

## **Examination of Lewisham Town Centre Plan**

### **Inspector's initial comments and queries**

*Having reviewed the main documents I would find it very helpful if the Council can respond to these queries by 16 November. If some of points 1-9 below cannot be responded to by that date, please let me know the timeframe that would be required.*

#### **1 S20(7B & 7C) of the Planning and Compulsory Purchase Act (PCPA) 2004, as amended**

The Act requires that a Local Planning Authority formally requests an Inspector to recommend modifications if he/she concludes that the plan contains soundness defects capable of being appropriately modified. Assuming that the Council wishes me to act in accordance with S20(7C) a formal request to that effect will be required.

#### **2 Duty to co-operate**

It will be necessary for LBL to demonstrate that it has fulfilled its duty to co-operate under S33A of the PCPA, as amended, including co-operation with relevant Local Planning Authorities on 'strategic matters' and the other bodies set out in Regulation 4 of the Town & Country Planning (Local Planning) (England) Regulations 2012. Failure to comply with the duty is incapable of modification at examination so, in the case of any such failure, the Inspector would have no choice but to recommend non-adoption.

The Council is therefore asked to produce a short paper evidencing its compliance with the duty to co-operate by way of an explanation and audit trail.

#### **3 'Positive preparation'**

The Council also needs to be able to demonstrate that the plan has been 'positively prepared' (para 182 of the National Planning Policy Framework – NPPF) ie that it 'seeks to meet objectively assessed development and infrastructure requirements including meeting the unmet needs of neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development'. It would be helpful if the Council can produce a brief paper addressing the way in which the plan has been 'positively prepared'.

#### **4 Demonstrated audit trail for the consideration of 'reasonable alternatives'**

NPPF para 182 requires that a plan should be 'the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence'.

It would be helpful if the Council can prepare a brief paper outlining the evolution of the options conceived and considered at the various stages of the plan's development and the reasons for selecting the submitted plan and rejecting the other options that were considered. Bearing in mind the legal cases requiring this narrative to be clearly explained and evidenced in the strategic environment assessments/sustainability

appraisals (SEA/SA) undertaken at various stages, the paper could be in the form of a guide to the most relevant passages within the SEA/SA reports.

## **5 LBL's advertised suggestions for 'Major Modifications' (MMs)**

MMs should only address matters of unsoundness or legal non-compliance that need to be rectified to make the plan adoptable (see S20(7C) of the Act, as amended). It is not within the Inspector's power to impose an MM merely to 'improve' a plan unless, in doing so, the required change also remedies a soundness/legal defect.

Looking at LTCP 1.9a, the comments in the 'Officer's response' column in LBL's responses to the representations to the submitted plan make very few references to soundness or unsoundness. It can therefore be difficult to infer whether or not the recommended MMs are necessary for reasons confined to those in the paragraph above. Likewise, the entries in the 'Reason for change' column of LBL's schedule of MMs (LTCP 1.7) tend to refer to the correction of errors and omissions, and responses to representors' concerns or other comments. Therefore it is not always clear whether some of the MMs may be in the nature of additional editorial non soundness-related modifications which it would be within the power of LBL to make itself on adoption. Since the Council's schedule has already been advertised it may be advisable to wait until the advertisement period has expired before reaching any conclusions on this matter, but it would be helpful if the Council gives it preliminary consideration.

## **6 Overall retail capacity and its distribution among sites**

(a) Does the retail capacity study provide a clear, convincing and proportionate evidence base to justify LTCLP's aim of planning to accommodate a total of 47,550 sqm of additional retail floorspace in its area by 2026 (see the LBL proposed modification to para 3.11 of the plan)? [Presumably this means an increase of that amount compared with the base provision of just over 80,000sqm of retail/service floorspace at the time of the original capacity study in 2009? This would amount to an increase of about 60%.]

(b) Is there background evidence providing an audit trail for the process by which the overall floorspace potential has been indicatively assigned between the individual sites through a clearly-demonstrated sequential analysis of candidate sites? If the opportunity to extend the Lewisham Shopping Centre arose fairly recently (as stated in the LBL proposed modification to 3.11) did this give rise to re-assessment of the implications for the retail potential of sites further down the sequential chain?

## **7 Clarification of the categorisation of retail frontages and the allocated sites**

[Points 7-9 have some cross-references with issues raised by those who have made representations on the LTCLP, but these questions are intended to clarify matters upon which I seek early information from the Council. LBL's reply will help to inform the content of my future invitation to participants to submit statements on matters which I will identify at that time.]

The LTCLP appears somewhat ambiguous in relation to paras 23-27 of the NPPF (ie in the way that the phrases ‘town centre’, ‘edge of centre’, and ‘out of centre’ are used in the LTCLP). It appears that LAAP1 & figure 3.1 simply define the boundary of the area covered by LTCLP itself rather than the ‘town centre’ boundary as more normally understood for planning policy, and especially retail, purposes. The question may be posed: would it be clearer if the terminology of LAAP1/figure 3.1 were clarified (eg to refer to the ‘plan area’ boundary)? That may then permit clearer identification of the areas to be regarded as falling within successive tiers of the sequential test, whereas all the major sites within which retail development is proposed (except the ‘Central town centre’) are currently identified under the rather uncertain term ‘retail *town centre* areas’ in LAAP16.

- Loampit Vale and Conington Road are described as ‘edge of centre’, although a proposed LBL draft MM changes the latter to ‘out-of-centre’.

- Lee High Road is described as ‘edge of centre’, and is also defined both as a ‘secondary area’ and as ‘secondary frontage’ within the town centre.

- The 10,000sqm net new retail/leisure floorpace at ‘the Central Town Centre’ seems intended to be effectively part of the ‘primary shopping area’ since LAAP8 states at 4(b) that site S10 (*should be S9*) south of Lewisham Shopping Centre marks ‘the beginning of the commercial and retail heart of Lewisham town centre’. If this is so should it be included in the proposed ‘primary area/primary frontage’?

- Lewisham Gateway is clearly regarded as key to transforming the town centre’s image, including its poor connectivity with the point of arrival at the station. It is said to be regarded as able to attract new national multiples. Is the TCPLP therefore clear enough about the retail categorisation of this area? Is this site (like S9 & S10) not also effectively intended to be a planned part of the town centre ‘primary area/primary frontage’ and thus to be preferred to other sites sequentially (along with the ‘Central Town Centre’) from a retail policy perspective?

## **8 ‘Retail areas’ and primary/secondary shopping frontages**

Policy LAAP16 (headed ‘retail areas’) identifies policies for areas called ‘primary shopping frontages, secondary shopping frontages, other shopping areas, and retail town centre areas’. The primary and secondary frontages are said to be defined in figure 5.1. However, the figure is headed ‘retail areas’ and the key refers to primary and secondary shopping ‘areas’ (not ‘frontages’). These are presumably coincidental with the retail frontages identified at p181 of the SALP. Is there a distinction between areas defined as ‘primary/secondary area’ and ‘primary/secondary frontages’? If so, what is the purpose of the distinction?

## **9 LAAP4 (Loampit Vale TC area)**

Does the LTCLP give a clear and entirely consistent message about the proposed retail provision in this area bearing in mind the terms used in the following references? (my emphases in italics below)

- '4.8 The Council will *seek to retain the comparison retail provision* in this edge of centre location to support the objective of becoming a metropolitan town centre' [A proposed MM would add 'New retail provision *should complement and not compete with the existing Primary Shopping Frontage*'].

'Policy LAAP4 Conversion of comparison retail provision to convenience provision will not be considered acceptable'.

'Policy LAAP4 part 8 (Sites S3a & S3b) Ground floor retail units should *improve the comparison offer within the town centre*'

Firstly, the statement (4.8) that LTCLP 'seeks to retain the comparison retail provision here', gives the impression that the existing retail warehouses are to be retained, whereas the plan's actual intention seems to be identify indicative potential capacity for increased (retail warehouse-type) capacity here in the form of 11,200sqm of new (replacement) buildings north of Loampit Vale (ie up to 6,771 sqm as permitted at S4 and a balance of about a further 4,429sm, additional to current floorspace, at S3a & S3b). Is this a correct interpretation of the policy?

Secondly, what would new proposals covered by the above policy need to demonstrate in practical terms to show that they would achieve the following aims set out in LAAP4:- '*complement the Lewisham Gateway Town Centre Area*' (why that site specifically?), '*improve the comparison offer within the town centre*', and at the same time, '*complement and not compete with the existing Primary Frontage*'? Is there any mechanism by which these various outcomes could be assured?

Roy Foster  
Inspector

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