decision Justification
Viability	
Dukes Head, Coddendam, Suffolk, 3143123 (2016) <i>Decision: Dismissed</i>	Pub unwelcoming and run-down, with no food, and garden unused. Effective, and enthusiastic operator, could make business successful and viable.
White House, Hitcham, Ipswich, 3001531 (2015) <i>Decision: Allowed</i>	Evidence produced to show business making a loss for some time despite best effort of owners.
Marketing	
White Horse, London, SE7, 3005023 (2015) <i>Decision: Dismissed</i>	The required two years of marketing had not taken place.
Chequers Inn, Challoch, Kent, 2159597 (2011) <i>Decision: Allowed</i>	Marketed for over a year with specialist agent. Only one offer, well below the guide price, no reason to doubt that asking price is unreasonable.
Community Facility	
Chesham Arms, London, E9, 2209018 (2014) <i>Decision: Dismissed</i>	The registration of the pub as an ACV was a 'material consideration of significant weight in this appeal'.
Red House, Lemington Spa, 2200963 <i>Decision: Allowed</i>	Wide choice of alternative pubs nearby, sufficient to meet the needs of the local community.
Heritage Value	
Cross Keys, Kensington & Chelsea, 2172342 (2012) <i>Decision: Dismissed</i>	Proposed change of use would have a harmful effect on the value and significance of the building as a heritage asset and on the appearance and character of the Conservation Area.
Crown, London, SE17, 2143911 (2011) <i>Decision: Allowed</i>	Status as heritage asset limited – only on emerging Local List (and could have been demolished under PD rights anyway).

Local Appeal Decisions

- 5.6 In addition to understanding national determinations at appeal, there are a number of local appeals that have involved a decision relating to a loss of an A4 use, since DM Policy 20 has been adopted by the Council.

Table 13: Local Appeal Decisions Relating to Public House Change of Use (September 2017)

Appeal	Details
66 Honor Oak Park, 092715 (2016) Change of Use – A1 to A4 <i>Decision: Dismissed</i>	Proposal: The change of use of the ground floor unit at 66 Honor Oak Park SE23 from retail (Use Class A1) to bar (Use Class A4) including an outdoor beer garden, together with the installation of a new shop front. Decision - Justification: Conflicts with DM Policy 17 of the Lewisham DM Local Plan which permits restaurants, cafés and drinking establishments provided that the proposal does not detrimentally affect the vitality of the shopping area.
The Sydney Arms, 083998 (2015) Change of Use – A1 to C3 <i>Decision: Allowed</i>	Proposal: The change of use of the public house (Use Class A4), 122 Lewisham Road SE13, together with the alteration and conversion of the ground floor and basement to provide three 1 bedroom flats and one self-contained studio flats and alterations to the elevations. Decision - Justification: The proposal would not lead to loss of a valued facility or reduce the ability of the community to meet its day to day needs. The applicant provided robust marketing, and there is restriction to its operation based on adjacent residential uses.
The Talma, 087819 (2016) Alteration and Refurbishment – Adjacent Residential Units <i>Decision: Allowed</i>	Proposal: The alteration and refurbishment of The Talma Public House, 109 Wells Park Road SE26, together with the construction of a 3-storey rear extension and an additional storey at roof level to provide 2, one bedroom and 1, two bedroom self-contained flats, and 1, two bedroom self-contained maisonette. Decision - Justification: As the public house use would be retained as part of the proposal and therefore the opportunity for social gathering, there would be no conflict with DM Policy 20, which seeks to restrict the change of use or redevelopment of the same.
117 Courthill Road, 096288 (2016) Alteration and Refurbishment – Adjacent Residential Units <i>Decision: Dismissed</i>	Proposal: Construction of rear and side extensions at basement, ground and first floor levels, with alteration of the existing public house and creation of 4 self-contained residential units comprising of 1, one bedroom and 3, two bedroom self-contained flats. Decision - Justification: the proposal would undermine the future availability of the public house, which is a community asset and, in spite of some benefits, would adversely affect the character and appearance of the building.
Lord Palmerston, 81 Childers Street, 097914 (2017) Partial demolition, alteration, and Refurbishment – Adjacent Residential Units <i>Decision: Dismissed</i>	Proposal: Partial demolition of Lord Palmerston Public House, and the construction of two additional storeys and five storey rear extension to provide 12 one bedroom self-contained flats, together with the retention of existing public house and fascia, and formation of communal roof terrace. Decision - Justification: the housing and potential community benefits of the proposal do not outweigh its harm to the non-designated heritage asset, the character and appearance of the area and the living conditions of future occupiers.

Officer Review and Comments of the Public House Policy

- 5.7 The Lewisham Local Planning Authority maintains a comments register for case officers to provide feedback when they have an issue with implementing a Core Strategy or Development Local Plan Policy that has been adopted. The register contains 2 relevant comments, these are highlighted and reviewed below.

Comments

- Conversion to resi at upper floors. What is the extent of the 'public house' in the text of the policy. Does it include upper floors? Gardens? Car parks? Where upper floors have been used as residential associated with the pub are these ancillary uses? Are they part of the pub? Concern about future complaints from new residents about the pub below and potential future closure.
- There are a number of applications that have been submitted for a change of use of the upper floors from ancillary A4 to C3, residential units. Although the policy requires a marketing statement and marketing report to show that the pubs is no longer viable, the policy should include reference to ensuring that the loss of ancillary accommodation does not harm the long term viability of the pub use, I.E through noise, loss of ancillary accommodation for staff etc.

Analysis

The officer comments are highlighting the lack of clarity in defining what is included as a pub and its ancillary uses, the comments also identify the threat of future development on operations of public houses. An issue raised also relates to the gradual restriction of public house operations from new adjacent development. The two comments specifically identify the threat from residential uses, and this seems like a common theme in recent applications, permissions, and appeals. This coincides with the reason why the Mayor of London has developed the 'agent of change' principle introduced in the Mayor of London's Draft SPG, and should be considered as an additional criteria within a new drafted policy.

Review of Policy Wording and Structure

- 5.8 To understand whether the current policy is adequately providing protection to the pubs in Lewisham, and to evaluate whether any amendments to the policy need to be made, an analysis will be undertaken to decide if each element of the policy is effective, and relevant.

Policy Criteria 1 - The Council will only permit the change of use or redevelopment of a public house (A4) after an assessment of the following:

- a. *a viability report that demonstrates to the Council's satisfaction that the public house is no longer economically viable, including the length of time the public house has been vacant, evidenced by the applicant of active and appropriate marketing for a constant period of at least 36 months at the existing use value.*

- 5.9 In recent published literature, and in appeals highlighted in this chapter, the requirement to demonstrate a public house is unviable, and to undertake appropriate marketing is critical in determining whether a public house can be lost to another use. Therefore the continuation of this requirement is still justified.

b. the role the public house plays in the provision of space for community groups to meet and whether the loss of such space would contribute to a shortfall in local provision, including evidence that the premises have been offered to use or to hire at a reasonable charge to community or voluntary organisations over a 12 month period and there is no longer a demand for such use.

- 5.10 The 2012 Report, supporting literature, and this addendum provides multiple roles in which the pub supports the local community, particularly as a venue for various local groups in the borough. Defined as a community facility, in policy terms it is reasonable to expect a public house to be offered to community organisations, at market rate, to ensure a community use cannot be continued. This element of the policy still has full relevance.

c. the design, character and heritage value of the public house and the significance of the contribution that it makes to the streetscape and local distinctiveness, and where appropriate historic environment, and the impact the proposal will have on its significance.

- 5.11 The protection of the design, character, and heritage value, from any physical change associated with a pub, as part of a development proposal, is critical when determining any development proposal. Due to the important role pubs have in the streetscape of major, district, and local centres, this criteria remains critically relevant.

d. the ability and appropriateness of the building and site to accommodate an alternative use or uses without the need for demolition or alterations that may detract from the character and appearance of the building.

- 5.12 The final element of criteria 1 ensures pubs are not demolished or altered unless the buildings configuration is inappropriate for any future use. This is important to enforce a layer of protection to keep the physical structure and appearance of pubs, especially if there is no functional reason why the physical structure of a pub should be demolished as part of a change of use application.

Policy Criteria 2

2. Where the evidence demonstrates to the Council's satisfaction that a public house is not economically viable, but where the building is assessed as making a significant contribution to the local townscape and streetscape, or is assessed as making a positive contribution to the historic environment, the Council will require the building to be retained, and for the ground floor to remain in use for a range of non-residential

uses, including D1, as appropriate.

- 5.13 This criteria states that if the public house is making a contribution to the local townscape and streetscape, or is contributing to the historic environment, any change of use should retain the ground floor for a non-residential use. This is useful criteria in protecting the pub as a community facility, or an important use within a town centre or high-street. Restricting the loss of an A4 use to residential developments.

Policy Criteria 3 - The proposed change of use of a public house for residential use will only be acceptable where:

- a. the proposal has been assessed against parts 1c and 1d of this policy and the impact of the proposal on these features.*
- b. where the Council is satisfied that residential use is acceptable, the accommodation to be provided is to be of the highest quality and meet the requirements outlined in DM Policy 32 (Housing design, layout and space standards).*

- 5.14 If a proposed residential development is acceptable under criteria 1 and 2, it is important that criteria 3 reemphasises the importance of the design, character and heritage value of pubs in a proposal, and it is acceptable in housing design terms. This criteria still provides an additional layer of design protection if a change of use is acceptable.
- 5.15 This review of the policy wording for each of the criteria has clearly concluded the policy is still relevant, and protective of pubs.

8. Summary and Policy Recommendation

Summary

- 6.1 The latest information and data in this update, on the current pubs market, nationally, and in Lewisham, shows since 2012 pubs have continued to close, and new development has resulted in a further net loss of pub floor space since 2012. So the loss of pubs is still a key issue. However, the trends shown in this report, does show a recent change in Lewisham, and there have been minimal losses of full premises of A4 uses through permissions since 2012, when compared to the period of 2007 to 2011, as shown in Appendix 10.
- 6.2 The continued increase in successful nominations for pubs to be designated as Assets of Community Value (ACV) in Lewisham, and the amendments to Permitted Development Rights in May 2017 described in this report have strengthened the planning position to avoid any losses of viable pubs. This is critical, as all proposed development resulting in an A4 use now require a full planning application to be submitted to the Council, and if the pub is designated as an ACV, its value as a community facility will be a material consideration in determining any application.

- 6.3 There will be an element of pub closures and changes of A4 use moving forward. As this report has highlighted there are other impacting factors influencing the performance and eventual closures of pubs, nationally, and in the borough of Lewisham. The change in healthier lifestyles, and a reduction in alcohol consumption being core reasons. The review of DM Policy 20 shows that it is still relevant, and serving a purpose in protecting viable pubs in the borough. It is important that this policy remains in place to ensure any permissions given have met robust criteria to ensure it is unviable, and not serving as a valuable community asset.
- 6.4 This report identified the Draft Culture and Night Time Economy SPG as an important planning document moving forward in the context of protecting pubs. The new ‘agent of change’ principle described in the Mayor of London’s SPG protects pub operations from proposed adjacent development that conflicts with the operating noise of pubs. The principle states the potential conflict is required to be resolved by the developer of the new proposed use. This is a new policy position that should be reinforced at a local level.

Policy Consideration

- 6.5 As already concluded, DM Policy 20 is still robust and relevant. During the upcoming Local Plan preparation process, officers should therefore look to retain the development management policy. At a local level the ‘Agent of Change’ principle should be incorporated into the policy, as part of an amendment during the Local Plan review process. This will establish local policy criteria that does not permit new development restricting the operation, and general viability, of a nearby pub. The suggested criteria is shown below.

Public house – Additional Policy Criteria

Operational Restriction
 The Council will not accept any proposal, within the ancillary use of a public house, or above and adjacent to a public house, that will restrict its full operation as a public house, jeopardising its function as a business. The responsibility is on the new development to mitigate any potential conflict with the public house that restricts its operation, such as noise.

Monitoring

- 6.6 It is recommended officers should keep the key data outputs of this report refreshed on an annual basis. This will ensure more informed planning decisions, and a robust dataset over the Local Plan Review process. The key datasets are as follows:
- Open & Closed Pubs
 - Successful ACV Applications

- Pubs designated as Listed (inc. Locally Listed)
- Planning Applications / Permissions (Gains & Losses)
- Spatial location of Pubs

Pubs in Lewisham 2017: Policy Review

Appendices

Appendix 1 – List of All Open Pubs in Lewisham

Number	Pub_Name	Address	Postcode	CAMRA Ref	ACV	Listed
1	O'Neils	52 Tranquil Vale	SE3 0BH	SEL/10847	No	No
2	Crown	49 Tranquil Vale	SE3 0BS	SEL/10848	No	Listed
3	Hare & Billet	1a Elliot Cottages	SE3 0QJ	SEL/10849	No	Listed
4	Princess Of Wales	1a Montpelier Row	SE3 0RL	SEL/10850	No	Listed
5	Zero Degrees	29-31 Montpelier Vale	SE3 0TJ	SEL/10851	No	No
6	The Railway	16 Blackheath Village	SE3 9LE	SEL/10855	No	No
7	Talbot	2-4 Trywhitt Road	SE4 1QG	SEL/10857	No	No
8	London Beer Dispensary	389 Brockley Road	SE4 1YS	SEL/13491	No	No
9	Jam Circus	330-332 Brockley Road	SE4 2BT	SEL/10860	No	No
10	Brockley Jack	408 - 410 Brockley Road	SE4 2DH	SEL/10861	No	No
11	Brockley Barge	184 Brockley Road	SE4 2RR	SEL/10862	No	Listed
12	The Little Crown	495 New Cross Road	SE4 6QT	SEL/10673	No	No
13	Biz Bar	226 - 228 Brownhill Road	SE6 1AT	No Ref	No	No
14	Fellowship Inn	Randlesdown Road	SE6 3BT	SEL/10886	No	Grade II
15	London & Rye	109 Rushey Green	SE6 4AF	SEL/10887	No	No
16	Black Horse & Harrow	167 Rushey Green	SE6 4BD	SEL/10888	No	Listed
17	The Perry Hill (formerly The Two Brewers)	78-80 Perry Hill Catford	SE6 4EX	SEL/10889	No	Listed
18	Black Cat	9 Winslade Way	SE6 4JU	SEL/10890	No	No
19	Catford Bridge Tavern	Station Approach, Catford Bridge	SE6 4RE	SEL/10891	No	Listed
20	Dog & Bell	116 Prince Street	SE8 3JD	SEL/10902	No	No
21	White Swan P.H	217 Deptford High Street	SE8 3NT	SEL/10903	No	Listed
22	Brookmill	65 Cranbrook Road	SE8 4EJ	SEL/10904	No	No
23	Royal Standard	86 Tanners Hill	SE8 4PN	SEL/10450	No	No
24	Royal George	85 Tanners Hill	SE8 4QD	SEL/10905	No	No
25	Bird's Nest	32 Deptford Church Street	SE8 4RZ	SEL/10906	No	Listed
26	Black Horse	195 Evelyn Street	SE8 5RE	SEL/10910	No	Listed

Pubs in Lewisham 2017: Policy Review

27	The Duke Of Edinburgh	394 Lee High Road	SE12 8RW	SEL/10640	No	No
28	The Crown	117 Burnt Ash Hill	SE12 0AJ	SEL/10636	No	Listed
29	The Summerfield Tavern	60 Baring Road	SE12 0PS	SEL/10637	No	No
30	Signal	7 Devonshire Road	SE23 3HE	SEL/10813	No	No
31	Edmund Halley	25-27 Lee Gate Centre	SE12 8RG	SEL/10641	No	No
32	Old Tigers Head	351 Lee High Road	SE12 8RU	SEL/10639	No	Listed
33	Dacre Arms	11 Kingswood Place	SE13 5BU	SEL/10643	No	Listed
34	Holly Tree P.H	32 Dermody Road	SE13 5HB	SEL/10644	No	No
35	Joiners Arms	66 Lewisham High Street	SE13 5JH	SEL/10645	No	Listed
36	White Horse Road	1 Lee High Road	SE13 5LD	SEL/10646	No	No
37	Station	14 Staplehurst Road	SE13 5NB	SEL/10647	No	No
38	Rambles	207 Lee High Road	SE13 5PQ	SEL/10649	No	No
39	Watch House	198-204 Lewisham High Street	SE13 6JP	SEL/10652	No	No
40	Fox & Firkin	316 Lewisham High Street	SE13 6JZ	SEL/10653	No	No
41	The Jolly Farmers	354 Lewisham High Street	SE13 6LE	SEL/10655	No	No
42	Ladywell Tavern	80 Ladywell Road	SE13 7HS	SEL/10658	Yes	Listed
43	Anchor Inn	165 Lewisham Road	SE13 7PY	SEL/10659	No	No
44	The Montague Arms	289 Queens Road	SE14 2JG	SEL/10430	No	No
45	White Hart Hotel	184 New Cross Road	SE14 5AA	SEL/10661	No	Grade II
46	Five Bells	155 New Cross Road	SE14 5DJ	SEL/10662	No	Grade II
47	Telegraph at The Earl Of Derby	87 Dennetts Road	SE14 5LW	SEL/10663	No	No
48	Skehans Free House	1 Kitto Road	SE14 5TW	SEL/10664	No	Listed
49	Rose Pub & Kitchen	272 New Cross Road	SE14 5UL	SEL/10665	No	No
50	Marquis Granby	322 New Cross Road	SE14 6AE	SEL/10667	No	No
51	New Cross Inn	323 New Cross Road	SE14 6AS	SEL/10668	No	No
52	The New Cross House	316 New Cross Road	SE14 6AT	SEL/10666	No	No
53	The Venue	2a Clifton Rise	SE14 6JP	No Ref	No	No
54	Fat Walrus	44 Lewisham Way	SE14 6NP	SEL/10669	No	Listed
55	Flower Of Kent	135 Lewisham Way	SE14 6QP	SEL/10670	No	No

Pubs in Lewisham 2017: Policy Review

56	Star & Garter	490 New Cross Road	SE14 6TJ	SEL/10672	No	No
57	Royal Albert	460 New Cross Road	SE14 6TJ	SEL/10671	No	Grade II
58	Amersham Arms	388 New Cross Road	SE14 6TY	SEL/10674	No	No
59	Railway Telegraph	112 Stanstead Road	SE23 1BS	SEL/10806	No	No
60	General Napier	73 Bovill Road	SE23 1EX	SEL/10807	No	No
61	Blythe Hill Tavern	319 Stanstead Road	SE23 1JB	SEL/10808	Yes	No
62	Honor Oak	1 St Germans Road	SE23 1RH	SEL/10810	Yes	No
63	All in One	53 Perry Vale	SE23 2NE	SEL/10811	No	No
64	Prince of Wales	52 Perry Rise	SE23 2QL	SEL/10812	No	No
65	Sylvan Post (new pub)	24-28 Darmouth Road, Forest Hill	SE23 3XZ	SEL/10818	No	No
66	Fox's	150 Kirkdale	SE26 4BB	SEL/10825	No	Listed
67	Pavilion	325 Kirkdale Road	SE26 4QB	SEL/10829	No	No
68	Bricklayer Arms	189 Dartmouth Road	SE26 4QY	SEL/10828	No	Listed
69	Railway Tavern	410 Southend Lane	SE26 5BH	SEL/10829	No	No
70	The Dolphin	121 Sydenham Road	SE26 5HB	SEL/10830	No	Listed
71	The Alfred	178 Sydenham Road	SE26 5RP	SEL/10832	No	No
72	The Bell	59 Bell Green	SE26 5SJ	SEL/10833	No	No
73	The Golden Lion	116 Sydenham Road	SE26 5ZX	SEL/10831	No	Listed
74	Downham Tavern	Downham Way	BR1 5HS	SEL/10451	No	No
75	Baring Hall Hotel	368 Baring Road	SE12 0DU	SEL/10425	Yes	Listed
76	Lord Northbrook	116 Burnt Ash Road	SE12 8PU	SEL/10638	No	Listed
77	Rising Sun	120 Loampit Vale	SE13 7SN	SEL/10660	No	No
78	Railway Telegraph	112 Stanstead Road	SE23 1BS	SEL/10806	No	No
79	Chandos	56 Brockley Rise	SE23 1LN	SEL/10809	No	No
80	The Dartmouth Arms	7 Dartmouth Road		SEL/10814	No	Yes
81	Bird In Hand	35 Dartmouth Road	SE23 3HN	SEL/10816	No	No
82	The Hill	45-47 Dartmouth riad		SEL/10815	No	No
83	Capitol	11-21 London Road	SE23 3TW	SEL/10817	No	No
84	The Orchard	5 Harefield Road	SE4 1LW	SEL/10856	No	No

Pubs in Lewisham 2017: Policy Review

85	The Talbot	2-4 Tyrwhitt Road	SE4 1QG	SEL/10857	Yes	No
86	The Wickham Arms	69 Upper Brockley Road	SE4 1TF	SEL/10858	No	No
87	Catford Constitutional Club	Catford Broadway	SE6 4SP	SE6 4SP	No	No
88	Job Centre	120 Deptford High Street	SE8 4NS	SEL/13497	No	No
89	Brockley Brewery	31 Harcourt Road	SE4 2AJ	SEL/13505	No	No
90	Aces Bar	88 Verdant Lane	SE6 1LF	SEL/13520L	No	No
91	Buster Mantis	3-4 Resolution Way	SE8 4NT	SEL/13534	No	No
92	Out of the Brew	306 New Cross Road	SE14 6AF	SEL/13537	No	No
93	Honor Oak & Brockley Club	39-43 Eddystone Road	SE4 2DQ	SEL/13551	No	No
94	Deptford Conservative Club	46 The Broadway	SE8 4PH	SEL/13554	No	No
95	Little Nan's Bar	Arch 14, Deptford Market Yard	SE8 4BX	SEL/13596	No	No
96	Bellingham ex Servicemens & Social Club	Allerford Road	SE6 3DD	SEL/13572	No	No
97	Hither Green Conservative Club	244 Brownhill Road	SE6 1AU	SEL/13573	No	No
98	Hither Green & District Railwaymens SC	19 Beacon Road	SE13 6EQ	SEL/13572	No	No
99	Lower Sydenham Social Club	2 - 10 Laurel Grove	SE26 4JY	SEL/13591	No	No
100	New Studio Club	Old Bromley Road	BR1 4JY	SEL/13594	No	No
101	Villages Brewery Taproom	Units 21-22 Resolution Way	SE8 4NT	SEL/13595	No	No
102	The Albany	Douglas Way	SE8 4AG	N/A	No	No

Appendix 2 – List of All Closed Pubs in Lewisham

Number	Pub_Name	Address	Postcode	CAMRA Ref	ACV	Listed
1	Duke of Edinburgh	81 Malpas Road	SE4 1BN	SEL/11228	No	No
2	Lord Wolseley	76 Upper Brockley Road	SE4 1ST	SEL/11229	No	No
3	Maypole Inn	1 Mantle Road	SE4 2DU	SEL/11230	No	No
4	The Saxon Tavern	Southend Lane	SE6 2DD	No Ref		
5	Green Man	355 Bromley Road	SE6 2RP	SEL/11260	No	No
6	Tiger's Head	350 Bromley Road	SE6 2RP	SEL/11264	No	No
7	The George	1 Rushey Green	SE6 4AS	SEL/11265	No	No
8	Rising Sun	88 Rushey Green	SE6 4HW	SEL/11262	No	No
9	Plough & Harrow	68 Rushey Green	SE6 4JD	SEL/11267	No	No
10	Place House Tavern	18-20 Catford Hill	SE6 4PX	SEL/11261	No	No
11	The Princess of Wales	88 Grove Street	SE8 3AA	SEL/11289	No	No
12	Osborne Arms	14 New King Street	SE8 3HS	SEL/11296	No	No
13	The Navy Arms	60 New King Street	SE8 3JE	SEL/11297	No	No
14	The Windsor Castle	161-163 Deptford High Street	SE8 3NN	SEL/11293	No	No
15	The Noah's Ark	229 Deptford High Street	SE8 3NT	SEL/11286	No	No
16	The Pilot	174 Deptford High Street	SE8 3PR	SEL/11292	No	No
17	Crown and Sceptre	92 Friendly Street	SE8 4DR	SEL/11299	No	No
18	Prince Alfred	44 Albyn Road	SE8 4EF	SEL/11288	No	No
19	The Dover Castle	7 Deptford Broadway	SE8 4PA	No Ref		
20	The Fountain	36 Deptford Broadway	SE8 4PQ	SEL/11279	No	No
21	The Woodman	Bestwood Street	SE8 5AW	SEL/11294	No	No
22	The Mansion House	204 Evelyn Street	SE8 5BZ	SEL/11282	No	No
23	The Rose of Kent	156 Trundley's Road	SE8 5JL	SEL/11291	No	
24	The Mechanic's Arms	124-126 Deptford High Street	SE8 5QL	SEL/11284	No	No
25	The Globe	321 Evelyn Street	SE8 5QX	SEL/11280	No	No
26	John Evelyn	299 Evelyn Street	SE8 5RA	SEL/11303	No	No

Pubs in Lewisham 2017: Policy Review

27	The Grove Park Tavern	21 Marvels Lane	SE12 9PD	No Ref		
28	Merchant Taylors Almshouses	Brandram Road	SE13 5RX	No Ref		
29	The Queen's Arms	63 Courthill Road	SE13 6DW	SEL/11048	No	No
30	Spotted Cow	104 Hither Green Lane	SE13 6QA	SEL/11049	No	No
31	Sir John Morden	62 Campshill Road	SE13 6QT	SEL/11042	No	No
32	Crown and Anchor	43 Brookbank Road	SE13 7BX	SEL/11066	No	No
33	Market Tavern	139-141 Lewisham High Street	SE13 7PY	SEL/11047	No	No
34	The Mid Kent Tavern	4 Junction Approach	SE13 7RY	SEL/11040	No	No
35	The Fox and Hounds	58 Besson Street	SE14 5AS	SEL/11062	No	No
36	Hatcham Arms	92 New Cross Road	SE14 5BA	SEL/11063	No	No
37	The Fox	62 New Cross Road	SE14 5BD	SEL/11057	No	No
38	The Coach and Horses	125 Pomeroy Street	SE14 5BT	No Ref		
39	Duke of Albany	39 Monson Road	SE14 5EQ	SEL/11056	No	No
40	Rising Sun	69 Dennetts Road	SE14 5LF	SEL/11060	No	No
41	Royal Archer	1 Egmont Street	SE14 5QW	SEL/11067	No	No
42	Baron's Arms	23 Oldfield Grove	SE16 2NE	No Ref		
43	The Earl of Beaconsfield	30 Alpine Road	SE16 2RP	SEL/11119	No	No
44	The Woodman	110 Kirkdale Road	SE26 4BG	SEL/11217	No	No
45	Man of Kent	173 Sydenham Road	SE26 5HF	SEL/11218	No	No
46	The Garden Gate	Old Bromley Road	BR1 4JY	SEL/11263	No	No
47	Two Halfs	42 Sydenham Road	SE26 6DW	SEL/10444	No	No
48	Masons Bar	38 Ladywell Road	SE13 7UZ	SEL/10427	No	No
49	Walpole Arms	407 New Cross Road	SE14 6LA	SEL/10428	No	No
50	The Greyhound	313-315 Kirkdale	SE26 4QB	SEL/10443	No	Listed
51	Two Half's	42 Sydenham Road	SE26 4QB	SEL/10444	No	No
52	Woodman	181 Lee High RoadLL	SE13 5PQ	SEL/10648	No	No
53	Dirty South	162 Lee High Road	SE13 5PR	SEL/10650	No	No
54	Hansbury's Free House	117 Courthill Road	SE13 6DW	SEL/10651	No	No
55	Pointers	286 Lewisham High Street	SE13 6JZ	SEL/10654	No	No

Pubs in Lewisham 2017: Policy Review

56	Ravensbourne Arms	323 - 327 Lewisham High Stree	SE13 6JZ	SEL/10656	No	Listed
57	Green Room	377 Lewisham High Stret	SE13 6NZ	SEL/10657	No	No
58	Windmill	125 Kirkdale	SE26 4QJ	SEL/10826	Yes	No
59	Talma	109 Wells Park Road	SE26 6AD	SEL/10834	No	No
60	Malt & Hops	237 Lewisham Way	SE4 1UY	SEL/10859	No	No
61	Lord Palmerston	81 Childers Street	SE8 5JR	SEL/10908	No	No
62	The Harp	2 New King Street	SE8 3HS	SEL/10901	No	Listed
63	Lord Clyde	9 Wooton Road	SE8 5LW	SEL/10909	No	No
64	Horse & Groom	60 Blackheath Hill	SE10 8AD	SEL/10999	No	No
65	Prince Arthur	422 Lee High Road	SE12 8RW	SEL/11037	No	No
66	Duke of Cambridge	32 Lewisham High Street	SE13 7RY	SEL/11038	No	No
67	The Greyhound	39 Lee Church Street	SE13 5SG	SEL/11039	No	No
68	Pitchers Sports Bar	324 Lewisham Road	SE13 5JW	SEL/11043	No	No
69	Yates's Wine Lodge	67-71 Lewisham High Street	SE13 5JX	SEL/11044	No	No
70	Sultan	14 Lee High Road	SE13 5LQ	SEL/11046	No	No
71	Bar Pheonix	24 Rennell Street	SE13 7HD	SEL/11050	No	No
72	Royal Oak	45 Loampit Vale	SE13 7TG	SEL/11051	No	No
73	Angel	11 Loampit Hill	SE13 7TH	SEL/11052	No	No
74	Crown & Anchor	43 New Cross Hill	SE14 5DS	SEL/11054	No	No
75	Dew Drop Inn	72 Clifton Rise	SE14 6JW	SEL/11055	No	No
76	Railway Tavern	263 New Cross Road	SE14 5UQ	SEL/11059	No	No
77	Spanish Steps	74 Woodpecker Road	SE14 6EU	SEL/11061	No	No
78	Moore Park Hotel	110 Wood Vale	SE23 3EB	SEL/11210	No	No
79	Forest Hill Hotel	41 Stanstead Road	SE23 1HG	SEL/11211	No	No
80	Duke	104 Wells Park Road	SE26 6JJ	SEL/11216	No	No
81	Maypole Inn	1 Mantle Road	SE4 2DU	SEL/11230	No	No
82	Golden Dragon	48 St Norbert Road	SE4 2HL	SEL/11231	No	No
83	Bonnies	241 Southend Lane	SE6 4DD	SEL/11258	No	No
84	Dartmouth	77 Laleham Road	SE6 2HU	SEL/11259	No	No

Pubs in Lewisham 2017: Policy Review

85	Crow's Nest	206 Grove Street	SE8 3QR	SEL/11276	No	No
86	Crystal Palace Tavern	105 Tanners Hill	SE8 4QD	SEL/11277	No	No
87	Gosterwood Tavern	111 Gosterwood Street	SE8 5NZ	SEL/11281	No	No
88	Mechanics Arms	126 Deptford High Street	Se8 4NS	SEL/11284	No	No
89	Princess of Wales	88 Grove Street	SE8 3AA	SEL/11289	No	No
90	Victoria	177 Grove Street	SE8 3QQ	SEL/11298	No	No
91	Bar Tudor	41 Deptford Broadway	SE8 4PH	SEL/11301	No	No
92	Deptford Arms	62 Deptford High Street	SE8 4RT	SEL/11302	No	No
93	Beer Rebellion	167 Sydenham Road	SE26 5HB	SEL/13530	No	No
94	Stone Bar	68-70 Honor Oak Park	SE23 1DX	No Ref	No	No
95	Cave Austin	7-9 Montpelier Vale	SE3 0TA	No Ref	No	No
96	Deptford Royal British Legion Social Club	73 - 79 Childers Street	SE8 5JR	SEL/13555	No	No
97	Forest Hill Constitutional Club	35 Sunderland Road	SE23 2PS	SEL/13567	No	No
98	Broadway Restaurant & Bar	1 Deptford Broadway	SE8 4PA	SEL/11300	No	No
99	Perryvale	31 Perry Vale	SE23 2AR	SEL/13522	No	No
100	Bonnie's	28-30 Bromley Hill	BR1 4JX	SEL/13524	No	No
101	Sydeny Arms	122 Lewisham Road	SE13 7NL	SEL/10426	No	No

Appendix 3 – Identified Open to Closed from 2012 Report

Pub_Name	Change of Use	Planning Status - Closure	Comment
Albertine's	Permitted development A4 to A3.	PD - Change of Use	Pub closed (2012) and was converted into café. Currently there is an application at appeal, for a change of use from A3 to A1/A2/A3 use, and 1 two bedroom self-contained flat
Harp	Lawful Development Certificate granted (07/2015) ground and basement floors of the former Harp of Erin Public House, 2-4 New King Street SE8 from Use Class A4 to A2. (DC/16/095865)	PD - Change of Use	
Lord Palmerston	Application submitted (08/2016) for partial demolition of Lord Palmerston Public House - the construction of two additional storeys and five storey rear extension to provide 12 one bedroom self contained flats, together with the retention of existing public house and fascia, formation of communal roof terrace and the provision of bin and cycle stores. (DC/16/097914)	Live Application	Currently waiting for an appeal decision, following Council refusal of the application, (APP/C5690/). The public house will remain on the site, but if the appeal decision is in favour of the applicant, the pub will reduce in size.
The Woodman	Application approved for alterations and the change of use of the upper floors of 181 Lee High Road SE13, together with the construction of a mansard style roof extension, a single storey extension, the formation of a roof terrace at third floor level and a balcony at first floor level to the rear to provide 4, two bedroom self-contained flats. The pub was retained.	Approved - Change of Use	The pub is permanently closed, and is now used as a plumbers merchant.
Dirty South (formerly Hog's Head; Rose of Lee)	No planning history.	No History	The pub is currently closed.

Two 8 Six	Application approved for construction of an extension at first floor level to the rear of 286 Lewisham High Street SE13, to provide a one bedroom self-contained flat, together with the formation of stairs, roof terraces at first floor level, and the installation of fencing and glass balustrade. Granted by appeal (08/2016). DC/15/091781, APP/C56901. The floorspace of the pub was not included within the application.	Approved - Change of Use	The pub is currently closed. Is the residential use likely to restrict the A4 use.
Ravensbourne Arms	Planning permission granted in 2014 for demolition of single storey extensions to the rear and the construction of a replacement single-storey rear extension at Ravensbourne Arms, 323 Lewisham High Street SE13, together with the construction of dormer extensions in the side and rear roof slopes, alterations to the elevations for the conversion of the upper floors to provide 5 one-bedroom and 2 two bedroom self-contained flats. Cycle parking bin storage is also proposed. An approved amendment has been made since. Pub is retained.	Approved - Change of Use	Likely to reopen. Is the residential use likely to restrict the A4 use.
The Walpole	Planning permission granted for the construction of a part 2, part 4, part 5 storey and basement and lower basement building on the site of Nos 403, 405 and 407 New Cross Road, SE14, to provide student housing (87 bedspaces) comprising a mix of self-contained studio flats and cluster flats associated communal facilities with entrance foyer and a bar/restaurant (Class A4) with forecourt seating fronting New Cross Road and associated commercial kitchen at basement level, together with the provision of 6 car parking spaces, 2 motorcycle spaces and 44 cycle parking spaces at lower basement level with access from Pagnell Street and 4 visitor cycle spaces on the New Cross Road forecourt. Public house retained.	Approved - Change of Use	Pub is closed, likely to reopen. Is the residential use likely to restrict the A4 use.
Stone Bar	No planning history.	No History	Permanently closed.

Forest Hill Hotel	<p>Planning permission granted for change of use and alterations to the ground floor level layout at the former Forest Hill Hotel, 41 Stanstead Road SE23 to provide 3 one-bedroom and 1 two-bedroom self-contained flats, including alterations to the land at the rear to enlarge the cycle parking area and to provide a communal amenity space for residents of 41 Stanstead Road as well as private amenity spaces for the new ground floor units. This included a loss of the A4 use.</p>	Approved - Change of Use	Permanently closed.
The Greyhound	<p>Following the demolition of The Greyhound without consent, planning permission was given to rebuild the Greyhound Public House (including the retention of the original front elevation) at 309-315 Kirkdale SE26, to provide a two-storey public house/ restaurant (Use Class A3/A4 with basement, together with a bay element to the western elevation, internal refuse store to the side and associated landscaping works.</p>	Approved - A4	The Greyhound is due to reopen in the latter stages of 2017.
Cave Austin	<p>Application was approved for a Lawful Development Certificate under Class D of Part 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) in respect of the proposed change of use of the ground floor and basement of 49 Montpelier Vale from a shop (Use Class A1) to use as a restaurant (Use Class A3) for a temporary period of two years starting on 1 July 2014.</p> <p>Application for change of use from A1 (Retail/Shops) to A4 (Drinking Establishments) of 49 Montpelier Vale, Ground Floor, and Basement Floor. It was refused at committee.</p>	Temporary Planning Permission Expired	Cave Austin is permanently closed, as a result of temporary permission expiring, and the refusal of change of use to A4 in early 2017.
Hansbury's Free House	<p>Permission for construction of rear and side extensions at basement and ground floor levels to the existing public house at 117 Courthill Road, SE13, in connection with the retention of the existing Class A4 use and the provision of 3 two bedroom self-contained flats, together with the provision of rooflights, associated cycle parking, refuse storage, outdoor amenity space and landscaping. (July 2017) DC/17/101838</p>	Approved - Change of Use	The pub is closed, but retention of A4 use. Potential to reopen in the future.

<p>Lord Clyde</p>	<p>Permission for the change of use of the first and second floor of 9 Wotton Road (The Lord Clyde Public House) from Use Class A4 to Use Class C3 to provide 2, three bedroom self-contained flats, the demolition of the existing two storey rear extension of the public house and the construction of a part two, part three storey extension with basement to provide additional Use Class A4 accommodation at basement level and 1 three bedroom maisonette, 1 one bedroom flat and 3 one bedroom maisonettes at ground, first and second floor levels, together with the provision of terraces at second floor and roof level, a bicycle store and refuse/recycling stores.</p>	<p>Approved - Change of Use</p>	<p>This pub was not picked up in the 2012 Report. Part of the A4 use is retained, but pub remains closed.</p>
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Appendix 4 – Identified Newly Open Premises After 2012

Pub_Name	Address	Postcode	Comment
Lord Northbrook	116 Burnt Ash Road	SE12 8PU	Formerly called The Northbrook, captured in Locally Listed, not captured in the open / closed pubs list in 2012 Report.
Rising Sun	120 Loampit Vale	SE13 7SN	This was not picked up in the 2012 Report, even though existing.
Railway Telegraph	112 Stanstead Road	SE23 1BS	Locally Listed in 2012 Report, not captured in the open / closed pubs list in 2012 Report.
Chandos	56 Brockley Rise	SE23 1LN	This pub was missed in 2012 Report. Refurbished, and reopened in 2016.
Capitol	11-21 London Road	SE23 3TW	Was captured in 2012 Report, as Grade II Listed, but not captured in the open and closed pubs.
The Orchard	5 Harefield Road	SE4 1LW	Was not captured in 2012 Report, even though existing.
The Wickham Arms	69 Upper Brockley Road	SE4 1TF	Was not captured in 2012 Report, even though existing.
Catford Constitutional Club	Catford Broadway	SE6 4SP	Conservative Club that closed in 1996, and reopened in November 2013.
Job Centre	120 Deptford High Street	SE8 4NS	Opened in June 2014.
Brockley Brewery	31 Harcourt Road	SE4 2AJ	Local brewery with licensed bar, opened in 2013.
Aces Bar	88 Verdant Lane	SE6 1LF	Former convenience store, opened as a bar in 2013.
Buster Mantis	3-4 Resolution Way	SE8 4NT	Jamaican bar, cafe and creative space. Opened in January 2016.
Out of the Brew	306 New Cross Road	SE14 6AF	Formerly Café Crema - Opened in 2016.
Honor Oak & Brockley Club	39-43 Eddystone Road	SE4 2DQ	Was not captured in 2012 Report, even though existing.
Deptford Conservative Club	46 The Broadway	SE8 4PH	Was not captured in 2012 Report, even though existing.
Little Nan's Bar	Arch 14, Deptford Market Yard	SE8 4BX	Opened in 2013.
Bellingham ex Servicemens & Social Club	Allerford Road	SE6 3DD	Was not captured in 2012 Report, even though existing.
Hither Green Conservative Club	244 Brownhill Road	SE6 1AU	Was not captured in 2012 Report, even though existing.

Hither Green & District Railwaymens SC	19 Beacon Road	SE13 6EQ	Was not captured in 2012 Report, even though existing.
Lower Sydenham Social Club	2 - 10 Laurel Grove	SE26 4JY	Was not captured in 2012 Report, even though existing.
New Studio Club	Old Bromley Road	BR1 4JY	Was the Garden Gate in 2012 Report, which was identified as being closed. Now reopened as New Studio Club
Villages Brewery Taproom	Units 21-22 Resolution Way	SE8 4NT	Opened in late 2016.
The Albany	Douglas Way	SE8 4AG	Was not captured in 2012 Report, even though existing.
Baring Hall Hotel	368 Baring Road	SE12 0DU	Reopened December 2013.
The Talbot	2-4 Tyrwhitt Road	SE4 1QG	Reopened.

Appendix 5 –Additional Closed Pubs Pre-2012 not Picked up in 2012 Report

Pub_Name	Address	Postcode	Comment
Masons Bar	38 Ladywell Road	SE13 7UZ	formerly Freemasons' Arms; Freemasons' Railway Hotel; Freemasons' Tavern. Now Café.
Two Half's	42 Sydenham Road	SE26 4QB	No information can be found.
Green Room	377 Lewisham High Stret	SE13 6NZ	Free, closed and to let by January 2013. Formerly TEMPLE BAR, originally SHILLELAGHS BAR
Windmill	125 Kirkdale	SE26 4QJ	This pub is currently closed. ACV designation being contested by the owner. Freehold for sale from AG&G. (2015)
Talma	109 Wells Park Road	SE26 6AD	Two applications have been refused, 2014, & 2017, for change of use of A4 to residential. This pub is currently closed. Freehold for sale Sept 2014.
Horse & Groom	60 Blackheath Hill	SE10 8AD	Pub was not picked up in the 2012 Report. Pub was demolished.
Prince Arthur	422 Lee High Road	SE12 8RW	This pub is permanently closed. Driscolls Decorating Shop in 2014 replacing clothes shop.
Duke of Cambridge	32 Lewisham High Street	SE13 7RY	This pub is permanently closed. DLR extension.
The Greyhound	39 Lee Church Street	SE13 5SG	Pub was not picked up in the 2012 Report. Change of use in 2001 to B1.
Pitchers Sports Bar	324 Lewisham Road	SE13 5JW	Formerly The Plough, this pub / bar is permanently closed.
Yates's Wine Lodge	67-71 Lewisham High Street	SE13 5JX	Permenanetly Closed. Application received intending change of use of - B1 and A3.
Sultan	14 Lee High Road	SE13 5LQ	This pub is permanently closed. Now the site of a "Nando's" chicken restaurant. It was captured in the proposed loss list but not the closed list.
Bar Pheonix	24 Rennell Street	SE13 7HD	Formerly Roebuck;Old Roebuck Hotel - this pub is closed permanently.

Royal Oak	45 Loampit Vale	SE13 7TG	This pub is permanently closed. Not picked up in closed list of 2012 Report. But picked up in proposed development of losses.
Angel	11 Loampit Hill	SE13 7TH	This pub is permanently closed - converted to residential. Not picked up in closed list of 2012 Report. But picked up in proposed development of losses.
Crown & Anchor	43 New Cross Hill	SE14 5DS	This pub is closed, now a Hong Kong City Restaurant.
Dew Drop Inn	72 Clifton Rise	SE14 6JW	This pub is permanently closed.
Railway Tavern	263 New Cross Road	SE14 5UQ	This pub is permanently closed.
Spanish Steps	74 Woodpecker Road	SE14 6EU	formerly Phoenix; Lord Derby; Earl of Derby, this pub is currently closed. Closed 2008 or earlier. Pre-App submitted wants to change use of the premises to guest house accommodation and offices. A4 to B1 and C1. Pre/17/102283.
Moore Park Hotel	110 Wood Vale	SE23 3EB	This pub is permanently closed.
Duke	104 Wells Park Road	SE26 6JJ	This pub is permanently closed - converted to residential. Not picked up in closed list of 2012 Report. But picked up in proposed development of losses.
Maypole Inn	1 Mantle Road	SE4 2DU	This pub is permanently closed - converted to residential. Not picked up in closed list of 2012 Report. But picked up in proposed development of losses. Formerly the Maypole Inn.
Golden Dragon	48 St Norbert Road	SE4 2HL	Became Principles Jazz Bar, but is now permanently closed. Demolished to residential and ground floor retail.
Bonnies	241 Southend Lane	SE6 4DD	This pub is permanently closed. Now Lidl on site.
Dartmouth	77 Laleham Road	SE6 2HU	This pub is permanently closed - converted flats.
Crow's Nest	206 Grove Street	SE8 3QR	This pub has now been demolished.
Crystal Palace Tavern	105 Tanners Hill	SE8 4QD	The Crystal Palace Tavern was situated at 105-107 Tanners Hill. This pub has now been demolished.
Gosterwood Tavern	111 Gosterwood Street	SE8 5NZ	This pub is permanently closed.

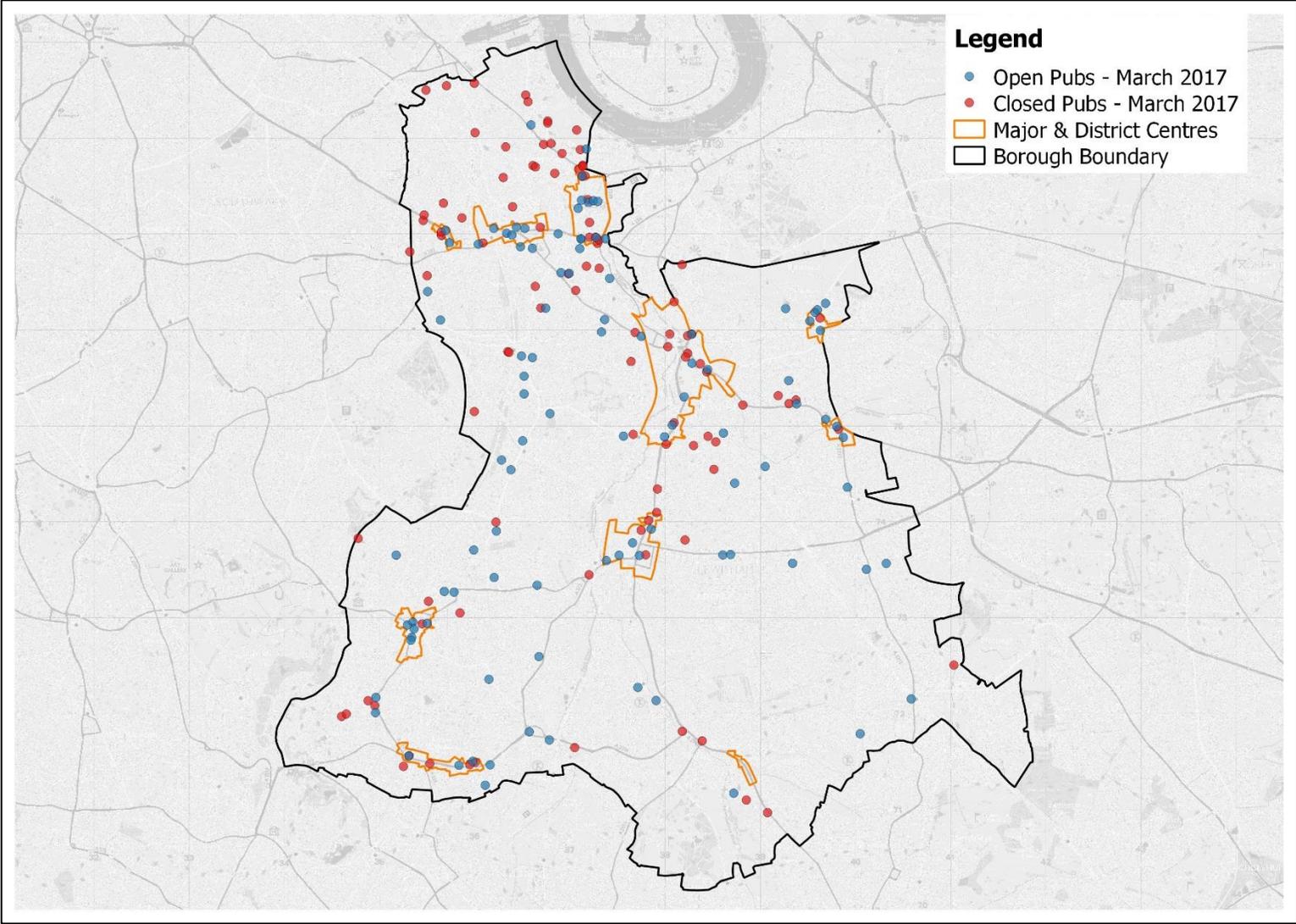
Mechanics Arms	126 Deptford High Street	Se8 4NS	The Mechanics Arms was situated at 126 Deptford High Street. This pub is now used as a restaurant.
Princess of Wales	88 Grove Street	SE8 3AA	This pub is permanently closed. Now residential.
Victoria	177 Grove Street	SE8 3QQ	The refurbishment of the Victoria Pub, 177 Grove Street SE8 including external alterations to facilitate the temporary change of use of the building for use classes A3 (café/restaurant), B1 (Business) and D1 (training) along with the temporary siting of a portable building as an extension to the building. This building could potentially come back into A4 use.
Bar Tudor	41 Deptford Broadway	SE8 4PH	This pub is currently closed. Now a Vietnamese restaurant called "Le Gia".
Deptford Arms	62 Deptford High Street	SE8 4RT	This pub is permanently closed. Paddy Power.
Beer Rebellion	167 Sydenham Road	SE26 5HB	Opened October 2015. Closed in early 2017.
Deptford Royal British Legion Social Club	73 - 79 Childers Street	SE8 5JR	This pub is permanently closed. Closed by 2010 and demolished 2011, replaced by flats. Not picked up in 2012 Report.
Forest Hill Constitutional Club	35 Sunderland Road	SE23 2PS	This pub is permanently closed. Club closed 2005 and was unlawfully used as a church for a while. The basement/former bar is now used as a nursery whilst upstairs is now flats.
Broadway Restaurant & Bar	1 Deptford Broadway	SE8 4PA	Closed and replaced with Nigerian and Carribbean, Bar and Restaurant. A3 Use.
Perryvale	31 Perry Vale	SE23 2AR	Now bar and restaurant, more of an A3 use.
Bonnie's	28-30 Bromley Hill	BR1 4JX	Permenanetly Closed.

Appendix 6 – Conversion of Closed A4 to A3

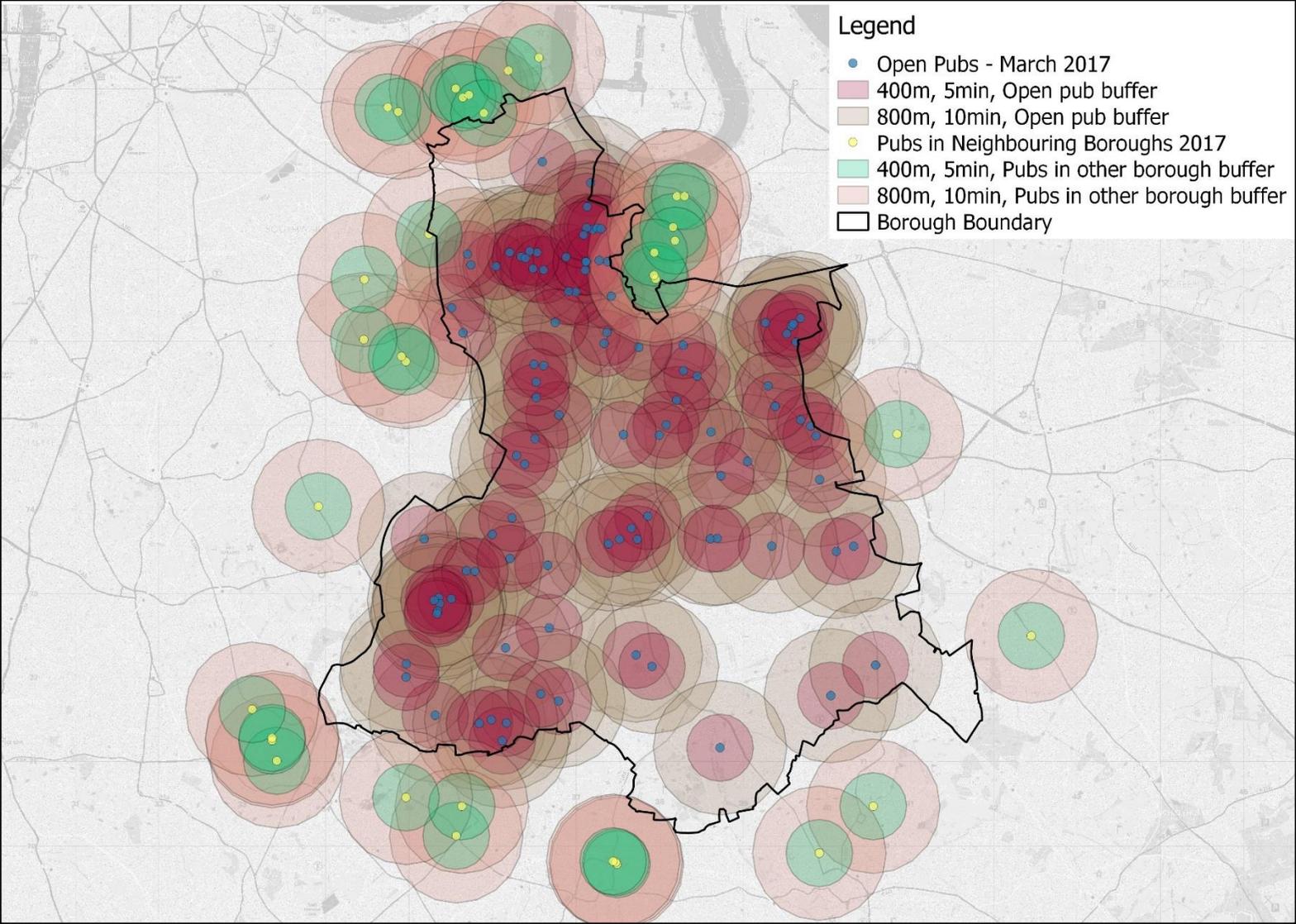
Pub_Name	Address	Postcode	Comment
Broadway Restaurant & Bar	1 Deptford Broadway	SE8 4PA	Closed and replaced with Nigerian and Carribbean, Bar and Restaurant. A3 Use.
Perryvale	31 Perry Vale	SE23 2AR	Now bar and restaurant, more of an A3 use.
Bar Tudor	41 Deptford Broadway	SE8 4PH	This pub is currently closed. Now a Vietnamese restaurant called "Le Gia".
Victoria	177 Grove Street	SE8 3QQ	The refurbishment of the Victoria Pub, 177 Grove Street SE8 including external alterations to facilitate the temporary change of use of the building for use classes A3 (café/restaurant), B1 (Business) and D1 (training) along with the temporary siting of a portable building as an extension to the building. This building could potentially come back into A4 use.
Yates's Wine Lodge	67-71 Lewisham High Street	SE13 5JX	Permenanetly Closed. Application received intending change of use of - B1 and A3.
Sultan	14 Lee High Road	SE13 5LQ	This pub is permanently closed. Now the site of a "Nando's" chicken restaurant. It was captured in the proposed loss list but not the closed list.
Crown & Anchor	43 New Cross Hill	SE14 5DS	This pub is closed, now a Hong Kong City Restaurant.
Mechanics Arms	126 Deptford High Street	Se8 4NS	The Mechanics Arms was situated at 126 Deptford High Street. This pub is now used as a restaurant.
Victoria	177 Grove Street	SE8 3QQ	The refurbishment of the Victoria Pub, 177 Grove Street SE8 including external alterations to facilitate the temporary change of use of the building for use classes A3 (café/restaurant), B1 (Business) and D1 (training) along with the temporary siting of a portable building as an extension to the building. This building could potentially come back into A4 use.
Green Man	355 Bromley Road	SE6 2RP	Is now a community café, training kitchen, credit union branch and office space for Phoenix Community Housing
The Fountain	36 Deptford Broadway	SE8 4PQ	Now a chinese Resturant called X'ian
The Garden Gate	Old Bromley Road	BR1 4JY	Now a McDonald's driveway (A5) and restaurant (A3)

Masons Bar	38 Ladywell Road	SE13 7UZ	formerly Freemasons' Arms; Freemasons' Railway Hotel; Freemasons' Tavern..Now called 'Masons Bar and restaurant'
Pointers	286 Lewisham High Street	SE13 6JZ	Now a bar, resturant and nightclub called 'Bar Nuvo'.
Green Room	377 Lewisham High Stret	Se13 6NZ	Now a burger restaurant called 'Big fat Gourmet'
Stone Bar	68-70 Honor Oak Park	SE23 1DX	Now a mediterranean Restaurant and Bar called Hattush
Cave Austin	7-9 Montpelier Vale	SE3 0TA	Now a wine bar called 'Morderns Win Bar'

Appendix 7 – Open and Closed Pubs in Lewisham (Map)



Appendix 8 – Walking Distance Buffers to Pubs in Lewisham (400m & 800m) (Map)



Appendix 9 – A4 Gains in Lewisham since 2001

Date (Ref)	Address	Proposal
2007 (06/62756)	325-327 New Cross Road	<ul style="list-style-type: none"> • Change of use from A1 to A4 • 375m2 • Lapsed
2007 (07/64478)	1 – 3 Brockley Rise	<ul style="list-style-type: none"> • Change of use • 340m2
2009 (06/62375)	Lewisham Gateway site, Lewisham High Street, SE13	<ul style="list-style-type: none"> • New development • Up to 4,000m2 A2, A3 and A4 floorspace provision
2009 (08/68448)	112-114 New Cross Road, 51-119 Briant Street, 1-21 Wynne House, 1-12 Bower House Besson Street, 58-60 Besson Street	<ul style="list-style-type: none"> • New development • 361m2 A1-A4+D1 floorspace • Lapsed
2010 (10/5060)	278-280 Kirdale, SE26 4RS	<ul style="list-style-type: none"> • Demolition • 263m2 A4 floorspace
2012 (11/76357)	Surrey Triangle Canal, SE14	<ul style="list-style-type: none"> • New Development • 3,000m2 A3 / A4 floorspace
2013 (12/82187)	391 Brockley Road, SE4	<ul style="list-style-type: none"> • Change of use A1 to A4 • 84m2
2013 (13/82472)	120-122 Deptford High Street	<ul style="list-style-type: none"> • Change of use from D1 and B1 to A4 • 333m2
2015 (15/91351)	Unit 3 – 4 Resolution Way. SE8 4NT	<ul style="list-style-type: none"> • Change of use to A3 / A4 • 84m2
2015 (15/92295)	Oxstalls Road, SE8	<ul style="list-style-type: none"> • New development • 5692m2 non residential floorspace A1-A5, B1, D1 and D2)
2015 (92989)	167 Sydenham Road	<ul style="list-style-type: none"> • Change of use from A1 to A4 • 80m2

Appendix 10 – A4 Losses in Lewisham since 2001

Date (Ref)	Name of pub / Address	Proposal
2001 (01/48403)	The Centurion, 1 Deptford Broadway SE8 4PA	<ul style="list-style-type: none"> • Change of use; C3 on upper floors, A3 on ground floor • 120m2 A4 floorspace lost
2002 (01/50275)	The Sultan, 14 Lee High Road, SE13 5LQ	<ul style="list-style-type: none"> • Demolition of pub • C3 on upper floors, A3 on ground floor • 400m2 floorspace lost
2002 (02/51204)	Former Coach House 76 Upper Brockley Road SE4 1ST	<ul style="list-style-type: none"> • Demolition of pub • Provide 2 semi-detached houses • 86m2 A4 floorspace lost
2002 (02/51836)	The Angel Public House, 11 Loampit Hill, SE13 7TH	<ul style="list-style-type: none"> • Demolition of pub (300 m²) • Provide 3 one bedroom and 6 two bedroom flats • 300m2 A4 floorspace lost
2003 (02/52495)	The Earl Of Beaconfield Public House, 66 Reculver Road SE6	<ul style="list-style-type: none"> • Demolition of pub • Provide 6 one bedroom & 2 two bedroom flats • 600m2 of A4 floorspace lost • Lapsed
2003 (03/52981)	Dew Drop Inn, 72 Clifton Rise, SE14 6JW	<ul style="list-style-type: none"> • Alteration & conversion of pub(• Provide 2 maisonettes and 6 flats • 140m2 A4 floorspace lost
2003 (03/53035)	The Royal Oak Public House 45 Loampit Vale, SE13 7TF	<ul style="list-style-type: none"> • Change of use of pub to gallery/public exhibition/ meeting space (D1 use)and offices (B1 use) • 265m2 A4 floorspace lost • Lapsed
2003 (03/54193)	The Cranbrook, 65 Cranbrook Road, SE8 4EJ	<ul style="list-style-type: none"> • Change of use of pub's 1st floor function room • Provide a 3 bedroom flat • 110m2 A4 floorspace lost • Lapsed

2007 (06/62027)	Maypole Inn, 1 Mantle Road, SE4 2DU	<ul style="list-style-type: none"> • Demolition of pub • 7 one bedroom, 3 two bedroom and 1 studio • 200m2 A4 floorspace lost • Lapsed
2007 2007 (06/64813)	Duke of Albany Public House, 39 Monson Road, SE14 5EQ	<ul style="list-style-type: none"> • Alteration, conversion and partial demolition of pub • Provide 1 one bedroom, 3 two bedroom flats and 3 two bedroom maisonettes • 597m2 A4 floorspace lost
2007 (07/64838)	The Duke Public House, 104 Wells Park Road, SE26 6JJ	<ul style="list-style-type: none"> • Demolition of pub • Provide 7 two bedroom, 1 three bedroom flats and 1 two bedroom maisonette • 139m2 A4 floorspace lost
2007 (07/65150)	Place House Tavern, 18-20 Catford Hill, SE6 4PX	<ul style="list-style-type: none"> • Change of use of alteration of pub • Provide a commercial unit (Use Classes A1/A2/B1) and 6 one bedroom, 2 two bedroom and 1 studio • 410m2 A4 floorspace lost
2007 (07/65433)	Crown & Anchor Public House, 43 Brookbank Road	<ul style="list-style-type: none"> • Conversion & alteration of pub • Provide 5 two bedroom and 2 three bedroom flats • 200m2 A4 floorspace lost • Lapsed
2007 (07/65647)	Royal Archer Public House, 1 Egmont Street	<ul style="list-style-type: none"> • Change of use and alteration of pub • Provide 2 one bedroom and 2 two bedroom flats and 3 two bedroom maisonettes • 350m2 A4 floorspace lost
2008 (07/66212)	Duke Of Edinburgh Public House, 81 Malpas Road, SE4 1BN	<ul style="list-style-type: none"> • Change of use and alteration of pub • Provide 10 one bedroom and 1 two bedroom flats • 318m2 A4 floorspace lost
2008 (07/66814)	The Rutland Arms Public House, 55 Perry Hill, SE6 4LF	<ul style="list-style-type: none"> • Alteration and conversion of pub • Partial retention of A4 use • one bedroom and 5 two bedroom flats and 1 one bedroom dwelling house

		<ul style="list-style-type: none"> • 1,130m2 A4 floorspace lost
2008 (07/67721)	The Queen's Arms Public House, 63 Courthill Road, SE13 6DW	<ul style="list-style-type: none"> • Change of use and alteration of pub • Provide 1 two bedroom maisonette, 1 one bedroom, 2 two bedroom and 1 studio • 150m2 A4 floorspace lost
2008 (08/68380)	Crown and Sceptre Public House 92 Friendly Street, SE8 4DR	<ul style="list-style-type: none"> • Change of use and alteration of the pub • Provide 4, two bedroom flats and 1 three bedroom maisonette • 447m2 A4 floorspace lost
2008 (08/68434)	The Crown, 49, Tranquil Vale, SE3 0BS	<ul style="list-style-type: none"> • Conversion of the existing storage building (100 m²) • Provide a two bedroom mews house • 100m2 A4 floorspace lost • Lapsed
2008 (08/68486)	Sir John Morden Public House, 62 Campshill Road, SE13 6QT	<ul style="list-style-type: none"> • Change of use and alteration of pub • Provide 1 two bedroom maisonette • 120m2 floorspace lost • Lapsed
2008 (08/69386)	Lewisham Trades Club, 170-172 Hither Green Lane, SE13 6QA	<ul style="list-style-type: none"> • The alteration and conversion of pub • Provide 9 one bedroom flats • 160m2 A4 floorspace lost
2009 (08/70394)	6 Lanier Road, SE13 6HU	<ul style="list-style-type: none"> • Alteration and conversion of pub • Provide 6 one bedroom flats • 160m2 A4 floorspace lost • Lapsed
2009 (09/72239)	The Talbot Public House, Tyrwhitt Road, SE14 1QG	<ul style="list-style-type: none"> • The alteration, conversion and change of use of pub • Provide a three bedroom house • 111m2 A4 floorspace lost
2009 (09/72580)	The Navy Arms, New King Street, SE8 3JE	<ul style="list-style-type: none"> • Change of use and conversion of pub • Provide a contained flat and home office • 82m2 A4 floorspace lost

2009 (09/72635)	The George Public House, Rushey Green, SE6 4AS	<ul style="list-style-type: none"> • Demolition of pub • Provide a commercial unit at ground floor level for A1/A2/A3 use class purposes and 33 residential units • 943m² A4 floorspace lost
2010 (09/72790)	Site of Greyhound Public House, 309 Kirkdale, SE26 4QB	<ul style="list-style-type: none"> • Partial demolition of pub (1,061 m²) • Create 286 m² A3/A4 unit • 40 residential units with commercial uses (Class A1, A3 and A4) • 1,061m² A4 floorspace lost
2010 (09/72980)	Site of Tiger Head Public House, 350-352 Bromley Road, SE6 2RP	<ul style="list-style-type: none"> • Demolition of pub • Provide 36 residential units • 1,127m² A4 floorspace lost
2011 (10/73624)	Spotted Cow Public House, 104 Hither Green Lane, SE13 6QA	<ul style="list-style-type: none"> • Demolition of pub • Provide 18 residential units • 120m² A4 floorspace lost
2010 (10/74455)	Rising Sun Public House, 88 Rushey Green, SE6 4HW	<ul style="list-style-type: none"> • Demolition of pub (500 m²) • Provide 24 residential units & 540 m² of A1 floorspace • 500m² A4 floorspace lost
2010 (10/75469)	Forest Hill Hotel, 41 Stanstead Road, SE23 1HG	<ul style="list-style-type: none"> • Alteration and conversion of pub • Provide 2 two-bedroom and 6 one-bedroom flats • 263m² A4 floorspace lost
2011 (10/75723)	Former Maypole Public House, 1 Mantle Road, SE4 2DU	<ul style="list-style-type: none"> • Demolished of pub • Provide a commercial unit (A1) and 9 residential units • 200m² A4 floorspace lost
2011 (11/6437)	93-95 Rushey Green, SE6 4AF	<ul style="list-style-type: none"> • Demolition of the pub • 9 flats on the upper floors and • 2 A1/A2 units on the ground floor (247m²) • 240m² A4 floorspace lost
2012 (11/77424)	Rear of the Sydney Arms 122, Lewisham Road, SE13 7NL	<ul style="list-style-type: none"> • Demolition on the building to the rear of The Sydney Arms

		<ul style="list-style-type: none"> • Provide 7 flats • 90m2 A4 floorspace lost
2012 (11/77798)	Former Green Man Public House, 355 Bromley Road, SE6 2RP	<ul style="list-style-type: none"> • Demolition of the pub • Construction of 2 storey building D1 /A3 community hub and B1 office space • 2,175m2 of A4 floorspace lost
2015 (13/83998)	The Sydney Arms, 122 Lewisham Road	<ul style="list-style-type: none"> • Change of use of the pub • Provision of 4 flats • 180m2 floorspace lost
2013 (13/83489)	Land to the rear of 32 3 Lewisham High Street	<ul style="list-style-type: none"> • Demolition of outhouse buildings on land rear of pub • Provision of 2 dwelling houses • 215m2 A4 floorspace lost
2015 (15/90721)	The former Walpole Arms, 407 New Cross Road, SE14 6LA	<ul style="list-style-type: none"> • Pub already demolished under 08/70131 • The provision of 87 bedspace student accommodation • The provision of bar restaurant on ground floor • 672m2 A4 floorspace lost
2015 (15/90741)	Catford Tavern Station Approach, SE6 4RE	<ul style="list-style-type: none"> • Change of use of upper floor to C3 • Retention of pub at ground floor • 150m2 A4 floorspace lost
2015 (15/091454)	The Lord Clyde Public House, 9 Wooton Road, SE8 5TQ	<ul style="list-style-type: none"> • Demolition, alteration and change of use of pub • Provision of 7 flats • 382m2 floor space lost
2015 (15/094939)	Yates Wine Lodge, 65 Lewisham High Street, SE13 5JX	<ul style="list-style-type: none"> • Conversion of pub, construction of additional floors and external alterations • Provision of 20 residential units • 382m2 floor space lost
2015 (15/099977)	The Alfred, 178 Sydenham Road, Sydenham SE26 5RP	<ul style="list-style-type: none"> • Extension and change of use of second floor to C3 • Provision of 7 units • 77ms floor space lost



QUESTIONS FOR EVIDENCE SESSION

Background

In 2012 Lewisham Council's Sustainable Development Committee produced a report "Preserving Local Pubs" (attached) which resulted in important changes to Lewisham Council's planning rules and played an important role in helping to preserve some pubs which thrive today but remain under threat.

Land values in London mean that developers are finding various ways around planning law to either demolish, convert, partially convert or build around pubs to their detriment and which can lead to their loss. Since 2012 as a result, Lewisham pubs have been lost with many more remaining under threat.

Evidence for policy development needed

In order to ensure policy is effective and to tackle this existential threat to our public houses, the Sustainable Development Scrutiny Committee is holding a single evidence session on December 12th inviting oral and written evidence. The aim is to provide evidence of how and where pubs are vulnerable and what changes can be made to local, regional and national planning laws to protect pubs from loss and development.

The committee would be most grateful if you could answer the following questions which will be submitted as evidence to the inquiry.

Please complete and return to Timothy Andrew timothy.andrew@lewisham.gov.uk by Monday 3rd December.

1. Is it more sustainable in the long-term for a public house to retain the whole of its assets e.g. beer garden, car park, upstairs rooms for staff accommodation, bed and breakfast or function rooms?
2. What changes to planning regulations do you believe could be made in order to prevent the loss or partial loss of pubs?
3. Do you believe it is possible to run a profitable pub business in London and why?
4. What can the Council do to make running a public house easier e.g. licensing rules, waste collection, publicity etc?
5. What are the contractual elements (e.g. pub-tie etc.) of being a pub tenant licensee that affect the success or otherwise of a public house?

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Sustainable Development Select Committee		
Title	Item for pre-decision scrutiny	
Contributor	Scrutiny Manager	Item 5
Class	Part 1 (open)	12 December 2018

1. Purpose

1.1 To advise the Committee about an item for pre-decision scrutiny.

2. Recommendations

2.1 The Committee is recommended to consider the item on the Community Infrastructure Levy neighbourhood CIL strategy (NCIL strategy) and refer its views to Mayor and Cabinet.

3. Pre-decision scrutiny

3.1 An item regarding the Community Infrastructure Levy neighbourhood CIL strategy (NCIL strategy) has been referred to the Committee in advance of a decision by Mayor and Cabinet. The report was originally on the agenda for Mayor and Cabinet on 21 November 2018.

3.2 The Committee should consider the report and direct questions to officers in attendance at the meeting on 12 December 2018. The Committee may then wish to refer its views to Mayor and Cabinet.

4. Further implications

4.1 There are no financial, legal or equalities implications arising from the implementation of the recommendation in this report. Implications arising from the Community Infrastructure Levy neighbourhood CIL strategy are set out in the report.

Background documents

Community Infrastructure Levy neighbourhood CIL strategy (NCIL strategy) report – originally due to be considered by Mayor and Cabinet at its meeting on 21 November 2018.

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Mayor & Cabinet		
Report Title	Community Infrastructure Levy neighbourhood CIL strategy (NCIL strategy)	
Key Decision	Yes	Item No.
Ward	All	
Contributors	Executive Director Resource and Regeneration	
Class	Part 1	Date: 21 November 2018

1. Summary

- 1.1 The Community Infrastructure Levy (CIL) is a levy that local authorities can choose to charge on new development in their area, enacted through the Community Infrastructure Levy Regulations 2010 (as amended) ('the Regs').
- 1.2 The Council adopted its current CIL charging schedule in 2015, and has so far collected each financial year:
 - 2016/17: £4,487,774.86
 - 2015/16: £1,440,463.66
 - 2017/18: £3,359,091.04
- 1.3 R59F of the Regs enables the Council to set aside at least 15% of CIL receipts to spend on priorities that should be agreed with the local community in areas where development is taking place (rising to 25% in areas where a neighbourhood plan has been adopted).
- 1.4 Details of how priorities should be identified and CIL spent are not outlined in the CIL Regs, however planning practice guidance ('the PPG') has been published which accompanies the Regs and provides further guidance on the Government's expectations.
- 1.5 This report provides the Mayor and Cabinet with recommendations on how the neighbourhood CIL ('NCIL') process is proposed to function in Lewisham. In line with the Regs and the PPG it is proposed that the Council uses the structures, processes and capacities that exist within the current local assemblies and Member structure, with a process for identifying local priorities with communities that occurs every four years, a project bank of suitable projects identified every two years, with allocations to individual projects occurring on an annual basis.
- 1.6 In addition it is proposed that the distribution of NCIL funds is based on ward boundaries; with a portion of receipts retained in each ward where they were generated, a portion redistributed across wards, and a portion set

aside for projects across the whole boroughs. It is proposed that the Council allocate 25% of CIL receipts towards the NCIL process regardless of the adoption or not, of a neighbourhood plan.

2. Purpose

- 2.1 To provide the Mayor and Cabinet with the information needed to approve the NCIL process, and to begin the proposed NCIL process across all wards.

3. Recommendations

- 3.1 The Mayor is recommended to:

1. To the extent that it is an executive function approve the proposed NCIL Strategy and recommend that the Full Council do the same.
2. To the extent that it is an executive function approve the allocation of 25% of CIL to the NCIL process and recommend that the Full Council do the same.
3. To authorise Acting Chief Executive Officer, to direct officers to develop guidance, a set of criteria, and governance process to support the implementation of the NCIL Strategy.
4. Authorise the Acting Chief Executive Officer to allocate NCIL amounts to projects up to a maximum amount of £500,000 with approval through Regeneration and Capital Delivery Board.

4. Policy context

- 4.1 The contents of this report are consistent with the Council's policy framework.
- 4.2 The NCIL strategy will contribute to the implementation of the Council's ten corporate priorities and will also play an important role in the implementation of the Sustainable Community Strategy ('SCS') (2008-2020) vision 'Together we will make Lewisham the best place to live, work and learn'.
- 4.3 The NCIL strategy will provide funding and a system to help support the implementation of the SCS vision 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 NCIL strategy will also contribute to the implementation of the Council's Corporate Priorities including:

- Community leadership and empowerment – developing opportunities for the active participation and engagement of people in the life of the community;
- Young people's achievement and involvement – raising educational attainment and improving facilities for young people through partnership working;
- Clean, green and liveable – improving environmental management, the cleanliness and care for roads and pavements and promoting a sustainable environment
- Safety, security and a viable presence – partnership working with the police and others and using the Council's power to combat anti-social behaviour
- Strengthening the local economy – gaining resources to regenerate key localities strengthen employment skills and promote public transport
- Decent homes for all – investment in social and affordable housing to achieve the decent homes standard, tackle homelessness and supply key worker housing
- Protection of children – better safeguarding and joined up services for children at risk
- Caring for adults and older people – working with health services to support older people and adults in need of care
- Active, healthy citizens – leisure, sporting, learning and creative activities for everyone

5. Background

- 5.1 CIL is a levy that local authorities can choose to charge on new development in their area. Local authorities must spend the levy on infrastructure needed to support the development of their area, which can include a wide range of infrastructure such as schools, hospitals, roads, open space, and leisure facilities.

CIL Regulation (2010)(as amended)

- 5.2 R59 of the Regs restricts CIL spending to "*funding the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area*". S216 of the Town and Country Planning Act 1990 identifies 'infrastructure' by way of broad categories, which as amended excludes affordable housing. The PPG clarifies that

whilst CIL can fund increases to the capacity of existing infrastructure or to repair failing existing infrastructure if that is necessary to support development, it is primarily intended to fund new infrastructure and not to remedy pre-existing deficiencies.

- 5.3 R123 of the Regs provides that a planning obligation may not constitute a reason for granting planning permission for the development to the extent that the obligation provides for the funding or provision of relevant infrastructure. 'Relevant infrastructure' means "a list of infrastructure projects or types of infrastructure that it intends will be, or may be, wholly or partly funded by CIL", or in the case of an absence of such a list, any infrastructure. The Council has a published R123 list, which can be updated at any time. R123 and para 56 of the NPPF also outline limits to the wider use of planning obligations and spending.
- 5.4 R59F of the Regs enables the Council to allocate a portion of CIL receipts to be spent on local priorities, with spending of this portion subject to a wider definition of "the provision, improvement, replacement, operation or maintenance of infrastructure; or anything else that is concerned with addressing the demands that development places on an area". Following the Regs and PPG, the Council will engage with communities on spending:
- Setting out clearly and transparently an approach to engaging with neighbourhoods using their regular communication tools
 - Using existing community consultation and engagement processes
 - Be proportionate to the level of levy receipts and the scale of the proposed development to which the neighbourhood funding relates
 - Ensure that the use of neighbourhood funds should match priorities expressed by local communities, including priorities set out formally in neighbourhood plans
- 5.5 The neighbourhood portion is set at 15% (capped at £100/council tax dwelling in the area), increasing to 25% (uncapped) where a neighbourhood plan has been adopted (the increase only applies to developments granted after adoption of the relevant plan). The Council is able to allocate greater amounts, however these would not benefit from the wider definition for spending.

Principles Presented to Sustainable Development Select Committee (2016)

- 5.6 Initial recommendations regarding NCIL were made to SDSC in November 2016. The report and minutes of this meeting are in Appendix A. In summary, the following principles were presented:
- To use existing structures and processes, rather than introduce new decision making processes
 - Neighbourhood for CIL purposes to be defined as wards
 - Process guided by ward assemblies and identified local priorities (and neighbourhood plan if relevant)
 - Where neighbourhood plans exist, forum representatives to participate in the ward assembly

- Process to explore joined up allocation across wards, where agreed by stakeholders
- Process to explore distribution from areas with high levels of funding to those with less
- Look to publish easy to understand decision making and funding process with available CIL amounts to ensure transparency
- Look at improved usage of the Council's website
- Expectation of community and Member involvement in developing local infrastructure priorities
- Explore opportunities to develop schemes more holistically around local priorities
- Explore annually 'project bank' process as means to ensure genuine engagement
- Project bank subject to set criteria; meet legal limitations for CIL spend, Member engagement
- Explore opportunities to incorporate elements of participatory budgeting; community propose schemes and make decisions on what to fund
- Short list put forward for public consultation via the ward assemblies
- Short list published on Council's website; updated if and when funding becomes available
- Need to manage expectations about what is achievable with limited NCIL funding
- Need to increase transparency to enable communities to understand prioritisation and delivery, potentially for communities to assist with making proposals more viable/deliverable
- Further consideration of additional dedicated resource needed to implement NCIL processes
- Pilot proposed in Evelyn ward

Spending of Ward Assembly Funds

- 5.7 Each ward assembly currently has a set of priorities/action plan (updated annually) which is identified by residents, community groups and local businesses. Priorities are developed for the purpose of the ward assembly fund (£12,500), and projects must address these priorities to receive funding. An additional fund (£2,500) known as the council discretionary fund is available for other projects that benefit or enhance the local community, managed by the ward Members (some ward Members decide to combine the two funds). All assemblies have their priorities published on their ward assembly webpage, and many assemblies publish further information on local surveys, charters and plan priorities.
- 5.8 The process is broadly as follows:
- Assemblies review and update their action plans, highlighting what areas they want to focus on in the coming year, with possible projects/ideas
 - The coordinating group reviews the action plan, determining how actions can be delivered, and identify projects that best fit the funding for the year
 - Projects developed further, with the support of Council officers, to include costs, delivery, timescales etc.

- Coordinating group present project ideas back to assembly who agree what to fund
 - Projects are then refined and finalised (including who will deliver projects) by the coordinating group and Council officers, and submitted for formal approval
- 5.9 The annual process is completed by December, allowing allocations within the financial year. Prior to allocating funds, projects must complete a Project Proposal Form. This includes details on: the project, the priorities it meets, the activities proposed, impact on the ward, programme and key dates, location, proposals for joint working, identification of key risks and how to minimise their impact, proposed evaluation methods and success factors, and, detailed budget and funding spreadsheet. An additional risk assessment form must be submitted with the application form. General guidance is provided on the assembly fund, as well as detailed guidance on the risk assessment and project proposal form.

Planning Obligations Spending Pilot – Whitefoot Ward

- 5.10 In 2014 £77k of Section 106 funding became available to be spent on Community Facilities in Whitefoot Ward. It was decided to involve the local community through the assembly in agreeing priorities for spending the Section 106 funds. The Council produced guidance around planning obligations for the Whitefoot ward assembly which included:
- Background information on planning obligations
 - General guidance on S106 spending requirements and restrictions
 - Guidance on the Council’s formal allocation process for planning obligations
 - Financial information on available S106
- 5.11 The first community consultation was held at the assembly in July 2014 and resulted in over a dozen potential beneficiaries being identified. Forster Memorial Park and pavilion was ranked as the top priority at the time but there were no delivery partners to oversee project delivery so the assembly agreed to allocate the monies elsewhere with the proviso that when further S106 funds became available they would be directed towards improvements to the park. In the meantime efforts would be made to establish a new Friends of Forster Memorial Park.
- 5.12 In November 2014 the assembly hosted a ‘Market Place’ event inviting the organisations identified at the July 2014 assembly to set up information stalls detailing how they proposed to spend the S106 funds. A shortlist of projects was subsequently drawn up and in February 2015 a ballot went out to every household within the ward (on the back of the assembly flyer) inviting residents to nominate the top three community facilities they most wanted to see improved. Goldsmiths Community Centre, St Luke’s Church and St Barnabas Church Hall were identified as the top three. Draft proposals were then submitted to the council for a viability check and each organisation returned to the assembly to present their worked up proposal

for final assembly approval before full bids were submitted to the council's S106 board.

5.13 The assembly coordinating group formed a S106 working party to work with the community organisations to support delivery of the projects. In November 2016 a further £40k of S106 money became available. The Friends of Forster Memorial Park has now been established and in collaboration with the assembly set about seeking views of the local community about improvements to the park. This included consultation at the assembly and an online survey that received over 200 responses. In early 2017 proposals for improvements to the park were presented back to the assembly and improvements were ongoing throughout the year with S106 remaining a standing item on the assembly agenda.

6. Neighbourhood CIL (NCIL) Recommendations

6.1 The amount of neighbourhood CIL collected since implementation of the CIL regime in Lewisham in 2015 is £1,348,078.44 (at 15% of total CIL receipts), as reported in the AMR each year. The Council does not perform any projections of future CIL receipts since payment of the levy is made upon commencement of development, and this is not something that is monitored by the Council. However, given the levels of residential growth projected in Lewisham over this coming years, coupled with the proposals to increase the rate of CIL charged, it is likely that there will continue to be a sustained level of CIL receipts over the medium-term.

6.2 The Council is able to spend 15% of CIL in the areas in which it was collected, however the Regs allow a greater proportion to be allocated. It is recommended that 25% of CIL be allocated to neighbourhoods in Lewisham. Allocating 25% would allow for greater local involvement in a meaningful manner, as well as providing community with sufficient resources to address the local impacts of development in a more comprehensive manner. It would also make the NCIL allocation process more inclusive in allowing all communities equal access to the same proportion of NCIL funding regardless of the adoption of a neighbourhood plan.

6.3 It is recommended that wards be used as the neighbourhoods for the purposes of CIL. This aligns with the government's guidance to use existing community consultation and engagement processes, and enables the Council to build on the existing competencies, local capacities, local assemblies' process, and the political representation that exists through elected Members.

6.4 It is recommended that some form of financial redistribution be undertaken, recognising that the impacts of development are not restricted to the administrative boundary of wards, that diverse communities function across ward boundaries, and that to address the local impacts of development it is often necessary to develop more comprehensive projects and programmes at a greater scale. A level of financial redistribution will enable wider

geographies to be used as the basis of proposed interventions, and will promote more comprehensive and ambitious allocations. This will build on the success of a number of cross-ward initiatives already undertaken by the local assemblies through the assembly fund.

6.5 It is recommended that a redistributions strategy be implemented (based on a 25% allocation to NCIL) with distribution of: 50% collected in ward retained by the ward, 25% allocated by reference to rankings of wards by the Indices of Multiple Deprivation, and 25% allocated to a borough wide fund. Please note that the IMD rankings may need to be reviewed in more detail before a final allocation is made.

6.6 The amounts presented in the tables below represents the amount of neighbourhood CIL collected over the 3 year period of the financial years 2015/16 – 2017/18.

At 25% of CIL for neighbourhoods	Ward (50%)	Ward Top Up (by IMD ranking)(25%)	Ward Total	All Ward NCIL Pot (25%)
Evelyn	£527,093.23	£45,987.08	£573,080.31	£561,699.35
New Cross	£215,399.48	£55,841.46	£271,240.94	
Blackheath	£60,109.03	£9,854.37	£69,963.41	
Lee Green	£48.43	£3,284.79	£3,333.22	
Grove Park	£-	£29,563.12	£29,563.12	
Lewisham Central	£49,621.94	£39,417.50	£89,039.44	
Rushey Green	£150,204.71	£49,271.87	£199,476.58	
Catford South	£3,431.85	£16,423.96	£19,855.81	
Downham	£4,042.43	£59,126.25	£63,168.68	
Whitefoot	£-	£42,702.29	£42,702.29	
Bellingham	£646.11	£52,556.66	£53,202.77	
Perry Vale	£6,366.21	£22,993.54	£29,359.75	
Brockley	£21,970.28	£32,847.92	£54,818.19	
Crofton Park	£12,628.57	£6,569.58	£19,198.15	
Forest Hill	£3,025.22	£19,708.75	£22,733.97	
Ladywell	£32,728.71	£13,139.17	£45,867.87	
Sydenham	£3,026.65	£36,132.71	£39,159.36	
Telegraph Hill	£33,055.86	£26,278.33	£59,334.19	

6.7 The process proposes is based on the principles presented to SDSC, the existing successful local assembly process, the Evelyn pilot, and best practice in London, and meets the CIL Regs and guidance outlined in the PPG. It is set to a medium-term financial strategy and 4 year cycle, and considers the financial and legal constraints applied to CIL. Each financial year once CIL receipts are known, the Council would publish updated

figures and send a briefing note to all local assemblies and Members on remaining funds, projects approved, completed, and in progress.

6.8 The proposed process is presented below:

<p>STAGE 1: Priority Setting (four year cycle) Ward priorities ‘themes’ set by community through the local assemblies with Members</p> <ul style="list-style-type: none"> • Organised by ward, using local assembly and Member structure • Council published guidance on NCIL process and expectations • Member and local assembly briefings • Publish background/contextual information for each ward (GIS maps, relevant evidence bases, policies, Council capital programme etc.) • Publish financial information on available NCIL amounts per ward • Priority ‘themes’ for each ward set at workshop with community run by local assembly and Members (with Council support) • Inclusion of Neighbourhood Plan priorities within process (where applicable, including across wards if neighbourhood plans are cross boundary) • Priorities required to be broadly consistent with Local Plan and the corporate priorities <p>OUTCOME: Ward priorities identified, agreed and published – to cover four year period</p>
<p>STAGE 2: ‘Open call’ for projects (biennial process) ‘Open call’ for projects directly submitted to Council’s website</p> <ul style="list-style-type: none"> • Open call for project proposals • Submissions via online NCIL summary project proposal form: <ul style="list-style-type: none"> - Project name - Project description - Project location/address - Estimate of costs - Indicative timetable - Benefit to communities - Conformity to local priorities ‘themes’ and/or Local Plan and/or corporate priorities - Name of project lead - Identify any consultation that has occurred including mandatory Member engagement • Projects submitted direct to Council via online form <p>OUTCOME: Potential projects identified by communities, local assemblies and Members</p>
<p>STAGE 3: Evaluate projects and publish long-list (biennial process) Council officers assess, filter and group projects from the open call into a long-list</p> <ul style="list-style-type: none"> • Evaluate initial project submissions against published ‘selection criteria’: <ul style="list-style-type: none"> - Conformity to CIL Regulation - Grouping of similar projects / align associated projects into holistic schemes - Identify opportunities for NCIL to support existing projects / programmes

- Identify cross-ward opportunities
- Conformity with Local Plan and corporate priorities
- Council to publish long-list of projects

OUTCOME: Long-list published by Council

STAGE 4: Develop ‘project bank’ (biennial process)

Prioritisation of long-list by the community via local assembly with Members

- Prioritisation workshop to allow communities to prioritise long-list projects through the local assembly with Members
- Process to consider projects in light of published priority ‘themes’
- Set of criteria agreed across the borough to guide decisions on priorities
- Council to publish project bank with prioritised project list

OUTCOME: Project bank published by Council with prioritised projects identified

STAGE 5: Allocate and delivery (annual process)

All projects allocated through PID process through Regeneration and Capital Delivery Board (RCDB)

- Allocation process to follow existing PID process for finance and legal audit through RCDB
- Council to assist organisations to develop projects with local assembly and Members as projects and funds are available (CIL funding information updated annually)
- Allocations set through RCDB PID process to either ward fund or borough fund
- Member consultation mandatory for PID submission
- Project delivery to follow existing finance and legal audit process

OUTCOME: PIDs submitted and allocations made aligned to available CIL receipts

STAGE 6: Monitoring, evaluation and reporting (annual)

- Key indicators agreed and published as part of public guidance to ensure transparency and accountability
- Reporting incorporated into existing AMR process
- Project closure and reporting to follow existing PID reporting and audit process

OUTCOME: Yearly monitoring through AMR

Governance Arrangements

6.9 It is recommended that the Council use existing governance and financial audit processes that align to the existing PID process; with all PIDs for NCIL passed through Regeneration and Capital Delivery Board. It may be necessary to amend the PID documents to integrate the additional legal and financial requirements associated with CIL spending, however it is recommended that existing audit and control process be applied to the allocation and spending of NCIL. Further work will need to be undertaken with Legal and Finance to finalise a process for NCIL allocation and spending, and this can be progressed once agreement on the broad strategy has been reached.

7. Legal Implications

7.1 Regulation 59 of the Community Infrastructure Levy Regulations 2010 requires that a charging authority must apply CIL to funding the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area. Section 216 of the Town and Country Planning Act 1990 defines infrastructure as including—

- (a) roads and other transport facilities,
- (b) flood defences,
- (c) schools and other educational facilities,
- (d) medical facilities,
- (e) sporting and recreational facilities, and
- (f) open spaces

7.2 Regulation 59F provides that where all or part of a chargeable development is in an area which is not a parish council then a charging authority, which in this instance is the Council, may use or cause to be used the CIL which would have had to have been passed to a parish council, to support the development of the area by funding:-

the provision, improvement, replacement, operation or maintenance of infrastructure; or
anything else that is concerned with addressing the demands that development places on an area.

7.3 As there is no parish council in Lewisham this applies to its entire area.

7.4 The CIL receipts that would have had to be passed to the Council if there was a parish council are as set out in Regulations 59A and 59B. This amounts to 25 per cent of the relevant CIL receipts in England, either where all or part of a chargeable development is within an area that has a neighbourhood development plan in place or where all or part of a chargeable development—

- (a) is not in an area that has a neighbourhood development plan in place; and
- (b) was granted permission by a neighbourhood development order made under section 61E or 61Q (community right to build orders) of TCPA 1990, and 15 per cent elsewhere.

7.5 The relevant CIL receipts are the proportion of CIL received in relation to a development equal to the proportion of the gross internal area of the development that is relevant development in the area, and the total amount of CIL receipts passed shall not exceed an amount equal to £100 per dwelling in the area of the local council multiplied by IA in each financial year

- 7.6 Currently as there are no neighbourhood plans in place the broader power to apply CIL in accordance with the provisions of Reg 59F is limited to 15 per cent of receipts.
- 7.7 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.
- 7.8 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
 - (c) foster good relations between people who share a protected characteristic and persons who do not share it.
- 7.9 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, 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.
- 7.10 The Equality and Human Rights Commission has recently 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/publication-download/technical-guidance-public-sector-equality-duty-england>
- 7.11 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

7.12 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>

8. Crime and disorder implications

8.1 There are no direct crime and disorder implications arising from this report.

9. Equalities implications

9.1 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.

9.2 An equalities analysis was undertaken as part of the preparation of the council's existing CIL charging schedule. In accordance with the Equality Act 2010, the analysis considers the potential impacts of the charging schedule on those groups identified within the Act as having protected characteristics.

9.3 There are no major concerns regarding equalities. The Council should be mindful however to ensure that the income from CIL is allocated and spent is fair and equal across types of infrastructure and the geography of the borough.

9.4 Ultimately, CIL is a mechanism intended to raise money to fund infrastructure that will contribute to sustainable development in the borough. In this sense, the neighbourhood CIL strategy proposed should have an overall positive impact on the various equalities groups.

10. Environmental implications

10.1 Environmental issues are at the heart both of the planning process and the delivery of supporting infrastructure. Although the proceeds from neighbourhood CIL do not have to be specifically spent on environmental projects, it is fair to assume that over time environmentally beneficial infrastructure projects will receive funding from NCIL.

11. Financial Implications

11.1 This report recommends that the Mayor approves the proposed NCIL process and the allocation of 25% of CIL to that process and recommends that Full Council do the same.

11.2 The Council is enabled to set aside at least 15% of CIL receipts to spend on priorities that should be agreed with the local community (the NCIL process) in areas where development is taking place (rising to 25% in areas where a neighbourhood plan has been adopted). Agreeing to allocate 25% of CIL to the NCIL process (rather than 15%) will mean a significant additional amount of CIL will be allocated to this process, however as outlined in paragraphs 5.2 - 5.5 the additional 10% allocated will still have to be spent in accordance with the Council's R123 list. As the Council does not perform any projections of future CIL receipts since payment of the levy is made upon commencement of development, it is not possible to quantify the value of the additional funding that will flow through the NCIL process.

11.3 This report also recommends that the Mayor authorises the Executive Director, Resources and Regeneration to allocate NCIL amounts to projects up to a maximum amount of £500,000 with approval through the Regeneration and Capital Delivery Board.

12. Conclusion

12.1 The Mayor is recommended to approve the recommendations set out in paragraph 3 of this report:

13. Background documents and originator

If you have any queries on this report, please contact Simon Zelestis, Strategic Planning, telephone 020 8314 8701.

Appendix A: Sustainable Development Select Committee Report and Minutes, November 2016

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Sustainable Development Select Committee		
Title	Update - use of section 106 and CIL	
Contributors	Head of Planning	Item 5
Class	Part 1 (open)	29 November 2016

1. Purpose

- 1.1. This report is prepared to respond to matters raised by the Sustainable Development Select Committee (SDSC) at its meetings on 22nd October 2015, 18th April 2016 and 12th May 2016 which led to the consideration of the emerging processes for allocating Community Infrastructure Levy (CIL) funds and Section 106 (S106). This was presented in a response to the Mayor and Cabinet referral on 25th October 2016. It also updates on progress with the review of viability reports and the operation of S106 review mechanisms.

2. Recommendations

- 2.1. The Select Committee is asked to note the content of the report and direct any questions to officers.

3. Policy context

- 3.1. The contents of this report are consistent with the Council's Sustainable Community Strategy policies 'Empowered and Responsible' and the 'Clean, Green and Liveable' policy. This is through rolling out a pilot scheme that allows communities to have a greater influence in how some S106 /CIL monies could be spent and developing a policy statement for working with neighbourhood forums. The collection of S106 / CIL funds serve to support the Clean, Green and Liveable Sustainable Community Strategy policy.
- 3.2. The 22 October 2015 report to SDSC outlines the legislative and policy context in relation to section 106 and CIL.

4. Background

- 4.1. The Sustainable Development Select Committee held a meeting on 25th October 2016 at which they considered a response to the referral on the use of section 106 and Community Infrastructure Levy funds. In particular, the report highlighted emerging proposals on the allocation of the 'neighborhood proportion' of CIL. This followed reports on 22nd October 2015, 18th April 2016 and 12th May which addressed S106 and CIL spend and collection.

5. Update on the progress with the approach to the allocation of S106 and CIL

- 5.1 Officers have been reviewing the existing approval processes for the allocation of S106 and CIL to ensure that they are fit for purpose and transparent. As a result of this review, changes to the PID templates have been made and a review of the relationship of the S106 Board with the Regeneration Board has taken place. Officers

are currently trialing an approach whereby a single, annual process for the agreement of capital and S106/CIL funds for the following year is introduced. Bids were made over the summer period and are being evaluated by the Regeneration & Capital Programme Delivery Board alongside Finance. It is proposed that these are then ratified by the Regeneration Board before the end of the calendar year and then published as part of the annual budget reported to Mayor & Cabinet.

- 5.2 It is hoped that this process will allow for greater Member involvement as well as certainty of funding and better allocation of limited resources. It will also standardise and streamline governance and approvals and allow for the more strategic use of S106 and CIL funds which will be reported as part of the budget. There will still be a dual role for the existing S106 board for those smaller sums and revenue expenditure not captured by the Regeneration Board but its future role is likely to be more limited.
- 5.3 Alongside the review of processes, it is proposed to publish details of S106 and CIL monies collected annually and set out the funding and decision making process. This move towards greater transparency will require improved usage of the Council's website. Recruitment to an existing vacant post with responsibility for the management of information, customer liaison and the planning web pages has taken place to ensure that this is a core part of the planning function.
- 5.4 The Council is required to have a process for ensuring that neighbourhood areas, where development takes place, directly benefit from infrastructure investment via a proportion of the CIL collected; the local proportion. There is no model proposed by the Government, although guidance does highlight an expectation of community involvement in developing local infrastructure priorities. The Government also encourages Councils to use existing structures and processes, rather than introduce further decision making processes.
- 5.5 As highlighted in the report to the SDSC on 25th October 2016, the Council already operates a process for the allocation of some S106 sums where Ward Assemblies work with designated officers from the council who will liaise with relevant departments to develop deliverable schemes that meet local priorities. However since CIL has less restricted scope than S106 (in that funds are not limited to a specific infrastructure type) there is an opportunity to develop schemes more holistically around local priorities.
- 5.6 The options for consulting with the community and ensuring greater Member involvement have been considered. It is proposed that the CIL local proportion be allocated on the basis of wards and guided by ward assemblies and their identified local priorities (and/or neighbourhood plan if relevant). In those areas with a neighbourhood plan, a greater proportion of CIL would be allocated for spend in accordance with the CIL Regulations. Officers do not consider that a separate process should be undertaken for those areas with a neighbourhood plan which, to be adopted, would be subject to a local referendum. It is therefore proposed that neighbourhood forum representatives take part in the ward assembly process.
- 5.7 Opportunities for a 'project bank' continue to be explored and officers currently consider that this could be an effective way to ensure genuine engagement. This would allow for elements of a participatory budgeting approach whereby the community are able to propose schemes and make decisions on what to fund using the CIL local proportion. This process would require additional dedicated resource to set up and manage and further consideration therefore needs to be given to the detail

of the process so that it can be appropriately implemented and managed. It is envisaged that potential schemes are submitted annually for their consideration for inclusion on the 'project bank' list. Inclusion will need to be subject to set criteria to ensure that the legal limitations for CIL spend are taken into account and it is anticipated that there would be a process established for Member engagement at this stage. The resultant short list would then be put forward for public consultation via the ward assemblies. The list would be published on the Council's website, including updates on if and when funding becomes available.

- 5.8 It is inevitable that 'project bank' will identify projects that meet the criteria but that may still not have funding available to bring them forward. It will therefore be important to seek to manage expectations about what is achievable but it is hoped that this increased transparency would enable local communities to understand why certain schemes are not taken forward, and potentially for local communities to assist with making such proposals more viable/deliverable.
- 5.9 Officers continue to work towards having the new processes in place and had initially hoped to consult on the process in Autumn 2016, trialling the approach in Evelyn ward. Due to the postponement of the ward assembly, it is now proposed to take this forward in the new year and a specific S106 and CIL ward assembly meeting has been arranged for mid January. This will not delay beginning implementation of the new approach for the new financial year.

Update of review of viability mechanisms

- 5.10 Officers were asked to undertake a review of viability review mechanisms following a referral at 22nd October 2015 SDSC to determine whether the system is working as Members understand it. It was recognised in the officer response that this was a significant piece of work and that it would require external consultant support. This work is well underway and is due to complete by January 2017. The following schemes are being reviewed:

10 Sept 2009 Renaissance, Loampit Vale
11 Feb 2010 Heathside & Lethbridge
4 Nov 2010 Marine Wharf West, Plough Way (revised 7 January 2015)
2 Dec 2010 Neptune Works, Grinstead Road
23 June 2011 Cannon Wharf, Plough Way (revised 29 March 2012)
13 Oct 2011 Surrey Canal/New Bermondsey
8 Mar 2012 The Deptford Project, Deptford Station
18 Apr 2013 Lewisham Gateway (second phase 11 December 2014)
2 May 2013 Faircharm, Creekside
8 January 2014 Catford Greyhound Stadium
3 April 2014 Marine Wharf East, Plough Way (revised 9 June 2015)
30 April 2015 Kent Wharf, Creekside
29 October 2015 Deptford Wharves, Evelyn Street

- 5.11 Where the evidence can be established the report is looking at: the sum paid for the site; the sales values achieved compared to the estimates; where there is a review mechanism whether this has been triggered and the outcome and what if any additional levels of contribution have been achieved, including additional affordable housing and/or affordable housing payments. The report will also advise how each of the schemes has progressed.

6. Financial implications

6.1 There are no specific financial implications arising from this report per se.

7. Legal implications

7.1 There are no legal implications arising from this report.

8. Equalities implications

8.1 Lewisham's Comprehensive Equalities Scheme (CES) 2012-16 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:

- tackle victimisation, harassment and discrimination
- to improve access to services
- to close the gap in outcomes for citizens
- to increase understanding and mutual respect between communities
- to increase participation and engagement

9. Environmental implications

9.1 There are no specific environmental implications arising from this report

10. Conclusion

10.1 An update setting out progress since the response to the 1st June SDSC referral is provided in section 5 of this report.

Background documents

Report to Sustainable Development Select Committee 22nd October 2015.

<http://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=136&MId=3906>

Report to Mayor and Cabinet 13 January 2016.

<http://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=139&MId=3864>

Report to Sustainable Development Select Committee 12th May 2016.

http://councilmeetings.lewisham.gov.uk/documents/s43532/4_SDSC_UseS106andCILreport12052016.pdf

MINUTES OF THE SUSTAINABLE DEVELOPMENT SELECT COMMITTEE

Tuesday, 29 November 2016 at 7.00 pm

PRESENT: Councillors Liam Curran (Chair), Suzannah Clarke (Vice-Chair), Amanda De Ryk, James-J Walsh, Mark Ingleby, Pauline Morrison and Paul Upex

APOLOGIES: Councillors Bill Brown and Eva Stamirowski

ALSO PRESENT: Timothy Andrew (Scrutiny Manager), Kevin Chadd (Senior Planning Lawyer), Janet Senior (Executive Director for Resources & Regeneration) and Emma Talbot (Head of Planning)

1. Minutes of the meeting held on 25 October 2016

Resolved: that the minutes of the meeting held on 25 October be agreed as an accurate record.

2. Declarations of interest

- 2.1 Councillor Upex declared a non-prejudicial interest as a member of CAMRA (the campaign for real ale) in relation to item three.
- 2.2 Councillor Curran declared a non-prejudicial interest as a member of CAMRA (the campaign for real ale) in relation to item three.

3. Planning key policies and procedures

3.1 Emma Talbot (Head of Planning) introduced the report. The following key points were noted:

- There had been a number of recent changes to planning policy at the national and regional level.
- Officers in Lewisham had started the process of preparing the new overarching Lewisham local plan. The Plan would replace the existing adopted Planning Policy documents – Core Strategy (2011); Site Allocations Local Plan (2013); Development Management Local Plan (2014); and Lewisham Town Centre Local Plan (2014).
- Currently, the proposed timetable for the development of the new local plan was not being met. This was because of the work taking place on other planning documents and the wait for the Governmental guidance on the implementation of the provisions of the Housing and Planning Act. The earliest the new plan would be ready would be in 2018.
- The Housing and Planning Act (2016) could have a significant impact on the planning regime and in particular on housing-led development.
- The Mayor of London was in the process of issuing new guidance on his interpretation of the London Plan (2016).
- It was likely that there would be changes to the provisions in the London Plan relating to affordable housing. The changes would also have an impact on the rules around density of new developments.
- The draft supplementary planning guidance on viability indicated that new developments that committed to delivering 35 per cent affordable housing would not be required to produce a viability assessment.

- The Chancellor's Autumn statement also introduced an element of uncertainty for planning going forward.
- In terms of pubs policy in Lewisham, officers believed that Lewisham's development planning document for pubs had been successful in promoting delivery of new pubs and protecting Lewisham's existing establishments.
- There had been recent planning applications for A4 (drinking establishment) usage and nine pubs were now listed as assets of community value. Adding pubs to the register of community assets removed the permitted rights of owners to change the usage of buildings with pubs in them without applying for planning permission.

3.2 Emma Talbot (Head of Planning) and Janet Senior (Executive Director for Regeneration and Resources) responded to questions from the Committee. The following key points were noted:

- Lewisham's previous plans would be subsumed into the single new local plan.
- Officers would set out the key stages for the development of the Lewisham local plan for councillors. The explanation of the stages would also highlight the points at which councillors could become involved in local consultation and engagement activities. The likely next stage of the development of the Plan would be in summer 2017.
- It was likely there would also be opportunities for councillors to be involved in the consultation on the new London Plan in autumn of 2017.
- Officers would also provide the Committee with information about the key stages for regional planning documents.
- Consultation on the Mayor of London's supplementary planning guidance for viability had just started.
- Planning managers kept a log of issues that arose at planning committees to identify recurring issues and to improve future plan making.
- The only issues that could be considered at planning committees were material planning considerations. Decisions had to be made in accordance with the planning policy framework (including national guidance), the London Plan and the Council's planning policies (unless material planning considerations indicated otherwise).
- The Council was going through a period of substantial and sustained change. Managers recognised that this presented challenges in terms of the capacity of some teams. There was currently a lot of policy work to be carried out and managers were considering the capacity, workload, resourcing and staffing distributions of teams across the Council.
- There was a general shortage of planners in London so recruitment and retention of staff was difficult. The planning department were trying to send out the message that Lewisham was an attractive place to work. The Department had developed a career pathway to ensure that the borough was attractive to planning professionals. Managers also sought to attract planners to join Lewisham who had recently qualified. However, it was recognised that the recruitment of junior staff placed additional pressure on management.
- Despite current challenges, the department consistently met its performance targets – and it had won awards for the quality of its work. The department also had a good level of success at defending appeals.

- Most of the department's savings had been produced by increasing income rather than by reducing numbers of staff. Managers were aware that they needed to ensure that the right capacity was in place in the right teams.
- Officers were considering the implications of new legislation, however, the provisions of the Housing and Planning Act had not been set out in detail.
- The Act included proposals to force authorities to speed up planning permissions for 'brownfield' sites and to grant automatic planning permissions in some circumstances, which might have significant resource implications for the borough.
- The Council had to show that it could deliver a five year housing supply. Without a sufficiently developed plan for delivering housing, the Council might lose the ability to decide where housing should be approved in the borough.
- The Council's strategic land assessment showed that sufficient housing could be delivered in the borough up until 2029 but plans for delivery needed to be set out in detail.
- Planning officers were looking at new opportunity sites across the borough, beyond the current regeneration schemes in Deptford, Lewisham and Catford.
- Officers were also looking closely at the implications of the Government's proposals for business rate retention. Businesses and housing developments both provided a source of income for the Council. Business rate income had to be balanced against council tax income.
- Planning officers looked at applications relating to employment land in terms of job density as well as in terms of square meters. Large areas of employment land (such as that used for storage or distribution) might provide very few jobs.
- The Council had a strong policy against the subdivision of large houses into smaller units. However, there had been a number of decisions that had been appealed and won by developers. Officers were continuing to review the outcome and evidence base to provide a robust defence.
- Unfortunately, there were not any applications being put forward for large homes so once large units were lost, they were gone forever.
- There was currently a reprieve for a year on the monitoring of planning appeals. From next year, appeals would be monitored by Government. Authorities that lost many appeals would be forced into special measures.
- There were no proposals for changes to the rules around development on land designated as open space.
- The planning department was considering new methods of communication and the use of new technology. Changes to the Council's IT would allow a greater level of information sharing between officers.
- Officers believed that the pubs policy was working well and there were examples of new developments that included pubs.
- Removing development rights with article four directions for pubs could be problematic because current guidance meant that there had to be a two year period before the direction could come into force, during which time a developer could exercise their rights to change a building with a pub in it to an alternative usage without applying for permission.
- It might be possible to remove permitted rights for new pub developments when granting planning permission to prevent future change of use.

3.3 In the Committee's discussions, the following key points were noted:

- Members were concerned that there were issues of officer capacity in the planning department.

- There was apprehension about the high level of demand for housing in London and the possible pressure that local authorities might face to build on open spaces, such as parks and playing fields.
- The Committee expressed its support for the retention of pubs in the borough.
- The Committee was concerned about reports of a recent assault on an enforcement officer in the planning service. It was reported that the officer had now recovered and returned to work but that as a result of the attack, policies around safety and lone working had been reviewed.
- The Committee recommended that officers introduce a planning condition for recent and future applications for developments with A4 (drinking establishment) usage in order to remove permitted development rights.

Resolved: that the Committee's views be referred to Mayor and Cabinet, as follows:

- 3.4 The Committee recommends that officers review the effectiveness of the Council's policy on the protection of pubs.
- 3.5 The Committee requests a diagram, which sets out all of the current local and regional planning policy documents. It asks that the key opportunities and dates for engagement with Councillors on the development of these plans be included. The Committee intends to actively participate in consultations and engagement activities for all key planning policies and procedures at a local level and, it wants to ensure that local views are represented in regional consultations as those opportunities arise.

4. Planning enforcement

4.1 Emma Talbot (Head of Planning) and Janet Senior (Executive Director for Resources and Regeneration) answered questions from the Committee; the following key points were noted:

- Planning enforcement had not been integrated into the Council's enforcement hub as part of the review of enforcement services across the Council.
- The Council's enforcement activities and the work of the enforcement hub was regularly reviewed. It was recognised that there were some issues with the new hub in terms of the allocation of specialist and generic roles.
- The review of enforcement activities had streamlined the exchange of information between teams inside and outside of the hub, as well as enabling greater levels of joint working.
- An officer had been seconded between teams and joint work had taken place to deliver enforcement action against rogue landlords and brothels.

Councillor Curran temporarily left the room at 20:35 (for approximately five minutes) and Councillor Clarke assumed the Chair.

- There were no proposals to include building control services in the enforcement hub.

4.2 In the Committee's discussions, the following key points were noted:

- The Committee was concerned about the absence of an effective customer relations management system, which it thought might enable members of the public to speak to any Council officer and have their case transferred to the correct service.
- The Committee highlighted the problems that some service users experienced when the concerns they wished to report fell between the planning enforcement, building control and other enforcement services.
- Members reiterated their concerns about the IT system being used by the planning department, which it was felt was unstable and unsuitable for users in the Council and for members of the public (this was also the subject of a referral by the Committee to Mayor and Cabinet in September 2016).
- Officers were asked to ensure any future changes to the building control service would be reviewed by the Committee.

Resolved: that the Committee's views be referred to Mayor and Cabinet, as follows:

4.3 The Committee recommends that further work be carried out to develop a customer relations management system for the Council's enforcement activities. The Committee is concerned that there is not a clear and collaborative approach, between teams dealing with enforcement activities at the Council, for dealing with reports of activities from residents that may require enforcement action. The Committee believes that a single, universally accessible management system for officers would help to manage the flow of information and complaints as well as improving the reputation of the Council in dealing with residents' concerns.

4.4 The Committee believes that further clarity should be provided to residents for those cases in which building control and planning activities overlap. In particular, the Committee recommends that any letters issued to residents by either service include guidance about contacting the Council's other enforcement teams.

5. Planning - use of S106 and CIL

5.1 Emma Talbot (Head of Planning) and Janet Senior (Executive Director of Resources and Regeneration) responded to questions from the Committee. The following key points were noted:

- Improvements had been made to the decision making process for the distribution of section 106 and CIL (community infrastructure levy) monies. The intention was to align the process with the Council's capital programme priorities.
- Work was also taking place with neighbourhood groups on the development of their neighbourhood plans. Local assemblies would also be asked for their input, in the interests of transparency and openness.
- There would always be a need to make difficult decisions about spending but the current proposal, to create a single, annual process for the agreement of capital and S106/CIL funds for the following year would ensure the involvement of members and improve transparency with community.

- It was intended that there would be more detail in the budget report about capital funding, which would make the Council's plans for allocation of CIL funding more up-front and transparent.
- There were representatives from different directorates on the regeneration board. However, Mayor and Cabinet took the ultimate decision on major spending proposals. There was delegated authority to the Head of Planning to allocate smaller amounts of funding.
- There were legal tests applied to section 106 funding to ensure it was fair and related to the development providing the funding. CIL funding was not ring-fenced in the same way. There were less restrictions.
- There was a commitment from the planning department to ensure that the Council spent all of the pots of money collected and to move projects along that were not meeting their principal aims.
- Some London Boroughs defined their whole area as a 'local area' for the purposes of distributing CIL funding. In Lewisham, the allocation of spending was proposed to be localised to wards. However, the new system of allocating funding would allow for some joined up allocation of spending between wards, where there was agreement by stakeholders.

5.2 In the Committee's discussions, the following key points were noted:

- The Committee was concerned that neighbourhood forums might not be representative of their local populations. Members asked whether a pro-forma constitution could be provided to groups planning to establish neighbourhood forums in order to ensure that they included councillors in their membership.
- There were also concerns about whether local CIL spend should be decided by ward assemblies. The Committee indicated that it would review the issue again in future.
- There was concern about the sustainability of neighbourhood forums. Members noted the large sums of CIL funding that would be allocated to these groups. The Committee asked whether there were mechanisms in place to return funding to the Council in the case that a neighbourhood forum failed.
- The Committee asked whether a process could be put in place to distribute funding from areas with high levels of funding to those with less.
- The Committee wanted to better understand the decision making process in relation to the allocation of funding. It was not clear whether funding decisions were for the Executive or full Council or whether they were delegated to officers or to Strategic Planning.

Resolved: that the Committee's views be referred to Mayor and Cabinet, as follows:

5.3 The Committee is concerned about the sustainability of neighbourhood forums. It is also concerned that neighbourhood forums might not be representative of their local populations.

5.4 The Committee recommends that the Council produce guidance for groups establishing neighbourhood forums, to encourage the inclusion of local councillors in their membership.

5.5 The Committee also 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. Planning - annual monitoring report

Resolved: that the report be noted.

7. Information item: annual parking report

Resolved: that the information item be noted.

8. Select Committee work programme

8.1 Timothy Andrew (Scrutiny Manager) introduced the report. The Committee agreed the following changes to the work programme:

- An update on the animal welfare charter would be added to the agenda of the Committee's January meeting, in order to consider the content before a decision is taken by Mayor and Cabinet.
- The item on sustainable energy; the update on the modern roads review and the update on the high streets review would all be moved to the Committee's meeting in March.

Resolved: that the changes to the agenda for the meeting on 24 January be agreed.

9. Items to be referred to Mayor and Cabinet

9.1 The Committee resolved to advise Mayor and Cabinet of the following:

- The Committee commends the new Head of Planning. The Committee places on record its thanks for the work officers undertake to engage with elected members.

Resolved: that the Committee's views under items three, four and five be referred to Mayor and Cabinet.

The meeting ended at 9.30 pm

Chair:

Date:

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Sustainable Development Select Committee		
Title	Annual parking report for 2017/18	
Contributors	Executive Director for Customer Services Head of Public Services	Item 6
Class	Part 1 (open)	12 December 2018

1. Summary

- 1.1. This report provides information on the activities of the Lewisham Parking Service during 2017/18 in accordance with the Traffic Management Act (TMA) 2004.
- 1.2. It documents the Council's achievements in the context of parking enforcement and managing parking demand across the borough and includes an update on the Controlled Parking Zone (CPZ) Programme.
- 1.3. The report also includes parking and enforcement statistics, plus financial information with comparative data from previous years.
- 1.4. The Council has made a commitment to provide transparency in relation to the financial position of the Council's parking account. This report sets out the parking income and how this has been spent.
- 1.5. The report also outlines the scope of the Parking Policy Review which is due for an update in 2018/19.

2. Purpose

- 2.1. To provide an update on the London Borough of Lewisham's Parking activities for 2017/18.

3. Recommendations

The Committee is recommended to:

- 3.1. Note progress of this year's CPZ programme in paragraph 6.
- 3.2. Note the parking enforcement contractor's performance in paragraph 7.
- 3.3. Note the annual financial performance as set out in paragraph 8.
- 3.4. Note the scope of the Parking Policy Update in paragraph 9.

4. Background and Policy Context

Background

- 4.1. The Council, like most local authorities in London, levies a charge for a permit to park in areas of the borough that have been designated Controlled Parking Zones (CPZs). These CPZs are a function of transport policy and are used to:
 - Ensure safe and sustainable access
 - Achieve effective parking management
 - Balance the needs of all road users
 - Meet environmental objectives
 - Focus on customer needs
- 4.2. The Council's parking policy has to balance the needs of those living, working, visiting and trading in the borough as well as ensuring that the cost of parking controls is met. Complicating matters further is the increase in car ownership and the insatiable demand for parking spaces along with the need to reduce the harmful effects of car use on the environment. The Council's parking charges reflect the need to not only cover the costs of delivering parking controls but also managing these issues.
- 4.3. The parking charges are fixed in accordance with the requirements of the Road Traffic Regulation Act 1984. Section 122 of the Act imposes a duty on the Council to use them to *'secure the expeditious, convenient and safe movement of vehicular and other traffic including pedestrians and the provision of suitable and adequate parking facilities on and off the highway'*.
- 4.4. This year all parking charges have remained at their current levels. Setting appropriate charges ensures that the borough does not become a 'car park' for those travelling into London from the south east. It also ensures the Council continues to meet the objectives set out above and comply with the requirements of Section 122 Road Traffic Regulations Act 1984.
- 4.5. The Council's fear of becoming a 'car park' for commuters remains very real. The introduction of the congestion charge in 2003 saw the number of commuters driving into central London reduce but the risk was and remains that they park in car parks in the surrounding areas. The Borough has multiple transport links into central London which makes it a very real risk. This is especially the case as Lewisham is just inside zone 2 with cheaper fares and at the end of the Docklands Light Railway. Added to this is the fact that access to Lewisham and its car parks is relatively easy for commuters driving into London but becomes more difficult the further into London they travel as travel time's increase.
- 4.6. Using the power awarded to the Council under Section 122 of the Road Traffic Regulation Act 1984 we have implemented a range of CPZ's where parking pressures were evident and where a clear majority from stakeholders were in favour of parking controls.

- 4.7. In line with the policy review recommendations the Council has refreshed all parking policies and collated them into an integrated and accessible parking policy document which is now available on the Lewisham website:
<https://www.lewisham.gov.uk/myservices/parking/Documents/ParkingPolicyOctober2014.pdf>

National Context

- 4.8. The key legal framework underpinning parking includes the Road Traffic Regulation Act 1984 and The Traffic Management Act 2004. These impose duties on local authorities to manage all on-street, off-street and their road network so as to reduce congestion and disruption and includes enforcement powers.
- 4.9. There are other London specific legislation under the various London Local Authorities Acts which are also relevant for parking.

Local Context

- 4.10. Each London borough is required by the Greater London Authority Act to prepare a Local Implementation Plan (LIP) to implement the Mayor of London's Transport Strategy within their area.
- 4.11. The Lewisham LIP takes the Mayor of London's Transport Strategy and tailors them to the Lewisham context, shaped by the vision outlined in the borough's Sustainable Community Strategy and the spatial planning policies in the Local Development Framework.
- 4.12. Following a comprehensive review of parking policies in the Borough the London Borough of Lewisham published its first Parking Policy in 2014.

5. Overview of Parking in the borough

- 5.1. There are a variety of parking places across the borough, including 1,441 parking spaces in the 12 Council's off street public car parks and estimated 20,000 parking spaces in marked on street parking bays.
- 5.2. There are various parking restrictions, including yellow lines, restricted parking zones and CPZs which rely on a permit system.
- 5.3. The total number of CPZs operating in the borough at the end of 2017/18 increased from 22 to 23 following the implementation of the Zone DS CPZ area during November 2017.
- 5.4. The Council has introduced a number of policies in recent years to support a reduction in car ownership and the use of sustainable modes of transport including car clubs.
- 5.5. Electric Vehicle Charging Points (EVCP) are a key measure to support the Council's Air Quality Action Plan. There are currently 29 EVCPs in 10

locations, including 6 in Council managed car parks. Further EVCPs and sites have been identified and are now being considered as part of a new EV strategy to be published during 2018/19.

6. Controlled Parking Zone Programme Update

Tranche 1

- 6.1. During 2014/2015, the council carried out consultations on the first tranche of the CPZ Programme, to determine the need for three new CPZs and to review four existing parking zones:
- Review of existing CPZs in Old Road and Bankwell (F) Hither Green East (P) Lee (V), including options to reduce operational hours
 - Proposed new CPZ Lee Green West
 - Proposed CPZ extension in Ladywell (T)
 - Proposed new CPZ in Perry Vale East
 - Proposed new CPZ in Mountsfield Park
- 6.2. With the exception of Perry Vale East (Catford Stations), all Tranche 1 consultations resulted in support to implement proposals across a significant proportion of the study area. Implementation of the zones has been completed, with zones commencing operation as follows:
- Review of existing Lee Green CPZs – implementation October 2015
 - New Lee Green West CPZ – May 2016
 - CPZ extension in Ladywell – implementation December 2016
 - New CPZ in Mountsfield Park – implementation October 2016

Tranche 2

- 6.3. Following a review of the CPZ Programme, the council commenced consultations for the second tranche in 2015/2016 for the following areas:
- Proposed new CPZ Brockley
 - Proposed new CPZ Deptford South
 - Proposed new CPZ Forest Hill
- 6.4. All of the Tranche 2 consultations were completed during 2015/16 and the results publicised. The Deptford South consultation was the only consultation where the results were in favour of a new CPZ. The new Zone DS CPZ came into force in November 2017.

Tranche 3

- 6.5. Following a new assessment made under the criteria and methodology described in the parking policy, the Tranche 3 CPZ programme was approved in March 2018, with work to commence during the 2018/19 financial year.
- 6.6. The CPZ Programme has been scored and prioritised on the basis of policy criteria to ensure that the most urgent problems are addressed first. Each criterion is weighted to reflect the local demand for a CPZ, as well as the technical need for a CPZ.

- 6.7. The CPZ Programme for Tranche 3 comprises four separate consultation schemes which have been deemed the highest priority. This programme is subject to annual review against the policy criteria. Consultation boundaries are subject to agreement with local councillors.

New CPZs and review of existing CPZ

- 6.8. The following areas have been included in Tranche 3 for consultation as to whether a CPZ is wanted or needed by local residents and businesses.
- 6.9. **Ladywell CPZ area** – This includes a group of streets to the west of the existing Zone T CPZ area, where there is substantial support for CPZ controls. This is partly due to parking pressure resulting from displacement from the extension to the Ladywell zone in Tranche 1. Streets to the south and west of Zone T were included in the consultation area following concerns raised regarding displaced parking from a nearby privately operated permit scheme. These areas were consulted in May/June 2018.
- 6.10. **Leegate area – new CPZ (East of Zone LG)**. There have been a number of requests and local support for a new CPZ in this area, which may be reflective of displacement from neighbouring CPZs such as Zone LG.
- 6.11. **Grove Park – review and extension of Zone D**. This area has been under consideration for review since the publication of the Parking Policy in 2014. Consultation is to determine if there is support for a reduction in the operational hours of the zone and establish if improvements to the zone layout, including location and type of parking bays or waiting restrictions, may be needed.
- 6.12. **Sydenham area – new CPZ**. There is evidence of local support for a CPZ in this area following requests made by local residents. Parking stress surveys suggest that the area could benefit from CPZ controls.
- 6.13. The Tranche 3 CPZ consultation programme received approval from the Executive Director for Resources and Regeneration in March 2018. Consultation has commenced in the 2018/19 programme starting with the Ladywell CPZ review. Expected timescales are provided in the following table. For each area, a new CPZ, or in the case of Grove Park, amendment of an existing CPZ would only be approved should they be supported by the consultation. Should this not be the case, the next consultation may be brought forward.

Area	Informal Consultation/Design	Statutory Consultation/Design*	Implementation*
Ladywell area	Spring 2018	Summer 2018	Winter 2018/19
Leegate area	Spring 2019	Summer 2019	Autumn 2019
Grove Park (Zone D review)	Winter 2020	Spring 2020	Summer 2020
Sydenham area	Spring 2020	Summer 2020	Autumn 2020

*These steps only apply should a new or amended CPZ be supported following consultation. If this is not the case, the following consultation may be brought forward.

New Developments and CPZs

6.14. Additionally, CPZ consultations in other areas where development has/will take place will be funded by agreements under Section 106 of the Town and Country Planning Act 1990 from within each of the proposed boundary areas. These CPZs will be proposed to mitigate against the effects of additional parking associated with new developments. In some areas, the impact of developments are beginning to be realised in neighbouring areas, and in some cases the monies offered to the council to complete these works must be spent before the expiry date specified on the S106 agreement. These potential CPZs areas related to developments are therefore not assessed against the standard policy criteria, but require separate approval from Mayor and Cabinet.

7. Parking Enforcement Activities and Contract Performance

Parking Enforcement Activities

- 7.1. The total number of Penalty Charge Notices (PCNs) issued by Lewisham in 2017/18 was 7% higher than last year.
- 7.2. Within Lewisham this increase is as a result of a focus on more serious contraventions. PCNs for moving traffic contraventions remain fairly consistent compared to last year.

Lewisham PCNs	2013/14	2014/15	2015/16	2016/17	2017/18
Parking Contraventions	47,607	42,724	36,195	47,313	52,213*
Moving Traffic Contraventions	15,857	17,382	20,869	23,156	23,259**
Total PCNs issued	63,464	59,482	57,064	70,469	75,472

Data based on 1st April 2017 – 31st March 2018

*SIDEM "Case Summary by Contravention Details", filtered to TMA CCTV and TMA HH.

**SIDEM "Case Summary by Contravention Details", filtered to RTA CCTV Moving and RTA Bus Lane

- 7.3. The total number of cases passed to enforcement agents for debt recovery in 2017/18 was 7% higher than last year.

Parking Permits

- 7.4. The total number of resident and business parking permits purchased in 2017/18 was 12% higher than last year.
- 7.5. This increase is mainly a result of the increase in visitor permits (11% increase from last year) and the growth of CPZs within the Borough (9% increase in resident permits and 4% increase in business permits from last year).

Lewisham Permits	2013/14	2014/15	2015/16	2016/17	2017/18
Resident	6,620	11,708	12,921	14,116	15,793*
Business	367	505	522	544	1,759**
Visitor	26,885	55,643	66,628	80,542	89,439***
Total	33,872	67,856	80,071	95,202	106,991

Data based on 1st Aug 2016 to 31st July 2017, from RingGo Operational "Monthly Permits" report

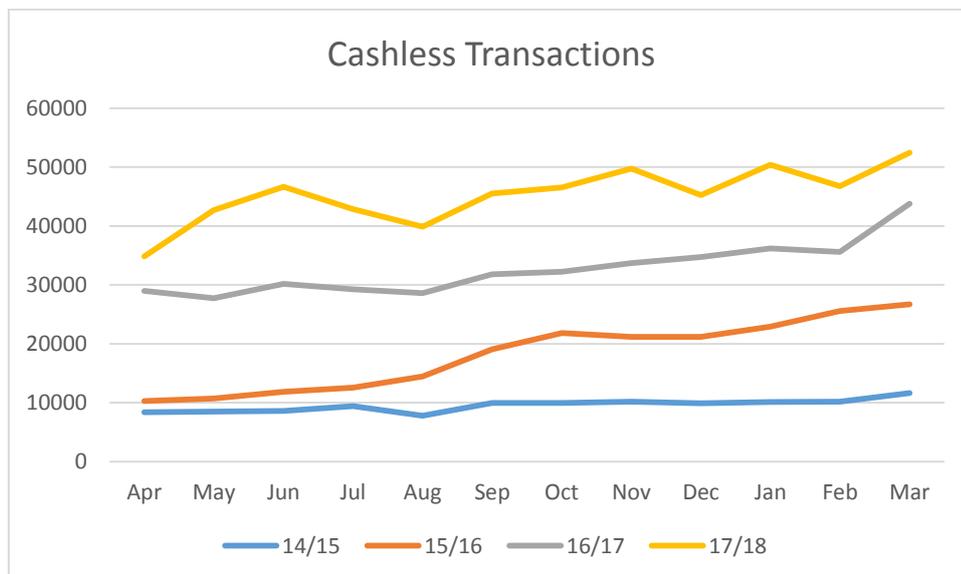
*Resident, Resident Disabled, Resident Health, Resident Low Emission

** Business, Business Health, Business Z, Car Club, Charity Business, Councillor, Hospital Staff, Staff, Market Trader

*** Resident Visitor, Scratchcard (excl. library cash sales)

Pay & Display and Cashless

- 7.6. From August 2015 the Council introduced a cashless parking system across the Borough which allows the user to pay for their parking via their mobile phone.
- 7.7. The growth in cashless transactions has continued in 2017/18 and was 38% higher than last year.



- 7.8. The Council has 187 Pay and Display machines which are very old and some are beyond repair. A full review will be undertaken in 2018/19 which will look at reducing the machines where the cash taken is very low. Aligned to this will be a programme to renew the remaining infrastructure over the next 3 years.

Parking Contract Performance

7.9. The Council's Parking Enforcement Services is contracted to NSL Ltd. The contract is now in year 5 of an initial 6 year contract following a competitive tender process. A report will be presented to Mayor and Cabinet in December 2018 proposing to extend the contract for a further 4 years.

7.10. The parking contract covers a number of services split into 4 broad categories:

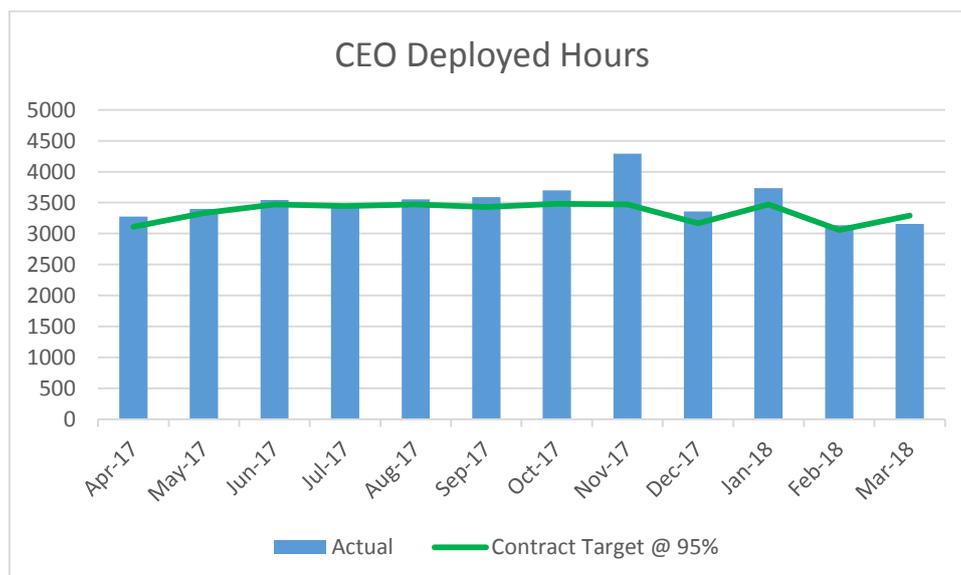
- Parking Enforcement
- Pay & Display Maintenance & Cash Collection
- Penalty Charge Notice Processing
- Permits & Suspensions

7.11. Responses to formal representations and appeals are authorised by Council staff and the contract is managed using a number of Key Performance Indicators (KPIs). There are 4 categories of KPIs:

- Effective Parking Enforcement;
- Good Quality, Motivated and Informed Civil Enforcement Officers;
- Issue of Good Quality PCNs; and
- Other Services (such as ICT, suspensions, signs and lines & complaints)

Effective Parking Enforcement

7.12. Civil Enforcement Officers (CEOs) deployment levels remained fairly consistent throughout the year. There has been a shortfall in March for which the contractor has been penalised. The Council is looking to increase deployment in 18/19 to cover the introduction of new CPZ's and requests for additional enforcement from Members.

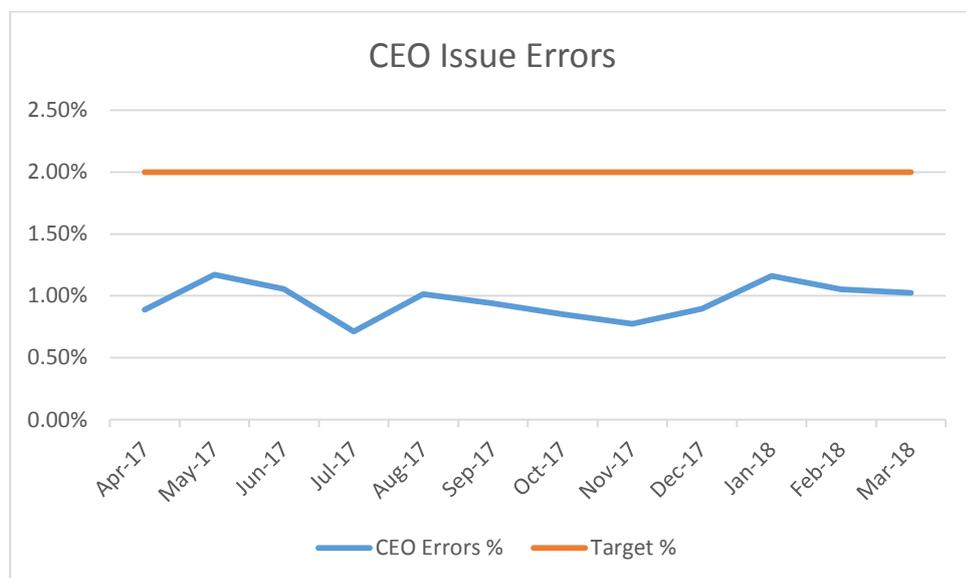


Good Quality, Motivated and Informed Civil Enforcement Officers

7.14. Staff retention is key to a stable service especially if investment has been made in the training of staff. Staff turnover in the parking industry is high due to the very nature of the work involved. The turnover in 17/18 was 15%.

Issue of Good Quality PCNs

7.15. To ensure quality is maintained throughout contract delivery, the performance target is to maintain the CEO error rate below 2%. Performance against this KPI is excellent. See graph below.



Notice Processing

The issue and challenge of a PCN follows a statutory process that allows the right of appeal to the independent London Tribunals – Environment and Traffic Adjudicators.

7.16. The table below shows the annual appeal results as reported by the Environment and Traffic Adjudicators. (ETA). The performance has improved considerably and the results from London Councils has highlighted that Lewisham is 4th in London which is a great achievement.

Appeals	2015/16	2016/17	2017/18
Total	573	385	566
Upheld	135	116	168
Rejected	293	247	419
DNC	32	31	42
Success (%)	63.70%	62.69%	74%

7.17. Complaints against service delivery (not the issue of PCNs which follows the statutory process mentioned above) are managed via the Council's complaints procedure.

Complaints	2015/16	2016/17	2017/18
Total	109	98	101
Overdue	5	14	33

Service Development

In 2018/19 the Council is planning to introduce the following:

- Extension of Parking Contract until 2022
- Introduction of new KPI's in line with the contract extension
- Implementation of Parking IT system
- Rationalisation of Pay and Display machines
- Improved enforcement around schools and the introduction of CCTV enforcement cameras
- Implementation of CCTV cameras in Catford Broadway and Lewisham market to combat illegal parking.
- Increase in CEO's to meet requests for enhanced enforcement.

8. Financial Performance

- 8.1. This section of the report sets out information relating to parking finances.
- 8.2. Parking charges are fixed in accordance with the requirements of the Road Traffic Regulation Act 1984 and there have been no changes since the last Annual Parking Report was published. In addition the cost of Parking Permits and Suspensions has also not changed since last year's report.
- 8.3. Section 8.5 shows the final outturn for the year 2017/18 and summarises the performance against budget on 2017/18 relating to the direct management of both off-street and on street parking services.
- 8.4. Section 8.9 also sets out the Council's Parking Control Account for 2017/18. This account is a statutory requirement and sets out the financial position in relation to on-street parking only. The account not only includes the proportion of direct management costs and income relating to on-street parking but also a proportion of costs in respect of, for example, management and other support service overheads, an assessment of policy and planning costs, and capital charges.

Direct Parking Management

- 8.5. In 2017/18, the Council collected £9.0m income in respect of parking services, compared to a budget of £7.37m. The income received can be broken down as follows:

Parking services income collected in 2017/18		
	£000s	%
Parking Fines	4,109	46
Pay & display Income	2,414	27
Permit Income	2,218	24
Advertising & Other income	254	3
Total Income 2017/18	8,995	100

Direct parking management expenditure	
	£000s
Enforcement contract costs	2,166
Management and admin costs	414
Car park utilities, rates, repairs and maintenance	278
Legal fees	117
Provision for bad debts	-
Total expenditure 2017/18	2,975

Parking Control Account 2017/18

- 8.6. Under the Road Traffic Regulation Act, 1984 the Council is required to maintain a separate account of its on-street parking business activities and to report the outcome and the use made of any surplus generated annually to the Mayor of London. The account must contain all expenditure and income in relation to the provision, management and enforcement of on-street parking in the Borough.
- 8.7. The use of any surplus is governed by Section 55 of the Act which specifies that the surplus may be used for:
- making good to the General Fund for any deficits incurred in the On-Street Parking Account during the previous four years; or
 - Meeting the cost of the provision and maintenance of off-street car parking in the Borough, or in another Local Authority.
- 8.8. If, however, it is considered unnecessary or undesirable to provide further off-street parking in this area, the surplus may then be used to fund any of the following:
- public passenger transport services;
 - highway improvement works;
 - highway maintenance; or
 - the costs of anything that has the approval of the Mayor of London and which facilitates the implementation of the Mayor's transport strategy.

8.9. The Council's Parking Control Account for 2017/18 is summarised below:

Borough Parking Control Account 2017/18		
	£000s	%
On-street Parking income		
Pay and Display	1,804	25
Permits	1,665	23
Fines	3,698	52
Total Income	7,167	100
On-Street Parking expenditure		
Enforcement contract costs	1,949	54
Management, admin and overheads	971	27
Running costs	356	10
Capital investment	313	9
Total Expenditure	3,589	100
Funds available for supporting highways and transportation	3,578	

9. Parking Policy Update

9.1 The current Parking Policy was approved by Mayor and Cabinet in October 2014, following a comprehensive review in 2012/13. It is proposed that we will be presenting a report to Sustainable Development on the refinement of the current policy and highlighting elements for update, based on feedback and commitments made. Therefore the scope will be limited to reviewing the following elements within the Parking Policy:

- A review of permit charging scales to a proposed arrangement based on vehicle emissions in line with our Air Quality action plan
- A proposed new borough-wide CPZ consultation with revised CPZ assessment criteria and an updated consultation and implementation process
- Disabled parking review to bring the policy in line with current regulations and best practice
- Proposed introduction of a floating car club scheme and associated new floating car club permit
- Minor amendments to reflect changes to parking legislation and guidance since the last policy review
- Improve the customer journey for residents and businesses for permit application.

9.2 The update will be carried out during the 2018/2019 financial year.

10. Financial Implications

- 10.1. The purpose of this report is to provide an update on the parking policy and CPZ programme and to give an overview of the parking contract performance. As such there are no financial implications to members agreeing the recommendations set out in section 3.
- 10.2. Details of the Council's financial performance in terms of the parking service are set out in section 8 and comply with both the Road Traffic Regulation Act, 1984 and the Department for Communities and Local Government Transparency Code 2014.

11. Legal Implications

- 11.1. Section 45(1) Road Traffic Regulation Act 1984 (RTRA) allows Councils to designate parking places on the highway and to charge for the use of them. Section 45(2) provides for the issuing of permits for which an authority may charge. The procedure requires consultation and a designation order.
- 11.2. Section 122 RTRA imposes a general duty on authorities to exercise functions under the Act (so far as practicable having regard to the matters set out at para 13.3 below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.
- 11.3. In fulfilling the general duty imposed by Section 122 RTRA, the matters referred to above are as follows:-
 - (a) The desirability of securing and maintaining reasonable access to premises;
 - (b) the effect on the amenities of any locality and the importance of regulating and restricting the use of roads by heavy commercial vehicles so as to preserve or improve the amenities of the areas through which the roads run;
 - (b) the national air quality strategy
 - (c) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and
 - (d) any other matters appearing to the Council to be relevant.
- 11.4. Section 55 RTRA provides for the establishment of a separate account into which monies raised through the operation of on street parking must be paid. The Act requires an enforcement authority, (of which Lewisham is one), to keep an account of:-
 - their income and expenditure in respect of designated parking places;

- their income and expenditure as an enforcement authority in relation to parking contraventions within paragraph 2 of Schedule 7 to the 2004 Act (parking places); and
- their income and expenditure as an enforcement authority in relation to parking contraventions within paragraph 3 of that Schedule (other parking matters).

11.5. It also deals with shortfalls and surpluses. Shortfalls must be made good from the General Fund, and subject to carry forward provisions, any surplus must be applied for the following purposes:-

(a) the making good of shortfalls in the last 4 years

(b) the provision and maintenance of off street parking by the council or others

(c) if further off street parking appears unnecessary or undesirable then
 (i) meeting the cost of provision, operation or facilities for public transport services; and
 (ii) highway or road improvement projects in the area.

11.6. There are also provisions for carry forward. Every London Borough also has to report to the Mayor for London at the end of every financial year on any action taken in relation to any deficit or surplus on their account. It is clear from this report that surpluses made on this special account in 2013/14 have been applied for permitted purposes.

11.7. The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations require traffic regulation orders to include an exemption from waiting prohibitions in certain circumstances, and from charges and time-limits at places where vehicles may park or wait, in respect of vehicles displaying a disabled person's badge.

11.8. The Equality Act 2010 (the Act) brings together all previous equality legislation in England, Scotland and Wales. The Act includes a new Public Sector Equality Duty (the duty), replacing the separate duties relating to race, disability and gender equality.

11.9. The duty consists of the 'general equality duty' which is the overarching requirement or substance of the duty, and the 'specific duties' which are intended to help performance of the general equality duty.

11.10. The duty 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.

11.11. 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.

11.12. These are often referred to as the three aims of the general equality duty.

11.13. The duty is 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.

11.14. The Equality and Human Rights Commission (EHRC) have issued technical guidance for public authorities in England on the Public Sector Equality Duty. The guidance can be found at <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/> This Guidance provides practical approaches to complying with the Public Sector Equality Duty. The EHRC technical guidance is not a statutory Code, but may be used as evidence in legal proceedings to demonstrate compliance with the Public Sector Equality Duty.

12. Crime and Disorder Implications

12.1. There are no direct crime and disorder implications arising from this report.

13. Equalities Implications

13.1. Compliance with the Equality Duty, as described in the 'Legal Implications' of this report has been incorporated within a more detailed Equalities Analysis Assessment which formed part of the Review of Parking Policy report agreed by Mayor and Cabinet on 10 April 2013.

13.2. Key positive equalities impacts on Age, Disability, Pregnancy and Maternity Include:

- continued provision of resident parking permits free of charge to Blue Badge holders;
- quicker resolution of parking issues, that prevent people with mobility issues or young families, parking close to their homes, and create neighbourhood tensions; and
- transparent criteria and application process for new disabled parking bays, and a programme of review to manage and fund these requests.

13.3. Moving forward, the Council will also need to give greater consideration to the accessibility of its engagement processes with local areas on proposed new parking restrictions. These need to allow sufficient time for full participation by all members of the community and aim to increase voter turnout through the provision of information in alternative formats as necessary.

- 13.4. The Council also needs to ensure that any web-centric parking policies make alternative provision for those without access to the Internet, to ensure equitable provision of the service.

14. Environmental Implications

- 14.1. There are no direct implications arising from this report, but the policy review will take into account the Council's broader ambitions for environmental sustainability such as air quality. For instance, its Local Implementation Plan (LIP) aims to reduce growth in road traffic through the discouragement of car usage and the promotion of facilities for cyclists and pedestrians and alternative sustainable methods of transport. The limitation of on-street parking through CPZs, especially around shopping centres and transport hubs along with appropriate charging is considered to be a deterrent to car usage.

15. Conclusion

- 15.1. This report provides an update on the London Borough of Lewisham's Parking activities for 2017/18.
- 15.2. Overall the combination of Parking Policy, Parking Enforcement contract and CPZ Programme are performing well in meeting the challenges of parking across the Borough.

Sustainable Development Select Committee		
Title	Select Committee work programme	
Contributor	Scrutiny Manager	Item 9
Class	Part 1 (open)	12 December 2018

1. Purpose

To advise Members of the proposed work programme for the municipal year 2018-19 and to decide on the agenda items for the next meeting.

2. Summary

- 2.1 At the beginning of the new administration, each select committee drew up a draft work programme for submission to the Business Panel for consideration.
- 2.2 The Business Panel considered the work programmes of each of the select committees on 24 July 2018 and agreed a co-ordinated overview and scrutiny work programme. However, the work programme can be reviewed at each Select Committee meeting so that Members are able to include urgent, high priority items and remove items that are no longer a priority.

3. Recommendations

3.1 The Committee is asked to:

- note the work plan attached at **Appendix B** and discuss any issues arising from the programme;
- specify the information and analysis required in the report for each item on the agenda for the next meeting, based on desired outcomes, so that officers are clear about what they need to provide;
- review all forthcoming key decisions and consider any items for further scrutiny.

4. The work programme

4.1 The work programme for 2018-19 was agreed at the Committee's meeting on 19 July 2018.

4.2 The Committee is asked to consider if any urgent issues have arisen that require scrutiny and if any existing items are no longer a priority so they can be removed from the work programme. Before adding additional items, each item should be considered against agreed criteria. The flow chart attached at **Appendix A** may help Members decide if proposed additional items should be added to the work programme. The Committee's work programme needs to be achievable in terms of the amount of meeting time available. If the Committee agrees to add additional item(s) because they are urgent and high priority, Members will need to consider

which medium/low priority item(s) should be removed in order to create sufficient capacity for the new item(s).

- 4.3 Items within each Select Committee work programme are linked to the Council's corporate priorities. Work is currently underway to develop a new corporate strategy, which will give corporate expression to the priorities of the new administration. Once developed, scrutiny work programmes can be adjusted to reflect the new corporate strategy and corporate priorities, if required.

5. The next meeting

- 5.1 The following reports are scheduled for the meeting on 30 January 2018:

Agenda item	Review type	Link to corporate priority	Priority
Beckenham Place Park	Performance monitoring	Clean, green and liveable; Inspiring efficiency, effectiveness and equity	High
Fire safety in tall buildings	Standard item	Clean, green and liveable; Inspiring efficiency, effectiveness and equity	High
Waste strategy implementation and performance monitoring	Standard item	Clean, green and liveable; Inspiring efficiency, effectiveness and equity	High
Lewisham local plan	Standard item	Clean, green and liveable; Inspiring efficiency, effectiveness and equity	Medium
Catford town centre regeneration update	Standard item	Clean, green and liveable; Inspiring efficiency, effectiveness and equity	Medium
Bakerloo line extension update	Standard item	Clean, green and liveable; Inspiring efficiency, effectiveness and equity	Low

- 5.2 The Committee is asked to specify the information and analysis it would like to see in the reports for these items, based on the outcomes the Committee would like to achieve, so that officers are clear about what they need to provide for the next meeting.

6. Financial implications

There are no financial implications arising from the implementation of the recommendations in this report.

7. Legal implications

In accordance with the Council's Constitution, all scrutiny select committees must devise and submit a work programme to the Business Panel at the start of each municipal year.

8. Equalities implications

- 8.1 The Equality Act 2010 brought together all previous equality legislation in England, Scotland and Wales. The Act included a new public sector equality duty, replacing the separate duties relating to race, disability and gender equality. The duty came into force on 6 April 2011. 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.
- 8.2 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.
- 8.3 There may be equalities implications arising from items on the work programme and all activities undertaken by the Select Committee will need to give due consideration to this.

Background Documents

Lewisham Council's Constitution

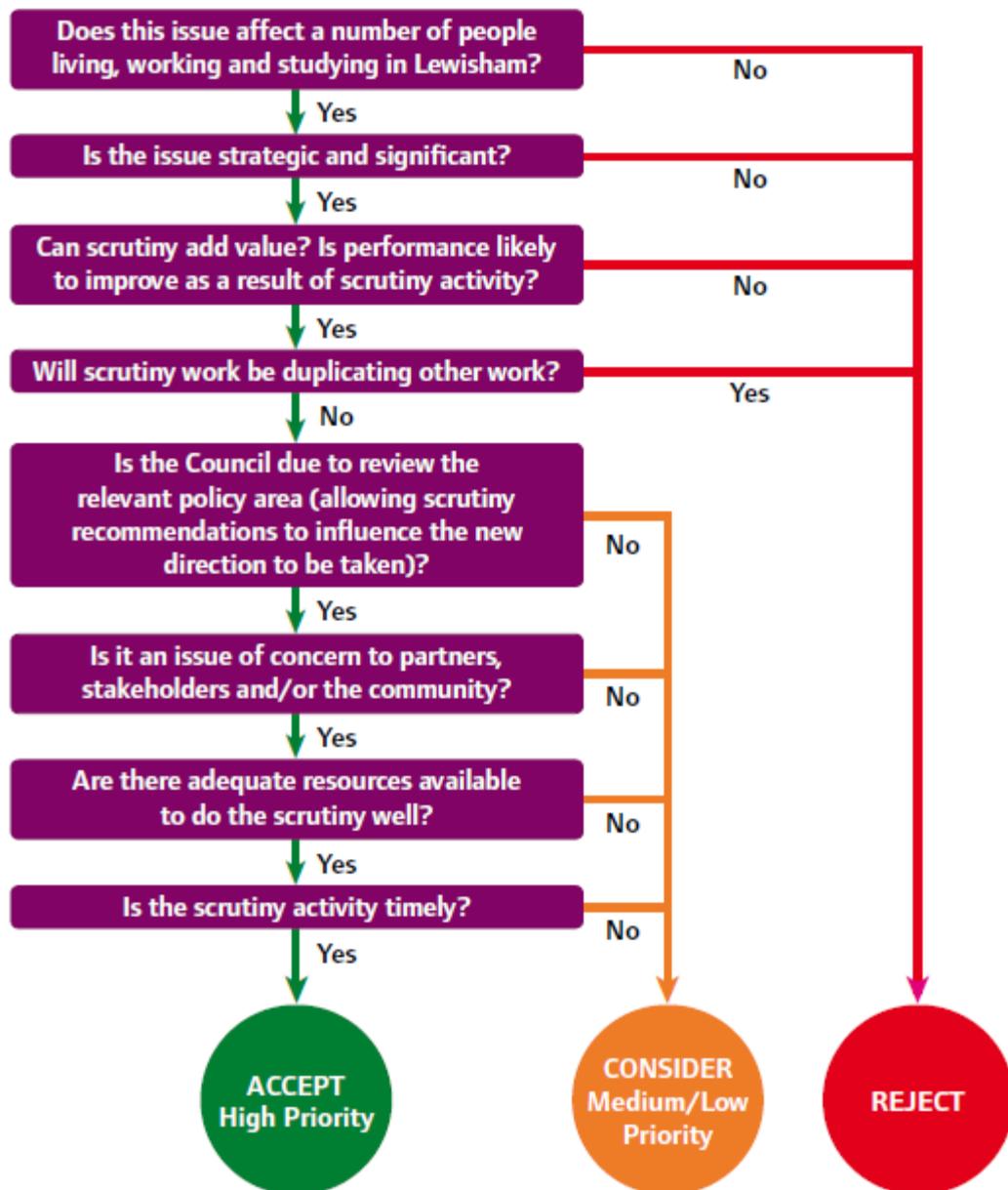
Appendix A: Scrutiny work programme prioritisation process

Appendix B: Committee 2018-19 work plan

Appendix C: Key decision plan (the plan can be accessed online here:

<https://tinyurl.com/keydecisionplan121218>)

Scrutiny work programme – prioritisation process



Sustainable Development Select Committee work programme 2018-19

Programme of work

Work Item	Type of item	Priority	Strategic priority	Delivery deadline	19-Jul	12-Sep	29-Oct	12-Dec	30-Jan	04-Mar
Budget cuts	Performance monitoring	High	CP10	Ongoing			Proposals			
Election of the Chair and Vice-Chair	Constitutional requirement	High	CP6	Jul						
Select committee work programme 2018/19	Constitutional requirement	High	CP6	Ongoing						
Catford Town Centre Regeneration	In-depth review	Medium	CP6	Mar		Masterplanners	Masterplanners			
Implementation of the air quality action plan	Performance monitoring	Low	CP6	Jul						
Lewisham Local Plan update	Information item	Medium	CP6	Mar						
Development of the local implementation plan	Standard item	High	CP6	Oct						
Pubs	Single meeting review	High	CP6	Dec						
Planning service annual monitoring report	Information item	Medium	CP6	Dec						
Community Infrastructure Levy neighbourhood CIL strategy	Standard item	High	CP1/CP10	Dec						
Bakerloo line extension update	Information item	Low	CP6	Dec						
Parking policy review	Policy development	High	CP6	Dec						
Annual parking report	Performance monitoring	Low	CP6	Mar						
Beckenham Place Park	Performance monitoring	High	CP6	Jan						
Waste strategy implementation and performance monitoring	Performance monitoring	High	CP6	Jan						
Fire safety in tall buildings	Performance monitoring	High	CP6	Jan						
Economy and partnerships	Standard item	Medium	CP6	Mar						
Home energy conservation	Standard item	Low	CP6	Mar						

	Item completed
	Item ongoing
	Item outstanding
	Proposed
	Item added

Shaping Our Future: Lewisham's Sustainable Community Strategy 2008-2020		
	Priority	
1	Ambitious and achieving	SCS 1
2	Safer	SCS 2
3	Empowered and responsible	SCS 3
4	Clean, green and liveable	SCS 4
5	Healthy, active and enjoyable	SCS 5
6	Dynamic and prosperous	SCS 6

Corporate Priorities		
	Priority	
1	Community Leadership	CP 1
2	Young people's achievement and involvement	CP 2
3	Clean, green and liveable	CP 3
4	Safety, security and a visible presence	CP 4
5	Strengthening the local economy	CP 5
6	Decent homes for all	CP 6
7	Protection of children	CP 7
8	Caring for adults and older people	CP 8
9	Active, healthy citizens	CP 9
10	Inspiring efficiency, effectiveness and equity	CP 10