

MAYOR & CABINET		
Report Title	Local Development Framework – Lewisham Town Centre Area Action Plan – Proposed Submission Document	
Key Decision	Yes	Item No.
Ward	All	
Contributors	Executive Director for Resources & Regeneration (Head of Planning & Head of Law)	
Class	Part 1	Date: 15 February 2012

1. Summary

- 1.1 The Lewisham Town Centre Area Action Plan (AAP) is one of the documents that, when adopted, will make up the Council's Local Development Framework (LDF). The LDF refers to the group of documents setting out the Council's planning strategy and policies.
- 1.2 The legal process leading to adoption of the AAP requires the Council to publish a proposed submission version for the public and interested parties to make representations on issues of soundness. These representations are submitted to the Planning Inspectorate together with the proposed submission document for independent examination at an Examination In Public (EIP).
- 1.3 The Mayor is asked to recommend that the Full Council approve the proposed submission document for publication and following the prescribed representation period its submission to the Planning Inspectorate for an EIP.

2. Purpose

- 2.1 This report seeks approval to submit the LTC AAP to the Planning Inspectorate on behalf of the Secretary of State for an independent Examination in Public (EIP).
- 2.2 This report provides a summary of the process that must be followed to legally adopt the AAP and a summary of the content of the proposed submission version AAP and the accompanying Sustainability Appraisal. The proposed submission AAP is set out as annex 1 and the Sustainability Appraisal as annex 2 to this report.
- 2.3 The annexed documents can be found on the Council website at:
<http://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=139&MId=2132>

3. Policy context

3.1 The contents of this report are consistent with the Council's policy framework. The proposed submission AAP contributes to the implementation of each of the Council's ten priorities as follows:

- community leadership and empowerment
- young people's achievement and involvement
- clean, green and liveable
- safety, security and a visible presence
- strengthening the local economy
- decent homes for all
- protection of children
- caring for adults and older people
- active, healthy citizens
- inspiring efficiency, effectiveness and equity

3.2 The Submission AAP will help give spatial expression to the Sustainable Community Strategy (Shaping Our Future) (SCS), which was prepared by the Local Strategic Partnership and adopted by the Council in May 2008. The AAP also plays a central role in the implementation of the SCS vision '*Together we will make Lewisham the best place to live, work and learn*' 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

3.3 The AAP will help implement a range of other Council policies and strategies particularly the Core Strategy that was adopted by the Council in June 2011. The Core Strategy sets out the overall planning vision for the borough and the AAP fills in the detail about how the town centre should be redeveloped. The AAP is part of the LDF and as such it is part of the Council's policy framework as set out in the Council's constitution and will require the approval of the Full Council.

4. Recommendations

4.1 The Mayor is recommended to approve the Lewisham Town Centre Proposed Submission AAP and the accompanying Sustainability Appraisal, for submission to

the Secretary of State for the purpose of an Independent Examination and to recommend that the Council do the same.

- 4.2 The Mayor is recommended to delegate power to make any minor changes to the text and format of the documents prior to consideration by the Council and prior to Submission, to the Executive Director for Resources and Regeneration.

5. Background and summary of process

- 5.1 The Lewisham Town Centre AAP, when adopted, will be part of Lewisham's Local Development Framework (LDF). The LDF refers to the group of documents setting out the Council's planning strategy and policies and will collectively replace the Unitary Development Plan (UDP). The LDF was introduced by the Planning and Compulsory Purchase Act 2004.
- 5.2 The process for adopting a development plan is prescribed by legislation and government guidance. Of particular importance are the Planning and Compulsory Purchase Act 2004; the Town and Country Planning (Local Development) (England) Regulations 2004 as amended in 2008 and 2009 and Planning Policy Statement 12, 'Local Spatial Planning'.
- 5.3 In summary, the regulations and guidance involve the following stages:
- Issues and Options (October 2005)
 - Preferred Options (May to June 2007)
 - Further Options (March to May 2011)
 - Proposed Submission (current stage)
 - Independent Examination in Public (EIP)
 - Inspectors report on 'soundness'
 - Adoption by Council
- 5.4 As outlined above we have now reached the proposed submission stage of the process having been through three rounds of public consultation. The report to Mayor and Cabinet on the further options on 19th January 2011 set out the detail of the consultation process that had taken place up to that point.
- 5.5 The regulations require the local planning authority (LPA) to publish both on the website and at various specified places a copy of the proposed submission document together with other supporting documents. Any person may make representations about the proposed submission document during a period specified by the LPA. The Council normally allows a 6 week period for representations.
- 5.6 At the same time the Council publish the proposed submission DPD it must request a statement of general conformity with the London Plan from the Mayor of London. The Mayor has six weeks to respond starting on the day the request is made. This is to ensure that the policies and proposals in the AAP are in general conformity with those of the London Plan.

- 5.7 Following the six week period for representations the Council can submit the AAP to the Secretary of State for Independent Examination by a Planning Inspector appointed by government. The purpose of the proposed submission representation period is to identify if any issues of 'soundness' arise from the publication document.
- 5.8 The matters of 'soundness' are set out in PPS 12 and are the issues that the Planning Inspector will consider at the EIP. In summary the soundness issues relate to legal conformity with the regulations during the production of the DPD; the issue of justification, that is, the AAP is founded on robust and credible evidence; and the issue of effectiveness, that is, the AAP is sufficiently flexible to respond to changing circumstances and is deliverable.
- 5.9 The representations made on the proposed submission AAP can only relate to a matter of soundness. If the Council considers no representation raises an issue that would make the AAP unsound it is free to submit the AAP to the Planning Inspectorate for the EIP. The regulations do not make allowance for the Council to change the AAP in response to the representations received. Rather, the Council submits all the representations made to the Planning Inspector for consideration. It is for the Inspector to chose which issues raised by the representations should be considered at the EIP.
- 5.10 Following the EIP the Inspector will submit a report to the Council. The report will set out whether the Inspector considers the AAP sound or not and should therefore be adopted or not and give reasons for the recommendation. The Inspector can also recommend modifications that would make the AAP sound. The Council can then go on to adopt the AAP.

6. Summary of submission AAP

- 6.1 Lewisham town centre is at the heart of the Borough of Lewisham. The town is the most important shopping and leisure destination in the area as well as a major transport hub. The town is a home, workplace and visitor location for a diverse and varied community.
- 6.2 There is an opportunity to transform the way the centre works and radically improve the way of life for everyone associated with Lewisham town centre through the regeneration of residential, commercial and retail development sites, the radical improvement of the transport interchange and the careful management of this process to meet the overall town centre needs.
- 6.3 The AAP is at the heart of regenerating the town centre. It provides a vision and a number of objectives for the town centre, supported by a suite of policies, guidance and a delivery plan. The AAP demonstrates what is required to redevelop the area into a vibrant and successful centre, including improvements to the shopping, living, working, and leisure offer in the town centre. Further, the AAP will ensure individual

developments support the town centre wide objectives, are well designed and environmentally smart.

- 6.4 The proposed submission AAP is set out as annex 1 to this report. The content of the AAP is set out in six sections as follows:
1. the plan and context
 2. the vision and objectives
 3. the spatial strategy
 4. town centre areas and sites
 5. area wide policies
 6. implementation, monitoring and risk
- 6.5 Section 1 'the plan and its context' sets out an introduction to Lewisham town centre identifying its strengths and weaknesses and the opportunity for change. This section also provides an explanation of what an AAP is and how it fits in to the wider planning policy context.
- 6.6 Section 2 sets out the vision and objectives for the AAP. The vision involves an ambition to radically transform the physical quality of the town centre and introduce new residential, commercial and retail that will transform the status of the centre to that of a metropolitan shopping centre in the London hierarchy of centres. There are nine objectives covering the main issues: retail and town centre; housing; design quality; employment and training; open space and recreation; transport; the environment; the community; and implementation.
- 6.7 Section 3 sets out the spatial strategy. Lewisham is the borough's principal town and shopping centre and the vision and objectives are to increase its status to that of a metropolitan shopping centre. The strategy involves dividing the town centre into six sub-areas based on the distinctive retail, townscape and architectural characteristics. Within these sub-areas, called town centre areas, a number of development opportunities have been identified which will deliver the new retail, homes and jobs as well as contributing to sustainable patterns of transport and creating a high quality environment.
- 6.8 The six town centre areas cover just less than half the total area of the town centre and they offer the main opportunity for change. The remaining areas are the largely well established areas where less development is anticipated, but they are also important and any development that is proposed will be required to satisfy the area wide planning policies designed to protect and enhance the whole town centre. The six town centre areas are:
- Lewisham Gateway
 - Loampit Vale
 - Conington Road
 - Lee High Road
 - Ladywell
 - Central

- 6.9 Section 4 provides the detailed policies and objectives for the six town centre areas and sites. Each town centre area is described in terms of its importance to delivering both the on site objectives and the overall town centre objectives. The policies for each town centre area are set out together with policies for individual sites within the area. There are ten key development sites detailed in this section and these are the places where the majority of new development will take place. This section is therefore very important in terms of the overall delivery of the AAP.
- 6.10 In combination the 6 town centre areas will deliver over 2,500 new homes in a location with excellent public transport links and easy access to the town centre services and facilities. The town centre areas will also deliver nearly 45,000 sqm of new retail floor space to support the growth of the shopping centre, as well as significant commercial, leisure and community space. The policies and priorities for each area (in combination with the area-wide policies in Section 5) are designed to ensure that this considerable redevelopment benefits the town centre as a whole, supporting improvements such as public realm quality, river accessibility, public transport capacity, reliability and access and community facilities.
- 6.11 Section 5 sets out the policies that will apply across the whole town centre. The policies are grouped under the same headings used in the Core Strategy to show the close relationship between the two documents. These are; growing the local economy, building a sustainable community and environmental management. The first theme includes policies on employment uses including mixed use development, housing, including policies on conversions and student housing, shopping, including primary and secondary shopping frontages and Lewisham market. The second sets out policies on urban design, sustainable transport and community infrastructure. The third deals with policies on carbon reduction and adapting to climate change.
- 6.12 Section 6 sets out the implementation and monitoring framework. This sets out the actions and involvement of the council in implementing the AAP and a monitoring framework for measuring progress on implementation. This section is important in proving that the AAP is effective and deliverable. The monitoring framework and risk section identify the flexibility of the AAP and demonstrate how delivery will be maintained under changing circumstances.
- 6.13 In combination the sections of the AAP create a plan that will deliver wide-scale regeneration and improve the area for all those who interact with the town centre.
- 6.14 The adoption of the AAP will necessitate amendments to the Councils Proposals Map. A separate report has been completed that displays the mapping changes that result from the policies in the AAP and this document will support the AAP and be subject to the same public consultation and Examination in Public.
- 7. Comments arising from public consultation (AAP Further Options Report, March 2011)**

7.1 The AAP Further Options Report was released for public consultation from 21 March 2011 until 3 May 2011. A total of 30 individual respondents made 94 detailed comments on the AAP Further Options Report March 2011 as follows:

- 24 comments were classified as objections
- comments were largely observational, but with some element of objection
- 21 were supporting comments
- comments were largely in support but with some caveats or requested change
- 39 were classified as 'observations' giving further information or commenting in a general way

7.2 In responding to the consultation comments, Officers have made changes to the current version of the AAP where appropriate to accommodate their requirements. A detailed consultation report will be published as part of the public consultation on AAP Proposed Submission Version. The main consultation themes are summarised below.

Developers and landowners

7.3 In general, there was wide support for policies that encourage the regeneration of the town centre, improve the transport and public realm offer, and support the move to become a metropolitan town centre.

7.4 Objections generally related to specific policies that were seen as inhibiting the redevelopment of individual sites. Opposition was received to the protection of office space and the need for employment sites to be vacant and marketed for two years prior to change of use.

7.5 One landowner in the town centre objected to design and pedestrian access proposed policy requirements on one specific site, as well as the need to masterplan the redevelopment of the wider town centre area.

Local residents and amenity groups

7.6 There were a number of general objections to the quantum of redevelopment planned for the town centre. Concerns included, over-development, the quantity of high rise buildings, development of more office space, the number of planning permissions already in place before the adoption of the AAP.

7.7 Further concerns were largely centred on the provision of social infrastructure and amenity to support the planned development. This encompassed, traffic/bus routes, cycling/walking routes, and the provision of additional open space, schools and medical facilities. There was particular support for the Ladywell Leisure Centre site to be used as a cinema when the site becomes available.

7.8 Strong support was apparent for the refurbishment of The Playtower as a social amenity site and for the ongoing role of the market in the town centre.

Environment Agency (EA)

- 7.9 The EA offered support for the general approach and encouragement of development to have regard for flood risk and the enhancement of the waterways, both in the area-wide policies and for specific sites.
- 7.10 Other comments highlighted the need for further work to ensure compliance with the Flood and Water Management Act 2010, the requirements of a Surface Water Management Plan (SWMP), and the need for increased use of sustainable urban drainage systems. These views were also largely backed by Thames Water in their representation.

English Heritage (EH)

- 7.11 English Heritage objected to the omission of an area-wide policy on heritage assets, including the relationship of the town centre with its hinterland.
- 7.12 Further, EH stated that a policy regarding tall buildings was required at the town centre level rather than relying solely on the Core Strategy policy.

Greater London Authority and Transport for London

- 7.13 The GLA / TfL showed general support for the AAP and a small number of concerns regarding:
- The need for electric vehicle charging points
 - Reference to the Blue Ribbon Network
 - The need for public transport improvements as part of planning obligations

Political parties (The Green Party)

- 7.14 The Green Party rejected the AAP objective of making Lewisham a Metropolitan Town Centre, believing it to be detrimental to the economic and social progress of the area.
- 7.15 They showed considerable support for the AAP objective to provide housing in the town centre reducing the need to travel, as well as other objectives to improve open space and waterways and develop cultural and community facilities.

Docklands Light Railway (DLR)

- 7.16 The DLR stated that the AAP should consider incorporating the requirements of future infrastructure, such as a potential DLR extension from Lewisham to Forest Hill.

The Theatres Trust

- 7.17 The Trust wanted the AAP to show the influence of culture and the arts more clearly as contributing to the vitality and viability of the town centre.

8. Sustainability Appraisal

- 8.1 A Sustainability Appraisal (SA) for the proposed submission AAP is included as Annex 2 to this report. The main purpose of the SA is to appraise the social, environmental and economic effects of the plan's strategies and policies. The SA also incorporates the statutory Strategic Environmental Assessment (SEA).
- 8.2 Each stage of the plan making process is accompanied by a sustainability appraisal, so that any potential negative impacts of policy decisions are taken into account at the decision making stage, and decisions can be seen to have been made in accordance with the principles of sustainable development.
- 8.3 The potential direct, indirect and cumulative impacts of the proposed submission AAP have been appraised and identified. The SA details that 'the AAP is likely to result in a number of social, economic and environmental benefits'. In particular, the proposals to provide housing and retail growth will contribute positively to the economic sustainability objectives, while public realm improvements will support both social, environmental and economic objectives.
- 8.4 The town centre is affected by medium and high levels of flood risk creating some conflict with the wide scale of planned development. However, the proposals will provide significant regenerative benefits and help fulfil Lewisham's wider economic and social objectives. The Sequential Test has been applied in accordance with government guidance and found that there are no alternate sites for this scale and type of development, while exception testing and mitigation measures will ensure that all sites are acceptable in terms of flood risk.
- 8.5 Another potential conflict identified was the policies seeking to retain/increase the amount of parking for shoppers in the town centre. This conflicts with the sustainability objectives to encourage sustainable modes of transport. However, easy access to parking is a key advantage to Lewisham town centre which differentiates its offer with other nearby competing retail centres, therefore it is considered essential to **retain** parking where possible.
- 8.6 Two of the key developments proposed in the AAP involve the loss of Metropolitan Open Land (MOL). However, the quality and function of this MOL is limited, and the loss of the land is mitigated through the re-provision of open space. The loss of MOL at these sites has been considered and appraised in detail as a separate process to this work.
- 8.7 It is a legal requirement that the council publish the Sustainability Appraisal alongside the AAP. In accordance with the SEA Directive, the government has designated that the Sustainability Appraisal report must be consulted with the Environment Agency; the Countryside Agency; and Natural England.

9. The Habitat Regulations Assessment (HRA) Process

- 9.1 The EU Habitats Directive (92/43/EEC on Conservation of Natural Habitats and of Wild Fauna and Flora) requires the Council to undertake an assessment of the implications of a proposed plan or project on designated European sites (classified as Special Areas of Conservation, Special Protection Areas and Offshore Marine Sites). The assessment process is known as a Habitats Regulations Assessment or HRA and is a separate (but complimentary) activity to the Sustainability Appraisal.
- 9.2 In the context of the LDF all Development Plan Documents (DPDs) and Supplementary Planning Documents are subject to the Habitats Directive. This includes the Lewisham Town Centre AAP. The purpose of HRA is to ensure that the integrity of European sites are protected through the planning process.
- 9.3 An HRA was carried out for the emerging AAP and concluded that the proposed site allocations were not likely to have significant effects on designated European sites (Lee Valley, Epping Forest, Richmond Park and Wimbledon Common). As such, only Stage 1 (screening) of the HRA process was required to be undertaken. This conclusion was supported by Natural England. Details can be found in the separate HRA Screening Report.

10. Legal Implications

- 10.1 The key stages and requirements in progressing the proposed submission AAP to adoption and the main legal implications are described in the body of this report.
- 10.2 The procedures which the Council is required to follow when producing a Development Plan Document (DPD) derive from the Planning and Compulsory Purchase Act 2004 (as amended), the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended) and Planning Policy Statement 12.
- 10.3 The function of approving DPDs is shared by Mayor and Cabinet and Full Council. The proposed submission AAP together with the Sustainability Appraisal of the AAP must therefore be referred to Full Council for approval to submit the AAP to the Planning Inspectorate on behalf of the Secretary of State.
- 10.4 The Council has adopted its Statement of Community Involvement (SCI) which sets out the minimum consultation that will take place and it is a requirement of a 'sound' plan that the standards in the SCI are met. This will include statutory consultees, land owners, community groups and other interested individuals and groups.

11 Crime and disorder implications

- 11.1 The proposed submission AAP includes specific objectives and policies to help ensure that new development does not give rise to crime, fear of crime or public disorder and to ensure that the town centre is a safe, attractive and inclusive place. This was also assessed as part of the Sustainability Appraisal process. Planning

applications for development will need to demonstrate how proposals meet these objectives and policies. The SA assessed each policy in the AAP against a set of objectives.

12. Equalities implications

12.1 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 equality duty or the duty), replacing the separate duties relating to race, disability and gender equality. The duty came into force on 6 April 2011. The new 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.

12.2 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.

12.3 As was the case for the original separate duties, the new duty continues to be 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.

12.4 The Equality and Human Rights Commission issued guides in January 2011 providing an overview of the new equality duty, including the general equality duty, the specific duties and who they apply to. The guides cover what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guides were based on the then draft specific duties so are no longer fully up-to-date, although regard may still be had to them until the revised guides are produced. The guides do not have legal standing unlike the statutory Code of Practice on the public sector equality duty, However, that Code is not due to be published until later in 2011. The guides can be found at:

<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-duties/new-public-sector-equality-duty-guidance/>

12.5 The AAP DPD was the subject of a comprehensive Equalities Analysis Assessment (EqAA). This assessment was to ensure, as far as is possible, any negative

consequences for a particular group or sector within the community are eliminated, minimised or counter balanced by other measures. This is considered to meet and address the strategic equality issues.

- 12.6 The AAP proposes specific objectives and policies to help ensure that new development complies with inclusive design principles to ensure that the town centre is a safe, attractive and inclusive place. Planning applications for development will need to demonstrate how proposals meet these objectives and policies.

13. Environmental implications

- 13.1 Environmental issues are at the heart of the planning process and all aspects are reflected in the proposed submission AAP. The Sustainability Appraisal of the AAP has assessed all the policies against the sustainability objectives and where appropriate proposed mitigation measures to address potential conflicts. In addition the AAP proposes specific objectives and policies to promote environmental sustainability, protect and improve publicly accessible open space, protect and enhance the Rivers Quaggy and Ravensbourne and ensure that the town centre can mitigate and adapt to the risks arising from climate change.

14. Financial Implications

- 14.1 The costs associated with the printing, publishing and the EIP on the proposed submission AAP will be met from the existing Planning Services budget.

15. Conclusion

- 15.1 The proposed submission AAP and the Sustainability Appraisal are put forward for approval for submission to the Planning Inspectorate, on behalf of the Secretary of State, for the purpose of independent examination. Following submission an EIP will be held and a Planning Inspector will make a report to the Council on whether or not the AAP is sound. If found sound the Council can adopted the AAP as a statutory planning document. The delivery of the AAP will contribute to the implementation of the Lewisham Core Strategy.

Background Documents

Short Title Document	Date	File Location	File Reference	Contact Officer	Exempt
Planning & Compulsory Purchases Act 2004	2004	Laurence House	Planning Policy	Brian Regan	No
PPS 12	2008	Laurence House	Planning Policy	Brian Regan	No
LDF Regulations	2004, 2008 2009	Laurence House	Planning Policy	Brian Regan	No

If you have any queries on this report, please contact Brian Regan, Planning Policy Manager, 5th floor Laurence House, 1 Catford Road, Catford SE6 4RU – telephone 020 8314 8774.