

Lee Green Consultation Comments

1. Introduction

- 1.1. We would first like to thank the forum for engaging with council officers at this stage of the plan and giving us the opportunity to provide our feedback. We do fully appreciate the level of work that the forum has undertaken regarding the neighbourhood plan to date and we look forward to supporting the forum throughout the neighbourhood planning process.

- 1.2. The basic conditions that have to be met during the production of a Neighbourhood plan are as follows:
 - Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order (neighbourhood plan).
 - Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it processes, it is appropriate to make the order.
 - Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order.
 - The making of the order (neighbourhood plan) contributes to the achievement of sustainable development.
 - The making of the order (neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority.
 - The making of the order (neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.
 - Prescribed conditions are met in relation to the Order (neighbourhood plan) and prescribed matters have been complied with in connection with the proposal of the order (neighbourhood plan).

- 1.3. Only where a draft Neighbourhood Plan meets all of the basic conditions can it be put to a local referendum and 'made' (i.e. adopted). Normally, Forums will prepare a basic conditions statement to demonstrate to an independent plan examiner that the plan meets the basic conditions.

- 1.4. A neighbourhood plan, once adopted, forms part of the council's statutory Development Plan alongside the London Plan and the Lewisham's Local Plan. It is also used with the National Planning Policy Framework (NPPF) in the determination of planning decisions in the borough. The hierarchy of planning policies in Lewisham is as follows:
 - [National Planning Policy Framework](#) (2019);
 - [London Plan](#) (2016), or any subsequent document;

- [Lewisham Local Plan](#), current comprising the Core Strategy (2011), Development Management (2014), Lewisham Town Centre (2014) and Site Allocations (2013) local development documents; and
 - Neighbourhood development plans.
- 1.5. The role of the neighbourhood plan is to support delivery of sustainable development locally. It must conform with policies set out in the higher-level documents and support the delivery of strategic policies that are contained within Lewisham's Local Plan, helping give effect to the Borough's spatial development strategy
 - 1.6. Neighbourhood Plans can be useful documents to local authorities as they provide several benefits such as identifying locally specific issues and policies that Local Plans may not have identified at the strategic level, identifying small sites that could deliver important development (such as housing or new workspace), and helping to set priorities for the use of neighbourhood Community Infrastructure Levy (CIL) funding.
 - 1.7. It is worth noting that if the neighbourhood plan will be required to be in general conformity with the current adopted versions of the London Plan and Lewisham Local Plan at the time it undergoes examination. However the council strongly advises the Forum to give consideration to the latest emerging higher-level documents. This will help to ensure the neighbourhood plan policies remain up-to-date and, for the Forum, may help to avoid the need for an early stage review of the neighbourhood plan, should it come into force. The draft new London Plan has recently undergone an independent examination and is available online. We would encourage the Forum to continue to liaise with council officers for feedback on compatibility with the emerging draft new Local Plan.
 - 1.8. We would also strongly recommend that an independent Health Check be undertaken on the draft neighbourhood plan prior to the submission stage, which will need to be paid for by the Forum. There are a number of companies offering these services, normally for a fixed price fee.
 - 1.9. The comments in this consultation response are structured in a way to help the forum further develop the policies that are present in the draft neighbourhood plan. The first section of the comments will provide general a general overview on the draft plan, its policies and formatting and evidence base. The second section will contain a schedule of comments that will approach each policy that has been submitted.

2. Officer overview of plan

- 2.1. We would first like to acknowledge the hard work that the Lee Forum undertook in the drafting of this plan. It is clear to council officers that a lot of thought and time has gone into this document and clearly reflects a number of issues that the forum feels passionately about within the locality of the plan area.

- 2.2. The plan provides a solid context of how the policies were developed with a very informative chapter about the history of Lee Green and the neighbourhood area context within Lewisham and London as a whole.

3. High level Comments

Policies

- 3.1 There is an appropriate policy context listed in every policy section that clearly demonstrates how the policies found in this plan conform to national and local planning policy documents. This will need to be presented formally in the basic conditions section of the plan.
- 3.2 There are examples of policies in the draft plan that are similar to policies found in the London Plan and Lewisham Local plan... Although policies that are found in the neighbourhood plan should generally conform with higher level policies, officers would recommend that the group considers how these policies can be more locally specific to the Plan area in a similar way to the policies that are to be read along with Annex 2 – Area Design Guidance
- 3.3 Please find as an appendix the relevant draft Lewisham Local Plan policies that have been highlighted in the schedule of comments below.
- 3.4 Although officers welcome the forum submitting a draft plan that includes a wide variety of policy areas, we would like to point out to the forum that there are examples of policies within the draft plan that fall outside the scope of a neighbourhood plan in the Council's view. These have been identified in the schedule of comments below.
- 3.5 8 site allocations have been identified within the draft plan on the Lewisham side of the boundary. These sites area:
- Dacre Park, Car Park entrance to allotments
 - Lockup garages and open space, Old Road, SE3 5SR
 - Old Road Depot, Old Road, SE13 5SU
 - Land Adjacent to 2 Boone Street
 - Lock up Garages, Wisteria Road
 - Corner of Burnt Ash Road and Effingham Road
 - Sainsbury's, 14 Burnt Ash Road, SE12 8PZ
 - 321 – 341 Lee High Road, SE12 8RU

Evidence base

- 3.6 A reminder to the forum that a fully updated evidence base should be submitted at the Reg 15 stage of the Neighbourhood Planning Regulations 2012.

Format

- 3.7 Council officers would suggest that the policies come before the supporting text in the document as this would align with the formatting of Lewisham's LDF documents.
- 3.8 To keep the formatting consistent throughout the plan, the beginning of each policy chapter should start on a new page. Please see 5.3 Green and Blue Spaces.
- 3.9 Council officers suggest a review of the formatting of the policies within the allocated text boxes. Policy B2 – Windfall Sites is slightly restricted in its readability.
- 3.10 The formatting of the plan however is generally acceptable with all of the policy chapters clearly identified with consistent numbering that allows the reader to easily navigate the plan

Policy Name/Number	Council Comment
Pg. 13	1.5 – The delivery timeframe of the plan needs to be amended
Pg. 14	1.7 – The Draft London Plan date now needs to be changed to 2019
Pg. 15	1.10 – The yellow ‘Transport and Connectivity’ text is difficult to read on the white background, especially when reading on screen. It would be worth rethinking this colour.
Pg. 38	<p>3.3 – Strategic Spatial Principles. It may be worth looking at how these principles could be presented more prominently. In our view the current format and layout does not acknowledge the importance that these principles have in relation to the making of the plan and the policies that follow after.</p> <p>It may be advisable to revisit these principles and expand on them to make them more robust. As mentioned above these spatial principles provide the basis for the spatial strategy and the detailed policies in the rest of the plan. At present they could be considered as not being robust enough.</p>

Policy Name/Number	Council Comment
<p>Policy R1 - Maintain, Improve and sustain the Diversity, Vitality and Viability of Retail sites</p>	<p>A – This policy will be supported by the council</p> <p>B - The principle of this policy will be supported by the council however permitted development (PD) rights as they currently stand will challenge this policy. It would be worth adding a control that specifically challenges the change of use between ground floor retail to residential. This would conform to the emerging council policy that will resist this change of use.</p>
<p>Policy R2 - Improve Design and Cohesion of Retail Sites</p>	<p>A – Dependent on the size of the scheme councils will be obliged to work together especially if the development sits on the boundary of the boroughs or has significant benefits to each borough. As there are no major strategic sites that meets this criteria within the plan area, the council would not see this policy as being relevant to the neighborhood plan. We would recommend that this policy should be reconsidered.</p> <p>B - This policy is covered by the Lewisham shop front design guide SPD and through DM policy 19. However the group should try to identify anything that is locally specific to shop fronts in the Lee Green neighbourhood area that should be protected or enhanced that is not outlined in the Lewisham shop front design guide SPD. There is an opportunity here to develop a policy that will help create a specific local character to the shop fronts in Lee.</p> <p>C - Policy is covered by DM policy 19 in the Lewisham development management plan.</p>
<p>Policy R3 – Improve and Enhance the Public Realm of Retail/Cultural Activity Sites</p>	<p>The council would generally support this policy however in A.1 we would ask for the removal of the term ‘provision of infrastructure’.</p> <p>We would ask that in this policy the forum also clarify the specific areas/identified development sites and how they would be prioritised.</p>

Policy Name/Number	Council Comment
<p>Policy R4 – Protect and Encourage Local Employment Sites</p>	<p>A – Although the council acknowledges the good intentions of this policy as written, a planning policy document is concerned with land use and not the protection of existing business. This could be re-worded to include the protection/incorporation of existing employment sites within new developments. The actual business that is situated within the employment spaces would not be afforded that protection. We would recommend that this policy should be reconsidered.</p> <p>B – Consider focusing this policy towards the Greenwich side of the plan area as the emerging Lewisham Local Plan will resist a loss of Local Employment Location (LEL). Please refer to the most recent employment land study which will be attached along with these comments.</p> <p>C – To conform with council policy it may be worth adding “sui generis where appropriate” as this will allow industries and employment uses that are not covered by the B classes. The council’s emerging local plan will resist B8 uses so reference to this use class should be reconsidered.</p> <p>D – Again you should add “sui generis where appropriate” as this will allow industries and employment uses that are not covered by the B classes. The council’s emerging local plan will resist B8 uses so reference to this use class should be reconsidered.</p>
<p>Policy HD1 – Designation, Conservation and Enhancement of Heritage Assets</p>	<p>The council will support this policy.</p> <p>We would recommend that you to change ‘protect, conserve and enhance’ to ‘protect, conserve <u>or</u> enhance’.</p> <p>The policy is aligned very closely to the current Lewisham Local Plan policies and we would like to see this conform more closely with the emerging Local Plan as it could cause some confusion between the two. We would ask that you review the current policy by acknowledging the emerging Local Plan policy that has been attached withy this plan.</p> <p>Just as an FYI in terms of the terminology of heritage assets:</p> <p>Locally Listed Buildings – Designated by LB Lewisham</p>

Policy Name/Number	Council Comment
	<p>Non – designated heritage assets – Identified by LB Lewisham Nominated Buildings for the Local List – nominated by Lee Forum</p>
<p>Policy HD2 – Design and Scale of New Development</p>	<p>The policy is aligned very closely to the current Lewisham Local Plan policy and could cause an issue when it comes to the cohesion of the two plans.</p>
<p>Policy GB1 – Protection and Enhancement of Green Spaces</p>	<p>The green space typologies/designations listed on the map on Pg. 79 of the plan should align with either the adopted GLA/Lewisham/Greenwich designations. Is this using another criteria? If it is Greenwich policy this should be stated clearly on the map.</p> <p>Part A – All green spaces should be changed to all designated green spaces.</p> <p>Part A.2 – The council would not be able to support this policy as it would be difficult to show how the benefits would be assessed. The group should consider the Draft London Plan policy on Urban Greening. The emerging Local Plan will be aligned with this policy as a means of rigorously assessing new developments green credentials.</p> <p>Part B – The policy is replicating Lewisham DM policy 25. The plan could expand on this to define how exactly a Landscape scheme could demonstrate improvements specifically to the Lee Green area.</p> <p>C - Needs to be clearer on the meaning of ‘maintained’ here. Active frontages are widely defined as frontages that engage with the street or waterside meaning largely residential/employment/retail space. The wording of this policy could cause some confusion to the reader and could be re-worded to add clarity. It needs to read “development</p>

Policy Name/Number	Council Comment
	<p>proposals adjacent to green space should provide active frontages onto those spaces to provide natural surveillance.</p> <p>D - This policy is replicating national, regional and Local policies that stipulate that there shall be no net loss in recreational facilities and playing fields. It is worth noting the exemptions listed through the Sport England policy as the policy does discuss loss of these facilities through specific development.</p>
<p>Policy GB2 - Achieving a Green Infrastructure led Development Approach</p>	<p>This policy would be generally supported however we would seek clarity on part 4 of this policy. Is this suggesting incorporating landscape elements – tree lined boulevards, rain gardens etc between the carriageway and footway where possible? The section requires some re-writing to make it's intensions clear</p>
<p>Policy GB3 – Designation of Nature Improvement Areas</p>	<p>A - This policy would be supported by the council.</p> <p>B – This policy would be generally supported however the designation of the Green Chain Link is the responsibility of TFL. We would ask you to look at the Lewisham Green Grid designation instead? This is a protection that the council would be better suited to designate.</p>

Policy Name/Number	Council Comment
<p>Policy GB4 – Protection and Increase of Tree Cover</p>	<p>A – Although the intention of this policy is admirable, trees over 10+ years would not be afforded protection purely due to their age. The council through its development management policies acknowledges the importance of tree retention, however this will not be feasible in every situation. Any trees that are removed as a result of development that cause a significant change to the streetscape or if a number of trees are removed at once due to development, applicants will be required to demonstrate the planting of replacements adequate to the removal. Trees with TPO’s are provided greater protection and the council would resist removal unless substantial public benefit is demonstrated. We would recommend that this policy should be reconsidered.</p> <p>B – This is currently a requirement for all applications that impact on existing trees. The tree officer is consulted extensively regarding trees that are impacted by development.</p> <p>C – This would be difficult to implement and in the Council’s view falls outside the scope of a neighbourhood plan. The validation requirements are set out by government guidance and whilst local authorities are able to set additional requirements it would be very difficult to tailor these requirements specifically for one area of the borough. Whilst our tree officers consult whenever possible with amenity groups and forums, due to limited resources it is not always possible for every application.</p> <p>D – This policy does not consider the size of development and what would be acceptable loss of tree and canopy cover. The policy should be proportionate to the application for example a small householder application would not be expected to meet the same requirements as a major development. The level of what is unacceptable loss should be defined here. To make this locally specific it could be linked to annex 2 - Area Design Guide.</p> <p>E – Please refer to the comment made regarding part A of this policy. The use of Capital Asset Value for Amenity Trees (CAVAT) set out by the London tree officers association is a principle that could replace the blanket 3:1 ratio for replacing trees. We believe that this would give the stronger position and would be a more flexible approach. Please find separately attached the emerging Local Plan policy GR 4 Urban Greening and Trees for reference.</p>

Policy Name/Number	Council Comment
<p>Policy CI1 – Protection, Enhancement and Provision of Community Buildings</p>	<p>A and B - In our view these policies are not flexible enough considering the public sector estate that is situated within the Lee Green neighbourhood area. These policies should be flexible enough to allow for the re-configuration of social infrastructure. For example if the NHS was to consolidate all of its social infrastructure in the area, this policy could hinder this progression. This is clarified in the draft London Plan policy S1 part F(2).</p> <p>C- There should be reference to the priority projects that you have listed within this policy. We would also ask for an evidence base if the plan is identifying need for community facilities within the area and insisting on more provision. The policy also needs to be clear about what sites this policy is being applied to. The policy as it stands is currently suggesting that all new schemes should provide new and improved community infrastructure.</p> <p>D – There is no need for brackets to separate the last part of the sentence. Also worth considering the removal of the term “standalone”.</p>
<p>Policy CI2 – Protection, Enhancement and Provision of Social Infrastructure</p>	<p>A – An assessment of the existing and future infrastructure requirements to support population growth is prepared by the Local Authority in collaboration with infrastructure providers through the Local Plan process and incorporated into an Infrastructure Delivery Plan. Any identified infrastructure is then secured through S106, CIL or other wider funding sources. In our view this is not the role of a neighbourhood plan.</p> <p>B – We would recommend that this policy should be reconsidered as the current policy is slightly confusing. Is the plan asking that the developers design the new facilities? Again this will be highlighted through planning obligations such as strategic CIL or s106.</p> <p>We would recommend that the wording of this policy be reconsidered. A neighbourhood plan is should not tell the council what it is “required to do”.</p>

Policy Name/Number	Council Comment
<p>Policy CI3 – Enhancement of public Realm Facilities</p>	<p>What type of development needs to be defined in this policy? A single dwellinghouse is defined as development, as is a large mixed use scheme.</p> <p>The projects in this policy would be achieved through planning obligations such as the NCIL fund as well as s106 obligations.</p> <p>You should consider a definition for large-scale commercial buildings. Commercial buildings can be used for a range of services and can be situated outside of areas where a lot of footfall happens and therefore would be unrealistic to expect public toilets to be situated there.</p> <p>D. This policy would be generally supported however were part 3. asks for electric charging points to be incorporated wherever possible is something that would be supported from a strategic perspective.</p>
<p>Policy TC1 – Protect, Promote and Enhance Public Transport Provision</p>	<p>A – This will be supported by the council. However this is phrased in a way that suggests any development that does not help improve the PTAL of the area will not be supported. If the proposed development shows that it is of appropriate scale and density for existing PTAL then there is no specific requirement for developers to be asked to improve it. This would give a platform to re-write this policy to include a specific size of proposed development however there would need to be a strong evidence base to support what size of development is needed in terms to improve the PTAL. Otherwise the transport provision to meet projected population growth is assessed through the Infrastructure Development Plan.</p> <p>B – This is replicating Lewisham policy CS14 and standard practice for major developments when applying for planning. Requirements for applicants have to be proportionate to size and nature of the development. We would be unable to insist on a Transport Impact Assessment for householder applications for example.</p> <p>C – The plan should build more on promoting sustainable public transport. How will the plan promote the use of public transport? How would you encourage the use of sustainable transport methods?</p>

Policy Name/Number	Council Comment
	<p>Some of the issues that have been raised in these policies would be considered as strategic and it is difficult to see how they can be addressed through this neighbourhood plan.</p>
<p>Policy TC2 – Improve Measures to Tackle Pollution Levels</p>	<p>A - Air quality and noise pollution are covered by higher level policies at Lewisham and London level and many of the conditions listed in this policy would be covered in an Air Quality Impact Assessment which will consider the potential impacts of the development on site and neighboring areas.</p> <p>Electric charging points in every new residential parking space is considered unreasonable. The London Plan has set an appropriate target.</p> <p>B – This policy would be supported by the council. Cycle storage is being increased throughout the borough however this is being done on a demand basis and with this in mind a recommended next actions could be considered to try and promote the local need for more of the cycle storage units. This policy could also include the local need for controlled parking zones (CPZs)</p>

Policy Name/Number	Council Comment
<p>Policy TC3 – Improve Road and Traffic Safety Measures</p>	<p>The wording of this policy needs to be reconsidered. Proposals impacting on capacity or provision of road infrastructure could mean as little as 1 new dwellinghouse. The effect of this policy would then mean that any new house being built in the plan area would have to address all of the considerations that would be considered unreasonable. The requirements on development has to be proportionate to the scale of development so it may be appropriate to define the scale of development that this policy would apply to.</p> <p>Linking the policy to a Transport Impact Assessment would also be advisable.</p>
<p>Policy B1 – Housing Delivery</p>	<p>A –. Part 1. We would advise the change of the term social housing to affordable housing as this is the terminology that is widely used when discussing housing tenures. Part 4. Could be linked to the priority projects for the area. This will be delivered through Strategic CIL, NCIL or s106 obligations.</p> <p>At present the provision of affordable housing will only be applicable to applications of 10 residential units and above.</p> <p>B – This does not necessarily need to be included as this document will be used alongside Lewisham and London plans to determine planning applications as a statutory plan.</p> <p>C – This policy would be supported by the council</p>
<p>Policy B2 – Windfall Sites</p>	<p>This policy would be supported by the council.</p>

Policy Name/Number	Council Comment
<p>Policy B3 – Design of New Development</p>	<p>Please clarify the size and type of development for each of the design aspects listed in this policy.</p> <p>The policy should also specify who would be responsible for looking over the HIA and approving and verifying them.</p>
<p>Policy B4 – Extensions and Alterations to Existing Buildings</p>	<p>This policy largely replicates the guidance outlined in the Lewisham Alterations and Extensions SPD that was adopted in April 2019. The policy also seems to be fairly prescriptive in favor of a traditional architectural approach. Whilst this can work well in some circumstances the council is supportive of all architectural styles that respond positively to the existing building and provides a high quality outcome.</p>
<p>Policy B5 – Managing Flood Risk</p>	<p>A – The council would support this policy</p> <p>B - The expectation of what SUDs should achieve in this policy is too specific and should treat the benefits of the SUDs system on a development by development basis</p> <p>C – We would recommend that the wording should be changed to ‘encourage the use’ of permeable surfaces and remove ‘will be required’</p> <p>D – The council would support this policy however it is Important to note that almost all paving in front gardens does not require planning permission.</p>

Policy Name/Number	Council Comment
Lee Forum Priority projects	<p>The community priority projects catalogued in the draft plan could be delivered through the councils Neighbourhood CIL (NCIL) strategy. The NCIL strategy has recently been approved at Mayor & Cabinet, and work has begun in anticipation of launching this process later in the year. All neighbourhood forums will be formally invited to participate in the NCIL process once it is launched.</p> <p>If the Lee neighbourhood plan passes the referendum stage outlined in the neighbourhood planning regulations 2012 (amended), the priority project list developed within the plan would automatically be considered alongside other projects submitted through the ward assemblies, as part of the voting and ratification workshop to identify priority projects. We have to stress that although the projects will be considered for NCIL funding, there is no guarantee that they will progress through the ward assembly led decision making process on what projects should be delivered through this fund.</p>