

Lewisham Local Plan

Metropolitan Open Land Exceptional Circumstances Paper

Prepared to support the Proposed Submission document - Regulation19 consultation

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1. Introduction

About Lewisham's Local Plan

- 1.1. The Local Plan forms part of Lewisham council's statutory development plan alongside the London Plan and adopted neighbourhood plans. It is used in the determination of planning applications. It also helps to inform investment decisions made by the council, its key delivery partners and other stakeholders.
- 1.2. The current Local Plan comprises a suite of documents including the Core Strategy (2011), Site Allocations (2013), Development Management (2014) and Lewisham Town Centre Local Plan (2014). The council is now reviewing these documents in the preparation of a new Local Plan. The new plan, once adopted, will update and replace the existing aforementioned documents, bringing them together into a single document.
- 1.3. Lewisham's new Local Plan sets out a vision, strategic objectives and planning policies that together provide the overarching framework for the delivery of sustainable development in the Borough. It covers the twenty-year period from 2020 to 2040. The plan will help to support implementation of the London Plan (2021) and its aspirations for achieving 'Good Growth' locally, recognising that Lewisham is an integral part of London.

Purpose

- 1.4. This is a background paper to help inform the preparations of Lewisham's new Local Plan 2020-2040. The paper will assist in making changes to the borough's Metropolitan Open Land (MOL) and its boundaries to ensure it is fully evidenced and justified, taking into account the purposes of MOL and whether exceptional circumstances exist to release any land from MOL.
- 1.5. This paper aims to:
 - Present the case for exceptional circumstances to release a small parcel of MOL at Catford.
 - Outline the case previously made at planning application stage for very special circumstances to release MOL at Lewisham Major Centre.
 - Assess whether exceptional circumstance exist to release parts of MOL which are underperforming.

2. Background information and context

What is MOL?

2.1 Paragraph 8.3.1 of the London Plan (2021) provides an overview of what MOL is:

“Metropolitan Open Land is strategic open land within the urban area. It plays an important role in London’s green infrastructure – the network of green spaces, features and places around and within urban areas. MOL protects and enhances the open environment and improves Londoners’ quality of life by providing localities which offer sporting and leisure use, heritage value, biodiversity, food growing, and health benefits through encouraging walking, running and other physical activity”.

2.2 Policy G3 Metropolitan Open Land of the London Plan states:

- MOL is afforded the same status and level of protection as Green Belt.
- MOL should be protected from inappropriate development in accordance with national planning policy tests that apply to the Green Belt.
- Boroughs should work with partners to enhance the quality and range of uses of MOL.
- Any alterations to the boundary of MOL should be undertaken through the Local Plan process, in consultation with the Mayor and adjoining boroughs.

2.3 Policy G3 Metropolitan Open Land of the London Plan also states Boroughs should designate MOL by establishing that the land meets one of the following criteria:

- It contributes to the physical structure of London by being clearly distinguishable from the built-up area
- It includes open air facilities, especially for leisure, recreation, sport, the arts and cultural activities, which serve either the whole or significant parts of London
- It contains features or landscapes (historic, recreational, biodiverse) of either national or metropolitan value
- It forms part of a strategic corridor, node or a link in the network of green infrastructure and meets one of the above criteria.

2.4 To clarify, Lewisham does not contain any designated Green Belt land however approximately 10% of the borough’s land has an existing MOL designation. London Green Belt can be thought of as a permanent area of open land that surrounds the city whereas MOL relates to strategically significant open spaces within the built environment of London.

What are exceptional circumstances?

- 2.5 Paragraph 140 of the NPPF requires exceptional circumstances to be demonstrated in order to justify the release of land from the Green Belt. There is, however, no clear definition of what amounts to exceptional circumstances to justify alterations of Green Belt boundary to support proposed site allocations and development needs.
- 2.6 Case law and Local Plan Examination in Public (EIP) precedents in relation to MOL and Green Belt, however, suggest that any justification must be responsive to local conditions and take into account a range of factors. Such factors might include:
- Unique / significant housing or employment need and a lack of supply of more preferential sites (i.e. those that the National Planning Policy Framework (NPPF) directs towards before considering MOL / Green Belt) - exceptional circumstances cannot be justified based on need alone;
 - Adverse implications for the sustainable development strategy within the borough;
 - Inherent sustainability of directing growth in a particular direction;
 - Tightly drawn MOL / Green Belt boundaries and constraints on alternative sites;
 - The opportunity to deliver social infrastructure, which would bring about long-term benefits for local residents; or
 - Boosting housing delivery in areas with past issues of deliverability in order to increase the supply of affordable housing.
- 2.7 Previous EIP's also provides a useful indication on what is not necessary to meet to demonstrate exceptional circumstances (EC):
- Does not need to be extraordinary, and are less demanding than 'very special circumstance's at planning application/development consent level.
 - No requirement that GB land be released as last resort.
 - No need for more than one EC; EC can be found in combination of circumstances of varying nature.
 - ECs can include general planning needs. Need not irrelevant – and could itself be sufficient to demonstrate EC depending on whether all other options have been exhausted:
 - makes as much use as possible of suitable brownfield sites and underutilised land;
 - optimises the density of development, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and
 - has been informed by discussions with neighbouring authorities about whether they could accommodate identified unmet.

3. Exceptional circumstances to release MOL at Catford

- 3.1 The new Local Plan proposes to de-designate a 0.49ha strip of MOL along its northern boundary - as shown in figure 1 below - to accommodate the realignment of South Circular (A205). The land is currently in third party ownership and is only 5% of a wider area of 7.9 ha (79,400 sq m) of MOL parcel used as private playing fields associated with St Dunstan's College.
- 3.2 Please note the boundary below outlining the extent of MOL release may be subject to minor modifications as the Local Plan progresses in tandem with more detailed proposals of the realignment of South Circular (A205).

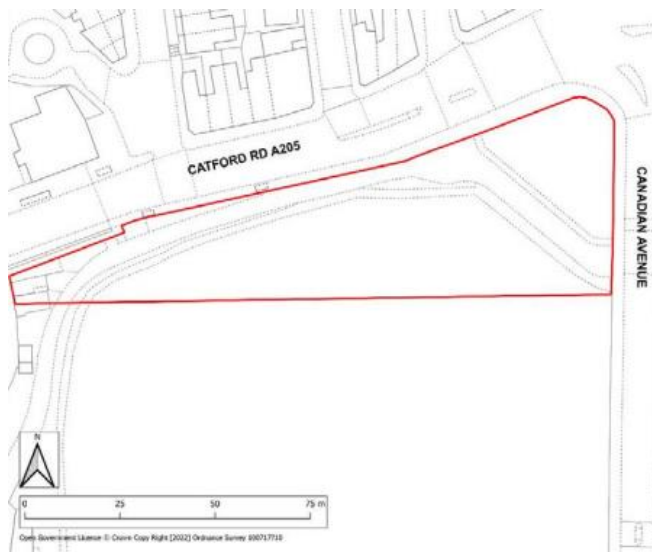


Figure 1: Site plan for MOL release at Catford

- 3.3 Section 2.2 of The Catford Town Centre Framework (2021) provides an overview on the realignment of South Circular and why it is needed:

“The re-routing of the South Circular to the south of Laurence House has been in the pipeline for a number of years. The Council has safeguarded land to enable its delivery and it is a priority project of the Council. The relocation of the road will fundamentally change the character and experience of the town centre, and it is identified as a key component of the framework and development strategy for Catford. Relocating the road would free up land and connect the Laurence House site with the Civic Centre site and the town centre. It provides an opportunity to extend the pedestrianised zone around the Civic Centre that through associated public realm improvements can create a much more attractive, calm and hospitable environment for people living, working, shopping and visiting the town centre. The existing bridge over the railway line and Ravensbourne River is a pinch point for traffic where cars, lorries and buses take priority. A limited carriageway width, no segregated cycle route and narrow pavements mean that cyclists and pedestrians are

often caught in precarious situations at dangerous junctions and crossing points, or on narrow disjointed cycle lanes and pavements. The existing conditions also exacerbate the disconnection between the two stations, the river and the town centre. Combined with a better connection, including wider pavements and an off-road cycling track, there is the opportunity to fully connect to the town centre with its key public transport assets.”

- 3.4 A small loss of MOL is required to deliver the comprehensive regeneration of Catford major town centre by accommodating the realignment of the South Circular. Re-routing this main road is an integral component to unlocking development within town centre for two reasons. First, it would free up land to accommodate the proposed site allocation of Laurence and Civic Centre¹, providing a significant number of new homes, main town centre floorspace and employment floorspace. Secondly, it would support higher density development² within Catford major centre by enabling a more cycle-friendly and walkable environment and delivering a new library and learning centre.
- 3.5 To summarise, the case for exceptional circumstances is that without a small loss of MOL, there would be adverse implications for sustainable development as the comprehensive regeneration of Catford Town Centre cannot be fully realised, meaning the Council will fall significantly short of its development requirements and local residents will not experience the long-term benefits by having better access to both green and social infrastructure in a major centre.

4. Exceptional circumstances to release MOL at Lewisham

- 4.1. The new Local Plan proposes de-designate approximately 0.37ha³ of MOL in Lewisham Town Centre as shown figure 2 below, formerly a part of Charlotten Gardens but is now land of hardstanding forming part of a new highways system that no longer meets any of the criteria of MOL as evidenced in the MOL Review (2020)⁴. De-designation of MOL is here required in order to give effect to a 2006 planning consent (application reference number: DC/06/062375/) where the case of very special exceptional circumstances was presented and agreed by the Council as part of the planning application.

¹ The Site Allocation of Laurence House and the Civic Centre within the draft Local Plan has an indicative development capacity of 262 net residential units, 12,935sqm of employment floorspace and 6,017sqm of main town centre floorspace.

² The Catford Town Centre Framework (2021) identified that through achieving higher density forms of development, including some tall buildings, up to 2700 new homes could be delivered in Catford.

³This includes:

- 0.09ha of land between Loampit Vale and the railway track, directly west of Lewisham Gateway Phase 2;
- 0.03ha of land north-west of Lewisham Shopping Centre along Molesworth Street and Loampit Vale; and
- 0.25ha of land north-east of Glass Mill Leisure Centre.

⁴ Within the Lewisham MOL Review Annex Report (2020), this pertains to MOL Area 20, 21 and 22.



Figure 2: Proposed release of MOL at Lewisham

4.2. Application DC/06/062375/X was for the:

The comprehensive mixed use redevelopment of the Lewisham Gateway Site, SE13 (land between Rennell Street and Lewisham Railway Station) for 100000m² comprising retail (A1, A2, A3, A4 and A5), offices (B1), hotel (C1), residential (C3), education/health (D1) and leisure (D2) with parking and associated infrastructure, as well as open space and water features as follows: up to 57,000 m² residential (C3) up to 12,000 m² shops, financial & professional services (A1 & A2) up to 17,500 m² offices (B1) / education (D1) up to 5,000 m² leisure (D2) up to 4,000 m² restaurants & cafés and drinking establishments (A3 & A4) up to 3,000 m² hotel (C1) up to 1,000 m² hot food takeaways (A5) 500m² health (D1) provision of up to 500 car parking spaces revised road alignment of (part of) Lewisham High Street, Rennell Street, Molesworth Street and Loampit Vale and works to Lewisham Road.

4.3. The loss of MOL at Charlottenburg Gardens and the re-provision of open space elsewhere within the Gateway site enabled major infrastructure improvements to the roads and rivers, which include the removal of the Lewisham Northern Roundabout and the implementation of a new highways system which in effect create the rest of the Lewisham Gateway site. If the MOL at Charlottenburg Gardens were required to remain, the new road layout could not be achieved, and the development for both Lewisham Gateway Phase 1 and 2 as a whole would not have proceeded.

4.4. Upon completion of Lewisham Gateway Phase 1 and 2, Lewisham Town Centre will benefit from environmental enhancements and new amenities that will also result in future job opportunities for the borough's residents. These include:

- 25,000 sq. ft of retail space, 15,000 sq. ft of restaurants, bars and cafes, and 10,000 sq. ft of offices
- leisure facilities, including a gym and multiplex cinema
- over 1000 homes, including 892 apartments (106 of these will be at affordable rent levels) and 119 co-living units
- Confluence Place, a new park where the Ravensbourne and Quaggy rivers meet
- a new town square opposite St Stephen's Church.
- The total commercial space is estimated to provide 385 new jobs to the local economy.
- Provision of the new pedestrian link Retail Street, which will link the scheme into Lewisham Shopping Centre and High Street via the existing central crossing.

4.5. Therefore, in terms of the loss of MOL it is considered that the regeneration opportunities from the development for the site as well as the town centre as a whole present very special circumstances justifying the loss of MOL as outlined paragraph 15 of the granted decision notice for DC/06/62375.

4.6. Furthermore, in terms of plan-making, without the loss of MOL at the Charlottenburg Gardens, there would have had adverse implications for sustainable development as the comprehensive regeneration of Lewisham Town Centre cannot be fully realised, meaning the Council will fall significantly of its development requirements

5. Considering exceptional circumstances for areas of MOL underperforming

Overview of the MOL Review

- 5.1. Lewisham Council commissioned consultants Arup to carry out a MOL Review in 2020, with an additional sites report carried out in 2021. The review primarily tested the current strategic performance of MOL (subdivided into 32 areas across the borough) against the designation criteria set out in the London Plan (2021) using a proven methodology that has withstood scrutiny at EIP. Land with little or no justification for continued protection as MOL was identified. The review also provided an objective appraisal of selected open spaces sites against the criteria set out in the London Plan, including open spaces that form part of the All London Green Grid Framework, large local parks close to high population growth areas and others in response to regulation 18 consultation feedback on the Local Plan. New land where MOL protection is justified was identified.
- 5.2. The reviews are an evidence base and not a decision-making document; it simply provides an objective appraisal of the Borough's existing MOL and new land considered for MOL designation. This will help to inform the scope and planning justification for any potential amendment to the existing MOL boundaries. It was not within Arup's remit to consider exceptional circumstances. This falls with Lewisham Council to further assess sustainability and deliverability of land as part of the wider plan-making process.
- 5.3. The reviews concluded that the majority of MOL in Lewisham performed moderate to strong against the London Plan MOL criteria and therefore its MOL designation should be retained. However, there were recommendations for potential changes which are as follows:
 - Three areas should be considered for potential partial release. The areas for potential release relate to those parts that are already developed.
 - Four areas should be considered further for comprehensive release.
 - Two of these areas no longer contain open land following the reconfiguration of roads / regeneration scheme in Lewisham town centre.
 - The other two areas perform weakly against all MOL criteria and while they have locally important recreation, historic or biodiversity value, these features are protected by other designations.
 - Thirteen areas should be considered further for designation as MOL as part of the development of the Lewisham's spatial strategy.

- 5.4. Not all of the recommendations are being taken forward as part of local plan process. Seventeen of the twenty recommendations made from are Arup being taken forward which are outlined in the 'Proposed changes to the adopted Policies Map'.
- 5.5. All additional sites found to meet MOL criteria are proposed to be designated as MOL in the new Local Plan as their designation does not conflict with proposed site allocations and, therefore, will not compromise investment in sufficient homes, jobs, and other essential services. Their designation will also give effect to Policy G3 of the London Plan that supports Boroughs designating MOL where it meets the criteria.
- 5.6. The proposed changes to MOL will mean the proportion of land in the borough covered by an MOL designation will increase from approximately 10% to 12%.

Approach to considering exceptional circumstances

- 5.7. Based on a review of case law, national policy and case studies elsewhere, Lewisham Council has taken a systemic approach to assess whether exceptional circumstances exist for justifying MOL alteration to those areas found not to meeting MOL criteria in the MOL Review. The approach used presents two strands of exceptional circumstances; first at the strategic level and second at a site level.
- 5.8. **Strategic Level:** Involves outlining the limitations of the local plan to deliver its objectives and spatial strategy without the release of MOL. This considers the local plan development requirements and the capacity of sites to deliver these requirements.
- 5.9. **Site Level:** Involves assessing parcels of land no longer meeting MOL criteria to see whether they are developable sites capable of contributing to development requirements in a way that supports the spatial strategy. In other words, exceptional circumstances cannot exist if the land identified as not meeting MOL criteria is also found to be an undevelopable site that would create adverse implications for sustainable development.

Exceptional circumstances at a strategic level

- 5.10. The Borough continues to face increasing pressure from competing land-uses, especially from assessed future needs for housing. The new London Plan (2021) proposes to increase Lewisham's strategic housing target by approximately 20%, up to 1,667 net units annually from the current target of 1,385 units. Furthermore, the Local Housing Need (LHN) figure established using the Government's standardised methodology indicates a strategic

housing target of circa 2,334 net units annually that will need to be planned for⁵.

- 5.11. In accordance, the council undertook a robust and comprehensive review of land available for redevelopment and which is likely to be deliverable and developable within the plan period. The outcome of this process is that there is a limited amount of land available for development. Given this situation, the new Local Plan aims to make the most and best possible use of the land available. Meaning land is expected to be used more efficiently and flexibly.
- 5.12. The new Local Plan's approach aims to deliver significant uplift housing supply by directing new residential to developments where density can be optimised including:
- Opportunity areas
 - Strategic Corridors
 - Town Centres; and
 - Other well-connected and sustainable locations
- 5.13. In addition, the new Local Plan also takes a proactive approach to identifying the development and intensification of sites, and in particular the redevelopment of vacant and underused brownfield sites. This will help be achieved and supported by following documents that will complement local plan:
- Small Sites Supplementary Planning Document (2021)
 - A21 Development Framework (2022)
 - Catford Town Centre Framework (2021)
- 5.14. With this strategy, the new London plan target can be exceeded within Lewisham. However, Boroughs are also required to set a positive planning framework to meet and wherever possible exceed the London Plan housing targets.
- 5.15. However, meeting the LHN higher target will be challenging without significant investment into transport infrastructure to unlock development potential in areas and to optimise the capacity of sites even further. Particularly as the duty to cooperate process has confirmed unmet development requirements are unable to be exported to neighbouring boroughs
- 5.16. The challenge to meet LHN - even with optimising densities at appropriate locations - given the lack of preferential sites and no option to export development requirements neighbouring authorities demonstrates exceptional circumstances a strategic level exist to release underperforming MOL for other uses such as housing.

⁵ London Borough of Lewisham Strategic Housing Market Assessment 2021/22 Update

Exceptional circumstances at a site level

5.17. Although exceptional circumstances exist at a strategic level to release underperforming MOL, they cannot be demonstrated at a site level. Table 1 below explains why the four areas no longer meeting the criteria for MOL cannot be considered developable sites for different reasons surrounding access to public transport and town centres, size and existing local value.

Table 1: exceptional circumstances assessment at a site level of underperforming MOL.

⁶ MOL Parcel Reference	Arup's Conclusion	Developable ⁷ in way that supports the spatial strategy	The Council's overall conclusion
6	The majority of the parcel fulfils its role for MOL purposes, meeting criterion A. The small area at the southern tip of the parcel is developed, including a car park building and section of railway sidings, which does not meet MOL criteria and therefore its MOL status could be reviewed.	The southern part recommended for partial release is sizable amounting to 1.6ha. However, the site has limited development potential due to its suburban setting and low PTAL of 1a. Therefore, the land is an unsustainable location for housing development and would not support the spatial strategy.	The entire parcel should be retained as MOL. Although exceptional circumstances may be justified at a strategic level, at a site level, the partial removal from MOL designation cannot be demonstrated.
18	Performs weakly against all MOL criteria and therefore its MOL status should be reviewed. Whilst it has important recreational, historic and biodiversity value, its importance is limited to local value.	The land is known as 'Telegraph Hill Upper Park'. It is of local value offering panoramic views of London and some recreational facilities including tennis courts and large grass areas. Therefore, the land is an unsustainable location for housing development and would not support the spatial strategy.	The entire parcel should be retained as MOL. Although exceptional circumstances may be justified at a strategic level, at a site level, the removal from MOL designation cannot be demonstrated.

⁶ Maps and images of the MOL Parcel Reference can be found within the MOL Review Update (2020)

⁷ To be considered developable, sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged in line with the definition of 'developable' provided in the National Planning Policy Framework (2021).

⁶ MOL Parcel Reference	Arup's Conclusion	Developable ⁷ in way that supports the spatial strategy	The Council's overall conclusion
19	Performs weakly against all MOL criteria and therefore its MOL status should be reviewed. Whilst it has important recreational, historic and biodiversity value, its importance is limited to local value.	The land is known as 'Telegraph Hill Lower Park'. It functions as a neighbourhood park with a wide range of recreational and sports facilities for multiple age groups. Therefore, the land is an unsustainable location for housing development and would not support the spatial strategy.	The entire parcel should be retained as MOL. Although exceptional circumstances may be justified at a strategic level, at a local level, the removal from MOL designation cannot be demonstrated.
32	The majority of the parcel performs moderately based on its contribution to a green chain which also contributes to the physical structure of London. However, the northern part of the parcel, which is under development does not meet any of the MOL criteria and therefore its MOL status should be reviewed.	A two-bedroom dwelling that is keeping within in its surrounding has been built on the land recommended for review. The remaining land then amounts to 0.01ha, which is too small to be considered developable.	The entire parcel should be retained as MOL. Although exceptional circumstances may be justified at a strategic level, at a site level, the removal from MOL designation cannot be demonstrated.

6. Conclusion

- 6.1 The Council considers that this background paper, in combination with the Lewisham MOL Review (2020) and Lewisham MOL Review Additional Sites Report (2021), justifies the proposed changes to MOL as part of the new Local Plan. Exceptional circumstances have been sufficiently demonstrated in locations where MOL is proposed for release. In contrast, exceptional circumstances cannot be fully demonstrated to release parts of MOL underperforming to accommodate unmet local housing need.

