

Lewisham Local Plan Regulation 19 Consultation:

Organisation Representations

Please use the links below to navigate the document

Anerley Estate.....	2
The British Horse Society.....	3
CPRE London.....	5
Fourth Reserve Foundation.....	8
Home Builders Federation.....	22
Howard Lewisham Ltd.....	33
Maddox Planning.....	39
McCarthy Stone.....	40
Skillcrown Homes Ltd.....	51
Urban Development Reform Organisation.....	52
Watkin Jones Group.....	53

P21-2111/L002

25th April 2023

Lewisham Council
Planning Service
Laurence House
1 Catford Rd
London
SE6 4RU

Sent email to localplan@lewisham.gov.uk

Dear Sir/ Madam,

**Local Plan Regulation 19 Consultation
Representations from Anerley Estate – Policy EC19 Public Houses**

I have been instructed by my client, Anerley Estate Ltd, to make representations to the Reg 19 consultation of the Lewisham Local Plan which closes today, and specifically in respect of Policy EC19 covering public houses.

Policy EC19 – Public houses

The policy seeks to extend the minimum period of continuous marketing required before a former public house can change use from 24 months (as per the 2021 London Plan) to 36 months.

The policy and supporting text seems to largely justify this change on the basis of providing additional policy protection for public houses to stop them being redeveloped for other uses, and whilst we do not dispute the cultural and community importance of public houses we would raise the following points:

- Firstly, this policy does not align with the recently adopted London Plan from 2021, which requires 24 months marketing, and as far as we are aware there has been no mayoral or London wide directive to suggest that this should be increased, nor any evidence that existing pubs in Lewisham are under any heightened risk than elsewhere in London, to justify this potentially onerous change.
- Secondly, and more importantly, the pub and wider hospitality sector is currently under significant and unprecedented pressure from the combined effects of the cost of living crisis, spiralling energy costs, high interest rates, staffing and supply chain challenges as well as changing lifestyles (with less young people visiting pubs generally). As such many pubs are closing down at the moment as they are simply unviable, and not because landowners/ landlords are seeking to redevelop them for higher value uses. This pressure

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often is even more acute for some of the more historic and valued premises as these are often larger and more expensive to run. Whilst these pressures are particularly acute in the short term they show no sign of changing significantly even in the medium term (the next 3-5 years). Therefore increasing the marketing period to 3 years seems particularly counterproductive at the current time as it is highly unlikely to provide additional protection to pubs (which if they are unviable for 2 years wont suddenly become viable in year 3). Instead it will penalise landowners/ developers by forcing them to sit on vacant and unviable public houses for 50% longer, at a time when wider economic growth has slowed and landowners/ developers are under their own related pressures around high interest rates and costs.

Therefore we respectfully request that Policy EC19 is amended to align with the London Plan and keep the marketing period requirement to 24 months based on the current economic climate.

If there is still a feeling that an increase in the marketing period could genuinely help protect Lewisham's pubs, then this could always be brought in via an SPD at a later date when the wider economic climate and pressures on the hospitality sector have eased.

Finally, if the Council are to retain this policy as drafted, we would ask that it includes transitional arrangements such that it is only applicable to marketing processes started after the adoption of the plan (or at the very least marketing processes that are less than 12 months old).

This would stop this policy from impacting marketing processes and redevelopment schemes that are already substantially progressed and where commercial/ financial decisions and commitments have already been made on the basis of the current 24 month period, as otherwise this could have significant negative consequences for developers at a time of significant economic uncertainty.

I trust the above representations are clear and reserve the right to make further comments on this matter at the Examination Stage as appropriate. I would also be happy to discuss this issue further with policy officers.

Yours faithfully,

Graham Lamb
Senior Director

graham.lamb@pegasusgroup.co.uk

t. 0161 393 3399

Patron Her Majesty The Queen

The British Horse Society

Email enquiry@bhs.org.uk

Abbey Park,

Website www.bhs.org.uk

Stareton,

Tel 02476 840500

Kenilworth,

Fax 02476 840501

Bringing Horses and People Together

Warwickshire CV8 2XZ

The logo for The British Horse Society, featuring the text "The British Horse Society" in white on a dark red background.

Lewisham Local Plan

Via email localplan@lewisham.gov.uk

17th March 2023

RE: Lewisham Local Plan Regulation 19 consultation

I am responding to this consultation on behalf of The British Horse Society, the UK's largest equestrian charity, with over 119,000 members, representing the country's 3 million horse riders.

Key information

- Research undertaken by the University of Brighton and Plumpton College on behalf of The British Horse Society¹ found that
 - More than two thirds (68%) of respondents participated in horse riding and associated activities for 30 minutes or more at least three times a week. Sport England estimates that such a level of sporting activity will help an individual achieve or exceed the government's recommended minimum level of physical activity.
 - A range of evidence indicates the vast majority (90% plus) of horse riders are female and more than a third (37%) of the female riders of respondents were above 45 years of age. **Horse riding is especially well placed to play a valuable role in initiatives to encourage increased physical activity amongst women of all ages.**
 - Amongst the horse riders who took part in the survey, 39% had taken no other form of physical activity in the last four weeks. This highlights the importance of riding to these people, who might otherwise be sedentary.
 - **Horse riders with a long-standing illness or disability who took part in the survey are able to undertake horse riding and associated activities at the same self-reported level of frequency and physical intensity as those without such an illness or disability.**

No-one is better qualified to demonstrate this than our new ambassador, six-time Paralympic Gold Medallist and World Champion, Natasha Baker OBE

<https://www.youtube.com/watch?v=pLi-89WWlkc>

Planning Policy, etc.

National Planning Policy Framework

- Paragraph 98 states that, "Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities..." Providing for equestrians helps to fulfil this requirement.*
- Paragraph 100 says, "Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails." Ensuring that equestrians are not excluded within these enhancements and improved links only improves the value for money of such undertakings.

The British Horse Society is an Appointed Representative of South Essex Insurance Brokers Limited who are authorised and regulated by the Financial Conduct Authority.

Registered Charity Nos. 210504 and SC038516. A company limited by guarantee. Registered in England & Wales No. 444742

*Within the Lewisham borough, Blackheath is a key area of open space to which horse riders have a legal right to air and exercise under s.193 of the 1925 Law & Property Act. Under this legislation, equestrians have the “lawful right or privilege” referred to in Byelaw 6(1) of the Byelaws for Blackheath (Lewisham section). This right must be protected and made clear.

Further, it would take no additional cost to make off road multi use routes inclusive of equestrian access. It would be unlikely to have more than occasional use but would make them truly inclusive of all vulnerable road users.

The British Horse Society would be very willing to work with the Council and would be developers in protecting access and improving safety for equestrians.

Yours faithfully

Sarah Rayfield (Mrs.)
Access Field Officer – London & South East
Email: sarah.rayfield@bhs.org.uk
Tel: 02476 840713
Mob: 07971 059262

ⁱ <https://www.bhs.org.uk/media/ganngxh/health-benefits-of-riding-in-the-uk-full-report.pdf>



Planning Service
London Borough of Lewisham
Laurence House, 1 Catford Road
London SE6 4RU

By email to: localplan@lewisham.gov.uk

20 April 2023

Dear Sir/Madam,

Lewisham Local Plan – Regulation 19 Consultation.

CPRE London is a membership-based charity with 2,500 members across London, concerned with the preservation and enhancement of London's vital green spaces, as well as the improvement of London's environment for the health and wellbeing of all Londoners.

Policy GR2 Open space – lack of clarity in green space deficiency and how it will be tackled: policy must be revised to emphasise provision of green space *per person* so there is genuinely 'no net loss'

1. **Green space *per person*.** This policy seeks to protect the total amount of green space, however with increasingly high-density development, there is a likely risk of net loss of green space *per person*. This policy should be revised to reflect provision (and deficiency) in terms of the amount and type of green space available per person and appropriate policies introduced to tackle the growing issue.
2. **Streetparks / Garden Streets.** To support the borough's growing population the council should set out specific, clear proposals to create small parks from grey space including converting whole streets or sections of streets to create 'streetparks' (like [Alfred Place](#) in Camden).
3. **Grass sport pitches.** Lewisham has fewer sports pitches than most boroughs and no major sports pitch hubs and major densification of Lewisham town centre means, *per person*, provision will have been substantially eroded. This deficiency should be clear in the Plan and policies should be put in place to address it. In common with other local authorities, the council should adopt the Six Acre Standard.
4. **Site Allocations** Some Site Allocations incorporate proposals to build on green space: these should be deleted or revised to state that all amenity green space will be retained due to the acute shortage in the borough. Please [see our specific comments on the Site Allocations below](#).
5. We support the increase in Metropolitan Open Land (MOL from 10% to 12%. We support all new MOL designations (as per 'Proposed changes to the adopted Policies Map') and new SINC designations.

Proposed MOL de-designations

6. We agree that the three MOL parcels around Lewisham Gateway should be de-designated, however, the remaining **parcel of land to the south of Glass Mill Leisure Centre should be retained as MOL** as this is now the only green space in this highly built-up area.
7. **Reduce the four-lane carriageway rather than removing green space at Jubilees.** We do not support de-designation of the section of MOL at northern tip of Jubilees Ground, St Dunstan's to accommodate road crossings. Space can and should be created for safe pedestrian crossing points / cycle lanes by reducing the size of the existing four lane carriageway.



Use the Local Plan process to give local parks Local Green Space protection

8. The Local Plan should designate all key public parks and open spaces in Lewisham, which are not currently protected by MOL status, as Local Green Space to ensure they are protected into the future. We cannot see any proposals for designation smaller green sites as Local Green Space and believe this should be an important inclusion in the final version of the plan.

New public parks for Lewisham

9. Two sites should be designated as local parks and given protected MOL or Local Green Belt status.
- Gorne Wood: The Fourth Reserve Foundation the closest site of designated Ancient Woodland to the City of London and should become a park.
 - The Railway Children Park: This series of green spaces in Grove Park with importance for nature conservation, with heritage and nature value, and its importance as a local park

Housing estates, infill development and reconfiguring car-parking parking provision on estates

10. The Local Plan should include a policy for housing estate green spaces, stating that 'infill' schemes will ensure residents do not lose green space *per person*; building on estate green spaces will be resisted; if green space is lost it will be replaced and preferably enlarged; and that 'grey space' (parking / roads) on estates will be rationalised into specific locations allowing more to be converted to green space. We are very concerned about the council's plans to remove green space on Dacres Road estate which is vital for residents' physical and mental health and is an important haven for wildlife. We also understand 30% of green space on the Valentines Court estate will be lost to development and Mais House estate will lose 19 mature trees and a much loved communal green.

Kerbside space

11. **A policy should be included on reallocation of kerbside space:** We estimate that, in land use terms, a significant amount of land in Lewisham is kerbside space, most of which is likely to be 'rented' cheaply for private car parking.
- The Local Plan should propose re-allocation of land-use for at least 25% of kerbside space in Lewisham – referencing environmental and social goals and establishing an appropriate target for reinstating kerbside as a public space, to be used for everything from bus and cycle lanes, safe cycle storage, shared mobility parking, delivery hubs, rain gardens, tree planting on build-outs, EV charging points on build-outs, parklets, pocket parks, play on the way features/play trails, and whole streetparks (e.g. Lambeth [Kerbside Strategy](#)).
 - Additionally, there should be a policy for main roads to be a maximum of one lane in either direction for general traffic (including main roads) with other space repurposed for sustainable uses.

Tall buildings

12. Housing should be limited in height and 'humanscale' – eight storeys maximum – to halt a worrying move to super high density without adequate access to open and green space.



13. Specific site allocation comments

Lewisham's Central Area:

- Site Allocation 10 – House on the Hill at Slaithwaite Road: Mature Trees and green space should be retained.
- Site Allocation 12 – Ladywell Play Tower: Green space and mature trees around the site should be retained.
- Site Allocation 20 – South Circular: We do not support the de-designation of MOL (see earlier).

Lewisham's North Area:

- Site Allocation 9 – Surrey Canal Triangle: Green Space and mature trees alongside the railway line should be retained as these provide important habitat for wildlife.
- Site Allocation 15 – Albany Theatre: There is a large amount of green space on site and mature trees. This should not be built on.
- Site Allocation 16 – Land North of Reginald Road and South of Frankham Street: open green space and mature trees on site should be retained.

Lewisham's East Area:

- Site Allocation 1 – Heathside and Lethbridge Estate: trees and green space to the east of the site should not be built on.
- Site Allocation 7 – Mayfields Hostel, Burnth Ash Hill: The green space and trees should be retained.

Lewisham's South Area:

- Site Allocation 1 – Former Bell Green Gas Holders and Livesey Memorial Hall: This strategic green open space on this site should be retained and the gasworks (or a significant part of it) could be set aside for a large green open space / habitat – connected with neighbouring sites. Ideally the whole site could potentially be transformed into a new public park
- Site Allocation 13 – Excalibur Estate: Trees and green space on site should be retained and ideally increased.

Lewisham's West Area:

- Site Allocation 8 – Featherstone Lodge, Eliot Bank: Mature trees on site should be retained.
- Site Allocation 9 – Willow Way Locally Significant Industrial Site: Mature trees on site should be retained.

Thank you for the opportunity to comment on this important consultation.

Yours sincerely,

John Sadler
Campaigns Officer
CPRE London

From: Fourth Reserve (null) <fourth.reserve@yahoo.com>
Sent: 04 April 2023 16:57
To: LocalPlan
Subject: Local Plan - feedback from Fourth Reserve Foundation to latest consultation 040423
Attachments: Official Copy (Register) - TGL185824.pdf; Official Copy (Title Plan) - TGL185824.pdf; Crofton legal letter.pdf

Dear Local Plan,

Please see below response to the Local Plan from the Fourth Reserve Foundation.

We are really pleased with several updates made to the Local Plan that together highlight the importance of the Buckthorne Cutting in Crofton Park. We feel these updates will help protect the site in any planning considerations. The key changes below are particularly welcomed:

- Buckthorne Nature Reserve has been added to green spaces list
- The LIGS designation has been included
- The M122 MSINC corridor has been recommended for Metropolitan Open Land designation.

We wonder if the following can also be included in the Local Plan.

1. A reference in particular to Gorne Wood. This forms part of the Buckthorne Cutting and has been designated as Ancient Woodland by Natural England.

2. In the last year we became aware that a small section of the Buckthorne Cutting Nature Reserve that we have been caring for is not owned by Network Rail as we had thought but by a Holding Company. However in the Land Registry Deeds an agreement seems to have been made in 1988 between Lewisham Council, the railway and the holding company that this small section that includes an orchard and a reed bed, must remain a nature reserve protected in perpetuity for 80 years.

'That the Board will preserve all that the land being part of the Buckthorne Road 1 and being more particularly described in the Second Schedule Part II hereto and referred to as "the open space land" for open space purposes and will not use or suffer or permit to be used the open space 1 and for any purpose other than for open space purposes. That the use of the open space land for open space purposes is a "permitted use" within the terms of the Town and Country Planning Act 1971 and no building engineering mining or other operations or change of use (or any other "development") as defined in Section 22 of the Town and Country Planning Act 1971) shall be carried out on the open space land. It is agreed between the Board and the Council that use of the open space land as and for a nature reserve is and shall be constructed as use for open space purposes for the purposes of clauses 2.3 and 2.4 of this Agreement. NOTE: "The open space land" referred to above has been tinted pink on the filed plan.'

We wonder if it would be possible at this late stage to name this section of land specifically in the Local Plan so that it's value is clearly identified in planning. It seems to have been viewed by some residents as space in which to extend private gardens and it is priority habitat (reed bed) with veteran trees.

I am attaching the planning document and a legal letter from the council asserting it's status as nature reserve - the letter was given to us to use where residents encroach on the land or question the site's nature reserve importance.

We'd really appreciate if these two additions can be added to the Local Plan as particularly important sites to protect - it will help in the future particularly as they are privately owned and so particularly in need of protection.

Kind Regards

Anna-Maria



Legal Services
London Borough of Lewisham
Laurence House
1 Catford Road
London, SE6 4RU

The Fourth Reserve Foundation
Buckthorne Cutting Nature Reserve
Eddystone Road
Brockley
SE4 2DE

Melanie.dawson@lewisham.gov.uk

24 October 2022

Dear Sir/Madam,

Land lying to the north of Buckthorne Road, Crofton Park, Deptford

The Council benefits from and may enforce a restrictive covenant over land lying to the north of Buckthorne Road and more particularly shown coloured pink on the plan attached to this letter (the "Open Space Land"). The restrictive covenant requires that, for a period of 80 years from 14 August 1987, the Open Space Land shall not be used for any purpose other than as a nature reserve/open space.

Yours faithfully,

Melanie Dawson

Melanie Dawson
Principal Lawyer – Place
For Director of Law, Governance and Elections



H.M. LAND REGISTRY

TITLE NUMBER
TGL 185824
~~SGL 504571~~

ORDNANCE SURVEY
PLAN REFERENCE

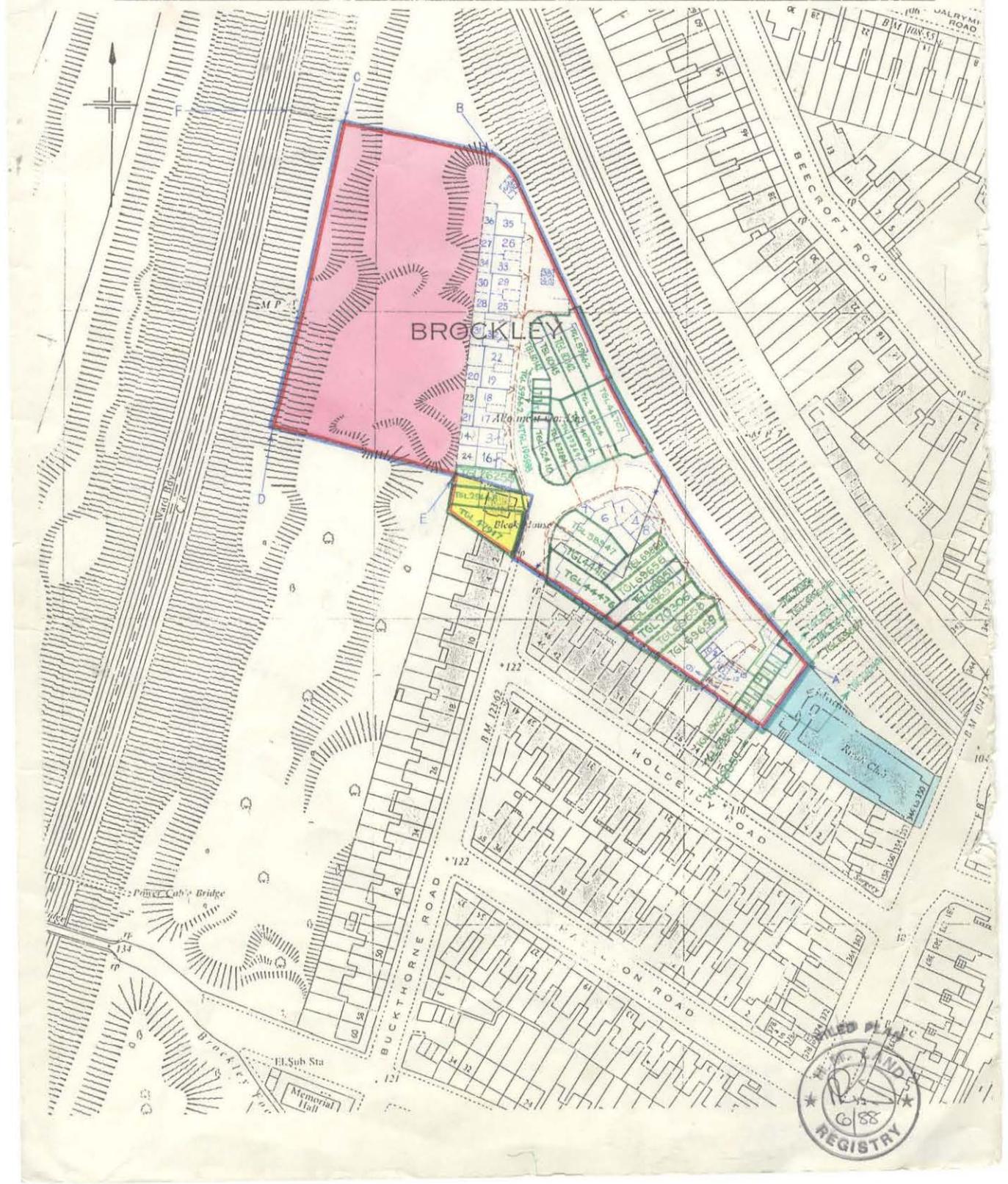
COUNTY SHEET
GREATER LONDON

NATIONAL GRID
TQ 3674 NW

Scale: 1/1250

BOROUGH OF LEWISHAM

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The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.



Official copy of register of title

Title number TGL185824

Edition date 27.10.2014

- This official copy shows the entries on the register of title on 09 MAR 2018 at 13:53:35.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 09 Mar 2018.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Telford Office.

A: Property Register

This register describes the land and estate comprised in the title.

LEWISHAM

- 1 The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being land lying to the north of Buckthorne Road, Crofton Park, Deptford.
- 2 The mines and minerals are excepted.
- 3 The Conveyance dated 10 March 1981 referred to in the Charges Register contains the following provision:-

"IT IS HEREBY AGREED AND DECLARED as Follows:-

the carrying on by the Board of their undertaking on their adjoining or neighbouring land in exercise of their powers and subject to their statutory and Common Law obligations shall not be deemed to be a breach of the covenant for quiet enjoyment implied herein by reason of the Board being expressed to convey the property as beneficial owners not to be in derogation of their grant."
- 4 The land has the benefit of the following rights granted by but is subject to the following rights reserved by a Conveyance of the land tinted blue on the filed plan dated 20 December 1985 made between (1) British Railways Board and (2) Rivoli Dancing Limited (Purchaser):-

"Together with the right for the purchaser and those authorised by the Purchaser but on foot only and in case of emergency only to pass over and along the Board's adjoining land to the North West of the Property between the North West boundary of the property and the public highway known as Buckthorne Road, Crofton Park in the London Borough of Lewisham by such route as may from time to time be specified by the Board.

There are reserved to the Board

(i) the right at any time to erect or suffer to be erected any buildings or other erections and to alter any building or other erection now standing or hereafter to be erected on any part of their adjoining or neighbouring land in such a manner as to obstruct or interfere with the passage of light or air to any building which is or may be erected upon the property and any access of light and air over the adjoining land of the Board shall be deemed to be enjoyed by the Licence or consent of the Board and not as of right

A: Property Register continued

(ii) the right of support from the property for the adjoining property of the Board

(iii) the right to have maintain repair cleanse use reconstruct alter and remove any drains pipes wires cables and works on over or under the property hereby conveyed now used for the benefit of the adjoining property of the Board

(iv) full right and liberty for the Board and their successors in title with or without workmen at all reasonable times to enter upon the property for the purposes of exercising the right reserved by paragraph (iii) of this sub-clause

(v) full right and liberty for the Board and their successors in title with or without workmen at all reasonable times to enter upon the property for the purpose of maintaining renewing repairing reinstating altering or amending any fences walls railway banks abutment or retaining walls bridges and other works of the board on their adjoining or neighbouring land the board making good any damage occasioned to the property by the exercise of the rights of entry reserved by paragraph (iv) and (v) of this sub-clause."

- 5 The Conveyance dated 27 November 1987 referred to in the Charges Register contains the following provision:-

"IT IS HEREBY AGREED AND DECLARED that in the event of the Purchaser being granted detailed planning consent for the development of the land hereby conveyed on terms with require works to be carried out to the Boards adjoining land forming the Nature Reserve and the allotment land as defined within Clause 2 of the Deed herein before referred to the Purchaser shall be at liberty to enter onto such parts as aforesaid of the Boards land for the purpose of carrying out such works at the Purchasers own costs subject to the Purchaser first giving written notice to the Board and complying with the requirements of the Local Planning Authority imposing such conditions as aforesaid) for the protection of the Boards said land and property adjoining thereto.

7. IT IS HEREBY DECLARED that the carrying on by the Board of their undertaking on their adjoining or neighbouring land in exercise of their powers and subject to their statutory and common law obligations shall not be deemed to be a breach of the covenant for quiet enjoyment implied herein by reason of the Board being expressed to convey the property as Beneficial Owners not to be in derogation of their grant."

- 6 The land edged and numbered in green on the filed plan has been removed from this title and registered under the title number or numbers shown in green on the said plan.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (09.12.1993) PROPRIETOR: HOLDING & MANAGEMENT (SOLITAIRE) LIMITED (Co. Regn. No. 1649347) of Molteno House, 302 Regents Park Road, London N3 2JX.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 A Conveyance of the land tinted yellow on the filed plan dated 10 March 1981 made between (1) The British Railways Board and (2) Glyn Dickinson Cotterill and Patricia Margaret Cotterill (Purchasers) contains covenants details of which are set out in the schedule of restrictive covenants hereto.

C: Charges Register continued

2 The land is subject to the following rights reserved by the Conveyance dated 10 March 1981 referred to above:-

"THERE are excepted and reserved to the Board the following rights and easements:-

(ii) any easement or right of light air or support or other easement or right which would restrict or interfere with the free use by the Board or any person deriving title under them for building or any other purpose of any adjoining or neighbouring land of the Board (whether intended to be retained or to be sold by them)

(iii) the right at any time to erect or suffer to be erected any building or other erections and to alter any building or other erection now standing or hereafter to be erected on any part of their adjoining or neighbouring land in such a manner as to obstruct or interfere with the passage of light or air to any building which is or may be erected upon the property and any access of light and air over the adjoining land of the Board shall be deemed to be enjoyed by the licence or consent of the Board and not as of right

(iv) the right of support from the property for the adjoining property of the Board

(v) the right to have maintain repair cleanse use reconstruct alter and remove any drains pipes wires cables and works on over or under the property now used for the benefit of the adjoining property of the Board

(vi) full right and liberty for the Board and their successors in title with or without workmen at all reasonable times to enter upon the property for the purpose of exercising the right reserved by paragraph (v) of this sub-clause

(vii) full right and liberty for the Board and their successors in title with or without workmen at all reasonable times to enter upon the property for the purpose of maintaing repairing renewing reinstating altering or amending any fences walls railway banks abutment or retaining walls bridges and other works of the Board on their adjoining or neighbouring land

(viii) full right and liberty to divert the existing services to the property into a position or positions which in the opinion of the Board may be necessary or convenient as a result of any works to be carried out by the Board on their adjoining neighbouring land free of all expense to the Purchasers PROVIDED ALWAYS that the Purchaser shall not be adversely affected by any such diversion and shall retain all rights to use the diverted services as existed before such diversion

(ix) full right and liberty to connect into and use the existing services to and from the property or such diverted services as hereinbefore provided

(x) full right and liberty to incorporate the said footpath coloured brown on the said plan into any public highway or private roadway which may be constructed on their land adjoining the boundary A-B PROVIDED ALWAYS that the Purchasers shall retain all existing access rights thereover as were previously enjoyed

The Board will make good any damage occasioned to the property by the exercise of the rights of entry reserved by paragraphs (vi) and (vii) of this sub-clause.

NOTE: The boundary between the points A-B referred to in clause (x) above is now internal.

3 A Deed affecting the land edged blue on the filed plan dated 14 August 1987 made between (1) The Mayor and Burgesses of The London Borough of Lewisham and (2) The British Railways Board contains covenants details of which are set out in the schedule of restrictive covenants hereto.

4 A Conveyance of the land edged blue on the filed plan dated 27 November 1987 made between (1) British Railways Board and (2) Barratt East

C: Charges Register continued

London Limited (Purchasers) contains covenants details of which are set out in the schedule of restrictive covenants hereto.

- 5 The land is subject to the following rights reserved by the Conveyance dated 27 November 1987 referred to above:-

"2(A) THERE not included in the Conveyance:-

any easement or right of light air or support or other easement or right which would restrict or interfere with the free use by the Board or any person deriving title under them for building or any other purpose of any adjoining or neighbouring land of the Board (whether intended to be retained or to be sold by them)

the stable buildings on part of the property

(B) There are reserved to the Board

(i) the right at any time to erect or suffer to be erected any buildings or other erections and to alter any buildings or other erection now standing or hereafter to be erected on any part of their adjoining or neighbouring land in such a manner as to obstruct or interfere with the passage of light or air to any building which is or may be erected upon the property hereby conveyed and any access of light and air over the adjoining land of the Board shall be deemed to be enjoyed by the licence or consent of the Board and not as of right

(ii) the right of support from the property hereby conveyed for the adjoining property of the Board

(iii) the right to have maintain repair cleanse use reconstruct alter and remove any drains pipes wires cables and works on over or under the property hereby conveyed now used for the benefit of the adjoining property of the Board

(iv) full right and liberty for the Board and their successors in title with or without workmen at all reasonable times to enter upon the property hereby conveyed for the purposes of exercising the right reserved by paragraph (iii) of this sub-clause

(v) full right and liberty for the Board and their successors in title with or without workmen at all reasonable times to enter upon the property for the purpose of maintaining repairing renewing reinstating altering or amending any fences walls railway banks abutment or retaining walls bridges and other works of the Board on their adjoining or neighbouring land the Board making good any damage to the property occasioned by the exercise of the rights of entry reserved by paragraph (iv) and (v) of this sub-clause

(vi) Full right and liberty for the Board or their successors in title to enter onto the property should the Purchaser fail to perform the obligation contained in clause 4(2) hereof at any time within 10 Years of the date hereof if having first served six weeks notice in writing of the intended exercise of this right the Purchaser has not made good such failure so as to execute the works in clause 4(2) hereof and the costs incurred by the Board shall be reimbursed by the Purchaser together with interest at the rate of 4% above base lending rate from time to time of Royal Bank of Scotland from the date of incurral until the date of payment.

- 6 The parts of the land affected thereby are subject to the following rights granted by a Conveyance dated 27 November 1987 made between (1) Barratt East London Limited and (2) The London Electricity Board:-

"the Grantor as beneficial owner HEREBY GRANTS unto the Board FULL RIGHT AND LIBERTY for the Board and its successors in title and assigns

(a) to lay and maintain (which expressions shall without prejudice to the generality thereof include the rights to use and from time to time repair alter relay renew supplement inspect examine test and remove) its electric lines under and along the easement land

(b) to break up the surface of the easement land so far as may be

C: Charges Register continued

necessary from time to time for all or any of the purposes aforesaid but so that the Board in exercising such rights shall not cause unnecessary damage to the Easement land and shall restore as quickly as is reasonably practicable the surface thereof so far as is practicable to its former condition to the reasonable satisfaction of the Grantor or its successors in title

(c) and its servants workmen and contractors at all times to enter upon the easement land and the Grantor's land with or without vehicles plant and equipment but in the latter case strictly to the extent necessary to enable the said foregoing rights and liberties to be exercised

TO HOLD the said rights and liberties hereby granted unto the Board in fee simple as appurtenant to its statutory undertaking in and under the adjoining public streets and elsewhere"

NOTE 1: The electric lines referred to are shown by brown broken lines on the filed plan. The said Deed also contains a covenant by the Grantor details of which are set out in the schedule of restrictive covenants hereto

NOTE 2: The said Deed dated 5 June 1989 contains the following definitions:-

"electric lines

wire(s) or conductor(s) or other means used for the purpose of conveying transmitting or distributing electricity with any casing coating covering tube pipe or insulator enclosing surrounding or supporting the same or any apparatus connected therewith for the purpose of conveying transmitting or distributing electricity or electric currents

easement land

(a) Land forming part of the Grantor's land shown for identification purposes only by green lines on the plan numbered E32290E/A annexed hereto

(b) such of the roads and pathways as lie within the Grantor's developments as are intended to become maintainable at the public expense and which are comprised in the above title number until the same shall have been taken over or adopted by the local or other public Authority"

- 7 The estate roads and footpaths are subject to rights of way.
- 8 The communal areas are subject to rights of user.
- 9 The parts of the land respectively affected thereby which adjoin the parts edged and numbered in green on the filed plan are subject to rights of support shelter and protection for the parts so edged and numbered.
- 10 The land is subject to rights of drainage and rights in respect of water gas and electricity supply services and ancillary rights of entry in respect thereof.
- 11 The parts of the land affected thereby are subject to the leases set out in the schedule of leases hereto.
The leases grant and reserve easements as therein mentioned.

Schedule of restrictive covenants

- 1 The following are details of the covenants contained in the Conveyance dated 10 March 1981 referred to in the Charges Register:-

"FOR the benefit and protection of such part of the adjoining or neighbouring property of the Board as is capable of being benefited or protected and with intent to bind so far as legally may be their successors in title own as for the time being of the property of any part thereof in whosoever hands the same may come the purchasers

Schedule of restrictive covenants continued

hereby jointly and severally covenant with the Board as follows:-

(1) Not at any time:

(a) without previously submitting detailed plans and sections thereof to the Board and obtaining their approval thereto and

(b) without complying with such reasonable conditions as to foundations or otherwise as the Board shall deem it necessary to impose to erect or add to any building or structure or to execute any works other than internal and external decoration repair and maintenance only on any part of the property

(2) Within six months of the date hereof to install and at all times thereafter to maintain to the satisfaction of the Board granite sets or concrete boundary posts of a design to be approved by the Board between the points marked A-B on the said plan.

(3) Forthwith to ensure that any surface water drainage emanating from the property is directed into a drainage system approved by the Board in so far as the same is not already so directed."

NOTE: The boundary between the points A-B referred to above is now internal.

2 The following are details of the covenants contained in the Deed dated 14 August 1987 referred to in the Charges Register:-

"1. The date of this Agreement shall be hereinafter referred to as "the Effective Date" and for the purposes of this Agreement it is agreed between the parties hereto that the perpetuity period in relation to this Agreement shall be a period of eighty years from the effective date.

2. The Board for itself its successors in title and assigns covenants with the Council as local planning authority and principal Council pursuant to Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 and pursuant to any or all of the other powers recited in this Agreement to the intent that this covenant shall be enforceable against the Board their successors in title and any person claiming through or under them an interest or estate in the Buckthorne Road land the Comerford Road land or any part or parts thereof as if that person had been an original covenantor in respect of the interest or estate for the time being held by him:-

That the Board will preserve all that the land being part of the Buckthorne Road 1 and being more particularly described in the Second Schedule Part II hereto and referred to as "the open space land" for open space purposes and will not use or suffer or permit to be used the open space 1 and for any purpose other than for open space purposes.

That the use of the open space land for open space purposes is a "permitted use" within the terms of the Town and Country Planning Act 1971 and no building engineering mining or other operations or change of use (or any other "development") as defined in Section 22 of the Town and Country Planning Act 1971) shall be carried out on the open space land.

It is agreed between the Board and the Council that use of the open space land as and for a nature reserve is and shall be constructed as use for open space purposes for the purposes of clauses 2.3 and 2.4 of this Agreement.

NOTE: "The open space land" referred to above has been tinted pink on the filed plan.

3 The following are details of the covenants contained in the Conveyance dated 27 November 1987 referred to in the Charges Register:-

FOR the benefit and protection of such part of the adjoining or neighbouring property of the Board as is capable of being benefited or protected and with intent to bind as far as legally may be themselves and their successors in title owners for the time being of the property

Schedule of restrictive covenants continued

hereby conveyed or any part thereof in whosoever hands the same may come the Purchasers covenant with the Board as follows:-

(1) Not at any time

(a) without previously submitting detailed plans and sections thereof to the Board and obtaining their approval thereto and

(b) without complying with such reasonable conditions as to foundations or otherwise as the Board shall deem it necessary to impose to erect or add to any building or structures or to execute any works on any part of the property hereby conveyed within a distance of 1.5 metres of the Board's land and works between the points marked A-B-E on the plan

(2) Forthwith to erect and at all times thereafter to maintain between the points marked A - B - C - D and C - F on the plan to the reasonable satisfaction of the Board fencing of a design first approved by the Board.

NOTE: The points marked A, B, C, D, E and F referred to have been reproduced on the filed plan.

4 The following are details of the covenants contained in the Deed dated 5 June 1989 referred to in the Charges Register:-

"THE Grantor with the intent and so as to bind the easement land and every part thereof and so much of the Grantor's land as lies within 1.5 metres of the easement land into whosoever hands the same respectively may come and to benefit and protect the rights and liberties hereby granted HEREBY COVENANTS with the Board for the benefit of the Board's undertaking not to do or permit or suffer to be done on or near the easement land any act which would be likely in any way to interfere with or damage (save that the Grantor shall not be responsible for any interference or damage caused by the act or negligence of any person or persons over whom they have no control) any electric lines laid by the Board thereunder in the exercise of the rights and liberties hereby granted nor to alter or permit or suffer to be altered the existing level of nor to cover or permit or suffer to be covered the surface of the easement land in such manner as to render the laying of an electric line thereunder or access to any electric line thereunder impracticable or more difficult than it shall be at the date of completion of the sale of any part of the Grantor's land under which the electric lines shall lie AND in particular but without prejudice to the generality of the foregoing not to erect or permit or suffer to be erected any building or structure nor to plant or permit or suffer to be planted any trees on or within a distance of 1.5 metres of the easement land."

Schedule of notices of leases

1	19.01.1990 1 (part of), 2	9 Crofton Gate, (Ground Floor Flat), Car Parking Space	22.12.1989 125 years from 25.9.1989	TGL33921
2	23.01.1990 3 (part of)	Plot 31, Crofton Gate, (Second Floor Flat and Ground Floor Garage)	20.12.1989 125 years from 25.9.1989	TGL34168
3	06.02.1990 4 (part of), 5 (part of)	Plot 11, Crofton Gate, (Ground Floor Flat), Parking Space, (Excludes sub-soil)	21.12.1989 125 years from 25.9.1989	TGL35024
4	16.02.1990 6 (part of), 7 (part of)	Plot 7, Crofton Gate, (Ground Floor Flat), Parking Space (Excludes sub-soil)	21.12.1989 125 years from 25.9.1989	TGL35756
5	16.02.1990 8 (part of), 9 (part of)	Plot 13, Crofton Gate, (Ground Floor Flat), Parking Space, (Excludes sub-soil)	20.12.1989 125 years from 25.9.1989	TGL35757

Schedule of notices of leases continued

6	19.02.1990 6 (part of), 10 (part of)	Plot 8, Crofton Gate, (First Floor Flat), Parking Space, (Excludes sub-soil)	29.12.1989 125 years from 25.9.1989	TGL35803
7	25.03.1990 4 (part of), 12 (part of)	Plot 12, Crofton Gate, (First Floor Flat), Parking Space, (Excludes sub-soil)	09.03.1990 125 years from 25.9.1989	TGL37864
8	06.04.1990 8 (part of), 11 (part of)	Plot 14, Crofton Gate, (First Floor Flat), Parking Space, (Excludes sub-soil)	29.12.1989 125 years from 25.9.1989	TGL40574
9	30.04.1990 3 (part of), 14	Plot 30, Crofton Gate, (First Floor Flat and Ground Floor Garage), Garden Ground	23.03.1990 125 years from 25.9.1989	TGL41760
10	03.08.1990 16 (part of)	5 Crofton Gate Way, Brockley, (Second Floor Flat and Garage)	22.06.1990 125 years from 25.9.1989	TGL47379
11	03.05.1991 19 (part of), 20	12 Crofton Gate Way, (First Floor Flat and Garage), Garden Ground	25.04.1991 125 years from 25.9.1989	TGL59356
12	14.05.1991 22 (part of)	14 Crofton Gate Way, (First Floor Flat and Garage)	26.04.1991 125 years from 25.9.1989	TGL59438
13	14.05.1991 19 (part of)	13 Crofton Gate Way, (Second Floor Flat and Garage)	26.04.1991 125 years from 25.9.1989	TGL59436
14	14.05.1991 18 (part of)	11 Crofton Gate Way, (Second Floor Flat and Garage)	26.04.1991 125 years from 25.9.1989	TGL59440
15	12.05.1991 17 (part of)	9 Crofton Gate Way, (Second Floor Flat & Garage)	26.04.1991 125 years from 25.9.1989	TGL59589
16	17.06.1991 17 (part of), 21	8 Crofton Gate Way, (First Floor Flat), Garden Ground	26.04.1991 125 years from 25.9.1989	TGL60709
17	05.07.1991 18 (part of), 23	10 Crofton Gate Way, (First Floor Flat), Garden	03.05.1991 125 years from 25.9.1989	TGL61414
18	16.07.1991 16 (part of), 24	4 Crofton Gate Way, (First Floor Flat and Ground Floor Garage), Garden Ground	17.05.1991 125 years from 25.9.1989	TGL61822
19	06.08.1991 22 (part of)	15 Crofton Gate Way, (Second Floor Flat and Garage)	21.06.1991 125 years from 25.9.1989	TGL62681
20	02.12.1991 26 (part of), 27	24 Crofton Gate Way, (Ground and First Floor Flat), Garden Ground	15.11.1991 125 years from 25.9.1989	TGL67311
21	09.12.1991 25 (part of), 28	18 Crofton Gate Way, (First Floor Flat and Ground Floor Garage), Garden Ground	22.11.1991 125 years from 25.9.1989	TGL67583
22	09.12.1991 25 (part of)	43 Crofton Gate Way, (Ground and Second Floor Flat)	22.11.1991 125 years from 25.9.1989	TGL67584
23	11.12.1991 29 (part of), 30	20 Crofton Gate Way, (First Floor Flat and Ground Floor Garage), Garden Ground	22.11.1991 125 years from 25.9.1989	TGL67716
24	11.12.1991 31 (part of), 32 (part of) 40	16 Crofton Gate Way, (Ground, First and Second Floor Flat), Garden Ground and Parking Space	22.11.1991 125 years from 25.9.1989	TGL67717 ated

Schedule of notices of leases continued

NOTE: A Deed dated 30 August 2000 made between (1) Holding and Management(Solitaire) Limited and (2) Edgerton Rodgers is supplemental to the Lease. Copy Deed filed under TGL67717

25	16.12.1991 33 (part of), 34	22 Crofton Gate Way, (Ground Floor Garage and First Floor Flat), Garden Ground	22.11.1991 125 years from 25.9.1989	TGL67897
26	04.02.1992 33 (part of)	Plot 47, Crofton Gate	20.12.1991 125 years from 25.9.1989	TGL69637
27	06.02.1992 35 (part of), 36, 37	50 Crofton Gate Way, (Ground Floor Flat), Garden Ground, Parking Space	20.12.1991 125 years from 25.9.1989	TGL69732
28	04.03.1992 32 (part of), 31 (part of), 38	41 Crofton Park, (Ground First and Second Floor Flat), Garden Ground, Parking Space	23.12.1991 125 years from 25.9.1989	TGL70714
29	27.04.1992 1 (part of), 15	Plot 10, Crofton Gate, (First Floor Flat), Parking Space, (Excludes sub-soil)	10.05.1990 125 years from 25.9.1989	TGL45929
30	29.04.1992 26 (part of)	25 Crofton Gate Way, (Second Floor Flat and Ground Floor Garage)	07.04.1992 125 years from 25.9.1989	TGL72712
31	11.05.1992 29 (part of)	21 Crofton Gate Way, (Second Floor Flat and Ground Floor Garage)	24.04.1992 125 years from 25.9.1989	TGL73063
32	22.06.1992 35 (part of), 39 (part of)	27 Crofton Gate Way, (First Floor Flat), Parking Space, (Excludes sub-soil)	21.05.1992 125 years from 25.9.1989	TGL74542

End of register

These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

This official copy is issued on 09 March 2018 shows the state of this title plan on 09 March 2018 at 13:53:35. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. This title is dealt with by the HM Land Registry, Telford Office .

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H.M. LAND REGISTRY

TITLE NUMBER
TGL 185824
~~SGL 504571~~

ORONANCE SURVEY
PLAN REFERENCE

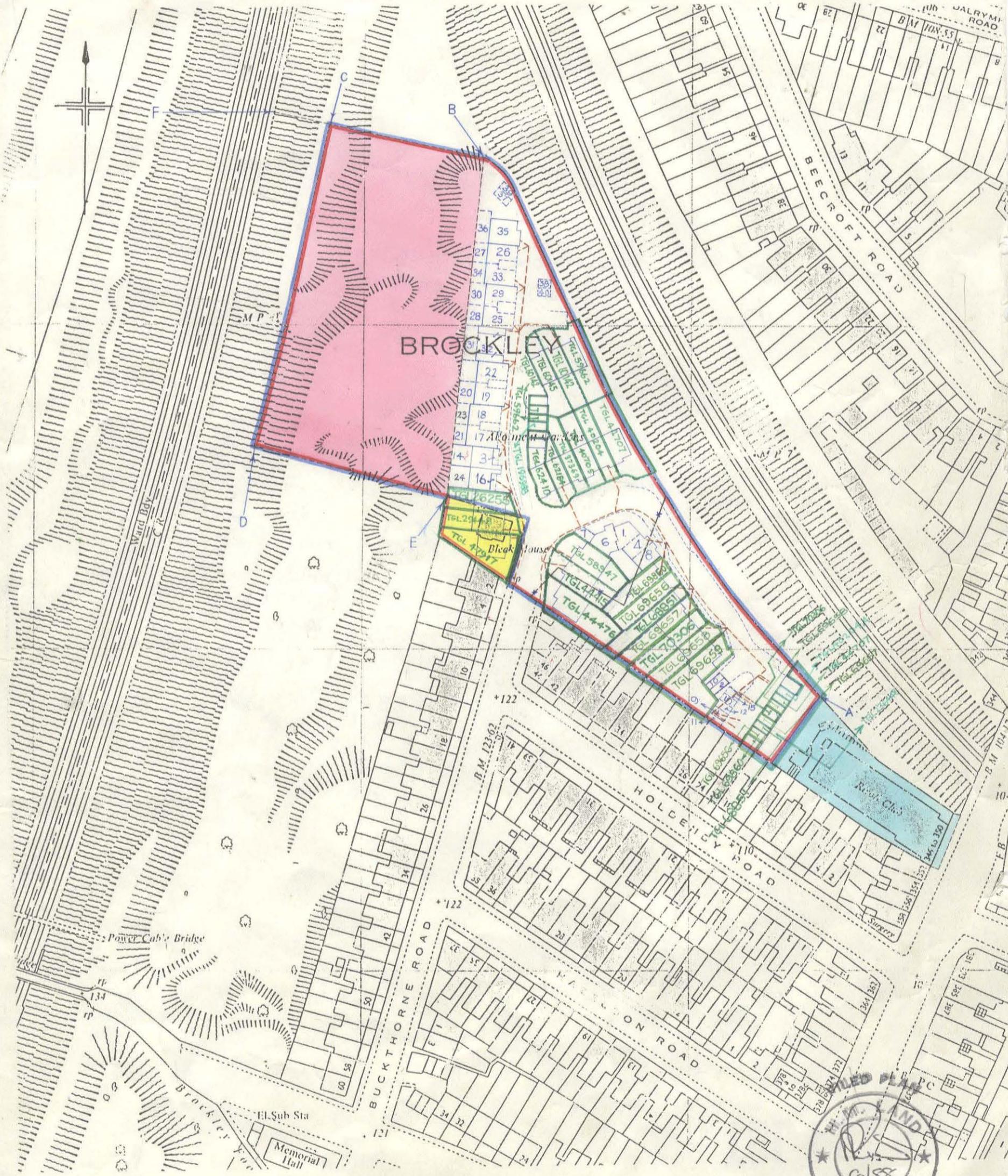
COUNTY SHEET
GREATER LONDON!

NATIONAL GRID
TQ 3674 NW

Scale: 1/1250

BOROUGH OF LEWISHAM

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Local Plan
Lewisham Planning Policy Team
London Borough of Lewisham
Laurence House
1 Catford Rd, Catford,
London, SE6 4RU

Email: localplan@lewisham.gov.uk

Date: 25 April 2023

Dear Sir / Madam

Lewisham Local Plan: Regulation 19 consultation

Thank you for consulting on the Lewisham Local Plan, Regulation 19 version. The following response is provided by James Stevens, Director for Cities, on behalf of the Home Builders Federation (HBF).

The Home Builders Federation (HBF) is the representative body of the home building industry in England and Wales. The HBF's member firms account for some 80% of all new homes built in England and Wales in any one year, and include companies of all sizes, ranging from multi-national, household names through regionally based businesses to small local companies. Private sector housebuilders are also significant providers of affordable homes, building 50% of all affordable homes built in the last five years, including all homes for social rent.

James Stevens contact details are:

Home Builders Federation
HBF House, 27 Broadwall
London, SE1 9PL

Telephone: 020 7960 1621

Email: james.stevens@hbf.co.uk

The HBF would like to register its interest in participating in the examination of the Local Plan.

HBF is very happy to discuss these representations with the Council if this would assist with the progression of the new Local Plan.

OL1 Delivering an Open Lewisham (spatial strategy)

The policy is unsound because it is not in conformity with London Plan policy.



We note that some areas, such as those to the east of the borough around Crofton Park, Honor Oak Park and Telegraph Hill, Sydenham, and Ladywell stations- are not identified as Growth Nodes even though they have rail stations. The Local Plan needs to be amended to support residential delivery in these locations. They might not be suitable as full growth nodes, owing, we assume, to the shortage of brownfield land in these locations, but they could potentially support the supply of many small sites, especially through the process of incremental densification.

The policy supports new residential development up to a point – it directs development towards the Opportunity Areas, Growth, Regeneration Nodes etc. This is helpful. However, the policy is vague on what will be supported in other areas of the borough, such as Brockley, Telegraph Hill, Crofton Park, Ladywell, Forest Hill, Sydenham Hill etc. It is apparent that all areas of the borough are well-connected by public transport but some seem to fall outside of the areas where development is supported. In keeping with Policy H2 of the London Plan, which aims to increase significantly the supply of homes on small sites – as described in para. 4.2.3 – all areas of the borough should be able to contribute to delivering against the housing targets in the London Plan.

The London Plan aims to secure more housing on small sites especially through a process of incremental densification – as described in para. 4.2.4 – where development in PTALs 3-6, or within 800m of a public transport node (defined by the London Plan as a Tube, rail, DLR or tram station) or town centre boundary (defined by the London Plan as including district centres), is expected to play an important role in contributing to the small sites target. In Lewisham's case, that small sites requirement averages out at 379 homes a year.

The policy should be strengthened by the Council spelling-out how residential development will be supported in the locations outside of those specified. For example, the Policy OL1 could be amended by adding a new part E, coming before the current E (which becomes F, and so on) that says:

In all other locations, small scale residential development (0.25 ha or less) in existing residential areas, will be encouraged, especially where the site is located within PTALs 3-6 or within 800m distance of a station or town centre boundary. Where the site is located further away from this, or in areas with lower PTAL levels, the Council will consider the merits of the proposal.

HBF considers this is necessary so that the Local Plan provides policy support to enable the Mayor of London's strategic aim for small sites to be successfully implemented.

QD1 Delivering high quality design in Lewisham

The policy is unsound because it is ineffective.

We note Part G of the policy which states:

Development must be appropriately supported by infrastructure. Development proposals will be expected to consider, and be linked to, the provision of future planned levels of infrastructure along with the timing of the delivery of this infrastructure. Where there is insufficient capacity of existing infrastructure to support a development proposal, applicants will be required to work with infrastructure providers to ensure sufficient capacity will exist at the appropriate time, including through the phasing of development.

We are concerned that what might constitute infrastructure, the timing of its delivery, and the requirement for applications to link to this provision, could be a very demanding requirement.

This might become such a difficult thing to plan and coordinate that no application for residential development could be allowed. The policy is very open ended.

We understand the Council's concerns, but the Council, through its policies in the local plan, should be clear about what infrastructure is necessary to make a development acceptable. This would avoid situations where a development proposal which is compliant in all other respects with the local plan, is refused on new grounds.

QD6 Optimising site capacity

The policy is unsound because it is ineffective.

The policy is unnecessary. Applicants will always tend to optimise the capacity of the site, owing to the cost of land and the challenge of accommodating various planning policy requirements. The challenge for the applicant will be to optimise the density of a site when other consultees may seek a lower density development, which is not uncommon. It would be more helpful if the policy was amended to read that the *Council* will work with the applicant to optimise the density of schemes. This will signal that this is the Council's expectation to optimise the density of development as much as it is the applicants.

We note the wording of Part C. This states that:

Where development proposals do not accord with the indicative capacity set out in a site allocation policy, they will only be supported where it is clearly demonstrated the optimal capacity will be achieved, having regard to (A) and (B) above.

It is unclear how the Council would respond to a proposal where the housing capacity of the site exceeded the 'indicative capacity' in the site allocation. Exceeding the indicative capacity may be the optimal capacity of the site. Therefore, it would be helpful if the Council amended the policy to read:

Where development proposals do not accord with the indicative capacity set out in a site allocation policy, because the proposal exceeds that indicative capacity, the Council will consider merits of the proposal having regard to the importance of increasing housing supply across London.

QD10 Infill and backland sites, garden land and amenity areas

Part G is unsound because it is unjustified.

Part G will tend to militate against the supply of housing through small sites. The Council states that:

Development proposals that will result in the loss of garden land, including private back gardens, will be strongly resisted.

It would be more positive if the Council considered the merits of residential development proposals on garden land on its merits, rather than adopting an initial position of strong resistance. Residential development on gardens is unlikely to be common, but there may be circumstances when proposals might have merit. As defined by the London Plan, Lewisham has a target of 3,790 homes to achieve on small sites (sites of 0.25ha or less) in the first ten years of the plan (or an average of 379 a year). Increasing the supply of homes across London by increasing the opportunities for development on small sites is a strategic priority for the London Plan (see London Plan, para. 4.2.1). The small sites component represents a substantial element of the Mayor's planned supply of homes – 23% of all homes are expected

to be provided on small sites of 0.25ha in size. Courtyard gardens and good balconies can still be integrated in the developments providing green space and biodiversity net gain.

We acknowledge that achieving the small sites targets will be challenging for many boroughs. Consequently, optimising the opportunities to allow for small site development would be better than closing-down routes to this.

Consequently, it would be better if the policy read:

Development proposals that will result in the loss of garden land, including private back gardens, will generally be resisted, but proposals will be considered on their merits.

HO1 Meeting Lewisham's housing needs

HBF agrees with the Council's approach to meeting the housing target that has been set by the London Plan. The Plan aims to deliver 1,667 dwellings per annum for each of the fifteen years of the Plan. This would require 25,005 homes in total (1,667 x 15). Instead, we note that the Council is aiming to provide 27,730 net additions, thereby exceeding the ten-year target set by the London Plan and the requirement for the last five-years based on rolling-forward the annual average London Plan figure.

HBF recognises that there is no definitive approach for planning for housing requirements for local plan periods that extend beyond the timeframe of the London Plan – which is 2019/20 to 2028/29. However, the approach followed by Lewisham is one that other London boroughs have followed, including Lambeth and Barnet councils through their new local plans.

We agree with the Council that it is appropriate to plan for a figure of 27,730 over the plan period. This will help to close the strategic scale gap between housing need in London and supply. There is a strategic housing shortfall across London of 14,000 homes a year. This is the difference between the objective (unconstrained) need for 66,000 homes a year identified by the London Plan and its supporting SHMA 2017, and the realistic capacity to provide 52,000 homes a year.

We note also Lewisham's SHMA published in 2019. In applying the Standard Method, this identifies a need for 2,964 based on the draft 2017 London Plan target (where the minimum housing need is capped at 40% above the base figure). See para. 5.31. This alternative local approach to assessing the housing need - indicating a higher level of need - supports the decision of the Council to role forward the London Plan annual average figure of 1,667 for the last five-years of the Plan.

Five-year housing land supply and trajectory

It would be helpful if the Plan could be clear about what is the annual average housing target figure. This would be essential for monitoring purposes, such as the calculation of the five-year housing land supply and the housing delivery test. If the total requirement is for 27,730 homes to be delivered over 15 years (2023/24 to 2037/38) that would imply an annual average of 1,849 dwellings.

However, we note in para. 72 the following statement:

Accordingly, the 5-year target from the anticipated start date of the plan in 2023/24 – is 11,060 and the 15-year target is 27,730 net housing completions. This is equivalent to 1,667 net completions p.a. plus additional completions during the first five years to cater for the current backlog (462 p.a.) and to provide a 5% buffer (83 p.a.).

Following this explanation, our arithmetic arrives at a different figure:

1,667dpa
Plus backlog – 462pa divided over 15 years = 31dpa (rounded-up)
Sub-total = 1,698dpa
Plus 5% buffer = 85dpa (rounded-up)
Grand total = 1,783.

This is lower than the annual average figure suggested by dividing the total requirement of 27,730 by 15 (years).

It would be helpful if the Council defined the annual average housing requirement figure in the plan, including any allowances made for backlog and buffer. We do not necessarily disagree with the Council's approach, but it is important for monitoring purposes to be clear what the annual average housing requirement figure will be for the calculation of the five-year housing supply (although this may disappear) and the Housing Delivery Test.

Part C is unsound because it is unjustified.

We note the wording:

“with priority given to genuinely affordable housing”

We consider that it is the Council's role, through its local plan, to stipulate the requirements for affordable housing, including the tenure of the affordable homes, and the tenure(s) that the Council considers are 'genuinely' affordable. So long as the applicant conforms to this, that is all that should be required. The Council cannot look upon certain applications more favourably, and prioritise these, if these provide more of type of tenure that the Council favours, but which is not defined in policy.

We recommend that the Council states clearly its tenure requirements for affordable housing.

Part E is unsound because it is contrary to national policy.

The first part of Part E states:

Development proposals must deliver an appropriate mix of housing within the site and local area. The appropriate mix should be established on a case-by-case basis having regard to the site's location and character, the nature and scale of development proposed...

This is unsound. It is the function of the local plan to set out the local authority's requirements for development. To expect otherwise, and to determine what is required on a 'case-by-case' basis, would, we submit, be contrary to planning law and policy. Development should be approved in accordance with the development plan.

Paragraph 16 of the NPPF, part d) states that local plans should:

contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;

The applicant should not be placed in the position of trying to guess how to comply with a policy to satisfy the Council. The Council should make its requirements clear in the local plan.

Part G is unsound because it is contrary to national policy.

We note that the Council has not referred to the government's policy for First Homes as an element of the affordable housing mix. We suggest that the Council makes provision for this as an affordable housing product.

Part F is unsound because it is unjustified and conflicts with London Plan policy.

Part F (a) is unnecessarily restrictive in terms of the location of studio and one-bed flats. We are concerned that the Council may restrict the supply of studio and one-bed flats in locations outside of PTAL 3-6 areas. This could militate against the delivery of some small sites in locations outside of 800m of public transport nodes and town centre boundaries.

While London Plan favours the supply of homes on small sites within PTAL 3-6 areas, it does not prohibit this entirely. See para. 4.2.4 of the London Plan. The incremental intensification of areas within PTAL 3-6 or 800m of a station or town centre boundary is *expected* to play an important part in increasing the supply of homes from small sites, it is not meant to stop other sites in locations outside of these criteria.

In the interests of supporting the strategic priority of the London Plan to improve the supply of homes from small sites, this restriction should be deleted.

Part G (e) is unsound because it is contrary to the London Plan.

The Council encourages applicants to market new homes for sale to local residents or those with a local connection.

The Mayor considers that London is a single housing market area. Therefore, a home built in Lewisham could meet the need of someone living in Hillingdon or Bromley. To require this could militate against housing supply in London, and London as an inter-twined housing market.

Second, the Mayor, working with the HBF, introduced several years ago a scheme whereby house builders are required to market homes exclusively to Londoners for three months before they can be advertised for sale elsewhere. These homes are advertised on the GLA's Homes for Londoners website. This is the Mayor's 'First-Dibs' scheme – a manifesto commitment. We consider that this is sufficient. Many housebuilders do choose to market to local people first, and this is something that the Council could work with housebuilders to encourage more, but it is not appropriate as a local plan policy since it would conflict with the Mayor's conception of London as a single housing market area.

HO2 Optimising the use of small housing sites

The policy is unsound because it is ineffective.

In the main, the policy will help to support the supply of more homes on small sites, as encouraged by the NPPF and the London Plan. Also, we commend the ambition of the Council to increase the delivery of small sites above the historic level for Lewisham (para. 7.15). The effectiveness of the Local plan in supporting residential delivery via small sites could be strengthened further if the amendments we have argued for in relation to Policy OL1 Delivering an Open Lewisham (spatial strategy) are made. We consider that this change is necessary because Part C of Policy HO2 states:

C Development proposals for housing on small sites will only be supported where they help to facilitate the delivery of the spatial strategy for the Borough and:

- a. Are appropriately located for residential use;

If the wording of Policy OL1 steers development towards the growth nodes and regeneration areas (and similar), this could be read as directing residential development away from certain established residential areas that are outside these designated areas. Para. 7.17 of the Lewisham Local Plan states that the aim is to increase the supply of homes in 'established residential areas' via the process of 'incremental intensification' – reflecting the London Plan – but Policy OL1 could be read as excluding some areas. Reflecting the aim of the London Plan, we consider that all residential areas should be able to contribute, subject to design requirements and questions of public open space provision etc.

Figure 7.1 is very helpful and demonstrates that nearly all areas of the borough fall within the parameters set by the London Plan (PTAL 3-6 and 800m of district centre boundaries) where incremental densification is most likely to occur. Although a few patches of the borough are, these should not be a reason to refuse to consider applications. Even these areas are well connected in terms of public transport opportunities, such as bus routes.

Policies OL1 and HO2 should be amended to make it clear that all established residential areas should be able to make a contribution to the supply of homes through small sites.

Part C h) could prove also a barrier to the delivery of small sites. Part C h) states:

h. Do not prejudice the delivery of site allocations in the Local Plan.

It would be helpful if the policy was more specific. We assume the aim of this is to prevent the piecemeal development of allocations through a series of small sites applications. It would be helpful if the Council explained its reasoning here. We are concerned that the policy might be interpreted as a reason to refuse a small site if the small site is located near to an allocation either because this provides some competition in the market for the sale of dwellings, or because the small site might impose visually on a plan or design for an allocation. Neither reason would be acceptable reasons in planning to refuse applications that would be suitable (e.g., policy compliant) in all other respects.

Assisting in the delivery of small sites

The Council is aware that national planning policy expects plan-makers to identify through the local plan and brownfield register land sufficient to accommodate 10% of the housing requirement on sites of one hectare or less in size (NPPF, para.69). The London Plan adopts a different approach, whereby through its assessment of capacity it expects 12,000 homes a year across London as a whole will be delivered on sites of a quarter of a hectare in size or less. What both national policy and the London Plan have in common, however, is an expectation that plan-makers will identify and allocate some small sites, and not to rely wholly on a windfall assumption.

National policy requires 10% of the housing requirement to be provided on allocated sites or sites identified in the brownfield register. For the Lewisham Local Plan this would equate to 2,773 homes (10% of the overall requirement for 27,730 homes).

The Council has made great efforts to comply with national and London Plan policy. This is a great strength. As set-out in Part Five of the Local Plan many sites of one hectare or less have been allocated (the italicised sites). Many of these will contribute to the 15-year plan period.

In terms of allocated sites of 0.25ha in size or less – the London Plan definition – there are many of these too, although a specific sub-total is not provided. The Council relies partly on windfall mechanism to secure small site supply – providing 7,151 homes over 20-years, but

not wholly so. Many allocations have also been made. This complies with Part B 3) of Policy H2 of the London Plan observes, among other things, observes that local authorities should:

3) identify and allocate appropriate small sites for residential development

We note the statement in Table 20.5:

3,379 or 12% of the 15 year target (27,730) will be provided on site allocations and other large consented sites of 1 hectare or less. This rises to 9,064 (33%) if small site windfalls are taken into account.

This indicates that the Council has satisfied national policy and London Plan policy in connection with supporting housing supply through small sites.

HO3 Genuinely affordable housing

Part E of the policy is unsound as it conflicts with national policy.

Para. 65 of the NPPF expects that major developments should provide 10% of the total homes to be available for affordable home ownership. Subsection b of Part E would preclude this. We assume that the Council is reflecting London Plan policy.

Part J is unsound because it is contrary to national policy.

Part J seeks affordable housing from developments of 2-9 homes. This is contrary to para. 64 of the NPPF. Also, there is no direct policy support in the London Plan for seeking planning obligations for affordable housing from minor developments (10 units or fewer) – there had been in the draft version at policy H2, but this was removed to ensure the London Plan was in conformity with national policy. However, Policy H4, footnote 50 does say that local authorities may consider seeking affordable housing from minor developments.

HBF considers Lambeth's intention to levy affordable housing obligations from minor developments to be unsound. This is because it is unjustified in the context of the strategic importance in London of increasing the supply of homes from small sites. The London Plan requires the delivery of homes on small sites amounting 12,000dpa a year for London – 23% of the overall housing requirement for London of 52,000dpa. Increasing small sites delivery, consequently, is a matter of strategic importance for London.

The purpose of the change to national policy introduced by Government in November 2014 (and subsequently embedded in NPPF 2019 and subsequent editions) was to help encourage more small and medium developers to establish themselves and grow, diversifying the market, and increasing the supply of homes from small sites by removing the obstacles to securing planning permission. Evidence from the housebuilding sector is negotiating planning obligations, especially for affordable housing, causes major delays. Recent research by Lichfields (*Small sites: Unlocking Housing Delivery, September 2020*) observes that it takes an average of 71 weeks for developers of small sites to complete affordable housing negotiations and secure planning permission where the policy on tenure mix is complex. Where policy on affordable housing is less complex it still takes 56 weeks. By comparison, the statutory timetable for the determination of applications is 8 and 13 weeks.

A recent report published by the HBF in conjunction with Travis Perkins and Close Brothers, on the situation of SME housebuilders found that:

- 93% of respondents cited delays in securing planning permission or discharging conditions as a major barrier to growth

- 92% of respondents aid a lack of resources in Local Planning Authorities (LPAs) was a major barrier to growth

In London, affordable housing policy is now extremely complex, with many moving parts. Mayoral policy on affordable housing is very detailed and local plan policy is often equally detailed and contradictory. Mayoral and local policy jockey with each other for precedence. It is extremely difficult for applicants to navigate this complex planning landscape.

For these reasons the Lewisham Local Plan should observe national policy and not seek affordable housing obligations from schemes of 10 units or fewer.

Part M is contrary to national policy.

Part M disapplies the Vacant Building Credit (VBC) in Lewisham. This is contrary to national policy. The Mayor of London had attempted to disapply the VBC across London as a whole through the London Plan, but this was deemed unsound.

We see no justification for disapplying the VBC in Lewisham. Scarcity of land supply is no greater in Lewisham, as for other constrained cities like Brighton, Bristol and Birmingham which have considerable unmet housing needs, yet have not dis-applied the VBC. The purpose of the VBC is to try and incentivise the re-development of brownfield sites by making development more viable.

In view of the following:

- a) the extent of the housing need in London – 52,000 homes a year;
- b) the scale of the unmet housing need across London – the difference between assessed need and capacity - 12,000dpa; and
- c) the undersupply of homes in London relative to need over the last five years, failing to match the London Plan requirement for 52,000 homes a year in the last three years since the London Plan was adopted

the dis-application of the VBC is unjustified.

HO5 Accommodation for older people

The policy is unsound because it conflicts with the London Plan.

We note paragraph 2.4 in the Local Plan which observes:

Lewisham has a relatively young population. One-quarter of residents were less than 20 years old at the time of the 2011 Census. However older people are the fastest growing demographic group in London. The number and proportion of people aged 65 or more is expected to rise sharply over the next decades, including in Lewisham.

We note this statement at para. 7.46:

The number of people in the Borough aged 65 and over is forecast to rise by 71.5 per cent over the plan period,

Increasing the supply of homes for older people is a strategic priority for the London Plan. For this reason, the Mayor has undertaken an assessment of the likely number of units of specialist older persons accommodation that will need to be supplied by each borough for the period 2017 to 2029. The Mayor's approach is explained in Policy H13 of the London; supported by Table 4.3. Table 4.3 establishes annual borough benchmarks for specialist older persons housing for the period 2017-2029. The figure for Lewisham is 100 units per year. These are not mandatory, but an indicator of the level of supply needed to address the need of older

people. Policy H13 advises that the London boroughs should aim to increase the supply of older persons accommodation with reference to these benchmarks. Moreover, as supporting para. 4.13.4 explains, the policy is designed to support an increase in the supply of 'specialist older person housing' rather than care home accommodation (which should be planned for separately); the two should not be conflated.

Lewisham Local Plan Policy HO5 should be amended to refer to the London Plan benchmark figure, and it should be amended to clarify that the 100 units benchmark target applies to specialist older persons housing that is not care home accommodation.

We note para. 7.48 of the Local Plan. This refers to a locally derived assessment of need for C3 specialist older persons accommodation. This identifies a need for 98 such units of accommodation. The Plan says this is comparable to the London Plan figure. It is the HBF's view that the London Plan figure is the one that should be referenced because, as with the assessment of general needs housing, the Mayor undertakes this on behalf of all the London boroughs, treating London as a single housing market area. For consistency, and to ensure that every borough is making a proper contribution to meeting the need for this type of accommodation, the benchmark figures in Table 4.3 should be used. If the Council is going to use its own locally-derived figure of 93 units of C3 accommodation for older people, then it should refer to this figure in Policy HO5.

SD10 Water supply and wastewater

Part B is unsound because it is unjustified.

Part B commences by stating:

Development proposals should have regard to Drainage and Wastewater Management Plans (DWMPs) and must demonstrate that the local water supply and public sewerage networks have adequate capacity both on and off-site to serve demand arising from the development

This confuses the regulatory responsibilities. The supply of water and treatment of wastewater is the responsibility of Thames Water and the Environment Agency. It is the Environment Agency that assesses the capacity for water supply and wastewater treatment, and the resulting Water Resource Management Plan is approved by Defra. If there is a question about the adequacy of water supply and wastewater treatment, then that is a matter for the Environment Agency to declare. This is not a matter for the applicant to resolve.

I hope these representations are helpful to the Council as it progresses its new Local Plan. HBF would be very happy to meet to discuss these prior to the examination if anything is unclear.

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Representations to Lewisham Local Plan

1. Shrimplin Planning & Development, on behalf of Howard Lewisham Ltd. (part of Howard Group), are making objections to Policy EC4: low cost and affordable workspace.

Not targeted

2. Emerging Local Plan Policy EC4 applied to all development proposals incorporating workspace. This is not consistent with London Plan Policy E3: Affordable Workspace which makes clear that the policy should be targeted to very specific circumstances.
3. London Plan Policy E3 Part A is very specific about what types of business the policy is aimed at, namely those with a “...specific social, cultural or economic development purpose...” such as for “specific sectors” that have social value (criterion 1); “specific sectors” that have cultural value (criterion 2); disadvantaged groups (criterion 3); uses that support educational outcomes (criterion 4); and start-up and early stage businesses or regeneration (criterion 5).
4. Part B also sets out the “defined circumstances” where the policy could apply, including in particular specific locations and, within those locations, specific types of uses:

“2) in areas identified in a local Development Plan Document where cost pressures could lead to the loss of affordable or low-cost workspace for micro, small and medium-sized enterprises (such as in the City Fringe around the CAZ and in Creative Enterprise Zones)

3) in locations identified in a local Development Plan Document where the provision of affordable workspace would be necessary or desirable to sustain a mix of business or cultural uses which contribute to the character of an area.

5. London Plan Policy E3 also works alongside a suite of policies including Policy E2 Providing suitable business space, Policy E4 Land for industry, logistics and services to support London's economic function, Policy E5 Strategic Industrial Locations (SIL). Each of these focus on the needs of specific types of development.
6. However, emerging Local Plan Policy EC4 runs roughshod over these carefully calibrated considerations, applying it to all sectors and all locations.
7. There is no explanation in the Policy or supporting text of what the "specific social, cultural or economic development purpose" that is trying to be achieved.
8. The supporting text to emerging Local Plan Policy EC4 accepts that low-cost floorspace has a role to play supporting specific types of use. However, the Policy does reflect this:

"It accommodates traditional business sectors and, in Lewisham, has a key local role in supporting the cultural, creative and digital industries." (paragraph 8.23)
9. The supporting text also accepts that low-cost floorspace occurs in specific locations. Again, the Policy does reflect this:

"This type of space is often located at the back of town centre sites, under railway arches and in smaller or constrained industrial sites... Low-cost workspace has typically been scattered across town centres and areas such as New Cross and Deptford. Clusters are also present along the Overground line corridor, for example, around Forest Hill and Brockley stations." (paragraph 8.23).
10. Emerging Local Plan Policy EC4 is based on a number of evidence base documents including the Lewisham Local Economic Assessment (December 2018), the Lewisham Creative & Digital Industries Strategy (November 2017) and the Lewisham Employment Land Study (March 2019). These reports do not identify a pressing need

for affordable workspace. Where some need is identified it is for office type uses, not industrial or warehouse uses.

11. The supporting text to emerging Local Plan Policy EC5: Strategic Industrial Locations (SIL) highlights the importance of Strategic Industrial Locations (SIL) to London's economy and to Lewisham's:

“Lewisham's SILs make up a significant proportion of the Borough's industrial capacity and are key areas for business activity and local jobs. They are also well-positioned to play a more integral role in supporting the London CAZ81 which is a driver of the regional economy.” (paragraph 8.31).

12. The supporting text also highlights that SILs are particularly appropriate for distribution, which are often large footprint units:

“This includes industrial capacity for logistics and last mile distribution, ‘just-in-time servicing’ and other related functions as SIL are the most appropriate locations in the borough for these types of activities.” (paragraph 8.31)”

13. SILs should be excluded from Policy EC4 so as not to restrict their potential to fulfill these functions and drive economic growth. However, as currently worded the Policy does not allow for this.
14. The emerging Policy should be much more targeted about what type of uses it applies to and where it applies.

Part A

15. Part A of the policy adopts a blanket approach of all sites having to provide units of different types, sizes, rents, users. However, this gives no consideration to what is achievable or appropriate for a specific site. Some sites, particularly the Strategic Industrial Locations, are established location for large format industrial and warehouse buildings and is where larger scale buildings are directed. This Part precludes redevelopment for large scale units.

Part B

16. Units that are old, constrained and/or poor quality provides poor quality accommodation which, as a result, commands a low rent. The Policy effectively protects this floorspace, preventing redevelopment to modern, effective, higher quality floorspace of the type that can support the economy and generate jobs.
17. The Policy says that low-cost workspace should be let at “reasonable local market rates” but does not define what this is.
18. The protection of low-cost floorspace is not consistent with the London Plan. London Plan Policy E3 is aimed at protecting and delivering affordable workspace. It only mentions “low-cost” workspace in Policy E3 Part B(2) which says that “consideration” should be given to providing affordable workspace to replace low-cost floorspace. This is in areas that are specifically defined a local Development Plan Document. The supporting text explains that this is “...to support sectors that have **cultural or social value** such as artists, designer-makers, charities, voluntary and community organisations and social enterprises for which low-cost space can be important.” (paragraph 6.3.4, existing emphasis)

Part C

19. We recognise that proposals that development proposals that incorporate an element of affordable workspace at rents maintained below the market rate for social, cultural or economic uses “will be considered favourably”. However, that should not preclude developments that do not, or cannot, incorporate affordable workspace from being considered on their merits and determined in accordance with the development plan.

Part D

20. The requirement for affordable workspace should be calculated on the net increase in floorspace. Otherwise it penalises redevelopment of existing sites.

Part E

21. Emerging Local Plan Policy EC4 simply says that new affordable workspace must be secured for "...a specified period agreed by the Council". This does not give landowners, developers and occupiers certainty. A fixed period should be allowed with the flexibility to amend this so that it can be adjusted as part of the overall mix of provision.

Part G

22. Emerging Local Plan Policy EC4 says merely that "consideration" will be given to affordable workspace that has been secured on a temporary basis as a meanwhile use. This is contrary to the London Plan which specifically, and very sensibly, rules out inclusion of meantime uses.

23. London Plan Policy E3: Affordable Workspace is explicit that meantime uses are excluded. This recognises that meantime uses can occupy a site whilst land redevelopment proposals take shape. This might include land assembly or phased development of a larger site, and so the meantime uses could be in place for some time. Part B(1) specifically excludes:

"...where it is demonstrated that the affordable workspace has been provided on a temporary basis pending redevelopment of the site".

24. Policy EC4 will add uncertainty to the development process as it will not be clear if meantime uses are considered or not. This will restrict development potential.

25. Emerging Local Plan Policy EC4 should be amended as follows:

"G Where there is existing affordable workspace this should be retained. Development proposals requiring planning permission that involve the loss of existing affordable workspace (including consented but undelivered workspace) will be refused unless the equivalent amount of affordable workspace is replaced on-site or re-provided elsewhere in Lewisham.

Affordable workspace that is replaced or re-provided must be of at least the same quality as the existing provision and secured on equivalent terms, or alternative terms agreed by the Council. In applying this policy ~~consideration will be given to~~ affordable workspace that has been secured on a temporary basis as a meanwhile use **will be excluded.**”

25 April 2023

22110/NT20230425

From: Matt Hill <matt@maddoxassociates.co.uk>
Sent: 24 April 2023 12:01
To: LocalPlan
Subject: Consultation on the emerging Lewisham Local Plan

Dear Sir or Madam,

Please acknowledge this email as a response to the consultation on the emerging Lewisham Local Plan.

Our comments relate to Policy HO3 – Genuinely Affordable Housing.

We support the Council’s objective of delivering affordable dwellings; however, raise objection to the inclusion of an affordable housing requirement on small sites (minor developments). Policy HO3 (j) refers to development proposals between 2 and 9 dwellings units making provision for affordable housing through off-site financial contributions; however, this is likely to result in development proposals on such sites becoming unviable.

Furthermore, the inclusion of the abovementioned policy will be contrary to Paragraph 64 of the National Planning Policy Framework which sets out that the *“provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas”*.

On the basis of the above, Policy HO3(j) should be removed from emerging Local Plan.

Kind regards

Matt Hill
Planning Director

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Via email: localplan@lewisham.gov.uk

21st April 2023

Dear Sir / Madam

RESPONSE ON BEHALF OF MCCARTHY STONE TO THE LEWISHAM LOCAL PLAN PROPOSED SUBMISSION DRAFT REGULATION 19 CONSULTATION

Thank you for the opportunity to comment on the Lewisham Local Plan proposed submission draft Regulation 19 consultation. McCarthy Stone is the leading provider of specialist housing for older people including retirement housing and extra care housing. Please find below our comments on the consultation which specifically addresses policies HO1, HO5, HO3, SD3, QD2 and CI3.

HO1 Meeting Lewisham's housing needs

We support point G b. of policy HO1 that supports development proposals that meet the needs of specific groups including families with children, older people, people with disabilities, students and vulnerable people.

HO5 Accommodation for older people

Thank you for the opportunity to comment on the Lewisham Local Plan proposed submission document regulation 19 consultation. McCarthy Stone is the leading provider of specialist housing for older people in the UK.

Policy HO5 sets out a detailed policy aiming to meet the large older persons housing need that exists in the borough. Whilst we support the sentiment of the policy, we have the following comments and recommended amendments to make.

Policy HO5 point A

Policy HO5 point A states: *'The housing needs of older people will be met mainly through conventional residential accommodation in the C3 Use Class that is designed in a way that allows for easy adaptation to the different needs of users over their lifetime. This includes new build development and the appropriate retrofitting of housing units. Specialist older person's accommodation and care home accommodation should supplement conventional housing to meet the needs of Lewisham's older resident population'*.

This view is confirmed in para 7.47 that states:

'Local needs for older persons accommodation should be met principally through conventional housing'.

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We note that para 7.48 of the Proposed Submission document states: *'The total additional need for specialist older person dwellings across Lewisham is projected to be 2,422 by 2040. This is broken down to 1,969 units of Class C3 units (such as sheltered or extra care housing) and 453 units of Class C2 units (such as residential care). This translates to an annual need for 98 C3 dwellings plus 23 units of C2 dwellings each year, which is comparable to the London Plan benchmark for Lewisham of 100 specialist older person dwellings 2017 to 2029'*. This evidence is referenced as being from the Lewisham SHMA (2022), Arc4.

The Council is promoting, through point A of policy HO5, to meet the housing needs of older people predominantly through conventional housing that is designed to be adaptable. Whilst we acknowledge that PPG Paragraph 003 Reference ID: 63-003-20190626 recognises that: *"the health and lifestyles of older people will differ greatly, as will their housing needs, which can range from accessible and adaptable general needs housing to specialist housing with high levels of care and support"*, given the need for specialist older persons housing identified at para 7.48, McCarthy Stone is very concerned with the Council's approach and we are firmly of the view that ensuring that residents have the ability to stay in their homes for longer is not, by itself, an appropriate manner of meeting the housing needs of older people.

Adaptable houses do not provide the on-site support, care and companionship of specialist older persons' housing nor do they provide the wider community benefits such as releasing under occupied family housing as well as savings to the public purse by reducing the stress of health and social care budgets. The recently published Healthier and Happier Report by WPI Strategy (September 2019) calculated that the average person living in specialist housing for older people saves the NHS and social services £3,490 per year. A more supportive local planning policy framework beyond conventional housing will be crucial in increasing the delivery of specialist older persons' housing and it should be acknowledged that although adaptable housing can assist in meeting the needs of older people it does not remove the need for specific older persons' housing. Housing particularly built to M4(3) standard may serve to institutionalise an older persons scheme reducing independence contrary to the ethos of older persons.

We therefore recommend that point A is amended as follows:

A The housing needs of older people will be met ~~mainly~~ through **a combination of** conventional residential accommodation in the C3 Use Class that is designed in a way that allows for easy adaptation to the different needs of users over their lifetime. ~~This includes new build development and the appropriate retrofitting of housing units. and Specialist older person's accommodation and care home accommodation should supplement conventional housing to meet the needs of Lewisham's older resident population~~

Policy HO5 point B

Point B of the policy requires proposals delivering specialist older persons accommodation to meet a number of requirements in order to be supported. Policy HO5 point B a. requires proposals to respond positively to objectives in the Lewisham Housing Strategy.

Government's policy, as set out in the revised NPPF, is to boost significantly, the supply of housing. Paragraph 60 reads:

"To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of

groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”

The revised NPPF looks at delivering a sufficient supply of homes, Paragraph 62 identifies within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies including older people.

In June 2019, the PPG was updated to include a section on Housing for Older and Disabled People, recognising the need to provide housing for older people. Paragraph 001 Reference ID: 63-001-20190626 states:

*“The need to provide housing for older people is **critical**. People are living longer lives and the proportion of older people in the population is increasing. In mid-2016 there were 1.6 million people aged 85 and over; **by mid-2041 this is projected to double to 3.2 million**. Offering older people a better choice of accommodation to suit their changing needs can help **them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems**. Therefore, an understanding of how the ageing population affects housing needs is **something to be considered from the early stages of plan-making through to decision-taking**” (emphasis added)*

Paragraph 003 Reference ID: 63-003-20190626 recognises that: *“the health and lifestyles of older people will differ greatly, as will their housing needs, which can range from accessible and adaptable general needs housing to specialist housing with high levels of care and support.”* Thus, a range of provision needs to be planned for. Paragraph 006 Reference ID: 63-006-20190626 sets out; *“plan-making authorities should set clear policies to address the housing needs of groups with particular needs such as older and disabled people. These policies can set out how the plan-making authority will consider proposals for the different types of housing that these groups are likely to require.”*

The Lewisham Housing Strategy 2020-2026 under priority 2 and priority 4 identifies that specialist housing to meet the needs of older people is required.

Para 7.48 as detailed above identifies that 98 specialist houses to meet the needs of older people should be delivered per annum. This is a substantial amount of older person’s housing need and for the plan to be in accordance with The Lewisham Housing Strategy and PPG we feel that proposals for specialist housing to meet the needs of older people should not have to identify how they are responding to the objectives in the Lewisham Housing Strategy. **Point a should therefore be deleted.**

Recommendation:

In order to make the plan consistent with national policy and justified we recommend that point A is amended as follows:

A The housing needs of older people will be met ~~mainly~~ through **a combination of** conventional residential accommodation in the C3 Use Class that is designed in a way that allows for easy adaptation to the different needs of users over their lifetime. ~~This includes new build development and the appropriate retrofitting of housing units. and Specialist older person’s accommodation and care home accommodation should supplement conventional housing to meet the needs of Lewisham’s older resident population~~

And that point B a. is deleted.

Development proposals for specialist older persons accommodation will only be supported where they:

~~a. Respond positively to the objectives in Lewisham's Housing Strategy;~~

HO3 Genuinely affordable housing

HO3 Genuinely affordable housing – overall

Thank you for the opportunity to comment on Lewisham Local Plan proposed submission document regulation 19 consultation. McCarthy Stone is the leading provider of specialist housing for older people in the UK.

Affordable Housing requirements in the Lewisham Local Plan Proposed Submission Document are linked to the corresponding policies in the London Plan – namely *Policy H4: Delivering affordable housing*. This sets a strategic target of 50% of all new homes in London to be ‘genuinely affordable’ with a 35% affordable housing requirement for residential developments that fulfil the requirements of the threshold approach detailed in *Policy H5: Threshold approach to applications*.

Policy HO3 Genuinely Affordable Housing seeks a minimum of 35% affordable housing from all developments of 10 or more dwellings, across the borough, in line with the threshold approach.

The wording of *Policy HO3 1* and its supporting text makes it clear that a non-policy compliant level of affordable housing will only be allowed in exceptional circumstances stating that:

‘7.30 Development proposals that do not provide the minimum required amount of genuinely affordable housing will be strongly resisted. Where applicants consider there are exceptional circumstances affecting the viability of a scheme and delivery of policy objectives, this must be justified through the submission of a detailed Viability Assessment.’

It is clear from the wording of the policy and its justification that the Local Authority is aware of the increased emphasis on Local Plan viability testing in Paragraph 58 of the NPPF. However, as such we would like to remind the Council of the emphasis on Local Plan viability testing in Paragraph 58 of the NPPF and that the PPG states that *“The role for viability assessment is primarily at the plan making stage. Viability assessment should not compromise sustainable development but should be used to ensure that policies are realistic, and that the total cumulative cost of all relevant policies will not undermine deliverability of the plan”* (Paragraph: 002 Reference ID: 10-002-20190509).

In addition, the viability of specialist older persons’ housing is more finely balanced than ‘general needs’ housing and we are strongly of the view that these housing typologies should be robustly assessed. This would accord with the typology approach detailed in Paragraph: 004 (Reference ID: 10-004-20190509) of the PPG on viability which states that: *“A typology approach is a process plan makers can follow to ensure that they are creating realistic, deliverable policies based on the type of sites that are likely to come forward for development over the plan period.* If this approach is not adhered to, the delivery of much needed specialised housing for older people is likely to be significantly delayed with protracted discussion about other policy areas such as affordable housing policy requirements which are wholly inappropriate when considering such housing need.

The affordable housing targets detailed in the above policy are informed by the London Borough of Lewisham: Local Plan Viability Assessment, BNP Paribas, 2022 and the *London Plan Viability Study* (2017) and its corresponding addendum (2018) undertaken by Three Dragons and Turner & Townsend. The 2022 Study confirms at para 2.43 that: *‘For specialist housing for older people (C3 use class), we have tested the impact of London Plan policy H15 B (1) which applies the affordable housing policy approach for general needs housing to this sector’.* However, despite this commitment of testing of

the older person's typology, it does not appear to have been taken forward through the assessment for example in a similar way that student housing has been. The only other area where older person's housing is discussed is within Table 4.11.1, which looks at BCIS build costs and within para 6.46 which re-confirms the commitment at para 2.43. Therefore, although para 2.43 appears to be making a commitment to testing the older persons typology this does not appear to have occurred other than in the form of a care home, which is a different typology from specialist accommodation for older persons.

It may be that older person's housing has been placed into the category: 'Flats – fewer than 6 storeys' as within in the 'BCIS build costs' table 4.11.1., the build costs used are the same for flats (fewer than 6 storeys) and older person's housing. However, analysis of BCIS shows that the build costs of 'flats' and 'supported housing' which includes specialist housing for older people is different. Older person's housing schemes typically consist of purpose built or adapted flats or bungalows with care available if required. Residents are able to live independently with 24-hour access to support services and staff and meals are also available. There are often extensive communal areas that may include shared lounges, laundries, staff office or accommodation, buggy storage and in the case of extra care housing, kitchens, dining rooms, function rooms and other services. Older person's typology therefore typically has a considerably larger proportion of non-saleable communal areas than conventional flats with retirement living having a 70-75% saleable area vs gross area and extra care having a 60-65% saleable area vs gross area compared to a non-retirement block, which would typically have a 85% -90% saleable area gross. Proposals for specialist older person's housing therefore must be appraised assuming considerable communal areas which attract cost, but which return no value and with considerable up-front non saleable cost exposure to developers of this typology. This is just one example of where costs differ from mainstream flats.

It is disappointing that no viability appraisals have appeared to have been undertaken for the specialist older persons' housing typologies – namely Sheltered Housing and Extra Care accommodation. This is considered to be contrary to both best practice and the typology approach detailed in Paragraph: 004 (Reference ID: 10-004-20190509) of the PPG which states that. *"A typology approach is a process plan makers can follow to ensure that they are creating realistic, deliverable policies based on the type of sites that are likely to come forward for development over the plan period."*

As no viability appraisal has been undertaken for the specialist older persons housing typologies, this would mean that the viability evidence underpinning the 35% affordable housing requirement is solely that carried out during the Examination of the London Plan.

The respondents, as part of the Retirement Housing Consortium and as members of the Retirement Housing Group (RHG), have consistently voiced their concerns about the Mayor of London's threshold approach and the viability evidence underpinning this. These concerns were presented during the London Plan EIP, however despite the Examiners acknowledging our concerns the *London Plan Examination in Public: Panel Report* (October 2019) concluded that:

222. *'The threshold requirements for affordable housing have been challenged, on the basis of the higher build costs compared with mainstream housing. This is reflected in the findings of the LPVS, which indicates that viability for sheltered and extra care housing is more difficult in lower value areas. Further the case studies tested for this type of housing in the LPVS do not reflect industry practice. For these reasons, we are not convinced that viability would not hamper delivery. However, in light of the significant need for affordable homes and given that the "viability tested route" is available to assess the impact of viability on affordable housing requirements, it is worth waiting to assess the impact of this new policy approach. However,*

close monitoring should take place to ensure that the impacts are properly assessed and fed into any review

This 'wait and see' approach does not accord with the increased emphasis for the viability of planning obligations to be tested, robustly, at the Plan making stage. The London Plan was assessed with regard to the policies in the 2012 version of the NPPF, and other relevant policy under the transitional arrangements detailed in NPPF (2019) paragraph 214 and footnote 69. It was not assessed against the revisions to the NPPF and PPG made in 2018, 2019 or 2021.

The London Plan's approach, particularly in respect of development viability and affordable housing contributions, is not considered to be consistent with that of the NPPF (2021). While we will not reiterate the point made to the EIP to the London Plan, we remain strongly of the view that the viability assessments for older persons' housing typologies in the *London Plan Viability Study* were not fit for purpose and substantially overstated the viability of these forms of development.

Notwithstanding the respondents concerns with *The London Plan Viability Study*, we note that the London Plan Viability Study concluded that the viability of older persons' housing was considered to be more finely balanced in Lewisham than some other boroughs with areas falling in Value Band C and D and stated the following at para 14.2.11.

Other residential development types

14.2.11 This group of uses includes specialist provision for the elderly and others needing sheltered or extra care facilities and for care homes. It also includes student accommodation and another relatively new form of provision – Shared Living. Generally, all these types of uses are viable and able to provide affordable housing (when required to do so). However, there are considerable differences in viability between the uses. The policy requirements for student accommodation and Shared Living can be met across the value areas. Sheltered housing is able to provide 50% affordable housing in Value Band C, but not in D or E. Extra care, as was tested for this study, was viable with 35% affordable housing in C but not in D or E. (Emphasis own)

The need for specialist older persons' housing across Greater London is detailed in *Table 4.3 of the London Plan* which requires the borough 100 units of specialist older persons' accommodation per annum. The Lewisham Strategic Housing Market Assessment, March 2022, Arc 4, goes on to further assess this need (sheltered and extra care) and identifies at par 6.16 that there is '*an annual need for 98 C3 dwellings which is part of the overall annual housing need for Lewisham plus 23 units for C2 dwellings each year*'.

Lewisham's Annual Monitoring Reports (AMR) (the most recent dated December 2022) does not currently monitor the delivery of specialist older persons' housing in the borough. The *Knight Frank Senior Housing Update 2021* is however a useful reference in this respect and highlights the London Plan target for an additional 4,115 units of specialist older persons' housing per year across the capital up to 2029. Since the start of the London Plan timeline in 2017 however, only 3,000 seniors housing units have been delivered – less than the requirement for one year. There are a further 1,600 further units either under construction or with planning granted across Greater London, which will do little to address the shortfall.

In light of the urgent need to significantly increase the delivery of specialist older persons' housing in the borough and across Greater London, we consider that it is imperative that the viability of the older person's housing typology is carefully and robustly assessed against planning obligations and policy

requirements of the draft plan to ensure protracted discussions over viability do not further delay the delivery of specialist housing for older people.

The PPG makes it clear that *'Different requirements may be set for different types or location of site or types of development'* (Paragraph: 001 Reference ID: 10-001-20190509). We are strongly of the view that it would be more appropriate to set a lower, potentially nil, affordable housing target for sheltered and extra care accommodation in the borough depending on the outcome of a robust assessment of the viability of this typology.

We are of the view that as The London Plan was assessed against the NPPF (2012) and the Lewisham Local Plan Review will be determined against the NPPF (2021) and updated PPG, with its increased emphasis on robust viability assessments at the plan making stage, it is the borough's responsibility to ensure its planning obligations regime is sufficiently robust and justified in order for the plan to be consistent with national policy and found sound.

The Local Plan is therefore considered to be unsound on the grounds the affordable housing targets are not justified, positively prepared or effective.

Recommendation:

The respondents as part of a Retirement Housing Consortium have consistently voiced their concerns about the affordable housing threshold approach and the viability evidence underpinning the London Plan. As the Lewisham Local Plan Review will be determined against the NPPF (2021) and PPG, with its increased emphasis on robust viability assessments at the plan making stage, it is the borough's responsibility to ensure its planning obligations regime is sufficiently robust and justified.

The Council must provide additional evidence in the form of a viability assessment of the specialist housing for older people typology that should inform an amended policy HO3. This may, depending on the outcome of the viability work, set a lower, potentially nil, affordable housing target for sheltered and extra care accommodation in the borough. This work should be subject to an additional consultation process of which we would strongly urge that we are expressly consulted on. Without this evidence the proposed Plan is contrary to NPPF para 58 and PPG Paragraph: 002 Reference ID: 10-002-20190509) and Paragraph: 004 (Reference ID: 10-004-20190509) and policy HO3 cannot be justified.

All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available. The PPG makes it clear that Local Plan process is a collaborative process stating that 'It is the responsibility of plan makers in collaboration with the local community, developers and other stakeholders, to create realistic, deliverable policies. Drafting of plan policies should be iterative and informed by engagement with developers, landowners, and infrastructure and affordable housing providers (Paragraph: 002 Reference ID: 10-002-20190509).

HO3 Genuinely affordable housing – point H

It is noted that **point H** of the policy states: 'To maximise affordable housing delivery and address economic uncertainties that may arise over the lifetime of a development proposal the use of 'review mechanisms' will be required, where appropriate, and implemented in line with the Mayor's Affordable Housing and Viability SPG'.

Paragraph: 009 Reference ID: 10-009-20190509 of the government guidance on Viability states the following:

'Plans should set out circumstances where review mechanisms may be appropriate, as well as clear process and terms of engagement regarding how and when viability will be reassessed over the lifetime of the development to ensure policy compliance and optimal public benefits through economic cycles. Policy compliant means development which fully complies with up to date plan policies. A decision maker can give appropriate weight to emerging policies.'

With respect to planning obligations or s106, Para 57 of NPPF states *'Planning obligations must only be sought where they meet all of the following tests ²⁶:*

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development'*

Para 004 Reference ID: 23b-004-20190901 of the PPG on Planning Obligations identifies where policies on seeking planning obligations should be set out and states:

'Policies for planning obligations should be set out in plans and examined in public. Policy requirements should be clear so that they can be accurately accounted for in the price paid for land'.

And

'It is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents or supporting evidence base documents, as these would not be subject to examination.'

In order to introduce such a review mechanism, there must be a clear and specific policy basis for any review mechanism being imposed in line with PPG Viability para 009 Reference ID: 10-009-20190509. A significant number of recent Planning Appeals and case law have reinforced this point. A review mechanism that sits within a planning obligation needs to be considered and assessed through the Local Plan process not via an SPD. Such a requirement within a SPD is contrary to paragraph: 004 Reference ID: 23b-004-20190901 of the PPG on Planning Obligations.

There must therefore be a reasonable justification for imposing such a review mechanism and this cannot be achieved through a SPD as such a document is not examined in public. The requirement for a review mechanism at point H is not supported by any justification, evidence, or process where specific inputs to be included within any review mechanism, could be considered in public examination. For example, certain exemptions should be introduced such as to smaller sites, that are built in one phase. The Planning Inspectorate have repeatedly noted that review mechanism for smaller sites, and single-phase developments are unnecessary so this must also be a consideration.

Furthermore, it is noted that the London Plan Affordable Housing and Viability SPG, that the Council is using to introduced a review mechanism is dated 2017. The examination into the London Plan was held in the Winter and Spring of 2019. The PPG paragraphs identified above were amended in September 2019 which were after both the SPG and the examination into the London Plan. Therefore, in order to be consistent with national policy and to introduce a review mechanism, there must be a clear and specific policy basis and justification for any such mechanism to be brought in. A significant number of recent Planning Appeals and case law have reinforced this point. A review mechanism and any detail that will form part of it also needs to be considered fully and assessed through the Local Plan process. This should include the consideration of variables such as trigger points, costs, land values, how surplus is split and other definitions. The Plan should also include an exemption from the review mechanism for smaller single phased developments. The Planning Inspectorate have repeatedly noted the review mechanisms are unnecessary for smaller sites, whilst for a large multi-

phased development that maybe delivered over a long period it would make sense to determine if viability has changed with market movements over time.

Recommendation:

Point H is deleted from the plan as it is not consistent with national policy or justified or further work is undertaken by the council which is fully consulted upon that identifies the detail of any review mechanism and that can be assessed through the examination in public in order to be consistent with national policy.

HO3 Genuinely affordable housing – Point M – Vacant Building Credit – attempts to take away Vacant Building Credit within Lewisham

Considering the examinations in public of other London Borough plans, such as Barnet, it is likely that this element of the policy has been introduced to the Local Plan to reflect the Draft London Plan as wording used is very similar (Policy H9 – Vacant Building Credit). However, the London Plan Examination in Public: Panel Report October 2019 recommended (para 236) that this policy be deleted as it was inconsistent with national policy on Vacant Building Credit and that departure from national policy was not justified with sufficient evidence. It does not appear that Lewisham Borough Council have any local evidence to justify departure from national policy on Vacant Building Credit and therefore Point M should be deleted.

Point M should therefore be deleted as it is inconsistent with NPPF para 64 on vacant building credit and a departure from national policy guidance on planning obligations Paragraph: 026 to 028 Reference ID: 23b-026-20190315. No evidence appears to have been published to depart from government policy.

Recommendation:

Delete policy HO3 point M as it is inconsistent with national policy and not justified.

~~Vacant Building Credit~~

~~M The application of the Vacant Building Credit (VBC) is not appropriate in Lewisham. The use of VBC will only be considered in limited circumstances, where applicants suitably demonstrate there are exceptional reasons why it is appropriate and the following criteria are met:~~

- ~~a. The building is not in use at the time the application is submitted;~~
- ~~b. The building is not covered by an extant or recently expired permission;~~
- ~~c. The site is not protected for an alternative land use; and~~
- ~~d. The building has not been made vacant for the sole purpose of redevelopment, as demonstrated by evidence showing that the building has been vacant for a minimum continuous period of five years and has been actively marketed for at least two years therein, at realistic local area prices.~~

SD3 Minimising greenhouse gas emissions

Point B of policy SC3 requires major development to be net zero carbon and point B requires developers to 'Calculate and minimise emissions from any part of the development that are not covered by Building Regulations (e.g. unregulated emissions)'. Point C requires proposals that cannot achieve net zero to make a financial contribution or deliver off-site measures to meet any shortfall. Point D encourages the assessment of embodied carbon and maximise opportunities to reduce the emissions.

The Council's commitment to meeting its target of net zero carbon emissions and the consideration of embodied carbon from the adoption of the plan is commendable. It appears that the council is going to achieve this through having mandatory standards from adoption of the plan that may go beyond government targets. It is our view that any requirement should be 'stepped' in line with Government targets and the proposed changes to the building regulations. This is more desirable as

there is considerable momentum from Government in preparing enhanced sustainability standards as it is clear the energy efficiency requirements for domestic and non-domestic buildings will increase sharply in the coming years. Aligning the Council's requirement for net zero development with those of Government would therefore be pragmatic and more achievable.

In addition, the introduction of an embodied carbon policy must not be so inflexible that it deems sites unviable and any future policy needs to ensure this to make sure it is consistent with NPPF/PPG and can be justified by the Council. New development will often be far more sustainable in many circumstances including building fabric by the use of modern methods of construction, but also extending beyond that, such as sustainability through optimisation of use of a site. The council also need to verify that embodied carbon figures are available to developers from suppliers through an 'Environmental Product Declaration' before policies are introduced as in our experience this is not yet readily available from the majority of suppliers.

In the *Lewisham Local Plan Viability Assessment 2022*), BNP Paribas (LPVA) allows for an uplift of between 2.01% to 6.0% of build costs for residential to cover the cost of zero carbon policies with the latter more representative in their experience of bringing development forward.

Development typologies where the viability is more finely balanced, such as specialist older persons' housing, will therefore struggle disproportionately to provide the enhanced sustainability standards and affordable housing.

Recommendation:

- That the policy is stepped in line with emerging government targets or
- The policy is deleted as Net Zero Carbon development is to be dealt with via the Building Regulations.

QD2 Inclusive and safe design

Point D of policy QD2 requires that 'At least 10 per cent of dwellings meet Building Regulation requirement M4(3) 'wheelchair user dwellings'; and for 'all other dwellings meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.

The Council should initially recognise that the proposed changes in building regulations will require all homes to be built to part M4(2) of the Building Regulations. This will remove the need to reference this in the local plan and should be removed.

Whilst we acknowledge that PPG *Paragraph 003 Reference ID: 63-003-20190626 recognises that "the health and lifestyles of older people will differ greatly, as will their housing needs, which can range from accessible and adaptable general needs housing to specialist housing with high levels of care and support'*, the council should note that ensuring that residents have the ability to stay in their homes for longer is not, in itself, an appropriate manner of meeting the housing needs of older people.

Adaptable houses do not provide the on-site support, care and companionship of specialist older persons' housing developments nor do they provide the wider community benefits such as releasing under occupied family housing as well as savings to the public purse by reducing the stress of health and social care budgets. The recently published *Healthier and Happier Report* by WPI Strategy (September 2019) calculated that the average person living in specialist housing for older people saves the NHS and social services £3,490 per year. A supportive local planning policy framework will be crucial in increasing the delivery of specialist older persons' housing and it should be acknowledged that although adaptable housing can assist it does not remove the need for specific

older person's housing. Housing particularly built to M4(3) standard may serve to institutionalise an older persons scheme reducing independence contrary to the ethos of older persons and particularly extra care housing and this should be recognised within the plan.

Recommendation:

Delete point D of policy QD2 as follows:

~~**D To help ensure that housing is designed to meet the varied requirements of Lewisham's resident population development proposals incorporating new residential units must ensure that:**~~

~~**a. At least 10 per cent of dwellings meet Building Regulation requirement M4(3) 'wheelchair user dwellings'; and**~~

~~**b. All other dwellings meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.**~~

CI3 Sports, recreation and play

Policy CI3 requires development proposals to provide access to a wide range of opportunities for sports, recreation and play. The council should note that open space needs of older people are much less than for mainstream housing. For older people the quality of open space either on site or easily accessible for passive recreation is much more important than formal open space. The Local Plan should provide an exemption for older people's housing schemes to having to provide sports, recreation and play space but consider the quality and function of the amenity space instead so that the amenity space provided is relevant to the occupation.

Recommendation:

Add a new point I

'Older person's housing schemes are exempt from the above requirement so long as high quality amenity space suitable for older people is provided on site'

Thank you for giving us the opportunity to comment.

Yours faithfully

N. Styles

Natasha Styles

Group Planning Associate

Email: Planning.Policy@theplanningbureau.ltd.uk

From: Richard Quelch <richard.quelch@qsquare.co.uk>
Sent: 25 April 2023 23:44
To: LocalPlan
Subject: Lewisham Local Plan representations

Dear Sir / Madam

We write on behalf of Skillcrown Homes Ltd in respect of the consultation on the Submission Version of the Lewisham Local Plan.

Our comment relates to draft Policy HO3 Part J. This seeks an affordable housing provision on schemes of between two and nine homes, with the priority being on site. We have two concerns with this policy in terms of its 'soundness':

1. The proposed policy is not consistent with National Policy. Paragraph 64 of the NPPF (2021) states that the "...Provision of affordable housing should not be sought for residential developments that are not major developments...". Major developments comprise schemes of 10 homes or more. On this basis we do not consider that the Council should be pursuing affordable housing requirements on minor developments (namely less than 10 homes).
2. Regardless of the point made above, the provision of low levels of on-site affordable housing is unrealistic. Affordable Housing Registered Providers will often not be willing to take on small amounts of on-site affordable housing due to the increased management costs and resources associated with smaller on-site provision and a lack of economies of scale. Therefore, we consider that, based on this point, the policy is neither Justified nor Effective.

We would be grateful if you could confirm receipt of these comments and that they will be considered by the Council as the draft Local Plan progresses towards adoption.

Richard Quelch
richard.quelch@qsquare.co.uk
07825362871

From: Alexander Kardos-Nyheim <chiefexecutive@udro.org>
Sent: 25 April 2023 00:01
To: LocalPlan
Subject: Local Plan consultation responses

To whom it may concern,

I am writing with regard to the Lewisham Local Plan which is under public consultation.

We note that the Regulation 18 consultation was conducted during a pandemic and at a time of limited communication. It was also conducted during an election period and this needs to be acknowledged by the Council.

The Regulation 19 consultation has occurred concurrently with a consultation proposing changes to the Statement of Community Involvement. Not only this, but Lewisham Council has also made constitutional changes to its planning arrangements whilst this consultation was underway.

This has added a further layer of complexity and confusion. Taking all of this in account, more formal consultation is required to achieve a common understanding of all the plans and changes proposed resulting in a flawed consultation. Therefore, the plans are unsound.

Best wishes

Alexander

Chief Executive, Urban Development Reform Organisation



50 JERMYN STREET, LONDON, SW1Y 6LX
TELEPHONE: 0203 617 4440

21 April 2023

By Email – localplan@lewisham.gov.uk

Dear Sirs,

Consultation on the Proposed Submission Lewisham Local Plan – Representations by the Watkin Jones Group

Please see below the comments of the Watkin Jones Group PLC (WJG) in relation to proposed submission version of the Lewisham Local Plan.

About Watkin Jones Group

With a focus on delivering for our customers since 1791, WJG is the UK's leading developer and manager of residential for rent homes. By spearheading this emerging sector, WJG is creating the future of living for a diverse and growing group of people who want flexibility, convenience, and a strong sense of community alongside the best location and value. Its purpose-built build to rent (BTR, multifamily), co-living and student homes are designed and built sustainably, and welcome people from all backgrounds to enjoy a great way of life, generating a positive impact for wider communities. Beyond residential for rent, its successful and well-established house building division has an increasing focus on the delivery of affordable and BTR single family homes.

With increasing pressure on many areas to speedily deliver new housing, WJG has an excellent track record of creating homes fast without compromising on quality. Over 95% of its projects are on site within six months of the grant of planning permission and its in-house construction capacity means that it can rapidly boost housing supply. Over the last 25 years WJG has delivered over 54,000 homes and currently has a £2bn pipeline. In London, WJG has delivered over 5,500 homes since 2010 and has circa 2,000 homes progressing through the planning system. In Lewisham, WJG is delivering 365 BTR and affordable homes at Ravensbourne Place.

Today, WJG successfully works across every part of the UK focussing on centrally located, previously developed sites. WJG's end-to-end delivery model means that it acquires, designs, and builds places, and typically remain within communities as on-site building managers. Fresh is our multi award-winning operator-arm, who are currently managing approximately 23,000 rental homes at 72 locations across the UK and Ireland. Fresh achieves 95% customer satisfaction, and cares for our residents with a range of wellbeing and community building activities.

Scope of Representations

These representations focus on the land use policies in the consultation document relevant to the residential tenures that WJG delivers. As such, this representation focuses primarily on the following policies:

- Build to Rent (BTR) – Policies HO1 and HO3
- Purpose Built Student Accommodation (PBSA) – Policy HO7
- Co-Living – Policy HO8

These are addressed in turn, along with our proposed recommendations to ensure that the Plan meets the tests of soundness set out in Paragraph 35 of the National Planning Policy Framework (NPPF) – namely, positively prepared, justified, effective and consistent with national policy.



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Build to Rent

WJG is supportive of the recognition of BTR within draft Policy HO1 and the cross-reference to Policy H11 of the London Plan as the approach in which BTR schemes will be assessed.

WJG comments on draft Policy HO3 which states that within BTR schemes, 70% of the affordable homes should be provided at London Affordable Rent (LAR) and 30% should be provided at London Living Rent (LLR). It is recognised the rental levels for LAR are lower than LLR. WJG also acknowledges and highlights the London Plan's fast-track viability approach where 35% of homes are to be provided at the local authority's defined affordable rents, or 50% on public sector or industrial land.

WJG has reviewed BNP Paribas's Local Plan Viability Assessment (May 2022) which supports the emerging Local Plan. BNP Paribas has tested the viability of BTR schemes within the borough providing 35% affordable housing in the form of LLR. BNP Paribas draws several conclusions:

- The viability of BTR schemes is challenging and are generally less viable than their build for sale equivalent (values are 5 to 15% lower than build for sale).
- The viability of BTR schemes is also affected by the health of the economy generally.
- *"There are many circumstances where 35% affordable housing is viable, but many schemes provide lower levels of affordable housing. The results indicate that some build to rent schemes will need to opt to use the viability route in the Mayor's SPG and will not be able to utilise the 35% threshold route".*

Despite BNP Paribas demonstrating that many BTR schemes will not be viable with 35% affordable rooms at LLR, the suggested approach within the emerging Local Plan is for 35% affordable housing to be provided as a mix of LLR and LAR, the latter attracting significantly lower rents. The approach promoted by the Council within the draft Local Plan is not supported and justified by the evidence presented within the Viability Assessment.

WJG also adds that the Council does not appear to have objectively assessed the need for BTR homes within the borough, the demographics of people that would live within these homes, or the rental levels that would be suitable for the occupiers of the affordable homes within these developments.

By undertaking such an assessment, the approach would be consistent with the latest iterations of both the NPPF and National Planning Practice Guidance (NPPG). Paragraph 62 of the NPPF states:

*"Within this context, the size, type and tenure of **housing needed for different groups in the community should be assessed** and reflected in planning policies (including, but not limited to, those who require **affordable housing**, families with children, older people, students, people with disabilities, service families, travellers, **people who rent their homes** and people wishing to commission or build their own homes)."*

The NPPG adds:

*"As part of their plan making process, **local planning authorities should use a local housing need assessment to take into account the need for a range of housing types and tenures in their area including provisions for those who wish to rent**. Specific demographic data is available on open data communities which can be used to inform this process. **The assessment will enable an evidence-based planning judgement to be made about the need for build to rent homes in the area, and how it can meet the housing needs of different demographic and social groups**".*

The approach currently advocated by the draft Local Plan will therefore result in many applications for BTR in Lewisham being required to follow the viability route. Given that many BTR developments are forward sold to institutional investors/ funds, BTR developers seek to avoid the viability route. This is because the viability route results in a late-stage viability review being undertaken once the scheme has been funded and is operational. BTR developers and institutional investors require certainty of return at the point when a development is funded.

A viability led approach to most BTR schemes will result in a decrease in the number of BTR schemes being delivered in the borough, as with a mixture of reduced viability in general (evidenced by BNP Paribas's Viability Assessment) and the uncertainties associated with a late-stage viability review, BTR developers will consider that there is too much financial risk. Given that BTR expediently delivers a sizeable number of homes, this will mean that a valuable source of housing within the borough will not be delivered.

WJG therefore requests that the Council, assisted by BNP Paribas, undertakes a further viability appraisal. This appraisal should assess, for a variety of schemes and applying a 35% affordable requirement to those schemes, the affordable rental rate (or mix of rates) that would result in those schemes being viable whilst avoiding the viability review route.

The Council and BNP Paribas could also assess the viability of providing 20% of BTR homes within a development at affordable private rent. 20% is the benchmark level of affordable private rent units suggested by the NPPG. By providing a lower proportion of affordable units, the viability appraisal should demonstrate that lower cost affordable products (e.g. LAR), or a mix of affordable rental levels, could be provided.

Once tested, these alternative approaches should be reflected within Policy HO3. By undertaking this approach and avoiding the need for most BTR schemes to follow the viability route, it will increase the delivery of this important form of housing in the borough.

Purpose Built Student Accommodation

WJG supports most of draft Policy HO7. WJG notes, however, that this draft policy omits a key element of Policy H15 of the London Plan, this being that *“the majority of the bedrooms in the development including all of the affordable student accommodation bedrooms are secured through a nomination agreement for occupation by students of one or more higher education provider”*.

The London Plan approach for the “majority” of student bedrooms was carefully considered by the Mayor’s Academic Forum. The Forum is chaired by the GLA, influences future student accommodation policy, and is composed of representatives from London universities and London boroughs, amongst others. The approach advocated by the London Plan reflects an approach agreed with universities and who may, for example, be resistant to entering into nomination agreements on all student bedrooms within a development.

WJG requests that draft Policy HO7 is updated to clarify that, in conformity with the London Plan, most rooms should be subject to a nomination agreement.

Co-Living

WJG is supportive of the draft Plan including a co-living policy (Policy HO8) and that this is largely reflective of the approach detailed within Policy H16 of the London Plan (2021).

WJG draws attention to para. 4.1.9 of the London Plan which states, *“all other net non-self contained communal accommodation should count towards meeting housing targets on the basis of a 1.8:1 ratio, with one point eight bedrooms/ units being counted as a single home”*. With a significant need for housing in the borough, and with co-living being a valuable source of housing, this matter should be clarified.

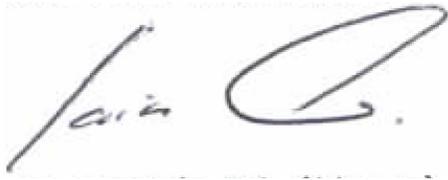
Conclusion

WJG welcomes the opportunity to comment on the draft Local Plan. WJG summarises its comments below:

- Policy HO1 ‘Meeting Lewisham’s Housing Needs’ – WJG is supportive of the recognition of BTR as a type of housing which will assist in meeting Lewisham’s housing needs. WJG supports the cross-reference to Policy H11 of the London Plan.
- Policy HO3 ‘Genuinely Affordable Housing’ – WJG considers that the approach suggested for the delivery of affordable housing from BTR developments is not evidenced and will result in BTR schemes not being delivered in the borough, despite BTR being a valuable form of housing. WJG has suggested an approach to resolve this.
- Policy HO7 ‘Purpose Built Student Accommodation’ – WJG supports this policy but notes that it does not fully align with the requirements of Policy H15 of the London Plan in respect of the requirement for a nominations agreement on most of the student rooms. WJG requests that this omission is clarified within Policy HO7.
- Policy HO8 ‘Housing with Shared Facilities’ – WJG supports the elements of this policy which refer to purpose built shared living or co-living. Co-living will increasingly form a valuable addition of housing within the borough over the lifetime of the plan. Aligning with the London Plan, this policy should clarify that 1.8 co-living units equates to the delivery of one conventional home.

We trust that our representations on these aspects of the draft Plan are of assistance to the Council and will be taken into account to inform the next version of the Plan. In the meantime, please do not hesitate to contact Iain Smith on 07717 841321 or iain.smith@watkinjones.com should you have any queries.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Iain S.', written over a horizontal dashed line.

Iain Smith
Planning Director

