



Mayor and Cabinet Report

Small Sites Study Supplementary Planning Document

Date: 6 October 2021

Key decision: Yes

Class: Part 1

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

Contributors: Executive Director for Housing, Regeneration & Public Realm

Outline and recommendations

Following the public consultation held between 19th March to 7th June 2021 on the draft Small Sites Supplementary Planning Document (SPD), this report sets out the representations received and where applicable the amendments made in response.

Mayor and Cabinet is recommended to approve the SPD for adoption.

Timeline of engagement and decision-making

| | |
|--|--|
| 30 th April 2019 | Local Plan update to Sustainable Development Select Committee reporting on the Housing Capacity Fund Grant from the GLA. |
| 27 th -29 th July 2020 | Early stage presentation to Ward Councillors |
| 14 th December 2020 | Strategic Environmental Assessment (SEA) Screening responses received |
| Winter 2020 | Pre-Production Consultation led by consultants |
| 3 rd March 2021 | Draft document presented to Sustainable Development Select Committee for comment. |
| 10 th March 2021 | Draft Document presented to Mayor and Cabinet and approval sort for Public Consultation |
| 19 th March – 7 th June 2021 | Public Consultation |
| 13 th September 2021 | SDSC committee review of Adoption ready draft, meeting with Cllr Krupski to discuss final comments |

1. Summary

- 1.1. This report recommends Mayor and Cabinet approve the Small Sites SPD for adoption. If adopted the SPD will supplement the council's suite of statutory Development Plan Documents. The SPD will provide detailed advice and guidance to support policy implementation and ensure that high quality design is achieved in the delivery of small site development. The Vision document and appendices are background documents to the SPD and do not form part of this request to adopt the Small Sites SPD.
- 1.2. The report also sets out the representations received during the public consultation held between the 19th March and the 7th June 2021 and outlines how officers have considered these representations and where appropriate how the document has been amended in response.
- 1.3. Further to this, the report outlines why there is a need for guidance on small sites, summarises the contents of the SPD and provides detail on the nature of consultation undertaken.
- 1.4. The SPD for adoption has been considered by the Sustainable Development Select Committee who have fed back their comments via Cllr Krupski in a meeting held on 13th September 2021.

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2. Recommendations

2.1. Mayor and Cabinet are recommended to:

- a) Note the representations received and the amendments to the SPD made following public consultation. In order to assist with this, a version of the SPD with highlighted changes can be found in appendix 6 of this report.
- b) Note that Sustainable Development Select Committee have reviewed the final draft of the SPD and in a meeting held on 13th September 2021 confirmed they were happy with the document and the changes that have been made. They highlighted a number of grammatical amendments that have now been updated and reminded officers of the agreed additions to the Appendix to the SPD which have been included and can be seen in Appendix 3 of this report.
- c) Approve the adoption of the Small Sites SPD.

3. Policy Context

3.1. Planning Policy

3.1.1. Both the London Plan and Lewisham's Local Plan contain planning policy in relation to small sites. The specific adopted policies are set out below. These are the adopted policies that the SPD relies upon in policy terms. In addition the SPD seeks to provide further guidance in relation to these policies to support the development of small sites.

3.1.2. Policy H2 within London Plan (March 2021) by the Greater London Authority (GLA) states:

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

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

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

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

'Good growth across London requires high quality residential development at all scales of delivery. Londoners living in existing communities deserve to experience the benefits of growth and change irrespective of its scale. Community support for intensification of existing neighbourhoods through conversion, extension, additional development on

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*underused land, and demolition and redevelopment on brownfield land, will only be achieved at scale if boroughs enable character-specific, good quality design and construction. Where borough planning policy and design guidance is clear and up to date, development on small sites can realise the incremental growth needed within existing neighbourhoods, whilst offering developers and communities increased sight of and certainty about planning outcomes.**

** Guidance relates to the following policies within the London Plan (March 2021): Policy D1: London's form, character and capacity for growth, Policy D2A: Infrastructure requirements for sustainable densities, Policy D3: Optimising site capacity through the design-led approach, and D4: Delivering good design (Policy H2: Small Sites).'*

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

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

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

3.2. **Council strategies**

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

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

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

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

3.2.3. The Small Sites SPD addresses the above by providing guidance on developing and building more homes in the borough. It also provides advice on creating greener more

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sustainable and better quality developments that can help to improve our local neighbourhoods.

4. Background

- 4.1. The work on the Small Sites SPD has been funded by the GLA's Homebuilding Capacity Fund to increase the delivery of new homes within the borough whilst ensuring that they are suitably located and of the highest design quality.
- 4.2. In the current London Plan (March 2021) Lewisham has an overall ten year target of 16,670 new homes of which 3,790 are forecast from small windfall sites (0.25 hectares or below). This would require 379 homes to be delivered through small sites each year within the borough. The fundamental aim of this SPD is to help Lewisham achieve this target.

5. Final Small Sites SPD Summary

- 5.1. The Small Sites SPD gives guidance on developments on sites under 0.25 hectares to enable them to deliver a higher number of better quality well designed homes.
- 5.2. The SPD aims to encourage the delivery of small sites to:
 - Deliver more homes, including those that are **genuinely affordable**;
 - Ensure that Lewisham hits its **annual housing targets** and meets the government's Housing Delivery Test;
 - Ensure Lewisham continues to receive significant income from **New Homes Bonus**;
 - **Diversify who is delivering Lewisham's housing supply** to make it more resilient – Lewisham is currently heavily reliant on large strategic sites;
 - **Encourage local builders and developers** to build within Lewisham thus stimulating the local economy and creating local jobs;
 - Increasing density/critical mass within Lewisham' suburbs to help **support local centres**; and
 - Help co-ordinate the delivery of infrastructure within the south of the borough through the collection of **CIL and S106**.
- 5.3. The SPD is intended as design guidance that informs applicants of best practices helping to de-risk the planning process and to guide first time applicants.
- 5.4. The document aims to reach a wider audience than previous planning documents in relation to small sites developments, with language and diagrams to support less experienced developers and landowners whilst also directing local and experienced developers with constrained and complex sites.
- 5.5. The SPD is split into three main chapters; Guidance, Toolkits and Site Types, with sub headings as follows:
 - 1) Guidance
 - Context of the document
 - Planning Policy Areas (including Conservation Areas)
 - Permitted Development

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- Development Flowchart
- Design and Access Guide
- Small Sites Sustainability

2) Toolkits

- Design Principles
- The Good Design Toolbox
- The Green Toolbox
- The Inside Out Toolbox
- The Placemaking Toolbox
- Advantages of developing own land
- Advantages of developing in a group
- Working with green space
- Mixed Use Developments
- Sustainability
- Heritage

3) Site Types

- Type Selection
- Infill development
- Backlands
- Other Types

- 5.6. The SPD is the second of three documents. The first, the Small Sites Vision (Development Strategy Document), sets out the vision and context of small sites in Lewisham. See Appendix 2
- 5.7. The third document shown as Appendix to the SPD has background information to the SPD, alongside high resolution maps, updated ward boundaries and a list of the local Amenity Societies as correct at point of adoption. See Appendix 3 for this document.
- 5.8. If adopted the Small Sites SPD will supplement the council's suite of statutory Development Plan Documents. The SPD will provide detailed advice and guidance to support policy implementation and ensure that high quality design is achieved in the delivery of small site development. The Small Sites Vision document and appendices are background documents to the SPD and do not form part of this request to adopt the Small Sites SPD.
- 5.9. Alongside the adoption of the SPD officers are currently in the process of curating a website that will be launched in the autumn to aid the accessibility of the guidance.

6. Pre-production Consultation

- 6.1. The consultants appointed to support this work have carried out consultation throughout the production of the draft SPD. The consultation webpage used to date can be found at <https://lewisham.smallsites.london/>.
- 6.2. This web presence gathered almost 60 responses from a range of people and organisations including homeowners, residents, self-builders, small developers and

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architects. Alongside this, the consultants set up a selection of group discussions with Architects, Developers, Housing Associations, and the team at Community Led Housing supported by the Mayor of London.

- 6.3. Throughout the production of this work the consultants held a selection of discussions with LBL planning officers including those from Development Management, Housing, Conservation, Highways, Trees, Sustainability and Policy.
- 6.4. SPDs do not require Sustainability Appraisals but may in exceptional circumstances require a Strategic Environmental Assessment (SEA) if they are likely to have significant environmental effects that have not already been assessed during the preparation of the Local plan or other development plan documents.
- 6.5. A Strategic Environmental Assessment (SEA) screening has therefore been undertaken on the Small Sites SPD. It demonstrates that any effects resulting from higher tier planning documents including the 'parent policies' relevant to this SPD have already been considered and assessed by a separate full SEA through the Development Plan process. Screening was completed at the end of October 2020 with time given until early December for statutory consultees to respond.
- 6.6. Having received no objections from the statutory consultees, the planning service have determined that an SEA is not required. This is based on the fact that the SPD does not propose any new policies, or the amendment of existing adopted policies, and will not allocate resources or direct other higher level plans and programmes.
- 6.7. The SEA Screening Report is shown in Appendix 4.

7. Public Consultation Summary

- 7.1. At its meeting on 6th March Mayor and Cabinet approved the draft SPD for public consultation.
- 7.2. The requirements for consultation on Supplementary Planning Documents (SPD's) were updated within the December 2020 Addendum to the Statement of Community Involvement (SCI) to align with statutory requirements. However, as the work for this SPD commenced prior to this Addendum being adopted, officers carried out consultation that aligned with our previous Statement of Community Involvement – including a minimum of six weeks of public consultation.
- 7.3. The Public Consultation ran from 19th March until the 7th June 2021
- 7.4. We received a large number of comments from both the General Public, Neighbourhood and Amenity Societies and built environment professionals. All responses have been collated, themed and responded to by Lewisham officers, a breakdown of which is shown in 7.8. A detailed summary of the changes made can be found in Section 8 of this report with the responses tracker in appendix 5 of this report.
- 7.5. The Small Sites SPD was consulted on three main platforms:
 - [Lewisham.gov.uk website](https://www.lewisham.gov.uk)
 - [Citizen Space Consultation Platform](#)
 - [Commonplace](#) (from 7th May)
- 7.6. Alongside this it was tweeted about every other week through the Council's social media platforms and people were notified through the local press, highlighted alongside planning's regular notifications.
- 7.7. Three virtual town hall meetings were held which were recorded and posted on Lewisham's YouTube channel. They can be accessed there or via the [Common Place](#)

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Online Events page:

- Event 1 - Agents, Architects, Developers and Construction Professionals, held Tuesday 18th May: 4.30pm - 6.30pm via Zoom Link.
- Event 2 - Amenity societies, heritage and community groups, held Thursday 20th May: 5.30pm- 7.00pm via Zoom Link.
- Event 3 - Virtual Town hall Open to the Public, Tuesday 25th May: 5.30pm - 7.00pm via Zoom Link.

7.8. The consultation reached a large number of consultees including:

- Statutory Consultees, as defined by Planning
- Amenity Societies, as defined by Planning
- 'Seldom Heard' groups email list, as defined by Planning
- Commonplace Subscribers; Over 500 emails were sent out to subscribers interested in new Lewisham Planning and Development consultations. The Commonplace Dashboard confirms:
 - 1568 Visitors
 - 349 Contributions
 - 116 Respondents
 - 59 News Subscribers
- Citizen Space which received 28 individual responses directly.
- Via email we received a further 9 detailed responses including statutory consultees and 13 detailed responses from our Neighbourhood and Amenity Societies.
- The full list of comments and responses can be found in Appendix 5 which shows a total number of **437 Individual Themed comments** which have been responded to by the Lewisham Strategic Planning Team many of which have been taken on board and adjustments made to the SPD accordingly.

7.9. Comments will be responded to and shared with the public via Appendix 5 in this Mayor and Cabinet report and also via Citizen Space and the Council Website.

8. Changes From Draft Document

8.1. There are a large number of formatting changes, together with a small number of more significant changes to the guidance.

8.2. The full list of comments and responses including the document changes can be found in Appendix 5. The main changes are listed below.

Summary of substantial changes

8.3. Terminology –Comments about unclear terminology have been addressed by changing particular phrases, making them clearer and more applicable to a wider audience.

8.4. Heights, Massing and Layouts – Guidance has been added regarding window levels and heights which adds further clarity to infill developments, especially those neighbouring historic buildings.

8.5. Garden Land – Wording in this section has been amended to align closer with the current adopted policy to make it clearer that building on garden land in a perimeter

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block typology will be resisted.

- 8.6. Vertical Intensification – This section has been substantially reviewed and amended to respond to concerns raised from the consultation. Due to the potential impact of vertical intensification on the character of an area and on immediate neighbours the guidance has been amended to provide general principles and makes clear that pre-application advice should be sought for these types of applications and that any application must be accompanied by a robust baseline analysis.
- 8.7. Collective Development – Following comments received during the public consultation officers reviewed this section against existing policies and concluded that it should be removed from the SPD.
- 8.8. Conservation – Various sections that relate to Lewisham’s historic character and Conservation Areas have been amended to ensure they are more robust and make sure applicants understand the relationship between this SPD and adopted Character Appraisals, which are also SPDs.
- 8.9. Stakeholder acknowledgement – Reference to Amenity Societies, Heritage Societies and other neighbourhood groups within stakeholder engagement. It is acknowledged that the draft document omitted reference to neighbourhood groups as valuable, local stakeholders. This error has now been rectified and the SPD encourages applicants to consult neighbourhood groups, including amenity and heritage societies. A list of Lewisham’s constituted neighbourhood groups has also been provided within the appendix of the SPD, shown in Appendix 3 of this report.
- 8.10. Figures – The figures in the document now include a greater variety of architectural styles as examples of good development
- 8.11. Biodiversity - This section has been updated to include further guidance on Bat and Swift boxes and point to existing guidance on the topic that will help applicants meet the net increase in biodiversity that we expect to see on each site.

9. Financial implications

- 9.1. There are no direct financial implications arising from this report. The SPD will be published electronically on the Council’s website and only limited hard copies will be produced, these being funded from within the agreed Planning Service budget.
- 9.2. All costs for the development of the SPD and the consultation have been funded by the GLA Homebuilding Capacity Fund.

10. Legal implications

- 10.1. The Town and Country Planning (Local Planning) (England) Regulations 2012 sets out the main steps in the procedure for the production and adoption of planning documents, as explained in the report. The Council has complied with its statutory duties under the Regulations and as required under its Statement of Community Involvement as detailed above.
- 10.2. The report has outlined the consultation that has been undertaken in the preparation of the SPD and the opportunities for people to make representations to the council.
- 10.3. This SPD has the legitimate aim of providing guidance in the preparation of planning applications for small sites within the council’s area.
- 10.4. Section 9D of the Local Government Act 2000 states that any function of the local authority which is not specified in regulations under subsection (3) is to be the responsibility of an executive of the authority under executive arrangements. The Local authorities (Functions and Responsibilities (England) Regulations 2000 specifies that

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certain functions relating to Development Plan documents are by law the responsibility of the Council. No specific reference is made to the preparation of an SPD in the Regulations and as it is not a Development Plan Document it is therefore an executive function

- 10.5. 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.
- 10.6. 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.
- 10.7. It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed at 12.4 above.
- 10.8. 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.
- 10.9. 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>
- 10.10. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
 1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty: A guide for public authorities

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4. Objectives and the equality duty. A guide for public authorities

5. Equality Information and the Equality Duty: A Guide for Public Authorities

10.11. 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>

11. Equalities implications

11.1. 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.

11.2. The Small Sites SPD does not have any direct equalities implications.

12. Climate change and environmental implications

12.1. As outlined in the SEA Screening Opinion, there are no direct environmental impacts arising from this report. See Appendix 4 for report.

13. Crime and disorder implications

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

14. Health and wellbeing implications

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

15. Background papers

15.1. Development Management Local Plan
<https://lewisham.gov.uk/myservices/planning/policy/adopted-local-plan/development-policies/development-policy-documents>

15.2. The Publication London Plan March 2021
https://www.london.gov.uk/sites/default/files/the_london_plan_2021.pdf

15.3. Good Quality Homes for All Londoners Housing SPG Consultation Draft October 2020
<https://consult.london.gov.uk/good-quality-homes-for-all-londoners>

15.4. Sustainable Development Select Committee report dated 30th April 2019. Reference Local Plan Update to the Council's award of funds from the Homebuilding Capacity Fund can be found at paragraph 9.3 in the report here:
<https://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=136&MId=5561&Ver=4>

15.5. Sustainable Development Select Committee dated 4th March 2021 asked for feedback and comments on the draft document prior to consultation. Those comments were taken to Mayor and Cabinet. The Report, comments and Minutes can be found here at point 4:
<https://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=136&MId=6314&>

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- 15.6. Mayor and Cabinet dated 10th March 2021 asked for approval to start a public consultation with the draft document. The Report, comments and Minutes can be found here point 445:

<https://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=139&MId=6122&Ver=4>

16. Glossary

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

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

- 16.2. See further terms:

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

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

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21. Appendices

21.1. Appendix 1 – Small Sites SPD FINAL Document PDF

<https://lewisham.gov.uk/myserVICES/planning/policy/adopted-local-plan/spds/small-sites-spd>

21.2. Appendix 2 – Small Sites Vision – Development Strategy Document PDF

21.3. Appendix 3 – Small Sites Study – Appendices PDF

21.4. Appendix 4 – SEA Screening Report Word Document

21.5. Appendix 5 - Consultation Comments Tracker (EXCEL)

21.6. Appendix 6 – Highlighted changes on the Small Sites SPD PDF

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