

| Mayor and Cabinet | | |
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| Report Title | Response to the referral by the Sustainable Development Select Committee on the High Streets Review | |
| Key Decision | No | Item No. |
| Ward | All | |
| Contributors | Executive Director of Resources & Regeneration | |
| Class | Part 1 | Date: 18 May 2016 |

1. Summary

- 1.1 This report sets out the Executive Director's response to the final recommendations arising from the Sustainable Development Select Committee's High Street Review, which was presented at the Mayor and Cabinet meeting of 13th January 2016.

2. Purpose

- 2.1 The Sustainable Development Select Committee (SDSC) presented the final High Streets Review Report and Recommendations to the Mayor at the Mayor and Cabinet meeting on 13th January 2016. The purpose of this report is to set out the Executive Director's response to the final recommendations arising from the SDSC High Street Review Report.

3. Recommendations

- 3.1 The Mayor is recommended to:

(a) Approve the response from the Executive Director for Resource and Regeneration to the Sustainable Development Select Committee

(b) Agree the content of this report and agree that the matters discussed in this report be reported back to the Sustainable Development Select Committee.

4. Policy Context

- 4.1 The contents of this report are consistent with the Council's Sustainable Community Strategy policy 'Dynamic and Prosperous – where people are part of vibrant communities and town centres, well connected to London and beyond'. To support this priority the Council will work together to 'improve the quality and vitality of Lewisham's town centres and localities'.

5. Background

- 5.1 At a meeting on 9th September 2014, the SDSC decided as a part of its work programme to undertake an in-depth review into High Streets. The review was scoped in January 2015 and two evidence gathering sessions were held in March and April 2015.

- 5.2 The SDSC produced a draft document 'High Streets Review' in November 2015. The final SDSC High Streets Review report was presented at the 13th January 2016 Mayor and Cabinet meeting.
- 5.3 According to Lewisham's constitution, the Select Committee can refer documents to the Mayor and Cabinet who are obliged to consider the document and respond to its content within two months of receipt.

6. Recommendations made by the SDSC High Streets Review

- 6.1 The referral report recommended at paragraph 2.1 (b) and (c) that the Executive Director for Resources and Regeneration be asked to respond to the review's recommendation and that a response should be provided to the SDSC. The recommendations are set out below together with a response.
- 6.2 ***Recommendation 1: Shopping habits, retail centres and high streets are changing, and as a Council we need to make sure that we are keeping pace. As a Planning Authority, the Council needs to make sure its planning policy is fast, flexible and open minded, so as to readily adapt to multi-configurations and future reconfiguration options that an evolving future high street will need. Lewisham Council should consider how it would deal with non-traditional pop up activity within our Borough, whether that's the top floor of a car park being turned into a garden market restaurant and farm, or a unit that has a rolling programme of pop ups with an activity programme that cuts across several planning class uses.***
- 6.3 **Response:**
- 6.4 The Council's existing planning policies are contained in the Local Plan. The Council's Local Plan comprises the Core Strategy (2011) which sets out the strategic vision for the borough's high streets, the Development Management Local Plan (2014) which sets out the detailed policies used to guide decisions on planning applications in order to implement the strategic vision contained in the Core Strategy and the Lewisham Town Centre Local Plan (2014) which is an area based Local Plan. These documents are in conformity with the Mayor of London's London Plan and national policy.
- 6.5 The Council's existing planning policies seek to offer a degree of flexibility. Planning policy is structured around the retail hierarchy. In the major and district shopping centres policies set out to protect viable shopping centres by designating primary and secondary shopping frontages. Within the primary shopping areas policy seeks to protect 70% of shop units as A1 shops as defined in the Use Class Order. In secondary and other areas a much wider range of appropriate town centre uses are encouraged and permitted. In the local shopping centres and parades a more flexible policy approach is adopted based on evidence of economic demand. Where evidence is produced of no market demand a change of use of a shop is acceptable, including a change to a residential use. This flexible policy approach appears successful in that most major and district shopping centres in Lewisham have a lower vacancy rate than the national average.

- 6.6 Planning policy officers are also currently in the early stages of preparing a new Local Plan for Lewisham in order to reflect recent changes in planning policy and the changing demands in town centres. As a part of the preparation of the new Local Plan, a retail capacity study has been commissioned which will provide part of the evidence base needed to inform new policies that take into account changes in shopping patterns and new shop configurations. Government changes to the Use Class Order and permitted development rights also mean that the primary and secondary frontage policy will need to be reviewed.
- 6.7 It should be noted that the provision of innovative uses within our high streets to allow for pop up shops and multiconfigurations are already being facilitated through planning with uses such as Street Feast within Lewisham Town Centre. Officers will continue to consider how these can further be supported.
- 6.8 ***Recommendation 2:*** *Lewisham is establishing a positive name as a Local Authority for being open to innovation in our town centres and high streets. Projects such as the Mary Portas SEE3 pilots, Street Feast Model Market project or the Catford Canteen have all added to that reputation – and serious consideration should be given on how we can embed that opinion and increase the number of these opportunities setting up in our borough.*
- 6.9 **Response:**
- 6.10 The SEE3 Portas Pilot in Sydenham, Kirkdale and Forest Hill showed how a relatively small amount of seed funding alongside strong community involvement can produce innovative improvements to a town centre. A reduction in vacant units, new regular market, physical improvements and collaborative working and learning were all long term results of the pilot. Town Centre Management S106 monies formed part of the pilot's spend.
- 6.11 A similar approach could be trialled in other parts of the borough if similar monies become available (such as through the Mayor of London's High Street Fund, Town Centre S106 or CiL monies or Local Assembly funding in the future). The SEE3 project was driven by the community and facilitated by officers at the council and therefore, any similar projects would be subject to community interest and officer resource capacity constraints.
- 6.12 ***Recommendation 3:*** *The Council should look to help with the reimaging of our public space through 'place making' and creating town centres with 'experiential' entertainment activity. The Council should look at directly funding, or working with other funding partners (Regional National & European), to facilitate the animation of our high streets, through pop-up shops, arts and community activity. It was also noted that "quirk" and "experience" were key 'pull' drivers for visitors to commercial/entertainment centres, and any such activity should look to capitalise on those elements.*
- 6.13 **Response:**
- 6.14 The emphasis from both the Planning and Regeneration departments in Lewisham is one of place making. For example, the Lewisham Town Centre Local Plan places a great emphasis on place making and design. The Council did employ town centre

managers who were able to engage actively with commercial and artistic people and organisations but these posts were deleted some years ago in relation to Council saving plans.

- 6.15 The Council does, however, fund arts and cultural organisations through the Main Grants programme; a number of which develop and deliver artistic and community animation within the borough's town centres. Examples include Sydenham Arts engaging with residents and visitors within cafes on the high street; the Albany delivering Fun Palace programme of events in the squares and streets of the town centre; Montage delivering regular intergeneration dance performances in Deptford Market; Lewisham Youth Theatre delivering promenade performance 'Catford Tales'. A number of the local assemblies and local community organisations also fund Christmas trees and associated Christmas events.
- 6.16 **Recommendation 4:** *The Council should look at further developing night time economies across the Borough to offer a rich mix of restaurants, bars, recreational activities, and cinemas. During the committee's deliberations it became apparent that for large high streets and town centres to thrive, there needs to be a mix of retail, commercial, and entertainment and have both day and night time usage. There are some sections of our communities like young professionals and students that can significantly add to making a night time economy viable. It would therefore be desirable for the Council to enter talks with local post compulsory education providers to discuss ways in which we could create the conditions for more students to live in the locality of Lewisham and Catford Town centres.*
- 6.17 **Response:**
- 6.18 The Lewisham Town Centre Local Plan (2014) sought to deliver a greater mix of uses throughout the day and evening and supported the integration of student accommodation to enhance the vibrancy and vitality of the Town Centre.
- 6.19 The outline application for the Lewisham Gateway scheme has been permitted and is currently being implemented. The Gateway development will deliver 800 homes, up to 17,000 sq.m. of town centre uses including shops, restaurants offices and leisure uses. Planning applications to address the reserved matters for the scheme are being brought forward. This part of the overall town centre regeneration vision is successfully delivering a rich mix of both day time and evening uses. Planning permission has been granted for 611 student bedsapces in Thurston Road and this development is currently under construction. Student housing has also been recently approved within Ladywell at Mercy Terrace.
- 6.20 Officers regularly engage with Goldsmiths to understand their approach. Goldsmiths have recently gained planning permission for student accommodation on their own site in New Cross and officers understand that given the distance to Lewisham Town centre, they would not be seeking accommodation in that location.
- 6.21 The Council bought the Catford Centre from St. Modwins in 2010 and has been working on a strategy for the regeneration of the whole centre. The evolving strategy will consider comprehensive redevelopment and take into account the role and

function of the centre within the retail hierarchy. This will include the night time economy and in particular will aim to enhance the function of the Broadway Theatre.

- 6.22 **Recommendation 5:** *the Council needs to develop a clear, proactive 'Meanwhile Use' policy, for commercial properties where it is a landlord either directly or at arm's length. This policy needs to realise that an empty property has a significant impact upon local amenity and the perception of the success of a high streets. It is this committees position that it is more desirous for a 'meanwhile tenant' to be brought in so as to animate a section of a high street or town centre, at a peppercorn rent, then having an empty decaying shell that is bringing in no rent or business rates. The Council should also look at developing partnership with meanwhile use charities/organisations, for both meanwhile usage of council voids, but also as a service that we promote to external commercial property freeholders across the Borough. The Council should also take learnings from the collaboration between Brent Council and Locality, in their establishment of www.meanwhile.org.uk and any other similar meanwhile use charity, so as to fully understand the scope and potential we can unlock.*
- 6.23 **Response:**
- 6.24 The Council is currently developing a specific policy regarding the disposal (sale and letting) of its land and buildings. This will include details of how the Council will incorporate meanwhile uses into its commercial portfolio and areas with a focus on regeneration. This policy is likely to be reported to members within the next 3-6 months. Any work created as a result of this policy is likely to be carried out within existing resources.
- 6.25 Officers are also considering meanwhile uses for vacant retail within its ownership in Catford Town Centre, where only relatively short term leases are available.
- 6.26 The Council has been relatively successful over recent years in reducing the vacancy rates across its commercial portfolio and increasing the income generated from them, and that work continues. However where properties remain vacant, either through an inability to let or due to upcoming redevelopment, officers are seeking alternative uses, including meanwhile, charity and voluntary sector uses, to increase occupancy.
- 6.27 **Recommendation 6:** *For the Council to do more about poor quality frontages on our high streets. Our high streets can be blighted by run down frontages from both active and inactive commercial properties, much like the 'broken window' theory an ill-kept property on a high street can cause further deterioration in the locality. It is therefore recommended that the Council give much greater consideration to the use of 'section 215 notices' on high street properties that give powers to the Local Authority to be able to require property owners to improve their land/property to stop negatively affecting local amenity.*
- 6.28 **Response:**

- 6.29 Section 215 of the Town and Country Planning Act 1990 (as amended) gives local planning authorities the Power to require proper maintenance of land. It states that:
- (1) If it appears to the local planning authority that the amenity of a part of their area, or of an adjoining area, is adversely affected by the condition of land in their area, they may serve on the owner and occupier of the land a notice under this section.*
- 6.30 Government guidance on Section 215 notices encourages its use where appropriate and specifically, amongst other situations, cites its use in town centre locations where it is desirable to improve the run down appearance of town centre street frontages.
- 6.31 Planning Enforcement officers are already considering the use of Section 215 powers in high streets. In August 2015 enforcement and conservation officers undertook a walk through of Deptford High Street to identify those properties that were considered, by reason of their run down appearance, to detrimentally impact on the visual amenity of the conservation area. In supporting the proposed conservation area extension, the eventual serving of S215 notices to seek the required improvements would underpin the Councils wider conservation and town centre regeneration policies.
- 6.32 Furthermore, a review of planning enforcement, identified for August/September 2016, will highlight the councils aspirations to carry out proactive enforcement action and where, subject to resources within the planning and the legal services, enforcement action can achieve quick, visible and high profile wins such as the boroughs main shopping thoroughfares.
- 6.33 ***Recommendation 7:*** *It is recommended that the Council give consideration to extending its 'free for 30 minutes' parking policy that operates in places like Sydenham, to other high streets and shopping areas around Lewisham.*
- 6.34 **Response:**
- 6.35 Parking regulation is governed by the Road Traffic Regulation Act 1984. The Council's local transport and parking policy objectives comply with this legislation and are set out in the Local Implementation Plan (LIP). The goals, objectives and outcomes for the LIP have been developed within the framework provided by the Mayor of London's Transport Strategy, but they also reflect local policies and priorities and as such are aligned with the Council's corporate priorities and the Sustainable Community Strategy.
- 6.36 The parking policy is placed within this broader policy framework. Parking has a borough-wide impact, and has particular relevance to the many economic, environmental and social objectives of a modern transport system.
- 6.37 In line with the Council's Parking Policy the implementation of short stay parking bays (normally 30 minutes) are considered in small shopping areas where a quick turn-around of parking will assist the business of local traders. They are particularly useful in areas that would otherwise suffer from all-day

intrusive parking such as those close to train stations, and are therefore often included near local shops within CPZs.

- 6.38 These bays may be entirely free timed bays or be linked to a paid for parking system. This allows limited free parking after which pay & display charges would apply. The maximum limited free time would usually be 30 minutes.
- 6.39 **Recommendation 8:** *The role of markets, such as that in Lewisham Town Centre, as a key asset of the borough, that animates the town centre and meets the needs of a broader spectrum of shoppers than supermarkets alone, must be protected. However it is recommended that the Council invest in the aesthetic of the Market so as to improve the visual impact of the locality.*
- 6.40 **Response:**
- 6.41 The Lewisham Town Centre Local Plan recognises the important role of the street market and includes policy to work with market traders and other stakeholders to improve the environment for the street market.
- 6.42 At this time there are no known specific plans to enhance the existing market and associated highways but this remains an aspiration as part of the wider regeneration being undertaken in this area. Market officers would recommend that improvements to the highway are considered as a priority, where resources become available.
- 6.43 The market does not currently receive any funding from the Council - it is self financing. In the past, the market had received funding via town centre manager to update the trader's stalls with new canopies. However, market traders own and are responsible for the upkeep of their stalls whilst the Council's highways department is responsible for the maintenance of the public highway.
- 6.44 **Recommendation 9:** *Committee noted that the commercial/retail offer in mixed use planning developments, seemed to create vacant units that could often remain as such for a significant periods of time. It is therefore recommended that we review the combination of mixes and configurations that we are offering, to include planning use classes of A3, D1, D2, and in so doing improve the amenity of an area.*
- 6.45 **Response:**
- 6.46 Planning officers recognise that in some mixed use developments the commercial and retail element has, in the past been left vacant. There can be many reasons for this including a lack of commitment on the part of the developer. To seek to address this issue the Development Management Local Plan (2014) introduced new policy that requires developers to provide an internal fit out to an appropriate level that will ensure deliverability and long term sustainability. While the Core Strategy policy seeks 20% of mixed use floorspace as business employment, in practice a more flexible approach to other land uses has been adopted. This has included A3, D1 and

D2 uses. As part of the local plan review the mixed use policy will be reconsidered to ensure deliverability and flexibility.

- 6.47 It should be noted that the delivery of spaces to an appropriate level of fit out together with marketing strategies and flexible uses within units are all being utilised, in-line with planning policy, to ensure that spaces are let and officers along with the Council's Economic Development team continue to work with developers to ensure that spaces are not left vacant for long periods of time.

7. Legal Implications

- 7.1 The report sets out for approval the response from the Executive Director to the Sustainability Development Select Committee on matters raised, there are no direct legal implications on the responses.

8. Financial Implications

- 8.1 There are no specific financial implications arising from this report. There may be future financial implications arising from the recommendations of the High Streets Review, should they be taken forward.

9. Crime and disorder implications

- 9.1 There are no specific crime and disorder implications arising from this report.

10. Equalities implications

- 10.1 *Shaping our future*, Lewisham's Sustainable Community Strategy for 2008-2020, sets out a vision for Lewisham;-

“Together we will make Lewisham the best place in London to live work and learn.”

This is underpinned by hard-edged principles for:

- **reducing inequality** – narrowing the gap in outcomes for citizens
- **delivering together efficiently, effectively and equitably** - ensuring that all citizens have appropriate access to and choice of high quality local services

- 10.2 The Council's Comprehensive Equality Scheme for 2012-16 provides an overarching framework and focus for the Council's work on equalities to support the Sustainable Community Strategy and to ensure compliance with the Equality Act 2010.

- 10.3 A full Equality Analysis Assessment (EAA) (previously known as Equality Impact Assessment) was carried out for the policies in the Council's Core

Strategy in February 2009. The overall assessment was that the policies in the Core Strategy would not discriminate and that most policies have a positive impact. Three potential adverse impacts were identified: protection of employment land; designation of mixed use employment locations; and concerns of community groups about the amount of new housing development putting undue stress on the existing network of facilities (shops, transport, health facilities, community facilities and other services) particularly in the Deptford/New Cross area.

- 10.4 An EAA of the Site Allocations DPD was undertaken in 2011 to identify the positive and negative impacts of the Core Strategy DPD and as a consequence the Site Allocations DPD, on three protected characteristics that were not included in the earlier EIA as it pre-dated the Equality Act 2010. This EAA also provided an update on the Core Strategy EIA.
- 10.5 The Development Management Local Plan proposes specific objectives and policies to help ensure that new development complies with inclusive design principles to ensure that the town centres are safe, attractive and inclusive places. Planning applications for development will need to demonstrate how proposals meet these objectives and policies. The DMLP was the subject of an EAA in 2012.
- 10.7 Any future Local Plans will meet the legislative requirements to undertake an Equalities Analysis Assessment

11. Environmental implications

- 11.1 There are no specific environmental implications from this report.

12. Conclusion

- 12.1 Ensuring the vibrancy and vitality of Lewisham’s Town Centres require a multi-agency collaborate approach in order to successfully deliver the SDSC recommendations that are contained in the High Streets Review report. Examples are given on current approaches in this report.

Background documents

| Short Title Document | Date | File Location | File Reference | Contact Officer | Exempt |
|---|------------|----------------|----------------|-----------------|--------|
| High Streets Review: Scoping paper | 20.01.2015 | Laurence House | | Roger Raymond | |
| High Street Review – paper for the first evidence session | 03.03.2015 | Laurence House | | Brian Regan | |

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| High Streets Review – Evidence session | 16.04.2015 | Laurence House | | Scrutiny Manager | |
| High Streets Review – Draft Report and Recommendations | 26.11.2015 | Laurence House | | Scrutiny Manager | |
| High Streets Review – Report and Recommendations | 13 th January 2016 | Laurence House | | Charlotte Dale / Kevin Flaherty | |
| High Streets Review | November 2015 | Laurence House | | SDSC | |

If you have any queries on this report, please contact Cheryl Maughan, Planning Policy Officer, 3rd floor Laurence House, 1 Catford Road, Catford SE6 4RU – telephone 020 8314 6438.