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SECTION 2

Summary

As the Independent Examiner appointed by London Borough of Lewisham to examine the Grove Park Neighbourhood Development Plan, I can summarise my findings as follows:

- 1. I find the Grove Park Neighbourhood Development Plan and the policies within it, subject to the recommended modifications does meet the Basic Conditions.*
- 2. I am satisfied that the Referendum Area should be the same as the Plan Area, should the Grove Park Neighbourhood Development Plan go to Referendum.*
- 3. I have read the Grove Park Consultation Statement and the representations made in connection with this subject I consider that the consultation process was robust and that the Neighbourhood Plan and its policies reflects the outcome of the consultation process including recording representations and tracking the changes made as a result of those representations.*
- 4. I find that the Grove Park Neighbourhood Development Plan can, subject to the recommended modifications proceed to Referendum.*
- 5. At the time of my examination the Development Plan comprised the adopted Lewisham LDF (core strategy and Development management plan) and the London Plan 2011(as revised 2016).*

SECTION 3

3.Introduction

3.1. Neighbourhood Plan Examination.

My name is Deborah McCann and I am the Independent Examiner appointed to examine the Grove Park Neighbourhood Development Plan.

I am independent of the qualifying body, I do not have any interest in the land in the plan area, and I have appropriate qualifications and experience, including experience in public, private and community sectors.

My role is to consider whether the submitted Grove Park Neighbourhood Development Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the Grove Park Neighbourhood Development Plan should proceed to Referendum. My role is as set out in more detail below under the section covering the Examiner's Role. My recommendation is given in summary in Section 2 and in full under Section 5 of this document.

The Grove Park Neighbourhood Development Plan has to be independently examined following processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.

The expectation is that the examination of the issues by the examiner is to take the form of the consideration of the written representations. However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. Having read the plan and considered the representations I did require clarification on a number of issues. These points were dealt with by written representations in a question and answer format. This additional information is publicly available on the London Borough of Lewisham website and covered in my report within the relevant policy.

3.2. The Role of Examiner including the examination process and legislative

background.

The examiner is required to check whether the neighbourhood plan:

- *Has been prepared and submitted for examination by a qualifying body*
- *Has been prepared for an area that has been properly designated for such plan preparation*
- *Meets the requirements to*
 - i) specify the period to which it has effect;*
 - ii) not include provision about excluded development; and*
 - iii) not relate to more than one neighbourhood area and that*
- *Its policies relate to the development and use of land for a designated neighbourhood area.*

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

As an independent Examiner, having examined the Plan, I am required to make one of the following recommendations:

1. The Plan can proceed to a Referendum
2. The Plan with recommended modifications can proceed to a Referendum

Where a policy does not meet the basic conditions or other legal requirement I may, on occasion, need to delete wording, including potentially an entire plan policy and/or section of text, although I will first consider modifying the policy rather than deleting it. Where a policy concerns a non-land use matter, advice in the Planning Practice Guidance states “Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.” As such, when considering the deletion of any non-land use matters from the plan, I will consider if I can make a modification to place the relevant proposed actions in a non-statutory annex to the plan, dealing with ‘Wider Community Aspirations’. I will not generally refer back to parties on these

detailed revisions. I will make modification either in order to meet the Basic Conditions, to correct errors or provide clarification. However, the focus of my examination, as set out in legislation is relatively narrow, I must focus on compliance with the Basic Conditions. The main purpose of a neighbourhood plan is to provide a framework for the determination of planning applications, policies in a plan which have elements which either seek to control things which fall outside the scope of the planning system or introduce requirements which are indiscriminate in terms of the size of development or overly onerous and would not meet the Basic Conditions. In these circumstances it will be necessary to make modifications to the plan. In making any modifications I have a duty to ensure that the Basic Conditions are met however I am also very careful to ensure, where possible that the intention and spirit of the plan is retained so that the plan, when modified still reflects the community's intent in producing their neighbourhood plan.

3. The Plan does not meet the legal requirements and cannot proceed to Referendum

I am also required to recommend whether the Referendum Area should be different from the Plan Area, should the Grove Park Neighbourhood Development Plan go to Referendum.

In examining the Plan, I am required to check, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:

- the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004:

- The Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 to specify the period for which it has effect - the Plan has been prepared for an area designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.

I am also required to determine whether the Plan complies with the Basic Conditions, which are that the proposed Neighbourhood Plan:

- Has regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contributes to the achievement of sustainable development; and
- Is in general conformity with the strategic policies contained in the Development Plan for the area.

There is now an additional Basic Condition to be considered. Since the 28th of December 2018, the Neighbourhood Planning (General) Regulations 2012 Such 2 para 1 has stated:

"In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act—

The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017."

The Plan must also not breach, and otherwise be compatible with EU obligations and Human Rights requirements.

London Borough of Lewisham will consider my report and decide whether it is satisfied with my recommendations. The Council will publicise its decision on whether or not the plan will be submitted to a referendum, with or without modifications. If the Neighbourhood Plan is submitted to a referendum, then 28 working days' notice will be given of the referendum procedure and Neighbourhood Plan details. If the referendum results in more than half those voting (i.e. greater than 50%), voting in favour of the plan, then the Unitary Authority must "make" the Neighbourhood Plan a part of its Development Plan as soon as possible. If approved by a referendum and then "made" by the local planning authority, the Neighbourhood Plan then forms part of the Development Plan.

SECTION 4

4.The Report

4.1. Appointment of the Independent examiner

The London Borough of Lewisham appointed me as the Independent Examiner for the Grove Park Neighbourhood Development Plan with the agreement of Grove Park Neighbourhood Forum.

4.2. Qualifying body

Where there is no parish or town council who can lead on the creation of a neighbourhood plan, members of the community can form a neighbourhood forum to take forward the development of a Neighbourhood Plan or Order. A group or organisation must apply to the local planning authority to be designated as a neighbourhood forum (a forum application). Those making a forum application must show how they have sought to comply with the conditions for neighbourhood forum designation. These are set out in section 61F (5) of the Town and Country Planning Act 1990 as applied to Neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004.

To be designated a neighbourhood forum must have a membership that includes a minimum of 21 individuals who either:

- live in the neighbourhood area
- work there; and/or
- are elected members for a local authority that includes all or part of the neighbourhood area

The Grove Park Neighbourhood Forum (GPNF) became a qualifying body for the purposes of neighbourhood planning, in accordance with the Localism Act (2011)⁴, on 22nd October 2014. Designation was approved by the Mayor and Cabinet meeting.

The designation lasts, in accordance with the regulations, for 5 years.

The Grove Park Neighbourhood Plan Forum submitted the draft Plan under Regulation 15 in July 2019 within the period when the Forum was designated.

On March 24th, 2020 the Grove Park Neighbourhood Forum submitted their application for re designation. The London Borough of Lewisham were satisfied that the Forum satisfied the necessary requirements and approved the application. The Grove Park Forum designation will run until the 7th of October 2025.

I am satisfied that Grove Park neighbourhood Forum meets the necessary requirements and is the Qualifying Body.

4.3. Neighbourhood Plan Area

Grove Park Neighbourhood Forum was designated as a Neighbourhood Plan area 22 October 2014 by the London Borough of Lewisham.

The Grove Park Neighbourhood Area covers the area shown on the map in Figure 1, page 16 of the Grove Park Neighbourhood Development Plan.

The Basic Conditions Statement submitted with the Grove Park Neighbourhood Development Plan confirms there are no other Neighbourhood Plans covering the Area of the Grove Park Neighbourhood Development Plan.

4.4. Plan Period

It is intended that the Grove Park Neighbourhood Development Plan will cover the period 2018-2033.

4.5. London Borough of Lewisham initial assessment of the Plan (Regulation 15).

Grove Park Neighbourhood Forum submitted the draft Grove Park Neighbourhood Plan to London Borough of Lewisham for consideration under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 on the 11th of July 2019.

London Borough of Lewisham made an initial assessment of the Neighbourhood Development Plan and the supporting documents and is satisfied that these comply with the specified criteria.

4.6 Site Visit

Due to the exceptional circumstances of the Covid 19 pandemic restrictions it was agreed with the London Borough of Lewisham and the Grove Park Neighbourhood Forum that I would be provided with extensive photographic evidence of the neighbourhood plan area. The photographic and video evidence was provided by the forum. The areas covered by the photographs were selected by me, focusing in particular on policy areas and site allocations. I am satisfied that this evidence together with my own research provided me with the information necessary to complete my examination.

4.7. The Consultation Process

The Grove Park Neighbourhood Development Plan has been submitted for examination with a Consultation Report which sets out the consultation process that has led to the production of the plan, as set out in the regulations in the Neighbourhood Planning (General) Regulations 2012.

The Statement describes the approach to consultation, the stages undertaken and explains how the Plan has been amended in relation to comments received. It is set out according to the requirements in Regulation 15.1.b of the Neighbourhood Planning (General) Regulations 2012):

- (a) It contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
- (b) It explains how they were consulted; (c) It summarises the main issues and concerns raised by the persons consulted; and
- (d) It describes how these issues and concerns were considered and, where relevant, addressed in the proposed neighbourhood development plan.

Examination of the documents and representations submitted in connection with this matter have led me to conclude that the consultation process was thorough, well conducted and recorded.

A list of statutory bodies consulted is included in the Consultation Statement.

4.8. Regulation 16 consultation by London Borough of Lewisham and record of responses.

The London Borough of Lewisham placed the Grove Park Neighbourhood Development Plan out for consultation under Regulation 16 for the statutory six-week period from 1st of November 2019 to 20th December 2019. There was subsequently a delay in putting the plan forward to examination due to the constitution period for the Neighbourhood Plan Forum expiring and complications arising from the Coronavirus pandemic.

A number of representations were received during the consultation period and these were made available by London Borough of Lewisham as part of the supporting information supplied for the examination process. I considered the representations, have taken them into account in my examination of the plan and made reference to them where appropriate.

4.9. Compliance with the Basic Conditions

A Basic Conditions Statement was produced for the Grove Park Neighbourhood Development Plan. The purpose of this statement is to set out in detail how the Neighbourhood Development Plan, as submitted meets the Basic Conditions. It is the Examiner's Role to take this document into consideration but also make take an independent view as to whether or not the assessment as submitted is correct.

I have to determine whether the Grove Park Neighbourhood Development Plan:

- 1. Has regard to national policies and advice*
- 2. Contributes to sustainable development*
- 3. Is in general conformity with the strategic policies in the appropriate Development Plan*
- 4. Is not in breach and is otherwise compatible with EU obligations and Human Rights requirements.*
5. There is now an additional Basic Condition to be considered. Since the 28th of December 2018, the Neighbourhood Planning (General) Regulations 2012 Such 2 para 1 has stated:

"In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act—

The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017."

Documents brought to my attention by the Unitary Authority for my examination include:

(a) The Grove Park Neighbourhood Development Plan:

This is the main document, which includes the policies developed by the community.

(b) The Consultation Statement:

This is a statement setting out how the community and other stakeholders have been involved in the preparation of the Grove Park Neighbourhood Development Plan and is supported by an evidence base, which arose from the consultation.

(c) Basic Conditions Statement.

This is a statement setting out how Grove Park Neighbourhood Development Plan Working Group considers that the Neighbourhood Development Plan meets the Basic Conditions. This statement also includes the screening report for the Strategic Environmental Appraisal and Habitats Regulations Assessment and addresses how the plan contributes to the achievement of sustainable development.

(d) Annex I – introduction to Grove Park

(e) Annex II – neighbourhood analysis

(f) Grove Park Neighbourhood Plan Strategic Environmental Assessment

Comment on Documents submitted

I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Grove Park Neighbourhood Development Plan does, subject to the recommended modifications, meet the Basic Conditions.

4.10 Planning Policy

4.10.1. National Planning Policy

National Policy guidance is in the National Planning Policy Framework (NPPF). At the time of the preparation of the Neighbourhood Plan the relevant NPPF was the National Planning Policy Framework (NPPF) February 2019 (as updated).

To meet the Basic Conditions, the Plan must have “regard to national policy and advice”. In addition, the NPPF requires that a Neighbourhood Plan “must be in general conformity with the strategic policies of the local plan”.

Paragraph 29 states:

“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies.”

The Grove Park Neighbourhood Development Plan does not need to repeat national policy, but to demonstrate it has taken them into account.

I have examined the Grove Park Neighbourhood Development Plan and consider that, subject to modification, the plan does have “regard for National Policy and Advice” and therefore the Plan, subject to modification does meet the Basic Conditions in this respect.

4.10.2. Local Planning Policy- The Development Plan

6. Grove Park lies within the area covered by London Borough of Lewisham. The relevant development plan comprises the adopted Lewisham LDF (core strategy and Development management plan) and the London Plan 2011(as revised 2016).

4.10.3 To meet the Basic Conditions, the Grove Park Neighbourhood Development

Plan must be in “general conformity” with the strategic policies of the development plan.

The NPPF 2019 (updated) states:

“20. Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision¹² for:

a) housing (including affordable housing), employment, retail, leisure and other commercial development;

b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);

c) community facilities (such as health, education and cultural infrastructure); and

d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.”

4.10.4 Neighbourhood Plans should only contain non-strategic policies. The NPPF 2019(updated) states:

“Non-strategic policies

28. Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.

29. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less

development than set out in the strategic policies for the area or undermine those strategic policies.”

4.10.5 Should there be a conflict between a policy in a neighbourhood plan and a policy in a Local Plan, section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy, which is contained in the last document to become part of the development plan.

4.10.6 The distinction between strategic and non-strategic policies is important because of the relationship with Neighbourhood Plans. Neighbourhood Plans only have to be in general conformity with the strategic policies of the development plan (Localism Act 2011, Schedule 4B, s7 (2)(e)) When made, neighbourhood plan policies take precedence over existing non-strategic policies in the local plan, where they are in conflict.

4.10.7 Planning Policy Guidance paragraph 41-076-20140306 sets out that:

“Strategic policies will be different in each local planning authority area. When reaching a view on whether a policy is a strategic policy the following are useful considerations:

- whether the policy sets out an overarching direction or objective
- whether the policy seeks to shape the broad characteristics of development
- the scale at which the policy is intended to operate
- whether the policy sets a framework for decisions on how competing priorities should be balanced
- whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the Local Plan
- in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the Local Plan
- whether the Local Plan identifies the policy as being strategic”

7. *we have considered the Strategic policies of the Development Plan and the Policies of the Grove Park Neighbourhood Development Plan and consider that, subject to the recommended modifications, the Plan does meet the Basic Condition in this respect and is in general conformity with the Strategic policies of the Lewisham LDF (core strategy and Development management plan) and the London Plan 2011(as revised 2016).*

4.11. Other Relevant Policy Considerations

4.11.1 European Convention on Human Rights (ECMR) and other European Union Obligations

As a 'local plan', the Neighbourhood Development Plan is required to take cognisance of the EU Strategic Environmental Assessment (SEA) Directive 2001/42/EC Office.

In the case of Directive 2001/42/EC a screening statement was prepared by AECOM in December 2018. The screening report concludes that it is unlikely there will be any significant environmental effects arising from the Grove Park NDP and, as such, SEA (Strategic Environmental Assessment) was not required.

The screening report concludes:

- *The lack of sensitivity of the Neighbourhood Plan area in relation to key SEA Directive environmental considerations.*
- *The local environmental constraints present in the Neighbourhood Plan area are not in proximity to the proposed allocation sites.*
- *The GPNP's vision and objectives and emerging policies is to limit potential environmental effects and to bring benefits for quality of life of the Neighbourhood Plan area's residents.*

All statutory consultees were in agreement with the assessment (a copy of which are appended to the SEA report).

A Habitats Regulations Assessment (HRA) Screening report was prepared by the London Borough of Lewisham in January 2019 in order to assess whether the proposed GPNP would likely have a negative effect on protected European sites

(habitats and species) listed in the annexes of the Directive.

The requirement to assess plans or projects is outlined in Article 6(3) and (4) of the European Communities (1992) Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (known as the 'Habitats Directive'). The Habitats Directive established a Europe-wide network of sites known as Natura 2000, which provides for the protection of sites that are of exceptional importance for rare, endangered or vulnerable natural habitats and species within the European Union. The Habitats Directive is now consolidated in law within the Conservation of Habitats and Species Regulations (2017)¹⁵.

The HRA screening has concluded that there are no impacts on any European Sites as there are no European Sites within the borough and development proposals on those identified within the 15km of the borough boundary, for the purposes of screening, have not been found to have likely significant effects.

Natural England, the Environment Agency and Historic England were consulted as part of the screening process.

I am satisfied with this conclusion.

4.11.2 Sustainable development

The Basic Conditions Statement sets out how the plan addresses achieving sustainable development:

I am satisfied having regard to this document and other relevant documents, policies and legislation that the Grove Park Neighbourhood Development Plan does, subject to the recommended modifications, meet the Basic Conditions in this regard.

European Convention of Human Rights and to comply with the Human Rights Act 1998.

The Neighbourhood Development Plan is required to take cognisance of the European Convention of Human Rights and to comply with the Human Rights Act 1998.

The Basic Conditions Statement refers to how the development of the plan and its policies accord with EU Human Rights obligations:

“The Grove Park Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act. Considerable emphasis has been placed throughout the consultation process on ensuring that it has reached all communities living and working in Grove Park, with no intentional isolation or exclusion from participating.”

I am satisfied with this conclusion.

Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out a further basic condition for a Neighbourhood Development Plan in addition to those set out in the primary legislation. Being that:

- the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects). (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended) in relation to the examination of neighbourhood development plans.)

I am satisfied that the Grove Park Neighbourhood Development Plan, subject to modification meets the basic conditions on EU obligations.

4.11.3 Excluded development

I am satisfied that the Grove Park Neighbourhood Development Plan does not cover County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.

4.11.4 Development and use of land

I am satisfied that the Grove Park Neighbourhood Development Plan covers

development and land use matters.

4.12.1 Grove Park Neighbourhood Development Plan Policies

General comments

Planning Guidance on preparing neighbourhood plans and policies is clear, it states:

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.

Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.”

In order to provide clarity and to ensure that the policies in the Grove Park Neighbourhood Plan meet the Basic Conditions it has been necessary for me to make modifications to a number of policies. This includes modifications where:

- Policies have sought to introduce controls outside the scope of the planning system or where existing policy already sets out the scope of control.
- A policy has not been drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications.

The details of these modifications are set out within my comments on the related policies. My comments on policies are in **blue** with the modified policies in **red**.

12.The Neighbourhood Plan Vision, Strategic Aims and Policies

VISION

“Our vision is for a Grove Park that thrives once more, a neighbourhood we can be proud to call our home. Our plan builds on our rich cultural, architectural and natural heritage, turning these into universal assets and opportunities for all. We see Grove Park as an exciting outer London visitor destination with a new Urban National Park offering attractive nature trail walks through different ecosystems; heritage walks through a renewed town centre that incorporates the landmarks of the past with new quarters showcasing the best of biophilic design principles; as well as cultural and enterprising activities that celebrate the town’s literary connections and community spirit”.

Policy themes

- 1. Protect Grove park’s Heritage Assets*
- 2. Renew Grove Park’s Neighbourhood Centre*
- 3. Achieve Quality in the Built Environment*
- 4. Provide Thriving Community Spaces*
- 5. Provide Quality affordable Homes*
- 6. Create Micro- Enterprise Local Employment Opportunities*
- 7. Improve Sustainable Transport Provision*
- 8. Deliver Connected Nature Areas and urban National Park*
- 9. Create Sustainable Healthy Environment*

COMMENT

I am satisfied that the Grove Park NDP vision and policy themes reflect the outcome of the rigorous community consultation carried out and that the policies have been developed to achieve the identified policy themes.

GROVE PARK NEIGHBOURHOOD DEVELOPMENT PLAN POLICIES

HERITAGE

Policy HR1: Conservation and Enhancement of Heritage Assets and Buildings of Townscape Merit

1. Development should conserve and enhance designated and non-designated heritage assets and buildings of townscape merit. Proposals that result in significant harm to a heritage asset or its setting will be refused.
2. Development proposals affecting heritage assets, or their setting should be accompanied by appropriate analysis and a heritage statement that is proportionate to the heritage significance, to demonstrate the following:
 - i. Alterations are justified and contribute to the conservation, restoration or enhancement of the heritage asset.
 - ii. Proposals sympathetically incorporate design features which enhance the building's climate adaptability and energy efficiency.
 - iii. Proposals do not obscure views of the heritage asset or views which contribute to the building's significance within their setting.
 - iv. Every opportunity has been taken to protect and preserve the principal building frontage of a heritage asset.

COMMENT

National and local policy protecting heritage assets and conservation areas is well established and neighbourhood plans do not need to repeat this policy. This policy references but also paraphrases national policy. Neighbourhood plan policies cannot introduce restrictions on development proposals affecting heritage assets and their settings above those already laid out in existing policy or include other categories of building that are not already covered by national or local policy. It may be that “buildings of townscape

merit” would fall into the category of non-designated heritage assets however it is unclear from the policy wording whether or not this is the case. If they do, they will automatically receive the policy protection relevant to their significance. As currently worded the policy does not meet the Basic Conditions and should be modified as follows:

Policy HR1: Conservation and Enhancement of Designated and Non-Designated Heritage Assets

1. Proposals affecting designated and non-designated heritage assets and their settings, must be fully compliant with national policy and the Development Plan.

2. Proposals that result in significant harm to a heritage asset or its setting will not be supported unless it can be demonstrated that the tests set out in Policy 195 and 196 (NPPF, Rev Feb 19) have been met;

Policy HR2: Conservation of Areas of Special Local Character (ASLC)

1. Development should conserve and enhance Areas of Special Local Character to ensure their character and appearance is not adversely affected by new development and to ensure new development is well integrated.

2. In an Area of Special Local Character:

i. The design of all development will be required to protect and where possible enhance the characteristics that contribute to the architectural and townscape character and distinctiveness of the ASLC and to complement its features, including its form, setting, period, architectural characteristics and detailing of the original buildings and landscape context.

ii. Proposals should demonstrate that where possible, opportunities have been taken to restore or reinstate significant features in the built form.

iii. Development which disrupts the coherence of the existing vernacular will not be permitted unless it is of an exceptional biophilic design quality and it can be

demonstrated that the design will not have a harmful impact on the existing vernacular by reason of its scale, materiality, detailing, craftsmanship, or symmetry and will contribute to the enhancement of the ASLC as a whole.

iv. Demolition of a principal building frontage within an ASLC will be resisted where the frontage is of architectural and townscape merit and contributes to the character of the area.

v. Proposals for alterations or side or roof extensions to existing properties should be of a high, site specific and sympathetic design quality. Permission will be granted for schemes which will not have a detrimental impact on the visual amenity of the existing townscape. Design will be required to sensitively integrate the new development with the existing building and townscape. Proposals which do not meet this criterion will be refused unless criterion (iii) can be satisfied.

COMMENT

Neighbourhood plans cannot introduce an additional policy tier in relation to “Areas of Special Local Character”. This policy is, in effect seeking to extend the policy protections given to conservation areas to the ASLCs identified in the plan. Neighbourhood plans do not have the power to do this.

For clarity and to meet the Basic Conditions the policy should be modified as follows:

Policy HR2: Areas of Special Local Character (ASLC)

1. Areas of Special Local Character are identified on Figure 10. Proposals for new development will be supported where:

i. it reflects and where possible enhances the characteristics that contribute to the architectural and townscape character and distinctiveness of the ASLC, complements its features, including its form, setting, period, architectural characteristics and detailing of the original buildings and landscape context.

ii. it demonstrates that opportunities have been taken to restore or reinstate

significant features in the built form, where possible

iii. for alterations or side or roof extensions to existing properties the proposal is a high-quality design reflecting its' context and there is no detrimental impact on the visual amenity of the existing townscape.

iv. designs sensitively integrate the new development with the existing building and townscape.

2. Development which disrupts the coherence of the existing vernacular will not be supported unless it is of an exceptional design quality and it can be demonstrated that the design will not have a harmful impact on the existing vernacular by reason of its scale, materiality, detailing, or symmetry and will contribute to the enhancement of the ASLC as a whole.

3. Demolition of a principal building frontage within an ASLC will be resisted where the frontage is of architectural and townscape merit and contributes to the character of the area.

Policy HR3: Enhancement of Chinbrook Estate ASLC

1. Development proposals in the Chinbrook Estate will be required to respect the special qualities and heritage of this area. Future proposals should:

i. Seek to improve the quality and safety of the environment by removing all unnecessary fencing where this is creating dead ends and restricting movement around the estate.

ii. Reinstate access routes and streets to improve connectivity and avoid dead ends.

iii. Conserve and enhance the heritage features that are unique to the estate such as retaining the original tiling and banisters of the high-rise buildings and its garden city principles.

iv. Maintain the existing mix of different housing typologies that meet the needs of a range of household, especially the need for accessible ground floor dwellings

suitable for older people or to address universal design needs.

v. Maintain the good network of amenity greenspaces and ensure there is no net loss in the provision of amenity space for play and informal leisure.

vi. To emphasise affordable housing in line with Policy H2.

COMMENT

I have no comment on this policy.

Grove Park Neighbourhood Centre Regeneration

Policy NC1: Enhancement of Grove Park Neighbourhood Centre and Shopping Parades

1. Proposals which enhance the quality, character and range of shops and services within Grove Park's retail hubs (mapped in Figure 13) will be supported. This will be achieved by:

i. The control of signage, adverts and forecourt developments so they do not impact the quality of the environment.

ii. Supporting an increase in the range of retail outlets, including food/drink outlets and commercial premises. A limit of 5% of each type of business will generally be encouraged in order to maintain a broad retail offer, avoid oversaturation and provide affordable choices.

iii. Change use of retail units including the change of use of ground floor premises to residential will not be permitted if the change of use would result in a reduction of the percentage of units falling within Class A1, A2 and A3 and adversely impact on the character of the centre's public realm frontage. Where it can be demonstrated that there is no viable retail use, proposals for a change of use of vacant units should prioritise appropriate B Class uses such as affordable (co)-working space and/or for small independent start-up businesses or D class uses to support thriving community activity.

iv. Encouraging the use of vacant shops for meanwhile uses and business start-ups in order to support local businesses providing services for local communities.

v. Curtailing business practices which may undermine the public's health, by restricting the proliferation of betting shops and fast food takeaways.

2. Shopfront design should be of a high quality and respect heritage features and building proportions. Proposals should:

i. Follow the Lewisham Shopfront Design Guide supplementary planning policy document 36.

ii. Ensure design enhances the appearance of the public realm.

iii. In the event of shutters being used, consider the potential for local street art opportunities to liven the night-time facades in a manner that doesn't lead to negative perceptions of safety.

COMMENT

In certain circumstances the change of use to residential from uses in A1, A2 and A3 is permitted development. Restricting the proliferation of betting shops and fast-food takeaways does not fall within the powers of a neighbourhood plan but could be addressed by the local planning authority through, for example, the establishment of a takeaway food exclusion zone. Such action could be supported through the community projects section of the plan.

For clarity and to meet the Basic Conditions, the policy should be modified as follows:

Policy NC1: Enhancement of Grove Park Neighbourhood Centre and Shopping Parades

1. Proposals which enhance the quality, character and range of shops and services within Grove Park's retail hubs (mapped in Figure 13) will be supported. This will be achieved by:

i. The control of signage, adverts and forecourt developments so they do not impact the quality of the environment.

ii. Supporting an increase in the range of retail outlets, including food/drink outlets and commercial premises. A limit of 5% of each type of business will generally be encouraged in order to maintain a broad retail offer, avoid oversaturation and provide affordable choices.

iii. where planning permission is required the change use of retail units including the change of use of ground floor premises to residential will not be supported if the change of use would result in a reduction of the percentage of units falling within Class E and adversely impact on the character of the centre's public realm frontage. Where it can be demonstrated that there is no viable retail use, proposals for a change of use of vacant units to appropriate B Class uses such as affordable (co)-working space and/or for small independent start-up businesses or D class uses to support thriving community activity will be encouraged.

iv. Encouraging the use of vacant shops for meanwhile uses and business start-ups in order to support local businesses providing services for local communities.

2. Shopfront design should be of a high quality and respect heritage features and building proportions. Proposals should:

i. Follow the Lewisham Shopfront Design Guide supplementary planning policy document 36.

ii. Ensure design enhances the appearance of the public realm.

iii. In the event of shutters being used, consider the potential for local street art opportunities to liven the night-time facades in a manner that doesn't lead to negative perceptions of safety.

The proliferation of betting shops and fast-food takeaways which may undermine the public's health will be discouraged.

Policy NC2: Grove Park Neighbourhood Regeneration Area

1. Grove Park Neighbourhood Centre is designated as a Regeneration Area.

Proposals for regeneration should be accompanied by a 'town centre' co-designed masterplan that takes into account the following design considerations:

- i. Delivers a medium density intensification scheme as part of a mixed-use development in line with Policies BE1-CE22 and SA3, SA4 and SA8.
- ii. Delivers a scheme that integrates with existing heritage assets and buildings of townscape merit, (including the Baring Hall Hotel Public House) in terms of setting, built form and orientation.
- iii. Enhances retail, leisure, entertainment and cultural provision within the centre, including opportunities for outdoor seating.
- iv. Ensures the neighbourhood centre maintains a traditional mansion-block high street vernacular and structure, to create a walkable, vibrant centre which takes inspiration from the area's heritage.
- v. Incorporates healthy-by-design and Healthy Streets design principles, with active, welcoming shop frontages and contiguous facades following traditional shop front design principles.
- vi. Ensures retail units are of an appropriate size to maximise opportunities for small independent businesses.
- vii. Provides active town centre uses (Use Class A, D, and appropriate B uses) at ground floor level and residential units (use-class C3) or offices (use-class B1) on upper floors.
- viii. Creates a boulevard with trees, planting and a segregated cycleway, to help manage traffic flows and improve safety and, walkability and a sense of arrival.
- ix. Incorporates a 'gateway' entrance into the proposed wider Linear Natural Parkland Nature Trail (in line with Policy GI2).

x. Mitigate the impacts of traffic noise, air pollution and micro-climate conditions through the use of appropriate materials, building and window orientations and design features.

xi. Incorporates biophilic design principles in line with Policy BE2.

xii. Promotes sustainable travel options in line with Policies T1-T2, including, where possible, underground parking on medium density schemes.

xiii. Incorporates a Green Infrastructure-led approach to achieve environmental and biodiversity net-gain to improve the public realm (incorporating street trees, rain gardens, shrub planting, green roofs, hedging, and flower meadows wherever possible) connecting the centre to the north and south green spaces in line with the community's Railway Children Urban National Park Vision and Policy GI2 and GI4. Incorporates a landscape scheme that also considers wider environmental net-gains such as permeable surfaces to alleviate surface water runoff and shading, in line with Policies SE1-SE3.

xiv. Incorporates a landscape scheme that also considers wider environmental net-gains such as permeable surfaces to alleviate surface water runoff and shading, in line with Policies SE1-SE3.

2. Development proposals should reflect the previous co-design efforts of the community and ensure the ongoing participation of the community in the preparation and production of a detailed masterplan and design guidance for the neighbourhood centre.

COMMENT

A neighbourhood plan does not have the power to designate a “Regeneration Area” and whilst collaborative working with communities in bringing forward development proposals is best practice and recognised as such in the NPPF, paragraph 40, it cannot be a requirement in a neighbourhood plan policy. For clarity and to meet the Basic Conditions the policy should be modified as follows:

Policy NC2: Grove Park Neighbourhood Regeneration Area

Proposals for the redevelopment of Grove Park Neighbourhood Centre should be accompanied by a master plan and will be supported where they:

- i. form part of a mixed-use development in line with Policies BE1-CE22 and SA3, SA4 and SA8.**
- ii. integrate with existing heritage assets and buildings of townscape merit, (including the Baring Hall Hotel Public House) in terms of setting, built form and orientation.**
- iii. enhance retail, leisure, entertainment and cultural provision within the centre, including opportunities for outdoor seating.**
- iv. ensure the neighbourhood centre maintains a traditional mansion-block high street vernacular and structure, to create a walkable, vibrant centre which takes inspiration from the area's heritage.**
- v. incorporates healthy-by-design and Healthy Streets design principles, with active, welcoming shop frontages and contiguous facades following traditional shop front design principles.**
- vi. ensure retail units are of an appropriate size to maximise opportunities for small independent businesses.**
- vii. Provide active town centre uses (Use Class A, D, and appropriate B uses) at ground floor level and residential units (use-class C3) or offices (use-class B1) on upper floors.**
- viii. Create a boulevard with trees, planting and a segregated cycleway, to help manage traffic flows and improve safety and, walkability and a sense of arrival.**
- ix. Incorporate a 'gateway' entrance into the proposed wider Linear Natural Parkland Nature Trail (in line with Policy GI2).**

x. Mitigate the impacts of traffic noise, air pollution and micro-climate conditions through the use of appropriate materials, building and window orientations and design features.

xi. Incorporates design principles in line with Policy BE2.

xii. Promote sustainable travel options in line with Policies T1-T2, including, where possible, underground parking on medium density schemes.

xiii. Incorporate a Green Infrastructure-led approach to achieve environmental and biodiversity net-gain to improve the public realm (incorporating street trees, rain gardens, shrub planting, green roofs, hedging, and flower meadows wherever possible) connecting the centre to the north and south green spaces in line with the community's Linear Natural Parkland Nature Trail Vision and Policy GI2 and GI4. Incorporates a landscape scheme that also considers wider environmental net-gains such as permeable surfaces to alleviate surface water runoff and shading, in line with Policies SE1-SE3.

xiv. Incorporate a landscape scheme that also considers wider environmental net-gains such as permeable surfaces to alleviate surface water runoff and shading, in line with Policies SE1-SE3.

Development proposals should reflect the previous co-design efforts of the community and the ongoing participation of the community in the preparation and production of a detailed masterplan and design guidance for the neighbourhood centre is strongly encouraged.

Built Environment

Policy BE1: Extensions and Alterations to Existing Buildings

1. Alterations and extensions to existing properties (including rear, side and roof extensions) will be required to be of a high-quality design that does not impact on the coherence, scale, character and appearance of the townscape and public realm and contributes to the sustainability, resilience and visual harmony of the built environment. Proposals should incorporate, where appropriate

- i. Measures to protect heritage assets (designated and non-designated) and buildings of townscape importance in conformity with Policies HR1-HR2.
 - ii. Site specific design qualities which reflect the local context and features that complement and make a positive contribution to the built form, landscape setting, architectural characteristics, and detailing of the original building.
 - iii. Measures to improve the character and quality of the area and the way it functions in terms of accessibility and climate adaptability and health and wellbeing
 - iv. A material palette which is in harmony with the existing building and townscape.
 - v. Use of good quality and sustainable materials as reflected in their durability against climate conditions, life cycle performance, energy efficiency which provide healthy and comfortable environments in terms of their low VOC content, acoustic and thermal comfort and aesthetic harmony.
 - vi. Height of buildings proportionate to buildings in the vicinity. Any increase in height must be justified and will be required to follow the same building form so that the development appears as part of the original structure and has a positive relationship to adjoining properties.
 - vii. Front walls that are no higher than 3 feet (0.9m) in height.
 - viii. Front gardens of all sizes should incorporate permeable surfaces in line with best- practice guidance.
 - ix. Additional guidance set out in the Lewisham Extensions and Alterations SPD41.
2. Proposals which introduce design features which do not reflect the local vernacular and existing townscape character may be acceptable where they are of an exceptional biophilic design quality which will have environmental benefits and will contribute to the enhancement of the public realm as a whole provided that they do not result in unacceptable harm to the appearance of the local Neighbourhood Area.

3. Where possible measures to remedy the impacts of previous alterations to existing buildings which have weakened the coherence of the urban form or heritage design features through inappropriate boundary treatment, loss of front gardens and removal of architectural detail will be supported.

COMMENT

Not all extensions to existing buildings will require planning permission. Whilst the importance of design is acknowledged within the national planning policy, policies in neighbourhood plans should not be overly restrictive or prescriptive. Whilst it is necessary in to use technical terms in planning policy, they should be accessible and avoid the use of terms which may not be understood by a broad section of the intended audience.

For clarity and to meet the Basic Conditions the policy should be modified as follows:

Policy BE1: Extensions and Alterations to Existing Buildings

1. Alterations and extensions to existing properties (including rear, side and roof extensions), where planning permission is required, should be of a high-quality design that does not impact on the coherence, scale, character and appearance of the townscape and public realm and contributes to the sustainability, resilience and visual harmony of the built environment. Proposals should incorporate, where appropriate

i. Measures to protect heritage assets (designated and non-designated) and buildings of townscape importance in conformity with Policies HR1-HR2.

ii. Site specific design qualities which reflect the local context and features that complement and make a positive contribution to the built form, landscape setting, architectural characteristics, and detailing of the original building.

iii. Measures to improve the character and quality of the area and the way it functions in terms of accessibility and climate adaptability and health and wellbeing

iv. A material palette which is in harmony with the existing building and townscape.

v. Use of good quality and sustainable materials durable against climate conditions, with good life cycle performance and energy efficiency.

vi. Height of buildings proportionate to buildings in the vicinity. Any increase in height must be justified and reflect the same building form so that the development appears as part of the original structure and has a positive relationship to adjoining properties.

vii. Front walls that are no higher than 3 feet (0.9m) in height.

viii. Front gardens of all sizes should incorporate permeable surfaces in line with best- practice guidance.

2. Proposals which introduce design features which do not reflect the local vernacular and existing townscape character may be acceptable where they are of an exceptional design quality which will have environmental benefits and will contribute to the enhancement of the public realm as a whole provided that they do not result in unacceptable harm to the appearance of the local Neighbourhood Area.

3. Where possible measures to remedy the impacts of previous alterations to existing buildings which have weakened the coherence of the urban form or heritage design features through inappropriate boundary treatment, loss of front gardens and removal of architectural detail will be supported.

4. Additional guidance set out in the Lewisham Alterations and Extensions SPD41.

Policy BE2: Human-centric and Biophilic-led Design of New Development

1. New development will be required to demonstrate how they have incorporated health- promoting, human-centric design principles including, where possible, Biophilic-led design, healthy-by-design, universal design, healthy street and active-

by-design development principles to promote healthier communities.

2. In accordance with the thresholds stipulated by London Borough of Lewisham, new developments should be accompanied by a proportionate Health Impact Assessment (HIA) and be informed by a robust evidence base, ensuring that health considerations are firmly embedded in design proposals for both exteriors and interiors.

3. Development proposals must demonstrate how co-design ideas that have emerged from community participation workshops have been incorporated to ensure they deliver local benefits.

4. Development proposals should emphasise the biophilic design qualities of interior and exterior design features in line with best-practice guidance and are required to:

i. Have regard to the form, function, structure and heritage character of the surrounding area, drawing inspiration from the special qualities and character of heritage assets – including the scale, massing, orientation and layout of buildings, streets and spaces.

ii. Reinforce the quality and distinctiveness of the place and landscape setting so it does not disrupt the regularity and the unity /coherence of the street scene, impact key vistas and views or the setting of heritage assets.

iii. Use a material palette, including brick bonds, which are in harmony with the surrounding context, or if contrasting, does so in a way that is complementary.

iv. Use of good quality and sustainable materials as reflected in their durability against climate conditions, life cycle performance, energy efficiency which provide healthy and comfortable environments in terms of their low VOC content, acoustic and thermal comfort and aesthetic harmony.

v. Avoid dominance of clutter, by ensuring the design of ancillary structures such as bin stores in front gardens, do not dominate.

vi. Incorporate environmental and biodiversity net-gain design considerations in line

with Policies SE1-SE3 and Policies GI2-GI4.

COMMENT

Whilst it is necessary in to use technical terms in planning policy, they should be accessible and avoid the use of terms which may not be understood by a broad section of the intended audience.

The submission of a Health impact Assessment forms part of Lewisham's major planning application validation checklist, it is not an element of planning policy.

Whilst the development of proposals through co-design with the community should be encouraged it cannot be a requirement in a neighbourhood plan policy.

For clarity and to meet the Basic Conditions the policy should be modified as follows:

Policy BE2: Design of New Development

Proposals for new development should be of the highest quality which incorporate people-centred design principles which promote healthier communities and will be supported where they:

i. Have regard to the form, function, structure and heritage character of the surrounding area, drawing inspiration from the special qualities and character of heritage assets – including the scale, massing, orientation and layout of buildings, streets and spaces.

ii. Reinforce the quality and distinctiveness of the place and landscape setting so it does not disrupt the regularity and the unity /coherence of the street scene, impact key vistas and views or the setting of heritage assets.

iii. Use a material palette, including brick bonds, which are in harmony with the surrounding context, or if contrasting, does so in a way that is complementary.

iv. Use of good quality and sustainable materials durable against climate conditions, with good life cycle performance and energy efficiency.

v. Avoid dominance of clutter, by ensuring the design of ancillary structures such as bin stores in front gardens, do not dominate.

vi. Incorporate environmental and biodiversity net-gain design considerations in line with Policies SE1-SE3 and Policies GI2-GI4.

The development of co-design ideas that have emerged from community participation workshops are particularly encouraged.

Community Spaces & Facilities

Policy CA1: Safeguarding and Enhancement of Key Cultural

Community Assets

1. Community spaces and assets identified as Key Cultural Destinations (as outlined in Table 11 and Figure 5 and linked to Policies SA5, SA6 and SA7), including those designated as Assets of Community Value are designated as Safeguarded Community Spaces. Proposals for redevelopment or change of use of Safeguarded Community Spaces will not be permitted, unless criteria in clause 2 can be demonstrated.

2. Development which would result in the change of use/loss of community space and assets (whether land or premises) or premises currently or last in community use, will not be permitted unless it can be demonstrated that:

i. The space is under-utilised, and the use no longer serves the needs of the community in which it is located, and the applicant has taken reasonable steps to identify alternative community uses that are in demand in the area.

ii. Provision can be merged with other community uses or equivalent uses can be provided in suitable alternative premises within walking distance of the community it currently serves.

iii. There is no net loss or deterioration in the overall space or service provision in the area to serve the current and future populations arising from new developments.

iv. There is adequate alternative and accessible provision within the neighbourhood area which has the capacity to meet the needs of the community previously served.

3. Redevelopment or intensification of sites in existing community use may be permitted, subject to development proposals making equivalent provision for the on-site replacement of community facilities and where this would be in compliance with other policies in the GPNP. This policy should be read in conjunction with Site Allocations SA5, SA6 and SA7.

4. The renewal and enhancement of community facilities will be supported, in line with Policies BE1-BE2, SE1-SE3 and CIL1.

COMMENTS

Rather than community assets the NPPF and the Development Plan refer to community facilities.

Included in Table 11 is the “Willow Tree Nature Reserve”. I have received representation from the owners of the site that the site is not a designated “Local Nature Reserve” and that it is not a community facility as there is no public access to the site. I note that the site is designated as Metropolitan Open Land (MOL) and a Site of Importance for Nature Conservation. Having considered the matter carefully I conclude that the area described as “Willow Tree Nature Reserve” could not reasonably be considered as a community facility and should be removed from Table 11, page 82 and Fig 5, page 83 of the plan. References to the site in this context should also be removed from any supporting text.

Any Assets of Community Value nominated and included in the London Borough of Lewisham’s register are considered a material consideration in any planning application.

The importance of protecting community facilities including cultural sites is

acknowledged in both the NPPF (paragraph 90) and the Development Plan and the level of protection is established.

For clarity and to meet the Basic Conditions the policy should be modified as follows:

Policy CA1: Safeguarding and Enhancement of Key Cultural

Community Facilities

Proposals for the redevelopment or change of use of the important community facilities identified in Table 11 and Figure 5 will not be supported unless it can be demonstrated that:

i. The space is under-utilised, and the use no longer serves the needs of the community in which it is located, and the applicant has taken reasonable steps to identify alternative community uses that are in demand in the area.

ii. Provision can be merged with other community uses or equivalent uses can be provided in suitable alternative premises within walking distance of the community it currently serves.

iii. There is no net loss or deterioration in the overall space or service provision in the area.

iv. There is adequate alternative and accessible provision within the neighbourhood area which has the capacity to meet the needs of the community previously served.

3. Redevelopment or intensification of sites in existing community use may be supported, subject to development proposals making equivalent provision for the on-site replacement of community facilities and where this would be in compliance with other policies in the GPNP. This policy should be read in conjunction with Site Allocations SA5, SA6 and SA7.

4. The renewal and enhancement of community facilities will be supported, in

line with Policies BE1-BE2, SE1-SE3.

Policy CA2: Safeguarding Public Houses

1. Applications that propose the loss of public houses with heritage, cultural, economic or social value will be refused unless there is authoritative marketing evidence that demonstrates that there is no realistic prospect of the building being used as a pub or as another form of community or workspace in the foreseeable future.
2. Development proposals for redevelopment of associated accommodation, facilities or development within the curtilage of the public house that would compromise the operation or viability of the public house as a community asset will be resisted.

COMMENT

Policy DM 20 of the adopted Development Management Local Plan (DMLP) sets out a comprehensive policy for the safeguarding of public houses. Whilst Policy CA2 reflects this policy it is not as comprehensive in its criteria but is in some respects more onerous. Neighbourhood plans do not need to repeat existing policy but where this happens it is necessary to reflect that policy rather than paraphrase it unless there is a good evidential reason for introducing additional policy requirements. Neighbourhood plans do not have the power to refuse planning applications and I have not been provided with sufficient evidence to justify the current wording of the policy and in order to meet the Basic Conditions it should be modified as follows:

Policy CA2: Safeguarding Public Houses

- 1. The redevelopment or change of use of a public house will only be supported where the proposal is in accordance with national Policy and the requirements of policies within the Development Plan.**
- 2. Proposals for redevelopment of associated accommodation, facilities or development within the curtilage of a public house that would compromise the operation or viability of the public house as a community asset will be**

resisted.

Policy CIL1: Allocation of CIL Funding

1. All eligible development will be required to make a Community Infrastructure Levy (CIL) payment and/or an agreed contribution through a Section 106 Agreement, to mitigate the impacts of development, meeting the needs of the growing population and to support the delivery of infrastructure, enhancement and spatial improvements.
2. Allocation of CIL spending in Grove Park should as a minimum prioritise the infrastructure and improvement requirements identified in the area by the community in line with the spatial vision for Grove Park.

COMMENT

Policy CIL 1 is not a land use policy that can be used in the determination of planning applications. The requirement for CIL contributions and CIL spending prioritise cannot be included in a neighbourhood plan policy although the identification of CIL prioritise is important and can be included in the main body of the plan or within the community projects section. When an NDP is Made this list will be an important in informing the decision-making process for spending the neighbourhood portion of any CIL monies. For clarity and to meet the Basic Conditions it should be deleted from the policy section of the plan.

HOUSING

Policy H1: Delivering a Healthy Mix of Housing and Quality Design

1. Proposals will be required to deliver a range of dwelling sizes, including family housing to meet local needs and aspirations.
2. Medium density mansion block town-house approach, built around a traditional street layout will be supported in town centre locations.
3. Proposals are required to achieve the highest standards of accessible and

universal design to cater for life-time adaptation, minimum space standards and exceptional design quality in line with Policy BE2.

4. There will be a presumption against conversion of existing houses to flats to create smaller living units or the removal of existing bungalows which cater for the elderly and/or disabled residents.

5. Development proposals must also demonstrate that there will not be a detrimental impact on the provision for social infrastructure including education, health and community facilities, based on population projections from new developments; impacts should be mitigated through appropriate mechanisms in line with Policy CIL1.

6. Co-design approaches with the community to ensure the delivery of acceptable development proposals will be supported. Development proposals are required to develop holistic masterplans and design guides of sufficient detail to enable the scheme to be understood and supported locally.

COMMENT

Paragraph 4 of this policy seeks to introduce a presumption against the conversion of houses to flats. I consider this to be a very onerous restriction and have not been provided with evidence that persuades me that a blanket policy restriction of this kind is justified. For clarity and to meet the Basic Conditions, the policy should be modified as follows:

Policy H1: Delivering a Mix of Housing and Quality Design

Proposals for new housing development will be supported where:

i. they include a range of dwelling sizes, including family housing to meet local needs.

ii. In town centre locations, the design is for medium density mansion block townhouses, built around a traditional street layout

iii. they achieve the highest standards of accessible design to cater for life-time adaptation, minimum space standards and exceptional design quality in line with Policy BE2.

iv. their impact on the provision for social infrastructure including education, health and community facilities, based on population projections from new developments is mitigated through appropriate mechanisms.

iv) Deliver biodiversity net gains

For major development co-design approaches with the community to ensure the delivery of acceptable development proposals and the development of holistic masterplans and design guides of sufficient detail to enable the scheme to be understood and supported locally are encouraged.

The redevelopment of existing bungalows which cater for the elderly and/or disabled residents will be resisted.

Policy H2: Promoting Affordable Local Ownership

1. Proposals which demonstrate a creative approach to delivering affordable housing provision, in line with the 50% target in the Lewisham Local Development Plan and the New London Plan to promote local ownership will be supported, including but not limited to modular build, self-build, incremental approaches, partnership funding arrangements.

2. Affordable housing schemes should seek the same high standards of innovative sustainable and good quality design (in line with Policies BE2, SE1- SE3) with no visual difference in appearance or basic quality between affordable and private homes.

COMMENT

I have no comment on this policy.

Policy H3: Windfall Sites

1. In the event that development is proposed on sites which are not allocated in the GPNP, proposals will be expected to comply with all policies in the GPNP. Proposals will be required to:

i. Be of a high design quality in accordance with Policy BE2.

ii. Respect the character of the local area and heritage assets in accordance with Policies HR1-HR2

iii. Deliver a mix of house types and tenure including affordable housing to meet local needs in accordance with Policy H1-H2

iv. Make a contribution towards the provision of community and education facilities to meet the needs of the new and existing residents.

v. Ensure no net loss of green space and should deliver biodiversity net-gains.

2. Proposals for community-led / self-build housing on appropriate sites, particularly smaller infill sites, will be supported.

COMMENT

This policy unnecessarily repeats the requirements of other policies within the plan. For clarity the policy should be modified as follows:

Policy H3: Windfall Sites

1. In the event that development is proposed on sites which are not allocated in the GPNP, proposals will be expected to comply with all policies in the GPNP.

2. Proposals for community-led / self-build housing on appropriate sites, particularly smaller infill sites, will be supported.

Local Employment & Enterprise

Policy EM1: Protect Micro-Enterprise Employment Sites

1. A vibrant local economy will be promoted to support self-employed and cooperative business start-ups through the designation of existing small employment sites as Micro-Enterprise Employment Sites. These sites should be promoted to provide affordable artisan workspaces, creative zones, social enterprise and co-working spaces.

2. Development proposals will be supported which enhance employment opportunities and provide a range of accommodation including smaller units for micro-businesses and studio space, particularly in employment locations identified and in retail parades as shown on Figure 13.

3. There will be a presumption against change of use of employment sites to residential unless this comprises live-work units as part of an employment-led development.

4. Where the redevelopment of existing employment sites is proposed, development proposals will be required to demonstrate that:

i. The level of employment floorspace will be maintained or increased across the neighbourhood area.

ii. Opportunities will be secured for local employment through a legal agreement.

iii. There will be no unacceptable impact on adjacent residential amenity.

COMMENT

The NPPF states:

“121. Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet

identified development needs. In particular, they should support proposals to:

a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and”

National policy does not support a blanket “presumption against change of use of employment sites to residential unless this comprises live-work units as part of an employment-led development”.

For clarity and to meet the Basic Conditions, paragraph 3 of the policy should be deleted.

Policy EM2: Conversion of Unused Garages to Promote Micro- Enterprise

1. The redevelopment of abandoned vacant or underused lock-up garages to provide Micro-Enterprise Employment Sites will be supported. Proposals for the conversion of lock-up garages to workshops/business space within Class B1 should be subject to an appropriate design and layout, parking provision and access arrangements and should mitigate any impacts on residential amenity.

COMMENT

I have no comment on this policy.

Sustainable Transport

Policy T1: Enhancement of Key Active Travel Routes

1. Active travel shall be promoted by implementing, where possible, and/or improving walking and cycling opportunities along identified key routes (main roads, nature trail and green infrastructure improvement routes) listed in Table 13 and illustrated in Figure 14.

2. Development proposals must deliver schemes that encourage walking and

cycling, by demonstrating their connectivity to key cultural destinations, the Town Centre and the proposed Linear Natural Parkland Nature Trail, through segregated and safe walking and cycling provision.

3. The design of all active travel routes should aim to:

i. Implement 'Healthy Streets' and 'Active by Design' design principles.

ii. Provide safe and accessible wide pavements, giving priority to pedestrians.

iii. Implement dedicated/segregated cycle routes to avoid user conflict.

iv. Provide new pedestrian crossings in appropriate locations, especially near identified access nodes and destinations.

v. Incorporate green infrastructure along the routes in line with Policy GI4, especially tree lined avenues and streets.

vi. Provide new bicycle stands / storage in the Local Neighbourhood Centre and other shopping parades and at Grove Park station and as part of new residential schemes.

vii. Wherever possible, use sustainable materials and incorporate permeable pavement surfaces, in line with Policies SE1 and SE3.

COMMENT

The policy, as currently worded is a mixture of community project ideas and criteria. Paragraph 1. of this policy should be deleted however the information contained within the Table 13 and Figure 14 can still be included in the plan under community actions/projects.

The requirements of this policy will not be appropriate or relevant to all development proposals. For clarity and to meet the Basic Conditions, the policy should be modified as follows:

Policy T1: Enhancement of Key Active Travel Routes

Development proposals should, where appropriate deliver schemes that encourage walking and cycling, by demonstrating their connectivity to key cultural destinations, the Town Centre and the proposed Linear Natural Parkland Nature Trail, through segregated and safe walking and cycling provision.

1. The design of all active travel routes should aim to:

- i. Implement 'Healthy Streets' and 'Active by Design' design principles.
- ii. Provide safe and accessible wide pavements, giving priority to pedestrians.
- iii. Implement dedicated/segregated cycle routes to avoid user conflict.
- iv. Provide new pedestrian crossings in appropriate locations, especially near identified access nodes and destinations.
- v. Incorporate green infrastructure along the routes in line with Policy GI4, especially tree lined avenues and streets.
- vi. Provide new bicycle stands / storage in the Local Neighbourhood Centre and other shopping parades and at Grove Park station and as part of new residential schemes.
- vii. Wherever possible, use sustainable materials and incorporate permeable

pavement surfaces, in line with Policies SE1 and SE3.

Policy T2: Promote the Use of Sustainable Vehicular Options

1. New development will be required to promote car-limiting development in order to alleviate the dominance of car use and address peak traffic issues in Grove Park and to improve environmental quality, in line with Policies SE1-SE2.
2. New development should incorporate low emission vehicle refuelling infrastructure such as electric charging points or make a financial contribution to the provision of electric charging points in the area in appropriate locations that do not impact the use and accessibility of the public realm.
3. At least 1 Electric Vehicle (EV) 'rapid charge' point should be provided per 10 residential dwellings and 1 point per 1000m² of commercial floorspace, or as appropriately evidenced through a robust Travel Plan.
4. Medium density schemes should promote and establishment car club schemes utilising electric vehicles.

COMMENT

For clarity the policy should be modified as follows:

Policy T2: Prioratising the Use of Sustainable Vehicular Options

Proposals for new development should:

- i. Prioritise alternatives to the private car to reduce the dominance of car use and address peak traffic issues in Grove Park and to improve environmental quality, in line with Policies SE1-SE2.**
- ii. Incorporate low emission vehicle refuelling infrastructure such as electric charging points or make a financial contribution to the provision of electric charging points in the area in appropriate locations that do not impact the use and accessibility of the public realm.**

3. Provide at least 1 Electric Vehicle (EV) ‘rapid charge’ point should be provided per 10 residential dwellings and 1 point per 1000m² of commercial floorspace, or as appropriately evidenced through a robust Travel Plan.

4. For medium density schemes, promote the establishment of car club schemes utilising electric vehicles.

NATURAL ENVIRONMENT

Policy GI1: Protection and Enhancement of Grove Park’s Green Spaces

1. Grove Park’s Green Spaces shall be protected and enhanced in accordance with their existing and proposed designation as well as their amenity and biodiversity value as defined in Table 3 (existing designations) and Table 14, illustrated by Figure 15 (additional designations).

2. Development that would result in the loss of any Green Spaces or Priority Habitats or cause harm to their character, setting, accessibility, connectivity, appearance, biodiversity or amenity value will not be permitted.

3. In the event of unavoidable loss, it must be demonstrated that this would be outweighed by the benefits of the development and proposals are required to:

i. Deliver compensation that is ecologically equivalent or enhanced in type, amount and condition of the habitat being lost insitu or within the same neighbourhood area to ensure no net loss across the neighbourhood.

ii. Demonstrate how biodiversity net-gain and connected ecological networks are being achieved in situ or local to the development through the creation or enhancement of existing or new wildlife habitats.

4. Development that results in a loss of tree canopy cover will not be permitted. Where development has to unavoidably remove tree canopy cover, replacement trees should be provided on a three to one ratio and should include a species that is of equal merit and maturity, or one that delivers enhanced habitat or, environmental benefits. All new tree planting should have an adequate root protection area to

prevent future conflict with utility services and households.

5. Sites of Importance for Nature Conservation (Sydenham Cottages, Grove Park Nature Reserve, Willow Tree Nature Reserve, Burnt Ash Nature Reserve) shall be designated as Tranquil Spaces / Quiet Areas; development will not be permitted in the vicinity which would result in increased noise levels that would adversely impact these spaces.

COMMENT

During the course of my examination, I sought clarification of policy GI1 as follows:

Policy GI1 paragraph 1 states “Grove Park’s Green Spaces shall be protected” and goes on to refer to Table 3 (existing designations) and Table 14, illustrated by Figure 15 (additional designations).

Is it the intention of the plan to designate any or all of the areas referred to as Local Green Spaces as defined in the NPPF? If so, please clarify that this is the case and provide details of the size and ownership of these areas together with evidence to confirm that the owners have been formally consulted and provide copies of any responses. I also need a map for each area showing the boundary at a scale that can be easily read. It is helpful to provide this information in a separate supporting document which encompasses all the proposed LGS designations and the supporting evidence.

As a result of my question the neighbourhood plan forum provided a full response in which it was made clear that it is the intention that the plan will include Local Green Space allocations but having reviewed the policy the neighbourhood plan form proposed revisions to the allocations as follows:

Remove site 2. Lee Gardens Nature Reserve Corona Road.

A copy of my questions and the full response from the neighbourhood plan forum is available on the Lewisham Council website.

The NPPF states:

“99. The designation of land as Local Green Space through local and Neighbourhood Development Plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated and be capable of enduring beyond the end of the plan period.

100. The Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- c) local in character and is not an extensive tract of land.”

The policy implication of Local Green Space designation is significant and therefore the NPPF sets a high standard of criteria to be met for designation.

I am satisfied that the other proposed LGS meet the required tests.

Paragraph 101 of the NPPF states:

“Policies for managing development within a Local Green Space should be consistent with those for Green Belts”.

Table 14 should be modified to show all the Local Green Space designations and be accompanied with a map clearly showing the areas numbered and annotated to match the policy. Table 15, page 112 is confusing and will also

need to be modified.

The second aspect of this policy relates to the identification of Grove Park's important green spaces. A number of the green spaces identified are already protected by existing policy regimes. Whilst a neighbourhood plan can identify important green spaces it cannot create new policy designations (other than LGS designations) nor increase the designation on an already designated site.

The NPPF addresses open space and recreation as follows:

“Open space and recreation

97. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.”

The third aspect to this policy is one of nature conservation and there is inevitably an overlap between areas identified as existing open and recreation space within the neighbourhood plan area and those of nature conservation importance.

I have received representation with regard to this matter and conclude that the current wording of the policy is confusing. Whilst it is not possible for a neighbourhood plan to introduce or increase designations through policy in the plan the intention to lobby or work with the relevant authorities to achieve such a protection could form part of the community projects section of the plan. This also relates to Nature Improvement Areas. Other elements of the

policy are overly restrictive and exceed the policy controls set out in national and local policy. For clarity and to meet the Basic Conditions the policy should be modified as follows:

Policy GI1: Grove Park's Green Spaces

1. Grove Park's Green Spaces identified in table 14 shall be protected in accordance with national policies and the development Plan, specifically Lewisham Core Strategy Policy 12 (or any replacement policy) and enhanced where possible.

These spaces should not be built on unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.”

2. Development proposals affecting sites identified as having wildlife and biodiversity importance should:

i. Be in conformity with national policy and the Development Plan and:

i. Deliver compensation that is ecologically equivalent or enhanced in type, amount and condition of the habitat being lost insitu or within the same neighbourhood area to ensure no net loss across the neighbourhood.

ii. Demonstrate how biodiversity net-gain and connected ecological networks are being achieved in situ or local to the development through the creation or enhancement of existing or new wildlife habitats.

If significant harm to biodiversity resulting from the development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, an application will be refused.

4. Where development has to unavoidably remove tree canopy cover, replacement trees should be provided preferably on a three to one ratio and should include a species that is of equal merit and maturity, or one that delivers enhanced habitat or, environmental benefits. All new tree planting should have an adequate root protection area to prevent future conflict with utility services and households.

5. Sites of Importance for Nature Conservation (Sydenham Cottages, Grove Park Nature Reserve, Burnt Ash Nature Reserve) are Tranquil Spaces / Quiet Areas; development in the vicinity which would result in increased noise levels, adversely impacting these spaces will be resisted.

Policy GI1a Local Green Space Designation

The following sites, shown on Figure 14 are designated as Local Green Spaces:

1.Natural Parkland Nature Trail (North Side)

2.Sydenham Cottages Nature Reserve

3.Marvels Adventure Play/Sports Ground

4.Ringway Gardens

Inappropriate development will only be acceptable in very special circumstances.

Policy GI2: Delivering the Linear Natural Parkland Nature Trail

(Railway Children Urban National Park)

1. Development proposals within the proposed Linear Natural Parkland Nature Trail and Sites of Importance for Nature Conservation will be refused.
2. Development should positively contribute to the development of the proposed Linear Natural Parkland Nature Trail (the Railway Children Urban National Park) as shown on Figure 8. This should achieve a continuous linear and connected ecological network that links together all the different green space / priority habitats and Sites of Importance for Nature Conservation, from the South Circular Road, through the Grove Park Neighbourhood Centre, and south towards Elmstead Woods through an improved town centre. Proposals will be required to demonstrate how the vision is being implemented, in particular to:
 - i. Protect, enhance and where necessary restore the ecologically diverse and priority habitats (Wet Meadow, Willow Woodland, Wet Woodland, Chalk Grassland, Mix-Deciduous Woodland, Pond, etc) along the nature trail in line with the community-led evolving proposals and spatial vision.
 - ii. Create, restore or enhance wildlife priority habitats and key missing Green Infrastructure connections onto the nature trail especially in areas identified as Nature Conservation Improvement Areas (Policy GI3) and the Neighbourhood Centre Regeneration Area (Policy NC2) connecting the trail to the wider neighbourhood.
 - iii. Provide improved, walkable, accessible and permeable pathways throughout the nature trail, as well as look at the feasibility of a cycle path.
 - iv. Improve gateways and access nodes into the Nature Trail to improve perceptions of safety and aid accessibility.

COMMENT

Neighbourhood plans do not have the power to refuse planning applications. The inclusion of the term “Railway Children Urban National Park” is confusing.

The following text should be removed from the policy and more appropriately located in the justification/explanation of the policy:

“This should achieve a continuous linear and connected ecological network that links together all the different green space / priority habitats and Sites of Importance for Nature Conservation, from the South Circular Road, through the Grove Park Neighbourhood Centre, and south towards Elmstead Woods through an improved town centre.”

For clarity and to meet the Basic Conditions, the policy should be modified as follows:

Policy GI2: Delivering the Linear Natural Parkland Nature Trail

Development proposals within the area identified the proposed Linear Natural Parkland Nature Trail should positively contribute to the development of as shown on Figure 8. Proposals should:

- i. Protect, enhance and where necessary restore the ecologically diverse and priority habitats (Wet Meadow, Willow Woodland, Wet Woodland, Chalk Grassland, Mix-Deciduous Woodland, Pond, etc) along the nature trail in line with the community-led evolving proposals and spatial vision.
- ii. Create, restore or enhance wildlife priority habitats and key missing Green Infrastructure connections onto the nature trail especially in areas identified as Nature Conservation Improvement Areas (Policy GI3) and the Neighbourhood Centre Regeneration Area (Policy NC2) connecting the trail to the wider neighbourhood.
- iii. Provide improved, walkable, accessible and permeable pathways throughout the nature trail, as well as look at the feasibility of a cycle path.
- iv. Improve gateways and access nodes into the Nature Trail to improve perceptions of safety and aid accessibility.

Policy GI3: Designation of Nature Conservation Improvement Areas

1. Nature Conservation Improvement Areas are identified and designated as listed Table 8 and illustrated in Figure 7.

2. Major development within or near these areas are required to contribute to the enhancement of these green spaces and missing Green Infrastructure links and the identified improvements as defined in Table 8.

COMMENT

Neighbourhood plans do not have the powers to designate Nature Reserves or Nature Conservation Improvement Areas. For clarity and to meet the Basic Conditions, the policy should be modified as follows:

Policy GI3: Nature Conservation Improvement Areas

1. Nature Conservation Improvement Areas are identified as listed in Table 8 and illustrated in Figure 7.

2. Major development within or near these areas should, where appropriate contribute to the enhancement of these green spaces and missing Green Infrastructure links and the identified improvements as defined in Table 8.

Policy GI4: Green Infrastructure-led Development

1. Where appropriate, new development will be required to make a positive contribution to the quality and greening of the public realm and existing green space network through biodiverse green infrastructure-led development proposals to achieve ecological connectivity and multi-functional green spaces that serve different recreational, wildlife and wider ecosystem service functions (such as alleviation of heat island effect, sustainable drainage, carbon sinks, air quality improvements, etc). Green Infrastructure should be prioritised along identified key routes.

2. Green Infrastructure should be planned and designed in accordance with the following design principles:

- i. Emphasis on the ecological connectivity between wildlife areas and green spaces to achieve biodiversity net-gain.
 - ii. Creative incorporation of biodiverse multi-functional green infrastructure provision (such as green roofs, green walls, trees, shrub, hedges, swales, rain gardens) to achieve environmental net-gain.
 - iii. Appropriate selection and design of green infrastructure achieving climate adaptation and enhanced ecosystem services, in line with Policies SE1-SE3 (such as trees, hedges and grasses in the right place to combat air quality, manage storm-water runoff, city cooling, etc directly)
 - iv. Contribute to sustainable urban drainage (SuDs) systems, especially in areas within or adjacent to flood risk zones through the use of permeable paving on any public footpath or front garden area to help alleviate surface water flooding or any other appropriate scale SuDs solution.
 - v. Install, where appropriate arboricultural barriers between highways and pedestrian areas and/or tree and shrub planting as a means of slowing down the traffic through the neighbourhood centre and creating air quality buffers.
 - vi. Ensure the right tree is planted in the right place, in line with Best Practice Guidance.
 - vii. New green infrastructure should be accompanied by a management plan which outlines how the open space will be maintained and managed, where appropriate in agreement with local stakeholders.
3. Where garden space is incorporated into schemes (either private or communal), covenants to prevent the hard landscaping of these sites and the use of impermeable surfaces should be considered.

COMMENT

I have no comment on this policy.

Policy GI5: Protection of the Designated Dark Sky Status of Grove Park Nature Reserve

1. The Dark Sky Protection Area around the Grove Park Nature Reserve will be maintained. Development adjacent to or in the vicinity of the site that impacts this Dark Sky designation will not be supported. Development will be required to mitigate any impacts. Proposals will be required to:

- i. Undertake a lighting study to demonstrate that the development will not impact on the Dark Sky Status.
- ii. Appropriate mitigation measures are incorporated in lighting design.

COMMENT

A neighbourhood plan does not have the power to designate a Dark Sky Protection Area but can identify the area as important in this connection. For clarity and to meet the Basic Conditions, the policy should be modified as follows:

Policy GI5: Maintaining dark Skies at the Grove Park Nature Reserve

To maintain the dark skies of the Grove Park Nature Reserve proposals for development adjacent to or in the vicinity of should be supported by:

- i. a lighting study to demonstrate that the development will protect the night sky from light pollution.**
- ii. lighting design which includes appropriate mitigation.**

Sustainable Healthy Environment

Policy SE1: Incorporation of Climate Adaptation Measures

New Development in Grove Park should address climate adaptation at all scales, from the building fabric through to the public realm. In addition to the requirements set out in other policies in the GPNP such as Policy BE1-BE2, proposals should:

- i. Explore the feasibility of calculating the net temperature increase resulting from a new development and requiring the development to mitigate this gain through 'carbon sink' natural spaces.
- ii. Reduce urban heat islands through both building design (white roofs, green roofs) and urban design measures (planting trees, increasing green and blue space, morphology). For example, planting deciduous trees offers protection from solar heat gains in the summer.

COMMENT

I have no comment on this policy.

Policy SE2: Improving Air Quality

1. An overall improvement in the air quality of the neighbourhood will be sought. New development should consider how it will address air quality and the impact construction will have, as well as the lifetime contribution of the finished development. Proposals to address air quality should be proportional to the nature and scale of development proposed. In addition to Policies T1-T3, new development will be required to:

- i. Reduce impacts and implement air quality neutral standards.
- ii. Provide an air quality assessment (to determine likely significant effects) that considers the potential impacts of pollution from the development on the site on neighbouring areas, particularly if contributing to the exceedance of Government air quality objectives.
- iii. Promote high quality building standards, reduce energy use, and require the preparation of low emissions strategies to help to reduce local emissions of air pollutants. For example, installation of more efficient low NOx boilers.
- iv. In areas where pollution concentrations are high, and where particularly vulnerable members of the population are likely to be present, e.g. school buildings, development should be sited 100m or more away from busy roads or vehicular

restriction zones should be implemented.

v. Wherever possible, development should not create a building configuration that inhibits effective pollution dispersion.

vi. Demonstrate how proposals have incorporated a health-led interior design of to enhance indoor air quality through the provision of appropriate ventilation linked to corresponding measures for emission reductions, and use of materials (i.e., low in VOC content).

2. Where development generates significant additional traffic, provision of a detailed travel plan (with provision to measure its implementation and effect) will be required which sets out measures to encourage sustainable means of transport (public, cycling and walking) via improved links to bus stops, improved infrastructure and layouts to improve accessibility and safety and/or support more sustainable car uses in line with Policy T3. This should include Improvements to cycling and walking infrastructure in line with Policies T1 and T23.

3. New development should be designed to minimise public exposure to pollution sources, e.g. by locating habitable rooms away from busy roads or directing combustion generated pollutants through well sited vents or chimney stack. The use of air quality neutral technologies like air/ground-source heat pumps or photo-voltaics should be prioritised and passive design will be favoured to address heating and cooling and avoid the overheating of homes due to increased airtight design.

COMMENT

The internal ventilation is dealt with under the Building Regulations not planning policy. Paragraph iv) seeks to restrict development as follows:

iv. In areas where pollution concentrations are high, and where particularly vulnerable members of the population are likely to be present, e.g. school buildings, development should be sited 100m or more away from busy roads or vehicular restriction zones should be implemented.

This is a significant restriction, but I have not been provided me with evidence

to support the intended restrictions.

For clarity and to meet the Basic Conditions, the policy should be modified as follows:

Policy SE2: Improving Air Quality

1. An overall improvement in the air quality of the neighbourhood will be sought. New development should consider how it will address air quality and the impact construction will have, as well as the lifetime contribution of the finished development. Proposals to address air quality should be proportional to the nature and scale of development proposed. In addition to Policies T1-T3, new development will be required to:

i. Reduce impacts and implement air quality neutral standards.

ii. Provide an air quality assessment (to determine likely significant effects) that considers the potential impacts of pollution from the development on the site on neighbouring areas, particularly if contributing to the exceedance of Government air quality objectives.

iii. Promote high quality building standards, reduce energy use, and require the preparation of low emissions strategies to help to reduce local emissions of air pollutants. For example, installation of more efficient low NOx boilers.

iv. In areas where pollution concentrations are high, and where particularly vulnerable members of the population are likely to be present, e.g. school buildings, development should, where possible be sited away from busy roads or vehicular restriction zones implemented.

v. Wherever possible, development should not create a building configuration that inhibits effective pollution dispersion.

2. Where development generates significant additional traffic, provision of a detailed travel plan (with provision to measure its implementation and effect) will be required which sets out measures to encourage sustainable means of

transport (public, cycling and walking) via improved links to bus stops, improved infrastructure and layouts to improve accessibility and safety and/or support more sustainable car uses in line with Policy T3. This should include Improvements to cycling and walking infrastructure in line with Policies T1 and T23.

3. New development should be designed to minimise public exposure to pollution sources, e.g. by locating habitable rooms away from busy roads or directing combustion generated pollutants through well sited vents or chimney stack. The use of air quality neutral technologies like air/ground-source heat pumps or photo-voltaics should be prioritised and passive design will be favoured to address heating and cooling and avoid the overheating of homes due to increased airtight design.

Policy SE3: Alleviating Flood Risk

1. New development should ensure no net loss in permeable surfaces and incorporate permeable or porous surfacing which allows water to drain through, such as gravel, permeable concrete block paving or porous asphalt, or allow the rainwater to drain naturally into a lawn or swale.

2. Where possible, new developments will be required to deliver Sustainable Urban Drainage Systems (SuDs) for infiltration and storage in retention ponds maximising the use of 'natural' SuDs features including wetlands, swales, streams, storage ponds and reed beds, especially in areas within or in close proximity to a flood risk zone.

3. New development should incorporate appropriate water resource management design features such as green roofs or water butts to ensure efficient water use, water harvesting and reuse of grey water, and avoid water course pollution.

4. Opportunities to naturalise river courses (e.g. the Quaggy river) and restore in-channel habitats as well as to restore natural wetland areas and enhance their habitat as part of development schemes will be supported.

COMMENT

I have no comment on this policy.

Site Specific Policies

Policy SA1: Vacant land, Lions Close

Vacant land in Lions Close is allocated for housing and should be developed in line with the Housing Policies (H1-H2). Development proposals will be required to:

- i. Prepare a masterplan to indicate best use of land and how it connects to the surrounding area.
- ii. Demonstrate collaborative working with the community to define a design code to ensure quality of design is in line with Policies BE2.
- iii. Meet the policy aims stated in Part 3 of this document.
- iv. Make appropriate contributions towards necessary social infrastructure including education, health and community facilities.
- v. Proposals for affordable housing and community-led/ self-build housing and the establishment of a Community Land Trust will be supported.
- vi. Layouts should address boundary treatment in relation to adjacent existing Chinbrook Estate edge as well as the Open Green Space in Mottingham, maintain footpath access to the Sports Grounds and follow the street pattern of adjacent sites, so it is well connected and integrated with the adjoining residential area.

COMMENT

Part 3 of the Grove Park Neighbourhood Development Plan sets out a spatial strategy which covers goals and aspirations for the area as a whole alongside policy themes and policies within the neighbourhood plan. Whilst this section of the plan is helpful in bringing together the issues of importance for the community it does not have the weight of direct policy. The inclusion of a requirement within this policy to “meet the policy aims of Part 3 of this document” (The GPNDP) is potentially confusing.

For clarity and to meet the Basic Conditions, the policies should be modified as follows:

Policy SA1: Vacant land, Lions Close

Vacant land in Lions Close shown on Figure 16 is allocated for housing and should be developed in line with the Housing Policies (H1-H2). Development proposals will be supported where they:

i. Include a masterplan has been prepared to indicate best use of land and how it connects to the surrounding area.

ii. Make appropriate contributions towards necessary social

infrastructure including education, health and community

facilities.

iii. include Proposals for affordable housing and community-led/ self-

build housing and the establishment of a Community Land

Trust will be supported.

vi. Layouts should address boundary treatment in relation to adjacent existing Chinbrook Estate edge as well as the Open Green Space in Mottingham, maintain footpath access to the Sports Grounds and follow the street pattern of adjacent sites, so it is well connected and integrated with the adjoining

residential area.

Collaborative working with the community to define a design code to ensure quality of design in line with Policies BE2 is strongly encouraged.

Policy SA2: Cleared Land on Grove Park Road

The cleared site on Grove Park Road is allocated for residential or mixed-use development. Development proposals will be required to:

- i. Prepare a masterplan to indicate best use of land and how it connects to the surrounding developments.
- ii. Demonstrate collaborative working with the community to define a design code to ensure quality of design is in line with Policies BE2.
- iii. Meet the policy aims stated in Part 3 of this document.
- iv. Make appropriate contributions towards necessary social infrastructure including education, health and community facilities.
- v. Deliver affordable housing targets
- vi. Community led/ self-build housing through the establishment of a Community Land Trust will be supported.
- vii. Demonstrate how the development will integrate with the wider area, including the restoration of the Youth Club heritage asset and enhancement of the adjacent green space where this would result in improved community facilities in line with policies GI1, CA1 and SA5.

COMMENT

Part 3 of the Grove Park Neighbourhood Development Plan sets out a spatial

strategy which covers goals and aspirations for the area as a whole alongside policy themes and policies within the neighbourhood plan. Whilst this section of the plan is helpful in bringing together the issues of importance for the community it does not have the weight of direct policy. The inclusion of a requirement within this policy to “meet the policy aims of Part 3 of this document” (The GPNDP) is potentially confusing.

For clarity and to meet the Basic Conditions, the policies should be modified as follows:

Policy SA2: Cleared Land on Grove Park Road

The cleared site on Grove Park Road identified on Figure 17 is allocated for residential or mixed-use development. Development proposals should:

- i. Include a masterplan which indicates the best use of land and how it connects to the surrounding developments.**
- ii. Demonstrate how the development will integrate with the wider area, including the restoration of the Youth Club heritage asset and enhancement of the adjacent green space where this would result in improved community facilities in line with policies GI1, CA1 and SA5.**
- iii. Make appropriate contributions towards necessary social infrastructure including education, health and community facilities.**
- iv. Deliver affordable housing targets**

Community led/ self-build housing through the establishment of a Community Land Trust will be supported.

Policy SA3: Bus Waiting Area & Vacant Land at Rear

The bus waiting area and vacant land to the rear of the bus stand in Grove Park

Neighbourhood Centre is allocated for mixed use development to accommodate a range of town centre uses. Proposals should be developed as part of a wider masterplan for the Neighbourhood Centre. Development proposals will be required to:

i. Meet the policy aims stated in Part 3 of this document.

ii. Comprise an appropriate active town centre use at ground floor level

and residential units (use-class C3) or offices (use-class B1) on upper

floors.

iii. Provision should be included for the rationalisation or relocation of the bus waiting area and improved public transport facilities and enhancement of the public realm including improved pedestrian crossings.

iv. Contribute to the renewal of the Neighbourhood Centre in accordance with Policies NC2.

COMMENT

Neighbourhood plans do not have the power to approve or refuse planning applications.

Part 3 of the Grove Park Neighbourhood Development Plan sets out a spatial strategy which covers goals and aspirations for the area as a whole alongside policy themes and policies within the neighbourhood plan. Whilst this section of the plan is helpful in bringing together the issues of importance for the community it is not in it does not have the weight of direct policy. The inclusion of a requirement within this policy to “meet the policy aims of Part 3 of this document” (The GPNDP) is potentially confusing.

For clarity and to meet the Basic Conditions, the word “permitted” in the introductory paragraph of the policy should be replaced with **supported and point i. of the policy should be deleted. In addition, a map reference should be**

included in the policy.

Policy SA4: Lewisham Adult Education Centre

Subject to the relocation and re-provision of the existing adult education facilities prior to or in tandem with this development, the redevelopment of the Adult Education Centre will be permitted for a range of town centre uses including residential and employment. Proposals should be developed as part of a wider masterplan for the Neighbourhood Centre. Development proposals will be required to:

- i. Meet the policy aims stated in Part 3 of this document.
- ii. Ensure the suitable relocation of existing community facilities
- iii. Ensure integration with proposals for the regeneration of the wider Neighbourhood Centre.
- iv. Demonstrate a high standard of design in accordance with Policies BE2.
- v. Contribute to the regeneration of the Neighbourhood Centre in accordance with Policies NC2.

COMMENT

Neighbourhood plans do not have the power to approve or refuse planning applications.

Part 3 of the Grove Park Neighbourhood Development Plan sets out a spatial strategy which covers goals and aspirations for the area as a whole alongside policy themes and policies within the neighbourhood plan. Whilst this section of the plan is helpful in bringing together the issues of importance for the community it is not in it does not have the weight of direct policy. The

inclusion of a requirement within this policy to “meet the policy aims of Part 3 of this document” (The GPNDP) is potentially confusing.

For clarity and to meet the Basic Conditions, the word “permitted” in the introductory paragraph of the policy should be replaced with **supported** and point i. of the policy should be deleted. In addition, a map reference should be included in the policy.

Policy SA5: The Ringway Centre

The Ringway Centre is allocated for community uses and redevelopment for alternative uses will not be permitted.

COMMENT

Neighbourhood plans do not have the power to approve or refuse applications. For clarity and to meet the Basic Conditions the policy should be modified as follows:

The Ringway Centre, identified on Figure 20 is allocated for community uses and redevelopment for alternative uses will not be supported.

Policy SA6: The Grove Park Library

The Grove Park Library is allocated for community uses and redevelopment for alternative uses will not be permitted. Proposals will be supported which would result in the retention and enhancement of existing facilities, e.g. an ideas store, and benefits for the local community.

COMMENT

Neighbourhood plans do not have the power to approve or refuse planning applications. The words “not be permitted” in the introductory paragraph of the policy should be replaced with “**not be supported**”. In addition, a reference to **Figure 21** should be included in the policy.

Policy SA7: Grove Park Youth Club, Marvels Lane

The youth club site in Marvels Lane is allocated for primarily community use and supporting employment training space to promote local enterprises and the re-provision of facilities for young people will be supported.

Redevelopment for other uses will not be permitted.

COMMENT

Neighbourhood plans do not have the power to approve or refuse planning applications. The words “not be permitted” in the introductory paragraph of the policy should be replaced with “not be supported”. In addition, reference to **Figure 22** should be included in the policy.

Policy SA8: Land to rear of Baring Hall Hotel

Land to the rear of the Baring Hall Hotel is allocated for employment and retail uses, including a market square. Proposals should be developed as part of a wider masterplan for the Neighbourhood Centre. Development proposals will be required to:

- i. Consider the co-design outcomes already undertaken by the community, (see Appendix A1).
- ii. Respect the setting of the detached Grade II listed Baring Hall Hotel and associated stable block and provide an active frontage to Downham Way. Future developments should not obscure the heritage asset allowing it to be viewed in the round if permanent structures are proposed; alternatively, a market square which accommodates mobile stalls, and/or smaller workshops would be supported.
- iii. Maintain an access route through to the proposed nature trail.
- iv. Contribute to the regeneration of the Neighbourhood Centre in accordance with Policies NC2.

COMMENT

A reference to **Figure 23** should be included in the policy.

Policy SA9: Former Boxing Club

The former Boxing Club is allocated for residential or mixed-use development. Development proposals will be required to:

- i. Prepare a masterplan to indicate best use of land and how it connects to the surrounding residential areas, taking care not to impact their amenity.
- ii. Demonstrate collaborative working with the community to define a design code to ensure quality of design is in line with Policies BE2.
- iii. Compensate for the loss of sporting amenity by the closure of the boxing club.
- iv. Emphasis on family housing to be delivered at the site.

COMMENT

Whilst collaborative working with communities in bringing forward development proposals is best practice and recognised as such in the NPPF, paragraph 40, it cannot be a requirement in a neighbourhood plan policy. For clarity and to meet the Basic Conditions the policy should be modified as follows:

Policy SA9: Former Boxing Club

The former Boxing Club identified on Figure 24 is allocated for residential or mixed-use development. Development proposals will be supported where:

- i. They include a masterplan to indicate best use of land and how it connects to the surrounding residential areas, taking care not to impact their amenity.**

ii. Compensate for the loss of sporting amenity on the site

iii. any residential development prioritises family housing

Collaborative working with the community to define a design code to ensure quality of design in line with Policies BE2 is strongly encouraged.

Policy SA10: W.G. Grace Site and Curtilage.

Subject to the re-provision and enhancement of community facilities on this site or on a suitably located alternative site within the neighbourhood area, in line with Policy CA1, redevelopment of the W.G. Grace site for housing will be supported.

Development proposals will be required to demonstrate:

i. The community Policies CA1 are met, demonstrating the re provisioning to meet local need.

ii. Proposals are in accordance with Policies H1-H3.

iii. Re-provision of community facilities on a suitable nearby site within the catchment zone or within the development itself.

iv. Incorporation of public realm improvements to assist access and movement within the estate.

v. A high design quality in accordance with Policies BE2.

vi. A feasibility study and co-design exercise with the community to determine the ongoing needs that may be lost as a result of any proposals coming forward.

COMMENT

This policy has elements of repetition and whilst collaborative working with communities in bringing forward development proposals is best practice and recognised as such in the NPPF, paragraph 40, it cannot be a requirement in a

neighbourhood plan policy. For clarity and to meet the Basic Conditions the policy should be modified as follows:

Policy SA10: W.G. Grace Site and Curtilage.

Redevelopment of the W.G. Grace site, identified on Figure 25 for housing will be supported subject to the replacement and enhancement of community facilities on this site or on a suitably located alternative site within the neighbourhood area, in line with Policy CA1. Development proposals will be required to demonstrate:

i. Proposals in accordance with Policies H1-H3.

ii. Incorporation of public realm improvements to assist access and movement within the estate.

. A high design quality in accordance with Policies BE2.

Collaborative working with the community on a feasibility study and co-design exercise with the community to determine the ongoing needs that may be lost as a result of any proposals coming forward is strongly encouraged.

SECTION 5

Conclusion and Recommendations

- 1. I find that the Grove Park Neighbourhood Development Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012. (as amended)*
- 2. The Neighbourhood Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.*
- 3. The Grove Park Neighbourhood Development Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Development Plans in place within the Neighbourhood Area.*
- 4. The Strategic Environmental and Habitats Regulations Assessment screening meet the EU Obligation.*
- 5. The policies and plans in the Grove Park Neighbourhood Development Plan, subject to the recommended modifications would contribute to achieving sustainable development. They have regard to national policy and to guidance, and generally conform to the strategic policies of the development plan which comprises of the adopted Lewisham LDF (core strategy and Development management plan) and the London Plan 2011(as revised 2016).*
- 6. I therefore consider that the Grove Park Neighbourhood Development Plan subject to the recommended modifications can proceed to Referendum.*

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