

## **Report to Lewisham Council**

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Inspectors appointed by the Secretary of State

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## **Report on the Examination of the Lewisham Local Plan 2020-2040**

The Plan was submitted for examination on 3 November 2023

The examination hearings were held between 18 and 27 June 2024 and 9 and 18 July 2024

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## Contents

Abbreviations used in this report .....	4
Non-Technical Summary .....	6
Introduction .....	7
Context of the Plan.....	8
Public Sector Equality Duty .....	9
Assessment of Duty to Co-operate.....	9
Assessment of Other Aspects of Legal Compliance .....	11
Assessment of Soundness.....	12
Issue 1 – Whether the vision, objectives and spatial strategy are justified, effective, consistent with national policy and in general conformity with the London Plan?.....	12
Issue 2 – Whether the Plan has been positively prepared and whether it is justified, effective and consistent with the national policy and in general conformity with the London Plan in relation to the overall provision for housing and the housing requirement? .....	15
Issue 3 – Whether the Plan has been positively prepared and whether it is justified, effective and consistent with national policy and in general conformity with the London Plan in relation to the provision for other housing requirements and housing policies? .....	16
Issue 4 – Whether the plan is positively prepared, justified, effective, consistent with national policy, and in general conformity with the London Plan in relation to economy, town centres and culture? .....	23
Issue 5 – Whether the plan is positively prepared, justified, effective, consistent with national policy, and in general conformity with the London Plan in relation to the natural environment and green infrastructure? .....	32
Issue 6 – Whether the plan is positively prepared, justified, effective, consistent with national policy, and in general conformity with the London Plan in relation to sustainable design and infrastructure, high quality places and preserving or enhancing the Borough's heritage? .....	37
Issue 7 – Whether the Plan has been positively prepared and whether it is justified, effective and consistent with national policy and in general conformity with the London Plan in relation to transport, connectivity and community infrastructure? ...	46
Issue 8 – Whether the proposed allocations are justified, effective, consistent with national policy and in general conformity with the London Plan? .....	52

Issue 9 – Whether the Plan will provide for a sufficient housing land supply to deliver the planned scale of housing growth over the Plan period and whether a deliverable five-year supply of housing will be available on adoption? .....	81
Issue 10 – Whether the Plan is justified, effective and consistent with national policy and in general conformity with the London Plan in relation to Infrastructure Provision, Implementation, Monitoring and Viability? .....	84
Overall Conclusion and Recommendation .....	87
Schedule of Main Modifications.....	Appendix

## Abbreviations used in this report

BDU	Bermondsey Dive Under
BLE	Bakerloo Line Extension
BNG	Biodiversity Net Gain
CEZ	Creative Enterprise Zone
dpa	dwelling per annum
DtC	Duty to Cooperate
GLA	Greater London Authority
GTAA	Gypsy and Traveller Accommodation Assessment
HMOs	Houses in Multiple Occupation
HRA	Habitat Regulation Assessment
ha	hectare
IDP	Infrastructure Delivery Plan
IIA	Integrated Impact Assessment
LDS	Local Development Scheme
LGS	Local Green Space
LPVA	Local Plan Viability Assessment
LSIS	Locally Significant Industrial Site
MEL	Mixed Use Employment Location
MM	Main Modification
m <sup>2</sup>	metres squared
MOL	Metropolitan Open Land
NPPF	National Planning Policy Framework
OA	Opportunity Area
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
PBSA	Purpose Built Student Accommodation
SA	Sustainability Appraisal
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment

SIL	Strategic Industrial Location
SoCG	Statement of Common Ground
SPD	Supplementary Planning Document
TfL	Transport for London
Use Class	A planning use defined in schedules to the Town and Country Planning (Use Classes) Order 1987 as amended
VBC	Vacant Building Credit

## Non-Technical Summary

This report concludes that the Lewisham Local Plan 2020-2040 provides an appropriate basis for the planning of the Lewisham Borough, provided that a number of main modifications [MMs] are made to it. Lewisham Council has specifically requested that we recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared schedules of the proposed modifications and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The MMs were subject to public consultation over a six-week period. In some cases, we have amended their detailed wording and/or added consequential modifications where necessary. We have recommended their inclusion in the Plan after considering the sustainability appraisal and habitats regulations assessment and all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- MMs to identify whether policies are strategic and to provide a link between the objectives and policies for implementation;
- MMs to explain the role and significance of the various regeneration areas and to clarify the approach to areas which lie outside the regeneration areas;
- MMs to reflect the uplift to housing supply, an additional year of the housing requirement, and the revised housing trajectory;
- MMs to ensure that the approach to affordable housing is in general conformity with the London Plan and to ensure that there is commitment to undertake an early review of the Plan in relation to Gypsies, Travellers and Travelling Showpeople;
- MMs to clarify the employment floorspace requirement, substitute sites within the employment land hierarchy and remove the requirement for the provision of low-cost workspace from employment sites and, ensure there is a commitment to undertake an early review of the Plan in relation to retail and town centre requirements;
- MMs to clarify open space policy and make amendments to two parcels of Metropolitan Open Land;
- MMs to ensure heritage policies are factually correct and consistent with national policy;
- MMs to correct various errors within the tall buildings illustrative figures and view management policy and accompanying illustrative figures; and
- A number of other MMs to ensure that the Plan is positively prepared, justified, effective and consistent with national policy.

## Introduction

1. This report contains our assessment of the Lewisham Local Plan in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework 2021 (paragraph 35) (NPPF) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. A revised version of the NPPF was published in December 2023, post submission of the Plan. Subsequent versions of the NPPF have since been published. However, under the transitional arrangements in paragraph 230 of the December 2023 NPPF, it is being examined under the relevant version of the NPPF at the time the Plan was submitted, which in this case is the September 2023 version. The December 2024 version of the NPPF also includes the same transitional arrangement. Therefore, unless stated otherwise, referenced in this Report are to the September 2023 version of the NPPF.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Lewisham Local Plan, submitted in November 2023 is the basis for our examination. It is the same document agreed by the Council in January 2023 and then published for consultation during March-April 2023.

## Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council requested that we should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound [and /or not legally compliant] and thus incapable of being adopted. Our report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
5. Following the examination hearings, the Council prepared a Schedule of MMs (EXAM 11) and, where necessary, carried out an update to the IIA (Sustainability Appraisal) (EXAM 14) and Habitats Regulations Assessment (HRA) (EXAM 15) of them. The MMs schedule was subject to public consultation for six weeks between 13 February and 26 March 2025. We have taken account of the consultation responses in coming to our conclusions in this report and in this light, we have made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation

or undermines the participatory processes and sustainability appraisal/habitats regulations assessment that has been undertaken. Where necessary we have highlighted these amendments in the report.

## **Policies Map**

6. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as Regulation 19 Borough Wide Policies Map January 2023 as set out in PD02.
7. The policies map is not defined in statute as a development plan document and so we do not have the power to recommend MMs to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective.
8. These further changes to the policies map were published for consultation alongside the MMs in the Lewisham Local Plan Examinations - Changes to the Policies Map (EXAM13). In this report we identify any amendments that are needed to those further changes in the light of the consultation responses.
9. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in PD02 and the further changes published alongside the MMs (EXAM13) incorporating any necessary amendments identified in this report.

## **Context of the Plan**

10. Lewisham is an inner-London borough located to the south of the River Thames and bordered by the London Boroughs of Southwark to the west, Greenwich to the east and Bromley to the south. The population continues to grow. It is one of the most ethnically diverse places in the country and the electoral roll reveals approximately 75 nationalities within Borough residents.
11. The historical growth of Lewisham has led to a range of distinctive neighbourhoods. There are contrasts between the pre-industrial core areas in the north, the mixed residential areas surrounding them and the interwar areas towards the south. The local economy is described in the Plan as being



relatively small in scale and inward looking with most activity focussed on the industrial locations and network of town centres. Lewisham is a place of contrasts. Issues of inequality exist in relation to housing affordability, wealth, health and life expectancy, and access to open space and nature, transport and connectivity.

12. The Lewisham Local Plan comprises five constituent parts. The Plan is proposed to replace in full the Core Strategy (2011), Site Allocations Local Plan (2013), Development Management Local Plan (2014) and Lewisham Town Centre Local Plan (2024). It will, along with the London Plan and made Neighbourhood Plans form the development plan for the area. **MM332** is necessary to update Appendix 4 and Table 20.4 to provide clarity as to which existing policies will be replaced or deleted for effectiveness.

## Public Sector Equality Duty

13. The Council has carried out an Equalities Impact Assessment as set out at Appendix III of the IIA and its subsequent update [PD04/EXAM14] to inform the preparation of the Plan. We have had due regard to the aims expressed in S149(1) of the Equality Act 2010 and we have considered how the Plan's policies are likely to affect persons with protected characteristics. This has included our consideration of several matters during the examination including different types of housing need including people with specific needs and the elderly, achieving sustainable and inclusive and safe design and improving town centres and access to infrastructure including by sustainable modes of transport.

## Assessment of Duty to Co-operate

14. Section 20(5)(c) of the 2004 Act requires that we consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
15. The Planning Practice Guidance (PPG) indicates that the degree of cooperation needed between parties in a London context depends on which strategic matters have already been addressed in the spatial development strategy, in this case the London Plan.
16. The Council proactively engaged in the preparation of the London Plan. London-wide cooperation in developing the evidence base to identify housing need is led by the Greater London Authority (GLA) with full participation from the boroughs, for example on the Strategic Housing Market Assessment (SHMA). The target for each borough is apportioned according to their ability to provide housing, as adduced by the Strategic Housing Land Availability Assessment (SHLAA). This has been supplemented by the Council's own SHMA (EB16) and the work relating to housing capacity as set out in the Site

Allocations Background Paper (EB13). The GLA agrees with the Council's approach of rolling forward the London Plan target for Lewisham for the remainder of the Plan period.

17. London-wide evidence of the need for employment and retail floorspace is also led by the GLA and has been supplemented by borough-based assessments of need for Lewisham (EB22, EB23, EB24, EB26). The need to safeguard employment land is a strategic issue set out in the London Plan and the cross-boundary implications have been addressed through the various designations which are discussed later in this report.
18. The GLA identified concerns regarding the conformity of the Plan's approach to industrial and employment land and the new Strategic Industrial Location (SIL) at Bermondsey Dive Under. The Statement of Common Ground (SoCG) (LC09) with the GLA confirms that, with the agreed MMs, the Plan is in general conformity with the London Plan.
19. The Council has engaged with adjoining local planning authorities and with prescribed bodies on all relevant strategic matters from an early stage in Plan preparation, as documented in the Duty to Cooperate (DtC) Statement 2023 and subsequent update (PD08). SoCGs have been produced with neighbouring London Boroughs of Bromley (SOCG01), Greenwich (SOCG02), Southwark (SOCG03), and Bexley (SOCG04). Engagement has been undertaken on a range of strategic matters identified in the DtC Statement reflected in the SoCGs prepared with statutory bodies such as the Environment Agency (SOCG05), Historic England (SOCG06), Sport England (LC8), Thames Water (SOCG08) and Network Rail (SOCG09). The Council has also worked with landowners and developers to prepare SoCGs in relation to the timing and phasing of site allocations.
20. The Council has worked collaboratively with several partner organisations with the objective of progressing the Bakerloo Line Extension (BLE) proposal towards implementation. The BLE together with other cross-boundary transport issues have been discussed through regular liaison meetings with Transport for London (TfL) throughout Plan preparation culminating in the preparation of a SoCG (SOCG07). Close cooperation with London Boroughs has also taken place to develop the business case for Phase 1 of the BLE.
21. On this basis, we are satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has, therefore, been met.

## **Assessment of Other Aspects of Legal Compliance**

22. The Plan has been prepared in accordance with the Council's Local Development Scheme (LDS) 2022 (PD21). Whilst there has been some slippage in the timetable, which has been reflected in an updated LDS Jan/Feb 2025, the overall scope and content of the Plan accords with the Local Development Scheme.
23. Consultation on the Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement.
24. The Council carried out a sustainability appraisal of the Plan as part of the Integrated Impact Assessment (IIA) 2022. The IIA report presents the findings of the appraisal, and it was published alongside the Plan and other submission documents under regulation 19 (PD04/PD05). A number of reasonable alternatives have been assessed in the IIA, albeit recognising that conformity with the London Plan 2021 strongly shapes the strategic spatial options and policies in the Borough.
25. The reasonable alternatives were based around 6 different alternative growth scenarios involving the BLE. The spatial strategy is based on Scenario 1 which assumes there would be no BLE during the Plan period. However, the Plan provides sufficient flexibility to embrace any additional uplift in housing through increased densities in the Bell Green area which may arise from the delivery of the BLE should it come forward toward the latter part of the Plan period. It is clear from the IIA that any increase in growth above the baseline should only be alongside the BLE line in order to ensure sustainable development. Further discussion and analysis of reasonable alternatives has been provided (LC44A, LC44B) and embedded into the SA Report Addendum (EXAM 14) at Appendix 1. We consider that the choice of reasonable alternatives is justified on this basis.
26. The appraisal was updated to assess the main modifications (EXAM 14). From all that we have read and heard, we are satisfied that the sustainability appraisal (as part of the IIA) provides an appropriate basis for us to assess the likely effects of the Plan having regard to reasonable alternatives.
27. The submitted HRA, September 2022 (PD06) sets out that after screening the policies, an appropriate assessment would not be necessary due to the intervening distances from the Borough boundary. The report was updated (EXAM 15) to assess the MMs and the conclusion remains unchanged.
28. The Development Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the local planning authority's area. The strategic priorities are set out under the Vision, Strategic

Objectives and the spatial strategy (Policy OL1). A number of strategic policies and area visions are also set out for the Central, North, East, South and West sub-areas.

29. The Development Plan, taken as a whole, includes a suite of policies in Chapter 11 Sustainable Design and Infrastructure designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.
30. The Plan was prepared following the adoption of the London Plan 2021. The Council has worked closely with the GLA and resolved outstanding concerns through the SoCG with the GLA (LC9) in May 2024. Where necessary for soundness and general conformity, the content of the Plan has been amended to reflect the London Plan 2021. We are satisfied that, with the MMs that the Plan is in general conformity with the London Plan.
31. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

## **Main Issues**

32. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, we have identified 10 main issues upon which the soundness of this Plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or site allocation in the Plan.

## **Issue 1 – Whether the vision, objectives and spatial strategy are justified, effective, consistent with national policy and in general conformity with the London Plan?**

### **Vision and Objectives**

33. The vision and strategic objectives of the Plan have been informed by the Corporate Strategy 2022-2026 together with other key documents of the Council, the London Plan and partner organisations. As drafted, it is not clear how the strategic objectives relate to the Plan policies or indeed how they will be implemented so the Plan is ineffective. Furthermore, the submission draft identified a significant proportion of Plan policies as strategic which are not genuinely strategic in the context of paragraph 20 and 21 of the NPPF. Consequently, the Council has undertaken a review of policies and **MM331** amends Table 20.2, Appendix 3 accordingly. Furthermore, MMs (**MM5, MM13, MM15, MM16, MM17, MM20, MM23, MM25, MM26, MM28, MM29, MM30, MM32, MM33, MM36, MM40, MM45, MM48, MM49, MM51, MM53, MM54,**

**MM56, MM57, MM59, MM60, MM62, MM63, MM71, MM72, MM76, MM78, MM81, MM84, MM85, MM87, MM88, MM90, MM92, MM93, MM94, MM95, MM96, MM99, MM101, MM102, MM103, MM104, MM107, MM110, MM113, MM114, MM116, MM117, MM124, MM127, MM128, MM129, MM130, MM131, MM132, MM133, MM135, MM138, MM139, MM140, MM141, MM142, MM143, MM145, MM146, MM147, MM148, MM150, MM151, MM152, MM154, MM155, MM156, MM161, MM162, MM163, MM164, MM165, MM167, MM171, MM172, MM173, MM175, MM177, MM179, MM180, MM182, MM183, MM184, MM185, MM187, MM188, MM190, MM191, MM192, MM194, MM195, MM196, MM198, MM201, MM202, MM203, MM205, MM206, MM210, MM212, MM214, MM215, MM217, MM219, MM220, MM222, MM225, MM226, MM228, MM229, MM230, MM231, MM234, MM235, MM238, MM241, MM243, MM244, MM245, MM246, MM247, MM248, MM249, MM251, MM252, MM253, MM254, MM255, MM260, MM261, MM262, MM263, MM266, MM269, MM272, MM275, MM278, MM279, MM281, MM282, MM284, MM287, MM288, MM290, MM291, MM293, MM295, MM296, MM297, MM298, MM300, MM302, MM303, MM305, MM307, MM309, MM311, MM312, MM315, MM316, MM317, MM319, MM320, MM321, MM325, MM326, MM327, MM328)** amend the respective policies to identify whether or not they are strategic and to provide a link between the objectives and policies for implementation. We have made an amendment to strategic objective A in the appendix to this report to remove ‘Borough of Lewisham’ which was a drafting error in the MM consultation document. This amendment was necessary so that the appendix is internally consistent with the Local Plan. These MMs are necessary for the Plan to be effective and consistent with national policy.

34. With these MMs, the vision and strategic objectives are consistent with the national policy and in general conformity with the six Good Growth Objectives of the London Plan.

## Spatial Strategy

35. Policy OL1 encompasses the spatial strategy for ‘delivering an open Lewisham’. As submitted, Policy OL1 refers to several different tiers of regeneration areas; however, neither the policy or supporting text explain their role or significance and the policy is, therefore, ineffective. **MM6-MM11** remedy this matter by including additional supporting text to clarify the role of these various regeneration areas for effectiveness.
36. Figure 3.2 sets out the Proposed Growth Strategy Plan. The legend refers to ‘Transport Corridor Improvements’; however, this is inconsistent with the wording in Policy OL1. Consequently, **MM3** deletes this term and replaces it with ‘Growth Corridor’ for consistency and, therefore, effectiveness. Figure 3.3 illustrates the Borough-wide Spatial Strategy set out in Policy OL1; however, opportunity areas and strategic areas of regeneration are not shown, leading to

inconsistency with Policy OL1. **MM4** remedies this matter by including those designations on figure 3.3 for effectiveness.

37. There are significant areas of the Borough which lie outside of the regeneration areas; however, the Plan does not provide clear guidance to developers or to decision makers in terms of the approach to development in these areas. This is inconsistent with Policy H1 of the London Plan which identifies a range of locations where housing should be optimised. **MM5**, therefore, includes an additional sub-criterion to criterion C of Policy OL1 to explain that small scale residential development in existing residential areas will be positively considered in locations which are close to public transport or town centres and also to clarify the approach to large scale windfall development in these locations. **MM5** is necessary to ensure that the Plan is positively prepared, effective and in general conformity with the London Plan.
38. Criterion e refers to 'Good Growth' securing the delivery of new and improved infrastructure as a catalyst for investment. However, the Plan itself may not necessarily directly secure new infrastructure rather it would play an enabling role. **MM5** amends criterion e to reflect this in addition to addressing some drafting errors for effectiveness.
39. Paragraph 3.18 of the supporting text sets out how the Council will work with stakeholders and the development industry to deliver infrastructure, including through the Infrastructure Delivery Plan (IDP). As drafted the paragraph does not provide sufficient emphasis to the importance of maintaining valued partnerships with neighbouring boroughs in order to deliver the infrastructure which Lewisham needs. **MM12** remedies this matter through the inclusion of additional text for effectiveness.
40. Table 13.1 within Chapter 13 of the Plan shows the proportion of dwellings, employment and main town centre uses which are proposed on site allocations within each of the sub-areas. **MM158** updates the table to reflect the revised housing trajectory for effectiveness. In addition, **MM157** provides consequential updates to the preceding paragraph. Overall, with these MMs, we consider that the spatial strategy is an appropriate one taking into account reasonable alternatives. Moreover, the spatial strategy is consistent with the London Plan.

## Conclusion

41. With the MMs we have identified above as being necessary, the vision, objectives and spatial strategy are justified, effective, consistent with national policy and in general conformity with the London Plan.



## **Issue 2 – Whether the Plan has been positively prepared and whether it is justified, effective and consistent with national policy and in general conformity with the London Plan in relation to the overall provision for housing and the housing requirement?**

### **Housing Target**

42. Policy HO1 of the Plan sets out the overall approach to providing housing across the Borough including a strategic housing target of 1,667 net dwellings per annum (dpa). This target reflects the housing requirement identified in the London Plan 2021 which sets out a 10-year housing figure for Lewisham of 16,670 homes over the period 2019-2029.
43. The London Plan advises at paragraph 1.4.11 that if a target is needed beyond the 10-year period, boroughs should draw on the 2017 Strategic Housing Land Availability Assessment (SHLAA) and any local evidence of identified capacity, in consultation with the GLA, and should take into account any additional capacity that could be delivered as a result of any committed transport infrastructure improvements. They should also roll forward the housing capacity assumptions applied to the London Plan for small sites.
44. The Lewisham Strategic Housing Market Assessment Update 2022 (SHMA) (EB16) considered the standard methodology which resulted in a need for 2,334 units per annum, but it concluded that the London Plan is responsible for establishing London wide need and disaggregating this to the Boroughs. Furthermore, the Council took account of the 2017 SHLAA and local evidence of capacity set out in the housing trajectory in deciding to roll forward the London Plan target of 1,667 net dpa to subsequent years. Whilst the housing trajectory identifies more housing capacity than the 2017 SHLAA, the housing requirement generated by the Standard Method clearly cannot be accommodated.
45. As the Borough level housing figures are provided by the GLA via the London Plan, we consider that there are no circumstances that would justify a departure from the London Plan's housing target for Lewisham within the period 2019-2029. Furthermore, the Council's approach for identifying the housing target post the initial ten-year period is consistent with the guidance at paragraph 1.4.11 of the London Plan.

### **Approach to meeting the backlog and the buffer**

46. Policy HO1 adds additional dwellings to the target during the first five-years to accommodate a backlog arising from under-delivery and a 5% buffer. However, the December 2023 Housing Delivery Test Result requires a 20% buffer to be applied to the first five years of the housing land supply, reflecting

historic under-supply in the Borough. Consequently, the Council undertook subsequent reviews of housing land supply (LC34A, LC34B), which concluded that the five-year supply could not be met if the backlog were to be accommodated within the first five-year period given the need for a 20% buffer. Based on the evidence before us, and considering historical delivery issues, applying the backlog to the remainder of the Plan period is a justified and pragmatic approach. **MM45** alters criterion A.a to reflect the uplift in the housing requirement arising from the application of the 20% buffer during the first 5 years, equivalent to 380 dpa. The alteration also reflects the additional dwellings to cater for the backlog over the remainder of the Plan period, equivalent to 231 dpa. **MM45** is necessary to address these matters for effectiveness.

47. Policy HO1 only seeks to provide a 15-year supply of housing land to 2037/38. However, if there were to be any delays to the adoption of the Plan, there is a risk that the requirement at paragraph 22 of the NPPF for strategic policies to look ahead over a 15-year period would not be met. Consequently, it is necessary to roll forward the housing requirement by 1 year to provide a 16-year supply. This is reflected in an amendment to criterion A.a which rolls forward the housing requirement period an additional year to 2039/40 (**MM45**) for effectiveness and consistency with national policy. Consequential amendments (**MM46**, **MM47**) are made to the explanatory text at paragraphs 7.2 and 7.4 in addition to the housing trajectory at Appendix 6 (**MM333**) to reflect the above for effectiveness.
48. Taking into account the above revisions, the overall housing target would be 30,376 from 2025/26 to 2039/40. With the MMs detailed above, we consider that this housing target is appropriate.

## Conclusion

49. With the MMs detailed above, we consider that the Plan has been positively prepared and is justified, effective and consistent with national policy and in general conformity with the London Plan in relation to the overall provision for housing and the housing requirement.

## Issue 3 – Whether the Plan has been positively prepared and whether it is justified, effective and consistent with national policy and in general conformity with the London Plan in relation to the provision for other housing requirements and housing policies?

### Affordable Housing and Housing Choice and Mix

50. Policy HO1 sets a strategic affordable housing target of 50% together with a recommended tenure split of 70% social/affordable rent and 30% intermediate



tenure split consistent with Policies H4 and H6 of the London Plan. The target and tenure split are also informed by the Lewisham SHMA 2022 (EB16) which recommends that a 50% affordable housing target is appropriate given the acute need for affordable housing in the Borough. On this basis, we are satisfied that the target and tenure split is justified by the evidence and consistent with the London Plan. As drafted, however, it is not clear what 'genuinely affordable housing' means and so **MM45** adds a new footnote to address this matter for effectiveness.

51. Policy HO3 includes a threshold approach to viability taking into account the different routes to affordable housing delivery set out in Policy H5 of the London Plan, including the Fast Track Route and the Viability Tested Route to achieve a minimum of 35% affordable housing on sites and 50% on public sector land and Strategic Industrial Locations (SIL) and Locally Significant Industrial sites (LSIS). As with Policy HO1, it is not clear what is meant by 'genuinely affordable housing'. **MM49** remedies this matter with a similar footnote to provide clarity and to ensure that the policy is effective.
52. Criterion J of the policy requires development proposals for new housing of 2-9 dwellings to make provision for affordable housing. This approach contrasts with paragraph 64 of the NPPF which states that provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas where policies may set out a lower threshold of 5 units or fewer. Nonetheless, Policy H4 of the London Plan allows for Boroughs to seek affordable housing on sites below this level in accordance with Policy H2 Small Sites.
53. The SHMA Update 2021/2022 (EB16) identifies an overall gross affordable need of 4,471 dpa and a net requirement of 2,818 dpa. This net requirement is significantly in excess of the London Plan target for Lewisham of 1,667 per annum. Consequently, there is an acute need for affordable housing in the Borough.
54. Due to the predominately urban nature of the Borough most development opportunities are available on previously developed sites, through the comprehensive redevelopment of sites in active use and on developed sites which have been cleared or vacated. Around 590 dwellings were completed on small sites between 2020/21-22/23. In addition, the small site windfall allowance for the Borough, derived from Policy H2 of the London Plan, will deliver around 6,064 dwellings (2024/25-2039/40), equating to around 17% of the housing supply in the Plan period (Table 2: Action 205 WS15/2).
55. Furthermore, the Local Plan Viability Assessment (LPVA) 2022 (EB58) concludes that there is no significant difference in the viability of schemes providing 9 or fewer units than those of 10 units or more. Providing affordable

housing on small sites may give rise to practical difficulties; however, Policy HO3 enables contributions in lieu of on-site affordable housing provision. The LPVA convincingly concludes that payments in lieu neither incentivise developers to take up the option of a payment, but neither do they penalise them. Consequently, small sites would not be rendered unviable by the affordable housing requirement.

56. Criterion J of Policy HO3 sets out the approach to securing off-site financial contributions should it not be practicable to provide affordable housing on-site. It refers to a forthcoming Planning Obligations SPD; however, to make clear that the SPD will not have the status of the Plan policy itself, **MM49** and **MM50** relocate this reference to the SPD to the supporting text, in order for the Plan to be justified.
57. Table 7.3 of the policy includes the formula for calculating payments in lieu. As written, criterion D of the formulae relating to additional costs is not clear that it refers to a percentage of profit, not an overall amount. **MM49** remedies this matter, including the provision of an additional footnote incorporating a worked example for clarity and, therefore, effectiveness. Taking account of the above, with **MM49** and **MM50**, we consider that the requirement for affordable housing on small sites is necessary and justified to meet the acute affordable housing need.

### **Vacant Building Credit**

58. Paragraph 64 of the NPPF states that to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount. However, Criterion M of Policy HO3 departs from this guidance which states that the application of Vacant Building Credit (VBC) is not appropriate in Lewisham, except in a limited range of circumstances.
59. Paragraph 64 of the NPPF seeks to incentivise developers to redevelop brownfield sites where the requirement for affordable housing may marginalise the viability of sites. However, as set out above, there is an acute affordable housing need in the Borough. Lewisham is a highly urbanised area dependent on the comprehensive redevelopment of existing sites and uses. Furthermore, the LPVA shows that development is viable on even the most challenging sites. As most site allocations would be potentially eligible for VBC its application would significantly impact on the delivery of new affordable housing from development.
60. The London Plan fast track and viability routes discussed above provide an incentive to deliver affordable housing, albeit at a potentially lower level or to demonstrate that affordable housing would not be viable were this to be the case. Furthermore, criterion M of Policy HO3 does allow for the use of VBC in

number of limited circumstances set out in a-d of criterion M. As written, criterion M refers to 'exceptional' reasons why it may be appropriate to use VBC; however, there is no such test in the NPPF and so this approach is not consistent with national policy. Consequently, **MM49** remedies this by requiring applicants to demonstrate the suitability of VBC with robust evidence. With this MM we consider that the approach to VBC is justified, effective and consistent with national policy.

## **First Homes**

61. The Written Ministerial Statement of 24 May 2021 entitled 'Affordable Homes Update' sets out the Government's plans for the delivery of First Homes which is also reflected in the PPG. It requires that a minimum of 25% of all affordable housing units secured through developer contributions should be First Homes.
62. The Lewisham SHMA (EB16) identified that there is a mismatch between First Homes as an affordable housing product and the affordability challenge faced by residents. A First Home at 30% market value would be 11.5 times more than the lower quartile income and 8.2 times more than the median income. Consequently, First Homes would fail to meet the acute affordable housing needs of the Borough. Furthermore, the LPVA tested the introduction of First Homes as a 25% component of the affordable housing tenure mix and concluded that First Homes are unlikely to be accessible to those on lower incomes and would result in a significant reduction in the availability of affordable housing for purchase. Furthermore, the most recent NPPF (Dec 2024) removes the requirement for First Homes. Consequently, we consider that the Plan is justified in not seeking First Homes as a proportion of the affordable housing requirement.

## **Older Persons Accommodation (Policy HO5)**

63. Policy HO5 sets the framework for the provision of accommodation for older people providing local context to Policy H13 of the London Plan. Evidence in relation to older persons accommodation is provided at a strategic level by the London-wide Strategic Housing Market Assessment and at a local level by the Lewisham SHMA 2022 (EB16).
64. Whilst the LPVA assesses the viability of a residential care home (C2 Use Class); it does not assess the viability of C3 Use Class, Older Persons Accommodation such as Sheltered Housing and Extra Care accommodation. The Council's external viability experts subsequently remedied this matter, and the results of this assessment are set out in LC43 which credibly demonstrates that housing schemes for older people are viable in Lewisham and can contribute towards the affordable housing requirement. In any event, applying the flexible approach of the 'viability tested route' set out in Policy HO3, would ensure that any scheme specific issues could be addressed through an

adjustment to the affordable housing requirement. Consequently, we are satisfied that C3 Use Class proposals for older persons accommodation would not be prevented from coming forward and that the approach to older persons accommodation is justified.

### **Supported and specialist accommodation (Policy HO6)**

65. Policy HO6 provides the framework for the provision of supported and specialist accommodation. As drafted, it is not clear what the target for such accommodation is within the Plan period and so the policy is ineffective. **MM54** and **MM55** address this matter by incorporating the target of approximately 500 units of supported accommodation to 2040 as derived from the SHMA into the policy itself and the explanatory text.

### **Purpose Built Student Accommodation (PBSA) (Policy HO7)**

66. Policy HO7 provides the framework for the consideration of purpose-built accommodation to meet the increasing demand for this type of accommodation as identified in the SHMA (EB16). Criterion A of the policy states that PBSA will only be supported where it is demonstrated that certain criteria set out in the policy are met, including criterion Aa which seeks to ensure that the proposal would not compromise the delivery of conventional housing or result in a harmful over-concentration of PBSA. We acknowledge that PBSA contributes to meeting London's overall housing need and is not in addition to it. However, paragraph 62 of the NPPF requires the size, type and tenure of housing needed for different groups to be assessed and reflected in planning policies. Hence, the need for a variety of types of housing needs to be met over the Plan period. Paragraph 6.82 of the SHMA states that there has been a proliferation of off-campus PBSA as evidenced in Table 6.17. The dominance of a specific type of housing could be at the expense of the provision of housing to meet general needs or other specific needs which would not achieve mixed and balanced communities, contrary to the NPPF. Indeed, paragraph 6.82 of the SHMA recommends that the Council continues to engage with Higher Education organisations to help assess future need for PBSA, but that the overriding need in Lewisham is for conventional housing.
67. Furthermore, whilst it is suggested that PBSA may free up conventional housing; there is no evidence to support this. Taking account of the above, we consider that criterion Aa is justified. However, by virtue of the use of the word 'only' in the Criterion A, the policy is not, positively prepared. Nor is it in conformity with Policy H15 of the London Plan which seeks to ensure that the local and strategic need for PBSA is met.
68. **MM56** therefore amends criterion A of the policy to delete reference to 'only'. Furthermore, **MM56** amends the policy to emphasise that proposals for PBSA would be supported where robustly demonstrated that the development would

meet a specific need for this type of accommodation and that the development would not result in a harmful overconcentration of PBSA. In addition, criterion A.c is expanded to include reference to such development contributing to the creation of mixed and balanced communities to be consistent with national policy.

69. Criterion A.c requires affordable on-site student accommodation; however, as drafted it does not make reference to the London Plan's fast-track approach and is, therefore, inconsistent with Policy H15 of the London Plan. **MM56** addresses the above matters for the policy to be positively prepared, justified, effective and consistent with the London Plan and national policy.

### **Housing with shared facilities (Houses in Multiple Occupation) (Policy HO8)**

70. Policy HO8 provides the framework for the consideration of Houses in Multiple Occupation (HMOs). As with Policy HO7 above, the policy states that large-scale purpose-built HMOs will only be permitted where it meets certain criteria and so is not positively prepared. Criterion D of the policy is, therefore, altered to delete reference to 'only' and replace it with a need to provide evidence that all of the sub-criteria could be met. Also, an additional sub-criterion is added to criterion D to refer to such development contributing towards creating mixed and balanced communities to be consistent with national policy. **MM57** addresses these matters for the Plan to be positively prepared and for the policy to be effective and consistent with national policy. An additional Article 4 Direction has come into force since the submission of the Plan and so **MM58** amends Figure 7.2 to reflect this for accuracy and, therefore, effectiveness.

### **Self-build and custom-build housing (Policy HO9)**

71. Policy HO9 provides the framework for the consideration of self-build and custom build housing. Criterion Bb. requires development proposals to make provision for affordable housing in line with Policy HO3 (Genuinely affordable housing).
72. A significant proportion of self and custom build housing is for single units and so the majority of such development would not be required to provide for affordable housing. As drafted, criterion Bb could be read that all schemes should provide affordable housing; however, only schemes above 2 dwellings would be required to do so in line with Policy HO3, criterion J, most likely via a financial contribution. Consequently, **MM59** amends criterion Bb to remedy this matter in the interests of clarity and, therefore, effectiveness.

### **Gypsies, Travellers and Travelling Showpeople (Policy H10)**

73. The Lewisham Gypsy and Traveller Accommodation Assessment (GTAA) 2016 (LC2) identifies a need for 6 pitches up to 2031. It is expected that this need

would be met through the provision of a site allocation 'Land at Pool Court' (LSA SA8). Consequently, some of the need for accommodation for the Gypsy, Traveller and Travelling Showpeople community would be met. However, the GTAA evidence of need is somewhat dated; does not cover the full Plan period; and does not reflect the revised definition of gypsies and travellers as set out in Planning Policy for Traveller Sites 2024. A London-wide GTAA process is underway which is at an advanced stage, and which will embrace the new definition of gypsies and travellers as set out in the PPTS. Delaying the adoption of the Plan in order to wait for the London-wide GTAA would have wider consequences for much needed housing delivery in the Borough and result in a delay to the advancement of equality of opportunity for housing for people in the settled community with different characteristics. Consequently, we consider that the Plan should proceed to adoption but with a commitment to an early review of Policy H10 encompassing any new target figure for accommodation. This review process may need to address the potential for new site allocations to meet this target. **MM61** includes additional explanatory text at paragraph 7.85 to reflect the need for an early review for the Plan to be justified.

### **Optimising the use of small housing sites (Policy H02)**

74. The London Plan, Table 4.2, sets a small sites target for Lewisham of 3790 to be delivered during the period until 2029. The policy as drafted does not refer to this target and is not, therefore, effective or in general conformity with the London Plan. **MM48** remedies this matter by reference to the London Plan target. It is also necessary to explain that this target has been carried forward in the housing trajectory to the end of the Plan period and to clarify that development proposals will be supported which contribute to this target. **MM48** is necessary for effectiveness and general conformity with the London Plan.
75. The Lewisham Characterisation Study 2019 (EB07) identifies areas that are positioned to facilitate an uplift in small housing developments, and these are shown in Figure 7.1. However, it is not clear how Figure 7.1 relates to the policy or that small site intensification may also be suitable outside of the depicted areas. Consequently, additional text is added to the policy to clarify this matter for effectiveness (**MM48**).
76. Criterion E of Policy HO2 sets out the approach to the consideration of housing conversions. Criterion Ea provides an existing floorspace threshold of 130m<sup>2</sup> or greater above which the conversion of a property would be supported. However, criterion Eb requires a family sized unit to be re-provided. Furthermore, the National Technical Space Standards ensure that new residential accommodation is of a sufficient size. Consequently, the threshold is unnecessary and could lead to potential confusion. **MM48** addresses this matter by deleting criterion Ea for effectiveness.



## **Housing estate maintenance, renewal and regeneration (Policy HO4)**

77. Policy HO4 seeks to improve Lewisham's existing housing stock and estates through maintenance, renewal and regeneration. Criterion Bc seeks to apply the Decent Homes Standard to all existing and new residential units, however, it currently only applies to the social rented sector. Consequently, criterion c needs to be modified to make this clear so as to be justified and effective. **MM51** and **MM52** are necessary to remedy this matter for the policy and explanatory text to be justified and effective.

## **Conclusion**

78. With the MMs identified above, we consider that the Plan has been positively prepared and is justified, effective and consistent with national policy and in general conformity with the London Plan in relation to the provision for other housing requirements and housing policies.

## **Issue 4 – Whether the Plan is positively prepared, justified, effective, consistent with national policy, and in general conformity with the London Plan in relation to economy, town centres and culture?**

### **Employment land need and requirements (Policy EC2)**

79. The background and evidence base for employment land need and requirements is found amongst a collection of documents: Local Economic Assessment 2018 (EB27); Employment Land Study 2019 (EB26); New Bermondsey Dive Under Study 2019 (EB25); and the Lewisham Industrial Employment Land Report 2023 (EB22) with update (LC1).
80. Lewisham has a relatively small proportion of employment land when compared to other London boroughs. The latest Lewisham Industrial Employment Land Report 2023 (EB22 as amended by LC1) indicates there has been a loss of industrial land in Lewisham. However, overall capacity has been maintained through intensification of remaining provision.
81. The Plan's proposed strategy for employment and economic development is therefore to protect and safeguard existing employment land to ensure that there is no net loss of industrial capacity of sites or floorspace and, encourage net gains through intensification. The principle of this approach is appropriate and in general conformity with London Plan Policies E4 and E7.
82. Policy EC2 indicates that there is a forecast need for 21,800 square metres of net additional employment space. This figure only relates to new office space

according to the Employment Land Study 2019 (EB26). The policy does not set out an individual figure of need for industrial employment land.

83. The latest Lewisham Industrial Employment Land Report 2023 (EB22 as amended by LC1) indicates that demand for traditional B2 and B8 use class provision is declining as part of the long term structural economic change. Hence, there is no need for additional floorspace for B2 and B8 use classes. However, not making provision for B2 and B8 uses would undermine and conflict with the Plan's strategy for meeting future demand through intensification. Furthermore, the absence of evidence for specific industrial capacity broken down by Use Classes is a matter of general conformity with the London Plan Policy E4A and was also a concern raised by the GLA. The approach to resolving this matter is set out in the following paragraphs.
84. Policy EC2 sets out an employment land hierarchy to manage employment land proposals and deliver the expected requirements. The hierarchy comprises Strategic Industrial Locations (SIL), Locally Significant Industrial Sites (LSIS), Mixed-use Employment Locations (MEL) and other non-designated employment sites. Policies EC5 – EC8 deal more specifically with each tier of the hierarchy.
85. Policies E5 and E7 of the London Plan allows the opportunity to make substitutions of SIL through development plan reviews where there is evidence that alternative, more suitable, opportunities exist.
86. Of the two SILs identified within the employment land hierarchy, the Plan proposes to de-designate a parcel of one of the SILs (Surrey Canal Road SIL). The Lewisham Industrial Employment Land Report 2023 (EB22 as amended by LC1) indicates that with the exception of a small residual activity on Trundley's Road and a temporary use on the Apollo Business Centre (which has now relocated), no industrial activity takes place within a portion of this site and it, therefore, does not fulfil the strategic role of SIL. Accordingly, the evidence justifies the de-designation of a parcel of the site as SIL.
87. The de-designated land from the Surrey Canal Road SIL is proposed to be re-designated as 3 new LSIS (LNA SA6 Apollo Business Centre, LNA SA3 Evelyn Court and LNA SA5 Surrey Canal Road and Trundley's Road). This is necessary to maintain the industrial employment capacity. This is a factual change based upon the actual permitted uses. As the sites do not fulfil the strategic role of SIL their redevelopment and site intensification will provide a more optimal use of land and ensure the employment functions are retained. Consequently, we are satisfied that they are more suitable and appropriate for a LSIS designation within the Plan.



88. To ensure that SIL capacity is not lost overall, compensatory SIL land is proposed at a new site, Bermondsey Dive Under (BDU) (LNA SA8). It will provide both SIL and additional LSIS land within the railway arches. The BDU Study (LC13) provides the main source of justification. Whilst we noted from site observations that the access for the BDU SIL portion could potentially constrain heavy traffic, it would be acceptable for small types of B8 uses and therefore this would not undermine the effectiveness or affect the developability or deliverability of this allocation. We are satisfied that in principle the proposed new SIL land is appropriate in terms of location, quality and quantity of floorspace. It would, therefore, meet the expectations of London Plan Policies E4 and E5.
89. During the examination period, further work was undertaken, in conjunction with the GLA, to draw out from the evidence specific figures for industrial employment land requirement for the Plan period. Accordingly, **MM63** inserts specific figures for B2 and B8 floorspace into criterion B of Policy EC2 which are derived from the combined floorspace of the 3 new LSIS referred to within the above paragraphs. Other clarifications within the policy criterion are also addressed within this modification. As such the ambiguity concerns caused by the lack of specific figures for the industrial employment land, also identified by the GLA, are therefore resolved by **MM63**. These are necessary for effectiveness and general conformity with the London Plan.
90. 'Lewisham Way' is within the confirmed Bakerloo line safeguarding zone and is identified as a specific location for the 'Lewisham Way shaft worksite' and within the 'proposed tunnel corridor'. Once the construction works associated with the Bakerloo line have concluded, this site is a suitable LSIS. Lewisham Way was included within Schedule 4, Table 21.4 which sets out the designated employment land; however, it was omitted from Table 8.1 within Policy EC2 of the submitted Plan. Consequently, **MM63** corrects this factual error and is necessary for internal consistency and effectiveness.
91. Policy EC2 as submitted is not clear as to how industrial employment uses, specifically B8 storage and warehousing uses, will contribute to the needs of the Central Services Area identified in the London Plan. **MM63** addresses this by inserting an additional sub-criterion to B.d.iii and is therefore necessary for general conformity with the London Plan Policy E4 and effectiveness. Policy EC2 is similarly not clear as to how changes of use would be considered. This is also remedied by **MM63** which inserts additional text into criterion E and is necessary for effectiveness.
92. Consequential amendments to the explanatory text for Policy EC2 contained within **MM64**, **MM65**, **MM66**, **MM67**, **MM68**, **MM69** and **MM70** are necessary to make the Plan effective and be in general conformity with the London Plan. These amendments include reference to the Central Services Area and therefore ensure general conformity with the London Plan; explain which sites

are for co-location and intensification; and set out how industrial employment land will be delivered and managed and as such ensure the effectiveness of Policy EC2.

93. Employment land supply is included in Table 13.1 as modified by **MM158**. The primary focus of **MM158** relates to the uplift in housing supply which results in consequential adjustments to the employment floorspace. This demonstrates that the proposed supply of employment gross floorspace at 44,829 m<sup>2</sup> (net additional excluding consented developments) exceeds the supply requirement set out in Policy EC2. The site allocations contained within Part 3 of the Plan follow the typologies set out in Policy EC2 and their distribution is consistent with the spatial strategy of the Plan and will deliver the requirements set out in Policy EC2 as modified.
94. We are content that the methodology to derive the employment land requirement is justified and there are sufficient allocations to meet the requirement. As modified, Policy EC2 is justified and effective, and consistent with the London Plan.

### **Town centres (Policies EC11 and EC12)**

95. Policy EC11 does not address how heritage assets within town centres will be considered in decision making. This omission undermines the effectiveness and coherence of the Plan. **MM89** addresses this issue and is necessary for effectiveness and positive planning.
96. Policy EC12 (and Table 8.4) sets out Lewisham's town centre network and hierarchy. At the top of the hierarchy are the major centres (Lewisham and Catford) and then district centres (Blackheath, Deptford, Downham, Forest Hill, Lee Green, New Cross Gate and Sydenham). Both major and district centres are designated by the London Plan. These are in general conformity with the hierarchy of centres in Annex 1 of the London Plan.
97. The next tier in the hierarchy is for local centres which are designated by individual Boroughs through their local plan process. The local centres are justified by the Local Centres Background Paper 2022 (EB23). The selection process contains a robust set of criteria and potential local centres have been systematically assessed. The final and lowest tier in the hierarchy is the shopping parades. We are satisfied that the hierarchy is logical, justified and consistent with national policy and the London Plan.
98. A footnote should be inserted to identify Use Class E(a) in order that the policy is clear, unambiguous and effective and also consistent with national policy. This is set out in **MM90**.

99. The evidence in the Lewisham Retail Impact Assessment and Town Centre Trends Study 2021 (EB24) examined the trends and recent changes which will affect future demand for town centre uses, including the effect of the pandemic and the role of home shopping and how this has contributed to town centre vacancy rates. The findings from the Lewisham Retail Capacity Study Update 2019 were re-calculated for the retail and food/beverage floorspace capacity using the latest available population and Experian consumer expenditure data to inform the projections. There is modest long-term scope for new development within the Borough over and above existing commitments.
100. The evidence indicates the future gross square metres floorspace for retail is derived from a combined capacity for convenience retail (+10,641), comparison retail (-3,651) and food/beverage (+1,407). As such there is an overall future requirement of 8,400m<sup>2</sup> of retail floorspace within town centres up to 2035 which is set out in Policy EC12. The Plan's strategy for town centres includes retail as well as wider uses appropriate to town centres. Table 13.1 as adjusted by **MM158** summarises site allocations indicative delivery by character area in the Borough and identifies 49,961m<sup>2</sup> gross floorspace of main town centre uses (net additional floorspace excluding consented developments). Accordingly, there is sufficient flexibility for the Plan period to deliver the retail floorspace requirements.
101. Two concerns exist with the evidence in EB24, which were set out in our Post Hearings Letter (IN5). The methodology included a household telephone survey from 2015 which was not updated during the preparation of the evidence; and secondly, the requirements do not project forwards for the whole Plan period. However, given the dynamic nature of the retail sector, delaying the adoption of the Plan for a further update to the evidence on this matter would have wider consequences for the delivery of the proposals within the Plan as a whole. Consequently, the pragmatic solution is that the Plan should proceed to adoption but with a commitment for an early review of the evidence base and the town centre requirements set out in Policy EC12. **MM91** includes additional text in paragraph 8.70 to reflect the commitment and is necessary to enable the Plan to be justified and effective.
102. New retail proposals are directed towards town centres first, in line with the sequential test, to maintain and enhance vitality and viability. This overall approach is consistent with national policy and the London Plan.
103. Criterion E of Policy EC12 includes a 500m<sup>2</sup> (gross) minimum threshold requirement for the submission of a Retail Impact Assessment for main town centre uses at edge of centre or out of centre locations. The NPPF at paragraph 90 indicates that proportionate locally set floorspace thresholds should be used to assess applications for retail and leisure development outside town centres which are not in accordance with an up-to-date local plan. In devising the local floorspace threshold the Plan has been informed by EB24. The evidence has considered the overall long-term retail/food beverage/leisure projections. Furthermore, the threshold has had due regard to the scale of

proposals that are likely to arise across the Plan period, taking into account the particular circumstances of Lewisham. As such we find that the threshold is proportionate and justified in this case.

### **High quality employment areas and workspace (Policy EC3)**

104. Policy EC3 refers to Use Class E business use which is a broad use class and is ambiguous and therefore not effective or positive. **MM71** amends criterion A to specify the sub-classes within Use Class E and is necessary for effectiveness and positively guide development proposals. Criterion A.b. sets out expectations for the internal fit out of premises beyond their shell and core. However, this could be inflexible and affect the effectiveness of the policy. **MM71** makes a change to address this. The requirement in criterion A.b.iv for internal surface finishing and blinds is unnecessary and should be deleted. This is also addressed by **MM71** for effectiveness.

### **Low cost and affordable workspace (Policy EC4)**

105. Policy EC4 seeks to protect existing low-cost and affordable workspace. The evidence (EB26, EB27) shows that there is a general lack of affordable workspace, as a consequence of the limited amount of existing supply within Lewisham and rising commercial sales and rents. Accordingly, the policy requires the retention or re-provision on site with the exception of an off-site financial contribution where on-site provision is either not feasible or would enable greater economic benefits.
106. The scope of Policy EC4 is for 'low-cost' and 'affordable workspace'. The strategic and parent policy is Policy E3 of the London Plan which refers to affordable workspace and not low-cost. Furthermore, the local evidence in EB26 and EB27 does not refer to a specifically identified or quantified need for low-cost workspace. The London Plan, paragraph 6.2.4 defines low-cost business space as secondary and tertiary space or as found within non-prime locations. We recognise that low-cost space will exist within parts of the Borough. However, to refer to both low-cost and affordable workspace lacks clarity and is not consistent with London Plan Policy E3. It is not necessary or justified to specifically refer to 'low-cost'.
107. Consequently, we have made a post MM consultation amendment (**MM72**) to remove the term 'low cost' from Policy EC4 and the explanatory text; together with further clarifications within the explanatory text paragraphs 8.23 and 8.27 to ensure effectiveness and general conformity with the London Plan Policy E3.
108. The policy requirement to provide affordable workspace should apply to all development proposals containing workspace and all employment allocations in principle to ensure that there are sufficient opportunities for micro, small and medium sized businesses, including start-ups.

109. The Local Plan Viability Assessment 2019 (EB63) confirmed that it tested the requirements of Policy EC4 and specifically noted that the precise impact of the policy on individual schemes will depend on scheme-specific composition. Accordingly, the policy will need to be applied with a degree of flexibility, having regard to scheme specific details. We recognise that viability is an important consideration in such proposals and as such viability evidence would be a relevant consideration in the development management process of determining site specific proposals.
110. As submitted, the policy itself does not fully recognise the important role of viability and is therefore not effective or in general conformity with London Plan Policy E3. Without the flexibility within the policy to consider the viability of providing or retaining on-site existing affordable workspace, there is a risk that the unintended consequence would be harm to the delivery of an otherwise appropriate scheme, and/or the Plan's intention to seek the intensification of industrial employment land, in line with the London Plan. **MM72** modifies criteria A, B and D to ensure that the policy incorporates the need to include viability in decision making, together with the inclusion of exceptions to enable flexibility. This is necessary for effectiveness and general conformity with the London Plan.
111. Criterion G is not clear as to how any affordable workspace which has been secured as a temporary/meanwhile use would be considered in decision making. This ambiguity means it is not effective. This is addressed by **MM72** which clarifies how temporary provision delivered through meanwhile uses will be positively considered. **MM72** also deletes reference to a future SPD which should not be within the policy as it does not yet exist. These modifications are necessary to ensure that the policy is clear, unambiguous and therefore consistent with national policy and effective. **MM73, MM74, and MM75** make the necessary changes to the explanatory text for consistency with the London Plan and to ensure that the approach to affordable workspace is effective.

### **Strategic Industrial Locations (SIL) (Policy EC5)**

112. Policy EC5 sets out the approach to managing the SILs within the Borough. The London Plan SILs are the capital's principal source of industrial land, logistics and related uses. The London Plan Policy E5 seeks to resist any loss of SIL capacity by requiring a process of SIL de-designation as part of the development plan process.
113. Given the strategic importance of SILs it is necessary that SIL policies are clear and unambiguous to be consistent with national policy; this is particularly relevant in setting out the uses to be encouraged and those which should be directed elsewhere. Criterion A and C are ambiguous and do not make clear the types of business activities and uses which would be acceptable. This is addressed by **MM76** and is necessary for effectiveness. Corresponding amendments to the explanatory text are also provided by **MM77**. These modifications are necessary for consistency with national policy, effectiveness



and positive planning. The Bromley Road SIL boundary as submitted contains a drafting error in the southeastern corner in that 4 and 4a Randlesdown Road should be included whereas the row of retail units/takeaways should be excluded. **MM160** therefore amends Figure 14.2 for effectiveness.

### **Locally Significant Industrial Sites (LSIS) (Policy EC6)**

114. Policy EC6 sets the policy expectations for proposals seeking to locate within the defined LSIS. The aim of the policy is to maintain the Borough's industrial capacity and deliver net gains where possible. Criterion A indicates what uses would be acceptable on LSIS; however, it is not positively expressed. Criterion B is ambiguous and is not clear that town centre uses are normally inappropriate locations for LSIS. **MM78** addresses these matters in relation to criterion A and B. **MM80** makes consequential amendments to paragraph 8.37 of the explanatory text including in relation to the role of ancillary uses. These are necessary for effectiveness and positive planning.
115. Criterion D sets out a list of the LSIS allocations within the Plan. This is inconsistent with the other employment location policies which do not contain a list of the site allocations. **MM78** deletes the list and is necessary for internal consistency and therefore effectiveness. We have made a post consultation, consequential amendment to criterion E to remove the words "listed in EC6.D above" to ensure internal consistency and effectiveness.
116. **MM79** sets out to provide further clarity on the uses that would be supported under Policy EC6. However, the proposed additional wording which was contained in the MM consultation document for the explanatory text in paragraph 8.34 that refers to industrial employment storage uses defined under Use Class E (g) (ii) and (iii) adds confusion and without further clarification would misinterpret the Use Class Order. Policy EC6 already allows for Use Class E (g) uses. The explanatory text seeks to resist proposals that consist solely or predominantly of self-storage or large format warehousing and storage facilities. Such activities would be in Use Class B8. The explanatory text already identifies that such uses could be acceptable if they supported the wider regional economy, particularly the logistics sector which is vital to the long-term viability of London's Central Activities Zone. However, there could be circumstances where the industrial employment storage would be subordinate, ancillary and secondary to the primary use which is permitted under Use Class E (g) (ii) or (iii). We have therefore made a post-consultation amendment to ensure **MM79** is clear and effective. **MM79** also proposes 3 additional words for the first and second sentences of paragraph 8.34 which ensure clarity and effectiveness.

### **Mixed-use Employment Locations (MEL) (Policy EC7)**

117. Mixed use employment locations are largely older, lower quality and redundant industrial land and buildings. The plan-led approach seeks comprehensive redevelopment of MELs with an emphasis on maximising the reprovion of

office and light industrial employment uses. Given that some of the MELs are expected to create entirely new communities, the policy and explanatory text is silent as to whether main town centre uses would be acceptable within MELs. We consider that some appropriate main town centre uses would be necessary to ensure balanced and sustainable communities. This is addressed by **MM81** together with amendments to the explanatory text in **MM82 and MM83**. These are necessary for effectiveness and positive planning.

### **Railway arches (Policy EC9)**

118. As submitted, the explanatory text expects consultation with Network Rail to be undertaken. The intention is to require the developers engage with Network Rail in relation to proposals involving the railway arches. However, the use of the word 'consultation' is inappropriate since there are specific legislative arrangements for consultation. This is addressed by **MM86** and is necessary for clarity and therefore effectiveness.

### **Major and District Centres (Policy EC14)**

119. Criterion D seeks to maintain a minimum of 50% of retail uses within Lewisham Major Centre. Given the introduction of the new Use Class E which is broad and flexible, the Plan as submitted is ambiguous as to what it means by the phrase 'retail uses' and where the Plan should be directing such Class E uses. **MM93** addresses this ambiguity by defining these uses and inserting additional text into criterion F to indicate where such uses should be directed and distinguishing between retail and other main town centre uses. Criterion F.c. is deleted as it is superfluous. These modifications are necessary for internal consistency and clarity, and therefore effectiveness and consistency with national policy

### **Concentration of uses (Policy EC17)**

120. Policy EC17 refers to the former A5 Use Class which has subsequently been amended in secondary legislation, as such **MM96** provides the correction and is necessary for clarity and effectiveness.
121. Policy EC17 introduces a separation distance from existing or proposed primary schools and new hot food takeaways. The justification for the requirement is drawn from public health and monitoring data regarding the effect of hot food takeaways on health and well-being of school aged pupils. The requirement has been rolled forward from the previous adopted Development Management Local Plan (DM Policy 18). In principle, it is consistent with national policy in relation to promoting healthy communities and with London Plan Policy E9. However, the Plan is ambiguous without any spatial representation for this requirement. **MM97** addresses this with a new illustrative figure. We have made two further post-consultation amendments, namely to delete the sentence associated with the new illustrative figure 'This

can be found under Development Management Policies Document DM18 Figure 2.1 Take away 400-metre exclusion zone' since it refers to a previous development plan document that will be replaced by this Plan when adopted. The other further post-consultation amendment is to insert a reference to Figure 8.12 into the policy in criterion D.a. for effectiveness.

122. Proposals for hot food takeaways and betting shops will be required to be accompanied by desktop Health Impact Assessments (Policy DM6). Whilst the Plan should be read as a whole, given the specificity of Policy DM6 (Health Impact Assessments), we consider a cross reference is necessary for effectiveness. **MM98** inserts an additional sentence into paragraph 8.96 of the explanatory text.

### **Cultural, creative industries and the night time economy (Policy EC18)**

123. Paragraph 8.100 of the submitted Plan refers to a 'placeholder' for supporting text to be included to explain the culture and creative industries part of Policy EC18. This omission is addressed by **MM100** and is necessary for effectiveness.

### **Public houses (Policy EC19)**

124. Policy EC19 seeks to protect public houses and requires robust and authoritative evidence as set out in criterion A for any change of use or redevelopment proposal. More detailed explanation of what the Council expects for such proposals is set out in Appendix 5. There is no reference within the policy to Appendix 5 which diminishes the value of this text and undermines the effectiveness of the policy. This is rectified by **MM101** and is necessary for effectiveness.

### **Conclusion**

125. Subject to the modifications set out above, we conclude that the Plan is positively prepared, justified, effective, consistent with national policy, and in general conformity with the London Plan in relation to economy, town centres and culture.

### **Issue 5 – Whether the Plan is positively prepared, justified, effective, consistent with national policy, and in general conformity with the London Plan in relation to the natural environment and green infrastructure?**

126. NPPF chapter 8 encourages the provision of safe and accessible green infrastructure to promote healthy and safe communities. As submitted, the Plan does not give sufficient emphasis to the importance of green infrastructure and is therefore inconsistent with national policy. The role of health impact assessments required by Policy DM6 is also important in ensuring green



infrastructure can deliver benefits for society. Accordingly, a series of modifications are therefore required to address this matter within Policies GR1 and the explanatory text to Policy GR2. This is achieved by **MM116**, **MM117**, **MM118**, **MM119**, **MM121**, **MM122** and **MM123**. These modifications will ensure consistency with national policy and the policies are effective in this regard.

### **Green infrastructure and Lewisham's Green Grid (Policy GR1)**

127. Policy GR1 does not set out how irreplaceable habitats (such as ancient woodland and ancient or veteran trees) will be assessed and therefore it is not consistent with national policy. This matter is addressed by **MM116** which we have amended post-consultation to more clearly reflect national policy which is necessary for consistency.

### **Open Space (Policy GR2)**

128. Policy GR2 as submitted does not set out how new open space provision or improvements would be sought from developments which is a national policy requirement in paragraph 93 a) of the NPPF. Accordingly, **MM117** inserts a new criterion C to address this deficiency and ensure that the plan is positively prepared for the provision and use of shared spaces, such as open space. The new criterion C is comprehensive and includes the former criterion I which is to be deleted as it is superseded by the new criterion C. The modification is also necessary to enable the delivery of part of the green infrastructure theme of the spatial strategy set out in Policy OL1. Additional explanatory text is provided by **MM121**. These modifications are necessary for effectiveness and consistency with national policy. The addition of a new criterion C will affect the sequence of subsequent criterion letters.
129. Policy GR2 contains a hierarchy of green space designations in Table 10.1. Within each category there are several typologies used to describe the character and functionality of the open space. We have made a post-consultation amendment to **MM117** in relation to Table 10.1 to insert a cross reference to London Plan Policy G3 (Metropolitan Open Land) (MOL) for clarity and effectiveness.
130. The evidence to support and inform Policy GR2 comprises the Open Space Review 2022 (EB35) which builds upon the Open Space Assessment 2020 (EB38) which assessed the quality and quantity of local green and open space for the plan period; and the re-survey of Sites of Importance for Nature Conservation (SINC) 2016 (EB48) and appendices (EB49-EB53). Specifically relating to MOL, the evidence comprises MOL Exceptional Circumstances Paper 2022 (EB36), MOL Additional Sites Report 2021 (EB37) and MOL Review 2020 (EB43) and annex (EB44).
131. The Open Space Review 2022 (EB35) set out a structured and criteria-based approach to reviewing existing open space and their boundaries. Local Green

Space (LGS) designations are contained within made neighbourhood plans. The Council's Written Statement for Green Infrastructure (WS13/1) also indicated that any Local Green Space (LGS) designations contained within made neighbourhood plans were also assessed in relation to whether or not they warranted additional designation as open space under the local plan definition in addition to their existing LGS designation. **MM1** inserts additional text into paragraph 1.25 of the Plan to list the made neighbourhood plans. This modification is necessary for effectiveness.

132. Once designated LGS should be capable of enduring beyond the end of any plan period as set out in the NPPF, paragraph 101. LGS is for a different purpose to that which is potential open space in a local plan. There are 3 LGS designations which also meet the criteria for Strategic Open Space. The Open Space Review also established a hierarchy to categorise the open space designations. The criteria that have been used are sound and appropriate. The Open Space Review concludes that the overall number of designated open spaces has increased across all typologies from the previous assessment.
133. Subject to the above MMs, we find the approach to open space to be justified and consistent with national policy and in general conformity with Policy G4 of the London Plan.

### **Metropolitan Open Land (MOL)**

134. MOL is strategic open land within the urban area and is afforded the same status and protection as Green Belt land. Approximately 10% of the Lewisham Borough is MOL. The NPPF on Green Belt and London Plan Policy G3 (MOL) make it clear that any alterations to boundaries should be undertaken through the local plan process. Any proposed changes to existing boundaries must be accompanied by thorough evidence which demonstrates that there are exceptional circumstances consistent with the requirements of Green Belt national policy.
135. As part of the plan making process the MOL was reviewed in 2020 (EB43 and EB44) to assess its performance in relation to the designation criteria set out in the London Plan. Whilst there is no Government defined methodology for carrying out MOL reviews, assessing the MOL in relation to the designation criteria set out in the London Plan is a reasonable and acceptable approach. This has parallels with the approach to Green Belt assessment in relation to the purposes set out in the NPPF.
136. The submitted Plan proposes to de-designate two parcels of MOL and therefore amend the boundary of the MOL in two locations within the Borough. The two locations are St Dunstan's College playing fields (adjacent to the South Circular, A205), in Catford and of land previously part of Charlotten Gardens in Lewisham Town Centre. The evidence to support the de-designation is contained within the Metropolitan Open Land Exceptional Circumstances Paper 2022 (EB36). There is no clear definition of what amounts to exceptional

circumstances to justify alterations of boundaries. The NPPF, in relation to Green Belt, indicates it includes whether a strategic policy making authority has examined all other reasonable options for meeting its identified need for development.

137. The reduction of MOL in Catford would enable the re-alignment of the South Circular Road (being progressed in parallel to the Plan) which is a priority project for the Council. The re-alignment is a fundamental part in the circumstances necessary to realise the comprehensive regeneration proposals already established for Catford Major Town Centre. Furthermore, as explained in relation to Site Allocation Policy LCA SA20, the proposal would not affect the integrity of the MOL. The latest evidence for the amount of MOL being de-designated was submitted by TfL during the examination and is confirmed as being approximately 2696m<sup>2</sup> (0.26ha). Consequently, we are satisfied that exceptional circumstances have been demonstrated at a strategic level.
138. In relation to the parcel of MOL in Lewisham the proposed boundary alteration is justified to give effect to a planning permission for the Lewisham Gateway site which demonstrated very special circumstances. Consequently, the parcel of MOL now no longer meets any of the criteria to remain designated as MOL following redevelopment of this area. From the evidence of this strategic regeneration scheme, we are satisfied that exceptional circumstances have been demonstrated, and this small change would not harm the strategic integrity of the MOL and the reasons for its designation.
139. As we find that both deletions are justified, **MM120** provides the amendments to the explanatory text in paragraph 10.8 which are necessary for effectiveness. However, **MM120** as published for consultation has an error in the hectares stated for St Dunstan's College playing field (road re-alignment). According to the TfL Plan submitted in relation to Action Point 137 during the examination, the latest calculation on the amount of MOL requiring de-designation is now 0.26 ha. We have therefore made a post consultation amendment to correct the figure for St Dunstan's College playing field.
140. The amendment to the MOL boundary in these two locations has consequences for both the Policies Map and Figure 10.3. **MM120** refers to the extent of the MOL being shown on Figure 10.3 but the MM consultation document did not include an amended Figure 10.3. We have therefore included a revised Figure 10.3 within the appendix to this Report for effectiveness and completeness. A consequential amendment to the Policies Map is also necessary for effectiveness.
141. Extensions to MOL are supported by Policy G3 of the London Plan, where the land meets at least one of the MOL criteria. As such, the Plan also sought to increase the MOL within the Borough and therefore additional pieces of land grouped into areas were assessed in 2021 (EB37). The methodology is consistent with that used in the MOL Review 2020 (EB43 and EB44). It uses the criteria for MOL established by Policy G3 of the London Plan, together with

definitions and thresholds to underpin a scoring system for each area. The results were then compiled in individual assessment profiles. Of the various potential additional areas collectively assessed through EB37 and EB44; 14 areas in total scored an overall 'moderate or above' rating and were therefore designated as MOL and are included on the Policies Map and Figure 10.3 within the Plan. We are satisfied that the assessment of MOL has been undertaken following a systematic process using available evidence and professional judgements have been made regarding the outcomes. The additional land positively contributes to the network of strategic open land within the urban area and is capable of enduring beyond the plan period.

142. In conclusion on MOL, all existing and potential land for MOL has been reviewed using the criteria set out in the London Plan. The approach is sound and will help ensure effective operation of the MOL in Lewisham. There are exceptional circumstances to justify the changes in respect of two parcels of land and to include additional land as set out above. We note that the GLA has raised no concerns of general conformity on this matter.

### **Biodiversity and access to nature (Policy GR3)**

143. Policy GR3 (Biodiversity and access to nature) includes the need to secure Biodiversity Net Gain (BNG). At the time of submission BNG requirements were still emerging. Legislation and guidance are now established for BNG. Accordingly, **MM124** provides the clarity regarding the source of this requirement for users of the Plan and is therefore consistent with national policy. The policy aims to conserve, enhance and maximise opportunities for biodiversity with a strong emphasis on the role of the Lewisham Biodiversity Action Plan. However, the explanatory text does not give any further guidance or examples of measures to improve biodiversity. As such **MM125** inserts further guidance into the explanatory text to support the implementation of the policy and ensure it will be effective.
144. Policy GR3 is accompanied by two illustrative figures to assist with the implementation of the policy. One of which is Figure 10.7 which illustrates designated nature conservation sites. **MM126** is necessary for effectiveness to ensure an up to date illustration of the designated nature conservation sites. The Hither Green to Grove Park Site of Metropolitan Importance for Nature Conservation shown on Figure 10.7 should also be shown on the Policies Map for consistency and should be rectified by the Council on adoption.

### **Lewisham Links (Policy GR4)**

145. Policy GR4 aims to deliver a network of routes and cycleways which connect green spaces and other visitor destinations within the Borough. These Lewisham Links therefore form a key part of the Plan's approach to delivering healthy, liveable and sustainable neighbourhoods within the spatial strategy Policy OL1. As submitted, Policy GR4, criterion A, is not clear as to whether

these Lewisham Links already exist and where they can be found. As such the policy is ineffective and not consistent with national policy as policies need to be clear and unambiguous. Consequently, **MM127** is necessary to address this matter for effectiveness and consistency with national policy.

### **Urban greening and trees (Policy GR5)**

146. Criterion F does not express a positive approach towards decision making in relation to protected trees. **MM128** reframes the criterion, together with typographical corrections, to ensure that protected trees must be retained, and development schemes avoid causing any detrimental effect to the trees. This modification is necessary to make the policy effective and be positively prepared.

### **Food growing (Policy GR6)**

147. Criterion B, as submitted, requires the retention or re-provision of food growing space where a site is to be redeveloped. Whilst it is reasonable to require the re-provision of food growing space, the absolute requirement for the retention of existing food growing space within a development scheme could be inflexible, onerous and could undermine the design and delivery of an otherwise appropriate scheme. Accordingly, **MM129** amends criterion B and is necessary for effectiveness.

### **Conclusion**

148. Subject to the modifications set out above, we conclude that the Plan is positively prepared, justified, effective, consistent with national policy, and in general conformity with the London Plan in relation to the natural environment and green infrastructure.

## **Issue 6 – Whether the Plan is positively prepared, justified, effective, consistent with national policy, and in general conformity with the London Plan in relation to sustainable design and infrastructure, high quality places and preserving or enhancing the Borough’s heritage?**

### **Responding to the climate emergency (Policy SD1)**

149. Criterion B sets out aspects which are required from all proposals to ensure they deliver environmentally sustainable developments within the Borough. Criterion B and B.f. should be expressed positively about the contributions the developments can deliver. This is addressed by **MM131** and is necessary to ensure that the policy is positively prepared.

### **Sustainable design and retrofitting (Policy SD2)**

150. Criterion G has a negative, rather than positive approach to the retrofitting of sustainability measures to existing buildings where planning consent is required. **MM132** rectifies this approach and is necessary to ensure that the policy is positively prepared.

### **Minimising greenhouse gas emissions (Policy SD3)**

151. Criterion A is ambiguous because it does not give clear guidance to users of the Plan as to what the target is for a proposal to demonstrate that it would meet the minimum on-site reduction of carbon emissions. This ambiguity undermines the effectiveness of the policy.
152. Policy SD3 also addresses the need for proposals to demonstrate that buildings will minimise energy demand by including Table 11.1 which contains specific targets. The nature of the matter being addressed through this policy is likely to experience changes as research and development and other innovations in the sector come forward. As such, including the table within the policy itself could undermine the effectiveness of the policy throughout the lifetime of the Plan. Whilst we accept that the table is necessary, it should be more appropriately placed within the explanatory text. Accordingly, **MM133** and **MM134** are necessary to ensure that the policy is effective.

### **Energy infrastructure (Policy SD4)**

153. Criterion G and H contain some text which is guidance rather than policy. It disrupts the flow and focus of the policy. The text is therefore deleted by **MM135** and relocated into the explanatory text by **MM136** (paragraph 11.19) and **MM137** (paragraph 11.23) respectively. These modifications are necessary to ensure clarity and flow of the policy and thereby ensure that it is effective.

### **Sustainable drainage (Policy SD8)**

154. Criterion D includes reference to the need to consult the Environment Agency. The use of the word consult is inappropriate and therefore ineffective since there are specific legislative arrangements for consultation. The intention in the policy is to ensure that the developers liaise with the Environment Agency in relation to their proposals for sustainable drainage systems. This can be addressed in the modification.
155. The text in criterion C of the policy is guidance. It should be located within the explanatory text to ensure that the policy focuses on requirements which will be used by decision makers in the development management process. The removal of criterion C will affect the sequence of subsequent criterion letters.



156. Finally, given the importance of addressing sewer flooding within Lewisham as raised by Thames Water, it is necessary for the policy to be explicit that new surface water provision should not be allowed to drain to the foul sewer network. This is in accordance with the drainage hierarchy as set out in Policy SI 13 of the London Plan. **MM141** addresses the above issues and are necessary to ensure the policy is effective and in general conformity with the London Plan.

### **Lewisham's waterways (Policy SD9)**

157. Policy SD9 contains no reference to any spatial illustration of the network of waterways or the Lewisham section of the Thames Policy Area. This undermines the clarity and effectiveness of the policy. **MM142** provides the remedy with a reference to a spatial illustration in the London Plan (Figure 9.6) into criterion A and Figure 15.5 in the Plan into criterion D. These modifications are necessary for effectiveness.

### **Water supply and wastewater (Policy SD10)**

158. Policy SD10 sets out the land use planning policy requirements relating to water supply and wastewater. Criterion D requires development proposals to be water efficient. However, there is no further guidance in the explanatory text to indicate what the current standards are which would be applied to new residential developments. This ambiguity undermines the effectiveness of the policy. This is addressed by **MM144** which makes specific reference to the 110 litres per person per day standard drawn from London Plan Policy SI 5 and is necessary for effectiveness.

### **Delivering high quality design in Lewisham (Policy QD1)**

159. Policy QD1 aims to be the overarching general design policy. The Council explained during the hearings their approach to seeking design-led schemes and how they will use the National Design Guide. Specific reference to the National Design Guide in the policy is necessary in the absence of any relevant local guide or code for effectiveness. Additional explanatory text in paragraph 5.5 is also required to set out precisely what design guidance is available and set out the ten characteristics of well-designed places as described in the National Design Guide. Modifications **MM13** and **MM14** are necessary to provide certainty for all users and enable the policy to be effective in this regard.
160. Criterion J.b as submitted is ambiguous and could be misinterpreted as meaning that gaining feedback through the pre-application process was mandatory for all planning applications. National policy is clear that it cannot be a requirement that a developer engages with any pre-application services offered, but there is the need to encourage the take up. Criterion K is similarly ambiguous regarding the expectations for public engagement. These two

matters are also addressed in **MM13** together with some streamlining of policy text to remove duplication with explanatory text; provide a more comprehensive list of aspects that the Council expects applicants to address within the design-led approach; and refer to aspects which are found in other Local Plan policies for internal consistency. **MM13** and **MM14** are necessary to ensure Policy QD1 is effective and consistent with national policy.

### **Inclusive and safe design (Policy QD2)**

161. Criterion A of Policy QD2 requires an Inclusive Design Statement for all development proposals. As a separate information requirement this would be onerous and arguably a duplication of matters which could be reasonably expected to be included within a Design and Access Statement. **MM15** provides clarification to criterion A that an Inclusive Design Statement should be a component of a Design and Access Statement. This is necessary to ensure the policy is effective and positively prepared.

### **Public realm and connecting places (Policy QD3)**

162. Policy QD3 requires appropriate public realm for new developments with a list of suggestions within criterion F. As submitted, it is not clear that requirements should be proportionate to the development proposed. For example a small-scale development scheme could not be reasonably expected to provide public conveniences or space for events. **MM16** rectifies this and is necessary for effectiveness.

### **Building heights (Policy QD4)**

163. Policy QD4 sets the local policy context for tall buildings with a specific cross reference to the London Plan Policy D9 on tall buildings. It defines what a tall building would be within the Lewisham context. This policy is informed by evidence contained within the Lewisham Characterisation Study 2019 (EB07) and consultation responses 2019 (EB08); Tall Buildings Study 2021 (EB05); Tall Buildings Addendum 2022 (EB02) and the Tall Buildings Review 2023 (EB01). There has been a systematic and plan led approach in accordance with the guidance required by the London Plan and therefore we are satisfied that the evidence base is robust. The spatial expression for this policy is found on the Policies Map, with more detail contained on Figures 5.1, 5.3 to 5.10 within the Plan which show the Tall Building Suitability Zones within the Borough.
164. The policy as submitted gives a strong indication that tall buildings proposed outside of the Tall Building Suitability Zones would be resisted and therefore refused. This approach is following the lead of the strategic, parent policy of the London Plan which is clear in that tall buildings should only be developed in locations that are identified as suitable in Development Plans.



165. A proposed change to criterion B to insert the word 'generally' and therefore allow the potential for tall buildings outside of the defined zones was part of the modifications consultation (**MM17**). However, we are not ultimately recommending this modification because, in our view, it would introduce ambiguity and diminish the clarity of Policy QD4 as submitted. Consequently, this would introduce conflict with both national policy, paragraph 16 d) and Policy D9 of the London Plan. It would also introduce internal inconsistency with criterion D.
166. We acknowledge the approach to focussing tall buildings in appropriate and suitable locations as defined by the plan led approach as advocated by London Plan Policy D9 and the submission Plan Policy QD4. The evidence base correctly takes a strategic and Borough-wide approach to underpin the policy, however, it cannot assess every potential site. As such, there may be opportunities for well-designed schemes which could come forward outside of the Tall Buildings Suitability Zones and could be supported by other Plan policies. However, it is the role of the planning application stage to determine an individual proposal in relation to the development plan when taken as a whole and any material considerations to reach a balanced planning judgement on an individual scheme. We are satisfied that the policy approach taken in QD4, without the introduction of the word 'generally' into criterion B, is acceptable in principle. Therefore, we are not recommending that aspect of the original **MM17** as set out in the consultation document.
167. The range of heights within the policy should represent a starting point. The design-led approach should enable higher or lower buildings to be considered on a site-specific basis. Accordingly, additional text for criterion C is necessary to ensure a robust design justification would be submitted at the planning application stage to support the heights proposed, including the potential impact on key views. This is delivered by **MM17** and is necessary for effectiveness.
168. Although the policy recognises that there are sensitivities of context that will exist, the policy as submitted only refers to the Thames Policy Area. As such criterion D fails to fully articulate the types of sensitivities, such as Conservation Areas, which could be within other areas in the Borough. This deficiency undermines the effectiveness. **MM17** rectifies this. Criterion F refers to Policy DM4 which is incorrect and should be Policy DM3. We have therefore amended **MM17** post-consultation to correct this reference which is necessary for effectiveness.
169. Errors and internal inconsistencies have been identified in Figures 5.1 and 5.6, as such, it is necessary to correct these for their effectiveness in supporting Policy QD4. This is done through **MM18** and **MM19** respectively. We have also amended **MM18** post consultation to make it clear that the modification previously published for consultation also referred to the need to include land to the north of Achilles Street as being an appropriate location for tall buildings and is illustrated on Figure 5.7 New Cross and New Cross Gate tall building

suitability zones. This is necessary to be internally consistent with the defined boundary of the Achilles Street site allocation (LNA SA13). Consequential changes to the Policies Map are also required for consistency.

170. Table 21.12 in Schedule 12 in Part Five of the Plan sets out in list form the maximum building heights and storeys for those locations identified in Policy QD4 criterion C and accompanying Figures 5.3 to 5.10 as being appropriate for tall buildings. Schedule 12 contains some inconsistencies with site allocation names and tall building zones identified in Figures 5.3-5.10. **MM334** addresses these matters for consistency, clarity and therefore are necessary for effectiveness.

### **View management (Policy QD5)**

171. Policy QD5 identifies and sets out a local policy context for a range of different types of views which are illustrated on Figure 5.11. As submitted the policy is ambiguous as to what the strategic and local views are, including what protected vistas are, where they can be found and how they will be used in decision making. **MM20** addresses this and is necessary for the policy to be clear and unambiguous thereby consistent with national policy and effective in practice.
172. Figure 5.11 refers to workshop views and locations. No evidence has been submitted to justify these and therefore they should be deleted. The Council also acknowledges that Figure 5.11 contains incorrect labelling of locally designated views. These matters are addressed by **MM21** and are necessary to ensure the policy and supporting illustrations are internally consistent and effective. **MM22** inserts additional explanatory text into paragraph 5.39 to indicate the Council's future intention to reassess the workshop views in the future. This is necessary for positive planning.

### **Optimising site capacity (Policy QD6)**

173. Policy QD6 focuses on optimising site capacity. Criterion C is ambiguous as to what is meant by 'optimal capacity'. **MM23** addresses this and is necessary for effectiveness. Local Plan Part Three contains the site allocations. Whilst the explanatory text in paragraph 5.44 is clear that the optimum capacity is not the maximum capacity or density; the Plan should make clear that the capacities are indicative and a starting point for proposals in the interests of flexibility. **MM24** provides this modification to the explanatory text in paragraph 5.44 and is necessary for the policy to be positively prepared and effective.

### **Amenity and agent of change (Policy QD7)**

174. Criterion C.e seeks to ensure green and open spaces are maintained. However, it is not clear what this means in practice. This is remedied by **MM25** which clarifies that it is to ensure that existing spaces maintain their existing

uses and is necessary for effectiveness. The erroneous subheading is also deleted from this policy.

### **High quality housing design (Policy QD8)**

175. Criterion C, D and G are not positively expressed. Consequently, **MM26** provides the necessary re-phrasing to ensure the policy is positively prepared. The policy does not provide any policy context for small sites which could present practical design constraints and require more detailed guidance. **MM26** inserts a new criterion, H, to cross refer to the existing guidance which is found in the Small Sites SPD. A missing word is also inserted into criterion B which is necessary to ensure effectiveness. **MM27** inserts a cross reference to the need for Policy QD8 to be specifically read in conjunction with QD6 regarding optimising sites in the interests of effectiveness of Policy QD8.

### **Building alterations, extensions and basement developments (Policy QD9)**

176. The principles of the policy are consistent with the NPPF in relation to high quality design. However, some modifications are necessary to ensure the policy is effective, justified and positively prepared. Criterion C is negatively expressed and could stifle innovation and contemporary design, particularly where the design is seeking to positively address climate change. Criterion E seeks the retention of 50% of the garden area. This is not justified by evidence and therefore should be deleted.
177. Criterion F as submitted lacks ambition in only seeking adequate living and amenity space. This is inconsistent with the more ambitious approach sought by Policy QD8 for high quality housing design. Criterion H is not positively drafted and seeks to prevent basement developments rather than embrace their potential within urban areas. Finally, criterion K refers to requirements for managing wastewater in basements. This duplicates the Building Regulations and is unnecessary and should be deleted. The removal of criterion K will therefore mean that criterion L should become the replacement criterion K. **MM28** addresses each of these matters to enable Policy QD9 to be positively prepared, justified and effective.

### **Infill and backland sites, garden land and amenity areas (Policy QD10)**

178. Policy QD10 sets a negative rather than positive approach. Whilst it is important to set out situations where development would not be supported, modifications are necessary to ensure the policy is positively prepared. Criterion A as submitted does not recognise the role such sites can play in delivering new homes, optimising land and seeking well-designed and innovative schemes therefore being internally consistent with requirements of other related policies such as HO2, QD6 and QD1. For infill sites, criterion C, there is a clear position for street frontage and corners, however, it does not

promote the potential to restore local character and repair street frontages and is not, therefore, positively prepared.

179. Criterion D relating to backland sites addresses the common issue of access and security. However, the negative expression could prevent such development coming forward. The criterion is, therefore, rephrased to ensure that the policy is positively prepared. Criterion F is ambiguous as drafted in relation to the loss of garden land and requires modification to make clear that the presumption against the loss of garden land is that which is within enclosed perimeter blocks. **MM29** provides for the modifications to Policy QD10 to ensure the policy is positively prepared and effective.

### **Shopfronts (Policy QD11)**

180. Policy QD11 refers to Conservation Areas and particular forms of advertisements on a shopfront, however, the policy fails to take the opportunity to establish the need to retain or restore shopfronts in relation to heritage assets. This policy needs to be sufficiently flexible to give guidance on modern and traditional shopfronts. Accordingly, **MM30** sets out a new criterion for the policy with **MM31** amending the explanatory text in paragraph 5.89. These modifications are necessary for effectiveness and consistency with national policy in relation to setting design expectations.

### **Outdoor advertisements, digital displays and hoardings (Policy QD12)**

181. **MM32** addresses typographical errors within Policy QD12 for completeness and effectiveness.

### **Lewisham's historic environment (Policy HE1)**

182. Policy HE1 aims to be the overarching general policy for all historic environment matters and sets out some of the matters that will be covered in two further heritage policies. Policy HE1 uses the general term of heritage assets without any further guidance as to what they may be. This is unhelpful since in planning terms there is an important distinction between a designated and non-designated heritage asset. Criterion B as submitted sought to apply the public benefit test to all heritage assets. This is inconsistent with paragraphs 201 and 202 of the NPPF which is clear that the public benefit test is only applied to designated heritage assets. **MM33** rectifies the inconsistency and incorporates some examples of designated and non-designated heritage assets and is necessary to ensure consistency with national policy and for effectiveness. However, the reference to Scheduled Ancient Monument should remove the word 'ancient' as not all Scheduled Monuments are ancient, and this is necessary to be internally consistent with the modification to Policy HE2 which correctly references Scheduled Monuments.

183. Policy HE1 as modified aims to cover all types of heritage asset including a reference to archaeology. **MM34** and **MM35** ensure the explanatory text in paragraphs 6.8 and 6.10 respectively also include reference to archaeology and is necessary for effectiveness.

### **Designated heritage assets (Policy HE2)**

184. Policy HE2 as submitted has a number of inconsistencies with national policy, specifically in relation to the consideration of heritage significance, the public benefits test, the Planning (Listed Buildings and Conservation Areas) Act 1990 and also the Ancient Monuments and Archaeological Areas Act 1979, in relation to the terms in which the policy is expressed. **MM36** deals with these points and is necessary for effectiveness and consistency with national policy and legislation. Additional explanatory text in a new paragraph (**MM38**) is necessary to articulate how buildings in Conservation Areas will be assessed and therefore ensures the policy is effective and justified.
185. Figure 6.1 is a spatial illustration of the area based designated heritage assets within the Plan area which are identified in Policy HE2. However, it does not contain all of the designated heritage assets. During the examination hearing the Council confirmed that the Registered Parks and Gardens had been omitted from Figure 6.1 and were erroneously shown on Figure 6.2 (non-designated heritage assets). **MM37** makes the correction and also amends the title of Figure 6.1 for clarity. This modification is necessary to enable Figure 6.1 to be justified and effective.
186. The submitted Plan omitted two London Squares (Lewisham High Street (East) and Somerset Gardens). This factual omission is rectified by **MM39** which inserts additional explanatory text in paragraph 6.31 and is necessary for effectiveness. A corresponding change to the Policies Map will also be required for consistency. The Plan will require a further modification to be made by the Council to include these two London Squares within Table 21.1, Schedule 2 which is necessary for internal consistency and effectiveness.

### **Non-designated heritage assets (Policy HE3)**

187. Criterion B seeks to refuse proposals that would harm the significance of a non-designated heritage asset. This approach is inconsistent with the NPPF in paragraph 203 which requires a balanced judgement having regard to the scale of any harm or loss and the significance of the non-designated heritage asset.
188. Criterion C allows non-designated heritage assets to be identified during the development management process. Whilst this is one of several processes for their identification, what is important is that such decisions are based on sound evidence, and this is not recognised within the submitted policy criterion.

189. **MM40** addresses both of these matters and is necessary to ensure consistency with national policy and being positively prepared.
190. Policy HE3 as drafted does not recognise that archaeology can also be treated as a designated heritage asset if it is demonstrated that it is of equivalent significance to Scheduled Monuments. Accordingly, this is addressed by additional explanatory text in **MM42, MM43 and MM44** which are necessary for effectiveness and to ensure consistency with the NPPF in paragraph 200 and specifically footnote 68.
191. Figure 6.2 provides a spatial illustration to the categories of non-designated heritage assets contained within Policy HE3. The Council confirmed during the examination hearing that locally listed buildings had been omitted, and that Registered Parks and Gardens (as a designated heritage asset) had been included in error. As such inaccuracies and omissions undermine the effectiveness of the policy, **MM41** provides the rectification. As the MM consultation document did not include the revised Figure 6.2, we have included it within the appendix to this Report for completeness.

## Conclusion

192. Subject to the modifications set out above, we conclude that the Plan has been positively prepared, justified, effective and consistent with national policy, and in general conformity with the London Plan in relation to seeking sustainable design and infrastructure, creating high quality places and preserving or enhancing the Borough's heritage.

## Issue 7 – Whether the Plan has been positively prepared and whether it is justified, effective and consistent with national policy and in general conformity with the London Plan in relation to transport, connectivity and community infrastructure?

### Sustainable Transport and Movement (Policy TR1)

193. Policy TR1 seeks to secure sustainable transport and movement in the Borough. Criterion C seeks to safeguard the land, buildings, space and supporting infrastructure for planned strategic and other transport infrastructure. However, as drafted it does not distinguish between schemes which are formally safeguarded by the Secretary of State under the Town and Country Planning (Development Management Procedure) (England) 2015 and those which are safeguarded through the Plan. The policy is, therefore, ineffective. **MM148** remedies this matter by including additional text in criterion C which clearly differentiates between the two types of safeguarding for effectiveness. **MM148** is amended post-consultation to clarify that the safeguarded area relates to the BLE for effectiveness.



194. Policy TR1 includes Table 12.1 which sets out an indicative list of strategic transport schemes. There is inconsistency in terms of the approach to these schemes as some are included within the IDP whereas others are not. In addition, it is not clear which schemes are planned, and which are only potential projects. Furthermore, the table could become out of date quickly as schemes progress or timescales change. For these reasons Table 12.1 within the policy is ineffective. Consequently, **MM148** and **MM149** relocate Table 12.1 from the policy to the supporting text at paragraph 12.3. Also, **MM149** amends the relocated table to separate the planned schemes and the potential schemes. Both **MM148** and **MM149** are required for effectiveness.

### **Bakerloo Line extension (BLE) (Policy TR2)**

195. The London Plan commits to the extension of the Bakerloo Line (BLE) from Elephant and Castle to Lewisham and beyond. The BLE would significantly improve connectivity of the Borough, connecting Lewisham to the underground network for the first time. Phase 1 of the project would see the extension to Lewisham and subsequently Phase 2 would extend the line to Hayes including Catford Bridge, Lower Sydenham, and New Beckenham and Beckenham Junction. The most recent timetable for the BLE is set out at EXAM 6.
196. The BLE would be a catalyst for change, unlocking opportunities for economic growth and new homes. It would enable a higher number of homes within the existing New Cross, Lewisham and Catford Opportunity Area and on the sites proposed at Bell Green and Lower Sydenham.
197. Given the uncertainty in terms of the timescales for the project, the Plan takes a flexible approach which ensures that new development helps to facilitate rather than preclude its delivery whilst also maximising opportunities arising from increased transport links. Criterion B of the policy presents an unduly onerous role for development proposals in bringing forward the scheme when TfL and partners are in fact the main facilitators of the scheme. **MM150**, therefore, amends the wording to reflect that development proposals would be expected to demonstrate that they would only help to facilitate the delivery of the BLE for the policy to be justified and effective.
198. The Plan seeks to ensure that the safeguarded land is protected with the safeguarding direction area shown on the Policies Map. Under the directions made by the Secretary of State the proposed route to Lewisham (Phase 1) is formally safeguarded. Whilst recognised in the Plan, Phase 2 of the BLE is not formally safeguarded. As with Policy TR1 above, there needs to be a clearer distinction in the Policy between land which is formally safeguarded and that which is not. **MM150** addresses this matter for the policy to be justified and effective.



199. Criterion C of the policy requires development proposals on sites located within 400m of a proposed Bakerloo line station or safeguarded area to demonstrate that the proposed development would not preclude or delay the delivery of the BLE. However, post-consultation on the MMs, it is necessary to amend criterion C to reflect that the 400m threshold has been included erroneously as 400m may include land which is not subject to BLE safeguarding directions. It is also necessary to clarify that the criterion relates to development proposals within BLE safeguarded sites. Furthermore, the policy does not sufficiently emphasise that development proposals should be designed in order to optimise the accessibility provided by BLE. Consequently, additional text is added to criterion C which requires major development sites within 960m of a proposed BLE station to submit an assessment on accessibility, public realm and enhancements to public transport. **MM150** addresses the above matters for the policy to be justified and effective.

### **Parking (Policy TR4)**

200. Policy TR4 provides guidance in terms of parking provision in new developments. Criterion B of the policy relating to car-free development implies that all sub-criteria a-d should be met; however, car-free development would be supported in each of the circumstances set out in those criteria. The policy is, therefore, ineffective. **MM152** remedies this matter by the inclusion of the word 'or' between the criteria for effectiveness.
201. Criterion I of the policy requires the provision of charging points for electric or Ultra Low Emission vehicles. However, this matter is now addressed through Part S of the Building Regulations and so it is not necessary to repeat it here. **MM152**, therefore, deletes criterion I for the policy to be effective and consistent with national policy.
202. The Plan as drafted does not recognise the role that car clubs can play in helping to support car-free development, when implemented together with other measures. The approach is not, therefore, fully justified or effective. **MM153** remedies this matter by the inclusion of a new paragraph which reflects the supportive role that car clubs can make to managing car use more effectively. **MM153** is amended post-consultation to state that car clubs can be useful as opposed to absolutely necessary in supporting car-free development for effectiveness.

### **Taxis and private hire vehicles (Policy TR6)**

203. Policy TR6 seeks to manage development proposals for taxis and associated development. Criterion A.c of the Policy as drafted implies that any loss of general on-street parking for use by taxis or private hire vehicles would be unacceptable. However, the use of on-street space for these purposes may result in fewer car trips and could provide additional flexibility. This approach

would not, therefore, accord with the London Plan which seeks to make good use of land. **MM155** remedies this matter by deleting the reference to on-street parking provision in order for the Plan to be effective, justified and in general conformity with the London Plan.

### **Safeguarding and securing community infrastructure (Policy CI1)**

204. Policy CI1 provides the strategic overview for the safeguarding and securing of community infrastructure in the Borough. As drafted criterion A of the policy is not clear as to how meanwhile and temporary uses should be considered so it is ineffective in this regard. **MM104** includes additional wording to criterion A to clarify that meanwhile and temporary uses should not be assessed under this policy, but under Policy DM5.
205. Criterion B of the Policy seeks to ensure that major development proposals plan positively to meet local needs for community infrastructure. However, it is not sufficiently clear as to how and when off-site financial contributions would be sought. Nor does the policy provide sufficient flexibility to take account of potential viability issues. The approach is, therefore, neither justified nor effective. **MM104** remedies this matter through the inclusion of additional text.
206. Criterion C of Policy CI1 addresses the situation where there is a development proposal on sites which have existing community facilities. As drafted, the circumstances in which replacement provision would be supported are not clear. In addition, the policy does not reference the Infrastructure Delivery Plan which includes proposals for new and improved community infrastructure. The policy is ineffective in this regard. **MM104** addresses these matters by clarifying that replacement provision of a community facility should be on a like for like basis and by reference to the IDP.
207. It is not clear in criterion C.a how proposals which result in a loss of community facilities would be considered, including the approach to financial contributions. Nor is it clear in criterion C.b how the loss of a facility would be considered which forms part of a public service transformation programme. **MM104** remedies these matters through the inclusion of additional text in criterion C.a and b. for effectiveness.
208. Finally, criterion D of the Policy sets out the exceptional circumstances in which consideration would be given to the use of payment-in-lieu contributions; however, it is not clear how these would be secured and what the contributions would be used for. **MM104** addresses this matter by reference to Section 106 Planning Obligations and that contributions would be used to enhance provision at an alternative community facility for effectiveness. Consequential amendments (**MM105**; **MM106**) are made to the explanatory text at paragraphs 9.4 and 9.6 to reflect the above MMs for effectiveness.

209. Where times, dates and years are referred to within the Plan, such as Policy CI1 criterion Ca and explanatory text in paragraph 9.4; and Policy EC8, they should be expressed in a consistent format for effectiveness. This is addressed within **MM104**; **MM105** and **MM84**.

### **High quality community infrastructure (Policy CI2)**

210. Policy CI2 provides the framework for the consideration of proposals for new community infrastructure and the improvement to existing infrastructure. As drafted the policy is not clear as to how proposals for the improvement of existing community facilities would be considered. **MM107** remedies this matter through the inclusion of an additional criterion together with consequential amendments to the explanatory text at paragraph 9.8 (**MM108**). These modifications are necessary for the policy to be effective.
211. Furthermore, it is not clear as to when Health Impact Assessments may be required for such proposals. Consequently, **MM109** adds additional text to paragraph 9.9 to clarify that proposals for education, health and social care facilities, community facilities and leisure facilities should submit a desktop Health Impact Assessment in line with Policy DM6 for effectiveness.
212. As community infrastructure is important for the health and well being of residents the introductory section of the Plan should make this clear. **MM2** provides a new section with explanatory text to address this. This modification is necessary to set the context for the Plan and its strategy and therefore be effective and consistent with national policy.

### **Sports, recreation and play (Policy CI3)**

213. Policy CI3 provides the framework for the consideration of sports and recreational facilities. However, the Policy does not set out how proposals which increase the demand for sports, recreational and play facilities would be considered. In addition, insufficient emphasis is placed on the potential opportunity to increase or enhance the capacity of existing facilities to meet future needs arising from growth. Furthermore, it is not sufficiently clear that proposals for new provision and enhancements to existing facilities should be publicly accessible and inclusive. **MM110** remedies these matters for the policy to be justified and effective.
214. Criterion C of the policy relates to the provision of play and informal recreation for use by children and young people. As drafted, the policy does not refer to the provision of new informal recreation spaces which also play a role in meeting the needs of children and young people. **MM110** address this matter for effectiveness.

215. The approach to off-site provision for formal play in new development in criterion D of the Policy lacks clarity and is, therefore, ineffective. **MM110** addresses this through the inclusion of additional wording to clarify that proposals for off-site provision must demonstrate that it will meet the needs of the development whilst continuing to meet the needs of existing residents.
216. Criterion E.g of the Policy sets out the preference for play spaces to be provided at street level. However, the provision of play space at ground floor level could significantly reduce the footprint of higher density schemes or the ability to optimise the capacity of a site. The policy is, therefore, neither justified nor effective. **MM110** amends the wording of criterion E.g to provide more flexibility for circumstances where provision of play space at ground floor level may not be appropriate. Consequential amendments (**MM111** and **MM112**) are made to the explanatory text. These MMs are necessary to address the above matters for the policy to be justified and effective.

#### **Nurseries and childcare facilities (Policy CI4)**

217. Policy CI4 provides the framework for the consideration of nursery and childcare facilities. Criterion B of the policy relates to the use of residential floorspace for such uses. As drafted the criterion implies that proposals would only be supported where they meet certain criteria and so it is not positively prepared. **MM113**, therefore, amends the wording of the policy to provide a more positive emphasis.

#### **Burial Space (Policy CI5)**

218. Policy CI5 provides the framework for the consideration of proposals involving the provision of new burial facilities. As submitted the policy does not recognise that there may be a potential for such developments to impact on water quality in addition to potential flood risk issues; archaeology; or open space and biodiversity. The policy is neither effective nor justified in this regard. **MM114** amends the policy to amend criterion B c and to include additional criteria to remedy these matters for the policy to be justified and effective. In addition, a new paragraph is added (**MM115**) to clarify the archaeological status of the Borough's burial grounds for effectiveness.

#### **Conclusion**

219. With the above MMs, the Plan is positively prepared, justified, effective and consistent with national policy and in general conformity with the London Plan in relation to transport, connectivity and community infrastructure.

## **Issue 8 – Whether the proposed allocations, are justified, effective, consistent with national policy and in general conformity with the London Plan?**

### **Site selection process**

220. The London Strategic Housing Land Availability Assessment (SHLAA) 2017 (EB21) identified potential development sites across London including within the Borough of Lewisham. This provided the basis for subsequent housing capacity work by the Council. The Council undertook three ‘call for sites’ consultations (2015; 2018; 2021) inviting landowners/developers to submit sites for consideration in the Plan. In addition, site allocations not fully delivered have been brought forward into the Plan. Consented schemes and sites at pre-application stage were also included. Furthermore, the Council undertook a site survey in 2019 to determine the suitability and deliverability of sites.
221. The consideration of site allocations formed an intrinsic part of the process of arriving at the reasonable growth scenarios within the IIA (PD04). Sections 5.3 and 5.4 of the IIA considered the broader pool of sites and as part of the site selection process, subjected them to a sifting process. The IIA considered the potential to uplift growth over and above the baseline scenario which gave rise to six growth scenarios. These were assessed in Section 6 of the IIA.
222. The Site Allocations Background Paper (EB15) sets out the screening criteria which were used to filter the initial long list of 394 potential development sites to 75 sites which were included in the Plan. The criteria generally excluded those sites which would be fully delivered before the start of the Plan period; sites smaller than 0.25ha; sites which have a significant constraint to redevelopment; sites which would not support the spatial strategy of the Plan; and sites which are not considered deliverable or developable in the context of the NPPF definitions. The results of this screening exercise are set out in Appendix A of EB15, including clear reasons for the exclusion of sites.
223. The methodology to determine indicative densities and capacities of sites is set out at Section 7, Table 2, Chart 1 and Appendix B.1 (EB15). For sites with planning permission, at pre-application stage or covered by a masterplan, the density is based on the design led approach. For all other sites, a standard theoretical methodology has been used, based on the London SHLAA. These standard densities were then reviewed to take account of the site context and revised up or down accordingly. These densities and capacities were subsequently reviewed as part of the Additional Supply Topic Paper (LC10) to determine whether there could be an uplift to increase overall capacity to provide a 20% buffer to the first five-years of the housing requirement.

224. EB15 also sets out the methodology to determine the mix of land uses for site allocations. Where available the mix of uses has been derived from an existing planning consent or pre-application discussions. For other sites, the total floorspace of a site was divided into different proportions for main town centre uses, employment, residential and/or other uses depending on the type of site it is. Table 3 of the Site Allocations Background Paper (EB15) explains the assumptions used. The Plan is keen to emphasise that these are indicative capacities and that the final mix and density would be determined through a detailed planning application thus providing flexibility.
225. Overall, we consider that the Council has undertaken a systematic and robust approach to site selection.
226. Policy DM3 requires development proposals to be accompanied by a site masterplan where they form all or part of a site allocation, a requirement replicated in many of the site allocation policies. As written, it is not clear that the requirement for a masterplan relates to the site allocation in its entirety and not just component parts of the allocation. It is also not clear how developers would engage with other land interests in the site. Additional text is, therefore, necessary to clarify that it is the lead landowner who is responsible for preparing the site-wide master plan and that they must take all reasonable steps to engage with other land interests. MMs are proposed to address these issues in relation to Policy DM3 which are discussed at section 10. However, a number of amendments are also proposed in the site allocations to address these matters for effectiveness and are included within the following MMs: **MM169; MM178; MM213; MM216; MM223; MM236; MM239; MM242; MM267; MM270; MM273; MM276; MM299, MM304, MM306, MM308, MM310, MM314; MM318.**
227. Part three of the Plan sets out 75 site allocations which are distributed across the 5 character sub-areas of Central, North, East, West, and South. Each site allocation has a profile which presents a series of facts to provide an overview of background to the site, including planning history, indicative development capacity and timeframe for delivery. As part of the examination process, some of the facts for each site required modification to take account of new information and therefore ensure sites were robust and realistic, including for those with housing, are also deliverable and/or developable. The site allocations are also accompanied by sets of specific development requirements and guidelines, some of which require modifications.
228. This Report does not consider those allocations where there is no MM or where the MM has been considered elsewhere. However, having seen the written submissions and considered the sites at the respective Examination sessions we are satisfied that these site allocations are justified, developable or deliverable and viable (LCA SA14; LNA SA10; LNA SA12; LNA SA14; LNA SA16; LEA SA2; LSA SA7; LSA SA14; LWA SA4; LWA SA5; LWA SA6).



## Central Area

229. Lewisham's Central Area contains the neighbourhoods of Lewisham, Hither Green and Catford. Lewisham and Catford are designated as Major Centres in accordance with Figure A1.1, Annex 1 of the London Plan. Continued investment, new development and regeneration is planned in Lewisham to enable it to become a future Metropolitan Centre, in accordance with the aspiration of the London Plan. Lewisham and Catford together with the A21 Corridor broadly cover the extent of the London Plan Opportunity Area (identified under London Plan Figure 2.1 as New Cross/Lewisham/Catford) which will be the focus for growth. Comprehensive regeneration of Lewisham and Catford town centres is critical to this strategy. Furthermore, the BLE will help to further unlock the development potential of the Opportunity Area. Overall, we consider that spatial strategy for the Central Area is an appropriate one which is in general conformity with the London Plan.
230. The strategy for the Central Area is encompassed within the vision, objectives and Policies LCA1-LCA4. The objectives as submitted do not include reference to heritage or health matters which render them inconsistent with the NPPF and the London Plan. **MM159** remedies this matter by amending objective 6 to include reference to heritage assets and the inclusion of an additional health objective for consistency with the NPPF and the London Plan. Furthermore, Figure 14.2, the Central Area Key Diagram is amended (**MM160**) to include the location of the University Hospital Lewisham for effectiveness. As the MM consultation document did not include the revised Figure 14.2, we have therefore added it into **MM160** in the appendix to this report. A drafting error relating to the boundary of the Bromley Road Strategic Industrial Location shown Figure 14.2 on the Policies Map should be corrected by the Council on adoption of the Plan, but we note it is not discernible at the scale of Figure 14.2.
231. Policy LCA3 relating to Catford Major Centre and surrounds has some typographic errors which renders the policy unclear and, therefore, ineffective. **MM163** remedies this matter. Policy LCA4 relating to the A21 Corridor does not, as submitted, reflect the need to protect the historic fabric of the local area in new development proposals. An additional criterion is, therefore, added (**MM164**) to remedy this matter for effectiveness.

## Lewisham Shopping Centre (Policy LCA SA2)

232. Development would involve the redevelopment of existing buildings and reconfiguration of spaces to facilitate a street-based layout with new and improved routes along with public realm and environmental enhancements. There would be an increase of around 20,000m<sup>2</sup> of town centre uses, totalling 60,291m<sup>2</sup>, which would support Lewisham in achieving the status of 'Metropolitan Centre together with 1,579 dwellings.

233. Advanced pre-application discussions with the lead developer indicate that delivery of the site allocation will secure around 2,145 dwellings, 70,000m<sup>2</sup> of main town centre floorspace uses. These discussions have resulted in the submission of a hybrid planning application together with a masterplan and a detailed application for two plots to the north of the site which are independent of the main shopping centre and could, therefore, come forward sooner. Discussions surrounding phasing indicate that the site is now likely to yield completions 2028/29, a year later than originally envisaged. **MM167** and **MM333** amend the site capacity and phasing to reflect these discussions for effectiveness.
234. Lewisham House comprises part of the site allocation and is in separate control to the Shopping Centre by virtue of a 999-year lease. The site has an unimplemented prior approval for the change of use of the building from office use (Use Class B1a) to residential (Use Class C3) to create 237 units. The leaseholder wishes to deliver a co-living proposal for 200 units which would require a separate application. There is potential for the Lewisham House scheme to come forward independently of the overall town centre masterplan subject to the resolution of legal issues. Were this to be the case, the leaseholder considered that it could commence within the first five-years; however, the 5-year supply does not rely upon it.
235. Some uncertainty exists as to whether the overall masterplan could come forward without the agreement of the leaseholders of Lewisham House; however, these are legal matters for the landowners to resolve. In any event, the two plots to the north are independent of the main part of the site and so we are satisfied that the contribution to the 5-year supply is deliverable. Were Lewisham House to come forward independently of the wider scheme, it may result in fewer dwellings on that part of the site than envisaged in the wider masterplan. However, this could be mitigated by another portion of the site being brought forward for residential development earlier than planned, thereby keeping the trajectory on track.
236. It is ambiguous as to whether the Policy relates to the site allocation as a whole or just the shopping centre itself. The text at paragraph 14.28 is, therefore, amended to provide clarification for effectiveness. Reference to the Levelling Up Fund which the Council will use to enhance the market is necessary together with additional text to ensure that any development proposals should complement any schemes for the market. **MM168** remedies these matters for effectiveness.
237. Development guideline 12 as drafted does not reflect that it may be more appropriate to refurbish some units/plots of land which lie outside the main shopping centre as opposed to being entirely redeveloped or that any such scheme should be fully co-ordinated as part of a comprehensive approach to the wider site. **MM170** remedies this matter for effectiveness. With these MMs

the site is deliverable and developable in the Plan period and the allocation is justified.

### **Land at Conington Road and Lewisham Road (Tesco) (Policy LCA SA5)**

238. The policy does not reflect the site's designation as an Opportunity Area which is referenced accordingly in the Planning Designations and Site Considerations section for effectiveness (**MM173**). The site is identified for comprehensive redevelopment to provide around 407 dwellings together with 1,901m<sup>2</sup> of employment and 7,604m<sup>2</sup> of main town centre floorspace. There would also be public realm, access and environmental enhancement including new public open space and improved walking and cycle routes along the river.
239. The site capacities have been arrived at using standard density assumptions reflecting the edge of centre and accessible location of the site whilst taking into account the nature of the surrounding area. Consideration has been given to the potential uplift of residential capacity taking into account the need to find a 20% buffer which has resulted in a modest increase to 451 dwellings.
240. Policy QD4 identifies the site as being in an Appropriate Location for Tall Buildings with a maximum height of 16 dwellings. Whilst the site is in an accessible location, due to the separation from the town centre by the railway and the river, it is effectively edge of centre. The 34 storey Conington Tower situated on the Island site marks the northern entrance of Lewisham station. However, the area to the south-east of the site is mainly 2-3 storeys; the area to the north is comprised of 2-4 storey development; and Conington Road is an emerging mid-rise character comprising 6-7 storey with one 15 storey building. Consequently, this site forms a transition between higher density town centre development and lower density residential development. The predominant character of the surrounding area is low to mid rise. Furthermore, there is a locally listed building within the site (Eagle House) and the Area of Special Local Character to the south-east of the site which contributes positively to existing townscape character. Overall, we consider that the proposed density of the site reflects the character of the surrounding area. **MM173** and **MM333** amends the trajectory to reflect the modest increase in capacity for effectiveness. Furthermore, paragraph 13.8 of the Plan states that site capacities are indicative only and should not be read prescriptively for the purpose of planning applications, where the optimal capacity of a site must be established on a case-by-case basis using the design-led approach.
241. The third development requirement requests the provision of a new public square linked to Silk Mills Path; however, this is overly restrictive as the public realm could be provided in any form, not necessarily a square. This requirement is not, therefore, justified. **MM174** amends this for the policy to be justified.

242. Commencement on the site was originally envisaged 2026/27; however, given that an application has not yet been submitted, we consider that this is unrealistic. Development is more likely to commence 2029/30 with 226 dwellings followed by 225 dwellings the year after. **MM173** and **MM333** amend the policy and the trajectory to reflect this for effectiveness. The LPVA assessed the Benchmark Land Value of the site on the basis of the incorrect site size. Nevertheless, the corrected version shows that the site would be comfortably above the Benchmark Land Value and would, therefore, be viable.
243. With the MMs, the allocation is deliverable and developable, and the allocation is justified.

**Laurence House and Civic Centre (Policy LCA SA19)/South Circular (Policy LCA SA20)**

244. LCA SA19 is situated within Catford Town Centre and comprises of mainly civic buildings in Council ownership. A design-led approach was used to inform site capacity reflecting the Catford Town Centre Framework. The indicative capacity of the site is around 262 net dwellings, 12,935m<sup>2</sup> gross employment floorspace and 6,017m<sup>2</sup> gross main town centre floorspace alongside the creation of a civic hub, public realm and access improvements.
245. The redevelopment of the site would be dependent on the realignment of the A205 (South Circular) (LCA SA20) which would act as a key catalyst for regenerating Catford. A planning application has been submitted for the realignment and the TfL has confirmed that it will be delivered by 2028. LCA SA19 will follow behind this with delivery anticipated in years 6-10 of the trajectory. As the site is in public ownership, we agree that this timeframe is realistic.
246. The realignment of the South Circular would involve the loss of a small part of the MOL which is comprised of St Dunstan's Playing Field in this location. The playing field contributes to the sense of openness and provides an important view in the town centre. Nevertheless, the realignment would result in the loss of the access to the playing fields and only a very small part of the playing fields. Indeed, the boundary of the site has been refined through design work by TfL which would result in an even smaller loss of MOL land. Hence the sense of openness and view which the fields provide would be retained. Consequently, the proposal would not affect the integrity of the MOL. Furthermore, the benefits of facilitating the comprehensive regeneration of Catford Town Centre would justify any loss of this land. Consequently, the exceptional circumstances required to justify the loss of MOL exist.
247. As a consequence of the revised boundary the site allocation and MOL boundaries shown on the map within the Policy and on the Policies Map are out of date and, therefore, ineffective. **MM195** remedies this matter for LCA SA20

to be justified and effective. The Policies Map should also be amended accordingly by the Council on adoption. Furthermore, the realignment would facilitate LCA SA19 to bring forward significant improvements to the town centre. LCA19 is, therefore developable in the Plan period and the allocation is justified.

### **Ravensbourne Retail Park (Policy LCA SA22)**

248. The site allocation is an existing retail park situated off the A21 Bromley Road which is currently occupied. The submission Plan identifies the comprehensive redevelopment of the site to provide for 367 dwellings; 7,749m<sup>2</sup> of employment floorspace and 1,937m<sup>2</sup> of main town centre uses. The Council has reviewed the residential capacity of the site to meet the additional 20% buffer and considers that around 461 units could be accommodated through uplifting density in the centre of the site.

249. The site is adjacent to Culverley Green Conservation Area. The increase in density could be achieved by uplifting density in the centre of the site whilst retaining lower density on the edges of the site to reflect the character of the surrounding area. However, the policy does not provide sufficient safeguards to ensure that the character of the adjacent Conservation Area is considered in any development proposals. The policy is not therefore, justified or effective. Development guideline 5 is amended accordingly to state that the frontage of the site should not exceed 6 storeys in height; that the vertical intensity of proposals should be focussed in the centre of the site; and that the setting of the Conservation Area should not be harmed. **MM199** address these matters to ensure that the policy is justified and effective.

250. The site is indicated as coming forward in the first five years; however, given the time it would take to relocate existing occupiers and as there is no planning application the site is more likely to come forward in years 6-10 of the Plan. **MM198** and **MM333** amend the site capacity and housing trajectory to reflect this for effectiveness. We consider that the site is developable within the Plan period and that with these MMs the allocation is justified.

### **Catford Island (Policy LCA SA18)**

251. The Plan indicates the potential for around 602 dwellings; 6,206m<sup>2</sup> of employment space and 6,206m<sup>2</sup> of main town centre uses on the site allocation derived from master planning work.

252. **MM192** is, necessary to include number 12 Brownhill Road within the site allocation map boundary to correct an error for effectiveness. A consequential change to the Policies Map is also necessary. There could be the opportunity to improve the road frontages onto Rushey Green, Brownhill Road, Plassy Road and Sangley Road; however, this is not reflected in the policy.

Consequently, **MM193** addresses this matter by extending development requirement 2 to include reference to working with TfL to deliver improvements along the site's frontages for effectiveness.

253. There have been full planning applications for part of the site (2019 and 2021) and pre-application discussions are taking place for the remainder. Progress is also being made towards a planning application for conventional and student housing. With these MMs we consider that the site allocation is justified, deliverable and developable in the Plan period.

#### **Thurston Road Bus Station (Policy LCA SA6)**

254. Although the site is currently in use as a bus station it is identified as a safeguarded site for temporary works in order to deliver strategic transport infrastructure including the BLE station box and improvements to Lewisham Railway Station. The site is solely required for transport infrastructure. The timescale is dependent on the BLE and on the basis of most recent estimates the site is likely to be delivered by 2038. As submitted it is not clear what will happen to the existing bus station whilst the site is used for infrastructure works. An additional development requirement has, therefore, been added to clarify that Molesworth Street Car Park could be used as a temporary bus facility whilst infrastructure works take place for the BLE Line upgrade and extension (**MM176**) for effectiveness. We have updated **MM175** post-consultation on the MMs to include reference to the Groundwater Source Protection Zone 1 and adjacent to Strategic Open Space within the Planning Designations and Site Considerations for effectiveness.

#### **Catford Shopping Centre and Milford Towers (Policy LCA SA17)**

255. The site is in use as an existing shopping centre and has been identified in the Catford Town Centre Framework for mixed use redevelopment comprising of around 1,084 dwellings; 5,387m<sup>2</sup> of employment and 21,546m<sup>2</sup> of main town centre uses. The trajectory has been amended (**MM333**) to reflect that the development would be likely to start a year later than originally envisaged given that there is no planning application yet. There have been pre-application discussions regarding the Thomas Lane Yard part of the site and also funding is available. This element is, therefore, likely to come forward sooner in 2028/29 and this is reflected in the 5-year supply. The remainder of the site is likely to come forward during years 7-12 reflecting the complexity of the site. **MM333** amends the trajectory for effectiveness. With the MM we consider that the site is deliverable and developable in the Plan period and that the allocation is justified.



### **Land at Engate Street (Policy LCA SA3)**

256. The site is situated in a central position within Lewisham Town Centre and within the Lewisham, Catford and New Cross Opportunity Area. It is within a good position for mixed use redevelopment comprising around 112 dwellings, 6,642m<sup>2</sup> of employment space and 2,013m<sup>2</sup> of main town centre uses. The policy erroneously identifies that the site is within the Bakerloo Safeguarding Direction area and so **MM171** remedies this matter for effectiveness. The site was originally identified to come forward beyond 15 years; however, new evidence suggests that the site may come forward earlier in during years 11-15. The policy (**MM171**) and trajectory (**MM333**) are, therefore, amended accordingly for effectiveness. With these MMs the allocation is justified, and the site is developable within the Plan period.

### **100-114 Loampit Vale (Policy LCA SA8)**

257. 100-114 Loampit Vale is identified for mixed use redevelopment comprising around 30 dwellings, 298m<sup>2</sup> of employment and 596m<sup>2</sup> of main town centre uses. It lies within the Lewisham, Catford and New Cross Opportunity Area, and it will make a positive contribution to a strategic location, at an important entry point into Lewisham town centre. The site previously had planning permission but has now lapsed and so the policy is incorrect in this regard. Whilst the site doesn't currently have planning permission, the landowner has expressed an interest in developing the site. It is, therefore, considered that the site would come forward years 6-10 as opposed to years 11-15. **MM179** and **MM333** remedies these matters for effectiveness. With these MMs we consider that the allocation is justified and that the site is developable within the Plan period.

### **House on the Hill at Slaithwaite Road (Policy LCA SA10)**

258. The site is a former residential institution, which is no longer in use. It has been identified for around 52 dwellings. The A21 Development Framework informed the density and capacity of the site which reflect the highly accessible location near Lewisham Station and Lewisham Town Centre. Redevelopment would bring a vacant site back into use. There are a number of mature trees on the boundary of the site which development requirement 3 seeks to retain. Whilst there is not a current planning application, the site is in public ownership, and it is intended to develop the site towards the end of the first 5 years. We consider that the site is deliverable, and that the allocation is justified.

### **Land at Rushey Green and Bradgate Road (Aldi) (Policy LCA SA16)**

259. The site is situated in a central setting within Catford Town Centre and is identified for comprehensive mixed-use redevelopment comprising around 88 dwellings and 4,100m<sup>2</sup> of main town centre uses. The site was originally identified to come forward post 15 years; however, there is potential to bring the

site forward sooner within years 11-15. **MM190** and **MM333** amend the policy and the housing trajectory to reflect this for effectiveness. With these MMs we consider that the site is developable and that the allocation is justified.

### **Wickes and Halfords, Catford Road (Policy LCA SA21)**

260. The site is currently in use as a small retail park in a central location within the Lewisham, Catford and New Cross Opportunity Area. The site capacity has been determined by a design-led approach in the Catford Town Centre Framework. This identifies the potential for around 512 dwellings, 8,946m<sup>2</sup> of employment space and 2,982m<sup>2</sup> of main town centre uses. The site is identified as an Appropriate Location for Tall Buildings; however, this is not reflected in the policy. **MM196** addresses this by including reference to this in the Planning Designations and Site Considerations box of the policy for effectiveness.
261. One of the landowners has indicated the intention to enter into pre-application discussions with the Council and so the site is anticipated to come forward sooner, commencing in years 1-5 and continuing development into years 6-10. **MM196** and **MM333** amend the phasing in the policy and trajectory for effectiveness. As drafted the policy does not sufficiently reflect the need to facilitate links across the A212 and A205. This is remedied by **MM197** through the inclusion of additional text at development guideline 8 for effectiveness. With these MMs the site is deliverable and developable within the Plan period and the allocation is justified.

### **Sites with planning consent**

262. A number of site allocations already have planning permission. **Lewisham Retail Park, Loampit Vale (Policy LCA 7)** has full permission for 529 dwellings and 4,343m<sup>2</sup> of gross main town centre floorspace. The site is situated in a location which is appropriate for tall buildings; however, this is not reflected in the policy, which is not, therefore, effective. This is remedied by amending the planning designations and site considerations to reflect this for effectiveness (**MM177**). A SoCG between the developer and Council include an updated position in terms of phasing and delivery. Given that there are existing occupiers on the site, the site is likely to be delivered in years 6-10 as opposed to the first 5 years. The updated timeframe is amended in the Policy itself (**MM177**) and the trajectory (**MM333**) for effectiveness. On the basis of the developers confirmed intentions the site is developable within the Plan period and that subject to these MMs the allocation is justified.
263. **Ladywell Play Tower (Policy LCA SA12)** has permission for 33 dwellings and 1,459m<sup>2</sup> of main town centre uses subject to a Section 106 obligation. Given the planning status of the site, we consider that the site will be developed within the first 5 years of the Plan. **PLACE/Ladywell (former Ladywell Leisure**

**Centre) (Policy LCA SA13)** now has full planning permission for 102 residential units and associated development. Paragraph 14.78 is updated (**MM186**) to reflect the planning status of the site for effectiveness. As the site has full planning permission it will come forward within the first 5 years. The site has capacity for a further 73 dwellings, however, as these do not have planning permission these are phased at a later date. Given the planning status of both these sites we consider that they are deliverable and developable within the Plan period and that subject to the MMs the allocations are justified.

### **Sites under construction**

264. A number of site allocations are already under construction including **Lewisham Gateway (Policy LCA SA1)** which is well underway with 362 residential units and 1,082m<sup>2</sup> of main town centre uses already completed. Amendments are necessary to reflect the current site status. **MM165** addresses this point to reflect for effectiveness. In addition, the development guidelines do not sufficiently reflect the need to minimise the impact of development on ground water and manage surface water and so the policy is neither justified nor effective. **MM166** remedies this matter through the inclusion of additional text at guideline 6 ensuring that applicants engage with Thames Water early on in the process.
265. **Land at Conington Road (LCA SA 4)** is indicated for 365 residential units and 554m<sup>2</sup> of main town centre uses. For effectiveness, **MM172** updates the status of the site reflecting that the site has recently been completed. In addition, **MM333** amends the housing trajectory to reflect that the site was completed a year later than envisaged in 2024/25 for effectiveness.
266. **Silver Road and Axion House (LCA SA9)** is indicated for 141 dwellings and 453m<sup>2</sup> gross main town centre uses and is currently under construction. Development guideline 3 refers to measures to minimise impacts on groundwater, manage surface water and requires that infrastructure upgrades are delivered ahead of the site being occupied; however, it is not clear how this will be achieved and so the policy is ineffective. Additional text (**MM181**) is added to development guideline 3 to refer to the need to prepare and agree a housing phasing plan to ensure that infrastructure is delivered in a timely manner for effectiveness.
267. **Church Grove Self Build (Policy LCA SA 11)** identified for 36 dwellings is substantially complete. **MM183** amends the status of the site to reflect this and the increased capacity of the site to 38 dwellings for effectiveness.
268. **Land at Nightingale Grove and Maythorne Cottages (Policy LCA SA15)** has planning permission for 27 dwellings, an increase from the originally envisaged 22 dwellings. **MM188** and **MM189** update the planning status of the site together with the revised site capacity and consequential amendments are

made to the housing trajectory (**MM333**) for effectiveness. The site has now commenced and so there is no reason to doubt that the site would be deliverable within the first 5 years.

## North Area

269. The north area contains the neighbourhoods of North Deptford, Deptford and New Cross. The area contains much of the Borough's employment land which contributes to its distinctive industrial character. The layout of the historic roads and railway infrastructure dissects the area, and this limits permeability and circulation between neighbourhoods and places, particularly for movement by walking and cycling.
270. The North Area Key Diagram (Figure 15.2) indicates that Lewisham has one wharf (Convoy's Wharf) which is part of London's network of safeguarded wharfs. Figure 15.2 does not illustrate the GLA's current boundary for the safeguarded wharf. As such Figure 15.2 should be modified (**MM200**) to reflect factual reality to be effective and in general conformity with the London Plan. As the MM consultation document did not include the revised Figure 15.2, we have included it within **MM200**, post consultation on the MMs, in the appendix to this Report for effectiveness. There will also be a consequential amendment to the Policies Map which is necessary for consistency.
271. Policy LNA1 sets out the place principles for the north area. As submitted the policy is ambiguous regarding how walking and cycling opportunities could be increased as set out in criterion E. This ambiguity undermines the effectiveness of the policy. **MM201** delivers clarity through additional text and is necessary for effectiveness.
272. Policy LNA2 as submitted does not recognise the need for supporting infrastructure which accompany walking and cycle routes. This is rectified by **MM202** which is necessary to ensure internal consistency with Policy LNA1 and effectiveness.
273. Policy LNA3 provides the policy context for the Creative Enterprise Zone (CEZ) which is within the north area. As submitted, there is a presumption against the loss of suitable business space for the creative industries sector set out in criterion D. However, there is no recognition of the importance of the agent of change principle and how uses should be complementary. Furthermore, any loss or change of use of workspace should be re-provided with the same amount or better quality. This policy requirement requires qualifications to ensure flexibility and effectiveness in decision making. These modifications are introduced by **MM203** and are necessary for effectiveness.
274. Figure 15.4 illustrates the spatial area of the CEZ. However, this simple illustration does not fully support the importance of the CEZ since it fails to illustrate the elements of the housing, economy and culture of the spatial

strategy for this area. The omission of these details undermines the effectiveness of Policy LNA3. It is addressed by **MM204**. The policy makes an explicit reference to the designated area. However, there is no reference to Figure 15.4 within the policy itself, and this undermines the effectiveness of the policy as a whole. We have therefore amended Criterion A post MM consultation to read 'A Creative Enterprise Zone is designated in Lewisham's North Area and is illustrated on Figure 15.4'

275. Policy LNA4 sets out the policy requirements for the Thames Policy Area. The policy makes an explicit reference to the designated area. However, there is no reference to Figure 15.5 which illustrates the extent of the Thames Policy Area and consequently this undermines the effectiveness of the policy as a whole. **MM205** addresses this with a cross reference in criterion B and is necessary for effectiveness to enable Figure 15.5 to be correctly linked into the policy. A consequential change to the Policies Map will be required for consistency.
276. **Lower Creekside LSIS (Policy LNA SA17)** is a site allocation for employment floorspace and residential units. Additional work undertaken by the Council in relation to housing supply uplift increases the number of residential units from 162 to 227. The reprovision of existing uses is an important part of the allocation and have already been agreed with the developers and confirmed in the submitted SoCGs (LC20, LC21). This should be reflected within the development guidelines (**MM237**). As submitted the allocation does not recognise or provide for public realm which is a requirement of other Plan policies. This deficiency is addressed by **MM237** which introduces a new development guideline (number 8). Part of the site (1 Creekside) is already complete; 5-9 Creekside now has the benefit of planning consent and pre-applications and applications are in progress for the remainder of the site. As such there is no reason to doubt the site will be deliverable and developable. **MM235** provides the factual updates the site allocation details together with the consequential amendment to the housing trajectory (**MM333**), both are necessary for effectiveness. As modified, we are satisfied that LNA SA17 will be deliverable and developable and is justified.
277. **Evelyn Court LSIS (Policy LNA SA3)** was originally envisaged as a SIL, however, as set out elsewhere in the Report this site is now a LSIS and consequently the title of allocation should be updated. Pre-application discussions are underway with the Council and taking account of the housing supply uplift work, the latest evidence is that the site could accommodate 161 residential units which is an uplift from the 102 as set out in the submitted Plan. **MM212** provides these changes together with corresponding amendments to the housing trajectory (**MM333**) which are necessary for the clarity and effectiveness of the Plan. As modified, we are satisfied that LNA SA3 will be deliverable and developable and is justified.
278. **Bermondsey Dive Under (Policy LNA SA8)** is allocated for industrial and commercial uses as part SIL and part LSIS. The principle of this allocation as a SIL has been set out in Issue 4 in this Report. The site does not have any planning consent. Given the proximity of the existing residential area, along



Silwood Street, the development guidelines should ensure that site design will deliver a positive transition in character and integrate all uses into a clear coherent development in the interests of positive planning. This is achieved by **MM221**. As modified, we are satisfied that LNA SA8 will be deliverable and is justified.

279. **Former Hatcham Works, New Cross Road (Policy LNA SA11)**. Delivery of this site is now anticipated to be in years 11-15, rather than 6-10 to take account of the delivery timescale of the BLE, as such a consequential amendment to the housing trajectory is necessary. The name of this site allocation should be changed to 'New Cross Gate Retail Park' to reflect the well-established title and use for clarity. These matters are dealt with by **MM226** and **MM333**. The change of name will require consequential amendments to other parts of the Plan where the site is referenced and should be updated accordingly for internal consistency including **MM331**, **MM332**, **MM333**, **MM334**.
280. The existing retail park includes a food store. The development guidelines refer to main town centre uses which could include a food store; however, this is not clear. We heard that the whole site is expected to be required for the construction phases of the BLE. The level of uncertainty is such at this time that the potential for the replacement of a food store would be dependent upon the requirements associated with the BLE. Accordingly, we are satisfied that the development guidelines should refer to the potential for a replacement food store (**MM227**). The above modifications are necessary for effectiveness. As modified, we are satisfied that LNA SA11 will be developable and is justified.
281. **Achilles Street (Policy LNA SA13)** as submitted is not factually accurate in relation to the ownership of the site, as it is both public and private (leasehold) ownership. Pre-application discussions are underway, and a planning application is anticipated imminently. A programme for the Compulsory Purchase Order application is underway and is expected to be ready when a planning permission has been issued. Based on the latest information the number of residential units is expected to be 303 which is less than the 363 anticipated by the submission Plan. Whilst most of the revised number of dwellings will still be delivered in years 1-5, a few are now expected to be delivered in years 11-15. This latest information represents a more realistic picture for the implementation of this site. The capacity and timeframe for delivery are therefore modified (**MM229**) with a corresponding adjustment to the housing trajectory (**MM333**); both are necessary for clarity and effectiveness. As modified, we are satisfied that LNA SA13 will be deliverable and developable and is justified.
282. **Albany Theatre (Policy LNA SA15)** is an allocation for a comprehensive redevelopment which will include the retention and re-provision of the Albany Theatre in combination with compatible town centre and residential uses. As theatre is currently operating, any future development would engage the agent of change principle. This is not recognised within the development requirements and guidelines. It is rectified by **MM232** and **MM233** respectively



and are necessary in the interests of positive planning and consistency with national policy. The additional work undertaken by the Council in relation to housing supply and trajectory provides the evidence for an adjustment in the timeframe for delivery. This site could be delivered by year 10, rather than by year 15 as set out in the Plan. This is reflected in **MM231** for the site allocation details and **MM333** for the housing trajectory. As modified, we are satisfied that LNA SA15 will be developable and is justified.

### Site allocations with planning consent

283. **Surrey Canal Triangle MEL (Policy LNA SA9)** is a mixed-use employment allocation. There is an adopted SPD for the site. Part of the site has planning consent with a Planning Performance Agreement in place. The site is expected to be delivered in 5 phases. Since the submission of the Plan, factual updates to the development capacity and uses to the allocation as submitted are required which have arisen from discussions between the Council and the landowners (LC31 and LC31A). Furthermore, the evidence from the landowners/developers is that the site could be delivered within years 1-15 rather than across the whole Plan period. As the site is within an appropriate location for tall buildings this should be recognised with the planning designations and site considerations for internal consistency. **MM222** provides these factual updates and corresponding changes made to the housing trajectory by **MM333**, which are necessary for effectiveness.
284. Development requirement 6 to facilitate the delivery of Cycleway 10 is onerous. The allocation could make a contribution, but it would not be reasonable to expect it to deliver all of Cycleway 10. This should be re-phrased to provide clarity. During the examination the Council identified an error in development requirement 8 for the provision of the walking and cycling bridge. This is factually inaccurate and should be removed. These modifications are set out in **MM223** and are necessary for effectiveness.
285. Factual updates to the development guidelines are needed to clarify and reflect what has already been agreed with the developers since the submission of the Plan. These include clarifying the route for the new east-west route in guideline 2 and ensuring additional consultation with TfL and Network Rail will take place in relation to their landholdings. Typographical errors are also addressed. **MM224** provides for these modifications and are necessary for effectiveness. As modified, we are satisfied that LNA SA9 will be deliverable and developable and justified.
286. **Sun Wharf MEL including Network Rail Arches (Policy LNA SA18)** is a mixed-use employment allocation. The planning status is out of date as planning consent was granted in August 2023 and the PTAL is incorrect. This is remedied through **MM238**. Given the planning status of the site, we are satisfied that this site will be deliverable and developable.
287. The development requirements do not recognise the need to provide various infrastructure contributions as required by other policies within the Plan. This is addressed within **MM239**. The reference to Cycleway 35 is incorrect in

development requirement 5. We have, therefore, amended **MM239**, post consultation to correct this and it should read “...~~Bridge and Cycleway 35 running along Creekside Creekside~~ the Cycleway link that connects Cycleway 10 and runs south from the site alongside Creekside towards Lewisham.”

288. Development guideline number 6 is ambiguous and lacks precision as to where the residential development within the allocation is to be directed towards. As such, this undermines the effectiveness and is addressed by **MM240**. The above modifications are necessary for internal consistency and effectiveness. As modified, we are satisfied that LNA SA18 will be deliverable, developable and justified.
289. Since the submission of the Plan a planning permission has been granted for **Apollo Business Centre LSIS (Policy LNA SA6)**. The consented scheme, by comparison to the proposed allocation, includes an increase in residential units, a decrease in the employment floorspace and the introduction of a proportion of main town centre floorspace. Accordingly, the planning status and development capacity for this allocation is out of date and should reflect the factual position to be effective. This is achieved by **MM217**, and consequential amendments are made to the housing trajectory by **MM333**. As the site benefits from a recent consent, we have no reason to doubt that it would not be delivered within years 1-5. The site contained a temporary waste use. Since the hearing sessions, the Council has confirmed the temporary waste use has now relocated. As the waste site will continue to operate elsewhere within the waste sub-region there will no net change to waste provision. Accordingly, **MM218** relating to this matter is not recommended and development requirement 3 as a whole is now no longer relevant and should be deleted. This deletion will affect the subsequent numbering of the development requirements which should be amended as a consequence. As modified by **MM217** and **MM333**, we are satisfied that LNA SA6 will be deliverable and is justified and effective.

### Site allocations under construction

290. **Convoy's Wharf MEL (Policy LNA SA1)** is a mixed-use site allocation with planning consent for delivery in phases across years 1 – 15. The first 3 plots are under construction. As delivery is under way on the site, we have no reason to doubt that the site will continue to deliver. Factual corrections and clarifications to the details for the allocation based upon the agreed position between the Council and the development partner are required. Convoy's Wharf remains a safeguarded wharf in accordance with the London Plan. As submitted, the development guidelines fail to clearly recognise the potential for future wharf activities and thereby engage the agent of change principle established by national policy. Accordingly, **MM207**, **MM208** and **MM209** address these matters, and we are satisfied that site LNA SA1 is deliverable, developable, justified and in accordance with national policy and general conformity with the London Plan.

291. **Deptford Landings MEL (formerly known as Oxestalls Road) and Scott House (Policy LNA SA2)** is a multi-plot site for delivery within years 1-15. Several consents are in place and construction is underway, with some plots completed. Since the submission of the Plan, a further application has been submitted in relation to the Scott House portion of the allocation as the existing consent is unlikely to be implemented. The consequence for the allocation would be a marginal reduction in number of dwellings from 1,940 to 1,873 but it would enable the site to be delivered by year 10, rather than year 15 as set out in the Plan. The Plan needs to reflect the latest position in the interests of clarity and positive planning. Based on the above, we have no reason to doubt that this site will be deliverable and developable. As the site is within an appropriate location for tall buildings this should be recognised with the planning designations and site considerations for internal consistency. These necessary changes are achieved by **MM210** with consequential amendments to the housing trajectory contained in **MM333** for effectiveness. The allocation as proposed makes no reference to the safeguarded Convoy's Wharf and the agent of change principle. This is rectified by **MM211** and is necessary in the interests of positive planning, consistency with national policy and general conformity with the London Plan. As modified, we are satisfied that LNA SA2 will be deliverable and developable and is justified.
292. **Neptune Wharf MEL (Policy LNA SA4)** is under construction and from the Council's latest monitoring information, this site is progressing and expected to deliver by year 10, rather than year 15 as set out in the Plan. Accordingly, a factual update to the site allocation details and the housing trajectory are necessary to reflect the latest position in the interests of clarity and effectiveness. This is achieved by **MM214** and consequential amendments to the housing trajectory are made by **MM333**. As modified, we are satisfied that LNA SA4 will be deliverable and developable and is justified.
293. **Surrey Canal Road and Trundleys Road LSIS (Policy LNA SA5)** at the time of submission of the Plan construction had not started. Construction has now started, and as such there is no reason to doubt that it will not continue to progress. The latest information and the additional work undertaken by the Council in relation to housing supply and trajectory suggests that the site could accommodate an additional 5 residential units than the Plan as submitted indicates. The factual update to the site allocation (**MM215**) and consequential amendments to the housing trajectory (**MM333**) are necessary for effectiveness. As modified, we are satisfied that LNA SA5 will be deliverable and developable and is justified.
294. **Silwood Street (Policy LNA SA7)** at the time of submission the site had planning consent. Construction has now started and well advanced towards completion. As such there is no reason to doubt the site will not be delivered. Factual update to the planning status of the site allocation is provided by **MM219** and is necessary for effectiveness. As modified, we are satisfied that LNA SA7 will be deliverable and is justified.

## East Area

295. Lewisham's East area comprises the neighbourhoods of Blackheath, Lee and Grove Park. The area is mainly suburban in nature and is characterised by the continuous stretch of green and open spaces that run from the riverside and Blackheath in the area's north to Elmstead Wood in the south. The vision for the area is for the abundance of high-quality parks, green and open spaces to form a distinctive part of Lewisham. The Plan also seeks the revitalisation of the town centres to ensure they remain thriving hubs of community and commercial activity, and the role of local centres will be reinforced. This vision is supported by 10 key spatial objectives.
296. Policy LEA1 set the East Area place principles, whilst Policies LEA2 and LEA3 define the strategy for Lee Green District Centre and the Strategic Area for Regeneration at Grove Park respectively. LEA4 encompasses the objective of protecting and enhancing the linear network of Green Infrastructure. Overall, the strategy for the east area is in general conformity with the Good Growth principles of the London Plan.

### Sainsbury's Lee Green (Policy LEA SA4)

297. The site comprises an existing retail store and associated car park within Lee Green District Centre. Comprehensive mixed-use redevelopment of the site is proposed to deliver 111 dwellings, 625m<sup>2</sup> of employment space and 4,123m<sup>2</sup> of main town centre uses. The capacities have been arrived at by using density assumptions reflecting the urban setting and good accessibility. The original main town centre floorspace figure would not enable the existing retail store to be re-provided on site. Consequently, the employment floorspace is reduced to zero and the town centre floorspace is increased to 6,672m<sup>2</sup> for effectiveness. Furthermore, the residential density had been reviewed and increased to 156 dwellings to assist in meeting the 20% housing buffer. Given the adjacent Listed Building and Area of Special Local Character the density assumptions are appropriate. **MM251** and **MM333** amend the policy and trajectory to reflect the revised capacities for effectiveness.
298. The allocation site boundary included two curtilage structures which are part of the adjacent police station, and which could be included in a future Conservation Area. **MM251** amends the site boundary accordingly for effectiveness with a corresponding change also required to the Policies Map. As there is no planning application at present, we agree that the site is likely to be developed years 11-15 of the Plan a matter which is confirmed by the developer. With these MMs the site is developable within the Plan period and the allocation is justified.

### **Land at Lee High Road and Lee Road (Policy LEA SA5)**

299. The proposal would involve the mixed-use redevelopment of the existing car dealers comprising compatible main town centre and residential uses. The site would yield around 55 dwellings, 256m<sup>2</sup> of employment floorspace and 1,023m<sup>2</sup> of main town centre uses. A standard density assumption has been used reflecting the urban location and accessibility. The frontage buildings on the corner would be retained reflecting the contribution they make to the character and appearance of the area.
300. No contact has been made with the two landowners within the main developable area and there is no planning application. However, the redevelopment of Lee Green through the Leegate development is likely to provide confidence to the market and encourage developers to come forward sooner. Consequently, the site is likely to commence within years 11-15 as opposed to beyond the Plan period. **MM252** and **MM333** amend the policy and trajectory accordingly for effectiveness. On this basis, the site is developable within the Plan period and the allocation is justified.
301. **Southbrook Mews (Policy LEA SA6)** is a mixed-use site allocation. The Council indicated that there has been no developer interest in this site allocation. However, as part of the work during the examination, the Council reconsidered the housing trajectory and as the site is relatively small, involving a single landowner and has no unusual site constraints or costs, the proposed delivery timescale of beyond 15 years is therefore rather too cautious. This site could be delivered earlier and within the first 15 years of the Plan period. **MM253** and **MM333** deliver the amendments to the site allocation details and housing trajectory and are both necessary for effectiveness. As modified, we are satisfied that LEA SA6 will be developable.
302. **Mayfields Hostel (Policy LEA SA7)** is a residential-led mixed use allocation, although the indicative development capacity does not anticipate any non-residential floorspace. The Plan as submitted indicates a conservative number of residential units. In common with the development intensification strategy of the Plan this site could deliver more residential units. The Council reconsidered the indicative residential units in relation the work undertaken on housing supply and trajectory and consequently the number of residential units increased. There are limited site constraints, following demolition, and the Council indicated at the Hearings that funding has been secured. **MM254** and **MM333** amend the site allocation details and housing trajectory accordingly and both are necessary for effectiveness. As modified, we are satisfied that LEA SA7 will be deliverable.
303. **Sainsbury's Local and West of Grove Park Station (Policy LEA SA8)** is a mixed-use site allocation with a number of freeholders and leaseholders. However, as part of the work during the examination, the Council reconsidered the housing trajectory and the proposed delivery timescale of beyond 15 years



is therefore too cautious. Earlier delivery is reflected in the site details (**MM255**) and the housing trajectory (**MM333**), and both are necessary for effectiveness. The site contains a bus stand which should be re-provided within the future layout as it is part of the operational bus network. As such this should be a development requirement rather than a guideline. This is addressed by **MM256** and is necessary for effectiveness. **MM256** is amended post MM Consultation to reflect that the site includes bus driver facilities as well as bus stands for effectiveness. The reference to an artistic colony in the development guidelines lacks justification and should be removed. The expression of a designated heritage asset in the development guidelines is inconsistent with national policy and requires correction. These matters are addressed in **MM257** and are necessary for effectiveness and consistency with national policy. As modified, we are satisfied that LEA SA8 will be developable.

### **Sites with planning permission**

304. **Leegate Shopping Centre (Policy LEA SA3)** is identified for comprehensive redevelopment comprising of 450 dwellings and 5,449m<sup>2</sup> of main town centre uses. To reflect the uplift work to find the 20% housing supply buffer together with the recent planning application, the residential capacity has now been revised to 562 dwellings and the floorspace of the town centre uses reduced to 3,796m<sup>2</sup>. Furthermore, the planning status of the site has changed to reflect a resolution to grant planning permission subject to a S106 obligation.
305. The developer has an option over the whole of the site which would be developed in two phases involving the northern and southern parts of the site. Discussions are also underway with regards to a relocation strategy for the existing businesses. Given the planning status of the site, it is likely to be delivered in the first 5 years of the Plan as opposed to years 6-10. **MM249** and **MM333** amend the policy and trajectory to reflect these matters for the Plan to be effective.
306. Development requirement 4 requires the provision of community infrastructure including a new health facility. At present, the requirement fails to reflect the need for provision to include ground floor accommodation with access for emergency vehicles, blue badge and disabled persons. As drafted **MM250** implies that parking for frail patients should be provided; however, parking provision other than for disabled persons would not be consistent with plan policy TR4 of the London Plan. **MM250** has, therefore, been amended post-consultation on the MMs to address this for effectiveness.
307. With these MMs the site is deliverable, and the allocation is justified.

### **Sites under construction**

308. Two of the site allocations are under construction. **Heathside and Lethbridge Estate (Policy LEA SA1)** is well under-way and so the residential output is



attributed during the first five years of the Plan. It is not clear, however, as to whether the figures in the indicative capacity and the remaining units to be delivered are net or gross figures and hence the policy is ineffective. **MM247** remedies this matter by clarifying that the figures are gross for effectiveness.

## South Area

309. The south area includes the neighbourhoods of Bellingham, Downham and Bell Green. The area derives much of its character from the interwar homes. The planned estate style approach was influenced by the 'garden city' principles to provide for a relatively homogenous form of low-density housing, although some clusters of higher density housing can also be found within the area. The area is characterised by its green and open spaces, including waterways, although not necessarily publicly accessible. Downham is the district centre but contains a more limited range of shops and services than other district centres within the Borough. The Bell Green neighbourhood contains an expansive out of town retail park. Despite this overall provision, residents need to travel out of the area to access key services and employment.
310. The south area experiences some of the Borough's highest levels of deprivation. Of particular concern raised in representations and at the Hearing sessions was the inequality in relation to connectivity and access to open space and the consequences for human health. As set out elsewhere in the Report the Plan should respond more positively to addressing inclusion and inequalities which is expected by the NPPF and is part of the strategic objectives of the Plan. As submitted, this is not recognised within the vision or key spatial objectives for the south area. **MM258** and **MM259** rectifies this and is necessary for internal consistency, positive planning and consistency with national policy.
311. Policy LSA1 sets out the place principles for the south area. Following on from the vision and key spatial objectives, the Plan should respond positively to the concerns raised regarding inequality, access and the consequences for human health and also community cohesion. Policy LSA1 is ambiguous regarding these important matters. According, **MM260** addresses these concerns which are necessary for internal consistency, positive planning and consistency with national policy.
312. Policy LSA3 relates specifically to Bell Green and Lower Sydenham. This area of the Borough has development; however, a comprehensive approach is necessary. Whilst this is implied by criterion C, in our view it does not represent a sufficiently clear commitment to a formal and structured process to achieve the development outcomes sought for this area. One of the outcomes for this area is a new Local Centre. However, the Plan is not clear as to the type of development which is to be encouraged within the new Local Centre. This undermines the effectiveness of the Plan. The BLE presents a significant opportunity to improve the public transport accessibility level. As such its

delivery should not be compromised. Securing the timely delivery of infrastructure is also a strategic objective for the Plan. We have amended criterion C.a., post consultation, to remove reference to the safeguarded area, which is a factual correction and ensure consistency with Policy TR2 (Bakerloo line extension) as modified by **MM150**. **MM262** as further amended addresses these points which are necessary for internal consistency, positive planning and effectiveness.

313. Further background text on the south area is found in paragraphs 17.10 to 17.15. **MM264** provides additional explanatory text to ensure that within the remit of the planning system the Plan sets out a committed effort to addressing matters of inequality, social cohesion and working with communities. This is necessary for internal consistency and effectiveness of the Plan. The Plan is ambiguous in relation to the Council's intention and commitment to seeking the designation of an Opportunity Area in the next London Plan and then how further detailed planning work involving the communities would be undertaken for the south area. The lack of clarity undermines the plan-led approach and therefore is inconsistent with national policy. The SoCG with the GLA (LC9) provides some further certainty; however, this is a document that is not within the Plan itself. The ambiguity is addressed by **MM265** and is justified and necessary for consistency with national policy.
314. Sites LSA SA1, LSA SA2, LSA SA3 and LSA SA4 are within close proximity to each other. Collectively, they will bring forward a significant degree of change and opportunity for the Bell Green area. Although these 4 sites are set out as individual allocations there are issues which are common to one or more of the sites. Whilst many urban sites are often contaminated from former uses, these 4 sites will require significant decontamination, and remediation works to ensure there is a safe development platform for future uses. As such the development guidelines for these sites does need to be specific about addressing known land contamination and the role of an existing Hazardous Substances Consent. This is addressed through **MM268**, **MM271**, **MM274** and **MM277** are necessary for effectiveness.
315. **Former Bell Green Gas Holders & Livesey Memorial Hall (Policy LSA SA1)** is a mixed-use site allocation. The Plan as submitted indicates limited planning history for the site. However, planning permission has been granted for the gas holder part of the site and as such this has led to a change in the gross non-residential floorspace from that which was envisaged in the submitted Plan. Other portions are at pre-application and application stages according to the submitted SoCGs (LC18, LC19). During the examination, the Council reconsidered the indicative residential units in relation the work undertaken on housing supply and trajectory. **MM266** provides the revised indicative development capacities based upon the latest information and the housing trajectory is updated accordingly by **MM333**. Collectively, the latest position gives more certainty about the site being deliverable and developable. These modifications are necessary in the interests of positive planning and effectiveness.

316. The history and heritage of the site including retaining elements of the gas holders are not in dispute. However, they should be incorporated where possible into public realm as part of the site wide interpretation strategy. These matters are addressed through **MM267** and are necessary for positive planning and effectiveness.
317. We heard local concerns about the heritage assets, the role of the Livesey Memorial Hall and the need for public realm and open space. Whilst these are referenced within the development guidelines, the Plan should positively respond to these concerns and provide clear guidance. Development guideline 3 refers to bus services going through the site. However, this is not factually accurate as bus services currently go into the site and it is desirable for sustainable transport reasons that this provision is retained. For absolute clarity, we have amended reference to the bus services, post MM consultation, to ensure that there is consideration of increasing the bus services serving the site itself, rather than passing through the site. **MM268** addresses these matters which are necessary for positive planning and effectiveness. As modified, we are satisfied that LSA SA1 will be deliverable and developable and is justified.
318. **Bell Green Retail Park (Policy LSA SA2)** is an operational retail park and intended to be redeveloped in years 6-10 of the plan period. As there is no existing planning permission, the delivery timescale should, therefore, be, years 11-15, to ensure that the site is properly planned and there is certainty for implementation. **MM269** amends the delivery timescale and **MMM333** makes the corresponding adjustment to the housing trajectory. As modified, we are satisfied that LSA SA2 will be developable and is justified.
319. **Sainsbury's Bell Green (Policy LSA SA3)** contains an operational food store with car parking. The submitted Plan proposes a redevelopment and intensification of a wider range of uses. During the examination, the floorspace for main town centre uses, i.e. the food store, was clarified and is slightly higher than the Plan indicates. This is a factual change to the Plan. The timeframe for delivery following discussions and reflection during the examination could potentially begin earlier in the plan period in years 6-10. An earlier commencement would allow a slightly longer timeframe for the overall redevelopment for years 6-15. This is reflected in **MM272**.
320. The need to explore the retention of the operational food store, including during redevelopment, should be reflected in the development guidelines as this would be of benefit to the community. Development guideline 3 is therefore amended by **MM274** and is necessary for effectiveness. As modified, we are satisfied that LSA SA3 will be developable and is justified.
321. **Stanton Square LSIS (Policy LSA SA4)** contains an existing building which is described in the development guidelines as being of the art-deco period. During the examination there was some discussion about the factual accuracy of this description within the submitted Plan. A more precise description is therefore provided by **MM277**. It is necessary for the Plan to be clear and unambiguous

to be consistent with national policy. This site has no current planning history and as such we are satisfied that the expected delivery during 11-15 years is appropriate. On this basis, LSA SA4 will be developable and is justified.

322. **Sydenham Green Group Practice (Policy LSA SA5)** is a mixed-use redevelopment allocation, including the re-provision of the existing health care facility. The planning status in the submitted Plan is inaccurate and it is understood that part of the site has planning consent with construction now underway. Accordingly, this means some delivery is occurring within the first 5 years of the Plan as well as later in the plan period. The planning consent together with further work undertaken by the Council during the examination in relation to housing supply and trajectory results in factual changes to the number of net residential units for the site and the number remaining to be delivered. These factual changes are set out in **MM278** for the policy and **MM333** for the housing trajectory. These modifications are necessary for the Plan to be clear and unambiguous to be consistent with national policy and effective. As modified, we are satisfied that LSA SA5 will be deliverable and developable and is justified.
323. **Worsley Bridge Road LSIS (Policy LSA SA6)** is located adjacent the Borough's boundary. The development guidelines fail to draw attention to the need for cross boundary discussions with the neighbouring London Borough. Without this there is a potential for the development of this allocation to have implications for the Lower Sydenham LSIS and nearby MOL. This is addressed by **MM280** and is necessary for positive planning and effectiveness. As modified, we are satisfied that LSA SA 6 will be developable and is justified.
324. **Land at Pool Court (Policy LSA SA8)** is the only site allocation for Gypsy and Traveller accommodation within the Plan. There are some factual updates in relation to the planning status of the site which is now at application stage and the number of pitches has increased to 7, as reflected in the planning application. It is necessary to reflect the latest position drawing on information from the development management process for the Plan to be clear and unambiguous and therefore consistent with national policy. These changes are reflected in **MM282**. During the hearing session concerns were raised regarding the potential for ancient or veteran trees on the site. Accordingly, to ensure consistency with national policy, **MM283**, amends the development requirements in this respect. As modified, we are satisfied that LSA SA 8 will be deliverable and is justified.
325. **Catford Police Station (Policy LSA SA9)** is a mixed-use development site allocation. There are some factual updates for the details of the site allocation. Pre-application discussions have begun and a Planning Performance Agreement is in place, all of which anticipate earlier delivery than envisaged within the Plan. The development partner site specific viability report submitted to the examination demonstrates a higher residential capacity is possible and that there is weak demand for employment (office) floorspace in this location. However, the site allocation should retain the employment floorspace to support business opportunities and contribute to the employment land requirement,

which as the explanatory text sets out, could be commercial, community, main town centre uses in the interests of supporting the spatial strategy for this part of the Borough. The number of residential units of the allocation is proposed to increase in order to support the viability of the allocation. These factual updates are reflected in **MM284** and **MM333** in relation to the housing trajectory, both are necessary for effectiveness.

326. In relation to the mix of uses for the site, there is potential for other compatible non-residential ground floor uses in addition to those listed within the Plan. **MM285** amends the site allocation composition which would enable greater flexibility, support future viability assessments and is necessary for positive planning and effectiveness.
327. The development guidelines are ambiguous as to how a site proposal should respond to surrounding development, specifically the scale and massing of the residential dwellings on Conisborough Crescent. This is addressed in **MM286** and is necessary for effectiveness. As modified, we are satisfied that LSA SA 9 will be developable and is justified.
328. **Homebase/Argos (Policy LSA SA10)** is a residential mixed-use site allocation. During the examination session for the site allocation, the Council confirmed that they had just been notified of a change in the landownership and that there should be no reference made to Argos. As this is likely to affect the expected delivery timetable, we consider it would be prudent to re-phase the delivery of the site from years 6-10 to years 11-15. Whilst we note that the new landowners' intentions for the site in their short-medium term there is no substantive technical evidence to confirm these intentions for the site. The redevelopment of site for main town centre uses and residential units during the Plan period is necessary to contribute to the requirements of the Plan and therefore should be retained. **MM287** provides this and the corresponding amendment is made to the housing trajectory by **MM333**. These modifications are necessary for effectiveness. As modified, we are satisfied that LSA SA10 will be developable and is justified.

### Site allocations already under construction

329. **Excalibur Estate (Policy LSA SA13)** is an existing housing estate which is identified for comprehensive renewal. Planning consent is in place and the site is already under construction in phases. The Plan as submitted does not reflect the correct residential units which therefore affects the housing calculations for the Plan as a whole. This is rectified by **MM291** and **MM292** with modifications to the housing trajectory provided by **MM333**, all of which are necessary for effectiveness. As modified, we are satisfied that LSA SA13 will be deliverable and developable and is justified.



## Remaining site allocations

330. **Downham Co-op (Policy LSA SA12)** is a mixed-use redevelopment allocation. The site is currently in use with a food store and public house together with car parking. **Beadles Garage (Policy LSA SA11)** is a mixed use residential led site allocation. The site is currently in use as a car showroom with MOT garage. The Council considered that as both sites have limited constraints, there is no apparent reason that would prevent both sites being brought forward for redevelopment earlier than indicated in the Plan as submitted. Accordingly, the timeframe for delivery is amended in the respective policies for LSA SA12 by **MM289** and **MM290**, and LSA SA11 by **MM288**, with consequential amendments to the housing trajectory for both sites is achieved through **MM333**.
331. The development guidelines for LSA SA11 fail to draw attention to the need for cross boundary discussions with the neighbouring London Borough. Without this there is a potential for the development of this allocation to have implications with the neighbouring Lower Sydenham LSIS and MOL. This is addressed by **MM289**.
332. These above modifications are necessary for effectiveness and to be positively prepared. We are satisfied that both LSA SA11 and LSA SA12 will be developable and therefore both sites are justified.

## West Area

333. The West Area comprises the neighbourhoods of Telegraph Hill, Brockley, Ladywell, Crofton Park, Honour Oak, Blythe Hill, Forest Hill, Sydenham and Sydenham Hill. These neighbourhoods have a distinctive character derived from their historical development as a series of villages that developed around railway stations. The area is characterised by its topography with open spaces at high ground providing views towards London and Kent. Sydenham and Forest Hill are district centres which have a diverse town centre offer acting as a hub for the surrounding areas.
334. The Vision and objectives for the area seek to reinforce the distinctive character of the area. Securing Brockley station interchange is a key objective to improve transport access. New employment development will be focused within the town centres and the LSIS. The objectives in the Plan do not fully reflect the need to have regard to important views and vistas from Sydenham Ridge as reflected in the recommendations of the Lewisham Characterisation Study (EB07). The objectives are not, therefore, justified or effective. **MM294** remedies this matter by providing additional text to include reference to important views and vistas from Sydenham Ridge.
335. LWA1, LWA2 and LWA3 set out how the vision and objectives will be achieved in order to deliver the Good Growth strategy of Policy OL1 and the London



Plan. LWA2 seeks to achieve a connected network of town centres. Criterion D of the policy cross references to the incorrect policy which renders the policy ineffective. **MM296** amends the reference to LWA3 for the policy to be effective.

### **Willow Way LSIS (Policy LWA SA9)**

336. The site comprises an existing employment site situated adjacent to Upper Sydenham/Kirkdale Local Centre. The Plan identifies the opportunity for mixed use redevelopment and intensification, along with the co-location of employment and other uses. The site capacity is identified as 175 dwellings and 6,705m<sup>2</sup> of employment uses.
337. The Policy does not sufficiently clarify how comprehensive redevelopment of the site would deliver improvements and intensification across the site as a whole and is, therefore, ineffective. **MM313** includes additional text at paragraph 18.48 to reflect that the site would provide a more optimal use of land and enable the delivery of new and improved workspace to support the long-term viability of the LSIS in its entirety to address this matter for effectiveness.
338. Plot A, 21-57 Willow Way now has planning permission for 1,401m<sup>2</sup> of employment space at ground floor and mezzanine floors and 60 dwellings. The planning status of the site allocation has been amended to reflect this. In addition, the residential site capacity has been increased to 210 dwellings. Given the planning permission, 60 dwellings have been brought forward to the first 5 years reflecting the permission.
339. Site B is owned by the Council, and site C by the main developer. The developer is working with the Council to bring forward sites B and C together and 115 dwellings are, therefore, likely to come forward towards the end of the 5-year period. The garage to the north of the site and Plot E, the business centre is likely to be delivered in years 11-15 as the site is in use and there are no planning applications or pre-application discussions. **MM312** and **MM333** amend the policy and trajectory to reflect the above in order for the Plan to be effective. With these MMs the site is deliverable and developable, and the allocation is justified.

### **111-115 Endwell Road (Policy LWA SA1)**

340. The site lies in close proximity to the railway station and is currently in multiple land ownership. It is identified for mixed use redevelopment comprising of 1,975m<sup>2</sup> of employment floorspace on the ground floor and 57 dwellings above.

341. There is an extant planning application; however, it only covers a small part of the site. Whilst one of the landowners has expressed an interest in developing the site the majority of the site does not benefit from planning permission and given the multiple land ownership, we consider that the site is more likely to come forward in years 11-15 as opposed to years 6-10. **MM298** and **MM333** amend the policy and the trajectory to reflect these revised timescales for effectiveness. With these MMs the site is developable, and the allocation is justified.

### **Mantle Road (Policy LWA SA2)**

342. The site lies adjacent to Brockley Cross Local Centre and close to Brockley Station. It is currently a cleared site which is utilised for open storage. It is identified for redevelopment comprising 20 dwellings, 95m<sup>2</sup> of employment use and 378m<sup>2</sup> of main town centre uses. The policy does not clarify how redevelopment would secure an intensification of uses and employment capacity across the site and is, therefore, ineffective. **MM301** addresses this matter for effectiveness.
343. Following a review of housing supply to provide a 20% buffer, the site capacity has been revised from 20 to 46 dwellings and 4,571 main town centre uses. A planning application has now been submitted for the site and as such the site is more likely to be developed in the first 5 years as opposed to years 6-10. **MM300** amends the planning status of the site for effectiveness. In addition, **MM300** and **MM333** amend the revised capacity and timeframe for the site for effectiveness. With these MMs the site is deliverable, and the allocation is justified.

### **Jenner Health Centre (Policy LWA SA3)**

344. The site comprises an existing health centre which would be re-provided as part of any redevelopment. The site is identified for 30 dwellings and 2,081m<sup>2</sup> of main town centre floorspace. Following a review of housing land supply to provide a 20% buffer the capacity has been increased to 36 dwellings. The site capacity reflects the predominantly 2-3 storey character of the surrounding area. **MM302** and **MM333** amends the site capacity and the housing trajectory for the Plan to be effective. The site is currently in use, however, there have been some pre-application discussions with the NHS Trust, and so it is likely that the site would come forward in years 11-15. With these MMs the site is developable, and the allocation is justified.

### **Clyde Vale LSIS (Policy LWA SA7)**

345. Clyde Vale is an existing employment site which has been identified for employment led mixed use development comprising 21 dwellings and 1,701m<sup>2</sup> of employment floorspace. Some pre-application discussions have taken place

with the landowner. The site would come forward in two phases with existing businesses being relocated in the first phase. As pre-application discussions have taken place, the site is likely to come forward in year 11-15 of the Plan period as opposed to beyond 15 years. **MM309** amends the policy and **MM333** amends the trajectory accordingly for effectiveness. Taking into account the above, the site is developable in the Plan period and the allocation is justified.

#### **Featherstone Lodge, Eliot Bank (Policy LWA SA8)**

346. The site is an existing large residential home set in grounds with mature woods. It is identified for residential development comprising 33 dwellings. The site previously had planning permission, but this has now lapsed. The current use of the site is described as a 'housing estate'; however, this is incorrect. It is a large house in use as specialist housing. **MM311** amends the current use description to reflect this for effectiveness. It is the intention to retain the existing lodge and develop in the grounds. The lower density reflects the need to retain and protect the mature trees within the grounds. There has not been any engagement with the landowner on this site; however, there are no constraints which would preclude development. Consequently, the site is scheduled to come forward in years 11-15. Based on the above, the site is developable in the Plan period and the allocation is justified.

#### **74-78 Sydenham Road (Policy LWA SA 10)/Land at Sydenham Road and Loxley Close (Policy LWA SA11)/113-157 Sydenham Road (Policy LWA SA12)**

347. The sites are situated in the town centre along and to the rear of Sydenham Road. Given the sites location in the town centre and within a buoyant housing market, there is no concern regarding viability. Sites **LWA SA10** and **LWA SA11** are shown as coming forward beyond the 15-year period; however, given the location, there is significant potential to bring forward the sites sooner in year 11-15 as opposed to beyond 15 years. **MM315**, **MM316** and **MM333** amend the phasing of the sites in the policies and trajectory accordingly for effectiveness. Consequently, the sites are developable in the Plan period and the allocations are justified.

#### **Conclusion**

348. Subject to the modifications set out above, we conclude that the proposed site allocations are positively prepared, justified, effective and consistent with national policy and in general conformity with the London Plan.

## **Issue 9 – Whether the Plan will provide for a sufficient housing land supply to deliver the planned scale of housing growth over the Plan period and whether a deliverable five-year supply of housing will be available on adoption?**

### **Overall housing land supply**

349. Policy HO1 includes a strategic housing target of 1,667 net dwellings per annum (dpa) as identified in the London Plan. Additional dwellings were added to the target during the first five years to accommodate a backlog of around 3,471 dwellings (at the end of 2022/23) arising from under-delivery and a 5% buffer. However, since the submission of the Plan the December 2023 Housing Delivery Test Result has been published which requires a 20% buffer to be applied to the first five years of the housing land supply as the Council had only delivered 51% of the housing requirement in the reporting period.
350. The Additional Housing Land Supply Background Paper (LC10) explored ways of accommodating the extra dwellings required to achieve this buffer including increasing densities on proposed site allocations and bringing forward some sites into the first five years. However, there were no obvious additional sites as the original search for sites was comprehensive. Consequently, the Council could only realistically find a sufficient supply to accommodate a 17.5% buffer, falling short of the 20% buffer by some 288 units.
351. The Council asked adjoining authorities to meet the unmet need; however, many authorities were in a similar position, and none could accommodate the request. Another option was to delay the adoption of the Plan to enable the Council to find sufficient land. However, as LC10 demonstrated the Council has taken a 'no stone left unturned' approach to finding housing sites and even if new sites were found, they would be unlikely to be available within the initial five-year period. Furthermore, delaying the adoption of the Plan could compound the delivery position.
352. The Council then assessed a range of housing requirement scenarios which looked at different time periods for meeting the backlog. These are set out in Housing Requirement and Supply Scenarios Paper (LC32) and the Final Proposed Housing Spreadsheet (October 2024) (LC34B). It is clear from this exercise that meeting the backlog over a shorter time (5-10 years) would not provide a 5-year land supply. There have been historic delivery issues in the Borough, and it will take some time for developers to bring forward the Plan allocations. Consequently, we agree that the most realistic option would be to meet the backlog over the remainder of the Plan period (starting at 2025/26). This option would also include an additional windfall site for 450 dwellings identified post-submission.

353. In addition, the housing land requirement is rolled forward to provide a 16-year supply to ensure a 15-year supply of land on adoption. **MM45** reflects these adjustments to the housing land requirement which result in an overall housing target requirement of **30,376** dwellings 2025/26 to 2039/40. This is equivalent to 1,667 dpa plus additional completions during the remainder of the Plan period to cater for the current backlog (231 dpa) and the application of a 20% buffer during the first five-years (380 dpa).
354. Appendix 6 of the Plan sets out the housing trajectory for the Borough which demonstrates how the housing land requirement would be met. This has been amended to reflect the revised requirement. Updated evidence in relation to site capacities, delivery rates and completions also means that the trajectory needs to be amended to ensure that the Plan is justified and effective. **MM333** updates the trajectory at Appendix 6 to address the above matters. The analysis of housing land supply below reflects this revised version.
355. Based on the updated trajectory, from 2025/26 to 2039/40, the Plan would provide 30,701 dwellings, 325 dwellings in excess of the housing target for the same period (30,376). The supply in the same period would be comprised of around 23,776 dwellings from site allocations; 790 dwellings from large, consented sites; 450 dwellings from a large, windfall site and 5685 dwellings from small sites.
356. In addition, if the uplift anticipated from the Bell Green sites as a result of an increase in PTAL levels arising from the BLE and/or Bell Green/Lower Sydenham becoming an Opportunity Area included the overall supply would rise by 2,131 dwellings to 32,832 dwellings, a margin of some 2,456 dwellings.
357. Policy H2 of the London Plan encourages Boroughs to support well-designed new homes on small sites (below 0.25 ha) through both planning decisions and plan-making in order to achieve the minimum targets for small sites set out in Table 4.2, as a component of the overall housing targets. The ten-year small sites target for Lewisham is 3,790. These targets were based on annual completion trends data for small sites submitted by the Boroughs which were then projected forward. The Plan carries this small site target forward throughout the Plan period. The target is, therefore, justified and in general conformity with the London Plan.
358. Paragraph 69 of the NPF requires at least 10% of the housing requirement to be accommodated on sites no larger than one hectare. The Final Proposed Housing Spreadsheet (October 2024) (LC34B) demonstrates a variety of site sizes and shows that the Plan provides a supply of small sites well above the 10% requirement. Consequently, the Plan would be consistent with the NPPF.

359. Overall, the housing supply over the Plan period would provide a 15 year supply on adoption and allow a good degree of flexibility to provide a range and choice of housing in Lewisham.

### **5-year supply**

360. The Council's updated five-year housing supply calculation is set out in the Council's response to Matter 15 – Housing Land Supply as updated in October 2024 (WS15/2) and in the Final Proposed Housing Spreadsheet, dated October 2024 (LC34B). Following the results of the 2022 Housing Delivery Test (December 2023) and the requirement to now apply a 20% buffer, as opposed to a 5% buffer in the first five years.
361. The 5-year supply is assessed against the annual target of 2,278 per annum (1,667 p.a. plus 231 p.a. backlog and a 20% buffer of 380 units p.a.) resulting in a five-year requirement of 11,390. The site allocations, other large, consented sites, a large windfall site and small windfall sites would supply 11,384 new homes between 2025/26-2029/30. Whilst this would fall marginally short of the 5-year housing land requirement on adoption by 6 dwellings; the requirement would be substantially met. Furthermore, adopting the Plan would provide confidence and certainty to developers to bring forward the site allocations, thus improving the supply position.
362. Consideration was given to the start dates and annual output of each site at the hearing sessions, in agreement with the developer where they were present. Furthermore, the Council has entered into a SoCG with developers on the larger sites to agree the start date and phasing of those sites. Based on the evidence in submission and at the Hearing Sessions, we consider that the sites are deliverable and developable, and viable and will come forward in broad accordance with the housing trajectory during the Plan period.
363. As the housing figures in the submission version of the Plan have been superseded by more up-to-date information, they are not effective. Changes to the housing trajectory at Appendix 6 are, therefore, necessary for the Plan to be effective (**MM333**). Policy HO1 is also updated to reflect the revised site capacities (**MM45**) for effectiveness.

### **Housing distribution**

364. The majority of the supply comes from the North Area, followed by the Central Area as site allocations are focussed towards the north and central parts of the Borough, where the two Opportunity Areas (the New Cross/Lewisham/Catford and Deptford Creek/Greenwich Riverside Opportunity Areas) are located and in other highly accessible locations such as major town centres and along the A21 corridor. This approach is in accordance with the spatial strategy set out at Policy OL1, which seeks to direct new housing development to Lewisham's



Opportunity Areas, Growth Nodes and Regeneration Nodes. The approach is also in general conformity with Policy SD1 of the London Plan which seeks to ensure that Opportunity Areas fully realise their growth and regeneration potential.

## **Conclusion**

365. With the above MMs, the Plan will provide for a sufficient housing land supply to deliver the planned scale of housing growth over the Plan period and a deliverable five-year supply of housing will substantially be available on adoption.

## **Issue 10 – Whether the Plan is justified, effective and consistent with national policy and in general conformity with the London Plan in relation to Infrastructure Provision, Implementation, Monitoring and Viability?**

### **Infrastructure Provision**

366. The submitted Infrastructure Delivery Plan 2023 (IDP) (PD07) identified several investment requirements for social infrastructure; green infrastructure; transport infrastructure and utilities. These categories of strategic infrastructure are divided into two levels, infrastructure which services (or is needed) to meet the forecast growth in Greater London in general or its sub-regions; and then Borough-level infrastructure to meet the forecast growth in Lewisham over the lifetime of the Plan period. The requirements are prioritised with timescales.
367. The submitted IDP contains a substantial number of requirements that are unconfirmed. Although it is recognised that the IDP is a 'live' document and should be regularly monitored and reviewed, it is necessary to have certainty requiring the infrastructure requirements or otherwise the delivery of the Plan could be undermined. During the examination the Council engaged with the relevant internal and external infrastructure partners in order to update the IDP.
368. A revised IDP 2024 (LC62) as amended by the errata sheet (LC62A) was submitted and addresses as many of the unconfirmed requirements as practically possible. To ensure that the requirements are realistic, some have been reprioritised, and timescales have been adjusted. The Council remains committed to an annual review and update to the IDP. As such we are satisfied that the revised IDP will ensure that the necessary infrastructure is delivered to support the growth strategy of the Plan.

### **Implementation**

369. Policies DM1 to DM6 are a collection of policies related to the delivery and implementation of the Plan. They set out how the Council will work with

stakeholders to achieve necessary infrastructure funding, enable master planning for comprehensive development and land assembly, and facilitate meanwhile uses. Policy DM6 relates specifically to the types of development proposal where a Health Impact Assessment would be required.

370. Policy DM2 as submitted does not identify whether health infrastructure would be considered as part of the infrastructure funding and planning obligations. A reference within the policy is necessary for effectiveness and this is achieved through **MM320**.
371. Policy DM3 and its explanatory supporting text sets out the approach to, and the requirements for comprehensive development of sites including master planning. This policy had several deficiencies which undermines the effectiveness. It did not recognise that a hybrid application could be made which is often a preferred approach for larger or more complex regeneration schemes. There is ambiguity within the master plan requirement in relation to when it would be submitted, what it should contain, how it would address landownerships, particularly with regard to engaging multiple landowners and plots within a site allocation and how the public and interested stakeholders would be able to be involved in the master planning process. The master plan requirement is also inflexible in that it does not clearly recognise the need for proportionality, in the scope and scale of master plans, and the need to ensure deliverability. **MM321** is necessary to make Policy DM3 effective.
372. **MM322**, **MM323** and **MM324** provide additional explanatory text for Policy DM3 and are necessary for effectiveness.
373. Policy DM4 lacks clarity as to what circumstances the Council could use its land assembly powers. The ambiguity could affect the efficient delivery of development and thereby undermine the Plan's spatial strategy. **MM325** provides clarity and certainty to enable development to progress in a timely manner and is necessary to make Policy DM4 effective.

## Monitoring Framework

374. Policy DM7 sets out the Plan's approach to monitoring and review involving a number of local performance indicators with the outcomes published annually in the Authority Monitoring Report. The policy is not precise as to what will be monitored and measured. This is addressed by **MM328**. Table 19.1 set out 58 local performance indicators. As submitted, there was a lack of focus on the key strategic matters necessary to assess the effectiveness of the Plan and a lack of clarity and consistency with the choice of measures, indicators and targets to be monitored. All of which would undermine the effectiveness of the monitoring to enable an objective assessment as to whether a full or partial review of the Plan was necessary. Accordingly, **MM329** presents new explanatory paragraph and **MM330** sets out a revised Table 19.1. These MMs are necessary to make the monitoring framework effective, justified and consistent with national policy.

## Viability

375. An initial version of the Local Plan Viability Assessment (LPVA) (EB63) was prepared and made available for consultation at the Regulation 18 in May 2018. The latest iteration of the LPVA accompanied the regulation 19 stage and the submission Plan.
376. Representations raised matters regarding affordable housing, specifically how the niche residential typologies and the build-to-rent sector were tested. Comments were also raised in relation to affordable workspace. Most comments related to specific sites; none of the comments challenged the broad methodology or assumptions used.
377. The LPVA adopted standard residual valuation approaches to test the viability of development typologies and actual larger development sites taking account of the cumulative impact on viability of Plan policies together with the Community Infrastructure Levy (CIL) introduced in 2015. The affordable housing policies (HO1; HO3) are tested at various percentages, in recognition of the significant impact on viability. This approach is consistent with that set out in the PPG, the Local Housing Delivery Group Guidance 'Viability Testing Local Plans': Advice for Planning Practitioners', the RICS Practice Statement and the Mayor of London Affordable Housing and Viability SPG 2017. The use of standardised inputs is consistent with the PPG and the inputs have been sense checked against live schemes in the Borough.
378. Two matters were highlighted during the examination. The LPVA had assessed the Benchmark Land Value of LCA SA5 on the basis of the incorrect site size. The consultants undertook a revised assessment on the basis of the correct site size, and on the basis of the higher land value applied to the Sainsbury Bell Green site. The results are set out at LC37 and show that the site would be viable. The LPVA assessed the viability of a residential care home, but not housing aimed at older people (Use Class C3). The consultants have since modelled such a development and the results are set out at LC42. These demonstrate that housing schemes for older people (C3) are viable and can contribute to affordable housing.
379. Whilst detailed assumptions on individual sites were challenged by developers, it is important to note that this is a high-level assessment and undertaking a LPVA is not an exact science. There will always be an element of judgement in applying assumptions and reaching conclusions. Based on the evidence before us, we find the methodology used and the inputs applied to be grounded in recognised data sources. Furthermore, numerous policies provide flexibility where it can be demonstrated that viability is an issue. Overall, the LPVA demonstrates that the cumulative requirements of the Plan would not undermine the delivery of the strategy of the Plan by threatening the viability of development.

## Conclusion

380. Subject to the modifications set out above, we conclude that the Plan is justified, effective, consistent with national policy and in general conformity with the London Plan in relation to infrastructure provision, implementation, monitoring and viability.

## Overall Conclusion and Recommendation

381. The Council has requested that we recommend MMs to make the Plan sound and/or legally compliant and capable of adoption. We conclude that the duty to cooperate has been met and that with the recommended MMs set out in the Appendix the Lewisham Local Plan 2020-2040 satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

*Caroline Mulloy*      *Rachael Bust*

Inspectors

This report is accompanied by an Appendix containing the Main Modifications.